



NSW RURAL FIRE SERVICE



The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your Ref: PP26.2016.5.1
Our Ref: R18/585
DA18121016482 AB

ATTENTION: Alex Caras

28 March 2019

Dear Mr Caras

**Agency Comment:- Byron Local Environment Plan 2014 Planning Proposal:
Environmental Zone Implementation Program Stage 1**

I refer to your letter dated 6 December 2018 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The NSW Rural Fire Service (NSW RFS) understands the planning proposal will amend Byron LEP 2014 in the following manner:

1. *Introduce the E2 Environmental Conservation and E3 Environmental Management zones into the Byron LEP 2014 zoning palette.*
2. *Apply environmental protection zones to land identified as meeting the criteria set out under the Northern Councils E Zone Review Final Recommendations Report.*
3. *Apply residential, rural and special uses zones to other land that does not meet the criteria for application of environmental protection zones as set out under the Northern Councils E Zone Review Final Recommendations Report.*
4. *Apply the following consequential mapping to the subject land: Height of Building; Minimum Lot Size; Floor Space Ratio; Acid Sulfate Soil; Drinking Water Catchment; Multiple Occupancy and Community Title; and Additional Permitted Uses.*
5. *Adjust the Land Application Map to incorporate the land under the Byron LEP 2014.*

The NSW RFS notes that some the subject landholdings are mapped bush fire prone by Byron Shire Council. Further, the NSW RFS noted that only one existing landholding, mapped bush fire prone land, will be granted additional dwelling opportunities under this Planning Proposal.

Postal address

Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au
Email: pes@rfs.nsw.gov.au

The NSW RFS has no objection to the planning proposal and provides the following comment:

- Future development applications for all development on bush fire prone lands will be required to comply with either S4.14 of the *Environmental Planning and Assessment Act 1979* or S100B of the *Rural Fires Act 1997*, depending upon the nature of the proposed development, and the relevant provisions of *Planning for Bush Fire Protection*.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'M. Dotter', with a stylized, cursive script.

Martha Dotter

Acting Team Leader – Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



Office of Environment & Heritage

Our Ref: DOC18/951051-6

Your Ref: Planning Proposal 26.2016.5.1

A/General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Attention: Mr Alex Caras

Dear Mr Arnold

Re: Planning Proposal to amend Byron LEP 2014 – Environmental Zone Implementation Plan – Stage 1.

Thank you for your email dated 6 December 2018 about the Planning Proposal to amend Byron Local Environmental Plan 2014 (LEP 2014), seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input and apologise for the delay in responding.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

As outlined in the planning proposal, Stage 1 of the E Zone Implementation program is to integrate relevant deferred matter areas into LEP 2014, except for Coastal 7(f1) and 7(f2) zones which will be considered under a separate process in consultation with the State Government.

In summary, we support Byron Shire Council's approach to determine the appropriate zoning for the deferred matter lands, given it is consistent with the recommendations of the Northern Councils E Zone Review Final Recommendations Report (E Zone Review).

It has been particularly pleasing to note that council has correctly interpreted and applied the recommendations of rezoning those former 7 zone lands to which the E Zone Review applies to E2 or E3, following verification of the E zone attributes present on that land. We note that relevant deferred matter areas were verified based on the E2 and E3 zone criteria included at Tables 1 and 2 of the E Zone Review.

With respect to the rezoning of 7 (scenic) zoned areas, while the E Zone Review is definitive in its statement that *'Councils on the Far North Coast will not be permitted to apply mapped planning controls for scenic protection in LEPs'*, the OEH supports the council's proposal to zone 7 (scenic) zoned lands to E2 or E3 where relevant E zone criteria are verified as being present.


Further to this, we note council's frustration with its inability to transfer those parts of former 7 (scenic) zones to either an E2 or E3 zone where there is an absence of E2 or E3 biodiversity criteria. However, as included in the E Zone Review, 'Culturally Significant Lands' is also a relevant criterion for the application of an E2 zone. This may therefore provide an unexplored avenue for the zoning of these areas to E2.

Given the 7 (scenic) zones within the LGA are predominantly located within or adjacent to escarpment areas, we would anticipate that a number of these lands are also likely to have cultural heritage value. This is due to their location in the landscape, and the historic propensity for Aboriginal people to utilise escarpment areas for both tangible (for example burials, sourcing of materials, pathways, and ceremonial sites) and intangible purposes (such as spiritual, historical, social and/or educational purposes).

We therefore recommend that the council engage with the relevant local Aboriginal knowledge-holders and land managers to determine whether these areas are of cultural significance, so that an appropriate E zone can be applied to protect the inherent Aboriginal cultural heritage values of these areas.

If you have any further questions about this issue, Mrs Nicky Owner, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8254 or at nicky.owner@environment.nsw.gov.au.

Yours sincerely

 15 February 2019

DIMITRI YOUNG

**Senior Team Leader Planning, North East Branch
Conservation and Regional Delivery**

Contact officer: NICKY OWNER
6659 8254



5 February 2019

Alex Carras
Land Use Planning Coordinator
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Emailed: alex.caras@byron.nsw.gov.au

Your Reference: #E2019/4257 - PP 26.2016.5.1
Our Reference: DOC19/92077

Dear Mr Carras

Re: Planning Proposal to amend Byron LEP 2014 – Environmental Zone Implementation Program - Stage 1 - Gateway Consultation

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

The proposal contains 4 sites where an E2 Environmental Conservation Zone is proposed within a transition area of an extractive resource (identified in Mineral Resource Audit – Byron Shire, September 2016). GSNSW advises that it has no resource sterilisation issues for consideration under section 9.1 of the *Environmental Planning and Assessment Act 1979*, Direction 1.3 Mining, Petroleum production and Extractive industry.

Geoscience Information Services

The GSNSW has a range of online data related to mineral exploration, land use and general geoscience topics:

<http://www.resources.nsw.gov.au/geological/online-services>

The location of current exploration and mining titles in NSW, explanations of mining and production titles and the roles of community and government in the decision making process for mining/resource projects may be accessed by the general public using the following online utilities:

<http://commonground.nsw.gov.au>

<https://resourcesandgeoscience.nsw.gov.au/miners-and-explorers/geoscience-information/services/online-services/minview>

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely

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Andrew Helman
A/Manager - Land Use



Department of Primary Industries

OUT19/541

15 January 2019

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Attention: Alex Caras
alex.caras@byron.nsw.gov.au

Dear Sir/Madam

Planning Proposal Byron LEP 2014: E Zone Implementation Program – Stage 1

Thank you for the opportunity to provide comment on the above Planning Proposal. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI Agriculture provides no objection to the integration of land identified as “deferred matters” into Byron Local Environmental Plan (LEP) 2014, and the application of environmental zones to certain “non-Deferred Matter” areas already included in LEP 2014 as identified in the Planning Proposal. This is due to the proposal being considered consistent with the *Northern Councils E Zone Review Final Recommendations* Report and that early agreements have been reached with affected landowners.

We would welcome further consultation as further stages of the Implementation Program are rolled out.

Should you wish to discuss this matter further, please contact Agricultural Land Use Planning Officer, Selina Stillman, on 0412 424397.

Yours sincerely

for:

Lilian Parker
Manager
Agriculture Landuse Planning