

Byron Shire Council

Planning Proposal 26.2024.5.1

Amendment of Byron Local Environmental Plan 2014

Rezoning of Lot 32 DP 1169053 Tuckerroo Avenue, Mullumbimby

Public Exhibition version

Date: October 2026



**BYRON
SHIRE
COUNCIL**

Document History

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2	July 2026	Update to C2 zone areas
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Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this planning proposal is to amend the Byron Local Environmental Plan (LEP) 2014 to achieve a higher residential density across the Site.

To achieve this objective, the proposal seeks to rezone the land described as Lot 32 DP 1169053, Tuckeroo Avenue, Mullumbimby, from R2 Low Density Residential and R5 Large Lot Residential to a combination of R2 Low Density Residential, R3 Medium Density Residential and C2 Environmental Management, and to amend the Floor Space Ratio and Minimum Lot Size maps to facilitate the increase in residential density.

Specifically, this Planning Proposal seeks to amend the following maps of the LEP 2014;

- Land Zoning Map
- Minimum Lot Size Map
- Height of buildings
- Floor Space Ratio Map

Details of the proposed LEP amendments are outlined in part 2 of this report, and maps of the proposed changes are provided in part 4.

The planning proposal provides a concept structure plan that will be further refined following the rezoning of the land as part of a future development application for the Site.

This planning proposal seeks to undertake map based changes to the LEP 2014. No policy based amendments are proposed as part of this proposal.

1.2 Subject land

The site is legally described as Lot 32 DP 1169053 and has an area of approximately 2.36 hectares. It is located within the Byron Local Government Area (LGA), in the suburb of Mullumbimby, approximately 1.5 kilometres southwest of the Mullumbimby town centre. The site is bisected by Tuckeroo Avenue, resulting in two portions of land located to the east and west of the road, as shown in Figure 1.

The surrounding area contains a mix of land uses, predominantly residential in character.

- To the north – predominantly low-density residential land.
- To the south – predominantly large lot residential and primary production land.
- To the east – a mix of large lot residential and low-density residential land. A childcare centre is currently located southwest of the Site on the western side of Tuckeroo Avenue.
- To the west – predominantly large lot residential land.

The Brunswick River and Mullumbimby Creek meander over 250m north and 300m south of the Site respectively. Mullumbimby Hospital and Mullumbimby High School are located over 250m and 650m east of the Site respectively.

The site generally slopes downward from the eastern portion toward Tuckeroo Avenue to the west. It is largely grassed, with trees and vegetation along the northern, eastern, and southern boundaries, as well as several isolated trees within the central area. There are no existing structures or buildings on the site. Council-owned water and sewer infrastructure is located within the western portion of the property.

The western portion of the site contains vegetation that was physically assessed as part of this Planning Proposal. This area comprises forest regrowth dominated by Camphor Laurel (*Cinnamomum camphora*), with dense Green Cestrum (*Cestrum parqui*) and Lantana (*Lantana camara*) occurring along the edges and throughout the area. A limited number of native species were recorded at low density, including Brown Kurrajong (*Commersonia bartramia*), Red Cedar (*Toona ciliata*), Scentless Rosewood (*Synoum glandulosum*), and Foambark (*Jagera pseudorhus*), all of which occurred within the understorey or as seedlings.

The eastern portion of the site has been regularly slashed and consists of mixed, exotic-dominated grassland. Vegetation along the perimeter includes a combination of Camphor Laurel regrowth, planted landscaping, and weeds.

An aerial image illustrating the Site and its features is included in Figure 1 below with the lot boundaries shown in red outline



Figure 1 Aerial image of subject site, property boundaries shown in red outline (Nearmaps 2024).

1.3 Background

The proposed rezoning of the site to R2 Low Density Residential and R3 Medium Density Residential will enable future residential development at densities consistent with surrounding land to the north, northwest, and east. Land to the west will remain zoned R5 Large Lot Residential, providing a transitional interface to the rural-zoned land further to the west and south.

The site has been partially identified as “Area 4 – Investigation Area” within the Byron Shire Residential Strategy 2041, as shown in Figure 2. It is noted that the land west of Tuckeroo

Avenue was not originally included within the investigation area due to the presence of vegetation. Consultation undertaken during the planning proposal scoping stage identified the need to include the western portion of the site within the proposal.

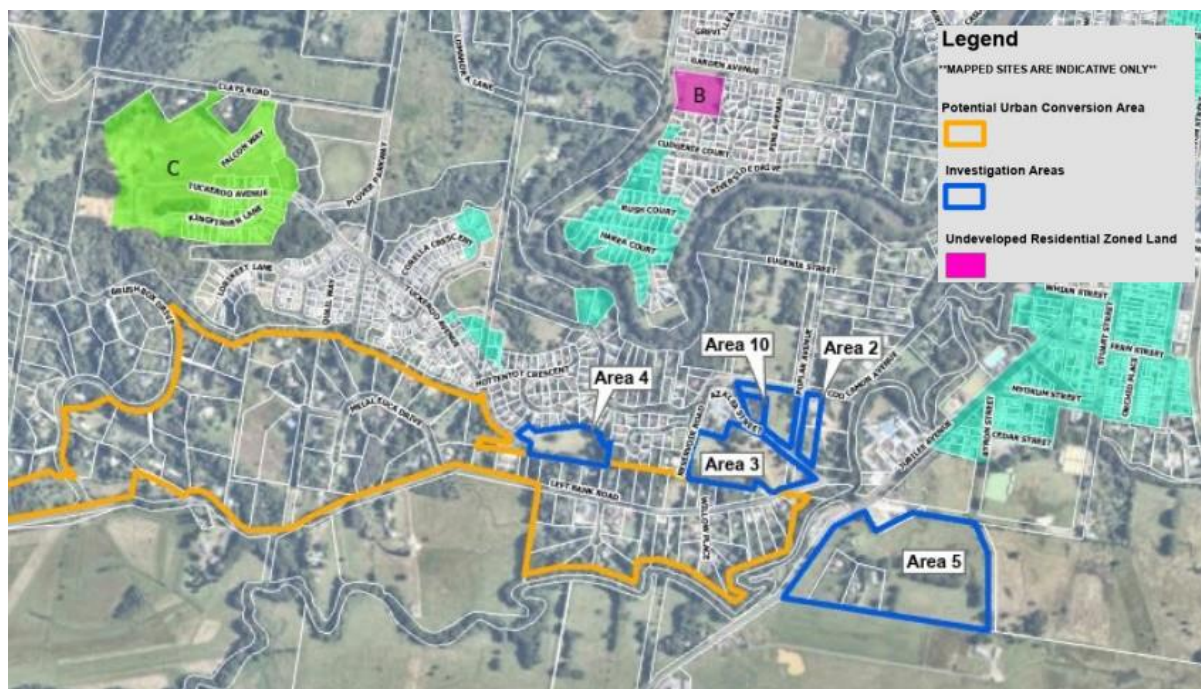


Figure 2 Mullumbimby Planning Area extract (Byron Residential Strategy 2041).

The Byron Shire Residential Strategy identifies the site as a short-term target (3–5 years) for undertaking initial planning work to rezone the land and make it available for release, as outlined in the development sequencing plan that accompanies the Strategy. The timing of this Planning Proposal is therefore consistent with the anticipated release of the land under the Strategy.

The Planning Proposal seeks to support the delivery of a mix of housing types through the application of principal planning controls, including zoning and minimum lot size controls with a table extract provided in figure 3. These controls will facilitate a range of future lot sizes

consistent with the Byron Shire Residential Strategy 2041, enabling a future subdivision that provides a mix of traditional, compact, and medium-density lots.

Lot type	Mix ¹	Size
Traditional lot	0 - 10%	451 - 800m ²
Compact lot	35 - 50%	201 - 450m ²
Micro lot	10 - 25%	50 - 200 m ²
Medium density lot	15 - 45%	800 - 1,400m ²
Intentional community or alternative housing form lot	As required	As required

Figure 3 Potential mix of lot size for new release subdivisions (Byron Residential Strategy 2041)

A detailed subdivision layout and the final mix of lot sizes will be determined through a future development application. This Planning Proposal is intended to establish the appropriate zoning and minimum lot size controls to ensure the intended residential densities can be achieved across the site.

To support this outcome, the proposal includes amendments to the zoning and minimum lot size maps to enable a range of densities, including higher-density residential development where appropriate. An indicative structure plan is provided to demonstrate a potential subdivision layout and dwelling yield that could be supported on the site; however, this plan is illustrative only and does not prescribe the ultimate subdivision design.

In support of the proposed rezoning proposal, the following studies accompany this report.

Table 1 Accompanying studies

Report Title	Prepared by
Traffic Impact Assessment	Rytenskild Traffic Engineering
Concept Structure Plan	Civiltech Consulting Engineers
Bushfire Threat Assessment	Bushfire Certifiers
Preliminary Ecological Assessment	Australian Wetland Consulting
Utility Assessment	Barker Ryan Stewart

Report Title	Prepared by
Stormwater Management Strategy	Civiltech Consulting Engineers
Slope Analysis Plan	Civiltech Consulting Engineers

Part 2 Explanation of provisions

The Planning Proposal seeks to rezone the subject land, being Lot 32 DP 1169053. The objectives of the Planning Proposal are to be achieved through amendments to Byron LEP 2014, as outlined in the table of proposed LEP mapping amendments below.

Draft maps showing the proposed Land Use Zoning, Minimum Lot Size, Height of Buildings, and Floor Space Ratio are provided in Part 4 of this report and included in the appendices. The Planning Proposal also seeks to apply consistent Floor Space Ratio and Minimum Lot Size controls with surrounding land. For any land zoned R3 Medium Density Residential, the proposal will apply principal planning controls consistent with those applying to other R3-zoned land within Byron Shire.

This planning proposal does not propose any policy amendments to the LEP.

Table 2 Proposed LEP Mapping amendments

Proposed Amendment	Explanation of provision
Land Use Zoning	<p>The proposal seeks to</p> <ul style="list-style-type: none"> • Rezone approximately 6,600m² of the existing R5 Large Lot Residential to R2 Low Density Residential • Rezone approximately 1,660m² of the existing R5 Large Lot Residential to R3 Medium Density Residential, as shown on the proposed zoning map provided in Part 4. • Rezone approximately 375m² of R2/R3 zone to C2 Environmental Management
Floor Space Ratio	<p>Amend the Floor Space Ratio (FSR) Map to apply a FSR of</p> <ul style="list-style-type: none"> - 0.5:1 on the R2 zoned land and - 0.6:1 to R3 zoned land - No floor space ratio for C2 zoned land

Proposed Amendment	Explanation of provision
Lot size	<p>Amend the Minimum Lot Size Map to apply a minimum lot size of</p> <ul style="list-style-type: none"> - 450m² and 600m² to R2 zoned land - 350m² to R3 zoned land - 40ha to C2 zoned land
Height of Buildings	<p>Amend the height of buildings map to apply a maximum building height of 11.5m to the area of the site to be zoned R3 as shown on the proposed height of building map.</p> <p>The R2 and C2 zoned area of the site will retain the existing 9.0m height of building control.</p>

Table 3 provides a summary of the existing principal planning controls as applicable under the existing R5 zoning, and a comparison with the proposed changes as part of this Planning Proposal.

Table 3 Summary of current and proposed Principal Planning control changes.

Planning Control	Land use Zone			
	R5 Large Lot Residential	R2 Low Density Residential	R3 Medium Density Residential	C2 Environmental Management
Floor Space Ratio	0.5:1 (Part lot only)	0.5:1	0.6:1	Not applicable
Minimum Lot Size (m ²)	4000	450 and 600	350	40ha
Height of building (m)	9	9	11.5	9

Land Use Objectives

This planning proposal seeks to amend the land use zoning to a combination of R2 Low Density Residential, R3 Medium Density Residential and C2 Environmental Management, as shown on the proposed Land Zoning Map in Part 4 of this report. The proposal does not seek to introduce any new land use permissibility, nor to amend the existing land use tables applicable to the R2 and R3 zones under Byron LEP 2014.

As part of the pre-lodgement scoping process, Council and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) requested that the western portion of the site be rezoned from R5 Large Lot Residential to C2 Environmental Conservation. This area corresponds with land identified by Council as containing High Environmental Value (HEV) vegetation.

The assessment and determination of whether any areas of the site meet the criteria for application of a conservation zone has been guided by:

- The *DCCEEW BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals* (Attachment 1 of DCCEEW letter of 17/06/2024 - Ref: DOC24/399542-2)
- The *Northern Councils E Zone Review: Final Recommendations Report* (DPE, 2015)

An Ecological Assessment was undertaken for the site. Conservation zones (C2 and C3) are to be applied if the primary use of the land is considered to be environmental conservation or environmental management **and** the land contains attributes which meet one or more of the criteria for an C2 or C3 zone. The primary use of the land is the main use for which the land has been used for the last two years (DPE 2015).

The site assessment confirms that there is only one area of the site, located at the northwest corner of the western portion of the lot, for which the primary use of the land is environmental conservation. This area of the site (~370 m²) forms part of the 'Tallowood Ridge' walkway that appears to have been planted with native species (including current threatened species) at the beginning of 2014. This patch of native vegetation forms part of a narrow, vegetated corridor that extends west of the site. The patch of vegetation in this area of the site is 'key threatened species habitat' and is an 'over-cleared vegetation community' both of which are criteria for an C2 zone (DPE 2015). Application of the C2 zone criteria to this area of the site is provided in Table 6.1 of the Preliminary Ecological Assessment. As the primary use of this area of the site has been conservation for at least the last two years and meets several of the C2 zone criteria, it is recommended that the area be zoned C2 Environmental Conservation.

Importantly, the proposed concept structure plan for the eastern portion of the site demonstrates that the future strata subdivision and associated dwellings have been deliberately designed to avoid these high-value vegetation patches. No building footprints encroach into these areas, thereby minimising the potential for disturbance and ensuring that adverse ecological impacts are avoided. This design-led response, combined with future BVMP controls, provides an appropriate level of environmental protection without the need for rezoning to C2 Environmental Conservation.

Dwelling Density

This planning proposal has been informed by, and responds to, the Byron Shire Residential Strategy, which identifies Mullumbimby as an area with potential for future residential growth, including the investigation of existing R5 Large Lot Residential land for potential rezoning. The Strategy indicates that the conversion of R5 land within Mullumbimby has the capacity to support between approximately 76 and 228 additional dwellings across the locality.

While the subject land is currently zoned R5, it is identified within the Residential Strategy as an investigation area, with an indicative dwelling yield of between 16 and 26 dwellings per hectare. The Strategy does not nominate a fixed dwelling target for individual sites, reflecting a shift in policy focus away from prescriptive density outcomes and towards the delivery of diverse housing typologies and a range of lot sizes to support housing choice and affordability.

The proposed density outcomes for the site have been developed in response to this strategic framework, as well as the physical constraints and opportunities of the land, as reflected in the Concept Structure Plan. The western portion of the site, which is more constrained and suited to lower-intensity development, is proposed to be zoned R2 Low Density Residential with a small portion of C2 Environmental Management, achieving densities in the order of approximately 10 dwellings per Hectare.

The eastern portion of the site, which is less constrained and better suited to higher-intensity development, is proposed to be zoned R3 Medium Density Residential. This area is capable of accommodating approximately 22 dwellings per Hectare.

Overall, the proposed density distribution delivers a balanced and site-responsive outcome that aligns with the intent of the Byron Shire Residential Strategy by facilitating a range of dwelling types and lot sizes, supporting housing diversity and affordability, while appropriately responding to site constraints and environmental considerations.

The western portion of the site is intended to function as a larger-lot residential area consistent with the objectives of the R2 Low Density Residential zone. While characterised by lower densities, this area retains the capacity to accommodate dual occupancies where appropriate, thereby contributing to housing diversity while respecting site constraints and neighbourhood character.

The development potential shown for the eastern portion of the site represents an initial, high-level concept only. Under the proposed R3 Medium Density Residential zoning and applicable floor space ratio controls, this area is capable of supporting a range of dwelling typologies. The Concept Structure Plan is provided for indicative purposes to demonstrate one feasible development outcome, illustrate how the site could be efficiently utilised, and confirm that the proposed zoning framework can meet zone objectives, relevant planning policies, and the existing and transitioning future desired character of the area.

To facilitate the residential densities outlined above, this planning proposal seeks to amend the principal development controls for minimum lot size and floor space ratio, as detailed in Table 2, while maintaining consistency with the established and evolving character of the locality.

The proposal does not include a minimum residential density clause, as appropriate density outcomes can be achieved through the application of the proposed R2 and R3 zoning framework in combination with building height and floor space ratio controls. This approach is consistent with the strategic assessment of the site undertaken as part of the Byron Shire

Residential Strategy and enables a range of residential densities to be delivered across the site.

Floor Space Ratio

The subject site does not currently have an adopted Floor Space Ratio (FSR) control apart from a small area on the western site.

It is proposed to adopt a 0.5:1 floor space ratio control for the R2 low density zone, and a 0.6:1 floor space ratio control for the R3 Medium Density zone.

The application of a 0.5:1 floor space ratio to land proposed to be zoned R2 Low Density Residential is consistent with the controls applying to surrounding R2-zoned areas and is considered appropriate to achieve a built form and dwelling density that aligns with the established residential character of the locality.

The proposed 0.6:1 floor space ratio for land zoned R3 Medium Density Residential is consistent with floor space ratio controls applied to other R3-zoned land within Byron Shire and supports a modest increase in development intensity commensurate with the objectives of the R3 zone.

Collectively, the variation in floor space ratio controls, when read in conjunction with the proposed zoning and building height controls, facilitates a graduated approach to density and built form across the site. This approach aligns with the intent of the Byron Shire Residential Strategy 2024 by enabling a 'salt-and-pepper' pattern of development, promoting low-rise medium-density housing typologies within the R3 zone, and supporting housing diversity while maintaining compatibility with the surrounding urban context.

Height of Buildings

The proposal seeks to increase the height of buildings within the eastern portion of the site from 9.0m to 11.5m. This planning proposal seeks to encourage diverse housing types within the area proposed to be zoned R3 medium density by allowing for a more efficient use of space in combination with the additional height allowance.

The additional height will allow for a greater variety of dwelling typologies at a greater variance than in the current situation and will allow for the construction of the 'missing middle' density that will allow for the site to cater for different housing needs, preferences and life stages. This will also allow for increased residential densities to be provided on the site, without requiring a specific minimum (or maximum) dwelling yield.

Minimum Lot Size

The Site is currently mapped as being limited to 4000m² and 600m² minimum lot size. The intention of the proposal is to reduce the minimum lot size to 450m² for the land west of Tuckeroo Avenue and 350m² for the proposed R3 zone. An area within the eastern area of the site is proposed to adopt a 600m² minimum lot size to continue the existing pattern of development that faces Tuckeroo Avenue. The portion of the site that is proposed to be C2 Environmental Management will have a 40ha minimum lot size.

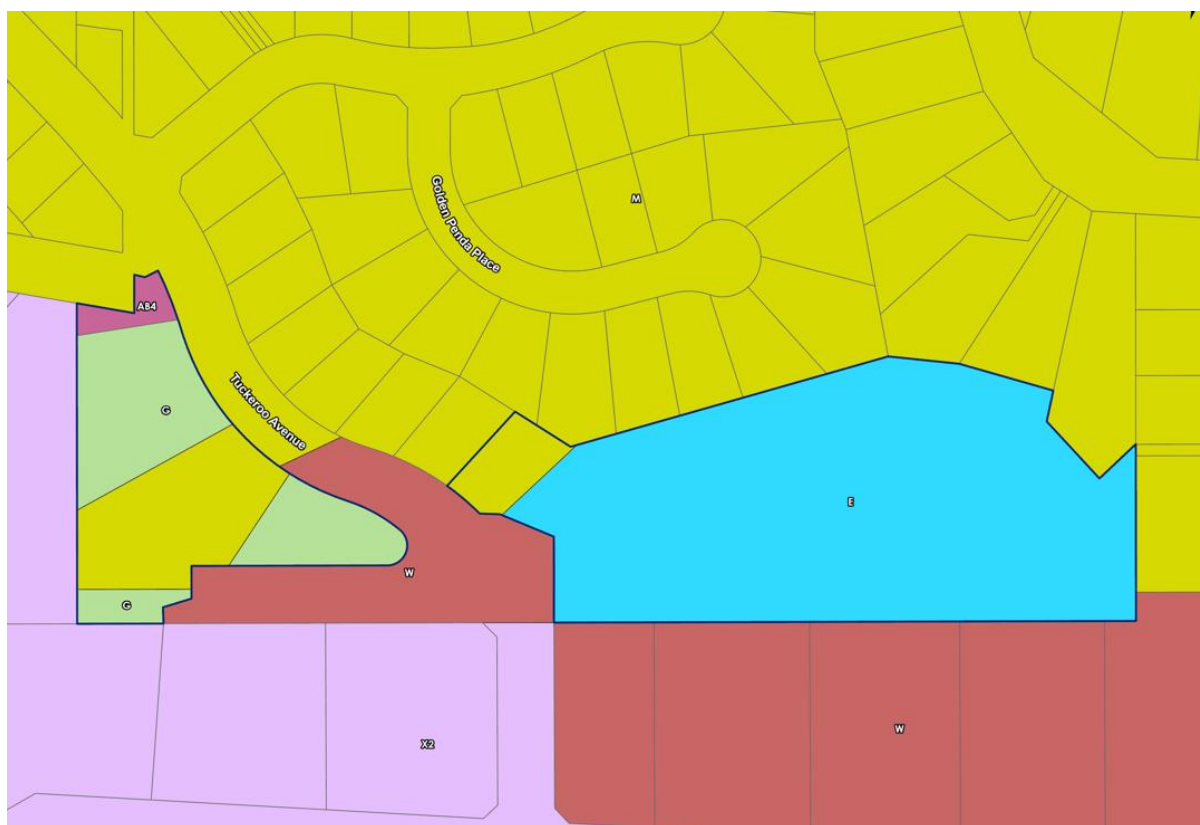


Figure 4 Proposed Lot Size Map (BRS, 2026)

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Planning Proposal seeks to rezone land within an existing urban area to provide increased residential opportunities within the existing urban growth area of Mullumbimby. The Subject land is identified within the Byron Shire Residential Strategy 2041 adopted by Council and endorsed by the NSW Department of Planning, Housing and Infrastructure.

The proposal will allow for infill development of the existing urban growth area to occur and comprises a key focus of the Residential Strategy as it will assist in achieving the required dwelling target within the Residential Strategy.

Q2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

Yes. A Planning Proposal is the best and only means of achieving the proposed amendments to the Local Environmental Plan.

Section B Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (in this case the North Coast Regional Plan 2041)?

Yes. The planning proposal is consistent with the North Coast Regional Plan 2041 (NCRP 2041), which is a 20-year blueprint for the future of the North Coast. The NSW Government's vision for the North Coast is Healthy and thriving communities supported by a vibrant and dynamic economy that builds on the region's strengths and natural environment.

The site is located within the existing Mullumbimby Urban Growth Area and is not within the 'coastal strip' defined by the NCRP 2041. Figure 5 below shows the approximate location of the Site in relation to the existing urban growth boundary of the Byron Shire area as taken from the NCRP 2041.

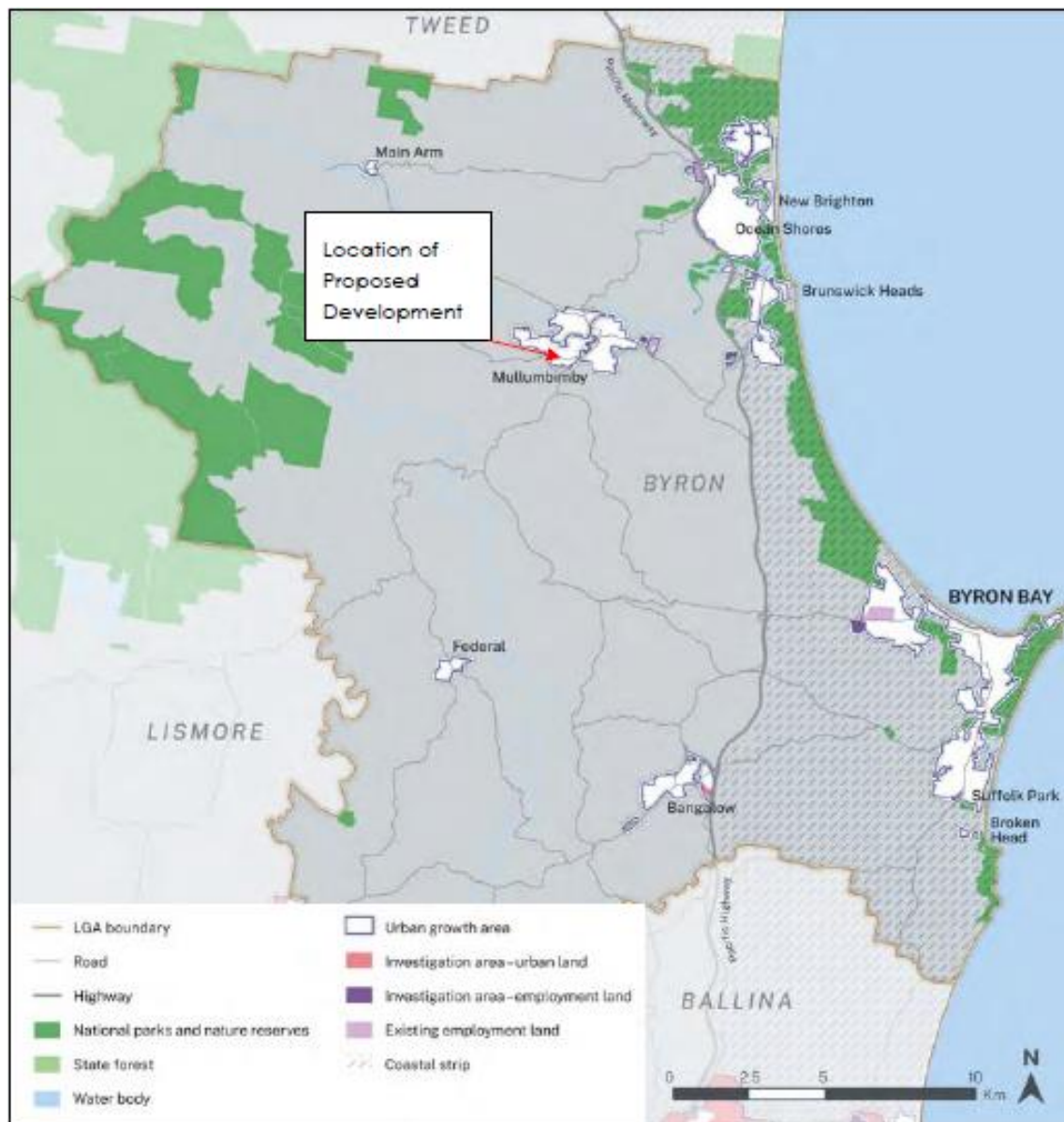


Figure 5 Extract from 'Urban Growth Area Map for Byron LGA' (North Coast Regional Plan 2041)

The site is currently predominantly zoned R5 Large Lot Residential with a small portion being zoned R2 Low Density Residential. This planning proposal seeks to rezone the land to a combination of R2 Low Density Residential, R3 Medium Density Residential and a small patch of C2 Environmental Management to achieve a higher residential density on the site. In addition to changes to the floor space ratio, height of buildings and the minimum lot size controls, as outlined in Part 4 of this report.

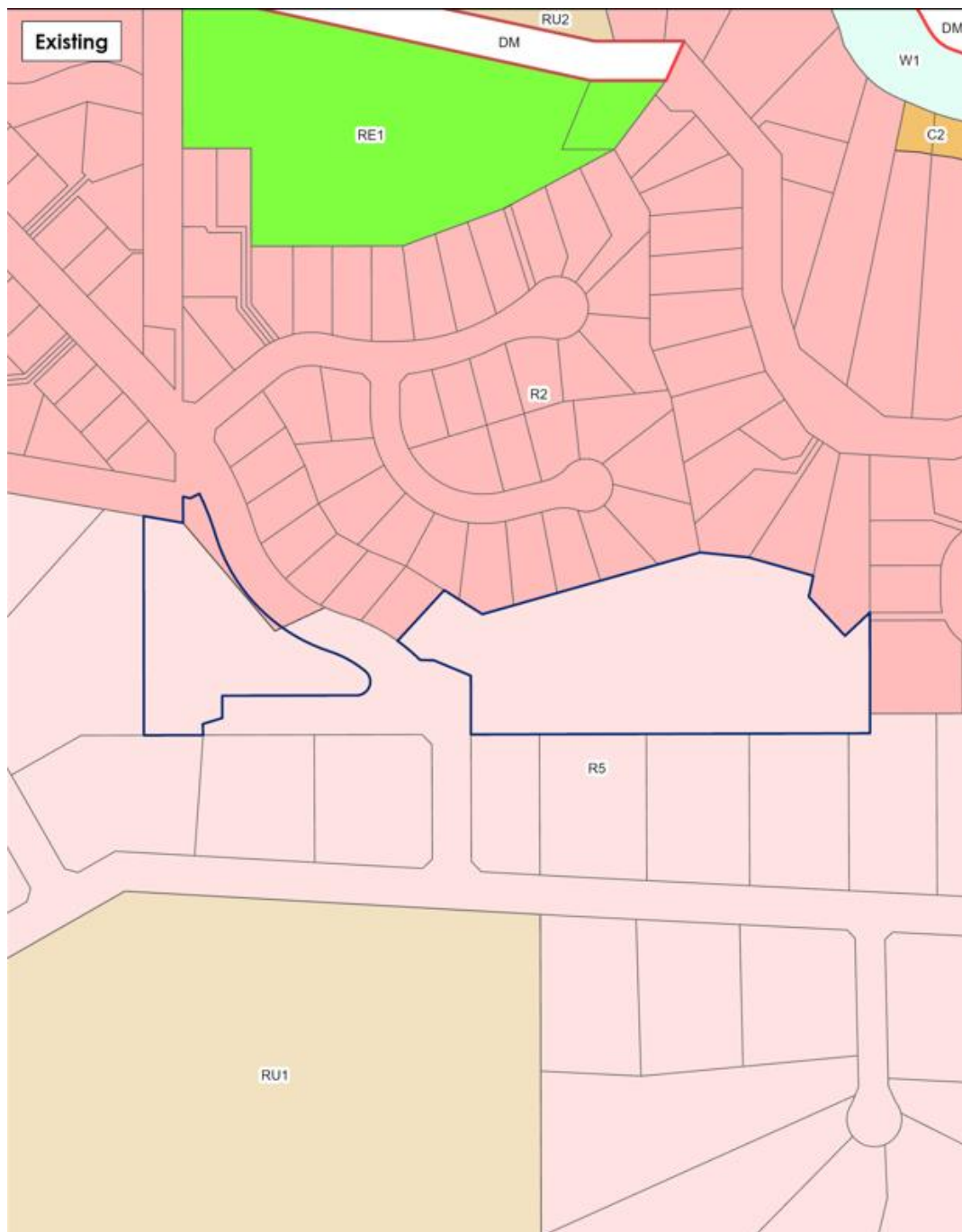


Figure 6 Existing Land Zoning Plan (BRS, 2025)

Table 4: Consideration of North Coast Regional Plan 2041

North Coast Regional Plan 2041	
Relevant Goals	Comment
Goal 1 - Liveable, Sustainable and Resilient	
<i>OBJECTIVE 1: Provide well located homes to meet demand;</i>	<ul style="list-style-type: none"> • The Site is well located being adjacent to existing residential areas and close to community facilities and the Mullumbimby town centre. • The site has access to existing pedestrian movement options including footpaths and cycle paths to provide active transport options for residents into the Mullumbimby town centre. • The Site has suitable road frontage and access to essential services to support future low or medium density residential subdivision. • The Site is not within the sensitive coastal strip. • The Site is within the Mullumbimby Urban Growth Area under the North Coast Regional Plan 2041 (see Figure 5) and has been identified within Council's residential strategy as a site suitable for further intensification of residential uses.
<i>OBJECTIVE 2: Provide for more affordable and low-cost housing</i>	<ul style="list-style-type: none"> • Future subdivision of the Site can incorporate a range of lots sizes to support housing diversity. The proposal provides for a combination of larger lots and more traditional lot sizes that can support single dwellings or dual occupancies, as well as medium density options in the western portion of the site. • The site is wholly identified within Byron Shire Affordable Housing Contribution Scheme 01 & 02. The rezoning and future development will provide for affordable housing in accordance with these schemes.
<i>OBJECTIVE 3: Protect regional biodiversity and areas of high environmental value</i>	<ul style="list-style-type: none"> • The Site is largely cleared of trees and is grassed. • The Site is mapped as containing two small patches of high environmental value vegetation which is categorised as 'planted landscaping mixed'. • The Site does not contain any waterways, mapped koala habitat or mapped biodiversity values land. • Rezoning of the Site can be achieved without adversely impact on the protection of high environmental value assets. • A small portion of the site that contains high ecological

	values, is proposed to be rezoned to C2 Environmental Management
<i>OBJECTIVE 4: Understand, celebrate and integrate Aboriginal culture</i>	<ul style="list-style-type: none"> The Site is not known to contain any Aboriginal items or places based on the results of a basic AHIMS search. The planning proposal is consistent with the continuing collaboration with local aboriginal communities.
<i>OBJECTIVE 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change</i>	<ul style="list-style-type: none"> The Site is not mapped as being affected by natural hazards, except for bushfire prone land. An assessment of this risk has been provided with the application demonstrating that the site will be capable of meeting the requirements of the NSW Rural Fire Service and Planning for Bush Fire Protection 2019. The proposed strata subdivision on the eastern portion of the site has been partly influenced by bushfire management considerations. The site's bushfire constraints make a traditional Torrens-title subdivision more complex, as achieving compliance with the Planning for Bushfire Protection 2019 (PBP 2019) requirements under a Torrens-title framework would be significantly more challenging. By adopting a strata subdivision approach, the design allows for flexibility in lot layout, access, and defensible space, ensuring that bushfire safety measures can be effectively integrated while still optimising residential yield.
<i>Objective 9: Sustainably manage and conserve water resources</i>	<ul style="list-style-type: none"> The proposal is accompanied by a concept stormwater management plan that provides for the site to accommodate water sensitive urban design in a future detailed design.
Goal 2 – Productive and Connected	
<i>Objective 16: Increase active and public transport usage</i>	<ul style="list-style-type: none"> The site is consistent with this objective as the Site is located within proximity to existing active transport links that provide a connection to the Mullumbimby town centre and other key sites in the vicinity, such as the high school and public open spaces.
Goal 3 – Growth Change and Opportunity	
<i>OBJECTIVE 18: Plan for sustainable communities</i>	<ul style="list-style-type: none"> The Site is within the Mullumbimby Urban Growth Area under the North Coast Regional Plan 2041 and identified within Council's residential strategy for the intensification of residential uses. The Site is currently zoned for residential use with the proposed rezoning seeking a higher residential density. The Site is largely unaffected by biodiversity, heritage, natural hazards and is not important farmland. The Site is well located being adjacent to existing

	residential areas and close to community facilities and the Mullumbimby town centre.
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Q4. Is the planning proposal consistent with a LSPS that has been endorsed by the Planning Secretary or other local strategy or strategic plan?

The Byron Shire Local Strategic Planning Statement (LSPS) (September 2020) presents a vision and framework for land use within Byron Shire, outlining how growth and change will be managed. The LSPS identifies 14 planning priorities to achieve the Council's vision for Byron Shire.

The LSPS notes that *“Byron Shire’s population is projected to increase from around 34,000 in 2018 to 37,500 people by 2036”* and that meeting future housing demand is one of the most significant land use planning challenges facing Byron Shire. Mullumbimby is expected to have the second largest residential growth in the Byron Shire LGA (after Byron Bay & Sunrise) with a projected increase of 29%.

The Planning Proposal is consistent with the themes and key priorities of the LSPS as demonstrated in Table 5 below.

Table 5 Consideration of the Byron Shire Local Strategic Planning Statement

Byron Shire Local Strategic Planning Statement	
Relevant Planning Priorities	Comment
A Sustainable Shire	
<i>Planning Priority SP1. Protect and enhance our biodiversity, ecosystems and ecology</i>	<ul style="list-style-type: none"> The preliminary Ecological Assessment confirmed that most vegetation at the site is poor quality, non-native and Camphor dominated. Most of the vegetation has limited habitat value being dominated by exotic species, particularly weeds, and lacking habitat features suitable for native fauna beyond dense mid and ground layer vegetation and leaf litter. There is limited connectivity to the north of the site due to established residential areas; however, vegetation on the western portion of the lot extends beyond the lot boundary providing some connectivity for fauna moving

Byron Shire Local Strategic Planning Statement	
	<p>westwards. There are patches of native vegetation in the northwest of the western portion of the lot and along the northern and southern boundaries of the eastern portion of the lot.</p> <ul style="list-style-type: none"> • Hairy Joint Grass was not identified on the site despite a targeted survey for the species. • The Site does not contain any waterways, mapped koala habitat or mapped biodiversity values land. • The site is not located within an environmental zone or directly adjoining an area identified for environmental conservation and/or management. • The vegetation in the northwest of the site appears to have been planted with native species at the beginning of 2014. This patch of vegetation contains four (4) threatened flora species and is likely to provide habitat for native birds and native mammals. This patch is proposed to be zoned C2 Environmental Management.
A Liveable Shire	
<i>Planning Priority LP1. Support and celebrate our heritage, vibrant culture and diverse lifestyles</i>	<ul style="list-style-type: none"> • The proposal is generally consistent with this priority, and where required formal consultation with local Aboriginal groups can be carried out as part of the gateway determination.
<i>Planning Priority LP2. Create great places that support and encourage an active, healthy and connected community</i>	<ul style="list-style-type: none"> • The proposal is located within proximity to the Mullumbimby Town Centre and can utilise existing active transport links to this area. • The Site is readily accessible by existing footpaths. • The Mullumbimby Bike plan indicates that a shared bike / pedestrian path is

Byron Shire Local Strategic Planning Statement	
	to be provided within Tuckeroo Avenue that will provide for improved active transport options for the community.
<i>Planning Priority LP3. Support Housing Diversity and affordability with housing growth in the right locations</i>	<ul style="list-style-type: none"> • The proposal provides additional housing opportunities in a range of low and medium density opportunities within an existing urban area that is in close proximity to the existing Mullumbimby town centre. • The structure plan provided includes a range of lot sizes that can accommodate a variety of dwelling typologies these lots also provide further opportunities for infill development. • The site is subject to Byron Shire Council's Affordable Housing Contribution Schemes 01 and 02, which apply to land benefiting from increased development potential. These schemes require the provision of affordable housing contributions as part of the ultimate development of the land and support the delivery of affordable housing outcomes in accordance with Council's strategic housing objectives.
A Connected Shire	
<i>Planning Priority CP1. Ensure infrastructure delivery is aligned with planned growth</i>	<ul style="list-style-type: none"> • The Site has suitable road frontage and access to essential services to support future low and medium density residential subdivision. • The site is currently within a residential zone, and the proposal seeks to rezone to a higher density residential zone. • The application is accompanied by a traffic impact assessment that considers the likely traffic impacts of the proposed rezoning and planned active transport infrastructure that will service the Site, and the wider community.

Byron Shire Local Strategic Planning Statement	
	<ul style="list-style-type: none"> The Site is identified within Council's residential strategy as land earmarked for rezoning to enable the intensification of residential development.

Our Mullumbimby Masterplan (2019)

The Our Mullumbimby Masterplan sets out a vision and principles to guide sustainable growth and change in Mullumbimby over the next 10 years. It is one of Byron Shire's 'Place Plans' – as referenced in the North Coast Strategic Plan. It was prepared in consultation with the Our Mullumbimby (community) Guidance Group.

The proposed rezoning aligns with '**Action 30 - Improve the pedestrian and cycle connections in and to Tallowood estate and Pine Ave area**' providing for additional dwellings to be constructed within proximity to pedestrian and cycle connections that adjoin Tuckeroo Avenue. The development will be able to take advantage of planned active transport options outlined within the Bike Plan and Pedestrian Accessibility and Movement Plan. There is the potential to provide direct funding to construct a section of this infrastructure with future development applications as appropriate under S7.11 Developer Contribution Plans.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

NSW Flood Inquiry Outcomes

In March 2022 the NSW Government commissioned an expert inquiry into the preparation for and causes of, response to and recovery from the 2022 flood event across NSW. The proposal does not seek to intensify development in areas of unacceptable flood risk and will ensure that any future development is subject to detailed flood assessment at the development application stage, including compliance with Council's flood planning controls, appropriate finished floor levels, and safe access and evacuation requirements.

In this way, the proposal aligns with the NSW Flood Inquiry outcomes by adopting a precautionary, risk-based approach to land use planning that prioritises life safety, reduces exposure to flood hazards, and supports long-term community resilience.

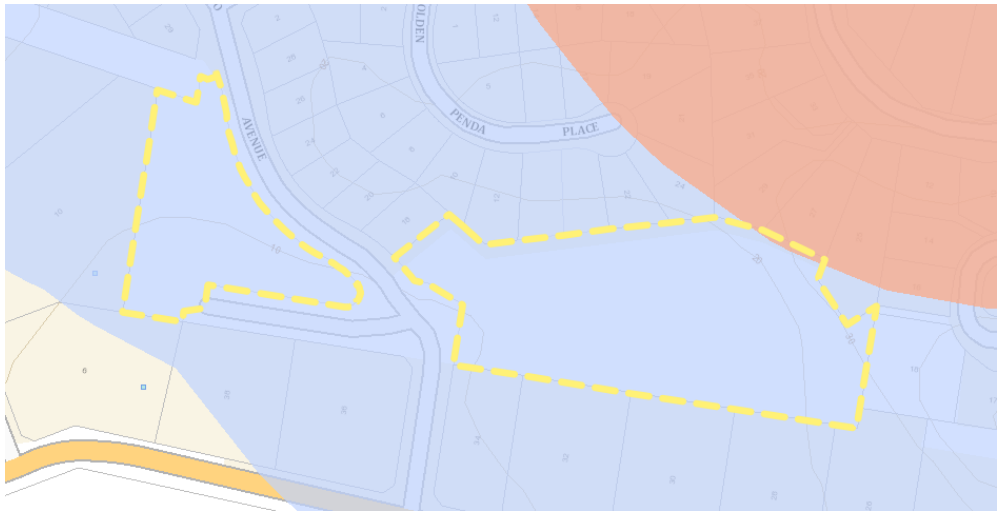
Northern Rivers Resilient Lands Strategy

The Northern Rivers Resilient Lands Strategy, released by the Northern Rivers Reconstruction Corporation, does not specifically identify this site as a Resilient Lands site. Furthermore, the updated Byron Shire Residential Strategy has excluded lands in Mullumbimby that were affected by flooding, and this site is not included in that exclusion. The subject site is therefore suitable for development, being located outside the mapped flood risk area, except for a small portion in the southwest corner, which is constrained and not proposed for development.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to this Planning Proposal are as follows:

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
Housing 2021	<p>Future development of the site may be subject to the provisions of SEPP (Housing) 2021. The proposed planning controls enable a broader range of residential densities than currently permitted, consistent with the objectives of the SEPP to provide diverse, well-designed, and affordable housing.</p> <p>Development within the R3 Medium Density Residential zone may also be subject to the Apartment Design Guide (ADG), as referenced in the SEPP. The ADG establishes design standards for multi-unit development, including solar access, natural ventilation, open space, amenity, and building form, ensuring high-quality outcomes that are functional, sustainable, and compatible with the surrounding context. This reference demonstrates that any future apartment-style development will be appropriately designed to meet SEPP requirements.</p> <p>The site is also subject to Council's Affordable Housing Contribution Schemes, and any affordable housing delivered will be required to comply with the relevant SEPP provisions. The specific form and configuration of affordable housing will be determined at the development application stage.</p> <p>Overall, the planning proposal is consistent with SEPP (Housing) 2021 by enabling a mix of dwelling types, facilitating quality medium-density housing within the R3 zone, and supporting housing diversity and affordability, while anticipating compliance with applicable design standards.</p>
Biodiversity and Conservation 2021	<p>Chapters 2, 3, 5, 6 and 13 do not apply to the Site. Chapter 4 Koala Habitat Protection 2021 applies to the site.</p> <p>Chapter 4 Koala Habitat Protection 2021</p> <p>The Site is located within the Koala planning area, only the western portion of the site is situated in the West Mullumbimby Koala Management Precinct under the Byron Coast Comprehensive Koala Plan of Management.</p> <p>The Site does not contain any mapped Koala habitat according to the Byron Shire Council Web Map. No potential Koala habitat is mapped at the site.</p> <p>The planning proposal is consistent with the requirements of this SEPP.</p>
Industry and Employment 2021	Chapter 2 of this policy does not apply to the Byron Shire.

	<p>Chapter 3 Advertising and Signage</p> <p>This chapter will only apply at a later development application stage if advertising signage is proposed. Given the intended use as residential land, any advertising signage is likely to be related to home-based businesses and would be exempt development.</p> <p>This Planning Proposal is consistent with the aims and objectives of this SEPP.</p>
<p>Resilience and Hazards 2021</p>	<p>Chapter 2 Coastal Management</p> <p>The site does not contain any mapped coastal wetland or littoral rainforests and is not located within a buffer area to wetland or rainforest vegetation and consideration of sections 2.7 and 2.8 are not required. The land is also not identified on any Coastal vulnerability map and consideration of section 2.9 is not required. The planning proposal is also accompanied by a Preliminary Ecological Assessment. However, as shown on Figure 7 below, the site contains areas of Coastal Environment Area and a small portion of Coastal Use Area.</p>  <p>Figure 7: SEPP (Resilience and Hazards) 2021 (eSpatial Viewer, 2025))</p> <p>2.10 Coastal Environment Area</p> <p>The site is located within an existing urban area and is not expected to create any impacts on the biophysical or hydrological environment. An assessment of the proposal against the Coastal Design checklist accompanies this planning proposal report.</p> <p>The proposal will not impact on any coastal environmental values or affect a natural coastal process.</p> <p>The proposal will not cause an impact of the water quality of the marine estate or any sensitive coastal lake.</p>

	<p>The proposal does not impact any marine vegetation or undeveloped headlands.</p> <p>The development will not impact on native vegetation, fauna and their habitats.</p> <p><u>S2.11 Coastal Use area</u></p> <p>The Site is mapped as being within the coastal environment area and with a small strip of land along the northern boundary also being within the coastal use area under the SEPP.</p> <p>The site is not located within proximity to the foreshore, beach, headland or rock platforms and will have no impact on these features. The planning proposal will not cause impacts on the overshadowing, wind funnelling or view loss to public places to foreshores.</p> <p>The site is an extension of the Mullumbimby urban area and will not have any impact to the visual amenity and scenic qualities of the coast including coastal headlands.</p> <p>An AHIMS search was undertaken that indicates that there is no known Aboriginal Heritage on the site, and will not impact on Aboriginal cultural heritage, practices, places or the cultural and built environmental heritage of the area.</p> <p>Chapter 4 Remediation of land</p> <p>Further investigation of the site for potential contamination is not considered necessary at the planning proposal stage, as the land is currently zoned for residential use (R5 Large Lot Residential), and the proposed zoning remains residential, albeit enabling higher-density development.</p> <p>Detailed site investigations and assessment of any specific contaminants will be required at the development application stage, particularly for subdivision or construction works, to ensure compliance with relevant environmental and health standards.</p>
Sustainable Buildings 2022	<p>Future development on the land will be subject to the provisions of this SEPP, and this Planning Proposal raises no inconsistencies with the policy.</p>
Transport and Infrastructure 2021	<p>Future development on the land will be subject to the provisions of this SEPP. This Planning proposal does not contradict or repeat the provisions of the SEPP.</p>

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?

Consistency with the Local Planning Directions is assessed in the following tables:

1. Planning Systems

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	<p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.</p>	<p>The planning proposal is consistent with the North Coast Regional Plan 2041 as outlined within section 3 of this report.</p> <p>The site is identified within the existing urban growth boundary within Mullumbimby and the provision of additional dwellings within the urban areas will assist in achieving the goals of the housing strategy.</p>	Consistent.
1.2 Development of Aboriginal Land Council Land	Applies when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.	(not currently applicable to Byron Shire)	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.3 Approval and Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act</p>	<p>The planning proposal does not seek to include provisions that require the concurrence, consultation or referral of a development application to a minister or public authority.</p>	<p>Yes.</p>
1.4 Site Specific Provisions	<p>Applies when preparing a planning proposal that will allow a particular development to be carried out.</p>	<p>The planning proposal does not seek to include any site-specific provisions.</p>	<p>Yes</p>

3. Biodiversity and Conservation

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an conservation zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p>	<p>The planning proposal is accompanied by a preliminary ecological assessment of the land. This assessment considered the ecological value of the vegetation on the land. The outcome of this assessment determined that the western area of the site is dominated by Camphor Laurel (a listed weed species) and other weeds. Limited numbers of native vegetation were identified within the area ; therefore, a small patch of C2 Environmental Management is proposed on the northwestern corner.</p> <p>HEV land within the site has been identified and mapped based on the site assessment, incorporating input from Council's Ecologist, with guidance from the conservation zone criteria and the HEV criteria. The other patches of native vegetation on the site do not meet conservation zone criteria. However, the revised HEV mapping will ensure that future development of the site will trigger Chapter B1: Biodiversity of the Byron DCP, which requires avoidance and protection of HEV land and provision of ecological buffers to these areas.</p> <p>The proposal does not reduce the environmental protection standards that currently apply the land, with future development on the site would need to</p>	Yes

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		take into account specific ecological measures as necessary.	
3.2 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people</p>	<p>The site does not contain any listed heritage items.</p> <p>An AHIMS search was undertaken that indicates that no aboriginal relics or places were located on or in proximity to the site.</p> <p>Site specific investigations at the development application stage can be undertaken as required where the land is likely to be disturbed. And If required specific consultation can be carried out with the applicable Local Aboriginal Group/s as a condition of the gateway determination.</p>	Yes

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.3 Sydney Drinking Water Catchments	Not applicable to Byron Shire	N/A.	N/A.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations.	<p>As part of the scoping report advice provided by the Biodiversity, Conservation and Science Group of the NSW Department of Climate Change, Energy, the Environment and Water suggested that the area of the subject Site to the west of Tuckeroo Avenue and rezone this land to C2 Environmental Conservation.</p> <p>The planning proposal introduces a small patch of C2 Environmental Management Zone to the northwester side of the site.</p> <p>HEV land within the site has been identified and mapped based on the site assessment, incorporating input from Council's Ecologist, with guidance from the conservation zone criteria and the HEV criteria. The other patches of native vegetation on the site do not meet conservation zone criteria. However, the revised HEV mapping will ensure that future development of the site will trigger Chapter B1: Biodiversity of the Byron DCP, which requires avoidance and protection of HEV</p>	Yes.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		land and provision of ecological buffers to these areas.	
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).	Not Applicable	Not Applicable

4. Resilience and Hazards

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	This direction applies when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	<p>The site is partially identified within the 1:100-year floodplain (2100 Climate Change Scenario) as determined by Byron Shire Council. the extent of the site that is affected by flood prone land is limited to a small area within the southwestern corner of the site. This is primarily located within the existing road reserve and the proposed drainage reserve for the bioretention basin.</p> <p>The land is currently residential zoned (R5 Large lot residential) and is proposed to be rezoned to R2 residential. The concept structure plan has been prepared to identify a suitable layout that</p>	Inconsistency can be justified

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		<p>would avoid and manage this small area of flood affected land.</p> <p>The inconsistency with this direction is considered to be minor as:</p> <ul style="list-style-type: none"> • The conceptual subdivision layout provides for a design that would avoid residential dwellings being placed within the 1% AEP flood extent. • Works within the flood prone area of the land are intended to be limited to stormwater detention works and will not create residential dwelling opportunities within the flood prone area of the site. • A detailed flood model and assessment will be undertaken as part of the future DA submission. With only a small encroachment into the flood storage fringe, it is expected that flood free access under the 100-year flood scenario will be maintained for all lots and that all building envelopes will be located at or above the required Flood Planning Level. <p>The concept structure plan clearly identifies a layout commensurate with the flood risk of the land. The inconsistency with this direction is minor and can be suitably addressed in a detailed design as part of an application for the subdivision and or development of the land.</p>	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016.	<p>The Site is mapped as being within the coastal environment area and with a small strip of land along the northern boundary also being within the coastal use area under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>The application is accompanied by an assessment checklist of the Coastal Design Guidelines and is provided as an attachment to this report.</p>	Yes
4.3 Planning for Bushfire Protection	<p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2019,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p>	<p>The site is identified as bush fire prone land and the planning proposal is accompanied by a bushfire threat assessment that considers Planning for Bushfire Protection 2019.</p> <p>Advice has been received from the NSW RFS dated 3 June 2024 on the proposal in which the RFS advised that “<i>No significant bushfire hazard is present. Small individual pockets of rainforest vegetation border the site. The site is predominantly mapped urban grassland hazard which will become roads and housing upon development</i>” and that “<i>The NSW RFS supports the scoping proposal</i>.”</p> <p>The RFS required that Future gateway Planning Proposal exhibition documents shall address remnant/retained and/or any revegetation</p>	Consistent with advice received to date

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).	<p>requirements”. A copy of this advice is provided with the planning proposal.</p> <p>For the purposes of this planning proposal, it is considered that the remnant vegetation within the western area of the site would be removed as part of the future subdivision construction as indicated within the concept plan provided. The impacts of the removal of this vegetation would be considered at a later development application to be submitted.</p> <p>The proposal is also accompanied by a bushfire assessment which has considered the requirements of Planning for Bushfire Protection 2019 which concludes that the proposed rezoning is appropriate in the bush fire hazard context. Bush fire mitigation and management measures for the future development can be adequately addressed with the proposal having the ability to comply with PBP2019 via a combination of acceptable solutions and performance solutions in consultation with NSW RFS.</p> <p>Consistency with this direction remains unresolved until formal consultation with the NSW RFS has occurred.</p>	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.4 Remediation of Contaminated Land	<p>This direction applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any</p>	<p>The site is currently zoned for residential use (R5: Large Lot Residential).</p> <p>The site is not identified on the EPA significantly contaminated lands register. Or on the EPA's list of notified sites.</p> <p>The planning proposal seeks to rezone the Site to enable a residential development at a higher density. The site is within proximity to existing residential land releases that have been previously assessed for suitability for residential development.</p> <p>For the planning proposal, it is considered that the site is suitable for residential intensification, however future development applications for the subdivision of the Site will need to consider the requirements of the State Environmental Policy (Resilience and Hazards) as necessary.</p>	Yes

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	carried out in accordance with the contaminated land planning guidelines		
4.5 Acid Sulfate Soils	<p>Applies when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p>	Not Applicable. The Subject Site is not identified on the Acid Sulfate Soils Map.	Not Applicable.
4.6 Mining Subsidence and Unstable Land	This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has	The Site is not located within a mine subsidence district or on land identified as unstable.	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.		

5. Transport and Infrastructure

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrated Land Use Transport	<p>This direction applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>The Site is currently zoned for residential Purposes and has been identified for the intensification of residential development within the Byron Residential Strategy.</p> <p>The planning proposal will provide low and medium density residential zones within proximity to existing public transport networks and is consistent with this direction.</p>	Yes.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).	The site is currently privately owned and vacant. There are no existing zone or reservation of the land for public purposes. No specific dedication of the land for public purposes is intended as part of this application, other than future infrastructure.	Consistent.
5.3 Development Near Regulated Airports and Defence Airfields	Applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	Not Applicable.	Not Applicable.
5.4 Shooting Ranges	Applies when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range	Not Applicable	Not Applicable.

6. Housing

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when preparing a planning proposal that will affect land within an existing or proposed	This Planning Proposal seeks to rezone land that is currently zoned R5 to a combination of R2 and R3 Residential Land, in doing so will increase the permissible building types and density and	Yes.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>residential zone (including the alteration of any existing residential zone boundary).</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. 	<p>satisfies (2)(a). The land has been identified within the Byron Residential Strategy 2041 as suitable for use for residential intensification and will utilise existing land within the urban growth boundary for Mullumbimby.</p> <p>A draft structure plan has been submitted with the application that outlines the servicing of the site. The existing sewer and water infrastructure can be readily extended to service the Site.</p> <p>It is noted that ongoing discussions between Rous County Council and Byron Shire Council with respect to water strategy for the Shire and in particular Mullumbimby will likely be completed to ensure future water supply security for Mullumbimby.</p> <p>A requirement to prohibit development of the land until such time that it is adequately serviced is not required to be imposed as part of the planning proposal as the site is located within proximity to all existing essential services that can be extended to service the development, and the construction of the subdivision of the land will ensure that all services are provided to the Site.</p> <p>A subsequent development application for the subdivision of the land will require the provision of all services to the site, as well as extensions to internal servicing.</p>	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.2 Caravan Parks and Manufactures Home Estates	Applies when a planning proposal affects land for Caravan Parks and Manufactured Home Estates.	The site does not contain a Caravan Park or Manufactured Home Estate and does not propose to enable either use.	Not Applicable.

7. Industry and Employment

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Business and Industrial Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	Not Applicable. The site is not located within an existing business or industrial zone and does not involve the alteration of such a zone.	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.2 Reduction in non-hosted short-term rental accommodation period	This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	This planning proposal does not seek to alter or reduce the number of days that STRA could be undertaken.	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	The Site is not located within vicinity to the Pacific Highway.	Not applicable.

8. Resources and Energy

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:	The land is already zoned for residential land use, and the proposal will not have the effect of restriction potential development of mineral resources. And the production of petroleum or winning or obtaining of extractive materials is currently prohibited within the zone.	Not applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>		

9. Primary Production

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	<p>Applies when a planning proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone</p>	This planning proposal does not affect land within an existing or proposed rural zone.	Not Applicable.
9.2 Rural Lands	<p>Applies when a planning proposal:</p> <p>(a) will affect land within an existing or proposed rural or conservation zone (including the</p>	This planning proposal does not seek to modify an existing rural or conservation zone boundary.	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>alteration of any existing rural or conservation zone boundary) or</p> <p>(b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>A planning proposal must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>		
9.3 Oyster Aquaculture	Applies when preparing a planning proposal in 'Priority Oyster Aquaculture Areas'	The site is not located within a Priority Oyster Aquaculture Area.	Not Applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to land mapped as mapped as State significant farmland, regionally significant farmland, or significant non-contiguous farmland.	The site is not mapped as State or Regionally significant Farmland or significant non-contiguous farmland.	Not Applicable.

Section C Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is not mapped on the Biodiversity Values Map (Figure 8). A Preliminary Ecological Assessment by AWC (November 2024) concluded that it is unlikely the proposal will impact critical habitat, threatened species, populations, ecological communities, or their habitats.

The assessment found that the site is largely dominated by weed species, including Camphor Laurel, Green Cestrum, and Lantana, with native vegetation occurring only sparsely as low-density understorey or seedlings. Much of the site is periodically slashed, and the majority of the area comprises mixed exotic grassland with scattered Bracken Fern.

High environmental value land within the site has been identified based on the site assessment, incorporating input from Council's Ecologist, with guidance from the conservation zone criteria (C2 and C3) (DPE 2015) and the HEV criteria in *DCCEEW BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals*. The location and extent of vegetation and habitat on the site that meets one or more of the listed criteria such as over-cleared vegetation types, rainforest and land containing key habitat for threatened species has been mapped (refer to Figure 6.2). It is recommended that BSC's mapping of high environmental value land be updated for the site in accordance with the confirmed HEV land displayed in Figure 6.2. The proposed HEV mapping for the site includes the locations of the 9 threatened flora individuals identified and patches of native vegetation.

The Byron LEP does not contain any specific clauses relating to ecology or biodiversity that would apply to future development of the site. However, Chapter B1: Biodiversity of the Byron DCP is triggered by development of sites that contain 'red flags' which include HEV land. Chapter B1: Biodiversity of the Byron DCP, requires development to not only avoid HEV land but also to be set back from HEV land through provision of ecological buffers.

Ongoing management of HEV areas within the site, including land recommended for a C2 zone, will remain with the landowner until a proposal for development of the site is devised and submitted for approval. Available mechanisms to ensure ongoing management of HEV areas within the site include:

- Incorporation of HEV land into a community lot as part of a community title subdivision with management responsibility shared by future lot owners as set-out in by laws in the community management statement
- HEV within future lots to be protected by land use restrictions determined during assessment of proposed subdivision of the site
- Offering to enter into a planning agreement with BSC to prepare a biodiversity and vegetation management plan for the HEV land as part of proposed subdivision of the site

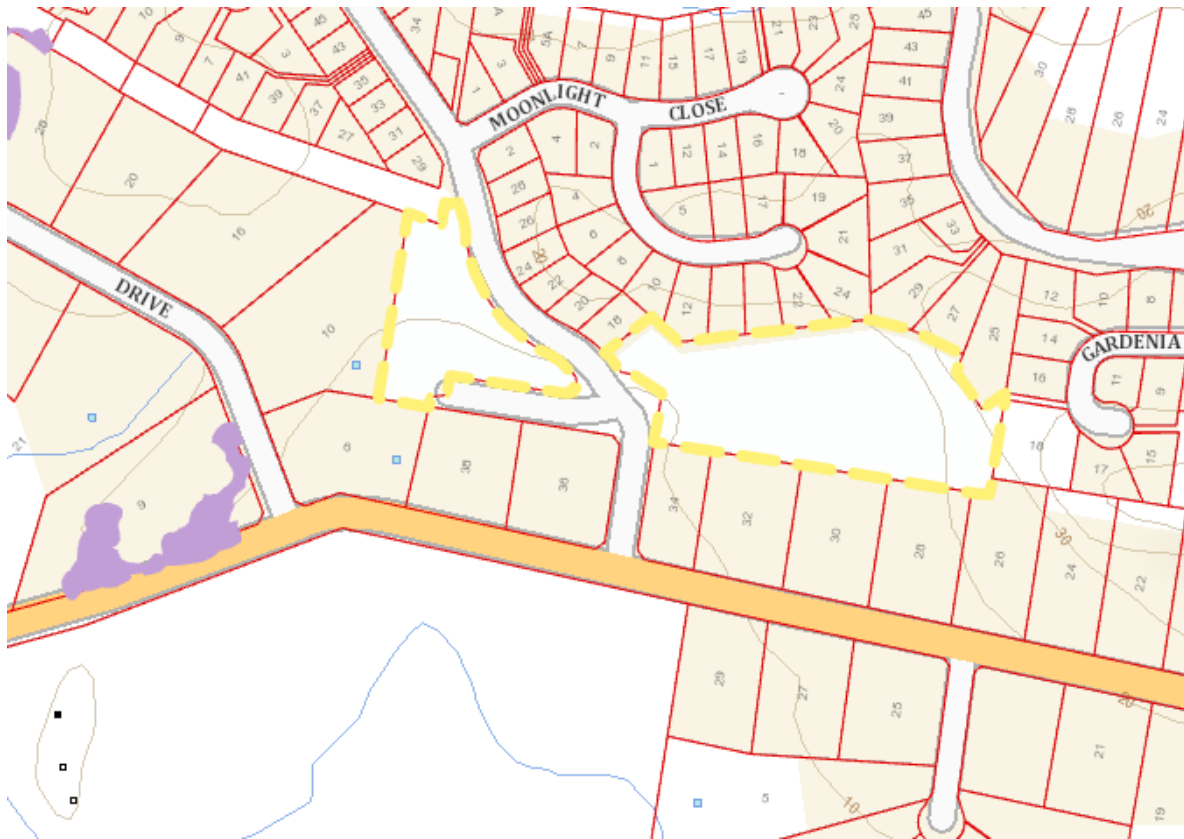


Figure 8: biodiversity values map (NSW spatial viewer, November 2025)

The property is within the Koala planning area (refer Figure 5), and the eastern area of the Site is located within a Koala management precincts (Refer Figure 6) under the Byron Coast Comprehensive Koala Plan of Management (BCKPoM). Despite this mapping, the Site is not identified as containing any mapped Koala habitat according to the Byron Shire Council Web Map. Accordingly, it has been determined that the site does not constitute Koala habitat.

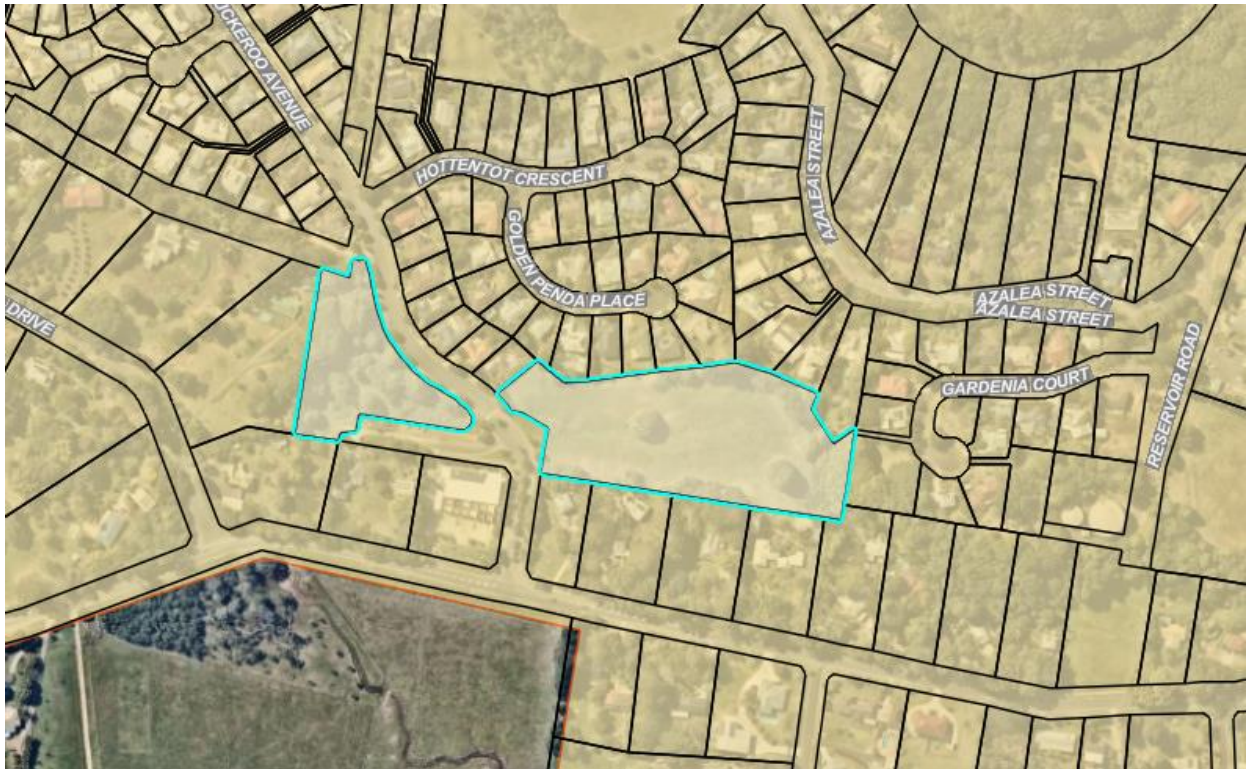


Figure 9: Koala Planning Area mapping (Byron Shire Council interactive mapping, November 2025)



Figure 10: Koala Management Precinct mapping (Byron Shire Council interactive mapping, November 2025)



Figure 11: Land assessed for C2 rezoning (AWC, 22/10/2024)

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Although it is impossible to rule out any other environmental impacts, there are unlikely to be any significant environmental effects as a result of the planning proposal. The site is largely cleared and can ensure suitable disposal of stormwater. The technical studies reinforce the capability of the site in this regard.

Flooding

The eastern part of the site is located above the 1:100-year (1% AEP) and PMF flood events and is not considered to be flood affected. However, a small area of the western part of the Site is identified on the flood planning area mapping as show in figure 12 below.



Figure 12: Flood Planning Area mapping (Byron Shire Council interactive mapping, November 2025)

It is noted that the Azalea St Bridge is inundated during the 1% flood event and will limit the evacuation of people from the site into the Mullumbimby Township. As the site itself is not affected, either early evacuation, or a 'shelter in place' strategy would be suitable to ensure the safe evacuation of people.

The Byron LEP 2014 contains provisions that allow this matter to be adequately addressed at the development application stage. flood risk of the site can also be managed as indicated within the concept layout by designing any future residential lot to not be located within the flood prone area of the site. The proposed concept lot layout has been designed to minimise exposure to flood risk by locating the majority of allotments outside mapped flood-prone areas. With the exception of Lots T1, T2, T6 and T7, all other lots are provided with flood-free access, ensuring safe and reliable egress during flood events, including in emergency situations.

Bushfire

The site is identified as bush fire prone land and consultation with the Commissioner of the NSW RFS will be required as part of the public consultation of this planning proposal. A bushfire impact assessment accompanies this planning proposal which demonstrates that the rezoning of the land is capable of complying with Planning for bushfire Protection 2019.

Preliminary advice has been received from the NSW RFS dated 3 June 2024 in which the NSW RFS notes that:

No significant bushfire hazard is present. Small individual pockets of rainforest vegetation border the site. The site is predominantly mapped urban grassland hazard which will become roads and housing upon development.

The NSW RFS supports the scoping proposal. Future gateway Planning Proposal exhibition documents shall address remnant/retained and/or any revegetation requirements.

It is considered that the final planning proposal will require final consultation with the NSW RFS to resolve consistency with ministerial directions.

The *Environmental Planning & Assessment Act 1979* contains provisions that will further address subdivision specific bushfire requirements at the development application stage.

Traffic

A Traffic impact assessment has been undertaken for the proposed rezoning. This TIA has considered the potential impact of traffic from the future residential development of the Site on the surrounding road network. The TIA has incorporated cumulative traffic impacts from other planned developments in the area as identified during the scoping proposal. This includes the Mullumbimby Hospital site.

The Traffic Impact Assessment conclusion in relation to the traffic impact of the development is provided below:

- *The future subdivision is estimated to generate approximately 181 daily trips, including 20 trips in the morning peak and 27 in the afternoon peak.*
- *Cumulative impacts from nearby development, including the former Mullumbimby Hospital site Planning Proposal, have been acknowledged and tested within the 2027 design horizon. The committed upgrade of the Coolamon Scenic Drive / Azalea Street intersection to a single lane roundabout has been adopted in the modelling.*
- *Development traffic is expected to primarily route to/from Jubilee Avenue (approximately 70%), with the balance via Left Bank Road and Coolamon Scenic Drive (approximately 30%).*
- *In accordance with Austroads warrants, basic BAL/BAR turn treatments are sufficient at the new Tuckeroo Avenue access point.*
- *SIDRA network modelling confirms that nearby intersections will continue to operate within acceptable thresholds under year 2027 design volumes, with only minor increases in delays and queues.*
- *The new shared pathway proposed along the eastern side of Tuckeroo Avenue as part of the Mullumbimby Bike Plan will address the current gap in the network and provide continuous access between the site, childcare centre, and Mullumbimby town centre.*
- *Localised issues relating to the existing childcare centre and potential sight distance constraints can be managed through standard subdivision design refinements at the DA stage.*
- *Further design changes within the road network in the vicinity of the site to facilitate pedestrian movements are to be incorporated into a future development application design to modify existing planted medians within Tuckeroo Avenue.*

The Traffic Impact Assessment demonstrates that the proposed rezoning and future residential development of the site will generate a relatively low number of additional trips, with the surrounding road network capable of accommodating this traffic under 2027 design conditions. Cumulative impacts from nearby committed developments, including the former Mullumbimby Hospital site, have been considered, and modelling confirms that key intersections will continue to operate within acceptable thresholds. Appropriate access, intersection treatments, and pedestrian/cyclist infrastructure have been identified and can be addressed through detailed design at the development application stage. Overall, the proposal is not expected to result in any unacceptable traffic impacts and is consistent with relevant traffic planning guidelines.

Slope

As illustrated on Figure 13, a slope analysis has been undertaken for the site to inform both the proposed rezoning and the concept layout. The analysis demonstrates that site

topography is a constraint and has influenced the proposed zoning strategy and subdivision outcomes.

The western portion of the site contains areas with slopes ranging between 25% and 33%, particularly in locations adjoining Tuckerroo Avenue. These steeper gradients have been considered in the preparation of the proposed rezoning. In response, this portion of the site is proposed to be rezoned R2 Low Density Residential, which is more appropriate for accommodating larger lots and lower-intensity development on steeper land. As shown on the concept layout, building envelopes within this area are setback and arranged to facilitate practical driveway access from Tuckerroo Avenue, while minimising the extent of cut and fill and responding sensitively to the natural landform.

The eastern portion of the site also contains areas of steeper terrain, with slopes of 25% to 33% located closer to the eastern boundary, and more moderate slopes of approximately 20% to 25% towards the northern areas. The proposed R3 Medium Density Residential zoning, together with a future strata subdivision, provides a more efficient and flexible framework for managing these topographical constraints. Retaining the eastern portion of the site in a single ownership structure allows development to be focused on the relatively flatter areas, while avoiding disturbance of the steeper land.

Importantly, the strata subdivision model enables the steeper portions of the site to be managed collectively as common property, allowing for coordinated ongoing maintenance, environmental management, and bushfire risk mitigation.



Figure 13: Slope Analysis Plan (Civiltech Consulting Engineer)

Q10. Has the planning proposal adequately addressed any social and economic effects?

The proposal can provide for additional housing opportunities within the Byron Shire. The eastern part of the Land is identified as a tier (1) affordable housing contribution area under the Affordable Housing Contributions Scheme 02. A Tier 1 site means that subject to site specific investigations this land may be suitable to progressing to a planning proposal to upzone.

The final form of the contribution is to be determined at in accordance with section 2.1.3 of the applicable affordable housing scheme. Any housing that is to be provided on the site under that scheme is able to be designated as affordable housing at the development application stage.

Section D Infrastructure

Q11. Is there adequate public infrastructure for the planning proposal?

A structure plan has been provided with the application that indicates a possible subdivision design that provides an estimate of the likely generation of Equivalent Tenements (ET) that would be generated by the rezoning of the land.

Sewer infrastructure

Mullumbimby is serviced by a traditional gravity sewer system consisting of a network of gravity sewer collection pipes, sewer pump stations and rising mains. Sewerage from Mullumbimby is transported via the sewerage network out to the Brunswick Heads Sewerage Treatment Plant (STP). Brunswick STP currently caters for both Mullumbimby and Brunswick Heads residential areas.

The existing gravity sewer main runs along the northern boundary of the site and partially through a proposed lot.

Water infrastructure

Water is currently supplied to Mullumbimby via a Council operated Water Treatment Plant (WTP) located at Laverty's Gap. Water is collected at the Laverty's Gap weir, treated and then conveyed into Councils existing water supply reservoirs located at Left Bank Road and Azalea Street. The Azalea Street Water Reservoirs are located to the east of the Site and provides the water supply to the majority of Mullumbimby area.

An existing water main crosses the western portion of the site that will be able to be extended to service the Site. The structure plan provided indicates a possible subdivision design that provides an estimate of dwelling yield that can be used to determine likely water demand for the Site.

It has been previously identified, in the Infrastructure Capacity Assessment prepared for the planning proposal to facilitate the redevelopment of the Mullumbimby Hospital site and through the Mullumbimby Water Supply Strategy, that a water supply capacity issue exists for Mullumbimby. The existing Council water treatment plant and Laverty's Gap Weir are operating at maximum capacity, and other water infrastructure is reaching the end of its useful life. Consequently, the system cannot accommodate additional demand without significant upgrades or augmentation of the treatment plant, or the provision of an alternative water supply.

The Mullumbimby Water Supply Strategy notes that, without investment in new or alternative water sources, a supply deficit is expected by 2050. As all future development on the site will comprise new construction, it will be subject to BASIX provisions, which will reduce overall water demand for any future dwellings.

Future infrastructure works by Council are noted to be underway, such as connecting Mullumbimby to the Rous Water network on a temporary basis in an emergency or drought scenario, as is in the current state, or through other infrastructure based solutions.

The site is identified within the Byron Shire Residential Strategy 2024 Development Sequencing plan as a short to medium term site, with planning to occur within the 3 - 5 year period. The inclusion of the land within the strategy also considered the likely water demand generated by additional land released by that strategy. as a result, it is considered that there is sufficient capacity in the current system to support the proposed rezoning.

Road infrastructure

The traffic impact assessment by CRG notes that the existing road network will continue to operate within acceptable thresholds under year 2027 with only minor increases in delays and queues. The assessment has also considered cumulative impacts from nearby development from the former Mullumbimby Hospital site.

Stormwater infrastructure

A stormwater assessment has been undertaken by Civiltech that has confirmed that there are no significant issues for the site that would prevent the provision of a compliant hydraulic design.

The site will require a detailed stormwater design at the future development application stage, allowing for the implementation of detention basins and tanks within both the eastern and western portions of the site. This will ensure that critical stormwater flows within existing networks and flow paths are not increased.

The proposed R3 Medium Density Residential zoning facilitates a larger, integrated strata scheme, providing a more effective framework for the coordinated design, implementation, and long-term management of on-site stormwater infrastructure. This approach enables stormwater to be managed holistically across the eastern portion of the site, rather than on a fragmented, lot-by-lot basis, thereby supporting the relevant stormwater objectives, including detention, treatment, and controlled discharge, in accordance with Council requirements.

The area of the site that is identified as flood prone land under the 2100 plus climate change flood model and this area is constrained to the southwestern corner of the site is intended to be utilised as a future stormwater detention basin for the Site.

The detailed design phase, to be undertaken as part of a future development application, will also ensure that there are no detrimental stormwater impacts on adjacent or downstream properties and that the public infrastructure created will be in accordance with Council's maintenance guidelines.

Section E State and Commonwealth Interests

Q12. What are the views of state and Commonwealth public authorities consulted in order to inform the Gateway determination?

The Gateway determination will identify any other public authority that is required to be consulted.

During the scoping stage, the following government agencies have provided a written response to the scoping report. A copy of the agency scoping advice is provided with the planning proposal.

1. NSW Rural Fire Service

The scoping study was referred to the NSW RFS as part of the scoping proposal stage. The RFS responded in a letter to Council dated 3 June 2024, which notes that

The scoping proposal relates to rezoning large lot residential to low density and/or medium density residential land use zone. No significant bushfire hazard is present. Small individual pockets of rainforest vegetation border the site. The site is predominantly mapped urban grassland hazard which will become roads and housing upon development. There is no requirement for perimeter road. Reticulate water with street hydrants is proposed.

The NSW RFS supports the scoping proposal. Future gateway Planning Proposal exhibition documents shall address remnant/retained and/or any revegetation requirements.

A Bushfire assessment accompanies the proposal that addresses the RFS requirements and demonstrates that the future development on the site will be capable of complying with Planning for Bush Fire Protection 2019. Future development at a development application stage will need further assessment for site specific uses and designs.

Vegetation to be removed and revegetation requirements can be suitably identified at the development application stage for the future subdivision of the Site.

2. The Department of Climate Change, Energy, The Environment and Water

The Department of Climate Change, Energy, The Environment and Water (DCCEEW) Biodiversity, Conservation and Science Group (BCS) also provided comments on the scoping proposal in a letter dated 17 June 2024. The BCS comments recommended that;

- a. The planning area be expanded to include the entirety of Lot 32 both east and west of Tuckeroo Road in the planning proposal.
- b. A biodiversity assessment be prepared to inform the planning proposal by identifying HEV land in accordance with the DCCEEW BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals
- c. Confirmed HEV land on Lot 32 west of Tuckeroo Road be zoned C2 Environmental Conservation.
- d. Confirmed HEV land on Lot 32 east of Tuckeroo Road be considered for conservation zoning.

The assessment and determination of whether any areas of the site meet the criteria for application of a conservation zone has been guided by:

- The *DCCEEW BCS NE Branch Approach to Biodiversity Assessment for Planning Proposals* (Attachment 1 of DCCEEW letter of 17/06/2024 - Ref: DOC24/399542-2)
- The *Northern Councils E Zone Review: Final Recommendations Report* (DPE, 2015)

The approach advised by these two documents is not entirely consistent and the *Northern Councils E Zone Review: Final Recommendations Report* has been used as the primary guide for determining the need for, and extent of, any conservation zone for the site.

Conservation zones (C2 and C3) are to be applied if the primary use of the land is considered to be environmental conservation or environmental management **and** the land

contains attributes which meet one or more of the criteria for an C2 or C3 zone. The primary use of the land is the main use for which the land has been used for the last two years (DPE 2015).

The site assessment confirms that there is only one area of the site, located at the northwest corner of the western portion of the lot, for which the primary use of the land is environmental conservation. This area of the site (~370 m²) forms part of the 'Tallowood Ridge' walkway that appears to have been planted with native species (including current threatened species) at the beginning of 2014. This patch of native vegetation forms part of a narrow, vegetated corridor that extends west of the site.

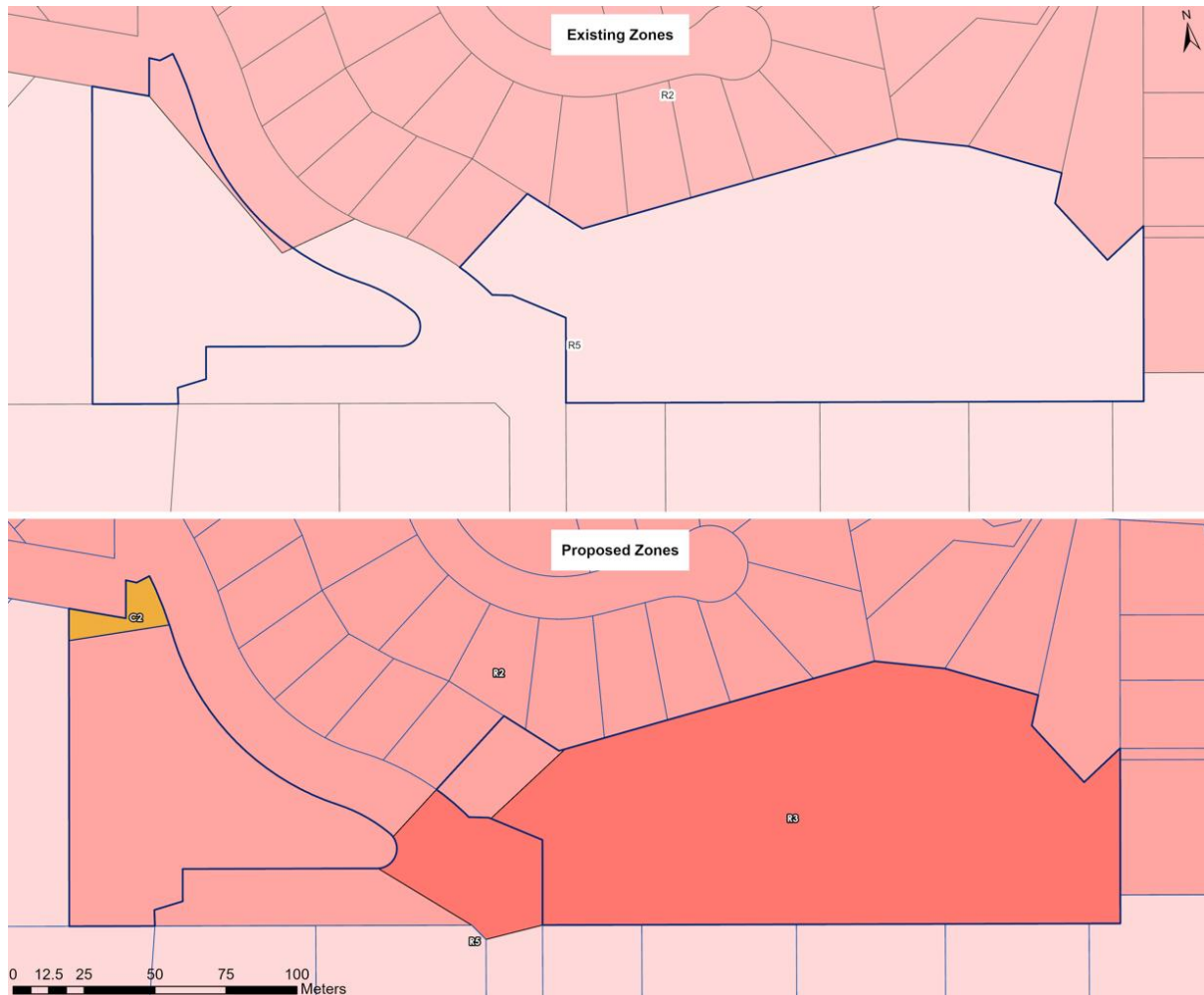
The patch of vegetation in this area of the site is 'key threatened species habitat' and is an 'over-cleared vegetation community' both of which are criteria for an C2 zone (DPE 2015). Application of the C2 zone criteria to this area of the site is provided in Table 6.1 of the Preliminary Ecological Assessment report.

As the primary use of this area of the site has been conservation for at least the last two years and meets several of the C2 zone criteria, it is recommended that the area be zoned C2 Environmental Conservation. The proposed location and extent of the C2 zone within the site is displayed in Figure 6.1 of the Preliminary Ecological Assessment .

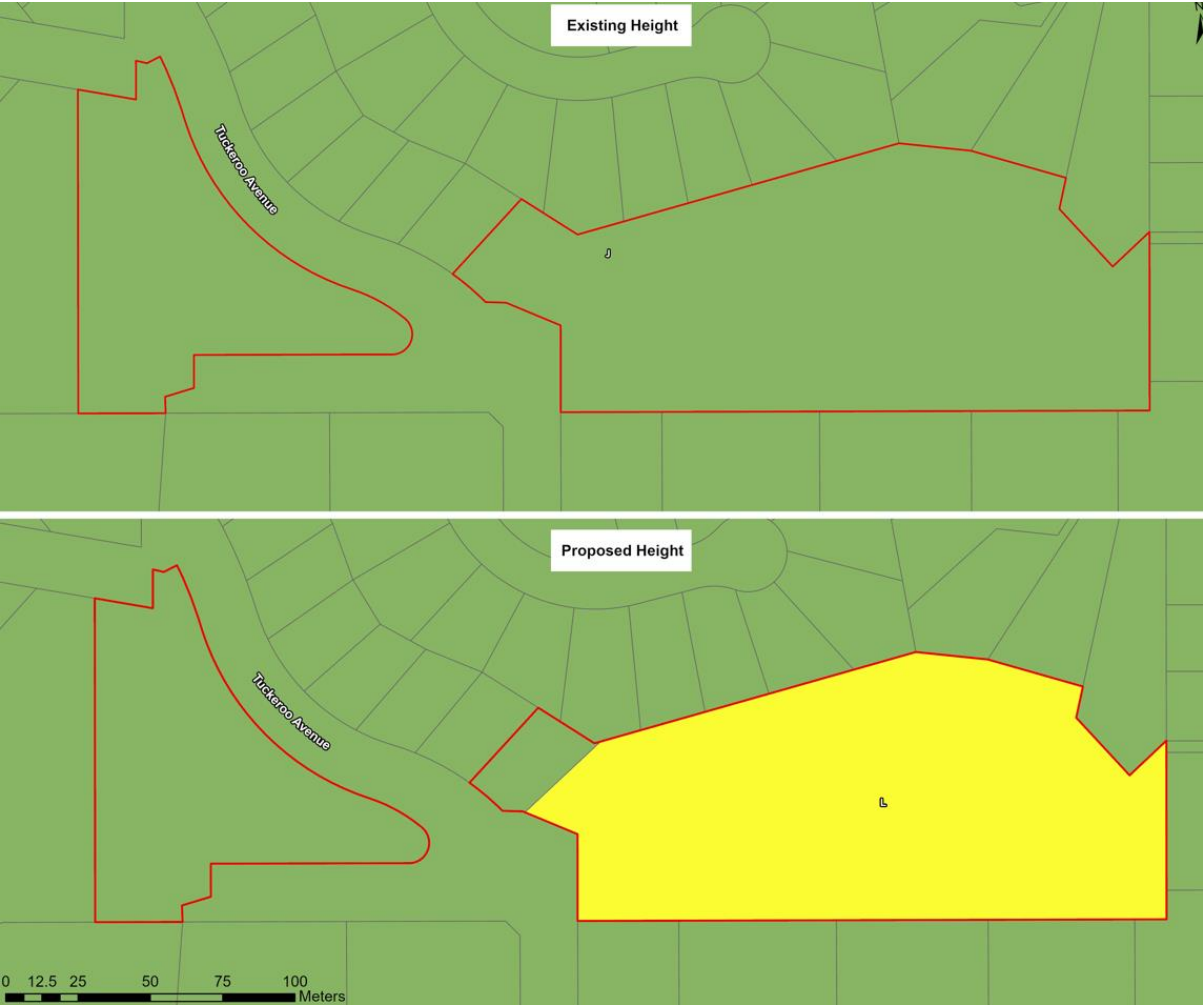
Part 4 Mapping

Amendments will be required to the following Byron LEP 2014. The following maps show the current and proposed changes side by side. Full size maps are provided as an appendix to this report.

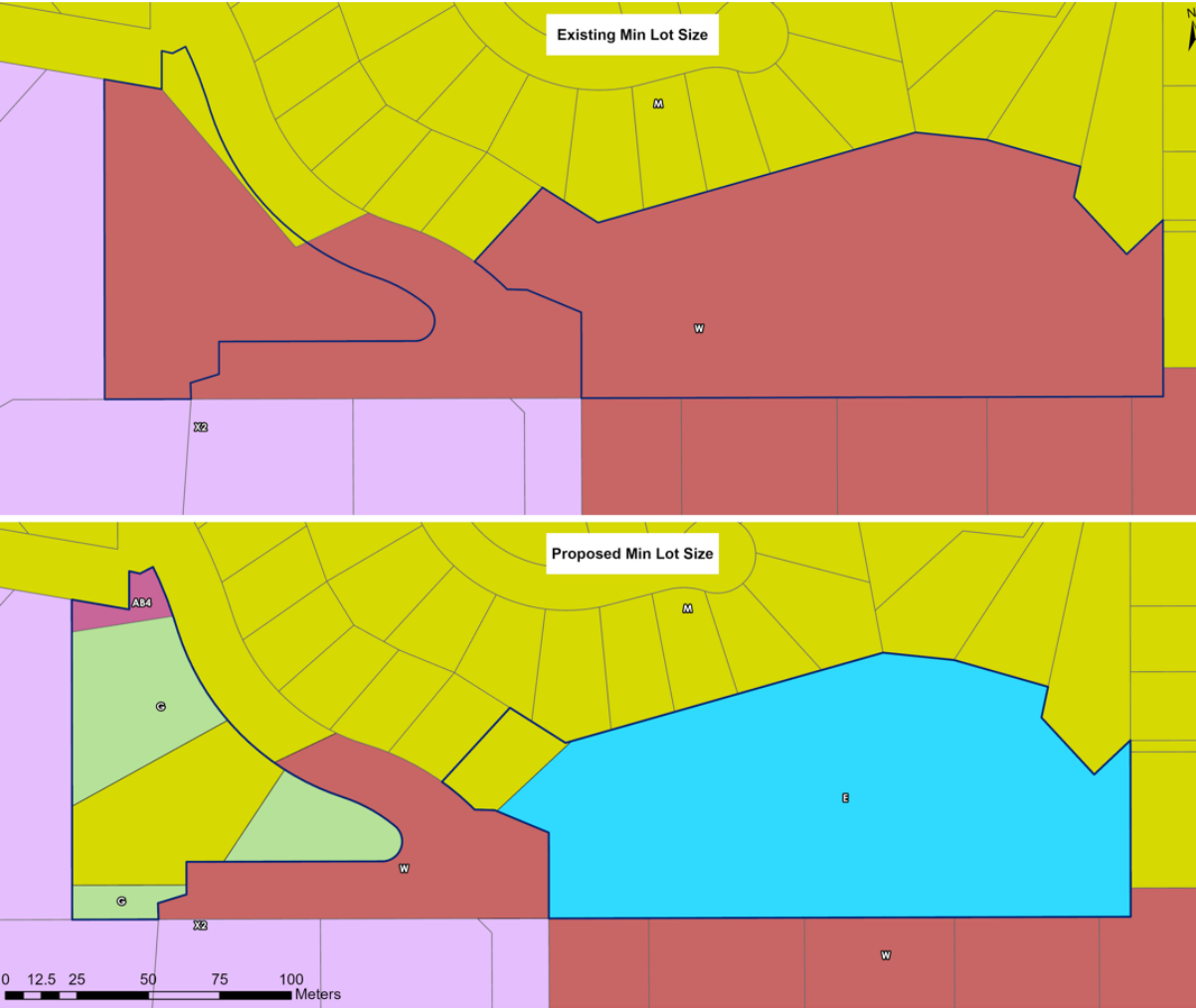
A. Land Use Zoning



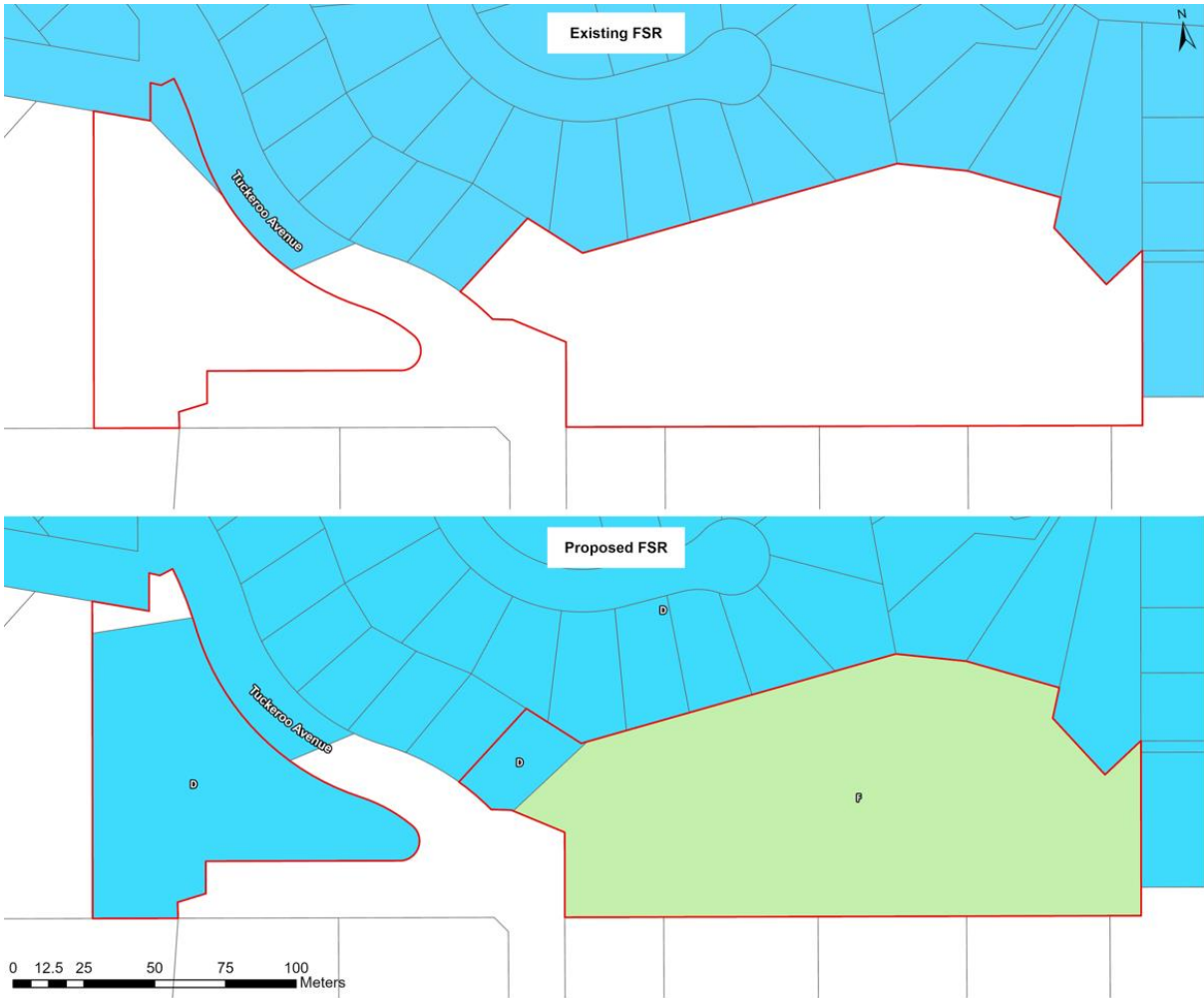
B. Height of Buildings



C. Minimum lot size



D. Floor Space Ratio



Part 5 Community consultation

No specific community consultation has been undertaken as part of the pre-lodgement stage of this planning proposal. It is noted that Council has previously undertaken consultation with respect to this site as part of the adopted Residential Strategy which identified the site for future rezoning.

It is expected that community consultation will be conducted in accordance with the Gateway determination for a period of twenty-eight (28) days, or otherwise in accordance with Council's Community Participation Plan.

Notification of the exhibited planning proposal will include:

- updates to Council's website
- referral to relevant State agencies
- notification in writing to affected landowners

Part 6 Project timeline

The proposed timeline for the completion of the Planning Proposal is as follows:

Plan making step	Estimated completion
Gateway Determination	October 2026
Agency Consultation	November 2026
Public Exhibition Period	November 2026
Submissions Assessment	December 2026
Submission of endorsed LEP to DPIE for finalisation (non-delegated)	February 2026
Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)	NA
DPHI to make the LEP amendment	March 2026
LEP amendment notification	April 2026

Conclusion

This planning proposal seeks to amend Byron Local Environmental Plan 2014 to enable the rezoning of Lot 32 DP 1169053 from R5 Large Lot Residential to R2 Low Density Residential and R3 Medium Density Residential to enable a range of housing types on the Site. This Planning Proposal seeks to amend Byron Local Environmental Plan (LEP) 2014 to:

- (i) Rezone Tuckeroo Avenue, Mullumbimby (Lot 32 DP 1169053) to a combination of R2 Low Density Residential, and R3 Medium Density Residential by amending the Land Use Zoning, Minimum Lot size, Floor Space Ratio and Height of Buildings Maps

Supporting expert studies have been supplied that demonstrate that the site is suitable.

It is considered that there is sufficient information to seek a Gateway Determination and proceed to public exhibition of the planning proposal.

Appendix

Appendix 1 – Proposed Concept Layout

Appendix 2 – Traffic Impact Assessment

Appendix 3 – Bushfire Threat Assessment

Appendix 4 – Preliminary Ecological Assessment

Appendix 5 – Utility Assessment

Appendix 6 – Stormwater Management Strategy

Appendix 7 – Slope Analysis Plan

Appendix 8 – Planning Proposal Plans