

Byron Shire Rural Land Use Strategy Supporting Background Information

VOLUME 1 – CONSISTENCY WITH STATE POLICY FRAMEWORK

This is Volume 1 of 4 containing supporting information used to inform the strategy, as follows:

- Volume 1 Consistency with State Policy Framework (BSC #E2018/16606)
- Volume 2 Background Information (BSC #E2018/16617)
- Volume 3 Potential Sites for Future Rural Lifestyle Living Opportunities and Future Urban/Village Development (BSC #E2018/16648)
- Volume 4 Preceding Stages
 - 4.1 Discussion Paper (BSC #E2018/16632)
 - 4.2 Site Suitability Criteria and Mapping Methodology (BSC # E2018/16629)
 - 4.3 Policy Directions Paper (BSC #E2018/16624)

Document History

E2016/11326	17 March 2016	Public Exhibition Version
E2016/78902	23 August 2016	DPE Version incorporating Council Resolution 16- 414 amendments
E2017/10903	31 March 2016	Version incorporating changes in response to submission from DPE (20 October 2016) and Council Resolution 16- 414 (#E2016/78902)
E2017/111072	26 October 2017	Version incorporating Council Resolution 17-504 – New Appendix 1 Consistency with State Policy Framework
E2018/16606	February 2018	Final version for submission to DPE for endorsement following DPE feedback contained in #E2018/13556 and #E2018/13705

Consistency with State/Regional Policy Framework

The Rural Land Use Strategy has been reviewed for consistency with the state/regional policy framework, as follows:

State Environmental Planning Policies:	Consistency	Table Reference
S117 Directions:	Consistent as detailed in	Table 1: Directions Policy Checklist
North Coast Regional Plan 2036:	Consistent as detailed in	Table 2: North Coast Regional Plan Checklist
SEPP (Rural Lands) 2008:	Consistent as detailed in	Table 3: Rural Planning Principles
Settlement Planning Guidelines Mid and Far North Coast:	Consistent as detailed in	Table 4: Settlement Planning Guidelines Checklist

✓ In reading the following tables a 'tick' indicates a consistency with policy.

Table 1: S117 Directions Policy (Checklist)

Relevant S117 Direction		MAP 3 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 ^{1.}	Site 4 ^{2.}
1	Employment and Resources	✓	✓	✓	✓
1.2	Rural Zones	The designation of this site may enable the altering of the RU2 zone. Maps 3a & 3b showing unconstrained land excludes the regionally significant farmland.	The designation of this site may enable the altering of the RU2 zone. Maps 3a & 3b showing unconstrained land excludes the regionally significant farmland.	The designation of this site may enable altering of the zone of rural land. See 5.3 below	The designation of this site will not enable the altering of the zone of rural land.
1.3	Mining, Petroleum Production and Extractive Industries	Nothing in the designation of this site would contribute to the restriction of potential development of resources.	Nothing in the designation of this site would contribute to the restriction of potential development of resources.	Nothing in the designation of this site would contribute to the restriction of potential development of resources.	Nothing in the designation of this site would contribute to the restriction of potential development of resources.

Relevant S117 Direction		MAP 3 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 ^{1.}	Site 4 ^{2.}
1.5	Rural Lands	Table 3 (below) provides strategic analysis of the Rural Planning Principles'.	Maps 3a & 3b showing unconstrained land excludes the regionally significant farmland. Table 3 provides a strategic level analysis of the 'Rural Planning Principles'.	✓	✓
2	Environment and Heritage				
2.1	Environment Protection Zones	Contains deferred matter See comment in 2.5 below	No deferred matters	Contains deferred matter See comment in 2.5 below	Contains deferred matter See comment in 2.5 below
2.5	Application E Zones	Comment: Not applicable until E Zones are determined for the Shire in accordance with the <i>Northern Council's E Zone Review Final Recommendations Report</i> for effected areas.			
2.2	Coastal Protection	✓	✓	✓	Has capacity to address the coastal hazards
2.3	Heritage Conservation	Comment: Unable to fully determine without a site specific appraisal. If Council's Cultural Heritage Study (currently underway) indicates any of the areas as potentially containing or being in vicinity of a cultural site, then the strategy and any subsequent planning proposal processes would require consultation with the relevant Aboriginal community.			
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones (b) does the location make efficient use of existing infrastructure and services	Well connected – adjacent to R5 & within 5km of a town with a high school	Well connected- within 5km of a town with a high school	Well connected – adjacent to R5 & within 5km of a town with a high school	Outside 5km catchment of a town with a high school
4	Hazard and Risk				
4.1	Acid Sulfate Soils	✓	✓	✓	ASS 2,3 & 4 (See hazard comments below)
4.2	Mine Subsidence and Unstable Land	✓	✓	✓	✓
4.3	Flood Prone Land (using LEP 2014 100yr flood controls)	✓	Partially affected (See hazard comments below)	✓	✓

Relevant S117 Direction		MAP 3 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 ^{1.}	Site 4 ^{2.}
4.4	Planning for Bushfire Protection	Partially affected by buffer	Partially affected by buffer vegetation category 1,2,3	Partially affected by buffer	Affected by buffer vegetation category 1,2,3 (See hazard comments below)
Hazard comments		<p>Site 4 – Acid sulphate soils & Bushfire Planning: has capacity to address areas containing the acid sulphate soil categories that are Risk Classes 1 and 2 and address areas containing planning for bushfire protection.</p> <p>Site 1 – Flood Prone Land: further analysis at the planning proposal stage provides capacity to exclude areas where there is a predicted extreme flood hazard risk or development of such land could contribute to increased potential food impacts outside the subject land.</p>			
5	Regional Planning				
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Excludes regionally significant farmland	Maps 3a & 3b showing unconstrained land excludes the regionally significant farmland	Regionally significant farmland – see comment below	Not applicable
Assessment against the Important Farmland Interim Variation Criteria in NCRP		Area 3 designation of this site is on the basis of providing torrens title to existing approved community title with no capacity for additional development and is unlikely to increase conflict with current or future agricultural activities.			
5.10	Implementation of Regional Plans	See Table 2 below.			

Notes:

1. The designation of this site is on the basis of providing torrens title to existing approved community title with no capacity for additional development.
2. The designation of this site is on the basis of providing individual title to existing approved accommodation units with no capacity for additional development.

Table 2: North Coast Regional Plan 2036 (Checklist)

Regional Plan Reference		Priority sites for rural lifestyle living opportunities				Document in general
Goal	Direction	1	2	3	4	
1	1	✓	✓	✓	✓	✓
	2	✓	✓	✓	✓	✓
	3	✓	✓	✓	✓	✓
	4	n/a	n/a	n/a	n/a	✓ Comment- Includes actions addressing renewable energy and net zero emissions outcomes

Regional Plan Reference		Priority sites for rural lifestyle living opportunities				Document in general
Goal	Direction	1	2	3	4	
2	9	✓	✓	✓	✓	Includes an action addressing buffers and setbacks surrounding agricultural and rural land, and assessment criteria for planning proposals and development applications
	5,6,7,10,12	Not directly applicable				Includes an action to develop rural industry-specific growth strategies, including promoting Byron Shire as a place where small scale food production is a viable lifestyle and business opportunity.
	8	Consistent: includes actions to promote of appropriate rural tourism				
	11	See S117 Direction 5.3 in Table 1				
	13	See S117 Direction 4.2 in Table 1				
3	14	Consistent: includes an action to enable preparation of precinct plans as required for villages or rural lifestyle living areas				
	15	Includes an action to facilitate and encourage opportunities for a diversity of housing including seniors' housing within rural villages.				
	16 & 18	Consistent: includes actions to work with traditional owners improve Aboriginal cultural outcomes				
	17,19, 20	Not directly applicable				
	21 (infrastructure)	✓	✓	✓	✓	✓
4	22	Not directly applicable				
	23	Includes actions to investigate measures to increase housing diversity and choice in villages and to address unauthorised dwellings and dwelling entitlements.				
	24	✓	✓	In coastal strip - existing development	In coastal strip - existing development	Includes an action to improve Council's database on rural subdivision and dwelling approvals for planning purposes (to better quantify future supply and demand).
4	25	Not directly applicable				

State Environmental Planning Policy (Rural Lands) 2008 provides clear guidance on the planning and subdivision of rural land.

Table 3: Strategic level of assessment against SEPP (Rural Lands) 2008 - 'Rural Planning Principles'

Part 2: Rural Planning Principle	Rural Land Use Strategy (Strategy) Document in General	Further Comment on Priority sites for rural lifestyle living opportunities
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	<p>Section 3.2 of the Strategy establishes a framework for the protection and encouragement of a secure, diverse and viable agricultural industry.</p> <p>The Strategy clarifies that future rural lifestyle living opportunities will only be considered where consistent with the Policy Directions of the Rural Economy.</p> <p>The Strategy includes an action to promote Byron Shire as a place where small scale food production is a viable lifestyle and business opportunity.</p>	<p>Sites 1 & 4 are not significant farmland.</p> <p>Site 2 contains a small narrow area of significant farmland; Maps 3a & 3b showing unconstrained land excludes regionally significant farmland.</p> <p>Site 3 is limited to generally existing community title dwelling lots and retains the balance of the land as regionally significant farmland.</p>
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State	<p>Section 3.2 of the Strategy establishes a framework for the protection and encouragement of a secure, diverse and viable agricultural industry.</p> <p>The Strategy contains a number of actions to better understand through research and consultation, how to strengthen and support existing and emerging trends in agriculture. This includes working with land owners of vacant or underused farmland to connect with potential producers, an issue that extends beyond the local Byron Shire to the region and state.</p>	<p>There is a trend for Byron Shire rural lifestyle residents to participate in sub commercial forms of primary production. The Strategy includes an action to <i>'where appropriate, design housing to minimise the environmental impact of development and construction, encourage communal living, maximise the opportunities for the use of the remainder of the land for agriculture, reforestation, or recreation and consolidate access and services.'</i></p>
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and	<p>A key policy direction of the Strategy is to work with the rural community to understand the nature and issues facing rural land uses and to build partnership to ensure a long term future for agricultural in the Shire.</p>	<p>The sites identified are either an extension of existing rural residential areas or provide for an individual title to existing approved development with no capacity for additional development.</p>

Part 2: Rural Planning Principle	Rural Land Use Strategy (Strategy) Document in General	Further Comment on Priority sites for rural lifestyle living opportunities
development		
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community	The process of preparation of the Strategy has entailed extensive consultation with the community, and in particular the rural community to understand values and expectations for the rural area. The Strategy clarifies that future rural lifestyle living and other uses such as wedding venues or tourism opportunities will only be considered where consistent with the Policy Directions of the Rural Economy and Rural Environment.	The Sites are well connected – Sites 1, 2 & 3 are adjacent to R5 & all are within 5km of a town with a high school.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land	Site suitability and mapping criteria have been applied and mapped in Volume 4.3 Background Supporting Information. The purpose of this document is to provide a comprehensive framework for determining future rural development potential (rural tourism, rural lifestyle living opportunities) and urban investigation areas, based on a range of natural resource management, risk avoidance and social/economic servicing criteria.	This forms part of the site suitability and mapping criteria applied in identifying possible rural lifestyle living locations.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities	The 'Rural Community' actions in the Strategy include: <ul style="list-style-type: none"> • a review of the capacity for the rural villages to provide greater housing choice and diversity to meet the needs of rural residents • working to address unauthorised dwellings and to where possible assist in issues associated with housing affordability in the Shire. 	Both sites 1 and 2 are suitable for conventional or community title and provide an opportunity for additional rural lifestyle living opportunities.

Part 2: Rural Planning Principle	Rural Land Use Strategy (Strategy) Document in General	Further Comment on Priority sites for rural lifestyle living opportunities
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing	The Strategy's 'Rural Community' and 'Rural Infrastructure' policy directions and actions clearly require the consideration of infrastructure services in the location of additional rural housing. In particular future rural lifestyle living opportunities are to only occur where an acceptable standard of road infrastructure can be provided at no cost to the wider community. Maintenance of existing road infrastructure was identified as a key concern by the community and is a significant ongoing cost to the community .	The site suitability and mapping criteria applied in identifying possible rural lifestyle living locations included consideration of services and infrastructure, particularly road infrastructure and proximity to urban services.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	As detailed in Table 2: North Coast Regional Plan 2036 Checklist.	As detailed in Table 2: North Coast Regional Plan 2036 Checklist.
Part 3: Subdivision of land principles	<p>One of the commonly raised issues during community engagement related to the size of allotments and properties; and the implications for both productive agricultural pursuits and potential for subdivision and additional housing. Subdivision has been seen as a means of resolving the financial concerns of rural landowners seeking to stay on the farm.</p> <p>The Strategy contains actions to:</p> <ul style="list-style-type: none"> • focus on enabling agricultural production to value add and diversity to support viability of farms rather than that encouraging more fragmentation in the rural areas through smaller holdings; the ability to generate a supplementary income has been seen as an appropriate alternative to selling off part of the farm • encourage landowners of unused rural land to connect with rural producer to increase the level of productive land in the Shire • investigate additional subdivision/ housing potential within existing large lot residential estates to assist providing for the market demand for rural lifestyle living opportunities/housing • encouraging new rural lifestyle living opportunities to use a clustered housing design to minimise impacts and maximise opportunities for agriculture, reforestation and consolidated access and services 	

Table 4: Settlement planning guidelines: mid and north coast regional strategies (checklist)

Planning Principles		Consistent Y/N	Comment
Location			
1	Future urban settlement should be located predominantly within the agreed growth areas.	Y	Potential future urban settlement areas excluded from consideration for rural lifestyle living opportunities (RLLO).
2	Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimize environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.	N/A	
Land suitability (environment, natural resources, hazard)			
3	Future development should be located on land that is suitable for the development and capable of supporting the proposed uses.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.
4	Planning for future development on land already zoned for settlement but not yet developed should identify the constraints and opportunities of the land. Development should achieve a carefully planned community, respecting environmental, resource and hazard issues.	Y	RLUS includes an action to prepare neighbourhood/village plans, where appropriate.
5	Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.

Planning Principles		Consistent Y/N	Comment
6	Future development of adjoining land with the above values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	Y	<p>Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.</p> <p>RLUS includes an action to review buffer and land use conflict management provisions.</p>
7	Future development should be strategically planned by providing a timely release of adequate and appropriately located land to address the specific dwelling targets and housing mix identified in the regional strategies. Future rural residential development should be planned for as part of council's total dwelling targets.	Y	<p>Early draft of the RLUS identified potential future urban settlement areas and excluded such land from consideration for rural lifestyle living opportunities (RLLO).</p> <p>In the preparation of the Residential Strategy housing supply met by RLLO, village and secondary dwellings in rural areas will be factored into meeting the Shire's future housing needs .</p>
8	Future development, particularly in the major centres, should be planned to affect a shift in the new dwelling mix to achieve 60% single dwellings and 40% multi-unit housing across the region to meet the future demographic needs of smaller households and an ageing population.	N/A	Recent amendments to LEP 2014 enable secondary dwellings on Rural and R5 zoned land, contributing to choice in smaller household needs in rural areas.
Settlement form and hierarchy			
9	Future development should: a) strengthen the hierarchy of settlement identified in the regional strategies, support and maintain strong multi-functional business centres, minimize urban sprawl, and maximize	Y	Principles a), b) & d) – service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites.
		Y	Principles c), e) & f) – RLUS

Planning Principles	Consistent Y/N	Comment
<p>infrastructure and service efficiencies</p> <p>b) be planned to create communities within the hierarchy of settlement. Consideration should be given to the ultimate geographical extent and population target for each community that is to be formed or built upon, and the staging/timing by which it is proposed to reach that position</p> <p>c) provide for a mix of houses, jobs and open space</p> <p>d) be appropriately located in relation to its scale, nature or type of development; the ability to provide the necessary infrastructure and services; the need for access and to ensure effective traffic management</p> <p>e) in the case of residential development, provide for a variety of dwelling types and a choice in location, form and affordability and</p> <p>f) enable mixed uses and home-based employment in residential or village zonings where appropriate.</p>		<p>includes an action to prepare village plans where appropriate, which will consider measures for improving housing choice and diversity in villages and employment opportunities.</p>
<p>10 Future rural residential development should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.</p>	Y	<p>Service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites.</p> <p>Potential future urban settlement areas are excluded from consideration for rural lifestyle living opportunities (RLLO).</p>

Planning Principles		Consistent Y/N	Comment
11	Future rural residential development should be clustered to encourage a sense of community and for the efficient provision of services. Fragmented development over the landscape will not be permitted.	Y	The RLUS includes an action to review minimum lot sizes in existing R5 zoned areas with a potential to strengthen communities, reduce rural residential sprawl and to achieve greater efficiency in infrastructure and services delivery.
12	Future development, particularly at the residential/agricultural and residential/industrial interfaces, should be planned for and managed so any potential conflict is minimized in relation to adjacent land uses.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document. RLUS includes an action to review buffer and land use conflict management provisions.
Urban design and heritage			
13	Future development should recognize, protect and be compatible with any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance of the area or settlement that it is to be located in.	Y	Details contained in the site suitability criteria and mapping methodology document.
14	Future development should reflect high quality design that is compatible with the local and regional attributes which make up the region's character, such as climate, landscape, history, topography, and existing built environment.	N/A	
15	Future development should be designed to ensure there is public access to an adequate supply of appropriately located public open space and recreation areas, to provide for a range of recreational uses and visual amenity.	N/A	

Planning Principles		Consistent Y/N	Comment
16	<p>Future development should contribute to an open space network across the local government area that is designed to:</p> <p>a) encourage and maintain pedestrian movement and public access to community resources or public places (such as watercourses, beaches etc); and</p> <p>b) to reflect each site's natural features and requirements for drainage and water quality maintenance, and nature conservation and biodiversity protection.</p>	Y	<p>a) Not directly applicable</p> <p>b) Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.</p>
17	<p>Future development should encourage walkability and allow for easy access to public places, local shops, services and transport and lead residents to the service centre.</p>	N/A	
18	<p>Aboriginal cultural and community values should be considered in the planning for future development.</p>	Y	
Infrastructure provision			
19	<p>Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match the expected population for each settlement. In rural areas this may require the development being able to provide stand alone services.</p>	Y	<p>Service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites.</p>
20	<p>Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.</p>	Y	
21	<p>Future development should be designed and located to minimize the need to travel; to maximize</p>	Y	

Planning Principles		Consistent Y/N	Comment
	opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency.		
22	Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.	Y	
23	Future development should be designed and located to avoid placing further local traffic demand on the Pacific Highway.	Y	
24	Future development should not contribute to ribbon/strip development nor impact on the safety and efficiency of major or arterial roads.	Y	
25	Future development should provide sufficient buffering distances and/or technological solutions between proposed development and existing or proposed major infrastructure, including rail corridors and airports.	Y	
26	Future development should be designed and located to maximize total water cycle management and minimize impacts on the environment.	N/A	
Employment lands			
27	Industrial land should be made available in a variety of locations to encourage new opportunities as they arise in all major regional centres, major towns and towns. However, location and availability should recognize the linkages between employment land and: settlement areas; markets, transport and access; environmental constraints; and cost effective provision of necessary	N/A	

Planning Principles		Consistent Y/N	Comment
	services and infrastructure.		
28	In the case of the six local government areas in the Far North Coast region, consideration should also be given to the demands and impacts of South East Queensland on the regional economy's employment needs, market opportunities and transport requirements.	N/A	
29	Commercial land, should be located so that it can be conveniently serviced, is accessible to, and is consistent in scale with the settlement it serves or is planned to serve. If commercial land expansion is not adjacent to, or adjoining, an existing centre then any new development should not undermine the existing centre(s) and should be at a scale and location only to serve the target neighbourhood.	N/A	
Tourism opportunities			
30	Future tourism development should not negatively impact on the natural, economic or social fabric of the area it is to be located in.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.
31	Future tourism development should provide for a wide range of experience opportunities from the low cost family type tourism developments, such as in caravan parks and camping grounds, to large single destination development.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.
32	Future investment in and growth of tourism products and services should not occur at the expense of local environmental and social values.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.

	Planning Principles	Consistent Y/N	Comment
33	Consistent with the Regional Strategy, future large scale tourism development is only to be located in prime tourism development areas unless another proposed location is consistent with an approved local growth management strategy.	N/A	
34	Future large scale tourism development that is located adjoining natural features such a beach, estuary, national park or reserve, etc, should maintain public access to those features.	N/A	