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Planning Proposal

For

**Lot 11 in DP 1039847 & Lot 1 in DP 1143630 No.
74 Charltons Road, Federal**

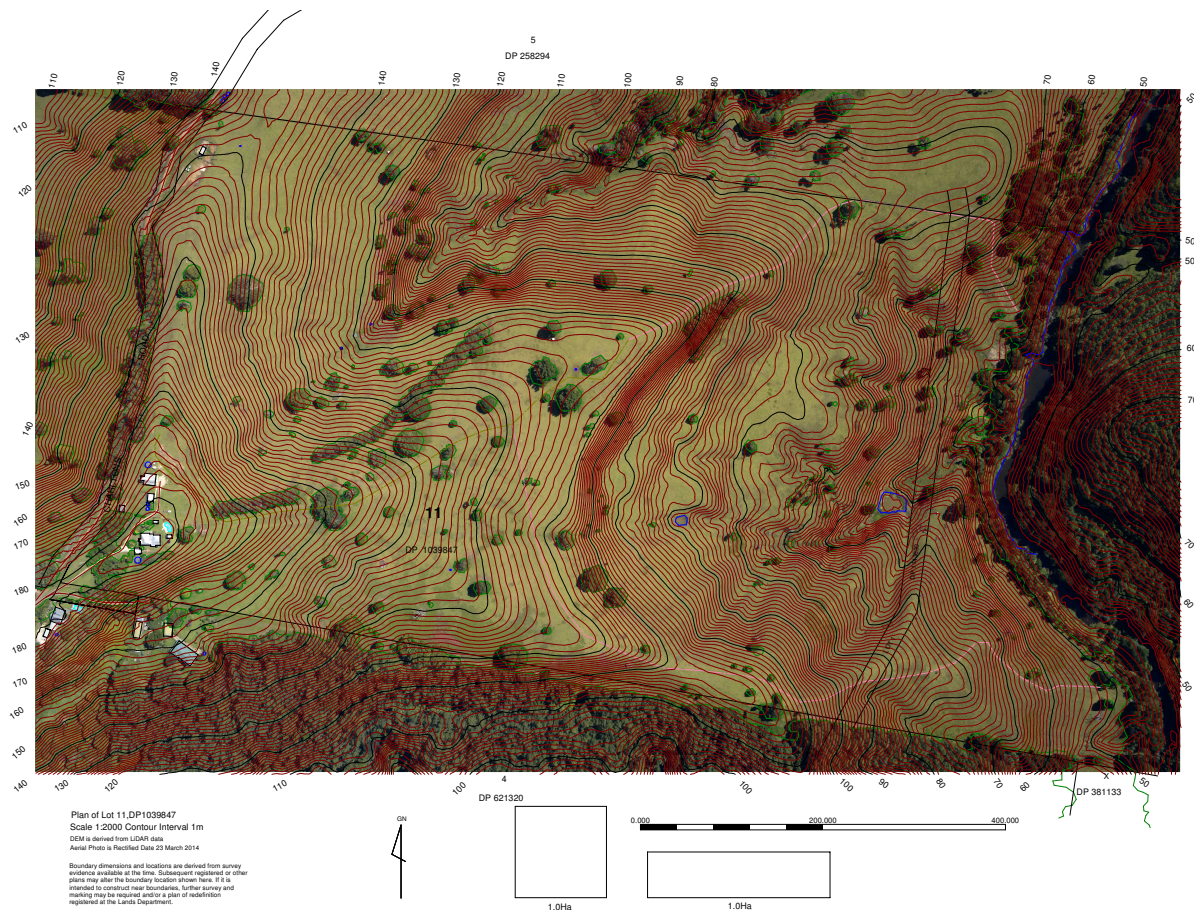


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Background and Introduction

In 1998 the subject site, Lot 11 in DP 1039847 No. 74 Charltons Road, Federal was considered suitable for a *Proposed Rural Landsharing (Multiple Occupancies) Communities* development site in the ***Byron Rural Settlement Strategy, 1998***.

In 1998 for reasons unknown, the then owners requested that the subject site be excluded from Map 2 of the ***Byron Rural Settlement Strategy*** as potentially suitable for a *Rural Landsharing (Multiple Occupancy) Community*.

Council acted on that request in 2000 and excluded the site from the Byron Rural Settlement Strategy Map 2.

This proposal seeks to amend *Byron Local Environmental Plan 2014*, so as to include Lot 11 DP 1039847, being 74 Charlton's Road, Federal NSW, on the *Multiple Occupancy and Community Title Map for Multiple Occupancy (MO)*.

The Byron Council had considered this amendment at its Meeting held September 19, 2013 when it considered amending the Draft Byron LEP 2012 in relation to the site and this specific planning proposal request and resolved (see appendix 1);

Council Resolved 13-511

16. Insert Lot 6 DP 261219(226 Fowlers Lane, Possum Creek) Lot 2 DP 600576(111 Fowlers Lane, Possum Creek) Lot 3 DP 786274 (Settlement Road), Lot 12 DP 755712 (240 Charlton's Road), Lot 3 DP 732638 (Englisses Road), Lot 11 DP 1039847 (74 Charlton's Road) and Lot 16 DP 255603 (coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map as 'Multiple Occupancy'.

In correspondence to the owner, the Department of Planning and Environment (reference 09/02466) acknowledged in paragraph 5, the subject property was listed in Council Minutes dated 19th September 2013 for inclusion on the *Multiple Occupancy and Community Title Map* in the Draft LEP submitted to Minister. However, it was removed from the Byron LEP 2014 prior to the Minister making the Plan. This action was because the subject site had not been placed on exhibition for "community consultation." The Department of Planning and Environment, in the same correspondence recommended the Gateway Process for planning proposals as the appropriate way to include the site in the Multiple Occupancy Maps (See appendix 2).

Byron Shire Council by letter dated 21st July 2014, indicated that it would support the preparation of a planning proposal consistent with what was supported by council in the draft LEP resolution 13- 511 (See appendix 3).

The provisions of Clause 4.2B of Byron Local Environmental Plan 2014 will be applied to any future development.

Multiple Occupancy enables a group of people to collectively own a single allotment of land and use it as their principal place of residence. Common ownership of land is established through tenants in common trust membership, co –operative shareholding, company title or partnership.

The site is a rural property with a total area of 57.998 hectares, which includes an unformed road reserve, which passes through the property (this road reserve, Lot 1 in DP1143630, has been purchased by the owner and is included in the site).

The site is within walking distance to Federal Village, being less than 1km from the Village Store and Post Office. This Planning Proposal is to allow development consent to be sought for a Multiple Occupancy development on the site. When developed, it is intended the land be used for “rural living” and “environmental conservation” and “agricultural purposes” consistent with the *Best Practice Guidelines and Performance Standards of the Byron Rural Settlement Strategy (BRSS) 1998*.

It is envisaged that an integrated approach to the above activities will be undertaken to create rural multiple occupancy opportunities within the site. This approach will be coupled with ongoing and significant environmental repair and remediation programs to enhance the environmental and natural capital of the site. This will include the ongoing conservation and expansion of existing Wilsons River riparian zone and wildlife corridors that are present on the site.

The areas of land that are suitable for agricultural activity and food production will be maintained and managed to avoid fragmentation and to achieve efficiencies of management.

The site adjoins two properties that are mapped on the *Byron Multiple Occupancy Maps* and also adjoins an existing converted Multiple Occupancy development (Keys Gardens) now functioning as a Community Title Settlement (see Map 3).

The site is suitable for further rural settlement given the locality is close to Federal Village and in close vicinity of similar settlements or proposed settlements.

The site has a predominant northern aspect, with large areas of flat land along Charltons Road and future dwellings and a service access road can be provided for on two or three spurs that exist on site and that are cleared of native trees.

The overall theme of the MO will be; the identification and protection of natural resources, the implementation of programs to further regenerate and revegetate areas requiring repair, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.

Riparian Zone Revegetation on the Wilson River at Federal NSW



Above photo of flood event in 2004, pre fencing and planting in 2006 and now in 2014 below

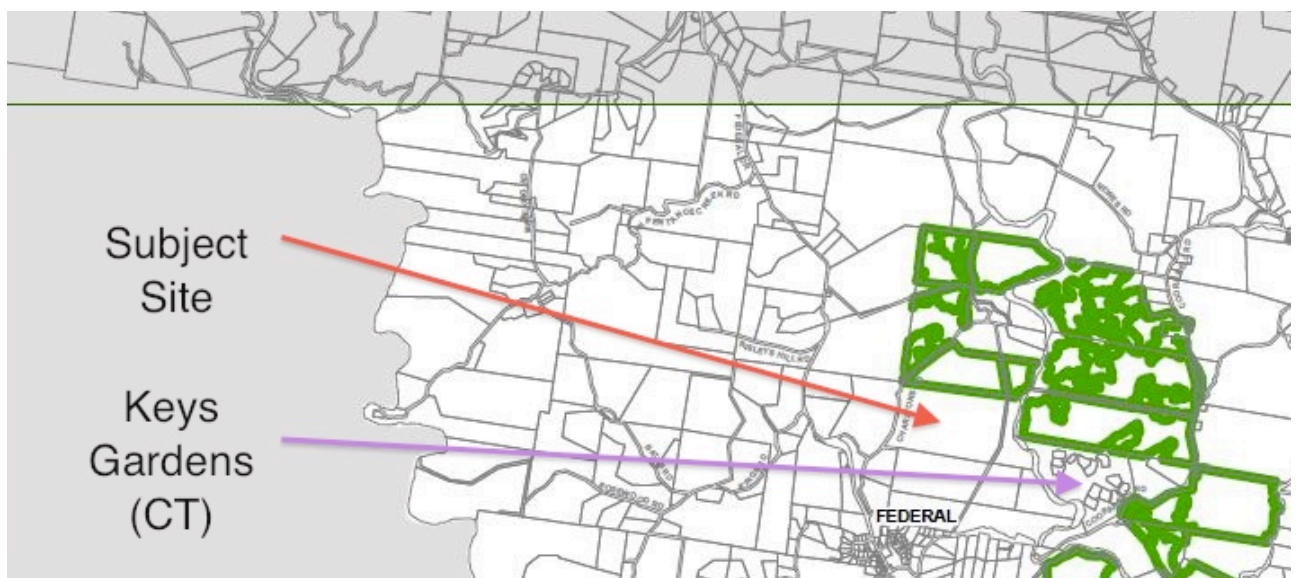
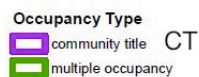
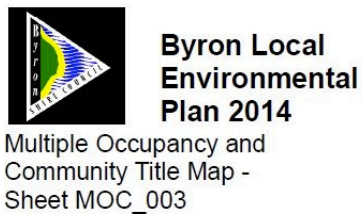


The Site

The site is located on the eastern side of Charltons Road approximately, 100 metres after the bitumen ends. The site has an area of 57.98 hectares and offers expansive views to the east and north of the site.

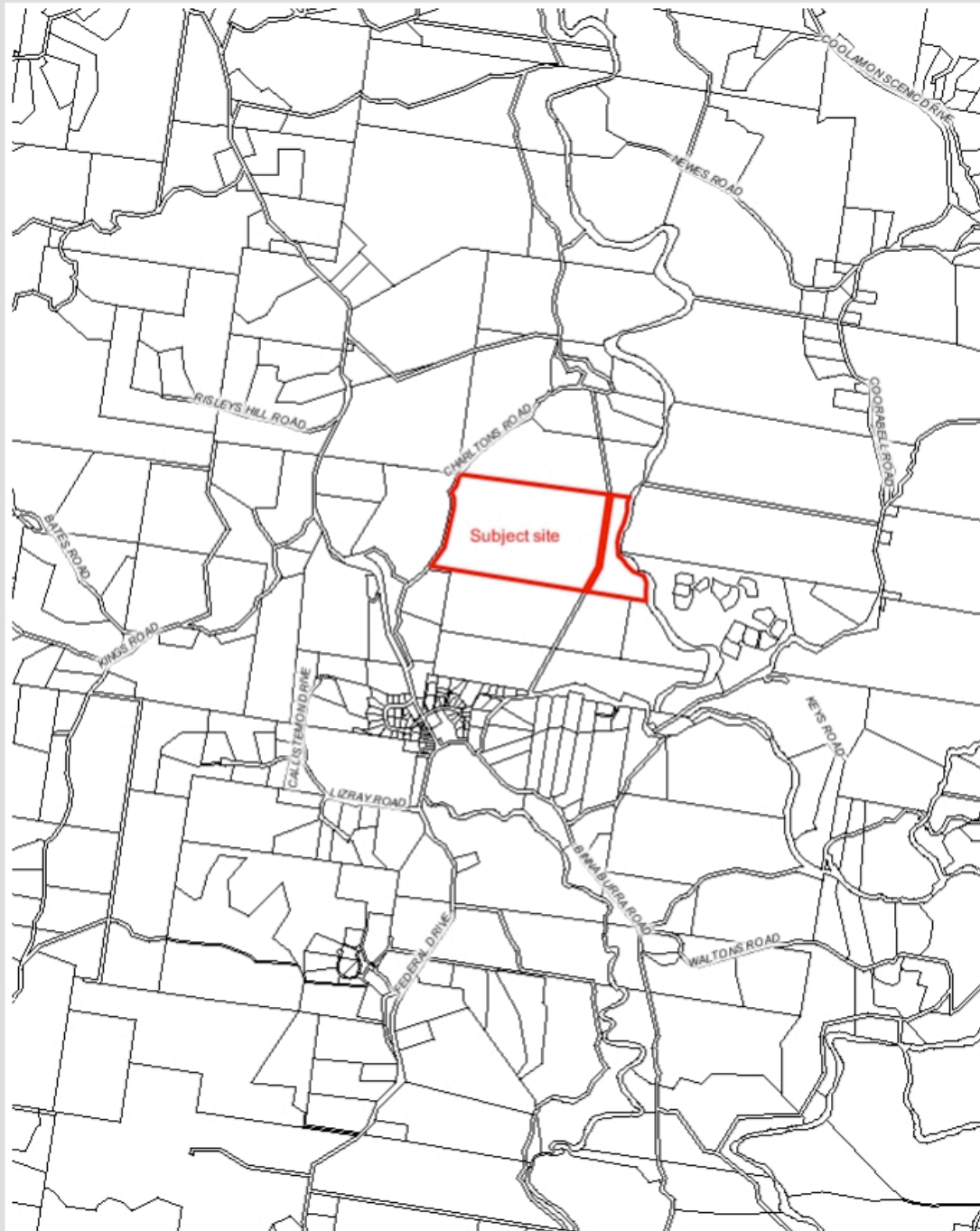
Map 1 shows the site adjoining and nearby lots included in the Multiple Occupancy and Community Title map outlined in green and adjoining Keys Gardens Community Title Multiple Occupancy.

The site is located on the following Locality Map (see Map 2) and Zoning Map (see Map 3).



Map 1 – Multiple Occupancy and Community Title map (Source: Byron Local Environmental Plan 2014 and “Byron Multiple Occupancy Maps, No. 1350 COM- MOC- 003- 20140314)

Lot 11 DP 1039847, 74 Charltons Road, Federal
Byron LEP 2014 Land Zoning



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
 Note: The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

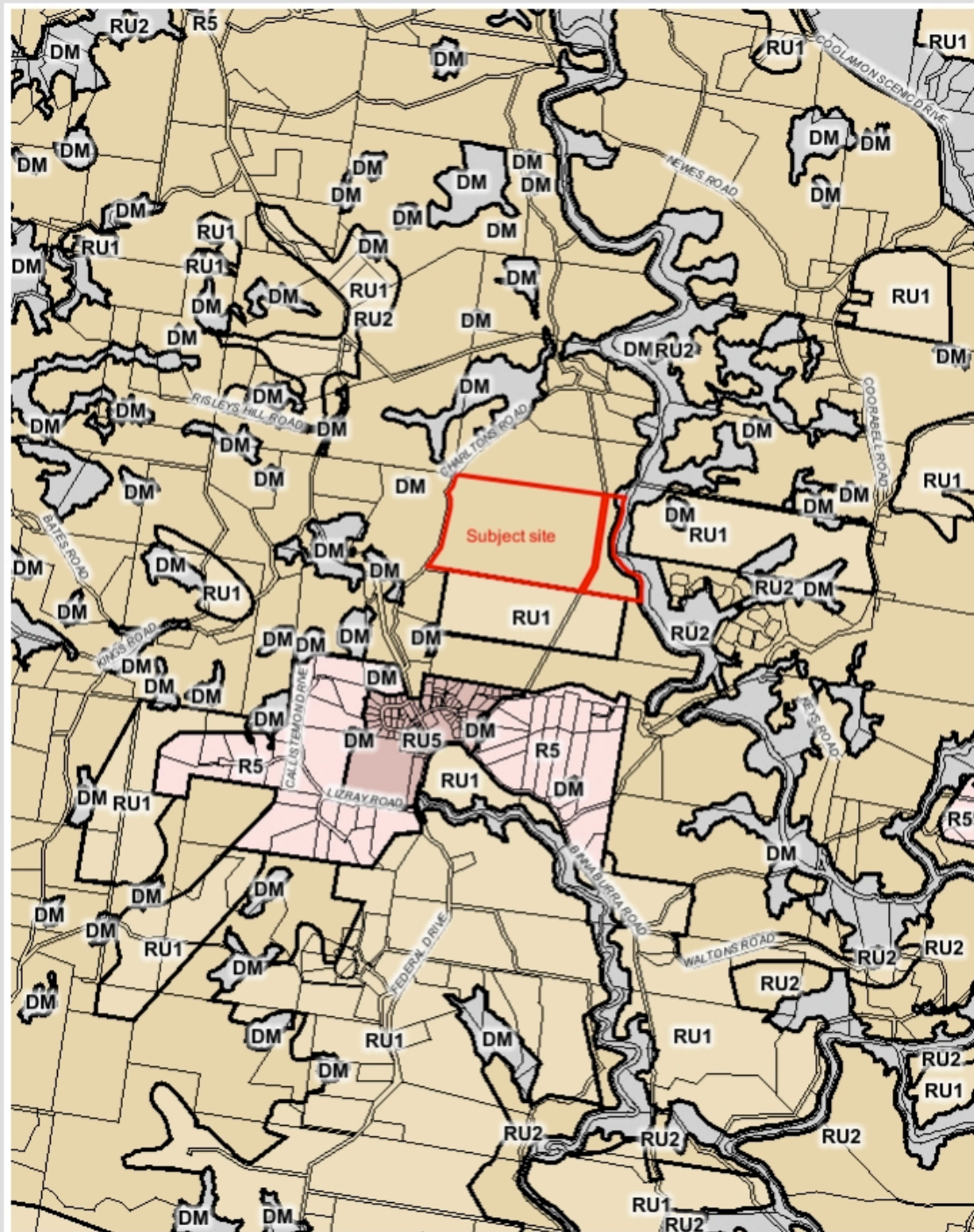
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18/11/2014

Map 2 – Locality map

Lot 11 DP 1039847, 74 Charltons Road, Federal
Byron LEP 2014 Land Zoning



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18/11/2014

Map 3 – Land Zoning of the subject site under the Byron Bay LEP 2014

Objectives and Intended outcomes of Proposed LEP

Objective

The Objective of this Planning Proposal is to allow multiple rural dwellings (collectively known as a multiple occupancy) to be permissible with consent at 74 Charlton's Road, Federal.

Outcomes

The Outcomes of this Planning Proposal are summarised as follows:

1. Rural Housing opportunities will be created in a manner consistent with the *BRSS 1998 Best Practice Guidelines and Performance Standards*;
2. The settlement will be in a clustered style that aims to preserve the rural character and amenity of the site and locality and is consistent with an adjoining community title subdivision. This pattern style seeks to reduce the demands for utility services and infrastructure and enhance environmental outcomes;
3. Significant environmental enhancement will be undertaken and achieved in a manner consistent with the *BRSS 1998 Best Practice Guidelines and Performance Standards*, which will seek to extend and enlarge existing Riparian and wildlife corridors by the enhancement and addition of native vegetation;
4. Improved Biodiversity outcomes on the site;
5. The ongoing protection and further development of fauna and flora habitat;
6. The preservation of productive agricultural land consistent with the intent of the *Byron Sustainable Agricultural Strategy*;
7. Providing economic and social stimulus to the Village of Federal with increased opportunities for the supply of local goods and services from local shops, vendors and suppliers and maintaining the enrolment at schools and residents using buses and participating in local activities;
8. The extension and upgrading of the sealed section of Charltons Road to the site entry which benefits other users of Charltons Road and other potential multiple occupancy settlements further along Charltons Road, and the inclusion of a bike path within the road reserve from the site to facilitate safe and easy access to the village and public transport;
9. Increased housing and rural landsharing opportunities which includes shared resources, involvement and ownership in the environmental projects and outcomes and the capability to collectively produce and share food and crops, and;
10. Potential to apply for consent for rural community title subdivision.

Explanation of Provisions

The objective of this Planning Proposal will be achieved by Amending the *Byron Local Environmental Plan 2014 Multiple Occupancy and Community Title Map – Sheet MOC_003* to include 74 Charlton's Road, Federal as 'multiple occupancy.'

Justification

A. Need for the planning proposal

1. Is the Planning proposal a result of any strategic study or report?

Yes. The subject site was considered suitable and mapped in the *Byron Rural Settlement Strategy, 1998* when originally exhibited as a site appropriately located for a *Rural Landsharing (Multiple Occupancy) Communities*. The lot was subsequently removed from the MO Mapping in 2000 following a request from the then landowner.

This proposal seeks to amend *Byron Local Environmental Plan 2014*, so as to include Lot 11 DP 1039847 & Lot 1 in DP 1143630, being 74 Charlton's Road, Federal NSW, on the *Multiple Occupancy and Community Title map for Multiple Occupancy (MO)*.

The Byron Council had considered this amendment at its Meeting held September 19, 2013 when it considered amending the Draft Byron LEP 2012 in relation to the site and this specific planning proposal request and resolved (see appendix 1).

Council Resolved 13-511;

16. Insert Lot 6 DP 261219(226 Fowlers Lane, Possum Creek) Lot 2 DP 600576(111 Fowlers Lane, Possum Creek) Lot 3 DP 786274 (Settlement Road), Lot 12 DP 755712 (240 Charlton's Road), Lot 3 DP 732638 (Englisses Road), **Lot 11 DP 1039847 (74 Charlton's Road) and Lot 16 DP 255603 (Coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map as 'Multiple Occupancy'.**

The *Byron Rural Settlement Strategy* had concluded the subject sites **Character, Key Issues and Opportunities** for Rural Settlement for Federal as a *Rural Landsharing (Multiple Occupancy)* site were appropriate.

The *Byron Rural Settlement Strategy, 1998*, reported as follows for the Village of Federal:

Character

"Rural village and community with strong visual connection to rural landscape, agriculture including some farm forestry and horticulture".

Key Issues

"Limited prime agricultural lands, excessive slopes, protecting rural amenity and cycleway access to Eureka Primary School"

Opportunities for Rural Settlement

- *Proposed Rural Community Title (Village Catchment) Settlement, estimated 215 dwelling houses)*
- *Proposed Rural Landsharing (Multiple Occupancies) Communities.*
- *Existing 1(c1) Small Holding Zone*
- *Existing Multiple Occupancies (2 properties)*
- *Attached dual occupancies*
- *Rural workers dwellings.*

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The intended outcome of this Planning Proposal can only be achieved by amending the *Multiple Occupancy and Community Title Map – Sheet MOC_003* to include the subject site.

This amendment reinstates what was originally acknowledged on Map 2 of the *Byron Rural Settlement Strategy, 1998* as a potential site for multiple occupancy development.

The Byron LEP 2014 could be amended in future (via a site specific or more holistic amendment) if the site were identified as again suitable for multiple occupancy development following the completion of the review of the *Byron Rural Settlement Strategy 1998* however, the timing for completion of the review is unknown at this time.

It is considered that amending the LEP is therefore the best means of achieving the objective of this proposal.

3. Is there a net Community Benefit

Yes. A future development application for multiple dwellings on the subject site will permit the retention of prime land for agriculture and permit additional rural living away from the coastal strip.

The site is within close proximity (1km) to the facilities of Federal including, the Post Office, preschool, shops, restaurants, halls, community recreational facilities and public transport.

Permitting Multiple Occupancy on the subject site will allow the opportunity for environmental improvements to the Wilsons River frontage / riparian area (see photos page 5) and revegetation of steeper slopes (see appendix 9, correspondence from Dr. Melissa Van Zwieten, Melaleuca Group).

It is considered that there is a net community benefit of this planning proposal for the following reasons:

- The subject site adjoins an existing Community Title Multiple Occupancy;
- The inclusion of multiple dwellings will assist to satisfy the objectives of the *Byron Rural Settlement Strategy 1998*;
- The owner will extend the existing bitumen in Charltons Road to the future site access;
- “Multiple Occupancy has historically been a preferred way of living in the rural areas of Byron Shire”

Source: *Byron Shire Development Control Plan 2014 Chapter D2 – Residential Accommodation and Ancillary Development in Rural Zones D2.6 Multiple Occupancy Development* (See appendix 5).

- To reflect the objectives and provisions of *Byron LEP 2014* relating to Multiple Occupancy Development;
- People to collectively own a single property and use it as their principal place of residence;
- The erection of multiple **dwellings** on the lot and the sharing of facilities and resources;
- The collective environmental repair and management of the lot;
- The pooling of resources to economically develop a wide range of communal rural living opportunities;
- Closer rural settlement in a clustered style in a manner that -
 - Protects the environment, and
 - Does not create an unreasonable demand for the provision of services or a demand for the uneconomic provision of services.

NOTE: It is the owners’ intention to convert the MO to Community Title as permitted under the LEP 2014; this enables the potential community members to seek and obtain finance to fund the purchase individual home sites.

B. Relationship to Strategic Planning Framework.

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The proposal is consistent with the Aims and Objectives of the following:

- ***The Far North Coast Regional Strategy, NSW Department of Planning, 2006 - 2013.***

The Regional challenges for the Far North Coast are based on a projected population regional increase of 60,400 persons from 2006 to 2031.

By 2031, an additional 51,000 dwellings will be required to house this growing and changing population.

The population and housing challenges are to:

- *Manage the expected population growth in a way that retains village character, enhances a sense of community, limits spread of urban development and minimises damage to environmental values and rural production,*
- *Provide choice in housing and affordability in appropriate locations that respond to changing demographics and the associated reduction in household occupancy rates, and*
- *Ensures that new development reflects and enhances the character of the settlement in which it is located and is based on best practice urban design principles.*

To accommodate this growth Council's have to prepare a *Local Growth Management Strategy* prior to rezoning further land for urban, commercial and industrial purposes in accordance with the *Settlement Planning Guidelines*. Council has recently commenced its next round of strategic planning for housing in the Shire.

The subject site was originally included on Map 2 of the ***Byron Rural Settlement Strategy, 1998 (BRSS)*** as potentially suitable for a *Proposed Rural Landsharing (Multiple Occupancy) Community* development site.

This Planning Proposal seeks to restore these original findings whilst meeting the above population and housing challenges for the Village of Federal. The site is located close to the Federal Village, which has been acknowledged as one of several proposed rural landsharing (Multiple Occupancy) communities (map 1) see BRSS p.36.

Rural landsharing communities are *designed to, promote sustainable, self-reliant communal living structure while also encouraging the collective repair and enhancement of the natural environment (Source BRSS p. 54).*

The subject sites area, orientation and topography will allow future development to satisfy the performance standards set out in Section 6.4 of the BRSS. Therefore it is considered that development of the site for an MO is consistent with the intent of *the Far North Coast Regional Strategy 1998*.

- ***The Settlement Planning Guidelines for the Mid and Far North Coast Regional Strategies, NSW Department of Planning, August 2007.***

The *Settlement Planning Guidelines for the Mid and Far North Coast Regional Strategies*, NSW Department of Planning August 2007 sets out a series of planning principles that seek to provide for the efficient and sustainable development of land.

The subject site was included in the *Byron Rural Settlement Strategy, 1998* and was considered suitable for a *Proposed Rural Landsharing (Multiple Occupancies) Communities* development site.

The site was originally identified and mapped as suitable for a MO because of its close proximity to the Federal Village. Any development will be the subject of a detailed development application in accordance with Council's DCP provisions for MO's (see appendix 5 - *Byron Shire Development Control Plan 2014, Chapter D2 – Residential Accommodation and Ancillary Development in Rural Zones D2.6 Multiple Occupancy Development*).

2. Is the Planning Proposal consistent with Council's Community Strategic Plan?

In 2012 Council adopted a 10 year + *Community Strategic Plan 2022 (CSP)*. The plan is based on five key themes being, *Corporate Management, Economy, Environment, Community infrastructure, Society and Culture*. This planning proposal is generally consistent with the following relevant goals -

EN3.6 : Support initiatives that enhance socio-economic prosperity and resilience at the local level.

Permitting additional rural housing options can enhance the social outcomes for families that want to live on the land.

On this basis the planning proposal is generally consistent with Council's *CSP*.

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

State Environmental Planning Policy

- **SEPP Rural Lands 2008**

The proposal generally satisfies the rural planning principles as set out in this SEPP in particular -

(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The individual owners can participate in a rural lifestyle without seriously altering the existing settlement pattern and intended housing density of the *Byron Rural Settlement Strategy 1998*.

The support for the planning proposal will not cause the loss of prime agricultural land in the Shire nor, create any likelihood of land use conflicts due to inadequate buffer separation of rural dwellings and legitimate agricultural pursuits on adjoining or nearby land (see map 3).

- **SEPP 44 Koala Habitat Protection**

Please refer to *Preliminary Environmental Advice for potential MO on Lot 11 DP 1039847, 74 Charltons Road Federal*, dated 1/12/2014 (See appendix 9 by Dr. Melissa Van Zwieten, Melaleuca Group).

- **SEPP 55 Remediation of Land**

Please refer to *Preliminary Environmental Advice for potential MO on Lot 11 DP 1039847, 74 Charltons Road Federal*, dated 1/12/2014 (See appendix 9 by Dr. Melissa Van Zwieten, Melaleuca Group).

- **North Coast Regional Environmental Plan (NCREP)**

The NCREP no longer applies to land to which the *Byron LEP 2014* applies.

- **Living and Working in Rural Areas - A Handbook for Managing Land Use Conflict Issues on the NSW North Coast**

This document provides guidance on buffers and the land use conflict risk assessment process. The handbook has been produced by the *Centre for Coastal Agricultural Landscapes* (Dept Primary Industries, Southern Cross University and the CMA).

To include the subject site in *Byron LEP 2014* to allow Multiple Occupancy is not in conflict with Council planning for the immediate area. The predominate and preferred land use as mapped for land nearby and adjoining is for Multiple Occupancy development.

The proposed development will be in harmony with Councils preferred and predominant land uses in the vicinity of the site as illustrated in the MO map (map 1).

4. Is the planning proposal consistent with applicable Ministerial Directions (S 117 Directions)?

Yes. The following Section 117(2) Directions apply to the proposal. The proposal is considered to be consistent with the following:

Direction 1.2 Rural Zones

Objective

The objective of this direction is to protect the agricultural production value of rural land.

Comment

The Planning Proposal, whilst seeking a MO development opportunity will also seek to protect the better quality agricultural land described as *Regionally Significant Farmland* that extends mostly along the Charltons Road frontage of the site. Much of the site is poor quality agricultural land that will be the subject of detailed environmental and agricultural assessment with the lesser quality land set aside for revegetation and environmental enhancement.

The planning proposal is not inconsistent with the *Byron Rural Settlement Strategy 1998*, which recognised the subject site as suitable for multiple occupancy development as it is located close to the Federal Village settlement with existing services and community facilities. The planning proposal is in keeping with the Byron Rural Settlement principle of *promoting sustainable, self – reliant communal living while also encouraging the collective repair and enhancement of the natural environment*.

A planning proposal must:

- (a) *Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*

Comment

The site zoned *RU2 Rural Landscape* and is mapped as entirely regionally significant farmland. This planning proposal does not seek to rezone the land rather, to enable the owner to apply for use of the subject site for multiple occupancy development.

The Byron Council had considered this amendment at its Meeting held September 19, 2013 when it considered amending the Draft Byron LEP 2012 in relation to the site and this specific planning proposal request and resolved (see appendix 1).

Council Resolved 13-511;

- 16. Insert Lot 6 DP 261219(226 Fowlers Lane, Possum Creek) Lot 2 DP 600576(111 Fowlers Lane, Possum Creek) Lot 3 DP 786274 (Settlement Road), Lot 12 DP 755712 (240 Charlton's Road), Lot 3 DP 732638 (Englisses Road), **Lot 11 DP 1039847 (74 Charlton's Road)** and Lot 16 DP 255603 (coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map as 'Multiple Occupancy'.**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objectives of this direction,*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *is of minor significance.*

This Planning Proposal is not inconsistent with the terms of this direction as the site was originally mapped as suitable for a MO in the *Byron Rural Settlement Strategy 1998*.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The Objective of this direction is to ensure that the future extraction of State or Regionally significant resources is not compromised by inappropriate development.

Council's records do not indicate any State or Regionally significant resources on or in the vicinity of the site. NSW Trade and Investment – Resources and Energy will be consulted following a Gateway Determination to proceed with this Planning Proposal.

Direction 1.5 Rural Lands

This planning proposal is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008* as follows:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas*

The planning proposal is consistent with the *SEPP Rural Lands* 2008 as it aims to protect the productivity of the better quality rural land located at the top of the site adjoining Charltons Road. Thereby, reducing rural land fragmentation while locating the future MO dwellings along the lesser quality agricultural land hence, minimising the loss of prime agricultural land. It is envisaged that the better land will be retained for intensive agriculture.

The proposed amendment is not intended to undermine or create conflict with agriculture or other rural land uses. Applications will be required to address this, as it will be a head of consideration in the LEP clause.

(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 –

The need for Multiple Occupancy of Rural land is in response to the changing nature of agriculture and settlement in Byron Shire. There are many families and individuals wishing to have a rural lifestyle but have been prevented from doing so due to the high entry costs to acquire agricultural land. Multiple Occupancy developments allow more people to enjoy and participate in a lifestyle that is characteristic of the Byron image.

(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 development –

Byron Shire has a sustainable agriculture strategy and understands the benefits of maintaining rural land uses. Multiple Occupancy development has been shown to offer both social and economic benefits that characterise Byron Shire.

(d) In planning for rural lands, to balance the social, economic and environmental interests of the community –

The nature of rural land use is changing and the socio-economic interests of a number of people and families that make up the Byron Shire community will be best served by permitting this form of rural housing.

(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 –

The LEP amendment will require consideration of the physical environment in which the development will be located, as well as its visual impact in accordance with the Byron LEP 2014.

(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities

Multiple Occupancy dwellings will allow additional rural residents to contribute to the Federal rural community of Byron Shire.

(g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing

On-site sewage management and Bushfire Protection will be key matters in assessing a future development application for the site. These two factors will influence the on site location of all future dwellings.

A shared driveway entry point will reduce impacts on Charltons Road.

Keeping future dwellings in clusters will potentially allow sharing of electricity and telephone connections as well.

(h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General

The *Far North Coast Regional Strategy* applies to Byron Shire and this planning proposal is consistent with it, particularly in relation to providing for a range of housing types including affordable housing.

Direction 4.3 Flood Prone Land

- Consistent

A small area of river frontage land at the very lower portion of the site is flood liable. The majority of the subject land is not flood prone land. The planning proposal does not propose to change the existing development controls related to flood impacts. No dwellings will be located near any flood prone land.

Direction 4.4 Bushfire Protection

Objectives

(1) The objectives of this direction are:

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and

(b) to encourage sound management of bush fire prone areas.

A small proportion of the lot is bushfire prone. Bush fire management controls apply to the subject land regardless of the planning proposal.

A detailed "Bushfire Protection Assessment" will be provided following a Gateway Determination to proceed with this Planning Proposal.

Direction 5.1 Implementation of Regional Strategies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

This Planning proposal is consistent with the outcomes and actions contained in the *Far North Coast Regional Strategy*. In particular, the actions related to Settlement and Housing and Environment and Natural Resources. The proposal responds specifically to:

- *Rural residential development will continue as a housing choice for people in the Region.*
- The subject site is ... “*located close to existing centres, avoiding areas of significant environmental and landscape value*”. Future residents will have access to a level of services to meet their needs in the Federal Village and will add to the local demand and therefore viability of additional services.
- The site is not located in the Coastal Area.

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

A planning proposal must not rezone land mapped as State or Regionally significant farmland under the *Northern Rivers farmland Protection Project* for an urban use.

The subject site however, was identified in the *Byron Rural Settlement Strategy 1998* as suitable for multiple occupancy development and therefore is exempt from this direction.

C. Environmental, Social and Economic Impact.

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

No. Please refer to *Preliminary Environmental Advice for potential MO on Lot 11 in DP 1039847,74 Charltons Road Federal*, dated 1/12/2014 (See appendix 9 by Dr. Melissa Van Zwieten, Melaleuca Group).

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

The likely environmental effects are all positive.

The owners plan to discontinue livestock grazing on degraded and unproductive land areas and implement a program of environment rehabilitation that would include the fencing off of these areas to facilitate a program of –

- Replanting of native trees and shrubs;
 - Extending the existing area of riparian zone restoration on Wilsons River;
 - The establishment of a new riparian zone rehabilitation project on another internal creek located on the property;
 - Improve the biodiversity outcomes for both flora and fauna;
 - Protect and enhancing the establishment of fauna habitat, and;
 - The ownership of the areas of rehabilitation to be owned by the community and access to be created.
- **How has the planning proposal adequately addressed any social and economic effects?**

At the present, there has been no detailed investigation of the social or economic effects, however new dwellings to be developed will create demand for local resources, skills, labour and materials to undertake construction, environmental repair, landscaping and ongoing maintenance which will be documented in the management statement.

Further social and economic benefits will include the reduction of water contamination in the Wilson River Catchment, as the grazing activities will be further located from riparian zones and water courses.

The owners also support the construction of a bike path to enable easy and safe access to Federal Village.

The property has been continuously used for grazing for the past 100 years and is mostly cleared of native vegetation.

There is no evidence of any indigenous or non-indigenous heritage items.

D. State and Commonwealth Interests

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

Yes

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Nil

E. Community Consultation

The proposal is a low impact proposal therefore the proposal will be publicly exhibited for 14 days

Appendix 1
BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 SEPTEMBER 2013 (23 of 24)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORT

**Report No. 12.12. PLANNING – Draft Byron LEP 2012 Submissions Finalisation
Report 2**

File No: #E2013/49342

13-511 Resolved:

1. That Lot 6 DP 792431, 214 Balraith Lane Ewingsdale be considered in the preparation of the Byron Rural Settlement Strategy (as per Part 25(b) of resolution 13-384) and / or included on a map of possible strategic growth opportunities for further consideration when developing evidenced based plans to inform the Local Plan.
2. That in relation to point 11. of resolution 13-240 on 9 May 2013, a zoning of B4 Mixed Use be applied to land located at Lot 10 DP 805193, 2-6 Old Pacific Highway, Brunswick Heads to accommodate the existing motel on the site.
3. That Council delegate authority to the Executive Manager – Environment & Planning to make (non-policy) amendments to the Draft LEP instrument and maps resulting from: minor adjustments to cadastral boundaries; consequential amendments to the Standard LEP, mapping guidelines or draft LEP provisions; or to correct minor errors or omissions; and that Council be advised of the amendments made under delegated authority.
4. That for reasons set out in Annexure 6(b) to this report, Council defer all draft LEP 2012 provisions and mapping relating to the following matters:
 - a) land known as the ‘West Byron Bay Urban Release Area’ that is subject of a Transitional Major Project (formerly Part 3A State significant rezoning proposal),
 - b) land at the Bayside Brunswick Residential Estate that is subject of a Transitional Major Project (formerly Part 3A State significant development application);
 - c) land identified as ‘Deferred Matter’ located generally in the coastal zone in the exhibited draft LEP, and
 - d) all proposed E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living zones, and
 - e) clause 6.12 Riparian land and watercourses, clause 6.13 Development near the E2 or E1 zone, clause 6.14 Biodiversity (Terrestrial), ‘Watercourse Map’ and ‘Terrestrial Biodiversity Map’.
5. That the Draft Byron LEP 2012 be amended to make ‘caravan parks’ permissible with consent in R3 Medium Density Residential zones.
6. That a floor space ratio of 0.6:1 and a minimum lot size of 450m² be applied to the part of Lot 100 DP 1070724 (35 Bayside Way, Brunswick Heads) proposed to be zoned R3 Medium density residential in the draft LEP.
7. That the Draft LEP Land Zoning Map be corrected to include the full extent of land identified as State Significant Farmland as RU1 Primary Production zone (as per Council’s adopted zoning methodology) on Lot 101 DP 1156821 and Lot 100 DP 1151011, as shown in Map 2 of Annexure 6(d) of this report.
8. That Council consider any modifications to the RU1 and RU2 zoning methodology as part of the development of future evidence-based planning strategies as part of the Local Plan.
9. It is recommended that Schedule 5 of Draft Byron LEP 2012 and/or the draft Heritage Map be amended by:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 SEPTEMBER 2013 (24 of 24)

- a) Deleting Heritage Item I178 (*Lot 1 DP 1143266*);
 - b) Amending Heritage Item I172 to reflect only the Shield Tree on Lot 2 DP859951; and
 - c) Amending property description of Heritage Item I098 from Lot 1 DP 923903 to Lot 1 DP 1173905, to reflect the most current information on Council's property system; and amending the corresponding item description to read: "Zalmonah house' (including interior finishes)".
10. That Council write to landowners of the draft LEP heritage properties inspected on 23/08/13 to advise of the assessment outcomes.
 11. That Council considers the matters raised in submissions are not of such significance as to warrant a public hearing and that to hold a hearing in relation to matters that are subject to a separate Ministerial review would be premature given that these will be deferred from the final LEP.
 12. That Council concludes that the changes to the Draft Plan are not of such significance to warrant a re-exhibition of the Draft Plan and directs staff to finalise the draft Byron LEP for final adoption by Council and submission to the Department.
 13. That Council include the RU1/RU2 mapping amendments arising from applying the adopted 'RU1' zoning methodology in the report to Council on 31 October 2013.
 14. That the matters specified in Recommendation '4.' above be identified as 'Deferred Matter' in any re-exhibited version of the draft LEP.
 15. That staff prepare and implement a communication strategy to convey to the residents, ratepayers, submitters and general public that the draft LEP has been finalised in accordance with the resolutions of Council, including an outline of key changes made and next steps from here.
 16. Insert Lot 6 DP 261219 (226 Fowlers Lane, Possum Creek), Lot 2 DP 600576 (111 Fowlers Lane, Possum Creek), Lot 3 DP786274 (Settlement Road), Lot 12 DP 755712 (240 Charltons Road), Lot 3 DP 732638 (Englishes Road), Lot 11 DP 1039847 (74 Charltons Road), and Lot 16 DP 255603 (Coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map as 'Multiple Occupancy'.
 17. That a late report be brought to Council at the Ordinary Meeting on 10 October 2013 regarding the possible zoning of the Former Telstra site in Lot 1 DP 435267 Station Street Mullumbimby to B4. (Ibrahim/Dey)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

Cr Woods voted against the motion.

There being no further business the meeting concluded at 4.18pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 10 October 2013.

Mayor Simon Richardson

Appendix 2



Planning &
Environment

Mr J Jackson
PO Box 100
FEDERAL NSW 2480

Our ref: 09/02466

Dear Mr Jackson

Byron Local Environmental Plan 2014 and Lot 11 DP 1039847, 74 Charlton's Road, Federal

I refer to your letter sent via email on 3 July 2014 and your query regarding the exclusion of your property 74 Charlton's Road Federal, from the *Multiple Occupancy and Community Title Map* in the *Byron LEP 2014*.

As discussed in our telephone conversation (02/07/2014) your property was not included in the draft *Byron LEP 2012* which was placed on public exhibition from 24 September till 24 December 2012. Your property was introduced to be included in the LEP from the Council floor post exhibition at the Council Meeting 19 September 2013.

When a change to an LEP is proposed, such as your rezoning request, this change or amendment is required under *Section 57 of Environmental Planning & Assessment Act 1979 (EP&A Act)* to be placed on exhibition for 'community consultation'. I have attached this section of the Act for your reference.

As your property was not subject to this community consultation during exhibition of the LEP, the Department as part of their final assessment deleted your property from the LEP. If your property had been included in the LEP which was published on 30 May 2014, it would arguably have been in breach of Section 57 of the *EP&A Act*.

A number of other properties listed in the Council minutes (19 September 2013) that requested the inclusion on the *Multiple Occupancy and Community Title Map* as Multiple Occupancy were removed from the LEP prior to the Minister making the Plan. Two properties were included in the LEP one of which had been subject to an earlier planning proposal and the other to correct a mapping anomaly.

To progress your application to rezone your property you should consult with the Council to see if the Council would support the proposal. If Council supports the rezoning then Council may prepare a Planning Proposal.

The Gateway process for planning proposals is further explained on the Department website www.planning.nsw.gov.au under the tab 'Planning your Local Area' (Gateway Process).

The Department have published two guides to assist councils in understanding the Gateway process and preparing Planning Proposals; 'Guide to Preparing Local Environmental Plans' and 'Guide to Preparing Planning Proposals'. These are available on the Departments website (as above) under the Gateway process tab. These are the two documents that Council would use to assist in the preparation of Planning Proposals.

It is suggested that you consult with Council on this issue, as Council will be able to explain the information needed to progress a rezoning application.

Yours sincerely



Jim Clark
Team Leader, Local Planning, Northern Region

Cc: Emma-Jayne Leckie
Byron Shire Council

Appendix 3

BSC File No: #E2014/47986
Contact: Emma-Jayne Leckie
21 July 2014

Mr James Jackson
PO Box 100
Federal NSW 2480
Dear Mr Jackson

Byron Local Environmental Plan (LEP) 2014 and Lot 11 DP 1039847, 74 Charlton's Road, Federal.

In your letter to Council's Emma-Jayne Leckie dated 1 July 2014 you requested a written explanation regarding why the abovementioned property was not included in Byron LEP 2014. I note that you have had contact with the Department of Planning and Environment Grafton Regional Office in the meantime and they have been able to provide this clarification in their recent letter to you. Notably the letter suggested that you contact Council about whether it would support a planning proposal to amend Byron LEP 2014 in relation to the property.

In considering submissions on the Draft LEP, Council resolved (13-384):

25. a) That Council investigate possible options to address rural land without dwelling entitlements, illegal dwellings/Multiple Occupancy developments and additional Rural Residential/Multiple Occupancy /Community Title lands following gazettal of draft Byron LEP 2012.

b) That Council consider preparing a new rural settlement strategy in the financial year 2014/2015.

(Resolution 13-384)

Although it is our preference that the subject property is considered during the preparation of the abovementioned strategic planning documents Council would support preparation of a planning proposal consistent with what was supported by Council in the draft LEP ahead of the completion of the work described above. If you pursue a planning proposal now Council cannot guarantee that Byron LEP 2014 will be amended in the manner you seek.

If you would like to proceed with amending Byron LEP 2014 now Council would expect the submission of a written planning proposal prepared in accordance with the Department of Planning & Environment guidelines and relevant legislation. Council staff would then review this document, make any necessary changes to comply with legislation etc and then report the matter to the elected Council for their support.

Following this the matter would be sent to the Department of Planning & Environment for a gateway determination. The planning proposal for your property may be considered in conjunction with other properties in a similar situation or progressed separately.

Ordinarily the processing of planning proposals is on a 'user pays' basis however you will not be expected to contribute for processing otherwise than to prepare the planning proposal as discussed above and be available to clarify any aspect of the proposal submitted. In the event that more detailed studies are required during the assessment of the proposal you will be responsible for funding the preparation of any such studies. As Emma-Jayne discussed with you on the phone last week there are other properties in a similar situation to 74 Charlton's Road and this opportunity will be extended to those also.

You are advised to make an appointment with Council's Strategic Planning staff to discuss the required information and to clarify any aspects of the process before a planning proposal is prepared.

Should you have any enquiries about this letter please contact Emma-Jayne Leckie (Acting Team Leader Strategic Land Planning) on 6626 7169 or email

emma-jayne.leckie@byron.nsw.gov.au.

Yours sincerely

Ray Darney

Director Planning & Environment

Appendix 4

Clause 4.2B Maximum number of dwelling houses or dual occupancies on multiple occupancy or rural Landsharing community developments

(1) The objectives of this clause are as follows:

(a) to permit:

- (i) people to collectively own a single lot of land and use it as their principal place of residence, and
- (ii) the erection of multiple dwellings on the lot and the sharing of facilities and resources, and
- (iii) the collective environmental repair and management of the lot, and
- (iv) the pooling of resources to economically develop a wide range of communal rural living opportunities,

(b) to facilitate closer rural settlement in a clustered style in a manner that:

- (i) protects the environment, and
- (ii) does not create any unreasonable demand for the provision of services or any unreasonable demand for the uneconomic provision of services.

(2) This clause applies to land outlined by a thick green line on the Multiple Occupancy and Community Title Map.

(3) Development may be carried out with consent for the erection of more than one dwelling house or dual occupancy (attached) on such a lot provided that:

- (a) if there is a number shown for that lot on the Multiple Occupancy and Community Title Map—the total number of dwellings on the lot will not exceed the number marked for that lot on that Map, or
- (b) if there is no number shown for that lot on that Map—there will not be less than 3 dwellings, and not more than 1 dwelling for every 3 hectares, up to a maximum of 15 dwellings, on the lot.

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:

- (a) there will be appropriate management measures in place that will ensure the protection of the landscape, biodiversity and rural setting of the land, and
- (b) the development is complementary to the rural and environmental attributes of the land and its surrounds.

Appendix 5

Byron Shire Development Control Plan 2014

Chapter D2 – Residential Accommodation and Ancillary Development in Rural Zones D2.6 Multiple Occupancy Development

“Multiple Occupancy has historically been a preferred way of living in the rural areas of Byron Shire. The following controls have been prepared to implement the Aims, Guiding Principles, Best Practice Guidelines and Performance Standards of the Byron Rural Settlement Strategy 1998 relating to Multiple Occupancy Development”

D2.6.1 Multiple Occupancy Development of Rural Land

Objectives

1. *To reflect the objectives and provisions of Byron LEP 2014 relating to Multiple Occupancy Development.*
2. *To enable:*
 - *people to collectively own a single property and use it as their principal place of residence, and*
 - *the erection of multiple **dwelling**s on the lot and the sharing of facilities and resources, and*
 - *the collective environmental repair and management of the lot, and*
 - *the pooling of resources to economically develop a wide range of communal rural living opportunities.*
3. *To facilitate closer rural settlement in a clustered style in a manner that:*
 - *protects the environment, and*
 - *does not create an unreasonable demand for the provision of services or a demand for the uneconomic provision of services, and*
 - *does not involve subdivision under Community Title, Torrens Title or Strata Title, or any other form of separate land title, and*
 - *to implement the aims, guiding principles, guidelines and performance standards for rural settlement in the Byron Rural Settlement Strategy 1998, available from the office of the council.*

Performance Criteria

1. *The location of **dwelling houses**, including any existing **dwelling house(s)**, are to be sited in a clustered style to facilitate social interaction between residents, to limit the cost of construction for residents in terms of the provision of services and access roads, and minimising environmental impacts from unnecessary earthworks and vegetation removal.*

2. The siting of **dwelling houses** shall have regard to the physical characteristics of the land, including topography, drainage lines, existing vegetation, bushfire constraints and other hazards and accessibility by vehicle.
3. Suitable detail, reports and management plans to be submitted with the application demonstrating:
 - the proposal will have a positive impact upon the environment through environmental repair and enhancement;
 - measures for the management of the land by various landowners setting out rights and responsibilities, dispute resolution and collective use of resources;
 - how effluent will be disposed of on site, water will be managed and hazards such as bushfire mitigated.

Prescriptive Measures

1. Siting and Clustering of House Sites

Dwelling houses must be clustered in three (3) or more houses or future house sites.

Separate clustering must demonstrate that the environmental and social impact or impacts of a number of **dwelling houses** and building clusters is less than a single clustering of **dwelling houses** and buildings. Clustering is defined to be **dwelling houses**, community buildings, garages, farm sheds and any other buildings located within close proximity and easy walking distance to each other. The distances apart must average 80 metres in a cluster but not exceeding 160 metres between any two **dwelling houses** in a cluster.

The Council shall not grant consent where the proposed development is in a dispersed style. A dispersed style is a style in which the **dwelling houses** are located throughout the developable land resulting in longer than necessary road access arrangements or longer than necessary power supply arrangements or adverse social or environmental impacts.

All **dwelling houses**, or sites for future **dwelling houses** to be located with floor levels above the **flood planning level** of any natural waterbody, watercourse, river, creek or wetland.

No building or future **dwelling house** site envelope to be within 55 m of a **classified road**.

Dwelling houses, future house sites, farm sheds and other structures to be sited in accordance with the requirements of Chapter C3 Visually Prominent Sites, Visually Prominent Development & View Sharing.

2. Environmental Impact Assessment Report

An Environmental Impact Assessment Report should be prepared to Council's satisfaction to determine the area and location of developable land. It should address the following matters:

a) A full description of the development and the existing environment likely to be affected, including a concept plan and land capability and suitability report which identifies the following:

- (i) lands subject to bushfire hazards (Vegetation Category 1 and 2), flooding (land affected by 1:100 ARI flood event) and slopes greater than 20 percent;

- (ii) *prime agricultural lands, (classes 1, 2 and 3);*
- (iii) **High conservation value vegetation and habitats** and existing habitat areas for flora, fauna or ecological communities listed under the Threatened Species and Conservation Act 1995 and associated buffers;
- (iv) *areas identified for environmental repair, weeding and plantings;*
- (v) *watercourses, natural drainage lines, permanent creeks, streams, wetlands and associated buffers;*
- (vi) *areas of visual significance as seen from public roads, parks and elsewhere in the general public domain;*
- (vii) *land slip areas and soil erosion areas;*
- (viii) *adjoining or surrounding land uses, including **intensive livestock agriculture**, extensive agricultural activities, **intensive plant agriculture** and **extractive industries** (including potential areas of extractive resources) which may produce a conflict with the proposed multiple occupancy having regard to the buffers needed to protect future residential amenity;*
- (ix) *any contaminated sites such as dip sites, sawmills, quarries or chemical storage dumps and associated buffers;*
- (x) *directions, distances and standard of roads to local shops, halls, schools, parks and community facilities;*
- (xi) *school bus services and capacity to meet any likely increase in demand;*
- (xii) *internal access roads both existing and proposed;*
- (xiii) *indicative footprints of all proposed and existing **dwelling houses** and other building sites including community buildings, sheds and any other farm structures.*

Note: Any required buffers to be calculated in accordance with Chapter B6 Buffers and Minimising Land Use Conflict.

*b) As a result of the above, an assessment is to be made to calculate the area and location of developable land which is relatively unconstrained and potentially suitable for the location of **dwelling houses**, community buildings and other buildings. It is this developable land area where Council will expect to see the proposed **dwelling**s clustered.*

The decision as to whether or not land is unsuitable for development must take into account the combined effect of each of the matters described in Prescriptive Measure 2(a)(i) to (ix) above on all parts of the property, together with any proposed management or impact amelioration measures.

3. Rural Landsharing Management Plan

A Rural Landsharing Management Plan should be prepared to Council's satisfaction and clearly address the following issues:

- a) the degree of recognition and understanding among the community regarding collective land ownership and use of resources;*
- b) the designated theme for the respective Multiple Occupancy Community;*
- c) the aims and objectives of the respective Multiple Occupancy Community;*
- d) any intentions of the respective Multiple Occupancy Community in terms of social cohesion, development of community, cooperation and sharing, development of rural living opportunities, the construction of buildings, the use of land, and any economic or business development or other activities which are intended to take place on the land;*
- e) how ownership 'shares' or an individuals entitlements are to be allocated including the means proposed for establishing land ownership, **dwelling house** occupancy rights, environmental and community management and the internal enforcement provisions of the Rural Landsharing Management Plan are deemed by the Council to be adequate and workable;*
- f) how shareholders or owners in the Multiple Occupancy Development are to reach decisions on matters affecting the Multiple Occupancy Community;*
- g) how shareholders or owners can dispose of their interest in the Multiple Occupancy Community;*
- h) provisions for mediation and dispute resolution provisions;*
- i) the type of behaviour which is permissible on the Multiple Occupancy Community in terms of what is acceptable regarding:*
 - use of the land for housing, commercial agriculture, domestic food production and other purposes;*
 - visitors and tourists;*
 - noise;*
 - use of chemicals;*
 - keeping of cats, dogs and other animals;*
 - lifestyle;*
 - Landcare;*
 - disposal of sewage;*
 - disposal of domestic waste and recycling;*
 - environmental repair; and*

- any other appropriate matters.

Access roads

All internal access roads

- must have a minimum width of 4.0m;
- gradients in excess of 12% are to be bitumen or concrete sealed;
- must be constructed and drained to provide all-weather access for two wheel drive vehicles; and
- in bushfire prone areas must be designed and constructed to comply with the requirements of the Rural Fire Service (for further detail see Planning for Bushfire Protection 2006).

1. Bushfire Management

*In areas mapped as **bushfire prone land** a detailed Bushfire Assessment Report, prepared by a suitably qualified professional to be submitted with the development application. The report is to include as a minimum the following details:*

- a) A description (including the address) of the property on which the development the subject of the application is proposed to be carried out;*
- b) A classification of the vegetation on and surrounding the property (out to a distance of 140 metres from the boundaries of the property) in accordance with the system for classification of vegetation contained in Planning for Bush Fire Protection;*
- c) An assessment of the slope of the land on and surrounding the property (out to a distance of 100 metres from the boundaries of the property);*
- d) Identification of any significant environmental features on the property;*
- e) The details of any threatened species, population or ecological community identified under the Threatened Species Conservation Act 1995 that is known to the applicant to exist on the property;*
- f) The details and location of any Aboriginal object (within the meaning of the National Parks and Wildlife Act 1974) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property;*
- g) a bush fire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:*
 - i. the extent to which the development is to provide for setbacks, including asset protection zones for each **dwelling house** or future house site within the multiple occupancy;*
 - ii. the siting and adequacy of water supplies for fire fighting;*
 - iii. the capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency, and any upgrading that may be required;*

- iv. whether or not public roads in the vicinity that link with the fire trail network have two-way access;
 - v. the adequacy of proposed arrangements for access to and egress from the Multiple Occupancy for the purposes of an emergency response;
 - vi. the adequacy of bush fire maintenance plans and fire emergency procedures for the multiple occupancy;
 - vii. the construction standards to be used for building elements in the development, including details on any upgrading of existing buildings in terms of the Australian Standard 3959 – 2009 Construction of Buildings in Bushfire Prone Areas, or construction standards for new buildings;
 - viii. the adequacy of sprinkler systems and other fire protection measures to be incorporated into the development;
- h) an assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Planning for Bush Fire Protection 2006 or as amended.

6. Vegetation Management Plan

a) In accordance with the Byron Rural Settlement Strategy it has been a requirement that proposals for Multiple Occupancy development to also include an element of environmental repair and enhancement based on 900 trees per **dwelling house**. Such repair is to be focused on the expansion of wildlife corridors, reconnecting vegetation remnants, and enhancing riparian areas and habitat for threatened species and endangered plant communities.

b) Where properties are significantly infested by woody weeds (e.g. camphor laurel, lantana etc) Council will consider requests to undertake environmental repair and enhancement activities based on weed control and assisted natural regeneration and a lesser number of trees to be planted where it can be demonstrated that the proposal will have a similar positive environmental impact to planting 900 trees per dwelling house.

c) Council will also consider requests to undertake environmental repair and enhancement activities on other rural sites within the Shire (instead of on the land the subject of the application) where it can be demonstrated that the subject land:

- i. contains adequate native vegetation cover not threatened by competitive/ inhibiting weed or noxious plant invasion and requires no further environmental repair and enhancement activities; or
- ii. contains existing reforestation works undertaken as part of a long term program and where such works can be substantiated to Council's satisfaction; or
- iii. notwithstanding the vegetation attributes of the land, the applicant identifies a higher priority location in the same local catchment area requiring urgent environmental repair and enhancement and that Council agrees to such a location.

Note: Where an applicant seeks to carry out environmental repair and enhancement work on another rural property, the consent from the land owner is to be submitted with the Development Application.

d) Applications for Multiple Occupancy Development are to include a **vegetation management plan** detailing the revegetation and/or restoration program to be carried out over a period of at least five (5) years. The content of the **vegetation management plan** shall include the following:

i) site features including maps showing the location of riparian areas, existing native vegetation stands, weed infestations, threatened species and proposed management zones for revegetation and/or restoration;

ii) the principal aims and objectives of the plan as they relate to the flora and fauna communities and habitat on the land and surrounding localities;

iii) a detailed planting and/or restoration strategy to achieve these aims and objectives and, where applicable, a longer term program for the eradication/ management of Camphor Laurels and other weed species;

iv) specific locations, spacing/density, names and mature heights of tree and shrub and other species to be planted;

v) an implementation schedule including the expected completion date for planting activities;

vi) how adequate site preparation and maintenance, including the initial clearing and on-going control of competitive/inhibiting grass and weeds, mechanisms to protect plantings from stock (fencing essential) or other browsing animals including natives (e.g. Wallabies) will be undertaken within planting areas;

vii) a species planting list appropriate to the relevant area and details of provenance to ensure only locally sourced species are used in revegetation works;

viii) performance indicators such as a 90% survival rate (of establishment of planted trees), to be achieved at the end of 24 months following the completion of planting activities or at a later date as agreed upon by Council for reasons such as climatic or geographic factors, or appropriate changes in cover of native and exotic species. A Council appointed person may undertake a site assessment at a nominal cost to applicant to determine compliance with any performance indicators;

ix) a monitoring and evaluation strategy to measure performance indicators and demonstrate progress against plan objectives. This may involve both qualitative and quantitative monitoring;

x) templates for documenting revegetation and/or restoration activities (i.e. daily record sheets), and vegetation monitoring;

xi) reporting and auditing requirements over a five year period from the time of commencement to the time of completion. Reports are to include:

- an assessment of progress against plan objectives, performance targets and activities as detailed in the implementation schedule;

- copies of daily record sheets and monitoring sheets, deviations from the approved schedule of works and adaptive management recommendations (if required).

As a minimum, one progress report to be factored in after year 2 and reported to Council and a final audit report following completion of work to be submitted to Council. The progress report and final audit report are to be certified by a suitably qualified bush regenerator, ecologist or environmental scientist that works approved under the **vegetation management plan** have been completed.

7. Water Management Plan

a) A Water Management Plan to be submitted with the development application addressing the following:

- location, source and capacity of water supply for domestic, agricultural and fire prevention uses;
- how the layout of the multiple occupancy and location of **dwelling houses** and future house sites, will protect drainage lines and water courses;
- where a reliable dam supply is necessary to satisfy irrigation and stock requirements, that a quantifiable criteria of water catchment area has been established based on rainfall data, runoff data, expected consumption and a connecting formulae;
- minimum water tank storage for domestic use is 40,000 litres per dwelling house plus any additional requirements of the Rural Fire Service for fire fighting purposes; and
- adequate water conservation measures (dual flush toilets, aerated shower roses and bathroom taps, water reuse, etc.) to be implemented as part of the development.

b) An assessment of the impact on groundwater and surface water according to the NSW State Groundwater Policy and Framework Document 1997.

c) Multiple use of dams and pumps to supply water for any purpose must be authorised under the provisions of the *Water Management Act 2000* or the *Water Act 1912*.

8. Effluent Disposal

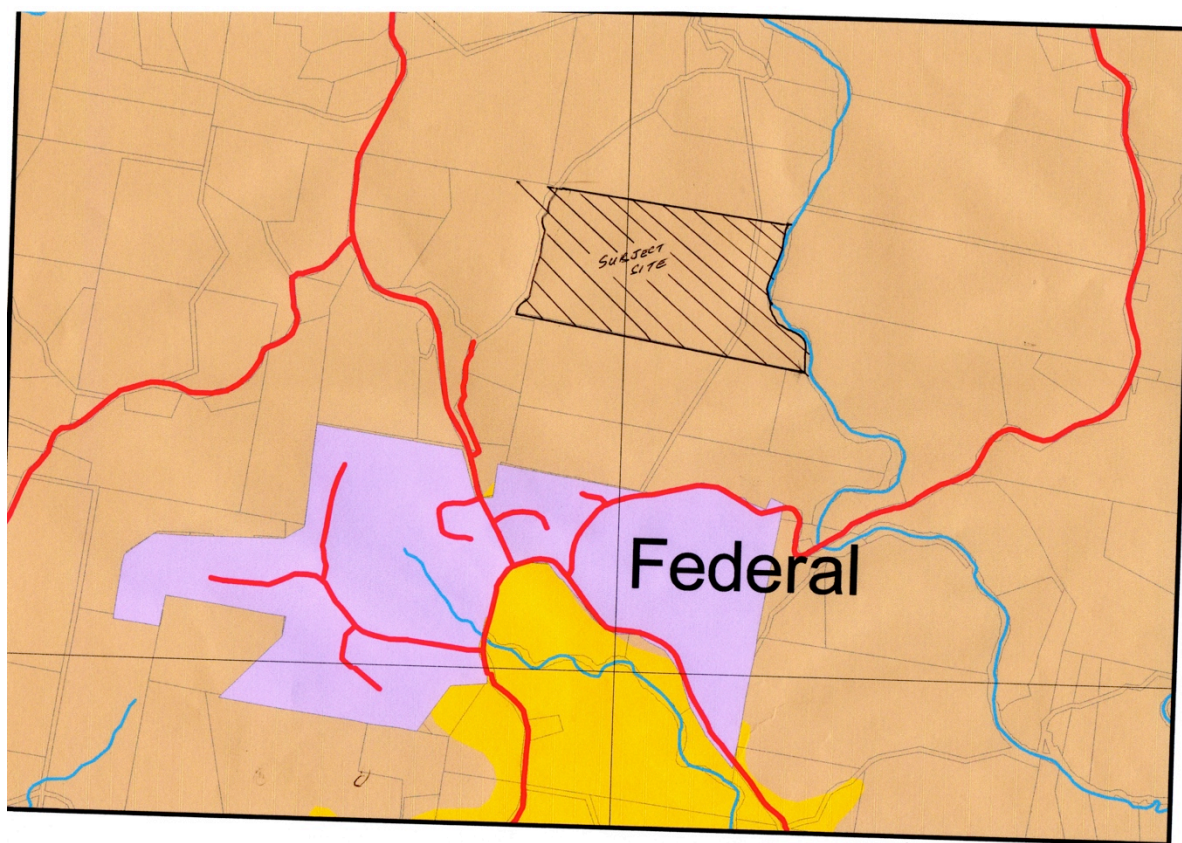
Details to be submitted with the development application by a suitably qualified professional that effluent can be disposed of on site in accordance with Council requirements for rural dwelling houses.

The report is to be prepared in accordance with the requirements of Chapter B3 Services.

1 Dwelling houses

Individual **dwelling houses** to comply with the relevant provisions contained within this Chapter for single **dwelling houses**, including D2.2 and D2.3.

Appendix 6



Map 4: Regionally Significant Farmland map

Appendix 7

STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
SEPP 1 Development Standards	Not applicable.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development	Not applicable.	
SEPP 6 Number of Storeys in a Building	Not applicable.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not applicable.	
SEPP 14 Coastal Wetlands.	Not applicable	
SEPP 19 Bushland in Urban Areas.	Not applicable.	
SEPP 21 Caravan Parks.	Not applicable.	
SEPP 22 Shops and Commercial Premises.	Not applicable.	
SEPP 23	Not allocated.	
SEPP 26 Littoral Rainforests.	Not applicable	
SEPP 29 Western Sydney Recreation Area.	Not applicable	
SEPP 30 Intensive Agriculture	Not applicable	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not applicable.	
SEPP 33 Hazardous & Offensive Development.	Not applicable.	
SEPP 36 Manufactured Home Estates.	Not applicable.	
SEPP 39 Split Island Bird Habitat.	Not Applicable	
SEPP 41 Casino/Entertainment Complex.	Not Applicable	
SEPP 44 Koala Habitat Protection.	Not applicable	
SEPP 47 Moore Park Showground.	Not Applicable	
SEPP 50 Canal Estate Development.	Not applicable.	

SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable	
SEPP 53 Metropolitan Residential Development	Not Applicable	
SEPP 55 Remediation of Land.	Complies	Soil testing for contaminants will be carried out at DA Stage.
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable	
SEPP 60 Exempt & Complying Development.	Not Applicable	
SEPP 62 Sustainable Aquaculture.	Not applicable.	
SEPP 64 Advertising & Signage.	Not applicable.	
SEPP 65 Design Quality of Residential Flat Buildings.	Not applicable.	
SEPP 66 Integration of Land Use & Transport. Draft.	Not applicable.	
SEPP 70 Affordable Housing (Revised Schemes)	Not Applicable	
SEPP 71 Coastal Protection	Not Applicable	
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.	
SEPP Building Sustainability Index: BASIX 2004	Not applicable.	
SEPP (Development on Kurnell Peninsula) 2005	Not applicable	
SEPP (Major Projects) 2005	Not applicable.	
SEPP (Sydney Regional Growth Centres) 2006	Not applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Temporary Structures) 2007	Not applicable.	
SEPP (Infrastructure) 2007	Not applicable.	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.	

SEPP (Rural Lands) 2008	Complies	The proposal is consistent with the guidelines regarding buffers and land use conflicts as contained in the <i>Living and Working in Rural Areas – a handbook for managing and use conflict issues on the NSW North Coast.</i>
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.	
SEPP (Western Sydney Parklands) 2009	Not applicable	
SEPP (Affordable Rental Housing) 2009	Not applicable.	
SEPP (Western Sydney Employment Area) 2009	Not applicable	
SEPP – North Coast Regional Environmental	Applicable	This document now has the status of a SEPP Plan 1988 (NCREP)

Appendix 8

SECTION 117 DIRECTION CHECKLIST

SECTION 117 DIRECTION	COMPLIANCE	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Rural Zones A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.		This planning proposal seeks to enable the owner to apply for use of the subject site for multiple occupancy development and does not seek to rezone the land from its existing rural (RU2) zone. The inconsistency with this Direction as it relates to the protection of rural land with agricultural production value is considered of minor significance.
1.5 Rural Lands <ul style="list-style-type: none"> • The objectives of this direction are to: <ul style="list-style-type: none"> a. protect the agricultural production value of rural land, b. facilitate the orderly and economic development of rural lands for rural and related purposes. 	Complies	The objectives of this Planning Proposal is to: <ul style="list-style-type: none"> • <i>protect the better agricultural production value of rural land, and</i> • <i>facilitate the orderly and economic development of remaining rural lands for rural and related purposes in conjunction with the provisions of Multiple Occupancy development. .</i>
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Complies	Areas of significant environmental value (including additional areas of habitat value) will be identified and environmental protection zones applied.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
4. HAZARD AND RISK		
4.3 Flood Prone Land	Complies	There is a small area of the site on the lower slope adjoining the Wilson River

SECTION 117 DIRECTION	COMPLIANCE	COMMENTS
		that is flood prone land. Existing development controls related to flood impacts are not proposed to be changed by the planning proposal. No dwellings will be located on flood prone land.
4.4 Planning for Bushfire Protection	Complies	<p>A proportion of the site is bushfire prone.</p> <p>Bush fire management controls apply to the subject land regardless of the planning proposal.</p> <p>A detailed bushfire report will be provided at DA stage in accordance with the Rural Fire Service requirements under S. 62 of the EP&A Act and comply with Planning for Bushfire Protection.</p>
5. REGIONAL PLANNING		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Complies	<p>The site is listed as Regionally significant farmland.</p> <p>An Agricultural Report will be provided at DA stage to identify and address in site specific details.</p>
6. LOCAL PLAN MAKING		

Appendix 9



ABN: 63 131 799 641
106 North Creek Rd
LENNOX HEAD NSW 2478
Mob: 0427 628 847
Email: melissa.vanzwieten@exemail.com.au

Date: 1st December 2014

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

Dear Sir/Madam,

Re: Preliminary Environmental Advice for potential Multiple Occupancy on Lot 11 DP1039847, 74 Charltons Rd, Federal.

Melaleuca Group Pty Ltd has been engaged by J Jackson to provide some commentary and preliminary environmental advice in regard to the aforementioned allotment and its suitability for a Multiple Occupancy (MO) development.

We are able to provide preliminary advice in three (3) areas, namely:

- On-site Wastewater;
- Contamination;
- Ecology

A preliminary site visit was undertaken on 26th November 2014 which included lengthy discussions with the landholder (J Jackson) and a general overview assessment of the site. More detailed assessments are required, however, it is considered sufficient observations were noted to guide future layout proposals. At that time, delineated development areas would require standard investigations to ensure appropriate assessments are completed and where required, layouts modified, mitigations measures implemented and/or management options developed.

Preliminary On-site Wastewater Assessment

Any future MO proposal will result in the requirement to treat wastewater on the site. Further investigations are required to assess the type of system(s) proposed including treatment type (primary or secondary) and disposal applications methods (e.g. Evapotranspiration beds or Sub-Surface Irrigation). Soils at the site are mapped by Morand (1994) as being the erosional soil landscape unit *Rosebank* (ro). These soils are generally considered suitable for on-site wastewater application. The standard process involving excavation of boreholes to assess soils and utilisation of Council's OSMS Design

model will specify details. However, the site's characteristics offer large flat or gently sloping areas with excellent solar and wind exposure. While rocky outcrops were noted, there were generally confined to steeper areas which are also not suited to proposed building locations. Two unnamed tributaries of the Wilsons River commence on the allotment. These will require 100m setback distances. Additionally, one spring-fed gully was noted which would require a 40m setback distance. There is sufficient land areas within the allotment to provide adequate setbacks to these watercourses.

Thereby, it is considered there is no major impediment on the site for a MO development for On-site Wastewater Management.

Preliminary Contamination Assessment

While the current landholder has only a personal history with the site for approximately 12 years, he has gathered historical information from previous landholders and/or individuals in the community to document a history well over 50yrs duration. The site was once part of a much larger landholding and was cleared over 80-100 years ago to enable dairy farming. Subsequent landuses have been dominated by cattle (beef) grazing with some occasional cropping for self-sufficiency purposes (i.e. no broad scale cropping or intensive horticulture).

As for the majority of rural properties in Northern NSW, the history of this allotment is not unusual and as such no major contaminating landuses are likely. Similar to above, once a final layout of a MO proposal is determined, appropriate investigations including soil sampling (as per SEPP 55 guidelines) would undertaken within development areas. Soil testing would allow for the identification of contamination (if present) and appropriate avoidance, remediation and/or layout amendments to be undertaken.

Thereby, it is considered there is no major impediment on the site for a MO development from potential contamination issues.

Preliminary Ecological Assessment

At the time of writing, data from the BioNet Atlas of NSW Wildlife website included: 209 records of 23 threatened fauna species and 341 records of 23 flora species. Of these records only a single Koala record is from the site. However, a preliminary investigation of the site located numerous (estimated over 30) individual specimens of *Macadamia tetraphylla* (Rough-shelled Bush Nut) and potentially a couple of *Macadamia integrifolia* (Macadamia nut). *M. tetraphylla* is considered vulnerable in NSW and Federally while *M. integrifolia* is classified as vulnerable Federally.

The population of *M. tetraphylla* is considered to be potentially partially naturally occurring and partially from plantings. A number of individuals were found in a straight row beside a now-removed fence line. Other individuals were scattered across the site. Verification of the few *M. integrifolia* specimens is required and these potentially were planted on the site to supply Macadamia Nuts to previous families. It is considered, that the location of the *Macadamia* spp would not impact greatly on the design of a MO development. In general, the specimens are located away from dwelling sites. Some consideration in the placement of access roads/driveway may be required to ensure individuals are avoided, however there is sufficient area to allow for these to be constructed without impacting on individuals.

The site, in general, is relatively devoid of trees. A planted stand of Eucalyptus trees (predominantly Tallowwoods) is on the site. It is understood this row of trees were planted along a fence line (now removed) to provide a wind break, shade for cattle and a supply of fence posts. Evidence of Koala use was not located during the preliminary assessment and it is considered Koala use would be infrequent as trees are isolated from other stands of trees and trees were relatively immature.

A MO development at the site would result in removal of cattle (at least in part) but the construction of access roads/driveways, dwellings, on-site wastewater management systems, installation of services and the like. A MO development, will also allow for areas of the site to be earmarked for vegetation restoration. In particular, and as the current landholder has recognised through commencement, revegetation areas through gully lines and along the Wilsons River. Given the presence of *M. tetraphylla* specimens across the site, appropriate management of this population would be incorporated into any Vegetation Management Plan. This would be by way of enlarging revegetation areas to include specimens and/or developing appropriate management (e.g. see propagation as current no young specimens due to cattle grazing) to ensure the longevity of the species at the site. A MO development would allow for both the human resources and financial resources to allow this to occur.

Thereby, a MO development will have ecological benefits through the removal of (some) livestock, extension of the existing revegetation area adjacent to the Wilsons River, establishment of new riparian rehabilitation zones on internal creeks and establishment of appropriate management of *Macadamia* spp. located on the site. These actions will increase biodiversity on the site and protect and enhance habitat for a large range of native flora and fauna species in the locality. The works will also increase corridor links to adjacent vegetation.

Thereby, it is considered there is no major impediment on the site for a MO development on the basis of ecological impacts.

Summary and Conclusion

Melaleuca Group Pty Ltd was engaged to provide some commentary and preliminary environmental advice in regard to suitability for a MO development at the site.

Specifically, two (2) questions were raised:

- 1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal; and
- 2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed.

It is our considered view, that a MO development at the site would not significant impact on any threatened species, population or ecological community, or their habitats. A MO development would allow for numerous benefits to a range of species due to the availability of human and financial resources that would allow for increased revegetation of selected areas and implementation of appropriate management across the site.

Further, it is considered unlikely that a MO development at the site would result in detrimental environmental effects. If contamination is located on the site, these area(s) would be remediated.

On-site wastewater management would be appropriately designed and installed based on Council's standard requirements and to the appropriate Australian Standards. Any excavations resulting for construction of buildings, access roads/driveways, installation of services and the like can all be appropriately managed to minimise erosion and sedimentation.

If any further information is required or issues require clarification, please do not hesitate to contact the undersigned.

Yours faithfully,
Melaleuca Group



.....
Dr. Melissa Van Zwieten
Senior Environmental Scientist

Appendix 10

Paul De Fina

A.B.N. 41 148 196 270

Town Planner

PO Box 282 Bangalow, NSW, 2479.

Telephone 02 66 872028 Mobile 0400 572028

E-Mail: paul@defina.com.au

8 December 2014

General Manager

Byron Shire Council

Station Street

Mullumbimby.

Dear Sir

Re: Planning Proposal for 74 Charltons Road, Federal

The office of Paul De Fina, Town Planner was retained by the owners of the subject site to prepare a Planning Proposal that would permit the future development of the site for a Multiple Occupancy rural development.

The Planning Proposal has been completed under the NSW Department of Planning's "Gateway Determination" system for the making of a Local Environmental Plan under the Environmental Planning and Assessment Act.

The document explains the relevant environmental, social, and economic impacts as well as the intended effect of the proposal and the justification for making it under S 55 (1) of the EP & A Act.

In 1998 the subject site was considered suitable for multiple occupancy and was mapped in the Byron Rural Settlement Strategy as a MO site. At the request of the owner in 1998 the site was removed from the Map of sites appropriate for a MO.

An application was made to Council to have the site included in the MO map as part of the Byron draft LEP for the Shire. Council supported the inclusion of the site however due to time constraints the modification could not be acted upon without public exhibition.

The site is within one kilometre of the Federal Village and has been used for cattle grazing for the past 80 years.

The site is ideally for a MO as set out in the submission. The Planning Proposal is complies and or satisfies all State and regional Planning Policies and Section 117 Directions.

It is our conclusion that the site is appropriate for inclusion as a MO as requested.

If there are any questions or need for additional information please contact my office.



Paul De Fina

B.App.Sc. (Environmental Planning)
MPIA

NSW LGTC&P No. 474

Stacie Brooker

B. Env.Sc
M.UrbEnvPlan

74 Charltons Road
Federal NSW 2480
May 19, 2016

BYRON SHIRE COUNCIL	
DOC NO:
REC'D:	20 MAY 2016
FILE NO:	F2879
ASSIGNEE:	M. Chapman

Submission to Byron Shire Draft Rural Land Use Strategy

Dear Sir/ Madam,

Re: 74 Charltons Road, Federal being Lot 11, DP 1039847 (74 Charltons Rd)

Please find our submission to you with respect to the Draft Rural Land Use Strategy and our property as described above being 74 Charltons Rd.

The purposes of our submission are, as below,

1. To request that 74 Charltons Rd be mapped on the BRSS as an MO as per the process that was in place prior to July 2015 and NOT be subject to the decision by Council to not propose any further amendments to the BRSS in the INTERIM PERIOD during the development of the Rural Land Use Strategy for the Byron Shire. This request is further explained below and includes a **timeline** which explains the process undertaken to justify and support this request.
2. To request that the land at 74 Charltons Rd be identified and included in Councils Final Rural Land Use Strategy as land suitable for future rural lifestyle living opportunities. This request is based upon a **detailed attached report** that demonstrates the land at 74 Charltons Rd should NOT be constrained as per the constraints identified in Table 1 of the Site Suitability Criteria and Mapping Methodology as per the Draft (reported to Council on 17th March – Report 13.10). Our report clearly demonstrates the on-ground truth that 70% of the land is not productive agricultural land and the existing desktop mapping is inaccurate and not indicative of the actual characteristics of the land and site.
3. To propose that it is possible to use the Multiple Occupancy, Community Title model to create outcomes that support maintaining farmland through sharing responsibilities and costs.

Firstly, please find below the timeline of events with respect to our request which outlines the process undertaken with Council to date.

Timeline

1998

The property was mapped for Multiple Occupancy under the Byron Rural Settlement Strategy. At the previous owners request it was excluded. The land was NOT excluded for reasons of site suitability.

2002

Property was purchased by current owners being J Jackson and S Smith.

November 2012

A submission was made to the LEP Process to have the property included in the MO and CT Mapping and Zoning.

September 2013

Council resolved to include the property on the MO and CT Map in the Draft LEP

June 2014

The Byron LEP was released. The property had been removed by the Department of Planning as the site had not been subject to Public Exhibition.

This was due to the fact that Council did not undertake the process of Public Exhibition when it amended the LEP.

July 2014

The Council manager wrote to us to inform us that the property had been removed due to the fact it had not been Publically Exhibited.

They informed us that to proceed with submitting our request, a Planning Proposal would be required.

December 2014

Our Planning Proposal was submitted.

We were informed it would be dealt with in 3-4 months.

February 2015

We were contacted by email to inform us that due to the change in General Manager and Staff at Council, the Planning Proposal would not be submitted until June 2015.

July 2015

We received a letter from Shannon Burt stating that our Planning Proposal was not being assessed but would be CONSIDERED as part of the process of preparing the Rural Land Use Strategy.

March 2016

Preliminary Draft Rural Land Use Strategy is released. 74 Charltons Road Federal/Property 90 is EXCLUDED from further consideration due to "whole of area being identified as regionally significant farmland, smaller areas of HEV and slopes >32%"

May 2016

There has been no further Official contact from Council to explain the current relevance of the Planning Proposal or how it has been considered in the process of preparing the Land Use Strategy.

(All the above spoken of communication and documentation is available for viewing at your request.)

Our Comments on this Timeline

- We were consistently led to believe that we satisfied ALL the criteria to have the property remapped as an MO on the BRSS. It was resolved by council in September 2013 to INCLUDE the property on the MO map.
- The original submission was made in November 2012, approximately 3 years before the "interim period" being imposed on us due to the commencement of the development of the Rural Land Use Strategy.
- In June 2014 it was due to Council's error that the property was not exhibited as part of the submission process and the Department of Planning understandably knocked it back. Council admitted their fault in this situation and informed us that they would cover their share of the costs to have a Planning Proposal submitted.
- Again, we were led to believe that it was entirely possible to rectify the situation and it was under Council's suggestion and guidance that we entered the process of creating a Planning Proposal. This process was significantly costly both financially and in terms of our time.
- The proposal was submitted in December 2014. Again, we were led to believe that the timeframe within which it would be dealt with would be 3-4 months, with an expected resolution in April 2015
- In current communication with Council, we have been told that, with regards to our Planning Proposal that;

"Based on the investigation outcomes for your property, re-lodgment of this Planning Proposal is unlikely to be supported unless the subject land is identified in Council's final Rural Land Use Strategy"

- Clearly, the message is that our Planning Proposal has been dismissed despite the entire lack of timeliness being due to Council's error.

Secondly, we attach a report and make the following comments with respect to that report and the findings as to the agricultural land (or lack of) on the property. We wish to note the following,

- We are providing a detailed assessment by Environmental and Agricultural Scientist, Dr Melissa Van Zwieten. This was created following an onsite, detailed and professional analysis of the entire property.
- This assessment directly challenges the site specific property investigations (reported to Council on 17th March – Report 13.10) and calls to attention that the Rural Land Use Strategy has been built upon incomplete and incorrect evidence.
- The assessment clearly demonstrates that Regionally Significant Farmland should NOT represent an absolute constraint to future development given that on much of the property, the farmland is not suitable for agriculture. (70% of the land area is considered not suitable)
- We would also ask why the Rural Land Use Strategy is being prepared alongside a potential State Government Legislative change. Why is it not being developed as a response to that? Clearly, the State government is looking at redefining “Regionally Significant Farmland” so why is this Strategy being developed now?
- Our submission supports Action ID number 43 which is to review the current mapping of State and Regionally Significant Farmland to resolve on ground inconsistencies with current land use and development. We add that the Rural Land Use Strategy should be developed in response to these reviews.

Thirdly we wish to make the following comments on the proposed idea to use the CT model to support maintaining Regionally Significant Farmland and how we believe this model is applicable to our property.

- The lesser quality farmland is better suited to being restored to it's natural state because where the farmland is unsuitable for agriculture, farming practices have a negative environmental impact.

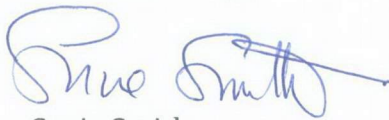
- Camphor Laurel and other weeds are a very real threat to usable farmland and rural amenity in this Shire. However, to maintain a “weed free” farmland, it is a financially costly and labour intensive exercise.
- The realistic picture of regional farming is that it is difficult to make an income that can offset the costs and that most farmers have a “real” job.
- Farming is by nature labour intensive. Given labour costs in Australia are so high and that small scale farming operations are generally low income earning, outsourcing labour is not a viable option. In the end, the landowner/farmer therefore is solely responsible for the operation and upkeep of the farm. For many, this poses the challenge of how to juggle two jobs.
- Time is a real issue for farmers as day to day farming operations are very time consuming.
- The parts of our land that we have replanted to natural vegetation are thriving and encouraging greater biodiversity and enhancing water quality.
- Replanting and regeneration is expensive because of the amount of labour required to prepare, plant and maintain the plants in the early stages. To undertake on large scale individual basis requires significant capital to fund the initial and ongoing costs, with no direct financial benefit to offset these expenses.
- **A MO and CT model would** create the opportunity to share the costs and responsibilities of maintaining the Rural Significant Farmland portion of our property, alongside the regeneration of the lesser quality land. It would have the benefits of creating the following,
 - 1. A living community of like minded people who would be invested in the process of setting up small scale farming pursuits on the better quality or usable farmland, and enable them viable access to these smaller lots.
 - 2. An immediate ‘labour force’ who would be involved and also share the financial costs for the restoration and revegetation of the parts of the property that are not applicable to agriculture.
 - 3. It would enable the use of the combined energy and enthusiasm of the community of property owners who will ultimately gain from their investment, by creating an environment in which to live.
 - 4. Build a model whereby share farming and rotating responsibilities allowed the community members to be able to be responsible to their first line of income.
 - 5. Affordable rural housing options
 - 6. Significant environmental restoration and repair giving rise to enhanced biodiversity and habitats for fauna and flora

Summary

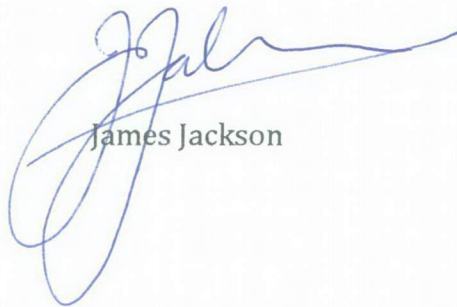
We believe that our property being 74 Charltons Rd, is ideal for future rural living and lifestyle opportunities which we have been seeking to progress from 2012 and our original submission. The report by Melissa Van Zwieten included in this submission clearly demonstrates that a large portion of the property is Unconstrained land which is within 2 KM of a rural village containing a general store which is a Priority 1 Criteria as per the Draft Strategy and therefore suitable for rural living and lifestyle opportunities. We believe a Community Title Multiple Occupancy development model could simultaneously maintain and sustain the portion of agricultural land on our property (approximately 30% of land area or 17.4 Hectares) while providing rural housing and environmental repair on the balance (70% of the land area or 40. 6 Hectares).

We look forward to your consideration and response and if required please contact Suzie Smith on 0412 334 941 or suzie2480@gmail.com.

Yours Sincerely,



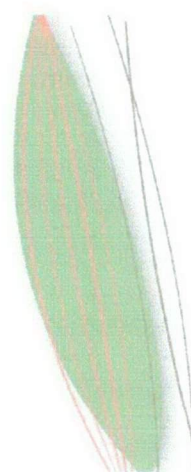
Suzie Smith



James Jackson



**Agricultural Report
For Future Multiple Occupancy
Lot 11 DP 1039847,
74 Charltons Rd, Federal NSW**



Melaleuca Group Pty Ltd

Date: 17th May 2016

Prepared for:

J Jackson and S Smith

Further Information:

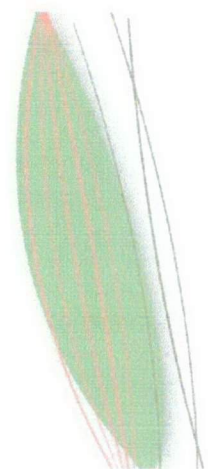
Melaleuca Group Pty Ltd

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Dr. Melissa Van Zwieten
Environmental and Agricultural Scientist



Melaleuca Group Pty Ltd

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1. Introduction

Melaleuca Group has been engaged by J Jackson and S Smith to undertake an Agricultural Assessment and an Agricultural Report for Lot 11 DP1039847, 74 Charltons Road, Federal (the site) in response to the Draft Byron Rural Land Use Strategy (the Strategy). This assessment provides site specific information regarding the constraints of the site both to Agriculture and to a possible future Multiple occupancy and with regard to the benefits of combining the two land uses.

Specifically, this assessment provides clarification to Council in response to the proposed exclusion of the site from the current Draft Strategy. The following advice has been provided by Council:

The term "EXCLUDE from further consideration" means that in the context of the site specific property investigations (reported to Council on 17th March – Report 13.10) the subject land had significant areas affected by one or more of the constraints identified in Table 1 of the 'Site Suitability Criteria & Mapping Methodology' ¾ the primary constraint being "regionally significant farmland" (100%) and slopes > 32% (small pockets only).

As a result of these constraints it has been excluded from consideration for future rural lifestyle living opportunities. If the draft Strategy had identified parts of your land as either unconstrained or assessable then these areas could be considered against 'Figure 4: Decision Framework for Future Rural Lifestyle Living Opportunities' of the draft Strategy. However at this point in time regionally significant farmland is to be retained for existing or future agricultural production. This represents the State government's current policy position as articulated in the Far North Coast Regional Strategy, draft North Coast Regional Plan and s117 Direction 5.3 (Farmland of State and Regional Significance on the NSW Far North Coast). Direction 5.3 specifically refers to "Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005", which states:

Regionally significant farmland cannot be considered for rural residential rezoning. The only exception is where the land is identified in a council rural settlement strategy which has been agreed to between December 1994 and December 2004 under clause 20 of the North Coast Regional Environmental Plan (or placed on public exhibition by the end of 2004 and subsequently approved). Councils when preparing new rural residential settlement strategies cannot consider regionally significant farmland for inclusion.

The site was originally included in the 1998 Byron Rural Settlement Strategy (BRSS) and subsequently removed at the request of a previous landowner. The current landowners (J Jackson and S Smith) have been negotiating with Council since 2012 for the reinstatement of the site for inclusion in the BRSS. Some surety was provided by Council in September 2013, July 2014 and June 2015 of the site's reinstatement under the BRSS and the current draft Strategy.

In addition, the following advice allows Council to consider site specific information so that the site may be included in the new Strategy being prepared:

Although the final Strategy will have a 20 year life it is intended to have this document reviewed every 5-years to consider any new site-suitability information that becomes available, as well as any new legislative or policy changes affecting future rural lifestyle living opportunities.

As such, this assessment provides site specific information for Council's consideration at this time for the continued inclusion of the site within the Byron Rural Land Use Strategy. The objectives of this assessment is to assess the quality of agricultural lands at the site and to assess the impact of a future multiple occupancy (or similar) development at the site with regard to agricultural viability and productivity. This is particularly in response to the desktop analysis and exclusion of the subject site under the broadscale Regionally Significant Farmland mapping.

This assessment proposes that it is possible to use the Community Title model to create outcomes that support maintaining significant farmland through sharing responsibilities and costs. Continued inclusions of the subject site in the Strategy will allow for future investigations into such a proposal. At such time, additional assessments will be required to address other components of such a development including (but not limited to) Bushfire, Access, On-site wastewater, Ecological and the like.

Please refer to Figure 1 for the site's locality.

2. The Site

2.1 Site Identification

The Site is known as Lot 11 DP1039847 and is located approximately 1km north/north-east of Federal and approximately 7.5km north-west of the centre of Bangalow CBD. The Site is approximately 58 ha in size.

The site lies within the catchment of The Wilsons River which forms the eastern boundary of the site.

2.2 Zoning and Proposal

The subject site is predominantly zoned RU2 Rural Landscape in accordance with Byron Shire Council (BSC) Local Environmental Plan (LEP) (2014). A small area adjacent to The Wilsons River is zoned 1(ah) General Rural Zone - hatched in accordance with BSC LEP 1988. Surrounding lands similarly zoned with also areas zoned RU1 (Primary Production).

2.3 Current and Historical Site Usages

Information pertaining to the historical landuses are limited to some aerial photography, local knowledge and information provided by J Jackson. The current owners have resided on the land for 14 years and have gathered information regarding historical uses by way of conversations with locals including the previous land owner. The previous land owner (Mr Charlton) has a long connection to the land having resided on the property for approximately 60 years (1940s to 2002). Given the topography of the land, existing vegetation and discussions with Mr Charlton (J Jackson, pers comm.), it is believed that landuses were limited to grazing activities for some time including the period before the Charlton family holding the property. As such, based on anecdotal evidence, it is believed period to be at least approximately 80 years of this land use.

A single dwelling and associated structures are located on the upper portion of the allotment adjacent to Charltons Rd. The dwelling is estimated to be over 75 years old. Based on anecdotal evidence, it is believed individuals have resided on the property in excess of 100 years.

Recent (2000 - 2015) historical aerials were reviewed. These images indicate a relatively cleared property with clusters of trees as observed by imagery. Some vegetation appear to form windbreaks with other being isolated paddock trees.

Given the generic history of the area, it is likely the site was cleared around 100 - 150 years ago with principal uses being subsistence farming along with dairy cattle grazing. Around 1950/60, dairy farming declined in the area with a change to beef cattle grazing which was evident during site investigations as the current land use. Plates 1 to 6 show general views of the site in its current (2016) condition.



Figure 1. Location Plan



Plate 1: Southerly view of western section of site (elevated area adjacent to Charltons Rd).



Plate 2: Easterly view of southern section of site along sloping ridgeline.



Plate 3: General view of eastern section of site showing elevated western section and steep lands.



Plate 4: General view of area immediately adjacent to The Wilsons River. (Note surface boulders).



Plate 5: General view of pile of rocks, multiple piles observed across the site.



Plate 6: Example of a significant tree located on the site (*Macadamia tetraphylla*).

2.4 Local Geology and Soil Description

NSW DPI (2004) describes the geology of the study area as Tertiary volcanics - Lismore Basalts. Morand (1994) describes the geology of the study area as being Lamington Volcanics: Lismore Basalts - Tertiary basalt with bole and minor agglomerate.

The soils across the Subject Site are identified as *Rosebank (ro)* (Morand 1994).

Rosebank (ro):

Landscape – rolling low hills and hills on Lismore Basalts. Relief 70 - 100m, slopes 20-40%. Ridges and crests are convex and moderately broad (100-300m). Ridge slopes, sideslopes and isolated hills are common. Extensively cleared closed native forest, now predominantly sod grassland with large areas of closed camphor laurel forest.

Soils Shallow (<100cm), well drained Krasnozems and brownish red Krasnozems (Gn3.11, Gn4.11, Uf5.21, Uf6) on crest margins. Moderately deep to deep (>100cm) Krasnozems and brownish red well-drained Krasnozems (Gn3.11, Gn4.11, Uf5.21, Uf5.2, Uf6) on slopes.

Limitations – very acid soils with high aluminium toxicity potential. Steep slopes with mass movement hazard and localised rock outcrop.

Observations of soils across the site were consistent with this description. As such soils across the site would be considered relatively shallow along ridgelines with variable depth on slopes. Many surface rocks were observed across the lower sections of the site. A number of piles of rocks were observed (e.g. Plate 5). Rockiness appeared to increase towards the east coinciding with slopes. Given the steepness of areas of the site and long term clearing and grazing, it is likely rockiness has been increased due to erosion processes.

2.5 Topography

The subject site consists of a knoll in the south-western corner of the site which has an upper elevation of approximately 180m AHD. From this knoll, two (2) ridgelines diverge. One to the north, following Charltons Road and one to east. The eastern spur diverges into two (2) ridgelines with one generally following the southern boundary of the site and the other diverging in the north-east direction. Thereby three (3) ridgelines exist on the site of varying steepness. Elevation at the eastern boundary (i.e. adjacent to The Wilsons River) is approximately 50m AHD. As a consequence, slopes vary from near flat (0-2%) in the south-western corner) to areas greater than 20% (Figure 2).

2.6 Surface Water

As previously discussed, the site lies within the catchment of The Wilsons River which forms the eastern boundary of the site. Two (2) unnamed tributaries commence within the bounds of the site and flow to the River. These are located between the three (3) ridgelines located on the site.

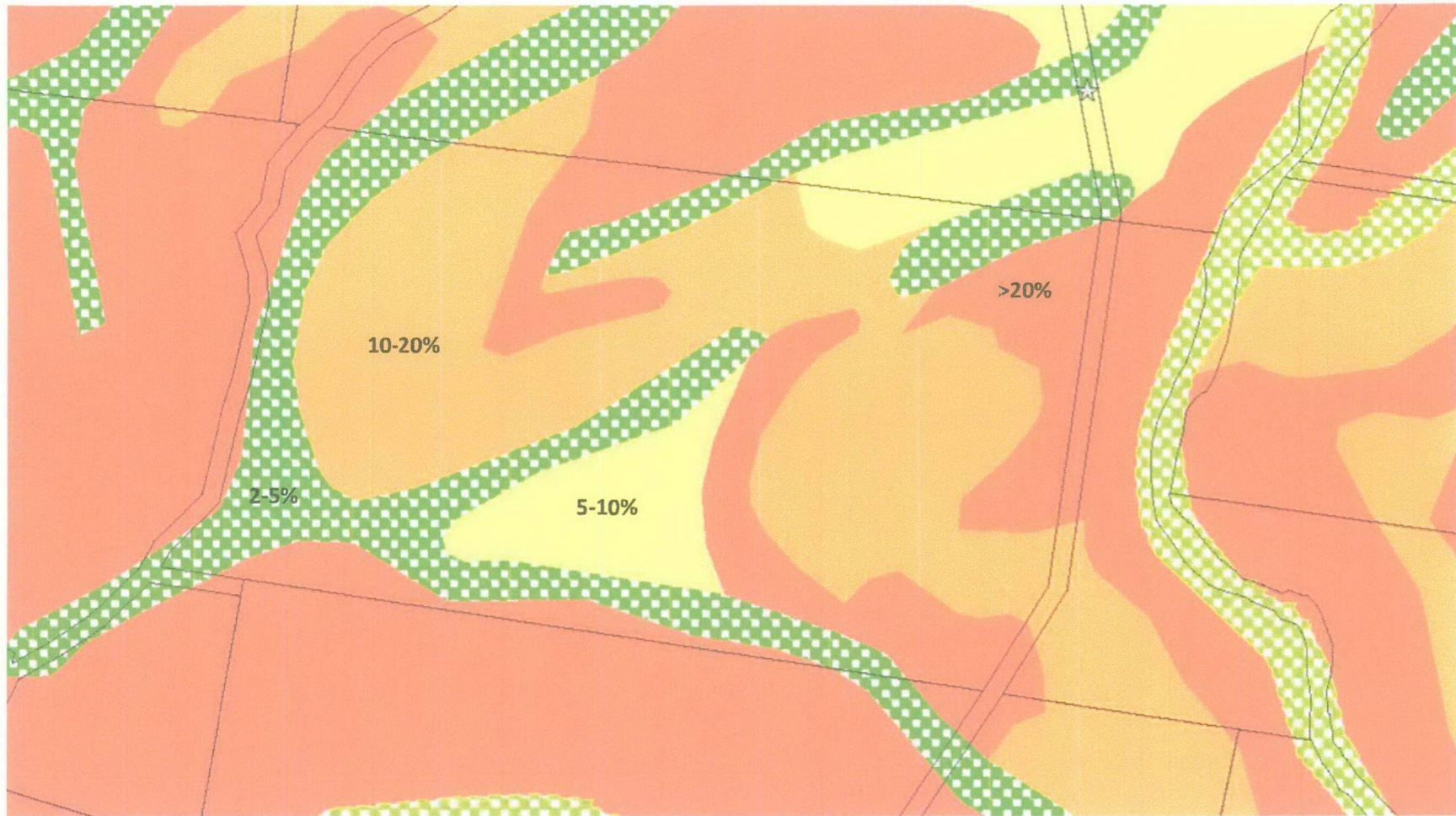


Figure 2. Broadscale Slope Analysis (Department of Land and Water Conservation 1998).

2.7 Agricultural Land Classification

The entire site and surrounds are mapped as Regionally Significant Farmland. The distinction between State and regionally significant farmland was established to recognise the diversity within the region's 'important' farmland (DIPNR 2005). This document outlines the need to distinguish between very high quality and unique agricultural soils/lands and other lands that were also important to agriculture but which were more extensive and less productive generally per unit area. A number of attributes were considered in determining between State and regionally significant farmlands including:

- Slope generally less than 15%;
- Consists predominantly certain soil types;
- Soils are generally deeper than 1 metre;
- Well drained landscape;
- Rock outcrop less than 10%;
- Flood free; and
- Not affected by other constraints/hazards either within the soil landscape or originating in adjoining soil landscapes (eg: run-on, mass movement, localised flooding).

With distinction, greater flexibility in planning controls can occur. Rules about urbanisation of farmland can afford stronger levels of protection to smaller unique significant areas compared to expansive areas that contain a more diverse range of soils, landscapes and opportunities for agriculture.

Various other mapping of Agricultural land has occurred since 1986. For example NSW Agriculture (1988) mapped land at the site under two (2) classifications (Figure 3) namely:

Class 4: Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.

Class 6: (Special use) Land which, because of a combination of climate and soil, is well suited to intensive production of a crop or a narrow range of crops whose special requirements limit their successful culture to such land. This class may include some lands formerly described as 'unique'.

(Agricultural Rural Land Classification Maps 1988)

NSW OEH (2013) mapped the entire site under one classification (Figure 4) namely:

Class 6: (has very severe limitations for a wide range of land uses and few management practices are available to overcome these limitations. Land generally is suitable only for grazing with limitations and is not suitable for cultivation.

Class 6 land includes steeply sloping lands (20–33% slope) that can erode severely even without cultivation, or land that will be subject to severe wind erosion when cultivated and left exposed. Other limitations can include shallow soils (less than 50 cm deep), stoniness, rock outcrop (50–70% coverage), salt outbreaks, naturally acid soils of low fertility, major flow lines with high flows and flooding, areas that are poorly drained and wet for long periods, areas that are severely eroded, including scalds, and strong climatic limitations'.

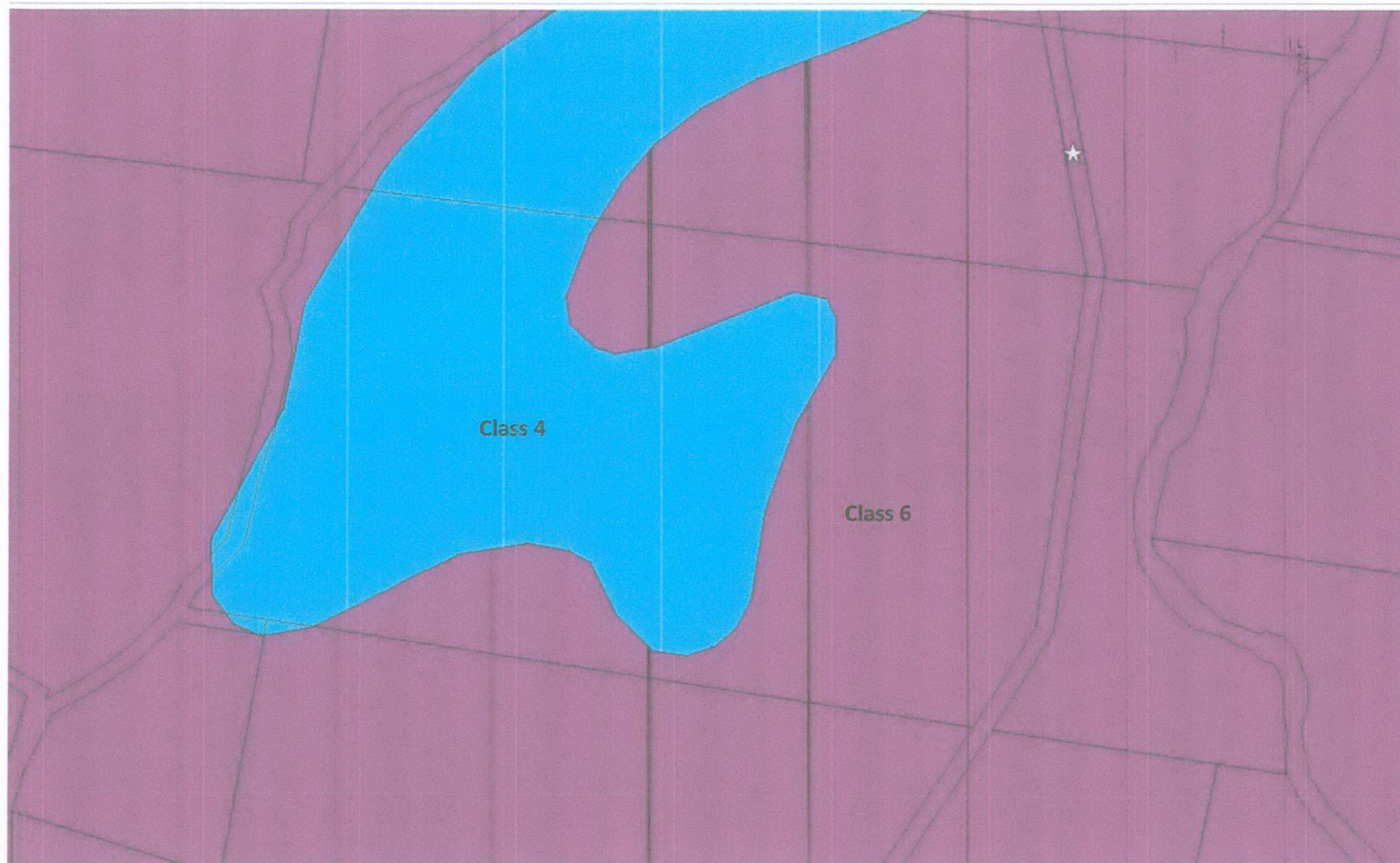


Figure 3. Agricultural Rural Land Classification (1988).

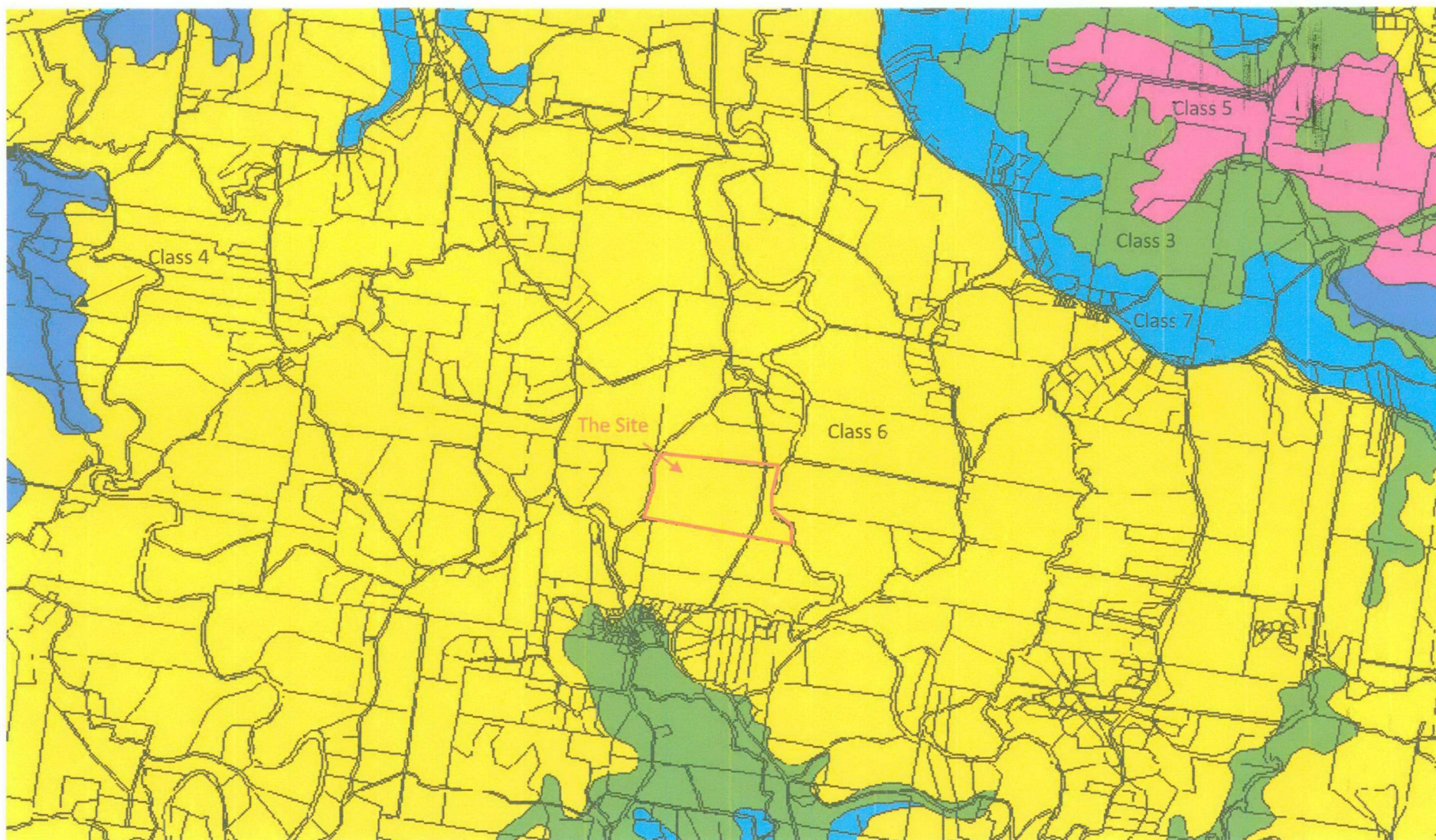


Figure 4. Agricultural Land Classification (2013).

3. Agricultural Potential

3.1 Proposal

A proposed MO layout is not available at the time of writing. However, this assessment aims to assess the possibility of such a proposal in the future to allow for the subject site to be included in the currently exhibited Draft Byron Shire Rural Land Use Strategy (the Strategy). This assessment also allows for some guidance to such a proposal by determining areas of the site that represent good Agricultural land.

3.2 Relevant Legislation

Under BSC's LEP 2014, the following zoning objectives apply to the site:

RU2 Zone Objectives:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.*
- *To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality.*

Draft Byron Shire Rural Land Use Strategy Objectives:

Council has adopted the following planning policy directions to encourage opportunities for protecting and improving our natural systems.

1. *Future rural development will not be supported on sites, or areas within a site:*
 - *having high environmental value vegetation identified through a range of verification methods including but not limited to one or a combination of the following:*
 - (i) *field inspections and surveys by a qualified person,*
 - (ii) *reports <5 years old by a suitably qualified person and accord with the HEV vegetation criteria,*
 - (iii) *high resolution aerial photos <5 years old in conjunction with another verification method*
 - *within 100m of a major creek or water way located in a drinking water catchment*
 - *having slopes > 32%*
 - *generally requiring significant landform modification in the form of excavation or filling*
 - *identified as having 'extreme' bushfire risk (ie. Category 1 vegetation on slopes greater than 20%)*
 - *within acid sulfate soil risk class 1 or 2*
 - *affected by an S117 Mineral Resources planning direction, including transitional and potential areas, their buffers and use of key access roads (unless the applicant can demonstrate that the land's inclusion in a S117 Mineral Resources direction is outdated, and if required, gains agreement from the relevant NSW Government authority).*
2. *The planning framework will encourage natural resource based rural industries committed to the use of ecologically sustainable management practices.*
3. *Future rural tourist development will protect and where possible enhance key environmental features and preserve land of high scenic quality.*

4. *Future rural lifestyle living opportunities will serve to repair and enhance the land's natural values in a manner which more than offsets the full impact of the site's population and pressures on the environment.*
5. *Future rural lifestyle living opportunities will preserve scenic amenity, minimise environmental impacts and better manage natural or man made hazard risks.*

3.3 Soils

The Krasnozem soil types (FAO classification 2016 as Rhodic Ferralsol) found across the site are typically strongly structured, deep, well-drained red to red-brown soils that are loam to clay loam in texture at the surface which gradually become more clayey with depth. These soils are amongst the most fertile soils of the subtropical areas of Eastern Australia (Stephens 1962). However, this description is more typical of the Wollongbar (wo) Soil Landscape (Morand 1994) whereby the Wollongbar soils are residual soils and located, in general, to the south in alignment with the Alstonville Plateau landform. Rosebank (ro) soils as found on the site, are an erosional soil landscape and as such are slightly poorer in fertility, but of more impact, are generally rockier and shallower.

A wide range of sub-tropical horticultural crops are grown throughout the immediate area as well as the wider region of the North Coast of NSW. These successful enterprises bear testament to the suitability of the Krasnozem soil type for these crops whereby this range of crops are generally located on the Wollongbar soil type. While it is considered, soils of the site could still support a wide range of intensive agricultural pursuits, additional resources and efforts would be required to ensure such pursuits are successful (e.g. removal of rock and/or addition of fertilisers, manures or compost).

3.2 Topography

The site's topography varies greatly between relatively flat areas (<5%) to steep gully areas (>20%). Gentle (2-5%) to moderately (up to 10%) sloping lands are well suited to horticultural tree crops due to the lack of required cultivation practices in other enterprises. However, these areas are relatively limited on the site to the upper areas of the ridgelines.

3.4 Water resources

Future proposals would not subdivide the site and as such, the site would maintain access to water within The Wilsons River under harvestable water rights. Additionally, the site has a Groundwater Bore (GW070466) which is licensed for stock and domestic purposes. Potentially, the bore licence may be able to be upgraded to an irrigation licence if intensive horticultural activities are pursued. This bore and/or surface water features provide opportunities for a range of Agricultural enterprises.

Water usage will be dependent on the agricultural pursuits selected, however, it should be noted the climate and high rainfalls of the North Coast of NSW are suitable for a range of enterprises without the need for additional irrigation. For example, Macadamia irrigation is only recommended where annual rainfall is less than 1,200mm (Qld DPI, reprint 2004). The average annual rainfall recorded at the Ballina Airport Automated Weather Station (closest station) is 1773 mm and as such irrigation is not warranted for macadamia production at this site. Macadamia plantations, in general, are not irrigated in Northern NSW.

3.5 Agricultural Potential

This site specific assessment has investigated a range of features pertinent to the ability of the site for a range of agricultural pursuits and the ability of the site to also be able to sustainably allow for additional households (e.g. by way of a Multiple Occupancy or similar).

Notwithstanding the land classification (i.e. Regionally Significant, Classes 4 and 6 (1988) and Class 6 (2013)), parts of the site offers the opportunity for a range of agricultural pursuits.

However, a large extent of the site is highly constrained due to slopes, rocks and shallow soils. The topography of the site also is relatively exposed and as such high wind levels are expected. A number of wind-affected trees were observed during site investigations along with confirmation of periods of strong winds from the proponents. Winds present additional financial and labour inputs by way of requiring the establishment of wind breaks.

To pursue high value horticultural crops would, in general, be very limited to small flat areas of the site. Areas with increased slopes may be placed under these higher valued tree crops, however, major land formation and labour be required. The relative increase in resources required for intensive/higher value crops would potentially not provide a financially viable option due to the inherent risks of such agricultural pursuits.

For example, during approximately the 1980/90s, a range of agricultural and horticultural enterprises developed in the region. In particular Macadamia plantations were established with large plantations established in areas south of Federal. These plantations coincide with fertile Wollongbar soil types and the Alstonville plateau formation. Soils at the site are considered suitable for Macadamia although increased rockiness is likely. However, the topography and exposure to winds reduces the area available for a Macadamia orchard to small areas of the site which, with increased financial inputs (i.e. for rock clearing, land formation and wind break establishment), indicates the site would not provide sufficient area for a successful Macadamia plantation.

Other higher value tree crops (e.g. custard apples, lychees) may be possible at the site. However, as described above, obtaining sufficient area without the need for major land formation and/or labour inputs would be difficult. In addition, areas best suited are on along ridgelines in high wind exposure areas.

Other Agricultural pursuits might include Native Bush foods, market gardens, Mushroom tunnels free range livestock (e.g. ducks, pigs, chickens) and Snail production. All of these pursuits require relatively large inputs of labour. However, these options may provide options for the use of increased areas of the site (e.g. on slopes up to 10%) as the footprint requirements to provide a viable financial return are smaller.

The current landuse (cattle grazing) has limitations due to improving pasture economically is only within upper areas of the site due predominantly to steep slopes and rocks (i.e. not accessible for tractors and/machinery). Improvements in pasture in these areas could be achieved, but would be labour intensive as rock removal and/or deployment of seeds (e.g. oversowing with tetraploid ryegrass for winter pasture productivity) and/or fertiliser (predominantly Phosphorus) would need to be done predominantly by hand.

A review of recent available aerials indicate intensive horticultural pursuits are sparse in areas surrounding the subject site and particularly north of the site. The surrounding land uses provide an indication of the importance (or lack thereof) of the site in the context of being regionally significant

agricultural lands. Land to the east includes an existing Multiple Occupancy development. Lands to the east and south include areas of forestry. Forestry plantations tend to be located on lands which do not possess characteristics for higher value agricultural commodities. Lands to the north and east represent similar lands in terms of soil types and topography and are being used for cattle grazing. As described above, Macadamia plantations tend to be associated with the Wollongbar soil landscape and the Alstonville plateau and a review of aerial photography indicate the closest is approximately 1.8km to the south with a number of plantations further south (an coincides with Wollongbar soil landscape). A review of aerial photography for other high value horticulture/agriculture indicate few within the Federal locality. A possible Macadamia plantation was located approximately 2km to the north-west which, while having a similar soil landscape, differs in the topography facing west and thereby being protected from winds. In addition, a small coffee and possible nursery was located approximately 800m to the north-west. Similarly, the westerly aspect of this property may be providing the site specific attribute enabling these agricultural enterprises. Other site specific attributes of these properties were not investigated. In both instances, these enterprises covered area less than 10ha (1-2ha for nurseries) indicating quite small areas of land can lead to economically viable options.

The subject site also has a range of significant vegetation including large Fig Trees and a number of Macadamia tetraphylla specimens (Vulnerable at State and Commonwealth levels). Some of these trees are located within areas of gentle to moderate slope (i.e. within possible tree horticulture areas) and thereby would possibly require removal or would impact on viability of an orchard/intensive agricultural pursuit. Further, the BRSS aims to protect and improve environmental features in the LGA. This in combination to the riparian area adjacent to The Wilsons River would not be able to be addressed without financial resources (e.g. increased income from agricultural pursuits) and/or increased labour inputs. Improvements in the environment would be not only contained to tree planting to reduce soil erosion and land slips, but increase habitat areas and riparian protection. Additionally, an enriched environment can become habitat for a range of beneficial faunal species (e.g. microbats for insect control in orchards, Owl habitat for rodent control).

To provide labour at a financially viable level to meet both agricultural and environmental objectives of the site, the option of increasing residents at the site by way of a MO would resolve both issues. It is not envisaged all residents would require an income from the property, whereas providing opportunities for a rural lifestyle come availabilities for residents to contribute to the management of the land. Areas of the site that are not well suited to agricultural pursuits or would not highly impact on available agricultural lands, offer areas whereby a number of dwellings and associated infrastructure could be located. With increased availability of farm (or 'property') staff, variable agricultural pursuits and improvements in the environment could occur. This could lead to other opportunities for farm tourism thereby increasing local jobs and expanding land use diversity.

A further consideration, is the ability of the a group of residents being able to undertake subsistence farming and thereby produce much of the food consumed by residents of the site. Surplus crops could be sold locally to residents thereby reducing environmental impacts due to transport of produce into the area.

Please refer to Figure 5 for a preliminary concept and land suitability plan of the site. This plan shows some options for locating dwelling clusters while still retaining large portions of the site for agricultural and environmental pursuits. Nominated agricultural classes are compared to a generalised agricultural class as identified in literature (e.g. various authors between 1981 and 2013).



Figure 5. Preliminary Concept and Land Suitability Plan

4. Discussion and Conclusion

Melaleuca Group Pty Ltd has been commissioned by J Jackson and S Smith to undertake an Agricultural Assessment and prepare an Agricultural Report for Lot 11 DP1039847, 74 Charltons Road, Federal (the site) in response to the Draft Byron Rural Land Use Strategy.

A site inspection was undertaken on the 27th April 2016 to ascertain soil and site characteristics.

The site in its current condition is relatively devoid of treed vegetation and consists of a number of grazing paddocks used for beef cattle. Slope ranges considerably across the site from relatively flat to gentle slopes predominantly in the western section of the site to very steep (>20%). As the elevation drops from west to east a marked increase in surface rocks were observed. In addition, land slips, erosion and shallower soils were observed.

While cattle grazing is often seen as the most common farming option, a range of other livestock could be suitable such as goats, free range pigs and free range poultry. These options allow for the increasing the diversity of enterprises on the site while also enabling effective managed production on steeper locations at the site. Similarly niche markets such as snail production could also be undertaken at the site as this requires a small footprint (shed) on flatter area(s) of the site.

While the site's characteristics also offers an opportunity for a range of other agricultural or horticultural pursuits, these would all require increased inputs including land formation and labour. Similar to cattle grazing, Macadamia production is often seen to provide a standardised analysis for site within the Northern Rivers area. A Macadamia plantation is considered to be unlikely to be financially viable on the property due to increased inputs. However a range of other horticultural pursuits may be suitable for this site including other tree crops (e.g. high value sub-tropical fruits, bushfoods, cut flowers, blueberries and mushrooms (shed/s)). However, these would also require increased labour and thereby financial inputs.

Thereby, this Agricultural Assessment has identified suitable areas within the site that might be able to support viable agricultural industries. As shown in Figure 5 the subject site is divided into the following Agricultural quality classes:

- Class A: equivalent to published Class 3 to 4 - 12% or 6.96ha
- Class B: equivalent to published Class 4 - 5% or 2.9ha
- Class C: equivalent to published Class 4 to 5- 7% or 4.06ha
- Class D: equivalent to published 1988 Class 6 (unique) - 6% or 3.48ha
- Class E: Considered more appropriate for Environmental works than Agriculture- 32% or 18.56ha
- Other: residual lands equivalent to published Class 6 - 38% or 22.04ha

As such, none of the site is considered in the better quality Agricultural Classes of Class 1 and 2. Approximately 24% or 13.92ha is recognised as the best Agricultural land on the site. However, these areas are still impacted by slopes, winds and topography and thereby additional inputs are required for increased agricultural outputs. A further 6% (or 3.48ha) of the site is identified as potential opportunities for the production of niche commodities. These areas were identified due to being protected from winds as on lower slopes but additional inputs are still required to establish access, remove rocks and undertake some land reformation. A large portion (32% or 18.56ha) was

identified as being better suited to environmental activities to allow for reforestation along watercourses and steep slopes to improve land stabilisation, habitat (including linkages) and reduce erosion and sedimentation. These areas could be considered as being classified with the 2013 Class 7 Agricultural class. Class 7 areas are described as "has extremely severe limitations for most land uses. It is unsuitable for any type of cropping or grazing because of its limitations. Use of this land for these purposes will result in severe erosion and degradation. It may be too steep, rocky, swampy or fragile for grazing". The remaining portions of the site offer opportunities to remain as grazing land with few opportunities for increased outputs and considered Class 6 under the 2013 descriptions (*"very severe limitations for a wide range of land uses and few management practices are available to overcome these limitations"*)

As a consequence of this assessment, the site is not considered 'regionally significant' farmland as areas are small in nature and the majority (70% or 40.6ha) of the site is not considered good agricultural lands due to soils, topography, wind exposure and rockiness and thereby increased financial inputs required. In addition, it is considered the site is remote from Regionally Significant lands capable of supporting a diverse range of agricultural pursuits. The Regionally Significant farmland mapping is a very broad mapping tool which utilised soil landscapes and a major criteria (DIPNR, 2005). While slopes are considered paramount in agricultural viability (DIPNR 2005), this mapping has not include topographic maps and infers the mapping may not be applicable on an individual site basis. The lack of the site fitting 'Regional Significant' farmland is further supported by the available mapping from 1988 to 2013 that indicate the site is of poorer agricultural potential as classified as Class 4 or Class 6 in 1988 and all Class 6 in 2013. While this assessment has recognised some variability in land classes across the site, this assessment has taken into account site specific characteristics. However, it must be emphasised that increasing agricultural diversity and/or output required financial and labour burdens that may still not result in an agriculturally viable enterprise.

Despite the limitations of the site, a number of agricultural pursuits could be undertaken at the site. The most significant requirement to these enterprises is the increase in labour requirements. As such, a potential solution is the inclusion of increased residents at the site by way of a MO. These similarly minded individuals would be able to partake in the daily management of the property and thereby the increased available labour would allow for a range of agricultural pursuits. An additional benefits of these residents, is the availability of labour for undertaking a range of environmental activities and repairs which is a major objective of Council's Rural Land Use Strategy.

All five (5) objectives (refer s3.2) of the Rural Land Use Strategy would be met by a carefully designed MO (or equivalent). In addition, the objectives of the RU2 Zone could also be met by such a proposal. As such, it is the conclusion of this assessment, that the site should be included within the current Rural Land Use Strategy to allow for appropriate development at the site while combining agricultural and environmental outcomes.

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Land Suitability Ranking

Best to Worst (A = Best, E = Worst)

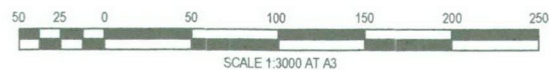
% = Percentage below is approximate % of Lot Area (About 58ha Total)

- A (equivalent to Class 3-4; 12%)
- B (equivalent to Class 4; 5%)
- C (equivalent to Class 4-5; 7%)
- D (equivalent to 1988 Class 6 - unique or 2013 Class 5; 6%)
- E (Environmental Lands due to watercourses and/or steepness; 32%)

Other (remaining land, equivalent to 2013 Class 6; 38%)



Possible Location of Dwelling Cluster.
(Subject to further investigation)



Source:

Cadastral: Ken Chelsworth
Contours (1m): DEM is derived from LIDAR data, Ken Chelsworth
Aerial: Ken Chelsworth
Miscellaneous Detail: Ken Chelsworth

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The aerial image shown is overlaid in an approximate position only. For an accurate location of existing features an additional detailed survey by a Registered Surveyor should be carried out.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

Design	Scale at A3
Drawn GC	Datum Assumed
Date 17.05.2016	Filename MG16003-EV01.dwg
Checked MV	Approved
Dwg No MG16003-EV01	Sheet No 1 of 1
	Index B

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Project

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For: James Jackson & Suzie Smith

Title

PRELIMINARY CONCEPT
& LAND SUITABILITY
PLAN