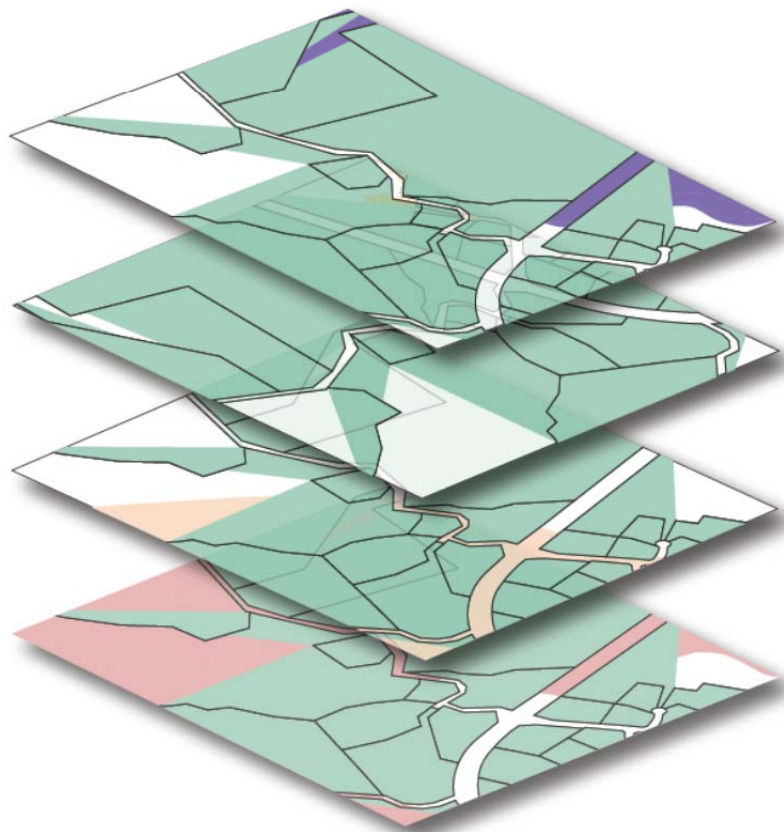




Stage 2: Site Suitability Criteria and Mapping Methodology

~~Incorporating Council
Resolution 16—414
August 2016 April 2017~~



E2017/18509 **Highlighted** = changes in August 2016 submission to DPE

Blue font = subsequent changes in response to 20/10/16 submission from DPE

This document is a draft for public comment and should not be used by anyone as a basis for investment or other private decision-making purposes in relation to land purchases or land uses. Although initial consultation on landowner interest in the areas shown on the exhibited maps will occur during the exhibition process, it must be understood that these maps may be subject to significant changes after the exhibition process, when adopted by Council and/or when endorsed by the Department of Planning and Environment. Therefore potentially affected landowners are encouraged to remain informed and involved throughout the strategy process. This Strategy has no status until formally adopted by Council and endorsed by the Department of Planning and Environment.

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Appendices

1. Site Suitability Maps

1. Introduction

1.1 Background

Byron Shire Council is developing a Rural Land Use Strategy. The Rural Land Use Strategy will provide a strategic framework for the management and use of rural land for living, working and leisure. It will guide future land zoning and other planning instruments such as Local Environmental Plans.

It will also identify a range of rural land use actions/outcomes and include a delivery program for future rural development, taking into account existing land supply.

Main Stages to develop the Rural Land Use Strategy



1.2 Purpose of the Site Suitability Criteria and Mapping Methodology Paper

The purpose of this document is to provide a comprehensive framework for determining future rural development potential (rural tourism, rural lifestyle living opportunities) and urban investigation areas, based on a range of natural resource management, risk avoidance and social/economic servicing criteria. This, in turn, will inform the development of a related Policy Directions paper and the Rural Lands Strategy. The Site Suitability Criteria and Mapping Methodology is designed to be a living document that will be updated as needed to reflect agencies revised mapping methodologies, latest information and trends in best practice.

1.3 Study Approach

The Department of Planning and Environment are preparing a North Coast Regional Plan to replace the Far North Coast Regional Strategy. In preparing the criteria and mapping methodology, staff liaised with the Department to ensure that the Rural Land Use Strategy mapping methodology direction is consistent with the policy principles of the working draft North Coast Regional Strategy. The criteria were also informed by other relevant State, regional and/or local planning documents and best practice planning principles.

2. Site Suitability Criteria Methodology and Data

The process for selecting potential land for tourism, conventional rural residential, Multiple Occupancies, Community Title or other non-agricultural land uses, (herein referred to as '*future rural development*'), is outlined below. The aim is to ensure that *future rural development* occurs within the context of Byron Shire's environmental, economic and social requirements.

In identifying potential *future rural development* land, site suitability criteria were used to map the following categories of land:

1. Constrained Land

This identifies areas where any of the criteria listed in Table 1 (below) are present. Constrained land will not be considered for *future rural development*, as it includes important environmental and resource values and/or issues of risk avoidance. These constraints, by their degree and nature, preclude the land from development.

2. Assessable Land

This identifies areas not encumbered by any of the Constrained Land criteria in Table 1, but potentially affected by one or more of the criteria listed in Table 2 (below). Assessable Land encompasses environmental, economic and/or risk avoidance criteria which may not necessarily preclude *future rural development* on the land, but rather indicate a need for more detailed site specific investigations to determine the site's full development potential. The criteria in Table 2 are not comprehensive and there may be other matters which need to be taken into consideration to determine a site's development potential.

3. Unconstrained Land

This identifies areas that are neither encumbered by Constrained Land criteria (Table 1) nor affected by Assessable Land criteria (Table 2).

4. Service Catchment & Road Infrastructure Priorities

This considers development priorities for future rural lifestyle living opportunities (i.e. multiple occupancy; conventional / community title rural residential subdivision) of Unconstrained Land and Assessable Land, using the 'Service Catchment Criteria' in Table 3.

This reflects the premise that future rural lifestyle living opportunities should be within a reasonable distance of village and town services and be provided with a standard of road access that does not place a financial burden on the wider community. From a service catchment standpoint, priority generally will be given to 'assessable' and 'unconstrained' land within: a 5 km radius from the general post office in a town containing a high school.

- ~~(i) 5 km radius from the general post office in a town containing a high school; or~~
- ~~(ii) 2 km radius from a primary school or general store in villages and rural settlements.~~

For all future rural development of unconstrained and assessable land, whether within or outside a 5km service catchment area, the following also must be considered:

- capacity / condition of relevant road network; and
- costs to wider community of proceeding with the proposed development.

These and other matters will need to be considered at the draft Rural Land Use Strategy stage.

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Note: Land in the “unconstrained” and “assessable” land categories does not infer development rights; it merely identifies land that is potentially suitable for *future rural development*.

Table 1: Constrained Land

Criteria	Supporting Planning Framework
Primary Production Land Land zoned RU1 Primary Production in LEP 2014 containing high value agricultural land; Deferred matters relating to 1(b1) or 1(b2) Agricultural Protection in LEP 1988; Land mapped as State/Regionally Significant farmland (excluding non-contiguous)	<u>State / Regional</u> - Far North Coast Regional Strategy 2006-31 - S117 Direction 5.3 / Northern Rivers Farmland Protection Project - Final Recommendations, February 2005 (Section 4) - Draft Far North Coast Regional Growth Plan 'guidelines' <u>Local</u> - Byron Shire Sustainable Agriculture Strategy (2004) - Rural Land Use Strategy Discussion Paper – community feedback - Byron Rural Settlement Strategy 1998 - Tweed Shire Rural Land Strategy –Resource Inventory & Land Capability Assessment (Dec, 2013) - Lismore Growth Management Strategy 2015-2035
High Environmental Value Vegetation Land containing high environmental value vegetation	<u>State / Regional</u> - State Environmental Planning Policy No. 14 (Coastal Wetland) - State Environmental Planning Policy No. 26 (Littoral Rainforest) <u>Local</u> - Byron Rural Settlement Strategy 1998 - Byron Biodiversity Conservation Strategy 2004 - Lismore Growth Management Strategy 2015-2035
Water Supply Catchment Buffers Land within 100m of a major creek / waterway located in a drinking water catchment	<u>Local</u> - Byron Rural Settlement Strategy 1998 - Byron LEP 2014, Clause 6.5 – Drinking Water Catchments (objectives) - BSC Design Guidelines for On-Site Sewage Management for Single Households (2004) - Rous County Council draft DCP
Mineral Resource S117 mineral resource lands, including transitional and potential areas	<u>State / Regional</u> - S117(2) Direction 1.3 – Mining, Petroleum Production and Extractive Industries - Mineral Resources Audit (mapping) <u>Local</u> - Byron Rural Settlement Strategy 1998
Slope Land with slope > 25%	<u>State / Regional</u> - Planning for Bushfire Protection 2006 <u>Local</u> - BSC Design Guidelines for On-Site Sewage Management for Single Households (2004) - Byron Rural Settlement Strategy 1998

Table 1: Constrained Land

Criteria	Supporting Planning Framework
	Lismore Growth Management Strategy 2015-2035
Extreme Bushfire Risk Land containing Bushfire Category 1 vegetation and Slope >20%	<u>State / Regional</u> - Planning for Bushfire Protection 2006 - Lismore Growth Management Strategy 2015-2035 <u>Local</u> - Byron Rural Settlement Strategy 1998 (>20% slope)
Buffers to waste disposal facilities and sewage treatment plants Land within buffer to sewage treatment plant (400m) OR waste disposal facility (500m)	<u>Local</u> - Byron Rural Settlement Strategy 1998 - Byron Development Control Plan 2010 & 2014 (Chapter B6 – Buffers)
Acid Sulfate Soils (ASS) Classes 1 and 2 Land within ASS Risk Class 1 or 2	<u>Local</u> - Byron Rural Settlement Strategy 1998 - Byron LEP 2014, Clause 6.1 – Acid Sulfate Soils (risk classes 3-5 considered manageable)
Byron Bay 1:100 year flood risk and climate change Land identified in the North Byron Flood Study 100-year flood inundation mapping, Belongil 100-year flood inundation mapping and West Byron flood planning area	<u>Local</u> - Byron Rural Settlement Strategy 1998 - North Byron Flood Study Mapping (2016), Belongil 100 year flood inundation mapping (2015) and West Byron flood planning area (2014)
Other Excluded Zones Land outside the following zones: Byron LEP 2014: RU1 Primary Production RU2 Rural Landscape R5 Large Lot Residential RU5 Village SP1 Special Activities AND Byron LEP 1988 (only where “deferred” from LEP 2014): 1(a) General Rural 1(d) Investigation 7(d) Scenic/Escarpment	<u>State / Regional</u> - Far North Coast Regional Strategy 2006-31 <u>Local</u> - Byron Rural Settlement Strategy 1998

Table 2: Assessable Land ⁽¹⁾

Criteria	Supporting Rationale
Sensitive Rural Land Uses Assess potential impacts associated with rated farmland activities in terms of: - Location - Operation - Processing to determine farming activity clusters and suitable buffers (including ex-dip sites) to minimise conflict between farming and non-farming land uses	- Recognition of: the importance of farmland and agriculture; the changing nature of agriculture and key trends, demands and issues affecting agriculture; and the economic advantages associated with industries that cluster or diversify. - Builds on the <i>Byron Rural Settlement Strategy</i> principles and Byron Shire DCP 2014 – Chapter B6 – Buffers and Minimising Land Use Conflict. - Consistent with planning strategies and principles outlined in <i>Living and Working in Rural Areas</i> (NSW DPI, 2007).
Non Contiguous and Prime Agricultural Lands Assess Non-contiguous State/ Regionally Significant farmland and prime agricultural land (classes 1, 2 and 3 as identified by NSW Agriculture) outside the Primary Production Land identified in Table 1	- Consistent with Northern Rivers Farmland Protection Project – Final Recommendations (February, 2005). - Consistent with community feedback on <i>Rural Land Use Strategy Discussion Paper</i>. - Potential development should be subject to merit-based assessment of the agricultural value and future economic viability of such land.
Biophysical Strategic Agricultural Lands Assess biophysical strategic agricultural lands	- Biophysical Strategic Agricultural Land (BSAL) is land with high quality soil and water resources capable of sustaining high levels of productivity. - BSAL mapping important for managing competing land uses proposed on high quality agricultural land. - Consistent with DP&E advice that future rural settlement should generally avoid areas mapped as BSAL.
Scenic Amenity and Rural Landscape Assess land zoned 7(d) Scenic/ Escarpment in Byron LEP 1998 (only where “deferred” from LEP 2014)	- Consistent with <i>Byron Rural Settlement Strategy</i> site suitability criteria and community feedback on <i>Rural Land Use Strategy Discussion Paper</i>
Category 1 & 2 Bushfire Vegetation (excluding “Extreme” bushfire risk areas in Table 1) Assess the capacity for development that does not encroach on Category 1& 2 vegetation	- Adapted from <i>Byron Rural Settlement Strategy</i> site suitability criteria - Future development must satisfy <i>Planning for Bush Fire Protection 2006</i> requirements.
1:100 year Flood risk + Climate Change Coastal Erosion Planning Precincts 1 & 2 Assess the capacity for development to be safe and	- Adapted from <i>Byron Rural Settlement Strategy</i> site suitability criteria relating to flooding. - Future development subject to LEP 2014 Clause 6.3 – Flood Planning

Table 2: Assessable Land ⁽¹⁾

Criteria	Supporting Rationale
capable of managing flood and/or coastal erosion risks	
Vehicle access safety and risk Assess vulnerability of essential access roads to: - Bushfire Category 1, or - Landslip - sections of road having a history of landslip Ensure adequate evacuation routes	Future development may be subject to minimum design standards being in place to reduce vulnerability of road infrastructure to the following risks: - <i>Bushfire</i> – where access roads cannot provide safe (or alternative) access, egress and defensible space for emergency services during event. - <i>Landslip</i> – where sections of road have become unusable for long periods of time following the event (eg. Upper Wilsons Creek).
Wildlife Habitat and Corridors Enhancement Assess potential for enhancement of wildlife corridors	Recognises role of wildlife corridors in minimising impacts (direct or indirect) from adjoining land uses and encouraging the recovery of threatened species, communities, populations and their habitats.
Indigenous Cultural Heritage Consult with traditional owners (where applicable) in accordance with process established by Council	Recognises that Byron Shire contains a wealth of Aboriginal cultural sites which include middens, stone arrangements, rock shelters and tool-making sites. Many of these are not mapped due to their cultural sensitivity.
<u>Slope greater than 25% less than 32 %</u> <u>Assess the capacity to be safe and capable of development as justified by the provision of a geotechnical report prepared by a suitably qualified engineer</u>	<u>Local</u> • <u>Council resolution 16-414</u> • <u>BSC Design Guidelines for On-Site Sewage Management for Single Households (2004)</u>

- (1) This Assessable Land criteria list is not absolute and that there may be other matters which require more detailed assessment at the rezoning or DA stage to determine site suitability. This may include, for example, consideration of indigenous cultural heritage values through formal consultation with traditional owners or site contamination history.

Note: Mapping of individual assessable constraints would not be included as part of the final Rural Land Use Strategy. Instead an interactive PDF would be created for community access that would provide mapping layers on the assessable constraints

Table 3: Service Catchment and Road Infrastructure Priorities for Rural Living and Lifestyle Opportunities

Criteria	Supporting Rationale
Service Catchment Priorities (applies to all <i>future rural lifestyle living opportunities</i>) Determine development priorities based on proximity to town and village service catchments as follows:	A 'service catchment' approach maximises opportunities for people to access basic services and connect with each other both socially and economically. It also facilitates economies in service provision such as a rural school bus service.

Table 3: Service Catchment and Road Infrastructure Priorities for Rural Living and Lifestyle Opportunities

Criteria	Supporting Rationale
Priority 1: Unconstrained land within 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary school; general store. Unconstrained land that is outside of the service catchment areas will be considered subject to the following, where relevant to the development; existing school bus services are accessible within 100m from the site boundary; primary access to the land is via a major local road or regional road (excluding the motorway); land that satisfies the service catchment criteria (eg primary school, general store) that are available in an adjoining local government area. Priority 2: Assessable land within 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary school; general store. Assessable land that is outside of the service catchment areas will be considered subject to the following, where relevant to the development; existing school bus services are accessible within 100m from the site boundary; the primary access to the land is via a major local road or regional road (excluding the motorway); land that satisfies the service catchment criteria (eg primary schools, general store) that are available in an adjoining local government area. For all unconstrained and assessable land, whether within or outside a 5km service catchment area, the following must be considered: - capacity / condition of relevant road network; - costs to wider community of proceeding with potential rural lifestyle living precincts	Consistent with service catchment criteria in Byron Rural Settlement Strategy 1998 and Lismore Growth Management Strategy 2015-2035. Consistent with <i>Guidelines for Rural Settlement on the North Coast of NSW</i> (DUAP, 1995). Priority areas for future rural development will have adequate road infrastructure (both condition and capacity) that will not place a financial burden on the wider community. That is, any required road upgrade to achieve an acceptable standard will need to be provided at no cost to wider community. This economic imperative is supported by the following documents: - Byron Shire Council <i>Financial Sustainability Project Plan</i> (Asset Management Strategy) - <i>Council Improvement Program</i> (June 2015) - <i>Byron Rural Settlement Strategy 1998</i> - <i>Guidelines for Rural Settlement on the North Coast of NSW</i> (DUAP, 1995)

Table 3: Service Catchment and Road Infrastructure Priorities for Rural Living and Lifestyle Opportunities

Criteria	Supporting Rationale
Development will only be considered where relevant road segments can be upgraded at no cost to wider community.	

3. Constrained Land

Certain land has been excluded from consideration for *future rural development*, as it makes good environmental, economic and social sense. We need to safeguard the quality of the natural environment and the integrity of our natural resources. Similarly, we should not put the environment, people and assets at risk or in hazardous situations.

The criteria for identifying 'Constrained Land', as listed in Table 1 above, are detailed below.

3.1 Primary Production Land

Good agricultural land provides primary production in Byron Shire with an inherently unique advantage in productivity, diversity and adaptability. As a finite and irreplaceable resource, it should be conserved and sustainably managed. The North Coast Urban Planning Strategy (1995), the NSW Coastal Policy (1997), the Northern Rivers Regional Strategy (1999), the Northern Rivers, Upper North Coast and Mid North Coast Catchment Blueprints (2002) and the Northern Rivers Farmland Protection Project 2005 all support this position.

The Northern Rivers Farmland Project reviewed earlier investigations regarding prime agricultural land and took into account 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. It identified two relevant levels of agricultural land – State and Regionally Significant. Fundamental to this project was the identification, recognition and protection of contiguous quality farmland to limit the likelihood of displacement of agricultural use by residential use and fragmentation.

Primary Production Land is included on **Map 1** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
- Land zoned RU1 Primary Production in LEP 2014 containing high value agricultural land; - Deferred matters relating to 1(b1) or 1(b2) Agricultural Protection in LEP 1988.	1998 / 2014 LEP Zoning Prime agricultural land classes 1, 2 & 3 (only within RU1 zone)	Byron Shire Council
S117 land mapped as State or Regionally Significant farmland	"Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)"	NSW Dept of Planning & Environment (formerly Dept of Infrastructure, Planning and Natural Resources)

For strategic planning purposes, State or Regionally Significant farmland (excluding non-contiguous) and land zoned for primary production purposes represent **constrained land**.

3.2 High Environmental Value Vegetation

Byron Shire covers about 56,000 hectares, of which 68% is cleared land, plantations and disturbed remnant vegetation. The ongoing loss of biodiversity is perhaps our most serious environmental problem. The protection and enhancement of high environmental value vegetation provides a foundation from which to address this problem.

In 2015, Council reviewed existing vegetation mapping for the Shire. Mapping was initially carried out in 1999, as part of the Byron Flora and Fauna Study, and was partly reviewed in 2007. The 2015 review has improved the accuracy of the mapping and reflects changes in vegetation extent and composition over time. The review used a combination of aerial photograph interpretation (API), primarily using 2015 aerial data, and existing information such as vegetation survey data from various Council and state government projects, and on-ground site inspections.

Vegetation was mapped using the State Government's Vegetation Information System (VIS) Classification¹ database to ensure consistency with NSW standards. This system uses three levels: vegetation formations; vegetation classes; and plant community types. The plant community type classification provides the most detailed description of vegetation and was developed by the state government to provide a standard approach to vegetation classification and mapping.

This mapping provides the foundation on which to determine high environmental value (HEV) vegetation. HEV vegetation has been determined using the Office of Environment and Heritage's (OEH) High Environmental Value model criteria.

The HEV vegetation is included on **Map 2 of Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Land containing high environmental value vegetation	HEV Vegetation Map (2016)	Byron Shire Council

For strategic planning purposes, high environmental value vegetation represents **constrained land**.

¹ For information on the State Government's Vegetation Information System (VIS) Classification go to: www.environment.nsw.gov.au/research/Visclassification.htm

3.3 Water Supply Catchment Buffers

Regional water resources, including watercourses, dams and estuaries, are of economic, social and environmental significance both within the Shire, North Coast Region and beyond. They support urban and rural water supplies and a range of tourism and recreational activities.

Water supply catchments are areas from which surface water drains (via runoff) to a reservoir or water storage facility. The local government areas of Byron, Lismore and Ballina source their urban water supplies from three rural catchments: Wilson Creek, Rocky Creek Dam and Emigrant Creek. Their water quality is directly influenced by the type of land uses and management practices occurring within these catchments. Some of impacts of inappropriate rural land uses and/or poor land management practices can include toxic algal blooms, soil erosion, falling water tables and increased water treatment costs.

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Future rural development should have a neutral or beneficial effect on downstream water quality. As rural dwellings within urban water supply catchments are generally not sewered and instead rely on on-site wastewater management systems, requiring a 100m separation distance between a permanent water course and wastewater management system can substantially reduce likelihood of pathogens entering the water supply. This is known as a 'water supply catchment buffer'.

Water supply catchment buffers are shown on **Map 3** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Land within a drinking water catchment and 100m of a major creek / waterway	Water catchment supply 2014 Create 100m buffer around major creeks / waterways	Byron Shire Council

For strategic planning purposes, all land within a drinking water catchment and within 100m of a major watercourse (namely Wilsons River, Coopers Creek, or Rocky Creek and Skinners Creek), represents **constrained land**.

(Sources: Rous Water On-site Wastewater Management Guidelines, June 2008;
South East Queensland Development Guidelines for Water Quality Management in Drinking Water Catchments).

3.4 Mineral Resources

Quarry materials are essential to the construction industry. Section 117 Planning Direction 1.3 – Mining, Petroleum Production and Extractive Industries (*Environmental Planning and Assessment Act 1979*), seeks to ensure that future extraction of mineral resources and extractive materials is not compromised by inappropriate development.

Extraction can only occur where geological deposits are located. Transportation costs are a significant cost factor. To keep costs down and remain largely self sufficient, we need to ensure that local supplies are available in sufficient quantity to satisfy current and future demands.

Inappropriately located land uses can effectively alienate, or even sterilise a resource. A 1 km buffer, taken from the boundary of properties containing identified resources, can be an effective means to prevent land use conflicts and protect important mineral resources.

Mineral Resources (identified, transitional and potential) are shown on **Map 4** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
s117 mineral resources, including transitional and potential areas	Mineral resources - Areas of proven natural resource significance (2015) Correspondence from DPI – Resources and Energy Division, May 2016 (see #E2016/35186)	NSW Dept of Mineral Resources

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For strategic planning purposes, all Section 117(2) mineral resource lands, including transitional and potential areas, represent **constrained land**.

3.5 Slope

Slope is a significant factor affecting effluent disposal, stormwater runoff, bushfire risk, erosion and vehicular access. For example, slopes in excess of 20% (11.3 degrees) can pose wastewater treatment system installation problems, while slopes greater than 15% (8.5 degrees) may prevent treated wastewater from being evenly distributed to the land, thereby adversely affecting the performance of the system. At the same time, erosion resulting from developing on steep slopes can in turn have significant water quality impacts. Land with slopes **over 25%** is considered unsuitable to most forms of *future rural development*, particularly habitable structures.

~~Land with a slope greater than 25% and less than 32% represents an assessable matter and suitability needs to be justified by the provision of a geotechnical report prepared by a suitably qualified engineer.~~

~~Constrained and assessable slope is identified on **Map 5 of Appendix 1**.~~ The data used to inform this map is:

Description	Data layers used	Data custodian
Constrained Land Slope > 25%	Slope percentage – 1 meter hybrid (2015) Contour data (10m)	Byron Shire Council
Assessable Land Slope greater than 25% and less than 32 %		

For strategic planning purposes, all land having slopes in excess of **25%** (approx. **1418** degrees) represents **constrained land**.

~~For strategic planning purposes, all land with a slope greater than 25% and less than 32 % represents an assessable matter requiring more detailed investigation prior to further consideration as potential *future rural development*.~~

(Sources: <http://www.ga.gov.au/scientific-topics/hazards/landslide/basics/causes>
Design Guidelines for On-Site Sewage Management for Single Households – Byron Shire Council

3.6 Bushfire

Byron Shire is fortunately located in a region which enjoys reasonably high rainfall throughout much of the year. However, at certain times of the year and under certain weather conditions, many areas of the Shire can become high to extreme fire risk areas. Bush fire is a major challenge for the community. The CSIRO predicts that climate change will contribute to harsher fire weather for Eastern Australia with an increase in the number of days having a severe bushfire rating.

All developments on land that is designated as bush fire prone must satisfy the requirements of *Planning for Bush Fire Protection 2006* and *AS3959 – 2009*.

A key consideration in mitigating bushfire hazard is avoidance of high risk areas. In August 2002, the State government introduced legislation to provide significant improvements in bush fire safety. This included a requirement for all councils to prepare a bush fire prone

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land map as the basis for more detailed investigations to determine what bush fire protection measures are applied to new development.

Byron Shire has two Bushfire Prone Categories, based on vegetation types. Category 1 vegetation (essentially areas of forest, woodlands, tall and short heaths, forested wetlands and timber plantations) generally hold the highest risk factor. Studies by bush fire authorities have shown that bushfires are likely to travel twice as fast up 10 degree slopes (as opposed to flat land) and up to four times faster on 20 degree slopes. This can result in certain Category 2 vegetation types (essentially grasslands, freshwater wetlands, semi-arid woodlands, arid shrublands and rainforests) on such slopes also having a high risk factor.

For strategic planning purposes, all land having Category 1 bushfire vegetation on slopes greater than 20% (11.3 degrees) represent an 'extreme' fire risk and hence are **constrained land**. All remaining Category 1 and 2 vegetation outside extreme fire risk areas represent **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

Constrained and assessable bushfire risk is identified on **Map 6 and Map 16**, respectively, of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
<u>Constrained Land</u> Extreme bushfire risk: Category 1 bushfire vegetation on slopes >20%	Bushfire Protection mapping for Shire (2015)	Byron Shire Council
<u>Assessable Land</u> All remaining Category 1 and 2 bushfire vegetation (excluding 'extreme bushfire risk')		

3.7 Buffers to waste disposal facilities and sewage treatment plants

Waste disposal and sewerage treatment facilities are an essential part of Council's waste management activities. As key infrastructure installations they represent a significant capital investment for the Shire and minimising environmental and human health risks is central to their placement, design and operation.

Proximity to these installations is an important consideration in determining *future rural development* land due to potential health risks to humans including methane buildup, noise and odour. A key means for managing this risk is the use of separation buffers from *future rural development*.

Land affected by these buffers is included on **Map 7 of Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Land within buffer to sewage treatment plant (400m) OR waste disposal facility (500m)	Sewage treatment plant buffer	Byron Shire Council
	Waste disposal facility buffer	

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For strategic planning purposes, all land within an identified sewerage buffer (400m) and refuse buffer (500m) represents **constrained land**.

3.8 Acid Sulfate Soil Classes 1 and 2

Acid sulfate soils contain pyritic sediments which can lead to the generation of sulphuric acid when exposed to air. This is likely to occur when these soils are drained, excavated or dredged. Scientific research has found that the release of acid from pyritic soils can have significant impacts upon the health of aquatic plants and animals. Similarly, drainage waters from areas of acid sulfate soils can corrode and weaken engineering structures and release heavy metals into recreational fishing areas. This land is often captured by other constraints including SEPP 14 Coast Wetlands.

A classification scheme for acid sulfate soils identifies the type of works likely to present an environmental risk if undertaken in a particular class of land and is outlined in the table below.

Class of land shown on acid sulfate soils map	Works
1	Any works
2	Works below natural ground surface Works in which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2 metre below the natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

For strategic purposes, all land having an Acid Sulfate Risk Class of 1 or 2 represents **constrained land**.

Land with Acid Sulfate Soil Risk class 1 or 2 are included on **Map 8 of Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Land within ASS Risk class 1 or 2	Acid sulfate soil categories 1:25,000 (2014)	Byron Shire Council NSW Office of Environment & Heritage

3.9 Other excluded zones

Certain zoning or land tenure can inherently preclude land from consideration for *future rural development*. This includes land dedicated, reserved or committed to potential future urban, village and open space uses. It also includes national parks, nature reserves and areas already zoned for environmental protection. This approach ensures Council maximizes its options for accommodating future expansion of the Shire's towns and villages while also

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protecting recognised environmental assets. For strategic planning purposes, all land situated outside the following zones is excluded from consideration (ie. **constrained land**):

Byron LEP 2014 — RU2 Rural Landscape, R5 Large Lot Residential and RU5 Village.

Byron LEP 1988 — 1(a) General Rural, 1(d) Investigation and 7(d) Scenic/Escarpment (only where “deferred” from LEP 2014);

Land within excluded zones is shown on **Map 9 of Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Land outside the following zones: <u>Byron LEP 2014:</u> <i>RU1 Primary Production</i> <i>RU2 Rural Landscape</i> <i>R5 Large Lot Residential</i> <i>RU5 Village</i> <i>SP1 Special Activities</i> AND <u>Byron LEP 1988</u> (only where “deferred” from LEP 2014): <i>1(a) General Rural</i> <i>1(d) Investigation</i> <i>7(d) Scenic/Escarpment</i>	Byron LEP 1998 Zoning Maps LEP 2014 Zoning Maps	Byron Shire Council

3.10 1:100 year Flood Risk and Climate Change; and Coastal Erosion Planning Precincts 1 and 2

[Note: certain ‘flood risk’ data has been relocated from the assessable section to align with the intent that as more precise/accurate information becomes available on risk land, this land will be identified as constrained in line with DPE recommendation].

The Northern Rivers Region has a warm subtropical climate reflected by a high annual rainfall with a pronounced wet season from December to April. During this season, the region is susceptible to the effects of cyclonic activity to the north, which can bring considerable rain to the area that can result in flooding and/or coastal erosion.

The CSIRO predicts that, as a result of climate change, summer rainfall will be more extreme and frequent, cyclones will be less frequent and move further south, and sea levels will rise. The best projections of sea level rise along the NSW coast, relative to 1990 sea levels, are 40cm by 2050 and 90cm by 2100.

Floodplain management and coastal erosion planning precincts aim to reduce the impact of storm events on individual properties and the community as a whole. They provide an integrated approach, which takes into account the risk and consequences of such events as well as the social and environmental issues relating to their management.

Constrained and assessable land that is flood prone and/or located within a coastal erosion planning precinct is shown on **Map 10 and Map 17, respectively, of Appendix 1**.

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The data used to inform these maps is:

Description	Data layers used	Data custodian
<u>Constrained Land</u> Land identified in the North Byron 100-year inundation mapping, Belongil 100-year inundation mapping and West Byron flood planning area	North Byron Flood Study Mapping (2016); Belongil 100 year inundation (2015); and West Byron flood planning area (2014)	Byron Shire Council
<u>Assessable land</u> All remaining flood prone land / coastal erosion planning precincts	1:100 year Flood Prone Lands (including climate change data, where available) Coastal Erosion Planning Precincts 1 & 2	

For strategic planning purposes, all land having a 1:100yr flood or climate change risk within an identified in the North Byron 100-year flood inundation Study mapping, Belongil 100-year flood inundation mapping and West Byron flood planning area represents constrained land.

~~For strategic planning purposes,~~ All other land having a 1:100 yr flood risk and/or contained within Coastal Erosion Planning Precinct 1 & 2 (~~refer to Map link~~) represents assessable land, requiring more detailed investigation prior to further consideration as potential *future rural development*.

4. Assessable Land

Certain environmental, economic, social and risk avoidance matters are more appropriately considered through a detailed site specific investigation. These matters may not necessarily preclude development on the site.

The criteria listed in Table 2 above have resulted in certain land being identified as 'Assessable Land'. These criteria, as outlined below, are not comprehensive and there may be other matters which require more detailed assessment at the rezoning or Development Application stage to determine site suitability.

4.1 Sensitive Rural Land Uses

Council's Sustainable Agricultural Strategy 2004 (SAS) supports the rights of persons to carry out legitimate rural and agricultural uses and practices. The SAS aims to create a social and planning environment that allows agricultural production and associated activities to be pursued without conflict and concern for long-term security of agriculture in the Shire. Among the policy actions recommended in the SAS is to *"carry out a stock take of agriculture land and related activities and assessment of current and possible future uses to determine the optimum potential (social, economic and environmental) for the land"*.

Future rural development should not undermine this optimum potential and any strategic assessment should consider the relevant land use characteristics of our major existing agricultural enterprises including:

- essential growing conditions;
- operational conditions: potential for land use conflict or health risks from past and current land use activities, including dip site and complaints about smell, noise, dust, airborne chemical sprays and loss of amenity particularly from intensive agriculture or horticulture;
- processing or market place requirements: such as dairy, sugar cane, coffee and macadamia industries that share harvesting and processing facilities; and
- potential economic advantages associated with industry clusters.

An initial 'stock take' has been carried out for farmland rated properties, the findings of which are shown in **Map 12** of **Appendix 1**. The data used to inform this map included farmland rated activities, DPI standards for buffering and industry manuals. The buffers are not meant to be absolute and may be varied on closer examination of terrain, vegetation and farming practices.

Description	Data layers used	Data custodian
Farmland Rated Activities and associated buffers (including dip site buffers)	Farmland Rated Activities (2015) Agricultural Land Use Buffers (2015) Dip sites and buffers (2014)	Byron Shire Council NSW Dept Primary Industries / Byron Shire Council NSW Department of Primary Industries

For strategic planning purposes, all farmland rated activities and buffers represent **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

(Sources: - Byron Shire Sustainable Agriculture Strategy 2004
- Farmers Farm and Cows Do Moo booklet (BSC, 2008)
- Minimum Lots Size Methodology for Agricultural Uses (DPI, 2005)

4.2 'Non Contiguous' and 'Prime' Agricultural Land

The Northern Rivers Farmland Project 2005 identified that certain agricultural/ horticultural industries may develop on smaller sites that have the general characteristics of state or regionally significant farmland, but do not fit within the definition of 'large contiguous areas'. These areas are known as 'non-contiguous farmland', and may include such land uses as nurseries or controlled environment horticulture (e.g. greenhouses, hydroponics). These industries can benefit from their proximity to the South Eastern Queensland market, and having a strong economic multiplier are important to the local economy.

Areas mapped as prime agricultural land are also an important consideration when planning for future rural land uses. Like 'non-contiguous' farmland these areas may still have soil characteristics or other agricultural values that require a merit-based assessment at the rezoning or DA stage.

For strategic planning purposes, non-contiguous State or Regionally Significant farmland and Prime Agricultural land (outside the Primary Production Land identified in Table 1) represent **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

The location of 'non-contiguous' and prime agricultural land is shown on **Map 13** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Prime agricultural land (classes 1, 2 and 3 as identified by NSW Agriculture) outside the Primary Production Land (Table 1) Non-contiguous State or Regionally Significant farmland	Prime agricultural land classes 1, 2 & 3 (2001 BSC) Northern Rivers Farmland Project (2005) : non-contiguous lands	NSW Dept Primary Industries NSW Dept of Planning & Environment / NSW Dept Primary Industries

4.3 Biophysical Strategic Agricultural Lands

The NSW Government introduced the Strategic Regional Land Use Plans to better manage the potential land use conflicts arising from the location of our high quality agricultural land, and the mining and coal seam gas (CSG) industries. Mapping of high-quality agricultural land capable of sustaining high levels of productivity, known as biophysical strategic agricultural land (BSAL), represents an important resource for managing potential land use conflicts. Certain activities proposed within BSAL areas are subject to an additional level of investigation at the rezoning stage. In Byron Shire, the amount of land identified as BSAL equates to approximately 9,580 hectares.

The location of BSAL is shown on **Map 14** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Biophysical strategic agricultural land (BSAL)		NSW Dept of Planning & Environment

For strategic planning purposes, BSAL represents **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

4.4 Scenic Amenity and Rural Landscape

The basic premise of rural settlement is that the 'rural character' of an area should be retained or, conversely, any human elements introduced (e.g. dwelling houses; tourist facilities) should not dominate the scene. Inappropriately located development can ultimately destroy the very scenic amenity of an area which attracted residents or visitors in the first place. Preserving the dominant landscape features or scenic characteristics of an area is fundamental to ensuring that the visual rural qualities of the Shire are not further diminished by *future rural development*.

Community feedback on the discussion paper identified a strong value in ensuring our prominent rural landscape features are not dominated by buildings. These features include prominent ridges such as Coolamon Scenic Drive, Mt Chincogan and Nightcap National Park, bushland areas such as National Parks and Nature Reserves, major watercourses and advantage points such as Broken Head and Minyon Falls.

The Byron LEP 1988 mapped some of the more prominent landscape features in a 7(d) Scenic/Escarpment Zone, the location of which is shown on **Map 15** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Lands of high scenic and/or escarpment values	Land zoned 7(d) Scenic/Escarpment in Byron LEP 1998	Byron Shire Council

For strategic planning purposes, all land zoned in the Byron LEP 1988 as 7(d) (Scenic Escarpment Zone) (refer to Map link) represents [assessable land](#) requiring more detailed investigation prior to further consideration as potential *future rural development*.

4.5 Category 1 & 2 Bushfire Vegetation

Refer to discussion in 3.6 above

4.6 1:100 year Flood Risk and Climate Change; and Coastal Erosion Planning Precincts 1 and 2

[Refer to discussion in 3.10 above.](#)

4.7 Vehicle Access Safety and Risk

During a disaster event, critical infrastructure includes our roads and bridges. In Byron Shire, access during natural disasters can be restricted by flooding, bushfire and landslip. Floodwaters are treacherous, dangers can be hidden beneath the surface, bridges can be washed out and bushfires can easily block roads with fallen vegetation or power poles. Landslips take time to clear and can leave residents without practical access for extended periods. The impacts of a disaster event on essential access roads can be far reaching, not only for residents directly affected but as a social and economic cost to the wider community.

The Byron Shire Council Local Disaster Plan 2008 requires consideration of mitigation and prevention strategies in regulating property development, including consideration that some hazard impacts may require the partial or complete evacuation. *Future rural development*, should be located in areas with reliable and safe road access, particularly should the need

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for evacuation arise.

For strategic planning purposes, land having single road access through: 'high' fire risk - Category 1 bushfire vegetation, or sites having a history of landslip are **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

(Sources: Byron Shire Local Disaster Plan 2008; Emergency Risk Management Study 2008)

Roads particularly vulnerable bushfire and/or landslip risk are shown on **Map 18** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Vulnerability of essential access roads to high bushfire hazard and/or landslip risk	Map displaying the following layers: - Category 1 bushfire vegetation - Landslip history	Byron Shire Council

4.8 Wildlife Habitat and Corridor Enhancement

Green infrastructure provides a range of ecosystem and community benefits, including:

- offsetting environmental impacts;
- mitigating the impacts of climate change;
- enhancing biodiversity and site aesthetics; and
- reconnecting people with nature.

Connected wildlife corridors are an important component of green infrastructure that can improve habitat resources and assist species to move across a landscape through increasing vegetation cover. They can also minimise impacts (direct or indirect) from adjoining land uses and encourage the recovery of threatened species, communities, populations and their habitats.

The location of broad wildlife corridors in the Shire is shown on **Map 19** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Actual / Potential wildlife corridors (Note : Assessable components do not include HEV areas identified in Table 1)	Wildlife corridor and habitat map (BSC 2007)	Byron Shire Council

For strategic planning purposes, all land within identified wildlife corridors represents **assessable land** requiring more detailed investigation prior to further consideration as potential *future rural development*.

4.9 Indigenous Cultural Heritage

Section 117 Planning Direction 2.3 – Heritage Conservation aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage

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significance. As Council does not have an adopted Aboriginal Heritage Study in place, any future investigations of potential development land will require consultation with relevant traditional owners (where applicable) in accordance with a formal process established as a part of the new Rural Land Use Strategy.

For strategic planning purposes, indigenous cultural heritage represents an assessable matter requiring more detailed investigation prior to further consideration as potential *future rural development*.

All 'unconstrained' and 'assessable' rural development land is shown in **Map 20** of **Appendix 1**.

4.10—Slopes greater than 25% and less than 32%

Refer to discussion in 3.5 above

5 Service Catchment and Road Infrastructure Priorities for Rural Living and Lifestyle Opportunities

A key element of strong communities is the ability for people to access basic services and connect with each other both socially and economically. For this reason certain forms of *future rural development* should be located close to villages and towns. This is particularly important when planning for *future rural lifestyle living opportunities*, which should be capable of providing a standard of road infrastructure (both condition and capacity) that does not place a financial burden on the wider community.

5.1 Service Catchment Priorities

Shops, schools and community halls are important to our rural residents, as they bring people together to physically connect and feel a sense of belonging. They are the key components of any rural service catchment. Service catchment planning can provide economic benefits through reduced travel times, distances and fuel consumption, as well as greater economies in service provision (e.g. rural school bus service). Over time, this approach will serve to strengthen existing communities instead of creating isolated settlements dependent on other communities.

For strategic planning purposes, a service catchment approach has been applied using a:

- ~~(i) 5 km radius from the general post office in a town containing a high school; and~~
- ~~(ii) 2 km radius from a primary school or general store in villages and rural settlements.~~

This is consistent with the service catchment rationale and distances applied in both Australian and overseas planning literature. It is also consistent with the State government's funding priorities set out in the *Northern Rivers Regional Transport Plan (2013)* **and recent advice provided by the Department of Planning and Environment**.

Priority service catchment areas are shown on **Map 20A** of **Appendix 1**. The data used to inform this map is:

Description	Data layers used	Data custodian
Service Catchment Priorities (apply to all <i>future rural living and lifestyle opportunities</i>)		
• Priority 1: Unconstrained land <u>within</u> 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary school, general store. • Unconstrained land outside of the service catchment areas satisfying any of the following conditions: — existing school bus services which are accessible within 100m from the site boundary; — the primary access to the land is a major local road or regional road (excluding the motorway); — land that satisfies the service catchment criteria (e.g. primary school, general store) that are available in an adjoining local government area. • Priority 2: Assessable land within 5 km of a town containing high schools or 2km of a rural village containing any of the following features catering to the needs of that locality: primary school, general store. • Assessable land outside of the service catchment areas satisfying any of the following conditions: — existing school bus services which are accessible within 100m from the site boundary; — the primary access to the land is a major local road or regional road (excluding the motorway); — land that satisfies the service catchment criteria (eg primary schools, general store) that are available in an	2km/5km Servicing catchments School bus services Sub-arterial and Major Rural Roads Rural primary schools; General stores Same as for 'Priority 1' above.	Byron Shire Council School bus service providers

Description	Data layers used	Data custodian
adjoining local government area. For all unconstrained and assessable land, whether within or outside a 5km service catchment area, the following must be considered: • capacity / condition of relevant road network; • costs to wider community of proceeding with potential rural lifestyle living precincts Development will only be considered where relevant road segments can be upgraded at no cost to wider community.		

For strategic planning purposes, all unconstrained land or assessable land within a 5km service catchment represents the highest priority land for further consideration as potential *rural living and lifestyle development*.

5.2 Road Infrastructure Priorities for future rural lifestyle living opportunities

Our rural localities are interconnected by an extensive road network that is expensive to maintain. Within this network are many narrow roads that link the rural hinterland to our small villages and towns. Any *future rural lifestyle living opportunities* are likely to require an improvement to roads and basic services to accommodate the additional population. This not only has economic implications for those localities where *future rural development* occurs, but also for the wider community as a whole. As such, infrastructure servicing considerations must be investigated in terms of their Shire wide economic sustainability.

Future rural lifestyle living opportunities should be located to become more self-reliant in the provision of basic infrastructure and be based on the user-pays principle. While many areas may be physically and ecologically capable of *future rural development*, the road costs of servicing such development may require considerable subsidy from the broader community. Such a subsidy is considered an inequitable and inefficient use of Council's limited financial resources and therefore may be unacceptable to the community.

For strategic planning purposes, all *future rural lifestyle living opportunities*, whether within or outside a 5km service catchment area, must be able to provide an acceptable level of road infrastructure at no cost to the wider community.

At a minimum, any assessment of road infrastructure (condition, traffic capacity and cost to upgrade) should have regard to the following information:

Description	Data layers used	Data custodian
Road Infrastructure Assessment (<i>Future rural lifestyle living opportunities</i>)	- 2015 Road condition assessment using Roughness (NAASRA), Rutting (PRI) and Texture	Byron Shire Council

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Description	Data layers used	Data custodian
Assessment of <i>Future rural lifestyle living opportunities</i> against: • condition / traffic capacity of relevant road network; • costs to wider community of proceeding with potential rural lifestyle living precincts.	values and costing (BSC 2015); - Road Performance Indicator Analysis to determine 10 worst performing roads (2015) - Pavement thickness and traffic capacity assessment of relevant road sections - Most current \$\$ cost per lineal meter of required road upgrades	

Glossary

Agricultural land use = a subset of rural land used for any of the following agricultural purposes as defined in Byron LEP 2014: *aquaculture; extensive agriculture; intensive livestock agriculture; and intensive plant agriculture*.

Constrained Land = areas where any of the criteria listed in Table 1 are present; considered unsuitable for **future rural development** as they includes important environmental and resource values and/or issues of risk avoidance.

Assessable Land = areas not encumbered by any of the Constrained Land criteria in Table 1 but potentially affected by one or more of the criteria listed in Table 2; encompasses environmental, economic and/or risk avoidance criteria which may not necessarily preclude **future rural development** on the land but rather indicate a need for more detailed site specific investigations to determine the site's full development potential.

Future rural development = potential land for rural tourism, village settlement, conventional rural residential subdivision, Multiple Occupancies, Community Title or other non-agricultural land uses.

Future rural lifestyle living opportunities = refers specifically to *conventional rural residential subdivision, multiple occupancies* and *rural community title subdivision*

Conventional Rural Residential subdivision – refers to the traditional or “single lot” form of subdivision of lots under Torrens Title (or freehold land) that is common to many rural residential estates in Byron Shire; often not associated with any form of agriculture.

Multiple Occupancies = are a form of rural settlement which 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 shareholding or partnership.

Rural Community Title Subdivision = where there is internal (freehold) ownership of rural house lots and common ownership of residue land containing driveways, access roads, shared facilities etc.

Future rural tourism development = rural tourist cabins, bed & breakfast establishments, farm stay accommodation, etc. used for short term accommodation.

Future urban development = land used for urban purposes including residential, industrial and commercial activities.

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APPENDIX 1 Site Suitability Maps