



Stage 3: Policy Directions Paper

~~Incorporating Council
Resolution 16-414~~

~~August 2016- April 2017~~



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 during the exhibition process and adoption by Council has occurred, it must be understood that these maps may be subject to further changes during the process of being 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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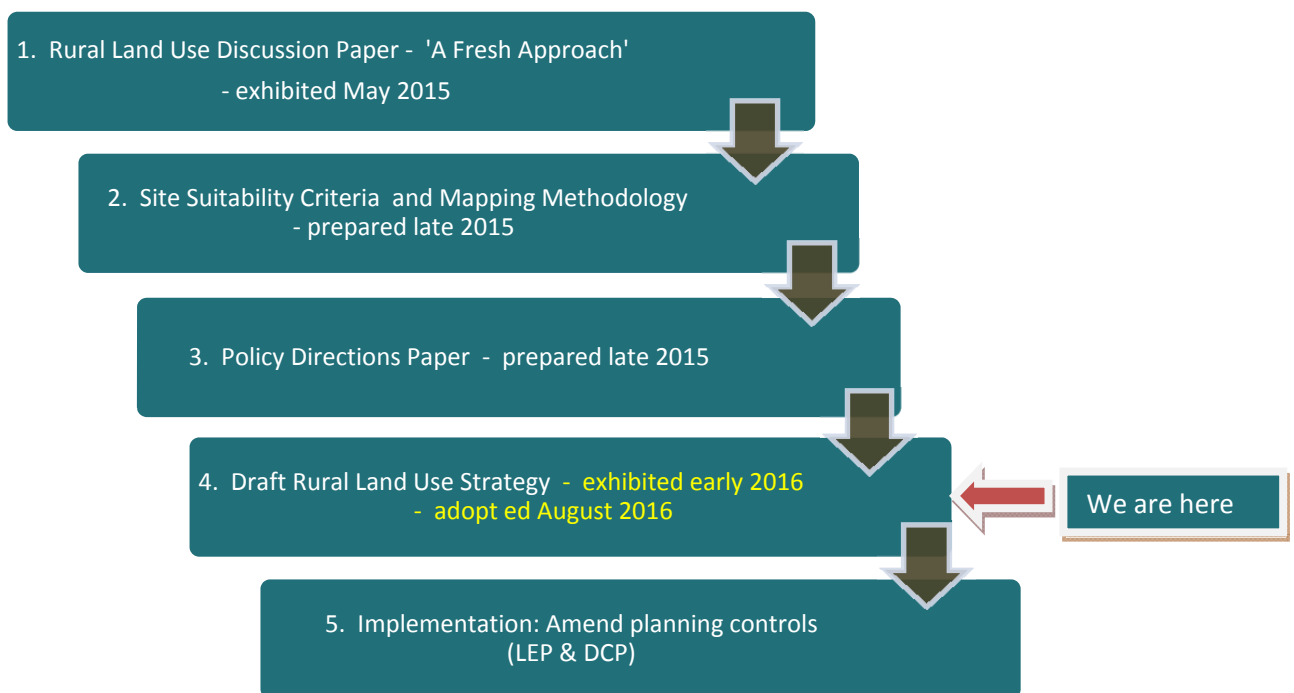
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1. Introduction

1.1 Context

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.

Main Stages to develop the Rural Land Use Strategy



1.2 Purpose of the Policy Directions Paper

The purpose of this document is to establish the broad policy framework for achieving the vision and intended growth management outcomes for rural land use in Byron Shire. It does this by providing strategic aims and policy directions. The Policy Directions Paper links in with the 'Site Suitability Criteria and Mapping Methodology' and together both of these documents will inform preparation of the draft Rural Land Use Strategy. The policy directions are intended to secure long term outcomes and apply over the Strategy's 20 year timeframe.

1.3 Study Approach

Since the preparation of the Byron Rural Settlement Strategy 1998, there has been a considerable body of work on rural land use planning in the Far North Coast Region as well as changes in the legislative and policy framework. This includes greater emphasis on protecting good quality farmland and ensuring new local environmental plans (LEPs) can accommodate

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

the changing face of agriculture, such as smaller farms, share farming, leasing or farms comprising a number of separate holdings. The key challenge will be to strike an appropriate balance between enabling economic opportunity, protection of resources and environmental values, improving housing choice and ensuring efficient infrastructure provision.

The draft policy directions build on community feedback from the initial Discussion Paper (Stage 1) as well as take into account best practice rural land use planning principles as informed by:

- relevant Australian and overseas planning literature;
- government agency feedback on the Site Suitability Criteria & Mapping Methodology; and
- feedback arising from Council's Strategic Planning Committee (SPC) workshops.

1.4 Report Format

The document is organised under the same four themes in the Rural Land Use Strategy Discussion Paper: 1 – Our Natural Environment; 2 – Our Rural Economy; 3 – Our Rural Community; and 4 – Our Infrastructure and Servicing. Within each theme there is a summary of community feedback on the Discussion Paper, a background statement setting out the planning context followed by a set of strategic aims and policy directions.

What is a strategic aim?

Strategic aims are the foundation for more detailed policy directions. They provide a succinct, high level statement of the planning outcome sought within each of the four key themes..

What is a policy direction?

A policy direction is a more detailed statement used to guide the development of the Strategy's methodology for determining land use suitability, as well other land use planning and design concepts that support a particular strategic aim. The development of policy directions for the future use of rural lands in Byron Shire should comply with relevant statutory requirements, be consistent with the relevant non-statutory plans and guidelines and support the vision for our rural lands.

1.5 Key Terms and definitions

Definitions are provided below to assist the reader's understanding of key terms used in this document.

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.*

~~*Byron Shire Farmland Variation Criteria* – refers to land that may have additional uses other than agriculture if:~~

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- ~~— Agricultural Capability – the land is not significant farmland or capable of supporting sustainable agricultural production;~~
- ~~— Land Use Conflict – the land use does not increase the likelihood of significant conflict and does not impact on current or future agricultural activities in the locality;~~
- ~~— Infrastructure – the provision of infrastructure (utilities, transport, open space, communications and stormwater) required to service the land is physically and economically feasible at no cost to State and Local Government. No adverse impacts on adjoining farmland;~~
- ~~— Environment and Heritage – the proposed land uses do not have an adverse impact on areas of high environmental value, and Aboriginal or historic heritage significance; and~~
- ~~— Avoiding Risk – risks associated with physically constrained land are avoided and identified, including: flood prone; bushfire prone; highly erodible; severe slope; and acid sulfate soils.~~

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

Future rural lifestyle living opportunities – refers 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

1.6 **Draft** Vision for our rural areas

Sustainability for our rural communities, land uses, natural resources and infrastructure through collective responsibility for their protection, management and use.

2. Our Rural Environment

2.1 What we hearddesired community outcomes

- Enhance the rural landscape for future generations by containing our footprint, diminishing adverse environmental impacts and restoring natural ecosystems.
- Work together and actively encourage people to contribute skills and knowledge, pool resources and share the responsibility of achieving sustainable outcomes.
- Be smart in our use of water and waterways to ensure a healthy and reliable water resource for the future.
- Improve our understanding of the rural landscape, how it contributes to our sense of place and liveability, and the ability to strengthen our economy through attracting residents, visitors, business and investment.
- Embrace the knowledge of those who've cared for the land for thousands of years and our farmers who have farmed the land for over 100 years and those who have undertaken riparian and ecological restoration work.
- Keep our activities clean, reduce consumption and waste and encourage innovative sustainable businesses that manage and use our natural resources (land, water and biodiversity) responsibly.

2.2 Background

Our rural environment is valued for a wide range of reasons by the community. Some value its natural quality and integrity, some feel a strong cultural connection to it, while for others it provides opportunities to restore native vegetation and habitats within the rural landscape. At the same time there is an increasing appreciation of the role that our natural environment and resources play in providing a more resilient economic future for our Shire. Indeed, they offer a range of economic advantages including:

- Ecosystem services and waterways supporting agricultural productivity, drinking water supplies, local climate stability, recovery from unpredictable events and climate change impact mitigation;
- Biological resources that can be drawn on for use as food, medicinal, fibre and other products, breeding stocks, population reservoirs and diversity in genes, species and ecosystems;
- Local supplies of quarry and sand resources, which can minimise local construction costs;
- Scenic and landscape amenity that attracts tourists seeking a rural or nature based experience; and
- Biobanking opportunities for landowners as a means to offset diminishing farm returns, land management costs and rising land values.

If the community wants to realise the full potential that our environmental values and natural resources can provide in the future, then measures to ensure their protection and enhancement should be a key component of any rural land use strategy. The following strategic aims and policy directions have been developed with this in mind.

2.3 Strategic Aims

1. Protect and enhance environmental integrity and water catchment health
2. Encourage sustainable use of natural resources
3. Protect important visual/scenic landscapes
4. Minimise risk of natural or man-made hazards

2.4 Policy Directions

- 1) Areas identified as having high biodiversity and environmental values will be protected through the application of environmental zones and/or overlay maps within Byron Local Environmental Plan 2014.
- 2) 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
 - identified as having high conservation value vegetation;
 - within 100m of a major creek /water way located in a drinking water catchment;
 - having slopes > 25% (or 14 degrees); ~~32% or for slopes greater than 25 but less than 32 % that cannot be justified by the provision of a geotechnical report prepared by a suitably qualified engineer~~
 - 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 a 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)
 - ~~1:100-year flood risk and climate change lands identified in the north Byron Flood Study Mapping, Belongil 100-year inundation and West Byron flood planning area.~~ North Byron 100-year flood inundation mapping, Belongil 100-year flood inundation mapping and West Byron flood planning area;
- 3) The planning framework will encourage natural resource based rural industries committed to the use of ecologically sustainable management practices.
- 4) Future rural tourist development will protect and where possible enhance key environmental features and preserve land of high scenic quality.
- 5) 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.
- 6) Future rural lifestyle living opportunities will preserve scenic amenity, minimise environmental impacts and better manage natural or man made hazard risks.

3. Our Rural Economy

3.1 What we hearddesired community outcomes

- Embrace sustainable agriculture; protect our farming land and market place advantage as a leader in local food production, security and consumption.
- Enable our farmers to adapt and refresh their businesses quickly to meet demand or changing circumstances.
- Complement and form partnerships with urban area activities that promote our rural produce, outdoor lifestyle and natural environment.
- Provide a diversity of quality tourist and visitor opportunities that are consistent and compatible with our farms, rural communities and natural environment and provide an alternative to what is available in other coastal towns.

3.2 Background

Local agricultural production is important for community self reliance and security. Beyond the food, fibre and other products it directly provides, many of our commercial farming activities generate jobs and income for farmers and the wider community. This can include value-adding activities such as food processing, farm stays, country markets and food festivals. Our agricultural industries also contribute to the special character of the Shire while creating opportunities to deliver improved biodiversity and catchment health. Indeed agriculture with related value added products makes a substantial contribution to the Shire's economic, social and environmental well being.

If the community wants to maintain the benefits of local farming for our growing population, it is necessary to protect our high quality agriculture land and related industries. Such measures include providing sufficient buffers between agricultural and non-agricultural land uses and ensuring future rural subdivision does not undermine the future viability of our agricultural land. It can also include encouraging ecologically sustainable farming practices and allowing our farmers to diversify by integrating agriculture with other industries in the Shire such as tourism, knowledge (eg. university research) and value adding activities. This will in turn help create an environment that allows agricultural production and associated activities to be pursued with greater security and less potential for conflict with non-agricultural land uses.

The following strategic aims and policy directions have been developed with this in mind.

3.3 Strategic Aims

1. Protect rural resource viability
2. Minimise land use conflict
3. Support a diverse and viable agricultural base
4. Encourage appropriate rural tourism

3.4 Policy Directions

- 1) Future rural development will avoid identified state or regionally significant farmland ~~unless the land, or part thereof, satisfies Byron Shire Farmland Variation Criteria as defined in Section 1.5 Key Terms.~~

- ~~2) Future rural development will avoid identified state or regionally significant farmland unless the land, or part thereof, satisfies the State and Regionally Significant Farmland Variation Criteria contained in the Draft North Coast Regional Plan.~~
- 3) Future rural development will be located to ~~minimise land use conflict with~~ ensure the protection of existing agricultural land uses and to protect viability of high quality agricultural land.
- 4) The planning framework will encourage a viable and diverse agricultural industry through appropriate zoning provisions, allotment size and buffers.
- 5) The planning framework will provide flexibility for our farmers to diversify their income sources where ancillary to farming operations.
- 6) Future rural tourist development will build on and complement our agricultural industry, reinforcing the predominant use of the rural area for agricultural production while maintaining the rural character and take into consideration increased road traffic impacts.
- 7) Future rural tourist development will be located and designed to avoid adverse visual or noise impacts.
- 8) The planning framework will encourage rural based tourism that is committed to the use of ecologically sustainable management practices.

4. Our Rural Community

4.1 What we hearddesired community outcomes

- Focus on the rural economy; create local jobs and business opportunities, particularly for younger people.
- Support 'rural' lifestyle opportunities where people connect with the surrounding farmland and natural areas, and reinforce our rural communities.
- Provide safe communities where people belong and have the capacity to stay throughout their life.
- Not 'one size fits all' strategy; each village or rural housing cluster is different and needs to be looked at individually.
- Encourage planned, clustered development where establishment and ongoing infrastructure costs can be contained and a community will form that pools resources and shares the tasks of land management.
- Retain villages as small settlements with capacity to include greater diversity and flexibility in housing choice.
- Decisions about future rural housing should be centred on enhancing our natural environment, protecting farmland and responding to changing demographic trends including:
 - ageing population
 - people who want to live in co-operative or groups
 - farm families, workers and WWOOFers (willing workers on organic farms)

4.2 Background

Our rural land is made up of compact rural villages within the broader rural landscape. For the most part our villages are small, community focused places that provide the opportunity for people to live in a rural environment, in proximity to others and benefit from the additional services that closer living brings such as parks, bus services and community halls. They also provide an opportunity for people to participate in shaping the appearance and identity of their local community over time.

The village zoned areas of Federal, Main Arm and Billinudgel can be generally characterised as:

- being small in size where the boundaries between the built-up area and surrounding farmland or natural area blend seamlessly together;
- having a distinctive access road/main street leading to and through the village settlement;
- containing a mix of small-scale retail, community and residential buildings;
- having a general store and/or other community focal point; and
- reflecting a more “organic” settlement pattern (established over time through small scale, incremental and infill development) rather than a “master planned” feel.

At a larger scale our rural localities form a network of connections between all settlements within the Byron Shire, including our coastal towns and suburbs, and outside the Shire (settlements in Ballina, Lismore and Tweed Shires). Some localities such as Goonengerry, Main Arm and The Pocket have strong connections with the town of Mullumbimby, while others such as Eureka, Federal and Coorabell tend to have closer links with the towns of Bangalow and Byron Bay. Because access to nearby employment opportunities, services and networks is important for all of our rural localities, it is important to understand the relationships between all settlements of the region. Wherever possible, a future Rural Land Use Strategy should attempt to build on and strengthen these relationships.

The following strategic aims and policy directions have been developed with this in mind.

4.3 Strategic Aims

1. Reinforce village economies
2. Facilitate community diversity and sense of belonging
3. Protect culturally important areas

4.4 Policy Directions

- 1) **Future rural lifestyle living opportunities will only be considered where consistent with the Policy Directions for Our Rural Environment and Our Rural Economy.**
- 2) Future rural lifestyle living opportunities will be located to support and strengthen the role of existing villages and town centres in Byron Shire.
- 3) Future rural lifestyle living opportunities will contribute to a local, diverse housing mix.
- 4) The design of future rural living lifestyle opportunities will encourage pedestrian and community activity within the development (e.g. safe streets, community spaces and recreation areas) where appropriate and possible within the proposed development.
- 5) Places of indigenous cultural significance will be protected through appropriate consultation with traditional owners and supporting planning legislation.

5. Our Rural Infrastructure

5.1 What we hearddesired community outcomes

- Focus on ways of making rural areas accessible (eg. easy to find your way around and connect with family and friends, services, employment and educational opportunities).
- Limit infrastructure costs and seek greater equity in infrastructure contribution.
- Support villages to be pedestrian and cycle friendly.

5.2 Background

Economic growth and settlement in our rural areas can only be sustained through efficient and effective infrastructure investment. Infrastructure affects how we do business and many aspects of our daily lives from getting around, socialising, being safe and active through to getting rid of our waste. If the community wants to maximise the benefits arising from infrastructure investment then we may need to pursue a more compact settlement pattern that builds on our existing villages and towns. This will help create rural communities that have better access to services and facilities; pedestrian friendly places that encourage people to get outdoors and socialize more, and lower overall infrastructure delivery and maintenance costs.

Our rural areas have historically developed in a dispersed, largely car dependant settlement pattern spreading outward from towns and villages into the rural landscape. Funding to bring our rural roads and bridges up to a contemporary standard has always been limited, which in turn has led to a growing backlog of work to be completed. This represents one of the most challenging rural planning issues to be addressed in our Shire, particularly when determining suitable locations for rural living and lifestyle opportunities. As such, planning decisions about this form of development will need to accurately reflect the short and long-term impacts on the capacity of the road network and the costs of any required improvements (including upgrading, maintenance and renewal).

The following strategic aims and policy directions have been developed with this in mind.

5.3 Strategic Aims

1. Ensure an integrated approach to land use and efficient infrastructure provision
2. Build on existing social and service catchments
3. Create a more compact and clustered settlement pattern
4. Minimise council's costs for providing infrastructure and services

5.4 Policy Directions

- 1) Future rural development will avoid land within designated buffers to sewerage treatment plants or waste disposal facilities.
- 2) Future rural development will locate in areas with reliable and safe road access,

particularly should the need for evacuation arise.

- 3) Infrastructure provision for future rural lifestyle living opportunities will:
 - achieve a greater level of self-reliance;
 - integrate with and support improvements to our existing community, transport, water, and green infrastructure; and
 - require an acceptable standard of road infrastructure at no cost to the wider community.
 - 4) Future rural lifestyle living opportunities will avoid land that is better suited to future urban development.
 - 5) Future rural development should be located within 5 km of a major town service centre containing a high school ~~or 2km of a rural village containing a primary school or general store catering to the needs of that locality.~~
 - ~~6) Future rural development may be considered on unconstrained and assessable land outside of 2km/5km service catchment areas where any of the following conditions are satisfied (where applicable):~~
 - ~~—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),~~
 - ~~—meets service catchment criteria based on services available in an adjoining local government area~~
- Council recognises that easy and safe access to the Pacific Highway can provide rural residents and communities with economic and educational opportunities not available in some isolated villages.
- 7) Infill housing and/or progressive re-subdivision of existing rural residential estates (into smaller lots) will be investigated for potential to improve cost effectiveness of existing services.
 - 8) Future rural lifestyle living opportunities will be clustered to minimise development footprint and disturbance, maximise opportunities for environmental repair and ensure efficient service provision.