

LEP 2014: Proposed **RU6 Transition Zone****Rationale**

Protection of the rural landscape values, including scenic amenity, was one of the key messages expressed by the community in the *Rural Land Use Strategy Discussion Paper*. Under BLEP 1988 the 7(d) Scenic Escarpment Zone covers most of the escarpment land in the Shire, as well as other visually important areas. During preparation of the shire wide LEP, areas within the 7(d) zone were proposed to be zoned either E2 Environmental Conservation or E3 Environmental Management in accordance with the Byron Shire LES 2008. This is because there is no equivalent zone provided in the Standard Instrument LEP Template (SI LEP) to accommodate such areas.

All 7(d) areas deferred from LEP 2014 are now being assessed against the State Government's E zones Review Final Recommendations Report and related criteria for applying E Zones. Under the Final Recommendations Report, councils on the Far North Coast are not permitted to use scenic or aesthetic values as an attribute for the application of an E2 or E3 zone or mapped planning controls. The report also states that "A LEP Map is not to be used for areas of scenic protection or aesthetic values". Whilst some vegetated areas in the 7(d) Scenic Escarpment Zone meet the criteria for applying E2 Environmental Conservation, other areas do not and will require an alternative rural zone.

The E Zone review and the Rural Land Use Strategy engagement processes have identified a need for a suitable replacement zone to the *7(d) Scenic Escarpment Zone*. This is necessary in order to:

- align with community values and Council policy (ie. by ensuring that visually prominent areas are not eroded by inappropriate land uses that are otherwise permitted in the RU1/RU2 zones);
- avoid delays for landowners who have already agreed to an E Zone on part of their land, but cannot proceed without a comparable zone in LEP 2014 for the remaining 7(d) Zone LEP 1988; and
- avoid the prospect of other 7(d) zone land remaining as Deferred Matter due to the absence of a comparable LEP 2014 zone.

Although one of the objectives in the current RU1 Primary Production Zone and RU2 Rural Landscape Zone is '*To protect significant scenic Landscapes and to minimise impacts on the scenic quality of the locality*', the range of permissible land uses in both zones is much greater than that of the 7(d) zone. This is shown in Table 1 below.

Initial discussions with the Department of Planning and Environment have indicated that the use of the RU6 Transition Zone in this context would appear to be consistent with the intend application of this zone.

Table 1 – Comparison of permissible land uses in the '7(d)', 'RU1' and 'RU2' zones

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
2. Permitted without consent	Nil.	Environmental protection works; Extensive agriculture; Home-based child care; Home	Environmental protection works; Extensive agriculture; Home-based child care; Home

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
		occupations	occupations
3. Permitted with consent	Agriculture; bed and breakfast establishments; bushfire hazard reduction; car parks; clearing of land; drainage; dwelling-houses; environmental facilities; home industries; primitive camping grounds; restaurants; roads; utility installations.	Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals	Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Transport depots;

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
			Truck depots; Veterinary hospitals; Warehouse or distribution centres
4. Prohibited	Any purpose other than a purpose specified in item 2 or 3.	Aquaculture; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3	Aquaculture; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

To maintain consistency with the current 7(d) zone provisions and ensure visually prominent areas are not eroded by inappropriate land uses that are otherwise permitted in the RU1/RU2 zones, a new *RU6 Transition Zone* is proposed as follows.

ZONE RU6 TRANSITION ('grey shading' = compulsory in SI LEP / 'blue' font = additional local provisions proposed)

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage development that contributes to the Shire's rural landscape character and visual qualities

2 Permitted without consent

environmental protection works; home occupations.

3 Permitted with consent

Agriculture; bed and breakfast accommodation; camping grounds; community facilities; dwelling houses; Eco-tourist facilities; Environmental facilities; home businesses; Home industries; restaurants; roads; road side stalls.

Comparison with 7d Scenic Escarpment Zone (LEP 1988):

3 Only with development consent

Agriculture; bed and breakfast establishments; bushfire hazard reduction; car parks; clearing of land; drainage; dwelling-houses; environmental facilities; home industries; primitive camping grounds; restaurants; roads; utility installations.

4 Prohibited

Any other development not specified in item 2 or 3

The proposed RU6 zone recognises that the scenic escarpment is a sensitive landscape experiencing, and likely to continue to experience, increased development pressure. Inappropriate development has the potential to erode the scenic values of these areas and conflict with community values and Council's policy framework in this regard. The proposed *RU6* zone will maintain the existing development framework around suitable land uses in these visually prominent areas and highly valued landscapes (by both residents and visitors).

RU6 Planning Implications

It is noted that the introduction of a new RU6 zone will not be an exact translation of landuses from the 7(d) zone, mainly due differences between LEP 1988 and LEP 2014 landuse definitions. In addition, DCP 2014 (Chp D3 - Visually Prominent Sites, Visually Prominent Development and View Sharing) may need to be amended to include supporting provisions for land affected by the RU6 Zone.