

Brunswick Valley - Vallances Road Vision and Roadmap

Byron Shire Council

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Introduction

Byron Shire Council has been undertaking investigations to guide the future use and long term development of the Brunswick Valley land parcel (Vallances Road site). Council is committed to an outcome which is complementary to its operational role, and delivers additional community benefit while providing an economically, socially and environmentally sustainable future for the site.

The Brunswick Valley Vision and Roadmap (this document) synthesises the outcomes from previous work to date, and undertakes an assessment of potential land uses against a set of preliminary project assessment criteria.

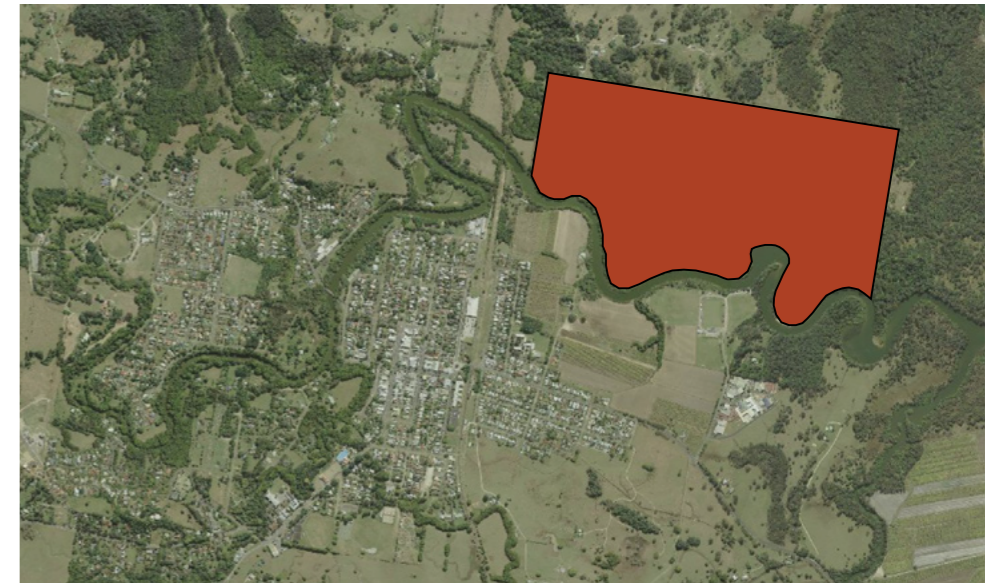
PURPOSE OF THE DOCUMENT

This document provides a platform for detailed consideration of land uses for the Brunswick Valley site. The document draws together information from:

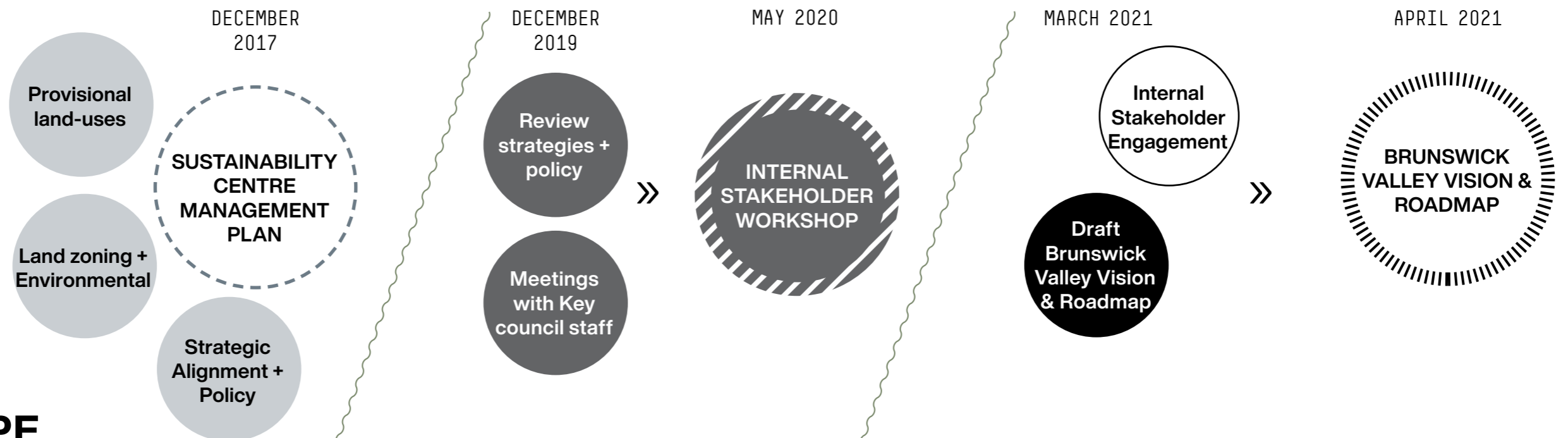
- Brunswick Valley Sustainability Centre Management Plan (2017)
- Changes in strategy and policy since its drafting
- Technical advice obtained in relation to some potential land uses
- Vision and Charter workshop
- Preliminary assessment undertaken through this project against project assessment criteria, developed in this workshop

Internal Stakeholder Engagement

As part of the project, a 1.5 hour workshop was undertaken with key decision-makers from Byron Shire Council. This workshop refined the preliminary assessment of land uses and highlighted key viability and feasibility work and stakeholder partnerships that would be required to support the individual land uses. The Vision and Roadmap was delivered based on this feedback and further analysis..



The Brunswick Valley site (Red) is located north-east of Mullumbimby, the hinterland centre of the Byron Shire. Photography by ABC



Site Context

The Brunswick Valley site constitutes a collection of lots totalling 112.77 ha - located north-east of Mullumbimby and the Brunswick River. The site is wholly owned by Byron Shire Council and includes the Brunswick Valley Sewage Treatment Plant (BVSTP).

SITE CONTEXT

Regional Context

Mullumbimby is the hinterland centre of the Byron Shire, approximately 20 kilometres north-west of Byron Bay – nestled at the base of Mount Chincogan and either side of the Brunswick River.

The Brunswick Valley (BV) site is located immediately north-east of Mullumbimby, north of the Brunswick River and enjoys a 2.5km frontage to riparian riverbank vegetation.

The Brunswick River is a regionally significant waterway and ecosystem, and is the natural border between traditional indigenous communities within Bunjalung lands. To the south are the Arakwal people, and the Minjungbal to the north¹.

Site Overview

The 112.77 hectare site is comprised of several individual lots, all in Council ownership. More information of the lot sizes is provided on page 7.

The land is currently designated as 'Operational', meaning it serves a commercial or operational function, or is retained for commercial or strategic reasons².

The site currently hosts the Brunswick Valley Sewage Treatment Plant (BVSTP), which has been the primary treatment plant since the closure of the Mullumbimby and Brunswick Heads STP in Mullumbimby in 2011³. The new BVSTP, which was constructed in 2009 has delivered improved wastewater management for Mullumbimby and nearby Brunswick Heads, while assisting in better water quality outcomes for the Brunswick River Estuary⁴.

Vehicle access to site is restricted. While Vallances Road is a sealed road, it is unpainted and relatively narrow in the context of regular 2-way traffic, with the centre of the site only accessible by a narrow dirt driveway. There is a decommissioned railway bridge to the south-west of the site, however it requires significant investment to reinstate function for pedestrian and small vehicle uses.



Looking across the site from Vallances Road onto pastoral land.
Photography by Byron Shire Council

Physical Opportunities and Constraints

The site's proximity to Mullumbimby and the relatively modest proportion of the site required for the BVSTP has created an opportunity for other land uses to be considered which are synergistic to this operational function.

The site's accessibility and presence of significant ecological assets are key constraints however to more intensive land use.

A full overview of the opportunities and constraints is provided on pages 4 and 5.

Existing Land Uses

Beyond the BVSTP, the site contains two dwellings and the foundations of an existing plant nursery. The land is primarily used for agistment and livestock grazing.

A full overview of the existing land uses for each lot is provided on page 7.

1. Byron Shire Council (n.d) Welcome to Country and Acknowledgement of Country protocols
2. Local Government Act (1993)
3. Byron Shire Council - Former Mullumbimby Sewage Treatment Plant (STP) remediation (website)
4. Byron Shire News (2009) Work to start on Brunswick sewage plant ³

Site Context - OPPORTUNITIES

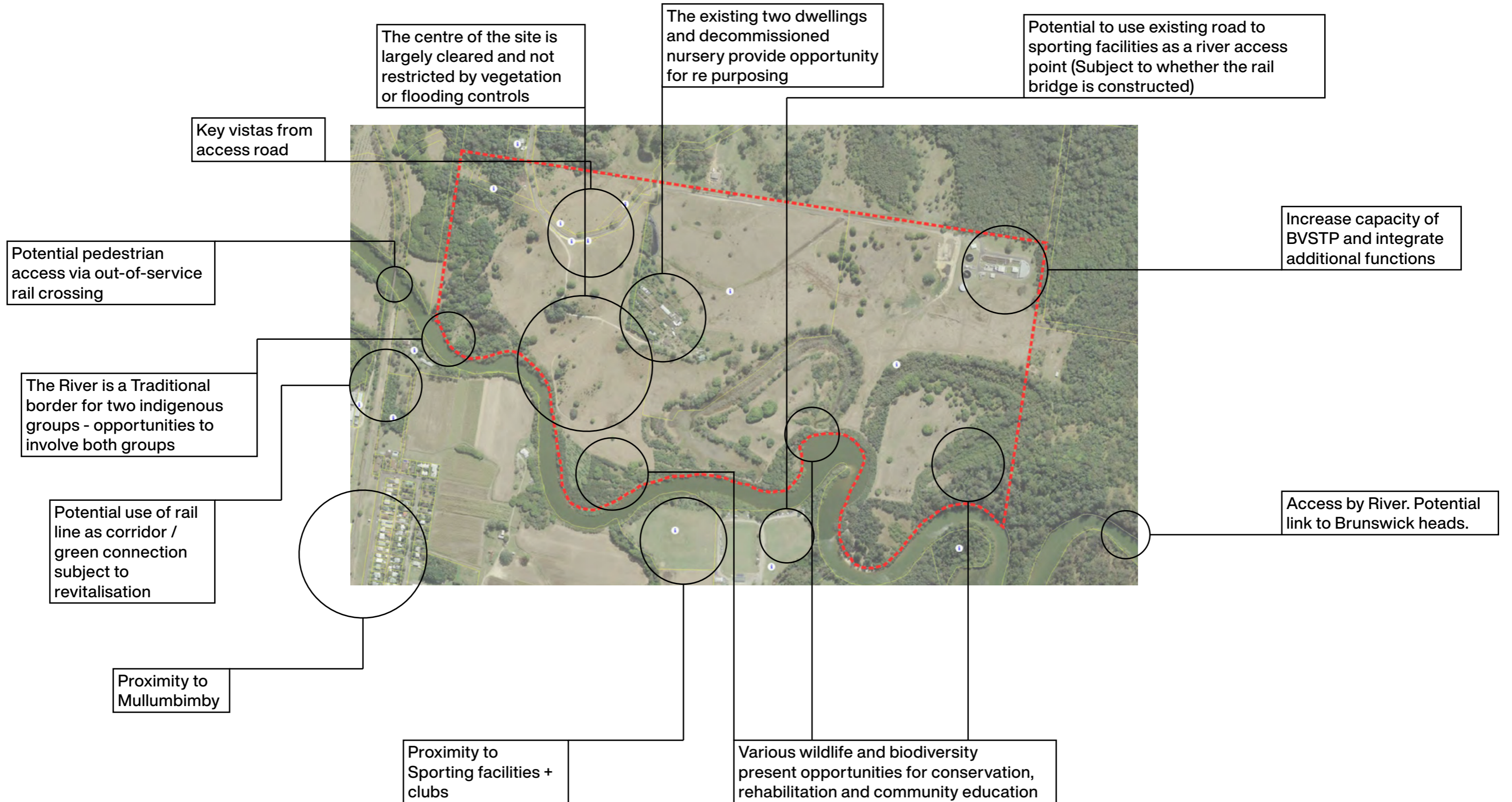


Figure 1: BV Site opportunities

Site Context - CONSTRAINTS

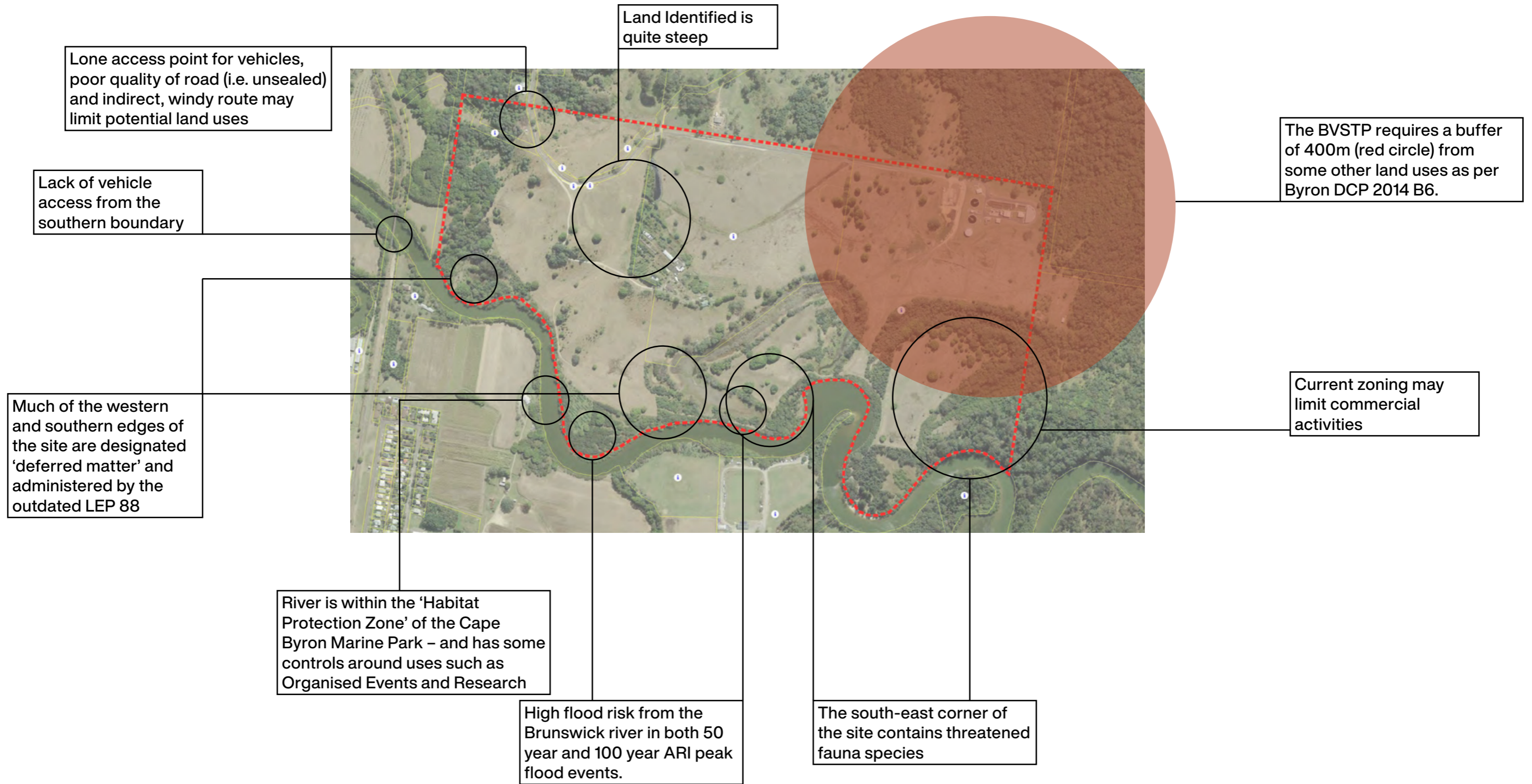
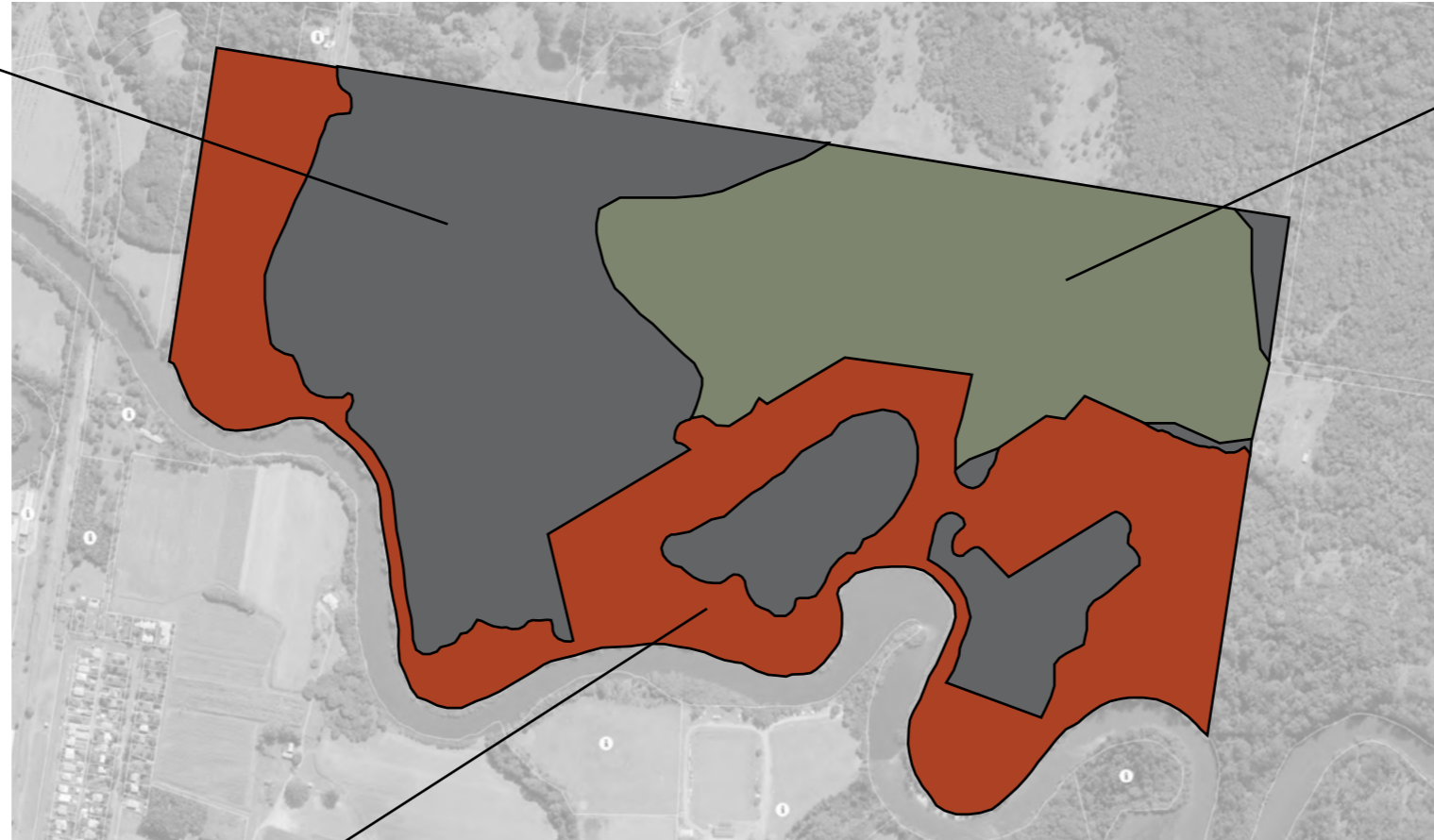


Figure 2: BV Site constraints

Planning Overview - Land use zoning

RURAL LANDSCAPE (RU2)¹

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



PRIMARY PRODUCTION (RU1)¹

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage consolidation of lots for the purposes of primary industry production.
- To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.
- To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality.

DEFERRED MATTER (DM)²

- Areas deferred from being zoned in the Byron Local Environmental Plan 2014 (LEP 2014) due to their potential environmental significance. See page 7 for detailed description.

Figure 3: BV Site land use zoning

1. Byron Local Environment Plan (LEP) 2014
2. Byron Shire Council - Fact Sheet 2 - Deferred Matters

Planning Overview - Existing uses and Deferred Matter

The site is largely vacant - primarily used for livestock grazing - there are two dwellings on site in addition to the Brunswick Valley Sewage Treatment Plan (BVSTP) which occupies the north-east corner of the site.

The BVSTP requires a 400m radius buffer around the sewerage infrastructure, which extends outside the subject sites' boundaries (See Fig 2 on page 5).

The site also contains a large area of land marked as 'deferred matter' - which means the LEP 1988 land use zoning applies. There is a pathway and criteria for rezoning DM land from the Department of Planning, Industry and Environment.

LOT NO.	LOT SIZE	ADDRESS	CURRENT ZONING	EXISTING (PRIMARY) USE/S
Lot 1 DP952598	25.4 Ha	125 Vallances Road, Mullumbimby	+ Primary Production (RU1) + Rural Landscape (RU2) + Deferred Matter (DM) / (previously) 7B Coastal Habitat Zone	+ Extensive agriculture (agistment + grazing) + Dwelling (x2) + Farm building
Lot 1 DP129374	85.9 Ha	Sewerage Works - Vallances Road, Mullumbimby	+ Primary Production (RU1) + Rural Landscape (RU2) + Deferred Matter (DM)/ (previously) 7B Coastal Habitat Zone	+ Sewerage treatment + Extensive agriculture (agistment + grazing) + Environmental protection works
Lot 14/15/17/18/19 DP251938	0.957 Ha	Vallances Road, Mullumbimby	+ Primary Production (RU1) + Rural Landscape (RU2)	+ Vacant (closed road reserve) + Extensive Agriculture (agistment + grazing)

LAND ZONED 'DEFERRED MATTER' (DM)

A number of areas with environmental value throughout Byron Shire were deferred from being zoned in the Byron LEP 2014.

The 'Northern Councils E Zone Review' by the Department of Planning & Environment outlines a pathway and criteria to rezone land based on its primary land use (Agricultural or Environmental).

How is the 'primary use' of land defined?^{2,3}

- 'Primary use' is defined as the main use for which the land has been used for the last two years, and will need to be identified by the Council during the preparation of a planning proposal to amend the LEP 2014.

Process for Rezoning^{2,3}

- If the primary use is found to be Environmental Management (E2) or Environmental Conservation (E3), Council will need to weigh the ecological evidence to verify whether the area qualifies for E2 or E3 zoning.
- Land can only qualify for an E2 or E3 zone if it is home to rainforests, wetlands, endangered plant species or vegetation that has been over-cleared in other areas, or is a place of cultural significance to the local Aboriginal community.
- If Council determines the primary use of the land is not environmental management or conservation, but has important ecological attributes, Council may instead include the vegetation on a Vegetation Map (i.e. environmental overlay).
- Before an E zone or Vegetation Map can be put in place, evidence of the land's environmental value needs to be verified by tests such as flora and fauna reports, biodiversity field inspections and ground surveys, or Aboriginal heritage field inspections and cultural heritage reports.
- E Zone proposals will be placed on public exhibition and landowners will be able to make a submission to the proposal.

1. Byron Shire Council - Fact Sheet 2 - Deferred Matters
2. Northern Councils Environmental Zone Review - Final Recommendations Report & Section 117 Direction
3. Department of Planning & Environment (2016_ Northern Councils E Zone Review - Final Recommendations Report

Project History

Uses for the site have been under investigation since 2008 when the land adjoining the BVSTP was purchased through the Byron Shire Council Sewer Fund¹.

In accordance with section 31 of the Local Government Act, the land was classified as Community Land and a planning proposal was submitted to reclassify the land to 'operational' in order to explore options to sell or develop the land. In 2014, a Gateway Determination reclassified the land and allowed further exploration of future uses¹.

In 2017, the Brunswick Valley Sustainability Management Plan was published - outlining a variety of potential land uses for the site. Since then, a Vision and Charter Workshop with Byron Shire Council has expanded upon these initial land use options and developed project assessment criteria upon which this report references.

PREVIOUS WORK

Brunswick Valley Management Plan

In December 2017, the Brunswick Valley Sustainability Centre Management Plan¹ was prepared for the site. The management plan provides an overview of the site and preliminary assessment for a number of proposed land uses, that have since been refined and expanded upon in this report.

Vision and Charter Workshop

A workshop conducted by HIP V. HYPE with Byron Shire Council in May 2020 identified key terms that are to underpin the vision for the site, including:

- Community (Need, access and green space)
- Sustainability (Renewable energy and protecting the future)
- Biodiversity (Green, habitat and ecology)
- Accessible (Inclusive, connected, and integrated)

In addition, project assessment criteria were developed to a draft stage:

- **Operational alignment:** Aligns with or is complementary to existing operation and future needs of core STP operational land function
- **Community need:** Responds to an identified community need, delivering clear social benefit
- **Traditional owner involvement:** Does or has potential to include traditional landowner involvement and opportunities
- **Financial viability:** Is financially viable based on 'whole of life-cycle costings'
- **Environmental benefit:** Ensures a sustainable approach to land management and ecological assets that considers climate change impacts
- **Achievable without compromise:** Is achievable without compromising resourcing (PM) or funding from designated funds
- **Consistent with core business:** Is consistent with the core business of Council
- **Builds community resilience:** Such as social cohesion or building adaptive capacity in relation to climate change impacts
- **Creates clear economic benefit -** Local job creation or other economic benefit

1. Byron Shire Council - Planning Proposal, Reclassification of land from community to operational - interests changed (13.7 Attachment 4)

Other Related Investigations

In addition to the above, several related investigations and influences are relevant to the future use of the Brunswick Valley - Vallances Rd land. These include:

INVESTIGATIONS AND INFLUENCES

North Byron Floodplain Risk Management Study and Plan

The North Byron FRMS, published in October 2020 reveals the extent and impact of flooding within the region - this guides the appropriateness and design of the land use / initiatives.

The 2100 Flood Planning Area - which is the most extreme outcome with a 1% AEP event, 0.9m sea level rise, 20% increase in rainfall and a 500mm freeboard is presented on page 58, and has been used to guide the assessment in terms of long term climate resilience.

Strategic background and Business Case for Rail Bridge revitalisation

A preliminary investigation indicates that the pylons are in good condition, but the rest of the bridge would need to be replaced.

A potential connection for pedestrians and light vehicles (i.e. golf buggies) over the Brunswick River, could support land uses on this site and also provide more regional benefit. It is important to not consider the benefit to the site in isolation, as the justification for such a connection could include a cycling route to Brunswick Heads, the rail trail from the north and even potential links to the Airport via Tweed Heads.

Ultimately, some of the land use options (or the scale that could be supported) rely on the resolution of the rail bridge, and may form a part of a business case to the NSW government to acquire funding for the infrastructure project.

Detailed plans for the BVSTP expansion

The site is first and foremost operational land, with the expansion of the BVSTP taking priority. The treatment plant will undergo expansion to cater for the additional volume from Ocean Shores once the STP there is decommissioned.

This will have implications in terms of the buffer zone, which may have implications on future land uses within this interface.

Preliminary E-zone mapping

While this process (discussed on page 7), and ultimate location of the E-zones is yet to be determined through formal avenues, BSC shared a preliminary E-zone map which was taken into consideration throughout the analysis.

[Pending] Solar PV Feasibility Study

A preliminary Solar PV Feasibility investigation has been conducted for the site. This investigation found that the distance to the grid connection, the lack of further on site demand from the BVSTP and the increased cost due to flood risk indicated that this was not a suitable location for a solar PV installation of any scale.

Brunswick Valley Vision

The Brunswick Valley Vision & Charter Workshop held in May 2020 included an activity to develop the foundations of the Brunswick Valley Vision Statement.

A draft Vision has been developed, based on this workshop and from further internal Council discussions.

In 2040, the Brunswick Valley site remains a core community asset, which fulfills its operational function, but has evolved to improve access and fulfil an environmental education role in the community.

It is a place where people of all ages and walks of life can grow their appreciation for nature and increase their broader environmental knowledge, where the natural environment is both conserved and rehabilitated.

It is a place where traditional owner and environmental values and initiatives connect and are celebrated and demonstrated for current and future Northern Rivers generations.

key words or phrases



The MENTI wordcloud of key words or phrases for the Brunswick Valley Vision Statement, generated in the internal workshop in May 2020. Image by HIP V. HYPE



Reading The Dashboards

Each land use is presented over a two-page 'dashboard' to assist with understanding and decision making.

This page provides an overview of the themes presented in the dashboards and an explanation of the assessment criteria table (bottom right).

DASHBOARD THEMES

To assist those reading this document, and to ensure efficient understanding of the proposed land uses and recommendations the following themes are discussed across each, two-page dashboard.

Description

A brief overview of the proposed land use.

Map + potential locations

Where the proposed land use is marked on a site map, with a description of the potential components within each option

Planning Assessment

A high-level planning assessment for each land use option is provided. The assessment identifies how permissible the proposed land use is under the Byron Local Environment Plan (2014), any relevant State Environmental Planning Policy exemptions, and implications of the DM zoned land.

The Flood Planning Area and requirements to facilitate use are also discussed.

Physical Site Assessment

This will discuss access considerations, land capability and synergies with other land uses.

Policy & Strategic Assessment

Where relevant local policies and strategies support the proposed land use these will be identified.

Assessment Criteria Table

Each land use option has been assessed against the criteria (detailed on page 8). See table below on how to read the Assessment Criteria table.

Next Steps

This section will highlight further feasibility / viability work required (to be discussed in the upcoming workshop), funding sources to support the proposed land use, and key stakeholders and partnerships required to deliver the proposed land use.

Note: Full page maps for land use and their locations are provided in Appendix A on pages 44-57.

ASSESSMENT CRITERIA	BENEFIT	
Assessment criteria topics that were agreed upon in the Internal Workshop held in 2020 - there are 9 criteria in total	0	= Does not address criteria
	1	= Somewhat addresses criteria
	2	= Addresses criteria
	3	= Strongly addresses criteria

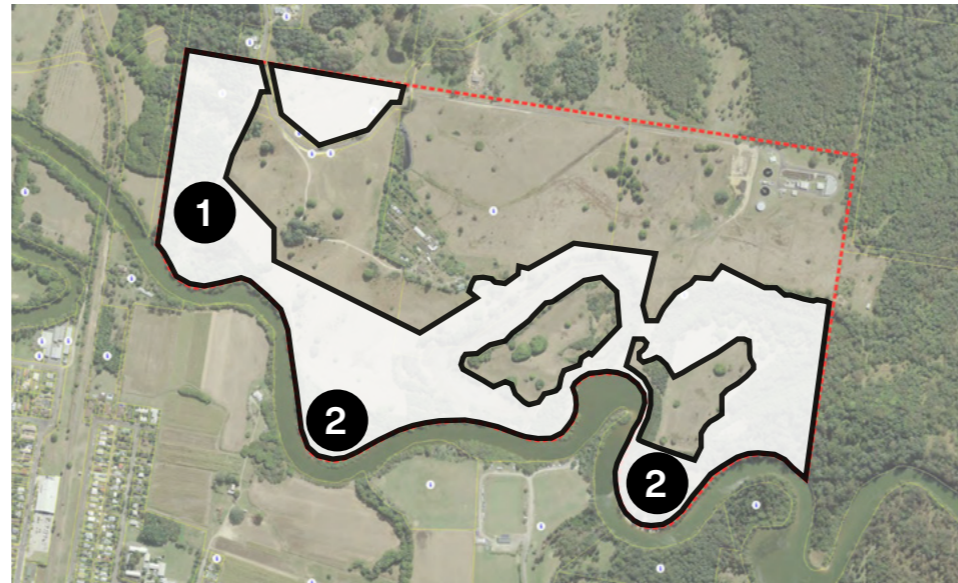
LAND USE: Environmental Rehabilitation

DESCRIPTION

This initiative includes the regeneration of environmentally sensitive areas including planting of native trees and plants, as well as Brunswick River bank stabilisation. Irrigation would use recycled water created from BVSTP.

While there are already re-vegetation works being conducted around the BVSTP, this land use option extends this to the south of the site and incorporates broader bush regeneration and flood mitigation works.

Any rehabilitation works will be conducted in harmony with the existing STP operations, and the potential retention of agricultural land uses.



POTENTIAL LOCATIONS

1. Vegetation rehabilitation, native tree plantings (if required) and bush regeneration within disturbed wetland areas
2. Bank stabilisation along key areas of the River where erosion is most prevalent

Note: The specific locations of the above initiatives may vary within the highlighted areas.



An example of environmental area rehabilitation in the form of native tree plantings alongside existing established vegetation. 20% of the site contains heavily vegetated areas and there are eight threatened flora species recorded which could be rehabilitated through this proposed land use.

Photography by Terratree

PLANNING ASSESSMENT

Under the Byron LEP 2014 environmental protection works are permitted without consent within the RU1 and RU2 zones. Development associated with bank stabilisation and flood mitigation is permitted with consent within the RU1 and RU2 zones.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Bush regeneration (nested under 'environmental facilities') is permitted with consent within the existing (7b) Coastal Habitat Zone¹.

This is likely to remain, with LEP Planning Note PN 09-002² identifying that environmental protection works are permissible within an Environmental Conservation (E2) or Environmental Management (E3) zone.

State Environmental Planning Policy Exemptions

SEPP (Infrastructure) 2007, Division 7 Flood mitigation works-item 50 (1) identifies the 'Development for the purpose of flood mitigation work may be carried out by or on behalf of a public authority without consent on any land³.'

Flood Planning Area

As this land use option does not contain any permanent built structures, the implications of the 2100 Flood Planning Area (Appendix B) are minimal, however will ultimately influence the planning of rehabilitation and flood mitigation works.

Requirements to facilitate use

- Council to resolve and rezone DM land (not urgent as already permitted)
- Further discussion may be required to confirm the SEPP Infrastructure permits works without consent for the DM zoned land

1. Byron Local Environmental Plan 1988
2. LEP Practice note PN 09-002 - Environment Protection Zones
3. NSW Government (2021) State Environmental Planning Policy (Infrastructure) 2007

LAND USE: Environmental Rehabilitation

PHYSICAL SITE ASSESSMENT

Access

_ This option may only require intermittent access, of which Vallances Road is considered sufficient.

Land capability

_ The land is physically suited for Environmental Area Rehabilitation, particularly options within the area zoned DM along the Brunswick River.

Synergies

_ As some of the initiatives within this land use may be permissible within the zones currently identified as DM, there is potential to combine this land use with others proposed to maximise the community outcome for the site, and ensure ecological value of the site is improved.

POLICY & STRATEGIC ASSESSMENT

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 1: LEAD: An organisation that provides clear direction, guidance and resources to conserve and enhance our biodiversity
- + Aim 2: INFORM: A community that is well informed about biodiversity and what they can do to protect it
- + Aim 3: SUPPORT: Our land managers are well supported to maximise biodiversity conservation across the landscape
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

_ Community Strategic Plan 2028

- + Community Objective 3: We protect and enhance our natural environment

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Delivery of social / environmental benefit associated with environmental rehabilitation
Operational alignment	3	Given spatial consideration, supplements existing operation of STP operational land function
Traditional owner involvement	2	Opportunity to engage with, draw guidance and provide employment for traditional owners
Financial viability	1	No direct financial benefit
Environmental benefit	3	Significant benefits associated with improved biodiversity outcomes
Achievable without compromise	2	Dependent on sourcing of funding for rehabilitation
Consistent with core business	2	Moderate alignment with Council's core service delivery (no direct conflict)
Builds community resilience	3	Dependent on access and involvement of community
Creates clear economic benefit - with local job creation	1	Low to moderate economic benefit and job creation for land restoration businesses



An example of river bank stabilisation along the Mary River in Kenilworth.

Photography by ABC Rural / Jennifer Nichols

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this land use is supported, based on strong environmental benefit and compatibility with the operational use

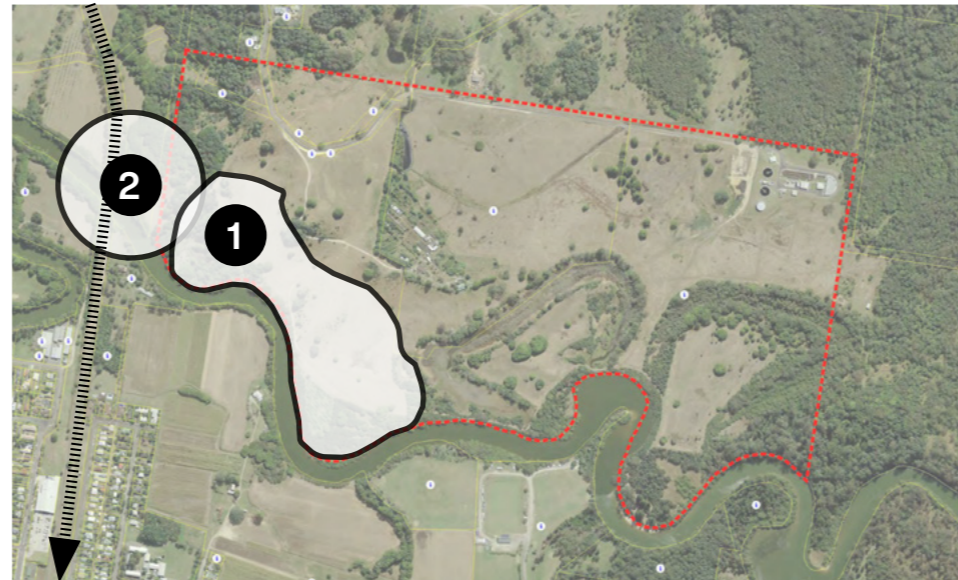
Further feasibility / viability work

- _ The development of an Environmental Rehabilitation / Management Plan which includes identifying plant community types that will respond to local climate change impacts
- _ Further investigations regarding flood mitigation are also required to underpin the design of bank stabilisation

LAND USE: Trails Network

DESCRIPTION

This initiative includes the development of a network of walking trails accessing the Brunswick River and key environmental areas, and may be linked with the Rail Bridge Revitalisation option to provide a direct connection to Mullumbimby for community use.



POTENTIAL LOCATIONS

1. Potential areas for trails to access the river
2. The Rail bridge Revitalisation option, which would provide a direct connection back to Mullumbimby. The dashed line represents to existing railway line.

Note: Specific locations of the above may vary and would be subject to potential environmental rehabilitation and flood mitigation works

PLANNING ASSESSMENT

The proposed trail network is regarded as ancillary to and would be pursued as part of the approval process of other land use options, such as environmental rehabilitation or an Information and Education Facility.

In addition, under the Local Government Act (1993) a footpath, and cycleway are nested within the definition of a 'road' which is permitted with consent within both RU1 and RU2 zones¹.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Development of a trails network (nested under 'environmental facilities') is permitted with consent within the existing (7b) Coastal Habitat Zone².

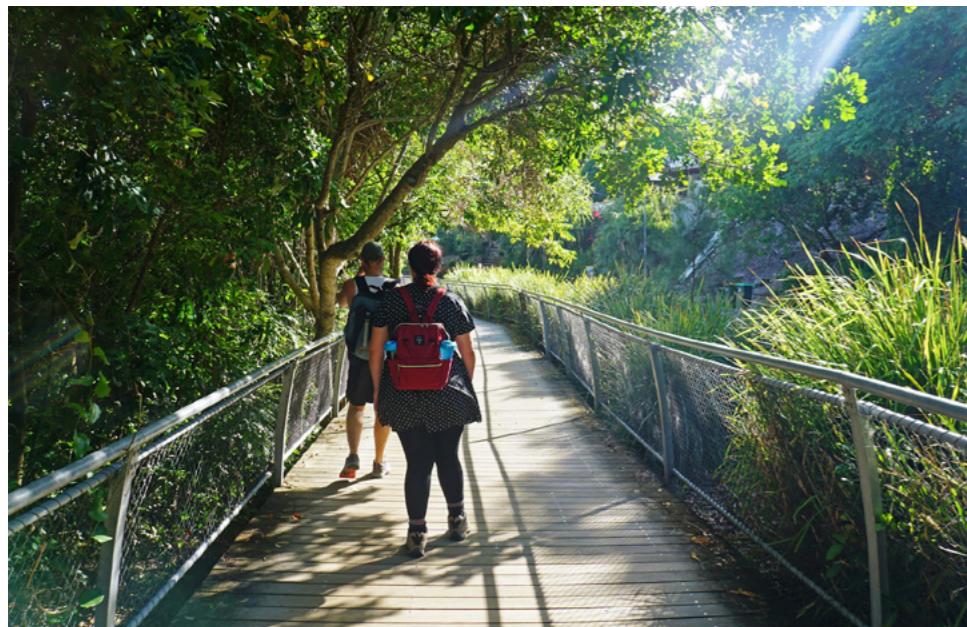
For Environmental Conservation (E2) or Environmental Management (E3) zoning - a trails network may be permissible if it is aligned to the environmental value (which it is expected it would be). This involves a primary focus on 'the education, interpretation, cultural understanding and appreciation of the natural environment that is managed to be ecologically sustainable'³.

Flood Planning Area

As this land use options is within the 2100 Flood Planning Area (Appendix B) there may be an incentive to ensure low-lying components of the trail (if structures such as boardwalks), are design to withstand inundation.

Requirements to facilitate use

- Council to resolve and rezone DM land
- A development application to permit consent within the RU2 zone



An example of a walking trail through environmentally sensitive land at the Cape Byron Walking Track en route to the lighthouse.

Photography by The Long Way's Better

1. NSW Government (1993) Local Government Act
2. Byron Local Environmental Plan 1988
3. LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Trails Network

PHYSICAL SITE ASSESSMENT

Access

_ This option is somewhat dependant on the connection over the disused rail bridge to allow pedestrian connectivity to Mullumbimby. However more informal networks could be incorporated but visitation would be very low if the Brunswick River access was not completed.

Land capability

_ Flood risk will dictate what type of walking infrastructure is provided (i.e. natural vs elevated timber board walk) and location of trails network.

Synergies

_ A trails network could be used to link a number of other land use options proposed for the site.

POLICY & STRATEGIC ASSESSMENT

_ [Alignment with] Byron Shire Bike Plan (2019)

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 2: INFORM: A community that is well informed about biodiversity and what they can do to protect it
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment

_ Our Mullumbimby Masterplan

- + Principle 3: Ensure Mullumbimby is accessible and well connected

_ [Alignment with] Byron Shire Pedestrian Access & Mobility Plan (2019)

_ Strategic Transport Statement (Transport Policy)

- + Objective 1.4: Increase the bike network and/or use
- + Objective 1.5: Improve pedestrian and residential amenity

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Delivery of access to environmental value locally
Operational alignment	2	Given spatial consideration, supplements existing operation of STP operational land function (could be sited outside buffer areas if required)
Traditional owner involvement	3	Opportunity to engage with, draw guidance and provide employment for traditional owners - could benefit from wayfinding and interpretation in indigenous languages and incorporating cultural heritage
Financial viability	1	No direct financial benefit
Environmental benefit	2	Provides community access to environmental value, but doesn't benefit directly
Achievable without compromise	2	Dependent on sourcing of funding, but is scalable
Consistent with core business	2	Moderate alignment with Council's core service delivery (no direct conflict)
Builds community resilience	3	Improves connectivity and community appreciation of natural systems
Creates clear economic benefit - with local job creation	1	Potential value add for any low-scale tourism facility, but not economic benefit is indirect - ie dependent on other primary uses



The Yondeo Trail in the Wallarah National park in NSW.

Photography by National Parks NSW

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this land use /initiative is supported, based on compatibility with environmental values, no obvious conflict with the operational use and the ability to link with environmental education

Further feasibility / viability work

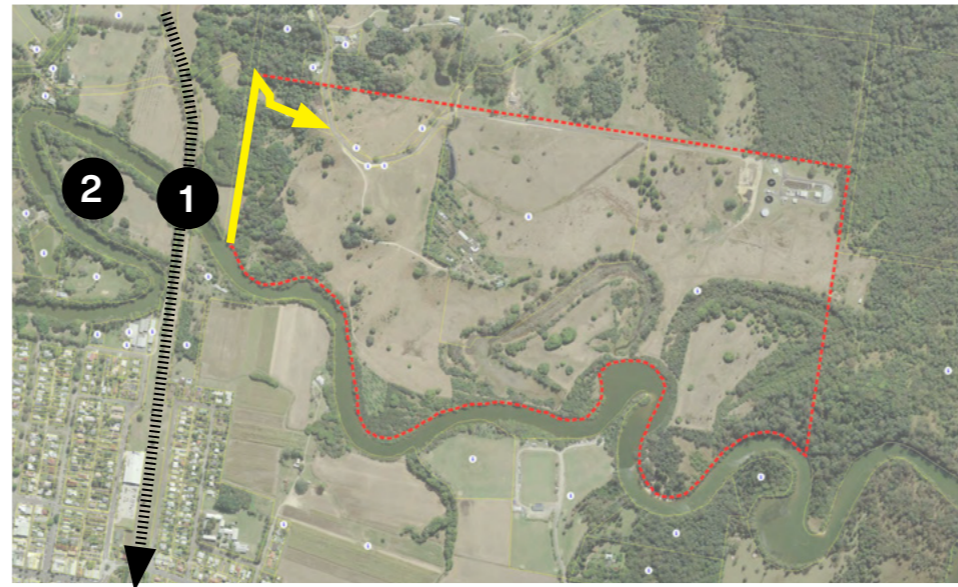
- _ The scale of investment in a trails network will depend on a potential future connection over the Brunswick River and use of some of the land for an Environmental Education Facility.
- _ Pending resolution of these and on grant funding the trails network should also be designed in conjunction with the proposed Environmental Rehabilitation / Management Plan and flood mitigation works to ensure alignment with environmental values and ensure no conflict with the BVSTP expansion

LAND USE: Establishment of shared path connection to Mullumbimby over railway bridge

DESCRIPTION

This initiative leverages the heritage railway bridge in the south western corner of the site to provide an active transport connection to Mullumbimby. The intention would be to allow for capacity for light vehicles such as golf carts, micro-mobility (i.e. e-bikes and mobility scooters), bicycles and pedestrians to provide access to the site.

Council has ownerships of lot 4, on the southern bank which could be used as a car park for visitors.



POTENTIAL LOCATIONS

1. Re-establishing this connection provides access to the south-west corner of the site
2. Location of Lot 4, a Council-owned parcel which could be used for visitor car parking
3. The yellow line indicates the location of Council-owned land abutting the site that connects to the river

Note: The specific route of the trail into site is approximate and would be the subject of further investigation.



The rail bridge in Mullumbimby (pictured) is a part of the network that once connected Murwillumbah to Sydney,. However in 2004 the line between Casino and Murwillumbah was terminated - and infrastructure has subsequently deteriorated without use or maintenance.

Photography by Northern Star

PLANNING ASSESSMENT

Under the Local Government Act (1993) a footpath, and cycleway are nested within the definition of a 'road'¹ which is permitted with consent within both RU1 and RU2 zones. A pedestrian bridge is contained within this definition. (See below for SEPP exemptions).

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002³ identifies that 'roads' must be permitted with or without consent within Environmental Management (E3) zones - however does not provide clarity for Environmental Conservation (E2) zones.

State Environmental Planning Policy Exemptions

SEPP (Infrastructure) 2007, Division 17 Roads and road infrastructure - item 94 (1) states: 'Development for the purpose of a road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land'¹.

Flood Planning Area

As this land use option does not contain any permanent built structures, the implications of the 2100 Flood Planning Area (Appendix B) are minimal. However, the connection from the northern bank to the site would obviously need to be designed to withstand inundation.

Requirements to facilitate use

- Council resolve and rezone DM land
- Clarify design and required easement to link to the site

1. NSW Government (1993) Local Government Act
2. NSW Government (2021) ePlanning Spatial Viewer
3. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Establishment of shared path connection to Mullumbimby over railway bridge

PHYSICAL SITE ASSESSMENT

Access

_ This particular option is located outside of the site, and would require an easement through the neighbouring property to create a connection from the rail bridge to the site

Land capability

- Would be addressed as part of engineering design

Synergies

_ This initiative underpins a scale up of activity in the western portion of the land by providing low-impact connection between Mullumbimby and the site

POLICY & STRATEGIC ASSESSMENT

_ [Alignment with] Byron Shire Bike Plan (2019)

_ Community Strategic Plan 2028

+ Community Objective 1: We have infrastructure, transport and services which meet our expectations

_ Our Mullumbimby Masterplan

- + Principle 2: Maintain and enhance Mullumbimby's high level of self sufficiency, adaptability and resilience
- + Principle 3: Ensure Mullumbimby is accessible and well connected
- + Principle 4: Protect and enhance Mullumbimby's green and leafy character and reconnect with the river
- + [Has alignment with] Strategy 1: Urban Village in the Rail Lands

_ [Alignment with] Byron Shire Pedestrian Access & Mobility Plan (2019)

_ Strategic Transport Statement (Transport Policy)

- + Objective 1.4: Increase the bike network and/or use
- + Objective 1.5: Improve pedestrian and residential amenity
- + Objective 1.8: Improve integration and regional connectivity
- + Objective 1.9: Support climate change adaptation and mitigation

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Provides access to environmental values proximate to Mullumbimby, and potential cycling links to Brunswick heads and further north
Operational alignment	1	No correlation with BVSTP uses, however does not directly conflict
Traditional owner involvement	2	Could help enable commercial enterprise with traditional landowners
Financial viability	2	Capital costs may require state or federal grants, however the shared path connection would service other local objectives including the regional rail trail connection to Tweed Heads
Environmental benefit	3	Access increases users and awareness of environmental value
Achievable without compromise	1	Supported by Council however external funding required
Consistent with core business	2	Aligns with community wellbeing and role as infrastructure provider
Builds community resilience	3	Provides access to natural assets and promotes wellbeing, while assisting in delivering broader non-vehicle connections between surrounding communities
Creates clear economic benefit - with local job creation	2	Highly dependent on how the broader site is developed and used, could be an enabler of economic benefit more broadly in the community



The Camel Trail in Cornwall, UK (pictured) provides a good example of what a re-established rail bridge for non-vehicular use could look like. Such a strategy allows pedestrians, cyclists and small e-vehicles (i.e. scooters) to access the site and reduces car dependency and impacts to local road networks.

Photography by The Guardian

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported as an alternate non-vehicular access point to the site, underpinning a scaling of other potential uses. The connection should not be considered solely in relation to the site as it will deliver regional benefits

Further feasibility / viability work

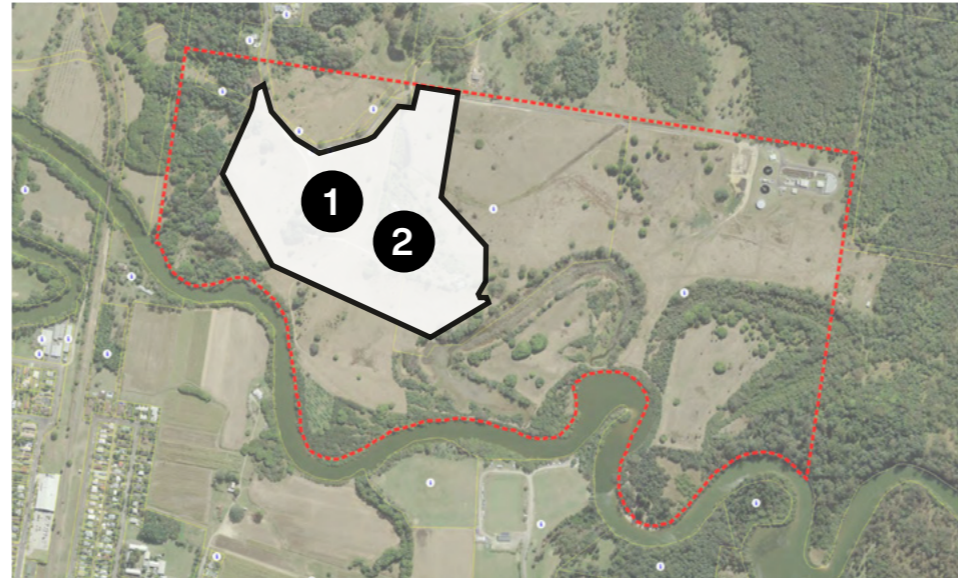
- _ A detailed technical assessment of the existing bridge to establish cost of works required
- _ Options analysis for potential other locations (and indicative cost / benefit)
- _ Develop a project brief and business case inclusive of the broader benefit that a connection would provide (i.e. Rail Trail, Bike path to Brunswick Heads, Potential link from Tweed Shire / Airport link)

LAND USE: Environmental Education Facility

DESCRIPTION

This initiative includes the development of an environmental educational facility to highlight innovations in sustainable land management and potentially broader environmental education. Physical spaces could potentially support other low access community functions (meeting rooms, studio space).

It is anticipated the scale of the facility would be able to house 20-30 people - for high school, tertiary education and adult education for field trips, with the potential for private team-building offerings. The initiative is scaleable, based on a potential connection over the Brunswick River.



POTENTIAL LOCATIONS

1. Potential location of a new building that could serve as the Environmental Education Facility
2. Other options include using the existing dwellings on site

Note: Specific location of the environmental education facility may vary within the highlighted area.

PLANNING ASSESSMENT

Under the Byron LEP 2014 an environmental facility is permissible with consent in a RU1 and RU2 - and an information and education facility is permissible with consent within a RU2 zone, but prohibited within RU1.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Not relevant as the land use option is within RU2 zoned land.

Flood Planning Area

The 2100 Flood Planning Area (Appendix B) encroaches upon the south-east corner of the designated land use area, and as such may influence the location - or require design considerations to ensure adequate freeboard. Non-permanent structures such as tents etc would be unaffected.

Requirements to facilitate use

- A development application to permit consent for an environmental facility and/or an information and education facility within RU2



Amaroo Environmental Education Centre (EEC) is one of twenty-five Outdoor and Environmental Centres operated by the Queensland Department of Education - and provides environmental sustainability and indigenous perspective education¹.

Photography by AEEC

1. About Us (2020) Amaroo Environmental Education Centre (EEC)
2. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Environmental Education Facility

PHYSICAL SITE ASSESSMENT

Access

_ Access is a significant constraint, and would come from Vallances Road via a private unsealed driveway that leads to the proposed facility. Access could also come from re-establishment of the rail bridge to allow pedestrian / micro-mobility access, without which the scale of the facility would need to be limited.

Land capability

_ The approximate location is currently occupied by an existing dwelling and thus capable of supporting a facility (however may dictate facility size)

Synergies

_ This option has strong synergies with environmental rehabilitation, community gardens, nursery and coppicing

POLICY & STRATEGIC ASSESSMENT

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 1: LEAD: An organisation that provides clear direction, guidance and resources to conserve and enhance our biodiversity
- + Aim 2: INFORM: A community that is well informed about biodiversity and what they can do to protect it
- + Aim 3: SUPPORT: Our land managers are well supported to maximise biodiversity conservation across the landscape
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment

_ Climate Change Strategic Planning Policy

- + Objective 2: To mitigate impacts associated with climate change on future generations through commitment to the precautionary principle

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Demand for an environmental education facility locally would need to be tested through a local needs assessment
Operational alignment	1	Not a direct correlation with BVSTP uses, however does not directly conflict
Traditional owner involvement	3	Potential for environmental education to have a very strong traditional owner focus
Financial viability	2	Reliant on a commercial business model for education provision
Environmental benefit	3	Strong nexus with environmental value of the land and will promote broader environmental awareness
Achievable without compromise	1	Likely to require a significant capital investment, achievable if initial investment is State or otherwise externally funded.
Consistent with core business	2	Broadly, Council is a provider of adult education through libraries and other service provision
Builds community resilience	3	Dependent on scale, could be a significant contributor to local human and social capital
Creates clear economic benefit - with local job creation	2	Could be a provider of local employment, dependent on scale. Potential to promote other local economic stimulus.



The Nature & Environment Learning Centre (NME) in The Netherlands is both a classroom and educational tool - showcasing sustainability directly to inhabitants - and providing all students with 6 sqm of garden to care for!

Photography by Filip Dujardin

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported, however is subject to a viable business model being established that balances capital and operational cost with return on investment and a third party not-for-profit operator. Potential exists to partner with a traditional owner to deliver some aspects of the environmental education

Further feasibility / viability work

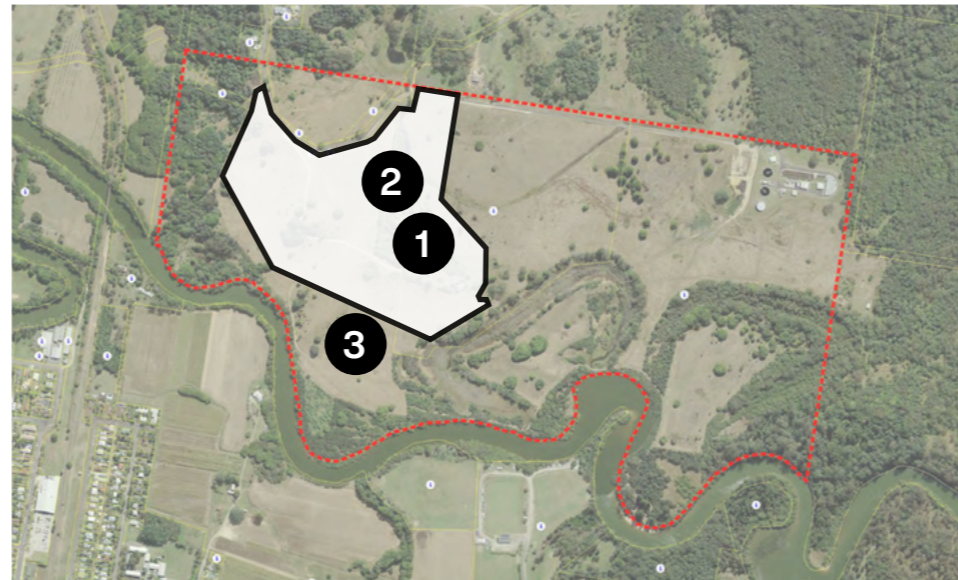
- More detailed understanding of the commercial business model and potential partner identification is required, inclusion in Business Model Development Scope
- Undertake community needs assessment and technical assessment of existing infrastructure to confirm costs for conversion / upgrade / new built form / infrastructure
- Undertake Masterplan Options for central precinct & supporting use for railway bridge revitalisation project brief / business case
- Develop a Governance Plan for this and other pursued uses

LAND USE: Community Gardens

DESCRIPTION

This initiative includes the development of community gardens on the site, with the potential for shared ownership or lease to individuals.

The gardens could be used as educational and information centres promoting sustainable living initiatives and to increase the provision of fresh and affordable produce to the local community. This facility could host school groups, drop-ins from the general public, residential caretakers, and on-site experts-in-residence programmes¹.



POTENTIAL LOCATIONS

1. The community gardens potentially co-located with the education facility
2. Opportunity to 'carve-out' a portion of the Nursery footprint if the nursery operator becomes the managing entity
3. Potential location within the future E2/E3 zone, subject to further investigation and land uses permitted through rezoning

Note: Specific location of the community gardens may vary within the highlighted area.

PLANNING ASSESSMENT

Under the Byron LEP 2014 community gardens, which can be defined as community facilities or recreation areas, are both permissible with consent in both the RU1 and RU2 zones, however the proposed location of the community garden is likely within the RU2 zone.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Not relevant as the land use option is within RU2 zoned land.

Flood Planning Area

As this land use option is likely to be sited outside the 2100 Flood Planning Area (Appendix B) and contain minimal built form structures the impacts are minimal.

Requirements to facilitate use

- A development application to permit consent for community gardens



CERES (pictured) is an environmental education centre, community garden, urban farm and social enterprise hub spread across four locations on Wurundjeri Country in Melbourne's inner north. 50 community garden plots are rented out yearly to households with limited backyard space¹.

Photography by CERES

1. Community Gardens (2021) CERES (website)
2. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Community Gardens

PHYSICAL SITE ASSESSMENT

Access

_ Access could be serviced by the re-establishment of the rail bridge to allow for pedestrian access to the community garden, however vehicle access via Vallances road may not be suitable for 'casual' access by community members

Land capability

_ As community gardens are low impact, the land is capable of servicing the needs, however may need initial landscaping to manage site slopes in some areas or to revitalise nursery footprint

Synergies

_ There are strong parallels between the community garden and education, nursery and rehabilitation uses

POLICY & STRATEGIC ASSESSMENT

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 2: INFORM: A community that is well informed about biodiversity and what they can do to protect it
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment

_ Climate Change Strategic Planning Policy

- + Objective 2: To mitigate impacts associated with climate change on future generations through commitment to the precautionary principle

_ Our Mullumbimby Masterplan

- + Principle 2: Maintain and enhance Mullumbimby's high level of self sufficiency, adaptability and resilience
- + Principle 3: Ensure Mullumbimby is accessible and well connected

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	COVID has highlighted food security, and would create community cohesion
Operational alignment	2	Potential conflicts with BVSTP, however can use recycled water from the plant
Traditional owner involvement	2	Opportunities to integrate education on indigenous food into offering
Financial viability	2	Minor capital costs, operational responsibility could be transferred to private operator / nursery
Environmental benefit	2	Moderate due to 'farming' aspect, however could foster permaculture on existing pastoral land and increases general environmental awareness
Achievable without compromise	2	Minimal capital costs, straight forward to deliver
Consistent with core business	2	Community well being and cohesion an element of Council's purpose
Builds community resilience	3	Potential to address food security and education opportunities around organics and good supply, community gardens are a strong contributor to social and education outcomes
Creates clear economic benefit - with local job creation	1	No / Minimal employment benefit



Since 2008 the Mullumbimby Community Garden has worked to turn an existing paddock into a food-producing community hub¹.

Photography by Mullumbimby Community Garden

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported, but only as an education asset. The recommendation is that this land use be pursued as a potential component of the environmental education facility, with potential management forming part of the management of the wholesale nursery land use. The access limitations mean that a lease model of community garden to community members is not suitable in this location

Further feasibility / viability work

- _ The education aspect of a community garden could be included in the Business Model Development Scope alongside a range of ancillary uses including low scale visitor accommodation

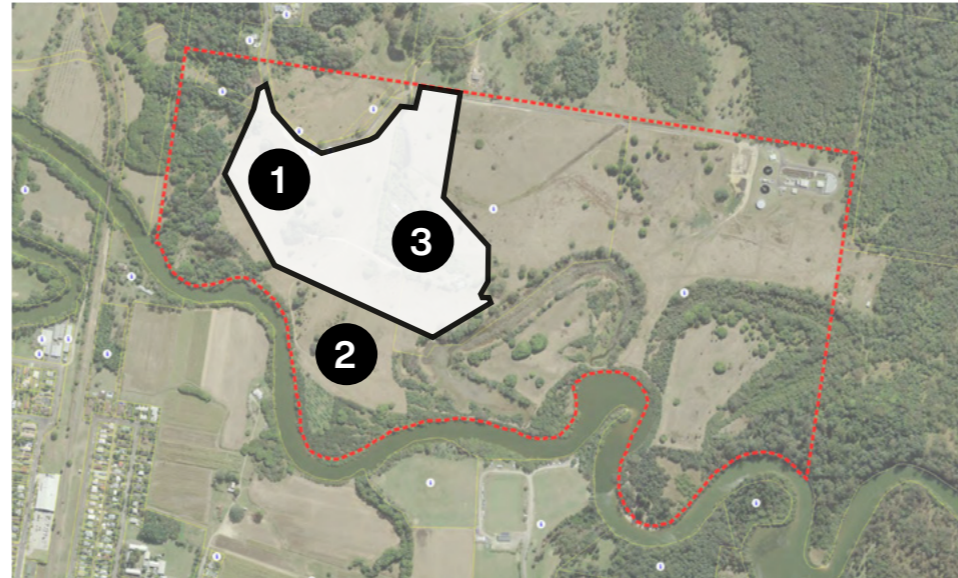
1. About Us (2021) Mullumbimby Community Garden (website)

LAND USE: Camping / Low-scale Accommodation

DESCRIPTION

This initiative builds on the environmental values of the site to provide for modest scale camping and / or visitor accommodation.

This option may serve the accommodation requirements of the Environmental Education Facility or instead offer paid-accommodation for student, or private groups visiting the site for educational purposes.



POTENTIAL LOCATIONS

1. The potential location of camping / low scale visitor accommodation
2. Potential location within the future E2/E3 zone, subject to further investigation and land uses permitted through rezoning
3. Potential location of the Environmental Education Facility

Note: Specific location of the camping grounds / accommodation may vary within the highlighted area.



An example of camping / low scale visitor accommodation in the form of portable 'glamping' tents which can be moved around site to minimise land impacts while providing adequate comfort for inhabitants.

Photography by Brown Hill Estate

PLANNING ASSESSMENT

Under the Byron LEP 2014 camping grounds, and tourist and visitor accommodation are permitted with consent within both the RU1 and RU2 zones.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Primitive Camping Grounds are permitted with consent within the existing (7b) Coastal Habitat Zone¹.

This is likely to remain the case with LEP Planning Note PN 09-002² identifying 'bed and breakfast accommodation' and 'farm stay accommodation' as potential permissible uses within both the Environmental Conservation (E2) and Environmental Management (E3) zone.

Further discussion may be required to define the land use and location accordingly.

Flood Planning Area

The 2100 Flood Planning Area (Appendix B) may dictate the design and location of camping and any permanent accommodation facilities. Location #2 for example would likely be at risk of inundation and may require mobile pods or tents / camping areas rather than permanent built form.

Requirements to facilitate use

- Council to resolve and rezone DM land
- A development application to camping grounds, and tourist and visitor accommodation within RU2

1. Byron Local Environmental Plan 1988
2. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Camping / Low-scale Accommodation

PHYSICAL SITE ASSESSMENT

Access

_ Accommodation would often require vehicle access for travelling visitors and would require additional works to Vallances Road and the driveway, or revitalisation of the rail bridge with a car park in Lot 4 to support (if access was 'walk in' or by light vehicle transport)

Land capability

_ As the land is quite steep, landscaping may be required to provide flat camping pads, or space for low scale visitor accommodation units/cabins

Synergies

_ There is value in offering accommodation alongside educational facilities in order to support long-term programmes and reduce daily traffic (to and from site)

POLICY & STRATEGIC ASSESSMENT

Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment
- + Community Objective 4: We manage growth and change responsibility

Climate Change Strategic Planning Policy

- + Objective 2: To mitigate impacts associated with climate change on future generations through commitment to the precautionary principle

Our Mullumbimby Masterplan

- + Principle 2: Maintain and enhance Mullumbimby's high level of self sufficiency, adaptability and resilience
- + Principle 3: Ensure Mullumbimby is accessible and well connected
- + Principle 4: Protect and enhance Mullumbimby's green and leafy character and reconnect with the river

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	1	It is likely this use would benefit broader visitors rather than the local community
Operational alignment	1	Not a direct correlation with BVSTP uses, however does not directly conflict
Traditional owner involvement	2	Potential to be traditional owner run, with synergies to environmental education
Financial viability	3	Reliant on a commercial business model for visitor accommodation provision, but if externally run, no cost to Council
Environmental benefit	2	Environmental values are the key driver for the establishment of visitor accommodation on the s
Achievable without compromise	1	Relatively low capital cost, straight forward to deliver
Consistent with core business	1	Not a business of Council, would require a partner (which would also reduce risk)
Builds community resilience	1	Would provide no direct contribution to local community resilience
Creates clear economic benefit - with local job creation	2	Could be a provider of local employment, dependent on scale. Potential to promote other local economic stimulus.



Movable cabins or 'tiny homes' (pictured) are another example of low scale accommodation options which may be considered. Due to their mobility, they're able to be moved out of flood risk and again to reduce impacts (i.e. degrading land underneath cabins).

Photography by Uncrate

NEXT STEPS

Preliminary Recommendation

- Camping and low scale accommodation is not recommended as a standalone use due to restricted access. Instead it is recommended that this be considered as an ancillary use to the proposed Environmental Education facility which would allow students of environmental education to undertake multi day or even longer courses

Further feasibility / viability work

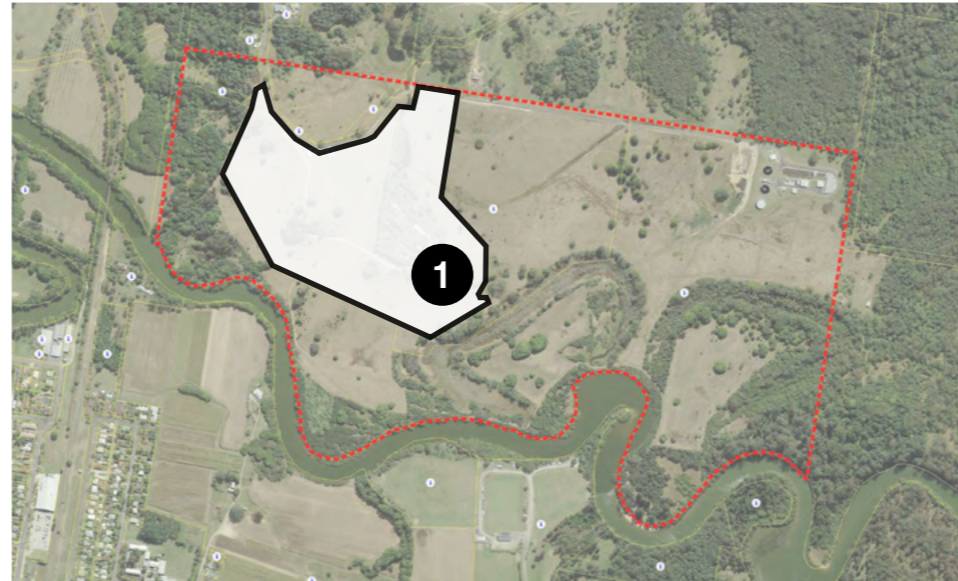
- _ The accommodation could be included in the Business Model Development Scope alongside a range of ancillary uses to the environmental education focus
- _ Inclusion in Masterplan Options development for central precinct & supporting use for railway bridge revitalisation project brief / business case

LAND USE: Food and Beverage Offering

DESCRIPTION

This initiative includes the development of food and beverage and small events offering ancillary to other uses on site.

The initiative would be highly dependent on the environmental education facility to generate 'foot traffic'.



POTENTIAL LOCATIONS

1. The potential location of a food and beverage offering where the existing dwellings are located

Note: The specific location of the food and beverage offering may vary within the highlighted area.



The Farm Cafe at Collingwood's Children Farm in Melbourne is an excellent example of a low-scale hospitality use integrated into broader community facilities within the Abbotsford Convent. It is located alongside the Yarra River, community gardens and an animal farm.

Photography by TOT: Hot or Not

PLANNING ASSESSMENT

Under the Byron LEP 2014 'restaurants or cafés' are permitted with consent within both the RU1 and RU2 zones. The food and beverage offering would likely be ancillary to another land use option such as an Environmental education facility.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002¹ doesn't clearly identify permissible uses related to food and beverage within the future Environmental Conservation (E2) or Environmental Management (E3) zones - however it is not expected to be located within the land currently marked as 'DM'.

Flood Planning Area

The 2100 Flood Planning Area (Appendix B) may encroach on the approximate location (left) of this land use option. As a result, the design may have to consider this and ensure freeboard is above the flood level, or relocate to eliminate risk of inundation in the future.

Requirements to facilitate use

- A development application to permit 'restaurants or cafés' within RU2

1. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Food and Beverage Offering

PHYSICAL SITE ASSESSMENT

Access

_ Existing access via Vallances Road may be able to support a modest food and beverage offering, however would likely require upgrade for long-term use. Pedestrian access via the rail bridge also has potential if paired with additional uses

Land capability

_ The land between Vallances road and the existing dwelling would support an integrated food outlet amongst other uses - potentially expanding upon the footprint of the existing dwelling alongside education facilities

Synergies

_ There is value in offering food service alongside production and education uses and potentially increases the commercial viability of the overall offering

POLICY & STRATEGIC ASSESSMENT

Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations

Our Mullumbimby Masterplan

- + Principle 2: Maintain and enhance Mullumbimby's high level of self sufficiency, adaptability and resilience
- + Principle 3: Ensure Mullumbimby is accessible and well connected
- + Principle 4: Protect and enhance Mullumbimby's green and leafy character and reconnect with the river
- + [Has alignment with] Strategy 1: Urban Village in the Rail Lands

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	1	There is no identified need for food and beverage offering in this location
Operational alignment	0	No alignment with BVSTP and potential conflict with expanded buffer, depending on location
Traditional owner involvement	2	Potential to be traditional owner run, provide indigenous food links
Financial viability	2	Viability strongly related to 'foot traffic' generated by other uses. The use would likely be delivered by an external party, so financial risk outsourced
Environmental benefit	1	No direct environmental benefit
Achievable without compromise	2	Dependent on costs of fitout and whether Council provides as part of a commercial lease or lessee is responsible for costs / project management
Consistent with core business	1	Not core business, but could add value to other services
Builds community resilience	1	Could complement other community resilience building activities / facilities
Creates clear economic benefit - with local job creation	2	Would provide a small amount of direct employment



Acre Eatery in Sydney's Camperdown has transformed the previous Bowling Club into an urban farm offering farm-to-table eating¹. Pictured is the existing bowling greens which now support fresh produce production for the restaurant/cafe.

Photography by Concrete playground

NEXT STEPS

Preliminary Recommendation

- Food and beverage offering is not recommended as a standalone use due to restricted access. It is likely that commercial cooking would occur on site but to support the environmental education function rather than a broader visitor market. It is recommended that food and beverage be considered as an ancillary use primarily in relation to the proposed Environmental Education facility.

Further feasibility / viability work

- _ No further work required unless access to Environmental Facility was to support increased visitor traffic beyond multi day environmental education (e.g. weekend workshops etc.)

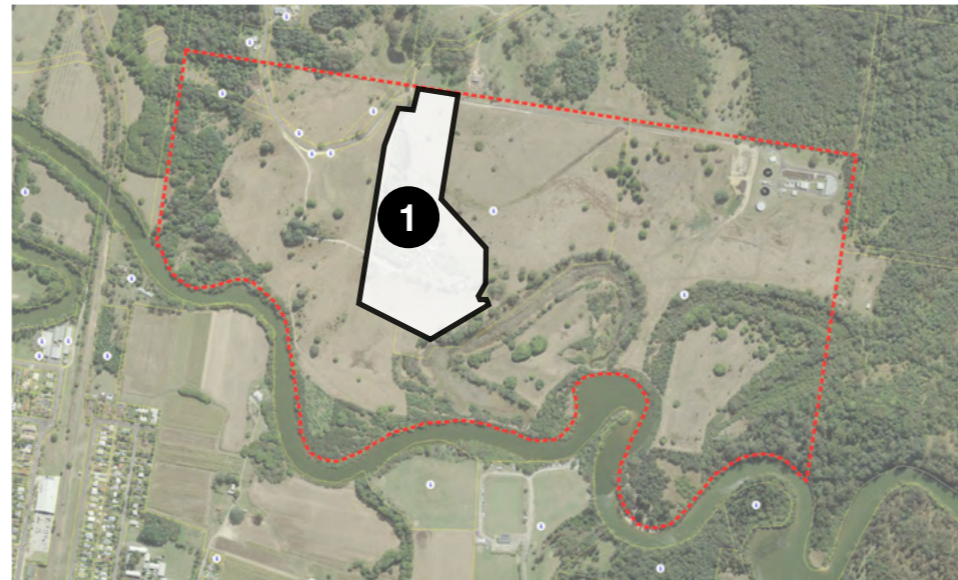
1. Acre Eatery (2016) Concrete playground

LAND USE: Nursery

DESCRIPTION

This initiative includes the re-establishment of a nursery on-site, building on the existing commercial nursery infrastructure.

A nursery focus is to be determined, however might provide endemic propagations for Council and national park use and/or indigenous food or standard commercial nursery function.



POTENTIAL LOCATIONS

1. The location of the nursery where the existing 'footprint' is already provided

Note: The specific location of the nursery may vary within the highlighted area.



The site already contains the footprint of a previous nursery operation, however requires moderate investment to revitalise. The Greenworld Nursery in Galston, NSW (pictured) is an example of a commercial wholesale nursery.

Photography by Greenworld Nursery

PLANNING ASSESSMENT

Under the Byron LEP 2014 'plant nurseries' are permitted with consent within the RU1 and RU2 zones.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002¹ doesn't clearly identify permissible uses related to 'plant nurseries' within the future Environmental Conservation (E2) or Environmental Management (E3) zones - however it is not expected to be located within the land currently marked as 'DM'.

Flood Planning Area

As per the 2100 Flood Planning Area (Appendix B), the existing nursery footprint appears to be outside of the future flood level and therefore of no consequence.

Requirements to facilitate use

- While it is a previously established use, existing use rights often expire after 12-months if there is no effort by the landowner to keep use up.
- This needs to be clarified, however otherwise there would be a requirement to prepare a development application to permit a plant nursery within the RU2 zone

1. NSW LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Nursery

PHYSICAL SITE ASSESSMENT

Access

_ Existing access via Vallances Road may be able to support a low-scale wholesale operation, however may need widening and expansion for retail customers

Land capability

_ The site is already largely prepared to support a plant nursery however requires investment for remediation and infrastructure upgrades

Synergies

_ There is significant value, particularly if native species are prioritised in terms of the environment rehabilitation works and links to educational uses

POLICY & STRATEGIC ASSESSMENT

Biodiversity Conservation Strategy 2020-2030

- + Aim 1: LEAD: An organisation that provides clear direction, guidance and resources to conserve and enhance our biodiversity
- + Aim 2: INFORM: A community that is well informed about biodiversity and what they can do to protect it
- + Aim 3: SUPPORT: Our land managers are well supported to maximise biodiversity conservation across the landscape
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

Community Strategic Plan 2028

- + Community Objective 3: We protect and enhance our natural environment

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Identified need for a plant nursery in this location, in particular focusing on propagation for public land and streets
Operational alignment	3	No direct conflict with BVSTP and can use recycled water from the plant, potential broader operational value to provide Council with propagated native trees for public plantings
Traditional owner involvement	2	Opportunities to integrate traditional owner land management / employment into use
Financial viability	2	Infrastructure exists and capital costs would likely be met by a lessee
Environmental benefit	2	Moderate due to 'production' aspect, however could foster general environmental awareness
Achievable without compromise	2	Would require some project management input for leasing etc, but operationally, limited if externally operated
Consistent with core business	1	No direct link, however would likely be externally owner / operated
Builds community resilience	2	If focus on indigenous / climate resilient species could have a positive local impact
Creates clear economic benefit - with local job creation	2	Modest local employment possible for management



The Katoomba Native Plant Nursery (pictured) offers locally indigenous, water wise native species in the form of propagated seeds, or 'rescued' plants that would otherwise have been cleared.

Photography by Wild Plant Rescue

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported, building on the previous use of the site and the availability of on-site infrastructure.

Further feasibility / viability work

- _ Include within Business Model Development Scope, with the outcome of that scope to inform a commercial expression of interest to market
- _ Include in Governance Plan including investigation for extending the lease to management of the education focused community garden and coppicing (if a research partner is secured)

LAND USE: Upgrades to BVSTP

DESCRIPTION

This initiative includes an upgrade to the BVSTP to accept Ocean Shores STP flows. The footprint of the BVSTP would increase and have flow on impacts to the extent of the 400m buffer.



The existing BVSTP and the area to the west where the expansion is proposed.

Photography by Planit

POTENTIAL LOCATIONS

1. The existing BVSTP
2. The future site expansion area of the BVSTP
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location of the BVSTP plant may vary within the highlighted area.

PLANNING ASSESSMENT

Stormwater and sewerage systems are not mentioned as permissible uses within the Byron LEP 2014 (see SEPP exemptions below).

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Not applicable as the expansion does not (and will not) encroach on the DM zoned land.

State Environmental Planning Policy Exemptions

SEPP (Infrastructure) 2007, Division 18 Sewerage Systems - item 106 (2) states: 'Development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out without consent on land in a prescribed zone in the prescribed circumstances'².

Flood Planning Area

The 2100 Flood Planning Area (Appendix B) encroaches on the BVSTP area significantly, and as such built form and plant will require earthworks / flood mitigation and design considerations to minimise inundation in the future.

Requirements to facilitate use

- No planning requirements for use.

1. Byron Local Environmental plan 1988
2. NSW Government (2021) State Environmental Planning Policy (Infrastructure) 2007

LAND USE: Upgrades to BVSTP

PHYSICAL SITE ASSESSMENT

Access

_ Existing access via Vallances Road currently supports the BVSTP operations. Without a significant increase in traffic access is satisfactory.

Land capability

_ The site beside the BVSTP is largely suitable for supporting an expansion, however other locations may also support the use.

Synergies

_ There are minimal synergies with the broader community uses, however the biomass coppicing, and water balance reservoir and constructed wetlands can be 'bundled' into an operational precinct with shared resources. Consideration of footprint location may improve potential for other uses.

POLICY & STRATEGIC ASSESSMENT

Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 4: We manage growth and change responsibility

Byron Shire Net Zero Emissions Strategy (2019)

- + Step three: research potential new projects and explore implementation plan options

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	3	Sewage treatment is a core community need
Operational alignment	3	These upgrades are entirely consistent with the operational use of the land
Traditional owner involvement	1	Little to no potential for traditional owner involvement
Financial viability	2	As a core service, cost of treatment collected through service
Environmental benefit	2	Reduces impact on the environment by treating sewage waste to a suitable level
Achievable without compromise	3	As this is the core function of Council, project management and financial resources are entirely appropriate to be directed to the activity
Consistent with core business	3	Core business of Council and the role of the operational land
Builds community resilience	1	Little or no impact on community resilience
Creates clear economic benefit - with local job creation	1	Little or no impact on employment



Dubbo Regional Council recently completed upgrades to its STP in order to keep up with expected population growth. Pictured, is one of the two clarifiers included in the upgrade.

Photography by PERI Australia.

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported, given the primary function of the land is for the operation of the BVSTP

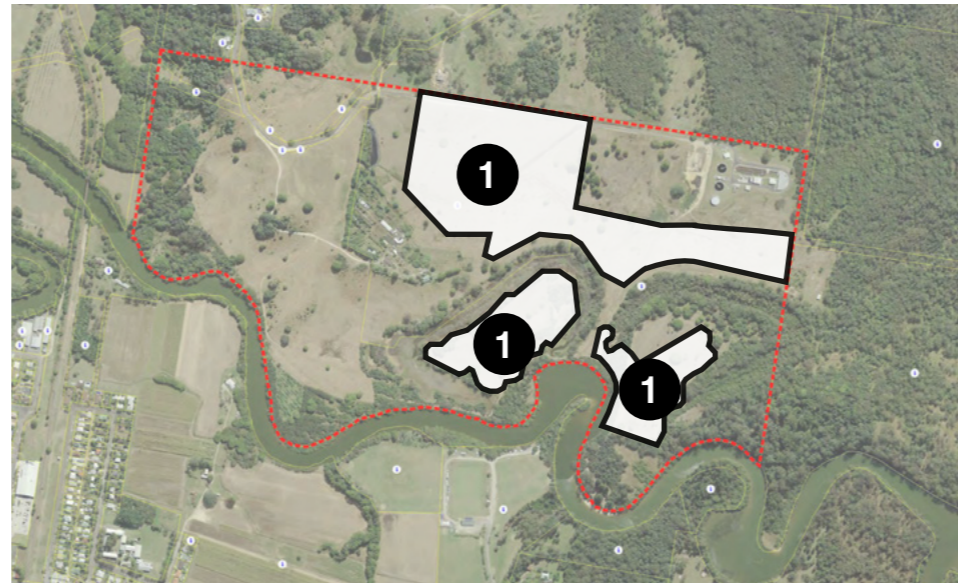
Further feasibility / viability work

- _ Finalise location and design which will dictate an amended 400m buffer zone, allowing for other central precinct uses to be masterplanned with confidence

LAND USE: Biomass Coppicing

DESCRIPTION

This initiative includes planting of biomass coppice crops for harvesting and use primarily in the generation of bioenergy. Other valuable use, e.g., woody crops or oil crops such as hemp could also be explored. It would use recycled water and use of biosolids created from BVSTP.



POTENTIAL LOCATIONS

1. Potential areas for biomass coppicing, land application for digested bio-solids and use of recycled water for irrigation

Note: Specific locations of the above may vary within the highlighted areas.



Short Rotation Coppice (SRC) plantings can take many forms, such as the SRC Willow (pictured above) which is grown and turned into wood chip material and used as bioenergy supply.

Photography by Crops 4 Energy (UK)

PLANNING ASSESSMENT

Under the Byron LEP 2014 forestry is permissible with consent in both RU1 and RU2 zones. Coppicing would be defined as forestry.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

Not relevant as the map locates this land use within the RU1 and RU2 zoned land.

Flood Planning Area

As this land use option does not contain any permanent built structures, the implications of the 2100 Flood Planning Area (Appendix B) are minimal, however may influence crop types and location.

Requirements to facilitate use

- A development application to permit forestry or agriculture (i.e. Industrial Hemp) within RU1 and RU2 zones

1. LEP Practice note PN 09-002 - Environment Protection Zones

LAND USE: Biomass Coppicing

PHYSICAL SITE ASSESSMENT

Access

_ The northern portion of the proposed location is accessible by Vallances road, however the other areas may need substantial works to allow for access for heavy machinery

Land capability

_ The slope and presence of flood risk may reduce suitable location of coppice crops

Synergies

_ There is strong alignment with the existing BVSTP, using by-products as crop fertilizer and tertiary treated STP effluent as irrigation water¹

POLICY & STRATEGIC ASSESSMENT

_ Byron Shire Net Zero Emissions Strategy (2019)

- + Step three: research potential new projects and explore implementation plan options

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment
- + Community Objective 4: We manage growth and change responsibility

_ Enterprising Byron - Economic Development Strategy 2025

- + 'Hemp, bamboo and nurseries' identified as new and emerging industry sector priorities

_ Community Economic Development Policy

- + 'Eco-forestry' identified as a focus area

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	1	No broad community need identified
Operational alignment	3	Given spatial consideration, supplements existing operation of STP operational land function (could be sited outside buffer areas if required) and uses bi-products of the core operational use
Traditional owner involvement	1	Low level opportunity for employment pathway for management
Financial viability	2	Further work required to determine viability as a forestry crop in this location
Environmental benefit	2	Provides some environmental value, but mono-cultural so this is limited
Achievable without compromise	2	Partnership investment required to be achievable without compromise
Consistent with core business	2	Moderate alignment with Council's core service delivery (no direct conflict)
Builds community resilience	2	Provides a potential diversity in local income streams which benefits financial and physical capital
Creates clear economic benefit - with local job creation	2	Potential job-creation, however job density likely to be low



Hemp is another coppice crop option and absorbs more carbon per kilo than timber during its growth phase².

Research by Southern Cross University, Ecofibre Industries and Byron Shire Council demonstrated that it can also absorb sewerage plant effluent².

Photography by The Fifth Estate

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this land use /initiative is supported in this location, based on compatibility with operational use and the ability to link with environmental education. Taking the next step would be supported by an investment / research partnership.

Further feasibility / viability work

- Partnership conversations and investment from a tertiary institution / private sector partner would underpin the next stage of planning for this potential land use
- An initial step would be to develop a high level prospectus / collateral to support the conversations with funders / partners (including CSIRO and Universities potentially)
- Commercial / management arrangements could form part of any wholesale nursery / lease (for them to take on coppicing management)

1. Brunswick Valley Sustainability Centre Management Plan (2017)
2. Five ways hemp can help save the planet (2019) The Fifth Estate

LAND USE: Water Balance Reservoir and Constructed Wetlands

DESCRIPTION

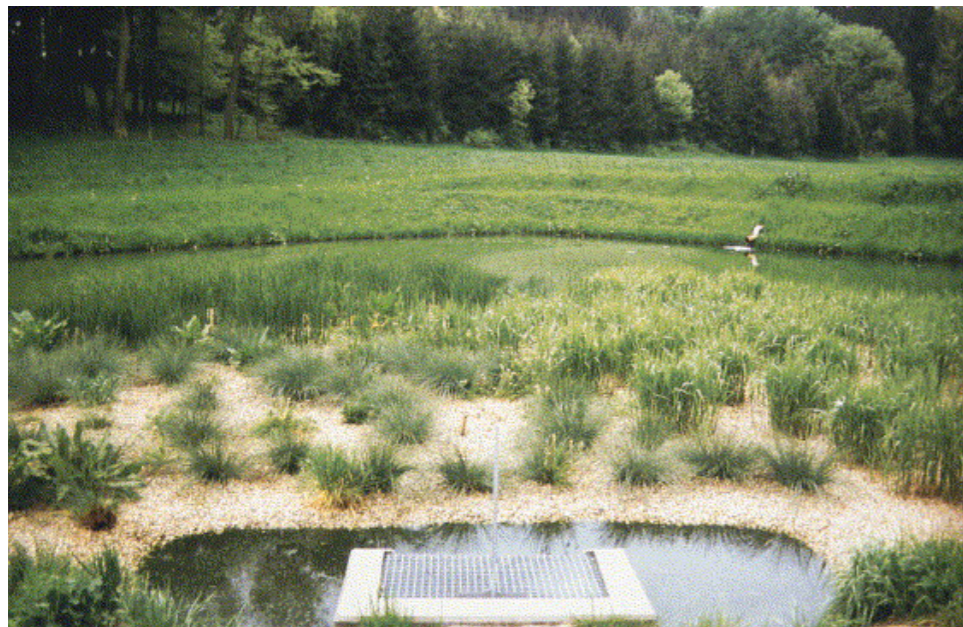
This initiative includes water balance reservoir and constructed wetlands that will create a community resource that not only further “polishes” already high quality treated effluent but also achieves a range of environmental and social objectives.



POTENTIAL LOCATIONS

1. The existing BVSTP
2. The water balance reservoir and constructed wetlands would be located within the future site expansion area of the BVSTP
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location may vary within the highlighted area.



The use of natural water systems such as wetlands (pictured) are effective in processing stormwater and effluent, particularly in regional areas. The expansion of the BVSTP may include the development, or re-establishment of surrounding wetlands.

Photography by Elsevier Science Ltd

PLANNING ASSESSMENT

Stormwater and sewerage systems are not mentioned as permissible uses within the Byron LEP 2014 (see SEPP exemptions below).

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002¹ identifies that ‘wetland rehabilitation’ is permissible within both the Environmental Conservation (E2) or Environmental Management (E3) zones.

Further discussion may be required to determine the exact location of the ponds/wetlands to clarify its overlap with the DM land and any potential uses.

State Environmental Planning Policy Exemptions

SEPP (Infrastructure) 2007, Division 18 Sewerage Systems - item 106 (5 cl) identifies the development of ‘sewage or effluent treatment systems, including artificial wetlands’ as a component a sewerage system, permissible without consent².

Flood Planning Area

As this land use option does not contain any permanent built structures, the implications of the 2100 Flood Planning Area (Appendix B) are minimal. However, ponds and wetlands will need to be designed to manage any flooding impacts.

Requirements to facilitate use

- No planning requirements

1. NSW Government Department of Planning (2009) LEP Practice Note PN 09-002, Environment Protection Zones
2. NSW Government (2021) State Environmental Planning Policy (Infrastructure) 2007

LAND USE: Water Balance Reservoir and Constructed Wetlands

PHYSICAL SITE ASSESSMENT

Access

_ Access via Vallances Road to establish and maintain the ponds and wetlands is adequate

Land capability

_ TBD depending on the location of ponds and wetlands (whether newly developed or re-establishing existing wetlands)

Synergies

_ Significant synergies with the BVSTP and environmental rehabilitation land uses

POLICY & STRATEGIC ASSESSMENT

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 1: LEAD: An organisation that provides clear direction, guidance and resources to conserve and enhance our biodiversity
- + Aim 3: SUPPORT: Our land managers are well supported to maximise biodiversity conservation across the landscape
- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment
- + Community Objective 4: We manage growth and change responsibility

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	Responds to the community expectations of protecting and enhancing the environment
Operational alignment	3	Clear operational benefit with BVSTP and enhances processes
Traditional owner involvement	1	Moderate opportunity regarding interpretation and establishment of wetlands
Financial viability	2	High capital costs with expected return on investment in the long-term
Environmental benefit	3	Enhancement of water quality of the Brunswick River and environs, restores wetlands and riparian zone
Achievable without compromise	3	With funding / investment commitment, high quality outcomes expected
Consistent with core business	3	Strong alignment with Council operations and intended outcomes
Builds community resilience	2	Increases capacity and quality of wastewater, minimising communities impact on environment
Creates clear economic benefit - with local job creation	1	Minimal employment benefit, however offers broader operational economic benefits



An example of a naturalised, constructed wetland.

Photography by Stormwater Queensland.

NEXT STEPS

Preliminary Recommendation

- Based on the preliminary assessment this initiative is supported, given the primary function of the land is for the operation of the BVSTP

Further feasibility / viability work

- _ Finalise location and design which may the location of other central precinct uses to be masterplanned.

LAND USE: Community Solar PV Project

DESCRIPTION

This initiative includes the development of additional solar PV array with the opportunity for community investment. The proposal would involve a connection to the electricity network managed by Essential Energy, with the financial benefit of the operational phase of the investment (the value of the electricity to the network) shared by investors which would be potentially Council and other community members.



Cleared pastoral land in regional setting provide significant opportunities for medium to large scale solar PV arrays. The image above is of the 160 MW Maryvale Solar Farm near Dubbo. While the BV site is smaller in scale it offers significant synergies with the existing BVSTP and potential for community investment and benefit.

Photography by Photon Energy



POTENTIAL LOCATIONS

1. The existing BVSTP
2. The approximate location of a solar pv project
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location of the solar pv array may vary within the highlighted area.

PLANNING ASSESSMENT

Large scale solar PV farms are not mentioned as land uses in RU1 or RU2 within the Byron LEP 2014 (See SEPP exemptions below).

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002¹ does not mentioned solar PV systems as land uses within either Environmental Conservation (E2) or Environmental Management (E3) zones.

State Environmental Planning Policy Exemptions

SEPP (Infrastructure) 2007, Division 4 Electricity generating works or solar energy systems- item 34 (7) states 'Development for the purpose of a solar energy system may be carried out by any person with consent on any land'².

Flood Planning Area

Due to the risk of inundation (and the 2100 Flood Planning Area - Appendix B), the solar PV system would require increased racking to raise it above the flooding level and incur additional costs which may render this option inappropriate for the site.

Requirements to facilitate use

- Prepare development application via SEPP as described above

1. NSW Government Department of Planning (2009) LEP Practice Note PN 09-002, Environment Protection Zones
2. NSW Government (2021) State Environmental Planning Policy (Infrastructure) 2007

LAND USE: Community Solar PV Project

PHYSICAL SITE ASSESSMENT

Access

_ Access via Vallances Road would likely be adequate to establish a solar PV project, with minimal access requirements to maintain operation

Land capability

_ While the land surrounding the BVSTP is cleared, it is within a flood zone - with solar requiring increased racking to lift above the flood level

_ The site isn't close enough to grid connection to generate high-value export

Synergies

_ Synergies with operational uses (BVSTP) for on-site consumption, but the current solar array already accounts for approximately 75% of daily consumption

POLICY & STRATEGIC ASSESSMENT

_ Community Strategic Plan 2028

- + Community Objective 1: We have infrastructure, transport and services which meet our expectations
- + Community Objective 3: We protect and enhance our natural environment
- + Community Objective 4: We manage growth and change responsibility

_ Byron Shire Net Zero Emissions Strategy (2019)

- + Step three: research potential new projects and explore implementation plan options

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	2	A community solar farm would provide access to the energy transition for those unable to have solar on their own residence (rentals, owners corporation issues etc)
Operational alignment	2	Moderate alignment, existing solar array understood to cover approximately 75% of energy consumption
Traditional owner involvement	1	Little to no potential for traditional owner involvement
Financial viability	1	Poor financial viability due to additional costs of racking solar above flood level and significant distance cost to connect / export to local electricity network
Environmental benefit	3	Strong environmental benefit based on emissions reduction
Achievable without compromise	1	Likely to be resource intensive from both a project management and financial perspective
Consistent with core business	1	Community energy projects are not considered core business of Council
Builds community resilience	2	Potential positive impact on community resilience
Creates clear economic benefit - with local job creation	1	Little or no impact on employment



Byron Eco Park proposes a 5MW solar farm with low impact foundations and double-sided, solar-tracking panels for maximum efficiency. Recently approved by Council, the BV site offers another opportunity to move the region towards renewable energy.

Photography by Byron Eco Park

NEXT STEPS

Preliminary Recommendation

- The initiative intent is supported, but not in this location, due to the additional costs associated with racking the solar in the flood zone, distance from grid connection and the fact that the current solar PV system at the BVSTP already covers the majority of day time load. Viable projects of this scale require a significant component of energy produced to be self-consumed

Further feasibility / viability work

- _ Undertake an options analysis of suitable locations within the Shire for a community energy project

LAND USE: Natural Burial Ground

DESCRIPTION

This initiative involves the development of the land as a natural burial site, which could in turn provide opportunities for native vegetation rehabilitation and protection.

There is also opportunity to co-locate a general public recreation space throughout the site, linked with other options of providing a pedestrian and cycling track through the site.



POTENTIAL LOCATIONS

1. The yellow outline indicates the footprint for the overall natural burial site
2. The prime location for significant natural burials given the condition of the land
3. Secondary burial location
4. 100m river buffer
5. The potential location of a building or structure for holding ceremonies, that is permissible within the river buffer (marked in red - see p. 55 for full size map)

Note: The specific location of the burial zones and structure may vary within the highlighted area.

PLANNING ASSESSMENT

Under the Byron LEP 2014 'cemeteries' are permitted with consent within the RU2 zone, and prohibited within RU1 however is not expected to be located within this area of the site.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002² does not mention cemeteries as a land use within an Environmental Conservation (E2) or Environmental Management (E3) zone - however due to their proximity to the river and potential flood zone the land use is not proposed within this area.

Further discussion may be required to confirm the development of any accompanying structure for ceremonies (i.e. funerals), its definition and location within the DM land area.

Flood Planning Area

While this land use option does not contain any permanent built structures, the presence of the 2100 Flood Planning Area (Appendix B) (and immediate risks of flooding) would require the location of burials to be outside of these areas, and provides a significant constraint on the land for this site.

Requirements to facilitate use

- Prepare a development application to permit a 'cemetery' within the RU2 zone



The Lismore Bushland Cemetery (pictured) provides natural burials alongside native vegetation restoration. While no grave stones or plantings are permitted, a monument stone from the Lismore quarry with a bronze plaque and GPS coordinates to locate loved ones can be provided on request¹.

Photography by Lismore Bushland Cemetery

1. Fact Sheet, Lismore Memorial Gardens Bushland Cemetery (n.d) Lismore City Council
2. NSW Government Department of Planning (2009) LEP Practice Note PN 09-002, Environment Protection Zones

LAND USE: Natural Burial Ground

PHYSICAL SITE ASSESSMENT

Access

_ Access via Vallances Road may require additional works to support traffic associated with ceremonies. Cemeteries are highly car dependent, given the predominant age demographic. This is a significant constraint for this land use.

Land capability

_ Capability limited due to flood planning, steepness of access and spatial constraints with other land use options. Power, toilets and drinking water would all need to be established at significant cost.

Synergies

_ Synergies with vegetation regeneration and trails network, however a cemetery use would prohibit any future use such as agriculture. Clear conflict with operational use of the land and the need to provide casual access for visitors which a cemetery would require

POLICY & STRATEGIC ASSESSMENT

_ Biodiversity Conservation Strategy 2020-2030

- + Aim 4: MANAGE: We use best-practice land management to improve ecological resilience and reduce threats to biodiversity

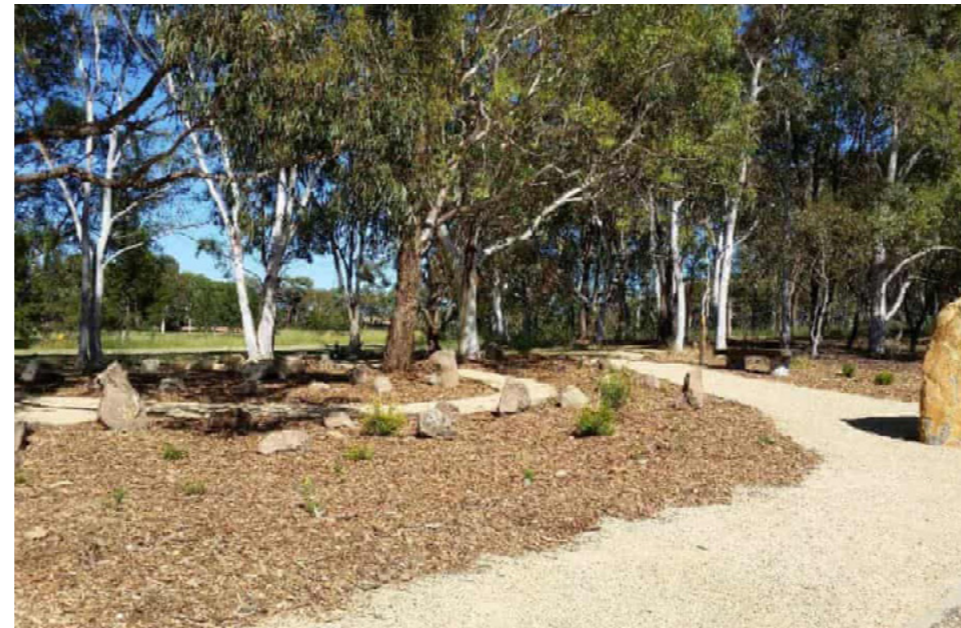
_ Community Strategic Plan 2028

- + Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community
- + [2.3 - Provide accessible, local community spaces and facilities]

_ Our Mullumbimby Masterplan

- + Principle 4: Protect and enhance Mullumbimby's green and leafy character and reconnect with the river

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	1	No evidence to suggest this location is preferred nor does this use need a community need
Operational alignment	1	Potential conflict with operational use of the land
Traditional owner involvement	1	Potential minor opportunity through land management and employment
Financial viability	1	A viable business model would need to be established to ensure cost of infrastructure did not exceed capital and operational costs
Environmental benefit	3	Fewer emissions and less waste intensive than 'conventional' burial
Achievable without compromise	1	Likely to deploy project management services from other projects
Consistent with core business	2	Council own and operate cemeteries so the use as a cemetery is consistent
Builds community resilience	2	Provides a more environmentally sensitive option for local burial
Creates clear economic benefit - with local job creation	1	Little or no economic benefit and job creation



The natural burial ground at Gungahlin Cemetery in Canberra (pictured) - with low-impact landscaping and pedestrian trails.

Photography by ABC News

NEXT STEPS

Preliminary Recommendation

- The initiative intent is supported, but not in this location, due to the conflict with the operational use, flooding constraints, access constraints and incompatibility with other potential uses.

Further feasibility / viability work

- Conduct a community needs assessment to identify demand for natural burial and supply options regionally (e.g. Lismore)
- If community need is established, undertake an options analysis for natural burial sites, based on the core requirements (access, natural setting, service connection, relatively flat, above the 1 in 100 etc.)

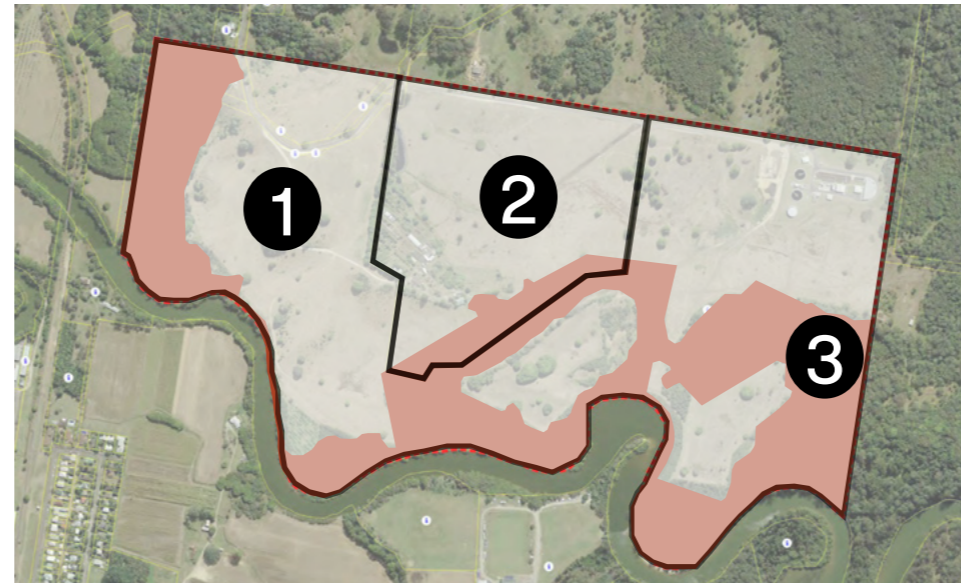
1. Marshall, R.R (2011) Green Burials in Australia and their planning challenges

LAND USE: Sale or Lease of Land

DESCRIPTION

This initiative involves the designation of land parcels within the BV site for sale or lease - as a potential revenue source to deliver on other proposed land uses.

The use would be intended to remain primarily agricultural in nature. There have been explorations into the delivery of RU4 Primary Production Small Lots - or 'baby farms'. However such land cannot be of regional or state significance, and potential 'dwelling rights' need to be managed to ensure adverse residential development doesn't occur.



POTENTIAL LOCATIONS

1. Lot 1 DP129374 is the largest land parcel at 85.9 hectares
2. Lot 1 DP952598 is the second largest land parcel at 25.4 hectares
3. The area marked red is the land zoned 'Deferred Matter' and is awaiting rezoning as environmental land, or a vegetation map to guide its future use

PLANNING ASSESSMENT

The planning considerations rely heavily on the type of proposed use.

Within the LEP 2014 both RU1 and RU2 zones have minimum lots sizes of 40 hectares¹.

While lot DP129374 (marked as '1' on the map to the left) appears large enough to be subdivided, it contains a

portion of DM land which may result in lots smaller than the minimum lot size required in the LEP. The second largest lot (1 DP952598) is already smaller than the 40 hectares required. Clause 4.6, item 6 states that development consent must not be granted within RU1 or RU2 if it will result in 2 or more lots less than the minimum lot size specified, or at least one lot less than 90%.

Rezoning the land RU4 or R5 has restricted strategic support as it would need to be justified that this location is more appropriate for rezoning than other more strategically located land. The Residential Strategy (2020) identifies a number of underdeveloped residential zoned land on Clays Road, Garden Avenue and Main Arm Road - with a number of 'investigation areas' south of the town centre³.

(7b) Coastal Habitat Zone / Deferred Matter (DM)

LEP Planning Note PN 09-002² doesn't articulate subdivision as an appropriate outcome within environmental conservation (E2) or environmental management (E3) zones.

Flood Planning Area

As this land use option does not contain any permanent built structures, the implications of the 2100 Flood Planning Area (Appendix B) are minimal.

Requirements to facilitate use

- BSC to resolve and rezone DM land as either E2 or E3, or develop a Vegetation Map (i.e. environmental overlay) for the affected land
- Additional land surveying to identify whether Lot 1 DP129374 has the capacity to be subdivided into two lots
- Further assessment as to potential application of RU4, however this would necessitate a Shire wide approach



A long-term lease may be able to maintain agricultural and pastoral land uses while integrating more regenerative revegetation of the land. Pictured is cattle grazing among native trees in Eidsvold, Queensland.

Photography by Scott Horn / Unsplash

LAND USE: Sale or Lease of Land

PHYSICAL SITE ASSESSMENT

Access

_ Access via Vallances Road may require additional works to support traffic depending on final use of the land

Land capability

_ Finalisation of the DM land into Environmental Zones (E2/E3) and flood planning levels would dictate the scale of lease-able land

Synergies

_ There is an opportunity for various land use options to be delivered via private partnership /land lease. There is no integration issues with potential / proposed uses

POLICY & STRATEGIC ASSESSMENT

_ Byron Shire Residential Strategy (December 2020)

- + Policy 1: Providing land for future housing

_ Enterprising Byron - Economic Development Strategy 2025

- + Strategic Direction 3: Develop industry access to new and expanding markets
- + Strategic Direction 5: Facilitate partnerships with Council, government agencies and private investors

CRITERIA		DECISION CRITERIA ALIGNMENT
Community need	1	The community need for subdivided agricultural or low density residential land is managed through a Shire wide process that does not presently include the land
Operational alignment	1	Not aligned to operational use, but is unlikely to impede it depending on final location
Traditional owner involvement	1	No traditional owner involvement likely
Financial viability	3	Benefit as revenue source which could support other uses on site
Environmental benefit	1	No direct environmental benefit
Achievable without compromise	2	Will not require significant resourcing (financial or human)
Consistent with core business	1	Potential conflict as involves the sale / long term lease of operational land
Builds community resilience	1	No benefit to community resilience
Creates clear economic benefit - with local job creation	1	Economic benefit restricted to the uses proposed on the subdivided / leased land



Partnerships with private investors may unlock additional potential agricultural uses for the site. Pictured is grazing animals within grape vines at Tablas Creek Vineyard in California.

Photography by Brittany App

NEXT STEPS

Preliminary Recommendation

- The sale of land in this location is not supported at least not in the short to medium term, based on a lack of strategic justification for smaller lot sizes. This does not preclude leases of existing parcels either wholly or partially. The supported pathway is to confirm other uses / initiatives first

Further feasibility / viability work

- _ Confirm the feasibility and viability of other on site uses and undertake the masterplanning exercise to confirm locations of feasible, viable uses including some contingency Once uses are confirmed, establish governance arrangements (including leases) for the site including any arrangements for leasing surplus land (which could support this use)
- _ Include the site in any strategic land use study that investigates the potential application of the RU4 zone

Roadmap Summary

LAND USE OPTION	RECOMMENDATION	ACTION	TIMING
Environmental Area Rehabilitation	Yes	Environmental Rehabilitation /Management Plan	Short term
	Based on strong environmental benefit and compatibility with the operational use	Flood mitigation investigations to underpin design of bank stabilisation	Short term
Trails Network	Yes	Scale depends on connection over Brunswick River. Resolve alignment with revitalisation of rail bridge and Environmental Education Facility	Short term
	Based on compatibility with environmental values, no obvious conflicts with the operational use and the ability to link with environmental education	Include design and management of trails in Environmental Rehabilitation / Management Plan and flood mitigation works	Short term
Establishment of a shared path connection to Mullumbimby over railway bridge	Yes	Technical assessment of existing bridge to establish cost of works to meet needs	Short term
	A non-vehicular access point underpins the scaling of other potential land uses	Options analysis for alternative river-crossing locations and indicative costings	Short term
		Develop a project brief and business case inclusive of the broader benefit that a rail trail connection would provide	Short term
Environmental Education Facility	Yes	Undertake Business Model Development (as part of existing proposed scope)	Short term
	However is subject to a viable business model being established that balances capital and operational cost with ROI and a not-for-profit operator	Technical assessment for infrastructure and community needs assessment to confirm focus	Short term
		Development of masterplan options for central precinct	Medium term
		Development of Governance Plan which includes this and other pursued uses	Medium term
Community Gardens	Supported, but not as a standalone use. This could potentially be a component of the Environmental Education Facility.	Include within Business Model Development for environmental education as ancillary use	Short Term
Camping / Low-scale Visitor Accommodation	Supported, but not as a standalone use due to restricted access	Include within Business Model Development for environmental education as ancillary use	Short term
	Consider as an ancillary use for the proposed Environmental Education Facility to allow students to undertake multi-day (or longer) courses	Include within masterplan options development for central precinct, and as a supporting use for the railway bridge revitalisation project brief / business case	Medium term

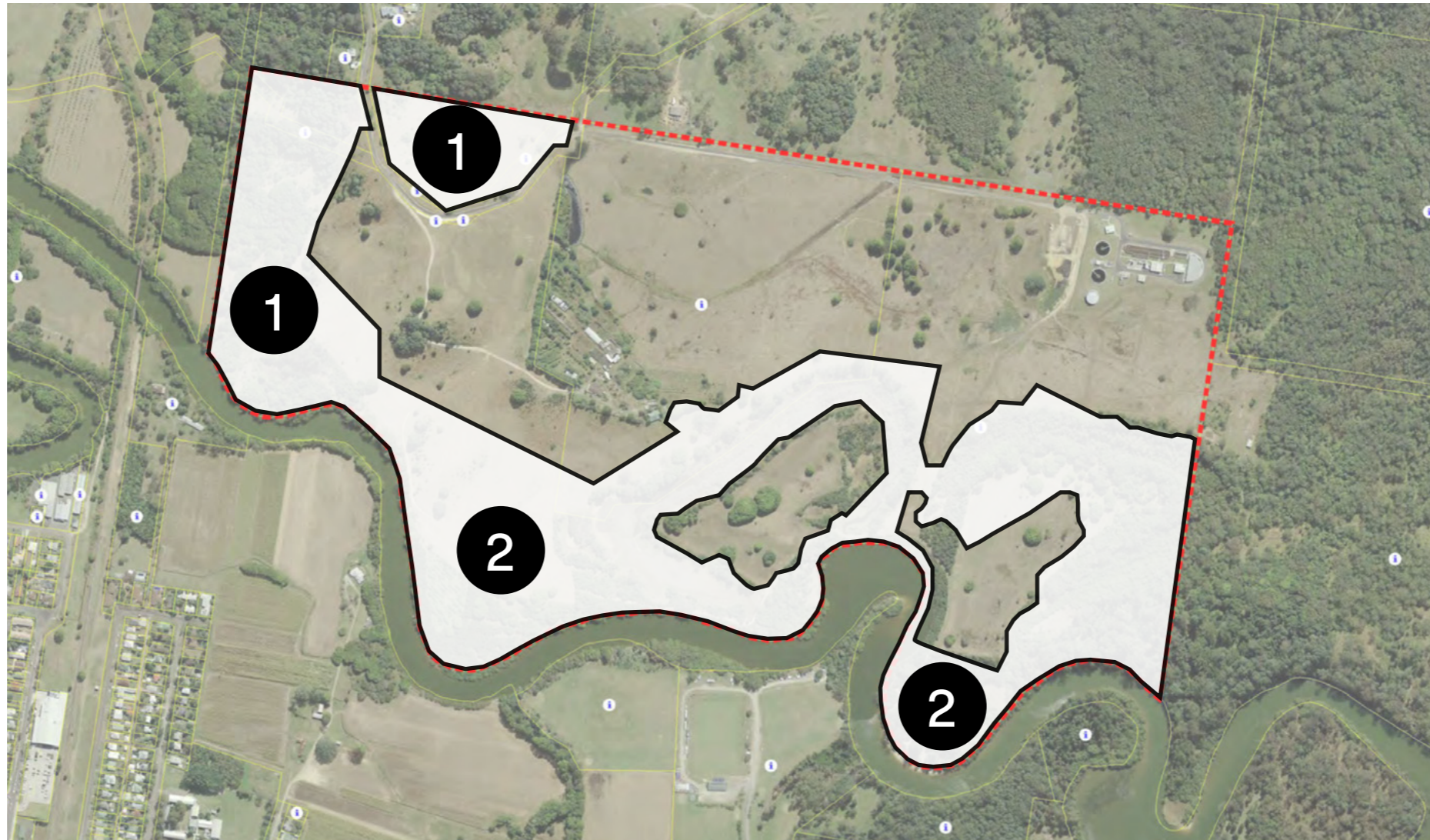
Roadmap Summary

LAND USE OPTION	RECOMMENDATION	ACTION	TIMING
Food and Beverage Offering	<p>Not recommended a standalone use due to restricted access</p> <p>A commercial kitchen may be included as part of the Environmental Education Facility (as part of course / accommodation packages)</p>	No further action required, food and beverage only proposed to support education uses in the short to medium term	n/a
Nursery	<p>Yes</p> <p>Due to existing nursery footprint / infrastructure. Preference for a model where land is leased, and upgrade costs covered by leasee with Council as key customer</p>	<p>Undertake Business Model Development (as part of existing proposed scope), including consideration of expanded management role for coppicing etc</p> <p>Include in development of masterplan options for central precinct and Governance Plan</p>	<p>Short term</p> <p>Short term</p>
	<p>Yes</p> <p>Given the primary function of the land is for the operation of the BVSTP</p>	Finalise location and undertake design of expanded facility including effluent storage ponds	Short term
Upgrades to BVSTP	<p>Yes</p> <p>Given the primary function of the land is for the operation of the BVSTP</p>	Finalise location and undertake design of expanded facility including effluent storage ponds	Short term
Biomass Coppicing	<p>Yes, but investment should be linked to research partnership.</p> <p>There is compatibility with operational use, and the ability to link with environmental education and educational/institutional partnerships</p>	<p>Development of project brief and high level prospectus to inform research partner conversations</p> <p>Further discussion and development of commercial / management arrangements to resolve involvement of private partner and Council's role</p>	<p>Medium term</p> <p>Medium term</p>
	<p>Yes</p> <p>Given the primary function of the land is for the operation of the BVSTP</p>	Finalise location and undertake design as part of upgrades to BVSTP	Short term
Water balance reservoir and constructed wetlands	<p>Yes</p> <p>Given the primary function of the land is for the operation of the BVSTP</p>	Finalise location and undertake design as part of upgrades to BVSTP	Short term
Community Solar PV Project	<p>Not in this location</p> <p>Due to additional costs associated with racking the solar above the flood zone, distance from grid connection and minimal demand from BVSTP</p>	Undertake an options analysis of suitable locations within the Shire for a community energy project	Short term

Roadmap Summary

LAND USE OPTION	RECOMMENDATION	ACTION	TIMING
Natural burial Ground	Not in this location	Conduct a community needs assessment to identify demand for natural burial and supply options	Short term
	Due to the conflict with the operational land, flood and access constraints and incompatibility with other potential land use options	Undertake an options analysis for natural burial sites, based on the core requirements (good access, natural setting, service connection, relatively flat, above the 1 in 100 etc)	Short term
Sale or lease of land	Not for sale	Resolve other land use options and undertake masterplanning exercise to confirm locations. Once confirmed, establish governance arrangements including leasing surplus land (which could support this use)	Short term
	The sale of the land in the short to medium term is not supported due to lack of strategic justification for smaller lot sizes.		Medium term
	Lease of (whole or partial) lots to be explored following resolution of proposed land use options	Include the site in any strategic land use study that investigates the potential application of the RU4 zone	

Appendix A: Land Use Mapping - Environmental Land Rehabilitation

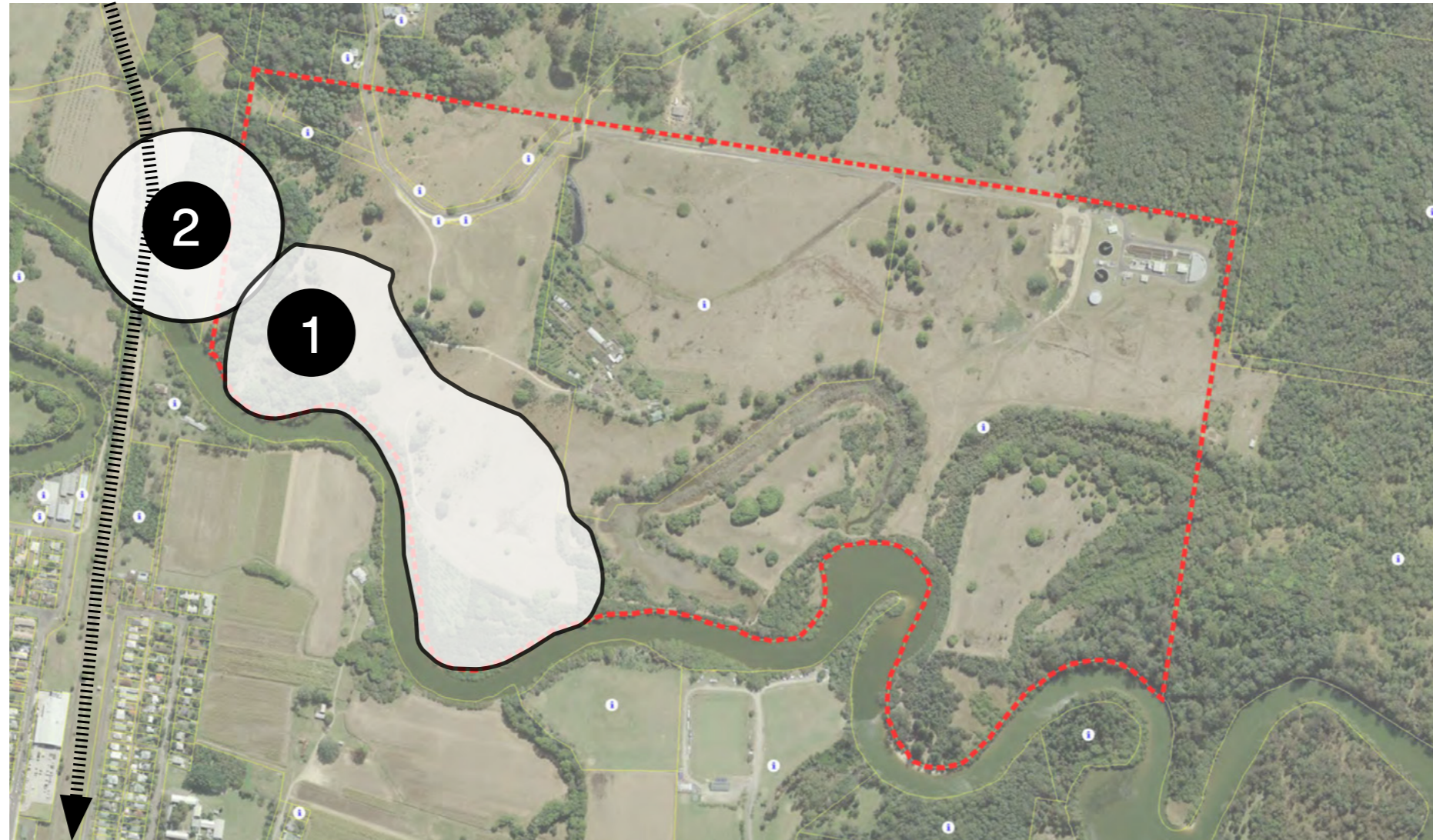


POTENTIAL LOCATIONS

1. Vegetation rehabilitation, native tree plantings (if required) and bush regeneration within disturbed wetland areas
2. Bank stabilisation along key areas of the River where erosion is most prevalent

Note: The specific locations of the above initiatives may vary within the highlighted areas.

Appendix A: Land Use Mapping - Trails Network

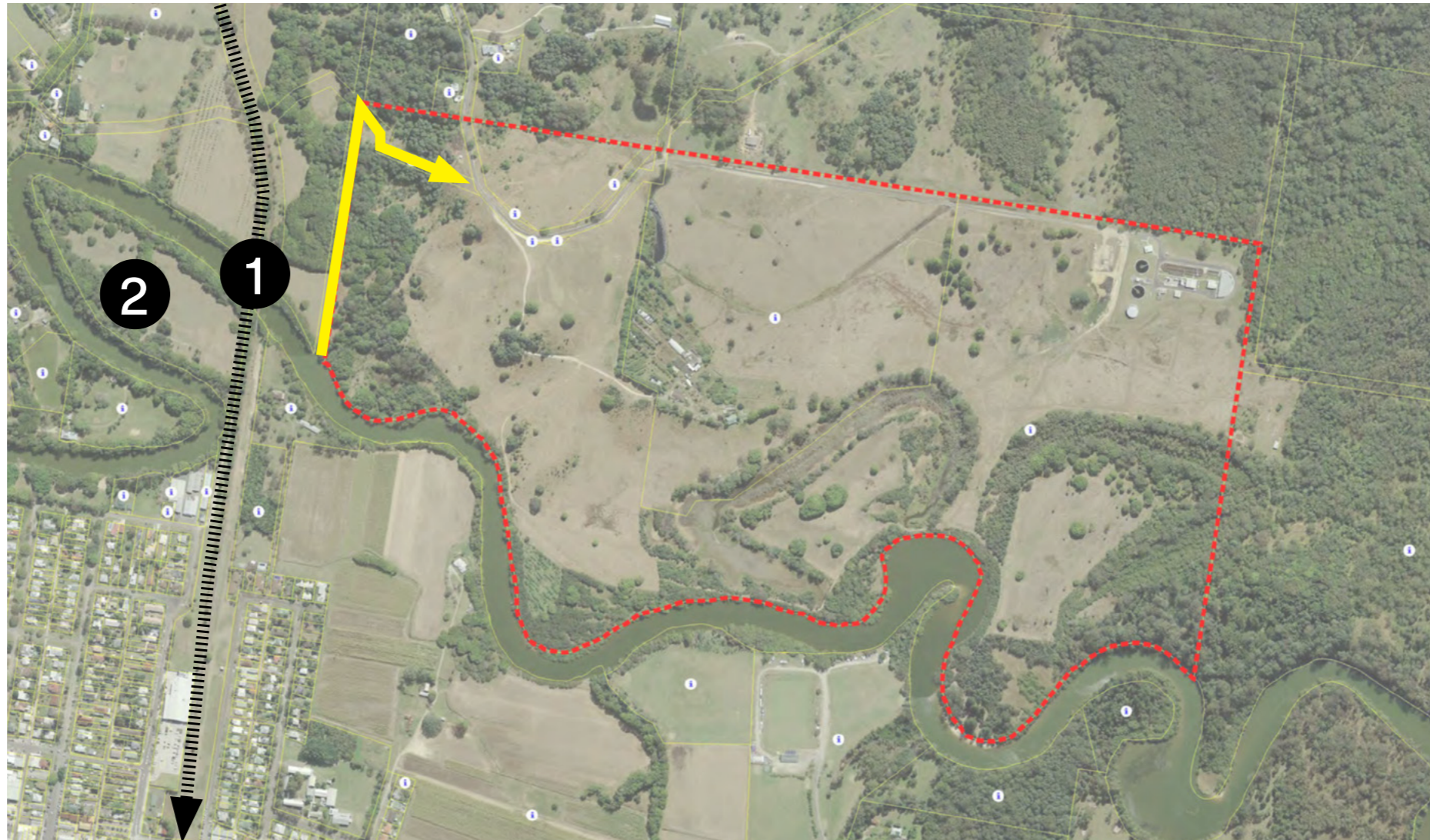


POTENTIAL LOCATIONS

1. Potential areas for trails to access the river
2. The Rail bridge Revitalisation option, which would provide a direct connection back to Mullumbimby. The dashed line represents to existing railway line.

Note: Specific locations of the above may vary and would be subject to potential environmental rehabilitation and flood mitigation works

Appendix A: Land Use Mapping - Establishment of shared path connection to Mullum over railway bridge

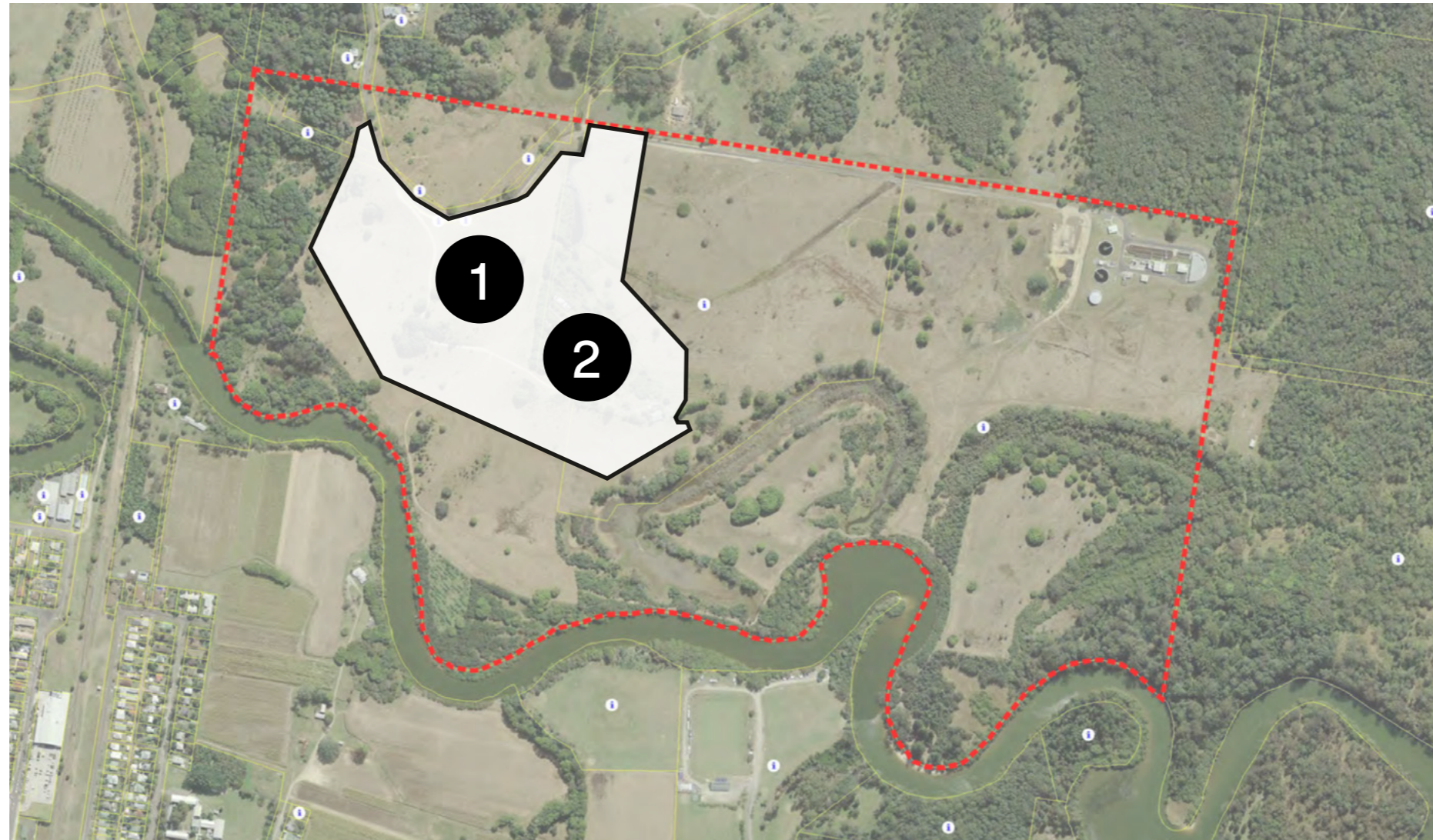


POTENTIAL LOCATIONS

1. Re-establishing this connection provides access to the south-west corner of the site
2. Location of Lot 4, a Council-owned parcel which could be used for visitor car parking
3. The yellow line indicates the location of Council-owned land abutting the site that connects to the river

Note: The specific route of the trail into site is approximate and would be the subject of further investigation.

Appendix A: Land Use Mapping - Environmental Education Facility

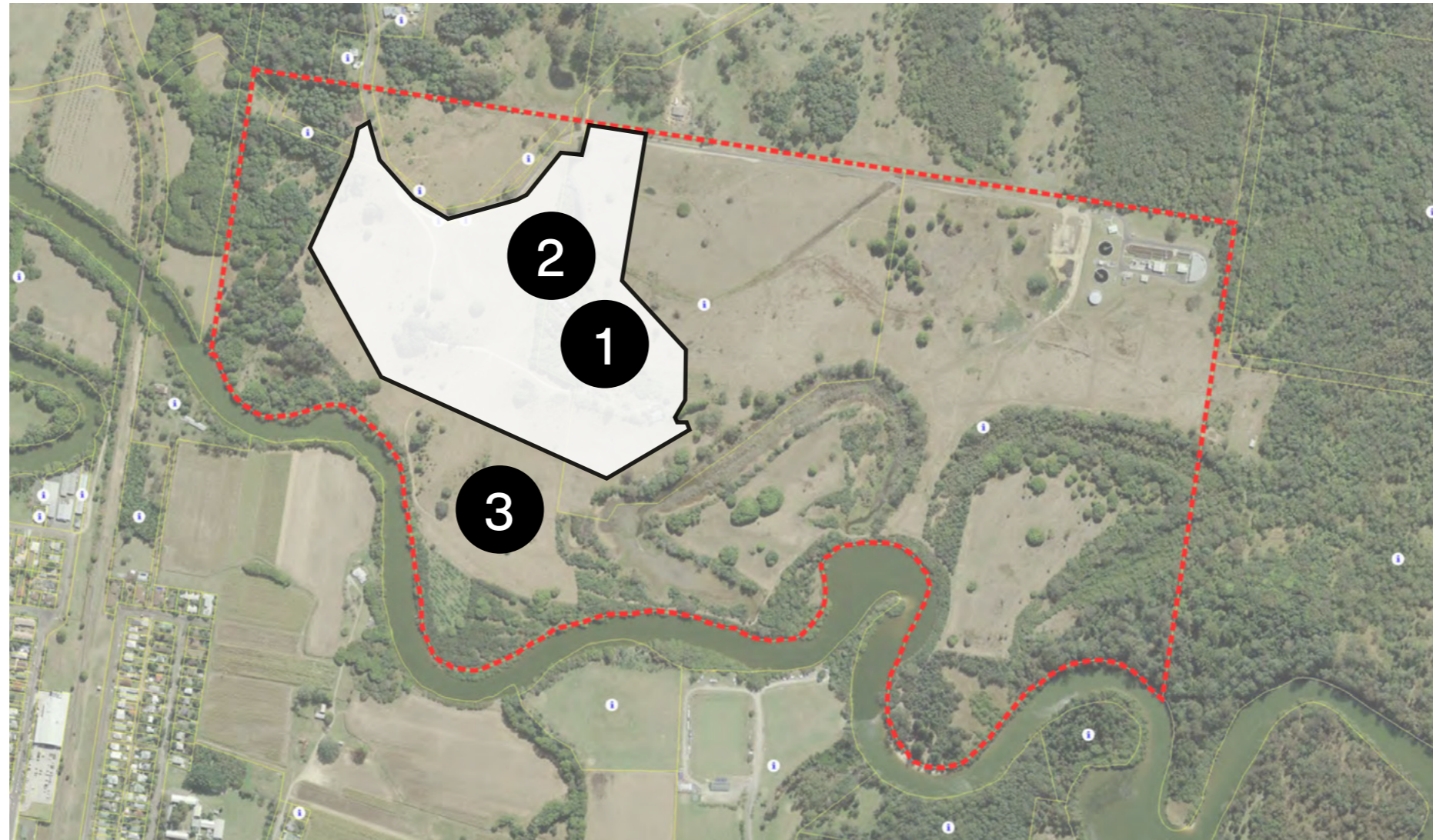


POTENTIAL LOCATIONS

1. Potential location of a new building that could serve as the Environmental Education Facility
2. Other options include using the existing dwellings on site

Note: Specific location of the environmental education facility may vary within the highlighted area.

Appendix A: Land Use Mapping - Community Gardens

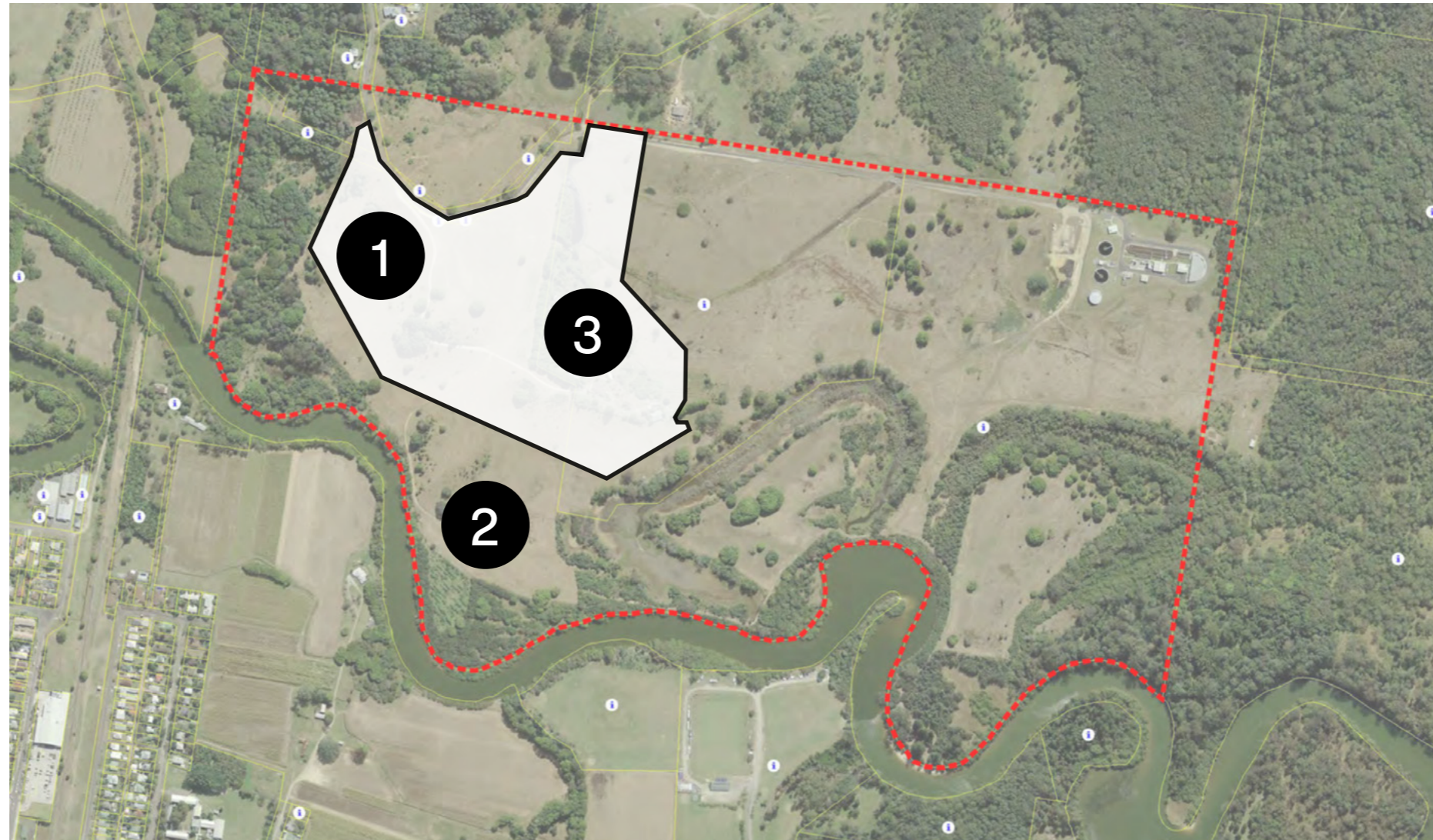


POTENTIAL LOCATIONS

1. The community gardens potentially co-located with the education facility
2. Opportunity to 'carve-out' a portion of the Nursery footprint if the nursery operator becomes the managing entity
3. Potential location within the future E2/E3 zone, subject to further investigation and land uses permitted through rezoning

Note: Specific location of the community gardens may vary within the highlighted area.

Appendix A: Land Use Mapping - Camping / Low-scale Visitor Accommodation

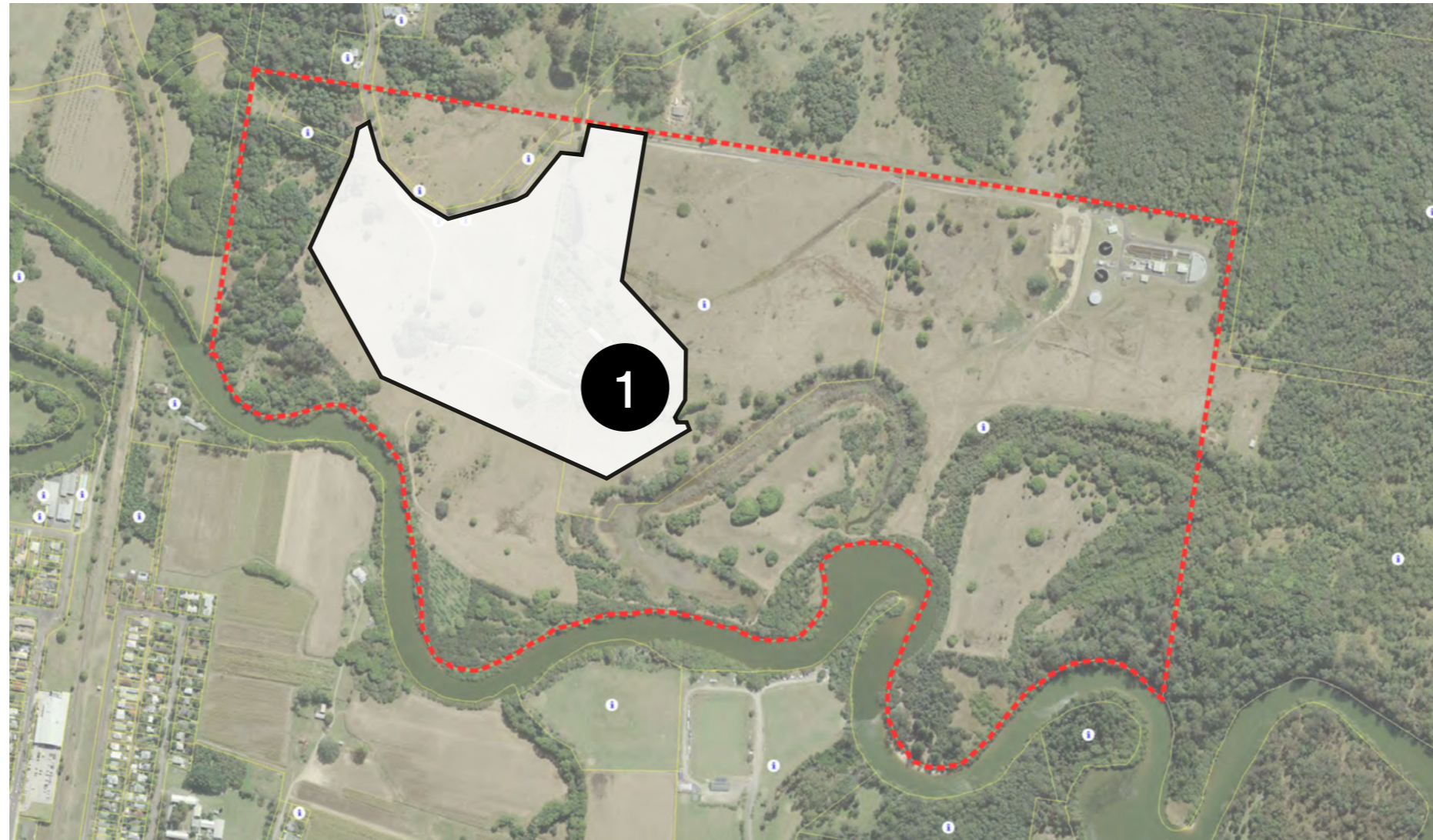


POTENTIAL LOCATIONS

1. The potential location of camping/low scale visitor accommodation
2. Potential location within the future E2/E3 zone, subject to further investigation and land uses permitted through rezoning
3. Potential location of the Environmental Education Facility

Note: Specific location of the camping grounds / accommodation may vary within the highlighted area.

Appendix A: Land Use Mapping - Food and Beverage Offering

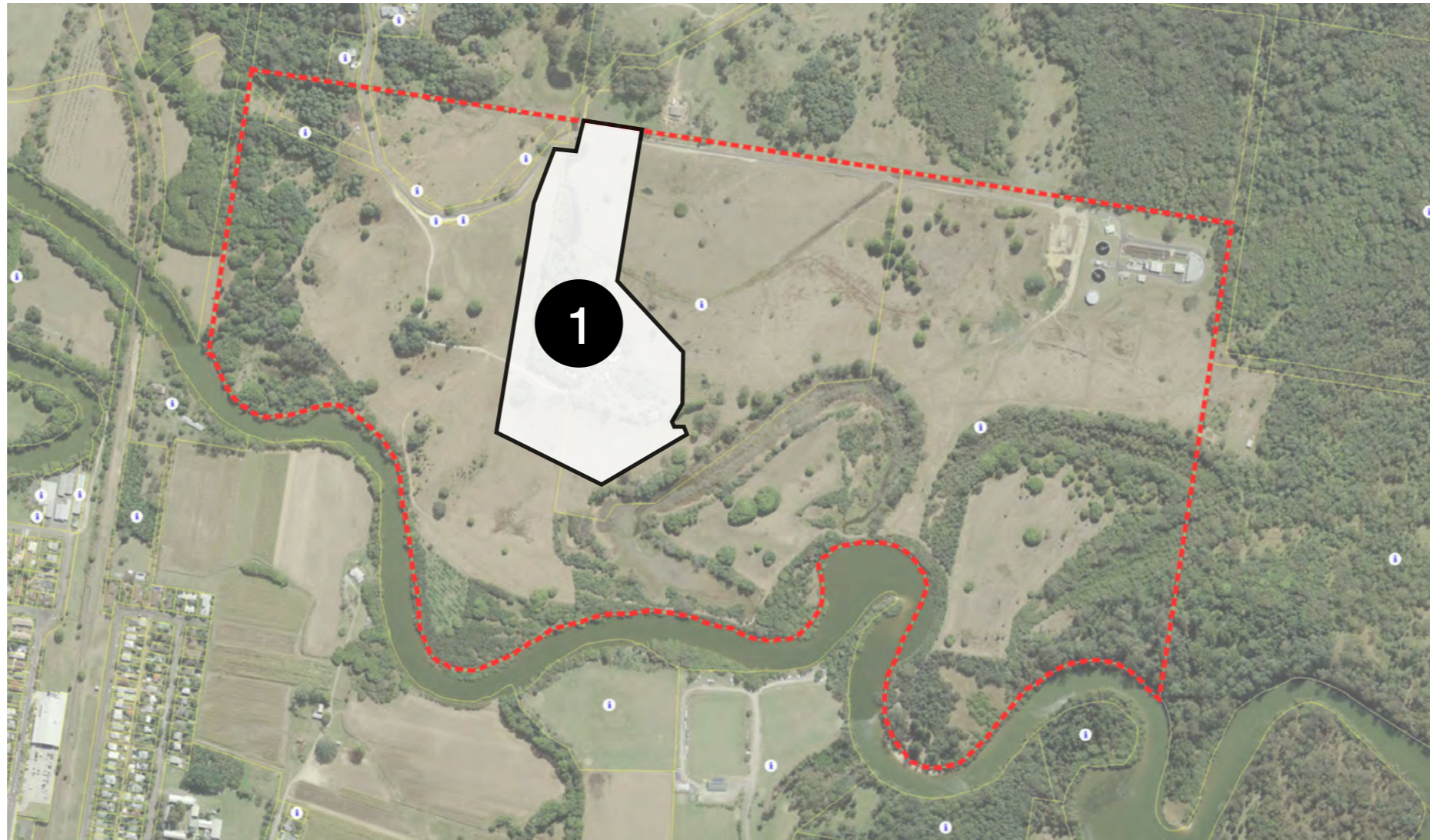


POTENTIAL LOCATIONS

1. The potential location of a food and beverage offering where the existing dwellings are located

Note: The specific location of the food and beverage offering may vary within the highlighted area.

Appendix A: Land Use Mapping - Nursery

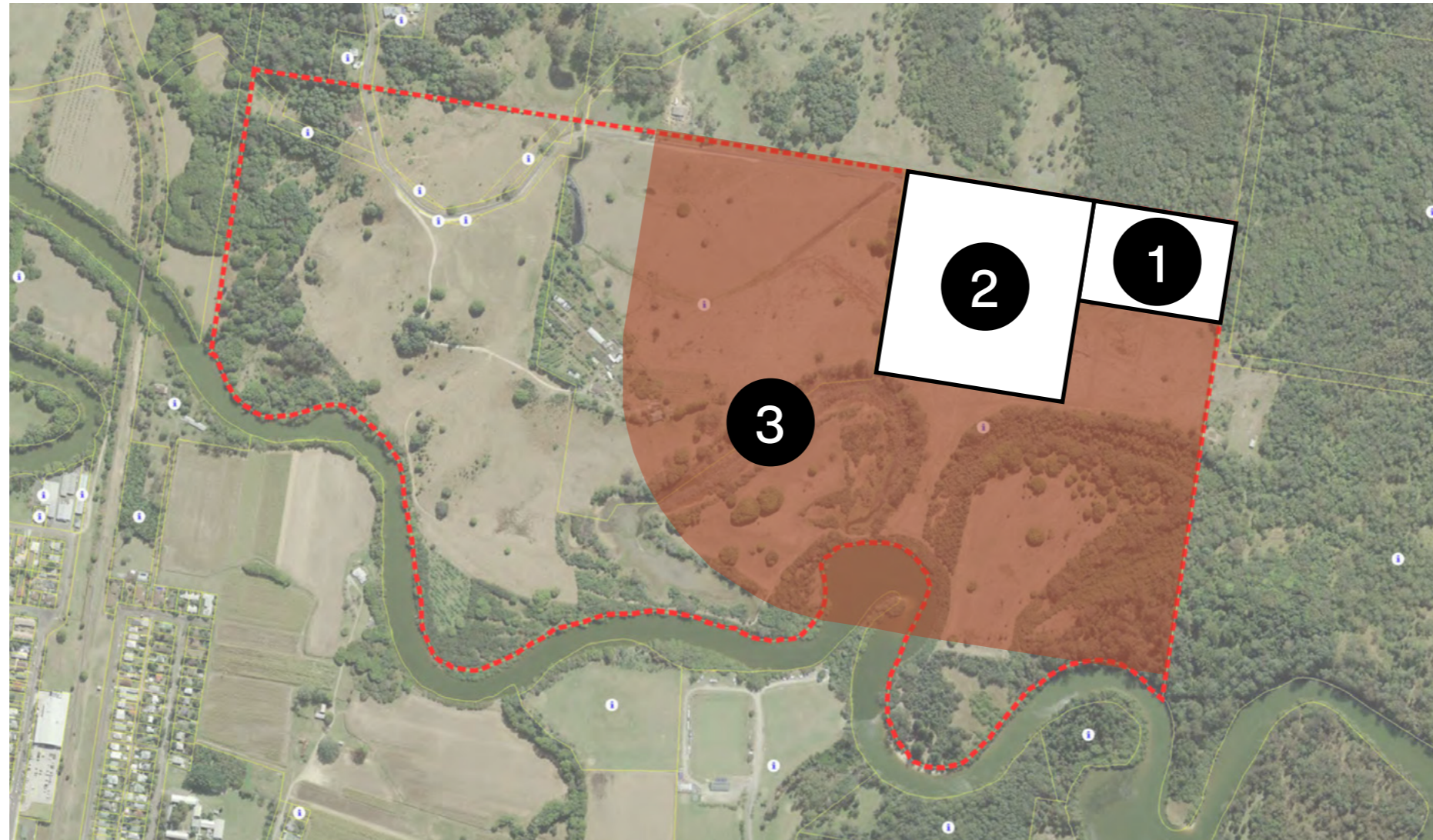


POTENTIAL LOCATIONS

1. The location of the nursery where the existing 'footprint' is already provided

Note: The specific location of the nursery may vary within the highlighted area.

Appendix A: Land Use Mapping - Upgrades to BVSTP

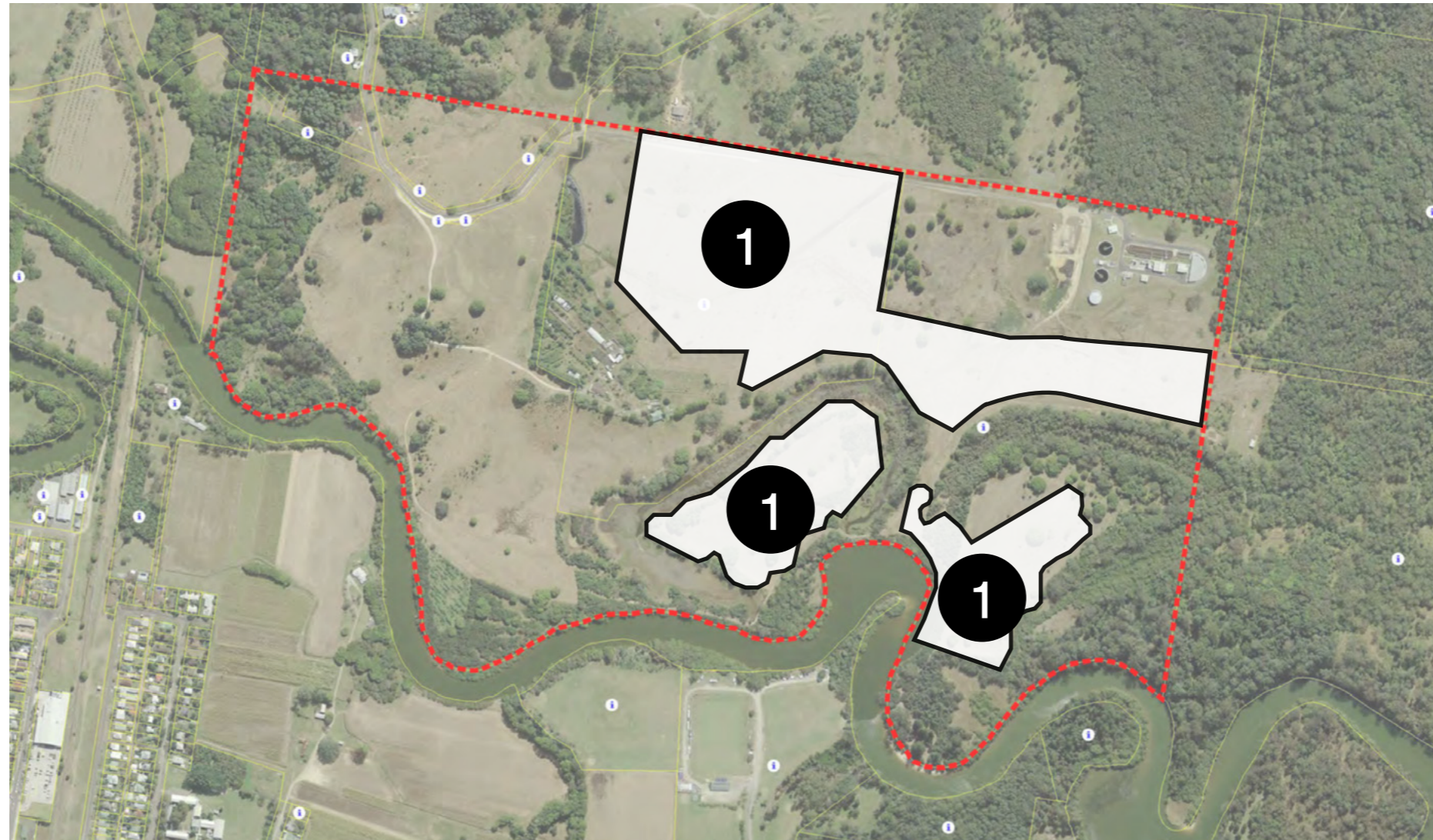


POTENTIAL LOCATIONS

1. The existing BVSTP
2. The future site expansion area of the BVSTP
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location of the BVSTP plant may vary within the highlighted area.

Appendix A: Land Use Mapping - Biomass Coppicing

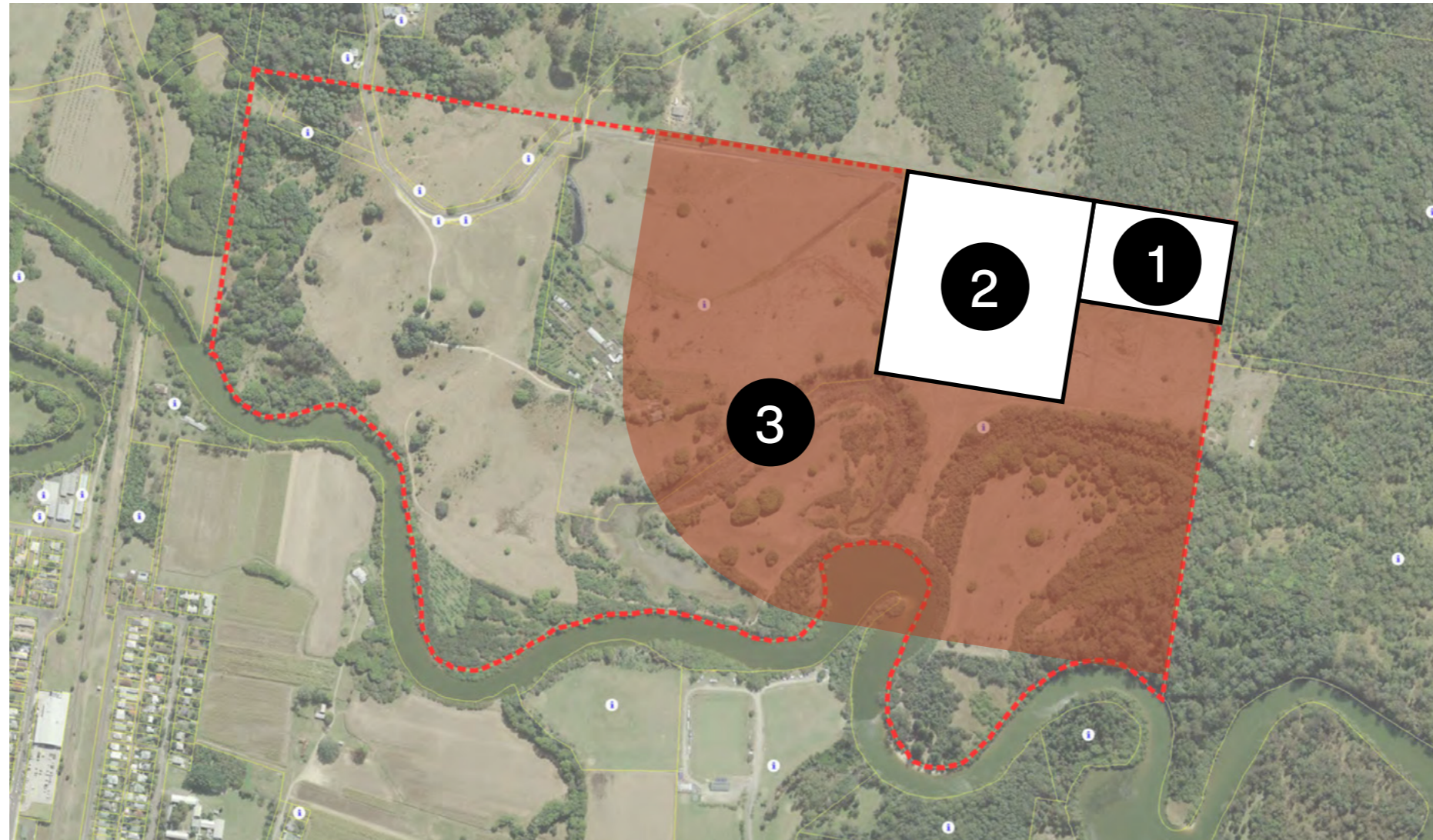


POTENTIAL LOCATIONS

1. Potential areas for biomass coppicing, land application for digested bio-solids and use of recycled water for irrigation

Note: Specific locations of the above may vary within the highlighted areas.

Appendix A: Land Use Mapping - Water Balance Reservoir and Constructed Wetlands

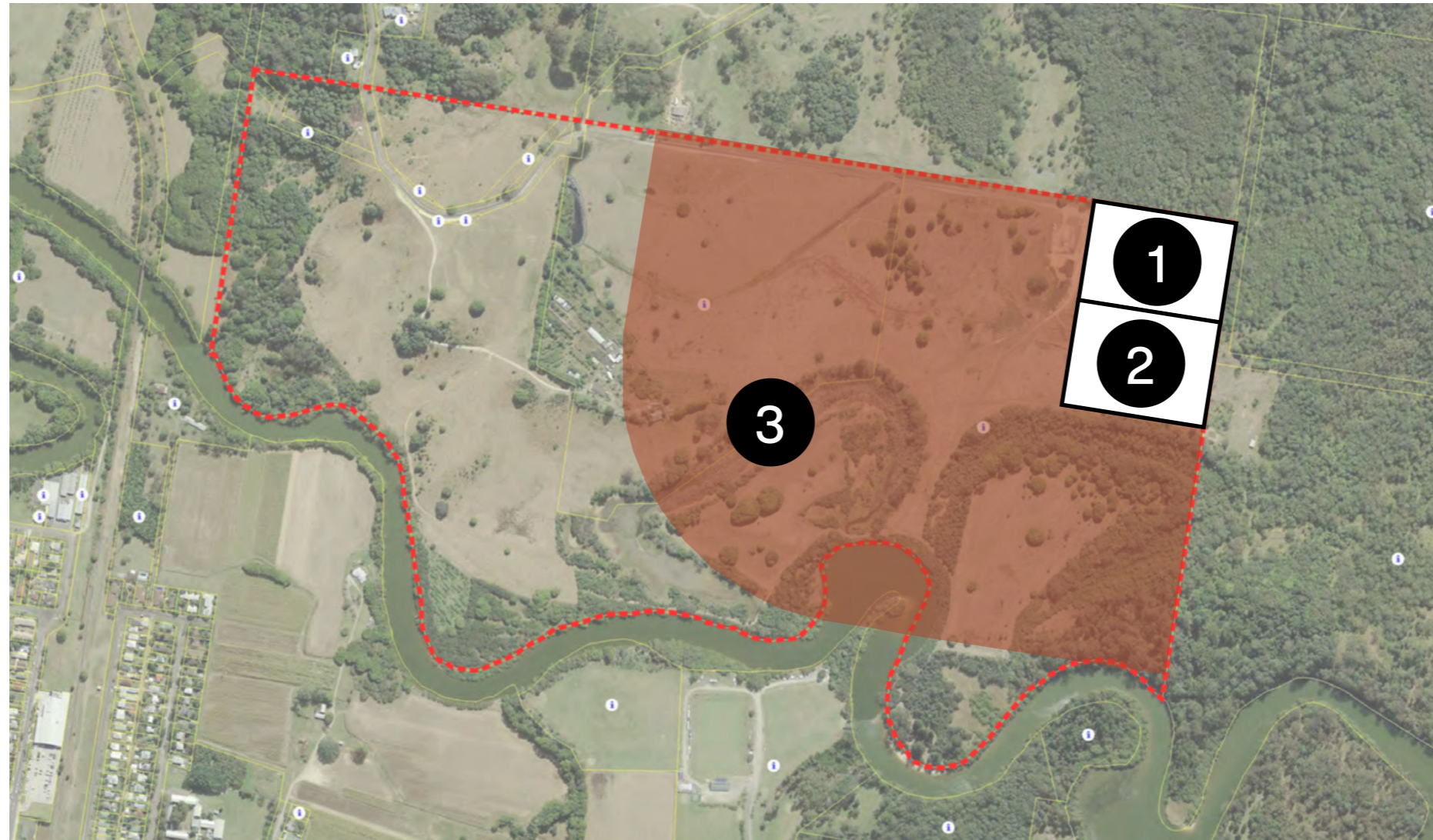


POTENTIAL LOCATIONS

1. The existing BVSTP
2. The water balance reservoir and constructed wetlands would be located within the future site expansion area of the BVSTP
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location may vary within the highlighted area.

Appendix A: Land Use Mapping - Community Solar PV Project

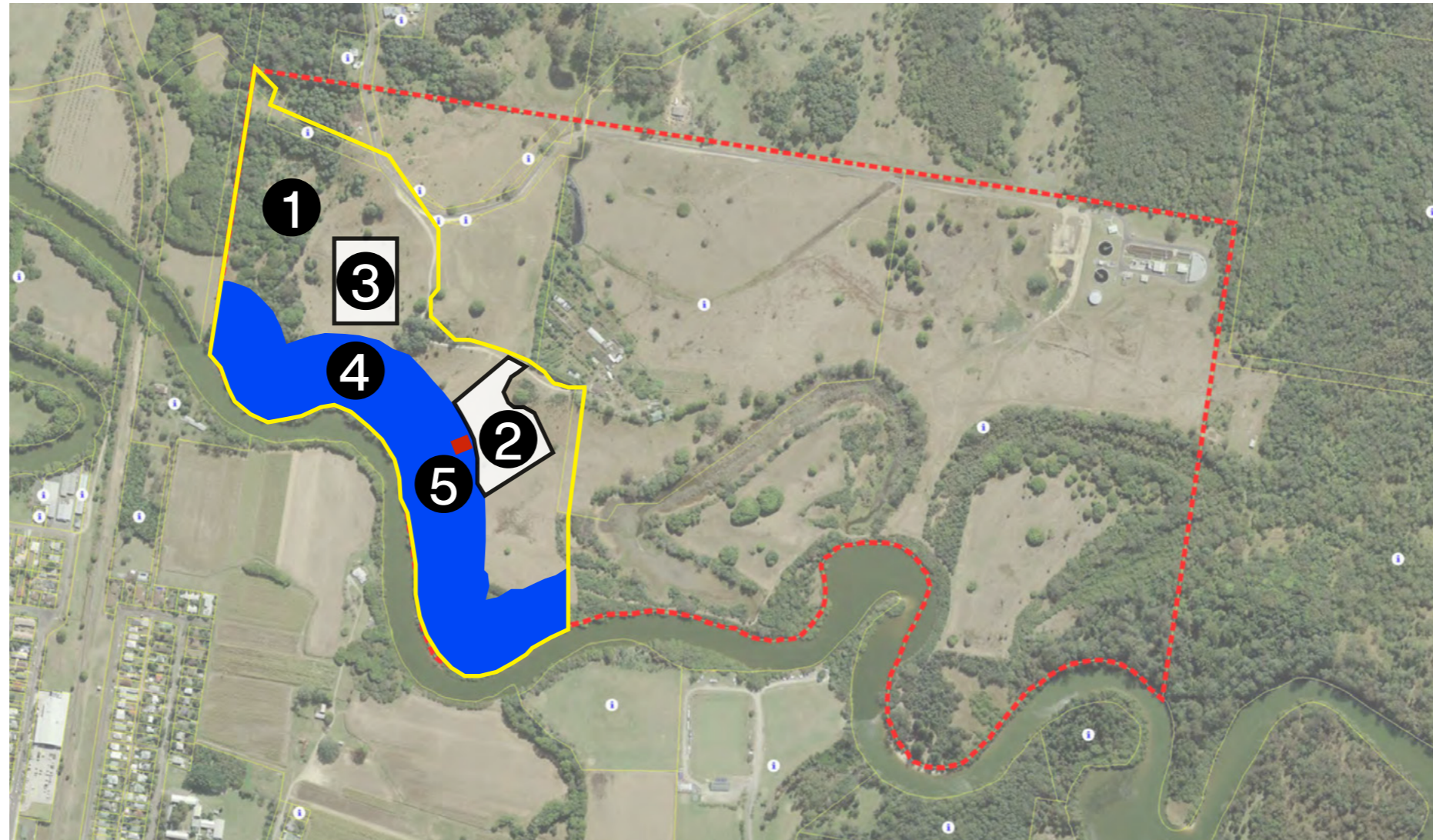


POTENTIAL LOCATIONS

1. The existing BVSTP
2. The approximate location of a solar PV project
3. The 400m STP buffer setback (anticipated with the BVSTP upgrade)

Note: The specific location of the bioenergy project may vary within the highlighted area.

Appendix A: Land Use Mapping - Natural Burial Ground

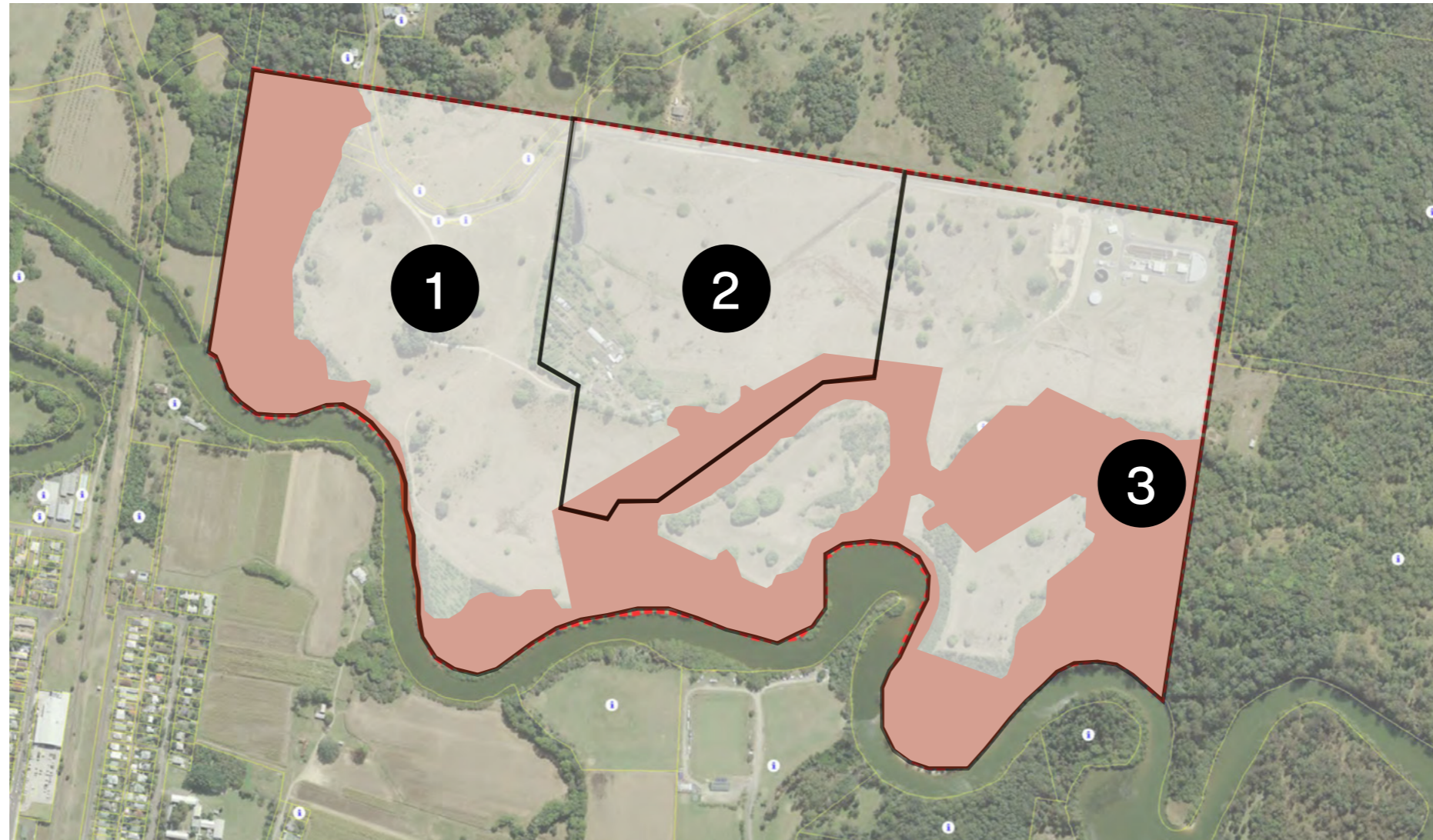


POTENTIAL LOCATIONS

1. The yellow outline indicates the footprint for the overall natural burial site
2. The prime location for significant natural burials given the condition of the land
3. Secondary burial location
4. 100m river buffer
5. The potential location of a building or structure for holding ceremonies, that is permissible within the river buffer (marked in red)

Note: The specific location of the burial zones and structure may vary within the highlighted area.

Appendix A: Land Use Mapping - Sale or Lease of Land



POTENTIAL LOCATIONS

1. Lot 1 DP129374 is the largest land parcel at 85.9 hectares
2. Lot 1 DP952598 is the second largest land parcel at 25.4 hectares
3. The area marked red is the land zoned 'Deferred Matter' and is awaiting rezoning as environmental land, or a vegetation map to guide its future use

Appendix B: 2100 Flood Planning Area (from North Byron Floodplain Management Study)

The subject site within the context of North Byron, and the Flood Planning Area (blue dashed area).

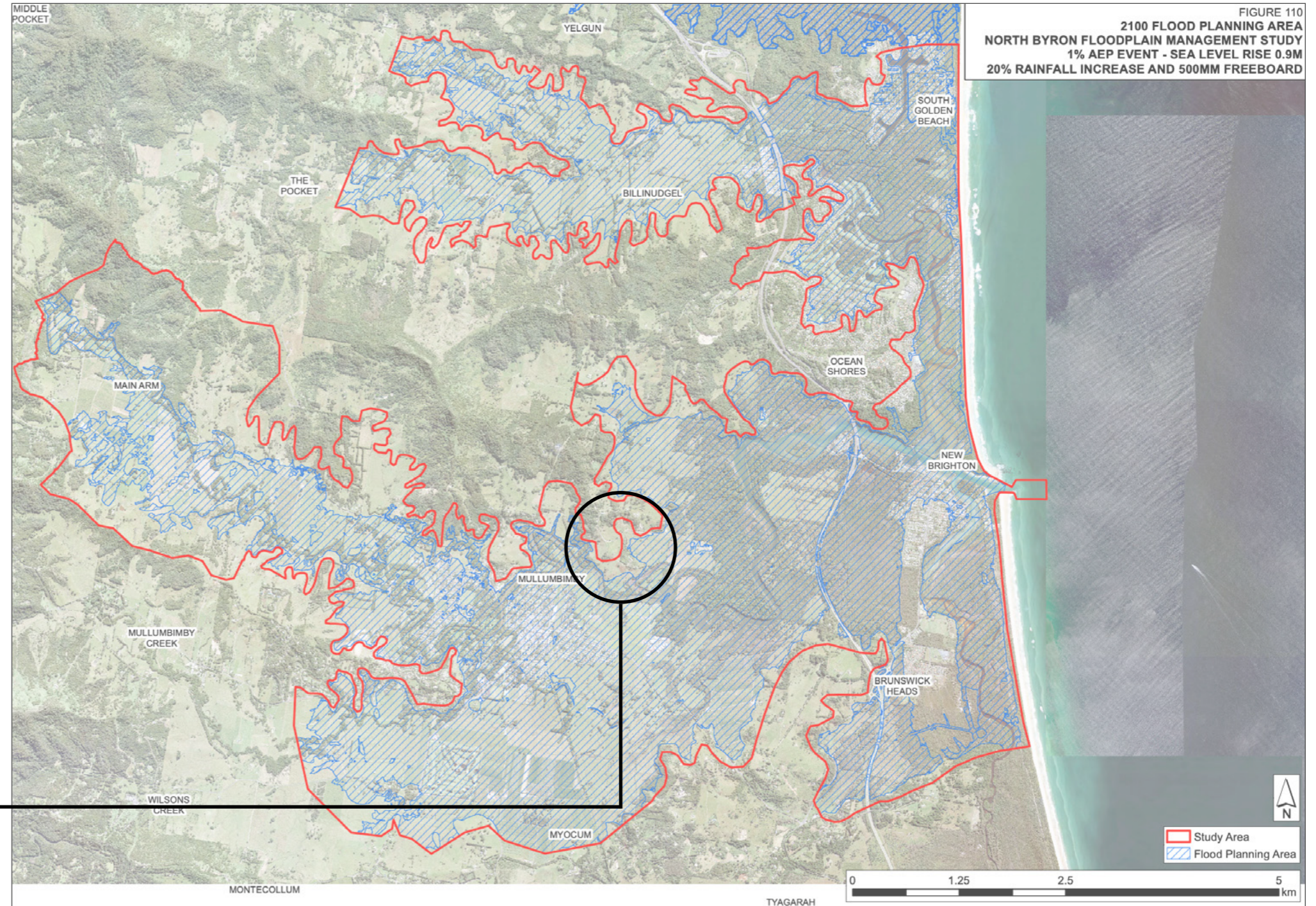
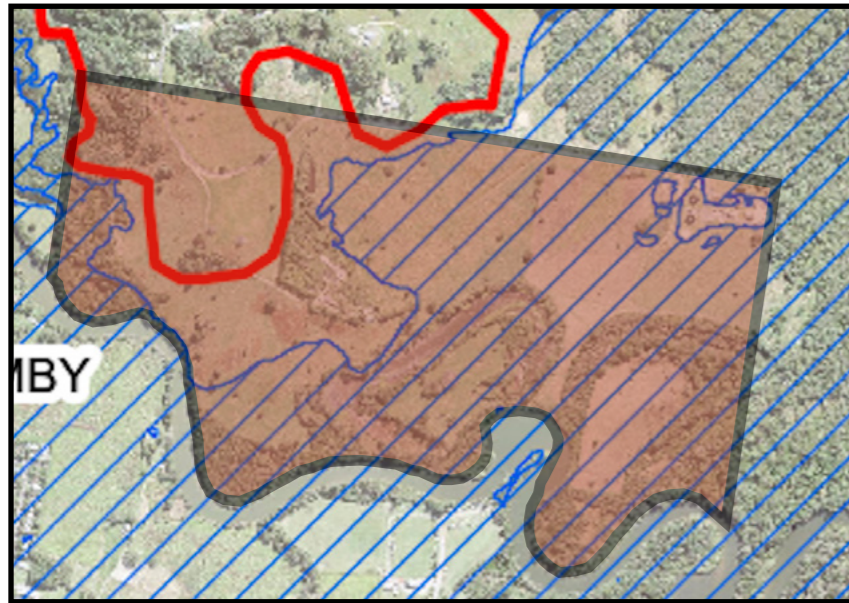


Figure 110 from the North Byron Floodplain Management Study, highlighting the 2100 Flood Planning Area with a 1% AEP event, 0.9m sea level rise, 20% increase in rainfall and a 500mm freeboard.

We respectfully acknowledge that every project enabled or assisted by HIP V. HYPE in Australia exists on traditional aboriginal lands which have been sustained for thousands of years.

We honour their ongoing connection to these lands, and seek to respectfully acknowledge the traditional custodians in our work.

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For additional information, questions unturned, collaboration opportunities and project enquiries please get in touch.

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