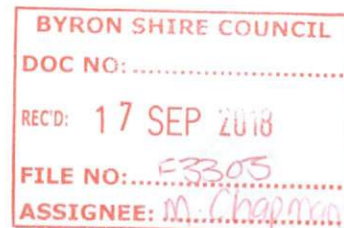




Byron Shire Council
Mullumbimby 2482

Attention General Manager



RE RU6 Land Use Zone

As the owner of land impacted by this proposal I wish to ask that the provision of secondary dwellings be included as is the case of RU1 and RU2.

We look forward to this request being part of the final determination.

Thanking You

Allan Wilton
28 Coolamon Scenic Drive
Coorabell 2479

From:
To: [submissions](#)
Cc:
Subject: Submission on the proposed RU6 Transition Zone - B.A McHugh & B.E Sydney
Date: Sunday, 9 September 2018 5:11:25 PM

Dear Sir, Madam,

We would like to thank you for the opportunity to comment on the proposed RU6 transition zone including the proposed changes to permissible uses as per your letter of 31 August 2018. Please find below the formal submission from the landholders of parcel 19380, otherwise known as Lot 3 DP 258464 or 258 (formerly 256) Dingo Lane Myocum.

Our comments are made with the understanding of the absolute intent of the land use planning objectives, more specifically for the 7 (d) Scenic Escarpment zone being the protection of the scenic quality of the locality, by limiting the potential for particular types of development from eroding the scenic values or conflicting with the community values and the Byron Shire Council's policy framework.

Having extended personal experience in the management and application of land use planning strategies, codes and controls, we have reviewed this proposal by attempting to understand 'what are the intended outcomes of the plan', and how does the proposed code ensure these outcomes are achieved, at the same time, being conscious of the potential perverse outcomes specific codes can deliver.

We strongly support the (our interpretation at least) intent of the proposed RU6 Transition zone, by encouraging environmental regeneration works and protection activities without council consent. My only comment would be that to achieve some sustainable environmental outcomes, particularly as part of regenerating previously active agricultural land (such as on our parcel) some interim 'drainage' works might be required. I have made the assumption that as the proposed RU6 zone excludes drainage, and the 7(d) zone currently includes 'drainage works' that there are specific reason for this. I might have overlooked this in the draft LEP document, but it was not entirely clear if 'drainage works' to support environmental protection activities could be permitted with consent?

Our parcel of approximately 9.5 hectares is Lot 3 DP 258464, No. 258 Dingo Lane, Myocum. The lot has direct access to Dingo Lane, which comprises a gravel carriageway that connects to the nearest sealed road, Myocum Road. The property contains an established dwelling within ancillary structures including a swimming pool and sheds. The majority of the property comprises sloping land containing spurs and gullies that have been used for cattle grazing for a significant period. The majority of the property, including the existing dwelling and swimming pool, is located within the 7(d) Scenic Escarpment Zone under Byron Local Environmental Plan 1988. The north-eastern corner of the property, including the access driveway, is located within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014. Refer to the attached image for further detail.

Our lot, which we purchased recently in 2017, when regenerated with native forest will contribute significantly to the wildlife habitat corridor and the scenic amenity and rural landscape character of Coolamon Scenic Ridge. Currently the agricultural uses of the site have carved a significant gap out of this habitat corridor. However to allow us to confidently invest in this positive environmental commitment, and to ensure the ongoing sustainability of the habitat (and our personal livelihoods), we are hoping this planning review will consider the types of suitable and compatible land use that will allow people who own sites like ours to continue to reinvest in environmental protection works and or or socially beneficial outcomes.

For example, low scale development in the RU6 transition zone, of a suitable quality and character, that generated a small income could deliver a positive outcome to the ongoing re establishment of the environmental values of the place. Developments that engage with the environment, educate the community (and visitors) of the natural values of the region and commit to sustainable investment should be encouraged and supported in this zone.

We will use our site as a test case for current proposed RU6 transition zone to demonstrate if and how this could be achieved, and where minor adjustments could deliver better outcomes for the community might be considered by council.

As we have no ongoing intent to farm this land, and given it is only 9 hectares the income potential from agriculture is limited, we are considering how we can develop a small home based business, utilising the environmental values of the site. Eco tourism is the obvious choice, however this could require significant investment in additional buildings and infrastructure on site to meet the requirements. Lower cost options such as camping grounds would be a suitable alternative, however potentially significant supporting infrastructure may also be required.

On a site with an existing dwelling, there seems to be a gap in the current RU6 zone proposal that would allow a second dwelling that could be utilised for eco stay/farm stay activities unless I have overlooked it. Given that RU6 is a transition zone between RU1, RU2 and the E zones, a permissible use such as this would be considered suitable from my perspective. This type of permissible use could also be linked to required environmental offsets (particularly on high value sites), for example the replanting of a number of native trees, removal and or management of weed species and sustainable development outcomes such as self sufficiency.

I also refer to the Byron Shire Rural Land Use Strategy 2017 action plan items 9, 10 & 13, which discuss the proposed identification of priority enhancement corridors, recognising the value of enhancement works and providing scope for sympathetic development. Action ID 13 specifically references low scale rural tourism, particularly those directly associated with... improved conservation outcomes. Action 16 also expands on the rural tourism opportunities specifically considering wedding venues, and given 'Eco Weddings' are now generating an industry of their own, I would consider this action could also be aligned with the RU6 transition zone considerations. I would be keenly interested to better understand how the proposed RU6 zone is responding to these actions.

As with every planning code, the real tests are when the first new development proposals are submitted for assessment, and whether these are delivering on the core objectives of the code. As someone who is currently undertaking feasibility and due diligence work on a lot within the 7 (d) and RU1 zones, I would be more than happy to discuss my comments or thoughts further if required.

Thank you again for the opportunity to provide comment on the development of this significant piece of land use policy for the Byron Shire Council.

Kind Regards

Ben McHugh & Bria Sydney

Sent from my iPad

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Jodie and Ross Bailie

5 October 2018

Steve Daniels
Planning Project Officer
C/- Byron Shire Council
PO BOX 219
Mullumbimby NSW 2482

Dear Steve

Re: Parcel Number 116490, "Tyalgum" Lot 4 Koonyum Range Road, Wilson Creek

I refer to your letter dated 31st August, 2018 calling for submission on the proposal to introduce a new land use zone, RU6 Transition, to be applied to land currently zoned 7(d) Scenic Escarpment.

As per our discussion on the phone, I would like to confirm that the above-mentioned property has an existing development approval for a dwelling, storage shed and road construction. The storage shed has been completed, an Occupancy Certificate has been issued, and Byron Shire recently granted us approval for the septic system. Therefore, we have substantial commencement on our development application. We are working with Coastline Certifiers to obtain a Construction certificate for the dwelling.

We note on the phone you indicated that the zoning will not impact on our development application.

Many thanks,
Jodie and Ross Bailie

Date: 4th October 2018

The General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Feedback – Proposed RU6 Transition Zone (LEP 2014)

Dear Sir/Madam

We refer to the recent letters sent out to land owners in regards to the new land use zone **RU6 Transition**, to be implemented on land currently zoned as 7(d) Scenic Escarpment of the Byron LEP 1988, where environmental zone criteria are not achieved.

This letter is a feedback response from multiple landowners who have similar feedback regarding the proposed RU6 Transition zone, as depicted below. Please see the names and signatures at the end of this document whom we have received similar responses in line with this submission.

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

1 Objectives of zone

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

2 Permitted without consent

environmental protection works; home occupations.

3 Permitted with consent

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

3 Only with development consent

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

4 Prohibited

Any other development not specified in item 2 or 3.

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

3 Only with development consent

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

The following points and comments are made in regards to the proposed re-zoning in its current format:

- Zone 7(d) Scenic Escarpment Zone permits Dual Occupancy (Attached) under Clause 17 of the Byron LEP 1988 however the proposed RU6 Transition Zone currently does not list any Dual Occupancy as a permissible land use.

*Comment: Dual Occupancy (attached) should be included under 3 Permitted with Consent, as one of the aims is **'To maintain consistency with the current 7(d) zone provisions...'**.*

- If Dual Occupancy (attached) is a permissible use within the RU6 Transition Zone, it can be argued that Dual Occupancy (detached) should also be a permissible use within the zone, if it aligns with the objectives of the zone, in particular 'To encourage development that contributes to the Shire's rural landscape character and visual qualities'. There will be circumstances where a dual occupancy (detached) can better achieve environmental outcomes in terms of visual impacts and rural landscape character than a dual occupancy (attached).

Comment: Dual Occupancy (detached) should be included under 3 Permitted with Consent. The proposal for a Dual Occupancy (detached) within RU6 could be subject to a Visual Impact Assessment that demonstrates better environmental outcomes than a Dual Occupancy (attached). Byron DCP Section D.2.2.3 and Chapter C3 provide relevant provisions for visually prominent sites, which could be updated with terms of reference to the RU6 Transition Zone.

- If Dual Occupancy (attached) is a permissible use within the RU6 Transition Zone, it can be argued that Secondary Dwelling (attached or detached) should also be a permissible use within the zone, if it aligns with the objectives of the zone, in particular 'To encourage development that contributes to the Shire's rural landscape character and visual qualities'. There will be circumstances where a secondary dwelling can better achieve environmental outcomes in terms of visual impacts and rural landscape character than a dual occupancy (attached).

Comment: Secondary Dwelling should be included under 3 Permitted with Consent.

- Maintain an overall reduction in the number and variety of permissible uses within RU6 Transition Zone.

Comment: The reduction in overall permissible uses is supported, compared to Zone RU1 and RU2, including community facilities, extractive industries, farm buildings, child care facilities, tourist and visitor accommodation, industrial training facilities, rural industries, and others as outlined in the land use zones.

Addendum: This submission has been made on behalf of numerous affected property owners. Please see attached signatures of all those who we represent.

Please contact us if you require further information or have any questions.

Yours sincerely,

Balanced Systems Planning Consultants

 L.J. Houghton

From:
Sent: Saturday, 22 September 2018 10:24 AM
To: submissions
Cc:
Subject: Proposed RU6 Transition Zone

Hi,
I am the owner of parcel 3450 in Broken Head and am writing to voice my opposition to the re-zoning of scenic escarpment in my area.
The current land surrounding our lot is dense with native flora and fauna, having recently been a part of the program to combat noxious weeds, it has bloomed to its capacity to house the local fauna that is in abundance, home on the ridge.
Any form of development would not only decimate this habitat but create a dangerous and irreparable erosion frontier.
The likelihood of a development on such sloping terrain is slim today, but as the popularity of our wonderful area grows, we fear the dangers and devastation could be overlooked.
Broken Ridge and the forests surrounding Blackbutt Lane, should forever remain a wildlife sanctuary, free from large development, both in the near and distant future.
Thanks in advance for your time and consideration.
Kind regards,

Ben Crick

From:
To: [submissions](#)
Subject: RU6 Transition Submission
Date: Monday, 10 September 2018 2:32:22 PM

To Whom it May Concern,

I am writing in response to a letter received by my partner (Ms M D McGrane) dated 31 August 2018 (BSC File No : E2018/70450)

This concerns property our property at 158 Skinners Shoot Rd (Parcel No 122530)

The portion of land currently zoned 7 (d) Scenic Escarpment is erroneous as it is neither scenic, nor on a escarpment. This zoning covers a small part of our land, but it unfortunately it affects us considerably. On a previous meeting with council I was led to believe that the entire front portion was to be rezoned RU2, and this would be our desire. The 7(d) zoning is restrictive and really shouldn't apply to this land.

Similarly, RU6 is also restrictive and doesn't apply. We submit that the front portion of the property be rezoned RU2.

Please keep me informed of any further progress in this determination, and contact me if any further comment is needed.

Regards,

Dr Brian Donnellan



BYRON BAY PLANNING & PROPERTY CONSULTANTS
Enhance the Social, Financial & Environmental Value of your Property

Manentia Ubicumque

Chris Lonergan – Town Planner, Design, BASIX, Landscaping, Ecology, Bushfire Assessment.

Email – chris@byronbayplanning.com.au

Tai Lonergan – Town Planner, ArchiCAD EcoDesign (Residential, Comm., Industrial, Tourist.)

Email – tlono@designevolutions.com.au

Sumarah Ramsay – Town Planner, Property Assessment.

Email sumarah@byronbayplanning.com.au

5/130 Jonson St. Byron Bay P.O. Box 2585 Byron Bay NSW 2481 Australia

www.byronbayplanning.com.au

Ph. (02)66809255

2 October, 2018

**SUBMISSION TO BYRON SHIRE COUNCILS
ENVIRONMENTAL ZONE REVIEW PROCESS**

**REQUEST FOR AMENDMENT OF PROPOSED
RU6 Transition Zone
Landuse Table**

**Lots 2 DP718777, Lot 4 DP 111822 & Lot 1 DP 721803
No 56 Armstrong Lane, Broken Head**

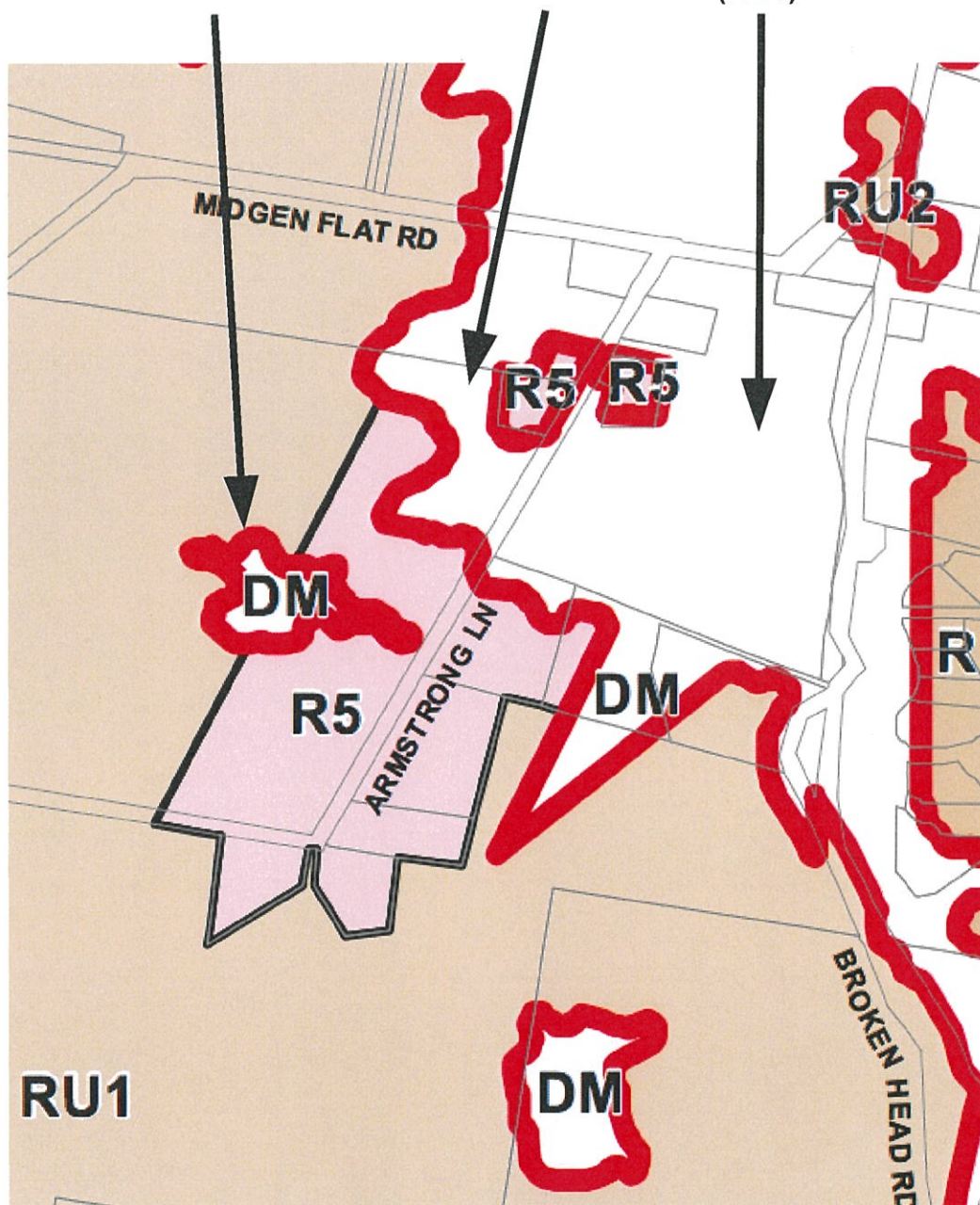
INTRODUCTION.....4

RECOMMENDATION.....6



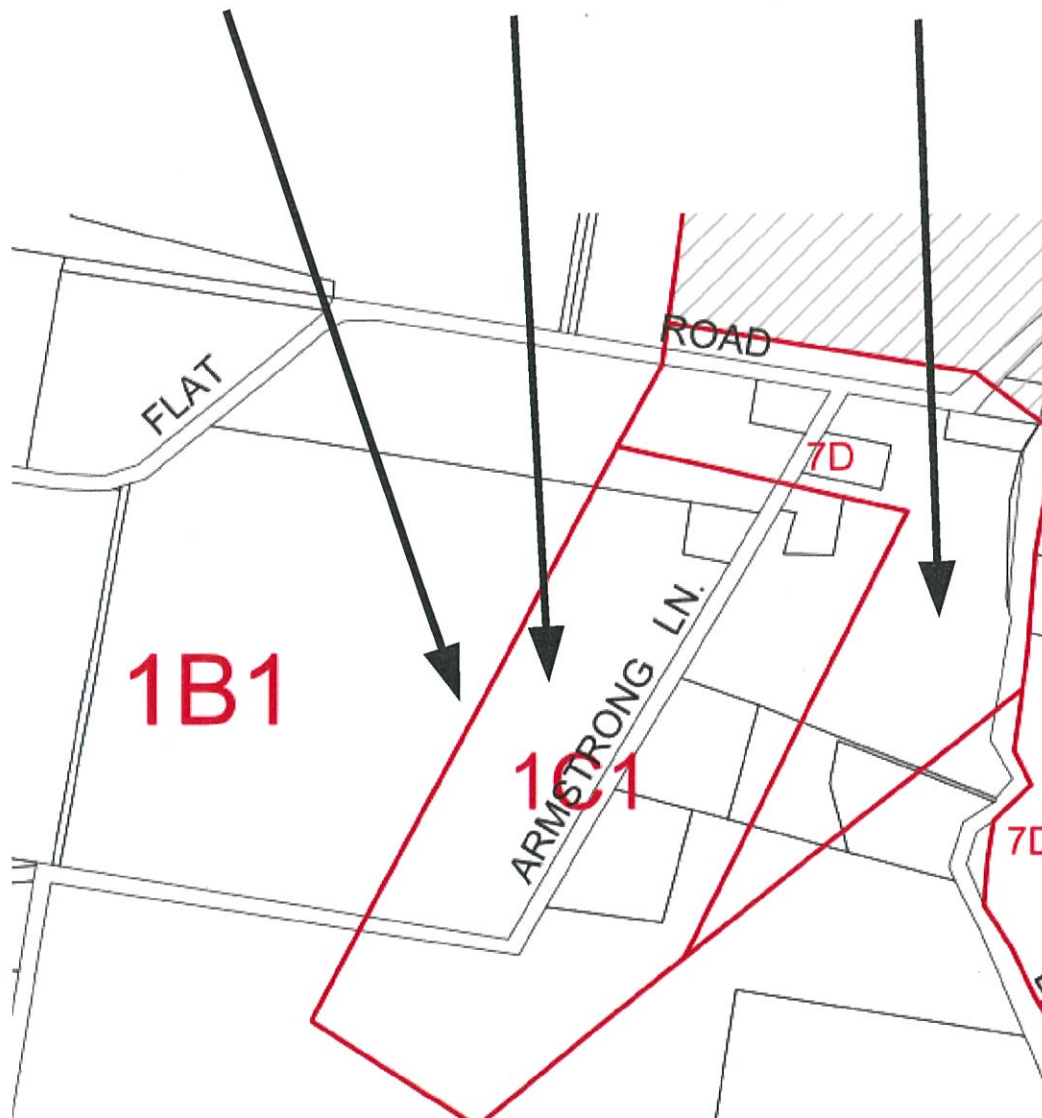
ZONING AND LOCALITY PLAN

(Deferred from LEP 2014)
LEP 1988 Rural 1(b1) & Small Holdings 1(c1) & 7(d) Scenic Escarpment (RU6)





(Deferred from LEP 2014)
LEP 1988 Rural 1(b1) & Small Holdings 1(c1) & 7(d) Scenic Escarpment
Proposed RU6 Zone





Lots 2 DP718777, Lot 4 DP 111822 & Lot 1 DP 721803 No 56 Armstrong Lane, Broken Head



PROPOSED RU6 ZONED AREAS

INTRODUCTION

This Submission is made to the Byron Shire Council Environmental Zone review, and it relates to the current eastern 7(d) Zoned areas of Lots 2 DP718777, Lot 4 DP 111822 & Lot 1 DP 721803 No 56 Armstrong Lane, Broken Head.

This Submission advises Council that to the owners would prefer to see the proposed RU6 Transition Zone, to replace the 7(d) Scenic Escarpment Zone, amended to an RU2 Rural landscape Zone, as the site sits well below the dominant northern ridge line.

Failing this, they are only prepared to accept the proposed RU6 Zoning if their opportunities to achieve two dwellings on the property (Dual Occupancy) are not prejudiced.



To this end we remind Council of its obligations within the NSW Standard Instrument, Direction 2, As Council is aware, Dual Occupancy is currently a permissible landuse within the 7(d) Zone.

Byron LEP 1988 Clause 17 Dual occupancy

(1) This clause applies to land within Zones Nos 1 (a), 1 (b1), 1 (b2), 1 (c1), 1 (c2), 1 (d), 2 (a), 2 (t), 2 (v), 7 (c), **7 (d)** and 7 (f2).

The proposed RU6 Landuse Table does not contain a provision for Dual Occupancy.

The adjacent R5 and RU1 and RU2 Zones all permit Dual Occupancy as long as Dwellings are within 100m of each other.

As this new provision relates to adjacent R5, RU1 & RU2 Zoned land, and as Dual Occupancy is currently permissible within the 7(d) Zone, then it is imperative that Council Strictly adhere to the requirements of Direction 2 (Landuse Tables) in the Standard Instrument provisions.

“Standard Instrument—Principal Local Environmental Plan**Land Use Table Direction 2****Direction 2.**

Specified uses may be added to **(but not removed from)** the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.”

The proposed RU6 land on the eastern side of Armstrong Lane comprises former grazing land now weed infested, and these areas are soon to be cleared of weeds and Camphor laurel. Also they form part of an 8 lot subdivision under Consent 98/0140 (Which is currently proceeding through the Subdivision Certificate process) and this land should be placed totally under an R5 Large Lot Urban Zone, or RU2.

If Council insists on its RU6 designation, then they must assure that Direction 2 of the Standard Instrument provisions are strictly followed, and that these owners are not prejudiced and that Dual Occupancy becomes a permissible landuse and becomes one of the zones currently listed in Clause 4.2D of Byron LEP 2014. An example of this suggested wording is listed below :-

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1, RU2 and RU6

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

- (a) to provide alternative accommodation for rural families and workers,
- (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
- (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.

(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape or Zone RU6 Transition unless the consent authority is satisfied that:

- (a) the development will not impair the use of the land for agriculture or rural industries, and
- (b) each dwelling will use the same vehicular access to and from a public road, and
- (c) any dwellings will be situated within 100 metres of each other, and



- (d) the land is physically suitable for the development, and
- (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
- (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

RECOMMENDATION

It is considered that the Draft Byron LEP which comes from this ENVIRONMENTAL REVIEW PROCESS, should support the adjustment of the RU1 and R5 Zone boundaries to include all of Lots 2 DP718777, Lot 4 DP 111822 & Lot 1 DP 721803 No 56 Armstrong Lane, Broken Head, as detailed in this report, with the exception of the eastern ridge (Currently 7(d), which the owners have no objection to being Zoned RU6 Transition Zone, as long as their current Dual Occupancy Landuse options are not taken away from them.

As stated, if Council insists on the RU6 designation of these eastern areas of the site, then they must assure that Direction 2 of the Standard Instrument provisions are strictly followed, and that these owners are not prejudiced and that Dual Occupancy becomes a permissible landuse and becomes one of the zones currently listed in Clause 4.2D of Byron LEP 2014.

The ongoing management of the western farming lands will result in Camphor laurel Removal, and the ongoing use of the 8 lot subdivision under Consent 98/0140, will result in these lots being cleared to achieve their housing entitlements, and further cleared to enable an Asset Protection Zone around each to protect them from Bushfire Threat, and additional clearing to create waste water disposal areas. **As such an E2 or RU6 Zoning over these lands is contrary to their historic and approved landuse characteristics, and all western areas need to be Zoned either R5 or RU1 or RU2.**

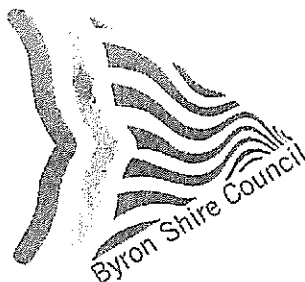
On this basis, the responsible location of the RU6 Zone for these allotments is only over the eastern forested ridge, currently zoned 7(d), and Council must ensure that as permitted elsewhere on the site, that this Zone also permits Detached Dual Occupancy.

The recognition of these landuse factors will ensure that only land reasonably suited to an RU6 Zoning will be so zoned, thus meeting the best environmental land management outcomes.

It is thus clear that Council should have no hesitation in adopting the recommendations of this submission, particularly considering the historic use of the western areas for agriculture, the 8 lot subdivision under Consent 98/0140 of the central proposed R5 areas, and the recognition that only the forested eastern ridge, fits the true attributes of an RU6 Zone, provided Detached Dual Occupancy remains permissible.

Yours Sincerely

Chris Lonergan B.A. (Town Planning UNE)
2nd. Oct. 2018.



31 August 2018

Mrs A J Armstrong
56 Armstrong Lane
BROKEN HEAD NSW 2481

Dear Mrs A J Armstrong

Consultation on the proposed RU6 Transition land use zone

You are receiving this letter as a follow up to correspondence sent to you earlier this year regarding Environmental Zones (E zones) on your property (Parcel no/s: 109190 & 109210 & 241055). The purpose of this letter is to:

- Inform you of Council's proposal to introduce a new land use zone, **RU6 Transition**, to be applied to land currently zoned 7(d) *Scenic Escarpment* that does not meet the criteria for an environmental zoning; and
- Invite your feedback, as an affected landowner, on the proposed **RU6** zone (including proposed permissible uses) for Council to consider before making any final decisions about if/how the **RU6** zone will be applied.

Enclosed is further information to assist you with understanding this proposal and making your submission.

The consultation period closes on 5 October 2018. Feedback can be made:

- by email to submissions@byron.nsw.gov.au; or
- by post to 'The General Manager, PO Box 219 Mullumbimby 2482'

If you would like to discuss this proposal or have any questions, please contact Council's Planning Project Officer, Steve Daniels, on ph (02)6626 7315 or by email at steve.daniels@byron.nsw.gov.au.

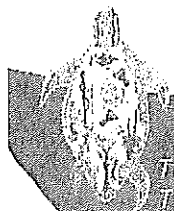
If you have any questions about possible E zone/s on your land, or the status of any related feedback provided to Council, please contact Council's Natural Habitat Officer, Joanne Green by email at joanne.green@byron.nsw.gov.au.

Council looks forward to receiving your comments on the proposed RU6 Zone.

Yours sincerely

Alex Caras | Land Use Planning Coordinator

Encl: E2018/70601 Frequently Asked Questions; Proposed RU6 zone objectives, land use controls and other supporting information



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3011
www.byron.nsw.gov.au ABN: 14 472 131 471

Frequently Asked Questions

Will my land definitely be rezoned to RU6?

Not necessarily. Council wants to consult on the proposed *RU6 Transition Zone* firstly with affected landowners and the broader community. This will allow Council to consider all feedback received before making any final decisions about if/how the new zone will be applied. If Council decides to apply an *RU6* zone to your land and this is supported by the state government, then you will be notified in writing and have a further opportunity to provide feedback during the statutory rezoning process.

What is the 7(d) Scenic Escarpment zone?

Under Byron Local Environmental Plan (LEP) 1988 the 7(d) Scenic Escarpment Zone currently covers most escarpment land in the Shire, as well as other visually important areas.

Land currently zoned 7(d) was one of a number of proposed environmental zones 'deferred' from LEP 2014 as a result of the State Government's announcement to review their application on the north coast.

Why is Council introducing a new RU6 Transition Zone?

Under the new standard LEP template there is no equivalent scenic escarpment zone to transition the 7(d) land. As a result most 7(d) land was proposed to be zoned to either 'E2 Environmental Conservation' or 'E3 Environmental Management' during preparation of LEP 2014. This was done at the time because "aesthetic values" formed part of the E2/E3 zone objectives.

Council is now implementing the *Northern Councils E Zone Review Final Recommendations Report (2015)* in order to transition all LEP 1988 zones into LEP 2014. As part of the Environmental Zone (E Zone) review and guidelines, the State Government advised councils on the Far North Coast they are not permitted to use scenic or aesthetic values as an attribute to apply an E zone or mapped planning controls.

Therefore, to maintain consistency with the existing 7(d) zone provisions and ensure scenic escarpment (and other visually prominent) areas are not eroded by inappropriate land uses, Council is proposing to apply a new *RU6 Transition Zone*.

Will all 7(d) land be zoned RU6?

No. Land that meets the criteria for applying other zones, including both environmental (E2 Environmental Conservation Zone, E3 Environmental Management) and non-environmental zones such as *RU1* Primary Production and *RU2* Rural Landscape), will receive that zone.

What is the difference between the proposed RU6 Zone and current 7(d) zoning on my land?

The proposed *RU6 Transition Zone* seeks to maintain, as much as possible the existing permissible land uses in the current 7(d) Scenic Escarpment Zone. Although the *RU6* land uses have been prepared on this basis they are not an exact translation of all land uses in the 7(d) zone, mainly due to differences between LEP 1988 and LEP 2014 land use definitions.

A comparison between the existing 7(d) and proposed *RU6* zones is provided in the table below.

3 Permitted with consent

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

4 Prohibited

Any other development not specified in item 2 or 3

Comparison of permissible land uses in the 7(d), RU6, RU1 and RU2 zones

| Land Uses | 7(d) Scenic Escarpment (BLEP 1988) | RU6 Transition | RU1 Primary Production (BLEP 2014) | RU2 Rural Landscape (BLEP 2014) |
|---------------------------|--|--|---|--|
| Permitted without consent | Nil | environmental protection works; home occupations | Environmental protection works; Extensive agriculture; Home-based child care; Home occupations | Environmental protection works; Extensive agriculture; Home-based child care; Home occupations |
| Permitted with consent | <p>Agriculture; bed and breakfast establishments; bushfire hazard reduction; car parks; clearing of land; drainage; dwelling-houses; environmental facilities; home industries; primitive camping grounds; restaurants; roads; utility installations.</p> <p>Note: Clause 17 permits an 'attached' <u>dual occupancy</u></p> | <p>Agriculture; bed and breakfast accommodation; camping grounds; community facilities; dwelling houses; Eco-tourist facilities; Environmental facilities; home businesses; Home industries; restaurants; roads; road side stalls.</p> <p><i>NO DUAL OCCUPANCY</i></p> | <p>Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals</p> | <p>Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation</p> |

From: [Clinton Hook](#)
To: submissions: coorabell.landowners@gmail.com
Subject: Feedback on proposed RU6 Transition land use zone
Date: Tuesday, 2 October 2018 8:06:59 PM

To whom it may concern,

Both Satomi and I support in principle the submission from Balanced System Planning Consultants to allow the permitted use of Dual Occupancies in the new RU6 Zone.

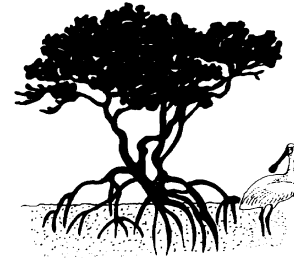
Satomi and I would only be happy with the proposed RU6 Transition land use zone if it included the following;

- The ability to build a secondary dwelling/ dual occupancy that does not have to be attached.
- That the colours of any secondary dwelling/ dual occupancy be bushland in tone.
- That the foot print of any secondary dwelling/ dual occupancy be limited to a reasonable size as a means of minimising any visual impact. A reasonable size may allow for a home between 60—100m² to be built.
- That a very strict condition be put on the colour of roofing metals used where only bushland colours would be acceptable, excluding the use of Colourbond colours 'shale grey' and 'surfmist' and continuing the banning of using galvanised roofing materials at all times.
- That any future DA's concerning escarpment properties be placed on public exhibition as a matter of course. This allows for neighbouring properties and other community members to comment and raise any concerns to be considered as part of the DA Process.

We would be happy to be contacted if any further information is required.

Regards

Clinton and Satomi Hook



24 September 2018

General Manager
Byron Shire Council
PO Box 219 Mullumbimby
NSW 2482

Submission to Byron Shire Council Draft Environmental ("E") zones

1.0 Introduction

This submission to Byron Shire Council's ("Council") draft E zone mapping has been prepared for the property located at 239-245 Skinners Shoot Road, Byron Bay (Lot 158 DP755695 and Lot 373 DP729103)(Fig. 1).

Its responds to a letter sent to the owners with respect to a small strip of 7(d) Scenic Zone located along the western and northern part of their land. This submission presents the results of a site inspection which demonstrated that the 7(d) zoned land has negligible environmental qualities and should not be zoned for environmental protection.

2.0 Site inspections and mapping

A site inspection was undertaken by PPEC with respect to the 7(d) lands on 19 September 2018. This inspection identified that cleared land, landscaped areas an asset protection zone and camphor laurel regrowth was included in the 7(d) zone. None of these features are suitable for environmental zoning.

3.0 Results of site inspections

A previous site inspection and desk top mapping identified that all of the areas mapped by Council as proposed E2 zones on the land failed to meet the criteria defined in the Northern Council's Environmental Zone. A report was forwarded to Council on this basis.

4.0 Conclusion

The site inspection undertaken by PPEC with respect to 7(d) zoned land similarly confirmed that this zoned land should not be mapped for environmental protection. The E2 zone is applicable for high conservation land, particularly sites located within significant wildlife corridors and supporting threatened species habitats, EECs, SEPP 14 and SEPP 26 mapped areas. However, 7(d) land contains extensive landscaped areas, and camphor laurel regrowth. It is also conflicted with high voltage power lines which will restrict any future reforestation.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Parker', with a stylized, looped design above the text.



Plate 1: Camphor laurel on northern boundary in 7(d) zoned land (September 2018)



Plate 2: Camphor laurel on northern boundary in 7(d) zoned land (September 2018)



Plate 3: Camphor laurel on northern boundary viewed from Yagers Lane requires ongoing removal to maintain access (September 2018)



Plate 4: 7(d) zone along western boundary contains high voltage power lines and landscape species

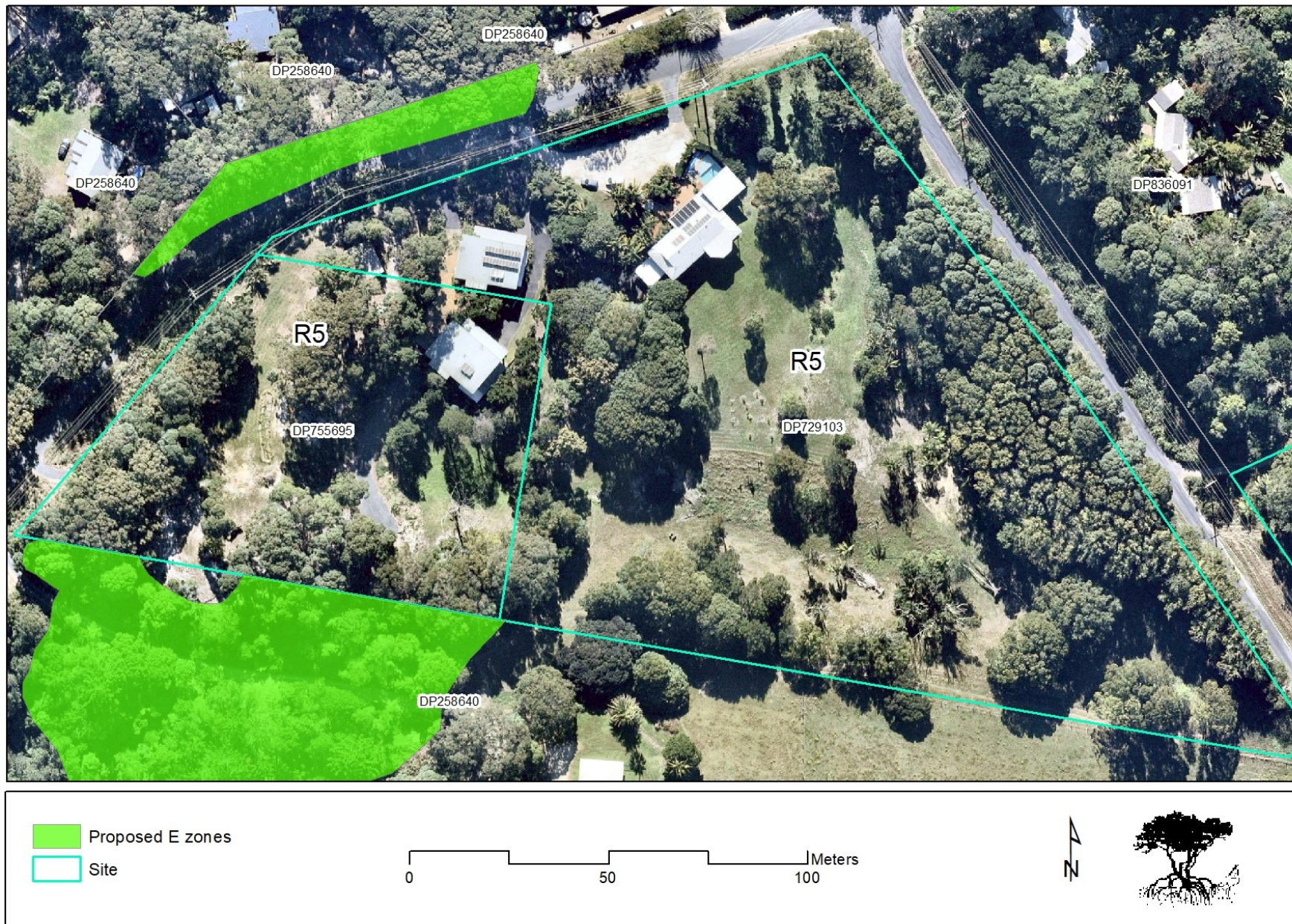


Fig. 1: Recommended rural zones on property

From: [Christopher Burke](#)
To: [submissions](#)
Subject: Proposed RU6 Transition Zone.
Date: Monday, 24 September 2018 5:50:16 PM

Dear Sir /Madam

My family's property comprises 101 acres and is located at 217 Myocum rd Ewingsdale. It also enjoys a frontage onto Coolamon Scenic Drive. We farm grass fed cattle which has been done on our property for the best part of 100 years .

The top part of our property (approximately 30-40 acres fronting Coolamon Scenic drive has been zoned as you know Deferred Matter (DM)for many years , prohibiting us from exploring any other development ideas to subsidise our modest income from our cattle business.

I note with interest that under the proposed RU6 Transition zone that the DM area of our property falls under that , and we may be able to apply for a Eco tourist facility which we would like to propose being 5-6 Eco cabins for tourist use .

We welcome and support this possible opportunity in the DM area of our property . Can I also ask if in this RU6 zone we can apply to build a cottage for one of our children within 50-100 metres of our home ?

I look forward to hearing from Council.

Sincerely

Chris Burke.



CHRIS LONERGAN – Town Planner

East Coast Planning Consultants
Manentia Ubi cumque
Sustainability in all things

CHRIS LONERGAN
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| BYRON SHIRE COUNCIL |
| DOC NO: |
| RECD: 12 OCT 2012 |
| FILE NO: |
| ASSIGNEE: |

5 October, 2012

SUBMISSION TO BYRON SHIRE DRAFT L.E.P. 2012

AMEND ZONING ERROR.

Lot 1 and Lot 2 D.P. 859775
593 Broken Head Road
Broken Head.

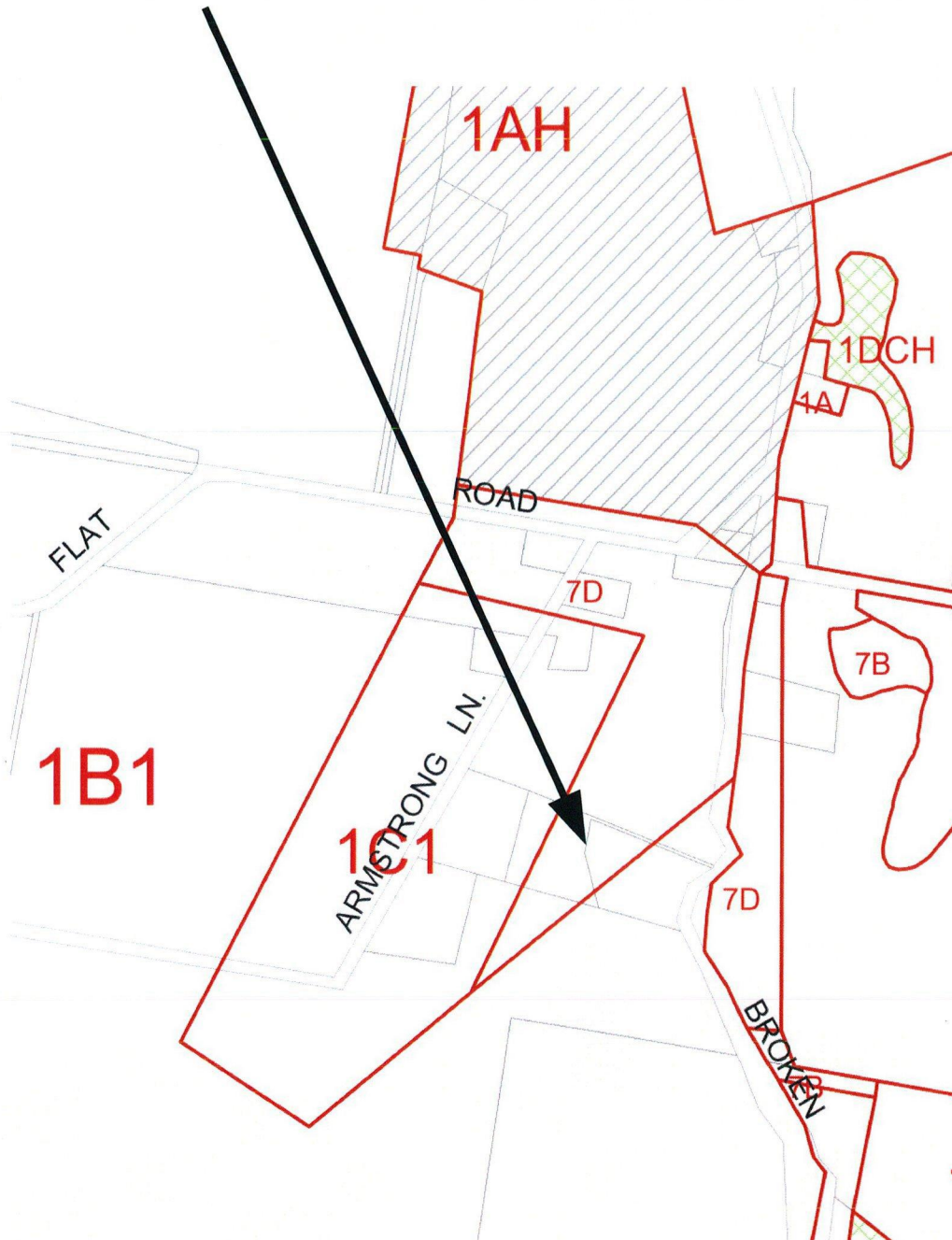


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ZONING AND LOCALITY PLAN

Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.





1 INTRODUCTION

This submission to the Draft Local Environmental Plan 2012 and Rural Strategy Review seeks the formal amendment of the Planning Scheme maps so that those areas in the east of Lots 1 & 2 D.P. 859775 No 593 Broken Head Road, Broken Head, are rezoned to Large Lot Residential (R5) in line with the designation of the western areas of the site.

These two lots of 2.07ha and 1.93ha., respectively, are partly zoned Large Rural Small Holdings 1(c1) and have a Rural Small Holdings Character, each containing an existing dwelling. They are located within cleared land on the valley floor, and are visually isolated from view off site because of this. In addition to this the lots are too small to be considered as viable farming units.

Despite these features signifying lands which should be considered by Council to be a logical component of the adjacent 1(c1) Rural Small Holdings zone to the west (and now proposed Large Lot Residential (R5) under Draft LEP 2012), and of which they partly are, Council has incorrectly identified these low lying lands which are not visible off site as part 7(d) Environmental Protection Scenic Escarpment Zone. Compounding this misdescription, Council has identified approximately 1.4ha of Lot 1 as Agricultural Protection 1(b1) despite this small amount of land not being capable of commercial agricultural production and being constrained by houses directly to the east and west.

Two previous submissions have been made to Council seeking the correction of this error, and seeking the zoning of the 1(c1) area which forms part of this site, to be extended over these two Rural Small Holdings allotments. Thus providing statutory recognition of their character. These submissions were dated 10th. June 1993 and 27th. June 1994.

Despite these submissions, the Draft LEP plans prepared by Council are proposing to perpetuate this error.

- The western 1(c1) area of Lot 2 is proposed to be Zoned R5.
- The central low lying cleared area shared between Lots 1 and 2 currently Zoned 7(d) are proposed to be Zoned E3, and
- The eastern 1.4ha of 1(b1) land within Lot 1 is to be Zoned RU1.

This submission alerts Council to this error and asks that these cleared and developed Small Holdings Lots be formally identified as Zone R5 under the Draft LEP 2012 when it is finalised. This will permit these lands to have a statutory zoning commensurate with the rural small holdings activities which occur on them at present.

As stated, the current Draft LEP still proposes to perpetuate this error, and it is hoped that by this submission, this oversight can be rectified once and for all, particularly as these small lots, comprising cleared low lying lands, developed for dwelling purposes, cannot be regarded as meeting the Statutory Objectives set for the proposed E3 and RU1 designation of the majority of the the eastern sections of these lots.

Instead these lots totally accord with the Objectives, Character, and Development Features of the R5 zone which is to be applied to only the extreme western section of Lot 2.

On this basis both Lots should be identified as R5 under the new draft LEP 2012.

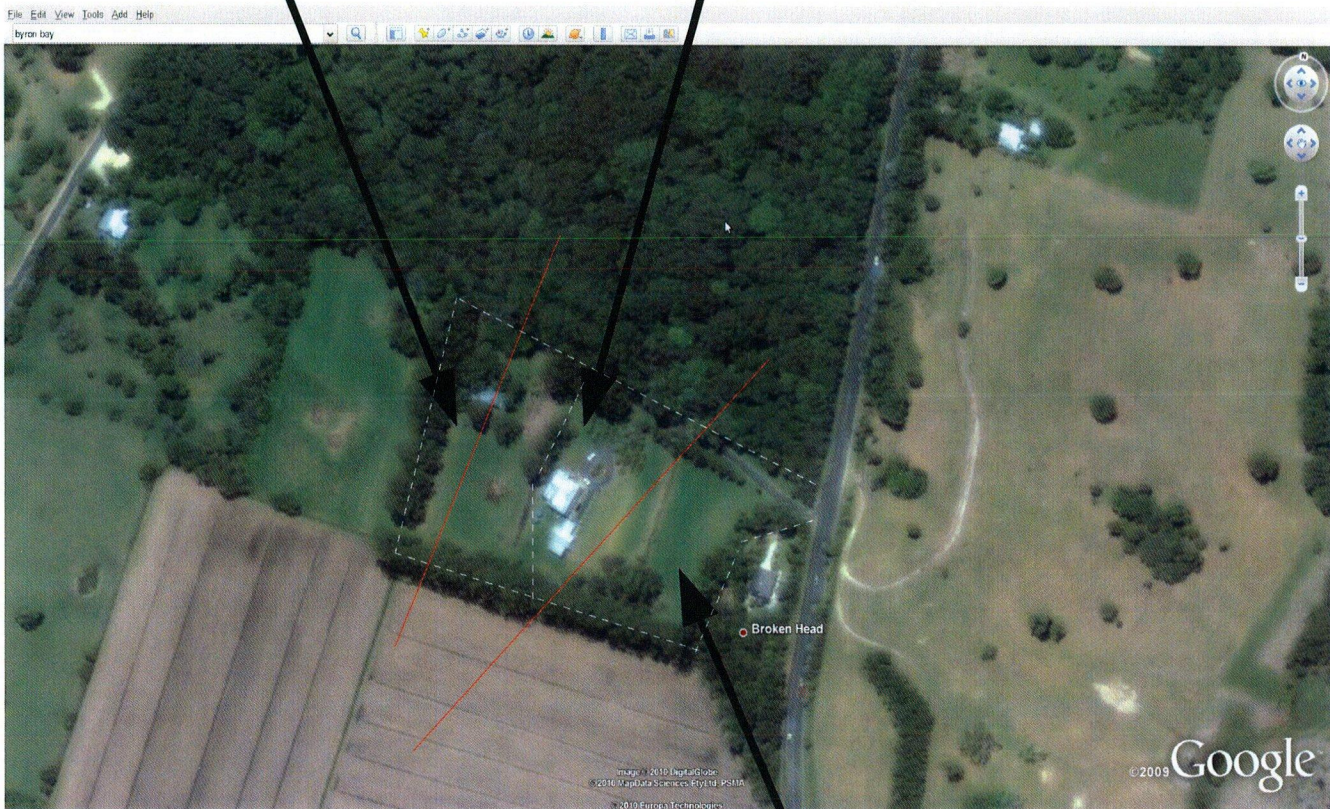


Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.

Current Zones do not recognise the impracticality of zoning approx. 1.4ha of land for Agriculture; OR zoning approx 2ha. of cleared valley floor area which, is not visible off site, as Scenic Escarpment; OR including only 0.5ha of this site as Rural Small Holdings, when this is the dominant characteristic of the two allotments which comprise this site.

**CLEARED VALLEY FLOOR AREA ZONED 7(d) SCENIC ESCARPMENT
AND PROPOSED TO BE ZONED E3**

**WESTERN SECTION OF SITE ZONED 1(c1)
AND PROPOSED TO BE ZONED R5**



**EASTERN SECTION OF SITE ZONED FOR AGRICULTURE 1(b1)
TO BE ZONED RU1**

Red Line Denotes Zone Boundary

**SUBMISSION TO BYRON DRAFT L.E.P. AMEND ZONING ERROR.
Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.**



2 NATURE OF DEVELOPMENT SITE

The requested L.E.P. amendment, to rationalise the development potential of these adjoining sites, being ones already containing a Council Approved Dwelling, will achieve correct landuse planning, and thus achieves the proper future planning of the area as anticipated by the Objectives of the EPA Act.

The correct definition of the eastern unconstrained areas as R5 under the Draft LEP, will permit optimal use of these cleared areas of the site, and permit the future development of each site to accord with Rural Small Holdings Objectives rather than those imposed by non applicable 7(d) or 1(b1) Objectives and landuse tables.

This is deemed to be a responsible planning outcome, and closely accords with the primary objectives of the E.P.A. Act in that it results in the sensible use of already developed, serviced and well located land.

E.P.A. Act Objective 5(a)(i) requires.

Section 5(a)(i). "to encourage the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;"

2.1 OBJECTIVES

The basic objectives of the proposal are:-

- To provide practical Rural Small Holdings allotments which have their generally unconstrained areas of cleared land designated as R5 under the Draft LEP.
- To minimise environmental and visual impact.
- To maintain the character of this closely settled rural area.

2.2 Sec. 79C(1)(a) ZONING OF LAND

The properties, Lots 1 and 2 DP 859775 No 593 Broken Head Road Broken Head are located within a number of Statutory Zones, i.e. Part Rural Small Holdings 1(c1) Zone; Part Agricultural Protection 1(b1); Part 7(d) Scenic Escarpment Zone under the provisions of Byron Shire Local Environmental Plan 1988.

The existing dwellings and most of the cleared land about their curtilage are zoned 1(b1) or Scenic Escarpment 7(d), this is despite the fact that they are too small to farm particularly being located between existing dwellings, and comprise low lying cleared land which has nothing in common with the objectives of the Scenic Escarpment 7(d) Zone.

On this basis we ask Council to correct this error, and Statutorily identify these eastern cleared dwelling lands as Zone R5 under the new LEP.

2.3 BYRON L.E.P. - ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposed Statutorial identification of the subject eastern cleared dwelling lands as Zone R5 under the new LEP, will further the proper future planning of the area by correctly identifying lands within a specific Zone type in accordance with their physical and developed character.

Thus the R5 zoning of cleared eastern dwelling lands maintains the settlement pattern of the area, preserves all trees, and optimises the use of long standing cleared land for dwelling use.

All necessary services are already connected to the sites.

As such the regularisation of the cleared eastern lands under a correct R5 designation can occur without major economic costs or unreasonable demands being placed on the local community.



In terms of the visual amenity of the site, with the retention of existing trees, then the visual amenity of the area will be retained, and the use of this low lying cleared dwelling development area can continue in lawfully recognition of its physical nature.

This rectification of land classification to reflect physical and development characteristics ensures the retention of site vegetation; ensures that the site will be utilised effectively in accordance with its developed form, and ensures that its mirrored character with adjacent Rural Small Holdings land to the west is recognised.

The conclusion is that the proposed R5 regularisation of existing cleared dwelling lands in the east will have a minimal impact on the environment, and will continue to protect all existing habitat areas off site to the north, which can remain protected and unaffected.

2.4 Planning for Bushfire 2006

The recognition of the developed dwelling areas as R5 under the new LEP will not be at odds with the Bush Fire Regulations as the forest areas to the north are already adequately separated from the existing dwellings on site, and as such this regularisation of Zoning will not have the potential to place a future residential redevelopment of these lands within the required APZ.

This low fire threat potential is due to the mostly cleared and maintained nature of the cleared lands to the north, south, east and west of each existing dwelling, and the fact that off site forests are up slope and to the north of these dwellings.

Grass land exists in all other directions for the 140m assessment distance from the existing dwellings on site.

As such, with the existing buffers provided, any future redevelopment of these dwellings on site can take place in accordance with APZ recommendations set within Planning for Bushfire 2006.

1) A Description of The Property.

The properties are Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head, which have areas of 2.07ha and 1.93ha., respectively.

The sites are located within a developed rural small holding and farming area.

Adjacent lands in the 140m assessment zone, to the east, south and west are fuel reduced grass lands, with forest to the north of the dwellings on site, on the adjacent property to the north.

2) Classification Of The Vegetation.

Vegetation on site adjacent to the buildings is limited grassland west, south and east. Forest is located to the north.

Within the 140m classification area, the dominant vegetation type is thus "Grassland" to the east, west and south, with Forest to the north.

3) Assessment of the slope of the land.

The site and adjacent lands are flat to gently sloping, and then rise to the north.

This places the dwellings down slope and separated from the Forest by existing APZ lands which meet code requirements.

This fire break is to continue to be maintained with a low fuel load.

4) Identification of any significant environmental features

The properties are cleared and developed small rural housing allotments, with cleared land about the existing dwellings in the central section of the site.

5) Threatened species, population or ecological communities.

The sites are developed dwelling / small holding allotments. The area surrounding the dwelling sites within the properties contain no Threatened species, population or ecological community of significance, other than distant northern forests off site, which will remain unaffected, as the required 20m APZ already exists as grass land.



6) **Aboriginal relic or Aboriginal place (within the meaning of that Act)**

The site is cleared, and the cleared areas about the dwellings contain no Aboriginal Place or Relic. The Byron Shire Area has been the subject of a number of Aboriginal Archaeological Surveys, and no sites have been found proximate to these rural / residential allotments.

G. Bush Fire Assessment

ASSESSMENT UNDER NSW Plannings' "Planning for Bushfire Protection".

Asset Protection Zone

The Asset Protection Zone (APZ) acts as a buffer zone between the development and the hazard. The primary purpose of an APZ is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures.

The APZ consists of an Inner Protection Area (IPA) and an Outer Protection Area (OPA).

Table A2.5, within *Planning for Bushfire Protection*, specify the minimum APZ required in bushfire-prone areas (refer to Appendix 2) with Table A2.5 being relevant in this instance with a FDI 80 Fire Area provision relevant to all calculations.

Based upon the foregoing assessment of vegetation and slopes the following APZ's would be required from Table A2.5.

Existing Dwelling Lot 1

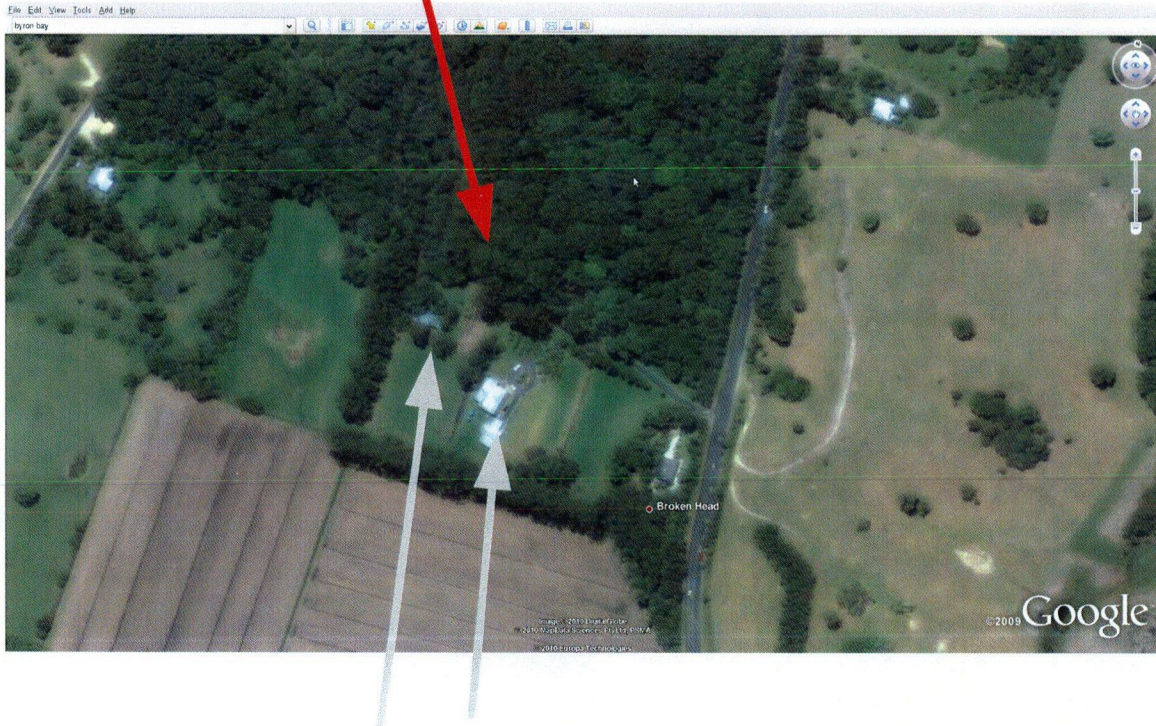
| Development Aspect | Hazard/ Vegetation within 140m of Development | Predominant Vegetation Class | Average Slope of Land | Recommended Width of Asset Protection Zone (table A2.5) |
|--------------------|---|------------------------------------|-----------------------------|---|
| North | Grassland 50m then Forest. | Forest. | Up slope | 20m APZ is already provided in the form of 50m grassland. |
| South | Grassland | Grassland. | Down slope | No APZ is deemed necessary. |
| East | Grassland. | Grassland | Across then up slope | No APZ is deemed necessary. |
| West | Grassland. | Grassland | Across slope | No APZ is deemed necessary. |

Existing Dwelling Lot 2

| Development Aspect | Hazard/ Vegetation within 140m of Development | Predominant Vegetation Class | Average Slope of Land | Recommended Width of Asset Protection Zone (table A2.5) |
|--------------------|---|------------------------------------|-----------------------------|---|
| North | Grassland 20m then Forest. | Forest. | Up slope | 20m APZ is already provided in the form of pasture. |
| South | Grassland | Grassland. | Down slope | No APZ is deemed necessary. |
| East | Grassland. | Grassland | Across then up slope | No APZ is deemed necessary. |
| West | Grassland. | Grassland | Across slope | No APZ is deemed necessary. |



Forest Up Slope from Existing Dwellings



Existing Dwellings

Level of Construction

Tables A3.1 and A3.3 of *Planning for Bushfire Protection* allow the determination of the relevant level of construction in accordance with AS 3959-1999: *Construction of Buildings in Bushfire-Prone Areas*.

Based upon Table A3.3 and the assessment of this report taking into account the vegetation type, slope and available APZ this development's category of Bushfire Attack varies from Level 1 to Level 3.

Fire Fighting Personnel Access

Public Road Access

Access is provided to the Site via sealed public road, Broken Head Road, this is capable of supporting fully loaded fire fighting vehicles.

Property Access

Property Access is from Broken Head Road to the internal access road. This complies with the requirements of Section 4.3.2 Property Access Roads of *Planning for Bushfire Protection 2001*.

Electricity Supply

Existing transmission lines providing power to the proposed development.



Gas

Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities. If gas cylinders are to be kept close to buildings, the release valve must be directed away from the building and away from any hazardous materials such as firewood, so that it does not act as a catalyst to combustion.

Water Supply

Tank water supply. Minimum 20,000 litre tank should be provided to each house for fire fighting purposes only. This tank should be fitted with a 65mm Storz outlet with a gate valve for use by the RFS.

Recommendations

APZ's be maintained in accordance with this report:

If any trees are to be located within the envisaged APZs, this is considered acceptable, providing the following conditions are met:

Vegetation is not to touch or overhang dwellings (canopy vegetation must not be within 2 metres of any building/dwelling);

Vegetation is not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period; and

Vegetation is located far enough away from dwellings so that it will not ignite the dwelling by direct flame contact or radiant heat emission.

Woodpiles, combustible material storage sheds, large areas/quantities of garden mulch and stacked flammable building materials should not be located within IPA of dwellings;

The potential for future additions to dwellings will need to meet the following Level 1 or 3 construction requirements, i.e. metal screens to fenestration, enclosure of eaves, leaf guards to gutters.

Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities.



2.5 S.E.P.P. No. 71

The proposal satisfies the matters for consideration in Clause 8 as follows:

AIMS OF S.E.P.P. No. 71

The proposal satisfies the aims of the policy as follows:

(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

The eastern cleared area of the site is requested to be Statutorily identified as Zone R5 under the new LEP.

The proposal also achieves the underlying objectives of the L.E.P. where due consideration is given to the intensity of development. In this instance the dwelling sites in the east mirror existing Rural Small Holdings Development to the west, and this is well clear of the Coastal Zone, and as such will not increase the risk of the development being adversely affected by coastal processes. The proposal emulates the planned character of the area.

The development potential, which maintains the planned density of the site, is therefore in keeping with the planned character of the area, and cannot be seen as a development which would prejudice the proper future planning of the area.

(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

The development areas within site are set well back from the Pacific Ocean Foreshore area, and are separated from it by over 2km of farms, coastal forest and hind dune.

On this basis the proposed R5 Zone in the eastern cleared lands does not detract from the Foreshore area, some 2km from this potential alternative dwelling site.

(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

As detailed above, the development areas within the east of the site to be Zoned R5, are set well back from the Pacific Ocean Foreshore area by over 2km of farms, coastal forest and hind dune between the beach front and the development areas within the site.

(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

Based on the modified nature of the site, (long standing cattle grazing area) and review of historical and cultural records of the site, it is unlikely to hold important significance or cultural objects related to Aboriginal culture.

If any uses such as fishing/hunting occurred on the distant beach and swamp areas, then the use of these distant areas off site for commercial, residential and farming purposes for over 100 years, has made research into the value of these areas, and their cultural interpretation, almost impossible. Given the nature of the site i.e. it has been modified by farming and construction of utility services, it is not considered to hold any archaeological values other than those associated with the early white settlement and their associated farm product processing and landuse practices.

The site is not mentioned in Aboriginal Heritage registers held by Byron Shire Council and NPWS., as containing historical or cultural objects or being a site of significance.

Given its location within a coastal valley and adjacent to a dominant water course, it is likely to have been traversed by Aboriginal people as part of their hunting/gathering in the area. However no evidence can be found confirming this, the site, which is located well removed from the foreshore area, is unlikely to be of cultural significance.

SUBMISSION TO BYRON DRAFT L.E.P. AMEND ZONING ERROR.
Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.



No shell or bone waste is evident within soil profiles within this previously cleared and pasture improved site.

(e) to ensure that the visual amenity of the coast is protected, and

The development areas within eastern cleared areas of the site sought to be rezoned R5, are set well back from the Pacific Ocean Foreshore area, and are separated from it by over 2km of farms, coastal forest and hind dune. As the statutory amendment is designed to follow the rhythm of rural small holding development to the west of the site, and as the proposed development does not detract from the integrity of the beach front or creek bank vegetation, then it is considered that the proposal will not detract from the visual amenity of the area. This is particularly so as the site is not visible from the coast or river foreshore areas.

(f) to protect and preserve beach environments and beach amenity, and

The site is spatially removed from beach areas, and as such has no potential to impact upon the beach environment.

(g) to protect and preserve native coastal vegetation, and

The site is developed for small lot rural housing. The site supports only a few native trees about the development area, with the off site northern forests protected. No appreciable change in the character of the area will result from the changes proposed, particularly as the visual character of the area will not significantly change as the development proposed is of a similar scale to adjacent developments, and the Statutory identification of the subject eastern cleared grazing lands as Zone R5 under the new LEP is considered a regularisation that will have no adverse impact on the environment of the area.

(h) to protect and preserve the marine environment of New South Wales, and

As stated above, the development does not impact upon the marine environment, and the erosion control and drainage control methodologies which will be a feature of future development will ensure that off site impacts will not result from the development of the site.

(i) to protect and preserve rock platforms, and

Not Applicable to this coastal valley site, which is located on old volcanic soil layers.

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

The proposal meets E.S.D. principles as detailed within the Statement of Environmental Effects, particularly as the building is to be located on existing cleared areas of the site.

CLAUSE 8 ASSESSMENT.

a) the aims of this Policy set out in clause 2,

As detailed in the preceding assessments it is evident that the proposed development satisfies the Aims of S.E.P.P. No. 71

b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

The development areas within site are set well back from the Pacific Ocean Foreshore area, and are separated from it by over 2km of grazing land, coastal forest and hind dune. On this basis the requested R5 areas do not detract from the integrity of the distant Beach or wetlands and waterways.

c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,



The public ownership of most of the beach front does permit public access, with many pathways and pedestrian controls constructed in these areas by Byron Shire Council. This development, which is spatially removed from these areas, does not compromise such access.

d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The eastern cleared area of the site is requested to be Statutorily identified as Zone R5 under the new LEP.

The proposal also achieves the underlying objectives of the L.E.P. where due consideration is given to the intensity of development. In this instance the dwelling sites in the east mirror existing Rural Small Holdings Development to the west, and this is well clear of the Coastal Zone, and as such will not increase the risk of the development being adversely affected by coastal processes. The proposal emulates the planned character of the area.

The development potential, which maintains the planned density of the site, is therefore in keeping with the planned character of the area, and cannot be seen as a development which would prejudice the proper future planning of the area.

e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

The potential R5 development areas within site are set well back from the Pacific Ocean Foreshore area, and is separated from it by over 2km of farms, coastal forest and hind dune.

f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

The potential R5 redevelopment areas within site are set well back from the Pacific Ocean Foreshore area, and are separated from it by over 2km of farms, coastal forest and hind dune. On this basis the R5 regularisation of developed small lot rural dwelling land will not detract from the visual amenity of the area, and will ensure that the visual integrity of the area is maintained.

g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,

The report which accompanies this application shows clearly that the R5 designation of cleared developed dwelling areas, represents only land which does not support habitat for threatened species. On this basis the proposed R5 designation will not detract from the habit of local wildlife.

h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats

The R5 eastern area does not impact upon the marine environment due to its spatial separation from these areas, and the erosion control and drainage control methodologies detailed with this report ensures that off site impacts will not result from the development of the site, either during or following potential permissible landusage.

i) existing wildlife corridors and the impact of development on these corridors,

The site is located within a heavily developed rural small holdings area, and few wildlife corridors exist within the area. Those that exist occur off site to the north, and these are not affected.

j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

The potential R5 lands in the east are set well back from the Pacific Ocean Foreshore area, and is separated from it by over 2km of farms, coastal forest and hind dune.



k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

The spatial separation of the site from the foreshore areas, and the erosion control and drainage control methodologies, ensure that off site impacts will not result from the development of the site, either during or following construction of a potential dwelling additions in the future.

l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

As previously detailed within the AIMS assessment, the site is devoid of aboriginal heritage, and as such its cleared eastern R5 land as requested, will not impact upon their cultural activities. This is particularly so as all distant river bank areas remain unaffected as a result of this R5 designation of cleared land, and as such the integrity of these areas is maintained.

m) likely impacts of development on the water quality of coastal waterbodies,

As stated earlier, the development areas within the site are well removed from the beach and river bank areas, and the R5 rezoning of cleared eastern areas does not impact upon the marine environment, and the erosion control and drainage control methodologies detailed with this report ensures that off site impacts will not result from the development of the site.

n) the conservation and preservation of items of heritage, archaeological or historic significance,

The site does not impact upon items of heritage, archaeological or historic significance, particularly as this R5 zoning of eastern cleared land provides a vehicle for the dwelling compatible use of the site as planned by Councils LEP Objectives and those of Part 5 of the EPA Act, and as such the proposal will play a positive role in preserving the character of the area.

o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

The R5 zoning of cleared land accords with the landuse provisions of the Byron L.E.P. 1988, as well as the Draft Byron L.E.P.

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

The R5 zoning of cleared land adjacent to proposed R5 lands to the west, accords with L.E.P. development directions for the area, particularly in relation to correct designation of landuse characteristics, and ensuring that the intensity of development is considered and that the impact of coastal processes are considered. In this case this application maintains the permissible intensity of development, and as such cannot be seen as development which will prejudice the proper future planning of the area.

(ii) ensure that water and energy usage by the proposed development is efficient.

The design of the eastern cleared lands developed for small lots dwellings, as R5, enables residential redevelopment, thus optimising energy efficiency of development within the site.



3 Sec. 79(1)(b) IMPACT ON ENVIRONMENT

The R5 zoning of cleared land in the east of the site, already developed as small rural dwelling lots, would not involve site works.

Thus no appreciable change in the character of the site or its surrounding area will result, with all existing isolated trees being able to be retained, and with the Forest off site to the north still protected by keeping development clear of them, and by their correct designation as E3 Environmental Management under the new LEP.

The existing isolated trees, and the low elevation of the proposed R5 lands, have the effect of visually softening these low small rural dwelling lots, to maintain the visual amenity of the locality.

No appreciable change in the character of the site or its surrounding area will result from the R5 zoning of cleared eastern small lots dwelling development areas. This is particularly so considering the retention of the isolated tree stands on site, and the off site Forests to the north. It is therefore considered that the proposed R5 zoning of cleared land in the east will have no adverse impact on the environment of the area.

3.1 IMPACT ON CULTURAL AND HERITAGE SIGNIFICANCE OF THE LAND.

Aboriginal Sites

Previous Shire Studies have found no aboriginal sites within the development area of the property, or on adjacent lands.

This is confirmed by a check with the Tweed - Byron Aboriginal Land Council.

The survey of the area undertaken as part of this study found no buildings or sites of other historic or cultural significance.

3.2 IMPACT ON FLORA AND FAUNA

The proposed R5 zoning of cleared land in the east of the site, already developed as small rural dwelling lots, will not adversely impact upon the habitat potential of the area, provided existing isolated vegetation is retained, and a minimum 20m buffer is maintained to the actual northern up slope forests for any additional dwelling development of the site.

3.2.1 NATIVE FAUNA

The areas of isolated tree stands provide areas of local habitat significance only.

Bird and mammal populations in this area consist of native and introduced species frequenting tree stands.

REPTILES

| | | |
|----------|--------------------------|---------------------------|
| Skinks:- | Lampropholis delicata | (Common Garden Skink) |
| Snakes:- | Demansia psamophis | (Yellow Faced Whip Snake) |
| | Dewrelapinis punctulatus | (Green Tree Snake). |
| | Morelia spilotes | (Carpet Snake) |
| | Pseudechis porphyriacus | (Red-bellied Black Snake) |
| | Pseudonaja textilis | (Brown Snake). |

AMPHIBIANS

| | |
|------------------|----------------------|
| Litoria caerulea | (Green Tree Frog) |
| Litoria spp. | (Striped Marsh Frog) |
| Bufo marinus | (Cane Toad) |

BIRDS

| | |
|---------------------|---------------------|
| Cracticus torquatus | (Grey Butcher-Bird) |
|---------------------|---------------------|

SUBMISSION TO BYRON DRAFT L.E.P. AMEND ZONING ERROR.
Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.



| | |
|------------------------------|-------------------------|
| Dacelo novaeguineae | (Kookaburra) |
| Gymnorhina tibicen hypoleuca | (Magpie) |
| Lichmera indistincta | (Brown Honeyeater) |
| Malurus cyaneus | (Superb Blue Wren) |
| Malurus melanocephalus | (Red-backed Fairy-Wren) |
| Podargus strigoides | (Tawny Frogmouth) |
| Rhipidura leucophrys | (Willie Wagtail) |
| Strepera graculina | (Pied Currawong) |

NATIVE MAMMALS

| | |
|--------------------------|-------------------|
| Tachyglossus aculeatus | (Echidna) |
| Pseudocheirus peregrinus | (Ringtail Possum) |
| Wallabia bicolor | (Swamp Wallaby) |
| Flying Fox. | |

NON NATIVE MAMMALS

| | |
|-----------------------|----------|
| Canis familiaris | (Dog) |
| Oryctolagus cuniculus | (Rabbit) |
| Vulpus vulpus | (Fox) |

Although relatively small, the properties do support a diversity of common wildlife. The abundance of this wildlife is a function of the sites' location close to regrowth forest off site to the north, which are to be retained.

3.2.2 NATIVE VEGETATION

The site was extensively disturbed by vegetation clearance during the early part of this century when timber was extracted from the area. This was followed by decades of stock grazing resulting in the loss of all the original forest, and maintaining the area as pasture. Only isolated trees stands exist about the site being a mix of planted native and introduced species. On this basis they are not of habitat significance.

3.3 EFFECT ON THREATENED SPECIES SEC. 5.A. E.P.A. Act.**1. In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

In these areas of the Shire, the following Endangered or rare species could occur:-

Endangered or rare tree species:-

Acianthus amplexicaulis; Acronychia littoralis (Scented Acronychia)
Amorphospermum whiteii (Rusty Plum); Archidendron muellerianum (Veiny Lace Flower)
Cordyline congesta; Cryptocarya foetida (Stinking cryptocarya)
Endiandra hayseii (Velvet Laurel); Syzygium hodgkinsoniae (Red Lilli Pilli)
Syzygium moorei (Durobby); Thozetia racemosa
Randia moorei (Spiny Gardenia)

Endangered or rare Bat Species:-

Chalinolobus nigrogriseus (Whorrie Bat); Miniopterus australis (Mini Bent Wing Bat)
Nyctophilus bifax (Small Cave Bat)

Endangered or rare animal Species:-

Phascolarctos cinereus (Koala); Potorous tridactylus (Potoroo)

Environmental Impact Assessment prepared, clearly shows that sufficient habitat areas do not exist on the cleared eastern areas to be designated as R5, to support threatened species. It is important to note that the existing developed small rural dwelling lots occupy degraded lands, devoid of intact natural habitat areas.



As such it is unlikely that the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.

The conclusion is that no 7 point test is required for this application.

2. in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

Endangered populations could be affected if established forest, fresh water wetlands, or mature regrowth was to be removed.

This however is not the case, and as such the proposed regularisation of the existing cleared eastern areas as R5 under the new LEP relates only to cleared and developed areas, and as such this amendment will not disrupt populations such that the viability of the population is likely to be significantly compromised.

3. in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

As stated above, no significant habitat is to be removed, and the tree communities present are common regrowth, which occurs widely throughout this area.

4. in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.

Due to no areas of regrowth being affected, none of the habitat areas on site will become isolated from interconnecting or proximate areas of habitat for a threatened species, population or ecological communities.

5. whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

As detailed, no critical habitat will be affected.

6. whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

This area is characterised by developed rural residential lands to the west, and no recovery plan of threat abatement plan is proposed.

It is considered that the retention of all native trees on site will assist in maintaining the habitat base of the area, and as such will result in the development achieving positive environmental outcomes.

7. whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The proposed regularisation of the existing cleared eastern areas as R5 under the proposed LEP, will permit the more sensible use of existing cleared land, without detracting from the integrity of the northern off site forest areas.



It is thus considered that the R5 regularisation of existing cleared lands will not be a threatening development or activity.

3.4 IMPACT ON SCENIC QUALITY

As stated previously, the proposed R5 regularisation of existing cleared and developed lands in the east will not alter the existing development characteristics of the site, and will retain the character of the site in an area characterised by a dense settlement pattern, via the adjacent R5 lands to the west. All vegetation is to be retained within the site.

The R5 regularisation area in the east of the site, comprises existing cleared lands developed for dwellings, are low elevation lands, and thus not easily visible off. As such it is located below the level of large ridges to the north, west and east, and as such the continued use of these sites for lawful dwellings purposes under a R5 designation will still maintain the scenic character of the area.

3.5 Impact on the Built Environment

The proposed R5 regularisation of existing cleared lands in the east, meets the planned characteristics of the area as envisaged under the Rural Strategy, the nature of the site, and the requirements of Councils L.E.P. and D.C.P.s.

This regularisation to correct long standing errors in zone boundary definition, will not prejudice future planning in the Shire.

The low elevation of the proposed R5 area in the east will not result in the visual character of the area changing, and generous setbacks will be maintained by any future development of this area to the northern off site forests.

As well as these considerations, the development reflects the design requirements of D.C.P. 2002, and is not out of character with the development characteristics of the rural lots in the area.

These factors ensure that the proposed R5 regularisation of existing developed cleared lands in the east can take place without impacting upon the amenity of the adjacent rural area by reason of either dust, noise, or pollution, as the small rural dwelling lots maintains the R5 character of adjacent R5 lands to the west.

These factors all indicate that this relatively unconstrained and easily serviced land should be earmarked for R5 Zoning under the Draft LEP 2012.

4 Sec. 79C(1)(c) SUITABILITY OF THE SITE

The proposed R5 regularisation of existing cleared and developed lands in the east ensures that the LEP amendment can take place without impacting upon the amenity of the adjacent rural lots, adjoining farming properties, or the off site forests to the north.

SERVICES

ELECTRICITY SUPPLY

Country Energy has advised that provision of an electricity supply exists to the existing Council approved dwelling.

TELEPHONE SUPPLY

Telstra advised that Telstra cables in the area are already connected to this existing Council approved dwelling.

PUBLIC TRANSPORT

School, Local and Interstate Bus Services and a Taxi service currently exist in the area.

GARBAGE COLLECTION

Garbage from the development areas can be taken to the near by Myocum Tip as part of Councils existing home garbage service, with organic wastes recommended to be composted on site.

SUBMISSION TO BYRON DRAFT L.E.P. AMEND ZONING ERROR.
Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.



WATER & SEWER

The existing Council approved dwellings already connected to on site effluent treatment systems.

5 Sec. 79C(1)(d) SUBMISSIONS UNDER ACT OR REGULATIONS

Not applicable.

6 Sec. 79C(1)(e) PUBLIC INTEREST

The R5 regularisation of existing developed cleared lands in the east, will result in the more orderly use of land, and will not change the built form or character of the site.

7 JUSTIFICATION OF REZONING

The compatible nature of the R5 regularisation of existing cleared and residentially developed lands in the east, promotes the sensible use of land, and effects a logical planning option which will promote the proper future planning of the area, thus maintaining the approved character of the area.

It is evident from an investigation of the subdivision pattern of the surrounding area (Existing 1(c1) lands to the west), and a physical capability assessment undertaken, that this R5 regularisation of existing cleared and dwelling developed rural small lots lands in the east, can be achieved without impacting upon the environment of the area, and without detracting from either the rural amenity of the area, or the established pattern of settlement within this closely settled area.

In addition to this, the site is serviced by the full range of required infrastructure services.

In addition to this, the proposed R5 regularisation of existing cleared lands in the east meets the underlying Aims and Objectives of the Draft L.E.P. by:

- promoting sustainable development;
- supporting a diverse community;
- sustaining natural and community resources;
- providing appropriate land for living, working and recreation;
- protect residential amenity;

The proposed R5 regularisation of existing cleared and residentially developed lands in the east will thus enable sensible long term land use which reflects the scale of development within the adjacent rural area, in an environmentally responsible manner.

8 RECOMMENDATION

This submission alerts Council to this error and asks that these cleared and developed Small Holdings Lots be formally identified as Zone R5 under the Draft LEP when it is finally exhibited next year, so that this land has a statutory zoning commensurate with the rural small holdings activities which occur on them at present.

The current Draft LEP still proposes to perpetuate this error, and it is hoped that by this submission, that this oversight can be rectified once and for all, as these small lots, comprising cleared low lying lands, developed for dwelling purposes, and cannot be regarded as meeting the Statutory Objectives set for the proposed E3 and RU1 designation of the majority of the eastern sections of these lots.

Instead these lots totally accord with the Objectives, Character, and Development Features of the R5 zone which is currently to be applied to only the extreme western section of Lot 2.

On this basis both Lots should be identified as R5 under the new draft LEP when it is placed on public exhibition, thus providing a logical extension of the already designated R5 lands to the west.

SUBMISSION TO BYRON DRAFT L.E.P. AMEND ZONING ERROR.
Lots 1 & 2 D.P. 859775 No 593 Broken Head Rd Broken Head.



On this basis the Public Interest is served by the approval of this application for rezoning of the cleared eastern sections of these sites.

Most importantly, without rationalisation of this existing allotments to permit the optimal use of cleared land under a R5 landuse table, would not be promoting the proper future planning of the area, and would create an inequitable position, contrary to the underlying Objectives of the NSW Environmental Planning and Assessment Act.

It is thus clear that Council should have no hesitation in altering the proposed L.E.P. so that this R5 regularisation of existing cleared and dwelling developed lands in the east can occur, thus better defining the actual physical characteristics and capabilities of the site, and marrying them into the adjacent R5 lands to the west.


CHRIS LONERGAN. B.A.
5th. Oct. 2012.

P.O. Box 13
BANGALOW NS 2479

25 September, 2018

The General Manager
Byron Shire Council
P.O. Box 219
MULLUMBIMBY NSW 2482

**Consultation RU6 Transition (File E2018/65635)
(Our Parcel No. 239436)**

I refer to your letter of 31 August and note that none of our land at McLeods Shoot meets the criteria for an environmental zoning.

As invited, and after reading the fine print, I would submit, **as regards that land that will remain in proposed zone RU6:-**

- i) Council's legal right to remove '**attached**' **dual occupancy** Clause 17 must be called into question. Is it fair to those remaining having purchased, perhaps with such an expectation?
- ii) that these same properties should be allowed to erect a **secondary dwelling** (with consent) for all the social and planning reasons that Council allows them elsewhere in the Shire. The big proviso of course would be that such building does not affect the scenic value of the escarpments in question, Many secondary dwellings can be located and constructed such that they do not have to take advantage of the view and thus threaten such scenic amenity. Council also has wide powers as regards screening, visual impact and colour of building materials etc.,

I look forward to seeing how this proposal progresses.

Yours faithfully,

Chris Shevellar

From: [David Chegwyn](#)
To: [Daniels, Steve](#)
Subject: RE: Proposed RU6 Transion Zone - Byron Shire Council
Date: Thursday, 13 September 2018 9:07:46 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Attention Byron Council Re the Transition to RU6 Zone;

I wish to submit that the current allowance for a Dual Occupancy should transition from the 7d Zoning to the RU6 Zone to maintain equity.

I wish to further submit that the requirement for the Dual Occupancy to be attached to the main dwelling is lacking a great degree fairness also. I wish to encourage Council to rather allow for a merit based assessment of the position of the a new Dual Occupancy.

The basis upon which I make this submission is that the potential negatives for the surrounding community of allowing a dual occupancy are much the same if the Dual Occupancy is Attached or Detached. The potential negatives for the nearby community such as increased traffic movement , increased noise and lights, Increased water usage and increased Sewerage. In my view all of these potential negatives are fairly equivalent whether the Dual Occupancy is Attached or Detached.

The potential that the Main Dwelling Privacy is impaired for little, or no, Community benefit seems to lack valid logic. A merit based approach to allow for, say 100m separation, as in other zones, could, in my view, deliver a better outcome without diminishing the neighbouring Community.

Each situation is different and a merit based assessment may deliver better outcomes in relation to the topic of Attachment or Detachment.

Regards

david

David Chegwyn
63 Centennial Circuit
Byron Bay 2481 NSW
P: +61 2 6639 5555
F: +61 2 6639 5566
www.smithoptics.com.au

Logos



Traeger



From: Daniels, Steve [mailto:Steve.Daniels@byron.nsw.gov.au]
Sent: Wednesday, 12 September 2018 2:14 PM
To: David Chegwyn <David@smithoptics.com.au>
Subject: Proposed RU6 Transition Zone - Byron Shire Council

Hi David,

Following on from our phone conversation, please follow the link below to Byron LEP 2014. This link directs you to the 'definitions' page which will give you a better understanding of the land uses proposed for the RU6 Transition zone:

<https://www.legislation.nsw.gov.au/#/view/EPI/2014/297/dict1>

To view definitions for land uses noted in the current 7(d) Scenic Escarpment zone, please use the following link to Byron LEP 1988:

<https://www.legislation.nsw.gov.au/#/view/EPI/1988/329/dict1>

If you wish to forward a submission to the RU6 public consultation process, please reply to this email and I will add your submission to our records. I note that during our phone conversation you have recommended that both 'attached' and 'detached' dual occupancies should be included as permitted with consent in the proposed RU6 Transition zone to maintain consistency with the existing permitted land uses. You have also suggested that approvals for attached & detached dual occupancies should be considered on merit, with consideration given to the visual impact of the proposed development.

Please don't hesitate to contact me if you have any further queries.

Kind Regards

Steve Daniels | Planner | BYRON SHIRE COUNCIL

P: 02 6626 7315 | F: 02 6684 3018 | E: [Steve.Daniels@byron.nsw.gov.au]
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PADDY DAWSON - TOWN PLANNING

PO BOX 1260 MULLUMBIMBY NSW 2482

The General Manager
Byron Shire Council
5 October 2018

SUBMISSION

**RE: PROPOSED REZONING OF “DEFERRED MATTER” LAND
to E2/E3/RU6 LAND**

LOT 2 DP 124477, 26 Koonyum Range Road, Wilsons Creek

This submission is on behalf of the subject landowner, Ms Jennifer Bush, in response to Council advice in correspondence of 31 August 2018 regarding potential rezoning of the above land. This correspondence advises of a 5 October deadline for submissions. Following discussion with council officer Mr Steve Daniels, a deadline extension to 12 October 2018 was granted.

The above land is currently zoned DM - 7(d) under LEP1988.

Council advised landowner Ms Jennifer Bush, in correspondence of 9 October 2017, of a proposed rezoning of the land to the zones E2 and E3.

Aerial mapping prepared by Council for this exercise depicted the land adjacent to the western boundary and land adjacent to the northern boundary as potential E2 land with the remainder as potential E3 zone land.

The potential E2 part is that area depicted on Council's vegetation mapping as *HEV vegetation 2017*, the potential E2 part incorporates the higher reaches of the site and the potential part E2 does not incorporate any of the existing built development on the site.

Landowner Ms Bush was not unsympathetic to the proposed E2 zoning however considered that the Zone RU2 Rural Landscape the appropriate zoning for the remainder of the site.

Council has since advised, in correspondence of 31 August 2018, of a potential rezoning to a proposed Zone RU6 Transition Zone.

This correspondence advised that it had earlier been proposed that most 7(d) land was proposed to be rezoned to E2/E3 because *...at the time “aesthetic values” formed part of the E2/E3 zone objectives* but that the State Government has advised that council... *is not*

permitted to use scenic or aesthetic values as an attribute to apply to an E zone... and that... to maintain consistency with the 7(d) provisions and ensure scenic escarpment (and other visually prominent) areas are not eroded by inappropriate land uses, Council is proposing to apply a new RU6 Transition Zone.

This correspondence also leaves open the prospect that DM-7(d) land may be rezoned to E2, E3, RU1 and/or RU2.

In regard to this reasoning the following points are noted:

- Information provided with council's correspondence of 9 October 2017 included the Zones E2 and E3 Objectives. Neither includes reference to scenic or aesthetic values leaving it open to an ambiguity whether at that time either scenic or aesthetic values were a basis for inclusion in an E2/E3 zone. [It is however noted that the E2/E3 zone objectives include "cultural values", and that there may exist a land planning convention that such are considered to incorporate scenic/aesthetic values?]
- The Zone Objectives for RU6 as specified in the *Standard Instrument – Principal Local Environmental Plan* do not include scenic or aesthetic values. Also that Council has incorporated the Shire's *rural landscape* character and *visual qualities* in its proposed Zone RU 6 Objectives but has not included ecological/scientific values as objectives
- The other proposed RU6 Objectives are limited to provide *...a transition between rural and other land uses of varying intensities and environmental sensitivities... and ...to minimise conflict between land uses within this zone and land use within adjoining zones*
- The Zone Objectives for RU1 and RU2 include the *...To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality* and The Zone Objectives for RU2 include *...maintain rural landscape character of the land.*

On the basis of the above it would reasonably appear to be the case that the fundamental, and even sole, reason for a proposed RU6 zoning of the site is that it was zoned as 7(d) in the Byron LEP 1988 and that the reasons, such as they were 40 years ago, for so zoning are unchanged.

I had expected to have regard to relevant discussion in the Environmental Study prepared for the 2014 LEP but this is no longer available on council's web site nor did requests to council to provide a copy have any result.

The scenic/aesthetic value of the site evidently relates to its hillside topography and in particular would derive from its appearance as seen from elsewhere including lower land and public spaces. This value is limited by virtue of the existence of higher land between the site and the coastal plain and the change in altitude across the site. The highest (western) portion of the site has limited views across the coastal plain however the distance is substantial. It is not feasible to make out the existing house, located at the highest level on the site, from lower lands. The majority eastern portion of the site falls steeply and is fully obscured from sightlines to or from off-site.

In this context, the appropriate zoning for the site is that of RU1 or RU2.

The Zone RU2 Objectives recognise *rural landscape character, significant landscapes and scenic quality*.

Council's evident concerns regarding scenic and aesthetic values are well protected by the RU2 Zone Objectives. However, Council could elect to consider a RU6 zoning for the upper portion of the site – i.e. that earlier considered for an E2 zoning and a RU2 zoning for the majority lower part. It can be seen from the Byron LEP2014 Zoning map that 'detached' RU2 zonings are common in the locality.

It can also be noted that RU6 Objectives relating to *transition* and to *land use conflict* have an extremely wide application and could be utilized to have what could be called a "catch-all" function without reference to relevant, local merits. In regard to this matter, any justification for these objectives does not appear to be based upon any particularities that relate to this site or to the locality generally. Those particularities lead to a different conclusion.

It is submitted that council propose a zoning of RU2 apply to the subject land.

Yours Faithfully

Paddy Dawson

Des Bleasdale

PO Box 623

Mullumbimby

NSW 2482

ABN 69 864 935 318

Ph: (02) 6684 3122

Mob: 0414 26 1414

Email: desglo@bigpond.com

PN: 231400

| |
|----------------------|
| BYRON SHIRE COUNCIL |
| DOC NO: |
| RECD: - 8 OCT 2018 |
| FILE NO: F3305 |
| ASSIGNEE: M. Chapman |

05/10/2018

Joanne Green
Natural Habitat Officer
Byron Shire Council

Hi Jo,

Thank you for your recent help and information concerning the changing of the local land use classification

Changing our land currently zoned 7D to RU6 Transition, appears to be correct.

The remaining RU2 zoning being changed to RU6 would seem appropriate.

Thank you again for your help with this complex matter.

Regards

Des Bleasdale

Des Bleasdale



46 Yankee Creek rd



650

Meters

(Scale @ A4 Size)

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



1 : 9,480

Notes

21-Sep-2018

24 September 2018

General Manager Attn. Mr. Alex Caras
Byron Shire Council
Station Street
Mullumbimby, NSW 2482

Re: Parcel No. 239801 - 202 Balraith Lane, Ewingsdale / Lot 4 DP 1091485 ("Lot 4")
Submission to proposed RU6 Zone

Dear Sir,

By letter dated 31 August 2018, Council advised me of *"..Council's proposal to introduce a new land use zone, **RU6 Transition**, to be applied to land currently zoned 7(d) Scenic Escarpment that does not meet the criteria for an environmental zoning...:*

The primary uses of Lot 4 are as rural residential and agricultural ventures.

Under LEP 2014:

- the northern half of Lot 4 adjoining Balraith Lane is zoned R5;
- the southern half, which was zoned 7(d) Scenic Escarpment under LEP 1988, is land currently set aside as Deferred Matter ("DM").

As a result of detailed environmental assessment by Mr. Peter Parker Environmental Consultant and confirmed by Council environmental officers, the western portion of the DM land is forested with a mix of approximately 50% Camphor Laurel and 50% mixed native species that may qualify that forested part of the DM land to be zoned E3, but certainly not E2, as I was advised by email on 18 September 2018.

Our home, swimming pool, parking area, water tank, backup power generator building and water treatment shed, along with backyard lawn and landscaping, occupy the eastern, remaining half of the DM land.

On page 10 of the *Northern Councils E Zone Review – Final Recommendations Report*, NSW Planning & Environment advise their final position on the matter of how to finalise the zoning of DM land that was previously zoned 7(d):

*The Department maintains its position that scenic protection is a matter best assessed and managed at development application stage, when details of a proposal are assessed and appropriate conditions can be imposed. Issues relating to scenic protection may be identified in a development control plan or Scenic Protection Strategy, to provide guidance in terms of design and siting of buildings in visually prominent locations. **Councils on the Far North Coast will not be permitted to apply mapped planning controls for scenic protection in LEPs.***

The proposed RU6 Transition Zone is a *mapped planning control* that does not appear to have any other purpose than to attempt to provide protection of the scenic values of land previously zoned 7(d) Scenic Escarpment, which is a *mapped planning control* that NSW Planning & Environment deleted from the LEP.

Further, I note that all of the parcels of land having access off St Helena Road between the M1 Motorway in Ewingsdale and the Bangalow Road intersection, all located within the "scenic escarpment" above Byron Bay, already have a dwelling, or several dwellings, constructed on them. I question what is gained by creating an additional / new rural zone (RU6) specific to this area when the LEP already includes a:

- RU2 Rural Landscape zone
- RU1 Primary Production zone; and
- R5 large lot Rural zone.

My submission is that:

- (a) The part of the DM land within Lot 4 that is vegetated with 50% Camphors and 50% mixed native species be considered for zoning to E3; and
- (b) The remaining part of the DM land within Lot 4 that is occupied by our home and ancillary buildings, paddock and landscaping be zoned R5 consistent with the direction of NSW Planning & Environment that the DM land be zoned to the primary use of the balance of the land for the past 2 years.

Thank you for your cooperation in this matter.

A handwritten signature in black ink, appearing to read 'Eric P. Freeman', with a long horizontal flourish extending to the right.

Eric P. Freeman

From:
Sent: Friday, 5 October 2018 5:33 PM
To: Daniels, Steve
Subject: RU6 Transition Zone - 5 James View Court, Coorabell
Attachments: Proposed RU6 Transition.docx; Submission NCERP 2017.pdf

Hi Steve,

Good to see you today, I appreciate your time meeting with me to discuss the council's proposed RU6 Transition Zone.

Essentially, we'd like to make the following comments and observations;

- In the interests of fairness and consistency, the 7d (deferred) zone must be replaced with an RU2 Rural Landscape Zone

to match the adjoining land and to the west gives the existing landowners the SAME rights. At the very least, Detached Dual Occupancy must be a component of the proposed RU6 Transition Zoning

- It is inconsistent to allow B & B, Eco tourist facilities, home industries, restaurants and the like, but not detached Dual Occupancy

as DO would likely have a much lessor environmental and visual effect than the allowed uses

- The site had been a banana plantation for generations consequently the current flora is dominated by mature camphor laurel
- As part of an ongoing initiative, several hundred native trees and shrubs have been planted and are already having a

positive affect by attracting a more varied species of birds & and fauna, and appear to be giving the noisy miners competition

- the existing dwelling sits at RL 135m AHD - whereas the ridge line to the south has an elevation of 200m AHD.

This means the existing building onsite sits 65m below the southern ridge line and 35m below Coolamon Scenic Drive
(page 5 of the attached NCERP submission)

- Buildings on the site are not visible from either of the nearest public roads (Coorabell Scenic Drive & Myocum Road)
- The combination of;

1. Unconstrained and below the ridge line location of the site
2. Total lack of conservation value vegetation
3. Cleared and rural residentially developed nature
4. The historic usage of the adjacent sites for non urban uses

ensure that the most applicable designation of the site is **RU2 Rural Landscape**.

- Finally we draw your attention to the NSW Standard Instrument, Direction 2 below;

‘Standard Instrument—Principal Local Environmental Plan’

[Land Use Table](#) [Direction 2](#)

Direction 2.

*Specified uses may be added to **(but not removed from)** the list of development that is permitted or prohibited in a zone.*

Additional uses may be added to an item of a zone even if some uses are already specified in that item.

Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.”

I have attached files below that contain detailed versions of the above.

Regards,

John Connolly (On behalf of the owners WG & LK Englefield)

**5 James View Court
Coorabell NSW 2479**

13 September 2018

**The General Manager
Byron Shire Council
PO box 219, Mullumbimby NSW 2482**

12 September 2018

Dear Sir,

RE: Consultation on the proposed RU6 land use zone

This submission is our response to council's proposed RU6 Transition Zone to replace the 7(d) deferred zone as it currently applies to **Lot 1 DP246347 (5 James View Court, Coorabell 2479)**

Dual Occupancy

In the interests of fairness and consistency in this case, it is preferable that the 7(d) deferred zone be replaced by an **RU2 Rural Landscape Zone**, as the site sits well below the dominant southern ridge line. Furthermore, we believe that it is inconsistent to allow **B&B, Eco tourist facilities, home industries, restaurants** and the like to be included in RU6 Zone, but not **Detached Dual Occupancy (RU2 Rural Landscape)**. Clearly Detached Dual Occupancy would have a much lesser environmental and visual impact than the proposed allowed developments.

A merit-based approach to Dual Occupancy applications would be a far fairer adoption. We also believe **Detached Dual Occupancy** is appropriate to this property and should form part of the permissible options in rezoning for the reasons given below.

The site

The existing dwelling on site sits at **RL 135m AHD** – whereas the ridge line to the south has an elevation of **200m AHD**. Therefore, the existing building on site sits **65m below** the **southern ridge line**. Additionally, the dwelling sits **35m below** the level of **Coolamon Scenic Drive** and is well hidden behind substantial established trees and vegetation to the south, west & north east, thus ensuring that it cannot detract from the visual amenity of the area.

We respectfully request that council consider a brief site visit to the property so that an explanation of the above facts can clearly demonstrate that only an **RU2 Rural Landscape Zoning** is appropriate in this case.

Furthermore and most importantly, we remind Council of its obligations of the **NSW Standard Instrument, Direction 2**, which I quote below*

*** 'Standard Instrument—Principal Local Environmental Plan'**

[Land Use Table Direction 2](#)

Direction 2.

Specified uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1."

RU2 Rural Landscape Zone

Finally, council is aware that (attached) **Dual Occupancy** is currently a permissible land use within the **7(d) Zone**.

The proposed **RU6** Land use Table **does not** contain the provision of **Dual Occupancy**.

The adjacent **RU2 Rural Landscape Zone** *permits* **Dual Occupancy** as long as Dwellings are within 100m of each other.

As this new provision relates to adjacent **RU2 Rural Landscaped** land, and as **Dual Occupancy is currently permissible within the 7(d) Zone**, then it is imperative that Council strictly adhere to the requirements of **Direction 2 (Land Use Tables) in the Standard Instrument provisions**.

In everyday language and to be fair to those residents currently living in the current 7(d) zoning, it is imperative that at the very least, 'like-for-like' be applied to any replacement zoning.

Thank you for this opportunity to comment on the proposed zoning changes as they potentially affect our family home.

Yours sincerely,

WG & LK Englefield



Susanna & Grant Evington
84 Coolamon Scenic Dr
Coorabell
NSW 2479



8.11.18

To Whom it may concern,

We live at 84 Coolamon Scenic Drive.

Regarding the proposed zoning changes to our land, it was previously zoned 7(d) Scenic Escarpment, which permitted attached Dual Occupancies under Clause 17 of the Byron LEP 1988. The proposed new RU6 zone will not permit this. We wish to retain the right to apply for and build dual occupancies as a permitted use. We support the submission from Balanced System Planning Consultants to allow the permitted use of Dual Occupancies in the new RU6 zone.

Sincerely,
Grant and Susanna Evington

23rd September , 2018

Mr Alex Caras
Land Use Planning Coordinator,
Byron Shire Council
Email :submissions @byron.nsw.goc.au

Dear Alex

Subject: RU 6 Transition Zone
248 Broken Head Road
Suffolk Park.

Ms Gower_Toltz and Mr Joren Gower have received your letter of 31st August, 2018 regarding the use of the RU6 Transition zone to replace the former 7(d) Scenic Escarpment Zone of the 1988 LEP.

I have met with the owner, and I have inspected the site on a number of occasions with respect to the zoning issues being proposed by Council over the past two years, and in particular the proposed E2 zone on the eastern side of the property.

Whilst Mr and Mrs Gower have a small farm they respect the environmental values of their property and in particular they ensure that the coastal habitat , previously zoned 7(d) is protected and maintained. We have made a number of submissions to Council with regard to maintaining a Rural zone through the centre of the site so that the owners can use this area in a meaningful way.

With regard to the permissible uses in the RU 6 zone , the owners believe that those uses are appropriate for the zone.

However , they do strongly object to the inference that the original 7(d) mapped in relation to this site is correct.

I wrote to you on their behalf on 14th May, 2018 , submitting a map of what was considered the acceptable zone boundary for a possible RU6 zone, but to date have had no reply. (Attachment 1)

In further response to your letter of 31st August , I have contacted the Planner who was responsible at the time for the mapping of the Scenic Escarpment Zone for the 1988 LEP. He advises me again,, as he did several years ago when I contacted him about some oddities at another site , that his mapping was done without any scientific or geographic research and were set out more on a notional or philosophical premise.

The objective of protecting the scenic areas and steep escarpments of the Shire is supported and there is no objection to the zone itself.

In this area of Suffolk Park, the lands rise steeply off the coastal strip, and on this allotment the steep lands commence to the west of Mr and Mrs Gowers house. The house itself sits on a gentle plateau as you can see from the Aerial and Contours Plan (Attachment 2).

“Escarpments” are steep lands by definition, and rise from 50metres ahd , to the top of the escarpment around 90 m ahd. It is this land that should be zoned RU 6, it provides a backdrop or

“curtain” to Suffolk Park when viewed from the east, and should be delineated with some research rather than accepting decision making from circa 1988, that the Planner indicates was done without any depth of research.

I have provided in Attachment 3 a Site Plan showing the 50 metre ahd contour indicating where the RU 6 zone should commence.

I would be pleased if you could arrange a site inspection to view the property , and the alignment of the RU 6 zone that is considered appropriate.

Yours sincerely

Ray Darney

From: [Holly shiach](#)
To: [submissions](#)
Subject: Re: consultation on RU6 transition
Date: Tuesday, 30 October 2018 4:09:36 PM

Hello,

I wrote an email to the given address for questions on the RU6 transition proposal:

steve.daniels@byron.nsw.gov.au

at the beginning of the consultation period when I first received notification of it by mail.

I awaited response to my questions so that I could make an informed submission.

I received no response.

I have missed the consultation period window because of this. I was following the protocol laid out in Councils letter and so it feels unfair that I may be excluded from the submission.

I would still like a reply and the opportunity to submit.

In the meantime please accept this as my submission:

“I support the submission by Balanced System Planning Consultants to allow the permitted use of dual occupancies in the new RU6 zone.

In addition, Land currently zoned as “scenic escarpment “ that is better suited as RU2 agricultural land, for example, sections that are cleared and lie in the Myocum Valley, should be zoned as RU2. This includes sections of our property that are currently used for grazing.”

Please confirm receipt of my letter and I hope that you can include my submission given the circumstances. Thankyou.

Best regards,

Holly Shiach

1142 Coolamon Scenic Drive

Montecollum NSW 2482

[Sent from Yahoo Mail for iPhone](#)

From: Holly shiach
Sent: Saturday, 1 December 2018 3:58 PM
To: Chapman, Michelle
Subject: Re: consultation on RU6 transition

Hi Michelle,

My main concerns are

1. that our land in the valley that is already paddock grazed by cattle be zoned rural
2. that dual occupancy remains an option in the scenic escarpment zone
3. That protections apply to riparian and steep forested areas to preserve and restore native forest in key areas of environmental significance and vulnerability

Thanks

Holly

16TH October 2018

The General Manager
Byron Shire Council

Dear Sir,

Submission – Dual Occupancies within the Proposed RU6 Transition Zone

In relation to the proposed RU6 Transition zone under the *Byron Local Environmental Plan 2014* we wish to raise the following matters relating to the lack of permissibility of secondary dwellings and dual occupancies within this zone.

1. Objectives of the proposed RU6 zone

It is considered that allowing dual occupancies within the proposed RU6 zone is not anticipated to contradict the objectives of the zone, particularly in relation to the proposed objective as follows:

- *To encourage development that contributes to the Shire's rural landscape character and visual qualities*

Permissibility of dual occupancies or secondary dwellings would encourage development that will contribute and promote the landscape character of these areas particularly the scenic qualities.

2. Reduction in ability for affordable rentals

Further to this, not including any provisions for dual occupancies within the RU6 zones removes the ability to generate affordable rentals in these areas, which would have been permissible within the 7(d) zone. This would also likely create further non-compliant development in the future in order to create affordable housing within the Byron Shire.

3. Generate an increase in "rushed" dual occupancy applications

Currently, within the 7(d) zone an attached dual occupancy is permissible with consent under clause 17 of the *Byron LEP 1988*. The proposed RU6 Transition zone land use table does not include any opportunity for landowners to provide a dual occupancy or secondary dwelling on their properties. This is likely to just fast track any consideration of dual occupancies within these areas under the current 7(d) zoning and an influx of development applications with minimal consideration for the future impact on the surrounding area and the environment.

For the reasons raised within this submission it is requested that a mechanism to allow for dual occupancies to be permissible within the proposed RU6 zone is included within the Byron LEP.

Thank you for taking the above matters into consideration.

Kind Regards

Bob and Helen Hutley



16 Koonyum Range Road, Wilsons Creek

From: ianr2@bigpond.com
To: [Daniels, Steve](#)
Subject: Consultation on proposed RU6 Transition land use zone
Date: Tuesday, 11 September 2018 2:58:47 PM

Hi Steve

Further to our discussions at the Shire Offices this morning, I wish to make the following request —

That the small portion my property at 73 Myocum Road, Ewingsdale currently zoned 7(d) be Included as RU1 Primary Production for the entire property.

The rationale for this request is that

The land is at the lower fringe of land currently zoned scenic escarpment in neighbouring properties.

The land is relatively level and farmed in conjunction with the rest of the property.

Bushfire hazard reduction and car park issues irrelevant.

Inefficient to have such a small proportion of property with different zoning.

Trusting this request receives your favourable consideration.

Kind regards Ian Ritchie

Sent from my iPad

Environmental Zones Review- Byron Shire Council
Submission – Lots 284 and 285 DP 1198641 – 64-66 Corkwood Crescent, Suffolk Park

Byron Shire Council is currently seeking feedback from affected landowners of areas currently identified as a Deferred Matter (DM) under Byron Local Environmental Plan (LEP) 2014.

We understand the DM land to be that land deferred from the exhibited Draft Byron LEP 2012 and ultimately the approved Byron LEP 2014. The subject land is therefore presently regulated in part by both Byron LEP 2014 and Byron LEP 1988.

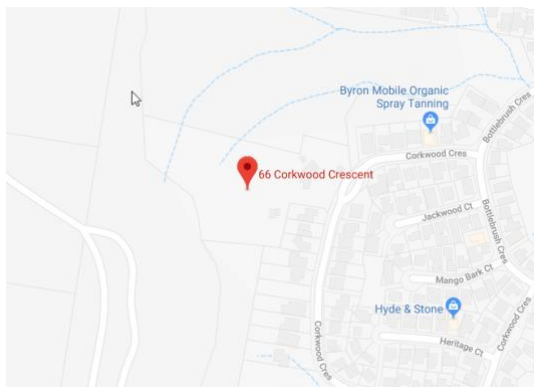
This submission refers to the above-mentioned properties on the south western edge of Suffolk Park, Byron Bay.

The land is immediately adjacent and incorporated with the Byron Hills Subdivision that was initially constructed more than 20 years ago. Both Lots have road frontage to Corkwood Crescent Suffolk Park. This Street and locality is residential land featuring both single and two storey dwellings. The subdivision also features some medium density residential and open space areas. To the west of the subject site outside the Deferred Matter area is the Coopers Shoot escarpment. This area features R5 Large Lot residential land.

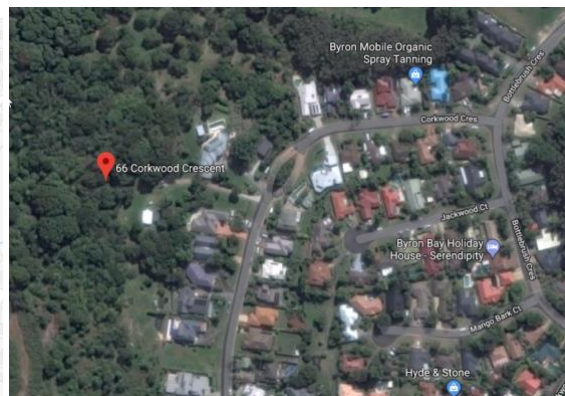
Please note Plan 1 below is an outdated street map plan as the subject Lots were originally a single parcel of land prior to a subdivision approval in 2009.

Plan 1: Street Map

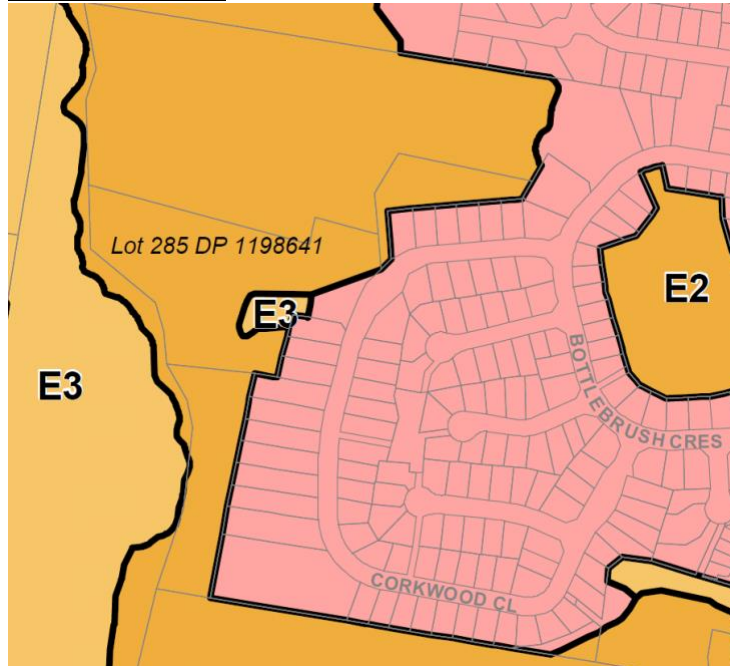
Source Google Maps



Plan 2: Satellite



Plan 3 – Deposited Plan



The purpose of this submission is to review the zonings proposed by Byron Shire Council against the Final Recommendations of the *Department of Planning and Environment Northern Councils E Zone Review*.

1. When will E zones be applied?

- *E2 and E3 zones will only be applied if the primary use of the land is considered to be environmental conservation (E2) or Environmental Management (E3) and the land contains attributes which meet one or more of the criteria for an E2 or E3 zone (Tables 1 and 2).*

Submission- The landowners have commissioned an independent appropriately qualified ecologist to conduct an environmental assessment of the site against the provisions of the DP&E's Final Recommendations and with regard to the Byron Council's E zone proposal.

Our independent expert's ecological assessment (Attachment 1) has confirmed that while a portion of each of these two Lots would qualify under the E2 criteria described in Table 1, assuming that the threshold test for "primary use" is established; the ecological findings do not support the extent of land qualifying for E2 in the Council's proposal.

The landowners have no reason to doubt the accuracy of their expert's ecological findings and recommendations and as such accept, in-principle, that a portion of each of the two lots would meet the ecological criteria to support an E2 zoning within that part of the land identified within Attachment 1 to this submission.

The landowners' would support a zoning and boundary adjustment for the E2 lands subject to Byron Shire Council agreeing to accept the findings of this independent assessment and accepting the further findings in relation to those lands outside of the land that meets the E2 ecological criteria.

It is submitted that the remnant land identified as 'outside' of the E2 qualifying land, being land having an established or agreed 'primary use' of 'environmental conservation', do not meet the 'primary use' test for 'environmental management' nor the specific criteria for an E3 zoning, as listed within Table 2 of the E Zone review.

Even if the land did qualify as meeting the criteria for E3, which our independent findings do not support, it is widely understood that where the criteria is verified but the primary use of the land is not consistent with that of an E zoning, it should not be zoned with an E zone, but included within a mapped planning control. Such a control is intended to trigger additional considerations for development requiring approval, but does not bear on the appropriateness of the zoning of land, that is, it is perfectly acceptable for a non-environmentally zoned land to be subject to the additional environmental based merit considerations. This is consistent with the DPE advice to councils provided in Practice Note PN 09-002, which states inter alia that;

"Where the primary focus is not the conservation and/or management of environmental values, a different zone type should be applied. Such zones may be applied in conjunction with local environmental provisions and maps in the principal LEP to identify any special considerations"

The landowners' implore Byron Council to head the DPE advice; and submit that the Byron Council's proposal, showing these portions of the land outside the sensitive environmental (environmental conservation) as E3 Environmental Management, is erroneous, should be amended, and the proposal to apply the E3 zone to the land should be excluded from any amendment to the Byron LEP 2014.

The landowners' unreservedly contend that these lands do not possess the necessary attributes or primary purpose of environmental lands and that to proceed with an E3 zoning would be contrary to the DPE's Final Recommendations criteria and objective.

The detailed ground truthing and site assessment completed by Blackwood Ecological Services is considered an accurate record of the land's ecological values over that of the Byron Council's information or data and should be accepted. This approach is similarly consistent with the approach advised by DPE in their Practice Note PN 09-002, which states inter alia that when:

"...applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves."

The landowners assessment has confirmed that whilst vegetation dominating the western and central parts of the land does support some Littoral Rainforest Vegetation, these areas also contain a significant portion of weed species including camphor Laurel, which dominates the canopy in one part of Lot 285 and occurs sporadically throughout.

Critically, the eastern part of the site contains areas of maintained grasslands with scattered native trees, large camphor laurels and landscaped vegetation.

Given the accuracy and currency of the latest assessment, prepared by the landowners, it is recommended that it be used to inform any future zoning boundary for these two lots, to reflect the recommendations of the E zone review, the primary purpose of the land and the presence and significance of the vegetation class / communities present.

The land to the west of the land will be supported as E2 – Environmental Conservation, subject to the terms described earlier. However, the landowners object to the land to the east of this line within Figure 2 Attachment 1 as being verified as meeting the criteria to support E3 – Environmental Management.

2. How will the primary use of the land be determined?

- *The primary use of the land is the main use for which the land has been used for the last two years.*
- *The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to this land.*

Submission- The primary use of Lot 284 is residential, having a low density residential character. This is supported by Byron Shire's approval of a residential dwelling house; Development Application DA413/2012 in 2012, as evidenced on Council's records.

It is accepted that Lot 284 may contain some land that meets the criteria of E2, per Table 1, however, this does not extend to all of the land and especially not to the land approved by Council for a residential purpose. That area of the land does not qualify when assessed against the E2 criteria. Consequently, and as a matter of fact, the land in its entirety may properly be described as having no less than two primary purposes. That part of the land that has the primary purpose of residential and the remainder of the land having a non-residential purpose and which might be further described as having a rural and to lesser extent environmental management purpose. No part of the land, at least in the preceding 2 years, has actively been used for environmental conservation and as such does not meet the primary purpose test of environmental conservation. Therefore, to overcome the primary purpose test to enable an area of the land to be mapped as E2 the landowner's agreement would be required. This is clearly the intent of the Final Recommendations of NSW Planning.

Based on the landowner's detailed environmental site investigation they would be prepared to accept and support a dual zoning of the land, in accordance with their consultant's recommendations. This should comprise an E2-Environmental Conservation and R2- Low density residential zoning.

When considering the application of the 'primary purpose' test we urge Council to take note that a significant portion of Lot 284 (including the location of the existing approved dwelling) was zoned 2(a) prior to the draft Byron LEP under Byron LEP 1988.

The primary use of Lot 285 is also residential. Residential is the primary and intended use of this portion of land for the past nine years despite the Lot being currently vacant. This main use can be derived from the intent of the previous two landowners and current landowners, along with the maintenance of the land for that purpose.

The land was subdivided in accordance with DA 10.2008.449.1 on 29 April 2009. This subdivision included a dwelling footprint upon Lot 285 identified for future construction and a contaminated land assessment pursuant to SEPP 55 to ensure the land was suitable and appropriate for a residential purpose. This consent also included condition no.20 imposing a restriction on title ensuring any future dwelling upon Lot 285 can only occur after a storm water detention system was placed on the land.

The land also has all the necessary services for residential purposes including reticulated water, sewer, electricity and telecommunications. A substantial hardstand driveway has also been constructed for a distance of approximately 50m along the access handle in preparation of the dwelling. Following completion of this subdivision the previous landowner commenced investigations for the submission of a development application for a single dwelling. Evidence of this intent is provided in Attachment 2- including a Bushfire Report and land survey for vegetation and preliminary town planning report.

Both lots are immediately adjacent to, and part of the established Byron Hills residential subdivision that was initiated more than 20 years ago.

Lots 284 and 285 have not been used for any other purpose since the construction of the Byron Hills subdivision more than 20 years ago. The portion of the two Lots not identified for E2 Environmental Conservation is not suitable for agricultural purposes having regard to its relatively small land area, access and proximity to R2 land. See Plan 2 above. An agricultural zoning would also result in permissible land uses not compatible with the immediately adjoining residential land. Zoning the land RU2 would not have good outcomes for the adjoining E2 land due to increased risk of damage to the environmental land from agricultural purposes permissible without consent.

It is therefore submitted that Lot 285 should also have a split zoning namely part E2 and part R2 – Low Density Residential. This conclusion is supported by a proper application of the Department's E-zone Final Recommendations.

3. What are the E zone criteria?

- *The land proposed to be zoned E2 or E3 must contain one or more of the criteria listed in Tables 1 and 2.*

Submission – The land to the west of the orange line upon both Lots 284 and 285 within Figure 2 of Attachment 1 is listed within the criteria of Table 1 for E2 Environmental Conservation zones.

The land to the east of the red line within Figure 2 of Attachment 1 does not meet the criteria of Table 2 within E zone review recommendations. Namely, the land to the east of

the orange line is not Riparian and estuarine vegetation and wetlands, the land does not contain rare, endangered and vulnerable forest ecosystems and is not native vegetation on coastal foreshores. This has been confirmed by an independent assessment undertaken by a suitably qualified ecologist through a ground truth land survey, including mapped tree survey and detailed site inspection in the last two months. Accordingly, it is considered that the land to the east of the orange line outlined within Figure 2 cannot be zoned E3 Environmental Management as it is not listed within the criteria of Table 2 and such a zoning would be contrary to the recommendations of the E zone review. This is over and above the fact that the primary purpose of the land for the preceding 2 years has not and cannot not be properly described as environmental management, because the absence of actual activity that may be perceived as contrary to an environmental management purpose is not of its self-evidence of the land being used for environmental management. The evidence clearly illustrates an intention and purpose, through routine maintenance and the like of a primary residential purpose with associated, extensive, vegetated garden areas.

4. What is the procedure for applying an E2 or E3 zone to land

- *Council will assess land against the E zone criteria and consider the primary use of the land before proposing an E2 or E3 zone*
- *An E zone can only be applied to land with a primary use of environmental conservation or environmental management and which has attributes that have been verified to meet the E zone criteria*
- *The E zones will not include buffers to the vegetation attributes that that meet the E zone criteria.*

Submission - The portion of land within Lots 284 and 285 to the east of the orange line identified within Figure 2 Attachment 1 does not meet E2 or E3 criteria. This portion of each Lot cannot have an E zone applied as the characteristics of the land do not meet the criteria.

The primary use of eastern portion of each Lot is residential. Evidence to support this primary use has been outlined above and may be further summarised as;

- Lot 284 contains a dwelling and secondary dwelling and is 5926m² in area. This Lot would not support agricultural uses and the characteristics of the eastern portion of the land do not meet the criteria for an E3 zoning.
- Lot 285 does not have the vegetation characteristics to support an E3 zoning. This portion of the 1.98ha to the east of the orange line has a primary use of residential. While currently vacant, a building envelope has been approved in conjunction with the 2008 Development Application and all services have been provided to the land for low density residential purposes. The Lot also contains a hardstand driveway.
- Both Lots have extensive common boundaries with R2 land within the residential subdivision known as Byron Hills Suffolk Park, Byron Bay.
- Both Lots are not sustainable in land area to be zoned for Agricultural purposes, nor would this land be compatible with the adjoining residential land creating an unnecessary potential land use conflict.

It is the landowner's submission that the highlighted / proposed demarcation line provided by the independent ecologist review should provide a boundary between the E2 Environmental Conservation zone and R2 Low density residential zone. The E zone

recommendations clearly state that the E zones will not include buffers to the vegetation attributes that meet the E zone criteria. Therefore, no buffer zone can be provided in between these two zones and nor can the E2 zone be applied for the purpose of a buffer unless the landowner(s) agree.

5. How will the E zone criteria be verified

- *An E2 or E3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the E2 or E3 criteria have been confirmed on that land.*
- *Verification must be undertaken by one or combination of the following*
 - *Biodiversity field inspections and ground surveys conducted by an appropriately qualified person*

Submission- Blackwood Ecological Services possess the necessary qualifications to undertake ground surveys to verify the vegetation on the subject parcels.

The detailed ground survey undertaken by Blackwood Ecological Services is considered a significantly more accurate and reliable independent mapping in comparison to Councils mapping of E zone vegetation. This ground survey has been undertaken at a much smaller scale using surveyed vegetation by an independent land survey. This small scale mapping is considered more reliable and accurate than the large scale aerial mapping undertaken by Council. It is recognised that large scale aerial mapping is reasonable and appropriate for general vegetation mapping. However, it is not considered reasonable to rely upon this large scale mapping for the application of such restrictive zoning on private land when contrary to the strict criteria provided by the State Government, based on site inspections by a suitably qualified person.

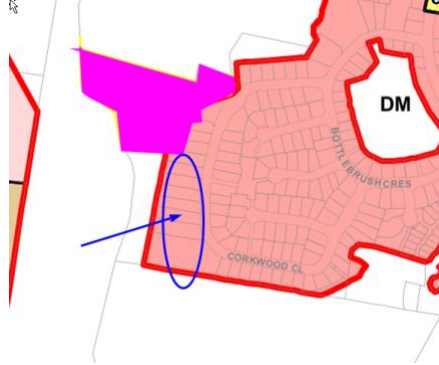
6. Transferring Environmental Zones

- *The areas of land to which the current environmental protection zones listed in the Table 3- (Current Environmental Protection Zones) of the recommendations may be zoned E2 or E3 once Councils have verified the attributes of the land against the criteria.*

Submission; The E zone review clearly states that 7(d) zones were not to be included in the Table 3 – (Current Environmental Protection Zones)

The current zoning of the property is 7(d) Scenic protection- The Dept. of Planning and Environment maintain the position that scenic protection is a matter best assessed at DA stage. Notwithstanding, while the previous zoning was part 7(d), the topographic contours of the Lot portions proposed to be residential are at an RL below existing residential properties immediately to the south fronting Corkwood crescent. It is noted that lots to the south at a similar or higher topographic contour to the subject two Lots have been zoned R2 under the current Byron LEP 2014. It is further noted that the approved building envelope upon the vacant Lot 285 that is primarily zoned 7(d) is in fact at a lower contour than R2 zoned Lots immediately to the south of the subject site. See Plans 6 and 7 below. As a result, these Lots and dwellings to the south of the subject Lots are far more visible upon the escarpment and yet enjoy a R2 zone.

Plan 6; Residential Lots Higher on the Escarpment



Plan 7 – Contour Map



Therefore, it is the position of the landowner that the subject Lots cannot be zoned environmental conservation due to the existing zoning of 7(d) having regard to the recommendations of the E zone review, the current R2 zoning pattern and the on ground topography of the subject site.

7. Private Land Inconsistent with the Criteria

- *Private land may be zoned E2 or E3 despite being inconsistent with the criteria only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner.*

Submission; The eastern portion of the land is inconsistent with the criteria and is not consistent with a negotiated development outcome.

The landowners strongly object to land east of the orange line being zoned environmental.

The landowners do not agree to the land east of the orange line being zoned environmental.

In light of the above, the proposed zoning of the land does not meet the criteria and is not part of a negotiated outcome between Council and the landowners. In our view, the land to the east of the orange line within Attachment 1 cannot legitimately be zoned E2 or E3.

8. N/A

9. N/A

10. Application of Multiple Zones to a Single Property (Split zoned Lots)

- *More than one zone can be applied to properties where the characteristics of different areas of the land reflect the different primary uses of the land*
- *Multiple zones should be minimised as much as possible*

Submission- The application of multiple zones is appropriate to the two subject sites given the subject lots have two primary uses. The zoning pattern has been discussed and justified in detail in this report previously. The two properties should be zoned part R2 Low Density Residential and part E2 Environmental Conservation. This would enable a similar zoning pattern to the Seacliff's Community Title residential development immediately north of the subject site. Zoning part of the land as low density residential will enable the environmental component of the land to be protected and maintained in conjunction with a low density residential development. The intended style of development, similar to Seacliffs would be low density residential that would be sympathetic to the adjoining environmental land that would be conserved in perpetuity.

11. N/A

12. N/A

13. Aesthetic values

Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an E2 or E3 zone or mapped planning controls

Submission- The current zoning of 7(d) is not permitted to be converted to an environmental zone because of its scenic value. The scenic value of the subject two parcels of land has been described previously and as stated they cannot be zoned environmental conservation on the basis of their scenic value, irrespective of significance.

The Landowner's object to any zoning based on the qualitative and subjective scenic value of the land.

14. N/A

15. N/A

16. Section 117 Directions – See Attachment 3

17. N/A

18. N/A

Conclusion

- The landowners of the subject two properties will accept an E2 – Environmental Conservation zone for part of the land that meets the criteria of the E zone recommendations
- The landowners are not prepared to accept the eastern sections of the subject two parcels as E3- Environmental Management or an Agriculture zone having regard to the Department of Planning and Environment criteria by which Council is bound to abide by.

- Satisfactory evidence has been provided within this submission that the primary use of both parcels is low density residential.
- Satisfactory evidence has been provided within this submission that the primary use of both Lots is not agriculture, and any application of an agricultural zone would have adverse outcomes for the environmental land and adjoining residential land.
- The two subject lots do not meet the E3- Environmental Management criteria, accordingly, cannot be zoned as such, consistent with the recommendations of the E zone review.

Attachment 1 – Site Assessment – Blackwood Ecological Services

Attachment 2 – Evidence of Future Use of Lot 285 As Residential

Attachment 3 – Section 117 Direction

From: >
Sent: Sunday, 23 September 2018 4:58 PM
To: submissions
Subject: Proposed 'RU6 Transition Zone' (LEP 2014)

Description of land 4/258394
RU 1 zoned

Response to proposed changes:

I wish to retain my property as RU 1 alongside my neighbours. Over the past decades I've re-afforested the top 3rd of property to native trees and established a environmental corridor for wildlife.

Koalas are here, birdlife abounds, marsupials regularly visit. I was given 7(d) Scenic Escarpment and very limited support options back then.

In the RU1 Primary Production options 'permitted with consent' I don't support open cut mining, extractive industries, helipads nor airstrips.

In RU 2 Rural Landscape options I do not support extractive industries, depots, nor livestock processing industries.

Will aim to get rid of a few camphor laurels and a few pesky pine trees uphill in future so some access uphill is important for ecology.

Honoured that the farm was listed as "significant Tallowwood regrowth" in BLEP 1988 Scenic Escarpment as planted them all and a variety of rainforest trees. Carried water weekly. Gotta laugh.

I support the RU 1 option with my few dissents noted.

Kind Regards, Mr. John Foley

From:
To: [submissions](#)
Subject: Submission: Proposed RU6 Transition land use zone
Date: Tuesday, 11 September 2018 12:05:22 PM

Your reference: E2018/65635

Thank you for your letter of 31 August 2018 in which feedback was invited on the proposal to introduce a new land use zone - RU6 Transition.

We support Council's proposal to protect the Shire's scenic escarpment areas from inappropriate land use and development by the introduction of a RU6 transition land use zone.

There are two aspects we would like to comment on:

- 7(d) Scenic Escarpment zoning permitted with consent attached dual occupancy and we believe that the new RU6 zoning should replicate this feature.

An attached dual occupancy allows the ability to provide independent housing accommodation for aging or invalid members of a family. It also provides a potential solution to address affordable housing issues. Both can be achieved without detriment to the Shire's visually sensitive areas.

To remove from RU6 zoning an option that was previously available under 7(d) zoning might also lead to unintended devaluation of property land values.

- We also believe that any bushfire hazard reduction works and/or environmental protection works should only be permitted with prior consent under RU6 Transition zoning.

The removal of escarpment remnants needs to be avoided at all costs. Sadly, existing escarpment remnant vegetation continues to be removed under the pretense of bushfire hazard reduction, environmental protection or fencing realignments.

Keith and Robyn Bauer
3 Browns Crescent
McLeods Shoot NSW 2479

Luke Bashforth
202 Mullumbimby Road, Mullumbimby
P: 0412 425 405
E: jmbash@bigpond.com

Date: 4th October 2018

The General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Feedback – Proposed RU6 Transition Zone (LEP 2014)

Land in Question – Lot 249 DP 755692 (Myocum)

Dear Sir,

Background

I refer to the recent letters sent out to land owners in regards to the new land use zone RU6 Transition, to be implemented on land currently zoned as 7(d) Scenic Escarpment of the Byron LEP 1988, where environmental zone criteria are not achieved.

I will soon be the owner of part of Lot 249 DP 755692 (currently part of a subdivision, along with Lot 1 DP 1233178 & Lot 2 DP 603516). Lot 249 is zoned 7(d) under the 1988 LEP and is proposed to be zoned RU6. Lot 1 & Lot 2 are zoned RU1 Primary Production.

Proposal

- Lot 249 to be zoned RU1.

Argument

- Lot 249 would be more appropriately zoned RU1.
- The site is not in a prominent visual location, it is not on the primary 7d escarpment area along Coolamon Scenic Drive. The current 7(d) zoning is not correct and has never been, Council's intention to swap like for like zoning is disappointing when the current zoning is clearly incorrect and there does not appear to have been any effort to investigate this matter.
- Lot 249 is surrounded by properties zoned RU1.
- RU6 is not an environmental zone, it is not consistent with the E-zone review undertaken by the state government. Council's only option is to zone this land RU1 as it is and has been used for primary production purposes for over 100 years.

Thanking you in advance for your consideration to this matter. Please contact me if you require further information or have any questions.

Yours sincerely,

Luke Bashforth



The General Manager,
Byron Shire Council.

7th September 2018

LM&MJ&HD Wheatley
1029 Main Arm Rd
Mullumbimby NSW 2482

Re: "Proposed RU6 Transition Zone"

Dear General Manager,

Reference is made to the above being your proposal to change 7(d) Scenic Escarpment zone to RU6 Transition.

We note that in this proposal for RU6 the option for the "clearing of land" has been removed.

The right to the "clearing of land" is essential to the viability of our livelihood, such a use has existed on our property for over 100 years and is as such an Existing Use Right.

We reject absolutely any proposal that impinges upon this right.

All Rights Reserved.

H. P. Wheatley
L. M. Wheatley
M. J. Wheatley

From: [reg1](#)
To: [submissions](#)
Cc: [Daniels, Steve](#)
Subject: RU6 Transition Feedback * all good *
Date: Friday, 28 September 2018 10:52:34 AM
Attachments: [Wallaby-James-Veiw-Court.jpg](#)

If I understood your 31 Aug 18 letter (& chat with Daniels) correctly we are VERY GLAD to hear that the new zoning for James View Court ((7(d) Scenic Escarpment)) will Transition to RU6 to become even more restrictive then before. That's great news - to preserve what we love about this special spot. See attached Wallaby picture from my east facing window. We hope your new rules will preserve the conditions that make this land welcoming to this friend. I fear it's the end of an era.

Compared to what this area looked and felt like 5 years ago, sometimes I worry that unchecked alternations to the area could make us feel like - 'welcome to the suburbs' which is exactly what we were escaping from by moving here. We were escaping not only from the visual and stress aspects of the suburbs but also the microwave radiation from towers and neighbours' wi-fi as my wife is extremely electro-sensitive - a new demographic these days.

We are glad to see there are no car parks in the RU6 because the scenic lookout carpark (Scarabalotti's lookout up the road from James View Crt) has become an unapproved camping/caravan ground. The 'campers' sometimes dump rubbish in our bins and leave other waste behind.

Also, we're glad to see there is no clearing of land for RU6. And happy to see road side stalls included as these can be wonderful for buying local produce. And very glad to see that Air BNB's and other dwellings are prohibited without the council's permission. IS knowing of one and not reporting it considered by council aiding and abetting or an accessory after the fact?

NEWS:

TODAY we received a letter drop from an organisation calling itself:

coorabell.landowners(@gmail.com)

asking us to support their wish to permit Dual Occupancies in the new RU6 zone, but we would like to make it CLEAR to YOU that we most definitely do NOT and applaud your WISDOM to dis-allow it in the new RU6 zone for our area. Be assured that we AGREE WITH YOU to tighten restrictions to keep the suburbs away from here.

Good work and Many thanks,

Michael & Vicki Stavrou
PO Box 1208 Mullumbimby, NSW 2482
Tel: 6684 4060 Mob: 0403 441 848

From: [Maritza Cuffe](#)
To: [submissions](#)
Subject: Consultation on proposed RU6 Transition land zone. Yours 31.8.2018
Date: Friday, 5 October 2018 10:39:32 AM

(Our Parcel no/S: 12930)
1140 Coolamon Scenic Drive
Montecollum 2482
LOT 5DP 735699

The General Manager,

Dear Sir,

With regard to your above letter in connection with proposed new RU6-Transition Zone, we believe that we should retain the right to apply for Dual Occupancies (attached and detached) as do the owners of all other Rural Zoned land in the Shire.

We also support the submission from Balanced System Planning Consultants to allow the permitted use of Dual Occupancies in the new RU6 Zone.

Yours sincerely,

(Mrs) M. Cuffe

Sent from my iPad

4 October 2018

1/81 Moray Street
NEW FARM QLD 4005

Mr Alex Caras
Land Use Planning Coordinator
Byron Shire Council

By email: submissions@byron.nsw.gov.au

Dear Mr Caras,

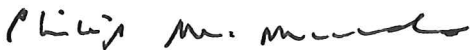
Consultation on the proposed RU6 Transition land use zone

Thank you for your letter of 31 August 2018, informing us of what is proposed for a new land use zone, RU6 Transition.

We have read the material attached to your letter as well as the Northern Councils E Zone Review Final Recommendations Report. As your material says, the State Government has advised councils that they are not permitted to use scenic or aesthetic values as an attribute to apply an E Zone or mapped planning controls. We do not pretend to have a perfect understanding about this, but it would appear that the proposed RU6 Transition zone would impose mapped planning controls on the basis of scenic or aesthetic values, because it is for the protection of those values that land such as ours is presently located in the 7(d) Scenic Escarpment zone and would be likely to be placed within this proposed new zone.

Would you be good enough to explain this for us?

Yours sincerely,


Philip and Margaret McMurdo

76 Coolamon Scenic Drive,
COORABELL NSW 2479

1st October, 2018

Byron Shire Council
MULLUMBIMBY

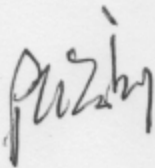
Submission re: proposed RU6 Transition Land Use Zone

We are the owners of the property at 76 Coolamon Scenic Drive which will be affected by the proposed new RU6 Zone.

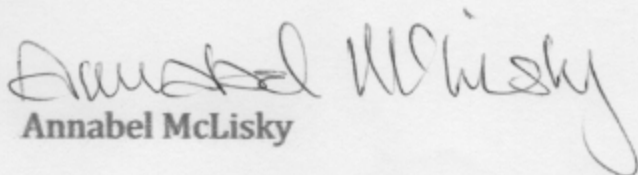
Most of the allotments on the existing 7 (d) zoning are large and could easily accommodate a small, attached or detached dwelling, and this is possibly why many people have purchased property in this zoning.

We see no reason to change the status quo (clause 17 of 7(d) zoning) which permits an "attached" dual occupancy, other than also allowing "detached" secondary dwellings. This with the proviso that any application for an additional dwelling would be assessed by Council for it's scenic impact.

We wish to give our full support to the feedback prepared by Balanced Systems Planning Consultants with regards to allowing Dual Occupancies (both attached, and detached) in the new zone.



Paul McLisky



Annabel McLisky

From: tsicalas@nor.com.au
To: [submissions](#)
Cc: coorabell.landowners@gmail.com
Subject: Proposed RU6 Transition land use zone
Date: Thursday, 4 October 2018 8:16:56 AM

The General Manager
Byron Shire Council

Our property is zoned 7(d) Scenic Escarpment at 1116 Coolamon Scenic Drive, Montecollum.

Currently the zoning permits attached Dual Occupancies on 7(d) and we wish to lodge an objection to the removal of this permitted use in the new zoning RU6 - Transition Zone.

We believe that we should retain the right to apply for, and build Dual Occupancies (attached or unattached), as do the owners' of all other Rural Zoned land in the Shire. We have the capacity to accommodate Dual Occupancy while still maintaining the rural and visual qualities of the escarpment; an aesthetic value we support.

We support the submission for Balanced System Planning Consultants to allow the permitted use of Dual Occupancies (attached and unattached) in the new RU6 Zone.

Peter and Susan Tsicalas
1116 Coolamon Scenic Drive
MONTECOLLUM
30 Sep 2018

From:
To: [submissions](#)
Subject: Proposed "RU6 Transition Zone" [LEP 2014]
Date: Wednesday, 12 September 2018 4:59:18 PM
Attachments:

Submission to Byron Shire Council on the proposed 'RU6 Transition Zone [LEP 2014] :

12/9/2018

1. I agree with the objectives and intent of the proposed LEP amendment.
2. I agree with an RU6 zone and its uses.
3. The purpose of this submission is to request a provision be placed within the LEP to allow for the circumstance described below.

Adding this provision is completely consistent with the intent of Council's LEP amendment.

4. The circumstance applies to the subject property listed below and is considered to most likely apply to other properties within the shire.

The circumstance:

- The rural property [DP 4/258464 and DP 2/1206691] is in Dingo Lane Myocum and is mainly RU2 [approx. 85%] with an elevated portion of proposed RU6 area.

The property has an approved dwelling in the portion of the site within the proposed RU6 area.

- The landowner seeks to attain approval for a dwelling in the RU2 area and achieve a detached dual occupancy approval i.e. one dwelling in RU2 area and one dwelling in RU6 area. This is consistent with the right that most rural properties have.
- The solution to this circumstance is an additional provision in the LEP which allows for such situations where a property has both zones.
- The outcomes achieved by introducing this proposed provision are consistent with Council's intent not to have multiple dwellings in the RU6 zone.
- this property has the proposed scenic values of an RU6 area already protected [other than the existing approved dwelling] because it is subject to an 'In Perpetuity Vegetation Property Agreement' [signed in the year 2000]. The proposed RU6 land has thus been extensively revegetated with local native species already achieving the intended scenic protection outcomes.

Summary: I request that council creates an additional provision in the 2014 LEP allowing those who have an existing approved dwelling in RU6 to be able to have a detached dual occupancy where the proposed additional dwelling is on a non RU6 zone and in my case RU2.

Sincerely, Peter Westheimer

PO Box 343

Mullumbimby NSW 2482

From:
Sent: Monday, 1 October 2018 9:38 AM
To: submissions
Subject: RU6 zoning proposal

My name is Patrick Burnett I live and own the property at 54 Mango Lane, Coorabell with my wife.

My wife and I will only support the position for the new RU6 zoning proposal if dual occupancy (both attached and particularly non-attached) be allowed under the new zoning proposal. Unless this is the case I DO NOT support the new zoning proposal of the Council.

Yours Sincerely
Patrick Burnett

From: Peter Ryan
Sent: Monday, 24 September 2018 3:24 PM
To: submissions
Subject: RU 6 Transition Zone; Submission by Brunswick Valley landcare

It is vital that the scenic and aesthetic qualities of Byron Shire be retained on escarpments. It is the unbroken skyline that appeals to residents and visitors, and sets the Shire apart for other north and mid coast towns and regions.

These zones are also where much of the old growth trees and the most complete biodiversity remain.

It is important they be retained.

Strong and enforceable controls need to be in place in RU 6 zones to ensure housing and other development (with consent) remain below or behind the ridgelines and at appropriate heights. The lure of a scenic view to a developer is as strong as the desire of the Shire residents and regulators to maintain the Shire's scenic qualities.

Controls on the style and size and heights of development in RU 6 zones, especially proximity to the cliff-lines, therefore needs to be clear, enforceable and the penalties sizeable enough to outweigh the developers who brush off a small penalty in order to build whatever they want.

Thank you,

Peter Ryan
President, Brunswick Valley landcare Inc.

From: Peter Wolf
Sent: Thursday, 6 September 2018 5:03 PM
To: Daniels, Steve
Cc: Green, Joanne
Subject: RU6 Boundaries Allocation / Parcel 40140

Hello Steve,

Thank you very much for your valuable time today. It was very a very pleasant experience for me today at the council offices. I appreciate that I had the opportunity to discuss the rezoning of my land in person with you. In general I am happy for the council to change the entire area into an E2 zoning as explained today by you. I also appreciate the idea to have the new RU6 zoning as close as possible to the old 7d zoning.

With interest I have been made aware of by you as to where the new RU6 zone will be on my land. We both acknowledged that this has been done with maps at hand and as a rough outline. As I understand...your department is happy to meet land owners on site in order to discuss and eventual realign the proposed RU6 "boundaries" within the new E2 zoning.

As the council is welcoming comments, input and feedback for the proposed change, I strongly would like to point out that in my view the dual occupancies should be allowed within the RU6 zoning! The affordable housing crisis within the Byron Bay shire could potentially see relief if people would be allowed according to LEP 2014 to build a second dwelling within that strict outlined new zone RU6. A second dwelling would not impact in any form and shape the goals of the E2 zoning! All the needed infrastructure is already in place and the dwelling would only be possible within the RU6 zone. RU6 is a the zone which is the land is being cleared and full of buildings and infrastructures in the first place.

I would like to point out that I am not agreeable to the proposed RU6 zoning on my land as it has been done in an office without consideration of the actual shape of the land as well as existing infrastructure in place. I am very happy to hear from you that the council and you are agreeable to come out and assess the proposed RU 6 zone in question.

Therefore, I look forward to hearing from you or Joanne at your convenience in order to make an appointment to come and assess the RU6 zone my property in Koonyum Range.

Thank you very much again for your corporation and understanding in this matter.

Kind regards,

Peter Wolf

5 Koonyum Range Road,
Wilsons Creek

Chapman, Michelle

From: Peter Wolf <peterwolf@email.com>
Sent: Wednesday, 19 September 2018 3:17 PM
To: submissions
Subject: Proposed E2 / RU 6 zoning

Hello Council,

I strongly hope, that it will be allowed in the new established E2 / RU6 zoning, to have secondary dwellings in place according to LEP 2014. Property owners will be hit with the E2 zoning on their lands. So most of the land becomes protected. That is fair enough I guess. On the other hand it should be allowed to be able to make the most use of the little remaining RU6 zone on each property.

I hope that secondary dwellings will be part of the new RU6 zone.

Feel free to contact me for any question or information.

Kind regards,

Peter Wolf
0410 580 240



5 October 2018

Our reference: 1394.2604

abn: 56 291 496 553

6 Porter Street, Byron Bay, NSW, 2481

PO Box 538, Lennox Head, NSW, 2478

Telephone: 1300 66 00 87

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2478

Email: submissions@byron.nsw.gov.au

Attention: Mr Steve Daniels

Dear Mr Daniels

RE: Consultation in relation to the Proposed RU6 Transition Land Use Zone – Parcel No. 113060, No. 874 Coolamon Scenic Drive, Coorabell

PLANNERS NORTH has been engaged by the owner of Parcel No. 113060, No. 874 Coolamon Scenic Drive, Coorabell to prepare a response to Council's correspondence dated 31 August 2018, advising of the proposed application of the RU6 Transition Land Use Zone to the subject site.

As indicated in Council's correspondence, it is proposed to apply the RU6 Zone to land presently identified as Deferred Matter in accordance with Byron Local Environmental Plan 2014 (BLEP14) which does not meet the criteria for the application of an environmental zone. The land to which the zone will apply generally comprises land currently zoned 7(d) Scenic Escarpment in accordance with the provisions of Byron Local Environmental Plan 1988 (BLEP88).

Whilst our client raises no significant objection to the introduction of the RU6 Zone and its application to areas of the site presently zoned 7(d), it is submitted that the land uses identified should be amended to include dual occupancy and secondary dwellings.

Dual occupancy in an attached form is presently permissible in accordance with the provisions of BLEP88 on land zoned 7(d) Scenic Escarpment. This is consistent with dual occupancy development previously permitted on land zoned 1(a) General Rural and other non-urban zones. Following the gazettal of BLEP14 a subsequent amendment to the plan was made to permit dual occupancy in a detached form on non-urban zoned land including the RU1 Primary Production and RU2 Rural Landscape zones. The application of these provisions did not extend in to land zoned 7(d) Scenic Escarpment as it was deferred from the 2014 BLEP.

It is submitted that the provisions of Byron Development Control Plan 2014 (BDGP14) are adequate to address any concerns relating to the potential visual impact of development in areas of visual significance.

For the reasons outlined above, we submit that the land use table for the proposed RU6 Zone should be modified to include dual occupancy both attached and detached, and secondary dwellings.

Should you require any additional information or wish to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH

Kate Singleton RPIA

PARTNERSHIP PRINCIPAL

(m) 0438 803 021

(e) kate@plannersnorth.com.au



abn: 56 291 496 553
6 Porter Street, Byron Bay, NSW, 2481
PO Box 538, Lennox Head, NSW, 2478
Telephone: 1300 66 00 87

5 October 2018
Our reference: 1374.2602

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2478

Email: submissions@byron.nsw.gov.au

Attention: Mr Steve Daniels

Dear Mr Daniels

RE: Consultation in relation to the Proposed RU6 Transition Land Use Zone – Numbers 93, 95 & 153 St Helena Road

PLANNERS NORTH has been engaged by the owners of No. 93, No. 95 & No. 153 St Helena Road McLeods Shoot to prepare a submission in relation to the proposed amendment to Byron Local Environmental Plan 2014 (BLEP14) to include the RU6 Transition Zone.

Council's letter dated 31 August 2018 notes that it is intended to generally apply the RU6 Transition Zone to land presently zoned 7(d) Scenic Escarpment in accordance with the provisions of Byron Local Environmental Plan 1988 (BLEP88). The letter also explains that land uses permissible with development consent in the RU6 Transition Zone will generally reflect those presently permitted in accordance with the 7(d) Scenic Escarpment Zone Byron Local Environmental Plan 1988 (BLEP88).

It is our client's submission that dual occupancy development should be identified as a permissible use in the RU6 Transition zone. The provisions of Clause 17 of BLEP88 presently provide for dual occupancy in an attached form within the 7(d) Scenic Escarpment Zone. This form of development was also permitted in rural zones in accordance with the provisions of BLEP88 prior to the gazettal of Byron Local Environmental Plan 2014 (BLEP14).

A subsequent amendment to BLEP14 permitted dual occupancy both attached and detached following consultation between the State government and several Northern Rivers Councils. It is submitted that an accurate reflection of the permissible land uses in the current 7(d) Zone would provide for dual occupancy development in the RU6 Transition Zone. The provision for dual occupancy should also correspond with the current policy position for dual occupancy in non urban areas which provides for dual occupancy in both an attached and a detached form.

It is our view that the provisions of Byron Development Control Plan 2014 (BDCP14) relating to visually prominent sites are adequate in terms of addressing any potential impacts of development on the visual amenity of these areas.

Further, we submit that it is also appropriate to identify secondary dwellings as permissible land use in the RU6 Transition Zone.

Our clients are otherwise not opposed to the application of the RU6 Transition Zone to the subject land.

Should you require any additional information or wish to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH



Kate Singleton RPIA

PARTNERSHIP PRINCIPAL

(m) 0438 803 021

(e) kate@plannersnorth.com.au



abn: 56 291 496 553
6 Porter Street, Byron Bay, NSW, 2481
PO Box 538, Lennox Head, NSW, 2478
Telephone: 1300 66 00 87

5 October 2018
Our reference: 1640.2603

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2478

Email: submissions@byron.nsw.gov.au
Attention: Mr Steve Daniels

Dear Mr Daniels

RE: Consultation in relation to the Proposed RU6 Transition Land Use Zone – No. 685 Myocum Road

PLANNERS NORTH has been engaged by the owners of No. 685 Myocum Road, Myocum to prepare a submission on their behalf in relation to the proposed application of the RU6 Transition Land Use Zone to their land. Whilst the land owners are not opposed to the RU6 Transition Land Use Zone it is their submission that the land uses permitted within the RU6 Transition Zone should include dual occupancy (attached and detached) and secondary dwellings.

Dual occupancy in an attached form is presently permissible with development consent in the 7(d) Scenic Escarpment Zone in accordance with the provisions of Byron Local Environmental Plan 1988 (BLEP88). Following the gazettal of Byron Local Environmental Plan 2014 (BLEP14) an amendment to BLEP14 was made to permit dual occupancy in both an attached and detached form with specific provisions regarding separation distances (100m maximum).

It is submitted that the land use table for the RU6 Zone should be revised to provide for dual occupancy attached and detached as permissible land uses in the zone. It is also submitted that secondary dwellings should be permissible with development consent within this zone.

We trust that Council will amend the provisions of the RU6 Transition Zone as requested and advise that our clients are otherwise supportive of the proposed application of the zone to areas presently zoned 7(d) Scenic Escarpment.

Should you require any additional information or wish to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH

Kate Singleton RPIA

PARTNERSHIP PRINCIPAL
(m) 0438 803 021
(e) kate@plannersnorth.com.au



abn: 56 291 496 553
6 Porter Street, Byron Bay, NSW, 2481
PO Box 538, Lennox Head, NSW, 2478
Telephone: 1300 66 00 87

5 October 2018
Our reference: 1394.2586

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2478

Email: submissions@byron.nsw.gov.au
Attention: Mr Steve Daniels

Dear Mr Daniels

RE: Consultation in relation to the Proposed RU6 Transition Land Use Zone – Parcel No. 49670

PLANNERS NORTH has been engaged by the owners of Parcel Number 49670 to prepare a submission in relation to the proposed RU6 Transition Land Use Zone. Whilst the owners are not opposed to the application of the RU6 Transition Zone they do have concerns regarding the permissible land uses indicated in Council's letter dated 31 August 2018.

The material provided by Council indicates that it is intended to essentially translate the land uses currently permissible in the 7(d) Scenic Escarpment Zone in accordance with the provisions of Byron Local Environmental Plan 1988 (BLEP88) into the RU6 Transition Zone in accordance with the provisions of Byron Local Environmental Plan 2014 (BLEP14). Whilst the land uses identified as permissible with consent are generally consistent with those currently permitted under the 7(d) Zone, the noted exception is dual occupancy development.

Dual occupancy in an attached form is presently permitted in accordance with Clause 17 of BLEP88. Clause 17 provides as follows:

17 Dual occupancy

- (1) *This clause applies to land within Zones Nos 1 (a), 1 (b1), 1 (b2), 1 (c1), 1 (c2), 1 (d), 2 (a), 2 (t), 2 (v), 7 (c), 7 (d) and 7 (f2).*
- (2) *In this clause, **dual occupancy building** means a building containing 2 dwellings.*
- (3) *Where in accordance with clause 9, development for the purpose of a dwelling-house may be carried out on an allotment of land within Zones Nos 2 (a), 2 (t), 2 (v) or 7 (f2), a person may, with the consent of council:*
- (a) erect a dual occupancy building on the allotment of land,*
 - (b) alter or add to a dwelling-house erected on the allotment of land so as to create a dual occupancy building,*
 - (c) erect 2 dwelling-houses on the allotment, or*
 - (d) erect a dwelling-house in addition to one already erected on the allotment, if, but only if, not more than 2 dwellings will be created or result on the allotment.*
- (4) *Where, in accordance with clause 9, development for the purpose of a dwelling-house may be carried out on an allotment of land within Zones Nos 1 (a), 1 (b), 1 (c1), 1 (c2), 1 (d), 7 (c) or 7 (d) to which this clause applies, a person may with the consent of the council:*

- (a) erect a dual occupancy building on the allotment of land, or
 - (b) alter or add to a dwelling-house erected on the allotment of land so as to create a dual occupancy building.
- (5) The council shall not grant consent as referred to in subclause (3) or (4) unless:
- (a) arrangements satisfactory to it have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling, and
 - (b) the area of the allotment on which the dwellings are or will be erected is not less than 800 square metres.
- (6) Except as provided by subclause (7), the council shall not grant consent as referred to in subclause (3) or (4) unless the floor space ratio of any building on the land will not exceed 0.5:1.
- (7) Where:
- (a) an application is made to the council in accordance with subclause (3) or (4) to alter or add to a dwelling-house to create a dual occupancy building, and
 - (b) the floor space ratio of the dwelling-house before it is altered or added to exceeds 0.5:1, the council may consent to the application if the floor space ratio of the dual occupancy building to be created is not more than the floor space ratio of the dwelling-house before the alteration or addition.
- (8) Where, in accordance with this clause, a dual occupancy building is erected or created, or is proposed to be erected or created, on land within a rural zone, the separate occupation of the several lots illustrated by a proposed strata plan relating to that building is prohibited.
- (9) (Repealed)

As is evident from Clause 17, this clause previously applied to all rural zones, urban zones and some environmental zones including the 7(d) Scenic Escarpment Zone. It is noted that in the case of rural zones and environmental zones only dual occupancy in an attached form was permitted in these zones.

Following the gazettal of BLEP14 an amendment was made to permit both attached and detached dual occupancy within certain rural zones including the RU1 Primary Production and RU2 Rural Landscape zones. The provisions introduced provide for a separation of the dwellings of no greater than 100m². The relevant amendment to BLEP14 did not include land zoned 7(d) as this land was identified as Deferred Matter.

Given that dual occupancy (both attached and detached) is permissible in the RU1 Primary Production Zone and RU2 Rural Landscape Zone, it is considered appropriate that dual occupancies (both attached and detached) also be permitted within the RU6 Transition Zone.

The provisions of Part C, Chapter C3 "Visually Prominent Sites, Visually Prominent Development and View Sharing" are adequate to enable Council to determine applications on their merit in terms of the potential impact on the visual amenity of the area. These provisions will also be applied to other permissible land uses in the zone such as restaurants.

It is also submitted that secondary dwellings should be permitted within this zone.

This amendment to the proposed land use table for the RU6 Transition Zone will maintain the suite of land uses presently permitted in the 7(d) Zone whilst updating the permissible land uses to make them consistent with more recent changes to government policy regarding dual occupancy and secondary dwellings in non-urban areas.

We trust that Council will amend the provisions of the RU6 Transition Zone as requested and advise that our clients are otherwise supportive of the proposed application of the zone to areas presently zoned 7(d) Scenic Escarpment.

Should you require any additional information or wish to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH



Kate Singleton RPIA

PARTNERSHIP PRINCIPAL

(m) 0438 803 021

(e) kate@plannersnorth.com.au



abn: 56 291 496 553
6 Porter Street, Byron Bay, NSW, 2481
PO Box 538, Lennox Head, NSW, 2478
Telephone: 1300 66 00 87

11 October 2018
Our reference: 1394.2618

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2478

Email: submissions@byron.nsw.gov.au
Attention: Mr Steve Daniels

Dear Mr Daniels

RE: Consultation in relation to the Proposed RU6 Transition Land Use Zone – 330 Coolamon Scenic Drive

PLANNERS NORTH has been engaged by the owners of 330 Coolamon Scenic Drive to prepare a submission in relation to the proposed RU6 Transition Land Use Zone.

Our client has been away and only became aware of the proposal after the closing date. We trust that Council will still take this submission into account.

The application of the RU6 Transition Zone in accordance with the provisions of Byron Local Environmental Plan 2014 (BLEP14) seeks to replace the existing 7(d) Scenic Escarpment Zone in accordance with the provisions of Byron Local Environmental Plan 1988 (BLEP88). This follows the deferral of land zoned 7(d) Scenic Escarpment from the initial gazettal of BLEP14. It is noted that BLEP88 presently permits dual occupancy in an attached form on land zoned 7(d).

Following the gazettal of BLEP14, the plan was amended to also permit dual occupancy in a detached form in certain rural zones, subject to provisions including a maximum distance between the dwellings of 100m.

It is submitted that an appropriate reflection of the existing land use table for the 7D zone, updated to reflect current policy in relation to dwellings in rural areas, would include dual occupancy in both an attached and detached form, as permissible with development consent. It is also submitted that it is appropriate to permit secondary dwellings within the proposed RU6 Transition Zone.

Any potential impacts of development within the RU6 Transition Zone will need to comply with relevant DCP provisions in relation to visual amenity.

We trust Council will consider the submissions made in relation to this issue and include dual occupancy (attached and detached) and secondary dwellings as a permissible land use within the RU6 Transition Zone.

Should you require any additional information or wish to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH

Kate Singleton RPIA

PARTNERSHIP PRINCIPAL

(m) 0438 803 021

(e) kate@plannersnorth.com.au

From: Robert Prikulis
Sent: Monday, 17 September 2018 5:53 PM
To: Caras, Alex
Subject: From Robert and Gillian Prikulis, Coorabell - Re: Feedback re proposed RU6 zone

Good afternoon Alex,

Thank you for the opportunity of discussing with yourself our issues of concern regarding the proposed new RU6 Transition zone.

We are in agreement with the three (3) summary points noted below, which represent our position viewpoints, being our feedback, as requested by Council in their letter dated 31 August 2018.

As a former Consultant Land Surveyor, I cannot resist the opportunity of commenting on your supplied imagery of our Coorabell property and surrounds. The land boundaries displayed are substantially shown way out of position, and not correctly related to the reality on the ground. Land boundaries shown need to be moved substantially westerly to show building improvements within the correct lots. In this regard, the technical gurus need to lift their game, which I recognise as not a straight forward task to achieve.

Alex, your continuing update of Council's progress in these planning matters is welcomed and important to us. Your assistance with our enquiries is appreciated.

Sincerely,

Robert and Gillian Prikulis
Coorabell

On 17 Sep 2018, at 5:03 pm, Caras, Alex <Alex.Caras@byron.nsw.gov.au> wrote:

Dear Robert and Gillian,

As per our phone discussion earlier today, the following is a brief overview of the key matters points of your feedback on the proposed *RU6 Transition Zone*:

1. If Council chooses to proceed with introducing a new RU6 zone on land currently zoned '7(d) Scenic Escarpment', then it should be consistently applied to all 7(d) land in the Shire that is otherwise unsuitable for an environmental zone.
2. The RU6 Zone (if introduced) should also allow for a Detached Dual Occupancy subject to the same requirements contained in LEP 2014 clause 4.1D, namely:

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

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

- (a) to provide alternative accommodation for rural families and workers,

(b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,

(c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.

(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that:

(a) the development will not impair the use of the land for agriculture or rural industries, and

(b) each dwelling will use the same vehicular access to and from a public road, and

(c) any dwellings will be situated within 100 metres of each other, and

(d) the land is physically suitable for the development, and

(e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and

(f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

3. If Council chooses **NOT** to proceed with introducing a new RU6 zone on land currently zoned '7(d) Scenic Escarpment', then your preference is to have the *RU2 Rural Landscape Zone* applied to your land on the basis that a Detached Dual Occupancy is currently permissible in that zone.

Please feel free to add to or modify the above information as you see fit. Once confirmed, I will save this correspondence as your submission to the proposed RU6 zone.

Kind regards,

Alex Caras | Land Use Planning Coordinator | **BYRON SHIRE COUNCIL**

P: 02 6626 7097 | F: 02 6684 3018 | E: alex.caras@byron.nsw.gov.au

PO Box 219, Mullumbimby NSW 2482 | www.byron.nsw.gov.au

Find us on Facebook www.facebook.com/byronshire.council

From: RSPooni
Sent: Monday, 22 October 2018 6:11 PM
To: council
Subject: Environmental zone feedback

Hello,

RE: Lot/Section/Plan no: 12/-/DP816147.

I had been away and looking after a disabled family member with cancer during the feedback process (happy to provide evidence).

Our property is all farm land with bananas and mango trees. We also have some camphor trees. How can I get my property updated to not have it classed as a environmental zone.

Thanking you,
Ranjeet Pooni.

General Manager
Byron Shire Council
Po Box 219
Mullumbimby 2482



Re proposed RU6 Zone

As an owner of land impacted by this proposal we wish to request that more of the benefits of the zoning of our adjacent land be included in this zoning.

The example of this is the secondary dwellings which we ask to be included.

We are not suggesting all of the items in RU1 be included but in fairness some should be included.

We look forward to having a good and fair solution to this new planning.

Thanking You


Robert Johnston
1679 Hinterland Way
Ewingsdale
Tel 0418176022

From: Ruby R
Sent: Monday, 15 October 2018 3:08 PM
To: submissions
Subject: RU6 Transition Zoning

Hi,

I make this submission on behalf of my father, Mosze J Rozental, owner of Lot 2, Koonyum Range Road, Wilsons Creek. Our property is currently subject to 7 (d) Escarpment Zoning and we expect a large part of it to become zoned RU6.

We respectfully request that, like other rural zoning in the Byron Shire, that the 'RU6' zoning includes the right to build a secondary dwelling on the Lot. Our property is about 20 acres. It is likely that at least 12-14 of those acres will be marked as Environmental Conservation Area. Ultimately then, the remaining acres will be only useful for residential habitation. In order to ensure that the small area of land we have left is and remains viable and useful to us we really need the right to build a secondary dwelling in that area.

We do not think there is any reason why 'RU6' shouldn't be treated the same as the other rural zonings in Byron Shire and given the ability to have a secondary dwelling in that zoning. Indeed, given that most of the adjoining land will be conserved indefinitely, people who live on and own land in this area should at least be able to increase the density of living around their own homes, since there are such wide expanses of untouched forest etc. between our homes and the next ones.

Regards,

Ruby Rozental

From: [Sydney Frost](#)
To: [submissions](#)
Subject: Re consultation on proposed RU6 Transition land use
Date: Sunday, 30 September 2018 7:20:10 PM

As I understand at present my land is Ru 2 Rural landscape. I have previously informed council officers that our property Parcel no/s :19870& 268074 are covered by a PNF with NSW EPA & therefor I believe your proposed Ru6 zoning is both unwanted & inappropriate. We do not want or desire a change of zoning. There are thousands more trees in this area now than there was 41 years ago & whilst we do wish to see the countryside denuded the vegetation on our property is neither unique or rare in Upper Main Arm. Yours sincerely SK &CR Frost 58 Dry Creek Rd Upper Main Arm.

Sent from my iPad

From: [Anne Hicks](#)
To: [submissions](#)
Subject: RU Transmission Zone
Date: Monday, 8 October 2018 12:58:34 PM

Scottsdale Pastoral LLC
1161 Euclid Ave, Berkeley CA 94708
e/mail. annehicks32@icloud.com

Alex Carasu
Byron Shire Council
Mullumbimby, NSW 2482

Re. RU 6 Transition Zone. Lot 16 DP 714761

I object to being included in the proposed RU 6 Zone
I cannot see any advantage as the current LEP includes:-

- RU 2 Rural lands Zone
- RU 1. Primary Production Zone
- R 5. Large lot Rural Zone

Should there be development down the line, I feel any land with Scenic Escarpment would have to be protected & judged on an individual basis.
I feel it would simplify matters if the whole of Lot 16 be included in RU2 Rural Landscape.
I apologize for the late submission but I have been in transit.
I appreciate & thank you for your help in this matter.

Mrs Anne Hicks

Directors

Sent from my iPad

Simon Skillicorn
PO Box 370
Mullumbimby
NSW 2482

24 September 2017

The General Manager
PO Box 219
Mullumbimby NSW 2482

Email: submissions@byron.nsw.gov.au

Reference: RU6 Transition Zone Submission.

Property address: Lot 1 - 170 Dudgeons Road Mullumbimby

Parcel number: 211480 and 241930

I understand that my property is partially zoned RU2 (Rural Landscape) under the Byron LEP 2014 and the deferred matters zoned areas are currently within a Zone No 7 (d)– (Scenic/Escarpment Zone) under the Byron LEP 1988.

Whilst the area to the south of my property (part of Mount Chincogan) may have iconic scenic features that is worthy of protection, the residual of my allotment should be zoned RU2 (Rural Landscape) as the current Zone No 7 (d)–(Scenic/Escarpment Zone) should not applied to low lying saddles and smaller hill sides.

From my reading of the Northern Councils E Zone Review the NSW Department of Planning and Environment maintains its position that scenic protection is a matter best assessed and managed at development application stage and that Councils on the Far North Coast will not be permitted to apply mapped planning controls for scenic protection in LEPs.

I also understood that the Interim Report recommended the removal of aesthetic values as an attribute to be protected and managed by an E zone however the proposed RU6 Transition Zone to my property appears to follow the same Zone No 7 (d) –(Scenic / Escarpment Zone) without consideration if the previous zoning was appropriate. The proposed RU6 Transition Zone appears to be a “E-zone” with another name, that councils on the Far North Coast were not to be permitted to use scenic, aesthetic values or mapped planning controls.

It is understood that not all 7(d) land be zoned RU6 however I have not been provided with any mapping to indicate what, if any parts of my land will be proposed RU6 Transition Zone. As the property has been continually used for Primary Production, since the creation of the allotment, it is not appropriate to try and restrict this use now.

Additionally the proposed zone will reduce the uses currently permitted in the zone by prohibiting dual occupation which are currently permitted under Clause 17 of the Byron Local Environmental Plan 1988.

It is clear that the objectives of the RU6 Transition Zone to protect and maintain land that provides a transition between rural and other land uses of varying intensities or

environmental sensitivities and to minimise conflict between land uses within this zone and land uses within adjoining zones does not apply to my land as:

1. The zone will be between rural lands and not other land uses.
2. The land is currently used and proposed to be continued to be use for rural activities.
3. There is no conflict between the continued use of my 7(d) land for rural activities and the adjoining agricultural lands.

As previously advised in my E-zone submission, in relation to my property, I wish to confirm that Council's mapping information again does not appear to be accurate, as there is limited subtropical rainforest vegetation on the property with the majority of the property being infested with weed species such as Camphor Laurel. The primary use of the land and the main use for which the land has been used for, is agriculture, being grazing. In the time that I have owned this property my partner and I have been working to remove weed species to allow the continuation of grazing on this property in an environmentally responsible manner.

Due to the existing use of the land for agricultural purposes; the lack of a formal review of the existing mapped 7(d) land; that the objectives of the zone do not relate to the land located between other rural lands and the lack of high quality vegetation on the property, I would like to propose that Council rezone the remainder of my property, that are currently Deferred Matters, to an RU2 (Rural Landscape) zone to match the existing agricultural zoned lands on this property.

Yours Sincerely,

Simon Skillicorn

From: [Tim McElhiney](#)
To: [submissions](#)
Subject: Consultation on he proposed RU6 transition land use zone
Date: Tuesday, 25 September 2018 8:06:08 AM

TJ & MS McElhiney
Parcel no 239637
121 Possum Shoot Rd

Thank you for the recent letter regarding a possible RU 6 transition zone in a 7d scenic escarpment zoning.
In regards to our property, can you please refer to our previous submission presented by Peter Parker. We would like our zoning to be in accordance with this submission.

Yours sincerely,
Tim and Monique McElhiney

V & M Williams
2/591 Broken Head Rd
Broken Head, NSW 2481

The General Manager
PO Box 219
Mullumbimby, NSW 2482
Attention: Steve.daniels-Planning

26/09/2018

Re: Submission re parcel no 240343-proposed RU6 transition zone

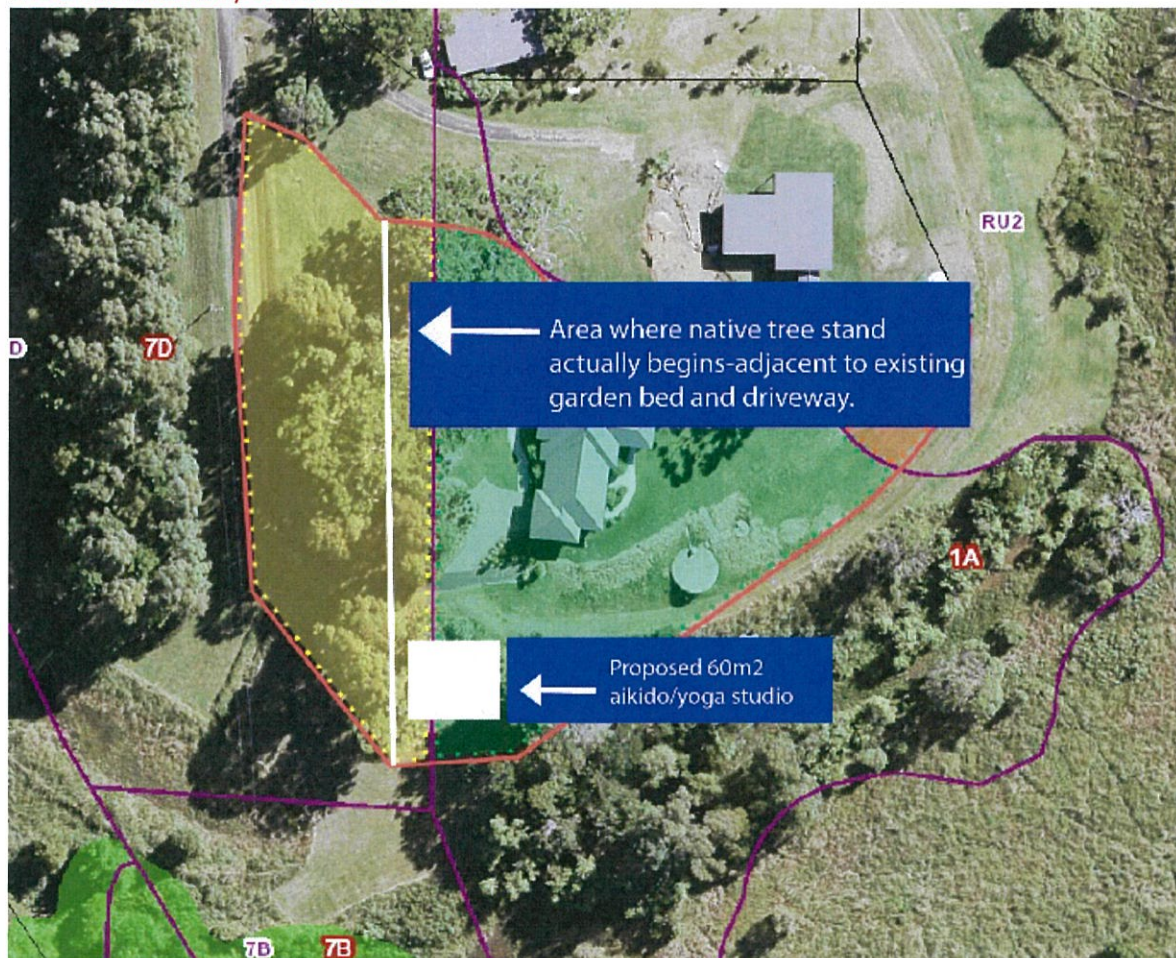
Dear Steve,

Thank you for your correspondence received 20/09/2018 and for the detailed information provided. We have no particular issue with converting the area of our lot currently zoned 7D to a RU6 Transition zoning and the 1A area to RU2, though we would prefer that the lot in the entirety be converted to RU2, consistent with the other individual lots within the community title subdivision.

If the RU6 transition zone is to be adopted, we would like to suggest that the proposed boundary of the RU6 area be shifted slightly westward, as the current proposed location encroaches on the existing driveway and garden beds. We are concerned that as we have future plans to construct a yoga/martial art studio, ancillary to the existing dwelling, that an RU6 Transition zone could be problematic. There are no trees in the area we wish to construct the studio, which is located adjacent to the existing fire road, to the south of the house. We are also concerned that generally, the proposed RU6 zone has less permissible uses than the RU2 zone in terms of secondary dwellings, etc.



Preferred boundary of RU6 zone



Our property is not the most elevated area of the ridgeline at all and there is no visual impact to adjoining properties or roadways. The proposed RU6 transition area does have a large fig tree and a stand of native trees, which will be maintained as they provide an additional buffer from the busy Broken Head Road.

Thank you for your helpful insight and consideration of this matter. Please contact me if you require additional information.

Kind regards,

Valerie Williams
0447006434

Submission on the RU6 transition land use zone proposal

From: Victor von der Heyde

Coopers Lane West, Main Arm. DP755722, Lot 125

Postal: 106 Sapphire St, Holland Park, Qld 4121

There is one point I'd like to take up in relation to the RU6 transition land use zone proposal.

While I have no issue with the content of the new zoning proposal, I'd like to address the impact of having another delay in addressing zoning issues that have been in limbo for years. I would like to see Council acknowledge that some zoning issues need addressing with some urgency.

Council has prioritised getting a good overall Shire plan for zoning and then refining that plan. The more refinements, and RU6 appear to be one of them, the longer it takes. Council has chosen to not address pressing issues for some landowners because of a view that when the overall plan is gazetted, everything will be fine and those pressing issues will be resolved. That might have been fine if an overall plan took three or four or six or seven years. But that hasn't been the case.

One of the consequences of Council keeping property owners in limbo for years is that some landowners simply give up on Council and built illegally, sometimes in very silly places. I imagine that the more Council keeps landowners in limbo, the more this will happen.

I haven't done that. I have been waiting to build legally and with legal access for 24 years now. That has been made up of two parts.

The first part, 1994 - 2006, was getting legal access on the only viable access road, a road that had been the only access and continuously used for over 80 years. This was made much more difficult because Council approved multiple subdivisions covering sections of the road and these subdivisions did not include any right of way. I had to eventually [have the matter resolved at huge cost in the NSW Supreme Court.](#)

The second part, 2007 to the present, has to do with Council processes and the new LEP. After getting access I found that I had no building entitlement. The 1988 LEP allowed me to apply for a building entitlement and after discussions with Council staff, I found my property met all the requirements for a building entitlement. Based on advice from Council I submitted an application. I was then advised that Council had decided not to follow the section of the then current 1988 LEP which allowed for processing of applications. As I understood it, this was because of the view that the new LEP would be out within two or possibly three years and the building entitlement issue would be resolved with the new LEP.

I have asked regularly Council about progress on this.

There's never been an issue of Council thinking the building entitlement shouldn't be given

or reinstated for my property (I had a legal house before it collapsed: it was built in 1912 before planning regulations).

I have been holding out with this for over a decade now. And now I find that Council has a new proposal (RU6) which will further delay any resolution. My experience in talking with Council planning staff over the last decade is that outcomes take longer than expected. In my view there is a kaffkasque quality to all this, being kept in limbo for years and then finding another delay of indeterminate length.

What makes it worse is that Council never told me in the 1980s that all building entitlements would be lost if I sold my two separate portions. Council's actions on this - in the 1980s - not only seem to have had a vindictive streak to them, but they didn't even seem good planning policy. From what I understand, the idea was to stop farmland from being divided so as to keep productive farms. But while that might have applied to flatter country or pasture, no-one needed such large properties in banana country. My properties, multiple banana leases, totalled 265 acres. Land that size wasn't needed to make a single banana farm viable. Thirty years later I'm still paying the price for what seems to have been very poor Council planning.

My point here is that if Council is going to proceed with the RU6 proposal, there should be an acknowledgement that this will continue to push out the resolution of building entitlement issues. I would like to see Council giving more priority to resolving those issues.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'J. Robertson', with a stylized flourish at the end.

From:
To: [submissions](#)
Subject: Proposed RU6 zone feedback
Date: Monday, 10 September 2018 10:08:48 AM

Re 1634 Coolamon Scenic Drive, mullumbimby parcel no 180200

Dear council,

I the owner of the above property approve of the re zoning of my land to RU6 transition. Although I already have dual occupancy approved so believe the zone of RU1 Primary Production would be more appropriate. It could also create more opportunities in Mullumbimby for the local community.

Yours sincerely

Mr Warren Donnelly

Sent from my iPhone
Sent from my iPhone

4 October 2018

Submission to Byron Shire Council concerning the proposed RU6 Transition land use zone

Property Address: 1059 The Pocket Road, Main Arm 2482

Parcel Number: 117410

Owner: William Guy Fisher & Douglas Self (Douglas no longer lives on the property and resides in the US)

This is a follow up to the submission I made last December to the E Zones/Deferred Matter that recommended my property have a split zone E2/RU2.

Background

This property is approximately 13.5 hectares located on The Pocket Road in Main Arm with a small frontage onto Main Arm Road. It is a very hilly property with a strip of level land of approximately 20-40 metres wide at the top of the hill with expansive views to the North and steep sloping hills/escarpment going both in the South and North directions. I estimate the flat section at the top totals probably no more than 1 acre of the 33-acre property. (See attachment 1)

The flat section on the top includes the main dwelling built in 2003. It also includes a home veggie garden and citrus grove. There is a thick, tall forest immediately behind the house located on the strip of land at the top, which would be called the ridge top. That, together with the fact the house is a timber house with a green roof, minimises the visual impact of the house compared to properties where houses are built on a bald ridge top with no vegetation.

The North/West/East facing hill sections historically were a commercial banana plantation that was abandoned around 20 years ago due to the bungy rot fungus. Currently most of this hill is covered in molasses grass that replaced the banana trees that were poisoned to control the bungy rot disease. The top of this hill immediately across from the main dwelling and driveway access is a field that currently has a new large patch of bananas and has in the past been used to plant sweet potatoes and pumpkin. It is kept clear for the 30-metre asset protection zone for the house. The bottom section at the driveway entrance of the property is primarily large camphor laurel trees and a patch of rainforest trees at the driveway entrance, mostly bangalow palms. There are many weeds such as lantana and small camphor laurel trees at the bottom that are taken out on an annual basis to allow the native rainforest trees to be develop.

The South facing hill is heavily forested with a combination of rainforest species and a wide variety of eucalyptus trees. It is classified as North Coast Wet Sclerophyll in the vegetation map (See attachment 1). There are a few smaller camphor laurels in this section. Much of this forest was logged commercially primarily in the early 1900s. There is currently a 400-metre fire track/trail at the top of the South and West facing hill and approximately a 1½-kilometre track that wanders along the top of ridges and then plunges into gorges which during heavy rains becomes a seasonal waterway and waterfall for a short period.

The Northeast section of the property to the East of the driveway which includes an abandoned quarry at the bottom of the property was also cultivated with bananas but has since been naturally reforested with some sections classified as North Coast Wet Sclerophyll.

Current and Proposed Zoning

The 1998 LEP zoned the entire property as 7(d) or Scenic Escarpment

The Council letter to me from Alex Caras dated October 9th 2017, states:

“Based on the E zone Report criteria, Council’s vegetation mapping indicates that all or part has potential for an E2 or E3 zone. Based on Council’s property information, the primary land use of all or part of your land has been identified as ‘Other’.” I believe the maps show much of the land shown in bright green as Environment zone and the rest is considered deferred matter.

It is evident that lands originally zoned 7(d) or Scenic Escarpment are not generally automatically transferred to an E zone unlike 7(a), 7(b), 7(j), and 7(k).

This is further supported by the State’s final recommendation concerning Scenic Protection (which I assume is the closest description to Scenic Escarpment) that states:

“The exclusion of aesthetic value criteria from E zones will initially apply only to the five Far North Coast councils. The Department will consider a revision of the Standard Instrument LEP template to remove ‘aesthetic values’ from the zone objectives of the E2 and E3 zones. Until this revision takes place, councils on the Far North Coast will not be permitted to use scenic or aesthetic values as an attribute for the application of an E2 or E3 zone or mapped planning controls.” (Page 10)

According to the letter dated 31 August 2018 from Alex Carras my land is being considered for RU6 Transition zone which is the proposed replacement for the old 7D Scenic Escarpment Zone.

However, the FAQ section states

“Will all 7 (d) land be zoned RU6? No land that meets the criteria for applying other zones, including environmental (E2 Environmental Conservation Zone, E3 Environmental Management) and non-environmental zones such as RU 1 Primary Production and RU2 Rural Landscape), will receive that zone.”

My thoughts, observations and questions about the proposed RU6 zone

I find the RU6 Transition zone in general to be too limiting even compared to the old Scenic Escarpment 7D zone. It does not allow attached dual-occupancy, which was permissible before under Clause 17. Even Zone E3, Environmental Management allows dual occupancies. Why was this removed? For some reason it doesn’t even

allow “bushfire hazard reduction” which was a permissible use under the original 7D. My property is heavily forested and I guess simply raking my fire trails behind my house or removing the fuel on the forest floor close to the house, which I do frequently, would not technically be allowed even though these were conditions of my original DA. The 2014 LEP even says, *“Bush Fire Hazard reduction work authorized by the Rural Fires Act 1997 may be carried out on any land without development consent.”* This is very puzzling and perhaps an oversight or contradiction. It doesn’t allow clearing of land. Does this mean I can’t clear out lantana and camphor laurel from my property and perhaps plant something in their place? Finally, its name “Transition zone” seems to imply that it is not a permanent zone, and is ambiguous, uncertain and could change in the future to another zone. Is that true?

The RU6 Transition zone also does not allow secondary dwellings or tourist or visitor accommodations, which is allowed in RU2 Rural Landscape zoned property. Even the Environmental Management Zone allows Farm stay accommodations, which are a type of tourist accommodation. Perhaps the RU6 zoning could be amended to allow a secondary or dual occupancy dwelling or a tourist or visitor accommodation as long as it met the objectives concerning scenic quality.

An objective of the RU2 is *“To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality”* almost identical to the proposed additional objective of the RU6 zone: *“To encourage development that contributes to the Shire’s rural landscape character and visual qualities.”* Anyone wanting to submit a development application on RU2 zoned land would have to meet this objective as I had to under the 7D zone when I built my house in 2003, when I argued that the forest behind the house minimised the visual impact of a house built on a ridge top compared to a house without vegetation around it.

What is confusing is that the proposed RU6 zoning does shows “Eco-tourist facilities” as a permissible use with consent. Isn’t that a type of tourist and visitor accommodation? Does that mean it can be detached and separate from the primary dwelling? The definition of an Eco-Tourist facility in the 2014 LEP suggests that it is: *“...a building or place that: (a) provides temporary or short-term accommodation to visitors on a commercial basis...”* Does that mean the landowner on RU6 zoned property can submit a DA for another cabin or cabins on their property as long as they were used as a tourist accommodation and it met the conditions to be an eco-tourist facility? And would that DA be similar to the conditions for someone applying for a tourist cabin(s) as a visitor accommodation on RU1 or RU2 land, such as the number of cabins per hectare of land? If that is the case why wouldn’t RU6 zoning also allow a secondary or dual occupancy dwelling, as long as it met the objectives concerning scenic quality, which could help alleviate the shortage of long term rental housing in the Shire?

My recommendations

Overall, I would prefer that my land not be classified entirely RU 6 Transition, unless the permissible uses for RU6 would also allow secondary and dual occupancy dwellings and clarified that separate, detached eco-tourist accommodations would be allowed as well. As an alternative, I recommend that my land have a split zoning,

part Environmental Conservation or Environmental Management (E2/E3), and part Rural Landscape (RU2). This was my recommendation in my earlier submission and it follows the above suggestion in the FAQ section. (See Attachment 2)

I suggest that the South facing hill, which is a beautiful old growth, wet Sclerophyll rainforest and a wildlife corridor be zoned E2 Environmental Conservation or E3 Environmental Management. According to the State's final recommendation, the E2 zone criteria include over-cleared vegetation communities, which include both rainforests and wet Sclerophyll forests. The vegetation mapping confirms that the South-facing hill is primarily North Coast Wet Sclerophyll Forests.

The top cleared flat area along with the remaining North facing hill, which at one time was an active banana plantation, should be zoned Rural Landscape (RU2), as it could at some stage be used in the future for agricultural purposes for bananas, coffee trees, macadamia trees or other orchards. Most of the vegetation is molasses grass, lantana, guava, and camphor trees and does not qualify for either E2 or E3. A RU2 zoning is consistent with most the neighbouring properties which are either RU2 or IA.

Some of the Eastern section of the North facing hill, which is also classified as Subtropical rainforest or Wet Sclerophyll Forest, was originally used for banana production and could at some stage be also used in the future for bananas, coffee, macadamias or other orchards and as such should also be zoned RU2, although the valuable forested parts of this North facing Eastern section would likely never be used or cleared for future crop production.

To summarize, I think that my entire property is not suitable for the RU6 Transition zone with probably only about 1 acre out of a 33-acre property on the flat section at the top of the ridge. Perhaps the RU6 zone should not be used at all in the Shire as it too limiting in its permissible uses and may not accurately represent that a property would have other characteristics that would allow it also to be classified as a RU1 or RU2 or E2 or E3 zone, or perhaps a split zone. Furthermore, the word "Transition" is very ambiguous and uncertain and suggests it is temporary and the zoning could change in the future. However, if the RU6 Transition zone is maintained, I would argue that dual occupancies, secondary dwellings and tourist and visitor accommodations/eco-tourist facilities be permitted if the landowner could demonstrate that they met the scenic and other objectives of the zone.

I don't at this time have any plans to build another secondary/dual occupancy dwelling or tourist cabin on my property but I would like the opportunity to possibly do so in the future if the zoning of my property permitted it, as long as it met the objectives of the zone.

Thank you for your consideration of my views concerning this matter. Feel free to ring me if you have any questions.

Proposed RU6 Transition Zone – Feedback
submissions@byron.nsw.gov.au

To The General Manager,

RE: Proposed RU6 Transition Zone

Thank you for your letter dated 31 August 2018 regarding the Proposed RU6 Transition land use zone and how it may affect our land at 139 Bangalow Road, Byron Bay (PN: 72280). Our current zoning includes R2, 2A and 7D.

In previous correspondence with Alex Caras (included below) we have outlined our argument for R2 zone replacing our current 7D zoning. We still firmly believe our land meets the criteria for **R2 Rural Landscape zone**.

Our land does not meet the criteria for the proposed **RU6 Transition Zone** as it is bordered by residential land and is not in a 'visually prominent area', nor is it of high ecological, scientific or cultural value or contain special ecological or cultural attributes requiring careful consideration or management.

Please refer to our previous correspondence with Alex Caras included below for further details.

Dear Alex,

Thank you for your time in meeting with me to discuss the re-zoning of our land, 139 Bangalow Road, Byron Bay (PN: 72280) - Zones R2 , 2A & 7D

When we spoke you said that the council was looking at applying Rural Zone R2 to replace our current 7D areas.

We wish to provide feedback in relation to this matter. Based on the maps and the information provided in the Fact Sheets we agree that Rural Zone R2 be applied.

Our land does not meet the criteria for either **E2 Zone: Environmental Conservation** or **E3 Zone: Environmental Management**. It is not of high ecological, scientific or cultural value or contain special ecological or cultural attributes requiring careful consideration or management. We do not have endangered ecological communities, threatened species habitat or over-cleared vegetation communities.

In relation to the part of our land currently Zoned 2(a) Residential, we request that this remain zoned residential land. It is surrounded by existing residential areas.

We met previously with council personnel in relation to the Preliminary Draft Residential Strategy. Please note that a submission was tendered on our behalf by Planners North, as part of the Residential Strategy. Also tendered with our submission was a Vegetation Report that identified the vegetation on our property as consisting mainly of Camphor Laurels, Pines and Tuckeroos. Near our house we have four palms and several African Tulips. This area has been identified on the council vegetation map as 'exotic'. Our land also had areas of lantana and tobacco bush which we have been gradually clearing.

Thank you for the opportunity to provide feedback. We look forward to this matter being finalised soon.

Yours sincerely

Yvonne Donohoe