

Attachment '3'
Planning Meeting Report 20 June 2019
Byron Shire Employment Lands Strategy
State Policy Compliance Check (27 May 2019)

NSW State Policy Compliance Check includes:

- Table 1 Appraisal of Important Farmland Variation Criteria (North Coast Regional Plan & Section 117 Direction 5.3)
- Table 2.1 Section 117 Directions Policy - Localities for New Industrial Land
- Table 2.2 Section 117 Directions Policy - Extension of Business Zones
- Table 3 North Coast Regional Plan 2036
- Table 4: Settlement Planning Guidelines - Mid and North Coast Regional Strategies

In reading the following tables:

- Section references and further details are contained in the Byron Shire Employment Lands Strategy and Background Report.
- A 'tick' ✓ indicates consistency with the policy.

Table 1: Appraisal of Important Farmland Variation Criteria

Criteria	Possible Investigation Areas (Employment Precincts)
Agricultural capability	<p><u>Site 1 – Billinudgel consolidation</u></p> <p>The land is currently zoned IN1 General Industrial and does not support agricultural production. The minor area identified for expansion to the south of the existing industrial estate is Deferred Matter under Byron LEP 2014 and is heavily vegetated. The land is not mapped as important farmland.</p> <p>Capacity for expansion of the industrial estate towards important farmland is constrained by the Billinudgel village centre, the railway line to the west, and by adjoining high environmental value (HEV) vegetation that surrounds the existing INI zone.</p> <p><u>Site 2 – Manns Road Mullumbimby Expansion</u></p> <p>The land is mapped as important farmland and is currently used for agricultural production.</p> <p>Expansion of the industrial estate will take the land out of production, which would have a minor impact on the agricultural industry on a local or regional basis. However, the site adjoins the existing Mullumbimby Industrial Estate and includes (in part) an existing approved industrial use. The site has the capacity to be connected to existing infrastructure and transport network.</p> <p><u>Site 3 – Gulgan East</u></p> <p>The northern portion of the site is currently used as a wreckers yard and service station. Part of this land is mapped as important farmland; however, it does not currently support agricultural production and is severed from productive farmland by the Pacific Motorway and Gulgan Road interchange to the west.</p> <p>The southern portion of the site encompasses the Tyagarah Airfield. The land is not mapped as important farmland. The land is severed from productive farmland by the Pacific Motorway to the west, and opportunities for expansion of the site</p>

Criteria	Possible Investigation Areas (Employment Precincts)
	<p>towards important farmland to the south are limited by the presence of HEV vegetation and riparian areas.</p> <p><u>Site 4 – Gulgan West</u></p> <p>The northern portion of land is partly mapped as important farmland and is not used for agricultural production.</p> <p>The southern portion of land is wholly mapped as important farmland and is not used for agricultural production.</p> <p>Gulgan west in comparison to Bangalow East presents as a preferable choice for industrial land as the capacity to expand into important farmland is limited by the railway line, HEV and rural lifestyle living precincts.</p> <p><u>Site 5 – Bangalow East</u> **Now recommended for removal**</p> <p>Part of the land contains a decommissioned RMS site, with the remainder of the land currently being grazed by cattle.</p> <p>The land is mapped as important farmland.</p>
<p>Land use conflict and possible measures to mitigate the effects / minimise future land use conflict</p>	<p>A land use conflict risk assessment (LUCRA) has not been undertaken. It is anticipated that the key potential conflict areas are where industrial development is proposed in proximity to adjoining agricultural uses and visual amenity.</p> <p>Potential conflict areas would be considered as part of any proposed rezoning or development application. The use of buffer zones and or visual screening (landscaped or otherwise) could be applied to mitigate potential conflicts.</p>
<p>Infrastructure</p>	<p>Further investigations are required to determine if the delivery of infrastructure to the investigation areas is physically and</p>

Criteria	Possible Investigation Areas (Employment Precincts)
	<p>economically feasible, and to determine if infrastructure could be delivered at no cost to Council and the State Government.</p> <p>The final strategy will incorporate an overarching framework for service and infrastructure delivery for potential sites identified.</p>
Environmental and farmland protection	
<ul style="list-style-type: none"> • Aboriginal or high heritage significance 	<p>Advice received from the OEH on 6 March 2018 included Aboriginal Heritage Information Management Systems (AHIMS) search results which indicated that there were registered Aboriginal sites in both the Billinudgel and Gulgan localities. The Local Aboriginal Land Councils and Arakwal traditional owners were also notified when the draft strategy was placed on exhibition.</p> <p>A cultural heritage assessment report would be required as part of any proposed zoning. Further consultation would be undertaken with the OEH and traditional owners to provide advice and to discuss and consider both the tangible and intangible Aboriginal Cultural Heritage of the sites.</p>
<ul style="list-style-type: none"> • of high environmental value 	<p>Expansion of the Billinudgel Industrial Estate (Site 1) would have a minor impact on HEV vegetation to the south of the existing industrial estate. The impacts of development on adjoining HEV vegetation would need to be considered as part of any proposed rezoning.</p> <p>Gulgan East and Gulgan West (Sites 3 & 4) do contain areas of high environmental value (HEV) vegetation that could be suitably managed as part of any future development.</p>
Avoiding risks that would need to be accommodated as part of any future development	
<ul style="list-style-type: none"> • flood prone 	<p>Lands in Billinudgel (Site 1), Mullumbimby (Site 2), Gulgan East and Gulgan West (Sites 3 & 4) are flood prone in major</p>

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	<p>events. The strategy notes that flood mitigation works should be undertaken to support businesses in Billinudgel (Action N7).</p> <p>Flood impacts would need to be considered as part of any proposed rezoning or development application. Any proposal would need to satisfy the requirements of the Floodplain Management Manual.</p> <p>Bangalow East (Site 5) **Now recommended for removal** is partly flood prone, with flooding in major events contained to the northern boundary of the site in proximity to Byron Creek. Any future development could be located outside of flood affected areas.</p>
<ul style="list-style-type: none"> • bushfire-prone 	<p>Lands in Billinudgel (Site 1), Gulgan east (Site 3) and Gulgan west (Site 4) are mapped as bushfire prone.</p> <p>Measures to manage bushfire risk would need to be considered as part of any proposed rezoning or development application.</p>
<ul style="list-style-type: none"> • highly erodible 	<p>Not applicable.</p>
<ul style="list-style-type: none"> • having a severe slope 	<p>Bangalow East (Site 5) **Now recommended for removal** includes some areas where slopes are 20% or greater. The slope profile of the site is not conducive to industrial development due to challenges in providing for building pads, pedestrian and cycle movement, and level grading for the movement of industrial vehicles.</p>
<ul style="list-style-type: none"> • having acid sulfate soils (ASS) 	<p>Sites 1 – 4 (Billinudgel, Mullumbimby, Gulgan East & Gulgan West) are mapped as ASS Class 3. This is where such material is likely to be encountered more than 1 metre below the natural ground surface, or where the water table is likely to be lowered by more than 1 metre below the natural ground surface.</p> <p>ASS impacts would need to be considered as part of any proposed rezoning or development application.</p>

Table 2.1: Section 117 Directions Policy - Localities for New Industrial Land

Relevant S117 Direction		ELS Strategy Section 6.1 - Localities for New Industrial Land				
		<u>Site 1</u> Billinudgel Consolidation	<u>Site 2</u> Manns Road Expansion	<u>Site 3</u> Gulgan East	<u>Site 4</u> Gulgan West	<u>Site 5</u> Bangalow East *Recommended for removal*
1	Employment and Resources					
1.1	Business and Industrial Zones	✓	✓	✓	✓	✓
1.1 (1)(a)	Encourage employment growth in suitable locations	✓	✓	✓	✓	Could contribute to a fragmented commercial focus for Bangalow
1.1 (1)(b)	Protect employment land in business and industrial zones	✓	✓	Able to buffer from sensitive uses	Able to buffer from sensitive uses	✓
1.1 (1)(c)	Support the viability of identified centres	✓	✓	Opportunity for industrial agglomeration	Opportunity for industrial agglomeration	Could contribute to a fragmented commercial focus for Bangalow
1.2	Rural Zones	✓	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1

Relevant S117 Direction		ELS Strategy Section 6.1 - Localities for New Industrial Land				
		<u>Site 1</u> Billinudgel Consolidation	<u>Site 2</u> Manns Road Expansion	<u>Site 3</u> Gulgan East	<u>Site 4</u> Gulgan West	<u>Site 5</u> Bangalow East *Recommended for removal*
1.3	Mining, Petroleum Production and Extractive Industries	✓	✓	✓	✓	✓
1.5	Rural Lands	✓	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1
2	Environment and Heritage					
2.1	Environment Protection Zones	See comment in 2.5 below	✓	See comment in 2.5 below	See comment in 2.5 below	✓
2.2	Coastal Management	Land mapped as Coastal Environment Area. Detailed assessment to occur at planning proposal stage	Land mapped as Coastal Environment Area. Detailed assessment to occur at planning proposal stage	Land mapped as Coastal Environment Area & Coastal Use Area. Detailed assessment to occur at planning proposal stage	✓	✓

Relevant S117 Direction		ELS Strategy Section 6.1 - Localities for New Industrial Land				
		<u>Site 1</u> Billinudgel Consolidation	<u>Site 2</u> Manns Road Expansion	<u>Site 3</u> Gulgan East	<u>Site 4</u> Gulgan West	<u>Site 5</u> Bangalow East *Recommended for removal*
2.3	Heritage Conservation	See assessment in Table 1	✓	See assessment in Table 1	See assessment in Table 1	✓
2.5	Application E Zones	Not applicable until E Zones are determined for the Shire in accordance with the <i>Northern Council's E Zone Review Final Recommendations Report</i> for effected areas.				
3	Housing, Infrastructure and Urban Development					
3.4	Integrating Land Use and Transport	✓	✓	✓	✓	Poor permeability to residential areas, limited access and intersection capacity issues.
4	Hazard and Risk					
4.1	Acid Sulfate Soils	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	✓
4.2	Mine Subsidence and Unstable Land	✓	✓	✓	✓	✓
4.3	Flood Prone Land (using LEP 2014 100yr flood	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1

Relevant S117 Direction		ELS Strategy Section 6.1 - Localities for New Industrial Land				
		<u>Site 1</u> Billinudgel Consolidation	<u>Site 2</u> Manns Road Expansion	<u>Site 3</u> Gulgan East	<u>Site 4</u> Gulgan West	<u>Site 5</u> Bangalow East *Recommended for removal*
	controls)					
4.4	Planning for Bushfire Protection	See assessment in Table 1	✓	See assessment in Table 1	See assessment in Table 1	✓
5	Regional Planning					
5.3	Farmland of State and Regional Significance (RS) on the NSW Far North Coast	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1	See assessment in Table 1
5.10	Implementation of Regional Plans	See Table 3 below.				

Table 2.2: Section 117 Directions Policy - Extension of Business Zones

Relevant S117 Direction		ELS Strategy Section 6.2 - Extension of Business Zones	
		Byron Trade Area **Captured under Byron Town Centre Masterplan**	Mullumbimby Trade Area **Tincogan St sites only**
1	Employment and Resources	✓	✓
1.1	Business and Industrial Zones	✓	✓
1.1 (1)(a)	Encourage employment growth in suitable locations	✓	✓
1.1 (1)(b)	Protect employment land in business and industrial zones	✓	✓
1.1 (1)(c)	Support the viability of identified centres	✓	✓
1.3	Mining, Petroleum Production and Extractive Industries	✓	✓
2	Environment and Heritage		

Relevant S117 Direction		ELS Strategy Section 6.2 - Extension of Business Zones	
		Byron Trade Area **Captured under Byron Town Centre Masterplan**	Mullumbimby Trade Area **Tincogan St sites only**
2.1	Environment Protection Zones	See comment in 2.5 below	See comment in 2.5 below
2.2	Coastal Management	Land mapped as Coastal Environment Area. Detailed assessment to occur at planning proposal stage.	Land mapped as Coastal Environment Area. Detailed assessment to occur at planning proposal stage.
2.3	Heritage Conservation	✓	✓
2.5	Application E Zones	Comment: Not applicable until E Zones are determined for the Shire in accordance with the <i>Northern Council's E Zone Review Final Recommendations Report</i> for effected areas.	
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	✓	Residential zoned land identified for potential B2 zone (Action M3). Detailed assessment to occur at planning proposal stage.
3.4	Integrating Land Use and Transport	✓	✓
4	Hazard and Risk		

Relevant S117 Direction		ELS Strategy Section 6.2 - Extension of Business Zones	
		Byron Trade Area **Captured under Byron Town Centre Masterplan**	Mullumbimby Trade Area **Tincogan St sites only**
4.1	Acid Sulfate Soils	<p>The Sun Rise Caravan Park site north of Lawson street is identified as an expansion site and is partly mapped as ASS Class 5. This is where such material is likely to be encountered within 500 metres (on land < 5m AHD) of adjacent Class 1, 2, 3 or 4, where the water table is likely to be lowered below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 land.</p> <p>The Crown Land parcel adjoining Gilmore Crescent is mapped as ASS Class 3. This is where such material is likely to be encountered more than 1 metre below the natural ground surface, or where the water table is likely to be lowered by more than 1 metre below the natural ground surface.</p> <p>Acid sulfate soils study to be prepared with any planning proposal for identified sites.</p>	<p>The Mullumbimby Tincogan Street sites are mapped as ASS Class 4. This is where such material is likely to be encountered more than 2 metres below the natural ground surface, or where the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>Acid sulfate soils study to be prepared with any planning proposal for identified sites.</p>
4.2	Mine Subsidence and Unstable Land	✓	✓
4.3	Flood Prone Land	The Crown Land parcel adjoining Gilmore Crescent	Expansion areas identified in Mullumbimby are flood

Relevant S117 Direction		ELS Strategy Section 6.2 - Extension of Business Zones	
		Byron Trade Area **Captured under Byron Town Centre Masterplan**	Mullumbimby Trade Area **Tincogan St sites only**
	(using LEP 2014 100yr flood controls)	is partly flood prone in major events. Detailed assessment to occur at planning proposal stage.	prone in major events. Detailed assessment to occur at planning proposal stage.
4.4	Planning for Bushfire Protection	The Crown Land parcel adjoining Gilmore Crescent is mapped as bushfire prone. Measures to manage bushfire risk would need to be considered as part of any planning proposal or development application.	✓
5	Regional Planning		
5.3	Farmland of State and Regional Significance (RS) on the NSW Far North Coast	✓	✓
5.10	Implementation of Regional Plans	See Table 3 below.	

Table 3: North Coast Regional Plan 2036

Regional Plan Reference		Consistency (Where Applicable)	Comment
Goal	Direction		
1	1		Variations to urban growth boundaries would be required for any future development of investigation sites identified for new industrial land. Justification for variations to the urban growth boundaries would need to be provided with any planning proposal to rezone the land.
	2	✓	
	3	✓	✓
2	5		Action 5.1 supports collaboration on regional and intra-regional employment land delivery and industry development. The final strategy should incorporate the objectives of the Northern Rivers Regional Economic Development Strategy.
	6		Action 6.1 and 6.2 support the identification of industry anchor locations. The final strategy should incorporate criteria and actions around emerging and potential locations in the shire.
	9		In assessing site suitability, the strategy has regard to the efficient use of major arterial and motorway infrastructure as per Employment Land Principle 2.
	10		✓
	11		See assessment in Table 1 for new industrial investigation areas
3	16 & 18		Consultation has taken place with the Local Aboriginal Land Councils and Arakwal traditional owners during public exhibition of the draft strategy. Detailed Aboriginal and cultural heritage assessments to occur at planning proposal stage.
	21		Further investigations are required to determine if the delivery of infrastructure to the investigation areas and expansion sites is physically and economically feasible, and to

Regional Plan Reference		Consistency (Where Applicable)	Comment
Goal	Direction		
			<p>determine if infrastructure could be delivered at no cost to Council and the State Government.</p> <p>The final strategy will incorporate an overarching framework for service and infrastructure delivery for potential sites identified.</p>

Table 4: Settlement Planning Guidelines: Mid and North Coast Regional Strategies

Planning Principles		Consistency	Comment
Location			
1	Future urban settlement should be located predominantly within the agreed growth areas.	Y	Business extension sites are located within the urban growth boundaries, however new industrial investigation areas require a variation to the urban growth boundaries. Justification for variations to the urban growth boundaries would need to be provided with any planning proposal to rezone the land.
2	Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimize environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.	Y	Regional strategy superseded by the NCRP – areas proposed for new urban growth areas are constituent with the criteria under the NCRP.
Land suitability (environment, natural resources, hazard)			
3	Future development should be located on land that is suitable for the development and capable of	Y	Details contained in Strategy sections 6.1 Employment Precincts and 6.2 Business centres.

Planning Principles		Consistency	Comment
	supporting the proposed uses.		
4	Planning for future development on land already zoned for settlement but not yet developed should identify the constraints and opportunities of the land. Development should achieve a carefully planned community, respecting environmental, resource and hazard issues.	Y	Details contained in Strategy sections 6.1 Employment Precincts and 6.2 Business centres.
5	Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.	Y	Details contained in Strategy sections 6.1 Employment Precincts and 6.2 Business centres.
6	Future development of adjoining land with the above values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	N/A	Consideration of buffers to mitigate land use conflicts will form part of any planning proposal.
7	Future development should be	N/A	

Planning Principles		Consistency	Comment
	strategically planned by providing a timely release of adequate and appropriately located land to address the specific dwelling targets and housing mix identified in the regional strategies. Future rural residential development should be planned for as part of council's total dwelling targets.		
8	Future development, particularly in the major centres, should be planned to affect a shift in the new dwelling mix to achieve 60% single dwellings and 40% multi-unit housing across the region to meet the future demographic needs of smaller households and an ageing population.	N/A	
Settlement form and hierarchy			

Planning Principles		Consistency	Comment
9	<p>Future development should:</p> <ul style="list-style-type: none"> a) strengthen the hierarchy of settlement identified in the regional strategies, support and maintain strong multi-functional business centres, minimize urban sprawl, and maximize infrastructure and service efficiencies b) be planned to create communities within the hierarchy of settlement. Consideration should be given to the ultimate geographical extent and population target for each community that is to be formed or built upon, and the staging/timing by which it is proposed to reach that position c) provide for a mix of houses, jobs and open space d) be appropriately located in relation to its scale, nature or type of development; the ability to provide the necessary infrastructure and services; the need for access and to ensure effective traffic management e) in the case of residential development, provide for a variety 	Y	<ul style="list-style-type: none"> • The strategy builds on existing urban service catchments in the Shire. • The Employment Lands Background Report provides an analysis of commercial and industrial growth, demand and capacity in the Shire. This analysis informs the employment land supply required to meet future employment needs. • Strategy sections 6.1 Employment Precincts and 6.2 Business centres consider site suitability for new industrial areas and business expansion areas. • Further investigations are required to determine if the delivery of infrastructure to the investigation areas and expansion sites is physically and economically feasible, and to determine if infrastructure could be delivered at no cost to Council and the State Government.

Planning Principles		Consistency	Comment
10	Should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.	Y	
Future rural residential development - not applicable, outside the scope of this strategy			
Urban design and heritage – not applicable, outside the scope of this strategy			
Infrastructure provision			
19	Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match the expected population for each settlement. In rural areas this may require the development being able to provide stand alone services.	N	The final strategy will incorporate an overarching framework for service an infrastructure delivery of industrial and business land.
20	Future development should strengthen the efficient use of	N	

Planning Principles		Consistency	Comment
	infrastructure, services and transport networks and not overburden existing services elsewhere.		
21	Future development should be designed and located to minimize the need to travel; to maximize opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency.	N	
22	Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.	N	
23	Future development should be designed and located to avoid placing further local traffic demand on the Pacific Highway.	N	
24	Future development should not contribute to ribbon/strip development	N	

Planning Principles		Consistency	Comment
	nor impact on the safety and efficiency of major or arterial roads.		
25	Future development should provide sufficient buffering distances and/or technological solutions between proposed development and existing or proposed major infrastructure, including rail corridors and airports.	N	
26	Future development should be designed and located to maximize total water cycle management and minimize impacts on the environment.	N	
Employment lands			
27	Industrial land should be made available in a variety of locations to encourage new opportunities as they arise in all major regional centres, major towns and towns. However, location and availability should recognise the linkages between employment land and: settlement areas; markets, transport and access;	Y	Strategy sections 6.1 Employment Precincts and 6.2 Business Centres consider site suitability for new industrial areas and business expansion areas.

Planning Principles		Consistency	Comment
	environmental constraints; and cost effective provision of necessary services and infrastructure		
28	In the case of the six local government areas in the Far North Coast region, consideration should also be given to the demands and impacts of South East Queensland on the regional economy's employment needs, market opportunities and transport requirements.	Y	The Strategy includes consideration of local, regional and global economic and employment trends in Part 3 – Drivers of Change.
29	Commercial land, should be located so that it can be conveniently serviced, is accessible to, and is consistent in scale with the settlement it serves or is planned to serve. If commercial land expansion is not adjacent to, or adjoining, an existing centre then any new development should not undermine the existing centre(s) and should be at a scale and location only to serve the target neighbourhood.	Y	The strategy identifies expansion areas for commercial land in proximity to or adjoining existing commercial and business centres.

Planning Principles	Consistency	Comment
Tourism opportunities - not applicable outside the scope of this strategy		