



# Fact Sheet

## Getting to know policy affecting our Rural Areas

### Purpose

The laws that govern land use are complex and varied. How you use your land has influences and affects that extend beyond your property boundaries. Responsible land owners, when considering changes to their land, try and keep up with laws that apply by contacting relevant organisations, reading, asking questions and using the internet. To help you this fact sheet aims to provide a snapshot of the existing and unfolding legislative framework that guides and regulates key activities on rural land. Understanding these legal obligations helps to make living and working in a rural area an enjoyable and rewarding experience not just for you but your neighbours and the community.

### Using this fact sheet

In reading this fact sheet each information box seeks to briefly explain what it is and what it could mean to you.

Information has been grouped under themes

#### Development and the various levels of assessment



**Development (under LEP 2014)**  
*Includes erecting or demolishing a building, subdividing land, changing the use of land, or carrying out work on land. The Land Use Table of the LEP specifies for each zone:*

- development that may be carried out without development consent
- development that may be carried out only with development consent
- development that is prohibited.

click here

<http://www.byron.nsw.gov.au/publications/fact-sheets>

You will find a 'click here' to the right of the information box

This provides website [links](#) where you may find more useful information.

If a box is shaded teal please refer to Council's website where you should find more helpful and detailed information.

If the box has a **yellow** border this indicates that Council is 'the' or one of the approval authorities.



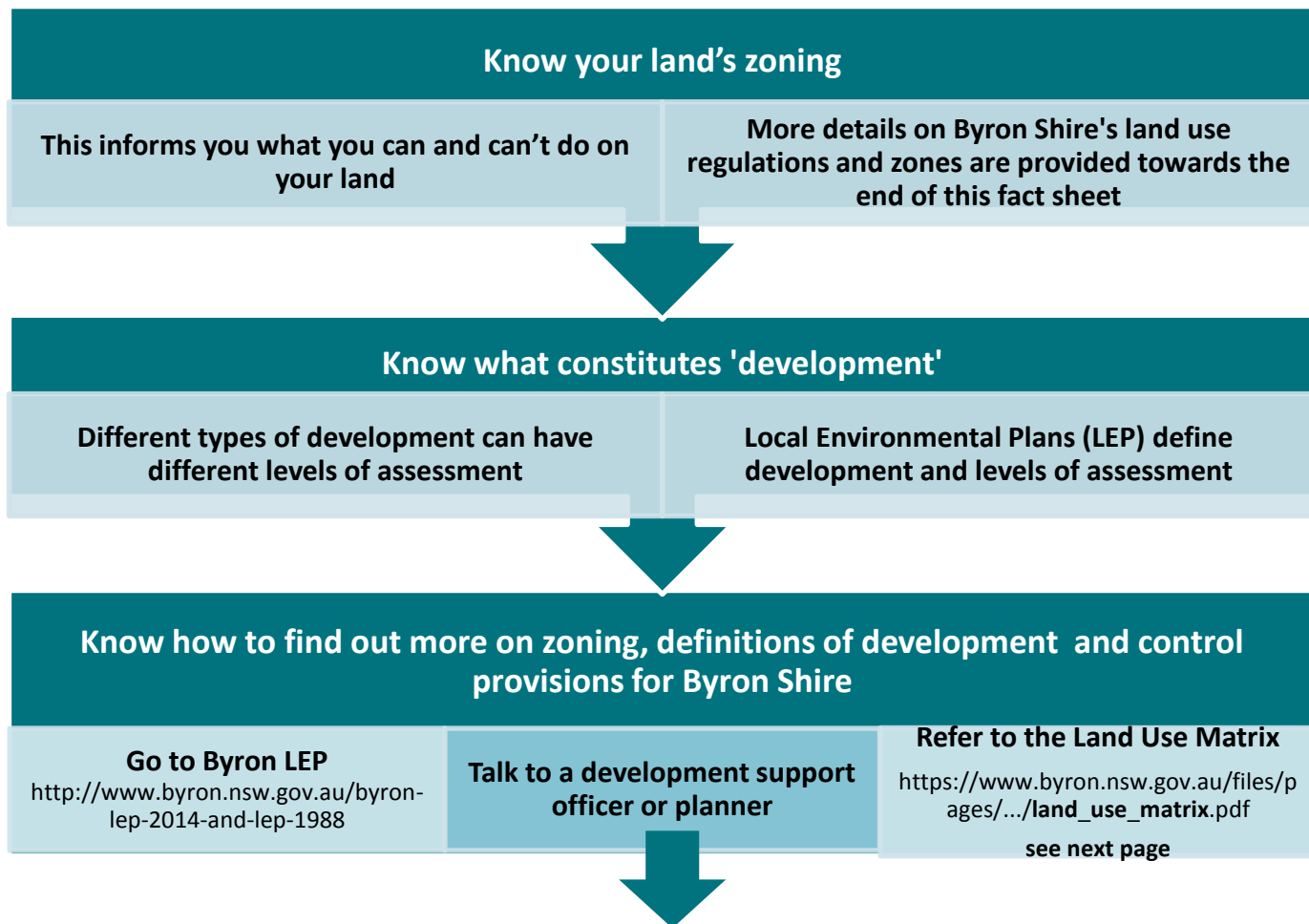
*This fact sheet has been prepared as part of the delivery of the Byron Shire Draft Rural Land Use Strategy Actions with the support and assistance of Landcare. The Landcare ethic is strongly implied throughout this factsheet; it advocates that caring for the land and its people is an essential element of enjoying the richness that the region has to offer. Working with the local community for the common good is a key philosophy inherent in this factsheet.*

<http://brunswickvalleylandcare.org.au/>





## Where should you start?




### Council offers a range of services regarding development related advice


Council provides a Development Support Service, free of charge, to assist with enquiries relating to determining applicable policies. You can ask a Development Support Officer (DSO) what policies are likely to apply to a site and/or proposed development and the DSO is able to send you an email with links to relevant policies or other helpful information, for your convenience. Contact a DSO:

- By phone 02 6626 7025
- By email [dso@byron.nsw.gov.au](mailto:dso@byron.nsw.gov.au)

DSOs are not able to interpret policies for you. If you need further assistance with policy interpretation then (for a fee) you can seek Written Planning Advice from Council or book a Development Advice Panel Meeting with a Council Planner.

To lodge a Development Application in person or to check that an application is acceptable prior to lodgement, simply bring the application in to Council's front counter and Council's Administration Support Team will go through the application with you to determine if the application is complete for lodgement.

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## Development and levels of assessment

[click here](#)

### Development (under LEP 2014)

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<http://www.byron.nsw.gov.au/publications/fact-sheets>



### Exempt and Complying Development (under LEP 2014)

Development may be Exempt from requiring an approval in certain circumstances examples may include decks, fences, home businesses and sheds. Others may be Complying development capable of being certified as it is carried out to defined standards such as height limits.

Exempt or complying development must not be carried out on any *environmentally sensitive area* for exempt or complying development (see Section on Landscapes and Habitats in this fact sheet for a list of such areas).

<http://www.byron.nsw.gov.au/exempt-and-complying-development>



### Land use matrix (under LEP 2014)

To assist the community in understanding the level of approval that may be required Council has on its website a link to the Land Use Matrix which indicates whether development consent is required before the development can take place in each of the LEP Zones.

It also indicates development that is prohibited.

Each land use is defined in LEP 2014.

[https://www.byron.nsw.gov.au/files/pages/.../land\\_use\\_matrix.pdf](https://www.byron.nsw.gov.au/files/pages/.../land_use_matrix.pdf)

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


## Land use and development


[click here](#)

### Dwellings and Entitlement

Not all land has an entitlement for a dwelling. A dwelling entitlement permits landowners to make an application for the construction of a dwelling house on their land. In order to establish whether your property has a dwelling entitlement, the site must be able to meet relevant criteria contained within Council's LEPs. A Section 149 (5) Planning Certificate or a Written Planning Advice can help clarify this matter.

<http://www.byron.nsw.gov.au/publications/action-149-certificate-application>

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## Land use and development

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### Secondary dwelling or dual occupancy (under LEP 2014\*)

If your land is within the RU1 Primary Production Zone or RU2 Rural Landscape Zone ('rural zones\*') you may be able to carry out a *dual occupancy* or *secondary dwelling* development subject to the approval of a development application. Please refer to the fact sheet for details regarding land with a Deferred Matter designation as LEP 1988 applies.

<http://www.byron.nsw.gov.au/publications/fact-sheets>

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### Horticulture (under LEP 2014\*)

*Horticulture* is the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture. These are defined separately.

If your land is within the 'rural zones\*' *horticulture* is usually exempt development subject to it not being located within 20m of a watercourse.

<http://www.byron.nsw.gov.au/publications/fact-sheets>

on  
sustainable  
agriculture



### Animal Husbandry (under LEP 2014\*)

*Animal husbandry* is a type of extensive agriculture which is any of the following:(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,(b) the grazing of livestock for commercial purposes,(c) bee keeping,(d) a dairy (pasture-based)

If your land is within the 'rural zones\*' *animal husbandry* is usually exempt development.

<http://brunswickvalleylandcare.org.au/wp-content/uploads/2014/07/Finale-Farm-Book-BVL-low-res-new-cover.pdf>

Visit the the Brunswick Valley Landcare site for '*Grazing on Small Farms in Byron Shire*' as a useful reference document.



### Road side stall (under LEP 2014\*)

A *roadside stall* is a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

If your land is within the 'rural zones\*' a *road side stall* is usually permissible with consent and may be subject to Council Policy 5.37 commercial and other activities on public land and roads



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## Land use and development

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### Farm Stay and Rural Cabins (under LEP 2014\*)

*Farm stay accommodation* is a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production. A *rural cabin* is a form of *Tourist and Visitor Accommodation* and designed to enable rural cabins not attached to a working farm.

If your land is within the 'rural zones\*' a *farmstay* or *rural cabin* is usually a permissible development with consent and subject to guidelines in DCP 2014 in particular Chapter D.



### Forestry (under LEP 2014\*)

*Forestry* operations are:

(a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or (b) the harvesting of forest products, or (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

If your land is within the 'rural zones\*' *forestry* is usually permissible with development consent subject to assessment of ecological impacts.

Forestry is also regulated under the *Plantation and Reforestation Act 1999* or through a private native forestry property vegetation plan (PNP PVP) that ensure environmental outcomes are improved or maintained.



### Temporary Use of Land (under LEP 2014)

Development consent may be granted for development on land in any zone for a temporary use for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months.

It is important to note that for a use to be designated as 'temporary' it should not:

- prejudice the subsequent carrying out of development on the land
- adversely impact on any adjoining land or the amenity of the neighbourhood
- adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.

Refer to Clause 2.8 in Byron LEP 2014.



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## Topography, soils and farmland

[click here](#)



### State and Regionally Significant Farmland

*S117 Direction 5.3* aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre.

The Northern Rivers Farmland Project 2004 identified two significant levels of farmland in Byron Shire - State and Regionally Significant. The draft Rural Land Use Strategy supports the protection of this land and encourages the use of sustainable agricultural practices such as soil improvement. Visit Council's website for fact sheets on sustainable agriculture in Byron Shire.

<http://www.byron.nsw.gov.au/rural-land-use-strategy>  
<http://www.byron.nsw.gov.au/publications/fact-sheets>



### Acid sulfate soils (Under LEP 2014\*)

When acid sulfate soils are disturbed, they can generate large amounts of sulfuric acid, iron, aluminium and sometimes heavy metals. This can cause major impacts to the environment and to infrastructure. A classification scheme for acid sulphate soils identifies the types of works likely to present an environmental risk. If your land is shown on the Acid Sulfate Soils (ASS) Map, development consent is required for the carrying out of works described in the Table below dependant on the 'class of land'.

<http://www.byron.nsw.gov.au/publications/local-environmental-plan-2014>

[Acid Sulfate Soils Map](#)

Class of land	Works requiring development consent
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Regulated by a *S117 Direction 4.1* and LEP 2014 Part 6.1.




### Erosion and sediment control


Clearing or construction disturbs soil and creates dust and debris. Run-off from a works site travels down embankments, gutters and drains to creeks and canals and eventually ends up in a river, lake or the sea.

Advice on erosion control in rural areas such as for bushland regeneration projects, accesses and fire trails is available from BV Landcare, Council's Natural Resource Management Officer and DPI Soil Conservation Service.

The *Protection of the Environment Operations Act 1999* regulates clean waters, pollution control and clean air.

<http://www.byron.nsw.gov.au/publications/fact-sheets>

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## Vegetation

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### Native Vegetation

Native vegetation supports agricultural productivity as well as biodiversity. There is a growing body of evidence related to the benefits of native vegetation to both on-farm production and broader catchment values.

The *Native Vegetation Act 2003* regulates the clearing of native vegetation on almost all rural land in NSW. Under this Act, all clearing of remnant native vegetation or protected regrowth requires landholders to seek approval via property vegetation plan (PVP) from their Local Land Services unless the clearing is:

- on land excluded from the operation of the Act
- categorised as excluded clearing, or
- permitted clearing, including routine agricultural management activities (RAMAs)

Use the Native Vegetation Act Information Tools (see link) to help you work out whether approval is required.

The landholder, or any other person carrying out the activity, may also need to gain other approval from Council (seek factsheet link) or other government agencies.

Relevant regulations include LEP 2014 and as detailed in DCP 2104 Chapter B, *Native Vegetation Act 2003*, *Local Land Services Act* and the *National Parks and Wildlife Act 1974* which provides for the protection and care of native flora and fauna throughout the state of NSW.

<http://www.byron.nsw.gov.au/byron-shire-environmental-mapping>

<http://www.environment.nsw.gov.au/vegetation/onlinetools.htm>

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### Tree Removal

Any person intending to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation needs to determine if a development consent is required before commencing the vegetation work.

If you live in an area close to the bush, you need to prepare your home for bushfires. Trees within 10m of habitable rooms of approved dwellings on bushfire-prone land may be able to be removed without approval if the property is within the NSW Rural Fire Service *10/50 Vegetation Clearing Entitlement Area* and works are carried out in accordance with *10/50 Vegetation Clearing Code of Practice*.

For more details on tree removal for such purposes refer to the NSW Rural Fire Service website.

<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>

<http://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing>

<http://www.byron.nsw.gov.au/files/publications/development-factsheet-tree-removal.pdf>



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## Vegetation

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### Private Land Conservation & draft Biodiversity Bill

Various landholder agreements to protect vegetation and habitats on private lands are currently available:

- Biobanking agreements
- Conservation Agreements
- Nature Conservation Trust Agreements- Registered Property Agreements
- Incentive Property Vegetation Plans
- Conservation Property Vegetation Plans
- Wildlife Refuges

The NSW State Government in June 2016 publicly exhibited a Biodiversity Bill that proposes:

- a simplified system of landholder conservation agreements
- a new approach to assessing and offsetting biodiversity impacts of development that proposes to clear vegetation

For further information on the proposed reforms please contact the NSW Office of Environment and Heritage.

<https://www.landmanagement.nsw.gov.au/>

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## Landscapes and Habitats

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### Aboriginal Cultural Landscapes

Aboriginal heritage consists of places and objects that contribute to the story and lives of Aboriginal people. The connection for the people can be both spiritual and physical. Aboriginal heritage can include natural features such as creeks or mountains, ceremonial or story places.

As a landholder Aboriginal cultural heritage must be considered as part of your land management practices and development consent is required for demolishing, moving or altering an Aboriginal object or disturbing or excavating an Aboriginal place of heritage significance.

Byron Shire contains a wealth of Aboriginal cultural sites and many of these are not mapped due to their cultural sensitivity, advice on Aboriginal cultural heritage can be sought from Council, Local Aboriginal Land Councils or the Office of Environment and Heritage.

Regulated under the *National Parks and Wildlife Act 1974* and LEP 2014

5.10 Heritage conservation.

<http://www.environment.nsw.gov.au/conservation/aboriginalculture.htm>

[Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW](#)



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## Landscapes and Habitats

[click here](#)



### Environmentally Sensitive Areas

Within Byron Shire protection is afforded to *environmentally sensitive areas* such as coastal wetlands and littoral rainforests. If this applies to the land then exempt and complying development are not permissible and a development application will be required.

As a landholder if you land contains or adjoins an identified environmentally sensitive area listed below, consent for development will be required:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Please note: State Environmental Planning Policies (SEPP) 14, 26 and 71 are proposed to be replaced by a single new SEPP under NSW coastal reforms.

<http://www.environment.nsw.gov.au/coasts/coastrefirms.htm>

### Koala Habitats

Council has adopted a draft Koala Plan of Management (KPOM) which aims to ensure a strategic and comprehensive approach to issues surrounding koalas including:

- habitat protection and restoration
- management of bushfire
- mitigation of threats from motor vehicles, dogs and disease
- community education
- research, monitoring and evaluation
- resourcing and implementation

The draft KPOM includes development assessment requirements and planning provisions that apply to development that impacts on areas where koalas occur. Regulated under the provisions of *SEPP 44*.

<http://www.byron.nsw.gov.au/koalas-in-byron-shire>



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## Landscapes and Habitats

[click here](#)



### Coastal Erosion Management Framework

A draft coastal zone management plan (CZMP) has been prepared for Byron Bay Embayment to guide land-use planning, development controls and coastal activities as well as providing a range of suitable management strategies to inform the community about how coastal erosion will be dealt with in their communities.

If you are landholder where risk and hazard management works are proposed the CZMP states that the consent from landowners may need to be obtained before proceeding and if any proprietary arrangements are necessary to carry out proposed actions identified in the plan (e.g. easements, covenants, land acquisitions) they will need to be negotiated, prepared and registered to the extent necessary prior to implementation in a form satisfactory to Council.

The document is awaiting Ministerial approval.

Regulated by NSW Coastal Policy, the *Coastal Protection Act 1979* and the *Coastal Protection Regulation 2011*.

<http://www.byron.nsw.gov.au/coastal-zone-management-plan-for-byron-bay-embayment>

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## Water and waterways

[click here](#)



### Drinking Water Catchments (Under LEP 2014)

To protect drinking water catchments LEP 2014 contains a Drinking Water Catchment Map that identifies land within a drinking water catchment.

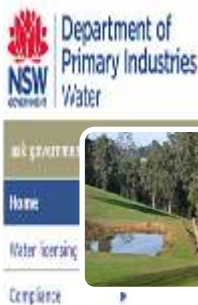
If your land is shown on the Drinking Water Catchment Map, a development application must demonstrate consistency with the provisions of the LEP and DCP 2014 in particular, Chapter C4 Development within a drinking water catchment.

Rous Water is the regional water supply authority providing potable water in bulk to most Council urban areas of the Northern Rivers. For more information about Rous Water visit their website.

<http://www.byron.nsw.gov.au/quick-map-reference-lep-2014-maps>

<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>

[http://www.rouswater.nsw.gov.au/cp\\_themes/default/page.asp?p=DOC-EPM-20-14-85](http://www.rouswater.nsw.gov.au/cp_themes/default/page.asp?p=DOC-EPM-20-14-85)



### Water licensing and compliance

If you have a rural property, requirements for a licence (or other approvals) to access water depends on how and why you want to use the water. Rural landholders may be able to build dams on minor streams that capture 10 per cent of the average regional rainfall run-off on land in the NSW Central and Eastern Divisions.

For more information refer to the NSW DPI Office of Water website for details on approval requirements.

Regulated under the *Water Management Act 2000* and *Water Act 1912*.

<http://www.water.nsw.gov.au/water-licensing>



### Works in or adjacent to waterways or streams

A riparian corridor is a transition zone between the land and the watercourse that is important for maintaining or improving the shape, stability and ecological functions of a watercourse. The NSW Office of Water defines riparian corridors under the *Water Management Act 2000* and regulates what works and activities can occur within them through the issuing of controlled activity approvals - refer to the DPI Office of Water website. Further practical information can also be found on the Australian River Restoration Centre website.

<https://arrc.com.au/resources/managing-stock/>





### Mosquito Management

A mosquito management plan has been developed by Council which notes that there are a wide range of mosquito habitats including permanent freshwater wetlands, marshland, flooded pastureland, creeks, farm dams and ephemeral ground pools in bushland areas. The plan has mapped a Mosquito Risk Area and this is contained within DCP 2014.

If making a development application such as for a rural cabin on land that has been identified as a mosquito risk area the application must address biting insect mitigation and management.

<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>

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## Emissions Control and Reduction

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### Contaminated Land

Contaminated sites can occur anywhere, they are typically clustered in areas which have been used for chemically intensive agriculture such as cattle and produce spray dips.

*SEPP 55* requires that Council be satisfied that a site is suitable for its proposed use or can and will be made suitable. Preliminary site assessment for contaminated land issues is required for all development applications and rezonings.

<http://www.byron.nsw.gov.au/publications/fact-sheets>

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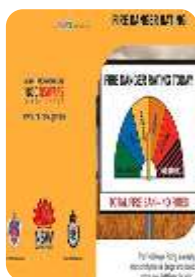


### On site effluent disposal

Landowners using an onsite effluent disposal system must ensure that surface and ground water resources are protected and activities that are dependent on waterways are not adversely impacted such as farming or urban drinking water catchments.

Specific information on system design and the range of options available to land owners can be found in the following booklets produced by Byron Shire Council: Design Guidelines for On-site Sewage Management Systems (a technical manual for system designers); and Home Owners guide to On-Site Sewage Management (a plain English guide for land owners).

[www.byron.nsw.gov.au/.../On-site Sewage Management Strategy.pdf](http://www.byron.nsw.gov.au/.../On-site Sewage Management Strategy.pdf)



### Bushfire Prone (under LEP 2014) and Burning in rural areas

Bush fire is a major challenge to the community. A classification scheme for bushfire risk based on attributes such as vegetation and slope identifies the areas most likely to be bushfire prone. If your land is shown on the Bushfire Category Vegetation Map all development must satisfy the requirements of *Planning for Bushfire Protection 2006* and *Australian Standard 3959-2009*.

Each year the NSW Rural Fire Service (RFS) monitors and declares Bush Fire Danger Periods and during these periods RFS approval may be required prior to burning including bushfire hazard reduction work or pile burning. As a landholder if you are considering burning please contact the RFS for advice on burning approval requirements.

In the interests of protecting the environment and preserving neighbourhood amenity, consider alternative options such as chipping, mulching or composting green waste before proposing to burn.

<http://www.byron.nsw.gov.au/publications/fact-sheets>



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## Emissions Control and Reduction

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### Pesticides and our Organic Growers

If your community groups such as Landcare, Dunecare, Rivercare and community gardening groups are considering using pesticides on Council land, Council's web site provides a Frequently Ask Questions site about requirements for a Pesticide Notification Plan.

The use of pesticides in agricultural operations and other occupations users may need to have undertaken approved training and keep records of each time they use pesticides. For detailed advice on use of pesticides for such purposes refer to the Environmental Protection Agency website.

Council maintains a confidential register for Chemical Sensitive Residents and Organic Growers. Residents sensitive to chemical herbicide and certified organic growers who wish to be placed on the Register should apply to Council in writing on the *official application form*.

In the interests of protecting the environment and preserving neighbourhood amenity, consider alternative options such chemical free options for pest or weed control.

[www.byron.nsw.gov.au/pesticide-use](http://www.byron.nsw.gov.au/pesticide-use)<http://www.epa.nsw.gov.au/pesticides/><http://www.byron.nsw.gov.au/publications/application-for-inclusion-on-herbicide-register>

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## Other matters of interest

[click here](#)

### Fencing

Dividing fences are controlled by the *Dividing Fences Act 1991* which regulates how the cost of a dividing fence is shared between neighbours when it is renewed or repaired.

If your land is within the 'rural zones\*', an environment protection zone or Zone R5 the installation of a fence on land exempt development unless the lot contains a heritage item or a draft heritage item, or along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area, or on a flood control lot, or on land that is identified as being in a foreshore area or *environmentally sensitive area*.

When fencing please consider that wildlife need to move freely and safely across our landscape unless being purposely excluded for safety and other reasons. Refer to the right column for links to helpful guidance.


<http://www.byron.nsw.gov.au/exempt-and-complying-development>  
<http://www.wires.org.au/wildlife-info/wildlife-factsheets/making-friendly-fencing>[www.wildlifefriendlyfencing.com/WFF/Home.html](http://www.wildlifefriendlyfencing.com/WFF/Home.html)


### Signage

Signs come in many shapes and sizes and can range from large town entrance signs to small A – frame signs outside local businesses.

The mechanisms for obtaining approval to erect or place signs are also varied. In the rural zones\* signage must relate to the land/premises on or adjacent to land on which it is to be displayed. For advice on approval requirements please contact Council and refer to DCP 2014.

<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>

 If the box has a yellow border this indicates that Council is 'the' or one of the approval authorities

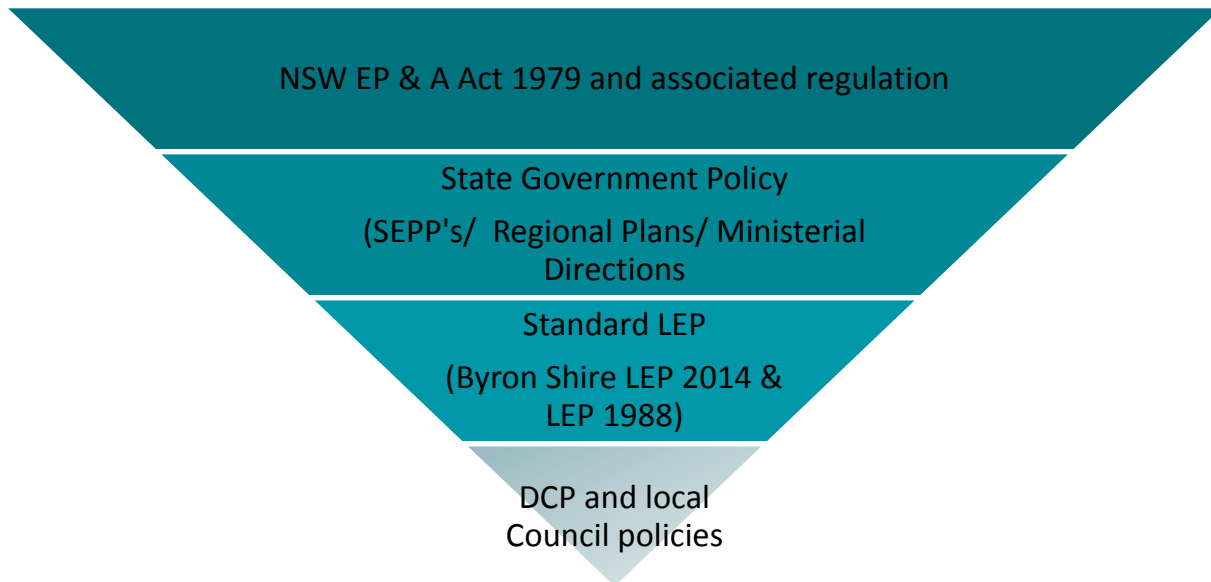
 If a box is shaded teal also please refer to Council's website where you will find more helpful and detailed information. You will find a 'Click here' to the right of the information box

\* Development requirements relate to the provisions of LEP 2014 for the RU1 Primary Production Zone or RU2 Rural Landscape Zone referred to as 'rural zones'.



## NSW Planning System

The planning system, including development assessment, addresses a range of environmental, social and economic issues. NSW Planning controls are prepared by both State and local government. This has led to a hierarchy of legislation and means there is no one simple document that defines and regulates all development for a parcel of land in NSW.





The overarching legislation for planning in NSW is the *Environmental Planning & Assessment Act 1979 (EP&A Act)*. This is supported by the *Environmental Planning & Assessment Regulation 2000*. This legislation sets the ground rules – powers for Council officers, requirements to submit a development application, what needs to be considered when an officer assesses an application etc. Both documents can be found on the NSW government and legislation websites: [EP&A Act](#) and [EP&A Regulation](#).

The *EP&A Act* also sets out the other levels of the planning system called ‘Environmental Planning Instruments’. These include:

- State Environmental Planning Policies (SEPP’s) - planning policies that are written by the NSW Department of Planning & Environment and generally apply across NSW
- Directions issued by the Minister under Section 117(2) of the *EP&A Act* (‘S117’)
- Regional Plans (currently the Far North Coast Regional Strategy; a draft North Coast Regional Plan has been prepared and publicly exhibited)
- Local Environmental Plans

For more information please refer to the NSW Department of Planning and Environment website: [www.planning.nsw.gov.au/](http://www.planning.nsw.gov.au/).

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# Land Use Regulation Policy Framework in Byron Shire

[click here](#)



## Local Environmental Plans (LEP)

An LEP is a legal document prepared by Council and approved by the State Government to regulate land use and development.

It is important to familiarise yourself with the LEP as it is the principal planning document outlining what a landowner can or cannot do with their land by defining land uses and setting zones, permissible development and development standards.

Byron Shire currently has two LEPs: LEP 2014 and LEP 1988.

<http://www.byron.nsw.gov.au/byron-lep-2014-and-lep-1988>



## Development Control Plans (DCP)

A DCP is prepared and adopted by Council to provide detailed planning and design guidelines to support the planning controls in the LEP and focuses on development issues at a local level.

It is important to make sure you consider any DCP provisions affecting your land and when preparing a development application as they form an important part of the decision making process. Zoom in on the image opposite to view the contents page of DCP 2014 or go to the website.

<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>



## Zoning

Zones designated under an LEP are identified geographical areas based on land use allocations. Zones are used to describe the intended character of an area and outline consistent and inconsistent land uses within that area.

It is good to familiarise yourself with your land's zoning as it governs what uses you can and cannot do on your land and whether the use you are proposing requires an approval. You can find out your land's zoning by referring to the LEP zoning maps.

<http://www.byron.nsw.gov.au/byron-lep-2014-and-lep-1988>



## Deferred Matters (DM)

In some circumstances when a new LEP is prepared it may be appropriate to defer certain lands from being included. This may happen when further investigation of areas or matters is required to resolve complex issues. LEP 2014 has 'deferred matters'(DM) due to a number of areas with environmental values throughout the Shire.



If your land has a 'DM' (shaded grey) then development is controlled and regulated by LEP 1988.

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\* Development requirements relate to the provisions of LEP 2014 for the RU1 Primary Production Zone or RU2 Rural Landscape Zone referred to as 'rural zones'.





Disclaimer: Byron Shire Council has taken all reasonable care in compiling and producing the information contained on this fact sheet and its connected web sites. This fact sheet is designed to be informative and educational. The information contained in this fact sheet is not exhaustive and should not be relied on as a substitute for professional advice when making decisions about your land and land use. The information contained is based on current land management knowledge, and advice throughout is tied to land being in Byron Shire Council Local Environmental Plan 2014. If a deferred matter applies to part of whole of your land then the following advice may not be applicable. Contact a Council planner or Development Support Officer: phone 02 6626 7025 / email [dso@byron.nsw.gov.au](mailto:dso@byron.nsw.gov.au) (further details click here <http://www.byron.nsw.gov.au/development-related-advice>) for information pertaining to such land. The document was created in September 2016 and Byron Shire Council encourages the reader to seek professional advice for completeness or reliability of the material.

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