

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

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

Dear Mr Arnold

Byron Shire Council Residential Land Strategy 2041

I refer to your correspondence requesting the Department's approval of the Byron Residential Land Strategy 2041.

I would like to acknowledge and commend Council on its significant efforts and commitment to strategic planning for the Byron Shire in preparing the Residential Strategy.

I note and support the strategy's recommendation that structure or master planning is to be undertaken for new release areas. These plans should also include consideration of appropriate trigger points for land release based on growth rates to ensure the efficient and cost-effective delivery of supporting infrastructure.

Following consideration of the Byron Shire Residential Land Strategy 2041, I am pleased to conditionally approve the strategy, apart from the following items:

- the expanded eastern component of proposed investigation Area 6 at 1982 Coolamon Scenic Drive, Mullumbimby, as agency and community consultation has not occurred; and
- proposed investigation Area 17 at Ewingsdale Road, Byron Bay, as this area is reliant on the completion of Council's Coastal Hazard Study to enable an informed decision about the impact of the 100-year coastal hazard line on this site.

Proposed Resilient Lands Site B2 at Bangalow is also approved at this stage only for preliminary strategic investigations to allow further justification regarding the settlement planning principles of the North Coast Regional Plan 2041 in relation to Important Farmland. This should be addressed as part of Council's mid-point 2026/27 strategy review.

The approval of the strategy is also conditional upon Council addressing the matters below and publishing a revised version on its website:

- amend the Residential Land Suitability Principle ii to better align with the North Coast Regional Plan 2041 as follows: "*Avoid valued assets: the land avoids areas of high environmental value, heritage, cultural connection, significant and viable farmlands and the coastal strip*";
- delete all references to the term "viable" in relation to Important Farmland until a clear assessment method and management plan for viable farmland in proposed residential release areas has been prepared in consultation with the NSW Department of Primary Industries (Agriculture);
- replace reference to State Government housing 'targets' with 'estimates of required dwellings to meet expected housing demand'; and
- correct the written description of Area 11 in Appendix B.1 to align with the Investigation area shown in the blue border on the map.

In implementing the strategy, I encourage Council to take appropriate measures to ensure:

- in finalising flood investigations and updating Floodplain Risk Management Plans for the Shire, or if the flood planning level is amended in the future, the appropriateness and suitability of infill housing and residential investigation areas be considered in relation to the probable maximum flood levels, velocity, flood planning levels, and access to critical services during flood events, and amend the strategy as necessary for return to the Department for further review and approval;
- in undertaking the 2026/27 mid-point strategy review and in considering specific sites, and noting that many of the identified release areas are affected by potential constraints, Council also considers broader issues related to the progress of housing delivery in the Shire and whether additional sites need to be identified or medium to longer term sites need to be advanced more quickly due to any lack of progress in meeting the LGA's housing needs and contributing to the NSW government's 5 year regional housing targets;
- when preparing a planning proposal to rezone Resilient Lands Site B1, it be identified as an urban release area in the Byron LEP 2014 to ensure that a development control plan is prepared to guide future development and release of this land;
- any future proposals for rezoning are supported by infrastructure servicing plans and detailed studies and assessment of site-specific development constraints, including potential high environmental value and probable maximum flood levels, velocity, flood planning levels and access to critical services during flood events, to confirm land suitability and consistency with the North Coast Regional Plan 2041, applicable State Environmental Planning Policies, and relevant Local Planning Directions; and
- 40 per cent of all new dwellings being delivered across the entire LGA by 2036 are in the form of multi dwelling/small lot (less than 400m²) housing, consistent with the requirements of the North Coast Regional Plan 2041.

Ongoing collaboration with the Department along with other key agencies such as NSW Reconstruction Authority, NSW Department of Primary Industries (Agriculture) particularly regarding their concerns with Proposed Resilient Lands Site B2 at Bangalow, Transport for NSW and the NSW Biodiversity Conservation and Science will be vital in the successful implementation of the strategy. I encourage Council to proactively engage and work with these agencies in relation to matters such as Important Farmland, potential high environmental lands, flood prone land, transport management and accessibility plans and the Reconstruction Authority's Resilient Lands Program.

When undertaking the next update of Byron Shire Local Strategic Planning Statement, Council should ensure that it is consistent with the Department's approval of strategy.

Should you have any enquiries about this matter, I have arranged for Sandra Bush, Senior Planner to assist you. Sandra can be contacted on 5778 1409.

Yours sincerely



17 June 2024

Craig Diss
Acting Director, Hunter and Northern Region
Local Planning & Council Support