ATTACHMENT 1 TO COUNCIL REPORT 23 NOVEMBER 2017

EXPRESSIONS OF INTEREST: LAND FOR AFFORDABLE HOUSING

- **SUBMISSIONS ASSESSMENT REPORT**

1. Purpose of Report

Council at its 22 June 2017 Ordinary Meeting considered a report on affordable housing options and resolved the following:

Resolution 17-260

1. *Note the Housing Issues Plan developed the result of the Byron Affordable Housing Summit and support its use to inform part of the Residential Land Use Strategy recommendations currently under preparation.*

2. *Support further discussions with landowners of land in Attachment 1, and progression of work necessary to establish the feasibility of the sites in Attachment 1 and Attachment 2 for affordable housing; and also site '17' Saddle Road land identified in the Draft Preliminary Residential Housing Strategy; and where appropriate, invite lodgement of Planning Proposals to rezone the land for this purpose.*

3. *Request staff to progress, in consultation with the community, work necessary to support a possible Planning Proposal or any possible rezoning of land at the Mullum Hospital Site.*

4. *Review the mechanisms available to guide Council involvement in any public / private housing development with respect to probity and process.*

5. *Request staff to progress an expression of interest process (with a prepared set of guidelines) that will invite land owners to submit affordable housing proposals for other land in the Byron Shire for the consideration of Council as part of an early implementation program to supplement Council's Residential Lands Strategy*

In relation to item 5 of the above resolution an Expression of Interest (EOI) process for affordable housing proposals in Byron Shire was open from 12 August to 12 September 2017. The EOI was designed to seek proposals for small, medium and large-scale project ideas in both existing and potential future urban areas. Respondents were encouraged to consider partnership opportunities with the land owners, private sector or community housing providers to deliver long term affordable housing solutions in Byron Shire.

A total of 31 EOIs were received, with 5 relating to Byron Shire Council and/or Crown land (under Council management). One EOI was from a housing provider offering their services for later in the process should the need arise.

The EOI submissions have been organised into three categories:

- **Category 1**: Private land owners (excluding Saddle Road locality)
- **Category 2**: Saddle Road locality land owners (subject to consideration under *Res. 17-260 Item 2*)
- **Category 3**: Council or Crown land

This report only assesses the potential suitability of Category 1 lands for affordable housing. Category 2 is pending further consideration of a planning proposal for Saddle Rd. Category 3 Council or Crown land sites will be subject to a further report to council.

The Category 1 assessments include the two private landowners sites identified in *Resolution 17-260* (Attachments 1 and 2: 3 Poplar Street and 77 Main Arm Road) for which an EOI was not received under

the EOI process. The land owner of 2219 Coolamon Scenic Drive (also identified in Attachment 2) made a further late submission under the EOI process. The location of these three sites is shown on Map 1 below (identified in a red box as '*Res 17-260'* site).

2. Assessment Methodology

Assessment criteria (guidelines) have been developed to determine the strategic suitability of a given EOI site for affordable housing. The criteria reflect relevant strategic considerations regardless of land tenure and incorporate three Performance Objectives:

Performance objective 1*:* The site should be functionally suited to residential development — both from land capability and infrastructure servicing standpoint

***Performance objective* 2**: The site should be located close to other residential development to enable integration with local community

Performance objective 3: Aligns with Council priorities for delivering 'affordable housing'.

In support of the above performance objectives the relevant site assessment criteria include:

- within or in close proximity to a Mixed Use, Residential or Village Zone (excluding R5 Large Lot Residential Zone)
- safe and unconstrained land generally unencumbered by:
  - areas of high or environmental, extractive resource or heritage value or areas mapped as regionally significant farmland
  - hazards or risks such as 100yr flooding, coastal erosion, tidal inundation, slip, dunal movement, extreme bushfire and slopes greater than 20%
- already connected, or capable of being connected, to water and sewerage infrastructure that can accommodate projected demand, at no additional cost to Council/community
- good access to town centres offering the following opportunities:
  - mixing with a community
  - employment
  - essential services, schools, shops,
  - recreation, parks and community space
  - getting around including cycle/walkways and public transport
  - proximity to social, family and other established support systems
  - benefiting those in housing and rental stress
  - improved housing choice and diversity
  - permanently secured housing stock for low to moderate income residents

The criteria accords with the site suitability and mapping criteria applied for identification of potential residential land in both the Rural Land Use Strategy (as adopted) and draft Residential Strategy. The constraint levels shown below are based on the site suitability mapping methodology used in the draft residential strategy. Further explanation of this methodology can be found in Appendix A: Byron Shire Preliminary Draft Residential Strategy Greenfield analysis methodology at the end of this report.

Land Area generally unconstrained :	**Land Area constrained:**
1 – Low	3 - High
2 – Medium	4 - Extreme

3. Category 1: Private land owners (excluding Saddle Road)

The following provides an assessment of each of the sites followed by a recommendation. The sites are listed by location.

Mullumbimby locality

A total of 6 submissions were received for Mullumbimby, as shown in Map 1 below along with the corresponding reference codes (eg. Mu1) .

Map 1: Location of Sites in Mullumbimby

Res 17-260: Attachment 1 Site: 71 Main Arm Road Mullumbimby (Lot 1 DP 1222185)		
	Total Land Area 3.5m^2	**Key constraints to be addressed**
	Land Area generally unconstrained : 1.8 ha 1 – Low 2 - Medium	* See staff comments on constraints below
	Land Area constrained: 1.7ha 3 - High 4 - Extreme	• **Regionally significant farmland*** • **Riparian buffer** • **Flood high hazard** • **Bushfire**

Location and Zoning	Ru1/1a: < 400 of a Residential Zone < 1km to day to day services/facilities
Services and Access	Fronts Main Arm Road - sealed surface Water available Requires a connection sewer services
Type of residential proposal	18 smaller dwellings of 100sqm with a Floor Space Ratio of 50% (indicative only) .Suggested proportion of the land (some 20%) to affordable housing. **Affordable dwellings estimate yield: 4**
Investment/Funding Proposal	Council/community 'harvesting' a proportion of the increase in value of the land when it is upzoned for residential purposes. Council ownership for affordable housing, balance to the open market.
Affordable housing management terms	Affordable housing provider
Staff Comments	This site is consistent with Assessment Performance Objectives 2 and 3. The extreme constraints shown in red are largely contained to the riparian area along Mullumbimby Creek. The high constraint (shown in orange) is regionally significant farmland > 1km from Major Town. When the initial mapping was prepared the 1km was taken from the Post Office, this site adjoins residential zoned land and as such the high constraint could reasonable be down graded to a medium constraint providing around 1.8 ha of generally unconstrained land. This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 1:

That staff continue further discussions with the landowner of 71 Main Arm Road and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a planning proposal application for this purpose.

Res 17-260: Attachment 1 Site: 3 Poplar Avenue (Lot 76 & 77 DP 755722)			
		Total Land Area 2.2ha	**Key constraints to be addressed**
		Land Area generally unconstrained : 3200m² 1 – Low 2 - Medium	• **Flood** • **Slope**
		Land Area constrained: 1.7ha 3 - High 4 - Extreme	• **Flood medium - high hazard** • **Riparian buffer** • **Coastal environment area** • **Bushfire**
Location and Zoning	Not within Residential Zone : Mix of 1a/R5/1c2 < 400 m of a Residential Zone		
Services and Access	Fronts Poplar Street and Azalea Avenue - sealed surface Within a Water Metre Zone Requires a connection sewer services		
Type of residential proposal	11 smaller dwellings of 100sqm with a FSR of 50% (indicative only) Suggested proportion of the land (some 20%) to affordable housing **Affordable dwellings estimate yield**: 2		
Investment/Funding Proposal	Council/community 'harvesting' a proportion of the increase in value of the land when it is upzoned for residential purposes. Council ownership for affordable housing, balance to the open market.		
Affordable housing management terms	Affordable housing provider		
Staff Comments	The site and proposal is consistent with Assessment Performance Objectives 2 and 3. All of the land is situated within a flood hazard area with a significant portion in the medium to high hazard. The narrow (18 m wide strip fronting Poplar St may provide further limited residential potential however noting this land is also largely flood prone, development would need to accommodate methods for providing safe flood free housing and parking. It is considered to have minimal capacity to significantly secure a permanent housing stock for low to moderate income residents. This site was shown to Councillors on the bus site inspection trip (19 Oct).		

Recommendation 2:

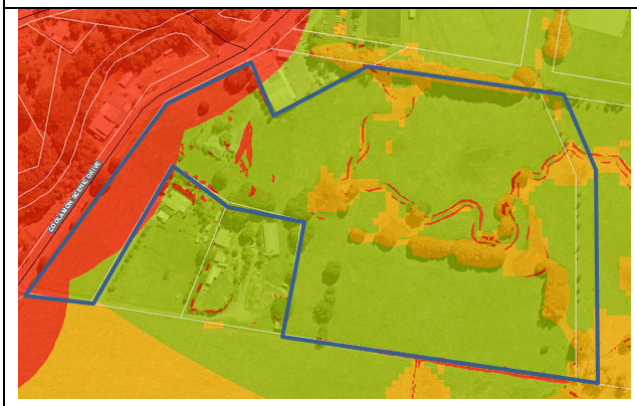
That the proponent for 3 Poplar Avenue be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the reasons that the flooding constraints of the site do not render it suitable for affordable housing.

MU 1: 11 Main Arm Road Mullumbimby (Lot 1 DP1070790)		
	Total Land Area 3060m^2	**Key constraints to be addressed**
	Land Area generally unconstrained : 1700m^2 1 – Low 2 - Medium	• **Sensitive farmland buffer**
	Land Area constrained: 1360 m^2 3 - High 4 - Extreme	• **Riparian buffer** • **Flood medium hazard** • **Bushfire**

Location and Zoning	Within Residential Zone with a minimum lot size of 600m^2 < 400m to day to day facilities
Services and Access	Fronts Main Arm Road - sealed surface Water and sewer available
Type of residential proposal	**No of lots:** 6 x (300m^2) **Tenure**: Community Title detached dwellings **Occupants:** owner and or renter
Investment/Funding Proposal	The detached house which has subdivision approval is proposed to be sold to assist funding the development.
Affordable housing management terms	No stated
Staff Comments	This site is consistent with Assessment Performance Objectives 2 and 3. The Residential zoning is an advantage that a planning proposal to rezone the land is not required. The constraints are largely contained to the riparian area along Mullumbimby Creek. The development site which is flat is currently mechanical repair station and implications/cost s around site decontamination will need to be addressed. The proposal does not provide details around securing a permanent housing stock for low to moderate income residents. Consideration will need to be given to the LEP 2014 minimum lot size provisions and how they would apply to this development should not all of the lots be allocated under the provisions of SEPP (Affordable rental housing). This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 3:

That staff continue further discussions with the landowner of 11 Main Arm Road and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a development application and/or planning proposal for this purpose.

MU2: 1660 Coolamon Scenic Drive (Lot23 DP1089627)		
	**Total Land Area 9.2 ha**	**Key constraints to be addressed**
	Land Area generally unconstrained: 7ha 1 – Low 2 - Medium	• **Sensitive farmland buffer** • **Flooding**
	Land Area constrained: 2.2ha 3 - High 4 - Extreme	• **Flood medium hazard** • **Riparian buffer**

Proposal Plan submitted by proponent

Location and Zoning	Not within Residential Zone : Mix of Ru 1/1B1 < 400 m of a Residential Zone
Services and Access	Fronts Coolamon scenic Drive - sealed surface Requires an upgrade to water and sewer services
Type of residential proposal	**Total no of lots: 50 approx.** **Open market yield**: 27 lots (600 - 1000 m^2) **Affordable dwellings**: 37 lots (450 m^2)
Investment/Funding Proposal	Release of portion of lots to the open market the balance retained to be as affordable housing
Affordable housing management terms	Affordable housing provider
Staff Comments	The site and proposal is consistent with Assessment Performance Objectives 1, 2 and 3. This development should it proceed would provide a sizable quantity of affordable dwellings well located to town services. The area adjoins Council land (Lot 22) also under consideration for housing options, preferably any development of this land should it be integrated with adjacent land to the east. This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 4:

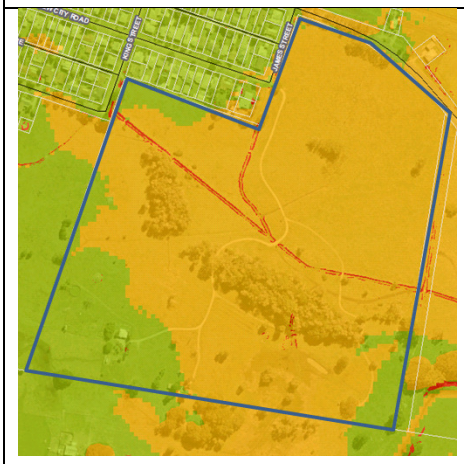
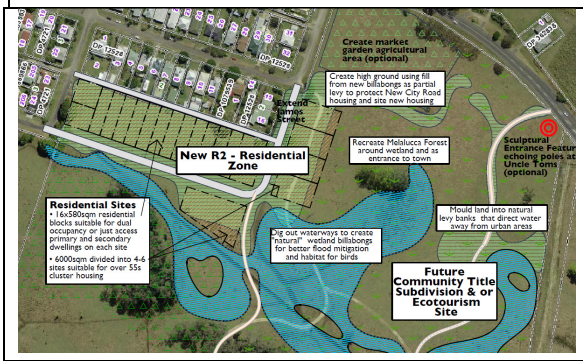
That staff continue further discussions with the landowner of 1660 Coolamon Scenic Drive and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a planning proposal for this purpose.

Mu 3: 1B Ann Street (Lot 1 DP1032298)		
	Total Land Area 14.6ha **Land Area generally unconstrained : 13.6ha** 1 – Low 2 - Medium **Land Area constrained: 10000m²** 3 - High 4 - Extreme	**Key constraints to be addressed** • **Sensitive farmland buffer** • **Flooding** • **Riparian buffer** • **Flood high hazard** • **Bushfire**

Location and Zoning	Not within Residential Zone : Mix of Ru 1/Ru2/1D < 400 m of a Residential Zone
Services and Access	Fronts Ann Street - sealed surface Requires an upgrade to water and sewer services
Type of residential proposal	Self contained 'Retirement Village 75 apartments The complex will be 'whole of life' after 55+ age with residences/units ranging from self care/self sufficiency grading to assisted living, intensive care, and eventually a dementia unit.
Investment	Seeking a profit return on land investment
Funding Proposal	Not stated
Affordable housing management terms	Retirement village
Staff Comments	The site and proposal is consistent with Assessment Performance Objectives 1, 2 and 3. The area adjoins Council land (Lot 22) also under consideration for housing options, ideally any development of this land should it be linked with adjacent land to the west and east (Mu2 and MU5). The proposal does not address how it will significantly secure a permanent housing stock for low to moderate income residents. This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 5:

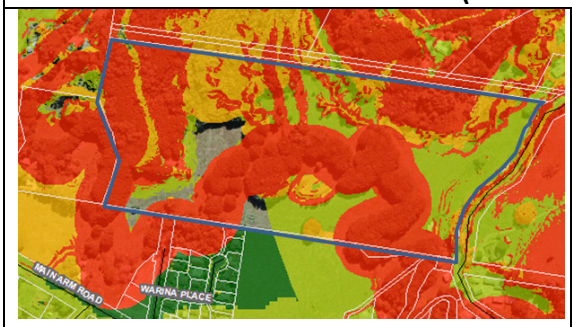
That staff continue further discussions with the landowner of 1B Ann and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a planning proposal for this purpose.

MU 4: 75 Mullumbimby Road (Lot 2 DP1032298)		
	**Total Land Area 25.5ha** Proposal area 1.8 ha	**Key constraints to be addressed**
	Land Area generally unconstrained : 1 – Low 2 - Medium	• **Sensitive farmland buffer** • **Bushfire**
	Land Area constrained: 3 - High 4 - Extreme	• **HEV** • **Flood high hazard** • **Riparian buffer**
 Proposal Plan submitted by proponent		

Location and Zoning	Not within Residential Zone : Mix of Ru 1/Ru2/1B1 < 400 m of a Residential Zone
Services and Access	Fronts Mullumbimby Road and Anne Street - sealed surface Any development of the south western unconstrained would require access across constrained land Within a Water Metre Zone Requires an upgrade to sewer service
Type of residential proposal	**Total no. of lots: 22 approx.** **Open market yield:** 16 dual access lots (580 m^2) (potential 32 dwellings) **Affordable dwellings:** 4-6 larger lots (1000-2000 m^2) (potential 55 dwellings)
Investment/Funding Proposal	Release of portion of lots to the open market the balance retained to be as affordable housing
Affordable housing management terms	Boarding house or combination of shared equity and Buy Assist options Occupants could be owner or renter
Staff Comments	The site and proposal is consistent with Assessment Performance Objectives 2 and 3. The area fronting James Street proposed for the larger lots is generally considered not suitable for residential. The south west corner of this land may provide an alternative further residential potential should it be linked with adjacent land to the west, also subject of an EOI proposal (MU3). This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 6:

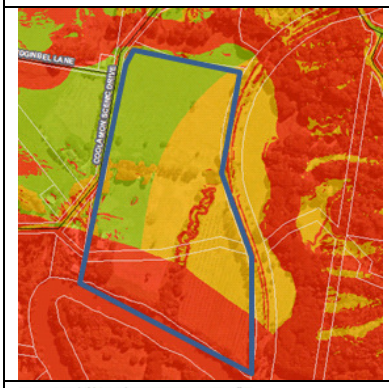
That staff continue further discussions with the landowner of 75 Mullumbimby Road and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a planning proposal for this purpose.

Mu5: 1897 Coolamon Scenic Drive (Lot 4 DP 874348)		
	**Total Land Area 16.7ha**	**Key constraints to be addressed**
	Land Area generally unconstrained 1 – Low 2 - Medium	• **Sensitive farmland buffer**
	Land Area constrained 3 - High 4 - Extreme	• **HEV** • **Riparian buffer** • **Flood high hazard** • **Bushfire** • **Slope**

Location and Zoning	Not within Residential Zone : Mix of Ru2/1A < 400 m of a Residential Zone
Services and Access	Fronts Coolamon Scenic Drive - sealed surface Within a Water Metre Zone Requires an upgrade to water and sewer services
Type of residential proposal	Caravan park providing a variety of affordable housing and other housing long term and short term in lifestyle botanic parklands.
Investment/Funding Proposal	Seeking a profit return on land investment
Affordable housing management terms	Not stated
Staff Comments	The site and proposal is generally inconsistent with Assessment Performance Objectives 1, 2 and 3. The land is largely constrained with access limitations off Coolamon Scenic Drive. A caravan park and camping ground is permitted with consent in the Ru2 Zone and as such the proponent could proceed with a development application. It is considered that such a development may be able to provide benefit in the short term for homeless or those in rental stress by providing a lower cost form of accommodation it does not have capacity to significantly secure a permanent housing stock for low to moderate income residents and there is a risk that the grounds would be used by visitors rather than residents.

Recommendation 7:

That the proponent for 1897 Coolamon Scenic Drive be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the reasons that the access, flooding and terrain constraints of the site do not render it suitable for affordable housing.

Mu6: 2219 Coolamon Scenic Drive (Lot 10 DP 1132925) – also Attachment Site 2 in Res 17-260		
	**Total Land Area 24ha**	**Key constraints to be addressed**
	Land Area Unconstrained: 5ha 1 – Low 2 - Medium	• **Sensitive farmland buffer**
	Land Area constrained 3 - High 4 - Extreme	• **Riparian buffer** • **High flood risk** • **Bushfire**
Proposal Plan submitted by proponent		
Location and Zoning	Not within Residential Zone : Mix of Ru 2/1a/1b1 < 400 m and less than 1km of Residential Zone	
Services and Access	Fronts Coolamon Scenic Drive - sealed surface No connection – nearest sewer services 650m approx. Southern part of land is part of the water reticulation area for Mullumbimby	
Type of residential proposal	Community title – large lot residential 6 housing lots of greater than 1.5 acres each	
Investment/Funding Proposal	Not stated	
Affordable housing management terms	Community title	
Staff Comments	This proposal was considered as a submission in the Rural Land Use Strategy, as presented to Council 26 October 2017 which stated that Draft Residential Strategy has determined that the site has urban potential in the long term, subject to adequate infrastructure servicing and road upgrades of Coolamon Scenic Drive available. As such it is not suitable for inclusion for large lot residential. The site and proposal is generally inconsistent with Assessment Performance Objectives 2 and 3. It is considered that a 6 lot large lot community title development does not have capacity to significantly secure a permanent housing stock for low to moderate income residents nor is the site located close to other residential development to enable integration with local community.	

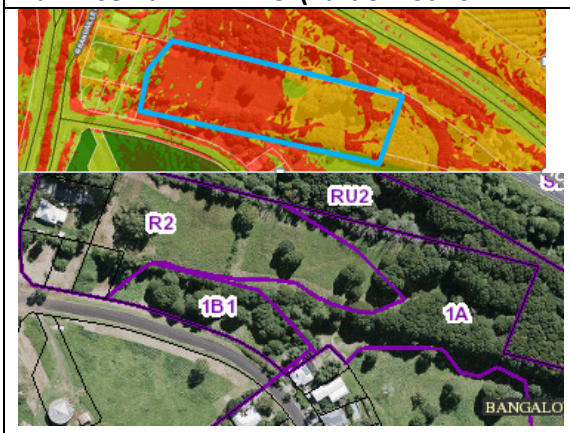
Recommendation 8:

That the proponent for 2219 Coolamon Scenic Drive be advised that their proposal for large lot community **title affordable housing is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for the key reasons that part of the site has urban potential in the long term, subject to adequate infrastructure servicing and it not located close to other residential development to enable integration with local community.**

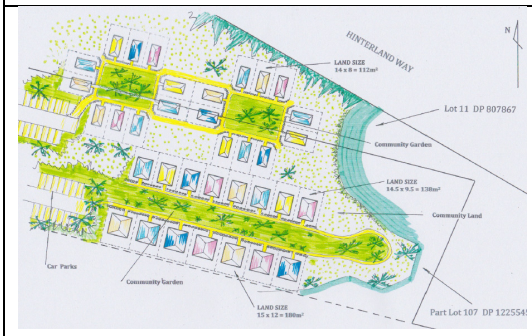
Bangalow

Two proposals were received for the Bangalow, one on the edge of the urban area near the water tower, the other well outside the urban area near the sewerage treatment plant.

Ba1: 168 Rankin Drive (Part of Lot 107 DP 1225545 and Lot 11 DP 808867)



Total Land Area Part of site: 80m x 140m = 11,200m^2 approx.	Key constraints to be addressed
Land Area generally unconstrained: 250m^2 1 – Low 2 - Medium	• Slope
Land Area constrained: Approx. 1.1 ha 3 - High 4 - Extreme	• Slope • Bushfire

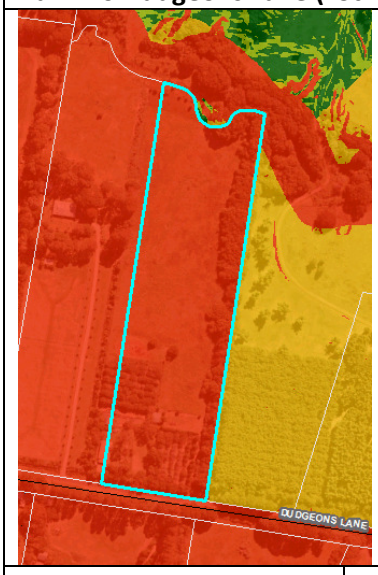


Proposal Plan submitted by proponent

Location and Zoning	Part within Residential Zone : Mix of R2/1a Balance within < 400 m of a Residential Zone
Services and Access	Fronts Rankin Drive - sealed surface Adjacent to water and sewer services
Type of residential proposal	Open market tiny housing project in the form of a 'pocket neighbourhood' 35 house sites on land sizes ranging from 110m^2 - 180m^2 in area.
Investment/Funding Proposal	Sale of land with covenant to restrict the sale price the original cost + CPI Proponent seeks concessions on infrastructure contributions
Affordable housing management terms	Not stated
Staff Comments	The site and proposal is consistent with Assessment Performance Objectives 2 and 3. Site's slope and gullies significantly constrain the land and would require closer examination of the capacity to accommodate house sites on the terrain. The partial Residential zoning also warrants the further consideration of this site and to establish the viability of this proposal. This site was shown to Councillors on the bus site inspection trip (19 Oct).

Recommendation 9:

That staff continue further discussions with the landowner of 168 Rankin Drive and progression of work necessary to confirm the feasibility of the site for affordable housing, and where appropriate invite lodgement of a development application and /or planning proposal for this purpose.

Ba 2: 76 Dudgeons Lane (Lot 2 DP635444)		
	**Total Land Area 3.86ha**	**Key constraints to be addressed**
	Land Area generally unconstrained: none 1 – Low 2 - Medium	• **Sensitive farmland buffer**
	Land Area constrained: 100% 3 - High 4 - Extreme	• **Sewerage treatment plant buffer** • **Regionally significant farmland**

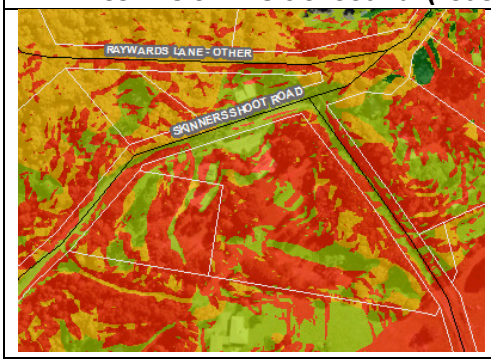
Location and Zoning	Not within Residential Zone : Ru 1 < 1km of a Residential Zone
Services and Access	Fronts Dudgeons Road : unsealed surface Not capable of being connected to water and sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community
Type of residential proposal	Open market tiny housing project
Investment/Funding Proposal	Not stated
Affordable housing management terms	Not stated
Staff Comments	The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. Land has constraint attributes generally unsuitable for residential development including regionally significant farmland designation, proximity to the sewerage treatment plant and being situated outside a preferred catchment area for urban expansion of 1km. It is further considered that such a development does not have capacity to significantly secure a permanent housing stock for low to moderate income residents.

Recommendation 10:

That the proponent for 76 Dudgeons Lane be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is regionally significant farmland, within the buffer area for the sewerage treatment plant, situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

Byron Bay

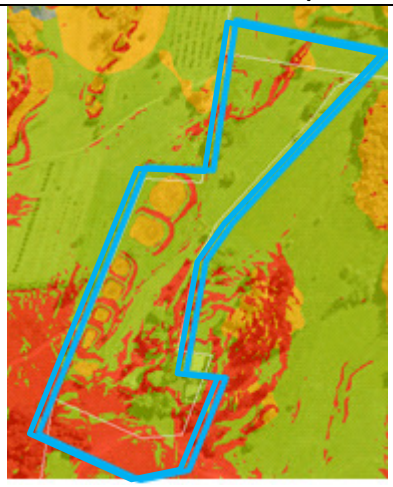
Two proposals were received for the Byron Bay locality, both of which were in Skinners Shoot locality with a development approach around rural lifestyle living.

<table>
<tr><td colspan="3">BB 1: 239-245 Skinners Shoot Rd (Lot 373 DP729103)</td></tr>
<tr><td rowspan="3"> 
</td><td>Total Land Area
2.27 ha</td><td>Key constraints to be addressed</td></tr>
<tr><td>Land Area generally unconstrained: limited
1 – Low
2 - Medium</td><td>• Sensitive farmland buffer
• Bushfire
• Cattle dip buffer</td></tr>
<tr><td>Land Area constrained
3 - High
4 – Extreme</td><td>• Slope
• HEV</td></tr>
<tr><td>Location and Zoning</td><td colspan="2">Not within Residential Zone : Mix of 7d/1a
> 1 km of a Residential Zone</td></tr>
<tr><td>Services and Access</td><td colspan="2">Fronts Skinners Shoot Road - sealed surface
Within a water reticulated area
Not capable of being connected to sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community</td></tr>
<tr><td>Type of residential proposal</td><td colspan="2">The submission is from the Skinners Shoot Residents Group seeking the future land zoning reflect the current land use of large lot residential while also creating some limited opportunities for additional dwellings.</td></tr>
<tr><td>Investment/Funding Proposal</td><td colspan="2">Community groups seeking to be included in affordable housing strategy in Skinners Shoot area, using ecological offsets.</td></tr>
<tr><td>Affordable housing management terms</td><td colspan="2">Not stated</td></tr>
<tr><td>Staff Comments</td><td colspan="2">The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. The submission is more appropriately considered as a submission on the Rural Land Use Strategy and an early submission to the Draft Residential Strategy. Landowners currently (subject to allocation of LEP 2014 Rural Zones as part of the E Zone review) may seek approval for additional dwellings on their properties as dual occupancy or secondary dwellings and elect to provide/rent as affordable housing.

It is further considered that such a development does not have capacity to significantly secure a permanent housing stock for low to moderate income residents, within proximity to key services.</td></tr>
</table>

Recommendation 11:

That the proponent for 239 - 245 Skinners Shoot Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

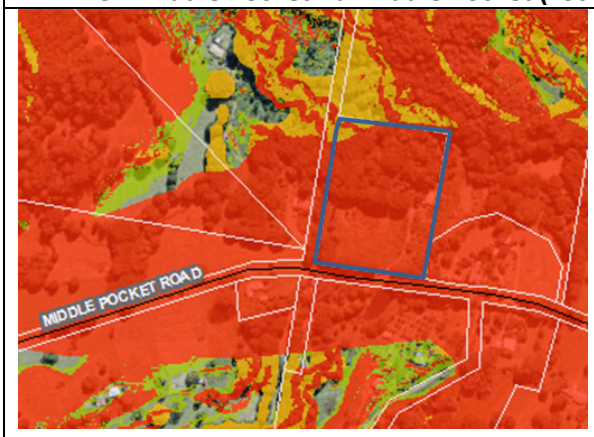
BB2: 282 Skinners Shoot (Lot 118 DP1192991)		
	**Total Land Area 3.93ha**	**Constraints to be addressed**
	Land Area generally unconstrained 1 – Low 2 - Medium	• **Sensitive farmland buffer**
	Land Area constrained: 3 - High 4 - Extreme	• **HEV** • **Slope**

Location and Zoning	Not within Residential Zone : Mix of Ru2/1a < 1km of a Residential Zone
Services and Access	Fronts Skinners Shoot Road: sealed surface Not capable of being connected to water and sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community
Type of residential proposal	For properties that are 4km from town a licence for landowners to provide a cluster of small dwellings suggest density of 3 dwellings per 2 ha of site. These dwellings could be built as removable structures and consideration be given to land owners with current unauthorised dwellings on their properties.
Investment	Developer seeking a return on investment
Funding Proposal	Not stated
Affordable housing management terms	Not stated
Staff Comments	The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. The submission is more appropriately considered as a submission on the Rural Land Use Strategy. The Rural Land Use Strategy as adopted does not support this form of development in rural areas. Landowners currently (if under LEP 2014 Rural Zones) may seek approval for additional dwellings on their properties as dual occupancy or secondary dwellings and elect to provide/rent as affordable housing. It is further considered that such a development does not have capacity to significantly secure a permanent housing stock for low to moderate income residents.

Recommendation 12:

That the proponent for 282 Skinners Shoot Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing key reasons that the land is situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

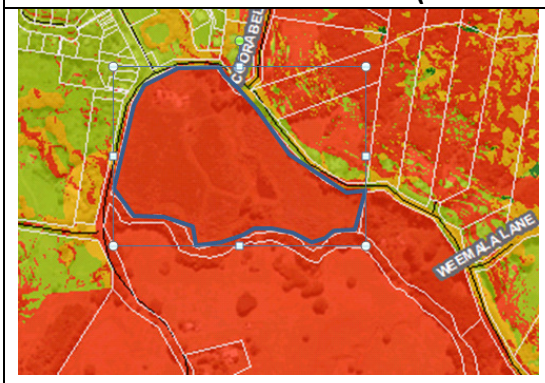
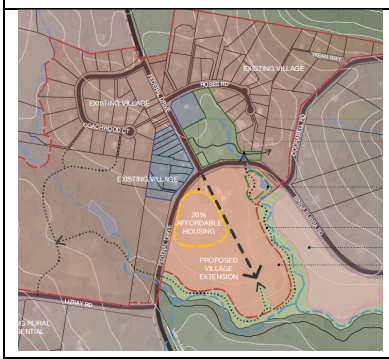
Rural Locations

<table>
<tr><td colspan="4">RL 1: 454 Middle Pocket Rd Middle Pocket (Lot 5 on DP253323)</td></tr>
<tr><td colspan="2" rowspan="3"> 
</td><td>Total Land Area
3.2 ha</td><td>Key constraints to be addressed</td></tr>
<tr><td>Land Area generally unconstrained: none
1 – Low
2 - Medium</td><td>• Sensitive farmland buffer</td></tr>
<tr><td>Land Area constrained: 100%
3 - High
4 - Extreme</td><td>• Slope
• Bushfire</td></tr>
<tr><td>Location and Zoning</td><td colspan="3">Not within Residential Zone : Ru2
> 5km of a Residential Zone</td></tr>
<tr><td>Services and Access</td><td colspan="3">Fronts Middle Pocket Road: sealed
Not capable of being connected to water and sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community</td></tr>
<tr><td>Type of residential proposal</td><td colspan="3">Communal housing project for family</td></tr>
<tr><td>Investment/Funding Proposal</td><td colspan="3">Not stated</td></tr>
<tr><td>Affordable housing management terms</td><td colspan="3">Land share</td></tr>
<tr><td>Staff Comments</td><td colspan="3">The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. The submission is more appropriately considered as a submission on the Rural Land Use Strategy. The Rural Land Use Strategy as adopted does not support this form of development in rural areas.

Landowners currently (if under LEP 2014 Rural Zones) may seek approval for additional dwellings on their properties as dual occupancy or secondary dwellings and elect to provide/rent as affordable housing.</td></tr>
</table>

Recommendation 13:

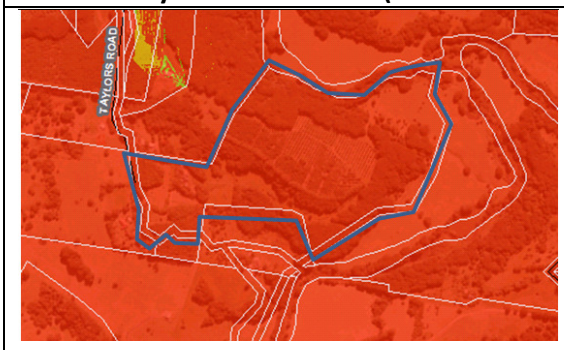
That the proponent for 454 Middle Pocket Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

RL2: 911 Binna Burra Rd Federal (Lot 2 DP869145)		
	**Total Land Area 14.2ha** **Land Area generally unconstrained: None** 1 – Low 2 - Medium **Land Area constrained: 100%** 3 - High 4 - Extreme	**Key constraints to be addressed** • Riparian buffer • Drinking water catchment • Slope • Bushfire • State significant farmland • HEV
 Proposal Plan submitted by proponent		
Location and Zoning	Not within Village Zone : Mix of Ru1/1b2 < 400 of a Village Zone	
Services and Access	Fronts Binna Burra Road and Federal Drive: Sealed roads Not capable of being connected to water or sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community. Situated in a Drinking Water Catchment	
Type of residential proposal	Dwelling yield not stated Mix of affordable housing and open market sales	
Investment/Funding Proposal	Using a Voluntary Planning Agreement - the landowner to dedicate an agreed proportion of the land (suggestion of 20%) to Council for affordable housing. The landowner to develop the remaining zoned land for the open market.	
Affordable housing management terms	Not stated	
Staff Comments	The site and proposal is inconsistent with Assessment Performance Objectives 1 and 3. The land is state significant farmland. The North Coast Regional Plan Direction 11 and S117 Direction 5.3 Northern River Farmland Protection project – Final recommendations both require the protection of such land. The location is too far from town services. The Rural Land Use Strategy (RLUS) identified that there was an adequate supply of underdeveloped Village Zoned land in Federal to meet needs for the next 15 – 20 years. The adopted RLUS states that housing needs are to be provided in our urban town and villages and does not identify this site for rural village or rural lifestyle living opportunities. The land is not identified as 'residential' in the DCP 2014 map for Federal.	

Recommendation 14:

That the proponent for 919 Binna Burra Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is State significant farmland, not capable of being

connected to sewer, situated outside a preferred catchment area for urban expansion and not identified in the Rural Land Use Strategy as a rural village expansion area.

<table>
<tr><td colspan="3">RL3: 137 Taylors Road Eureka (Lot 3 DP 730336)</td></tr>
<tr><td colspan="2" rowspan="3"> 
</td><td>Total Land Area
35ha</td><td>Key constraints to be addressed</td></tr>
<tr><td>Land Area Unconstrained:
None
1 – Low
2 - Medium</td><td>▪ Riparian buffer
▪ Flood
▪ Sensitive farmland buffer
▪ Bushfire</td></tr>
<tr><td>Land Area constrained:
100%
3 - High
4 - Extreme</td><td>▪ Regionally significant farmland
▪ Slope</td></tr>
<tr><td>Location and Zoning</td><td colspan="3">Not within Residential Zone : Mix of Ru1/1a
> 5km of a Residential Zone</td></tr>
<tr><td>Services and Access</td><td colspan="3">Fronts
Not capable of being connected to sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to Council/community</td></tr>
<tr><td>Type of residential proposal</td><td colspan="3">A self-build community type project</td></tr>
<tr><td>Investment/Funding Proposal</td><td colspan="3">Variety of suggestions made including use of superannuation funds.</td></tr>
<tr><td>Affordable housing management arrangement</td><td colspan="3">Co-op initially with transition to Community Title or Strata Title at the building stage, where owners have a freehold title to their house on its small plot. (The rest of the land is held in common, possibly in the name of a registered association (or a registered company, in which all members are shareholders). This allows for a later sale of more strata plots to expand the scheme if desired.</td></tr>
<tr><td>Staff Comments</td><td colspan="3">The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. The land is state significant farmland. The North Coast Regional Plan Direction 11 and S117 Direction 5.3 Northern River Farmland Protection project – Final recommendations require the protection of such land.

The submission was largely an expose of the proponent's concepts for providing affordable housing and many of the concepts raised were explored at the Housing Summit or are captured in the implementation considerations of the Housing Summit Action Plan.

The Rural Land Use Strategy states that housing needs are to be provided in our urban town and villages.</td></tr>
</table>

Recommendation 15:

That the proponent for 137 Taylors Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is regionally significant farmland, situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

RL 4: 188 Waltons Road Eureka (Lot 110 DP 850210)		
	Total Land Area **35ha**	**Constraints to be addressed**
	Land Area Unconstrained: **None** 1 – Low 2 - Medium	• **Sensitive farmland buffer** • **Bushfire**
	Land Area constrained: **100%** 3 - High 4 - Extreme	• **State and Regionally significant farmland** • **Slope** • **HEV**

Location and Zoning	Not within Residential Zone : Mix of Ru1/Ru2/1a > 5km of a Residential Zone
Services and Access	Fronts Waltons Road Not capable of being connected to sewerage infrastructure adequately catering for the reasonable everyday demand, at no additional cost to council/community
Type of residential proposal	Rural properties larger than 2ha are eligible to be rezoned Community Title
Investment/Funding Proposal	Not stated
Affordable housing management terms	Community Title
Staff Comments	The site and proposal is inconsistent with Assessment Performance Objectives 1, 2 and 3. The land is state and regionally significant farmland. The North Coast Regional Plan Direction 11 and S117 Direction 5.3 Northern River Farmland Protection project – Final recommendations require the protection of such land. The submission is more appropriately considered as a submission on the Rural Land Use Strategy. The Rural Land Use Strategy as adopted does not support this form of development in rural areas and states that housing needs are to be provided in our urban town and villages. Landowners currently (if under LEP 2014 Rural Zones) may seek approval for additional dwellings on their properties as dual occupancy or secondary dwellings and elect to provide/rent as affordable housing

Recommendation 16:

That the proponent for 188 Waltons Road be advised that their proposal is excluded from further consideration as part of an early implementation program to supplement Council's Residential Strategy for affordable housing for the key reasons that the land is STATE and regionally significant farmland, situated outside a preferred catchment area for urban expansion and not located close to other residential development to enable integration with local community.

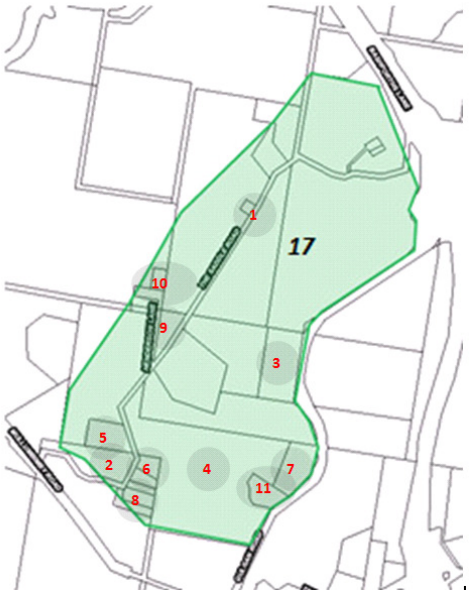
4. Category 2: Saddle Road Locality

A total of 13 EOI submissions where received for the Saddle Road locality and are listed in Table 1 and shown on Map 2 below. Council ***Resolution 17-260 Item 2*** states '*support further discussions with landowner of land in Attachment 1, and progression of work necessary to establish the feasibility of the site in Attachment 1 and Attachment 2 for affordable housing; and also site '17' Saddle Road land identified in the Draft Preliminary Residential Strategy; and where appropriate, invite lodgement of Planning proposal to rezone the land for this purpose.*

A meeting was held with the landowners in the Saddle Road locality on 30 September. A subsequent planning proposal for the entire Saddle Road locality was lodged in October 2017. This is currently being assessed and will be reported to Council over the coming months.

Table 1: Saddle Road EOI Submissions

Site Address	Land Area
1. 110 Saddle Rd	1911m^2
2. 224 Saddle Rd	2.86ha
3. 285 Gulgan Rd	3.7ha
4. 219 Saddle Rd	19.9 ha
5. 220 Saddle Road	1.46ha
6. 225 Saddle Road	5590m^2
7. 247 Gulgan Rd	2.18 ha
8. 237 Saddle Road	6059m2
9. 174 Saddle Road	1.03ha
10. 28 Henderson Lane	4201m2
11. 233 Gulgan Road	1.18ha



Map 2: Saddle Road Locality EOI Sites

Recommendation 17:
That in relation to the Saddle Road EOI Sites, no further action is to be taken under the *Res17-260 (Item 5)* until the Planning Proposal assessment for this locality has been completed and considered by Council.

5. Category 3: Council and/or Crown Land

The EOI submissions pertaining to Council and/or Crown Land are listed in Tables 2 and 3 and shown on Maps 3, 4 and 5 below.

A number of the Council sites are subject to separate planning processes under previous Council resolutions. This includes sites currently being considered by the Mullumbimby Master Plan Guidance group under the master planning processes for Mullumbimby (Map 5). To ensure transparency in process, it is considered that the assessment of such land should continue under these arrangements.

The land in Federal (Map 3), apart from the smaller 'Roses Road site', is Crown land.

The 'Roses Road' site is *'community land'* (Council-owned), which reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use. Community land cannot be sold, leased, licenced or have any other estate granted over the land for more than 21 years. (Office of Local Government: NSW Land Management Practice Note). Accordingly, such land would need to be reclassified to "operational" (via amendment to LEP 2014) if Council wishes to pursue affordable housing opportunities.

Overall, any consideration of Council and/or Crown land for affordable housing should be consistent with the assessment criteria and methodology applied in this report, as well as Council's 'Supporting Partnerships' Policy when adopted.

Recommendation 18:
In relation to the Council and Crown land EOI sites a further report will be presented to council on their potential for affordable housing against the assessment criteria and methodology outlined in this report and any current Council resolutions pertaining to the land.

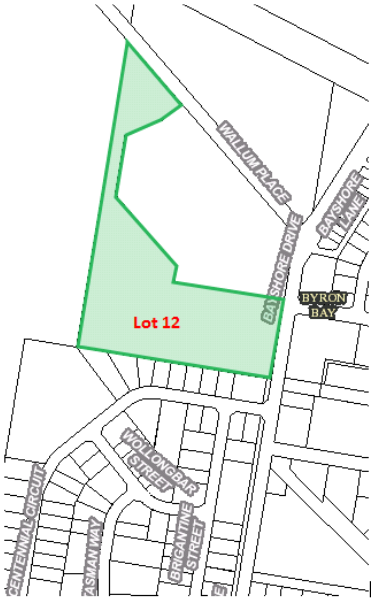
Table 2: EOI submissions pertaining to Council and/or Crown Land - Federal

EOI Ref	Sites	Tenure	Land Area	Proponent Type
BSC 1	3 lots at Federal: (As shown on **Map 3**)			Community Organisation
	(i) Lot 7 DP 263974 Roses Road	Byron Shire Council Community Land	1468 m^2	
	(ii) Lot 90A DP374765 Coorabell Rd	Byron Shire Council & Crown Land	9041 m^2	
	(iii) Lot 89 755697 898 Binna Burra Rd	Byron Shire Council & Crown Land	9133m^2	

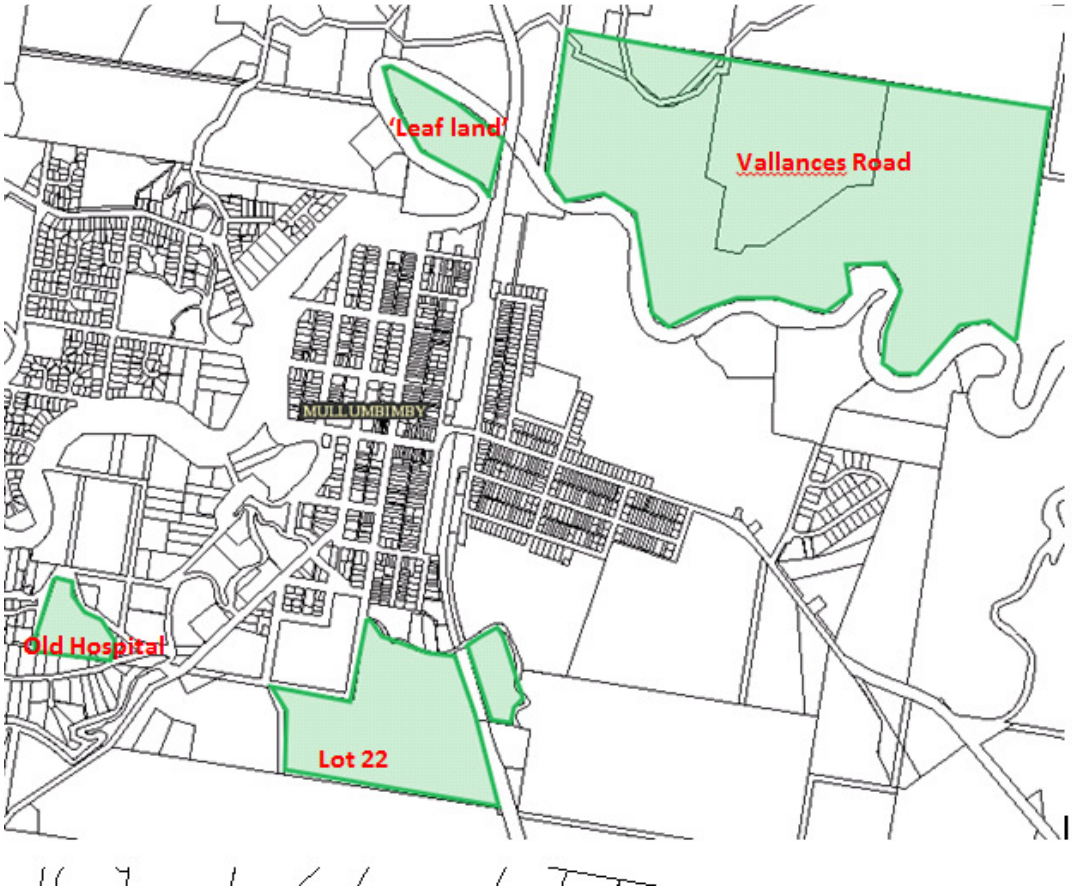
Map 3: Location of Sites in Federal

Table 3: EOI submissions pertaining to Council and/or Crown Land Other Locations

EOI Ref	Sites	Tenure	Land Area	Proponent Type
BSC 2	Mixed lots: (i) Lot 12 DP1189646 Bayshore Drive Site (As shown on **Map 4**) (ii) Lot 4 DP841846 "Leaf Land" (As shown on **Map 5**) (iii) Lot 188 DP728535 Old Mullumbimby Hospital site (As shown on **Map 5**) (iv) Valances Road Land (As shown on **Map 5**)	Byron Shire Council Byron Shire Council Byron Shire Council (Health Administration Corporation) Byron Shire Council	5.82 ha 6.83 ha 4.08 ha 25 ha (part of)	Consultant
BSC 3	Lot 22 DP10731765 Mullumbimby Sporting Fields (As shown on **Map 5**)	Byron Shire Council	28.53 ha	Consultant
BSC 4	Lot 1 & 2 DP 573835 Old Suffolk Park Sewerage Plant Broken Head Road Byron Bay	Byron Shire Council	7.53	Consultant
BSC 5	Lot 4 DP 841856 "Leaf Land" Mullumbimby (As shown on **Map 5**)	Byron Shire Council	6.83 ha	Community organisation



Map 4: Location of Bayshore Drive Site



Map 5: Location of Sites in Mullumbimby

Appendix A: Byron Shire Draft Residential Strategy

Residential Potential - Site Assessment Criteria

Assess lots within the study area (determined by the process documented in Stage 1 above) against the following criteria to determine the areas of interest for residential use through a constraints analysis and sieve map process. Constraint levels included the following and are detailed in Table B2:

- Very high/excluded
- High
- Medium
- Low/included

Table B2: Residential potential - site assessment criteria

Category	Description	Dataset	Sieve Map Constraint Level
Environment	High Environmental Value Vegetation types National Parks River/Waterbody River buffer (100m) within Drinking Water Catchment	ByronVeg2016_HEV_27JanREV.shp Estate_2013_v2ByronLGA.shp Rivers_Waterbody_layer_BVTP_Union.shp DWC_100m_river_buffer.shp	High Very High/ Exclude Very High/Exclude High
Wetlands Littoral rainforest Riparian buffer	SEPP (State Environmental Planning Policy) Variable riparian buffer (by stream order)	SEPP_14_090316.shp (wetlands and 100m buffer) SEPP_26_090316.shp (Littoral rainforest and 100m buffer) Coastal_Environment_Area_Shire.shp stream34567_VariableBuffer.shp	Very High/Exclude Very High/Exclude Very High/Exclude Very High/Exclude
Agricultural land	Farm land protection (State and Regionally significant) • Areas within 1km of major towns mapped as farm land protection. • Areas between 1km – 5km radius of major towns and villages mapped as farm land protection. • Areas beyond 5km of major towns and villages mapped as farm land protection. • Committed Urban Use or Rural Residential • Sensitive Farmland Use + buffer	• Reg_Signif_Farmland_within1kmMajor TownBuffer_12052017.shp • Reg_Signif_Farmland_within_1km5km _MajorTownBuffer.shp • Farmland_Cat_5kmMajorTownBuffer_ 120517.shp • MOST_Sensitive_farmland_rated_uses _FINAL.shp • MOST_Sensitive_farmland_rated_uses _BUFFER_FINAL.shp	Medium High High/Exclude Low/Include Medium
Acid sulphate soils		Acid_Sulphate_Soils_090316.shp Class 1 and 2 – Usually low lying, tidal and flood prone in any case	High

Category	Description	Dataset	Sieve Map Constraint Level
Bushfire	Bushfire hazard	BFPV_draft_290216.shp.shp Category 1 vegetation consists of areas of forest, woodlands, heaths (tall and short), forested wetlands and timber plantations Category 2 contains a mixture of vegetation types including exotic forests (eg camphor laurel), rainforests (eg littoral, subtropical), Wet Sclerophyll Forests, etc. ~~Category 1 vegetation & Category 2 vegetation (containing > 50% Camphor Laurel) on Slopes > 20%~~	High Medium ~~Very High/Exclude~~
Coastal Hazards	Coastal erosion hazard Area Erosion precincts	Erosion_Precinct_1_090316.shp (Immediate impact zone from coastal erosion events) Erosion_Precinct_2_090316.shp (Up to the 50 year line) Erosion_Precinct_3_090316.shp (Up to the 100 year line)	Very High/Exclude Medium Low
Flood	Flood 1 in 100 year for 2100 Climate Change scenario (High/Med Hazard categories for North Byron, Belongil, Tallow Creek and Marshalls Creek catchments) Flood 1 in 100 year (all other catchments) Fill Exclusion Zones	NBFS_100yr_cc2100_High_Haz_Drain_risk_No_fil.shp NBFS_100yr_cc2100_Interm_Haz.shp Belongil_100yr_cc2100_High-Med_Flood_Haz.shp Tallow_Creek_2014_100yr_2100_Extent.shp Marsh_Ck_2100CC_100y_Flood_Depth_gt_1m.shp Flood_1_in_100yr_100517_erase.shp fill_exclusion_zones.shp	High Medium High High High Medium High
Topography	Slip prone land Slope	Slip_Prone_Land_090316.shp Percentage_Slope_gt_18pct_1503161 • >18% • 10 – 18%	Very High/ Exclude Very High/ Exclude Medium
Waste/Sewage Treatment Buffers	Waste disposal facility buffer (500m) Sewage treatment plant buffer (400m)	Waste_buffer.shp STP_buffer.shp	High High
Cattle Dip Sites	DIP	Dip_Sites_090316.shp Dip_Buffers_090316.shp	Low
Mineral resources	Mineral resources • Identified • Potential • Buffers (to identified)	• S117_Mineral_Resource_IDENTIFIED.shp • S117_Mineral_Resource_POTENTIAL • BUFF.shp	High Medium Medium