

# Supplementary Agenda Ordinary (Planning) Meeting

Thursday, 10 August 2023



**BYRON**  
SHIRE  
COUNCIL

# Supplementary Agenda Ordinary (Planning) Meeting

held at Conference Room, Station Street, Mullumbimby  
commencing at 9.00am

Public access relating to items on this agenda can be made between 9:00am and 9:30am on the day of the meeting. Requests for public access should be made to the General Manager or Mayor no later than 12:00 midday on the day prior to the meeting.

A handwritten signature in black ink, appearing to read "Mark Arnold".

**Mark Arnold**  
**General Manager**

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## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:

- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

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### Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  - (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

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## OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

# BYRON SHIRE COUNCIL

## BUSINESS OF ORDINARY (PLANNING) MEETING

### 17. LATE REPORTS

- 17.1 Deputy Secretary NSW Planning requirements of Byron Shire Council to address Independent Planning Commission Advice Report on Byron Shire Short Term Rental Accommodation in relation to Housing Supply 26.2020.1.1 . 7

*This Agenda supplements the 10 August 2023 Ordinary (Planning) Council Meeting Agenda published on 1 August 2023 available at [Agenda of Ordinary \(Planning\) Meeting - Thursday, 10 August 2023](#).*

***Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director prior to the meeting. Any suggested amendments to the recommendations should be provided to Councillor Support prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.***

**LATE REPORTS**

**Report No. 17.1 Deputy Secretary NSW Planning requirements of Byron Shire Council to address Independent Planning Commission Advice Report on Byron Shire Short Term Rental Accommodation in relation to Housing Supply 26.2020.1.1**

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**Directorate:** Sustainable Environment and Economy

10 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy

**File No:** I2023/1163

**Summary:**

15 Council received correspondence from the Deputy Secretary (NSW Planning) on 26 July 2023, stating that Council needs to demonstrate how it intends to improve its housing supply before any decision can be made on its Planning Proposal for Short Term Rental Accommodation (STRA) as per the Independent Planning Commission's (IPC) Advice Report on Byron Shire STRA.

20 The Council Planning Proposal seeks to introduce a new suite of planning controls to apply to Byron Shire that will define short-term rental accommodation (STRA) and establish the circumstances in which it can occur.

To do this, the Deputy Secretary is requiring Council to complete a table template to detail the commitments it intends to make over the next 3, 6, 12 months and beyond to deliver at least 4522 new and diverse homes in the Byron Shire by 2041.

The letter requires a response from Council by the 16 August 2023.

25 An extension to this deadline was requested of the Deputy Secretary to 25 August (to enable staff time to prepare and publish a report on the 24 August Ordinary meeting agenda as the 10 August Planning meeting agenda had been published when this letter was received) but this was refused.

As such a late report is presented to the 10 August Planning Meeting.

30 This report provides Council with the background to this recent correspondence, and staff response to the Department of Planning and Environment (DPE) table template.









**RECOMMENDATION:**

**That Council:**

- 5 1. **Acknowledges the significant amount of work that has been undertaken to support the Byron Shire Short Term Rental Accommodation Planning Proposal and Residential Strategy Refresh 2023.**
- 10 2. **Agrees to commit to the work needed in relation to housing supply to ensure that the Minister for Planning has the confidence to make a timely decision on the Byron Shire Short Term Rental Accommodation Planning Proposal.**
3. **In response to 2, endorses the Council response to the Department of Planning and Environment Table Template in Attachment 8 (#E2023/80018) for submission to the Deputy Secretary NSW Planning by the 16 August 2023.**
4. **Requests an urgent meeting with the Minister for Planning on this matter.**

15

**Attachments:**

- 1 Letter from Deputy Secretary NSW Planning - Council to detail how it intends to improve housing supply issues before decision on planning proposal, E2023/47786 
- 20 2 Mayor letter to Hon Paul Scully Minister for Planning as per Res 23-165 - with meeting request, E2023/49396 
- 3 Letter to Deputy Secretary NSW Planning requesting extension of time to gateway determination, E2023/54241 
- 4 Alteration of Gateway Determination 16 July 2023 & letter - extension of time to complete to 24 September 2023, E2023/76385 
- 25 5 Letter to Deputy Secretary NSW Planning - Response to the 11 May 2023 letter, E2023/80303 
- 6 Mayor letter to Minister Scully, E2023/65201 
- 7 Letter & template from Deputy Secretary NSW Planning in response to Council's letters of 23 June 2023, E2023/76381 
- 30 8 Council Response to Deputy Secretary NSW Planning - DPE Table Template, E2023/80018 



## Report

### Background

<p><b>24 April 2023</b></p>	<p>The Independent Planning Commission (IPC) issued its Advice Report into Byron Shire Short Term Rental Accommodation Planning Proposal PP-2021-3351.</p> <p><a href="https://www.nsw.gov.au/230424-byron-stra-pp-advice-report-final-pdf">230424 byron-stra-pp advice-report final.pdf (nsw.gov.au)</a></p>
<p><b>8 May 2023</b></p>	<p>Staff met with DPE staff about the Advice Report to discuss next steps for the Planning Proposal as the Gateway Determination was to expire 24 June 2023.</p> <p>It was agreed that the matter is complex, and that legal advice would be needed to understand how best to implement the IPC recommendations relevant to the Planning Proposal.</p> <p>DPE staff were also briefed on the Residential Strategy Refresh 2023 being progressed to respond to the DPE Peer Review requirements to meet local housing needs.</p> <p>It was agreed that further discussions would occur and that the Council would be kept informed of any decisions likely from the Minister for Planning with respect to the IPC Advice Report and or Council's Planning Proposal.</p>
<p><b>11 May 2023</b></p>	<p>Mayoral Minute No. 10.2 Independent Planning Commission (IPC) - Byron Shire Short Term Rental Accommodation Planning Proposal - Advice Report was considered at the Planning Meeting.</p> <p><b>23-165</b> Resolved that Council writes to the Minister for Planning, The Hon. Paul Scully:</p> <ol style="list-style-type: none"> <li>1. Expressing Council's broad support for all 12 recommendations and noting they are a much better alternative to the planning proposal in its current form.</li> <li>2. Confirming Council's commitment to work with the Department of Planning on:             <ol style="list-style-type: none"> <li>a. the formulation and implementation of an appropriate regulatory regime to enable Council to plan for and manage non-hosted STRA as per Recommendation 2 of the IPC report,</li> </ol> </li> </ol>

# BYRON SHIRE COUNCIL

## LATE REPORTS

17.1

	<p>as an immediate priority</p> <p>b. the implementation of the remaining recommendations, noting that there may be a need to fine-tune part or all of some of these recommendations.</p>
<p><b>11 May 2023</b></p>	<p>Member for Ballina Tamara Smith asked Minister for Planning the following question in question time:</p> <p>My question is directed to the Minister for Planning and Public Spaces. Given the recent recommendation of the Independent Planning Commission for a 60-day cap on non-hosted short-term rental accommodation in Byron shire, will the Minister extend Byron Shire Council's gateway determination beyond 24 June so that the 60-day cap can be implemented?</p> <p><b>Extract of Minister for Planning response below:</b></p> <p>The commission made 12 recommendations, including that the planning proposal not proceed in its current form; that "short-term rental accommodation" be introduced as a land use term; and <b>that the New South Wales Government work with the council to facilitate supply of housing within the local government area</b>. It also noted that consideration should be given to a 60-day cap, with development applications used to extend that limit. The commission observed that, in consideration of material provided to it, the commission's view was that <b>potential mechanisms to improve supply in Byron shire could include reducing approval times, increasing land availability through rezonings and infill initiatives, and increasing density controls in appropriate locations</b>.</p> <p>The department has contacted Byron Shire Council at my instruction to find out its response to the commission's report and <b>how the council might implement the recommendations that relate to it</b>. Further to the member's question, the gateway determination time period will be extended by the department to allow the commission's recommendations and Byron Shire Council's response to their implementation to be considered.</p> <p><b>Full response link below:</b></p> <p><a href="#">Legislative Assembly Hansard - 11 May 2023 - Proof (nsw.gov.au)</a></p>
<p><b>11 May 2023</b></p>	<p>Letter from the Deputy Secretary in response to Parliament Question Time stating that prior to any decision on Council's Planning Proposal being made, that he would like Council to detail how it intends to improve Byron's Housing Supply issues and requested specific advice. Council was given until 30 June 2023 to respond. (Attachment 1 E2023/47786)</p>
<p><b>16 May 2023</b></p>	<p>Mayor letter sent to Minister for Planning as per the resolution <b>23-165</b> with a meeting request also. (Attachment 2 E2023/49396).</p>

## BYRON SHIRE COUNCIL

### LATE REPORTS

17.1

<b>30 May 2023</b>	Director Sustainable Environment and Economy sent letter to the Deputy Secretary requesting an extension to the Gateway Determination of the Planning Proposal to 24 November 2023 to enable time to work on the IPC recommendations with DPE. (Attachment 3 –E2023/54241)
<b>13 June 2023</b>	Staff met with DPE staff about the 11 May 2023 letter and Council's likely response. The DPE staff were again updated on the Residential Strategy Refresh 2023 being progressed and given a timeline for this to be completed. This information germane to the response given from Council to the Deputy Secretary.
<b>16 June 2023</b>	DPE granted a Gateway Determination extension only until 24 September 2023. The letter also stated the importance of Council's response to the 11 May 2023 letter by 30 June 2023. (Attachment 4 E2023/76385)
<b>23 June 2023</b>	Director Sustainable Environment and Economy sent Council response to Deputy Secretary letter 11 May 2023. (Attachment 5 E2023/80303)
<b>23 June 2023</b>	Mayor sent letter to Minister for Planning also. (Attachment 6 E2023/65201)
<b>26 July 2023</b>	<p>Letter from Deputy Secretary acknowledging Director and Mayor letters. (Attachment 7 E2023/76381)</p> <p>The letter also states that '...from the correspondence received it seems that <b>council is finding it challenging to identify ways to arrest the scale of housing crisis facing the region and may warrant further independent intervention such as a planning administrator...</b>'.</p> <p>The DPE prepared a template to assist Council resubmit the information that it had earlier in letter 23 June 2023 in a form to satisfy the Deputy Secretary that it can meet 'the LGAs implied dwelling forecast of 4522 dwellings by 2041'. (Attachment 7)</p> <p>The letter requires a response from Council by or before the 16 August 2023.</p> <p>An extension to this deadline was requested of the Deputy Secretary to 25 August (to enable staff time to prepare and publish a report on the 24 August Ordinary meeting agenda as the 10 August Planning</p>

	<p>meeting agenda had been published when this letter was received) but this was refused.</p> <p>As such a late report is presented to the 10 August Planning Meeting.</p>
<p><b>4 August 2023</b></p>	<p>Staff met with DPE staff about the 26 July 2023 letter to clarify what the DPE is seeking from Council to meet the Deputy Secretary requirements given the previous response and discussions with them on the Residential Strategy Refresh 2023 and Council's ongoing commitments via resolutions to address local housing needs.</p> <p>The template table in Attachment 8 (E2023/80018) is in response to this meeting.</p>

**Relevant IPC Advice Report recommendations and advice**

Below are the relevant recommendations in the IPC Advice Report with extracted comments to assist their interpretation.

**Recommendation 4**

- 5     *The NSW Government should continue to work with Council to identify and utilise every available mechanism to support:*
- a) the urgent release of more land for housing development within Byron Shire (including the potential for infill development in Byron Bay);*
- b) the timely delivery of new housing supply;*
- 10    *c) the delivery of increased affordable, diverse, social and crisis accommodation; and*
- d) protection of lessee*

**Recommendation 5**

- 15    *The NSW Government should give consideration to the legal and policy options and implications of encouraging a return of dual occupancy and secondary dwelling properties to long-term rental, either by direct requirement or via an incentive program, and support Council in considering these matters.*

**Recommendation 6**

- 20    *The NSW Government should support Council in collaborating with relevant stakeholders, particularly in the tourism and relevant community service industries, to address:*
- a) worker accommodation requirements; and*

b) the supply of alternative (non-STRA) visitor accommodation consistent with the Byron Shire Sustainable Visitation Strategy 2020-2030 and the needs of the consumer, including consideration of increased density for visitor accommodation in the town centre.

5 From page 59 of IPC Advice Report on

.. The Commission is also not convinced of the practical capacity of the Byron Shire's Residential Strategy to facilitate full delivery of Byron Shire's required future dwellings.

10 In its presentation to the Commission during their meeting on 10 February 2023, the Department identified that "[a]n additional 4,522 implied dwellings are required in Byron Shire LGA by 2041 to accommodate future population-driven demand" and noted that "[t]here are significant constraints with some of the investigation areas identified in the Residential Strategy" and the Department's Planning Delivery Unit's review of the Residential Strategy had recommended "further work be undertaken before it could be endorsed."

15 A significant barrier to the delivery of housing supply is the physical characteristics of the hinterland surrounding Byron Bay and other population centres within Byron Shire.

20 As noted by Council at the Public Hearing, much of the hinterland is designated as important farmland, as seen in the brown shading in Figure 29 below. In accordance with the NSW Government's Important Farmland mapping, this land is intended to be protected for agricultural use and from "incompatible, competing land uses", and cannot be redeveloped for residential use.

**The Commission encourages government action to assist with the provision of housing supply, in accordance with relevant and existing strategies.**

25 In consideration of material provided to the Commission, **the Commission is of the view that potential mechanisms to improve supply in the Byron Shire could include reducing approval times, increasing land availability through rezonings and infill initiatives, and increasing density controls in appropriate locations. Delivery of alternative housing models could be incentivised and facilitated, including community land trusts, co-housing, cooperatives, build-to-rent, tiny homes, and other pilot projects.**

30 The above IPC recommendations that relate to housing supply issues in Byron Shire asks the State Government to work with, support and or assist Council to identify and utilise mechanisms to provide for housing supply. It recognises the importance of relevant and existing strategies to do this.

35 The current letter however from the Deputy Secretary is confusing as it uses language inconsistent with the intent of the IPC recommendations, and instead implies that a Planning Administrator is required due to Council inaction in addressing housing issues, which is also incongruent with the strategy and planning work that Council is progressing with the DPE on its Residential Strategy Refresh 2023 and other housing planning proposals.

40

Notwithstanding the above, Council will continue to do the work necessary to meet the requirements of the IPC Advice Report, and or that of the Deputy Secretary in relation to housing supply to ensure that the Minister has the confidence to make a timely decision on the Council's STRA Planning Proposal. See comments below.

5 **North Coast Regional Plan 2041**

The North Coast region has been declared a region pursuant to Section 3.2 in the Environmental Planning and Assessment Act 1979.

The North Coast Regional Plan 2041 was published December 2022. This replaced the North Coast Regional Plan 2036.

- 10 The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions at a regional, subregional and local level.

Priorities for each Council are set out also in Local Government Narratives, to guide further investigations and their implementation.

- 15 Extracts from the Regional Plan are shown below as they relate to Council obligations under the Plan.

OBJECTIVE 1: Provide well located homes to meet demand

- 20 **Strategy 1.1 A 10 year supply of zoned and developable residential land is to be provided and maintained in Local Council Plans endorsed by the Department of Planning and Environment.**

**Strategy 1.2 Local Council plans are to encourage and facilitate a range of housing options in well located areas.**

**Strategy 1.3 Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning.**

- 25 **Strategy 1.4 Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region's overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target**

To achieve the above the DPE states -

- 30
- *A housing monitoring program will be established for the North Coast. The program will improve the coordination and delivery of new housing and will set serviced land targets for infill and greenfield areas at the subregional scale to help inform local plans. It will focus on identifying infrastructure requirements and auditing residential zoned land to identify other barriers to development to establish a clearer housing supply pipeline in key locations.*
- 35
- *When preparing land use strategies for housing delivery it is important that councils plan for not only the number of homes needed to satisfy future population growth*

*but also consider other uses such as short-term holiday letting that may impact on supply and the number of overall homes that are needed.*

- 5 • *When preparing strategies or planning proposals, councils should consider and ensure that development controls, such as minimum lot sizes, support the delivery of more diverse housing. These strategies should also consider and plan for caravan parks and manufactured home estates as they provide part of the housing accommodation mix.*
- 10 • *Councils' future local housing strategies are to have a clear road map outlining and demonstrating how to deliver 40% of new dwellings by 2036 in the form of multi dwelling / small lot (less than 400m2) housing.*
- *Demonstrated movement towards achieving this target will also be essential when seeking to justify any urban growth area boundary variations for new greenfield land supply.*
- 15 • *When planning for new greenfield areas across the North Coast, these should be located adjacent or near to existing urban areas to encourage the efficient use of land and infrastructure.*
- *Byron Shire priorities -*

**Housing and Place**



- Investigate opportunities for increased housing diversity and density, encompassing multi-unit dwellings and innovative housing models in appropriate locations.
- Prioritise the delivery of affordable housing to support the local workforce and healthy and diverse communities.
- Encourage design-led and collaborative placemaking initiatives to support healthy lifestyles and create liveable and inclusive places.
- Deliver Place Plans for villages, towns and key precincts that define the community's vision and the priority projects that work towards that aspiration.

20 The North Coast Regional Plan 2036 and now 2041 have been considerations for Council in the preparation of its Residential Strategy 2020 and now Residential Strategy Refresh 2023.

25 Council previously met the 2036 strategy actions and DPE implied dwelling targets in its Residential Strategy 2020, and based on preliminary work completed so far, can also meet the strategy actions and 2041 DPE implied dwelling targets in the Residential Strategy Refresh 2023. See table below.

2036 NCRP Target	Adopted Residential Strategy 2020 anticipated dwelling capacity at 2036	2041 NCRP Target	Draft Residential Strategy 2023 anticipated dwelling capacity at 2041
3,150 additional dwellings	3,732 additional dwellings	4,522 additional dwellings	5,825 additional dwellings

**Council's response**

**Residential Strategy 2020**

5 Council adopted a Residential Strategy in December 2020. It was the result of three years of planning, research, and community consultation. It identified a need for a diverse supply of housing for a range of incomes, lifestyle choices, household types and life stages to maintain community diversity and social cohesion.

The Residential Strategy also included identified investigation areas, alternate residential models, a monitoring and review program, and a summary action plan with measures and timing for delivery.

10 [FINAL-Residential-Strategy-Version-4-as-adopted-by-Council-with-Corkwood-Cr-included-as-per-Res-20-686-December-2020 \(14\).pdf](#)

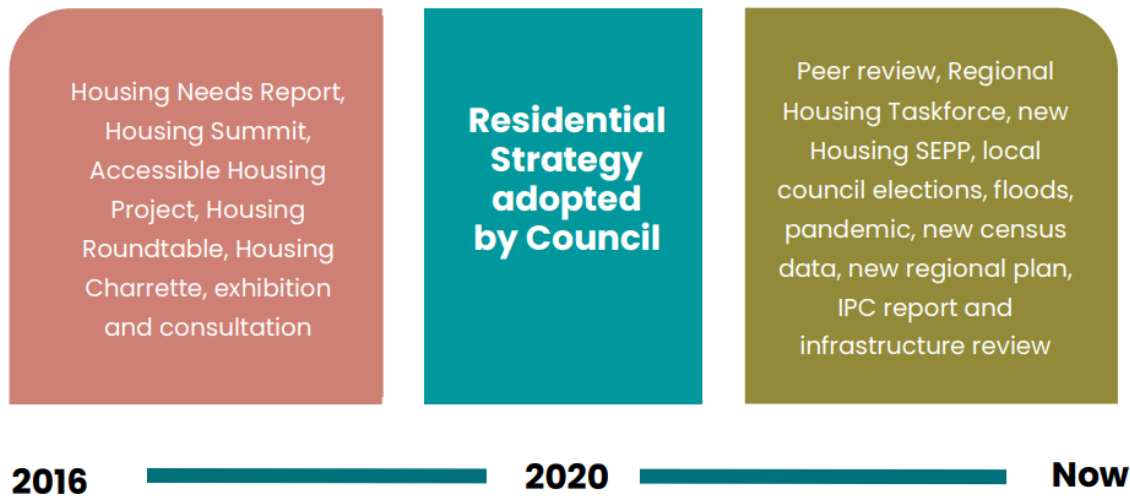
**The Strategy was not endorsed by DPE. Endorsement is required so that proposals for new land release and some infill opportunities may be progressed.**

15 A peer review was instead required and then endorsed by the DPE which provided options to move forward, with the preferred option (Option 1) recommending a revision of the Strategy to:

- Revisit the staging/sequencing of the 'investigation areas' to better reflect the known constraints (including regionally significant farmland), including 'greenfield' and 'infill' options
- 20 • Revise the Monitoring & Review section of the Residential Strategy to include an 'implementation plan'
- Revise the Actions section of the Residential Strategy

25 Since then, many significant events have occurred, changes have been made to State and local policies, and critical decisions have been made that inform and affect housing options in the Byron Shire.





**Residential Strategy Refresh 2023 – what this has involved so far**

Flood Events February and March 2022.

5 A report was presented to Council updating the status of the Residential Strategy and Lot 22 Mullumbimby. This included the peer review report.

- 9 June 2022 Planning Meeting Report
- Council's decision was to support, subject to funds being allocated, the adopted Residential Strategy being updated as per the peer review report and that a draft of the updated Residential Strategy be reported back to Council.

10 Byron Shire Housing Forum held on 17 June 2022

Australia Bureau of Statistics commenced a staged release of 2021 census data in June 2022.





DPE updated North Coast Regional Plan 2041 from July 2022 to December 2022:

15 NSW government released NSW Flood Inquiry Report recommendations and the Parliamentary Committee report in August 2022.

As an initial step in the Residential Strategy Refresh 2023 review process, and in response to the flood events early 2022, Council resolved **22-249** to develop an 'After the Flood Discussion Paper' to rethink how our communities and their built environments exist and can grow in the future.

20 Community consultation and findings on the Discussion Paper 'After the 2022 Floods: Working Out Possibilities Together' from October to December 2022.

The purpose of the Discussion Paper was to start the conversation with the community about long-term planning for how and where people will live and work in the future given the wider consideration of climate change and natural disaster management. The Discussion Paper was focused around four key pillars:

	<p><b>Build back better:</b> building or reconstructing in a way that is more resilient to future events and the weather extremes from climate change</p>	<p>Where appropriate and possible to do so, how can we build back better to reduce our vulnerability to future events?</p>
	<p><b>Build different:</b> rethinking our planning and building controls such as height and density, typology, form and materials to respond to a changing climate and weather patterns</p>	<p>Acknowledging that areas for new development are limited, how can we provide housing differently in existing areas to meet future needs?</p>
	<p><b>Build elsewhere:</b> future proofing settlement locations through potential new greenfield areas to support local housing and business needs</p>	<p>Thinking about potential new areas for people to live and work, where would these areas be and what needs to be considered in choosing them?</p>
	<p><b>Build supporting infrastructure:</b> building infrastructure / services appropriate for local circumstances and proportionate to need and available resources.</p>	<p>What are the communities' priorities in building supporting infrastructure to recover from recent events and to mitigate the impacts of future ones?</p>

5

Report No. 13.10 After the Floods Discussion Paper - Submissions Report was considered [Agenda of Ordinary Meeting - Thursday, 15 December 2022 \(infocouncil.biz\)](https://www.infocouncil.biz) where Council resolved:

**22-001 Resolved** that Council:

1. Notes the Settlement Discussion Paper's engagement report 'After the Floods: Settlement Discussion Paper, Engagement Report' (Attachment 1 E2022/119447).
2. Recognises the findings report which summarises community feedback on long-term planning for how and where people will live and work in the future, and captures it in twenty Principles in 'After the Flood: Settlement Discussion Paper, Findings Report' (Attachment 2 E2022/119445).
3. Further recognises that other post-flood consultation processes like the two NSW Flood Inquiries (Independent and Parliamentary) will guide long-term planning for how and where people will live and work in the future.
4. Recognises that bushfire risks must be considered along with flood risks in that planning.

5. Considers all the above input and more in our strategic land use planning framework, including for the preparation and / or review of:
  - Residential Strategy
  - Rural Land Use Strategy
  - Business and Industrial Lands Strategy
  - Place Plans
6. Thanks all who participated in the 'After the Flood Discussion Paper' engagement process.

Preparation of Housing Options Paper to inform the Residential Strategy Refresh 2023 commenced.

Other work needed to support the Housing Options Paper completed:

- 5
  - Ecovillages addendum report to the Echelon Housing Report – completed May

[Agenda of Housing and Affordability Advisory Committee Meeting - Thursday, 18 May 2023 \(infocouncil.biz\)](#)
- 10
  - Northern Rivers Reconstruction Authority Resilient Lands Strategy – completed June

[Resilient Lands Strategy | NSW Government](#)

  - Infrastructure Capability Audit – completed July/August

15 The Housing Options Paper is due to be presented to Council in September 2023 with community engagement to follow. A final report will be presented to Council for adoption in December 2023.

### **Current position and response to DPE**

20 Notwithstanding the responses to date to the DPE and the work being undertaken to address the housing supply issues raised by the DPE, a more detailed response is in Attachment 8 in the Table Template form the DPE requires populated and submitted by 16 August.

25 In summary it demonstrates that Council can meet the implied dwelling demand projections forecast of 4552 additional homes by 2041, with sufficient commitments for the next 1,2,5 and 10 years. And that these commitments will be delivered through the Residential Strategy Refresh 2023, other Planning proposals and take up of existing infill and greenfield land opportunities in the Shire.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.2: Growth Management Strategies - Implement Local Growth Management Strategies	4.1.2.5	Revise and update Residential Strategy
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.4: LEP & DCP - Review and update the Local Environmental Plan and Development Control Plans	4.1.4.7	Progress Short Term Rental Accommodation planning proposal
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.2: Partnerships and pilots to address housing needs - Investigate partnerships and pilots that deliver an innovative and affordable housing model for the Shire	4.2.2.1	Consider residential rezoning proposals, as identified within existing North Coast Regional Plan growth boundary and the Affordable Housing Contribution Scheme.

### Recent Resolutions

- 23-165

### 5 Legal/Statutory/Policy Considerations

As discussed in the report.

### Financial Considerations

As per Operational Plan and Project Budgets.

### Consultation and Engagement

10 N/A