

After the floods: Settlement Discussion Paper

Findings Report



BYRON
SHIRE
COUNCIL

Acknowledgement of country

In the preparation of this Findings Report, Council acknowledges and pays respect to the Bundjalung of Byron Bay – Arakwal People as Traditional Custodians of the land within Byron Shire, and form part of the wider Aboriginal nation known as the Bundjalung. In addition, Council acknowledges and respects the Widjabal and Mindjungbul people as Traditional Custodians within the Byron Shire. Council acknowledges the Aboriginal and Torres Strait Islander people who now reside within this area.

CONTENT WARNING

For some people, the content of this document may be overwhelming.

Lifeline's crisis support service is available 24/7. Call 13 11 14.

13YARN is a national crisis line providing support for Indigenous Australians 24/7.

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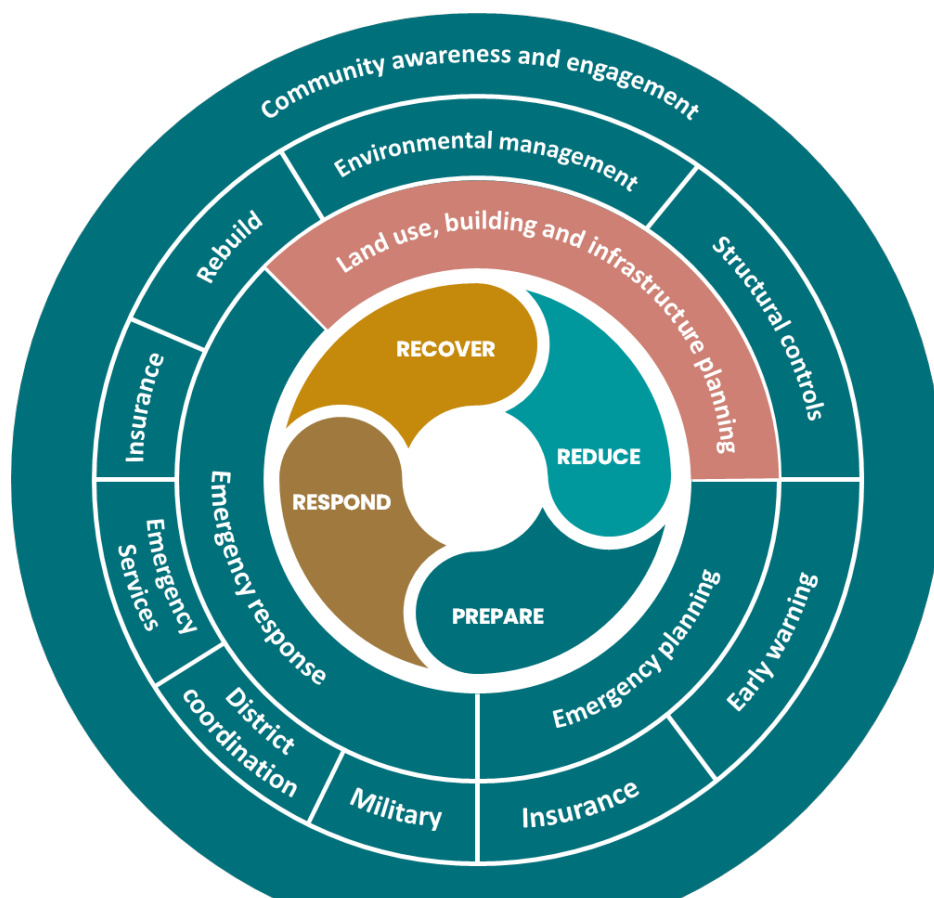
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Project overview

In October / November 2022, Byron Shire Council undertook a consultation process around the “Working out possibilities together – After the floods: Settlement discussion paper” (Discussion Paper). The project had the primary purpose *“To start the discussion with the community about long-term planning for how and where people will live and work given the wider consideration of climate change and natural disaster management. This feedback will inform Council’s settlement strategies and other plans”*.

This consultation process has resulted in the principles set out in this Findings Report. The principles will assist Council in setting a framework that can help communities prevent and prepare for disasters, safely respond to them, and to minimise impacts and therefore recover more quickly and effectively. This includes taking on the experiences and lessons being learnt from the 2022 flood events and preparing for other likely flood events in the future.

The project recognises key concepts around the PPRR Framework – Prevent (reduce), Prepare, Respond and Recover and that land use, building and infrastructure planning is only a small part of the broader process of disaster resilience (as the National Land Use Planning Guidelines from the Planning Institute of Australia identify below). Ongoing community awareness and engagement are also key to the process.



Derived from National Land Use Planning Guidelines – Planning Institute of Australia

Engagement activities

The engagement process was centred around the Discussion Paper which was available for review and comment between 15 October and 18 November 2022. Recognising the differing needs of communities and the ways that may wish to engage with the project, multiple engagement activities were undertaken as follows:



- Online survey available on Council's 'your say' page throughout the feedback period
- Kitchen table conversation guide available through Council's 'your say' page
- Information stalls at the Mullumbimby Community Markets on 15 October 2022 & New Brighton Farmers Markets on 18 October 2022
- Online information sessions on 19 & 21 October 2022
- Hosted kitchen table conversations on 27 & 28 October 2022
- Conversation cafes on 4 & 5 November 2022



Overall, around 200 forms of feedback were provided during the engagement activities with the outcomes of these activities captured in detail in an associated "Engagement Report". The key discussion points arising from the engagement activities plus the identified principles for each pillar are outlined in the following pages, together with overarching principles that cut across all four pillars.

Discussion paper framework

The Discussion Paper was based around four pillars. These are summarised below, with the following pages providing a summary of the consultation outcomes and key principles based on these pillars. Preceding discussion on the pillars are identified 'overarching principles' that are common across the project.

Build Back Better

meaning to rebuild / reconstruct in a way that is more resilient to future events and the weather extremes expected from climate change

Build Different

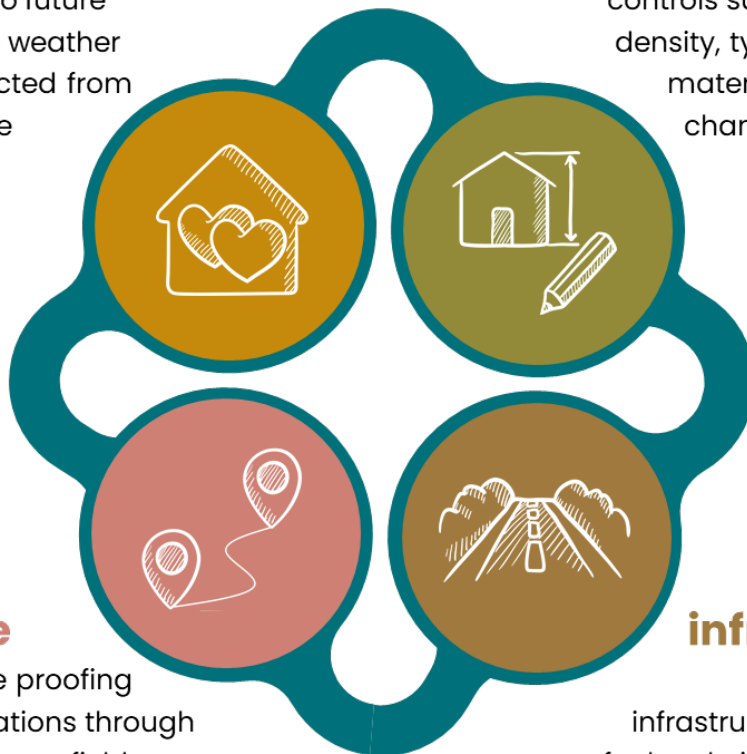
meaning a rethink of our planning and building controls such as height and density, typology, form and materials to respond to changing climate and weather patterns

Build Elsewhere

meaning future proofing settlement locations through potential new greenfield areas to support local housing and business needs

Build supporting infrastructure

meaning to build infrastructure appropriate for local circumstances and proportionate to need and available resources





Overarching principles

Consultation across the Discussion Paper pillars identified a number of recurring themes. These key overlapping issues and opportunities have been identified below as four 'overarching principles'.

Overarching Principle 1: Communication is key – This keeps people informed about public infrastructure build back efforts, provides public education and assists in preparedness

- Consistent messaging and frequent communication with the community throughout ongoing recovery efforts and long-term planning will enable a better connection to local needs and increased trust between Council and the community.
- Information sharing within Council is also paramount to communicating with the community. Establishing community contact points and having internal touch points for community leaders would assist.

Overarching Principle 2: Enable localised input – Listening and responding to the local context is important, these are lived experiences and this localised understanding of circumstance is paramount to supporting outcomes

- The community have a strong desire to be heard and drive their recovery and future according to local needs. Establishing formalised processes around this in the future will assist community understanding and input to future strategies and ongoing roll-out of recovery efforts.

Overarching Principle 3: Options are necessary – Outcomes across Pillars 1 to 3 are needed to support impacted communities to make informed decisions about their future

- While each pillar was identified separately, there is a clear and necessary link between them. Working towards building back better, building different and building elsewhere are all necessary and equally important as part of a balanced approach.
- Community members require each of these options to be available to enable them to make informed decisions that are right for them.

Overarching Principle 4: Coordination is needed – A comprehensive program and coordinated response from all levels of government is needed rather than a myriad of isolated outcomes.

- Community exhaustion means that even where individual barriers are removed, recovery remains complex and ongoing assistance is needed.
- It is also recognised Council does not have sufficient funds to single-handedly deliver a coordinated response to address the diverse needs of the community.
- By coordinating outcomes with a comprehensive process and across all levels of government, necessary overlaps and ongoing dialogue with the community is clearer, more efficient and more accurate.



Pillar 1: Build back better

Build back better means rebuilding or reconstructing in a way that is more resilient to future events and the weather extremes from climate change.

This pillar recognised the intrinsic link between where people live, land ownership and the desire for many to remain in their neighbourhood, even following natural disaster events. However, when building back in the same location, various considerations need to be taken into account, in particular the risk of future flood, bushfire or other natural disasters and events and the subsequent impacts arising from these events.

By considering ways to do this early in the recovery process, building back in the same location can avoid the same issues arising time and again.

Four key questions were asked in the Discussion Paper about this pillar as follows:

1. Are you aware of practical and easy ways to build back better? If so, what are some examples?
2. What are the key barriers to building back better?
3. Where would you expect to find information to assist in building back better?
4. At what point, if any, should building in the same location no longer be considered possible?

A simplified single question format was also used in the kitchen table conversation guide and hosted activities. This question was “Where appropriate and possible to do so, how can we build back better to reduce our vulnerability to future events?”.

Discussion

This pillar identified a number of interrelated issues relating to the community's ability to build back better. While the concept was generally understood, applying the concept quickly became complex and difficult due to multiple barriers. At the core, this included a range of insurance, time and cost impediments. The lack of localised and practical information combined with a lack of knowledgeable and available advisors, means that many in the community are left feeling that they have to navigate these systems alone.

Once the barriers to building back better can be overcome, there is likely to be a much greater capacity for the community to act. Many are clear about their preferences for restoring their living arrangements and will act accordingly. However, there remains doubt about whether Council and other levels of government will address the real or perceived issues with related infrastructure – e.g. cleaning and maintaining stormwater systems. These trust issues mean that the thought of going through the process of building back only to have the same issue occur was not palatable to some.

Feedback established that there was a growing level of frustration with a lack of outcomes and a feeling that Council was not acting quickly enough. Many identified barriers with the planning system need to be resolved (e.g. height limits in instances of house raising).

Others sought recognition and help to resolve issues that weighed on individuals' consciousness. Recognising and applying empathy to these difficult circumstances is essential.

Key principles

Principle 1.1: The scaffold is missing – Building back better can only occur when information, resources and funding are available

- Barriers to building back better require responses across multiple areas to address a lack of access to information, lack of qualified trades / builders, inadequate planning controls, personal trauma, insurance complexities, high costs and resulting drawn-out timeframes.
- Build back better applies to many contexts, including housing / buildings, land and infrastructure / services. It can also cover a range of events, including flood, landslip and bushfire.
- Opportunities to reduce cost for those rebuilding are needed at every step.
- Fundamental information, like up-to-date flood mapping, is also needed to help the community make important decisions about whether to rebuild or relocate.

Principle 1.2: Rebuild bottom up – Community empowerment can assist communities to help each other, building resilience and trust

- Simple, practical and suitably detailed information that enables the community to proactively respond is required. See for example the Queensland Reconstruction Authority.
- Education is needed for trades and builders, as well as the community, to better communicate practical information about processes to build back better.

Principle 1.3: Government has a key role – Building back better needs to be supported by public infrastructure that provides confidence that the effort is worthwhile

- Knowing that efforts are being made to address the real or perceived causes of flooding will provide confidence to communities – e.g. drainage maintenance.
- Working with authorities to address other flood related impacts, such as raw sewerage contamination and landslips, so that build back efforts will not be rendered useless.

Principle 1.4: Outcomes are everything – Council staff need to use their skills to focus on outcomes from a people perspective rather than a process perspective

- Flexibility within the DA process is needed to assist landowners to understand and work with the system to achieve positive outcomes.
- Empathy is needed for those that have, and are, impacted by events. Trained and empowered staff, potentially as case managers, are needed to help rebuild community trust.



Pillar 2: Build different

Build different means a rethink of our planning and building controls such as height and density, typology, form and materials to respond to a changing climate and weather patterns.

This pillar recognised that Council and its communities have traditionally resisted changes to planning controls that enable increases in height and/or density. However, the current housing crisis, changing demographics and need to find new long-term solutions may necessitate building differently.

These options will always need to consider the unique circumstances of each town or village, whilst ensuring that future options respect existing character.

Four key questions were asked in the Discussion Paper about this pillar as follows:

5. Are ¼ acre blocks (~1,000m²) a thing of the past? How could we live differently in response to a changing climate?
6. If building heights or densities are increased to create more flood-free housing, where would this be most appropriate?
7. What places do you know where housing is provided differently that may suit the Byron Shire?
8. In what innovative ways do you think flood prone land could be used in the future?

A simplified single question format was also used in the kitchen table conversation guide and hosted activities. This question was “Acknowledging that areas for new development are limited, how can we provide housing differently to meet future needs?”.

Discussion

There was a wide range of views expressed with respect to how building differently could be pursued in the Byron Shire. At a fundamental level, there was however agreement that change was needed, that building on flood plains needs to stop, and that alternatives need to be found.

Two main directions for how this may be achieved were then apparent. Increasing height and/or density was only desired in limited areas, in particular within the Byron Bay town centre with a view to creating greater housing supply, particularly for workers. This direction also sought to minimise urban sprawl, which was generally undesirable to most.

The alternative approach that was readily identified was to utilise low quality rural land to facilitate eco-villages and/or service hubs for rural catchments. Both these ideas sought to integrate environmental outcomes and sustainability principles including with respect to transportation, food production, community infrastructure and biodiversity protection. This

means that flood prone land could then be used for a range of productive and activities beneficial to the community.

Key principles

Principle 2.1: It's time for change – More of the same can only result in worsening impacts on communities over the long-term

- The desire for housing in safe locations was overwhelming. Building on land in flood prone areas has to stop unless being future proofed within existing urban areas.
- Over-reliance on public infrastructure can be partially addressed by enabling of community-owned infrastructure that establishes increased self-sufficiency and sustainable outcomes e.g. water and power at the community / neighbourhood level.
- Community gardens and agricultural production, i.e. permaculture, can play a key role in future places for living as part of an integrated system.
- Planning systems that enable different forms of development to occur will be needed.

Principle 2.2: Focus on the town centre – Height and density within key centres, e.g. Byron Bay, is needed to reduce urban sprawl

- Increasing dwelling density within Byron Bay was particularly identified to assist with housing supply, worker accommodation and to reduce urban sprawl.
- Higher density development should meet high environmental standards (e.g. water, solar, EV charge stations) and suit the character of the locality.
- Increasing density should not be focused on areas which have been, and are liable to be in the future, most adversely impacted (such as Mullumbimby).

Principle 2.3: We can change too – Growing the population within existing areas is possible if we're prepared to live differently

- Multi-generational living, division of larger houses into multiple smaller and encouraging smaller houses / tiny homes, are all ways that we can live differently without necessarily changing the character of the built environment.
- Case studies, other information sources and financial incentives may all have a role in this process.

Principle 2.4: Flood prone land has its place – Urban settlements can benefit from repurposing flood prone land

- Flood prone land can continue to play an important and integrated role for community uses (that don't require fixed building infrastructure), environmental restoration, passive recreation connections and agricultural activities.
- Whatever the use, the land should continue to have a neutral or beneficial impact on flood patterns (e.g. not be filled).



Pillar 3: Build elsewhere

Build elsewhere means future proofing settlement locations through potential new greenfield areas to support local housing and business needs.

This pillar recognises that growth within established urban areas may be limited in the future, potentially necessitating the identification of new future urban growth areas elsewhere. This includes securing new land for housing and to support the local economy.

It was recognised that such future options would need to recognise key issues such as high-quality agricultural land and being both safe and practical.

Four key questions were asked in the Discussion Paper about this pillar as follows:

9. Would you be prepared to see some farm or rural land used to accommodate flood-free housing? If so, where?
10. Under what circumstances is it appropriate to have more dwellings in rural areas?
11. How much risk is your community willing to tolerate with education and preparedness in place?
12. To what extent should other local government areas be relied on to accommodate Byron Shire's housing needs?

A simplified single question format was also used in the kitchen table conversation guide and hosted activities. This was "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?"

Discussion

This pillar resulted in a range of views, but with relatively consistent underlying messages. Primarily, and as for Pillar 2, there was a recognised need that change is required. Whilst many valued the Shire's rural setting and the importance of agricultural lands for food security, many also believed that there is an opportunity for a balancing of housing needs within selected locations.

As identified in Pillar 2, the approach sought by many centred around the concepts of eco-villages and/or service hubs for rural catchments. Important to these was that they did not represent a standard subdivision and urban sprawl approach, but would integrate a range of sustainability principles including permaculture and food production that would off-set the loss of rural productivity (with many examples identifying land being used for cattle grazing that could be more productively be used within a balanced urban approach).

With respect to the responsibilities for the delivery of housing, most people identified that there was a need for Byron Shire to respond to its current housing crisis. Whilst many also believed that a regional approach is beneficial, the current situation required a localised response and the leadership to address these needs.

Key principles

Principle 3.1: Well sited future settlements – Fundamental to siting future settlements is that they are not flood prone and they are well-connected

- Future settlements need to be located and constructed in ways that mitigate future risks of climate change from an all-hazards perspective.
- They need to be located outside flood prone areas, but not be isolated from existing communities and the services that future residents will need.
- Connections between new and existing settlements should take advantage of sustainable transport methods, including rail corridors.
- A focus on areas around Mullumbimby, given its flood constraints, may be needed.

Principle 3.2: Built-in sustainability – Greenfield expansion must encapsulate core principles of sustainability and community outcomes

- New development must provide quality environmental outcomes, including public and private green spaces, food production opportunities, habitat retention and sustainable energy production.
- These developments should support a range of housing types, including live / work, and ensure community connectedness through shared community facilities.
- These areas should be designed to support broader rural population catchments with basic services and to reinforce localised resilience within communities.
- Importantly, this principle needs to be captured within rezoning processes.

Principle 3.3: Balanced rural land take – Retaining the best agricultural land can be balanced with growth and expansion on poorer quality lands

- Expansion or creation of villages, or smaller services hubs, should be focused on areas that have comparatively low agricultural value.
- Smaller scale housing intensification on rural land could also assist, such as controlled dual occupancy and subdivision opportunities, but only where these are flood free and close to services.
- The use of rural land for housing must consider the rural visual amenity that the area is renowned for.

Principle 3.4: Leadership is needed – Whilst a regional approach is supported, the need for local leadership to progress new settlements is here and now

- Byron Shire can cater for its own growth but must be supported by a broader regional perspective that best balances sustainability over arbitrary council boundaries.
- The extent and urgency of the current housing crisis requires strong leadership and immediate action.
- Without action, there are limited options for those that have been impacted and wish to relocate to somewhere safer.



Pillar 4: Build supporting infrastructure

Build supporting infrastructure means to build infrastructure / services appropriate for local circumstances and proportionate to need and available resources.

This pillar recognises that resilient communities need to be supported by appropriate infrastructure and services. However, it also establishes that rebuilding infrastructure is costly, complex and can take an extended period to deliver. Understanding priorities, risk tolerances and responsibilities across all levels of government are also critical to this process.

Four key questions were asked in the Discussion Paper about this pillar as follows:

13. What is the main priority in reinstating infrastructure following flood and storm events?
14. If it takes longer to reinstate infrastructure, how long is reasonable from your community's perspective?
15. What services are considered essential to help mitigate the impact of future flood and storm events?
16. What non-infrastructure needs are also critical to future communities, such as education, preparedness and other support structures?

A simplified single question format was also used in the kitchen table conversation guide and hosted activities. This question was "What are your priorities in building supporting infrastructure to recover from recent events and to mitigate the impacts of future ones?".

Discussion

A myriad of infrastructure needs was identified through this pillar. The most critical infrastructure in the immediate response phase was generally agreed to be telecommunications and electricity, closely followed by road access. The significant cost and complexity of building back infrastructure were well recognised by most in the community. That said, most were also unhappy with current build back timeframes, highlighting that there was a lack of information and updates from Council (and others) to reassure the community that action was being taken.

Many in the community supported the betterment of infrastructure but also believed that there were some key issues with the existing infrastructure that need to be addressed. Most predominantly, this included drain and waterway maintenance. Several communities identified that this was a major issue that contributed to the recent flood events. Other key improvements were identified around early warning systems and telecommunications and, for Mullumbimby in particular, water supply.

In addition to services infrastructure, many also highlighted the importance of community and social infrastructure, including education and preparedness, community hubs and evacuation points. Some envisaged these types of facilities within future growth areas (e.g. rural service hubs), whilst others identified their need within current urban contexts,

particularly at Mullumbimby and in Bangalow.

Key principles

Principle 4.1: Communicate 'making it better' – Communities deserve quality, robust infrastructure, but this takes time, so progress needs to be well communicated

- Key infrastructure, particularly roads / bridges, are enormously expensive. But returning infrastructure in a like-for-like manner is short-sighted, and more robust delivery necessarily takes time and money. Communicating steps and updating communities assists to recognise this.
- Similarly, some interventions require complex approvals, e.g. ICOLL openings. Communicating processes and Council's efforts assists to recognise complexities.

Principle 4.2: Review before expanding – Ensure that existing infrastructure is fit for purpose and working to capacity

- Communities recognise that infrastructure is expensive, and flooding is complicated. But ensuring 'the basics' are operating at capacity, e.g. drainage and warning systems, is needed before more development is considered.
- Working with other service providers is also needed, e.g. telecommunications and urban water supply. Partnerships and communication between agencies, Council and communities will continue to play an important role.

Principle 4.3: Empower local communities – With relatively small contributions, risk tolerant communities can be well supported

- Not all communities are accepting of risk, but some are, particularly in more isolated locations. The difference in risk tolerance is important to acknowledge.
- Working with communities to create plans that acknowledge and support their tolerance for risk can help to build resilience and reduce future impacts.

Principle 4.4: Educate and prepare – Future events are inevitable, but learning lessons, providing education and preparing for them will reduce the impacts

- There is a need to support community resilience through localised training and response planning to better enable communities to respond and recover to future events. This links to local response plans and broader agency roadmaps that can form a basis of ongoing education.
- Connecting people with others, and with a common place or 'hub' for responses, assists localised responsiveness and recognises that the community are the first responders.
- Preparedness also applies to Council (and others), such as pre-planning for emergency accommodation needs, providing an evidence base for decisions and communicating outcomes, all of which are critical.
- Engaging with different thinking on planning, for example from Indigenous, cultural, aging and disability perspectives, will also assist a whole of community approach.

Next steps

This Findings Report has followed community engagement which was undertaken during October and November 2022 on the Discussion Paper.

The principles set out in this Report set a platform for ongoing review of Council's strategic land use planning framework, and will further guide Council's recovery and preparedness activities in the coming months and years. In particular, it will directly inform the preparation and/or review of Council's:

- Residential Strategy
- Rural Land Use Strategy
- Business & Industrial Lands Strategy

Regular updates on recovery actions are also being provided through Council's Flood Recovery page. For further information and to see previous updates, click [here](#)

Council will continue to work with the State and Federal Governments to co-ordinate and respond to the current situation through its Local Recovery Committee. Council is progressing with its Flood Action Plan to address infrastructure works and this is to be rolled out by Council as funding and resources become available. Council is also working closely with the Northern Rivers Reconstruction Corporation (NRRC) and the role that they have across the broader region. The outcomes of this Discussion Paper process will also assist in informing these partnership arrangements.