

Our ref: IRF18/3180

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

Dear Mr Arnold

Thank you for your letter of 5 June 2018 requesting confirmation of the Department's position on Council's proposal to progress the rezoning of land for residential housing ahead of finalisation of Council's draft Residential Strategy.

I appreciate Council's Accessible Housing Project is aiming to provide much needed housing opportunities for low income households in the Byron local government area (LGA). While an initiative which provides for such housing is supported in principle, Council's approach to locate this housing on new release areas, some of which are on constrained land outside of agreed urban growth areas, is inconsistent with the strategic planning framework.

As stated in the Department's letter of 8 January 2018, the Department is committed to a strategic led process in identifying new residential release areas. Council's draft residential strategy is the most appropriate mechanism for directing growth to appropriate locations that can sustainably accommodate residential development and provide necessary services and infrastructure. Ad-hoc proposals for residential land release outside of the strategic planning framework are generally not supported.

However, I note that site 5 on the northern edge of the Bangalow village, is predominantly zoned R2 Low Density Residential and is mostly located within the urban growth area boundary for Bangalow as identified in the North Coast Regional Plan 2036. If Council can satisfy the urban growth area variation principles and important farmland interim variation criteria for the remaining parts of this site, which are currently deferred from the Byron LEP 2014, it may have merit for consideration.

I also note that site 2, while not mapped as important farmland, is flood prone and located outside of the urban growth area boundary for Mullumbimby. I understand Council is preparing a floodplain risk management plan for the area. If the final floodplain risk management plan concludes that the flood affectation of this land can be adequately addressed, Council may be able to satisfy the urban growth area variation principles for this land to also be considered for residential purposes.

While these two identified sites have potential to provide future housing opportunities it is unclear whether these sites best meet the demands being experienced in Byron. Council is encouraged to prioritise the finalisation of its residential strategy to ensure that all land suitable for residential purposes across the LGA is considered in a strategic manner, with consideration of demand helping inform proposed release areas.

Should you have any further questions in relation to this matter, please contact Mr Paul Garnett of the Department's Northern Region Office on 6641 6607.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

20-6-2018

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**