

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

Attention: Mr Dylan Johnstone

Planning Proposal PP-2021-4505 to permit a dwelling at 114 Stewarts Road Clunes

Dear Mr Arnold

Thank you for your correspondence of 8 April 2024 and the opportunity to provide comment on planning proposal PP-2021-4505 to permit a dwelling on Lot 10 DP 586360, 114 Stewarts Road, Clunes.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

I understand the planning proposal seeks to permit a dwelling house as an additional permitted use on the subject land as the lot currently does not have a dwelling eligibility.

I note that a dwelling house already exists on the land and has done so since at least 1987. Therefore, NSW DPI Agriculture has no objection to the planning proposal.

The land and the wider locality are mapped as Regionally Significant Farmland by the Northern Rivers Farmland Protection Project 2005 and therefore also identified as Important Farmland in the North Coast Regional Plan 2041.

Council should carefully consider how permitting a dwelling house on the site as an additional permitted use in response to the unlawful construction of the original dwelling, will affect any future proposal to increase residential density on the site, such as a dual occupancy or secondary dwelling. Increased residential density in rural areas can lead to increased risk of land use conflict with surrounding agricultural land uses. Council is requested to ensure that the regularisation of the original unlawful dwelling does not lead to increased residential density that adversely impacts agricultural land uses on neighbouring rural zoned land mapped as Important Farmland.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au .

Sincerely

A handwritten signature in black ink, appearing to read 'Paul Garnett', with a stylized flourish at the end.

Paul Garnett
Acting Manager, Agricultural Land Use Planning

19 April 2024



RFS



Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: PP-2021-4505
Our reference: SPI20240410000044

ATTENTION: Dylan Johnstone

Date: Friday 10 May 2024

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment - Planning Proposal
Amend Byron LEP 2014 Part 6 - Additional Local Provision - Dwelling Entitlement Lot 10 DP 586360**

I refer to your correspondence dated 08/04/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The Planning Proposal seeks to amend Byron LEP 2014 to permit a Dwelling House with consent on Lot 10 DP 586360 114 Stewarts Road Clunes. The lot contains an existing unauthorised dwelling.

The NSW RFS has considered the information submitted and supports the Planning Proposal.. The submitted bushfire report makes recommendations to improve bushfire resilience measures to the dwelling and surround land. Council should consider applying those recommendations as part of the local provisions.

For any queries regarding this correspondence, please contact Neil Pengilly on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
**Manager Planning & Environment Services
Built & Natural Environment**

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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www.rfs.nsw.gov.au

Johnstone, Dylan

From: Brent Emmons <brent@arakwal.com.au>
Sent: Monday, 8 April 2024 1:04 PM
To: Johnstone, Dylan
Subject: RE: Public exhibition of Planning Proposal 26.2021.5.1 to obtain dwelling entitlement at 114 Stewarts Road Clunes

Hi Dylan

Thank you for sharing this planning proposal with us. After reviewing the document and the location at 114 Stewarts Road, Clunes, it has been verified that this property does not sit on Arakwal country.

I recommend that you contact the Widjabul Wia-bal native title office for comment.

Kind regards,

Brent

From: Johnstone, Dylan <djohnstone@byron.nsw.gov.au>
Sent: Monday, April 8, 2024 12:55 PM
To: Brent Emmons <brent@arakwal.com.au>
Subject: Public exhibition of Planning Proposal 26.2021.5.1 to obtain dwelling entitlement at 114 Stewarts Road Clunes

Hi Brent

Further to our phone discussion a moment ago, the Gateway Determination issued by the Department of Planning Housing and Infrastructure in relation to this planning proposal requires consultation with Arakwal.

Please see attached correspondence in relation to this planning proposal currently on public exhibition and advise of any comments you may have.

Regards

Dylan Johnstone | Development Investigations Lead | BYRON SHIRE COUNCIL

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Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

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