



Mr K Gainger  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Our ref: 16/07292  
Your ref: #E2016/21505

Dear Mr Gainger

### **Draft Byron Shire Rural Land Use Strategy**

I would like to thank Council for the opportunity to provide comment on the Byron Shire Draft Rural Land Use Strategy 2016 ('the draft Strategy').

I understand that the draft Strategy once finalised is intended to replace the 1998 Byron Rural Settlement Strategy. I note the draft Strategy aims to provide a 20 year strategic framework to guide rural residential development in the Byron Shire.

I recognise the effort that Council has undertaken in developing the draft Strategy, including the associated Discussion Paper and Site Suitability and Mapping Methodology.

Local growth management strategies are important in directing future growth to appropriate locations that can sustainably accommodate development and are readily serviced. When finalising the Strategy, Council should ensure that it is consistent with relevant State Environmental Planning Policies, section 117 Planning Directions and the Department's Regional Strategy / Plan and Settlement Planning Guidelines. This will enable Council to seek the Department's approval of the final Strategy and facilitate future land release in accordance with the section 117 Planning Directions and the Department's Regional Strategy / Plan.

It is noted that the draft Strategy refers to the draft North Coast Regional Plan. As the draft North Coast Plan has not been finalised and will be subject to further review, it is requested that Council remove any references to issues such as adopting the interim regionally significant farmland variation criteria from the draft plan into the strategy.

A review of the draft Strategy has identified a number of matters that require further consideration. It is suggested that the following issues be considered prior to Council adopting a final Strategy.

## Supply and demand audit and demographic analysis

The Department's Settlement Planning Guidelines require a '*land supply and demand audit for land uses covered by the strategy and a demographic profile and population projections summary to support future land requirements*'. An important role of the draft Strategy is to provide for and manage growth and development, and coordinate the provision of land and infrastructure services that will match future housing needs.

It is noted that the draft Strategy does not identify the number of rural residential dwellings that are likely to be required and only states that most of the Shire's future housing needs will be provided in the urban villages. It also confirms that based on existing approval patterns, Federal and Main Arm villages have 20 years of existing zoned supply and the existing rural residential estates have 15 years supply (not including the added potential of re-subdivision of some existing lands). Despite this supply, the draft Strategy identifies a number of future priority release areas in Table 9 of the draft Strategy (including 730ha of land around Main Arm and The Pocket), and 745ha in Table 10 (if the identified land is not required for urban purposes). The draft Strategy also notes (see discussion below regarding variations) that additional land not identified in priority release areas can be considered subject to the consideration of the decision making framework in Figure 4.

In this regard, the draft Strategy should consider in more detail the demographic and housing trends for the specified 20 year period to identify the number of rural residential dwellings that need to be delivered. This will help inform an appropriate land supply release program that is transparent, provides certainty for the community, infrastructure and service investment, and avoids ad hoc and scattered development in rural areas due to an oversupply of rural residential land consistent with the Department's Settlement Planning Guidelines. It is suggested Council refer to the *NSW Department of Planning and Environment 2014 Population and Dwelling Projections* for further information regarding anticipated population and dwelling numbers for the Shire. The final strategy should also remove the references and maps of proposed potential localities for future village / urban development to avoid confusion for the community. Suitable areas for potential future rural residential development in these localities could then be considered in a future amendment to the Strategy once Council's residential strategy has been completed.

## Site Suitability Criteria and Mapping Methodology

The draft Strategy supporting document, Site Suitability Criteria and Mapping Methodology, identifies unconstrained and assessable land in rural areas. It is noted that the identified priority release areas contain significant areas of assessable land and unmarked land (which is understood to be unsuitable for potential rural residential development). It is recommended that the proposed priority release areas be reconsidered and refocussed and significantly narrowed specifically towards the unconstrained land areas in appropriate locations that are more likely to be able to accommodate future development.

It is also recommended that the criteria utilised to identify assessable land be reviewed, in particular, the inclusion of: flood prone land, non-contiguous State / regionally significant farmland; non 'extreme' bushfire prone land; steep land (i.e. slopes



exceeding 25 per cent), land with high potential for rural land use conflict issues, and the service catchment areas for potential rural residential development. In this regard, a service catchment of 2kms to a primary school or general store in rural areas is considered unlikely to provide a sufficient level of service for rural residential development and is not supported. The identified priority release areas should also be able to be serviced adequately by existing or committed road infrastructure.

### Variations

The draft Strategy identified the ability to consider alternate proposals in accordance with the decision making framework in Figure 4 and varying certain requirements including avoiding regionally significant farmland, priority release areas and identified mineral resources. The final notes to the decision making framework in Figure 4 also make reference to being a 'guide' only, and does not appear to protect and preserve potential future urban land consistent with the Department's Settlement Planning Principles.

It is recommended that Figure 4 and all variation criteria be removed from the final Strategy, and that any alternate proposals in the future be considered through an amendment to the Strategy. This will allow the proposal to be considered appropriately in a shire wide context, transparently and by the community.

If you require any further information regarding this matter, or would like an opportunity to meet with Department staff and discuss this matter in more detail, please do not hesitate in contacting Ms Katrina Burbidge of the Department's Northern Region Office. Ms Burbidge may be contacted on (02) 6641 6606.

Yours sincerely

 27 May 2016  
**Stephen Murray**  
**Acting Executive Director, Regions**  
**Planning Services**



Mr Ken Gainger  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Our ref: 16/12477

*Ken*  
Dear Mr ~~Gainger~~

### **Byron Shire Rural Land Use Strategy**

Thank you for the submission of the Byron Shire Rural Land Use Strategy 2016 (the Strategy) for the Secretary's approval.

The Strategy as submitted by Council contains a number of matters that have not addressed the Department's advice provided in May 2016. This includes matters which I consider cannot be readily resolved without further review of the Strategy.

A review of the Strategy indicates that it is not consistent with a number of relevant State Environmental Planning Policies and section 117 Planning Directions or the Department's Far North Coast Regional Strategy and associated Settlement Planning Guidelines. To be consistent with these matters the Strategy needs to:

- provide certainty for the community by removing the decision making framework that permits variations and additional rural lifestyle opportunities across the Shire outside identified release areas;
- not include land that is currently being considered for possible future urban expansion under Council's draft Residential Land Use Strategy;
- not include new specific land parcels scattered across the Shire for release post exhibition that the community has not had an opportunity to review or provide comment on;
- remove heavily constrained land within assessable areas for possible rural lifestyle release;
- consider and assess the demographic demand for rural lifestyle living opportunities across the Shire and the ability of infrastructure to serve potential release areas;
- not allow rural residential development on State or regionally significant farmland;
- not advocate for changes to the Standard Instrument LEP and a review of land mapped as State or regionally significant farmland under the Department's farmland mapping projects; and
- not seek to implement priority vegetation enhancement corridors and buffers to high environmental vegetation.

At this stage the Department is unable to endorse the Strategy. On this basis I would like to provide Council with the opportunity to review the above matters before the Department determines to endorse the Strategy or not. It would be appreciated if Council could advise as soon as possible on how it wishes to proceed with this matter.

I understand that public exhibition of the draft Byron Shire Residential Strategy has now commenced. I would encourage Council to consider withdrawing the current Strategy and aligning the timing and preparation of its rural and residential strategies in order to ensure the Shire's growth strategies are fully integrated and coordinated.

If you require any further information regarding this matter, or would like an opportunity to meet with Department staff to discuss this matter in more detail, please do not hesitate in contacting Mr Josh Townsend of the Department's Northern Region Office. Mr Townsend can be contacted on (02) 6641 6603.

Yours sincerely

 20 October 2016  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**