



Attachment '2'

Planning Meeting Report – August 2020

Business and Industrial Lands Strategy

Response Report on Department of Planning, Industry and Environment qualifications and amendments request



Acknowledgement to Country

Byron Shire Council recognises the traditional owners of this land, the Bundjalung of Byron Bay, Arakwal people, the Widjabal people, the Minjungbul people and the wider Bundjalung Nation.

We recognise that the most enduring and relevant legacy Indigenous people offer is their understanding of the significance of land and their local, deep commitment to place.

The Byron Shire Residential Strategy respects and embraces this approach by engaging with the community and acknowledging that our resources are precious and must be looked after for future generations.

INFORMATION ABOUT THIS DOCUMENT

Document History

Doc No.	Date Amended	Details/Comments e.g. Resolution No.
Word Doc 2020/39664		Version 1 for consideration by Council

Related legislation, strategies and other documents that may be useful reference material for users of this document.

- NSW Environmental Planning and Assessment Act 1979
- [North Coast Regional Plan 2036](#)
- [Byron Shire Business and Industrial Lands Strategy adopted version](#)
- North Coast Settlement Plan Guidelines
- [Byron Shire Council Community Participation Plan](#)
- [A guide to preparing planning proposals 2019](#)
- Department of Planning, Industry and Environment correspondence #2020/35725

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1.0 Purpose of the Report

In March 2020, staff forwarded the Business and Industrial Lands Strategy (BILS) to the Department of Planning, Industry and Environment (DPIE) seeking Ministerial approval of the strategy.

On the 12 May 2020, the DPIE - Director, Northern Region Local and Regional Planning advised that the strategy is approved, subject to a number of qualifications and amendments. (Appendix 1)

Staff have reviewed the Department's comments and this report provides a response.

2.0 Summary response

DPIE advice item reference and comment	Staff Response
a Recommends preparation of a precinct plan for land around the Byron Central Hospital to inform the preparation and assessment of individual development proposals and ensure the long-term functionality of this key service precinct.	Supported. New action to be included.
b Supports investigation lands at Billinudgel, Bangalow, West Byron Bay and Mullumbimby with qualification that more detailed investigations to occur at the planning proposal stage. This to include assessment of agricultural capability and impact on surrounding land regionally significant farmland as relevant.	Supported. Additional clarity on the scope of future investigations and a need to be consistent with State and regional planning provisions to be included for investigation areas.
c Requests that the Business and Industrial Suitable Land Principles' on p.79 of the BILS be amended to be consistent with the Land Release Criteria in the North Coast Settlement Planning Guidelines 2019. Furthermore the 'important farmland' provisions in the Business and Industrial Land Suitability Principles should be amended to align with Section 9.1 Direction 5.3, the <i>North Coast Regional Plan 2036</i> (NCRP) and the Northern Rivers Farmland Protection Project - Final Recommendations, February 2005.	The BLIS is captured under the North Coast Settlement Planning Guidelines 2019 transitional provisions and hence compliance is not mandatory. The concerns can be addressed with refinement of the Principles' lead text.
d Supports proposed strategic planning for Gulgan North integrated with Gulgan East and West areas and identify as a 'preliminary investigation area'.	'Preliminary' status designation not supported, nor integration with Gulgan West and East strategic planning.



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|---|---|
| <p>d Supports proposed strategic planning for the Gulgan, East and West areas with consideration to be given to a 'preliminary' investigation area designation and further qualification on the timing and amount of additional employment land to be released.</p> | <p>'Preliminary' status designation not supported.</p> <p>Based on further analysis the extent of Gulgan West investigation area to be reduced.</p> <p>That the DPIE be advised that Council supports the all areas of investigation land identified, subject to the adjustment of Gulgan West and prefers the use of 'anticipated delivery timeframe' to a rigid land release program for the Byron Shire.</p> |
| <p>d Council collaborate with other Northern Rivers councils and the Department of Planning Industry and Environment to build an evidence base, consistent with Action 5.1 of the Regional Plan and Principle 2 of the North Coast Settlement Planning Guidelines, to <i>'consider a regional approach to land supply'</i>.</p> | <p>Noted.</p> |
| <p>e Supports the preparation of a database of developed and vacant zoned industrial land under BILS Action 9 as an input to the annual North Coast House and Land Monitor.</p> | <p>Noted.</p> |
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3.0 Detailed Response

Table 1 provides further detail on the DPIE request, staff response and recommendation.

Table 1: Matters raised summary, response and recommendation

Strategy matter	DPIE request outline	Staff response and recommendation
1. Byron Central Hospital (Item a. in DPIE advice)	<p>Supports the strategy's guidance on the development of key precincts, including development close to Byron Central Hospital.</p> <p>Recommends preparation of a precinct plan for land around the Byron Central Hospital to inform the preparation and assessment of individual development proposals and ensure the long-term functionality of this key service precinct in the Byron Shire.</p>	<p>Agree. New action to be included.</p> <p>Recommendation:</p> <p>1. Insert a new Business and Industrial Lands Strategy Action 16 (noting existing subsequent actions will be renumbered accordingly) as follows:</p> <p><i>Prepare precinct plan for land around the Byron Central Hospital to inform the preparation and assessment of individual development proposals and ensure the long-term functionality of this key service precinct in the Byron Shire.</i></p> <p><u>Financial implications.</u></p> <p>Short term: none</p> <p>Longer term: Preparation of a precinct plan as per the precinct plan guidelines contained in the North Coast Regional Plan (see Appendix 2) will incur a cost. The cost is dependant on whether the work is undertaken internally or by a consultant. Any costs will be included for consideration in future budget bids.</p>

Strategy matter	DPIE request outline	Staff response and recommendation
<p>2. Billinudgel, Bangalow, West Byron Bay and Mullumbimby investigation lands</p> <p>(Item b. in DPIE advice)</p>  <p>Area 2 Mullumbimby</p>  <p>Area 7 Bangalow</p>	<p>DPIE supports the proposed investigation of land to increase the supply of employment land in the Byron Shire, consistent with Action 6.6 in the <i>North Coast Regional Plan 2036</i>.</p> <p>Endorses these planned investigation areas subject to more detailed investigations at the planning proposal stage.</p> <p>The investigations will need to address a range of issues, including the management of areas of high environmental value, flooding and heritage/cultural significance, to ensure that any proposed development is consistent with relevant State and regional planning provisions. For Mullumbimby and Bangalow investigation areas a detailed assessment of agricultural capability and impact on surrounding land will be required as part of any planning proposal for the investigation areas, consistent with Section 9.1 Direction 5.3: Farmland of State & Regional Significance on the NSW Far North Coast.</p>	<p>The support for these investigation areas is noted.</p> <p>The tables for investigation areas 1, 2, 5 and 7 have been reviewed. Whilst the state government's A guide to preparing planning proposals 2019 application checklist captures these investigations, additional wording be added to ensure that it is clear to a proponent that planning proposal investigations are to be consistent with relevant State and regional planning provisions.</p> <p>Recommendations:</p> <p>2. Insert under the BILS tables for investigation areas 1 (Billinudgel), 2 (Mullumbimby) , 6 (Byron West) and 7 (Bangalow) an additional dot point under 'key issues and further investigations':</p> <ul style="list-style-type: none"> <i>investigations to ensure that any proposed development is consistent with relevant State and regional planning provisions this may include the management of areas of high environmental value, flooding and heritage/cultural significance.</i> <p>3. Insert under the BILS tables for investigation area 2 (Mullumbimby) and area 7 (Bangalow) an additional dot point under 'key issues and further investigations':</p> <ul style="list-style-type: none"> <i>a detailed assessment of agricultural capability and impact on surrounding land will be required as part of any planning proposal consistent with Section 9.1 Direction 5.3: Farmland of State & Regional Significance on the NSW Far North Coast.</i> <p><u>Financial implications.</u></p> <p>No significant additional cost to Council. Such investigations are usually undertaken by the planning proposal proponent.</p>

Strategy matter	DPIE request outline	Staff response and recommendation
<p>3. Business and Industrial Suitable Land Principles'</p> <p>(Item c. in DPIE advice)</p>	<p>Business and Industrial Suitable Land Principles should be amended to be consistent with the Land Release Criteria in the North Coast Settlement Planning Guidelines 2019 (the guidelines). The 'important farmland' provisions in the Business and Industrial Land Suitability Principles should be amended to align with Section 9.1 Direction 5.3, the <i>North Coast Regional Plan 2036</i> (NCRP) and the Northern Rivers Farmland Protection Project - Final Recommendations, February 2005.</p> <p><i>Information for the reader:</i></p> <p>The BILS words in question are as follows:</p> <p>'does not contain important farmland unless:</p> <ul style="list-style-type: none"> a farmland capability assessment indicates that agricultural production is not suitable and the non-biophysical factors make the land more suited to industrial uses the land has efficient access to major arterial and highway road infrastructure, minimising the need 	<p>This request is best addressed with refinement to the Principles' lead text on the basis that:</p> <ul style="list-style-type: none"> The guidelines were produced to provide councils with <u>guidance</u> when considering the most appropriate location for future residential and employment land when preparing or reviewing land use planning strategies as Business and Industrial Suitable Land Principles were in the exhibited strategy (exhibited in Nov 2018) well prior to the release of The North Coast Settlement Planning Guidelines (the late 2019) the BLIS is captured under the <u>transitional arrangements</u> in the Guidelines that state they <i>apply to new land use planning strategies prepared by councils. Where a land use planning strategy has already been publicly exhibited compliance with the Guidelines will not be mandatory</i> any planning proposal affecting 'important farmland' is required to address statutory requirements including Section 9.1 Direction 5.3. the BILS suitable land principles are intended to provide additional guidance on the industrial land location specific to Byron Shire consistent with the boundary review requirements under Northern Rivers Farmland Protection Project - Final Recommendations, February 2005 which states that reviews are – <i>not property by property but as part of one-off council-initiated strategic investigations over a nominated settlement area which has merit in terms of other planning issues and the overall regional strategic direction.</i> both the NCRP 2036 and the North Rivers Regional Economic Development Strategy support provision of employment lands in Byron Shire with to linkages with the Pacific Highway serving as the Northern Rivers' principal source of connectivity to major metropolitan markets and gateways

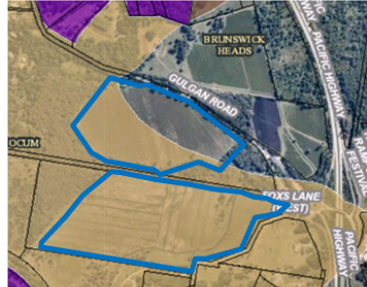

Strategy matter	DPIE request outline	Staff response and recommendation
	<p>for travel and maximising opportunity for public and active transport infrastructure, or</p> <ul style="list-style-type: none"> is adjacent to a zoned industrial area.' 	<p>– removal of the farmland wording in these principles, could potentially expand the areas where a proponent could seek to locate industrial land, and hence undermine both the BILS and North Coast Regional Plan Directions 9, 10 & 11.</p> <p>Recommendations:</p> <p>4. That the DPIE be advised that Council intends to retain the Business and Industrial suitable land principles as stated in the Business and Industrial Lands Strategy.</p> <p>5. Insert at the start of the BILS Principles a qualifying statement as follows:</p> <p><i>The principles set out below are intended to provide additional guidance on land that is suitable for business and industrial purposes in Byron Shire. Should an inconsistency between a relevant State and regional regulatory planning provisions and the principles arise, the investigations are to ensure that any proposed development is consistent with relevant State and regional planning provisions.</i></p> <p><u>Financial implications.</u></p> <p>No significant additional cost to Council. Such investigations are usually undertaken by the planning proposal proponent.</p>
<p>4. Gulgan North (Item d. in DPIE advice, which is discussed in a number of following parts)</p>	<p>The DPIE supports the proposed strategic planning for the Gulgan East and West areas in Action 12 of the BILS and recommends that this is extended to include the Gulgan North area.</p> <p>Further that Gulgan North be identified as a 'preliminary' investigation area</p>	<p>This request is not supported as the Gulgan North investigation area is able to be considered and developed independent of the other two localities. As an example infrastructure services required for this area are not reliant the West and East Gulgan areas progressing.</p> <p>Due to an earlier planning proposal for an ecovillage, the land has undergone analysis at a level appropriate to a planning proposal. Appendix 3 contains a comparison between the three Gulgan sites in terms of the extent of the investigations undertaken so far and demonstrates that Area 5 - Gulgan North is</p>

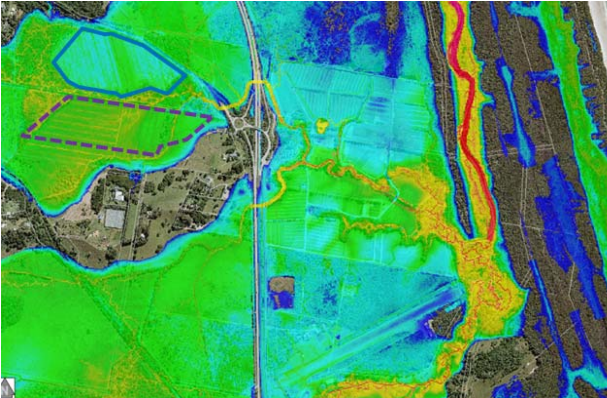
Strategy matter	DPIE request outline	Staff response and recommendation
Gulgan North cont.	along with Gulgan East and West and to address the items listed in Matter 6 below.	<p>advanced in terms of investigations undertaken and suitable to be identified as an investigation area.</p> <p>A need to address this site's relation relationship to surrounding uses, such as the Tyagarah Airstrip (3 km to the south east) is considered onerous and not particularly relevant as the airstrip functions largely as a tourism facility with little bearing on this land.</p> <p>On the aspects such as potential for agricultural ancillary development (i.e. food packaging, food production etc.) and potential impact of business park development on existing business centres these could reasonably be addressed as part of a planning proposal.</p> <p>Recommendations:</p> <p>6. That the DPIE be advised that Council intends to retain the Gulgan North as an investigation area, independent to Gulgan East and West.</p> <p><u>Financial implications.</u></p> <p>No significant additional cost to Council. Such investigations are usually undertaken by the planning proposal proponent.</p>
5. Potential impacts of a business park on the existing business centres (Item d. in DPIE advice)	The DPIE requests that investigations for investigation areas are to include the potential impact of business park development on existing business centres.	<p>A business park would most likely utilise the Zone B7 Business Park. The objectives of this zone (below) already address the zone's relationship with the Byron Bay business centre. To address the potential emergence of business parks in the northern part of the Shire the objectives could be expanded to consider the relationship with Mullumbimby town centres and the Brunswick Heads village centre.</p> <p>Zone B7 Business Park Objectives:</p> <ul style="list-style-type: none"> • To provide a range of office and light industrial uses. • To encourage employment opportunities.

Strategy matter	DPIE request outline	Staff response and recommendation
Potential impacts of a business park cont.		<ul style="list-style-type: none"> To enable other land uses that provides facilities or services to meet the day to day needs of workers in the area. To enable a range of other development compatible with or ancillary to industrial uses if such uses do not <u>undermine the retail function of Byron Bay town centre.</u> <p>Recommendation:</p> <p>7. Insert under Actions 12 (Gulgan East & West) & 14 (Gulgan North) a requirement to undertake an assessment to evaluate of the potential impact of business park development on existing business for any proposal incorporating a business park.</p> <p>8. Insert a new action under Business and Industrial Lands Strategy Direction 4 to amend the Byron LEP 2014 B7 Business Park Zone objectives to extend consideration to retail function of Mullumbimby town centre and Brunswick Heads village centre.</p>
6. Status Gulgan East, Gulgan West and Gulgan North areas (Item d. in DPIE advice)	<p>The DPIE advised that until the strategic planning addressing the items listed below (items i to viii) is completed, Gulgan East, Gulgan West and Gulgan North areas, are not approved as investigation areas for the purpose of planning proposals.</p> <p>Furthermore the DPIE indicated that Council may wish to show these areas as '<u>preliminary</u> investigation areas', for strategic planning purposes, noting that they have not been approved by the</p>	<p>This request for a preliminary status is not supported for the following reasons:</p> <ul style="list-style-type: none"> – Gulgan East area largely contains existing quasi industrial uses – wreckers yard, service station and airstrip – as stated in Item 3 above, the BILS is captured under the North Coast Settlement Planning Guidelines 2019 transitional arrangements – the North Coast Regional Plan (NCRP) does not utilise the term 'preliminary investigation areas'. The NCRP recognises that Urban Growth Areas include all land zoned for various urban purposes and all future potential urban land releases (i.e. investigation areas) as illustrated on the Urban Growth Area Maps.


Strategy matter	DPIE request outline	Staff response and recommendation
Status Gulgan East, Gulgan West and Gulgan North areas cont.	<p>Department at this time.</p> <ol style="list-style-type: none"> The agricultural potential of the sites and surrounding areas and the likely impact of development on regionally significant farmland Other major constraints, such as flooding and buffer requirements, that will determine the scope for potential development in the investigation areas; The relationship to surrounding uses, such as the Tyagarah Airstrip; The potential for agricultural ancillary development (i.e. food packaging, food production etc.); The potential impact of business park development on existing business centres; Infrastructure requirements; Funding arrangements; and An appropriate land release program. <p>The DPIE indicated that it is willing to assist in the delivery of this action.</p> <p>In discussion with the DPIE this assistance was offered in the context of facilitation discussion with other councils in the Norther Rivers area.</p>	<p>These areas will provide for housing, business, industrial, infrastructure and community facilities to accommodate the future regional population. It further states '<i>not all land identified within the growth areas can be developed for urban uses. All sites will be subject to more detailed investigations to determine capability and future yield. Land that is subject to significant natural hazards and/or environmental constraints will be excluded from development</i>'.</p> <p>Designation of these areas as investigation areas is consistent with the intent of a growth area - Investigation Area – Employment Land designation under the NCRP.</p> <ul style="list-style-type: none"> the guidelines acknowledge that the NCRP '<i>is the primary strategic planning document for the North Coast</i>' and the inclusion of this land is not inconsistent with the NCRP a review of the statutory requirements such as a Section 9.1 Directions, confirms that a planning proposal pertaining to the Gulgan East and West investigation areas would be required to address, amongst others: <ul style="list-style-type: none"> Direction 5.3. Farmland of State and Regional Significance on the NSW Far North Coast Farmland of State and Regional Significance on the NSW Far North Coast Direction 4.3 Flood Prone Land. The guidelines statement that <i>the inclusion of such investigation areas will only be supported if it has been demonstrated that the land is not subject to any of the primary constraints identified in Table 1 of this guideline (p 19)</i> appears to be in contrast to other established policy positions in NSW documents governing assessment of land under these Directions indicating:

Strategy matter	DPIE request outline	Staff response and recommendation
<p>Status Gulgan East, Gulgan West and Gulgan North areas cont.</p>		<p>i. Agricultural potential</p> <p>At a strategic level the location of the investigation areas is consistent with NCRP Action 9.1 Enhance the competitive value of the region <u>by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway</u>, to South East Queensland and the Hunter.</p> <p>The Northern Rivers Farmland Protection Project - Final Recommendations, February 2005 recognises that regionally significant farmland is not an absolute constraint to industrial development. It also notes that one disadvantage is the project is at a broad scale (1:100,000). The maps were prepared for regional planning purposes. The minimum mappable area is 40 hectares. Farmland significance identified may not necessarily be accurate at the property scale. It is possible that there will be some inclusions of lower quality lands. <u>It adds that boundary review can be carried out on boundaries between significant farmland and 'other rural land'</u>. Where a future settlement strategy is being prepared (such as the BLIS), the boundaries of significant farmland will be able to be reviewed – not property by property but as part of one-off council-initiated strategic investigations over a nominated settlement area which <u>has merit in terms of other planning issues and the overall regional strategic direction</u>.</p> <p>Figure 1 shows Gulgan North and West investigation areas sit within this context and hence appropriate for consideration as investigation industrial lands under a local growth management strategy.</p>

Strategy matter	DPIE request outline	Staff response and recommendation
Status Gulgan East, Gulgan West and Gulgan North areas cont.		<p>Gulgan West</p>  <p>Gulgan North</p>  <ul style="list-style-type: none"> Regionally significant farmland Regionally significant farmland – non contiguous Committed urban use or rural residential use Indicative location of BILS investigation area <p>Figure 1: Extract of Significant Farmland Mapping</p> <p>ii. Flooding</p> <p>The NSW Floodplain Development Manual supports the resilient development of flood-prone land. Flood-prone land, or the floodplain, is defined in the manual as the land susceptible to flooding by the PMF event. The NSW Government's Flood Prone Land Policy (April 2005) acknowledges that <u>flood-prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development</u>. It outlines that each local council is responsible for managing the flood risk to reduce the risk to life, property damage and other impacts in their local government area.</p>

Strategy matter	DPIE request outline	Staff response and recommendation
Status Gulgan East, Gulgan West and Gulgan North areas cont.		<p>In response to DPIE concerns, a preliminary flood prone land assessment has been undertaken. As indicated on Figure 2 parts of Gulgan West area may experience flooding depths in excess of 1.5 metres in depth in a 100 year flood event. Gulgan East is largely within the 1.5 m depth limits. It considered that exclusion Lot 50 DP 881232 (purple dash line area on Figure 2) and southern part of Lot 26 DP 830652 is warranted due to this flood assessment and being wholly a regionally significant farmland designation.</p>  <p>Figure 2: Anticipated depth of flood water in an 100 year flood event</p> <ul style="list-style-type: none"> iii. Tyagarah airstrip iv. Potential for agricultural ancillary development v. Impacts of business park development (see Matter 5 above) <p>The BILS as currently drafted under Action 12 i. combined with the proposed new action under recommendation 7 (Matter 5 above) more than adequately address these aspects.</p> <p>The Byron Arts and Industrial Estate organically grew into a form of a Business Park. Purpose built and designed business parks in Gulgan North or Gulgan</p>

Strategy matter	DPIE request outline	Staff response and recommendation
Status Gulgan East, Gulgan West and Gulgan North areas cont.		<p>West areas as envisaged by the BILS will allow for new hubs of innovation and creativity - a recognised attribute of Byron Shire in North Rivers Regional Economic Development Strategy.</p> <p>vi. Infrastructure</p> <p>The means to deliver infrastructure is perpetually evolving with ongoing changes to Council's management of waste, emissions, energy generation and water cycles examples by the Dingo Lane solar farm, Bioenergy facility located at Byron Bay STP and water recycling. Council is currently reviewing the 30 year capital works program (as part of the Strategic Business Plan) over the next 5 years. This infrastructure planning is set to address anticipated needs for the proposed investigation areas so as provide infrastructure in a timely and efficient way.</p> <p>vii. Funding</p> <p>Identification of this land as investigation area may enable Council to gain state or commonwealth funding or secure private sector partnerships to undertake more detail investigations and economic planning.</p> <p>viii. Land Release</p> <p>See response in Matter 6 below</p> <p>Recommendation:</p> <p>9. That the DPIE be advised that Council intends to retain Gulgan East and West as investigation areas.</p>

Strategy matter	DPIE request outline	Staff response and recommendation
		<p>10. That the Business and Industrial Lands Strategy Gulgan West investigation area be amended to exclude Lot 50 DP 881232 and southern part of Lot 26 DP 830652 on the basis that it is wholly contained within a significant regional farmland designation and the majority of the lot is anticipated to have a depth of flood water in an 100 year flood event in excess of 1.5m, and furthermore the landowner advised accordingly.</p> <p>The revised boundary for the Gulgan West investigation area is shown below.</p>  <p><u>Financial implications.</u></p> <p>No additional implications to Council.</p>
<p>6. Amount of land and land release</p> <p>(Item d. in</p>	<p>Council was asked to:</p> <ul style="list-style-type: none"> i. review the need for additional employment land in the Gulgan East, West and North areas as part of a land release program for the Byron Shire, the DPIE 	<ul style="list-style-type: none"> i. Amount of proposed additional investigation areas <p>Table 2 tallies the 'potential developable land' in investigation areas as indicated in the BILS. It indicates a combined area of approximately 36 ha together with an anticipated delivery timeframe.</p>

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<p>DPIE advice)</p> <p>Amount If land release cont.</p>	<p>suggesting that the estimated yield in the endorsed investigation areas and existing vacant industrial areas will exceed the 8-12ha total projected demand, which Council estimates will be needed by 2040. Citing Gulgan West area alone as approximately 50ha.</p>	<p>Table 2: Investigation areas land</p> <table border="1"> <thead> <tr> <th>Area</th><th>Potential developable land ¹.</th><th>Anticipated delivery timeframe as stated in the BLIS</th></tr> </thead> <tbody> <tr> <td>1</td><td>0.2 ha</td><td>Short term</td></tr> <tr> <td>2</td><td>2.4 ha</td><td>Short term</td></tr> <tr> <td>3</td><td>9 ha</td><td>Short - medium term</td></tr> <tr> <td>4</td><td>10 ha (revised - excludes Lot 50 & part of Lot 26 flooding and farmland assessment – see recommendation 10 above)</td><td>Medium term – long term</td></tr> <tr> <td>5</td><td>6.5 ha</td><td>Medium term</td></tr> <tr> <td>6</td><td>7.0 ha</td><td>Short term</td></tr> <tr> <td>7</td><td>1.0 ha</td><td>Short term</td></tr> <tr> <td>Total</td><td>36.1 ha</td><td></td></tr> </tbody> </table> <p>The BILS uses the term ‘possible developable land’ in the table and clarifies that it is a composite of possible industrial site/building land as well as land that may be required for roads and other infrastructure services, landscaped buffers, open space and recreational needs. The area may also include potentially additional unsuitable constrained lands yet to be identified through more detailed site investigations.</p> <p>The BILS (page 64) identifies three growth scenarios based on population projections and trends in industry and floor space requirements. The BILS Background Report acknowledges that it is prudent to provide and plan for an additional supply of land (or contingency) above the projected in the interests of price competition.</p> <p>The area of land need as cited for the scenarios is ‘ net additional developed land area’ to accommodated the resulting projected floor space demand i.e. land area need to accommodated actual industrial uses.</p>	Area	Potential developable land ¹ .	Anticipated delivery timeframe as stated in the BLIS	1	0.2 ha	Short term	2	2.4 ha	Short term	3	9 ha	Short - medium term	4	10 ha (revised - excludes Lot 50 & part of Lot 26 flooding and farmland assessment – see recommendation 10 above)	Medium term – long term	5	6.5 ha	Medium term	6	7.0 ha	Short term	7	1.0 ha	Short term	Total	36.1 ha	
Area	Potential developable land ¹ .	Anticipated delivery timeframe as stated in the BLIS																											
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Total	36.1 ha																												

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		<ul style="list-style-type: none"> Scenario 1 - Low growth trend (based on the proportional growth experienced over the last 15 years) with - additional 7.1 to 10.7 hectares of land Scenario 2 - Medium growth trend (stable trend scenario which applies the 2016 employment proportions in each industry to the project increase in the working age population) - additional 14.6 to 22.0 hectares of land Scenario 3 - High growth trend (included to reflect the potential impact of increase investment and stimulation within the industrial market) - an additional 16.5 to 24.7 hectares of land. <p>To understand what this equates to in a gross 'possible developable land' a desktop assessment was undertaken of existing Bryon Shire industrial estates to determine, based on existing development patterns, the likely premises/development land yield/per gross ha of land. This found a yield in the order of 3 lots /hectare using an average lot area of 2900m², with capacity for some is 3 - 4 premises per lot. The 2900m² reflects the average lot area established estates. Noting that the actual end yield would be dependant on the end zone mix, lot size mix and tenants seeking to locate in the estate, this equates of around an 85% yield on the gross possible developable land.</p> <p>85% of 36 ha (gross) = some 30 ha (net).</p> <p>Whilst this figure is higher than Scenario 3 (24 ha) it is not an excessive amount when also taking into account:</p> <ul style="list-style-type: none"> recently released draft North Bryon Flood Risk Management Study noting the Billinudgel floodplain is very sensitive to topographical changes. The flood function in the Billinudgel town centre is primarily floodway and flood storage. This means flood levels are extremely sensitive to development including fill. Without completely limiting future infill in the Billinudgel town centre, it will be challenging to mitigate all impacts. In the study, flood mitigation for the Billinudgel industrial areas (a precinct 8 ha in area) is given as a low priority hence status quo remains where parts

Strategy matter	DPIE request outline	Staff response and recommendation
<p>Amount If land release cont.</p>		<p>of this precinct hold limited suitability for many industrial tenancy types, particularly with pending limitations on fill.</p> <ul style="list-style-type: none"> • BILS Action 11 supports the back zoning of industrial zoned land (approx. 2.5ha) at Bangalow as the landowner has not progressed development. <p>Land Release Program</p> <p>A number of Councillors at a Strategic Planning Workshop indicated a preference not to set a specific release program so as to avoid any restrictions on particular parcels being able to be developed. Benefits of this approach include:</p> <ul style="list-style-type: none"> • provides a new and flexible supply in various locations across the Shire • avoids the land supply issue experienced in the Shire where one landowner effectively controls the land supply as has been the case with residential land in Mullumbimby • provides land for both traditional industrial use and for business park use in the short term • facilitates scope for a short term delivery business park at Area 5 – Gulgan North in the northern part of Shire thus avoiding traffic congestion issues of northern residents needing to commute to the Byron business park uses and being well placed to service the main residential growth areas identified in the draft Residential Strategy. • allows for flexibility in factors reliant on future funding and investigation by other agencies such as NSW RMS with respect to their land and possible highway upgrades affecting in parts of Area 3 – Gulgan East. <p>The BILS anticipated delivery timeframe template forms the basis for a logical and practical land release program when considering the level of investigations required for each potential release area. In the short to medium term (i.e. next 8 years) some 17 ha of business and industrial land is available providing</p>

Strategy matter	DPIE request outline	Staff response and recommendation
		<p>employment opportunities in locations across the Shire, consistent with the - Medium growth trend scenario range.</p> <p>Recommendation:</p> <p>11. That the DPIE be advised that Council supports the area of investigation land identified, subject to the adjustment of Gulgan West and prefers the use of 'anticipated delivery timeframe' to a rigid land release program for the Byron Shire.</p>
<p>7. Regional collaboration</p> <p>(Item d. in DPIE advice)</p>	<p>ii. collaborate with other Northern Rivers councils and the Department of Planning Industry and Environment to build an evidence base, consistent with Action 5.1 of the Regional Plan and Principle 2 of the North Coast Settlement Planning Guidelines, to '<i>consider a regional approach to land supply</i>'.</p>	<p>In addition, to BILS Direction 5 Action 23, Council has collaborated with other Northern Rivers councils and the Department of Planning, Industry and Environment as part of the North Rivers Regional Economic Development Strategy. The investigation land identified is well situated to:</p> <ul style="list-style-type: none"> • easily access the growing markets and opportunities over the border in South East Queensland • realise seamless 'farm gate to gateway' with supply chain connections to national global markets through a better integrated local and regional transport networks • support the development of whole-of region branding for Northern Rivers' products and experiences building on the strong established Byron brand. <p>A review of the North Coast Regional Plan provides an appropriate forum for this collaboration; evidence based regional planning and addressing emerging and shared opportunities.</p>

4.0 Update amendment to BLIS - Byron town centre height and floor space

In addition to addressing the matters raised by the DPIE, there is also an opportunity to update Council resolutions for the Byron Town Centre (BILS p37):

- 22 November 2018 Council meeting (**Res 18-777**):

The Planning Proposal for the Byron Bay CBD (26.2017.6.1) is amended to **maintain the maximum building height control for the southern end of Jonson Street at 9 metres**, as currently mapped under Byron LEP 2014. This will apply to those properties in Byron Bay that are currently zoned B2, located on the eastern side of Jonson Street, between Kingsley and Browning Streets and bound by Ruskin and Middleton Lanes.

- 16 April 2020 Council planning meeting (**Res 20-151**)

That Council put further consideration of the Byron Bay Town Centre Planning Proposal - Review of Planning Controls and draft DCP 2014 Chapter E9 on hold to enable the establishment of a Design Panel and **to allow for further consideration of applying SEPP 70 within the Byron Bay Town Centre.**

Recommendation:

12. That the Business and Industrial Lands Strategy be updated to support:
 - i. maintaining of a maximum building height control for the southern end of Jonson Street at 9 metres
 - ii. further consideration of applying SEPP 70 within the Byron Bay Town Centre.

Appendix 1



IRF20/1403

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 2019
MULLUMBIMBY NSW 2482

Dear Mr Arnold

Byron Shire Business and Industrial Lands Strategy

Thank you for your letter of 5 March 2020 in relation to the Byron Shire Business and Industrial Lands Strategy, which was adopted by Council in December 2019.

I would like to acknowledge Council's efforts and commitment in preparing the strategy and commend Council for seeking a comprehensive approach to strategic land use planning for the Byron Shire.

I am pleased to approve the strategy, subject to the following qualifications and amendments:

- a. The Department supports the Direction in the Strategy to enable business centres to retain an individual identity and fulfil their potential and the aim of the strategy to provide guidance on the development of key precincts, including development close to Byron Central Hospital. It is recommended that Council prepare a precinct plan for land around the Byron Central Hospital to inform the preparation and assessment of individual development proposals and ensure the long-term functionality of this key service precinct in the Byron Shire.
- b. The Department supports the proposed investigation of land to increase the supply of employment land in the Byron Shire, consistent with Action 6.6 in the *North Coast Regional Plan 2036*.

The Department is pleased to endorse the planned investigation areas at Billinudgel, Bangalow, West Byron Bay and Mullumbimby subject to more detailed investigations at the planning proposal stage. The investigations will need to address a range of issues, including the management of areas of high environmental value, flooding and heritage/cultural significance, to ensure that any proposed development is consistent with relevant State and regional planning provisions.

A detailed assessment of agricultural capability and impact on surrounding land will be required as part of any planning proposal for the Mullumbimby and

Bangalow investigation areas, consistent with Section 9.1 Direction 5.3: Farmland of State & Regional Significance on the NSW Far North Coast.

- c. The 'Business and Industrial Suitable Land Principles' on p.79 of the BILS should be amended to be consistent with the Land Release Criteria in the North Coast Settlement Planning Guidelines 2019. The 'important farmland' provisions in the Business and Industrial Land Suitability Principles should be amended to align with Section 9.1 Direction 5.3, the *North Coast Regional Plan 2036* and the Northern Rivers Farmland Protection Project - Final Recommendations, February 2005.
- d. The Department supports the proposed strategic planning for the Gulgan East and West areas in Action 12 of the BILS and recommends that this is extended to include the Gulgan North area. The Department is willing to assist in the delivery of this action. This preliminary strategic planning is important as a first step to determine the suitability and appropriate extent of the investigation areas, including consideration of:
 - i. The agricultural potential of the sites and surrounding areas and the likely impact of development on regionally significant farmland;
 - ii. Other major constraints, such as flooding and buffer requirements, that will determine the scope for potential development in the investigation areas;
 - iii. The relationship to surrounding uses, such as the Tyagarah Airstrip;
 - iv. The potential for agricultural ancillary development (i.e. food packaging, food production etc.);
 - v. The potential impact of business park development on existing business centres;
 - vi. Infrastructure requirements;
 - vii. Funding arrangements; and
 - viii. An appropriate land release program.

Council is also asked to review the need for additional employment land in the Gulgan East, West and North areas as part of a land release program for the Byron Shire, noting that the estimated yield in the endorsed investigation areas and existing vacant industrial areas will exceed the 8-12ha total projected demand, which Council estimates will be needed by 2040. The Gulgan West area alone is approximately 50ha.

It is recommended that Council collaborate with other Northern Rivers councils and the Department of Planning Industry and Environment to build an evidence base, consistent with Action 5.1 of the Regional Plan and Principle 2 of the North Coast Settlement Planning Guidelines, to '*consider a regional approach to land supply*'.

Until this strategic planning is completed, the Gulgan East, Gulgan West and Gulgan North areas are not approved as investigation areas for the purpose of planning proposals. Council may wish to show these areas as 'preliminary investigation areas', for strategic planning purposes, noting that they have not been approved by the Department at this time.

These areas may be considered in a future review of the Byron Shire Business and Industrial Lands Strategy, following the strategic planning

described above, that would be submitted to the Department for review and approval, as the basis for planning proposals for the investigation areas.

- e. The Department supports the preparation of a database of developed and vacant zoned industrial land in Action 9 as an input to the annual North Coast House and Land Monitor, consistent with Action 6.7 in the North Coast Regional Plan.

Council is requested to forward a copy of the revised strategy to the Department once the above amendments have been made.

Should you have any further enquiries about this matter, I have arranged for Mr Peter Cameron to assist you. Mr Cameron can be contacted on 6588 5518.

Yours sincerely



12-5-2020

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Appendix 2 – North Coast Regional Plan

Precinct Plan Guidelines

Precinct plans should contain, or be accompanied by, information relating to the following:	
Vision	A statement that is supported by clear strategies and policy about how to achieve the community's vision for the future character of their area.
Context	The scale, pattern and form of development will reflect climatic conditions, historical appreciation and the community's vision for the future character of their area.
Character	Present and future character is clearly defined.
Community and stakeholder values	Innovative, diverse and purposeful community consultations encourage community engagement.
Land use planning	Establish land use objectives that acknowledge the wider planning framework. Focusing on objectives within the precinct plan, rather than land use zones, allows an outcomes focus and flexibility in implementation.
Built form, public domain and active living	Provide locality-specific opportunities and guidance to embed healthy living and best-practice design within the urban environment.
Housing diversity, density and affordability	Acknowledge, discuss and provide a locality-specific response to the needs of housing diversity, density and affordability.
Environmental management and open space	Understand the environmental conditions and ensure development follows the 'avoid, minimise, offset' hierarchy. Plan for recreational areas and detail opportunities where the environment and open space can work together to improve the wellbeing of the community and environmental values.
Infrastructure availability and upgrades	Clearly establish capacity, costings and actions for water, sewer, road, community and cultural infrastructure provides clarity for investment and the coordination of assets.

Appendix 3

Investigation analysis status

The information below provides a comparison between the 3 Gulgan sites in terms of the extent of the investigations undertaken to date.

Attributes & Status of Gulgan Investigation Areas

Aspect	Area 3 – Gulgan East	Area 4 – Gulgan West	Area 5 – Gulgan North
Proposed zones	Industrial	Industrial / Business Park	Industrial / Business Park
Flood Hazard Constraint	Preliminary investigation Investigated - Flood prone in part Detailed investigations could be addressed as part of planning proposal	Preliminary investigation – flood prone areas with anticipated 100 year flood depth >1.5 m generally removed as an investigation area Detailed investigations could be addressed as part of planning proposal	Investigated - Flood Free - confirmed by Byron Shire Council (BSC) internal staff
Ecological Constraint	Yet to be Investigated	Investigated including BSC resolved Ezone process – Footprint is constraint free – areas outside footprint allocated to preserving and enhancing ecological values	Investigated including BSC resolved Ezone process – Footprint is constraint free – areas outside Area 5 on the same land allocated to preserving and enhancing ecological values
Access and Traffic	Yet to be Investigated – awaiting RMS highway service road investigation - interchange analysis yet to be undertaken – site access off service road – existing quasi industrial	Yet to be Investigated – interchange analysis yet to be undertaken – site access available off Gulgan Road	Investigated – highway interchange modelling identified adequate capacity – new access from Gulgan Road option available – no use of Saddle Road

Aspect	Area 3 – Gulgan East	Area 4 – Gulgan West	Area 5 – Gulgan North
	uses		
Servicing - Telecommunication	Yet to be Investigated	Yet to be Investigated	Investigated – both National Broadband Network and Telstra fibre available
Servicing – Water supply	Yet to be Investigated	Yet to be Investigated	Investigated – Rous water mains and BSC reservoir on site – both reticulated and onsite water supply options available
Servicing – Electricity	Yet to be Investigated Existing uses are supplied	Yet to be Investigated	Investigated – both grid connect and onsite generation options available
Servicing - Sewer	Yet to be Investigated	Yet to be Investigated	Investigated – both reticulated sewer and onsite options available
Farmland Protection Policy	No constraint	Partly regionally significant – on the edge with area extent to be refined	Investigated – Agricultural assessment identifies no significant loss to agricultural resources and potential (report available ¹ .)
Public Transport	Bus services pass site Proximity to the rail corridor	Yet to be Investigated	Investigated – bus service - 23 bus services pass site per day Cycleway funding in place

1. Able to provide Agricultural Land Capability Assessment – October 2018 – Balanced Advice with technical report from Dr Lindsay Campbell, Sydney Institute of Agriculture, The University of Sydney