

Byron Shire

# Residential Strategy 2041



**BYRON**  
SHIRE  
COUNCIL

# Acknowledgement of Country

Byron Shire Council acknowledges Traditional Aboriginal Custodians and recognises the continuing connection to lands, waters and country.

We recognise and respect the Bundjalung of Byron Bay – Arakwal and the Widjabul Wialbal People's native title rights and interests within the Byron Shire.

Byron Shire Council also acknowledges the Tweed Byron, Jali and Ngulingah Local Aboriginal Land Councils under the *Aboriginal Land Rights Act NSW 1983*.

Document Control Box

Document Number	Date	Details e.g.Resolution No
E2024/7719		Version for DPE review
E2024/20516	February 2024	Version following DPE review – attachment to 14 March planning meeting report

# Abbreviations

<b>ABS</b>	Australian Bureau of Statistics
<b>AHURI</b>	Australian Housing and Urban Research Institute
<b>DPHI</b>	Department of Planning, Housing and Infrastructure
<b>DSP</b>	Development Servicing Plans
<b>CSP</b>	Our Byron, Our Future 2032 Community Strategic Plan
<b>DCP</b>	Byron Shire Development Control Plan 2014
<b>IPC</b>	Independent Planning Commission
<b>HAFF</b>	Housing Australia Future Fund
<b>LEP</b>	Byron Shire Local Environmental Plan 2014
<b>LGA</b>	Local government area
<b>LSPS</b>	Local Strategic Planning Statement
<b>MOU</b>	Memorandums of understanding
<b>NRRC</b>	Northern Rivers Reconstruction Corporation (now NSW Reconstruction Authority)
<b>NSW</b>	New South Wales
<b>RA</b>	NSW Reconstruction Authority (previously Northern Rivers Reconstruction Corporation)
<b>SEPP</b>	State Environmental Planning Policy
<b>SEQ</b>	South East Queensland
<b>STRA</b>	Short term rental accommodation

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# Preface: A Residential Strategy refresh

Byron Shire Council initially adopted a Residential Strategy in March 2020. It resulted from three years of planning, research and community consultation. It identified that we needed a diverse supply of housing for a range of incomes, lifestyle choices, household types and life stages to maintain community diversity and social cohesion. More than ever, this overarching outcome remains the same today.

**It is important to note that housing is a complex issue that requires coordinated action across all levels of government. This Strategy is one lever that can influence housing supply. Alone, it cannot solve the housing crisis.**

However, the 2020 Residential Strategy has not been endorsed by the NSW Department of Planning, Housing and Infrastructure. Endorsement is required to progress proposals for new land release and some infill opportunities. In late 2021, a peer review was conducted to provide options to move forward. The preferred option recommended a 'refresh' of the 2020 Strategy to include further details on staging and sequencing, monitoring and review, and an implementation plan.

Since then, significant events have occurred, changes have been made to State and local policies, and critical decisions have been made that inform and affect housing options in the Byron Shire. In particular, housing in the Byron Shire must now consider and respond to two significant events – the Covid-19 pandemic and the 2022 floods. Both these events will have an ongoing impact on housing supply and affordability.

As a refresh, this *Residential Strategy 2024* retains the basis of the 2020 Strategy, including its core policies and directions. It has however, been recalibrated to take into account:

- Changes in the characteristics of people living and working in the Byron Shire
- Changes to State Government land use plans and policies
- The actions progressed by Council at a local level

A summary of the key activities undertaken in the lead-up to the 2020 Strategy and the activities and events that have occurred since are summarised below.

## 2016 - 2019

**August 2016:** Housing needs & land suitability mapping exhibited

**February 2017:** Byron Shire Housing Summit undertaken

**Mid-Late 2017:** Ongoing consultation & EOI for accessible housing project

**July 2018:** Housing Roundtable to develop actions & explore alternatives

**November 2018:** Housing Charette to agree priority policies & principles

**April–May 2019:** Shaping our Neighborhoods engagement on character

**May 2019:** Our Housing Challenge explores new housing models

## 2020 - 2021

**January 2020:** First case of Covid-19 announced in NSW

**March 2020:** First round of Covid-19 lockdowns in NSW

**December 2020:** Council adopts the Residential Strategy 2020

**March 2021:** NSW Housing Strategy 2041 released

**March 2021:** Housing emergency declared by Council

**June 2021:** Regional Housing Taskforce Established

**June–November 2021:** Peer review of Residential Strategy

**July 2021:** Second round of Covid 19 lockdowns in NSW

**November 2021:** New Housing SEPP

**December 2021:** Local government elections

## 2022

**February–March 2022:** Floods

**June 2022:** Our Byron, Our Future 2032 CSP adopted by Council

**June–July 2022:** Staged release of 2021 census data

**July 2022:** Creation of NRRC & NSW Independent Flood Inquiry Report

**August 2022:** Parliamentary Flood Inquiry Report

**November 2022:** Government response to Flood Reports

**December 2022:** After the Floods Discussion Paper adopted by Council & Updated North Coast Regional Plan 2041 released

## 2023 - 2024

**April 2023:** IPC Report on STRA

**May 2023:** Eco-villages addendum report completed

**May 2023:** NSW Productivity Commission Housing Report

**June 2023:** Draft Northern Rivers Resilient Lands Strategy

**July 2023:** Infrastructure capability audit completed

**December 2023:** Housing Options Paper exhibited

**December 2023:** Northern Rivers Resilient Lands Strategy finalised

**March 2024:** Residential Strategy 2024 adopted by Council

# Executive Summary

This Residential Strategy provides a long-term approach to the delivery of housing in the Byron Shire. It focuses on the sustainable supply of land for housing in existing and future urban areas, utilising infill, existing vacant urban land and new land release areas.

However, careful planning is needed to identify the right type of land to create a solid foundation for future use. Once identified, it is important that future development patterns and neighbourhood-level planning is able to create high levels of 'liveability' for its future communities.

These communities, both existing and future planned, are diverse. Having access to the type of housing that they desire or require, and how affordable it is to those residents is critical to maintaining healthy, happy and varied communities. Together, this process encapsulates the broad framework for this Strategy.





It is recognised that there are many interrelated constraints and opportunities that will determine the successful delivery of such housing. Through four key policy directions, this Strategy seeks to identify and respond to these, as outlined below.



**Policy 1**  
Providing land for future housing

Ensures that the provision of land can occur in the right places and at the right time, with consideration of land constraints and opportunities, as well as infrastructure needs



**Policy 2**  
Improved housing choice, diversity & affordability

Supports variable lot size and housing types to encourage innovation, adaptability and liveability, as well as targeted housing for lower income groups



**Policy 3**  
Housing that reflects the 'local' in places

Respects character and community to balance existing and new housing needs, including connection to Country for Bunjalung People of the area



**Policy 4**  
Make our neighbourhoods local

Redresses the imbalance caused by excessive levels of holiday accommodation within residential homes and neighbourhoods

Together, these directions ultimately seek to achieve the vision of the Strategy:

**VISION**

*To enable opportunities for diverse housing to meet the needs of the Byron Shire community, both now and in the future. Housing will be located on land that is suitable, safe and conscious of its environment with neighbourhoods being designed to engage their communities and reflect the character of its locality.*

The above policy directions are consistent with the vision, priorities and planning directions set out in the North Coast Regional Plan 2041, including corresponding 'Settlement Planning Guidelines' and 'Settlement Planning Principles'.

Council will use a range of implementation tools to facilitate outcomes. These will range from changes to planning controls, application of its Affordable Housing Contributions Schemes, to advocacy and education to ensure that innovation and alternative approaches can be effectively used. These approaches are outlined through Implementation and Delivery Plan provided at Appendix A.

# Part 1 Introduction

This Residential Strategy 2024 sets a policy framework for how and where future housing will be delivered in and around Byron Shire's urban residential areas over the next 20 years.

It is one of Council's 'growth management strategies'. It works together with the *Business & Industrial Lands Strategy* and the *Rural Land Use Strategy*. It must be consistent with the North Coast Regional Plan 2041 (Regional Plan 2041) and be approved by the NSW Department of Planning, Housing and Infrastructure. It informs changes to Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), and helps set actions under Council's Operational Plan.

It is based on three key areas as follows:

1. Understanding the evidence– Recognising existing and future demographics, environmental constraints and opportunities, and related local and State policies (Part 2)
2. Establishing the priorities – Considering appropriate policies and directions that respond to the needs of the existing and future communities (Part 3)
3. Delivering the actions – Applying the policies and directions to locations in a considered and responsive way (Part 4)

The Strategy format is generally based on the *Local Housing Strategy Guidelines* published by the (then) NSW Department of Planning and Environment in 2018.

## 1.1 Need for the Strategy

Our Shire is part of the North Coast Region, a State Government declared strategic planning region under the *Environmental Planning and Assessment Act 1979*. The North Coast Region extends from Port Macquarie to Tweed Heads along the NSW coastline. The North Coast Region is fast growing, environmentally constrained and faces a range of challenges to accommodate its current and future projected population in housing that is available and affordable.

The State Government's North Coast Regional Plan 2041 (Regional Plan 2041) provides a framework for local councils to identify and work towards overcoming these challenges. It requires councils to plan to meet long-term population growth expectations, including associated targets for housing.

The need for this Strategy also extends from our connection to South East Queensland (SEQ), which is expected to grow from 3.8 million people to 6 million by 2046. This connectivity to SEQ provides our residents and businesses with access to many of the economic and social benefits people have in a city. But as one of Australia's most desirable LGAs to live and visit, with stunning beaches, beautiful hinterland and vibrant centres, it also attracts many domestic and international visitors.

Consequently, Byron Shire faces many growth management issues, including rising land costs, high visitation numbers, development pressures on natural assets and farmland, and the need to invest in extra infrastructure and community services. It also faces community pressure not to lose sight of the character and setting that makes it so desirable in the first place. Within this complex web of issues and opportunities, planning for new housing is complex.

This Residential Strategy is therefore necessary to guide housing development to meet both State Government requirements and help deliver housing in a progressive and informed way. The Strategy:

- helps achieve the objectives of the Byron Shire Community Strategic Plan 2032 (CSP), particularly the objective to 'manage growth and change responsibly',
- provides a local context to Commonwealth and State legislation and policy,
- responds to growth pressures as a desirable place to live and visit, including our proximity to SEQ and its substantial population base,
- allows for innovation and opportunities for different and more sustainable forms of housing and/or living arrangements,
- responds to a changing climate and the risks associated with the likelihood of more frequent and severe natural disasters,
- integrates the rights, interests and aspirations of First Nations people and gives Traditional Owners opportunities to be meaningfully involved in future housing development,
- directs future development to areas of lower biodiversity value to limit adverse impacts on biodiversity, habitats and water catchments,

- informs the community, developers, social housing providers and government agencies to make better decisions, and
- guides Council on its work with the community and other partners to improve practices and support our place planning initiatives.

The Strategy sits alongside other key Council strategies and plans, as further discussed below, to provide comprehensive guidance for future development.

## 1.2 Planning Policy and Context

A range of local to federal plans and strategies influence housing in the Byron Shire and this Residential Strategy. This section provides a brief overview of this context.

### Local Planning Policy Context

Council's CSP and Local Strategic Planning Statement (LSPS) provide overarching guidance to this Residential Strategy. Both documents highlight the ongoing recognition and worsening of local housing affordability and availability at the broad level. This Residential Strategy is also informed by other growth management strategies, namely the *Business & Industrial Lands Strategy* and the *Rural Land Use Strategy*, which have previously been adopted by Council.



Elements of this Residential Strategy are also influenced by more detailed assessments and processes, such as infrastructure and community facility plans, access and mobility plans, village and town centre master plans and the Biodiversity Conservation Strategy.

Ultimately, the delivery of housing is primarily established through the Byron Shire LEP 2014 and DCP 2014. These local plans guide planning decisions using land zoning and other development controls. They are the primary mechanism for determining the type and amount of development that can occur on each parcel of land.

Many of the directions of this Residential Strategy will therefore be realised through amendments to these local plans to shape the future of communities and ensure local development is appropriate. Other directions will guide Council's own efforts to respond to and address issues such as access to housing for low income groups, reflecting key issues identified by Council's CSP and Operational Plans. This Residential Strategy looks beyond traditional planning mechanisms and thinks differently about the opportunities to respond.

## Regional Planning Policy Context

At the regional level, the Regional Plan 2041 is the key policy document relating to housing supply and includes the Byron Shire in its vision for *'healthy and thriving communities, supported by a vibrant and dynamic economy that builds on the region's strengths and natural environment.'*

This requires a sustainable approach to housing delivery by protecting the environment, creating stronger, better-connected communities, and investigating opportunities for increased housing diversity. These measures are designed to help protect the natural environment and maintain our rural productivity by limiting urban sprawl.

The Regional Plan 2041 includes an urban growth area map for each LGA, identifying land for investigation for future housing or other development. However, no new or additional land is recognised for the Byron Shire, which has the potential to be a significant constraint to housing supply in the short term. Instead, future growth outside the identified urban growth areas must be justified using the Regional Plan variation criteria.

Priorities for Byron Shire, as set out in the Regional Plan 2041, include:

- Investigate opportunities for increased housing diversity and density, including multi-unit dwellings and innovative housing models in appropriate locations,
- Prioritise the delivery of affordable housing to support the local workforce and healthy and diverse communities,
- Encourage design-led and collaborative placemaking initiatives to support healthy lifestyles and create liveable and inclusive places,
- Deliver Place Plans for villages, towns and key precincts that define the community's vision and the priority projects that work towards that aspiration,
- Deliver housing equitably to meet the needs of the community, and
- Support environmentally sustainable development that is responsive to natural hazards.

More broadly, the first objective of the Regional Plan 2041 is to *'Provide well located homes to meet demand'*. It anticipates that 46,000 extra homes will be required across the region over the next 20 years. The Department of Planning, Housing and Infrastructure's population projections further identify that the Byron Shire is expected to provide for 4,522 of these homes at the local level. Strategy 1.1 subsequently requires councils to provide a 10-year supply of zoned and developable residential land to be endorsed by the Department of Planning, Housing and Infrastructure and that 40% of new housing be in the form of low-rise medium density housing. This Residential Strategy provides the framework for meeting these requirements.

## Regional Plan 2041 approach

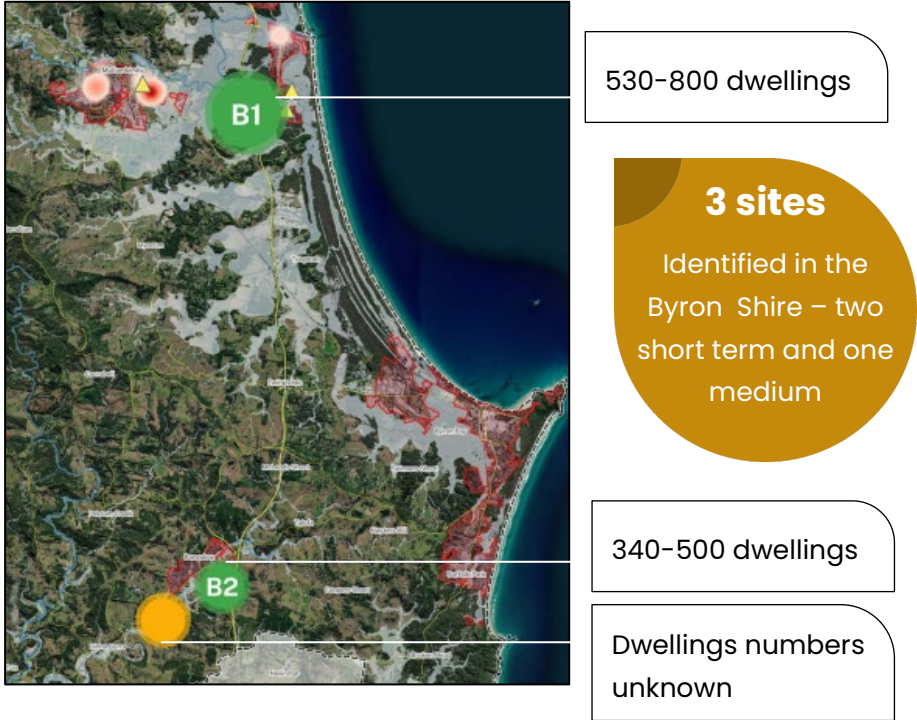
**Infill** development should be a key focus

**New release investigation areas** should be next to or near existing urban areas

Provide  
**4,522**  
homes  
by 2041

Also at the regional level, the Northern Rivers Reconstruction Corporation (NRRC) was established to guide recovery and reconstruction efforts following the 2022 floods. The NRRC (now part of the broader NSW Reconstruction Authority) released the *Draft Northern Rivers Resilient Lands Strategy* in June 2023 as part of a suite of measures. The Draft Strategy identifies key housing challenges for the region, including pre-existing unmet demand, loss of housing stock from flood events, high building costs, unaffordable housing options and lower income levels compared to the state average.

Across the region, it also identified 22 sites for accelerated housing delivery, anticipating 10,300 homes being delivered in the long term. This includes three areas within the Byron Shire, as replicated below.



**Figure 1:** Draft Northern Rivers Resilient Land Strategy - Extract for Byron Shire

**State Planning Policy Context**

At the State level, the *NSW Housing Strategy 2041* (released in 2021) sets a statewide 20-year vision reflected in the four pillars of supply, diversity, affordability and resilience of housing. The associated *Action Plan (2021-2022)* sets priorities, including maximising the impact of government-owned land and working with local government and communities to achieve housing objectives.

It also recognises that each region will have unique, region-specific housing challenges and issues, allowing for a targeted housing approach. Several supporting initiatives are being rolled out across NSW as part of its implementation. Council will continue to work with State agencies to tap into opportunities under such strategies.

The State Government also establishes State Environmental Planning Policies (SEPPs). These are prepared by the Department of Planning, Housing and Infrastructure to deal with

land use and development in a state-wide context. While there is a wide range of SEPPs that may apply to any individual circumstances, the following are of particular relevance to this Residential Strategy:

- *SEPP (Exempt and Complying Development Code) 2008* establishes accelerated approval pathways for various housing forms, including detached dwellings, dual occupancies and low-rise medium-density housing within certain requirements.
- *State Environmental Planning Policy (Housing) 2021* contains provisions to encourage the delivery of diverse and affordable housing in suitable locations and to meet diverse community needs at every stage of life. Commenced in support of the State Government's Housing Strategy 2041, incorporating and then repealing a number of former SEPPs (including the *SEPP 70 – Affordable Housing (Revised Schemes)*).

Under the former *SEPP 70 – Affordable Housing (Revised Schemes)*, Council's Affordable Housing Contribution Scheme came into effect from January 2023, following an amendment to the *Byron Local Environmental Plan LEP 2014*. Further details on this Scheme is provided in Section 2.4.

### **Federal Planning Policy Context**

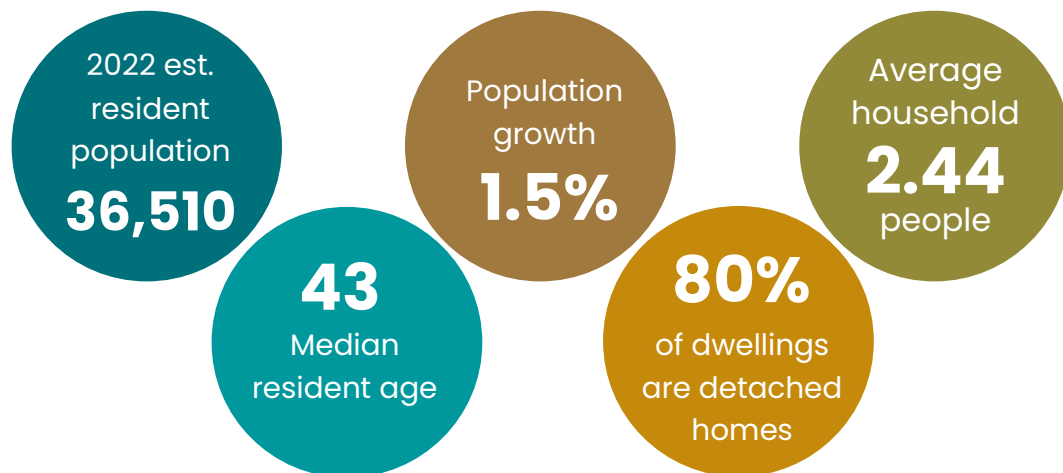
In November 2023, the Federal government established the Housing Australia Future Fund (HAFF). The HAFF is an investment vehicle that provides additional funding to support and increase social and affordable housing. An initial investment of \$10 billion has been allocated to the HAFF.

Other Federal housing reform programs include various incentives to deliver housing, including social and affordable housing and associated infrastructure. Together with commitments agreed with State and Territory governments, Federal interventions are hoped to assist in providing new housing and financing opportunities to buyers and renters.

### 1.3 A snapshot of the Byron Shire

The Byron Shire community is a diverse and colourful mix of people. Each town and rural village has distinctiveness with a blend of cultural values. The following snapshot provides an overview of 'our people' and 'our land', with further demographic analysis and other evidence-based considerations provided in further detail in Part 2.

#### Our People



**Figure 2:** Key overarching Byron Shire demographic and housing statistics

Our population<sup>1</sup> is 36,510, and we're growing. Our resident population has increased by 1.5% per annum over the last 10 years. With this constant and increasing growth comes pressure on housing.

We're diverse. In 2021, 21.9% of people in Byron Shire were born overseas, compared with 12.2% in Regional NSW. We're farmers, professionals, technicians and families, offering a unique mixture of traditional values and those committed to alternative lifestyles and philosophies. We have changed from a conservative agricultural area to a region that attracts innovators, entrepreneurs and big-city escapees. 1.9% of our population identify as Aboriginal and/or Torres Strait Islander.

We're also a magnet for domestic and international tourists, with more than 2 million visitors annually.

We're living longer and bucking the trend of an aging population, with our median age reducing from 44 to 43 years between the 2016 and 2021 census periods. The largest age groups (each being around 7.5% of the population) are 30-34, 35-39, 45-49 and 60-64 years, with early retirees (50-70 year olds) being more representative than the national average. We're often young or young at heart.

The most dominant household type consists of families (65%), with dwellings being separate houses (80%) of three or more bedrooms (71%). Whilst the proportion of studio

<sup>1</sup> Estimated residential population as of the 30 June 2022 - profile.ID - <https://profile.id.com.au/byron/population-estimate> - Accessed 10 November 2023



and one-bedroom dwellings has increased over the last 15 years, they still remain in the minority (just over 10%).

We have some residents who live comfortably. Just over 21% of households earn an income of \$3,000 or more per week. Conversely, we still have vulnerable communities that need assistance, with our homeless person population being 300<sup>2</sup>, the highest in the State.

### **Our land**

Our residential lands occupy the Country of the Bundjalung people. Before the arrival of Europeans, Bundjalung people lived here for tens of thousands of years, with a thousand or more generations expressing their culture across the landscape through art, song, story and dance interwoven with ceremony and rituals to nurture and maintain the land and its people.

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 pay our respects to elders past and present. Byron Shire Council is committed to promoting mutual respect and harmony between Aboriginal and non-Aboriginal people in the Shire, including working with the three Aboriginal Land Councils and Traditional Owner groups that have land interests in the Shire.

The land also has a range of environmental values that require protection. Particularly within the coastal strip, there are large tracts of National Parks Estate, as well as extensive areas mapped as having high biodiversity values. Sensitive waterways are present through much of these areas, including coastal wetlands, as well as protected coastal rainforests.

In the more rural areas of the Shire, the State Government's Important Farmland mapping identifies land that is significant to the region and to the State. These areas carry protection to enable a *'strong, profitable agricultural sector in the North Coast'*.

With the bushfire events of 2019/2020 and flood events of 2022, land within the Shire also has significant hazard constraints. Ensuring the ongoing safety of current and future residents of the Shire is a critical consideration for establishing potential future housing locations. Further discussion on constraints to housing is also provided in Section 2.4.

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<sup>2</sup> Annual NSW Street Count conducted by Council alongside the NSW Department of Communities and Justice in the early hours of 23 and 24 February 2023.

## 1.4 Housing Vision

Our vision for housing in the Byron Shire:

### VISION

*To enable opportunities for diverse housing to meet the needs of the Byron Shire community, both now and in the future. Housing will be located on land that is suitable, safe and conscious of its environment with neighbourhoods being designed to engage their communities and reflect the character of its locality.*

For this Residential Strategy to deliver this vision, we have followed four steps - recognising the need for action, what we won't compromise on in undertaking these actions, creating places for communities at the neighbourhood level, and ensuring that these neighbourhoods have appropriate housing at their core.



**Figure 3:** Four steps to developing this Residential Strategy

**Homes for People** - The policy context in Section 1.2 and the evidence base identified through Part 2 provide the basis for understanding what is required of delivering homes under this Residential Strategy.

**A Solid Foundation** - Our reference to a 'solid foundation' represents the key imperatives that have driven all directions and actions of this Strategy. These reflect the consistent feedback received from our community through its development, as well as the requirements of State policies. The key imperatives include:

- Maintaining community diversity and cohesion by providing a range of housing choices to meet the needs of all household types and life stages.
- Providing for housing that helps communities to stay safe in the face of a changing climate
- Respecting local character whilst ensuring that housing diversity can occur beyond detached dwellings
- Ensuring that sensitive natural environments are protected, enhanced and integrated to preserve biodiversity
- Managing tourism in a way that has a positive impact on local communities and businesses
- Ensuring that suitable infrastructure is available to support future growth

**Liveable Places** - Criteria for liveable places have been developed and form the basis of determining neighbourhood-level planning outcomes. This typically aligns with subdivision-level planning, bringing into consideration how communities develop more holistically. This also enables consideration of different models of delivery, such as eco-villages and the 'salt and pepper' approach to lot size.

**Diverse Housing** - Whilst detached housing remains popular and necessary as part of the housing mix, the concept of 'diverse housing' seeks to make other forms of housing more readily available as part of a suite of house types that better match community needs.

This has a particular emphasis on delivering low-rise medium density housing types, which recognises the balance of growing housing opportunities whilst maintaining the general height of buildings to match community feedback and maintain character.

## Part 2 Understanding the evidence

This Part provides an overview of the current and predicted future evidence that helps to inform future housing decisions. This includes:

- Demographic trends for the Shire, including the substantial changes in recent years, and the longer-term changes to be considered over the next 20 years,
- Understanding the demands and supply potential for housing,

- Considering the opportunities and constraints on the area, including the importance of providing housing in areas that are safe, preserving important farmland and areas of ecological significance, as well as maintaining the unique character of the area, and
- Analysing the outcomes to identify the gaps and potential responses.

This Part supports the identification of future housing needs, which is then further established within Part 3 of this Strategy.

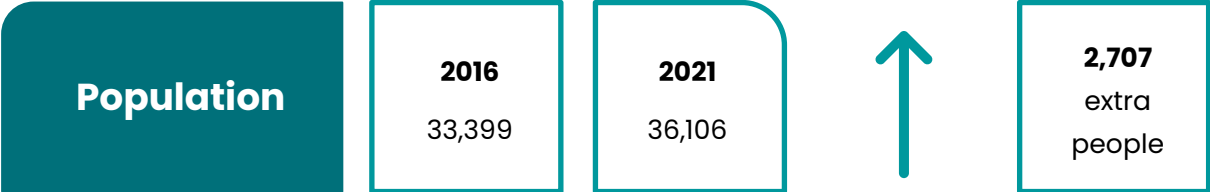
## 2.1 Demographic Overview

The fabric of our communities changed with the Covid-19 pandemic and the flood events of early 2022. In the past three years, population growth far outweighed expectations in all areas. This has exacerbated housing affordability and availability and makes housing diversity and choice a critical priority.

In mid-2022 the Australia Bureau of Statistics began the release of data from the 2021 census. This data provides important insights into the changing demographics of our communities and highlights key shifts, living arrangements and housing needs over the previous five years (sourced from 2016 and 2021 data<sup>3</sup>). It is noted that the devastating flood events of early 2022 and the subsequent loss of housing only worsen the issues identified by much of this data.

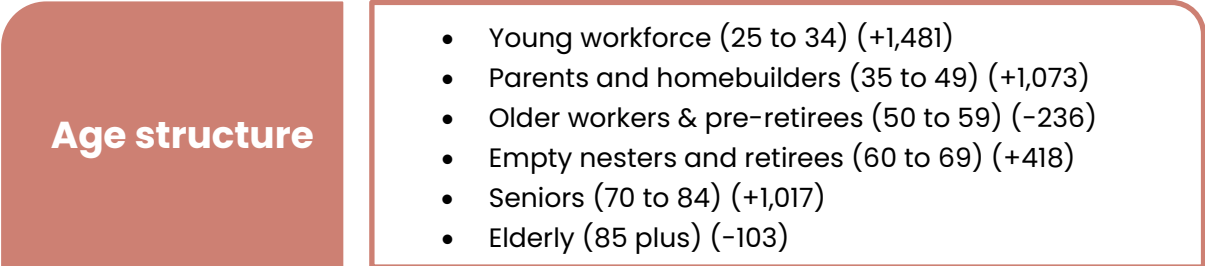
### Demographic review

*The number of people calling our community home increases by around 1.7% each year*



Previous State Government planning had anticipated an additional 6,400 residents over 20 years from 2016 to 2036. 42% of this amount has materialised over just five years, highlighting the significant growth experienced through the Covid-19 period. The Australian Bureau of Statistics (ABS) Estimated Resident Population 2022 has increased to 36,510, an additional 404, suggesting a slowing of the rate of population growth post-Covid lockdown periods.

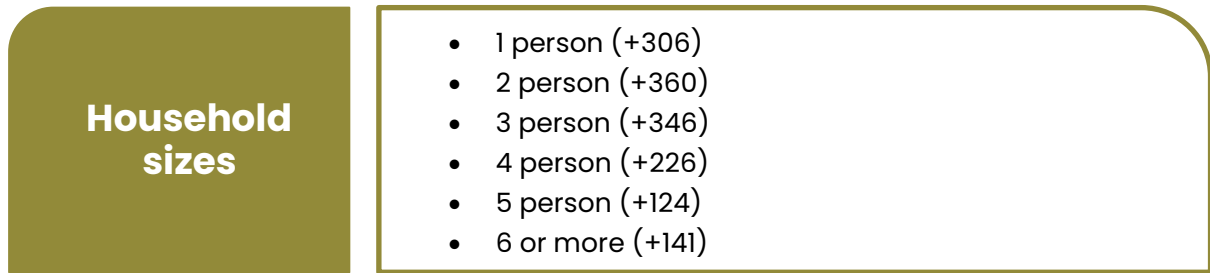
*The make up of our community has increased at both younger and older age groups*



Each of these groups has different housing needs (as further explored in later in this section) though a relatively consistent trend is the movement towards smaller households, as highlighted by the household size trends shown below.

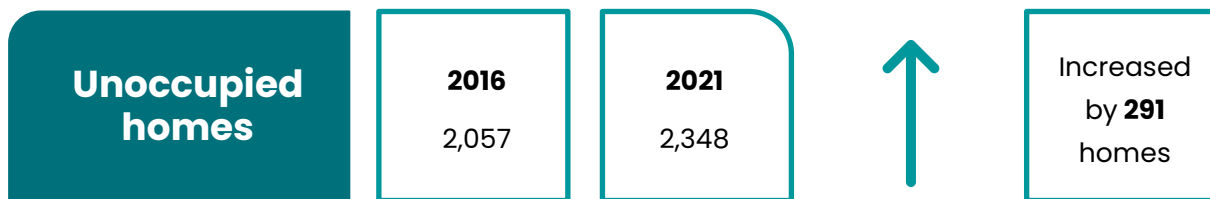
<sup>3</sup> Via Informed Decisions – see <https://atlas.id.com.au/byron> or <https://profile.id.com.au/byron> - or Census Community All Persons Quickstats for Byron Bay LGA – see <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA11350> - all accessed 3 November 2023

There has been a more substantial increase in smaller households



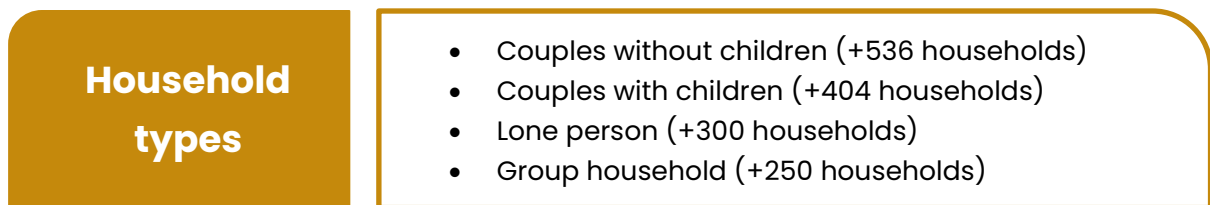
With an increasing number of households accommodating a smaller number of people, there is pressure for additional housing from both population growth and changing household size patterns.

The number of unoccupied homes continues to grow



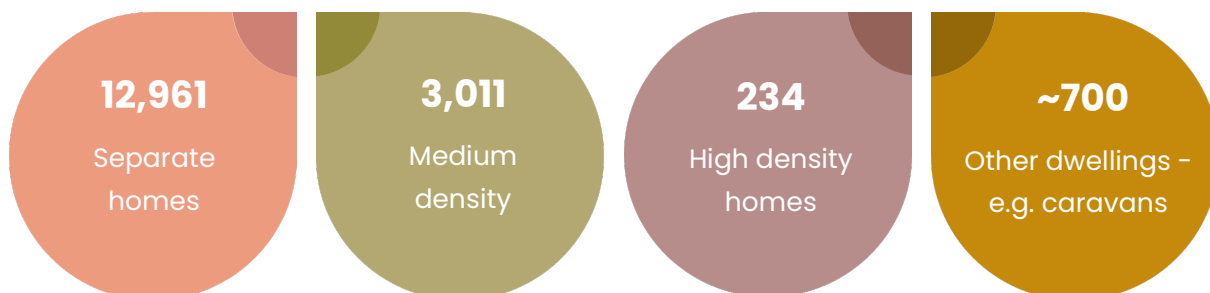
84.5% of homes were occupied on census night, with a vacancy (unoccupied homes) rate of 15.4% across the Shire. In 2016, this figure was proportionally similar, though the number of unoccupied homes has increased by almost 300 over the period. Having unoccupied homes, sometimes being STRA properties, is most undesirable during a housing crisis.

There remains a diverse range of household types to be catered for



With respect to the type of housing needed, there has been increasing demand across the household types recorded by the Census. Generally speaking, couples without children and lone-person households (together increased by +836) will have requirements for smaller homes than couples with children or group households (+654). This suggests a need for increases in homes across all types.

Housing diversity is gradually changing



**Figure 4:** Distribution of existing dwelling types (2021)

Detached dwellings continue to dominate available housing types, albeit the proportion of medium and high-density housing has increased. Over the 2016 to 2021 period, 1/3 of dwellings were medium or high-density, and 2/3 were low density. Compared to regional NSW, Byron Shire has more medium-density housing (17.8% versus 14.6%) but less high-density housing stock (1.4% versus 2.9%).

*Whilst comparatively high, the number of smaller homes is not sufficient*

<b>Number of bedrooms</b>	<ul style="list-style-type: none"> <li>• None or 1 bedroom (+336 households)</li> <li>• 2 bedrooms (+199 households)</li> <li>• 3 bedrooms (+230 households)</li> <li>• 4 bedrooms (+590 households)</li> <li>• 5 bedrooms or more (+304 households)</li> </ul>
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With an increase of 836 couple and lone-person households, growth of 535 smaller (two bedrooms or less) dwellings is not sufficient. Nonetheless, the proportion of smaller homes in the Byron Shire is still substantially higher than the regional NSW average.

Comparatively, there is:

- a larger percentage of none or 1 bedroom homes (10.3% compared to 4.7%),
- a similar percentage of 2 and 3 bedroom homes, and
- a smaller percentage of 4 bedroom homes or larger (27.1% compared to 33.3%).

Longer term trends

Over the longer term, there are projected changes to the demographic make up of the Byron Shire community. The 2022 Department of Planning, Housing and Infrastructure population projections (from 2021 to 2041) identify:

- overarching population increase of 8,590 people,
- median age increase by less than one year to 44 years old,
- marginal household size reduction from 2.33 to 2.28 people per home, and
- new housing demand favouring smaller households (e.g. couples and lone households) at 60%, compared to larger households (e.g. families and group households) at 40%.

**Housing considerations by cohort**

Housing considerations for young people and early workforce participants (18-34 years)

In 2021, Byron Shire had a relatively large proportion of 18 to 34 year old residents compared with the broader Northern Rivers and Regional NSW areas. Those residents in the young workforce, 25 to 34 year old age group, increased by more than 1,400 people from 2016 to 2021. While many young people exiting high school will leave the Shire for education and employment reasons, this age group is also prominent in our economy's retail, tourism, hospitality, community, and personal service sectors.



Housing issues faced by young people are generally related to affordability and a lack of diverse housing stock in terms of both rental and purchase markets. This can result in:

- living in poor-quality housing with exposure to conditions such as overcrowding, dampness and mould growth, and lack of basic amenities,
- young people being forced to move out of the area to seek affordable accommodation, and
- young people being at risk of homelessness, frequently 'couch-surfing' rather than sleeping rough and often itinerant due to unstable tenures linked to the visitor economy seasons.

Anecdotal evidence of community and youth support services have long raised concerns about the lack of affordable and accessible housing options. The impacts of this include homelessness and families being separated as young people move out of the Shire when they can't access safe and/or secure housing. Census 2021 data<sup>4</sup> correlates with this, with 25-34 years olds being the largest working cohort within the Shire, but only the third largest proportion of workers that live locally.

*Housing considerations for parents, homebuilders, older workers and pre-retirees (35-59 years)*

Our residents have a strong connection to the area and consider the Shire a 'great place to live'. Parents value raising their family in an enriching, safe and comfortable place. We have a strong sense of community for families, which is fostered through schools, extra-curricular activities and community meeting places such as parks and playgrounds.



The number of residents who are parents, home builders, older workers and pre-retirees (35 to 59 year olds) increased by around 800 residents between 2016 and 2021, with particularly strong growth around the parents and homebuilders range (35 to 49). Correspondingly, the number of school-aged children has also increased, alongside an increase in the number of family households (+404).

The main housing issues for the 35 to 59 year old cohort relate to the affordability of both the rental and purchase markets. This can result in:

- many families and workers not being able to afford the Shire as an option to live, and
- in times of separation or divorce, families or parts of families may be forced to relocate from the area due to the high cost of housing. This results in children and parents moving away from schools, social and support networks, and longer commutes to work.

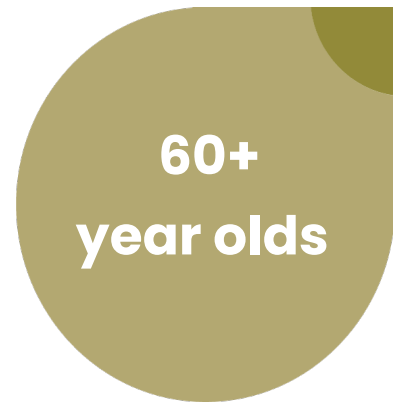
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<sup>4</sup> Refer Resident and Local Worker statistics via <https://economy.id.com.au/byron/> accessed 15 November 2023



### Housing considerations for an older population (over 60)

Our population is ageing, and people are living longer and healthier lives. Residents in the Shire's 'empty nesters' and 'early retirees' (60 to 69 year old) cohort grew by a relatively modest 418 people between 2016 and 2021. However, the older cohort of 'seniors' (70 to 84 year old) saw a more substantial increase of just over 1,000 people.



Whether this trend will continue will be influenced by the ability of parents, home builders, older workers and pre-retirees to access local housing as they move forward into this age bracket over the next 20 years. The main housing issues for our older population relate to:

- demand for affordable, smaller and low-maintenance dwellings located close to or within easy access to services in established centres,
- a predominance of large, detached housing that is not always suitable for 'ageing in place',
- a lack of regulatory requirements at State level for adaptable or liveable housing,
- dwellings on steep land making it difficult for them to continue their daily activities, and
- rental accommodation and some seniors' living options not being available and/or affordable.

Many of these issues are also experienced by households with a member living with more limited mobility or ongoing disability. Planning for an older population must consider more homes that support 'ageing in place' and housing choices that allow older people to stay in their community.

### **Considering our First Nations People**

At the time of the 2021 Census, Aboriginal and Torres Strait Islander people made up 1.9% of the Byron Shire population (685 people)<sup>5</sup>. This is fewer than the broader Northern Rivers (5.2%) and regional NSW (6.6%). The median age of Aboriginal and Torres Strait Islander people was younger than the Shire average, at 29 compared to 43. Household groups are also typically larger, with 3.1 persons compared to the Shire average of 2.5. Weekly household income, mortgage payments and/or rent were otherwise generally comparable to the broader population.

The Bundjalung people have occupied the lands for thousands of years, continuing after Europeans arrived despite the access to their traditional land and resources being impacted. Maintaining a relationship with Country is critical to Bundjalung children's education and involves learning by observing and practising the activities and rites of conduct on their Country. This includes how to nurture and seek sustenance from their Country and, most importantly, how to interpret it. As adults, they follow these practices, caring for the land to which they belong.

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<sup>5</sup> Refer Census data <https://www.abs.gov.au/census/find-census-data/quickstats/2021/IQSLGA11350> accessed 15 November 2023

Aboriginal and Torres Strait Islander people face complex challenges. Housing stability gives Aboriginal and Torres Strait Islander families the opportunity to pursue other social or economic goals. Byron Shire Council acknowledges that housing is a foundational issue in closing the gap on Indigenous disadvantage.

However, with the rising cost of housing, the ability for Bundjalung people and families to remain on Country can be compromised. Improved access to local housing will enable Bundjalung people to more readily live on and connect to Country for future generations.

Council's Affordable Housing Contribution Scheme recognises the difficulty of accessing housing for Bundjalung people. Whilst some have secured jobs on Country in the area, e.g. with National Parks, living locally is often unaffordable.

## 2.2 Housing Demand

There is significant and ongoing demand for housing in the Byron Shire that creates ongoing housing pressures. In March 2021, Council declared a housing crisis, a crisis that has since been exacerbated by the flood events of early 2022. At the same time, and accelerated by the Covid-19 pandemic, there has also been a significant shift in work patterns, with more people working from home and migrating from cities to regional areas such as the Byron Shire.

### Availability of housing has reduced over long-term averages

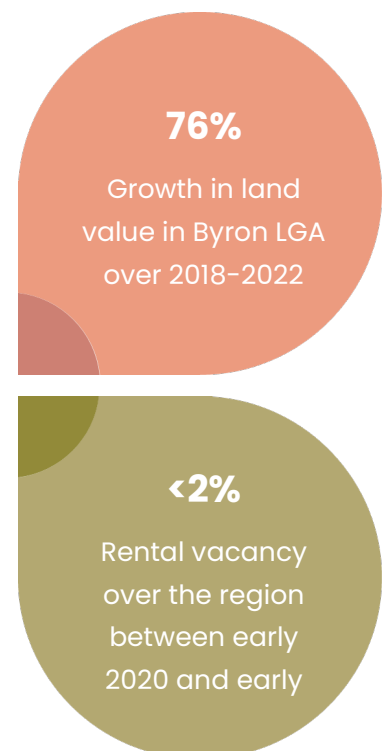
Listing of housing for both rent and purchase reduced from already low levels during the Covid-19 pandemic period<sup>6</sup>. From combined weekly house and unit rental listings of around 1,500 across the North Coast region from 2017–2020, listings fell to half this level through 2021 and 2022, before moderately easing in 2023.

Available housing stock data provides a similar picture, with some 14,000 properties (available listing per month) available across the North Coast in 2012–2013 dropping to 8,500 in 2018–2019 and 3,500 during Covid period. This level has somewhat recovered to 6,500 in 2023, though still well below long-term levels.

### Housing cost continues to rise

The cost of housing, and subsequent challenges of entering the housing market within the Byron Shire, continues to be a significant issue. The Valuer General's published residential land values<sup>7</sup> identify that 2020–2021 and 2021–2022 periods saw increases in land value of 51.9% and 18.2%, respectively.

This was on top of already high values that have long been identified as increasing the disparity between housing costs and worker affordability.



<sup>6</sup> Refer long-term trends from <https://sqmresearch.com.au> accessed 15 November 2023

<sup>7</sup> Refer to [https://www.valuergeneral.nsw.gov.au/land\\_value\\_summaries/lga.php](https://www.valuergeneral.nsw.gov.au/land_value_summaries/lga.php) accessed 15 November 2023

### Homelessness continues to grow

Council's street count in early 2023 found that there are 300 people sleeping rough in the Byron Shire – the highest count in the State<sup>8</sup>. This does not account for people who are living in crowded or overcrowded homes or who are marginally housed in caravan parks.

### Housing stress is up for both renters and mortgage holders

Housing stress is on the rise with growth in land value, construction costs, rents and home sales not being met with equivalent wage growth. According to the Rental Affordability Index for 2023<sup>9</sup>, all areas of the Byron Shire are rated as 'severely unaffordable' based on average income for the region.

The 2021 Census identified 50.2% of renters as being under rental stress<sup>10</sup>, whilst mortgage stress impacted 20.3% of the Shire, being close to double the regional NSW average<sup>11</sup>. These 2021 results are also before more recent increases in mortgage interest rates and flow-on to rents and repayments.

**300 people**

Sleeping rough in the Byron Shire in 2023, the highest number in NSW

**50.2%**

Of renters are considered to be under rental stress

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<sup>8</sup> Refer to the NSW Department of Communities and Justice *2023 NSW Statewide Street Count - Technical Paper*

<sup>9</sup> Refer to <https://sgsep.com.au/projects/rental-affordability-index> accessed 15 November 2023

<sup>10</sup> Rental and mortgage stress is defined as requiring more than 30% of the household's income to sustain.

<sup>11</sup> Refer to ABS Census 2021 results via <https://atlas.id.com.au/byron> accessed 15 November 2023



### The spectrum of housing affordability<sup>12</sup>

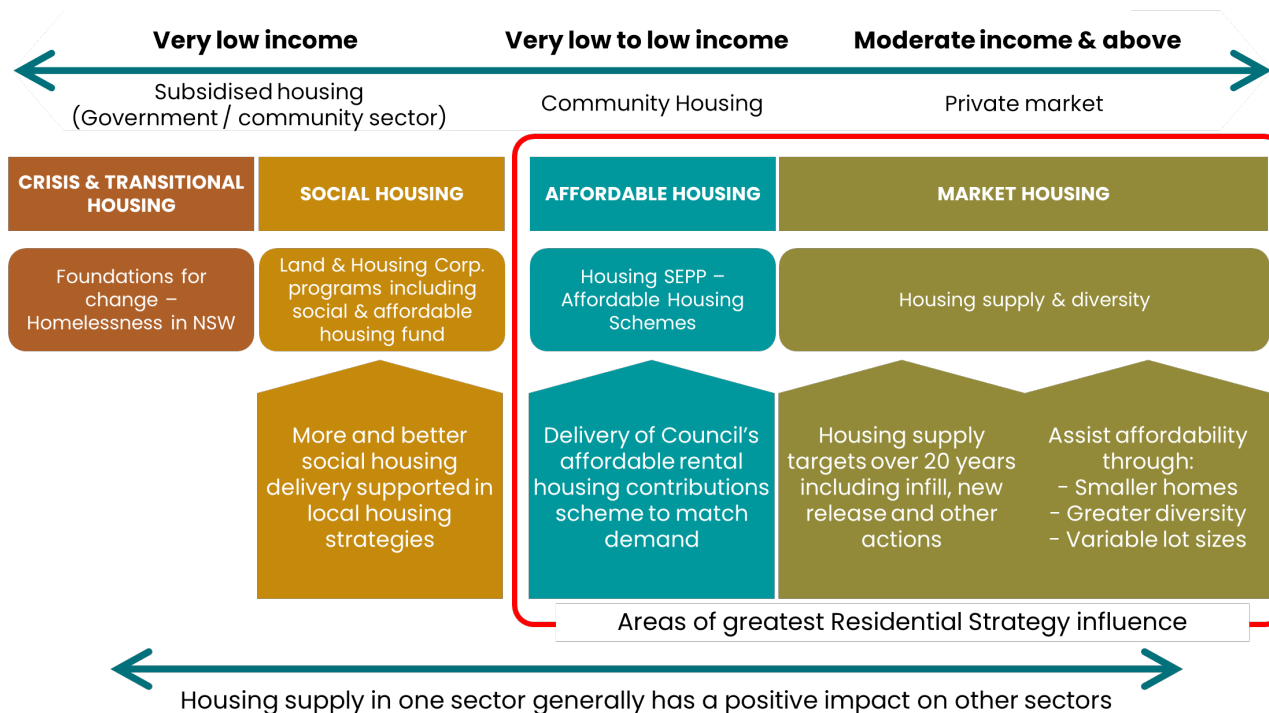
Housing is considered to be 'affordable' when the cost to rent, or the cost to pay a mortgage, is not more than 30% of the household's gross income. This is particularly applicable to very low to moderate income households, where housing choices are typically limited compared with those with higher incomes.

The terms 'affordable housing' and 'affordable rental housing' describe housing that is typically owned by government or a registered community housing provider and rented to a mix of very low to moderate income households.

This can differ from 'key workers' or 'essential workers', which refer to a range of workers that are essential to the functioning or vibrancy of a locality - often including child care workers, cleaners, nurses, administration staff, police, retail and café workers and the like. Households of this type of worker may or may not be eligible for social or affordable housing, but can still struggle to afford homes in the areas where they work.

There is significant differences between the desire to increase 'housing affordability', and to increase the amount of 'affordable housing'. The former is a reference to reducing the overall cost of buying or renting a home, often by increasing supply or reducing the size of the house or land so that the cost reduces accordingly.

This should help everyone to have greater access to housing. However, it is always likely that housing will remain unaffordable for lower income groups. This is where State Government or housing providers intervene to provide housing at below market rent.



<sup>12</sup> Based on Lake Macquarie City Housing Strategy 2021

## 2.3 Housing Supply

There is growing acceptance of a regional approach to housing supply and acknowledgement of the unique pressures on the Byron Shire. However, the complex constraints on land within the Byron Shire, including consideration of environmental protection, flood, bushfire and significant farmland, continue to hamper the supply of land on urban fringes.

Pressure on housing supply has also increased. Previous planning at the regional level sought to provide for an extra 3,150 dwellings to house an extra 6,400 people by 2036. The most recent State Government targets have now increased this target to 4,522 dwellings, meaning that we need to find more homes in our Shire for people to live in over the next 20 years.

**4,522 homes**

Are required to be built in the Byron Shire by 2041

**43,000 homes**

To be built in the Northern Rivers and Mid North Coast over the next 20 years

### Existing housing and available supply

Across the Byron Shire there was a total of almost 17,000 dwellings during the 2021 Census. Within the urbanised areas of the Shire<sup>13</sup>, there were just over 13,000 dwellings across the six planning areas, as identified below:

- Bangalow: 1,080 dwellings
- Brunswick Heads: 1,124 dwellings
- Byron Bay/Sunrise: 3,782 dwellings
- Mullumbimby: 1,822 dwellings
- Ocean Shores, New Brighton and South Golden Beach: 3,200 dwellings
- Suffolk Park: 2,007 dwellings



**Figure 5:** Distribution of dwellings between existing urban areas (2021 Census)

<sup>13</sup> Based on 2021 Census housing statistics across planning areas as presented in <https://atlas.id.com.au/byron> accessed 16 November 2023

The remaining dwellings were within rural and village planning areas, representing 23% of the existing supply. Between the 2016 and 2021 census periods, 1,377 additional dwellings were recorded across all dwelling types, predominantly separate houses and medium-density dwellings, which increased relatively evenly.

Around 2,400 dwellings have also been approved over the last 10 years, an increase of more than 900 over the previous 10 year period<sup>14</sup>.

More broadly, existing approvals and vacant zoned residential land are expected to provide 1,385 new homes, which could be realised over the short-term (based on the current approvals and policy settings). This includes the substantial West Byron development. Council's adopted *Rural Land Use Strategy* also identifies around 430 new dwellings within the villages of Main Arm and Federal, with smaller growth in dwellings anticipated in other villages and rural areas under existing planning controls.

Social housing stock is limited in the area. According to the Australian Government<sup>15</sup>, there were 303 public, community and Indigenous housing dwellings provided in 2022 by State and community housing organisations. More than 300 applications<sup>16</sup> with waiting times of 10+ years are typical across most housing types, with 20% being identified as 'priority' applications.

Reaching the housing target of 4,522 dwellings will also require consideration of revised planning controls and rezoning of additional land. These are further considered alongside existing opportunities throughout Part 3.

### **Previous housing supply initiatives**

In 2012, Council launched a policy to encourage more affordable rental housing by waiving fees for building secondary dwellings such as granny flats. The waiver was conditional on approved dwellings being used as affordable rental housing and whilst over 400 secondary dwellings were added to the Shire's housing supply, a review of the program in 2019 found:

- in practice, the large majority of these dwellings were being used for STRA,
- the waiver had no impact on the rate of increase of median rents for single bedroom dwellings, and
- by not collecting developer contributions Council had forgone an opportunity to raise infrastructure funding to support growth.

As part of its response to STRA, Council is currently working to implement the recommendations of the Independent Planning Commission (IPC), including enforcement of existing consents.

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<sup>14</sup> Refer to ABS Building Approvals, Australia (8731.0) accessed via <https://profile.id.com.au/byron/building-approvals> accessed 15 November 2023

<sup>15</sup> Australian Institute of Housing & Welfare (AIHW) Housing assistance in Australia data 2023 accessed via [Housing assistance in Australia, Data - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/data-tables/housing-assistance-in-australia) access 16 November 2023

<sup>16</sup> As at June 2022 according to waiting times and application information accessed via <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times> - accessed 2023

## Short term rental accommodation

Both hosted and non-hosted STRA represents a significant portion of the Byron Shire housing. Analysis of Airbnb datasets by the Australian Housing and Urban Research Institute<sup>17</sup> (AHURI) estimates there are 1,307 non-hosted STRA properties in Byron Bay SA2 area alone. The Department of Planning, Housing and Infrastructure STRA Register data show there were 1,292 non-hosted STRA properties in the whole of the Byron Shire in January 2023, with the suburb of Byron Bay being home to approximately half (663) of all Byron Shire's non-hosted STRA registrations<sup>18</sup>. While these data sets are variable, it is clear that many dwellings in the Byron Shire are being used as holiday accommodation and not as homes, severely impacting supply for residential purposes.

Significant progress had been made by Council in advancing its planning proposal to create localised caps for non-hosted STRA. However, after the exhibition of the proposal and extensive engagement with the community, the Minister revoked Council's delegations to determine the outcomes and referred the proposal to the IPC.

### Key observations from IPC report

- Increased property prices
- Increased rental prices
- Increased homelessness
- Increased rental stress
- Decreased rental vacancies
- Change in renter profile



### Causes of housing pressures

- Sought-after location with high-value natural & community capital
- Shortfalls in developable hinterland
- Vulnerability to flood impacts
- Specific statutory building height and density controls
- High proportion of non-hosted STRA

*The housing market and housing pressures are different in Byron Shire than in other Australian locations, and the social impact of non-hosted STRA is more significant. Much of this difference is due to Byron Shire, particularly the Byron Bay township, being a highly attractive year-round destination for tourism and permanent residency.*

*- IPC report*

**Figure 6:** Selected summary of key IPC outcomes

<sup>17</sup> AHURI *Short term rental accommodation: new directions, new debates - Final Report* April 2023 available on the IPC website - <https://www.ipcn.nsw.gov.au/cases/2022/12/byron-shire-short-term-rental-pp> - Accessed 16 November 2023

<sup>18</sup> Refer to the Independent Planning Commission *Byron Shire Short-Term Rental Accommodation Planning Proposal PP-2021-3351 Advice Report* April 2023 available on the IPC website - <https://www.ipcn.nsw.gov.au/cases/2022/12/byron-shire-short-term-rental-pp> - Accessed 16 November 2023

In April 2023, after a public hearing process, the IPC released its report. The report made 12 recommendations, two of which will directly impact this Strategy, being:

- the cap on use of non-hosted STRA be reduced to 60 days across the whole Shire - a more restrictive cap than Council's original planning proposal, and
- the State Government to work with Council to identify mechanisms to increase land for housing including infill locations, deliver housing supply, increase affordable and diverse housing and increase rental security.

Following this process, a Ministerial determination was made to provide 365-day non-hosted STRA in mapped areas. Non-hosted STRA properties outside the mapped areas would be restricted to 60-days in any 365 day period. This determination was enacted in September 2023 with a one-year introduction period, meaning that restrictions will commence in September 2024.

The stated aim of the changes is to preserve permanent housing in the Shire's residential and rural areas. It also recognised that some areas with high tourism appeal near beaches and services may be more suitable for year-round holiday letting.

## 2.4 Opportunities & Constraints to Housing Delivery

Based on the known situation, this section establishes the potential opportunities and ongoing constraints that will need to be overcome to meet future housing needs.

Council has continued to make progress against key opportunity areas of the 2020 Residential Strategy. It has worked on several fronts to improve housing accessibility and affordability, including through direct housing delivery, planning policy amendments, improving application assessment timeframes and utilising and integrating existing infrastructure and planning for future infrastructure needs. Key opportunity areas moving forward are identified here.

### **Water and Sewer Infrastructure Planning**

#### Existing Water and Sewer Infrastructure

The Council water supply is comprised of five separate water supply systems serving the urban areas of Byron Shire. Council distributes water purchased from Rous County Council via four separate distribution systems: Bangalow, Brunswick Heads, Byron Bay, and Ocean Shores.

Water supply security for the region is driven by the Rous County Council "Future Water Project 2060".

Council has four Sewage Treatment Plants (STPs) at Bangalow, Ocean Shores, Byron Bay and Brunswick Valley serving the urban areas of Byron Shire.

#### Forward Planning - Water & Sewer Capacity

Capacity assessments for residential development are informed by Council's 30-year capital works program, Development Servicing Plan for Water and Sewerage and outputs



from hydraulic modelling reports. These assessments establish the basis for strategic planning and resource allocation, considering a 30 year planning horizon.

To inform the Residential Strategy, a modelling assessment was conducted to evaluate multiple scenarios over a 5-year period, encompassing a total of six distinct scenarios for each catchment area: 2021, 2026, 2031, 2036, 2041, 2046, 2051. The analysed catchments included all of Byron Shire Council's urban centres. Modelling assessments and identified upgrades required to meet projected demand are reflected in the housing supply timeframes provided in *Appendix C – Development Sequencing Plan*.

The sequencing plan provides a roadmap to housing supply delivery and infrastructure planning, however planning proposals would need to be assessed on a case-by-case basis, with assessment done against the existing capacity versus the 30yr Capital Works Program.

The *Byron Residential Strategy 2041 Background Report* provides a summary of projected water & sewer network upgrades to service Byron Shire's urban catchments.

### **Traffic and Transport Infrastructure**

Impacts on the traffic network must be adequately planned for to meet the NCRP 2041 housing targets, and achieve the Residential Strategy dwelling targets. Council's Capital Works Program and Section 7.11 Developer Contributions Plan determine the provision of most infrastructure services within Byron Shire and are currently under review.

In partnership with the NSW Reconstruction Authority and Transport for NSW, Council will plan and deliver infrastructure upgrades to accommodate the Saddle Rd Development Precinct (incorporating Investigation Area 17, Draft Resilient Lands Strategy Site B1 and Business & Industrial Lands Strategy Area 5). This includes an integrated transport strategy for the Saddle Road Area and wider road network between the Brunswick Highway interchange and Mullumbimby township.

### **Stormwater and Drainage**

Both the Residential Strategy and State policy framework support the use of infill as a means for providing additional housing and effective means of sustainable urban growth. Residential infill development and the associated increases in impervious cover and stormwater runoff have the potential to overwhelm aging infrastructure causing erosion, flooding, and ecological degradation of waterways.

Stormwater management strategies will be required to support infill development and may require Council to amend policies to mitigate the cumulative quantity and quality effects of infill development. Planning proposals to provide for greater housing diversity through infill development (Policy 2 & Action 7) provide an opportunity to undertake modelling and prepare concept design solutions that anticipate future demands over time.

## **Council works programs and funding**

Council's Capital Works Program, Development Servicing Plan (DSP), Section 7.11 and 7.12 Developer Contributions Plan determine the provision of most infrastructure services within Byron Shire.

[Section 7.11](#) and 7.12 of the [Environmental Planning and Assessment Act, 1979](#) enables councils in New South Wales to levy contributions on a development where that development generates an increased demand on Council's services and facilities. This is intended to ensure that the existing ratepayers are not required to meet the cost of providing for new roads, community centres, libraries, open space and recreation facilities.

To implement Section 7.11, councils must prepare a Contribution Plan that identifies and costs all works/facilities and land acquisitions necessary to meet the needs of the incoming population and corresponding contribution requirements for each new residential lot, villa, townhouse or apartment.

A review of the DSP and s7.11 and s7.12 contribution plans is being progressed as one of the immediate actions of this Strategy.

Planning Agreements between Council and developers may also be utilised to implement essential infrastructure and environmental management commitments by one or more landowners in conjunction with changes in zoning or development applications. Planning agreements are voluntary and have to be used reasonably by councils to deliver essential infrastructure outcomes.

## **Infrastructure Audit (North Coast Urban Development Program)**

The Department of Planning, Housing and Infrastructure (DPHI) is about to undertake an infrastructure audit in concert with Council to support the preparation of the North Coast Urban Development Program UDP, as required under the North Coast Regional Plan.

The purpose of the audit is to identify the key enabling infrastructure required to support residential growth areas within LGAs as identified in the respective Residential Strategy. Council is now working with the DPHI in this regard. The audit will focus on roads and utilities infrastructure (sewer, water, and electricity).

## **Investigating new housing options**

Council continues to explore new and innovative housing options for the Shire. In May 2023, Council updated its Alternative Housing Report 2019 to provide further information on alternative housing models, with a particular focus on eco-villages. This outlines the characteristics of eco-village models and how they may deliver diverse, affordable and sustainable housing. Further details on various housing types is provided in Section 3.2, Policy 2 – Improved housing choice, diversity & affordability.

### Affordable Housing Contribution Scheme

An Affordable Housing Contribution Scheme is an important planning mechanism to generate affordable housing for our community. The Scheme provides details on how, where and at what rate development contributions can be collected from landowners for affordable housing through the development process.

The *Byron Shire Affordable Housing Contribution Scheme* came into effect in January 2023 through the introduction of Clause 6.18 within the Byron LEP 2014. The Affordable Housing Contribution Scheme currently applies to areas of Mullumbimby, Bangalow and Byron Bay, but a second scheme is intended to be developed to apply to areas identified in this Strategy.

It works through contributions being 'paid' when land is upzoned. Upzoning is a change in planning controls, such as zones or building heights that creates new or increased development potential and therefore increases the value of the land.

The form of contribution will be determined by Council at the time of development. It may include a combination of:

- Fit for purpose land within the development,
- Monetary contribution, and/or
- Dwellings within the development

A register of nominated community housing providers is maintained to identify those that can deliver and manage affordable rental housing generated in line with the Scheme.

### **Constraints**

A number of key land constraints exist within the Byron Shire that must be balanced with desires for new release or infill housing growth. Key constraints include:

- areas of environmental protection and biodiversity significance that include large areas of national parks, forests and other native vegetation areas that play an important role in ecological systems,
- areas that are prone to flooding, bushfires and other natural disasters and processes,
- areas that are designated as important farmland and are protected for current or potential future agricultural use, and
- community concerns regarding increased density and height within established areas.

This section provides an overview of how these constraints have been considered with respect to developing housing delivery options. Additional detail is provided in the *Byron Residential Strategy 2041 – Background Report*.

### Environmental protection

Land identified as having High Environmental Value (HEV), or if developed for residential purposes, would adversely impact other HEV land, is generally excluded from rezoning for residential development. EarthScapes Consulting prepared *Updated High Environmental Value (HEV) Mapping in Byron Shire* in April 2023, utilising advice from the (then) Biodiversity and Conservation Division of the Department of Planning and Environment.

This mapping provides a landscape scale assessment of key environmental attributes. The output mapping identifies likely areas of HEV, based on current data sets. It also establishes that “site-specific ground truthing may be required to confirm HEV polygons at property scale”.

### Flood impacts, implications and other hazards

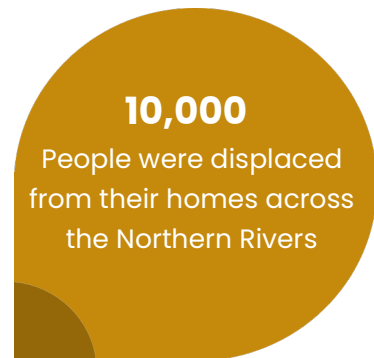
The floods of early 2022 devastated the Northern Rivers and had a significant impact on housing supply across the region. Since the 2020 Residential Strategy was developed, Council has undertaken further constraints mapping to determine what land may no longer be suitable for residential development considering the impacts of those record flood events.

As a result, several previously identified investigation areas in Mullumbimby are no longer considered suitable and have been removed from this Strategy refresh. There are also areas throughout Byron Shire that may not be considered suitable for infill development at higher densities due to flood hazard risks, therefore these areas have also been removed from infill calculations. Removal of these areas means that areas identified in the previously adopted Strategy are now having to be found elsewhere.

The floods also triggered the NSW Independent Flood Inquiry and the Parliamentary Flood Inquiry into the events. The State Government agreed in principle to most of the recommendations from the subsequent reports from these inquiries<sup>19</sup>.

In late 2022, Council prepared the *After the Floods Discussion Paper* to assist in determining how the Shire could respond and provide a sustainable housing supply. After extensive community consultation, Council adopted 20 overarching principles across four key pillars<sup>20</sup>. Key outcomes, similar to many of the principles and directions of the 2020 Residential Strategy, included:

- Housing being provided in safe and accessible locations,
- Increased sustainability and options for housing diversity,
- Focus on existing urban centres for infill, particularly for key workers,



<sup>19</sup> See the State Government response to the Independent Flood Enquiry Report here - [https://www.nsw.gov.au/sites/default/files/noindex/2022-08/NSW\\_Government\\_Reponse.pdf](https://www.nsw.gov.au/sites/default/files/noindex/2022-08/NSW_Government_Reponse.pdf) and the NSW Parliamentary Select Committee on the Response to Major Flooding across NSW in 2022 here - <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2866/NSW%20Government%20response%20to%20the%20Parliamentary%20Select%20Committee.pdf>

<sup>20</sup> Refer to <https://www.byron.nsw.gov.au/Services/Building-and-development/Building-and-Development-Plans-Strategies-and-Publications/After-the-Floods-Discussion-paper> for further details.

- Encouraging people to live differently by using our existing homes in new and innovative ways, and
- Exploring how flood-free farmland could be used for housing.

Given these constraints, Council is currently undertaking or reviewing a number of its flood studies and associated controls and mitigation options. In 2022, flooding caused extensive damage to many properties north of the Byron Shire, especially in the Brunswick River and, more specifically, the Marshalls Creek catchment areas. Impacts were also felt in other areas of the Shire, and as such, comprehensive flood investigations are being undertaken across:

- Northern shire areas associated with the Marshalls Creek catchment (Ocean Shores, Billinudgel, New Brighton, and South Golden Beach)
- Mullumbimby
- Bangalow
- Suffolk Park
- updated Flood Risk Management Study and Plans for both Belongil and Tallows Creek catchments.

As these investigations are undertaken, updated flood data and associated controls may come into force. It is intended that the latest information will always inform future planning decisions.

Similarly, impacts from bushfire, coastal hazards and other natural events will continue to be applied to limited residential development where appropriate levels of mitigation cannot be implemented to ensure ongoing community safety. For example, land mapped as bushfire vegetation category 1 will generally be excluded from residential development.



### **Planning in flood affected areas**

Council identifies and deals with "flood-prone" land at different stages of the development process. This includes at the Strategy level, at an investigation area level through studies associated with planning proposals, and then at a site specific level for specific DAs. Each stage will have different flooding needs and implications.

Council will continue to implement updated planning guidance and requirements as set by the NSW State Government. This includes the updated *Flood Prone Land Policy* and *Flood Risk Management Manual (2023)*, and the various elements of the flood-prone land package which commenced in July 2021.

## 2.5 Evidence base outcomes

Over many years, and exacerbated by more recent extremes through pandemic and flood impacts, the Byron Shire has experienced high levels of demand for all forms of housing. This heightened demand has resulted in limited availability and increasing housing costs. In short, there is much to do to continue responding to housing needs in the Shire.

Anticipated demand modelled by the State Government suggests a need for 4,522 dwellings to accommodate growth over the next 20 years. A proportion of this supply will be provided within rural areas, including those identified in Council's *Rural Land Use Strategy*. Of the remaining demand, there are sufficient existing approvals and other vacant land already zoned for residential purposes that are expected to supply around one-third of these needs over the short to medium-term.

Planning for the medium to long-term is now needed to enable the ongoing efficient roll-out of homes for the future. To ensure that housing for the future is more efficient, affordable and readily available to meet demand, smaller forms of housing will be needed. The evidence shows that with recent trends and known approvals, there is already substantive movement towards these smaller dwellings, particularly within medium-density housing types. Continuing this trend will be necessary.

Policies and directions associated with the future delivery of housing will, therefore, need to:

- continue to deliver all types of homes, recognising that substantial population growth and impacts of the flood events means that delivery of housing is needed across all types and in all areas,
- make a conscious effort to ensure that housing is more affordable through being efficient with land being used and having housing sized to meet people's needs,
- continue to implement measures to enable housing to be more available to those on low incomes through subsidised housing models, and
- make the most of existing housing stock, both through the return of housing from visitor accommodation, as well as by facilitating different ways to better use existing homes.

Key to enabling many of these directions is the facilitation of thoughtful ways to allow more housing on existing residential land and the identification of new land for new homes.

Infill development opportunities will need to consider how this can be done without unreasonable impacts on existing communities. Consultation for this Strategy highlights that retaining the character of towns and villages is fundamental to achieving positive outcomes. Supporting infrastructure, both in terms of essential services and social infrastructure, is also paramount to this success.

The identification and implementation of new release lands will also face extensive challenges. These areas cannot simply replicate traditional forms of low-density housing – we know that current and future communities require much more diversity than detached homes. We also know that these lands need to be integrated to help retain our connected and supportive community ethos.

Part 3 of the Strategy provides for Council's response to these needs by establishing clear priorities for the future. It provides this response at three levels:

- A policy response - articulated through Section 3.2 - that outlines the objectives (in the form of policies) and actions that are fundamental to the success of the Strategy,
- A delivery response - Section 3.3 - that reviews the four mechanisms that are to be used to deliver the required outcomes within, and as an expansion of or in addition to existing urban areas, and
- A locational response - Section 3.4 - that defines where delivery will occur across the various localities within the Shire.

By considering the overwhelming evidence base that highlights the need for extensive work across the housing spectrum, this Strategy has the opportunity to make meaningful changes to how residential homes are developed in the future.

## Part 3 Establishing the priorities

This Part establishes the priorities for the future, how they will be actioned, the mechanisms that will be used to deliver housing, and the localities where change will occur.

The priorities are a response to the Strategy vision and identify the four objectives/policies that establish the proposed land use planning approach. Mechanisms for delivery span from maximising existing zoned land to infilling

through intensification, new urban release areas, and 'living differently'.

Each of these is then applied to the urban localities of the Shire, as well as introducing a new precinct that has the potential to become a new urban area in its own right. In essence, this Part establishes the extent of change applying to each location, and defines the land use approach to achieving the identified outcomes.



### 3.1 Strategy objectives

There are four broad policies that represent the objectives associated with the delivery of housing within the Byron Shire context. These policies, presented in Section 3.2 below, are utilised to define the land use planning approaches to achieve the overarching vision for the Strategy as articulated in Section 1.4 and repeated below.

## VISION

*To enable opportunities for diverse housing to meet the needs of the Byron Shire community, both now and in the future. Housing will be located on land that is suitable, safe and conscious of its environment with neighbourhoods being designed to engage their communities and reflect the character of its locality.*

The land use planning policies establish directions and actions that are then used to inform the mechanisms for delivery (Section 3.3) and how these are applied on the ground (Section 3.4). These directions and actions also form the basis of the ‘Implementation’ presented in Part 4.

### 3.2 Land use planning approach

In summary the land use planning policies, are presented below and detailed thereafter.



**Policy 1**  
Providing land for future housing

Ensures that the provision of land can occur in the right places and at the right time, with consideration of land constraints and opportunities, as well as infrastructure needs



**Policy 2**  
Improved housing choice, diversity & affordability

Supports variable lot size and housing types to encourage innovation, adaptability and liveability, as well as targeted housing for lower income groups



**Policy 3**  
Housing that reflects the ‘local’ in places

Respects character and community to balance existing and new housing needs, including connection to Country for Bunjalung People of the area



**Policy 4**  
Make our neighbourhoods local

Redresses the imbalance caused by excessive levels of holiday accommodation within residential homes and neighbourhoods

## Policy 1 – Providing land for future housing



Communities of the Byron Shire have long desired sustainable development that respects existing character and builds opportunities for future generations. That future necessitates continued change in housing development patterns at the lot, street, neighbourhood and town levels to meet required housing targets.

This policy seeks to ensure that there is available land for housing to meet future needs in the right places and at the right times. This may be in the form of infill development on existing urban land, making the best use of existing vacant land or creating new urban land that provides new housing opportunities. The policy does this through four directions as follows:

- **Direction 1.1** – *Land for future housing is provided in the right location at the right time:* Recognising that the delivery of housing is both complex and requires careful consideration of community needs – including access to associated infrastructure and appropriate services.
- **Direction 1.2** – *Land for housing is resilient, climate appropriate and suitable for use:* Articulating that some land is not appropriate for future housing or intensification. These are areas that are not considered to be acceptable to the community, Council and/or the State Government for a range of safety, sustainability or practical reasons.
- **Direction 1.3** – *New subdivisions and infill development support the attributes of liveable neighbourhoods:* Ensuring that neighbourhood-level housing opportunities are designed and undertaken with future community, place-planning and sustainability needs in mind.
- **Direction 1.4** – *Monitor housing to facilitate short, medium and long-term new release or infill opportunities:* Building on and working with State Government led monitoring commitments, ensure that thoughtful sequencing of delivery is possible and recognises the practical realities that developing successful housing and neighbourhoods takes time, needs to be well planned, and supported by expensive infrastructure.

Together, these directions provide the basis for identifying land upon which future housing can be established. This section outlines these directions and provides subsequent actions that are further applied through the remainder of this Strategy, including in further detail within the ‘Implementation and Delivery Plan’ at Appendix A.

## Direction 1.1

### Land for future housing is provided in the right location at the right time

Providing land for future housing must balance the establishment of new land for an expanding population with the better use of existing urban land. Within the Shire, recent past practices have seen most of the Shire's housing developed within our towns and villages. This approach, commonly called 'infill development', has been supported by both Council and State Government policy.

Outside the Shire, more traditional approaches to planning also often see towns and villages spreading outwards into rural or other undeveloped areas, commonly called 'new release areas' or 'greenfield development'. If not carefully planned, this spread can result in poor outcomes such as the loss of vegetation, decreased water quality, increased reliance on cars, loss of farming land and compromised scenic amenity. We know from years of community engagement and ongoing research into best practice planning that this 'urban sprawl' approach is not acceptable.

To encourage the sustainable use of land, as outlined above, we want to encourage new homes within existing urban areas or new developable areas that are capable of being deliberately developed using liveability principles. The focus of new homes will, therefore, continue to be provided in our towns and urban villages, and those areas where new sustainable urban settlements can be created, such as The Saddle Road precinct. Housing within rural villages and surrounding rural areas will continue to be guided by the outcomes of Council's *Rural Land Use Strategy*.

At present, the proportion of dwellings between urban and rural planning areas shows that there are approximately 25% of homes located in rural areas<sup>21</sup>. However, this proportion is reducing over time, reflecting the ongoing intensification of urban localities and protection of farmlands and other sensitive environmental areas.

This Residential Strategy seeks to achieve the State Government's target of 4,522 dwellings across the Shire by 2041 by focusing this growth on existing urban areas, their immediate surrounds, or areas that have the capability and capacity to support sustainable future urban communities. This Strategy outlines the location and indicative timing of this process over the short, medium and long-term, as well as establishing process to ensure necessary infrastructure is available to support future needs.

**Action 1** Focus planning for new housing on existing urban areas, their immediate surrounds, or areas that have the capability and capacity to support sustainable future urban communities.

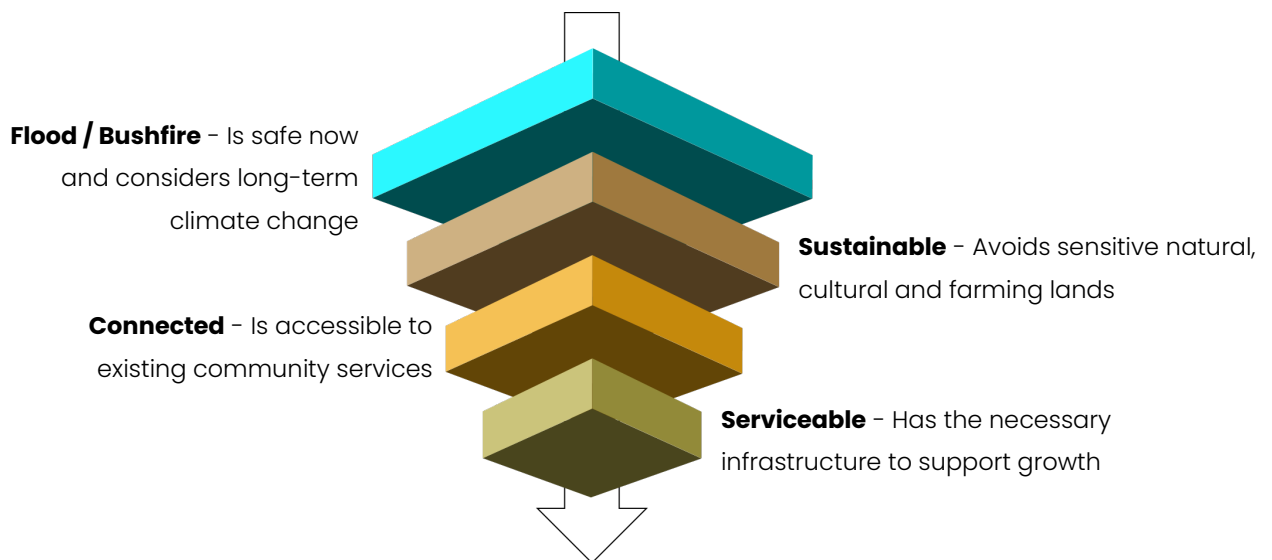
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<sup>21</sup> Refer to ABS Census 2021 as presented in <https://atlas.id.com.au/byron> accessed 16 November 2023

## Direction 1.2

### Land for housing is resilient, climate appropriate and suitable for use

Consistent with good planning practice and the extensive consultation undertaken in developing this Residential Strategy, ensuring the suitability of land for residential purposes is critical. As various land considerations are applied through a constraints sieve mapping approach, the extent of available land reduces, as shown in the diagram below.



**Figure 7:** Diagrammatic sieve mapping of key land constraints

Land suitability principles have been developed to guide how we determine what land is appropriate. These principles combine engagement with the broader social, economic and environmental outcomes sought by our community and the requirements of the Regional Plan 2041 – particularly its urban growth area variation principles.

The following principles have been used to evaluate potential new releases and infill areas subject to this Residential Strategy. It is also recognised that further detailed assessment will be needed, and that new evidence will likely arise between now and when future changes to zones or planning controls are undertaken. Such future information, such as revised flood mapping and more detailed site suitability assessments, are required to be considered in developing planning proposals that make changes to Council's LEP, such as rezonings.

## Residential Land suitability principles

The land should:

- i. **Avoid risk and be safe:** the land is, as far as possible, safe from hazards or risks such as flood hazard, coastal erosion, tidal inundation, slopes/land slip areas, dunal movement and bushfire, as well as potential conflicts with other existing or approved land uses.
- ii. **Avoid valued assets:** the land is generally unencumbered by areas of high environmental value, heritage and cultural connection, and avoids significant and viable farmlands and the coastal strip.
- iii. **Be well connected:** being located within easy travel distance from existing communities, including through the use of pedestrian and cycle links and public transportation.
- iv. **Have access to essential services:** the land is connected or capable of being connected in a logical sequence to water, sewer, stormwater and communication infrastructure that can accommodate the increased capacity.
- v. **Consistent with State Policy:** with particular reference to the North Coast Regional Plan 2041 'Settlement Planning Guidelines', 'Settlement Planning Principles', as well as subsequent State planning directions.

These principles have been applied at a strategy level to the various options to deliver land and housing within the LGA, as envisaged in Section 3.3 and Section 3.4 of this Strategy. As identified above, further detailed assessments will be undertaken in the development of subsequent planning proposals or other outcomes associated with individual sites or planning control changes.

Where land is proposed to be progressed outside the preliminarily assessed lands associated with this Residential Strategy (e.g. land inside the Urban Development Boundary established by the regional Plan 2014) they will need to ensure that they meet the above criteria prior to being endorsed by Council for further consideration.

**Action 2** Ensure that land proposed for future housing meets the 'Residential Land Suitability Principles', taking into account the latest available information and detailed assessments with subsequent planning or development proposals.

**Action 3** Undertake staged implementation of housing opportunities under infill, new release and vacant land delivery options as per the proposed timing specified in this Residential Strategy.

## Direction 1.3

### New subdivisions and infill development support the attributes of liveable neighbourhoods

Following the identification of suitable land through Direction 1.2, a finer scale of site definition is needed to ensure that whilst the land may be suitable, the subsequent development also meets the broad needs of future communities.

This is where the principles of 'liveable neighbourhoods' can be applied to guide the delivery of resulting urban areas. These principles combine social, economic and environmental outcomes sought by our community and the requirements of the Regional Plan 2041 and are outlined below.

#### Liveable neighbourhood principles

Development outcomes:

- i. **Provide variety:** ensures lot size and housing types are adaptable, versatile and be suitable to a variety of life stages of their residents, and therefore encouraging a diverse range of people.
- ii. **Integrate public open space:** provides well-defined open spaces that contain places where people feel safe and comfortable, are able to socialise and engage in outdoor activities.
- iii. **Enable urban greening:** integrates natural areas, bringing opportunities for wildlife, shade, comfort and visual amenity, supported with the inclusion of street trees and site landscaping.
- iv. **Are legible at a human scale:** uses human dimensions (physical as well as non-physical) to help people relate to, interpret and appreciate the space, allowing for mental maps to be created by its residents.
- v. **Facilitate safe & sustainable travel:** enables walking and/or cycling between places and spaces to reduce reliance on private cars. Streets are safe, with low-speed traffic environments and easy crossing points.
- vi. **Integrate culture & environment:** responds to its natural and geographical conditions and is sensitive to Bundjalung connection to Country, including preserving key elements of the area.
- vii. **Maintain & build character:** recognises existing residential character locally and throughout the Shire, and is able to respect and build on this character as part of a broader locality.

While applying liveable neighbourhood principles may seem like common-sense planning, the existing land use planning controls have limited mechanisms to articulate and apply them. The intent of applying these principles is to ensure that some of the nuances of good planning are further encouraged, particularly through the early stages of development conceptualisation, such as through structure and master planning.

By applying liveable neighbourhood principles, there are also opportunities to develop enhanced place planning processes and resulting place initiatives (further discussed in Policy 3). Without a suitable land use planning structure for places and associated public spaces, it can be challenging to facilitate future use and activation of resulting areas to the detriment of community connection.



Source: Project for Public Spaces

**Figure 8:** Key elements of what makes a great space

**Action 4** Support the early development of master plans, structure plans or similar processes to ensure that effective liveability outcomes can be achieved through early engagement and integration in new residential neighbourhoods.

## Direction 1.4

### Monitor housing to facilitate short, medium and long-term new release or infill opportunities

Alongside the need to identify suitable land and establish overarching design and layout intent of future development under this policy, there is also a need to carefully plan for and monitor the ongoing roll-out of available land. This direction responds to the need for a coordinated approach to housing delivery at the regional level (as identified by Action 1 of the Regional Plan 2041<sup>22</sup>), as well as to establish anticipated sequencing and monitoring of housing delivery at the local level.

A critical connection between the existing situation and the long-term outcomes sought by this Strategy is the provision of essential services infrastructure (one of the key aspects of the sieve approach identified under Direction 1.2). Strategy level assessments of infrastructure have been undertaken in development this plan; these are discussed in Section 2.4.

These assessments provide direction on the sequencing of development implementation and initial assurances associated with long-term outcomes for infill and new release investigation areas. Over time, additional detailed assessments will enable other infill and new developable areas to come online in a logical and efficient sequence. Progression of infill and selected new release investigation areas are further detailed in Section 3.4 - Applying directions and the site-specific release areas profiles in Appendix B.

**Action 5** Consistent with Regional Plan 2041 Action 1, work with DPHI (as action lead) in the monitoring of housing at the regional level, recognising that access to housing is a regional-scale issue.

**Action 6** Develop and undertake local level monitoring of the Residential Strategy roll-out, including regular updates to adjust delivery targets and reflect new information as required.

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<sup>22</sup> That is for DPHI to “Establish the North Coast urban housing monitoring program”



## Policy 2 – Improved housing choice, diversity & affordability



As articulated in the Byron Shire Community Strategic Plan 2032, our community has expressed that it wants ‘an inclusive and active community where diversity is embraced and everyone is valued’ and to ‘manage growth and change responsibly’.

Within these objectives is our intent to deliver greater housing diversity and affordability in the Shire. This intent aligns with the challenges outlined in Part 2, which identifies the ongoing need for housing delivery that can meet the diverse needs of current and future residents. *Policy 2*

- *Improved housing choice, diversity & affordability* does this through three directions as follows:

- **Direction 2.1** - *Support a range of housing types and local infrastructure that caters to community needs:* Ensuring that subdivision and subsequent lots take an approach that enables, and necessarily results in, variable forms of housing scale that better meets diverse community needs.
- **Direction 2.2** - *Enable opportunities for new and/or innovative residential forms:* Rather than relying on detached dwellings as the prominent form of housing, exploring a wider variety of new and existing alternatives for greater variety and reflection of diverse needs, including through more adaptable and liveable housing design outcomes.
- **Direction 2.3** - *Enable opportunities for affordable housing:* Even with accelerated delivery of new housing, the extremely high cost of the current market means that housing will remain unaffordable for many in the area. Access to subsidised or alternative housing options remains a high and ongoing priority.

Together, these directions are designed to improve available housing choices and create variance in types and forms of homes to better suit broader community needs. This section outlines these directions and provides subsequent Actions that are further applied through the remainder of this Strategy, including in further detail within the ‘Implementation and Delivery Plan’ at Appendix A.

## Direction 2.1

Support a range of housing types and local infrastructure that caters to community needs.

Affordability, location and space requirements are key factors that influence people's housing choices. The location and type of house we live in can affect our lives in several ways, including:

- the length of our daily commute,
- how often we see family and friends,
- choices about how we bring up our children, and
- whether we can remain living in the same area we grew up in.

Given the growth in households across the spectrum of housing types, and the fact that no single housing type can satisfy everyone's household requirements, providing a mix of housing in the Shire is essential. This will assist our residents in various positions, from traditional detached family homes, young adults seeking shared homes to older people and empty-nesters seeking to downsize.

An effective way to assist in delivering housing diversity is to have a similar approach or expectation for subdivision. Rather than relying on standardised outcomes of 600m<sup>2</sup> lots, this direction seeks to establish a Byron Shire 'Lot Typology and Mix' that better reflects the innovative and variable housing that is desired. This approach rejects the simplistic delivery of minimum lot sizes that can result in uniformity and instead requires diversity of lot size and subsequent housing.

As shown in the examples overleaf<sup>23</sup>, this can be applied variably through the existing (or parts of the existing) R2 Low Density Residential zone, R3 Medium Density Zone and/or through introducing a new R1 General Residential zone specifically designed for this type of application.

The variety of lot sizes encapsulated by this direction supports the delivery of detached houses all the way through to a broader range of low-rise medium-density outcomes. Utilising various zones, it can also cater for even broader outcomes by utilising multi-dwelling housing, residential flat housing forms or other more innovative housing forms such as those discussed under Direction 2.2.

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<sup>23</sup> Based on the *Housing choice and affordability in growth areas: Dwelling Density Guide* prepared by the (then) Department of Planning and Infrastructure - July 2013, *Landcom Built Form Design Guidelines (undated)* and



### 16 DWELLINGS PER HECTARE DENSITY

Lowest density envisaged. Variety of lot size, with more options for larger homes (that may also suit small sized intentional communities). Few laneways, with more traditional streetscape form in a single or two storey scale.



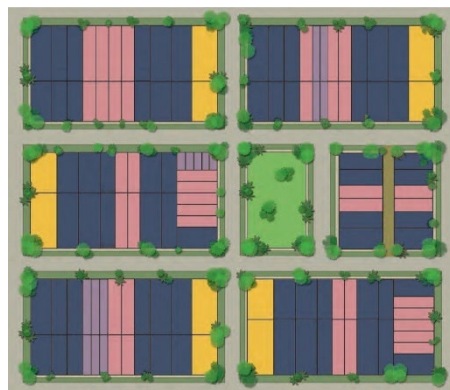
#### LEGEND

- Traditional lot
- Compact lot
- Micro lot
- Medium density lot



### 21 DWELLINGS PER HECTARE DENSITY

Mid-level density. Greater variety of lot size, with more compacts and micro sized lots included. Medium density sites are more available, that may also suit small to mid-sized intentional communities. Some laneways present, depending on housing form proposed.



#### LEGEND

- Traditional lot
- Compact lot
- Micro lot
- Medium density lot



### 26 DWELLINGS PER HECTARE DENSITY

Higher level of density, but still at a low-rise scale. Many lots are smaller in size, with shared walls (e.g. terraces) being common. Medium density sites to support multi-unit dwelling style development. Laneways provide additional housing opportunities.



#### LEGEND

- Traditional lot
- Compact lot
- Micro lot
- Medium density lot

**Figure 9:** Indicative dwelling density outcomes

**Based on:** Landcom Density Guides and Qld Government - Residential 30 PDA Guideline

The indicative preferred mix of lot size, to be confirmed in further detail within a subsequent detailed planning proposal, is identified in the table below.

**Table 1:** Potential mix of lot size for new release subdivisions

Lot type	Mix <sup>1</sup>	Size
Traditional lot	0 - 10%	451 - 800m <sup>2</sup>
Compact lot	35 - 50%	201 - 450m <sup>2</sup>
Micro lot	10 - 25%	50 - 200 m <sup>2</sup>
Medium density lot	15 - 45%	800 - 1,400m <sup>2</sup>
Intentional community or alternative housing form lot	As required	As required

Notes: 1 - Percentage of net developable area. The ultimate mix may depend on zone and/or locality provisions.

To assist in achieving variable lot sizes more generally, Council will also seek to modify the general zone objectives to highlight this intent more broadly.

**Supporting housing diversity through infill**

Increasing the diversity of homes in existing residential zones is proposed to be achieved by amending Council's LEP and DCP to generally allow for increased density in the R2 Low Density Residential and R3 Medium Density Residential zones (excluding those areas where intensification is not considered to be safe, serviceable, or compatible with local character).

For example, the minimum lot size for all low rise medium density housing may decrease from 800m<sup>2</sup> to 600m<sup>2</sup> in suitable locations. This generally aligns with *SEPP (Exempt & Complying Development Codes) 2008* with the exception of dual occupancy, which has a lower standard being 400m<sup>2</sup>. These changes will be accompanied by new guidelines for different housing types to suit smaller sites and households, with a key focus on meeting key character requirements.

**Action 7**    Develop and implement local planning controls to improve housing choice, diversity and affordability.

## Direction 2.2

Enable opportunities for new and/or innovative residential forms.

Community members, Council and representatives from the private sector attended a housing summit in February 2017 and a follow up housing roundtable in July 2018. Both forums explored innovative housing responses to better meet our changing community expectations and needs, with a focus on:

- planning enablers and barriers,
- housing types and models,
- tenure types and security, and
- finance and investment models.

Further detailed work was undertaken to develop an *Alternative Housing Report 2019* and subsequent *Alternative Housing Models – Addendum Research Paper for Byron Shire Council* in May 2023, with a particular focus on eco-villages. This direction builds on this work to establish both short and longer-term actions with respect to providing more opportunities for different housing forms in the Byron Shire.

In the short-term, immediate opportunities are available to facilitate what is often referred to as the ‘missing middle’ between detached dwellings and larger residential flat buildings. This range of low-rise medium-density housing types, such as detached and attached dual occupancies, terraces and manor houses, are described in general terms below.



**Source:** Low-Rise Medium Density Design Guide

These forms of housing can occur as residential ‘infill’, as well as being an important component of an overall housing mix within new developable areas. They provide for greater affordability, choice, and diversity compared with more traditional housing development, and they already exist and are easily pursued within the context of the current NSW planning system.

Low-rise medium-density development can be suited to a wide range of households, with reduced land size, smaller building size and compact private open spaces, all meaning that they can be cost-effective and well suited to downsizers, first home buyers, lone households and small families. Mainly through infill, this direction can also help to meet the growing trend of people wanting to live in central locations.







However, it is also recognised that infill development needs to be carefully managed to ensure resident needs and community character can be mutually satisfied. The State Government's 'Low Rise Housing Diversity Code' and accompanying Design Guide assist to meet a balance between accelerated pathways for development and design/character outcomes. Council has also incorporated residential character narratives in the Byron Shire DCP 2014, providing further guidance on acceptable development responses, including for design verification statements. Further discussion on this is also provided in *Policy 3 - Housing that reflects the 'local' in our places*.

*Note: The design outcomes associated with this process would be included within Action 7 under Direction 2.1.*

In the longer term, new residential forms and models that can provide a more progressive approach to affordable homes that retain a strong sense of community will also be investigated. Examples highlighted through the development of this Residential Strategy are shown overleaf. Benefits for both future residents and our broader community of these models can include:

- **Sense of community:** often incorporates joining a group of like-minded people, creating a sense of community from the start of the project. In some instances, the community can become the developer, and upon completion, connections and relationships are already formed between the new residents and existing neighbours.
- **Improved built-form outcomes:** participants get to co-create a space to meet their long-term needs, with the future owners and/or community members in control of the design process and not motivated by profit. This means they are free to accept lower returns, invest in higher quality design and better quality materials, and can pursue higher social and/or environmental objectives.
- **Innovation:** controlling the design process also allows groups to experiment with variations to traditional approaches to car parking, sustainability, community spaces, lot and dwelling sizes.
- **Reduced project delivery cost:** experiences elsewhere in Australia have found some new forms are delivering dwellings at a cost typically 15 to 25% less than the market price.
- **Collective buying power:** to deliver more accessible housing in locations previously unaffordable to low and moderate-income households in the community.

**Table 2:** Alternative housing forms and models to be supported

Micro home / lots	Intentional Communities	Pocket neighbourhoods
<p>Providing for small homes on small lots of between 50m<sup>2</sup> and 200m<sup>2</sup>. With a vastly reduced land cost and house size, the resulting dwellings are far more affordable.</p>  <p><b>Source:</b> Stroud Homes – Small home designs</p>	<p>An integrated housing project on a single lot with shared community facilities collectively funded by residents, often having shared values.</p>  <p><b>Source:</b> Madigan Architecture - Bluefield Housing</p>	<p>A cluster of neighbouring houses or apartments (typically 10-15) with minimal private open space, but instead gathered around a shared open space to improve land efficiency.</p>  <p><b>Source:</b> Conover Commons - Ross Chapin Architects</p>
Seniors & disability housing communities	Live & work spaces	New-generation boarding houses
<p>Specific housing pockets or intentional communities to cater for the needs of older people or people with a disability. Scale can range from a small cluster of homes to a larger facility offering low to high-care accommodation.</p>  <p><b>Source:</b> Ingenia Lifestyle - Natura Port Stephens</p>	<p>Spaces designed to incorporate professional and personal lives in one space. Beyond a 'home occupation', it is a more work-driven space in which employees and walk-in trade are permitted.</p>  <p><b>Source:</b> Raleigh Iron Works</p>	<p>Recognising the growing need for lone households, this form of development provides self-contained furnished studios from 12m<sup>2</sup> to 25m<sup>2</sup> with all utilities included in the rent or occupancy.</p>  <p><b>Source:</b> Rydalmere Boarding House - Aleksandar Projects</p>

At the same time, these alternative housing forms present a number of challenges. These include our ability to apply locally appropriate planning provisions and general community awareness of, or resistance to, such alternatives. Other challenges include the availability of land, funding for developments that do not fit their typical funding criteria, and tenure structures.

Council will continue to investigate emerging trends in housing, funding and tenure models to complement these new residential forms, including:

- community land trusts,
- shared equity and dual mortgage ownership,
- not-for-profit company providing long term affordable housing, and
- housing co-operatives.

**Action 8** Support opportunities for alternative forms of funding, tenure and housing models, including eco-villages and others as identified within this Strategy, consistent with liveable neighbourhood principles.

Liveable and adaptable homes are easy and safe for people of all ages and abilities to live in. They are designed to respond effectively to changing needs without requiring costly and energy-intensive alterations. 'Liveable' and 'adaptable' mean slightly different things:

- A liveable home is designed to meet the changing needs of most home occupants throughout their lifetime. A liveable home generally follows the design guidelines set out by Livable Housing Australia.
- An adaptable home is a liveable home that also meets *Australian Standard AS4299-1995 Adaptable housing*, which means it can be easily adapted to become accessible for wheelchair users if the need should arise.

Liveable and adaptable housing can suit many occupants, including people with a disability, ageing baby boomers, people with temporary injuries and families with young children. It enables them to respond to changing needs without costly and energy-intensive alterations or, as a worst-case scenario, having to move from their home and risking disconnection from their community.

At different times, a single space may act as a home office, a teenage retreat, a family study or a bedroom for an elderly relative. Liveable and adaptable housing can help to accommodate changing needs over the life stages of its inhabitants. An example of such housing includes designing a home to function as a larger family home but being able to be easily converted into two smaller units. Its residents can continue living in place and remain connected to their local community – effectively downsizing at the same address.

Future development is unlikely to deliver much liveable or adaptable housing without some form of intervention, either through the planning framework or complementary actions. Implementing this direction will most likely require a combination of approaches as outlined below.



- **Leadership:** through dwelling design associated with Council-initiated housing projects,
- **Regulation:** controls that require liveable or adaptable housing to be included in new developments,
- **Incentives:** such as concessions and bonuses in development controls and contributions that can boost the feasibility of liveable housing, and
- **Promotion:** marketing and education initiatives to help the housing industry and community understand the need for, and benefits of, adaptable housing.

**Action 9** Recognise the role of adaptable and liveable housing in supporting greater housing diversity and choice.

## Direction 2.3

### Enable opportunities for affordable housing

This direction relates to housing for households on very low to moderate incomes. Council's Affordable Housing Contribution Scheme, as well as Chapter 2, Part 1 of the Housing SEPP, describes very low income, low income or moderate income households as having the following proportion of the median household income for the 'Rest of NSW' (i.e. excluding Greater Sydney):

- very low income household - less than 50%,
- low income household - 50 to less than 80%
- moderate income household - 80 to 120%

Many of our critical and key workers (including those in the retail, hospitality, care, education and creative art sectors) are in these income brackets. These workers play a vital role in contributing to our liveable and vibrant Shire, and improving their ability to access the housing they need is a key challenge.

At the more moderate income scale, the ability for new release and infill sites to deliver greater housing affordability is central to the delivery of this Strategy. Hopefully, this will help maintain our Shire's community diversity and identity. However, standard commercial development markets are unlikely to deliver affordable or social housing, that is housing that is provided at a subsidy to lower-income groups. Providing for these housing types, either for rent or purchase through rent-to-buy or similar arrangements, therefore requires market intervention and complementary actions.

Key to the future delivery of affordable housing will be the continued implementation of Council's Affordable Housing Contribution Scheme. This provides for some of the value created by upzoning or other changes in planning controls to be captured to assist in providing additional affordable housing stock. The Scheme commenced in early 2023, and many of the changes envisaged by this Residential Strategy will contribute to funding this or subsequent Affordable Housing Contribution Schemes.

Implementing this direction will also require a combination of other approaches, as outlined below.

- **Leadership:** such as Council rezoning and reclassifying Council-owned land to provide for additional residential development that is targeted to this sector.
- **Partnership:** such as Council's Affordable Housing Project involving a number of private landowners interested in contributing to accessible housing.
- **Regulation:** controls that require affordable housing to be included in developments, such as the Affordable Housing Contribution Scheme.
- **Incentives:** such as concessions and bonuses in development controls and/or contributions to boost the construction of affordable housing.

- **Promotion:** marketing and education initiatives to help the community understand the need for, and benefits of, affordable housing.

More broadly, and outside the remit of this Strategy, Council will continue to work with State agencies, not-for-profits and others to facilitate housing outcomes for people sleeping rough to reduce homelessness and its impact in the Byron Shire. It will also include direct engagement with First Nations groups of the area to assist in the identification and delivery of housing for Aboriginal people, which is further explored under Policy 3.

**Action 10** Investigate expanding or applying new affordable housing contribution mechanisms over all new rezoned areas, and other planning control uplift opportunities, to maximise the capture of affordable housing opportunities over time.

**Action 11** Continue to seek contributions to affordable housing through the application of Council's Affordable Housing Contribution Policy.

**Action 12** Continue to be an active participant in the support and delivery of affordable housing in Byron Shire.

## Policy 3 – Housing that reflects the ‘local’ in our places



Our towns and villages occupy the Country of the Bundjalung people. Before Europeans arrived, Bundjalung people lived here for tens of thousands of years, with a thousand or more generations expressing their culture across the landscape through art, song, story and dance interwoven with ceremony and rituals to nurture and maintain the land and its people.

Since European settlement, each town and village has developed its distinctive character with a mix of cultural values that embrace traditional, contemporary and alternative lifestyles. Our Shire’s unique communities actively engage in conversations about character, lifestyle and environmental attributes that influence their choice to live in the Shire.

This Policy seeks to ensure that the connection of the Bundjalung people to the land, and that those that now call the land their home, is both respected and strengthened through the Strategy. This Policy identifies three directions as follows:

- **Direction 3.1** – *Respect the current and/or emerging character and values, as recognised in residential character narratives for specific areas:* Seeking to establish and retain the unique elements of each locality whilst balancing requirements for infill or other development needed to support current future residents.
- **Direction 3.2** – *Maintain and enhance a sense of community:* Beyond built form or housing outcomes, there remain key opportunities to ensure that the ongoing growth of resident populations is matched to broader community connections through place-making and related initiatives.
- **Direction 3.3** – *Work with local Aboriginal community and Native Title holders to support Bunjalung People to live on and connect to Country:* Recognising their continuing connection to land, sea, culture and community, combined with ongoing needs to address the gap between Indigenous and non-indigenous Australians, opportunities exist to work with Aboriginal communities to better recognise and address their specific housing needs.

Together these directions provide for the delivery of housing outcomes within the context of existing communities and to respect and build upon their needs. This section outlines these directions and provides subsequent actions that are further applied through the remainder of this Strategy, including in further detail within the ‘Implementation and Delivery Plan’ at Appendix A.

## Direction 3.1

Respect the current and/or emerging character and values, as recognised in residential character narratives for specific areas

Community support for increased housing diversity and availability requires us to consider how we want our suburbs, villages and towns to change over time. There is a strong community desire for new housing to:

- complement what already exists,
- respect the amenity of neighbouring residents,
- enhance the established local character, and
- help in shaping a sense of community.

We need to manage change carefully to ensure there is housing choice for our residents and our suburbs continue to be vibrant, attractive places to live.

There has been local concern for many years about traditional design and density outcomes and to establish opportunities to avoid 'urban sprawl'. At the same time, many developers perceive that the Byron Shire community opposes development that is 'different' and that trying to develop a different product will likely lead to lengthy assessment timelines and impact project viability.

The challenge is defining the local residential character of our suburbs, villages, and towns so that new development can complement this. What is needed is a clear understanding of what 'local' attributes underpin the identity of these areas and how future development can be designed to respect and build upon these elements. This gives developers and the community more confidence to trial or accept new housing types, be leaders in good design and support an efficient assessment and approval process.

The attention given to maintaining the 'local' in our places is growing, not just within the community but at all levels of government. Recent changes to the *Environmental Planning and Assessment Act 1997* ensure that 'local character' is considered in planning at all levels. This Act now supports defining a place's unique character and values to be preserved and how change will be managed to achieve housing that reflects the 'local' in our places.

To help councils, the NSW Government Architect developed the *Urban Design for Regional NSW - A guide for creating healthy built environments in regional NSW*. This publication provides a framework to consider 'local' in urban design based on the following principles:

- Better fit – contextual, local and of its place
- Better performance – sustainable, adaptable and durable
- Better for community – inclusive, connected and diverse
- Better for people – safe, comfortable and liveable
- Better working – functional, efficient and fit for purpose
- Better value – creating and adding value
- Better look and feel – engaging, inviting and attractive.



Many of these principles are echoed by our community and captured within the ‘liveable neighbourhood principles’ established under Policy 1. These are also further explored through local place planning initiatives (discussed in Direction 3.2). Our community values the benefits of good urban design to our community’s well-being.

That said, there is no single recognised definition of ‘character’. For this Strategy, local character focuses on what makes one neighbourhood distinctive from another by how it ‘looks and feels’ to locals and visitors. Character is reflected by how the built and natural elements in public and private spaces interrelate, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation. Character is dynamic and evolving—not static. Although new developments will have their own unique interpretation of ‘local’, the outcome should nevertheless respect the elements that contribute to the residential character of the area.

Preparing one single residential character narrative for all the Shire’s urban areas has the risk of diluting the ‘local’ in each village or town. Rather, the approach has been to work with local communities to articulate what is fundamentally ‘local’ about their area and how best to guide a transition to greater housing diversity, choice and affordability. This work has now been incorporated into the Byron Shire DCP 2014. The DCP’s ‘residential character narratives’ are the culmination of working with guidance groups both directly or via place-making projects, as well as further refinement in response to broader community submissions.

The next phase of this work is to develop a finer grain ‘residential style guide’ that will more directly reference the key elements of design that are expected of new development.

**Action 13** In conjunction with revised infill planning controls, review DCP residential character narratives to elevate the role of local character within the planning framework.

## Direction 3.2

### Maintain and enhance a sense of community

'Sense of community' is a feeling residents have of belonging and a feeling that neighbours matter to one another. The community vibe of our villages and towns has been, and continues to be, created by those who live there. Many community members aim to hand on places to the next generation in a condition that is as good as, if not better than, when they arrived. This notion is well grounded in the custodial stewardship values of the Bundjalung people in their connection to and caring for Country.

Future development should reinforce a 'local' sense of community by fostering positive personal experiences, social interactions, local identity and collaboration. Here are examples of these elements in a residential context:

- **Personal experiences:** safe and inviting places, such as outdoor areas, open spaces and residential streets, that fulfil multiple day-to-day functions and encourage people to become more physically active.
- **Social interactions:** good connections, such as shaded 'all-ability' paths and bikeways, where moving from A to B is a pleasurable experience and encourages people to stop, chat and make friendships.
- **Local identity:** creativity adds richness and diversity and turns a functional place into one that is also memorable and identifiable. Creativity is found in various places and forms, from public art to live/work spaces and hubs like community gardens and markets. Encouraging innovative spaces helps to create a local identity.
- **Collaboration:** such as residents coming together as intentional communities to provide homes outside the private home ownership model using co-operative design.

Some of these types of opportunities have already been developed through local place plans for areas including:

- Byron Bay
- Bangalow
- Mullumbimby
- Federal Village

Future place plans have been identified for Ocean Shores, South Golden Beach and Brunswick Heads, whilst other initiatives have also been developed independent of these locality-specific directions (such as a detailed review of eco-villages as a type of intentional community).



**Action 14** Through undertaking and implementing place plans and other related initiatives, continue to support communities to build and own a vision and plan for their town or village.

## Direction 3.3

### Work with local Aboriginal community and Native Title holders to support Bundjalung People to live on and connect to Country

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 pay our respects to elders past and present. Council is committed to promoting mutual respect and harmony between Aboriginal and non-Aboriginal people in the Shire, including working with the Aboriginal Land Councils and Traditional Owner groups that have land interests in the Shire.

Of particular relevance to the areas that are subject to this Residential Strategy, the Federal Court of Australia recognised (on 30 April 2019) that the Bundjalung of Byron Bay (Arakwal) native title claimants have, and always have had, native title rights and interests in land and waters within their claim area. The native title determination area extends south from the Brunswick River and Mullumbimby to Cape Byron and on to Broken Head and Jews Point, inland to Koonyum Range in the northwest, to Coorabell and Bangalow in the south, and includes Sea Country running south for 9km from Brunswick Heads. The Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) represents the native title rights and interests of the native title holders.

Many Aboriginal sites and places, as well as their inter-related stories, are essential to maintaining their culture and connection to their Country. The rich cultural practices, knowledge systems, and cultural expressions of Aboriginal people are sources of great strength, resilience, and pride. Strong cultural identity is fundamental to Indigenous health and social and emotional well-being.

Aboriginal groups have been engaged with Council over various opportunities and concerns, including housing opportunities for Aboriginal people. Council has entered into various agreements and protocols as an appropriate way of communicating and working with Aboriginal groups.

In some instances, these have been formalised in previous heads of agreement and memorandums of understanding (MOU) between Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Council. Council's MOU advisory committee, provides a formal avenue for key issues to be developed and progressed. These mechanisms also provide opportunities to guide Council's land use planning frameworks to respond to and facilitate ongoing connection to Country through access to housing.

These processes also provide the opportunity to ensure the continued identification and protection of sensitive cultural sites through land use planning and development assessment processes. Whilst these processes are already subject to detailed due diligence and regulatory protections, enabling more progressive and pro-active processes can enable more positive and integrated outcomes.



The procuring of cultural heritage information should support strength, combat disadvantage and promote:

- greater understanding and recognition of the significance of Aboriginal cultural heritage throughout the wider community,
- opportunities for working with local elders and the Arakwal board to develop pathways for increased local Aboriginal housing, and
- programs to assist Elders and community leaders to educate and pass on their knowledge.

This Strategy supports the principles of housing being developed with a Country-centred approach guided by Aboriginal people, who know that if we care for Country, Country will care for us. Recognising there are a variety of ways to deliver housing to facilitate living on Country, the conception, planning, design and delivery stages of housing provision will be informed by the cultural practices of Aboriginal people.

**Action 15** Work with the Bundjalung and other First Nations people to respect, recognise and safeguard culture through ongoing engagement and to assess appropriate locations and planning frameworks for housing needs.

## Policy 4 – Make our neighbourhoods local



The Byron Shire attracts millions of tourists each year, creating an important ‘visitor economy’ that supports many businesses and workers throughout the Shire. Whilst this is highly valued from an economic perspective and represents an important element of ‘Byron culture’, a number of amenity issues need to be balanced in providing for these visitors.

Of particular relevance to this Residential Strategy is the growth in holiday letting of residential homes – known as Short Term Rental Accommodation or STRA. While ‘holiday homes’ are not new to the Byron Shire, the extent of STRA has proliferated with online platforms such as Airbnb.

This policy seeks to ensure that homes within the Shire are able to be used, by and large, by its residents. The extent of STRA has progressively undermined this premise over many years, exacerbating the scarcity of homes for a growing population and creating amenity impacts as the needs of everyday residents and those on holiday collide.

Whilst significant progress has been made to address this issue at a local level in recent years, work remains to be done to ensure our existing dwellings are used primarily as homes.

This Policy identifies two directions as follows:

- **Direction 4.1** – *Make dwellings homes again*: Recognising that the extent of STRA properties has become unbalanced with the needs of permanent communities. The recently approved STRA controls provide the opportunity to realign this balance, with monitoring of impacts and facilitation of change being required.
- **Direction 4.2** – *Implement and enforce changes to STRA regulation, whilst supporting the broader tourist accommodation sector*: Alongside the legislative changes, there is a need to ensure that sufficient visitor accommodation remains available and that the remaining STRA properties are effectively managed within the new rules.

These directions seek to ensure that the visitor economy remains strong, visitors are welcomed to the area, and that the imbalance resulting from the loss of homes to visitor accommodation is restored. This section outlines these directions and provides subsequent actions that are further applied through the remainder of this Strategy, including in further detail within the ‘Implementation and Delivery Plan’ at Appendix A.

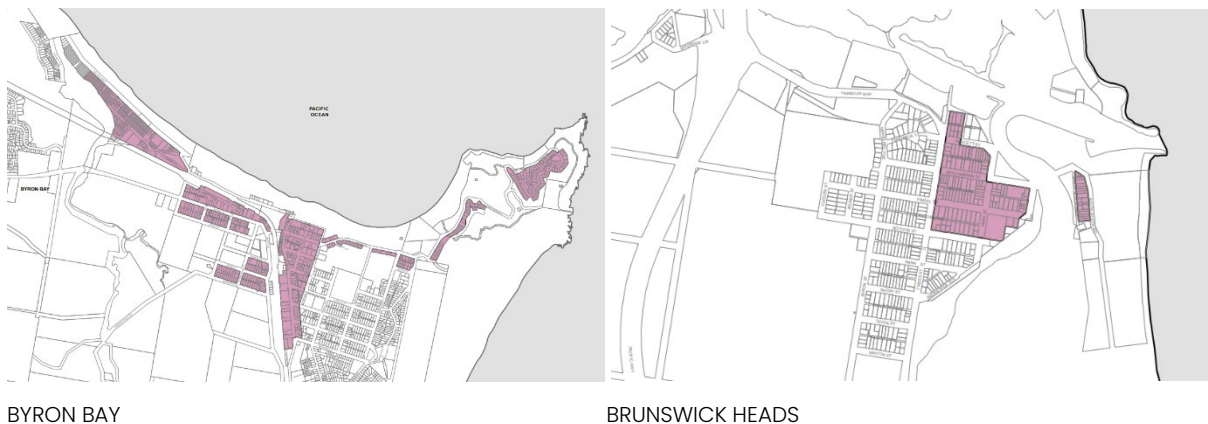
## Direction 4.1

### Make dwellings homes again

People who permanently occupy housing contribute to a sense of community through their daily activities. However, an area that largely accommodates tourists will have a different feel and social character. When homes are used for STRA they can not only force out local residents, but also the visitor economy workers needed to support that industry.

As the number of 'non-hosted' STRA properties has increased, impacts on residential neighbourhoods have become more pronounced. However, as established by the Independent Planning Commission (IPC)<sup>24</sup>, there is great variability in the available STRA data. It identifies that the Department of Planning, Housing and Infrastructure STRA Register showed around 1,300 non-hosted STRA properties in the Byron Shire and 660 in the suburb of Byron Bay in January 2023. The AHURI Report<sup>25</sup> prepared for the IPC, suggests around 1,300 properties within the Byron Bay SA2 area alone (which includes the Byron Bay township, Suffolk Park and part of Broken Head).

Following many years of Council seeking localised land use planning responses to address this loss, the State Government endorsed changes to the rules for non-hosted STRA in September 2023. The changes mean that houses and units cannot be used for 'non-hosted' STRA for more than 60 days in any year except for some 'mapped' areas in Byron Bay and Brunswick Heads (as shown below), where they can operate year-round.



**Figure 10:** Uncapped, year round 'non-hosted' STRA locations

The changes also include a 12-month transition period for the community and industry to prepare, meaning that new caps on the number of days that non-hosted STRA can be

<sup>24</sup> Independent Planning Commission NSW - STRA Byron Shire Short-Term Rental Accommodation Planning Proposal PP-2021-3351 Advice Report, April 2023

<sup>25</sup> Burke, T., Ralston, L., Stone, W. and Goodall, Z. (2023) Short term rental accommodation: new directions, new debates, report prepared by AHURI Professional Services for NSW Independent Planning Commission, Australian Housing and Urban Research Institute Limited, Melbourne.

used will take effect from 23 September 2024. These changes apply only to 'non-hosted' STRA and do not affect 'hosted' STRA, where the host lives on the premises.

The intended effect of the changes is that a number of 'non-hosted' STRA properties will return to long-term rental or will be sold, returning them to the market where they may be purchased and used as permanent residential homes.

In addition to non-hosted STRA changes, Council will also be seeking to continue to enforce development consent conditions for secondary dwellings that were approved under the (then) *State Environmental Planning Policy (Affordable Rental Housing) 2009*. These conditions are intended to ensure that these dwellings, which were approved with financial incentives, provide a home for permanent residents as intended by those approvals.

Consistent with IPC recommendations, Council will also establish and apply standardised conditions to ensure that future approved dwellings are not able to be used for STRA purposes.

**Action 16** Continue to progress the implementation of statutory or other policy changes to facilitate the return of STRA properties to permanent homes.

## Direction 4.2

Implement and enforce changes to STRA regulation, whilst supporting the broader tourist accommodation sector

With the implementation of changes to 'non-hosted' STRA from September 2024, it will be important that

- there is ongoing enforcement of the new regulations to avoid the misuse of STRA properties that are not located within the mapped areas, and
- the broader accommodation sector has sufficient capacity to meet future needs.

These directions intend to provide improved regulation of the tourist accommodation industry, recognising its importance to the Byron Shire economy whilst protecting community amenity.

From an enforcement perspective, Council will use the State Government STRA register to monitor the use of premises for STRA purposes, including:

- reporting unregistered STRA premises,
- the use of STRA premises beyond the allowable caps (i.e. more than 60 days per year for the majority of the Byron Shire), and
- enforcement of STRA Fire Safety Standards, including smoke alarms, emergency evacuation information and fire extinguishers.

Like any premises, ongoing neighbourhood noise complaints and the enforcement of conditions will also be enforced by Council, or where necessary, referred to NSW Police.

From a broader tourist accommodation perspective, Council will continue to work with the visitor economy industry to ensure effective accommodation options remain available to meet future needs. Options may also be explored to investigate future accommodation needs once the impacts of STRA changes are more accurately understood.

In the meantime, Council will continue to support and work towards acceptable opportunities to recoup funds from STRA operators for the impacts of visitors that utilise residential rather than commercial properties. This is supported by the IPC findings, highlighting that infrastructure, amenity and service impacts need to be adequately accounted for.

**Action 17** Develop an enforcement process to ensure that STRA properties are operating within the bounds the legislation.

**Action 18** Support IPC recommendations to establish a revenue source to support Council in funding responses to amenity, infrastructure, and service impacts from STRA on the local community and for the delivery of community benefits.

### 3.3 Mechanisms for delivery

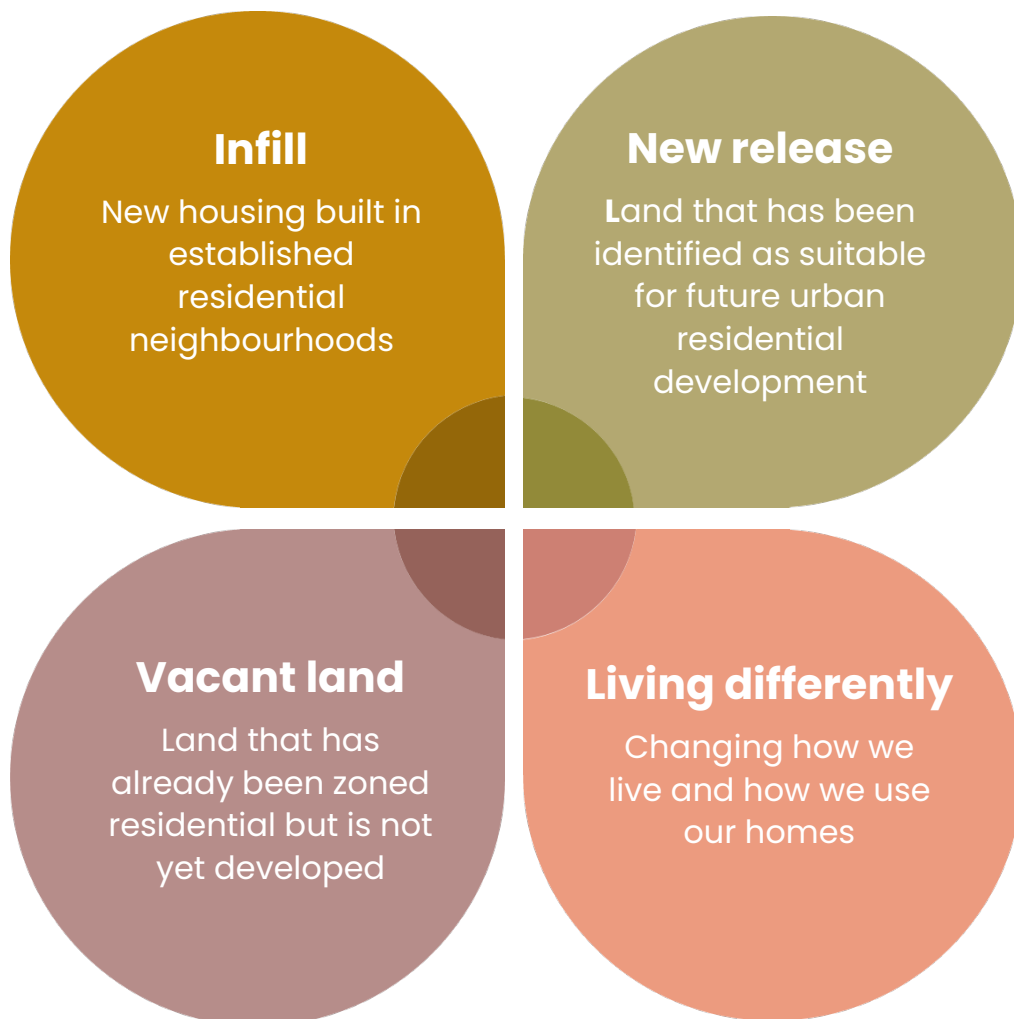
This section establishes the ways that new homes are proposed to be delivered within the Byron Shire. While natural disasters and the Covid-19 pandemic have resulted in significant changes to housing needs in recent years, it remains evident that a suite of mechanisms is required to help meet future housing requirements.

Council has identified the opportunities available to deliver housing in four key ways:

1. Infill
2. New release
3. Vacant land
4. Living differently

It is important to note that each opportunity is not mutually exclusive and makes up a suite of approaches needed to provide homes for the Byron Shire community.

This section provides a brief outline of the options that have been considered in developing this Strategy, as well as a high-level direction for each housing delivery mechanism. These directions are then further explored on a locality basis in Section 3.4.





## Infill development

Infill sites are under-utilised or vacant land (small individual lots) in urban areas with a zone that allows for residential development. Generally, infill sites offer an opportunity to create more homes in areas where there is an existing community, services and facilities.

The options below explore the ways that infill development opportunities could provide more homes for the people of Byron Shire.

### Infill options considered

Two main options were investigated in the *Housing Options Paper* (2023) for infill housing, being:

1. Maintain the 'status quo' for planning controls within existing residential zones, meaning that growth will be more gradual within these areas, and
2. Adjusting planning controls, particularly minimum lot size and conversion of rural-residential land to urban zones, to create greater intensity of development and to encourage redevelopment that establishes more homes within existing areas.

Recognising that the Regional Plan 2041 requires new infill development to be prioritised to assist in meeting the region's overall target of 40% multi-dwelling / small lot housing, retaining the 'status quo' (option 1) is not sufficient to meet the Byron Shire's medium to long-term housing needs. Adjusting planning controls to encourage and facilitate intensification (option 2) is therefore required.

In response to community feedback on the Housing Options Paper, this option has however been adjusted to further consider flood constraints (and which will continue to be further considered as new and/or additional flood information becomes available in the future). The consequence of this change is that some areas of Mullumbimby, Brunswick Heads, Byron Bay, Suffolk Park, Ocean Shores, South Golden Beach and New Brighton have been identified as being unsuitable for infill development at higher densities.

### **Infill direction**

Increasing the diversity of homes in existing residential zones is proposed to be achieved by amending Council's LEP and DCP to generally allow for increased density in the R2 Low Density Residential and R3 Medium Density Residential zones (excluding those areas where intensification is not considered to be safe, serviceable, or compatible with local character).

For example, the minimum lot size for all low rise medium density housing may decrease from 800m<sup>2</sup> to 600m<sup>2</sup> in suitable locations. This generally aligns with *SEPP (Exempt & Complying Development Codes) 2008* with the exception of dual occupancy, which has a lower standard being 400m<sup>2</sup>. These changes will be accompanied by new guidelines for different housing types to suit smaller sites and households, with a key focus on meeting key character requirements.

This will contribute around 1,739 new homes of diverse housing types over the next 20 years. These changes would also be accompanied by new guidelines for the design, layout and appearance of higher buildings and/or subdivisions, ensuring that they respond to existing character and setting.

Alongside the application of broad-scale infill through lot size reduction, there will be ongoing examination of other identified infill investigation opportunities. These are currently at early stages of planning and would not be proposed until more detailed investigations are completed, meaning that these are medium to longer-term initiatives. These include:

- Changes in the Byron Bay area to increase density and dwelling yield given its CBD location and opportunities for housing near the Shire's main employment centre, and
- Reviewing rural residential areas on the periphery of Mullumbimby to increase the density of dwellings given the area's accessibility to the Mullumbimby town centre. It is estimated that urban conversion of some rural residential areas (Zone R5 Large Lot Residential) may contribute up to 228 new homes over the next 20 years.



## New release

Land that has been identified as suitable for future urban residential development

## New release areas

New release areas comprise land that has been identified for detailed investigation for rezoning from a non-residential zone to enable homes to be developed on the land. They are sometimes referred to as 'greenfield' areas and generally require services and facilities to be provided to support new housing and their subsequent communities.

New release areas assist in creating a sustainable long-term supply of suitable residential lands in conjunction with ongoing infill opportunities. Whilst new release areas have been reviewed at a broad level for consistency with the residential land suitability principles discussed in Policy 1, it is recognised that not all of this land will be suitable for development. Further detailed assessment of each site will be required through the planning proposal process by respective land owners following the adoption of this Strategy.

### New release area options considered

Four main options, some inter-related, were investigated in the *Housing Options Paper* (2023) for consideration as new release opportunities, being:

1. Identifying land for traditional urban release, where the land is rezoned from a rural zone to the R2 Low Density Residential zone with detached homes being the predominant housing product (this option excludes areas identified as significant farmland).
2. In addition to the land identified above, include additional land mapped as significant farmland but which otherwise meets suitability criteria, as well as those sites identified by the State Government's draft Northern Rivers Resilient Land Strategy.
3. Utilising the above-identified lands but enabling development at a greater density by rezoning (at least in part) to the R1 General Residential or R3 Medium Density Residential zone.
4. Again, utilising the above-identified lands, but requiring that these support a variety of new urban form models, such as eco-villages.

Options 2, 3 and 4 are all supported by this Residential Strategy. Option 1 was not supported as it does not provide the range of targeted increases in housing choice and density that is needed (see further details in the direction box overleaf), and as further discussed in respective locations in Section 3.4.

### **New release area direction**

Traditional forms of subdivision are not supported to avoid sprawl and inefficient use of infrastructure. Instead, the Strategy supports a range of more targeted increases in density across these areas, which is further discussed in respective locations in Section 3.4.

This will include a range of zones being used, and for special requirements for master planning and design guidance being applied in many of these locations. The same guidelines for different housing types that will be developed for infill will also apply here to ensure future character requirements are being met.

This will contribute between 1,161 and 1,742 homes in new release investigation areas over the next 20 years, excluding the sites identified in the Draft Northern Rivers Resilient Lands Strategy (which will deliver an additional 870 to 1300 in the 'short-term'). This will include further investigations into new urban form models such as eco-villages and opportunities for how new areas can be developed at a greater density.

These areas are also expected to contribute to affordable housing provision through the Affordable Housing Contribution Scheme.

## Vacant land

Land that has already been zoned residential but is not yet developed

## Vacant land development

Vacant land includes residential zoned land that has not yet been physically subdivided and developed for residential purposes – i.e. larger lots that can provide for more substantial dwelling numbers, not just one-off dwellings.

It also includes sites that have development approvals in place for new housing, but construction has not yet commenced.

### Vacant land options considered

Two options were investigated in the *Housing Options Paper (2023)* for vacant land development, being:

1. Developing sites in accordance with existing approvals or within existing planning controls, including for example, the West Byron development, and
2. Reviewing these areas to identify opportunities for greater density, including new urban form models.

Option 2 is supported by this Residential Strategy as outlined below. In many instances, these lands would be accompanied by new master plans and guidelines for future subdivisions and homes to be built.

### Vacant land direction

Whilst existing development consents may still be enacted, such as the substantial housing anticipated by the West Byron development (around 850 dwellings), there are opportunities to create improved urban outcomes from existing vacant land. These can also increase density and avoid inefficient use of infrastructure. The Strategy supports targeted opportunities to review specific controls in some instances, whilst recognising the delivery of other existing approvals.

This direction would amend the LEP and DCP to provide:

- the most appropriate residential zone for the vacant land,
- development standards that create a higher yield of homes and efficient use of services in selected locations, and
- new guidelines for different types of housing to suit smaller household types and the character and setting of the area.

This will contribute around 1,388 homes based on current approvals and existing policy settings or through targeted opportunities for greater density as outlined in Section 3.4. It would also increase opportunities to apply the Affordable Housing Contribution Scheme in some locations.

## Living differently

Changing how we live and how we use our homes

## Living differently

Living differently includes changes to how we live, use and design our homes to respond to housing options and pressures in the Byron Shire. The reality is that many homes are underutilised due to being larger than needed or not being adaptable enough to change through the lifecycle of people's needs.

Living differently is applicable to all forms of existing and future housing. It could include a range of educational and

incentivised opportunities to drive more effective design outcomes around multi-generational living, dual key homes, shared dwellings and work/live arrangements.

### Living differently options considered

Two options were investigated in the *Housing Options Paper (2023)* for consideration of applying the concept of living differently. These are:

1. Incentivising the efficient use of land and existing homes through the amendment of planning policies to support those seeking to live differently, and
2. Providing for greater awareness and education about home design and use that can better match community needs and empower home owners to pursue these types of opportunities at the local scale.

In both instances, living differently assists with a wide range of housing issues and opportunities, including improved affordability, access and efficiency and are broadly supported by this Residential Strategy. It also means that the extent of redevelopment can be minimised, avoiding potential conflicts with neighbourhood character whilst allowing homeowners to age in place whilst downsizing, remaining connected to their communities and those around them.

### Living differently direction

Opportunities to localise housing opportunities within communities will continue to be pursued by Council. This will include a range of initiatives from potential alternative housing models through to localised case studies and advisory information that seek to assist people to think more broadly about their housing options.

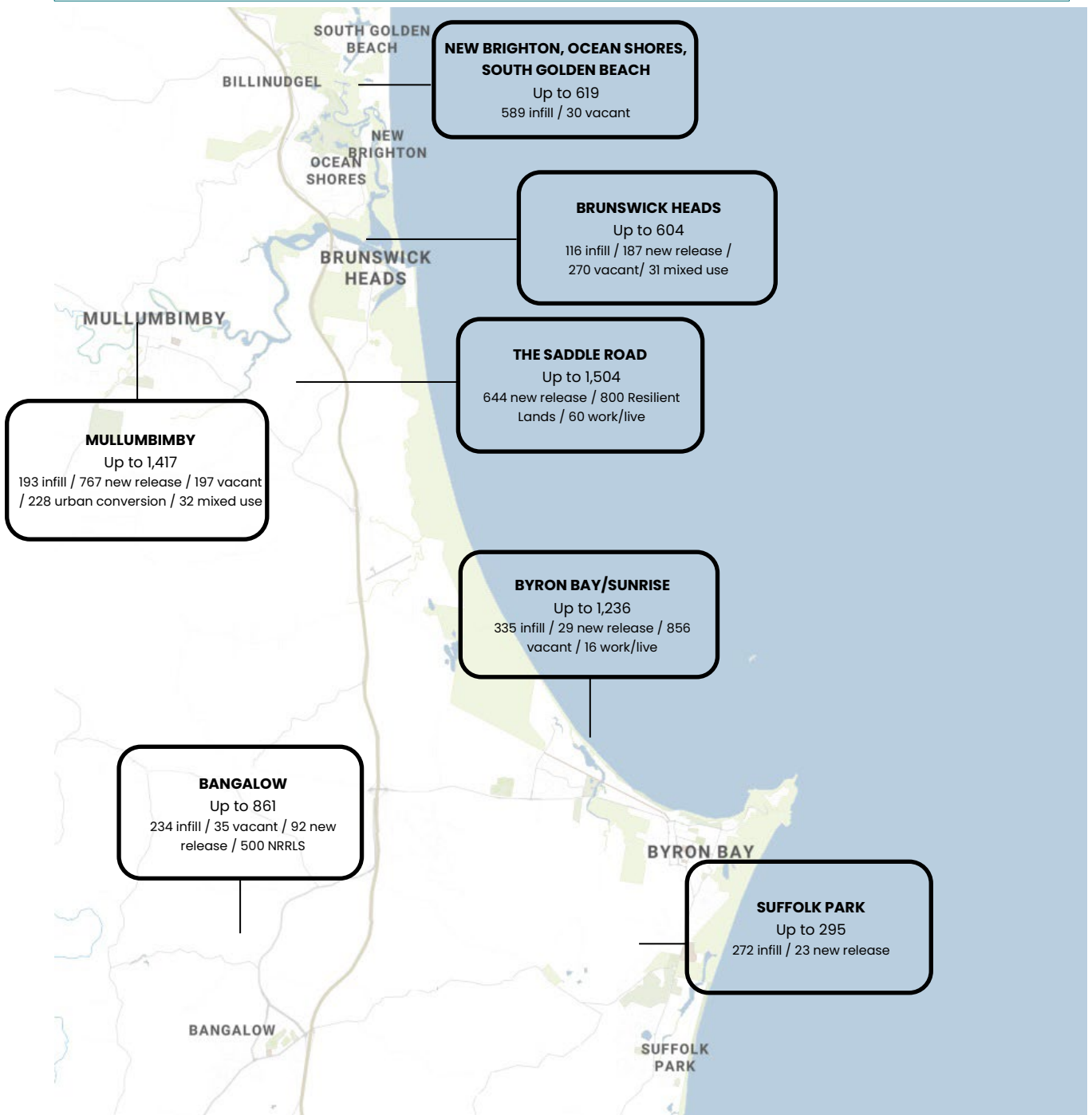
This also applies to opportunities around adaptable and liveable housing, which can provide a framework for future planning controls or other incentivised programs.

The extent of change from living differently is difficult to monitor or measure, but has the potential to subtly change the way that housing is used with often minimal impact or disruption to the broader community. Given these difficulties, no additional housing figures have been apportioned from this direction.

### 3.4 Applying directions by locality

This section provides for a locality-based review of how the proposed directions will be applied. The opportunities to deliver housing are supported and further informed by the locality-based maps in each locality discussion. At a broad level, the following housing outcomes have been identified for each of the existing and emerging urban planning area.

**Figure 11:** Summary of locality based housing delivery (based on Table 3 high-yield scenario)



**Table 3:** Locality based summary of existing dwellings and estimated housing delivery

Urban Locality	Existing Dwellings 2021 Census (A)	Approved New Dwellings (B)	Potential Infill (2)	Zoned Residential Vacant (3)	Vacant Land with Subdivision Approval (4)	Investigation Areas (5)		Work/Live & Mixed Use (6)	Potential R5 Urban Conversion (7)		Draft NRRLS Sites (8)		Total Estimated New Dwellings (C)		Existing Dwellings & Estimated New Dwellings (A+B+C)	
						Low	High		Low	High	Low	High	Low	High	Low	High
Mullumbimby	1822	127	193	58	139	Low	540	32	Low	76		Low	1038	Low	2987	
						Med	649		Med	152		Med	1223	Med	3172	
						High	767		High	228		High	1417	High	3366	
Bangalow	1080	81	234	30	5	Low	56				Low	340	Low	665	Low	1826
						Med	73				Med	420	Med	762	Med	1923
						High	92				High	500	High	861	High	2022
Brunswick Heads	1124	86	116		270	Low	138	31				Low	555	Low	2751	
						Med	162					Med	579			
						High	187					High	604			
Saddle Rd Precinct	1124	86				Low	396	60				Low	530	Med	3034	
						Med	520					Med	665			
						High	644					High	800	High	1504	High
Byron Bay / Sunrise	3782	68	335		856	Low	18	16				Low	1225	Low	5075	
						Med	24					Med	1231	Med	5081	
						High	29					High	1236	High	5086	
Suffolk Park	2007	36	272			Low	13					Low	285	Low	2328	
						Med	18					Med	290	Med	2333	
						High	23					High	295	High	2338	
Ocean Shores / New Brighton / South Golden Beach	3200	106	589		30							619		3925		
SHIRE TOTAL	13015	504	1739	88	1300	Low	1161	139	Low	76	Low	870	Low	5373	Low	18892
						Med	1446		Med	152	Med	1085	Med	5949	Med	19468
						High	1742		High	228	High	1300	High	6536	High	20055

**Table 3 Footnotes:**

1. Dwellings approved from 2021 Census to March 2024.
2. Infill dwelling estimates modelled using density provisions described in Part 3 - Policy 2.
3. Dwelling estimate based on the 'Investigation Area' low yield density assumption described below.
4. Dwelling estimate based on the average vacant lot yield (2021 Census to March 2024) of approx. 1.5 dwellings per lot.
5. Assumes minimum 20% dedication of developable area to roads and open space. Dwelling yield scenarios described below.
6. Dwelling estimate based on preliminary planning undertaken for each site.
7. Dwelling yield scenarios described below.
8. Dwelling estimates based on Draft Northern Rivers Resilient Lands Strategy.

NOTE: The application of Council's Affordable Housing Policy and Affordable Housing Contributions Scheme 2 is not reflected in the above figures.

**Investigation Area Dwelling Yield Assumptions**

Site estimates include minimum 20% allocation of developable area to roads and open space.

Low 16 Dwellings / ha  
Med 21 Dwellings / ha  
High 26 Dwellings / ha

**Potential R5 Urban Conversion Yield Assumptions**

Assumed 50% take-up rate @:

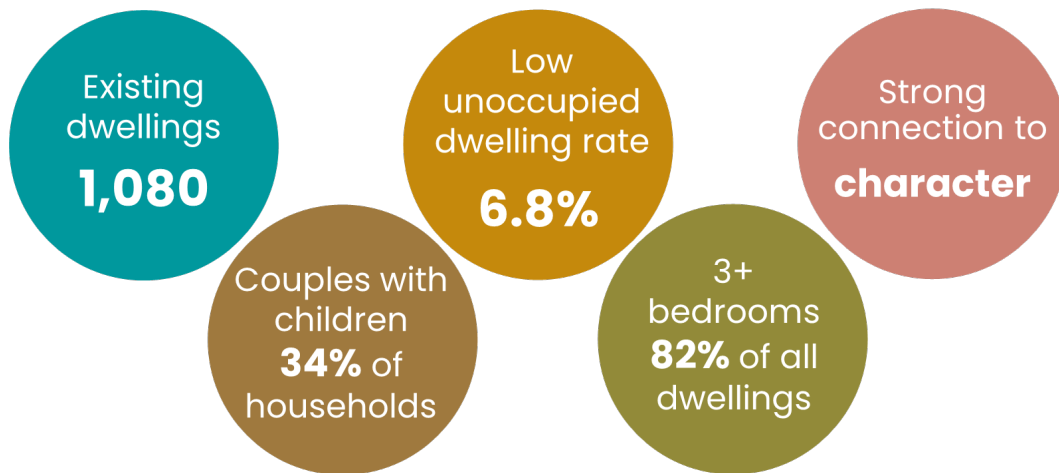
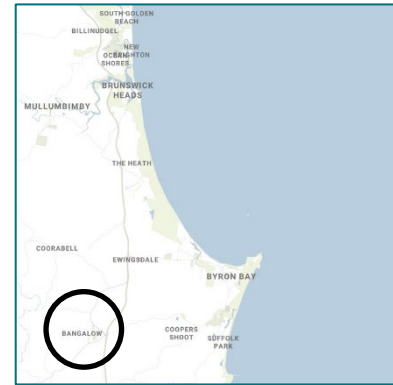
Low 2 Dwellings / lot  
Med 4 Dwellings / lot  
High 6 Dwellings / lot

## Bangalow Planning Area

Bangalow is a popular location for families with children, well above Byron Shire average of 22%. This matches the strong dominance of detached dwellings, with more than 80% of existing dwellings having 3 or more bedrooms.

The number of occupied dwellings is particularly high compared to other Byron areas, with the number of unoccupied dwellings decreasing by almost 20 dwellings over the 2016 to 2021 period. This has helped to grow the overall number of households living in the area over the past five years, which increased by around 230 between 2016 to 2021. ABS statistics also highlight that the Bangalow area is relatively well-off in terms of its level of advantage, having a comparatively good level of access to services locally.

Engagement undertaken in preparing the Residential Strategy has highlighted the high importance of village character and ensuring suitable infrastructure is available for future growth. There is also a strong desire for people to remain in the village as they age, with opportunities to use large homes in more efficient ways (i.e. 'living differently') being an attractive option.



### Future directions

To continue to meet the relatively high proportion of families in the area, as well as catering for the more modest increases in smaller households, a mix of infill, new release and existing zoned land development is proposed.

The mix of mechanisms to deliver this housing is identified in Table 4 and locationally shown in Map 1 overleaf.

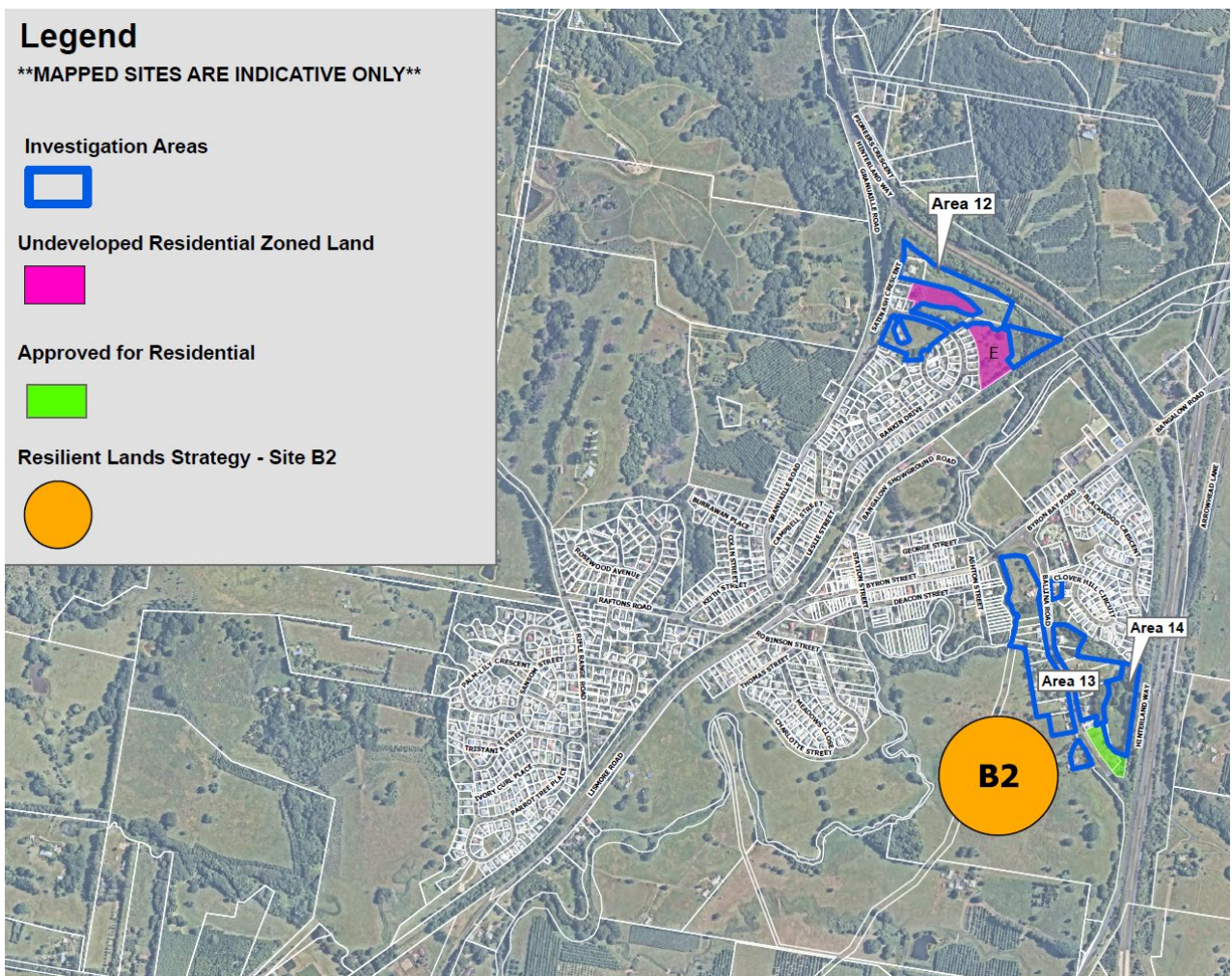


**Table 4:** Bangalow Planning Area – Future housing by type

Infill <sup>1</sup>	New Release	Resilient Lands <sup>2</sup>	Vacant/ Approved	Other
234	56-92	340-500	35	n/a

Notes: 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.  
 2. Refers to B2 site below only.

**Map 1:** Bangalow Planning Area extract – Future housing by location



NOTE: Full mapping details provided in Appendix B

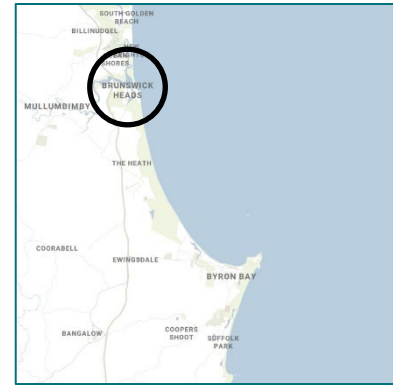
Key to the successful delivery of these homes will be incorporating key initiatives to address concerns regarding the potential loss of character and ensuring that suitable infrastructure is available to meet future needs. Actions proposed to address these issues include:

- Comprehensive infrastructure review to be based on the projected resident population to 2041 as outlined by the Strategy, and
- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

The outcomes of the Bangalow flood study will also be incorporated into detailed site planning as such information becomes available.

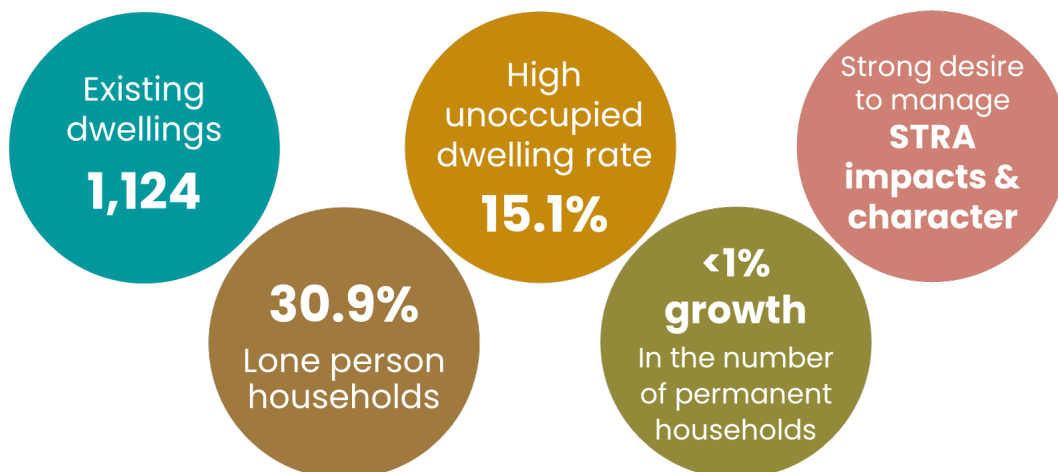
# Brunswick Heads Planning Area

Brunswick Heads is a popular location for smaller households, with a substantial proportion of lone person households, as well as couples without children – combined at more than 60% of household types (excluding visitor-only or unclassifiable households). This matches the relatively high number of smaller dwelling types, with around 45% of dwellings having two or fewer bedrooms – well above the Shire wide average.



The number of unoccupied dwellings is also high, at more than 15% of all dwellings. This number has grown by almost 50 dwellings between 2016 and 2021, approximately the same as the total amount of dwelling growth. This means that the number of dwellings permanently occupied has remained relatively static, despite the usual resident population increasing by almost 170 people between 2016 and 2021 (i.e. more people per household).

Engagement undertaken in preparing the Residential Strategy has highlighted the high importance of village character and ensuring suitable infrastructure is available for future population growth – including the proposed development of new developable areas in the Saddle Road precinct (which is now identified in a separate precinct discussion later in this section). There is also a strong desire for holiday lettings to be carefully managed, given the 365-day STRA precinct identified for the town centre. Whilst STRA restrictions in the remaining urban area have generally been welcomed within the community, protecting the character of the town centre from redevelopment for these purposes is a concern for some.



## Future directions

With a highly constrained urban boundary due to surrounding natural areas, there is an important balance to be struck between future housing options for the Brunswick Heads area. As a popular tourism destination with a strong beachside village character, the area will continue to be attractive for many people to live in and visit. With this demand comes

pressure for new housing to assist in meeting housing needs, alleviate high housing costs, and provide for workers and long-term residents.

To ensure that future growth is able to be met with appropriate essential services, Council has prepared water, sewer and road network assessments. These found:

- existing water and sewer infrastructure is available to service the proposed infill and new developable areas without the need to undertake any major pipeline or network augmentations, and
- that given a majority of the proposed Infill residential development sites are on the northern side of Brunswick Heads and within the existing road network, they require minimal augmentation to mitigate development impacts.

These studies also investigated the new developable areas associated with the Saddle Road precinct (which are considered later in this section), finding that there is potential for impacts on Brunswick Heads (and particularly Tweed Street) that will require further detailed investigation associated with that proposal.

What remains essential is that smaller and more innovative dwelling types continue to be explored alongside the relatively small areas of potential new release development. With a relatively high proportion of lone and smaller households, ensuring efficient use of land to make housing as affordable as possible is particularly important. This means that a mix of infill, new release, and existing zoned land development is proposed, albeit in relatively low numbers.

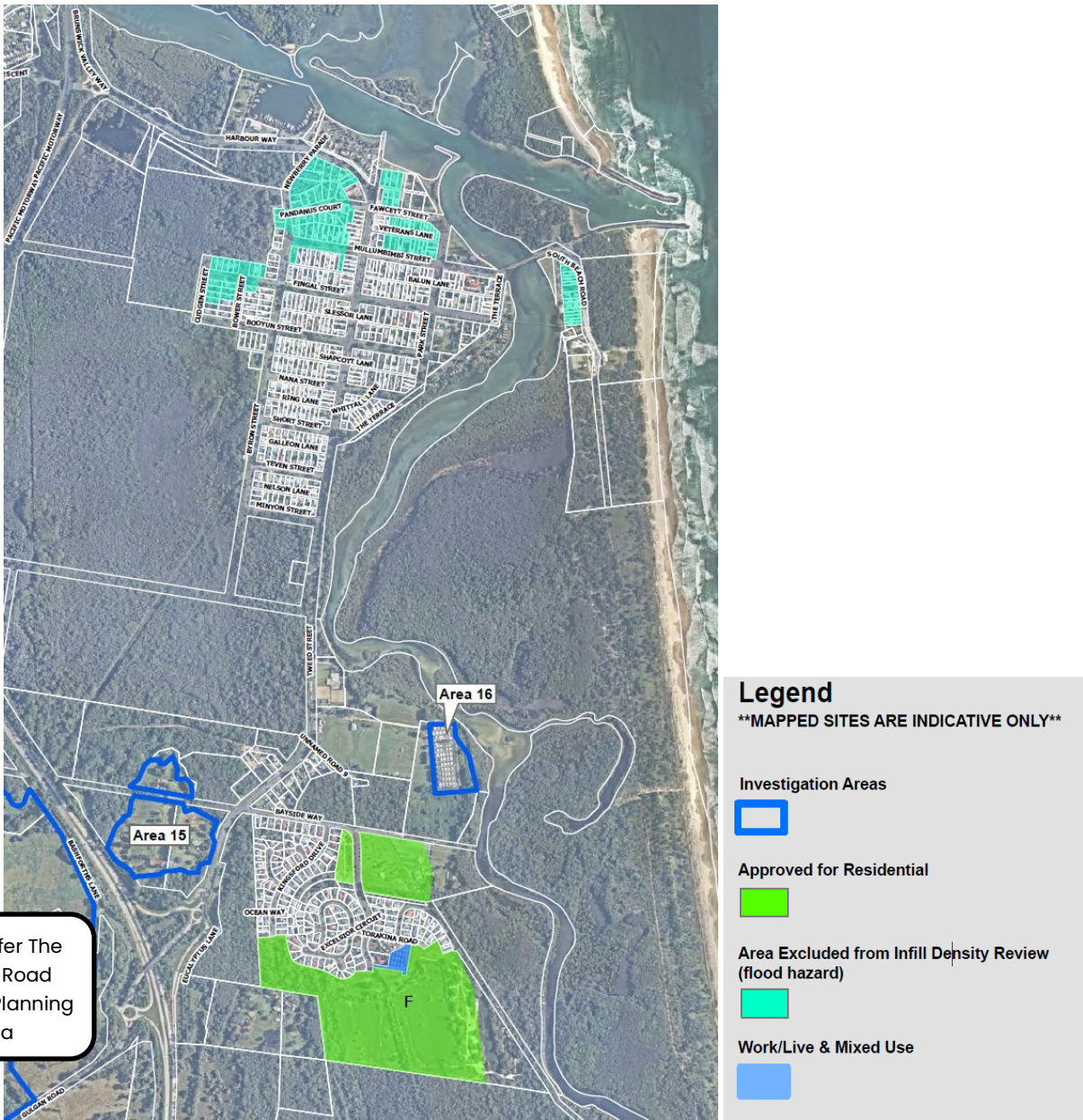
The mix of mechanisms to deliver this housing is identified in Table 5, and locationally shown in Map 2 overleaf.

**Table 5:** Brunswick Heads Planning Area - Future housing by type

Infill <sup>1</sup>	New Release	Resilient Lands	Approved	Other
116	138-187	n/a	270	31 Mixed Use

Note 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.

**Map 2:** Brunswick Heads Planning Area extract – Future housing by location



NOTE: Full mapping details provided in Appendix B

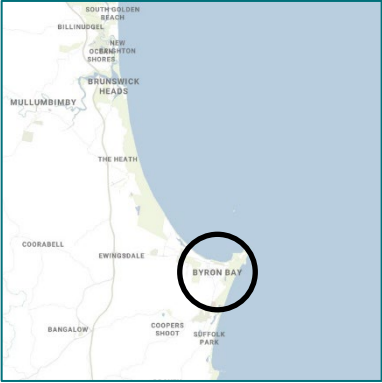
Key to the successful delivery of these homes will be incorporating key initiatives to address concerns regarding the infrastructure provision and character of the village. Actions proposed to address these issues include:

- Comprehensive infrastructure review, including social infrastructure to be based on the projected resident population to 2041 as outlined by the Strategy, as well as visitor impacts noting year-round STRA precinct within the town centre, and
- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

This area will also be subject to ongoing monitoring and review with respect to the implementation of changes to STRA regulation.

# Byron Bay/Sunrise Planning Area

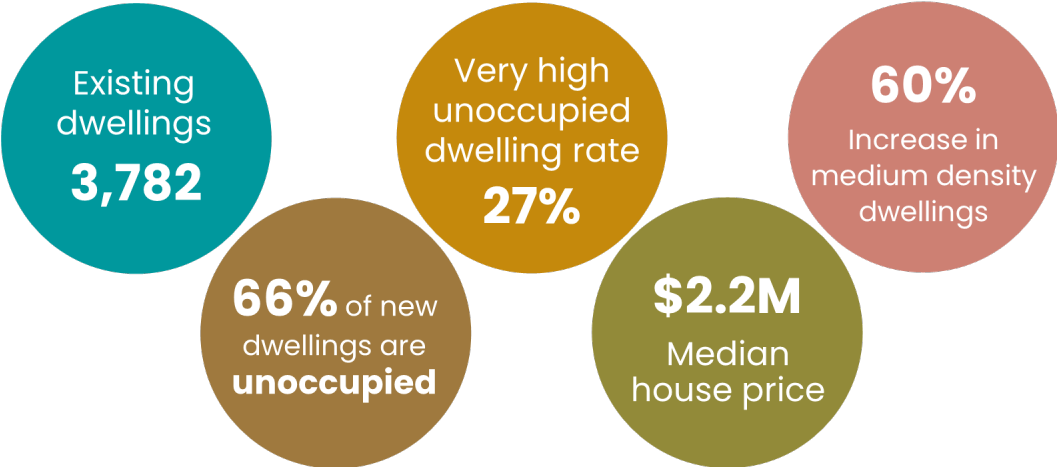
As a leading national and international visitor destination, the overwhelming characteristic that differentiates Byron Bay from other localities is its high level of holiday homes and STRA properties. This means the 27% unoccupied dwelling rate is well above other Shire localities and three times the Regional NSW average. In fact, between the 2016 and 2021 census periods, the equivalent of 66% of all new dwellings, or almost 400 in total, are unoccupied.



The constrained urban area has already seen substantial infill occurring, with almost 80% of all dwellings added between 2016 and 2021 being categorised as medium or high density (around 600 dwellings in total). This corresponds with a trend towards smaller households living in smaller homes, with couples without children and lone-person households moving into typically one and two-bedroom dwellings.

This trend is also likely to reflect the high property values across the area. The median house and unit price more than doubled over the Covid-19 period before some reduction in more recent times. The median house and unit prices, at \$2.2 million and \$1.2 million respectively<sup>26</sup>, are around 50% more than any other locality in the Shire.

Engagement undertaken in preparing the Residential Strategy has highlighted that further opportunities may be available to increase the density of the town centre. This includes creating consistency in height (increasing 9m areas to match the existing 11.5m in some areas), as well as making more allowances for mixed-use opportunities, including other forms of residential accommodation. The importance of worker accommodation opportunities was also highlighted by many, with the desire for greater density and housing opportunities being linked to this form of use.



<sup>26</sup> Median price November 2022 to October 2023 - via <https://www.realestate.com.au/nsw/byron-bay-2481/> - accessed 1 December 2023

**Future directions**

With a highly constrained urban boundary due to surrounding natural areas, combined with the pressures of being a tourism hot-spot, it is important to balance housing opportunities for a range of people, including permanent residents and workers. Creating opportunities that have a focus on access to the town centre is a key direction for this area, minimising the need for private transportation and building on the vibrant lifestyles that many enjoy.

Council is currently preparing updated Development Servicing Plans (DSPs) for water and sewer supply. These will continue to ensure that future development can be adequately serviced whilst maximising the efficiency of supplying such services (including the costs thereof). In particular, the DSPs will be used to assist in determining the extent of future infill capacity, including any additional increases in height and density over the medium to long term.

Future housing needs will also be informed by the outcomes of STRA changes, which will see many properties in the area being potentially impacted. The Byron Bay 365 day precinct area excludes much of the surrounding urban homes to the east of Middleton Street, meaning that housing demand may be moderated by the return of some properties to permanent rental or the general housing market.

It remains essential that smaller and more innovative dwelling types continue to be explored within the town centre whilst recognising that the court-approved West Byron development will also deliver a range of housing across its extensive site along Ewingsdale Road.

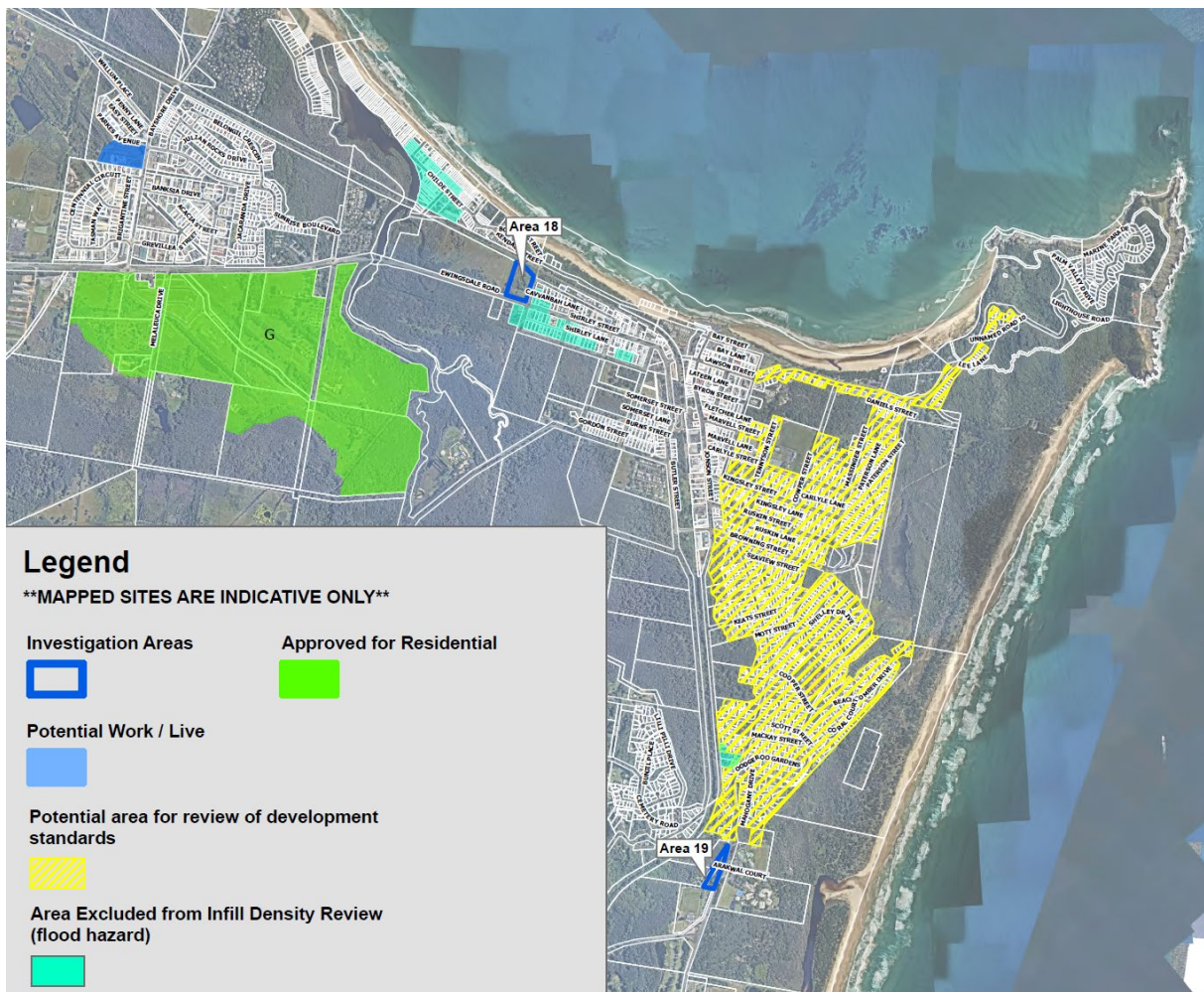
The mix of mechanisms to deliver this housing is identified in Table 6, and locationally shown in Map 3 overleaf.

**Table 6:** Byron Bay/Sunrise Planning Area - Future housing by type

Infill <sup>1</sup>	New Release	Resilient Lands	Approved	Other
335	18-29	n/a	856 West Byron	16 Council owned Work/live site in Bayshore Drive

Note 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.

**Map 3:** Byron Bay Planning Area extract – Future housing by location



NOTE: Full mapping details provided in Appendix B

In addition to the above, Council will also investigate the amendment of the LEP and DCP in the Byron Bay town centre (hatched above) by:

- Revising development standards (including height, floor space ratio and lot sizes) in the R2 Low Density and R3 Medium Density Residential zones to support greater variety of housing types / design options and number of homes to be developed on each site, and
- Expanding the R3 Medium Density Residential zone in Byron Bay Town Centre.

These changes respond to the observations in the IPC report that:

*A key limitation to any future increased approval of medium and higher density typologies in the Byron Shire is its existing permissible building height controls. Across most of the Byron Shire a maximum building height of 9 metres (i.e. 1-2 storeys) applies, with a height of 11.5 metres (i.e. 3-4 storeys) allowed within the area roughly corresponding to the Byron Bay central business district.*

Key to the successful delivery of the homes envisaged by this Strategy will be incorporating key initiatives to address concerns regarding the infrastructure provision, preserving



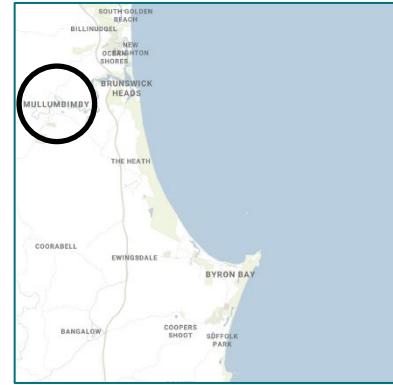
character and balancing tourism impacts. Actions proposed to address these issues include:

- Ongoing development of Council's DSP to ensure essential service delivery can continue to be achieved,
- Social infrastructure review to be based on the projected resident population to 2041 as outlined by the Strategy, as well as visitor impacts noting year-round STRA precinct within the town centre, and
- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

This area will also be subject to ongoing monitoring and review with respect to the implementation of changes to STRA regulation.

# Mullumbimby Planning Area

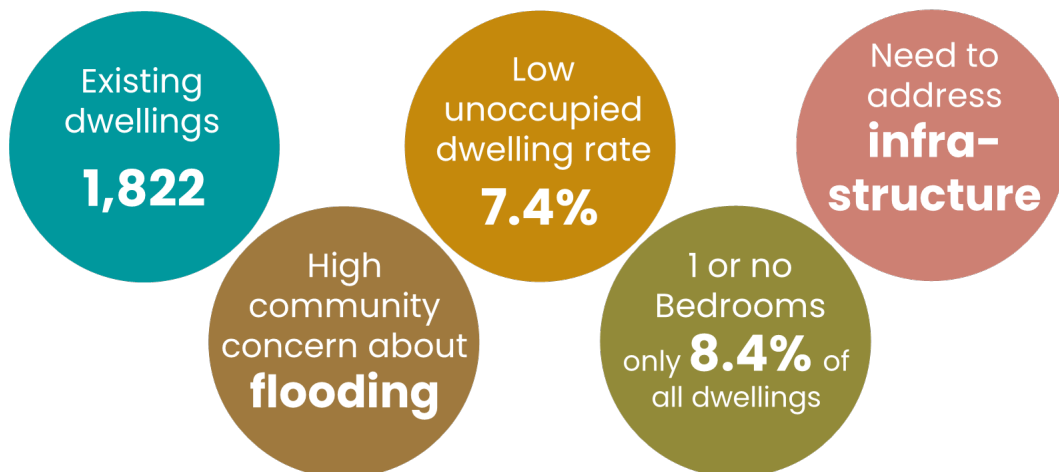
During the 2021 census, Mullumbimby had a particularly high proportion of detached homes, being more than 88% of all dwellings. Whilst the household structure is relatively typical of the broader Byron Shire, it does have a higher than average number of single-parent and lone-person households. However, the number of bedrooms is still relatively high, with a lower than average number of dwellings with one or no bedrooms compared to the Shire more broadly - albeit this proportion improved over the 2016 to 2021 period, likely associated with Council's secondary dwellings policy.



Dwelling occupancy is relatively high compared with the broader Shire, with 92.6% of dwellings occupied. 65.4% of households were in the lowest two quartiles of household income compared to the NSW average, highlighting that there are also many with lower incomes in the area. Consistent with this, the area ranks as having the highest level of disadvantage on the Index of Relative Socio-economic Disadvantage when compared to the rest of the planning areas with the Byron Shire.

Since the 2021 census period, Mullumbimby has been significantly impacted by the 2022 flood events, which has forced a change in the planning direction for the area. Since the floods, 40 emergency housing pods have been developed in the Station Street precinct, providing some housing relief in response to dwellings that were destroyed or are no longer habitable. 25 new homes have also been completed at 88 Station Street (in development prior to the flood events), and both these developments utilise more innovative housing models.

Engagement undertaken in developing this Residential Strategy has highlighted the importance of creating safe homes that avoid areas that were flood-affected. There is also concern that any future growth must be accommodated by suitable services and infrastructure, with extensive secondary dwelling development already placing increased pressure on the area.



**Future directions**

There is a delicate balance to be drawn for future housing options in the Mullumbimby area. As the main administrative centre for the LGA, and a place with high levels of housing demand (including high levels of lower-income households), there is a strong case for providing more housing generally. However, the extensive constraints mean that this must be carefully planned to ensure that residents are safe and that there are appropriate levels of infrastructure available.

With respect to essential services, Council has prepared a water and sewer network assessment that found existing water and sewer infrastructure can readily service the proposed development with some minor augmentation and connection works. However, it assumes that the overall Mullumbimby water supply capacity constraints will be resolved, an outcome that Council are currently pursuing. Detailed investigations will also be developed with any future planning proposal to ensure that all essential infrastructure is available to service new dwellings.

Flood mapping and associated implications for future development will also be further reviewed and any future development proposals will be required to meet the information that is current at the time. What is clear however, is that some of the previously identified investigation areas, as well as large areas previously thought to have infill potential, have been removed compared to the earlier 2020 version of this Strategy.

What remains essential is that smaller and more innovative dwelling types continue to be explored alongside town expansion. With a high proportion of lone and smaller households, together with high levels of disadvantage and lower incomes, ensuring efficient use of land to make housing as affordable as possible is particularly important. This means that a mix of infill, new release, and existing zoned land development is proposed.

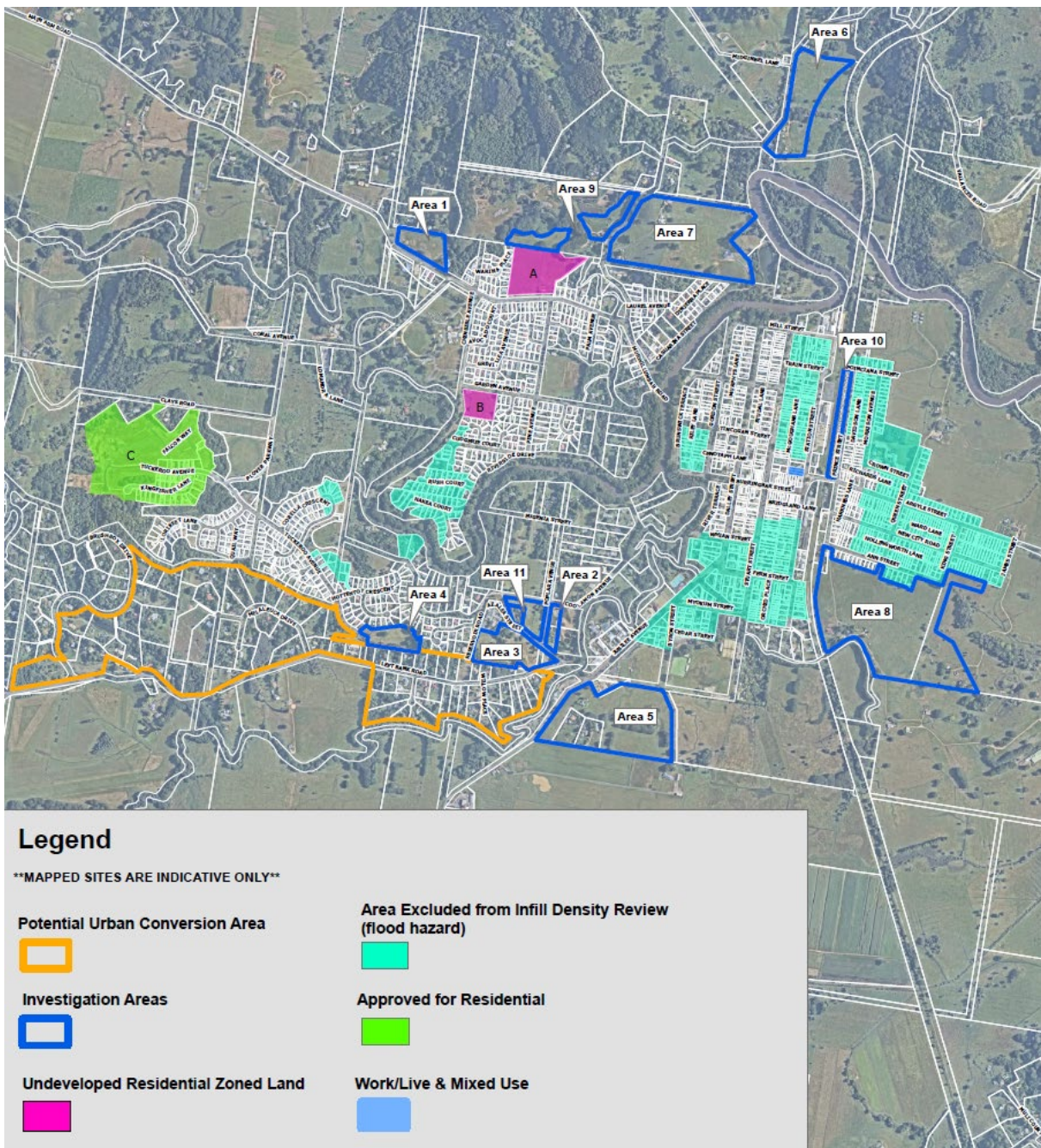
The mix of mechanisms to deliver this housing is identified in Table 7, and locationally shown in Map 4.

**Table 7:** Mullumbimby Planning Area - Future housing by type

Infill <sup>1</sup>	New Release	Resilient Lands	Approved	Other
193	540-767	n/a	197	76-228
				Urban conversion of rural residential lands
				32
				Council owned mixed use site at Station St

Note 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.

**Map 4:** Mullumbimby Planning Area extract – Future housing by location



NOTE: Full mapping details provided in Appendix B

Key to the successful delivery of these homes will be incorporating key initiatives to address concerns regarding the infrastructure provision and ensuring ongoing safety of the existing and future community. Actions proposed to address these issues include:

- Comprehensive infrastructure review, including social infrastructure to be based on the projected resident population to 2041 as outlined by the Strategy, and
- Ongoing updates to hazard mapping and associated controls to ensure that all development decisions are being made on the latest available information, and

- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

Some key development opportunities are also present in the area where Council has already invested in establishing innovative housing outcomes. These are included in the above calculations and mapping, and Council will continue to pursue such opportunities where it can leverage its land and/or assets to facilitate positive housing outcomes.

**150–300**

Homes to be created  
at Mullumbimby  
Hospital site

The *Mullumbimby Hospital Site Strategy and Urban Design Protocol* was endorsed by Council in December 2022, with an enquiry be design and community drop-in session in November 2023. Options proposed a vibrant mixed-use neighbourhood with a range of homes. An R1 General Residential zone is proposed to enable the diversity of residential and community uses, with an 11.5m building height being a first for Mullumbimby.

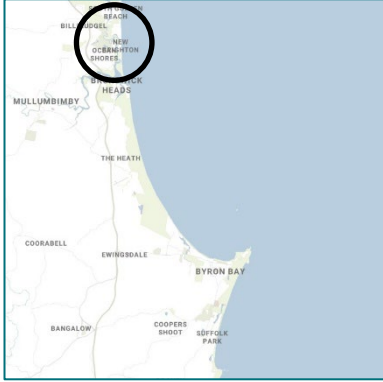
**32**

Homes to be created  
at the Station Street  
development in  
Mullumbimby

57 Station Street is a Council-owned car park site in central Mullumbimby. Freehold title on the site is being offered to a community housing provider on the basis that all homes will remain as affordable housing in perpetuity. Council will retain some housing to house key workers it employs.

# New Brighton Beach, Ocean Shores & South Golden Beach Planning Area

The New Brighton Beach, Ocean Shores and South Golden Beach suburbs have a more traditional low-density built form. From a demographic perspective, it generally represents the broader Shire, albeit having a lower proportion of young working-age people than the Shire average.

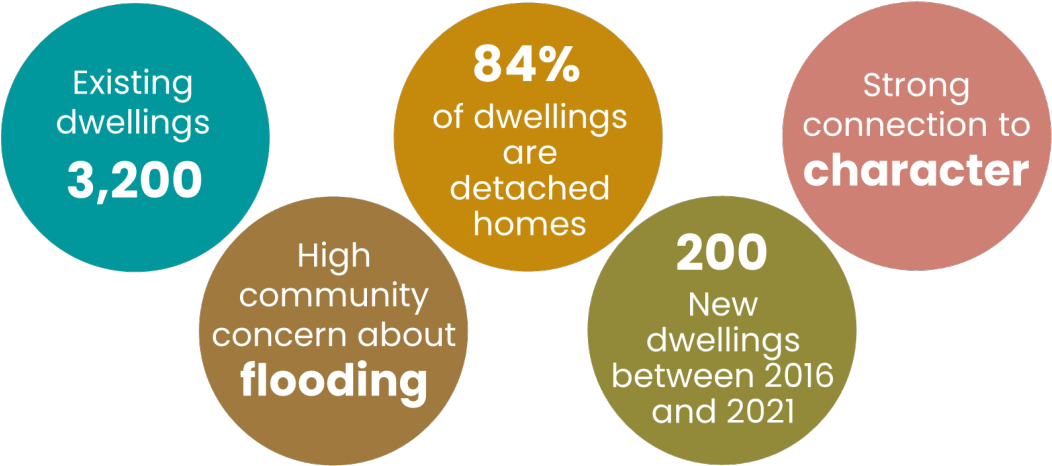


Medium-density development has been a more recent trend, representing around 70% of the new dwellings between 2016 and 2021. However, it is the three- and four-bedroom dwellings that continue to dominate the overall housing market.

The number of occupied dwellings is relatively high, reinforced by a reduction in unoccupied dwellings between the 2016 and 2021 census periods. This has helped to grow the overall number of households living in the area over the past five years, which increased by almost 200 over this time.

Since the 2021 census period, these suburbs have been significantly impacted by the 2022 flood events, which has forced a change in the planning direction for the area. Since the floods, emergency housing pods have been developed in Brunswick Heads and Mullumbimby, but several dwellings in this planning area were also destroyed or are no longer habitable, meaning that the overall level of housing availability is still at crisis point.

Engagement undertaken in developing this Residential Strategy has highlighted the importance of creating safe homes that avoid areas that were flood-affected during the 2022 events. There is also concern that any future growth must be considerate of the character of the area, and that the available services and infrastructure are sufficient to service both current and future residents.



**Future directions**

To continue to meet the relatively diverse range of people within the area, whilst recognising the low-density character of the area and natural constraints that limit expansion, future housing growth in the area will predominantly be through infill, with a small amount of existing vacant land to be developed.

The mix of mechanisms to deliver this housing is identified in Table 8, and locationally shown in Map 5.

**Table 8:** New Brighton, Ocean Shores, South Golden Beach Planning Area - Future housing by type

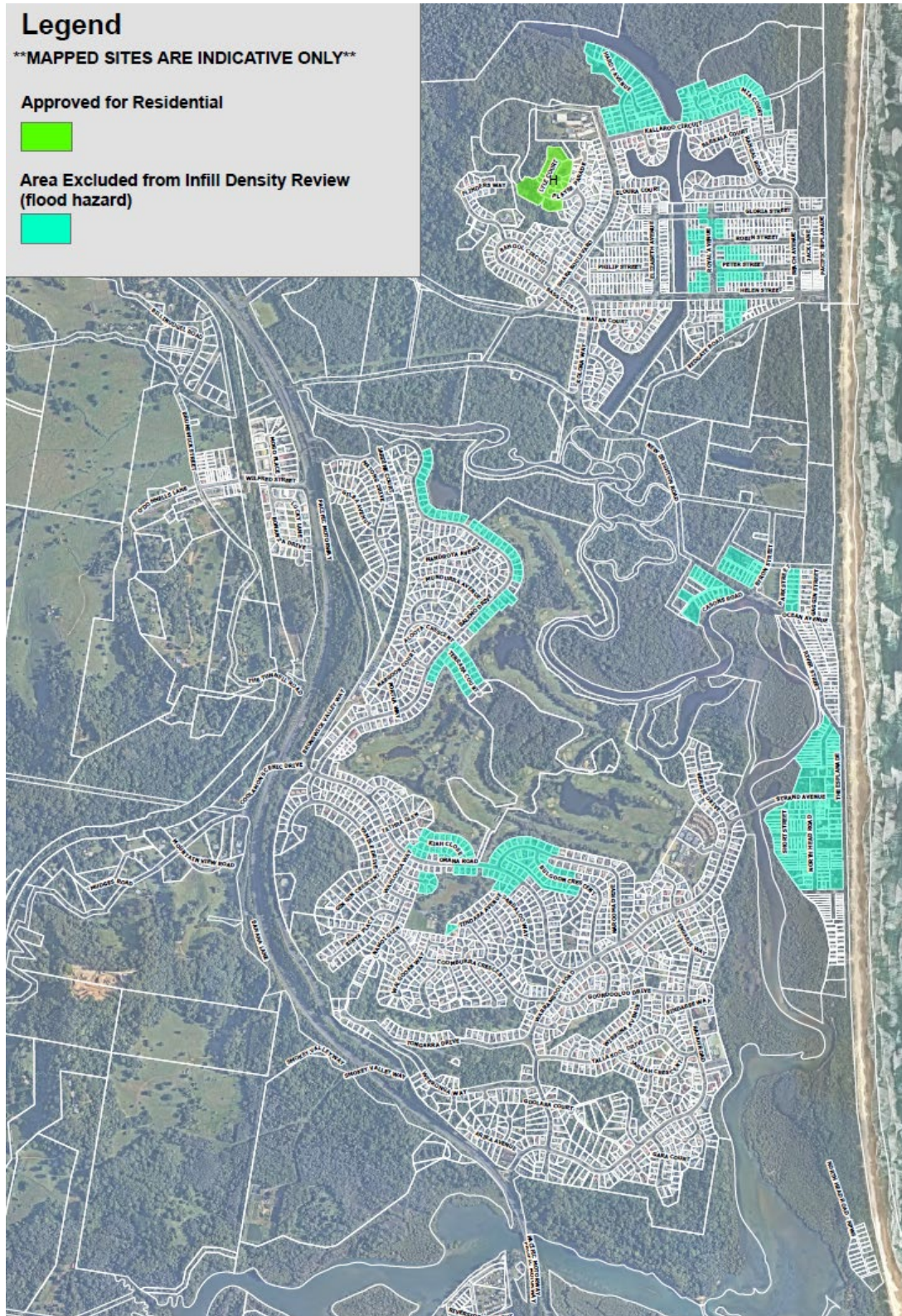
Infill <sup>1</sup>	New Release	Resilient Lands	Approved	Other
589	n/a	n/a	30	n/a

Note 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.

Key to the successful delivery of these homes will be incorporating key initiatives to address concerns regarding the infrastructure provision and ensuring ongoing safety of the existing and future community. Actions proposed to address these issues include:

- Comprehensive infrastructure review, including social infrastructure to be based on the projected resident population to 2041 as outlined by the Strategy, and
- Ongoing updates to hazard mapping and associated controls to ensure that all development decisions are being made on the latest available information, and
- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

**Map 5:** New Brighton, Ocean Shores, South Golden Beach Planning Area extract – Future housing by location

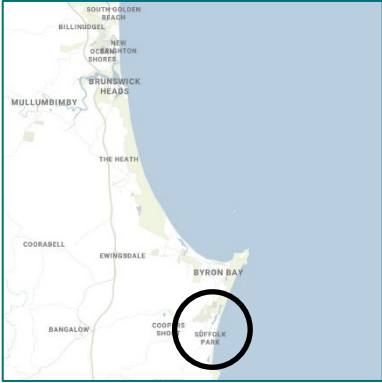


NOTE: Full mapping details provided in Appendix B



# Suffolk Park Planning Area

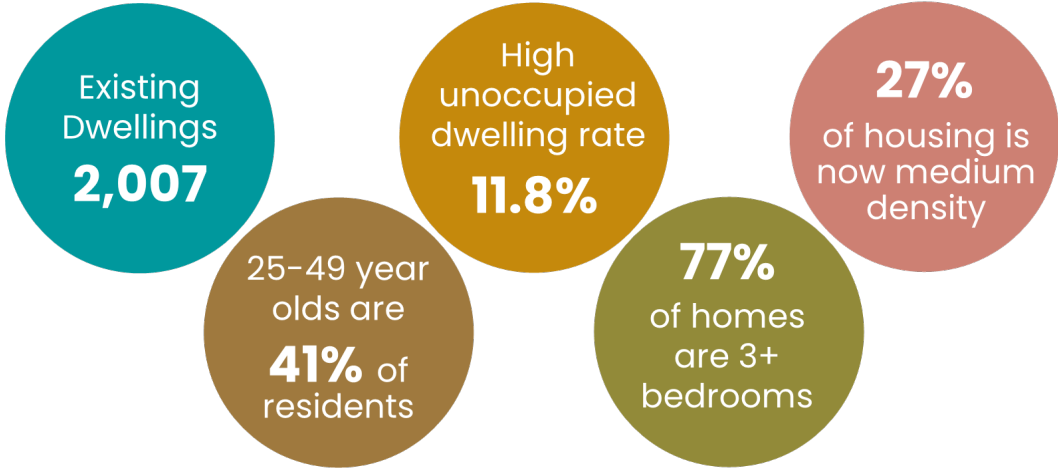
The built form of the Suffolk Park area predominantly conforms to a traditional low-density housing locality, with pockets of medium-density development generally around the Broken Head Road corridor. There is a relatively high proportion of ‘young workforce’ and ‘parent and homebuilder’ age cohorts, or 25 to 49 year olds, compared to the Byron Shire. This corresponds with slightly higher than average younger children age cohorts that are their dependents.



Household incomes are generally higher in the area, reflecting the higher than average cost of housing (median house price of \$1.64 million<sup>27</sup>). Between the 2016 to 2021 Census periods, there were more medium-density dwellings created than any other, increasing the overall share from 21% to 27% over that time. However, it is the three or more bedroom dwellings that continue to dominate the overall housing market, representing close to 80% of homes (where size was stated).

The number of unoccupied dwellings remained relatively steady as a proportion between 2016 and 2021 Census periods at just under 12%. This has helped to grow the overall number of households living in the area over the past five years, which increased by around 180 over that time.

Engagement undertaken in developing this Residential Strategy has highlighted the importance of recognising and retaining the natural environment, as well as creating safe homes that avoid areas that were flood-affected during the 2022 events. Residents of the area have also expressed concerns regarding the extent of non-hosted STRA properties, though the entire area is now to be restricted for this use under recent changes to STRA rules.



<sup>27</sup> Median price November 2022 to October 2023 - via <https://www.realestate.com.au/nsw/suffolk-park-2481/> - accessed 1 December 2023

**Future directions**

Given the sensitive surrounding environment of the area, there are limited opportunities for new development areas to be considered. Vacant land is also generally already consumed throughout the area, meaning that infill development is the only option for the foreseeable future. This will assist in meeting the needs of the resident population, with more modest opportunities for downsizing whilst maintaining a low-scale built environment.

Recognising the limited development or redevelopment potential, Suffolk Park is also a good example of where the principles of ‘living differently’ may be targeted. This would assist in establishing more ‘households’ within the existing housing stock, increasing the average household size and enabling the predominantly detached housing stock to be used more efficiently.

The mix of mechanisms to deliver this housing is identified in Table 9, and locationally shown in Map 6.

**Table 9:** Suffolk Park Planning Area – Future housing by type

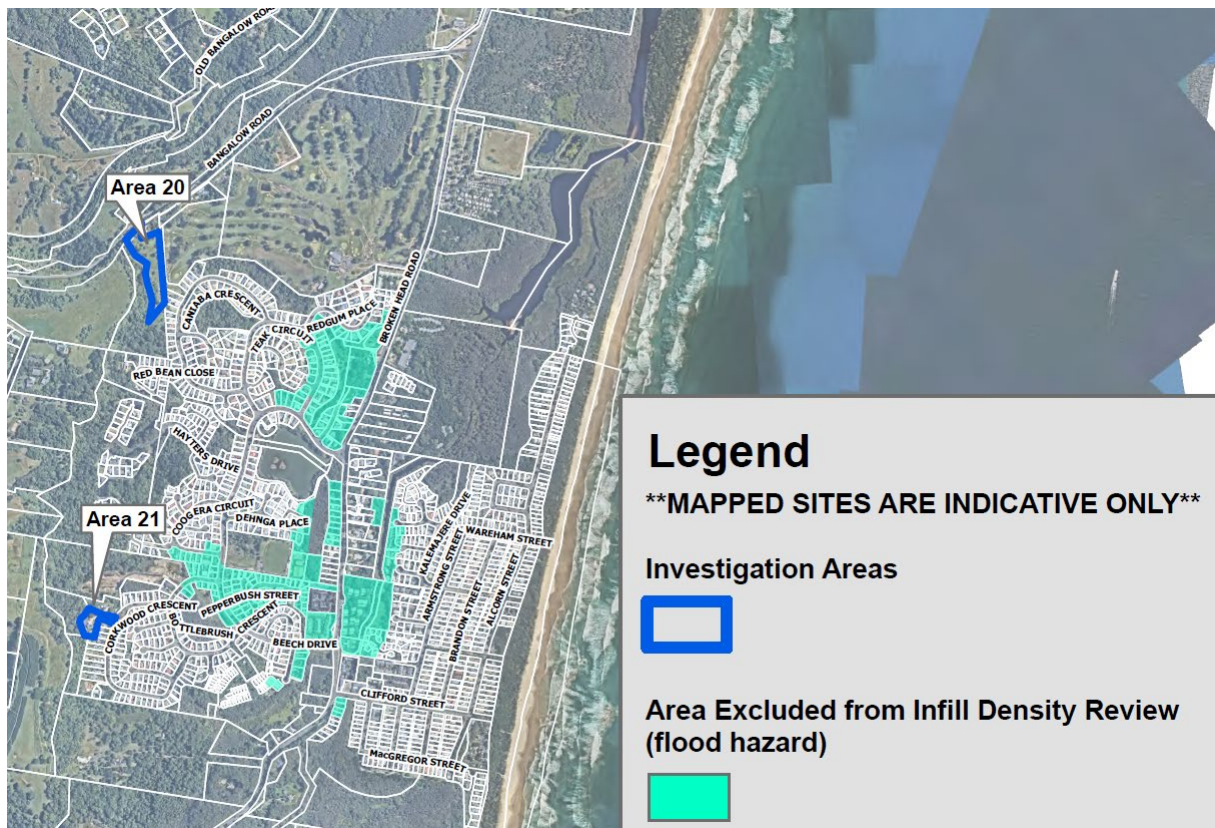
Infill <sup>1</sup>	New Release	Resilient Lands	Approved	Other
272	13-23	n/a	n/a	n/a

Note 1. Infill development is based on the identification of suitable large lots over 600m<sup>2</sup>.

Key to the successful delivery of these homes will be incorporating key initiatives to address concerns regarding the potential loss of character and ensuring that suitable infrastructure is available to meet future needs. Actions proposed to address these issues include:

- Ongoing development of Council’s DSP to ensure service delivery can continue to be achieved, and
- Development of design guidance that will be required to be adopted when taking advantage of the reduced lot size / infill provisions.

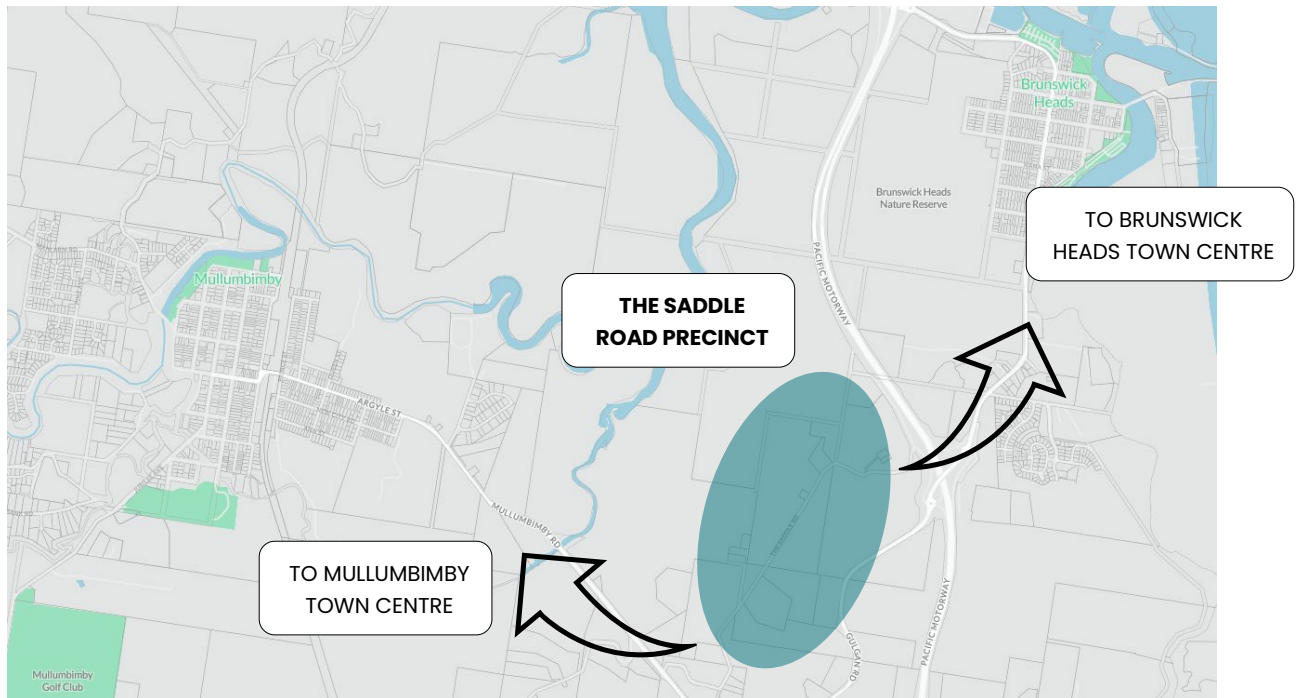
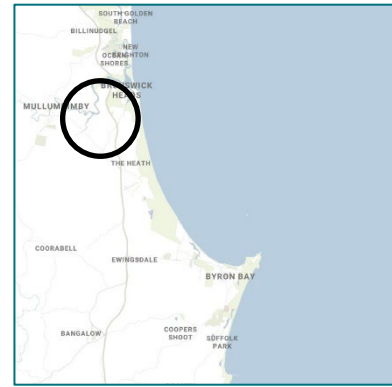
**Map 6:** Suffolk Park Planning Area extract - Future housing by location



NOTE: Full mapping details provided in Appendix B

## The Saddle Road Precinct

The Saddle Road precinct area is located to the west of the Pacific Motorway on land that has limited physical and hazard constraints. The area also has relatively high levels of access potential - including internally in the long-term, as well as to the surrounding centres of Mullumbimby (5km to the west) and Brunswick Heads (3.5km to the east) as shown in Figure 12.



**Figure 12:** The Saddle Road Precinct locality and connections

The area is within close proximity of public transport routes, proximity to the Pacific Motorway for broader transportation links, and can be connected via cycle / walking trails to its surrounds. However, the area also contains mapped significant farmland, albeit the quality of this land for farming is considered to be less than other farmland in the area.

The Saddle Road precinct area is predominantly associated with land identified through the Northern Rivers Resilient Lands Strategy. Building on this State Government process, and subject to ongoing discussions with State agencies regarding important farmland, there are also opportunities to further connect this area with the broader 'precinct', including:

- opportunities identified by Council's *Business and Industrial Lands Strategy 2020*, which envisaged a range of industrial, business and work/live development opportunities, and
- additional new release investigation area to the south.

The intent for this area is to ensure a level of long-term self-sufficiency, being of a scale to support a base level of localised services and employment opportunities, as well as reducing private vehicle dependence.

**Future directions**

Given the substantial area of land included within The Saddle Road Precinct associated with the Northern Rivers Resilient Lands Strategy, future directions envisage a comprehensive ‘new release’ area development approach.

The mix of mechanisms to deliver this housing is identified in Table 10, and locationally shown in Map 7.

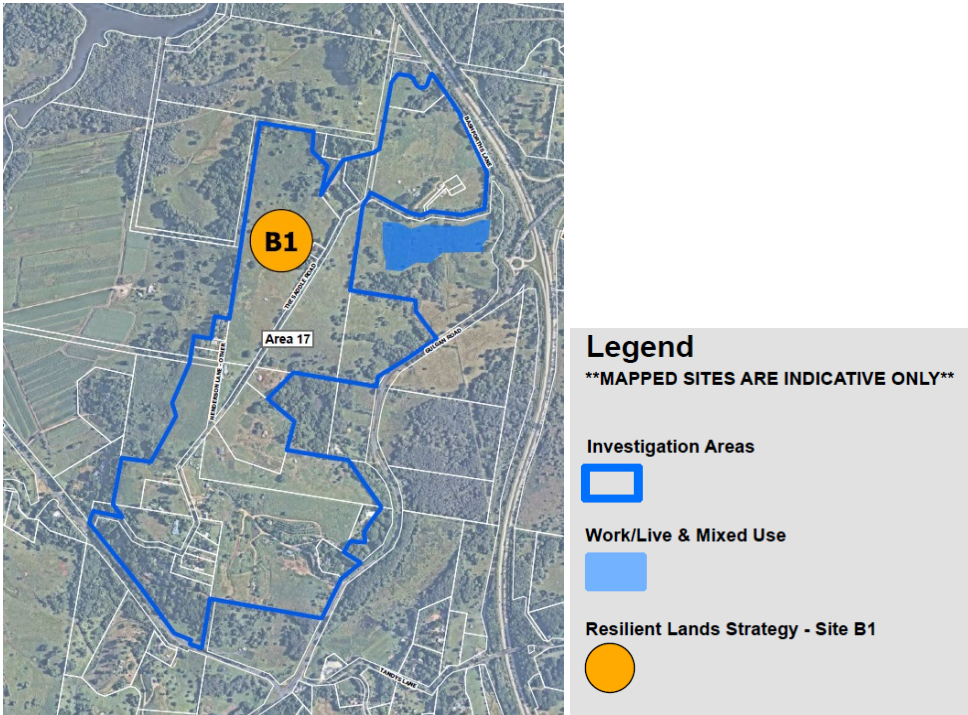
**Table 10:** The Saddle Road Precinct - Future housing by type

Infill	New Release	Resilient Lands	Approved	Other
n/a	396-644	530-800	n/a	60
				Work/live area associated with Business & industrial Lands Strategy

Key to the successful delivery of these homes will be incorporating key initiatives to address long-term sustainability concerns and ensuring that suitable infrastructure is available to meet future needs. Actions proposed to address these issues include:

- Development of site-specific infrastructure plans to meet the detailed needs of the site and its future residents, and
- Development of a Structure Plan and associated design guidance that will be required to be adopted through the Planning Proposal process.

**Map 7:** The Saddle Road Precinct Area extract - Future housing by location



## 3.5 Summary of change

As previously outlined, no single policy direction will solve the housing crisis in the Byron Shire. In order to respond to the needs of the current and future projected community, including the implied housing targets set by the State Government, Council will focus on:

- Increasing infill development,
- Investigating new developable areas that are safe and near existing urban centres,
- Supporting the implementation of existing development approvals and development of existing vacant residential land,
- Exploring ways we can live differently and better use our existing homes.

Through these various opportunities, the projected housing targets can be achieved through a diversified approach, as shown in Table 3.

Important to the process of retaining the unique character of the various towns and villages whilst facilitating new housing is the introduction of other planning and design controls. This will include:

- Use of infill design guidance to be included within Council's DCP 2014, and
- Structure planning or other site specific master planning processes for identified new developable areas.

# Part 4 Delivering the actions

This Part provides a focus on the delivery of actions identified throughout the four policies detailed in Section 3.2.

## 4.1 Implementation

Details on implementation are provided in the 'Implementation and Delivery Plan', provided Appendix A, which guides the delivery of actions identified in Section 3.2 of this Residential Strategy. It is noted that all such guidance will need to be further detailed and refined through the implementation phase.

### Defining Council's role

Council plays different roles in the implementation of this Strategy. These vary between more strategic leadership through advocacy, to more hands-on roles such as through the provision of services.

A description of these various roles is provided below and used to define Council's role through the Implementation and Delivery Plan at Appendix A:

- *Plan* – implementing strategic and development planning responsibilities.
- *Deliver* – directly providing a service, facility, study or product.
- *Advocate* – representing community needs and interests to the Australian and NSW Government and the private sector.
- *Collaborate* – working closely with communities, government agencies, peak bodies and industry to facilitate outcomes.
- *Regulate* – ensuring that residential land use meets urban planning, building and other regulations and policies.
- *Educate/Promote* – providing information to the wider community, developers, businesses and interest groups.

### Timing

Each action and the subsequent implementation steps of the Implementation and Delivery Plan are given timeframes as follows:

- Immediate: Next two years (Start 2024/2025 to end 2025/2026)
- Short-term: Years 3 – 5 (Start 2026/2027 to end 2028/2029)
- Medium-term: Years 5 – 10 (Start 2029/2030 to end 2034/2035)
- Long-term: Years 10 – 20 (to be completed beyond 2035).

Timeframes may also be indicated as:

- On-going: Where there is no set commencement or completion date and the action recommended forms part of the on-going activities.
- As required: Where the commencement or need for an action is subject to other matters.

It should be noted that the long-term nature of some actions means that these may need to change depending on intervening monitoring and review.



## Partners and responsibilities

The Implementation and Delivery Plan also identifies the responsible area internally within Council. Internal delivery areas include:

- Strategic Planning (SP)
- Development Planning (DP)
- Infrastructure Services (IS)
- Community Services (CS)
- Place Planning (PP)
- Community Enforcement (CE)
- Communications (Comms)

Some actions will also require a role of external partners, which are identified where these are readily identifiable.

In broad terms, Council will participate and collaborate with a range of State, regional and local organisations to enable realisation of the Strategy. These include, but are not limited to, the agencies and organisations listed below:

- NSW Reconstruction Authority
- Department of Planning, Housing and Infrastructure
- Department of Primary Industries
- Native Title holders and other First Nations organisations
- Landcom
- Community housing providers, and
- Peak industry bodies

## 4.2 Monitoring and review

To ensure this Strategy's actions are effectively delivered, ongoing monitoring of its implementation and subsequent review over the longer term are required.

The monitoring of this Strategy will involve:

- Annual review of housing delivery and supply through both Council's Sustainable Environment & Economy directorate, and
- A mid-term review is proposed to align with regional planning and census periods. This review will re-examine the evidence-base, looking at any changes in the demographics and housing needs against the housing stock in the Shire. It will also include a review of the goals and objectives set in the North Coast Regional Plan to ensure the Strategy continues to align with broader regional needs.