

Mr Mark Arnold
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23 January 2024

Subject: **Byron Shire Council Housing Options Paper**

Dear Mr Arnold

Thank you for the meeting on 21 December 2023 with Council staff to provide the Department an update on the outcome of the December Council meeting and the Byron Shire Housing Options Paper. I commend Council on the continued progress of the Residential Strategy refresh and working toward its commitment to adopt and submit the strategy for the Department's approval by the 30 March 2024.

The Department has encouraged Council to consider additional areas within the Residential Strategy to account for constraints which are likely to impact dwelling yield. I note part 11 and part 12 of the Council resolution (23-654) from the December 2023 meeting refer to potential future investigation areas.

In relation to part 11, I wish to provide further detail and clarification about the process to include the area bounded by Ewingsdale Road to Grays Lane (which includes Buckleys Road) east of the M1 in the urban growth area boundary as part of the next review of the North Coast Regional Plan.

The process to amend the urban growth area boundary is outlined in the North Coast Regional Plan 2041 (page 61) and requires any changes to the growth area to be undertaken firstly as part of a local land use strategy. As such, the first steps to include land in the urban growth area boundary, is for it to be identified in Council's Residential Strategy as a 'potential investigation area', and for that strategy to be approved by the Department.

When determining whether land is suitable for inclusion in the Residential Strategy, it is essential the strategy address the following in the North Coast Regional Plan 2041:

- Key settlement planning principles (page 61)
- Settlement planning guidelines – Appendix A (page 117); and
- Urban growth area variation principles – Appendix B (page 119).

Should inclusion of the land be satisfactorily justified by Council in the Residential Strategy and approved by the Department, these potential investigation areas can

then be considered by Council for a 'release area' as part of the mid-point review in 2026/2027 (and in accordance with part 13 of the Council resolution). If this change is approved by the Department, the North Coast Regional Plan will be amended in its next review.

Area 11 referenced in part 12 of the Council resolution (23-654) will also need to follow this process to be included in next review of the North Coast Regional Plan.

I also wish to take this opportunity to re-iterate the Department's previous advice:

1. The Settlement Planning principles in the North Coast Regional Plan 2041 require land use planning strategies to reflect the aims and strategies of the regional plan and be based on the following key principles:
 - a. Identify growth needs and opportunities;
 - b. Direct growth to identified urban growth areas;
 - c. Ensure sustainable development within the coastal strip;
 - d. Determine a required structure for future development; and
 - e. Encourage locally responsive sustainable design.
2. Urban Growth Area Variation Principles require, amongst other criteria, for land in the coastal strip to be contiguous with existing zoned urban land and the need and justification to be supported by a sound evidence base which addresses various matters like agricultural capability and sustainability.

In addition, the variation must be for a minor adjustment to round off an urban boundary or demonstrate that there is no other suitable alternate land available for housing and that substantial movement has been made toward achieving the infill target (40% multi dwelling / small lot housing) within the existing urban growth area boundary.

Finally, the Department's Northern Region team would be pleased to undertake a review of the refreshed Residential Strategy prior to adoption by Council. This will ensure all matters previously raised by both the Department and other agencies have been suitably addressed and the strategy is compliant with relevant state policies, Ministerial Directions and the North Coast Regional Plan 2041, allowing a more streamlined assessment process.

Should you have any questions in relations to this matter, I have arranged for Ms Gina Davis to assist you. Ms Davis can be contacted on 5778 1487 or email gina.davis@planning.nsw.gov.au

Yours sincerely



Daniel Thompson
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