

Caras, Alex

From: Ray Darney <ray.darney@gmail.com>
Sent: Monday, 6 September 2021 7:35 PM
To: council
Cc: Caras, Alex; Hancock, Natalie
Subject: Voluntary Planning Agreement - 68 Rankin Dr Bangalow , Offer by Instant Steel

At the Council Planning Meeting of 5th August, 2021 Council resolved to exhibit the Draft VPA but required further amendments to the VPA but then also added that Council not accept any Planning Proposals until a statutory AHCS is in place. I have below shown the Council Resolution 1 to 7.

Mr Max Campbell of Instant Steel the owner of the land has participated in good faith with Council since 2017 and can no longer wait to move forward with his Planning Proposal and eventual subdivision of the site. There are two (2) only residential lots for sale in Bangalow and due to lack of land/housing the median price for a house in Bangalow is now \$1.5 million.

Mr Campbell can no longer wait for Council's AHCS to be adopted and despite Council resolving to not accept Planning Proposals, the situation is that if Mr Campbell lodges a Proposal then Council must assess such proposal. Therefore, due to the circumstances of the continual delays to the Planning Proposal I am instructed by Mr Campbell to advise Council that the VPA is herewith withdrawn.

I will, on behalf of Mr Campbell relodge the Planning Proposal without a VPA for Council to assess on merit. Should Council refuse to proceed with the Planning Proposal then I will seek a rezoning Review by the Department of Planning, Industry & Environment to have the Proposal determined by the Planning Panel.

It is still Mr Campbell's intention to proceed with the 14 lot Community Title for smaller houses which he will construct and rent to essential workers, a much needed housing type for Bangalow.

Yours sincerely

Ray Darney

Resolution

1. Acknowledges the complex interaction between the offer of a draft Voluntary Planning Agreement -(VPA) for 68 Rankin Drive, Bangalow (Attachment 2 E2021/90306) with the Residential Strategy and draft Affordable Housing Contribution Scheme (AHCS).
2. In acknowledging the process to date and implications of point 1, supports public exhibition only of the draft VPA (Attachment 2 E2021/90306) for a period of four (4) weeks for public comment;
3. Requests that the applicant, prior to public exhibition, make further amendments to the draft VPA to address the inconsistencies in Table 1 and legal matters identified in this Report;
4. Considers a submissions report post-exhibition that includes any recommended changes to the draft VPA.
5. Understands that should Council choose to proceed with finalising the attached draft VPA ahead of a statutory AHCS being in place, there is no

guarantee that 20% of the rezoned land (or any %) will be dedicated for affordable housing purposes.

6. Due to 5, does not accept any 'urban residential' planning proposals pertaining to a non- Council owned and or managed investigation area (as identified in the Residential Strategy), until a statutory AHCS is in place for Byron Shire, noting that the timeframe for this may be at least 6 months away.

7. Requests the Department of Planning, Industry and Environment to finalise its approval of the Byron Residential Strategy and corresponding Affordable Housing Contribution Scheme without further delay.
(Spooner/Hunter)

Caras, Alex

From: Ray Darney <ray.darney@gmail.com>
Sent: Thursday, 16 September 2021 10:20 AM
To: Caras, Alex
Cc: Max Campbell
Subject: CM: Fwd: Voluntary Planning Agreement - 68 Rankin Dr Bangalow , Offer by Instant Steel
Attachments: Flowchart - Affordable Housing.jpeg

Follow Up Flag: Follow up
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Categories: Purple Category
Record Number: E2021/116864

Dear Alex

Thanks for your email of Monday 13th September regarding the VPA and rezoning of Max's land at 68 Rankin Drive. Max and I have had a number of discussions, as you can imagine, both before the Planning Meeting on 5th August and then after that meeting trying to work a way forward. As you know, we have been trying to proceed with the proposal all of this year. Max first registered for Affordable Housing in 2017 after being involved in supporting Council's progress for Affordable Housing since at least since 2012.

We were both amazed at the negativity of the Council Staff Report 13.18 re the VPA. In 40 years in Local Government personally I could not believe the staff position. We had shown a number of Councillors the Proposal, both the Mayor and Councillor Hunter had visited the site, yet the report still recommended that it was premature to proceed.

Max and I presented our view at Access and the Councillors did slightly amend the Staff Recommendations to allow for the VPA to be placed on Public Exhibition subject to further amendment. Note we had already altered the VPA three times to remove Contribution Relief for the Affordable area, but to no avail ,staff still wanted further amendments.

The problem for us is still the negativity of the retained sections of the Council Resolution as follows:
ie Council will not accept any Planning Proposal until the AHCS is in place.

5. Understands that should Council choose to proceed with finalising the attached draft VPA ahead of a statutory AHCS being in place, there is no guarantee that 20% of the rezoned land (or any %) will be dedicated for affordable housing purposes.

6. Due to 5, does not accept any 'urban residential' planning proposals pertaining to a non- Council owned and or managed investigation area (as identified in the Residential Strategy), until a statutory AHCS is in place for Byron Shire, noting that the timeframe for this may be at least 6 months away.

7. Requests the Department of Planning, Industry and Environment to finalise its approval of the Byron Residential Strategy and corresponding Affordable Housing Contribution Scheme without further delay.

Max feels that the process was never ending, and bears no similarity to the Steps originally set out in the Flowchart presented at the Affordable Housing meetings that Max and other landowners attended in 2018. I have attached a copy of that flowchart that Max has followed.

In Conclusion, Max wishes to proceed without Council having to be involved in the Affordable project. He still has to pay all Contributions etc, but he will do a small 14 lot Community Title Housing project for rental to essential workers in Bangalow, as rentals are in high demand in the village.

We would hope in your update report to the next Planning Meeting that you could support the fact that Max has followed all steps outlined in the Flowchart and that he has acted in good faith in trying to get this concept to a developable stage.

Ray Darney and Max Campbell