

State Government Agency Submissions List	
Doc No.	Name
S2018/14756	Dept. of Planning & Environment
E2018/112237	Dept. of Planning & Environment
S2018/12958	NSW Office of Environment & Heritage
E2018/10041	Transport Roads & Maritime Services
E2018/78668	Transport Roads & Maritime Services
E2018 /88957	Department of Primary Industries

Mr Mark Arnold  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Dear Mr Arnold

**Draft Byron Shire Employment Lands Strategy**

I would like to thank Council for giving the Department of Planning and Environment the opportunity to comment on the draft Byron Shire Employment Lands Strategy 2018.

I understand the draft strategy, once finalised, will provide Council with a 20-year strategic framework to guide employment lands development in the Byron Shire.

A review of the draft strategy has identified some matters that need further consideration. Enclosed is an assessment of the draft strategy that outlines issues to be considered prior to Council adopting a final strategy.

Local growth management strategies are important in directing future growth to appropriate locations that are readily serviced and can sustainably accommodate development. When finalising the strategy, Council should ensure that it is consistent with the relevant state environmental planning policies and section 9.1 Directions and the North Coast Regional Plan 2036. This will enable Council to seek the Department's approval of the final strategy and facilitate future land release in accordance with state policy.

I recognise Council's effort in developing the draft strategy, including the associated Byron Shire Employment Lands Background Report. This work will complement Council's other strategies and plans. I look forward to receiving the final strategy.

If you need any further information regarding this matter or would like an opportunity to meet with Department staff and discuss it in more detail, please contact Ms Alison Parr in the Department's Northern Region office on 6641 6612.

Yours sincerely



**21/11/2018**

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Encl: Department's comment on the draft Byron Shire Employment Lands Strategy

## COMMENTS

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### **Draft Byron Shire Employment Lands Strategy**

22 November 2018

#### **GENERAL**

The strategy should be a stand-alone document. The information should be written in plain English with explanations of technical information where necessary. All figures/tables need to be labelled and referenced within the text.

#### **STRUCTURE AND CONTENT OF THE STRATEGY**

##### Strategy framework

The framework is unclear and would benefit from a well-defined vision of what is to be achieved and where. The framework could include the following:

- background;
- vision;
- objectives/directions;
- implementation plan; and
- monitoring/review.

##### *Background*

The document needs a section that clearly outlines the context to the strategy and why the strategy is needed. This should:

- identify the strategy's purpose (to facilitate the orderly development of employment lands and avoid planning proposals for ad hoc development);
- contain a brief synopsis of the state and local planning and policy context that informs and guides the strategy (including the North Coast Regional Plan 2036 and the Department's Settlement Planning Guidelines 2007);
- identify how recommendations and conclusions from recent studies have informed the strategy (including the HillPDA Employment Lands Background Report 2018 and the North Coast Employment Lands Review 2015); and
- distinguish linkages to current/future Council initiatives.

The 'People and jobs', 'Capacity and demand' and 'Drivers of change' sections could also be included as subheadings in the 'Background' section.

##### *Vision*

The strategy needs to include a vision for employment lands in Byron Shire, which describes priorities and aspirations over an identified time frame. This vision should be informed by the planning and policy context and analysis from previous studies.

##### *Objectives/directions*

Objectives are included in the 'Executive summary' but there is no further reference to them in the document. These objectives appear to be the objectives of the

consultant's brief, not the objectives of the strategy. The strategic directions provided in the strategy section 5.0) should be included in the 'Executive summary'.

The strategy's objectives/directions should describe council's long-term goals for employment lands in the LGA and how the vision will be achieved.

#### *Implementation plan/actions*

Actions should be clear and integrate with current policies and programs. An implementation plan for all actions should include the delivery mechanism (planning control amendments, partnering with stakeholders, on-ground improvements etc), the time frame/priority and monitoring indicators.

#### *Monitoring and review*

In addition to monitoring the completion of actions, an overall review process for the strategy needs to be included. This would include a time frame for the strategy review and indicators to measure the overall success of the strategy.

Council needs to undertake regular monitoring and reporting to inform the strategy review. The review process should include an annual assessment of employment land delivery and supply in line with the house and land monitor. A five-year review could also be undertaken of the evidence base. Any considerable changes to supply and demand, demographics or other contributing factors could prompt a review of the strategy ahead of the predetermined time frame.

### **Executive summary**

As a summary of the strategy, this section should not include new information. It should state what the strategy is about and include major conclusions.

The 'Capacity and demand' section needs to be made clear:

- Is this based on the HillPDA report? Has the North Coast Employment Lands Review 2015 been considered and, if so, how are any discrepancies justified?
- Clearly state the projected demands and time frames for employment precincts and business centres.
- If planning controls are altered to reduce the need for additional land to be rezoned, how will this alter the demand figures?

The 'Capacity and demand' section should be included in the same section of the strategy as the other background information ('People and jobs' and 'Drivers of change').

### **1.0 Introduction**

This section is written more like a summary and would be better included as the 'Executive summary'. The numbering (2.0) is also incorrect.

### **2.0 People and jobs**

Please include concise plain English implications/conclusions of the information provided, such as:

- how the changing demographics may impact on workforce participation, employment and businesses in the future;
- the implications of a growing economy and the value added by industry in the region; and
- what the above impacts will mean for the type of employment lands required in the future.

Include references in the text to the appropriate figures.

### **3.0 Drivers of change**

Summarise how the key points from each of the drivers of change inform the strategy and contribute to Council's vision for employment lands.

#### *Warehousing and distribution*

Define how this is expected to play out in the Shire, including the types and scale of businesses that are being attracted, what their requirements are and the feasibility of having large-scale businesses when employment land is limited.

#### *Food production and manufacturing*

The Byron brand is a key marketing tool for local businesses. Reference needs to be made to the fact that a major driver and threat to this industry is the rezoning and neglect of farmland for other purposes.

#### *Tourism demand, Changing workspace needs and Retail restructuring*

These three drivers of change all impact on affordability and the availability of accommodation for residents, particularly for creatives, innovators and incubators. This raises questions such as:

- Where are these businesses relocating/setting up? Will there be sufficient land in these areas? Does Council need more flexible zoning in these areas to allow employment growth?
- Consider whether actions to promote coastal villages and towns, such as Brunswick Heads, as affordable live-work locations can be achieved considering expensive property prices.

### **4.0 Suitability principles**

Please clarify whether these principles have been used for analysing the identified investigation areas for employment land (6.1).

There are no principles relating to whether the land can be sustainably developed. Key elements such as protection of the environment, access to appropriate/green services, transport initiatives and encouragement of sustainable products and services need to be considered in terms of a guiding principle.

The principles are detailed and overlap with Council's current planning controls. They could be simplified into briefer statements of intent.

## **5.0 Strategic directions**

Six core directions have been identified. These should be listed in order of priority based on what Council can achieve. It is considered that 'Direction 3: Promote an attractive investment environment' would be a lower planning priority.

In line with a principle about sustainable development, there should also be a direction that discusses the protection and promotion of the unique environment of Byron and the encouragement of eco-friendly businesses and industry. This relates to existing and new development and could be a stand-alone direction or incorporated with Direction 6.

## **6.1 Employment precincts – investigation areas**

This section would be more valuable if it was fully investigated as part of a land supply and demand audit and included as a background study to the strategy. This would establish a clear path for the release of new areas, better inform the actions and form the basis for future employment land monitoring.

Include a clear action to undertake a land supply and demand audit. Actions 1.1 and 2.4 (see below under '7.0 Actions') seem to relate to an audit, but the wording of what is to be achieved in both actions is unclear. The new action about supply and demand and Actions 1.1 and 2.4 need to be reconsidered and reworded to give a clear intent.

Further consideration needs to be given to the identified potential investigation sites, particularly the following:

- make it clear that the suitability principles will need to be applied to the investigation areas to assess suitability of these site, for example, sites 2 and 4 pose large constraints in terms of mapped important farmland;
- clearly state that other land parcels may also be suitable, for example, the old chicken farm on Ewingsdale Road has not been included;
- the investigation site maps should include a legend that clarifies if the highlighted areas represent total parcels of land, suitable areas within a lot or a broad representation of the area;
- it is understood that site 5 was identified by Roads and Maritime Services as unsuitable and, if so, it should be removed from the investigation areas; and
- for site 3, clarify the potential yield for the Tyagarah Airfield and the Bluesfest site.

## **6.2 Business centres**

### **Bangalow Trade Area**

The preamble states that this area has a future role with emerging creative industries yet states that high rents are pushing out creative art and cultural businesses. This ambiguity needs to be addressed.

### **Suffolk Park Trade Area**

Identify on the map the Council property that is referred to in the 'Strengths and opportunities' section. Include whether the potential expansion of the B4 zone is appropriate and map areas if deemed suitable.

#### Billinudgel Village

The vision for this village is limited. Could high vacancy rate be an impetus for start-up groups or creatives to expand into this area?

As with the maps in the employment precinct investigation site, please clarify whether potential expansion areas include total parcels of land, suitable areas within a lot or broad representations of an area.

### **7.0 Actions**

- Include actions to undertake a comprehensive employment land supply and demand audit and continued monitoring of employment lands. This is related to Actions 1.1 and 2.4 – all these actions need to be reconsidered and reworded to indicate a clear hierarchy for the tasks and that they sit under the same direction. Action 2.4 is unclear – does this refer to a land supply and demand audit?
- Similar actions could be amalgamated as one. For example:
  - Actions 1.2, 3.3 and N5 say the same thing but have different time frames and priorities. Note that the increase in the prevalence of short-term accommodation in town centres needs to be considered if enabling live-work spaces. For small centres like Brunswick Heads, this may exacerbate the seasonality of trade.
  - Actions BG1, SP1, M1, N1 and N6 could be amalgamated into one action within Action 6.2.
- Action SP1 does not refer to a location.
- Action 1.3 refers to another action that does not exist (2.5) and to a program that is undefined.
- Action 2.1 refers to the release of the land at Gulgan East and West. This needs to be clarified – is the strategy referring to the Tyagarah Airfield site? Gulgan East is identified as including the Bluesfest site and Gulgan West is identified as a long-term investigation site, not short term.
- Action BB2 – clarify if this is in line with the Byron Bay Town Centre Masterplan.
- Action N4 could be more clearly worded to identify two options for investigation.
- Action 4.1 and Action BG5 – incorporate transport-related actions under a broader new action to prepare and implement a transport and accessibility study/plan for Byron Shire (see below). This would then give informed guidance on transport priorities for current and proposed employment lands.
- Action 4.5 – this should have an 'ongoing' time frame and be incorporated into current and future employment land releases.
- Actions 5.3 and 5.4 – clarify the types of limited or prohibited land uses.

- Action 6.3 – this could be reworded as an action to regularly review the employment lands strategy rather than encouraging ad hoc development (see ‘Monitoring and review’ under the comments under ‘Strategy framework’).
- Consider actions relating to the protection and enhancement of environment and amenity in employment and business centres and supporting eco-industrial development.

### **ADDITIONAL INFORMATION REQUIRED**

The strategy should include a summary of a servicing and infrastructure program for the supply of utilities needed over the life of the strategy. Existing infrastructure should be identified.

All recommendations and suggestions from the Employment Lands Background Report should be included in this strategy.

It is evident that an integrated approach to transport is required. A study/plan to identify future options and plan for more sustainable and better access around Byron Shire for workers, residents and visitors is needed. This could be included as a broader recommendation for Council to address and be undertaken concurrently with the access and movement study recommended in the Byron Bay Town Centre Masterplan. This could include considerations such as extending the solar train line to the future Tyagarah site, or future light rail.

Greater investment and support for health services was highlighted in the Employment Lands Background Report. Identify how the strategy will deliver on this.

Please refer to and check the strategy’s consistency with the recently released Regional Economic Development Strategy 2018-2022

[dpc.nsw.gov.au/assets/REDS/6004f55e44/Northern-Rivers-REDS.pdf](https://dpc.nsw.gov.au/assets/REDS/6004f55e44/Northern-Rivers-REDS.pdf)



Office of  
Environment  
& Heritage



Our Ref: DOC18/543106  
Your Ref: #E2018/64509

General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

Attention: Ms Natalie Hancock

Dear Mr Arnold

**Re: Byron Shire Draft Employment Lands Strategy**

Thank you for your original e-mail dated 31 July 2018 and its attached letter dated 1 August 2018 about the Draft Byron Shire Employment Lands Strategy now on public exhibition (extended to 1 November 2018) and inviting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

We also note that the OEH provided previous comments and inputs during an earlier stage of the Strategy's Development, which included participating on a guided inspection of various sites in March 2018. The previous OEH comments were provided in our letter of 19 June 2018.

We have reviewed the *Byron Shire Employment Lands Strategy* Exhibition version – August 2018, prepared for Byron Shire Council (BSC) by HillPDA Consulting and advise that, we have considered the statutory matters of interest to the OEH. A more detailed assessment and discussion of the issues we have identified, and possible constraints, is provided in **Attachment 1** to this letter.

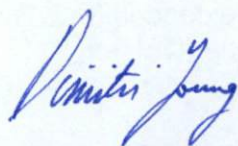
In summary, the OEH recommends that prior to finalising the strategy, the Byron Shire Council should:

1. Consider linking other North Coast Regional Plan Goals and Directions to the strategy.
2. Consider standardising the naming of the precincts identified in the strategy.
3. Provide in the background report a thorough discussion of the biodiversity constraint values and how they have been considered in the process and an abbreviated synthesis of this analysis in the strategy itself.

4. Undertake a thorough Aboriginal cultural heritage assessment for the precincts proposed as employment lands, to inform the strategy.
5. Consider undertaking further specific flood studies to ensure all precincts have been adequately considered in relation to flooding.
6. Ensure that adequate consideration has been given to potential impacts on the National Parks and Wildlife Service estate.
7. Include in the constraints analysis consideration of the proximity of some of the precincts to sensitive estuarine environments including Marine Park protection zones of the coastal and near coastal zone.
8. Provide in the background report a discussion of how acid sulfate soils have been considered in formulating constraint values for the precincts proposed as employment lands, noting that more detailed studies may be required.
9. Ensure that historic heritage matters, either at a local or state level, have been reviewed as potential constraints/considerations in the development of the strategy.

If you have any further questions about this issue, Mr Ross Wellington, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6640 2514 or at [Ross.Wellington@environment.nsw.gov.au](mailto:Ross.Wellington@environment.nsw.gov.au).

Yours sincerely



10 October 2018

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Conservation and Regional Delivery**

Contact officer: ROSS WELLINGTON  
6640 2514

Enclosure: Attachment 1: Detailed OEH Comments - Byron Shire Draft Employment Lands Strategy

## Attachment 1: Detailed OEH Comments – Byron Shire Draft Employment Lands Strategy

### General

The Office of Environment and Heritage (OEH) has previously commented on the Byron Shire Employment Lands Strategy and Workshop outcomes in our letter of 19 June 2018. The advice/comments from OEH acknowledged that there was a stated consideration by Byron Shire Council of acid sulfate soils (ASS), Bushfire Risk and flooding as part of an initial SWOT analysis (Strengths, Weakness Opportunities & Threats) of land being considered in formulating the Byron Shire Employment Lands Strategy ('the strategy').

Despite the recommendation in our previous advice that Aboriginal cultural heritage, biodiversity and historic heritage values should also be given adequate consideration in the further development of the draft strategy, both the draft strategy and the background report to the strategy provide little evidence that these values (or other constraint factors in which OEH has an interest) have been adequately considered as part of the further development of the strategy.

The current exhibited draft and the background report should be amended to include a clear and concise explanation of the various environmental constraint factors that were considered and how each of these were addressed/justified in identifying the various employment lands being considered for expansion and/or consolidation and presented in the draft strategy on exhibition.

OEH draws the council's attention to the following goals from the North Coast Regional Plan:

Goal 1 – *The most stunning environment in NSW;*

Direction 1: **Deliver environmentally sustainable growth.** Actions 1.1, 1.2, 1.3 & 1.4;

Direction 2: **Enhance biodiversity, coastal and aquatic habitat and water catchment;** 2.1 & 2.2

Direction 3: **Manage natural hazards and climate change** – bushfire, flooding acid sulfate soils and sea level rise.

Goal 3 - *Vibrant and Engaged communities;*

Direction 16: **Collaborate and partner with Aboriginal communities** 16.1 & 16.2

Direction 18: **Respect and protect the North Coast's Aboriginal heritage** 18.1, 18.2, 18.3, & 18.4;

Direction 19: **Protect historic heritage** 19.1, 19.2 & 19.3;

The Employment Lands Strategy and Background Report refer to the North Coast Regional Plan but suggest that Directions 6, 8, 9 and 14 are the relevant actions apparently given consideration in the Strategy. The OEH contends that the other Goals and Directions identified above are at least equally important and arguably, at least in part, underpin the stated Directions considered in the draft Strategy. The council should consider linking other North Coast Regional Plan Goals and Directions to the strategy.




The various precincts proposed for expansion for employment land availability are referred to in various documents with varying names. A systematic approach to the standardising of these various precinct names should be undertaken as differing site names are sometimes used interchangeably and can be confusing.





There have also been changes to precinct names during the Strategy's formulation and hence a precinct definition should be included in the Strategy, e.g. the Tyagarah Airfield Precinct has also been referred to as Gulgan East and various names have also been used for components of the Byron Township, Bangalow and Mullumbimby employment focus areas. The council should consider standardising the naming for the precincts of the strategy.


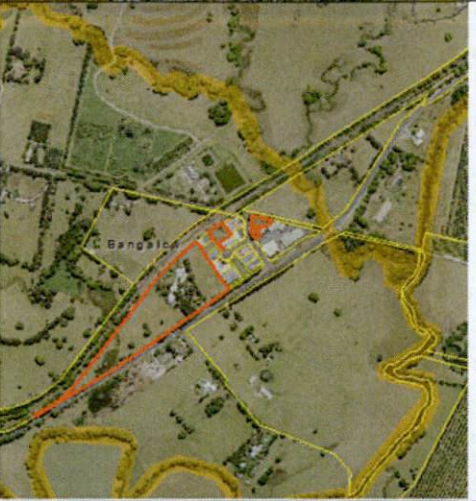


Specific Employment Precinct Analysis

Table 1 below identifies some of the potential issues we have identified for the nominated sites. More detailed discussion about these issues and how they will be considered should form part of the analysis for the strategy.

**Table 1.**

Site	Issues for discussion	Mapping
1. Billinudgel Industrial	<ul style="list-style-type: none"> <li>Corridors Mapping</li> <li>High Environmental Values (HEV, 2014)</li> <li>Low Risk 2-4m ASS</li> <li>Vegetation - Swamp Sclerophyll Forest on floodplain</li> <li>Sanctuary Zone Cape Byron Marine Park - upstream</li> <li>Potential for at least 11 Threatened Flora species; 10 Threatened Fauna species</li> <li>Billinudgel NR and Jinangong NR near/adjacent</li> </ul>	
2. Ocean Shores	<ul style="list-style-type: none"> <li>High Environmental Value Map (HEV 2014)</li> <li>Corridors Mapping</li> <li>Proximity to BV Map</li> <li>Proximity area Coastal Wetland</li> <li>Vegetation – Swamp Sclerophyll Forest</li> <li>Low Risk 2-4m ASS</li> <li>Sanctuary Zone Cape Byron Marine Park - adjacent</li> <li>9 Threatened Flora species; 10 Threatened Fauna species</li> <li>Marshalls Creek NR adjacent</li> </ul>	
3. Brunswick Heads	<ul style="list-style-type: none"> <li>ASS Low Risk above 4m</li> <li>HEV Map</li> <li>Proximity to Habitat Protection Zone Cape Byron MP</li> </ul>	

4. Bayside	<ul style="list-style-type: none"> <li>• ASS Low Risk 2-4m</li> <li>• HEV Map</li> </ul>	
5. Mullumbimby	<ul style="list-style-type: none"> <li>• BV Map</li> <li>• HEV 2014</li> <li>• Proximity Habitat Protection Zone Cape Byron MP</li> <li>• ASS Low Risk 2-4m &amp; above 4m</li> <li>• Various Threatened Fauna and Flora species</li> <li>• Vegetation Swamp Sclerophyll Forest on Floodplain</li> </ul>	
6. Gulgah West and East	<ul style="list-style-type: none"> <li>• HEV 2014</li> <li>• Corridors</li> <li>• Vegetation Swamp Sclerophyll Forest on Floodplain</li> <li>• ASS Low Risk 2-4m</li> <li>• Various Threatened Fauna and Flora</li> </ul>	
7. Byron Arts Industrial & Sunrise	<ul style="list-style-type: none"> <li>• HEV 2014</li> <li>• Corridors</li> <li>• Coastal Wetland &amp; Proximity</li> <li>• Vegetation Swamp Sclerophyll Forest</li> <li>• Proximity Tyagarah NR</li> <li>• Special Purpose Zone Cape Byron MP proximity</li> <li>• ASS Low Risk 2-4m</li> <li>• Various Threatened Fauna and Flora species</li> </ul>	
8. West Byron	<ul style="list-style-type: none"> <li>• HEV 2014</li> <li>• Corridors</li> <li>• BV Map</li> <li>• Coastal Wetland &amp; Proximity</li> <li>• Vegetation Wetland</li> <li>• ASS Low Risk 0-1m &amp; 2-4m</li> <li>• Various Threatened Fauna and Flora species</li> </ul>	Same as map 7 above.

9. Byron Trade	<ul style="list-style-type: none"> <li>• BV Map proximity</li> <li>• Coastal Wetland and Proximity</li> <li>• HEV 2014</li> <li>• ASS Low Risk 2-4m &amp; adjacent to High Risk 1-2m</li> <li>• Various Threatened Fauna and Flora species</li> <li>• Proximity of Byron Bay Railway Station &amp; yard group (State Heritage Register No. 1107)</li> </ul>	
10. Bangalow	<ul style="list-style-type: none"> <li>• Various Threatened Flora and Fauna</li> </ul>	
11. Bangalow East	<ul style="list-style-type: none"> <li>• BV Map</li> <li>• HEV 2014</li> <li>• Vegetation - Potential Rainforest</li> <li>• Various Threatened Flora and Fauna species</li> </ul>	
12. Suffolk Park	<ul style="list-style-type: none"> <li>• BV Map proximity</li> <li>• Corridors Map</li> <li>• HEV 2014</li> <li>• Coastal Wetland and Proximity area</li> <li>• ASS Low Risk 2-4m</li> <li>• Vegetation – Swamp Sclerophyll Forest on Floodplain</li> <li>• Various Threatened Fauna species</li> </ul>	

### Biodiversity

There is little evidence of consideration having been given to environmental constraints in the process of identifying some of the areas proposed for inclusion in the strategy. The strategy itself on page 18 Principle 1, last dot point, lists flooding, strategic agricultural land and ecological sensitivity as stated constraints. No details are provided that suggest that these values have been considered in arriving at the lands recommended for inclusion in the strategy.

The Background Report mentions constraints in Section 7.0, Table 7.1, page 161 *Land Availability* - last dot point, where flooding, strategic agricultural land and ecological sensitivity are stated as being part of employment land suitability principles. No other discussion of environmental constraints is provided in either document and the level of priority that has been given to these values in the formulation of the draft strategy thus far is not provided.

A thorough discussion of these constraint values and how they have been considered in the process should be provided in the Background Report and an abbreviated synthesis of this analysis in the Employment Lands Strategy itself.

### Aboriginal cultural heritage

The OEH refers to our previous advice provided in our letter dated 19 June 2018. In that letter, we recommended that a thorough Aboriginal cultural heritage assessment, which should include consultation with the local Aboriginal community, should be carried out to inform the strategy. A desktop review of the proposed lands to be included in the strategy shows that at least one of the these contains several Aboriginal sites registered on the OEH Aboriginal Heritage Information Management System (AHIMS) and that all of them have registered AHIMS sites within one kilometre of their boundaries.

The documentation provided in support of the strategy does not include any reference to Aboriginal cultural heritage or evidence of any consultation with representatives of the local Aboriginal community. We refer to Directions 16 and 18 of the 'North Coast Regional Plan 2036' and Actions 16.1 and 18.2 of that plan, and reaffirm our advice that, prior to finalisation of the proposal, a thorough Aboriginal cultural heritage assessment should be carried out over the areas proposed for inclusion in the Byron Employment Lands Strategy.

### Flooding

It appears that some flood constraint evaluation has been undertaken for at least some/most of the precincts covered by the strategy. The background report would be improved by the inclusion of a discussion of which studies and other data were considered during the formulation of the strategy.

Some further specific flood studies may be required to ensure all precincts have been adequately considered prior to finalising the strategy.

### National Parks and Wildlife Service Estate

Several precincts lie close to NPWS formal conservation reserves and hence consideration should be given to factors that have the potential to impact on the conservation values of these protected systems in formulating the strategy. As a starting point the *Guidelines for Development adjoining land managed by the Office of Environment and Heritage* should be referred to:

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-developments-adjoining-land-managed-by-the-office-of-environment-and-heritage>

The council should ensure that adequate consideration has been given to potential impacts on the NPWS estate.

### Estuary Management

The constraint analysis should include consideration of the proximity of some of the precincts to sensitive estuarine environments including Marine Park protection zones of the coastal and near coastal zone.

### Acid Sulfate Soils

The strategy appears to have considered the constraint posed by the presence of Acid Sulfate Soils (ASS) in the vicinity of several of the precincts proposed for expansion and other activities for employment lands. The background report to the strategy should provide some discussion of how this issue has been considered in formulating constraint values for the precincts proposed as employment lands, noting that more detailed ASS studies may be required.

### Historic Heritage

The OEH has reviewed the proposed areas under consideration for inclusion in the Byron Shire Employment Lands Strategy and identified that the Byron Trade precinct is directly adjacent to (or perhaps overlaps) the Byron Bay Railway Station & yard group (SHR No. 1107), listed on the State Heritage Register under the *Heritage Act 1977* (NSW). It is also highly likely that all precincts may also include, and may impact, items of local heritage significance as identified on the Byron Local Environmental Plan 2014.

The strategy has not indicated specifically that heritage matters, either at a local or state level, have been reviewed as potential constraints/considerations in the development of the strategy.

### OEH Recommendations

The OEH recommends that prior to finalising the strategy, the Byron Shire Council should:

1. Consider linking other North Coast Regional Plan Goals and Directions to the strategy.
2. Consider standardising the naming of the precincts identified in the strategy.
3. Provide in the background report a thorough discussion of the biodiversity constraint values and how they have been considered in the process and an abbreviated synthesis of this analysis in the strategy itself.
4. Undertake a thorough Aboriginal cultural heritage assessment for the precincts proposed as employment lands, to inform the strategy.
5. Consider undertaking further specific flood studies to ensure all precincts have been adequately considered in relation to flooding.
6. Ensure that adequate consideration has been given to potential impacts on the National Parks and Wildlife Service estate.
7. Include in the constraints analysis consideration of the proximity of some of the precincts to sensitive estuarine environments including Marine Park protection zones of the coastal and near coastal zone.
8. Provide in the background report a discussion of how acid sulfate soils have been considered in formulating constraint values for the precincts proposed as employment lands, noting that more detailed studies may be required.
9. Ensure that historic heritage matters, either at a local or state level, have been reviewed as potential constraints/considerations in the development of the strategy.

File No: NTH16/00110  
Your Ref: E2017/109431

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Attention: Natalie Hancock

Dear Sir / Madam,

**Byron Shire Council – Local Growth Management Strategies and potential upgrades / access changes to the Pacific Highway (HW10)**

I refer to your letter dated 4 December 2017 requesting comment from Roads and Maritime Services in relation to the abovementioned proposal.

Roads and Maritime understands that Byron Shire Council (Council) is in the process of preparing and implementing a number of Local Growth Management Strategies (LGMS) for the Local Government Area. As part of this process Council is seeking comments early in the planning process from Roads and Maritime in relation to three (3) proposed residential precincts and one (1) proposed industrial precinct.

**Roles and Responsibilities**

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

The Pacific Highway (HW10) is a classified (State) road and a highway under the *Roads Act 1993* (Roads Act). A series of other classified roads will also be impacted upon by the proposed Local Growth Management Strategies. Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

**Roads and Maritime Response**

It is emphasised that the comments provided below are based on the current proposals and the information provided at this time. They are not to be interpreted as binding upon Roads and Maritime and may change following formal assessment of any planning proposal and future development applications referred by the relevant consent authority.

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in moving forward with the planning process:

General Comments

- The process requires the proposed precincts to be investigated for inclusion in an update to the Local Area Growth Management Strategy. Roads and Maritime would be required to comment at the time of referral of the Planning Proposal as part of the Gateway Process.
- It is noted that the proposed areas do not fall wholly within growth areas identified in the North Coast Regional Plan 2036 and could therefore be considered out of sequence development.

## Precinct Specific Comments

- Saddle Road Residential Precinct (potential 400 homes) Gulgan Road, Brunswick Heads interchange:
  - This precinct is likely to have an impact on the Pacific Highway interchange as out of town development will be reliant on employment and services in Mullumbimby, Brunswick and Byron Bay.
  - Roads and Maritime recommends that any investigation be informed by a Traffic Impact Assessment (TIA) to determine origin and destination, increase in peak demand at interchanges and any infrastructure requirements to be included in relevant contributions plans.
- Bangalow Residential Precinct (potential 60 homes):
  - Roads and Maritime confirms that the proposed Bangalow Precinct has access to the old Pacific Highway south of town. This road is now a service road with local road classification. Any lot having a shared boundary with the upgraded Pacific Highway alignment must access a local road. No direct access will be permitted to the Pacific Highway.
  - Due to low potential lot yield in this area Roads and Maritime considers impact on the Bangalow interchange is likely to be low.
  - Roads and Maritime recommends any planning proposal to be informed by a TIA to determine additional demand on the road network and to ensure appropriate infrastructure planning.
- Ewingsdale Road / Myocum Road Precinct - Residential Infill and Industrial Lands
  - An industrial land release is proposed off Myocum Road to leverage accessibility to the interchange and additional residential infill is proposed in the existing residential areas south-east of the interchange. This is considered likely to increase demand for access to Ewingsdale Road and the interchange during peak periods.
  - Roads and Maritime recommends any investigation be informed by a TIA to determine impacts on the interchange and inform any land use to be adopted under the strategy. Consideration will need to be given to existing and future conditions, including other approved and proposed developments accessing the interchange and Ewingsdale Road.

## **Advice to the Consent Authority**

Roads and Maritime support for any release area likely to impact on the Pacific Highway interchanges will be contingent upon Council identifying the scope of infrastructure works and proposed funding sources required to support any proposed release area. All future works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

It is noted that Council and Roads and Maritime are working toward medium to longer term infrastructure improvements for Ewingsdale Road and the interchange with the Pacific Highway due to current traffic and safety issues being experienced during peak times. It is reasonable to assume that additional land releases that directly impact this interchange are unlikely to be supported until these medium to longer term improvements are realised.

Further to this Council has requested advice as to any future upgrade of the Pacific Highway to 'M' Class north of the Ewingsdale interchange, having reference to the report prepared by Pacific Highway Project Office. Roads and Maritime advise that the timing and funding of any future upgrade of Pacific Highway at this location is currently unknown. Transport for NSW and Roads and Maritime are currently completing investigations to inform a Post Duplication Pacific Highway Corridor Strategy that will identify future priorities for the Pacific Highway.

If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, A/Manager Network & Safety Manager, Northern on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully



Liz Smith  
A/Network & Safety Manager, Northern  
Date: 6 February 2018

File: NTH16/00110  
Your Ref: #E2018/64507

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Attention: Natalie Hancock

Dear Natalie,

### **Public Exhibition of Employment Land Strategy**

I refer to your letter of 1 August 2018 inviting Roads and Maritime Services to review the abovementioned strategy.

### **Roles and Responsibilities**

The key interests for Roads and Maritime is the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

The Pacific Highway (HW10) is a classified (State) road (a highway) under the Roads Act 1993 (Roads Act). Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

It is emphasised that the comments provided below are based on the currently exhibited Draft Employment Lands Strategy. They are not to be interpreted as binding upon Roads and Maritime and may change should the adopted strategy differ from that exhibited, or following formal assessment of any planning proposal referred by the relevant local planning authority.

### **Roads and Maritime Response**

Roads and Maritime is pleased Byron Shire Council, within Section 7.0 of the Draft Employment Land Strategy, acknowledges that the proposed employment lands must be serviced by adequate infrastructure to attract and maintain businesses. The proposed review of Council's contribution plans to capture the cost of provision of this infrastructure will support the integration of land use and transport in the local government area.

Roads and Maritime has previously provided comment to Council during the preparation of a number of Local Growth Management Strategies, including the (then) "Draft Employment Lands Strategy 2036". The comments contained in that response of 6 February 2018 remain relevant to the draft placed on public exhibition.

Roads and Maritime support for any release area likely to impact on the Pacific Highway interchanges will be contingent upon Council identifying the scope of infrastructure works and proposed funding sources required to support any proposed release area. All future works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

Upon revision or adoption of the strategy it would be appreciated if Council forward a copy for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Liz', is positioned above the typed name and title.

For Monica Sirol  
Network & Safety Manager, Northern Region  
19 September 2018



## Department of Primary Industries

1 November 2018

General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Attention: Natalie Hancock  
[natalie.hancock@byron.nsw.gov.au](mailto:natalie.hancock@byron.nsw.gov.au)

Dear Sir/Madam

### **Public Exhibition – Draft Byron Employment Lands Strategy**

Thank you for the opportunity to provide further comment on the exhibited draft of the Byron Employment Lands Strategy as per your correspondence dated 15 August 2018. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

DPI Agriculture is supportive of the Strategic Directions identified within the Draft Byron Employment Lands Strategy. Considerations under Direction 1 - improving the utilisation of existing zoned employment land, are particularly important to ensure the development of additional employment land into constrained areas is minimised.

DPI Agriculture has appreciated involvement in the early stages of the strategy development to ensure impacts to agricultural resources and enterprises are avoided as much as possible. It is recognised that the projected demand for employment lands may require the investigation of further employment land release areas into the future. It is evident that in developing Table 5 – Possible Investigation Areas, potential impacts to agricultural resources has been a key consideration, and those sites considered to have the least impact on agriculture have been sequenced earlier.

As indicated in our preliminary comments provided 26 March 2018, DPI Agriculture's preferred option is to avoid development on regionally significant farmland. Sites that contain this important resource form part of a larger agricultural landscape and development into these lands may lead to further speculation and/or increased land use conflict risk. DPI Agriculture would welcome further discussion with Byron Shire Council should further investigation of the sites identified in Table 5 be warranted in the future.

Should you require clarification on any of the information contained in this response please contact Agricultural Resource Management Officer, Selina Stillman on 0412 424397.

DPI Agriculture is working to ensure that the advice provided is of the highest quality. Please take some time to provide us with feedback on our work by completing a [short survey](#).

Yours sincerely

*L Parker*

**Lilian Parker**  
**Manager Agricultural Land Use Planning**