



Mullumbimby Settlement Strategy 2003



MULLUMBIMBY

SETTLEMENT STRATEGY

2003

Adopted by Byron Shire Council on 2 December 2003



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Disclaimer

This Strategy and its outcomes for town settlement areas should not be used by anyone as a basis for investment or other private decision making purposes in relation to land purchases or land uses. This is because the Strategy is a broad strategic and policy document. It is the base information for more detailed assessment and implementation through the preparation of Local Environmental Plans and Development Control Plans. Changes can occur through these more detailed and often site specific, processes. Local Environmental Plans and Development Control Plans are the planning instruments upon which investment and other private decisions may, with a higher and more reasonable level of confidence, be based.

**MULLUMBIMBY
VISION STATEMENT**

*Mullumbimby, where people respect the rural character of the town
including its:*

Role as a service centre

Environment

Sense of community

Cultural diversity

Spirit of innovation and leadership

Rural connections

Built heritage

EXECUTIVE SUMMARY

The Mullumbimby Settlement Strategy (“the Strategy”) provides a plan to preserve the valued identity of Mullumbimby. It determines the extent of growth of the town for up to ten years and the relationship of any future development to surrounding agricultural uses. The Strategy translates community values gathered through a series of public meetings into policies and outcomes, and develops a framework for future actions, short and long term.

The Strategy is also designed to meet the Council's obligations under the North Coast Regional Environmental Plan.

The Strategy has identified several guiding principles considered essential to planning and management of settlement in Mullumbimby. These are:

- community vision;
- acknowledgment that land is a finite resource;
- development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
- decision making must ensure community consultation and participation; and
- use of the environment must be based on the principles of Ecologically Sustainable Development.

The Strategy has been prepared with reference to the following documents:

- Northern Rivers Regional Strategy
- North Coast Urban Planning Strategy
- Department of Urban Affairs and Planning's Urban Settlement Strategies guidelines for the North Coast
- Byron Council's “Greenprint for a Sustainable Future”.

Community views are not in favour of a significant additional population. The Strategy plans for limited growth but does not endorse ongoing growth beyond that which is ecologically, physically, economically and socially sustainable.

The outcomes of the Strategy cannot be guaranteed for a number of reasons. For example, landowners may not wish to take up development options available on their land, and investment-funded development may fluctuate with movements in financial markets. However, in order to plan infrastructure requirements, particularly relating to sewage, it is necessary to assume a maximum potential level of development that could eventually be achieved given the maintenance of specific assumptions and values.

The analysis of ecological and physical constraints has determined areas of land that are suitable for future development for a range of uses. This analysis has shown that the expansion of Mullumbimby is physically limited. A proposed boundary has been established for Mullumbimby to reflect the constraints. Analysis of economic/servicing, infrastructure and social constraints has identified perceived deficiencies in the provision of services and community facilities that need to be further assessed prior to, and in conjunction with any future development.

Mullumbimby has a very limited supply of serviced and subdivided residential land available for development. There is a large amount of land zoned for residential development yet to be serviced and subdivided, off Left Bank Road. Subdivision of this land is precluded by the inadequate sewerage infrastructure, although the landowner is known to be investigating alternatives to connecting to the town's sewage treatment plant.

This Strategy proposes no additional land for rezoning for residential settlement. Some key issues need to be addressed before other land can be considered. The requirement for a floodplain management plan defers the consideration of land at Clays Road and south of Ann Street.

The existing supply of zoned land for residential development is expected to yield approximately 280 lots. At the rate of growth experienced in the late 1990's this represents only 5 to 7 years supply.

The Strategy recognises there is a need to provide guidelines for a review of planning controls for density, height and setback of development in order to retain and manage the character and scale of Mullumbimby.

The Strategy proposes:

1. Agricultural land be protected as a valuable resource through zoning controls;
2. 1(a)(General Rural Zone) land be protected in the interest of retaining Mullumbimby's rural outlook and to maximise the amount of rural land available to be improved through developments in technology over time;
3. No development to occur on flood prone land;
4. No development on land with slope greater than 20%;
5. A staged release of identified development areas through the LEP and DCP process in consultation with the community;
6. Subdivision design, lot sizes and built design to reflect a country town and the opportunity to experience a rural lifestyle;
7. The environmental repair and enhancement of the Brunswick River and its creeks to provide a green link through the town and a buffer/edge between the town and surrounding agricultural lands;
8. Walkways and trails through the town with bridges across the Brunswick River to increase the ability to move around on foot or bike coupled with well-planned public transport services to reduce car usage;
9. Additional open space areas and green linkages throughout Mullumbimby;
10. Permitting medium density development in the town centre and as designated in new development areas;
11. Allowing for uses in the commercial zone that serve the community and expand the possible range of uses;
12. Enhancing the historic character of the 3(a)(Business Zone) area through the preparation of built form design guidelines and controls to ensure sympathetic development;
13. Permitting garden flats to provide additional variety of housing and affordable accommodation;
14. The identified need to provide increased employment opportunities to reduce car usage and negate the need for a by-pass around Mullumbimby;
15. The need to encourage development of aged housing;
16. Retaining the character of the central area of the town in tact by creating a character area with associated design guidelines. The valued qualities include wide streets, large blocks, consistent building line, uniformity in height, interesting facades;
17. Addressing the need for affordable housing;
18. That existing community facilities and infrastructure be reviewed to determine the required needs of the existing population; and
19. Management of the town/agricultural edge.

Infrastructure and community facilities must reflect the level of usage placed upon them by residents of the town as well as surrounding rural areas. Inadequacies in this infrastructure have been identified and need to be overcome prior to further development occurring. This infrastructure is essential to achieving the major outcome of a 'bike friendly town' and includes:

- Adequate infrastructure is in place;
- Pedestrian bikeways and links to facilitate pedestrian access from the new areas west of Mullumbimby into the Town Centre have been constructed;
- Footbridges across the creek and river have been constructed; and
- School facilities are upgraded.

The construction of a system of trails throughout the Shire would provide a facility for residents and offer a tourist incentive. Mullumbimby lends itself well to this idea, with existing trails in place and well used by residents.

Changes to the Byron Local Environmental Plan 1988 (LEP), the shire-wide Byron Development Control Plan 2002 and Mullumbimby Development Control Plan will occur so that zones and development controls reflect the desired outcomes of the Strategy.

Limited additional areas with sustainable opportunities for further development exist around Mullumbimby due to physical constraints.

A five-year lead time is necessary to enable the processes involved to complete LEP amendments, DCP's, subdivision and provision of services without unduly restricting the availability of land for housing purposes. A five-year lead-time is necessary to enable the processes involved to complete LEP amendments, DCP's, subdivision and provision of services without unduly restricting the availability of land for residential purposes. The take-up and development of residential land will be monitored yearly. This will determine when additional land needs to be considered for rezoning.

Community consultation will occur as part of any proposed LEP amendment process.

The outcomes of this Strategy meet the vision of Council for the Shire and the Council's aim, objectives and guidelines as contained in its *Greenprint for a Sustainable Future 1998* amendment to the Byron Local Environmental Plan 1988. The Strategy also fulfils the requirements of the North Coast Regional Environmental Plan, DUAP's Urban Settlement Strategies (guidelines for the North Coast) and the Northern Rivers Regional Strategy.

CONTENTS

1	PATHWAY TO A SUSTAINABLE FUTURE	4
1.1	THE NEED FOR THE STRATEGY	5
1.1.1	Statutory requirements	5
1.1.2	Review of local policy and practice	5
1.2	REGIONAL CONTEXT	7
1.3	STRATEGIC LINKS	9
1.4	AIMS, OBJECTIVES AND GUIDING PRINCIPLES OF THE SETTLEMENT STRATEGY	10
1.5	STRATEGY TIME-FRAME	11
2	EXISTING CONDITIONS AND FUTURE TRENDS	11
2.1	DEMOGRAPHICS	12
2.2	PHYSICAL CATCHMENT ASSESSMENT	13
2.3	SERVICES	15
2.4	SOCIAL INFRASTRUCTURE	18
2.5	DESIGN	20
3	SUPPLY AND DEMAND	21
3.1	THE CONCEPT OF SUPPLY AND DEMAND	21
3.2	SUPPLY ANALYSIS	22
3.3	DEMAND ANALYSIS	22
3.4	BALANCING SUPPLY AND DEMAND	23
4	OUTCOMES - GENERAL	23
4.1	ACKNOWLEDGEMENT OF LIMITED LAND SUPPLY	23
4.2	IDENTIFICATION OF HERITAGE VALUES	23
4.3	AFFORDABLE HOUSING	24
4.4	DESIGN GUIDELINES	24
4.5	MINIMISE DEVELOPMENT ON FLOOD PRONE LAND	25
4.6	ENVIRONMENTAL REPAIR AND ENHANCEMENT	25
4.7	TOURISM	25
4.8	MINIMISATION OF CAR DEPENDENCE	25
4.9	ON-SITE PARKING	25
4.10	HEIGHT LIMITS	26
4.11	NEW TYPES OF DEVELOPMENT	26
4.11.1	Garden flat	26
4.11.2	Bed and breakfast establishments (B & B's)	26
4.11.3	Multi-dwelling development	27
4.11.4	Co-housing Development	27
4.11.5	Eco-village development	27
4.11.6	Mixed development	27
4.12	POPULATION CAPACITY	28
5	OUTCOMES FOR SPECIFIC AREAS	28

6	IMPLEMENTATION	33
6.1	NEW PLANNING CONTROLS	33
6.2	LAND RELEASE PROGRAM	33
6.3	DEVELOPMENT CONTROL PLAN	34
6.4	LOCAL ENVIRONMENTAL PLAN	34
7	MONITORING AND REVIEW	34

APPENDICES AND MAPS:

Appendix 1: Glossary of Terms

Appendix 2: Links to State of the Environment Reporting

Appendix 3: Mapping:

Map 1 Physically unconstrained land

Map 2 Investigation areas

Map 3 Village character area

Map 4 Land Release Areas

ACKNOWLEDGMENTS

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The assistance of Government agencies in preparing the Strategy is appreciated.

1 PATHWAY TO A SUSTAINABLE FUTURE

Steps along the way

The past decade has seen an evolution in the political status of the environment, both globally and locally.

In the context of environmental planning, this evolution is marked by a number of key steps:

In 1992, a conference of world governments was held in Rio de Janeiro. That conference led to the adoption of a United Nations charter commonly referred to as Agenda 21, which acknowledges the need to develop strategic environmentally sustainable processes at the local level.

In 1993, the New South Wales Local Government Act was amended to include objectives relating to environmental sustainability. Various other legislation has also been amended. It has become quite clear that the NSW State government is providing local government with the power and responsibility to manage environmental issues in a more sustainable way.

In 1995, Byron Shire residents elected a Council with a strong environmental platform. That Council formalised its position with the introduction of its "Greenprint For A Sustainable Future" in 1998. The Byron Local Environmental Plan 1988 was amended to incorporate principles and objectives with a view to guiding development down the path of environmental sustainability.

In 1997, a conference of NSW councils was held in Newcastle with the theme "Pathway to Sustainability". This conference resulted in the "Newcastle Declaration", which was a commitment by local government to sustainability principles. Byron Council was one of the first NSW councils to ratify the Newcastle Declaration.

Byron Shire Council has maintained its commitment to environmental sustainability by developing first a Rural Settlement Strategy in 1998, followed by the Shire-wide Flora and Fauna Study in 1999.

The current Small Towns and Villages Settlement Strategies are another step along the way to infusing environmental sustainability into planning and land use.

Environmental sustainability has also been incorporated into Council's works program, particularly the sewage treatment plant upgrading and Council's annual report on the State of the Environment.

The local approach to environmental sustainability is therefore in response to diverse forces, the "top down" force of international, national and State government policy, and the "bottom up" force of local politics, which have coincided.

Principles of sustainability

The principles of sustainability adopted by Council in its *Greenprint For A Sustainable Future* are:

- a) The precautionary principle. The precautionary principle means that where there are threats of serious or irreversible damage to the community's ecological, social or economic systems, a lack of complete scientific evidence should not be used as a reason for postponing measures to prevent environmental degradation. In some circumstances this will mean actions will need to be taken to prevent damage even when it is not certain that damage will occur.
- b) The principle of intergenerational equity. This principle means that the present generation must ensure that the health, integrity, ecological diversity, and productivity of the environment is at least maintained or preferably enhanced for the benefit of future generations.
- c) The principle of conserving biological diversity and ecological integrity. This principle aims to protect, restore and conserve the native biological diversity and enhance or repair ecological processes and systems.
- d) The principle of improving the valuation and pricing of social and ecological resources. This principle means that the users of goods and services should pay prices based on the full life cycle costs (including the use of natural resources at their replacement value, the ultimate disposal of any wastes and the repair of any consequent damage).
- e) The principle of eliminating or reducing to harmless levels any discharge into the air, water or land of substances or other effects arising from human activities that are likely to cause harm to the environment.
- f) The principle of encouraging a strong, growing and diversified economy that promotes local self reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.
- g) The principle of providing credible information in open and accountable processes to encourage and assist the effective participation of local communities in decision-making.

1.1 THE NEED FOR THE STRATEGY

The need for this Strategy arises from the following issues:

1.1.1 Statutory requirements

The North Coast Regional Environmental Plan (REP) requires Council to adopt an urban land release strategy prior to permitting significant urban growth. This Strategy plans for limited and sustainable population growth.

1.1.2 Review of local policy and practice

The current planning controls have been in operation for about 14 years. They are derived from the Byron Residential Development Strategy 1993, Byron Local Environmental Plan 1988 (LEP) and Development Control Plans (DCP's). It is time to review the local planning framework to address current community issues, expectations and desired outcomes.

Byron Residential Development Strategy December 1993

The current Byron Residential Development Strategy was adopted in December 1993 and applies to Mullumbimby. This 1993 Strategy states that 'Mullumbimby has ample land to cater for the expected demand for residential land.'

The following points can be made about the 1993 Strategy:

- Settlement densities were based on 8 lots per hectare;
- It did not address higher densities in existing residential areas. No projections were made for medium density development, although it does assume that new areas will be developed at an average density of 1.5 dwellings per allotment;
- It identified large areas of land (approximately 120 hectares) for urban residential development;
- It focussed on physical capability and environmental constraints. It did not focus on social, economic and infrastructure constraints or impacts. Current thinking, demonstrated through Council's adoption of the principles of Ecologically Sustainable Development, requires us to look at other constraints and consequences;
- It estimated a constant growth rate of 4.69% (compound);
- It has become outdated in view of contemporary issues and planning matters such as:
 - ❖ The North Coast Urban Planning Strategy 1995;
 - ❖ Council's vision in its 2000-2003 Management Plan;
 - ❖ Council's aim, objectives and guidelines in its Greenprint for a Sustainable Future 1998;
 - ❖ The challenges and objectives of Local Agenda 21;
 - ❖ The Department of Urban Affairs and Planning's "Urban Settlement Strategies guidelines for the North Coast";
 - ❖ The policies outlined in the Northern Rivers Regional Strategy 1998; and
 - ❖ The objectives of the NSW Coastal Policy 1997 - A Sustainable Future for the New South Wales Coast.

Byron Local Environmental Plan 1988 (LEP)

The LEP has one all-inclusive 2(a)(Residential Zone) which for 15 years has permitted most forms of residential development throughout the residential area. Dwelling houses, dual occupancy, residential flat buildings, motels, and hostels are permissible subject only to generic development controls such as minimum lot size and setbacks.

This broad-based permissibility system has not had a major impact on Mullumbimby to date. However the permissibility of such a range of uses is not in keeping with the community's values and vision and should be reviewed.

Since the LEP was adopted in 1988 new issues have arisen such as managing the agricultural/town fringe and protection of the town character. Incompatible land uses could become more commonplace unless the LEP is reviewed to better reflect community values and to achieve the community vision.

Certain kinds of shops are permitted in the 2(a)(Residential Zone):

- General stores
- Chemist shops
- Fish and chip shops
- Fruit shops
- Video shops
- Newsagencies
- Smallgoods and sandwich shops
- Hairdressers shops

This list needs to be reviewed to ensure it reflects current requirements and types of use.

The Strategy will resolve the future of lands zoned 1(d)(Investigation Zone). This Zone was created on the basis that additional study of their development potential was required. Resolution of the future use of such land is long overdue.

Development Control Plans (DCP)

Byron Development Control Plan 2002 applies to the whole Shire. DCP No. 11 applies specifically to Mullumbimby. The relevant controls under DCP 2002, for strategic purposes, are:

- Subdivision minimum lot size:
 - ❖ 600 m² for a general lot (note: this precludes subdivision of the ¼ acre (1012 m²) lots often found in older subdivisions because 1200 m² is required before subdivision can occur);
 - ❖ 650 m² for corner blocks;
 - ❖ 800 m² for battleaxe blocks;
- Minimum lot size for dual occupancy (attached or detached) is 800 m².
- Minimum lot size for medium density (3 or more units) is 1200 m² and 250 m² per dwelling.

Higher density development is proposed to be restricted to the town centre and specifically designated sites in new development areas. Garden flats are proposed to fulfil requirements for alternative and smaller forms of housing which may be the preferred choice of increasingly common low occupancy households. The Department of Housing has advised that it is experiencing an increasing demand for 1 and 2 bedroom dwellings.

Outcome: Permit medium density development to consolidate the centre of the town, locate population close to services, permit garden flats to diversify housing stock and cater to changing demographics.

1.2 REGIONAL CONTEXT

The following documents inform the development of urban settlement strategies in this region:

- North Coast Urban Planning Strategy (NCUPS)
- North Coast Regional Environmental Plan (NCREP)
- Northern Rivers Regional Strategy (NRRS)
- DUAP's Urban Settlement Strategies guidelines for the North Coast

The region suffers a high unemployment rate and significant health, housing and social problems for young people, aged people and low income households. Mullumbimby has a higher than average level of home ownership than other areas of the Shire but still have a high proportion of single person households, single parent families and aged persons.

Down graded, and indeed the lack of aged care, medical services and the closure of Mullumbimby hospital may seriously impact on the potential aged/retiree residential market in the Shire. Investigation is currently underway to develop a new hospital to service the Shire. Overcrowded or inadequate educational facilities in the immediate region may discourage young families and may contribute to the transitory nature of the local population. The development of a new sub-regional high school will improve educational resources.

Byron Shire is connected to southeast Queensland in more ways than the regional planning framework – the NCUPS and the NRRS – would suggest. This economic and social reality can be looked at in terms of:

Opportunities

- Employment
- Economics
- Services
- Entertainment
- Flow on improvements to local amenities such as supply and diversity in entertainment and restaurants

Problems

- Uncontrolled tourism
- Strains and additional costs on infrastructure (roads, sewer)
- Environmental impact
- Diminished amenity through overcrowding
- Social displacement due to increased rent returns during holiday season

The average development density of the village is quite low, at about 10 dwellings per hectare. This Strategy does not envisage Mullumbimby being elevated in the urban hierarchy of the North Coast region. Mullumbimby will not become a sub-regional population centre. It will remain a small rural service town.

This Strategy does not propose residential densities of the order suggested in the North Coast Urban Planning Strategy of 15 dwellings per hectare. This is principally due to a desire to maintain the character of the town, which historically has not included a high proportion of medium density development. New release areas are located away from the centre of town. The average development density of the town is quite low, at about 10 dwellings per hectare.

As population projections are below average, it can be assumed that demand will flow on to other towns and villages in Byron Shire and adjoining local government areas.

Other issues of regional interest are:

Affordable housing

Real estate prices and rents are comparatively greater than many other Shires in the region, and continue to increase. Affordable housing providers such as the Department of Housing are not intending to increase their stocks.

Affordable housing is, and will continue to be, sought outside the Shire and even outside the region. In the long term this may have major implications for the demographic and social mix that this region, and this Shire in particular, has come to value.

Affordable housing should also be looked at in relative terms to the cost of housing in the Shire. If this is done then what is considered to be 'affordable' here may be considerably more expensive than what may be obtained in some neighbouring local government areas.

Tourism

Mullumbimby has many features in and around the town that could attract tourists. Tourists driving to and through Mullumbimby can access attractions such as the Crystal Castle and Minyon Falls and the shops and café's within the town.

Tertiary education opportunities

Byron Shire does not contain higher education institutions. It is appropriate that population centres should be located closer to the sub-regional centres such as Lismore and Tweed Heads which have, or are in close proximity to, those regional-level services. Mullumbimby is well located for people to work in a number of other areas. A desired outcome is to provide employment opportunities within Mullumbimby to reduce the number of car trips and to prevent Mullumbimby becoming a dormitory suburb.

Water supply

Byron Shire Council provides Town water from Mullumbimby Weir through the Wilson's Creek catchment. Recent changes to legislation, namely the introduction of the Water Management Act 2000, require stream-based water supplies to maintain environmental flows. The impacts of this legislation and the future supply of water to Mullumbimby are currently being assessed. A number of options exist, including connection to the regional supply (Rous Water) and augmentation of the Wilson's Creek supply. Demand management is central to the implementation of all options.

As part of this process reference to the information presented in this Strategy has been made. This will ensure that any adopted option will be able to service growth under the Strategy.

Pacific Highway upgrading

The upgrading of the Pacific Highway will ease access from Mullumbimby to the Pacific Highway with a slight increase in the travel distance from the exit point. The changed access arrangement is not expected to reduce the number of tourists leaving the Highway to visit Mullumbimby as the existing Highway currently bypasses the town. Alternatively, Mullumbimby could be promoted as an attractive tourist destination and actively seek to attract tourists travelling along the Highway.

Regional environmental issues

This Strategy will protect rare or significant vegetation and rare or threatened flora and fauna. Opportunities have been identified to maintain, re-establish or enhance wildlife corridors and links between environmentally significant areas.

The Byron Flora and Fauna Study 1999 identifies vegetation, and rare or threatened species which are significant on a local, regional and national basis. This Strategy advocates environmental repair to improve fauna habitat values, and links environmental repair to development opportunities.

1.3 STRATEGIC LINKS

This Settlement Strategy is linked to a number of other strategic processes and Council projects:

Wastewater Management Strategy

There is one Shire wide Wastewater Management Strategy and one Wastewater Management Strategy for each sewage treatment plant. Council has resolved to close the existing Mullumbimby and Brunswick Heads sewage treatment plants and construct a new plant to service both localities on Valances Road, Mullumbimby. The operation of the new Mullumbimby Sewage Treatment plant will centre on the concept of effluent reuse. The population capacity yielded by this Settlement Strategy and the Mullumbimby Wastewater Management Strategy has been used in planning for the new plant. Commissioning of the new plant is due in 2008.

Other Small Towns and Villages Settlement Strategies

Mullumbimby has experienced steady population growth due to its country town image and relative affordability compared to Byron Bay. It also may have experienced growth because of the increasing shortages of residential land elsewhere in the shire, particularly the Byron Bay/Suffolk Park area. Now, however, available land in Mullumbimby is limited. Other areas of the Shire or outside the Shire will need to take up the demand for population growth once the developable land in Mullumbimby is exhausted.

Byron Rural Settlement Strategy 1998

The Byron Rural Settlement Strategy deferred some land from consideration for rural settlement pending assessment of the settlement potential of the Shire's towns and villages. Near Mullumbimby, the Alidene's Road/Wilson Creek Road area was deferred for investigation.

Following analysis of the constraints to development and land available for town settlement, this area is not identified for urban settlement under this Strategy at least in the short term. It will remain rural but may have some capacity for development in the long term.

1.4 AIMS, OBJECTIVES AND GUIDING PRINCIPLES OF THE SETTLEMENT STRATEGY

The aims of the Strategy are:

- provision of a key component of the Byron Shire's Greenprint for a Sustainable Future as required in the Council's Management Plan and identified in the Greenprint for a Sustainable Future Amendment to the Byron Local Environmental Plan 1988;
- provision of the long term, sustainable development of Mullumbimby;
- the better planning, management and community ownership of the future character, design, and strategic directions for the area, including housing density, housing location and infrastructure works required;
- satisfaction of the Council's obligations under the North Coast Regional Environmental Plan for a Residential Development Strategy, including a land release program, and the DUAP's Urban Settlement Strategies guidelines for the North Coast;
- an agreed framework between the State and the local community for the orderly and timely rezoning of land for residential and other urban purposes and for the provision of services and infrastructure;
- the retention of the historic character and rural qualities of Mullumbimby; and
- the reinforcement of Mullumbimby's individuality and innovation.

The objectives of the Strategy are:

- to enhance individual and community (social and economic) well-being by following a path of economic development that safeguards the welfare of future generations;
- to provide for equity within and between generations;
- to protect biodiversity, and re-establish and enhance essential ecological processes and life support systems;
- to plan and provide for adequate infrastructure;
- to provide for planned growth;
- to retain and enhance the character of Mullumbimby; and
- to provide for facilities that contribute to the creation of a stronger community.
- to protect Aboriginal sites and places of significance.

The guiding principles of the Strategy are:

- the Community Vision;
- acknowledgment that land is a finite resource;
- development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
- decision making must ensure community consultation and participation; and
- use of the environment must be based on the principles of Ecologically Sustainable Development.

1.5 STRATEGY TIME-FRAME

This Strategy addresses the residential development of Mullumbimby over a 10 to 20 year timeframe. It is expected that the upper limit of growth, if sustainable criteria are to be observed, will be reached within ten to fifteen years. This expectation is based on:

- an assessment of physical and ecological land capability;
- current community views on population density and town character; and,
- current political climate.

Not all of the limits identified in the Strategy are absolute:

- Traffic management, parking and non-car transport must be developed to complement settlement.
- A new sewage treatment plant to cater for growth is due for commissioning in 2008.
- Options for the supply of water to Mullumbimby, incorporating consideration of future growth, are currently under investigation with demand management central to any adopted option.
- Flood prone land and other land on the floodplain are not recommended for settlement but the outcomes of a floodplain management plan may yield some development.

In accordance with the principle of "intergenerational equity," this Strategy will not limit the ability of future generations to be able to have their say in the development of Mullumbimby.

2 EXISTING CONDITIONS AND FUTURE TRENDS

Mullumbimby is a small town in a rural setting. The picturesque rural surroundings, particularly the feature of Mt Chincogan, the glimpses of Mt Warning and the backdrop of the Koonyum Range, are visible throughout the town providing an important connection. Mullumbimby is a service centre for the residents of the town and for a large rural population including the villages of Main Arm, Goonengerry and Federal and to some extent Brunswick Heads, Ocean Shores and Billinudgel. While its role as a rural service centre provides many opportunities, it also places additional strain on the existing services and facilities which must be measured when assessing the requirements for community facilities.

Mullumbimby was a separate Municipality until 1980. It has a history of innovation and self-sufficiency, qualities that the residents of the town still value and would like to perpetuate. The central residential area and town centre retains the original grid street pattern including back lanes. This pattern has been repeated in parts of the newer subdivisions off Main Arm Road. Other subdivisions have introduced cul-de-sacs.

The commercial centre has a two storey maximum height and includes original buildings and above-awning facades. While many sites have been rebuilt over the years they still contribute to a reasonably cohesive main street.

Eight buildings in Mullumbimby have been formally recognised in the Byron LEP 1988 as items of heritage. These include the National Bank, Westpac Bank, Heritage Museum, Court House, Church of England, Inverary on Main Arm Road, Cedar House on Dally Street and Somerset on Azalea Street. In addition the North Coast Regional Environmental Plan has listed the Cedar House and Mullumbimby Court House and Police Station (including the lock-up on the southern side) as heritage items of regional significance.

The Brunswick River winds through Mullumbimby, and a system of parks has been developed along the river edge. The Far North Coast Rail Line passes through the town.

The residential area has a uniform low scale, dominated by single storey detached dwelling houses on a range of lot sizes. A small amount of medium density and dual occupancy development is scattered throughout the town. The location and size of a number of churches adds to the character of the residential area.

Mullumbimby offers a quiet lifestyle in a rural and mountainous setting. The town has the potential to increase in popularity as lands proposed in the Byron Rural Settlement Strategy 1998 at Main Arm, Montecollum and Federal are developed for rural community title settlement. Any increase in population requires the provision of adequate infrastructure and services and increased employment opportunities within Mullumbimby. It is important to reduce car trips to and from the town to prevent Mullumbimby becoming a dormitory town. A range of lifestyle opportunities, provided through a variety of lot sizes, housing density and types, is required to meet the range of needs of existing and future residents.

Mullumbimby has the potential to attract additional tourists through the appeal of the town and the surrounding area and through providing alternative experiences such as horse riding, bike riding and walking on a scale that complements the town. It could also be further developed as a centre for alternative healing and medicine and organic produce.

The expansion of Mullumbimby is limited by physical constraints. It is also limited by the need to manage the size of the town in order to retain the community atmosphere. Further, adequate facilities are required for the existing population.

The future for Mullumbimby lies in limited managed growth, subject to the provision of adequate facilities to cater for the current and future population.

2.1 DEMOGRAPHICS

The following figures are based on the 1996 and 2001 census.

The average number of persons per dwelling in Mullumbimby is 2.4, which is marginally below the Shire average.

Mullumbimby population profile:

1991 Census: 2,592

1996 Census: 2,871

2001 Census: 2,980

Age

Of these 28.9% were 0-19 years old, and 24.9% were over 60 years.

Household type

Families 71%, lone person households 26%, group household 3%.

Family household

Couples with children 43%, one parent family 19%, and couple without children 37%, other 2%. Mullumbimby has a lower proportion of one parent families compared to other towns in the Shire. Strategies to address the requirements of these various groups are outlined in the section on housing.

Nature of occupancy

Owned 51%, being purchased 17%, total rented 26%, other/not stated 6%.

Mullumbimby has the highest proportion of properties owned in comparison to other towns in the Shire.

Employment

Less than half the residents of Mullumbimby are in the labour force (47.1%). This corresponds with the fact that over half the population is younger than 20 or older than 60. Of those in the labour force 14.1% were unemployed. Areas showing the highest unemployment were the 'retail trade', (21.8%), 'health and community services' (9.2%), followed by accommodation, cafes and restaurants (8.5%).

Mullumbimby services the rural areas of Goonengerry, Tyagarah, Montecollum, Billinudgel, Myocum, Upper Main Arm, The Pocket and Middle Pocket. Planning for the infrastructure and community services of Mullumbimby needs to include the pressures and requirements of this additional population.

Further growth will occur in the rural area as the Byron Rural Settlement Strategy is gradually implemented and rural residential subdivisions are created.

2.2 PHYSICAL CATCHMENT ASSESSMENT

The physical constraints that have been assessed to determine the potential growth areas for Mullumbimby include flooding, slope greater than 20%, prime agricultural land, significant vegetation, dip sites and buffers, quarry site and buffer, sewage treatment works and buffer. Stormwater and capacity for on-site drainage are issues of relevance to some areas but site-specific assessment is required. In some instances the development of constrained land can be justified. For example, a land parcel may be too small for effective agricultural production despite having a "prime agricultural land" classification.

Prime agricultural land

Mullumbimby is closely linked with its rural surrounds. Agricultural land is a valuable economic resource that is to be preserved for the future of Mullumbimby. The opportunity exists to investigate the use of agricultural land for small-scale innovative rural employment opportunities.

The North Coast Regional Environmental Plan identifies "prime agricultural land" as a resource that should be protected. Prime agricultural land is land identified as Class 1, 2, 3 or 6 by NSW Agriculture.

A recent review of agricultural classification data significantly altered the classification of land around Mullumbimby, and much of it is no longer technically "prime agricultural land". However, this does not automatically mean that more land becomes available for development, as land classification can change according to land management practices.

Mullumbimby provides a service centre function for the surrounding farms, and the rural landscape surrounding the town is highly valued by the community. Further encroachment into this valuable natural and economic resource should be avoided.

Rural activities need protection from urban encroachment to avoid conflicts over agricultural practices. This applies to cane farms to the east and south and intensive horticulture to the west. Residential development should not expand into 'greenfield' areas adjacent to intensive agriculture.

Outcome: limit development on prime agricultural land, and protect agricultural lands from encroachment by residential development as this may impact on agricultural activities. Do not expand the town into large rural land parcels without natural boundaries. Maintain a clearly delineated edge to the village.

Flooding

The highest recorded flood in Mullumbimby's history is the Mother's Day flood of 1987. This was a 1 in 30 year flood event. The 1 in 100 year flood level (or more correctly, the 1 in 100 Annual Exceedence Probability event) affects significant areas within and surrounding Mullumbimby, particularly parts of east and central Mullumbimby and parts of the western area (see Map 3). Floor levels in new residential development must be 500mm above the 1 in 100 AEP level.

The 1(d)(Investigation Zone) land at Ann Street is partly flood liable. Flood free access would require fill to be placed on the site. Existing houses in Ann Street could be affected by any development that

occurs on this land due to the floor height of some of these houses, and changes that have occurred to the flood plain over the years. Engineering practices are available to manage the floodwater and improve the situation for the existing residents; however, inadequate flood management practices in the past have resulted in residents' mistrust of this approach.

A floodplain management plan is required addressing the whole of the catchment, and providing guidance on the development of flood liable land. Any changes to the drainage patterns that lead into Mullumbimby could impact on flooding in the town. These impacts can only be clearly determined by a flood study for the whole town.

Outcome: No residential development to occur on flood prone land. No fill is to be placed on land subject to the 1 in 100 AEP level unless it can be clearly demonstrated that substantial benefits to the existing flood situation will result. Uses other than residential, such as open space, could be managed on flood prone land.

Slope greater than 20%

Development on land with greater than 20% slope is no longer permitted (see Map 3). Steep sloping land provides a backdrop for development throughout the town and contains valuable native vegetation and habitats. These areas are required to be preserved and rehabilitated. Existing zoned areas may have to be reviewed. They are also important for the town image as they provide a powerful reminder of the link between the town and the rural hinterland.

Outcome: No residential development on land with slopes greater than 20%.

Significant Vegetation

Significant vegetation exists along the waterways within Mullumbimby and to the north, east and west of the town. Council has undertaken vegetation mapping as part of the Byron Flora and Fauna Study in 1999. Vegetation as mapped by this Study is identified for protection and enhancement. Development proposals for land containing significant vegetation must include a design for protection of this vegetation. Where planting is proposed local native plant species are to be used. Certain trees are also protected within Mullumbimby through Council's Tree Preservation Order.

Outcome: Any development proposals for land containing significant vegetation must include a design for protection of this vegetation. Where planting is proposed local native plant species are to be used. These requirements are to be included in a Development Control Plan for Mullumbimby.

Dip sites

Cattle tick dips used environmentally persistent hazardous chemicals. Dip sites have been identified and are required to be rehabilitated in accordance with State Environmental Planning Policy No. 55 Contaminated Land, prior to any development occurring on the land.

Outcome: Former dip sites are to be rehabilitated prior to consideration for development.

Quarry Main Arm Road

Bowers quarry on Main Arm Road is to be protected from encroaching development. The Byron DCP 2002 requires a one kilometre buffer around this quarry. The quarry and its buffer are a constraint to residential development.

Land deferred from Byron Rural Settlement Strategy 1998

The Byron Rural Settlement Strategy unconstrained land in the Wilson's Creek/Alidenes Road area, and deferred rural settlement in this area pending the outcome of the Mullumbimby Settlement Strategy. This was to allow assessment of the land for more intensive residential settlement.

The land is unconstrained and does not have agricultural attributes that warrant protection. It is capable of residential development for a hamlet or small village, although there is no pressing need for such development at this point in time.

Outcome: Due to the potential for village development in the longer term, this area should be excluded from rural settlement in the next annual review of the Byron Rural Settlement Strategy. The potential for village settlement will be determined as part of the 5 or 10 year review of this Strategy, depending on the availability of residential land in Mullumbimby. Until that time, the area should remain as rural.

Town/agricultural edge

Agricultural land has been identified as a valuable resource and a constraint to development. Adequate planning is the most successful way to ensure that town and agricultural uses can live happily together. Properly managed agricultural practices need to be coupled with a residential community aware of the surrounding agricultural environment and its impacts. The conflicts between agricultural landowners and town residents can include noise, odour, health concerns, water, dust, smoke and ash, visual intrusion and nuisance. The intention of this Strategy is to reduce the conflicts between agriculture and adjoining landowners through planning for adequate buffers between conflicting uses.

Agricultural practices are constantly changing, as are community values every time new residents move into the area. Where separation cannot be achieved, management of the edge is required. Buffers can help to achieve this. Buffers need to be required as part of any rezoning of rural land to a residential zone. Property Management Plans and Landcare activities may also be useful tools to achieve buffers between agriculture and the adjoining residential land.

In many areas planting has not been required through development approvals. Opportunities are available to create these buffers including the use of Landcare groups or farm forestry planting incentives for landowners. This planting has tax-deductible advantages when linked to other agricultural production. Roads, ridgelines and creeks can be used to mark separation barriers.

The establishment of high-tech industries in rural areas has been suggested. Rural industries are permitted at present and uses can be explored under the provisions of the LEP. The extent of permissibility can be investigated through the new LEP.

Outcome: Retain agricultural land in large parcels at the edge of town. Create buffer areas as opportunities arise. Rural landowners and Land Care groups to participate in buffer planting of the agriculture/town edge wherever possible. Investigate permissibility of high-tech rural industries as part of the new LEP.

2.3 SERVICES

Roads and parking

The quality of the road network varies. Major roads have footpaths. Bike paths, trails and bridges are required to link residential areas, high school and primary schools, employment areas and the town centre. A well-planned public transport network will supplement pedestrian and cycleway access and provide an alternative for those in the community with mobility problems.

The cost of road upgrade is an important factor in estimating the cost of the development of the land. The estimated cost based on current road standards is \$25 – \$60 per square metre depending on road quality. The required road width is based on the number of lots to be served:

- 4-5 lots - 4 metre road
- up to 15 lots - 5 metre road
- over 15 lots - 6 metre road

Back lanes provide a valuable contribution to the character of Mullumbimby. These are to be preserved for their contribution to neighbourhood character and retain a low key vehicular, bike and pedestrian access function.

A perception exists that there is insufficient car parking in Mullumbimby. At certain times of the day it is difficult to obtain a parking spot in the main street. Additional parking exists behind the shops to the north and in the Council car park in Station Street. Any estimation of parking requirements for the town must include the rural population that uses Mullumbimby as its service centre. The rural

population in the vicinity of Mullumbimby in 1996 was 3195. Potential population from lots to be created from the Byron Rural Settlement Strategy must also be included.

The current Section 94 Plan includes provision to purchase land for car parking. The location of the car park will to some degree depend on commercial factors.

Access

The town of Mullumbimby has developed with several barriers to movement and cohesiveness formed by the various branches of the Brunswick River, Main Arm Creek and the North Coast Rail Line. These barriers provide the opportunity to create a 'bike and pedestrian friendly' town and to further develop appropriate and efficient public transport services and networks. There are approximately 5km of existing pathways and cycleways in Mullumbimby. The construction of an additional 2.16km of pedestrian/cycleways is proposed in the next ten years. The provision of well-placed infrastructure will make travel to the town centre by foot or bike easier and quicker than car travel. An appropriate town bus service could provide an alternative for those in the community unable to utilise pedestrian paths and cycleways.

There are currently six bus companies providing services to Mullumbimby. There is one town service; four services that operate between Mullumbimby and other areas; and a number of school services (Passenger Transport in the Richmond Valley: A Review of Current Status and Analysis of Needs, December 2002).

Traffic and pedestrian movement to the west of town would benefit from the creation of a north-south connection between Left Bank Road and Clay's Road/Coral Ave. Pedestrian access into the town centre would be enhanced by the creation of an east-west connection from the new residential areas to the west across the river to shorten the travel distance.

Pathways connecting the rural areas to the town can be provided along Crown roads. These roads could be used by pedestrians, bike riders and horse riders who currently use trails around Mullumbimby. A pedestrian link from Wilson's Creek Road to town has been identified as one possible link.

Water Supply

Town water is provided from Laverty's Gap Weir from the Wilson's Creek Catchment. Land that is part of this catchment is zoned 7(c) (Water Catchment Zone). There is a need to ensure that the Wilson's Creek Catchment, which comprises mostly of private land, is appropriately managed to ensure the highest quality and quantity of drinking water for Mullumbimby.

Water supply for Mullumbimby is obtained from a weir on Wilson's Creek. This scheme was exposed to considerable stress in late 2002 and early 2003 due to drought conditions. At that time it was considered likely that the supply would require augmentation to cater for growth.

The Strategy (that Council will consider) to supply water sustainably to Mullumbimby in the future is currently with consultants and will be complete by December 2003. A Value Management Study that presents options in terms of water supply is currently underway. Reference to future growth in Mullumbimby under the Settlement Strategy has been incorporated into preparation of the Value Management Study from the beginning.

Investigations have commenced on long term supply options, which include connection to the Rous Supply and augmentation of the Wilson's Creek supply. Central to all options is the positive impact of demand management, which will reduce reliance on water supply infrastructure. Rous Water has been consulted throughout this process and ongoing discussions are continuing.

Sewer

The current sewage treatment plant uses old technology and is loaded beyond its design capacity. This situation has constrained development in Mullumbimby, including subdivision, since 1998.

Council has resolved to close the existing Mullumbimby and Brunswick Heads sewage treatment plants and construct a new plant to service both localities on Vallances Road, Mullumbimby as part of

the Shire-wide upgrade and augmentation of sewage treatment plants. Central to these plans are options for effluent reuse. These options are currently being investigated for the new plant at Mullumbimby.

Land has been purchased and a recommendation to adopt the Concept Design Report (which includes the Mullumbimby Wastewater Management Strategy) for the new plant has been made. The environmental impact assessment process is due to begin early in 2004 with commissioning of the new plant due in 2008. The provision of additional sewage treatment capacity will facilitate future development of land identified in the Strategy both in the short and long term. Service to release areas will most likely occur through use of a conventional gravity sewerage system.

This Strategy recommends against expansion of urban development on flood prone land. However, it is possible that a floodplain management plan conducted at some time in the future could identify additional urban land capacity on flood prone land, once unconstrained land is exhausted. This contingency has been considered during planning of the new sewage treatment plant through reference to the information contained within the Mullumbimby Settlement Strategy.

Stormwater drainage

The management of stormwater within Mullumbimby has been inadequate and could account for some of the perceived flooding problems. Plans are in place to upgrade the existing infrastructure. Additional stormwater from new development is managed through engineering requirements that new development will not create additional stormwater off-site. Council has developed a stormwater management plan that addresses the quality of stormwater in the Shire.

Areas of Mullumbimby contain soil types that provide poor drainage. This impacts on the ability of the land to provide on-site servicing and requires the subdivision of larger allotments.

NorthPower Site

The existing NorthPower substation has had some noise impacts on dwellings in the Wilson's Creek/Yankee Creek Road area. It also has a visual impact on land below Robinson's Road on Alidene's Road. The substation is a noise and visual constraint for this area.

Outcome: Assess impact of noise and visual impact of substation on any proposed development in this area. This issue to be reviewed when deferred land in Wilson's Creek/Alidene's Road is reconsidered for development.

Mullumbimby Town Centre

The viability of the business centre of Mullumbimby is to be retained and enhanced through confining business development to the existing 3(a)(Business Zone). No stand-alone shopping centres will be permitted. Business zoned land is still available for development within the town centre.

Problems that exist for the town centre include the servicing of existing buildings and the provision of adequate parking. The existing angle parking reduces the street width and provides maximum parking directly accessible to the shops. There is a shortage of parking in the main street at some times of the day. Parking is available in the car park adjoining the Council Administration Building. The review of the Section 94 plan will address the requirements for parking and other community facilities in Mullumbimby.

All buildings in the town centre are to be a maximum height of two-stories or constructed with the capacity to carry a second storey. The review of the Mullumbimby Development Control Plan will include design guidelines to assist in constructing development that reflects the existing character of the town centre.

Business zoned land can be used for medium density housing if designed as a mixed use development. The potential for part of the building to be used for business purposes is important so that valuable business land is not sterilised and flexibility of use is retained. Retail trading can be concentrated on the ground floor to improve street level activity with residential accommodation provided on the first floor. This will allow for additional activity and surveillance of the town centre outside trading hours, and provide an alternative lifestyle opportunity.

A number of houses exist within the town centre that contribute to the character of Mullumbimby. These houses can be retained and refitted for business purposes.

Outcome: retain heritage character, two-storey height limit, support shop-top housing, allow mixed use development that incorporates a shop front, address parking and community facilities through the review of Section 94 plan, include guidelines in the review of Development Control Plan No. 11 - Mullumbimby, retain contributory housing and allow commercial reuse where appropriate.

Employment Generation

While this Strategy is not the means for providing additional employment, it can indirectly assist by ensuring there are sufficient zoned lands for business and industrial purposes to meet demand. It can also assist by providing for home based, non-polluting employment.

The provision of additional employment opportunities to meet the needs of the proposed increase in population will reduce car usage, allow residents to live and work in Mullumbimby and diversify the employment opportunities offered in Mullumbimby. The development of local product for sale will also increase the commercial activity and viability of the area.

Home-based employment provides the opportunity to live a more self-sustaining life style. It is an option that is increasing in desirability throughout the community. The opportunity exists on all residential lots to provide housing that allows for a range of employment opportunities including home occupation and cottage/rural industry.

Industrial Area

The main industrial area is located at the eastern entrance to Mullumbimby. Developed lots are available for sale with the potential for further lots to be developed. The existing screening along the Main Road needs to be retained to enhance the eastern approach to Mullumbimby.

A small second industrial area is located at the northern end of Station Street, west of the railway line. No further expansion of the industrial area should occur.

The location of industrial areas requires residents to drive across town to work. The provision of varied opportunities for employment on land in the western areas of Mullumbimby would assist the population in this area.

Outcome: Facilitate technology-based industries either in current industrial areas or on new sites. Permit a broad range of uses in the industrial areas including home employment. Employment opportunities are required to the west of Mullumbimby. Additional employment is required in Mullumbimby to reduce the number of cars leaving town and to eliminate the need for a by-pass.

Subdivision design

Subdivision design needs to accommodate the attributes of the land, such as vegetation, slope and drainage. Subdivision design should contribute to a sense of community, and provide a range of lot sizes to cater for different needs. Opportunities to experience a rural lifestyle are important to the community of Mullumbimby.

Outcome: Subdivision patterns to facilitate the development of the community and accommodate natural features.

2.4 SOCIAL INFRASTRUCTURE

There is a perceived deficiency in the level of services provided in Mullumbimby. This is an historical deficiency that Section 94 contributions from new development cannot redress. Other strategies and money need to be sought to improve the level of community facilities for the large population that Mullumbimby serves. Proposed subdivisions must address all impacts on the provision of adequate commercial development, the need for additional parking and the provision of additional community facilities for families, the aged and youth currently living in the town and the surrounding area.

Education

Mullumbimby has two primary schools, a State Primary School and a Catholic Primary School. There is one high school, Mullumbimby High School, which requires upgrading and additional land where possible. This school is currently being upgraded to better accommodate its existing and anticipated future student capacity.

Community Facilities

Existing community facilities in the Mullumbimby area include:

- Community information and neighbourhood centre
- Drill Hall
- Memorial Hall
- CWA Hall
- Scout & Guide Hall

Other public community facilities:

- Mullumbimby Community Pre-school
- Wilson's Creek Hall
- Durrumbul Pre-School
- Durrumbul Community Hall
- Kohinur Hall

The current Section 94 plan identifies the following community facility requirements:

- Pre-school upgrading
- Permanent youth centre
- Sporting fields

The need has been identified for the development of aged units and a nursing home. The library is now located in Council's Administration Building in Station Street.

Open Space

The existing open space along the Brunswick River and Creek systems provide passive recreation areas for the town. These areas can be enhanced through creating links to new development when the opportunity arises.

Active open space is located at the southern entrance to town and in the newer residential areas off Pine Avenue. The vacant land off Ann Street could provide the opportunity to obtain open space in the eastern area. Additional open space also may be available through land purchase adjacent to the existing facilities at the southern entrance to town.

Outcome: Enhance active and passive recreation areas. Pedestrian access routes to all open space areas to be identified and incorporated into the bikeways plan.

Safety

Mullumbimby is a safe town. Retaining a safe community is an important outcome of this Strategy.

Outcome: Shop-top housing in the town centre, design development so it overlooks and interacts with open space areas, walkways and paths to be open, clear, and well lit. DCP 2002 includes requirements based on the Crime Prevention Through Environmental Design program.

Hospital

The future downsizing of the Mullumbimby Hospital may allow for some redevelopment. This site, in conjunction with the land around it, could be investigated for aged housing and nursing home needs or a youth facility. A pedestrian bridge across the river would increase accessibility to the town centre for all residents west of town.

Outcome: Participate in discussions regarding the closure of the Hospital, the rehabilitation of the site from asbestos materials and its future use. Assess the reuse of this site together with the surrounding rural zoned land. Require a pedestrian access bridge across the river as part of any development proposal for this area.

Showground

The Showground is a valuable community resource suited to providing for and meeting the needs of horse riders and other community members in the area. It also provides for tourist camping, although its availability for this purpose is unclear, and seemingly not well known to tourists.

Outcome: Provide for community partnership in the use of the Showground. The Showground is currently zoned 2(a)(Residential Zone). This zoning is inappropriate, as it does not reflect the current uses of this land.

Section 94 catchments

Council's Section 94 Plan is currently being reviewed. This will establish the level of contributions for new development in Mullumbimby and look at the facilities required that could be linked to these funds. The use of Section 94 funds is limited by the need to establish a nexus between the collection of funds and what the money is spent on.

Outcome: Where section 94 funds are limited or cannot address an identified deficiency, investigate partnerships with developers to negotiate better outcomes. Encourage discussion of subdivision applications in the community to enable early identification of opportunities for co-operation. Assess the impact of additional residential development on the demand for parking and community facilities in the town centre and amend Section 94 plans if necessary.

2.5 DESIGN

Public domain

Burringbar Street, the entrance to the town centre of Mullumbimby, is a wide main street with angle parking, planting and a two storey height limit. The layout, age of buildings, history, trees, river, views to rural landscapes and parklands all contribute to give Mullumbimby town centre a human scale and a softened environment. The western end of the main street links into the Brunswick River parks, which are a central feature of the town. These parks provide an attractive integration of the town with the surrounding rural fringe.

Pedestrian crossings in the main street slow the traffic and increase pedestrian safety making the centre more pedestrian friendly. Town design improvements to parking and street tree planting have improved the appearance on the area.

Outcome: Enhance links between the Brunswick River and Mullumbimby town centre. Create activity nodes at the eastern and western ends of Burringbar Street. Identify routes for bikeways and pedestrian paths around the town, including bridge crossings, to make access to community facilities and rural areas safer, quicker and easier.

Housing design and density

Urban design has a central role in making Mullumbimby more:

- *environmentally responsible*, by fitting new urban development and infrastructure into the built and natural environment; and

- *equitable*, by improving the distribution and accessibility of services and facilities within the community.

Change and development should be managed so that:

- consistent elements which reinforce the town's fundamental character can be maintained;
- inconsistencies which detract from town's character can be remedied, and
- guidelines for future development can be established.

A range of housing options is required to cater to the diverse needs of the community. These will be provided in a manner that retains the character of the town.

Outcome: Allow for increased density in the town centre. Consider development controls on balconies and awnings so that they are sympathetic with the continuous shopfront character of the main street areas. Garden flats to provide alternative forms of accommodation with minimal impact on town character. Mixed (commercial/residential) uses in the town centre. Note: home occupation and home industry are currently permitted in residential areas.

Ecological interaction

Retaining and improving the condition of the Brunswick River and the parks around it is vitally important to Mullumbimby. Opportunities for environmental repair and enhancement can be explored. The rehabilitation, life and health of the Brunswick River are significant issues in the future settlement of Mullumbimby.

Outcome: Consider provisions for environmental repair and enhancement in planning controls to promote environmental repair and enhancement of the river and creeks.

3 SUPPLY AND DEMAND

3.1 THE CONCEPT OF SUPPLY AND DEMAND

The future demand-supply dynamics of urban housing in the Shire will be influenced by a range of factors that include, but are not necessarily limited to, the following:

Demand factors:

- rate of population growth within the Shire;
- interest rates;
- taxation/investment incentives (negative gearing);
- the availability of superannuation funds to retirees;
- accessibility of shops, schools and other services;
- the limited availability of residential housing in other towns and villages, particularly if availability is linked to the provision of adequate sewerage capacity;
- the relative cost and availability of housing in the adjoining coastal Shires of Ballina, Tweed and the City of Lismore; and,
- lifestyle perceptions.

Supply factors

- the "finite" amount of land in the Shire available for urban development by current and future generations;
- the willingness and ability of landowners to release land onto the market;
- the willingness and ability of landowners to redevelop existing residential sites to higher densities; and,
- the cost and availability of housing in other areas.

Supply is essentially a function of the willingness of developers to apply to Council to rezone land in accordance with a land release program and their ability to finance the costs of development. It is not necessary to provide for speculative demand by zoning land beyond reasonable requirements, say five years.

3.2 SUPPLY ANALYSIS

There is a considerable timeframe involved in residential land development. The following factors are a simplified version of development processes:

- Identifying land with residential capacity
- Rezoning
- Subdivision design
- Processing of development application
- Preparation of detailed engineering plans
- Subdivision works

Altogether this process can take up to 5 years. There are therefore different stages in the “availability” of land.

A floodplain management plan is required so that decisions can be made about development of land on the floodplain, including land above the flood planning level (1 in 100). This factor strongly influences residential land supply.

At present only the existing residential zoned land off Tuckerroo Avenue is available for subdivision, and part of that zoned area is flood prone. This land is also constrained by steep slopes and habitat. The area of zoned land available for subdivision is probably less than 25 hectares, although further site analysis is required.

At present the limited capacity of the sewage treatment plant is preventing the subdivision of zoned land. This situation is likely to continue until the new sewage treatment plant at Vallances Road, Mullumbimby is commissioned in approximately 2008.

3.3 DEMAND ANALYSIS

Current Population Figures

Prior to 1970 the Shire had experienced a trend towards a decline in population in the rural areas and a relative increase in town and village (particularly coastal) areas. This has turned around and in the last 20 years. The rural population has grown and stabilised. Such growth can be attributed to a renewed interest in rural lifestyles rather than to an upturn in traditional rural economies.

Long-term projections are influenced by the long-term availability of adequate land supplies around growth centres. The small towns and villages of the Byron Shire are interconnected because of the different uses and functions of each and through the need to share services and facilities. Collectively, the population of the Shire can support a wide range of services and facilities but none of the towns or villages are individually large enough to do so independently.

Summarised Census Data – Comparative Population Growth 1976 – 2001:

1976	2,029
1981	2,234
1986	2,434
1991	2,592
1996	2,870
2001	2,980

The decline in the growth rate between 1996 and 2001 compared to the previous 5 years can be largely attributed to the sewerage “moratorium” which prevented further subdivision and housing development. Recent growth rates do not reliably reflect demand and should not be the basis of

growth projections. Growth rates in the mid-1990's indicated that about 40 new houses were being built in Mullumbimby each year.

A steady demand has been noted for rental accommodation. Increasing demand for aged persons accommodation and for affordable housing is expected to occur over the life of the Strategy.

3.4 BALANCING SUPPLY AND DEMAND

There is presently about 30 hectares of land available for residential subdivision. At a rate of 40 lots per year, after the sewerage infrastructure constraints have been addressed, Mullumbimby's land supply could be fully utilised within five to ten years.

The adoption of a floodplain management plan that allowed further development on the floodplain may result in an additional land supply, although the outcome cannot be speculated at present.

There has historically been negligible demand for medium density residential development in Mullumbimby. That could change if land supply is limited.

At present the market is perceived to prefer single dwelling houses, but changing demographics could mean that the preference for smaller dwellings will increase. This is confirmed by the Department of Housing, which is experiencing increasing demand for one and two bedroom accommodation.

Medium density development in Mullumbimby can provide a greater variety of housing choice to reflect the requirements of existing and future residents.

The provision of garden flats will also meet some of the demand for rental housing in small dwellings.

Settlement Strategies for Byron Bay and Brunswick Heads indicate limits to the growth of those places in order to maintain their sense of place, character and community. This could result in a shift in housing demand (and supply) away from these coastal towns to Mullumbimby.

Outcomes: Enough zoned land exists for the next 5 to 10 years. No new areas are identified for rezoning at this stage. At the 5-year review the need to identify any further land for residential or village settlement will require further investigation and decision making by Council and the community.

It would be beneficial for planning purposes if a floodplain management plan was adopted within the next 3 to 5 years. This would allow reconsideration of land at Ann Street and Coral Avenue/Clays Road for residential development before land supplies were completely exhausted.

If a floodplain management plan is not developed, land at Wilsons Creek/Yankee Creek Road should again be considered for residential (village) development. However release of this area will require extensive investigation of environmental and servicing issues in the context of a shire wide assessment.

4 OUTCOMES - GENERAL

4.1 ACKNOWLEDGEMENT OF LIMITED LAND SUPPLY

This Strategy acknowledges that there are environmental and infrastructure constraints to development in and around Mullumbimby. Once existing residential zoned land is developed, there is limited land available for development. After this, any additional population growth will be accommodated in higher density redevelopments within the town.

4.2 IDENTIFICATION OF HERITAGE VALUES

Mullumbimby was proclaimed a village on February 4, 1888. The established central area of the town retains many original buildings. Council's heritage advisor has inspected Mullumbimby and has provided the following advice:

“The town of Mullumbimby has a very attractive character overall. The quality of much of the building stock, the setting and the trees all contribute to an outstanding heritage character. The whole town should be treated as a character area and the boundaries should be extended to natural limits to ensure that the contribution of setting is protected, even though it could be argued that the Council will ensure that the margins are well managed.”

A character area has been suggested for the older parts of central Mullumbimby (see Map 3). Development controls are required to protect the established character of the town and ensure that new developments respect this character without mimicking heritage styles.

The valued aspects of the town include:

- single storey post war traditional style housing gives uniformity to the appearance of the area;
- generous lot sizes creating the feeling of space;
- low fences, traditional gardens and generous front verandahs;
- wide streets, generous verges and uniform housing setbacks;
- back lanes;
- mature trees provide a lush, green appearance to the town;
- the Brunswick River and planting around the parks; and
- the visual backdrop of the mountains on the western side and agricultural surrounds.

Outcome: Development in Mullumbimby is to incorporate height, bulk and design elements sympathetic to the character elements of the town. Review planning controls to incorporate these design requirements.

4.3 AFFORDABLE HOUSING

Real estate prices have boomed in recent years and rents can be expected to rise. Housing stress can be expected to increase.

Supply and demand economics indicate that there must be intervention in the free market process if affordable housing is to be provided. Such intervention already occurs through Department of Housing lease arrangements. Council can play a role by prohibiting certain forms of development for example subdivision of garden flats.

The Department of Housing is not expected to increase its stocks in Mullumbimby. Incentives and development options are needed to maintain a supply of rental accommodation in response to the demographics of the town.

Based on information from the Byron Community Profile and census data, this Strategy recognises the role of caravan parks (through their respective Management Plans) as a significant provider of affordable housing, whether intentional or otherwise.

Other housing types that can increase access to low cost housing include garden flats and dual occupancy. These types of housing will be available throughout Mullumbimby, subject to meeting planning criteria such as minimum lot size.

Medium density development can provide some savings in construction costs. This form of development will be located in the town centre and within walking distance of the town centre.

4.4 DESIGN GUIDELINES

This Strategy assumes that Development Control Plan No 11 – Mullumbimby will be revised to provide specific design guidelines for Mullumbimby, particularly addressing:

- Development in Burringbar Street;
- “heritage” or “character” buildings and area;
- provision, or reinstatement, of verandahs and awnings in the town centre;
- general residential development controls;
- shop top housing; and,
- garden flat development.

4.5 MINIMISE DEVELOPMENT ON FLOOD PRONE LAND

Parts of Mullumbimby are subject to flooding at the 1 in 100 Annual Exceedence Probability level. The probable maximum flood (PMF) level is higher than the 1 in 100 AEP level. The NSW Floodplain Management Manual 2001 recommends a cautionary approach to development on floodplains, and provides guidance on the development of a floodplain management plan to address flooding issues on a catchment basis. Preparation of a map of lands in Mullumbimby constrained only by flooding would facilitate the future development of a floodplain management plan by identifying priority areas to be addressed by the plan. In the absence of a floodplain management plan:

- No further development involving filling or other modification of flood behaviour should be permitted on flood prone land;
- The residential capacity of land on the floodplain should not be predetermined;
- Increases in hard surface area should be avoided on existing developed residential land; and
- Consideration may be given to non-structural development, such as open space and camping, in accordance with regulations and best practice for such development on flood prone land.

4.6 ENVIRONMENTAL REPAIR AND ENHANCEMENT

All development and existing settlement have impacts on the quality of the Brunswick River. An outcome of this Strategy is that no additional flow or stress is to be placed on the Brunswick River.

4.7 TOURISM

The impact of tourism on Mullumbimby is likely to increase as the number of tourists in Byron Bay increases. The town has shops and café's that would appeal to tourists. Surrounding drives and attractions such as the Crystal Castle and Minyon Falls have the capacity to draw tourists to the area. Several sites are suited to the development of a motel or caravan park.

4.8 MINIMISATION OF CAR DEPENDENCE

The undeveloped 2(a)(Residential Zone) is two to three kilometres from the town centre. This distance and the likely prevalence of detached housing will impose a high degree of car dependence and car usage on future residents.

In order to reduce car dependence and greenhouse gas emissions, future medium density residential developments should be located within walking distance of commercial, retail, recreational and cultural facilities and/or town bus service routes. 'Walking distance' is generally taken to be about 400 metres. This should reduce reliance on cars and foster use of public transport and a pedestrian oriented environment, consistent with the vision for the town. Providing additional crossings of the creek and river will facilitate walking and riding around Mullumbimby.

Outcome: Council should consult with the Ministry of Transport (or equivalent state government transport authority) and local bus company operators in order to facilitate the best public transport outcomes for the community throughout the various stages of implementation of the Strategy.

Ensure the provision of accessible bus stops, footpaths and kerbside infrastructure in Mullumbimby to facilitate improvements to public transport.

4.9 ON-SITE PARKING

Car parking requirements are calculated in accordance with Council's Development Control Plan schedules. All parking required for residential development should be provided on-site.

Commercial development may have the option of providing parking on-site or paying Section 94 contributions towards a Council car park.

4.10 HEIGHT LIMITS

To date Mullumbimby has not experienced incongruous or excessive large-scale buildings. The older part of the town, particularly east of the railway line and north of the town centre, is dominated by single storey detached dwellings. The character of these areas, including the predominant height of buildings, is to be protected through design guidelines. In other residential areas a two-storey height limit will apply.

The central business area is currently a mixture of single and two-storey development. Three-storey development would be incongruous and would not conform to the community's vision for the town. A two-storey height limit is recommended.

4.11 NEW TYPES OF DEVELOPMENT

This Strategy has identified the need for a Council to recognise and facilitate new forms of development in Mullumbimby. A list of existing and proposed definitions is contained in Appendix 1.

4.11.1 Garden flat

This is not a new form of development. Otherwise known as a granny flat or studio flat, the garden flat is a small dwelling that has the following characteristics:

- They are ancillary to another (usually larger) dwelling;
- They are about double garage size;
- They may be attached (eg an 'undercroft' or 'downstairs' unit) to the "main" dwelling, or detached (eg a converted garage); and
- Pedestrian (but not always vehicle) access and private open space may be separate from that of the other (or "main") dwelling.

The following points are indicative of possible development controls for garden flats:

- Either attached to, or detached from, an approved dwelling house (whether existing or proposed-and-not-yet-constructed);
- Single storey;
- Only where there are no more than 2 dwellings on an allotment;
- Minimum lot size 600 m²;
- Maximum gross floor area of 60 m² with up to 15 m² deck/balcony;
- Must have direct access to a minimum of 30 m² of useable open space, including any deck/balcony; and
- Car parking:
 - ❖ 1 space for the main dwelling, except where primary access is off a lane in which case 2 spaces are to be provided;
 - ❖ 1 space for the garden flat;
 - ❖ A third space which must be accessible to either dwelling; and
 - ❖ Stack parking and parking in front yards is not acceptable.

These small dwellings will be permissible throughout the residential areas, other than in areas oriented towards medium density, motels and hostels.

Development controls are required to mitigate against impacts on privacy.

Garden flats accommodate additional population and should be levied from section 94 contributions accordingly.

4.11.2 Bed and breakfast establishments (B & B's)

The current definition of a B & B allows up to 5 guest rooms in a bed and breakfast establishment. It is acknowledged that B & B's can provide additional income to householders and are an increasingly popular form of tourist accommodation. However the commercial nature of large scale B & B's and

the impacts such developments can have on local residential amenity, such as additional traffic and noise, indicates that there needs to be some control over the scale of B & B operations.

B & B's should be limited to 3 guest rooms in residential areas.

4.11.3 Multi-dwelling development

Existing definitions do not provide the flexibility required to address all possible forms of multi-dwelling development. A new umbrella definition is required which covers residential flat buildings, villas, townhouses, combinations of attached dual occupancy buildings and the like. Revised planning controls need to facilitate community subdivisions such as proposed by co-housing groups in suitable locations where medium density would not generally be permitted.

Multi-dwelling developments should be located near the town centre to minimise car dependence.

Outcome: Amend existing definitions. Limit multi-dwelling developments to areas close to the town centre.

4.11.4 Co-housing Development

Co-housing is a style of co-operative living providing the autonomy of private with many of the resource advantages of community living. It is usually based on each household having freehold title of their own site and a share in the community land and facilities, which include a common house with kitchen and dining room. There are some rental or part rental co-housing communities.

This form of development currently is only possible on land where medium density development is permissible. Consideration needs to be given to allowing for this type of development on a broader range of sites.

Outcome: Planning scheme to facilitate co- housing developments.

4.11.5 Eco-village development

An eco-village is a sustainable community, which cares for its people and the earth in either a rural or an urban area. See paper "Eco-villages - A Sustainable Lifestyle" by David Kanaley, for further information.

This form of development requires the eco-village proposal to be developed in conjunction with a rezoning of the land on which the village is proposed to be constructed.

Outcome: Planning scheme to facilitate eco-village developments.

4.11.6 Mixed development

Residential development associated with commercial development has in the past been dealt with under the different requirements of each defined use. The context of residential development in a town centre requires focussed consideration. For example, developments in the town centre can presently be built to the boundary, without setbacks. This has the potential to adversely impact on the amenity of residential dwellings.

Integrated residential/commercial development controls are required.

Outcome: Planning scheme and development controls for mixed residential/commercial developments.

4.12 POPULATION CAPACITY

The current population of Mullumbimby is approximately 3,200. Future population growth is expected on existing zoned land and in residential infill developments such as dual occupancy and garden flats.

The average density and population yield of residential subdivisions can be predicted with some accuracy, as only one form of development is likely to occur. It is more difficult to predict the population capacity of areas where a variety of other forms of development, such as commercial space, may be more attractive to landowners and investors.

Mixed residential/commercial development in the town centre will also provide additional population. It is difficult to predict the long-term residential development pattern of the business centre. There are 120 allotments but very few dwellings in this area at present. However, future limits on land supply and other factors may make town centre living attractive, resulting in increased residential development.

It is necessary for infrastructure planning purposes to estimate the likely additional population capacity of the town centre in the long term. An allowance has been made for 150 dwellings in the existing 3(a) Business Zone.

In the longer term additional residential land may be available at Clay's Road and Ann Street. The development of these areas will be guided by a floodplain management plan. For long-term infrastructure planning purposes an estimate of probable residential capacity has been made for these areas.

While caretakers' dwellings have been negligible in industrial areas to date, this form of residential development may also increase if land supply is exhausted.

The population capacity of Mullumbimby is estimated as follows:

• Existing population (2001 census)	3,200
• Existing zoned land off Tuckeroo Avenue	600
• Existing zoned land off Main Arm Road	100
• Town centre redevelopment – 50% take up	360
• Infill development (5% of long term population)	240

Population capacity (rounded) 4,500

• Long term – Clays Road (infrastructure contingency)	100
• Long term – Ann Street (infrastructure contingency)	120
• Contingency for industrial areas	50

Long term population capacity (contingency) 4,800

5 OUTCOMES FOR SPECIFIC AREAS

Undeveloped areas around the edge of Mullumbimby have been investigated to assess their potential future use. The constraints, issues and outcomes of those lands are listed in the following table.

INVESTIGATION AREAS <i>See Map 2</i>	CONSTRAINTS	MEASURE AGAINST ISSUES AND OUTCOMES	RECOMMENDATIONS
AREA 1 <i>Southern entrance to Mullumbimby from Coolamon Scenic Drive</i>	<ul style="list-style-type: none"> • Flood prone; • Prime Agricultural land; • Intensive agricultural uses adjoining; • Co-op Depot; • Entrance to the town. 	<ul style="list-style-type: none"> • No development on flood prone land; • No development of prime agricultural land; • Provide buffers at the town/agricultural edge. 	<p>Area 1 is not recommended for traditional detached housing because much of it is flood liable. It provides a buffer between the town and adjacent agricultural lands. It is also visually sensitive being located on the Coolamon Scenic Drive approach road.</p> <p>Estimated residential lot yield nil.</p>
AREA 2 <i>Behind Ann Street down to the Creek</i>	<ul style="list-style-type: none"> • Flood prone; • No flood free access; • Floor levels of adjoining homes; • Prime agricultural land; 	<ul style="list-style-type: none"> • No development on flood prone land; • No development of prime agricultural land; • Proximity to town; • Provide town/agricultural buffer; • Provide additional open space; • Develop community. 	<p>Much of Area 2 is flood liable or is low lying with drainage issues.</p> <p>Non-flood liable land is separated from residential areas by flood prone land. Flood prone access is unacceptable as it creates the potential for isolation of residents in floods. This may be addressed by appropriate road design.</p> <p>While there are parts of the area, which are not flood prone, this whole area is on the floodplain. The issues that are relevant here – flood hazards, flood levels, riparian buffers, access and the potential for isolation - should be addressed across the catchment in a floodplain management plan.</p> <p>In the long term, and subject to the outcomes of a floodplain management plan, the flood free land may be suitable for a low-yield residential development. There may be potential for a focus on affordable housing, such as an eco-hamlet (Community Title) with clustered dwellings, or a caravan park.</p> <p>Planted buffers between residential development and the adjacent agricultural lands are required.</p>

INVESTIGATION AREAS <i>See Map 2</i>	CONSTRAINTS	MEASURE AGAINST ISSUES AND OUTCOMES	RECOMMENDATIONS
			<p>This buffer should be substantially advanced prior to any development occurring to ensure its effectiveness.</p> <p>Vegetated riparian buffers to the creek are required. A 50 metre buffer is recommended.</p> <p>In view of the constraints on this land and the need for a floodplain management plan, this area must be considered a long-term option.</p> <p>The long term potential should be taken into account for infrastructure planning purposes (e.g. sewage treatment plant capacity).</p> <p>Approximately 5 hectares of land are not flood prone at the 1 in 100 AEP level.</p> <p>Estimated short-term lot yield is nil; contingency for 50 lots in the long term.</p>
<p>AREA 3 <i>Northern entrance to town on Coolamon Scenic Drive</i></p>	<ul style="list-style-type: none"> • Steep sloping land; • Access; • Rural entrance to Mullumbimby; • Brunswick River banks; • Existing agricultural uses. 	<ul style="list-style-type: none"> • Protect the Brunswick River; • No development on steep sloping land; • Retain buffers between town and agricultural uses. 	<p>Small area of developable land, constrained by steep slopes.</p> <p>Estimated residential lot yield nil.</p>
<p>AREA 4 <i>Undeveloped, existing residential zoned land on Main Arm Road</i></p>	<ul style="list-style-type: none"> • Drainage • Creek 	<ul style="list-style-type: none"> • Unconstrained land • Opportunity for creek repair • Provide town/agricultural buffer • Creek is the northern boundary 	<p>This area is suitable for residential development, caravan park or mobile home park subject to access being acceptable and resolution of the flood boundary.</p> <p>Subject to detailed site assessment estimated residential lot yield is 40 lots.</p>
<p>AREA 5</p>	<ul style="list-style-type: none"> • Suitability of soil for increased 	<ul style="list-style-type: none"> • Some areas ideally close to town 	<p>No change to existing rural residential use.</p>

INVESTIGATION AREAS <i>See Map 2</i>	CONSTRAINTS	MEASURE AGAINST ISSUES AND OUTCOMES	RECOMMENDATIONS
Existing rural residential zoned land within Mullumbimby	<ul style="list-style-type: none"> • density • Cost for residents to connect to sewer when money spent on an on-site system 	<ul style="list-style-type: none"> • Opportunity for creek repair • Create crossings over Brunswick River and Main Arm Creek 	<p>This area may be suitable for specific developments such as aged care facilities depending on the fate of Mullumbimby hospital.</p> <p>Some rural residential allotments may have further subdivision potential but for the purpose of this Strategy the estimated lot yield is nil.</p>
AREA 6 Undeveloped residential zoned land off Tuckeroo Ave (Left Bank Road)	<ul style="list-style-type: none"> • Drainage; • Flood liable land; • Steep sloping land; • Seasonal water flows; • Significant vegetation. 	<ul style="list-style-type: none"> • Must provide adequate infrastructure; • Opportunity to create community through subdivision; • Provide larger lots to reflect country lifestyle; • No development on flood prone land; • No development on land with slope >20%. 	<p>The land is already zoned and is mostly suitable for residential development including garden flats and dual occupancy.</p> <p>In view of the large area of land a development concept plan is required for the area. About 4 hectares of the 2(a) residential zone is constrained by steep slopes (over 20%), drainage lines and significant vegetation, and another 5 hectares is flood prone. The concept plan needs to address these issues.</p> <p>Estimated residential lot yield based on zoned area alone is 270 lots. This yield could be reduced following a detailed site assessment and the preparation of a concept plan.</p>
AREA 7 <i>Clay's Road/Coral Ave</i>	<ul style="list-style-type: none"> • Prime agricultural land • Flood-prone land • Steep slopes 	<ul style="list-style-type: none"> • Large lots to provide a rural lifestyle; • Land for employment opportunities; • Repair creek; • Provide urban/rural buffer. 	<p>This area is 2 to 3 km from the town centre. Access via Clays Road requires costly upgrading. Parts of the land are flood prone, and other areas on the floodplain are subject to the higher probable maximum flood level. The topography is uneven and not suited to residential development. This land should not be identified for residential developed until a floodplain management plan has been adopted. Urban development is not supported by this Strategy.</p>

INVESTIGATION AREAS <i>See Map 2</i>	CONSTRAINTS	MEASURE AGAINST ISSUES AND OUTCOMES	RECOMMENDATIONS
			<p>It is recommended that Area 7 remain as it is. This area could be considered in a long term (2008) structural review of the Byron Rural Settlement Strategy for rural settlement. At that time the take up rate of the supply of rural settlement lands as identified in 1998 would be known. No additional rural settlement lands are currently needed beyond those identified in the Byron Rural Settlement Strategy.</p> <p>Estimated lot yield nil.</p>
AREA 8 <i>Wilson's Creek/Yankee Creek Road.</i>	<ul style="list-style-type: none"> • Poor drainage; • Soil poor for waste disposal; • Seasonal ponding; • Erosion. 	<ul style="list-style-type: none"> • Development to dispose of waste on-site; • Creek repair; • Small scale development; • Ecologically sustainable development; • Adequate urban land available; • No further rural residential development. 	<p>Area 8 is not suitable for residential development within the timeframe of the Strategy. It may become a long term, small 'new village' option. Due to this potential it should not be developed for low density (rural residential) development.</p> <p>Estimated urban residential lot yield under this Strategy is nil.</p>

Other sites in Mullumbimby requiring special consideration are:

- **Showground:** The showground is currently zoned 2(a)(Residential Zone), which is inappropriate for its use. It should be rezoned to reflect its actual and intended future use.
- **Sewerage Treatment Plant site:** The long-term use of this site is subject to closure of the treatment plant and rehabilitation of the site. It may be suitable for residential development in the long term.

6 IMPLEMENTATION

6.1 NEW PLANNING CONTROLS

This Strategy will be implemented through a new LEP for the Shire and a new Development Control Plan for Mullumbimby. The new LEP will be a Shire-wide instrument and will address the outcomes of a number of Settlement Strategies and other matters.

A related date in this process is the commissioning of new sewerage infrastructure, without which there can be no further development in Mullumbimby. This is planned for approximately 2008.

6.2 LAND RELEASE PROGRAM

A five to ten year supply of zoned land exists at present. No rezoning of additional land is proposed at this stage.

"Map 4 illustrates those areas in Mullumbimby that are available for immediate release. Development of Area 2 (south of Ann Street down to the creek) is contingent upon supportive outcomes in a floodplain management plan. The timeframe for release of this land is therefore medium/long term.

The following table indicates prerequisites/issues relating to the immediate development of lands identified in Section 5 and shown on Map 4 (Land Release Areas).

Immediate:	Prerequisites/issues to be resolved
Undeveloped, existing residential zoned land on Main Arm Road – residential development, caravan park or mobile home park.	Access; resolution of 1:100 AEP flood boundary.
Undeveloped residential zoned land off Tuckeroo Avenue (Left Bank Road)	Steep slopes, drainage lines and significant vegetation in land zoned 2 (a) residential 5 hectares of flood prone land
Contingent upon a floodplain management plan (medium/long term):	
South of Ann Street down to the Creek (not currently zoned residential)	Flood hazards, flood levels, riparian buffers, access and the potential for isolation need to be addressed in a floodplain management plan. Buffers between residential and agricultural lands.

Environmental attributes can change rapidly; future subdivisions should be restricted to a 5-year supply of allotments to avoid long-term conflicts. New areas will be considered through a new LEP and community consultation when the majority of the approved lots have been purchased and developed. This will limit speculative demand and should ensure an orderly staged release of land in sequence with the most economic provision of community services and infrastructure and reasonable consistency with contemporary planning controls.

Outcome: Subdivision approval over the existing residential zoned land should be controlled to provide a 5-year supply of land, the area of which will vary depending on uptake rates.

6.3 DEVELOPMENT CONTROL PLAN

Planning controls need to be revised to reflect the outcomes of this Strategy. The DCP will contain objectives and design criteria, which will ensure development addresses the vision and outcomes of this Strategy. The DCP will also facilitate the permissible forms of development so they can become a reality.

The development control guidelines of the shire-wide Byron DCP 2002 apply and need to be consistent with the DCP for Mullumbimby.

Design guidelines are required for:

- Development in the character area;
- Mixed commercial/residential development;
- Commercial development, including shop-top housing and the provision or reinstatement of verandahs and awnings over footpaths; and
- Dwellings or areas, which contribute to the character of the town.

6.4 LOCAL ENVIRONMENTAL PLAN

The Strategy establishes a broad framework for Mullumbimby.

The Byron LEP 1988 must now be reviewed to reflect community values, to achieve the community vision and to deliver the outcomes of this Strategy. This will provide the legal certainty required to ensure the desired outcomes.

The 2(a)(Residential Zone) needs to be reviewed to reflect the various outcomes proposed for the residential areas. A single residential zone is no longer sufficient.

Ideally the review of planning controls should consider the amount of land zoned for commercial purposes. Council will investigate this issue through a shire-wide commercial and retail strategy.

The current 3(a)(Business Zone) allows retail, commercial, tourist and professional services. This diversity is appropriate and should be maintained. Development is currently allowed up to 9.5m or three stories. Height limits need to reflect existing and desired future building heights. This Strategy recommends that the height limit in the town centre should be maintained at two storeys.

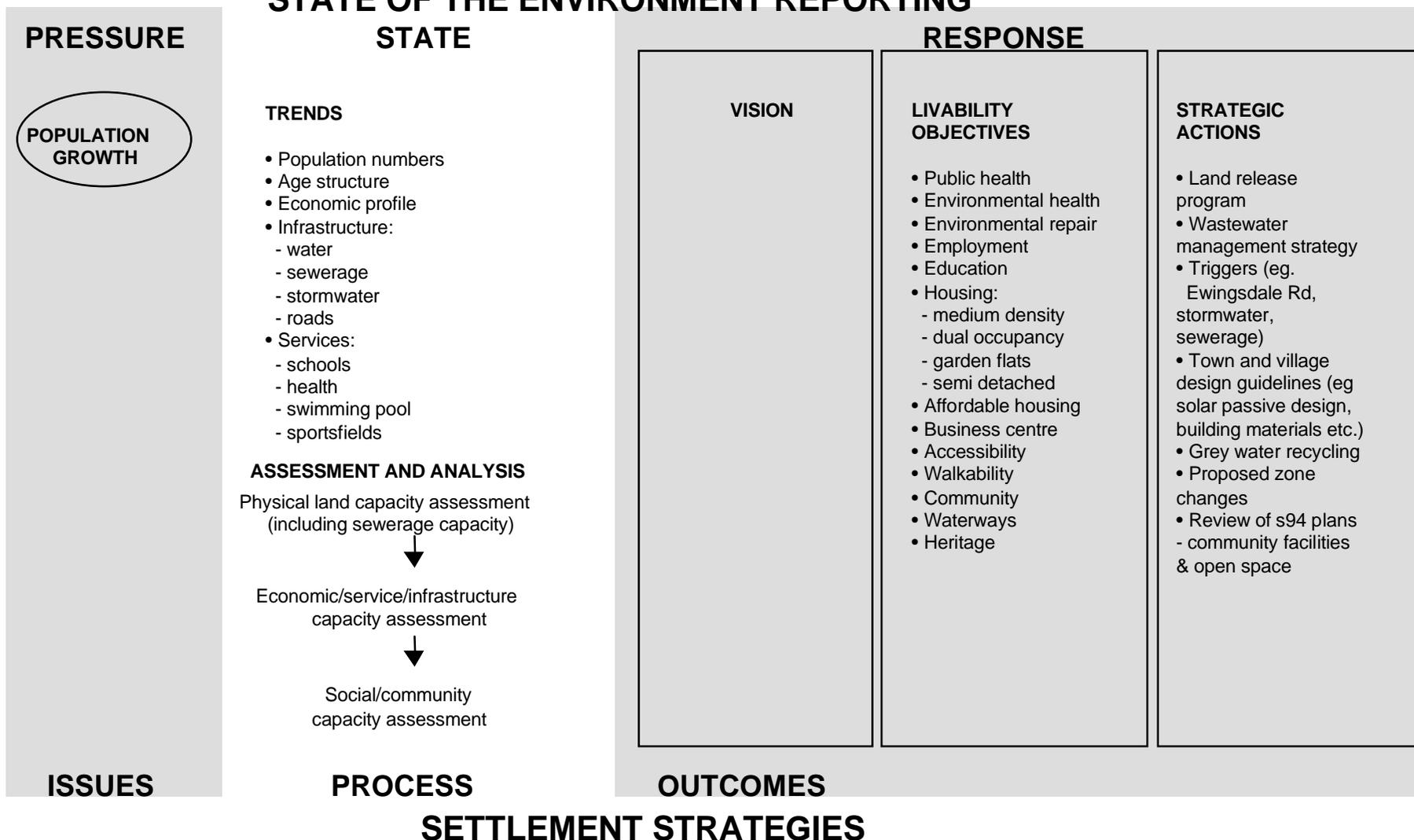
7 MONITORING AND REVIEW

The availability of residential land and the rate and form of redevelopments will be assessed annually. An annual review will indicate whether the outcomes are being delivered and will monitor the rate of growth and availability of land. The annual review process will be strictly limited in its scope.

The Strategy will be reviewed more comprehensively after 5 years if this is considered necessary at that time. The impact of growth on the image, atmosphere and other valued qualities of Mullumbimby should be assessed as part of this review, which would include consultation with the community.

APPENDIX 'A'

STATE OF THE ENVIRONMENT REPORTING



APPENDIX 1

Glossary of Terms

"*bed and breakfast establishment*" means a dwelling house, which provides temporary home-style or farm-stay accommodation for the short-term traveller and contains no more than 5 bedrooms for accommodation. Such that, dwelling houses will have a total floor area not exceeding 300m² (excluding separate garages, sheds or the like) in which not more than 12 persons would be accommodated. *This is the existing definition adopted under Byron Local Environmental Plan 1988. Council proposes to modify this definition to refer to a maximum of 3 guest rooms and 6 persons.*

"*caravan park*" means land on which caravans, other moveable dwellings, tents or camper vehicles are or are to be installed or placed. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"*co-housing*" means a style of co-operative living providing the autonomy of private with many of the resource advantages of community living. It is usually based on each household having freehold title of their own site and a share in the community land and facilities, which include a common house with kitchen and dining room. There are some rental or part rental co-housing communities.

"*dwelling*" means a room or suite or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"*dwelling house*" means a building or buildings containing one but not more than one dwelling. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"*dual occupancy*" means a building containing 2 dwellings or the erection of 2 dwelling houses on an allotment of land. *This is a new definition. It is based on the development control provisions of Byron Local Environmental Plan 1988.*

"*eco-village*" means a sustainable community which cares for its people and the earth in either a rural or an urban area. See paper "*Eco-villages - A Sustainable Lifestyle*" by David Kanaley, for further information.

"*floodplain management plan*" means a plan prepared under the NSW Floodplain Management Manual 2001.

"*flood prone land*" means land identified by Council as being flood prone at the 1 in 100 year level.

"*garden flat*" means a dwelling having a gross floor area no greater than 60 square metres, not including any balcony or balconies which may have a maximum combined area of 15 square metres, located on the same allotment of land as an existing dwelling house, whether physically attached to or detached from such dwelling house. *This is a new definition. It will be subject to development controls which will prohibit subdivision of garden flats and will require car parking, open space etc. to be provided for garden flats.*

"*holiday cabin*" means a building containing a room or suite of rooms used, or intended to be used, for the provision of holiday accommodation only. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"*hostel*" means a building or buildings incorporating bedrooms or dormitory accommodation containing beds available for separate rental and where cooking, dining, laundry, cleaning, toilet, bathrooms and other facilities are all provided on a shared basis, and primarily used or intended for use for the overnight accommodation of travellers and their vehicles. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"*Local Agenda 21*" The United Nations charter, and an international outcome of the 1992 Rio Earth Summit, which formally acknowledges the need for the world's Councils to develop a shire-wide strategic approach to address economic, ecological and social issues to create a pathway to local sustainability.

"mixed development" means development, which is comprised of residential and commercial development on the same allotment, regardless of the purpose of such residential development. *This is a new definition. It will be subject to development controls, which combine the requirements of commercial development and residential development.*

"motel" means a building or buildings containing not less than 6 motel units, substantially used or intended to be used for the overnight accommodation of travellers and their vehicles, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"multi-dwelling development" means a residential development of 3 or more dwellings, whether physically attached or otherwise. *This definition captures residential flat buildings, villas, townhouses, combinations of attached dual occupancy buildings and the like.*

"Newcastle Declaration" A follow-up from the Earth Summit held in Rio de Janeiro, Brazil in 1992 and an outcome of the Pathways to Sustainability Conference held in June of 1997 in the city of Newcastle. This declaration called upon all local governments in the world "To embrace the goal of global sustainability by implementing Local Agenda 21 action plans by the Year 2000, which fulfil the goals of Agenda 21 and the 'Habitat Agenda'."

"primitive camping ground" means land authorised to be used as a primitive camping ground by a licence issued under clause 101 of the Caravan and Movable Dwellings Ordinance. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"residential flat building" means a building, which contains 3 or more dwellings. *This is the existing definition adopted under Byron Local Environmental Plan 1988. Refer also to "medium density development."*

"rural tourist facility" means an establishment providing for low-scale holiday accommodation, or used for recreational or educational purposes and may consist of a bed and breakfast establishment, boat landing facilities, environmental facilities, holiday cabins, horse riding facilities, a picnic ground, a primitive camping ground or a refreshment room or the like. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"significant vegetation" means native vegetation identified under Byron Council Shire-wide Flora and Fauna Study 1999.

"tourist facilities" means an establishment providing holiday accommodation or recreation and may include a boat shed, boat landing facility, holiday cabin, hotel, house-boat, marina, motel, playground, primitive camping ground, refreshment room, water sport facility or a club used in conjunction with any such facility. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"units for aged persons" means a residential flat building used to house aged persons as defined in the Aged or Disabled Persons Homes Act 1954, as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

"vision statement" is a statement of the desired end outcomes – the 'big picture'.



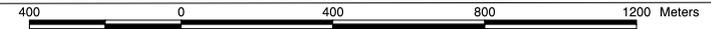
LEGEND

-  Property Boundaries
-  Unconstrained land

MULLUMBIMBY SETTLEMENT STRATEGY

Map 1

Land displaying no absolute physical/ecological constraints



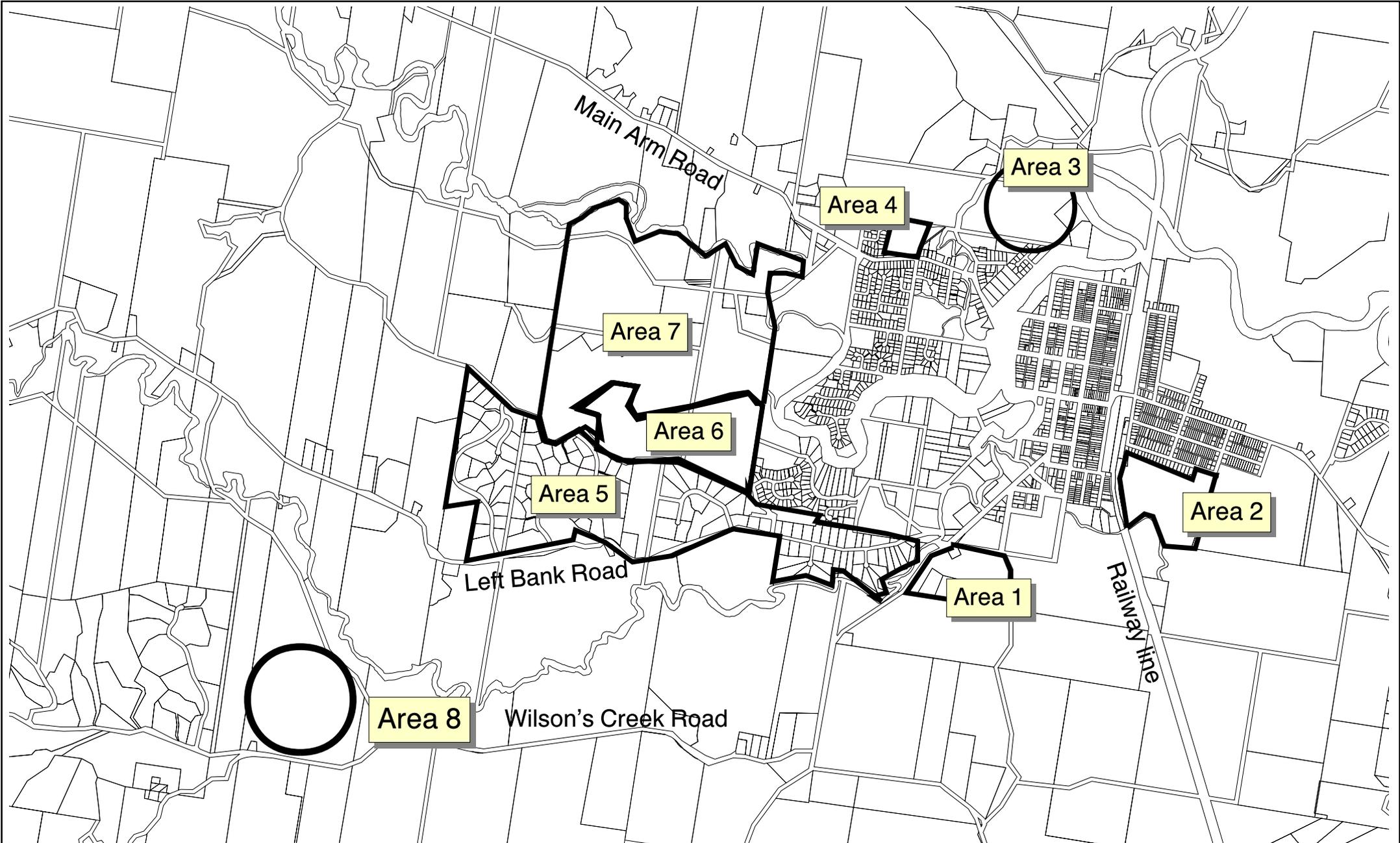
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MULLUMBIMBY SETTLEMENT STRATEGY

Map 2

Investigation Areas



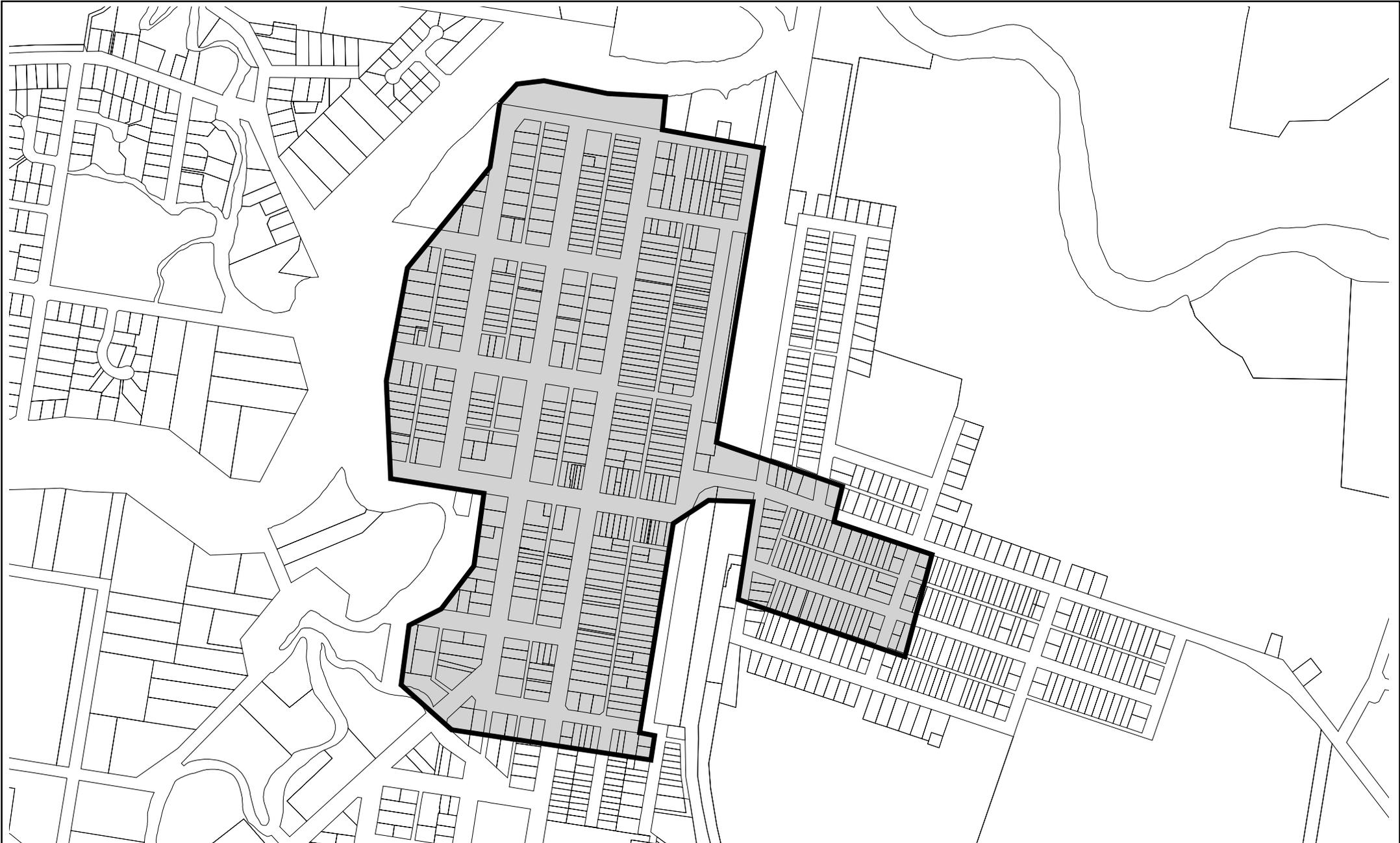
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LEGEND

-  Property Boundaries
-  Town character area

MULLUMBIMBY SETTLEMENT STRATEGY

Map 3

Town Character Area



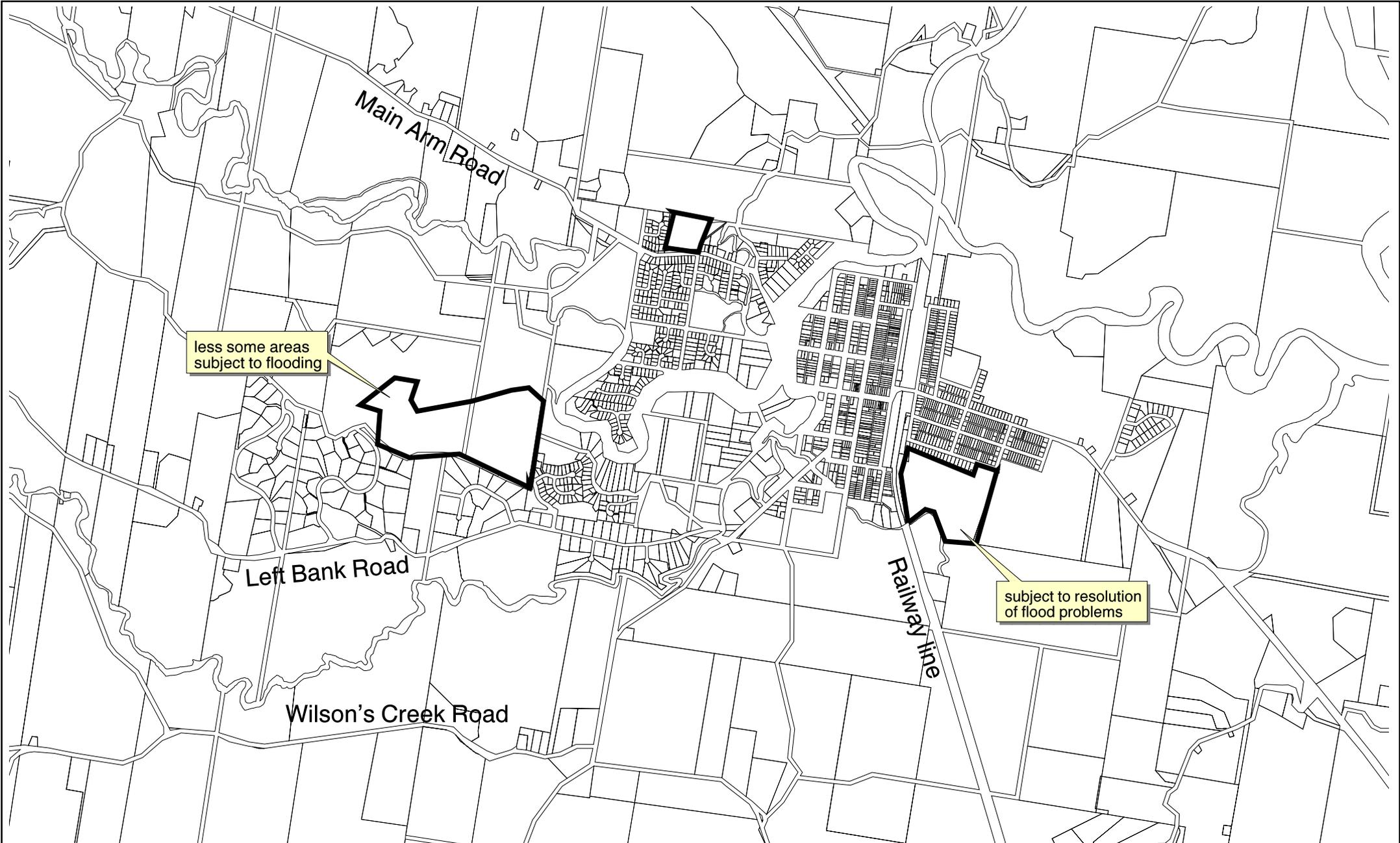
1:8000



July 2002



Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of all information prior to using it.
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MULLUMBIMBY SETTLEMENT STRATEGY

Map 4

Land Release Areas



1:25000



December 2003



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