

Report No. 13.4 PLANNING - 26.2017.4.1 Lot 22 - Proposed Amendments to the Exhibited Planning Proposal

Directorate: Sustainable Environment and Economy

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File No: I2020/1244

10 **Summary:**

15 The Lot 22 planning proposal relates to Council owned land located at the southern edge of Mullumbimby, described as (part) Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby. A Gateway Determination was issued by the Department of Planning, Industry & Environment on 30 May 2018 (Attachment 1).

20 The planning proposal (Attachment 2) was placed on public exhibition from 31 October 2018 to 12 December 2018 and an independently chaired Public Hearing was held on the 6 February 2019. Following the public exhibition and public hearing, Council received a submissions report on 11 April 2019 and resolved to prepare a further flood study and structure plan for Lot 22 and the adjoining sites identified in the draft Residential Strategy as investigation areas for future housing.

25 This report discusses the draft flood study and recommendations, draft structure plan for Lot 22, and changes required to the planning proposal provisions as a result.

If the planning proposal is supported and the site is ultimately rezoned and reclassified, an amendment to the Lot 22 Plan of Management and preparation of a site specific DCP chapter will also be required.

30 In short:

- 35 • The updated flood study prepared by WMAwater (Attachment 3) explores a range of options to manage flooding and drainage for Lot 22 and the adjoining investigation areas. The natural rehabilitation approach to stormwater management was the highest ranked option in the multi-criteria assessment, which considers non qualitative benefits such as potential for local drainage and water quality improvements, ecology/habitat improvement, long term maintenance cost and the potential for social engagement. As such this option is recommended.
- 40 • The structure plan (Attachment 4) is a high level document designed to inform the planning proposal and preparation of a site specific DCP. **The structure plan is for illustrative purposes only** and provides an example of how diverse housing could be delivered on the flood free development areas. It is not a formal plan for development assessment purposes and should not be viewed as such. It is subject to change pending detailed site investigations at the DA stage, detailed feasibility assessments, consultation with the community and consultation with future housing providers.
- 45 • In response to the flood study recommendations, structure plan and draft Residential Strategy, a number of changes to the exhibited planning proposal are presented in this report. It is recommended that the planning proposal be updated and forwarded to the Department of Planning, Industry & Environment for a Gateway determination.
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55 If a positive Gateway determination is issued, Council staff will prepare a community engagement program that is in addition to the Gateway exhibition requirements.

NOTE TO COUNCILLORS:

5 In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

That Council:

1. **Prepare an amended planning proposal for (part) Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby that reflects changes detailed in Table 2 of this report.**
2. **Forward the amended planning proposal and supporting studies to the Minister for Planning requesting a Gateway determination.**
3. **Place the amended planning proposal, supporting studies and structure plan on public exhibition in accordance with the Gateway determination.**
4. **Carry out a community engagement program in addition to the Gateway exhibition requirements.**
5. **Receive a further report to consider:**
 - a) **The outcome of the public exhibition and community engagement program.**
 - b) **The preparation of an amended Plan of Management for Lot 22.**
 - c) **The preparation of Development Control Plan provisions for Lot 22.**
 - d) **The preparation of a holistic traffic and transport study for the Saltwater Creek Precinct.**

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Attachments:

- 1 26.2017.4.1 Gateway determination - Stuart Street Mullumbimby PP_2018_BYRON_001_00 (30/5/18) - Lot 22, E2018/46655
- 15 2 26.2017.4.1 Planning Proposal Lot 22 Mullumbimby (v2 Exhibition version) - pdf of E2018/76218, E2018/76692
- 3 3 Mullumbimby Land Release Areas - Flood Impact Assessment and SWMP Final_Aug2020, E2020/43608
- 4 26.2017.4.1 Lot 22 Illustrative Structure Plan_Updated 26_10_20, E2020/85789
- 20 5 26.2017.4.1 Lot 22_Draft Statutory Framework and DCP Discussion_Pdf of E2020/85726, E2020/87627

REPORT

Background

5 The Lot 22 planning proposal relates to Council owned land located at the southern edge of Mullumbimby, described as (part) Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby. Lot 22 is an irregular shaped lot that is split by a railway line and has part of its boundary to Saltwater Creek. Lot 22 includes the Mullumbimby community gardens (however this area is not proposed to be rezoned and reclassified) and has a total area of approximately 29.2 hectares.

10 Lot 22 is one of four sites collectively known as the Saltwater Creek Precinct (see Figure 1). These sites are identified in the draft Residential Strategy as investigation areas for future housing, and have been subject to an early implementation initiative that aims to incorporate affordable housing outcomes as a component of any future development.

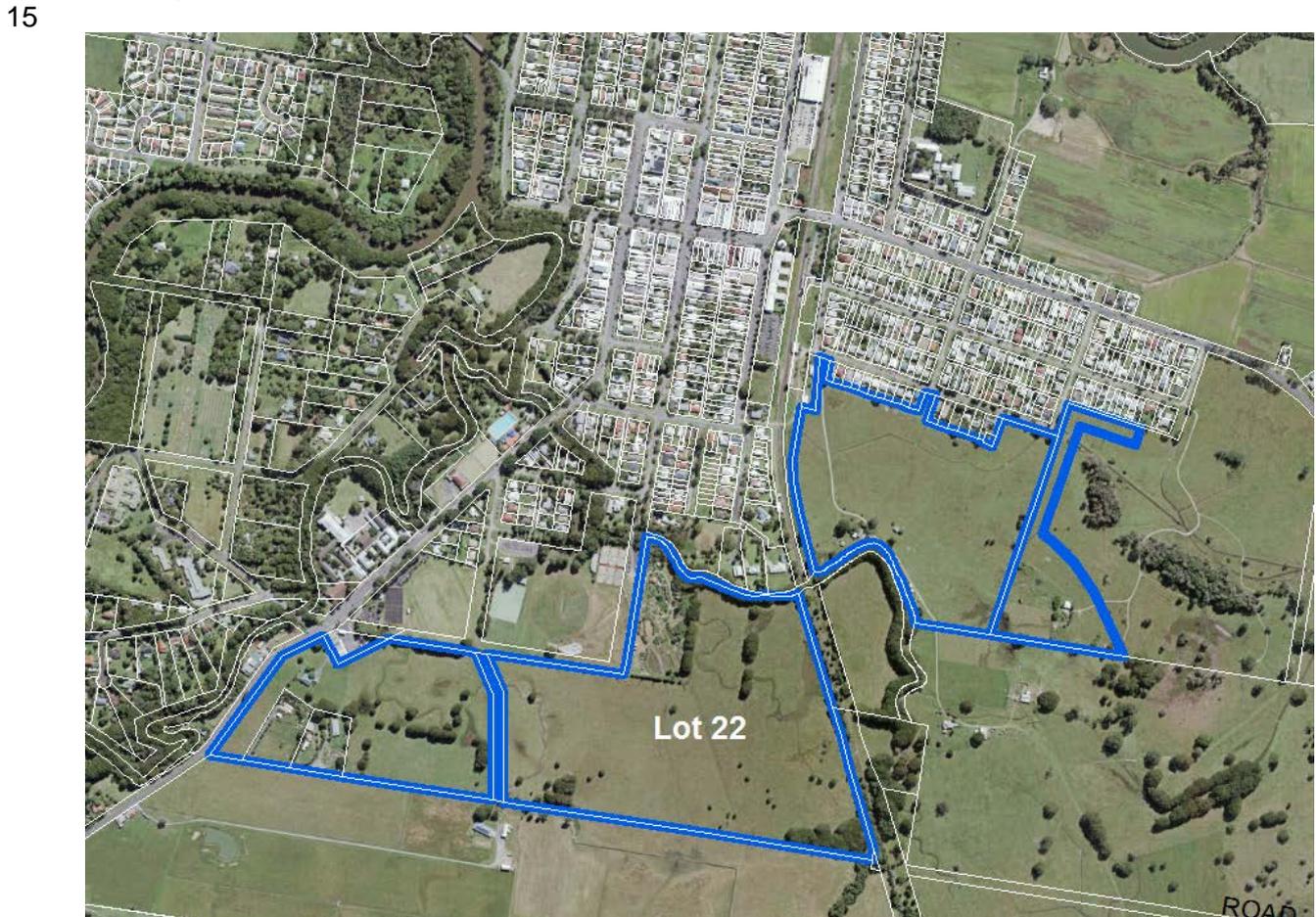


Figure 1: Lot 22 & adjoining sites in the Saltwater Creek Precinct

20 On 23 November 2017 Council considered a planning proposal to rezone and reclassify (part) Lot 22 DP 1073165, 156 Stuart Street, Mullumbimby, for the purpose of permitting residential development with an emphasis on affordable and diverse housing.

25 Following consideration of the 23 November 2017 Council report, Council resolved (17-597) to forward the planning proposal to the NSW Department of Planning and Environment (DPIE) for a Gateway determination and proceed to public exhibition of the planning proposal. A Gateway Determination was issued by the DPIE on 30 May 2018 (Attachment 1).

The planning proposal (Attachment 2) was placed on public exhibition from 31 October 2018 to 12 December 2018 and an independently chaired Public Hearing was held on the 6 February 2019.

The exhibited Lot 22 planning proposal aims to:

- 5 • Rezone part of the land (approximately 22 hectares of 29.2 hectares) from RE1 Public Recreation zone to R1 General Residential zone to permit residential development with an emphasis on affordable and diverse housing, and make further consequential amendments to planning controls for the site.
- Reclassify part of the land from Community to Operational land.
- 10 • Include local provisions to encourage diverse and affordable housing on this and other key sites to be identified on a map in Byron LEP 2014.

Following the public exhibition and public hearing, Council received a submissions report on 11 April 2019 and resolved (**19-147**) to:

- 15 1. *Prepare a further flood study and a structure plan for Lot 22 DP 1073165 and the three surrounding properties that make up the Mullumbimby Accessible Housing Area.*
- 20 2. *Receive a further report to consider the future of the Planning Proposal for Lot 22 DP 1073165 once the additional studies have been completed.*

The purpose of this report is to provide:

- Key recommendations of the draft flood study and concept stormwater management plan;
- 25 • An overview of the structure plan developed in response to the flood study recommendations;
- A detailed overview of proposed changes to the exhibited Planning Proposal provisions;
- A timeline for preparing an updated Plan of Management for the residual Lot 22 community land; and
- A timeline for preparing DCP provisions and a traffic and transport study for Lot 22

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Draft Flood Study & Concept Stormwater Management Plan

In accordance with Res **19-147**, WMAwater was engaged to provide an updated flood study (Attachment 3) to inform the Lot 22 planning proposal and structure plan. Given that Lot 22 is one of four sites in the Saltwater Creek Precinct, the study area encompasses all 4 sites in this precinct (Figure 1), providing a more holistic approach to flood planning and a better understanding of cumulative flood impacts.

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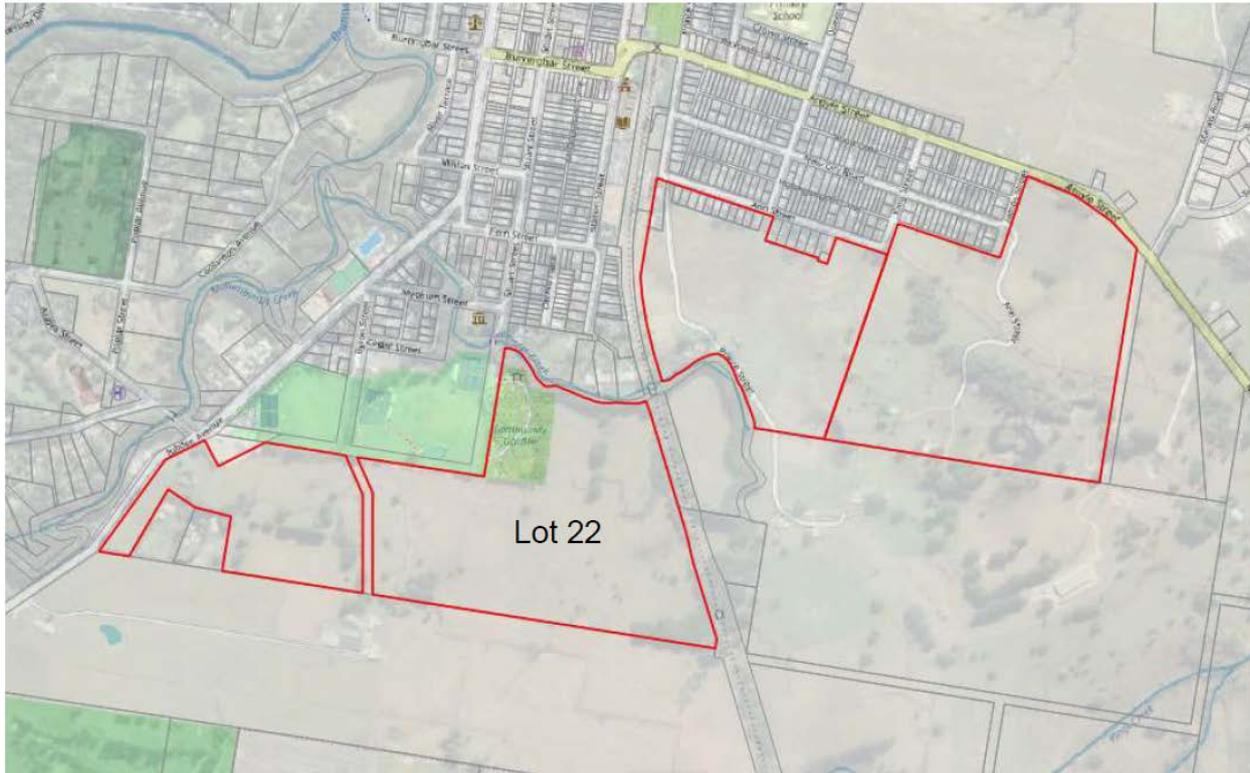


Figure 2: Study Area – Mullumbimby Saltwater Precinct

Based on the analysis undertaken, the following findings were obtained with regards to regional flood impacts:

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- The sites all have a portion of area which is deemed developable when considering the impact to the regional flood levels and the development controls with regards to flooding on new land release areas;
- A cut to fill balance may be achievable however its viability is dependent on the soil quality onsite, which is currently unknown;
- Some channel works may be required to achieve the development footprint proposed – these have not been considered in the costing; and
- Some local drainage corridors servicing existing areas may be impacted by the development. Future detailed assessments should ensure that the proposed development does not cause local drainage issues or regional flooding impacts ‘offsite’. The report notes that augmentation of existing drainage corridors may be necessary to improve overall local drainage and overcome any offsite impacts.

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With regards to stormwater management, two potential management options were reviewed:

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1. A traditional engineered option which relies on bio retention and detention basins to treat runoff; and,
2. An alternative approach which aims at improving the existing drainage corridor through a revitalisation process.

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Based on the assessment undertaken, the natural channel rehabilitation option is identified as the preferred outcome for the development (see Figure 3). While this option is initially more expensive to establish, it will provide greater environmental benefits to the area, has potential for improved drainage and water quality for areas external to the development and also has a greater opportunity for social engagement and amenity. The rehabilitation option is also likely to have a

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lower ongoing maintenance and lifecycle costs when compared to engineered solutions, especially with regards to water quality. By contrast, traditional engineered water quality solutions require constant maintenance to ensure function, which often does not occur, resulting in a poor urban design outcome over time.

5 The natural rehabilitation approach was also the highest ranked option in the multi-criteria assessment, which considers non qualitative benefits such as potential for local drainage and water quality improvements, ecology/habitat improvement, long term maintenance cost and the potential for social engagement. As such this option is recommended.

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Figure 3: Developable Area & Alternative Stormwater Management plan (Recommended Option)

15 It should be noted that each stage of the development process requires further refinements to flood impact modelling and required drainage upgrades. Additional assessments undertaken at the development application stage can draw on a more detailed understanding of the site constraints and proposed development outcome.

20 If the planning proposal proceeds to Gateway, the flood study (Attachment 3) will be appended to the planning proposal. If the Gateway determination permits Council to proceed to public exhibition, the flood study will be placed on exhibition with the planning proposal for community feedback

25 **Proposed Structure Plan**

30 The structure plan (Attachment 4) is a high level document designed to inform the planning proposal and preparation of a site specific DCP. **The structure plan is for illustrative purposes only** (excerpt provided below in Figure 4) and provides an example of how diverse housing could be delivered on the flood free development areas. It is not a formal plan for development

assessment purposes and should not be viewed as such. It is subject to change pending detailed site investigations at the DA stage, detailed feasibility assessments, consultation with the community and consultation with future housing providers.

5 The alternative stormwater management plan (natural channel rehabilitation approach) provides the foundation from which the structure plan has been developed. The structure plan is therefore complimentary in its intention to improve amenity and water quality for areas upstream, restore creek systems as part of the three natural drainage channels, and rehabilitate the wetland area on the site.

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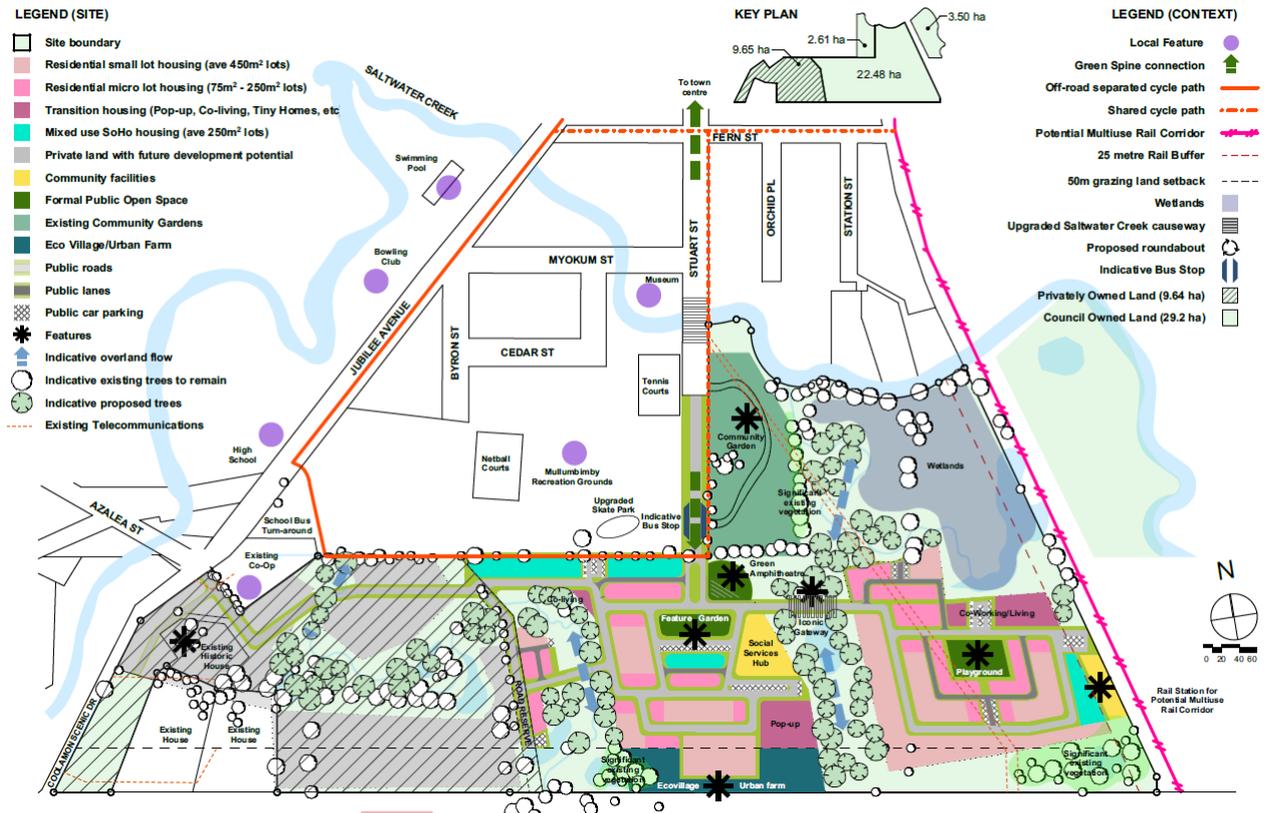


Figure 4: Illustrative Structure Plan – Excerpt taken from Attachment 4
 (NOTE: Privately owned land to the west of Lot 22 is overlaid with diagonal black lines; this land would be subject to a separate planning proposal and rezoning process)

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Vision for Lot 22

In broad terms, the vision for Lot 22 is to create an innovative housing precinct that stands apart from traditional approaches to suburban housing, while also delivering an accessible housing component that supports the housing needs of the community. This vision aims to provide:

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- A diversity of dwelling typologies and densities;
- Neighbourhood's set within the green landscape of the recreation grounds, creek corridors and the community gardens.
- A highly connected place with walking and cycle links to the nearby schools, town centre, parks and services.

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The accessible housing component of Lot 22 seeks to promote opportunities for a mix of people to join (or re-join) the creative and diverse community of Mullumbimby. This would include:

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- Singles and young people; key workers; low income workers and students; lone parents; first-home buyers; the elderly; welfare recipients; and people transitioning out of homelessness.
- Local Aboriginal people seeking affordable opportunities to live on Country.

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A Range of Lot Sizes and Dwelling Types

10 By comparison to other investigation areas identified in the Residential Strategy, Lot 22 aims to achieve a higher dwelling density by incorporating a higher percentage of smaller lot sizes within the overall lot size mix. This emphasis on more compact housing typologies reflects the goal of targeting a 30% affordable housing allocation for Lot 22, as opposed to 20% for other sites identified as investigation areas in the Residential Strategy.

15 There are 2 options for how affordable housing could be placed across the site – dispersed throughout the development or concentrated in small pockets. Both options have their merits and will be determined in consultation with the housing provider responsible for construction and ongoing management.

20 This greater emphasis on micro lot housing and small lot housing (delivering 1, 2 & 3 bedroom homes) translates to higher dwelling yields for the site. It is estimated that the development footprint and proposed lot size mix could yield approximately 250 to 350 dwellings. Attachment 3 provides an illustrative picture of potential housing outcomes for the site.

25 Movement & Access

Two vehicle access points are proposed for Lot 22 (and the adjoining privately owned site to the west):

1. Via Stuart Street to the north; and
2. Via a proposed intersection on Coolamon Scenic Drive to the west (in the vicinity of Azalea Street). An intersection in this location would seek to improve existing choke points in this area which currently struggles to manage bus exchanges, school traffic and vehicles entering and exiting the Mullumbimby Rural Co-Op.

35 The close proximity of Lot 22 to the town centre and essential services in Mullumbimby makes walking and cycling a viable option for residents making short trips around town. The structure plan aims to promote alternative, healthy transport options over vehicle dependence where possible.

40 The current Gateway determination for the Lot 22 planning proposal did not require a traffic study, and it is understood that there are a number of access options available. However it is noted that the estimated dwelling yield has increased in the time since the current Gateway was issued.

45 A traffic study for Lot 22 and the adjoining Residential Strategy Investigation Area is necessary. It is usual practice to undertake a traffic study at the planning proposal stage where the planning proposal is being progressed by a third party, however in this case, Council is the landowner and has stewardship of the planning proposal. It is considered premature in this particular case to undertake a traffic assessment ahead of more detailed work that would establish the subdivision design, housing yield and concept viability.

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55 Additionally, a separate planning proposal is expected to be received for rezoning of the adjoining investigation area to the west. The site to the west will contribute to the overall traffic volume, and the proposed development outcome needs to be understood when considering access options noted above and/or any alternative access routes. Given the need to consider the cumulative impacts of future development in Mullumbimby, it would therefore be logical to undertake a holistic

traffic study for all of the Saltwater Creek Precinct investigation area, including Lot 22. It is proposed that a detailed traffic assessment be undertaken prior to the preparation of a site specific DCP for Lot 22.

5 Recreation and Environmental Conservation

The northern half of the site (adjoining the Mullumbimby Community Gardens) sits outside the development footprint and provides an opportunity for passive recreation in a restored natural environment.

10 A buffer area to the south of the site would provide separation from the adjoining farmland as well as opportunities for vegetated recreational areas and urban farming.

Proposed changes to the exhibited Planning Proposal

15 In response to the flood study recommendations, structure plan and the draft Residential Strategy, a number of changes to the exhibited planning proposal are required. It should be noted that an amended Gateway determination, or a new Gateway determination, will be necessary. The planning proposal will be re-exhibited along with the supporting studies and structure plan. All
20 proposed changes to the planning proposal are summarised below in Table 2.

LEP Provisions to Support Improved Housing Choice, Diversity and Equity

25 The exhibited planning proposal featured a minimum lot size of 200m² and a 'Diverse Housing' clause that sought to deliver a mix of dwellings at one, two or three plus bedrooms. This approach has since been superseded by provisions in the draft Residential Strategy, Policy 2 - *Improved housing choice, diversity and equity*.

30 The objectives are complimentary to [The North Coast Regional Plan 2036](#), Direction 23: *Increase housing diversity and choice*. Action 23.1 of the Regional Plan (Page 56) requires Councils to:

Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.

35 To meet the actions in the draft Residential Strategy and the North Coast Regional Plan, new urban areas zoned R1, R2 & R3 require supporting provisions in Byron LEP 2014 that deliver a range of housing typologies and lot sizes.

40 Proposed Statutory Clauses - Lot Size Diversity & Housing Diversity

The standard instrument Minimum Lot Size maps typically used in Byron LEP 2014 have limitations when trying to deliver a development outcome that features a targeted mix of varying lot sizes. Specifying the mix of lot sizes on a site via a minimum lot size map is an overly prescriptive
45 approach and lacks the flexibility needed to deliver subdivision outcomes at the DA stage that can respond to site constraints, servicing requirements, market conditions and investment viability – particularly if land is subject to an affordable housing contribution.

50 The proposed statutory framework introduces local clauses 4.1G, 4.1H and 4.1I to Byron LEP 2014. These clauses operate in conjunction with a proposed 'Key Sites Map' that identifies land to which the clauses would apply (in this case Lot 22). The intended effect of these clauses is summarised below in Table 1, and a detailed overview is provided in Attachment 4.

Table 1: Summary of Proposed LEP Statutory Clauses (Attachment 4) - Lot Size Diversity & Housing Diversity

Item #	Proposed Byron LEP 2014 clause	Function of the proposed clause
(A)	Clause 4.1G	Provides a target lot size mix for new urban areas based on draft Residential Strategy — Policy 2 and Table 5. . The updated version of Table 5 is provided in Attachment 4. It outlines a lot size diversity mix for investigation areas zones R2 & R3, and a separate lot size diversity mix for Council owned land zoned R1 (Lot 22).
(B)	Clause 4.1H	Guides the development of appropriate housing typologies for certain lot sizes. This clause is designed to promote greater housing diversity and the efficient use of land.
(C)	Clause 4.1I	Provides necessary flexibility to the proposed LEP provisions to ensure that development concepts can respond to site constraints and investment/ viability considerations. Often these considerations can only be fully determined following detailed site investigations at the DA stage.
(D)	Key Sites Map	Identifies sites that are required to comply with lot size diversity and housing diversity provisions summarised above. Initially, Lot 22 will be the only site identified on the Key Sites Map, however other sites identified as investigation areas in the draft Residential Strategy would be included in the future subject to a planning proposal confirming their suitability for future housing.

Overview of All Proposed Changes to the exhibited Planning Proposal

5 In addition to the lot size and housing diversity framework described above, further changes are necessary in response to the flood study recommendations, specifically the extent of land zoned R1, and a building height provision that factors proposed fill pads. Table 2 below provides a summary of all proposed changes to the exhibited planning proposal.

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Table 2: Summary of all proposed changes to the exhibited planning proposal

Item #	Previously Exhibited Planning Proposal Provisions	Proposed Changes
(1)	<u>Land Use Zones</u> Rezone approximately 22 hectares of the existing RE1 Public Recreation zone to <i>R1 General Residential</i> . This will be a new zone not previously used in Byron LEP 2014.	The extent of the proposed <i>R1 General Residential</i> zone will be reduced to the southern portion of the site to encompass the developable area identified in the flood study. The balance of the land will remain in its current <i>RE1 Public Recreation</i> zone and

Item #	Previously Exhibited Planning Proposal Provisions	Proposed Changes
	The balance of Lot 22 DP 1073165 will remain in its current RE1 Public Recreation zone and partly as a Deferred Matter under Byron LEP 1988 (see Figure 5 below).	partly as a Deferred Matter under Byron LEP 1988 (see Figure 6 below).
(2)	<p><u>Height of Buildings</u></p> <p>Current Height of Building (9 metres) will be retained.</p>	<p>Retain the 9 metre Height of Building provision and identify the site on a proposed Building Height Allowance Map.</p> <p>Draft clause 4.3A is proposed to ensure that building heights are measured from the flood planning level (this is relevant given that development pads on Lot 22 will be filled to the FPL plus 0.5m freeboard).</p> <p>4.3A Exceptions to height of buildings</p> <p>(1) <i>The objective of this clause is to align building height and flood planning provisions and provide for a consistent point of reference for the measurement of building heights in flood prone areas.</i></p> <p>(2) <i>This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.</i></p> <p><i>The maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map.</i></p>
(3)	<p><u>Minimum Lot Size</u></p> <p>A Minimum Lot Size of 200m² is proposed to encourage affordable housing outcomes on the subject land.</p>	<p>Remove the 200m² minimum lot size control from the planning proposal. The site will not feature on the minimum lot size map.</p> <p>This provision is to be replaced by the Lot Size Diversity & Housing Diversity clauses described in Attachment 4 and summarised above in Table 1.</p>
(4)	<p><u>Diverse Housing Clause & Key Sites Map</u></p> <p>Introduce a new diverse housing clause applicable to sites identified on a Key Sites Map.</p> <p><i>4.7 Diverse housing</i></p>	<p>Remove the current diverse housing clause from the planning proposal and replace with the proposed Lot Size Diversity & Housing Diversity clauses described in Attachment 4 and summarised above in Table 1.</p> <p>The Key Sites Map is to be retained; however it will serve to identify land to which</p>

Item #	Previously Exhibited Planning Proposal Provisions	Proposed Changes
	<p><i>Council wants to increase the diversity of dwelling types in new residential areas on land identified on the key sites map.</i></p> <p><i>This clause will apply to residential and mixed use development on land shown on the key sites map as “clause 4.7”. It will apply to a development application where four or more dwellings are proposed.</i></p> <p><i>Residential development on this land should comprise at least 25% one bedroom dwellings and at least 50% two bedroom dwellings with no more than 25% of new residential development being three or more bedrooms.</i></p>	<p>the new Lot Size Diversity & Housing Diversity clauses apply.</p>
(5)	<p><u>Reclassification – Community to Operational</u></p> <p>Reclassify part of Lot 22 DP 1073165 from Community to Operational to reflect the changes to the zone of the land and the prospective change of land use. This will be achieved by listing the subject land in “Part 2 Land classified, or reclassified, as operational land— interests changed” within “Schedule 4 Classification and reclassification of public land”.</p>	<p>The area of land subject to reclassification will be amended to reflect the proposed R1 General Residential zone shown below in Figure 6. The remaining land will retain its Community Land classification.</p>

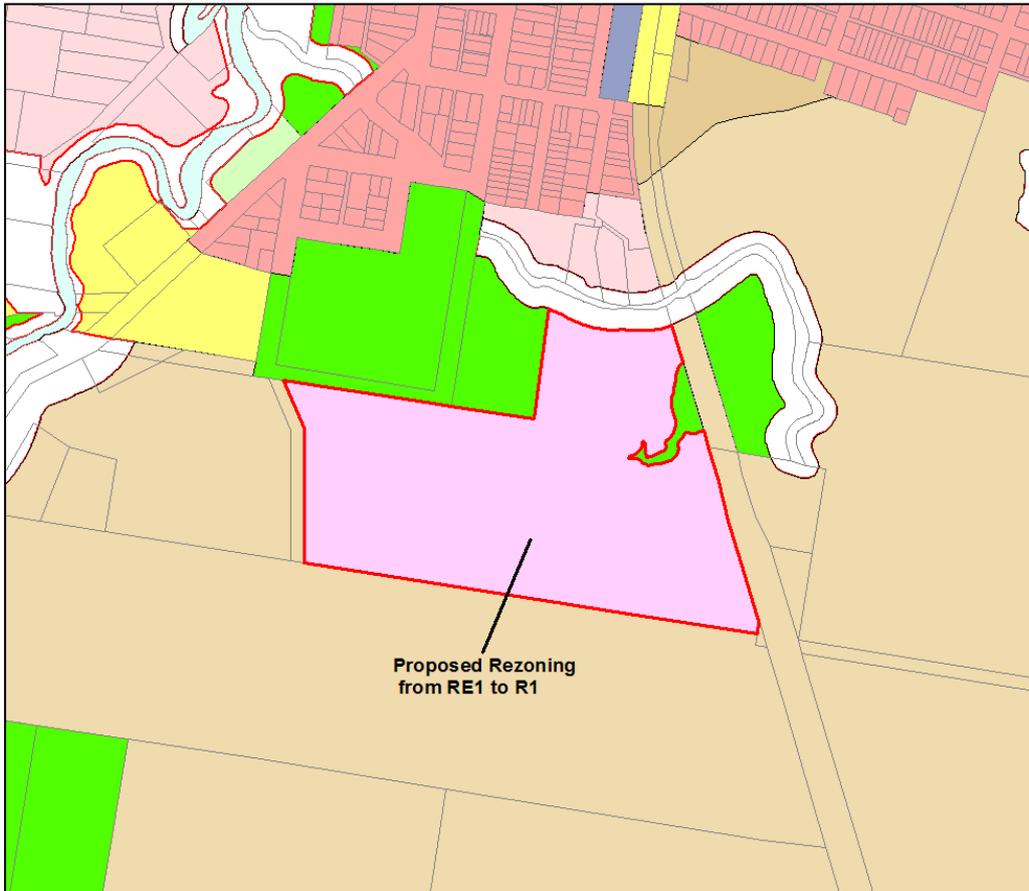
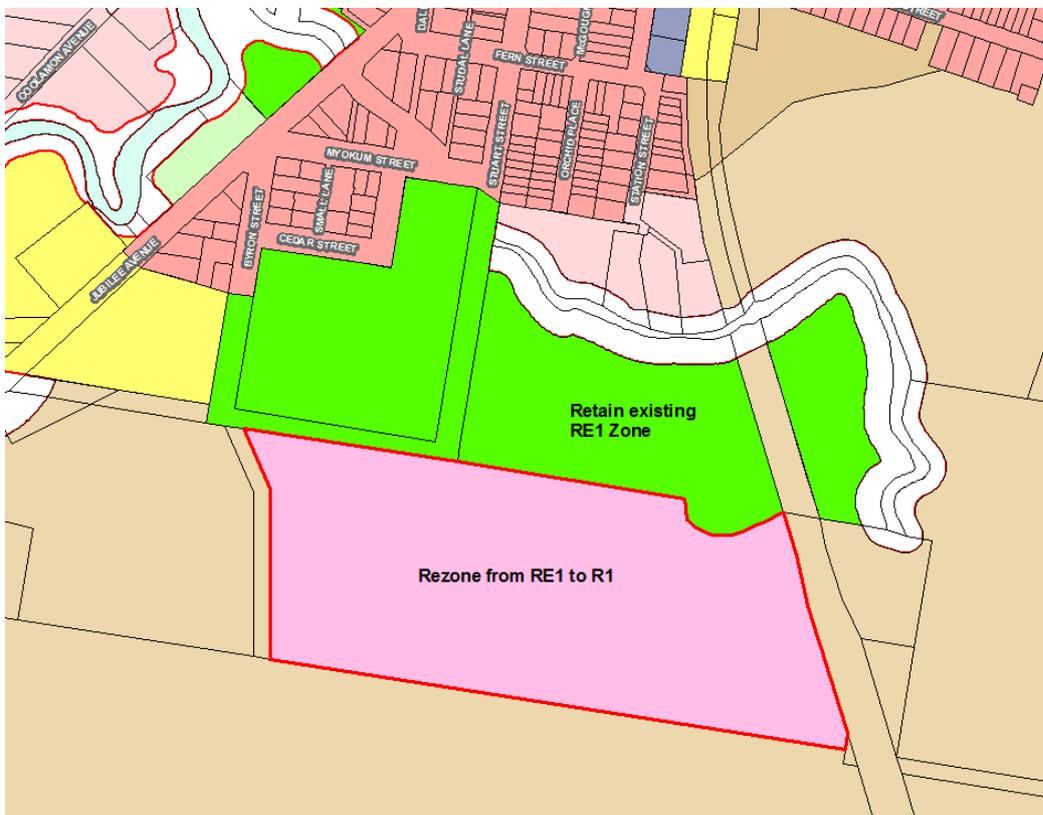


Figure 5 – Previously proposed zone changes under the exhibited planning proposal



5 Figure 6 - Proposed zone changes under an amended planning proposal (indicative only)

Required DCP Provisions

5 The amended planning proposal provides a statutory framework that delivers a mix of lot sizes and housing typologies for the site, this mix includes an allocation of smaller lot sizes that create unique challenges when considering the design and location of buildings. More detailed design considerations are best managed via a DCP in order to provide sufficient flexibility at the DA stage.

10 It is proposed that a site specific DCP for Lot 22 be prepared in concert with the finalisation of the planning proposal. The DCP would be reported to Council and placed on public exhibition ahead of any future DA for the site. Some of the key issues that will need to be addressed are discussed below.

Subdivision & Integrated Development

15 DCP provisions are required to manage the development of housing at smaller lot sizes to ensure that buildings are designed and located in a manner that best aligns with the amenity of housing on adjoining lots. The potential for poor outcomes is greater when working with smaller lot sizes due to the close proximity of buildings.

20 To address this issue, proposed clause 4.1G requires that subdivisions creating lots smaller than 300m² be carried out as part of an integrated development application. This means that the subdivision DA and the building DA are submitted together as an integrated DA. This integrated approach removes the risk of ad-hoc development outcomes in terms of the location of buildings, building design and interface.

25 Managing site constraints at smaller lot sizes

Smaller lot sizes (i.e. less than 600m²) also create challenges when working with site-specific constraints, such as vegetation, slope etc. Such constraints can further limit the potential location of buildings, thus compounding the potential for poor outcomes on small lots.

30 To manage the impact of site constraints, DCP provisions will be necessary to ensure that subdivision applications are accompanied by a Building Envelope Plan to demonstrate that the lot can accommodate a building platform, appropriate access and servicing with minimal site, visual and vegetation impacts.

Infrastructure ConsiderationsWater & Sewer Services

40 Lot 22 is one of a number of sites in Mullumbimby identified as an investigation area for new housing under the Byron Residential Strategy. New housing supply in Mullumbimby will also be generated through infill development in existing urban areas, and through the development of existing (undeveloped) residential zoned land.

45 Therefore, the provision of water and sewer services for lot 22 is part of a broader water security strategy for Mullumbimby. Servicing requirements for these development areas (including lot 22) would be confirmed once the dwelling yield/type is known.

50 A staged delivery program is necessary to ensure that new development in Mullumbimby is supported by necessary infrastructure upgrades. The water supply strategy will investigate supply options to meet the anticipated demand, but will need to be flexible to respond to the actual growth realised. It is expected that required staging of new development will be enforced via corresponding LEP and DCP provisions.

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Traffic & Transport

As noted above, a traffic study for Lot 22 and the adjoining Residential Strategy Investigation Area is necessary. It is usual practice to undertake a traffic study at the planning proposal stage where the planning proposal is being progressed by a third party, however in this case, Council is the landowner and has stewardship of the planning proposal.

A separate planning proposal is expected to be received for rezoning of the adjoining investigation area to the west. The site to the west will contribute to the overall traffic volume, and the proposed development outcome needs to be understood when considering access options. Given the need to consider the cumulative impacts of future development in Mullumbimby, it would therefore be logical to undertake a holistic traffic study for all of the Saltwater Creek Precinct investigation area, including Lot 22. It is proposed that a detailed traffic assessment be undertaken prior to the preparation of a site specific DCP for Lot 22.

Affordable Housing

A key driver behind part of Lot 22 being rezoned for residential purposes is to deliver affordable housing.

There may be a number of options available to Council to secure affordable housing on Lot 22. At this stage the most obvious would appear to be LEP 2014 provisions under a SEPP 70 affordable housing contribution scheme. To do this, a planning proposal to apply the scheme needs to progress in parallel to the zone change, as a scheme can only be applied where there is an upzoning.

That said, staff are currently investigating alternative models for securing affordable housing. This work may identify alternatives more suited to this site and Council objectives. It is expected that findings will be available by the early part of 2021.

Either way, preliminary viability analysis to date indicates that Lot 22 may be able to deliver a higher percentage of affordable housing than other investigation areas in the Shire. This may be further enhanced should Council be able to identify a delivery model to secure project funding at the state level or in partnership with the private or not for profit sectors.

At this point in time given Council has stewardship of this planning proposal process; it is suggested a decision on whether to progress with a SEPP 70 Affordable Housing Contribution Scheme planning proposal be held over until the findings of the alternative model investigations are available.

With all options, the delivery of affordable housing will be influenced by ensuring the affordable housing is most suited to our community's needs, is compatible with Mullumbimby's character, construction costs, market trends and investment funding options.

Required amendment to the Lot 22 Plan of Management

The existing Plan of Management applies to all of the land identified as Lot 22 DP 1073165. The land is Community Land, owned and managed by Byron Shire Council. The plan of management categorises the community land parcel into the following:

- Sportsground
- General Community use

The plan of management will need to be amended to reflect and include only that land proposed to remain classified as community land. Council will also need to consider changes to the categories noted above for that land.

- 5 An updated Plan of Management will be prepared and exhibited following gazettal of the rezoning and reclassification of the land from community to operational. Work will commence of this sooner should council resolve to do so.

Community Engagement and Consultation Program

10 Community engagement and consultation moving forward will build on the extensive consultation that has been undertaken on the planning proposal and also that as part of the residential strategy in relation to housing diversity and choice.

15 A successful Gateway determination issued by the DPIE will require Council to undertake a public exhibition of the planning proposal for a prescribed time period. However, the significant public interest in this proposal, as well the community land classification of the site, warrant Council going above and beyond the Gateway public exhibition requirement including focus groups, drop in sessions, listening posts at the markets and main Street. Zoom webinar/recording will also be developed. Each will need to comply with COVID safe workplace requirements in place at the time.

20 A community engagement program will be prepared and implemented once a positive Gateway Determination is received.

25 ***Summary and Conclusions***

30 The objective of the Lot 22 planning proposal is to determine if the land is suitable for residential development, and to establish the most appropriate zoning and statutory planning controls for the site.

35 The structure plan and flood study attached to this report have been prepared to assist the decision making process at the rezoning stage. The structure plan and flood study would be further refined at the DA stage, and would be subject to further consideration by Council and the community.

Detailed plans at the DA stage will also need to account for feasibility assessments, market analysis and infrastructure delivery.

40 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.2	Support housing diversity in appropriate locations across the Shire	4.2.1	Establish planning mechanisms to support housing that meets the needs of our community	4.2.1.3	Progress future use of Lot 22, Mullumbimby Planning Proposal and Plan of Management

Legal/Statutory/Policy Considerations

The relevant legal/statutory/policy considerations have been noted above.

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Financial Considerations

As this is a Council initiated planning proposal, the costs will be borne by Council if it chooses to proceed.