



Mr Mark Arnold  
Acting General Manager  
Byron Shire Council  
PO Box 2019  
MULLUMBIMBY NSW 2482

Dear Mr Arnold

Thank you for your letter requesting the approval of the Byron Shire Rural Land Use Strategy 2017.

I am pleased to approve the strategy subject to the following amendments:

- Action 18 of the Action Plan outlines a policy framework for unauthorised rural dwellings. It is appropriate that Council has a policy for dealing with unauthorised dwellings, such a policy is beyond of the scope of a growth management strategy as it is a compliance function of Council under the *Environmental Planning and Assessment Act 1979*. Therefore, Action 18 is to be removed from the strategy;
- Action 48 of the Action Plan calls for changes to the Standard Instrument LEP template. This action is to be removed or amended to read, "Work with other councils in the Northern Rivers region to develop consistent planning policies which better reflect the agriculture, food production and rural tourism development in Byron Shire and the Northern Rivers region."; and
- Figure 4 on page 41 of the strategy indicates that the only means of providing for the cost recovery for required road or intersection upgrades is through a planning agreement. This approach is contrary to the requirements of the Act. Planning agreements are voluntary and the strategy should not stipulate that a planning agreement is required before a planning proposal can be lodged. The wording of Figure 4 is to be amended to reflect this.

Council is requested to forward a copy of the revised strategy to the Department once the above required amendments have been made.

The strategy seeks to identify opportunities in Council's local planning framework to establish priority enhancement corridors, and protect important environmental assets through appropriate buffers. This could be achieved through a local policy, non-regulatory incentives for environmental enhancement work, or negotiated outcomes which encourage the establishment of vegetative corridors across land, or buffer

distances between land uses and high environmental value vegetation. Such approaches could be implemented without the need to amend the Byron LEP 2014 or Council's development control plan and without applying E zones or mapped planning controls to these corridors or buffer areas. Any actions in this regard need to be consistent with the Northern Councils E Zone Review final recommendations.

I also note that the strategy seeks to achieve full cost recovery for the delivery of essential road infrastructure associated with rural lifestyle living opportunities. This approach has the potential to disadvantage some landowners whose development may not be the only one contributing to impacts on the infrastructure, or it may precede the development of other land using the infrastructure. Council should instead seek cost recovery for road infrastructure upgrades proportional to the impact a proposal will have on that infrastructure.

Approval of the strategy enables Council to undertake the necessary investigations to prepare planning proposals for amendments to the Byron Local Environmental Plan 2014 to facilitate the release of the identified R5 Large Lot Residential expansion areas shown on Map 3 of the strategy.

Should you have any questions in relation to this matter, please contact Mr Paul Garnett, Senior Planner in the Department of Planning and Environment's Northern Region office, on 6641 6607.

Yours sincerely



**Stephen Murray**  
Executive Director, Regions  
Planning Services

*13 June 2018*