

Introduction

Whilst this Strategy was being prepared, and since the release of the North Coast Regional Strategy 2016 (NCRS), Byron has already delivered around 40% of the target dwellings required by that Strategy. This housing is added to the targets for the previous Far North Coast Regional (FNCRS) 2006, which we also met more than ten years early. At this rate, Byron will have met the 2035 targets for the North Coast Regional Strategy in around 2022, thirteen years early; this is an oversupply by any measure.

Byron Residents' Group acknowledges that Council must prepare a Residential Strategy as a requirement of the state legislative and planning frameworks. This Draft Residential Strategy (DRS) is an improvement on the 2016 Draft which proposed excessive dwelling targets and land releases and had virtually no community input.

Byron Residents' Group (BRG) notes that a good deal of community consultation was undertaken by Council staff in preparing this DRS. We acknowledge the time and effort taken by staff to speak with residents of the Shire. We also note a commitment from the community and Council to consider different ways of approaching 'development' and to deliver better housing options to Byron Shire residents.

Whilst asking people what they want and what they think the Shire needs in terms of the kinds of housing is important, there remains the issue of what Council can actually deliver in a marketplace where Byron real estate is excessively inflated. We should be supporting our community to stay in the Shire but when most of the available land is held privately, providing low-cost housing is very difficult. Any measures that can do that should be undertaken but providing the mechanisms to create yet more housing on new land releases is not the answer.

The Strategy as presented is not built around Ecologically Sustainable Development principles. The amount of growth Byron is currently experiencing, coupled with the proposal for even more growth, is simply unsustainable.

It is difficult to know what will be done with this Strategy – is the idea for it to be adopted and then be modified by other documents? With key elements of a suite of state-mandated strategies and statements still to be delivered as accompanying documents, it is unclear at what point the Strategy becomes 'live'.

Byron Residents' Group believes that this Draft Residential Strategy cannot be adopted and the following must be done first:

- a Local Growth Management Strategy is prepared that identifies the quantum of growth and the 5 and 10 year staging plans is provided;

- further identification of locational limits on growth is provided with reference to sewerage, traffic, social and environmental impacts – eg Byron Bay is constrained by traffic and the incapacity of the Belongil catchment to take more treated sewerage;
 - the numbers presented in the Strategy are verified and corrected;
 - the community is consulted on how big they want the Shire to grow;
 - there is a moratorium on new land releases until the Local Growth Management Strategy is prepared, and
 - the Strategy must account for, and deal with, tourism growth and its effects on availability of residential properties, residential amenity, and infrastructure
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- It's all about growth

“The Residential Strategy is about urban residential change and growth.”
(DRS – Appendix 1. Planning for the future p.4)

This statement is very much evident in the DRS. Unfortunately, the Strategy over focuses on providing new dwellings – it proposes excessive dwelling targets and land releases and is underscored by an assumption of growth that cannot adequately be demonstrated as sustainable. Whilst urban residential change is inevitable, the kind of change and the extent of the growth are the key issues.

Overall, this collection of work clearly indicated that a healthy supply of housing for a range of incomes, lifestyle choices, household types and life stages is needed to maintain our community diversity and social cohesion.

Draft Residential Strategy, p.3, Introduction

BRG does not agree that the proposals for growth in this Strategy represent “*a healthy supply of housing*”.

- Problems with the document

There are many glaring errors in the Strategy as detailed in this submission. On the basis of the incorrect numbers alone, the Strategy should not be allowed to proceed as it so misleading that it cannot be trusted.

The DRS is a difficult document to navigate with four appendices that need to be referred to in order to understand how Council plans to give effect to the four Policy Initiatives. Parts of the DRS refer to documents external to the Strategy to explain the contents of the Strategy – eg the

Delivery Program 2017-2021, Operational Plan 2019-2020 the Capital Works budget. This is inherently frustrating for understanding the Strategy as a stand-alone document.

- Is this Strategy going to be relevant?

BRG acknowledges that preparation of a DRS is extremely problematic in the context of new and emerging planning regulations and other frameworks. The proposed Short-Term Holiday Rental SEPP and the Low Rise Medium Density Housing Code will wreak havoc on the Shire and will likely make this Strategy redundant or unworkable.

BRG also acknowledges that Council has been preparing this iteration of a Residential Strategy since 2017, before STRA and LRMDH were in play, and had been doing so for a number of years leading up to the Draft Strategy of 2016 that was rejected by the current Council.

1. Vision

Byron Residents' Group views the DRS Vision as an indicator of the problems inherent in the Strategy.

This Draft Regional Strategy Vision:

- *Byron Shire towns and villages will offer a diversity of housing to meet the needs of its community both now and in the future.*
- *Residents will be able to find housing that suits their current and future needs in terms of type, tenure, size and cost.*
- *More diverse housing such as town houses, units and apartments will be located in locations with convenient access to shops, services, transport and open space, where it is easy to walk or cycle.*
- *Greater housing diversity will create a more self-sufficient Shire so that residents do not have to move outside the Shire to find the housing they want.*

As a 'vision' this one is prosaic and deals largely with housing as if that was all there is to a Residential Strategy. There is little in the Strategy that reflects the principles or even the values of Ecologically Sustainable Development.

Residential development in Byron Bay and Suffolk Park is constrained by environmental features and limited infrastructure capacities. There is strong demand for residential property but, even if the infrastructure constraints were addressed, it is evident that the community does not support a demand-driven growth scenario at this point in time.

Byron Bay and Suffolk Park Settlement Strategy 2002. p.5

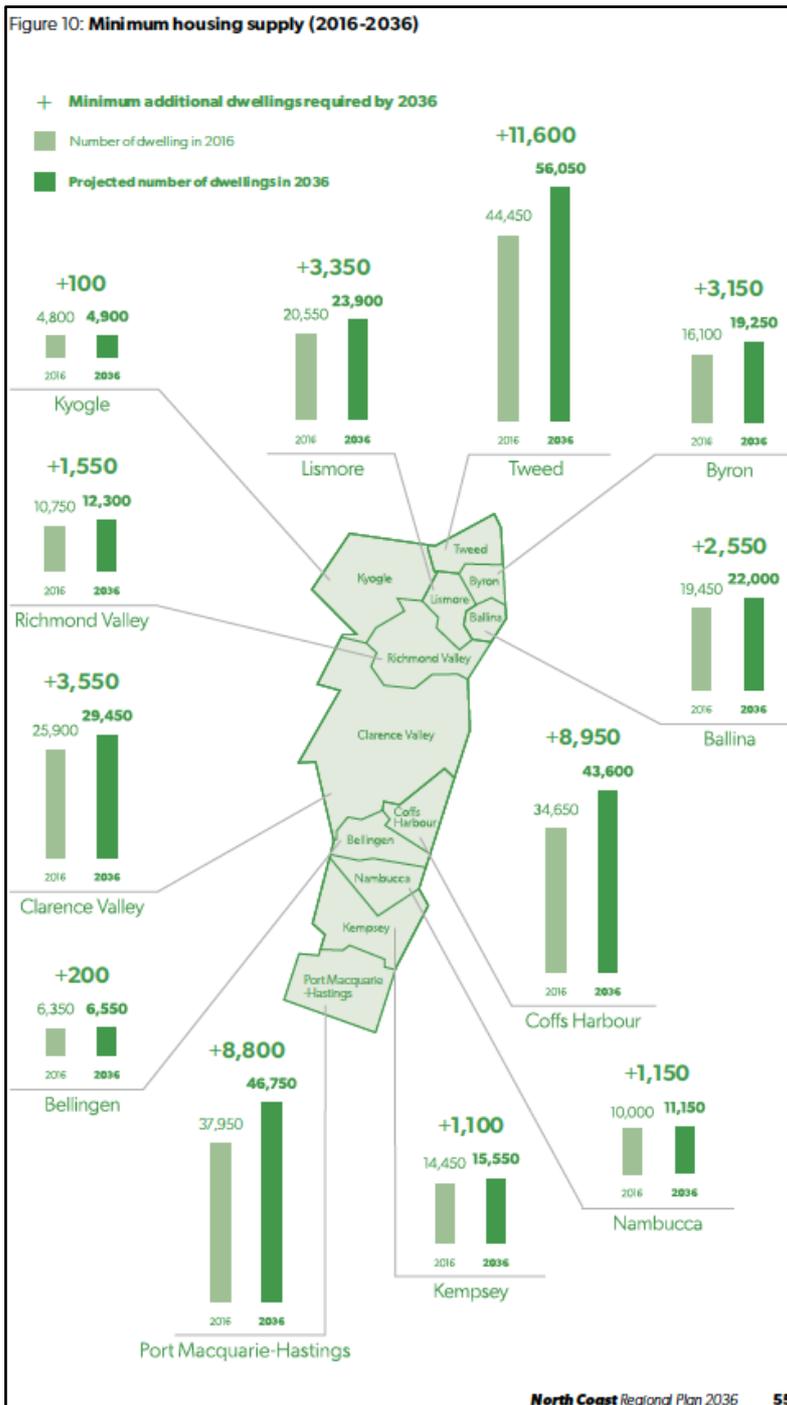
The Byron Bay and Suffolk Park Settlement Strategy 2002 provides a contrast with this Draft Residential Strategy, which BRG views as a response to a "demand-driven growth scenario", albeit partially imposed on Byron Shire by the state government.

It is hard to believe that community attitudes to growth of this kind have changed. Clearly the level of growth directed to our Shire is not driven by need.

2. Growth Management

2.1 Why does Byron have to grow so much?

A look at the targets in the NCRS below shows how ludicrous the targets set for Byron Shire are. Despite Lismore, Tweed and to Ballina being identified as the regional centres, Byron is required to provide **600 more dwellings than Ballina and only 200 less than Lismore**, a regional city. Council should dispute this, especially since we are the only LGA in the FNCRS 2006 that met the targets – and massively exceeded them.



Lismore and Tweed Heads will continue to be the major regional centres, with Ballina also emerging as a major centre. Coastal towns such as Byron Bay, known as a national and international tourist destination, will have retained their village character while still providing a gateway to many regional assets and attractions.

Far North Coast Regional Strategy 2006, p.27

The North Coast Regional Plan 2016 identifies a potential population increase to 37,950 people by 2036 and anticipated need for additional 3,150 dwellings.

Since we built more housing than we were required to under the FNCRS 2006, the increased dwelling numbers demonstrate no need for even bigger targets for more housing to be supplied. Similarly, based on the figures of dwellings, relative to the increase in population in the first 10 years of the FNCRS 2006 life span, it is clear that Byron Shire is over-supplied for its housing needs, relative to population growth.

Byron Shire - Total persons	2016		2006	Change
Population	Number		Number	2006 to 2016
Estimated Resident Population	33,399		30,125	+3,274
Enumerated Population	32,831		29,419	+3,412
Usual Resident Population	31,556		28,767	+2,789

Source: Australian Bureau of Statistics, [Census of Population and Housing 2006 and 2016](#). Compiled and presented in profile.id by [.id](#), the population experts.

2.2 Too many houses, not many residents

It has been the case from the first assessment of the FNCRS that Byron Shire was massively exceeding its targets:

“Our analysis demonstrates that population growth to 2011 has occurred at a much lower rate than anticipated but that dwelling growth has surpassed expectations.”

Far North Coast Regional Submarket Analysis - Dept of Planning publication Sept 2013

Rather than jumping to meet a new target, Council should be challenging the North Coast Regional Strategy 2016. We have good reason to argue for reduced dwelling targets and a slowing of provision of further dwellings and new land releases because we have already exceeded our targets.

Despite reaching our targets for the FNCRS 2006 fifteen years early, Byron is being asked in the North Coast Regional Strategy 2016 to repeat the process of providing thousands more dwellings, with no mechanisms identified to manage and regulate their provision in a measured and sustainable way.

2.3 Where is the Growth Management?

The Draft Residential Strategy notes that a Local Growth Management Strategy is a mandatory part of the planning framework:

*The strategy fits within a planning framework for the NSW North Coast region that includes a hierarchy of state and regional planning legislation, plans and policy ...
... Local Growth Management Strategies (LGMS) – Mandatory - prepared by Council with community engagement.*

DRS Appendix 1.2 The Planning Framework pp 6-7

There is no Local Growth Management Strategy associated with the Draft Residential Strategy and the DRS does not identify when one will be prepared. It has been 13 years since Council was directed to prepare an LGMS.

A key action in the 2006 *Far North Coast Regional Strategy* required Council to prepare a *Local Growth Management Strategy* to identify how best to meet 25-year targets for 2,600 new dwellings by 2031 (104 per annum). We were meant to prepare 10-year staging plans, identify 5 year priority areas and identify infrastructure needs to provide for the timely release of adequate and appropriately located land to address the target.

The Local Growth Management Strategy (LGMS) was never drafted. In that time, dwelling numbers way outstripped the *FNCRS 2006* dwelling targets to the extent that in little more than 10 years we had delivered 25 years' worth of dwellings – all that were required of us until 2031.

In the absence of an LGMS, there are still no 10-year staging plans, no identification of 5-year priority areas or assessment of infrastructure needs to match the provision of housing in the Shire. It is unsurprising therefore that the Shire's poor infrastructure is not meeting the needs of residents.

The Draft Regional Strategy signals the kinds of activities that an LGMS should cover.



Local planning actions

2. Examine our current infrastructure capacity, charges and engineering standards to determine:
 - a) any areas unable to support significant infill development, and explore mechanisms to manage any infill until such times as they can be serviced with adequate and cost-effective physical and social infrastructure
 - b) where improvements or upgrades are needed to service identified new release land, and investigate options for timely delivery
 - c) updates needed to support the mix of housing and lot typologies shown in Figure 5 and 6 of the strategy.
3. Examine opportunities in the local planning framework for sensitive (i.e. reflects the 'local' in our places) urban infill, redevelopment and increased densities in appropriate locations to make good use of urban land.
4. Amend the Byron Local Environmental Plan (LEP) provisions to ensure that slope is a consideration (along with minimum lot size) for assessing low rise medium density development proposals and advocate to the State Government to amend the State Environmental Planning Policy Exempt and Complying Development Code (SEPP) provisions to incorporate slope and locational considerations.

DRS Policy 1: Providing land for future housing. p.28

In the above box, the highlighted points might be expected to be found in an LGMS. When a residential strategy is proposed with land releases, areas for future dwellings and intensification of dwellings, the actions listed above should already have been taken.

The DRS notes that the (then) Department of Planning and Environment provided comment on the Preliminary Draft Residential Strategy of 2016:

... In addition, the DPE suggested that consideration be given to ... assessing the availability of infrastructure and providing clear sequencing of potential release areas (i.e. short, medium or long term)...

The response in the DRS to this and other suggestions from DPE is that *"the above matters have been addressed by the Strategy"* -- DRS Appendix 1 - *A1.3 State government input and policy compliance check* p.8

BRG has examined the DRS thoroughly and cannot find any information addressing the "clear sequencing of potential release areas". If the DRS is prescribing growth, which it is, then this must be addressed first and foremost, before the adoption of the Strategy.

2.4 Lessons from the Far North Coast Regional Strategy 2006

To release the Strategy with areas of land proposed for dwellings will undoubtedly result in developers making plans to capitalise on the new opportunities without any timing sequence or adequate infrastructure provision. This is exactly what occurred after West Byron was identified as a site for "possible future release" in the FNCRS 2006.

The West Byron rezoning process began and, after state government intervention, massive community outrage, repeated submissions and campaigning, years of much effort and expense – from the community, the developers and Council – the whole project is in the courts. Having been recognized by the Northern Planning Panel as unsuitable and stalled by the incapacity of existing infrastructure to support it, it is the court that will decide what happens to that site, and, by implication, Byron Bay.

It should be remembered that the original selling point for the rezoning of West Byron was to provide affordable housing and that developer contributions would pay for a “solution” to Byron’s traffic problems via a bypass.

We must not be allowing new land to be identified until we have certainty that there is infrastructure to support it and that it complies with Ecologically Sustainable Development principles.

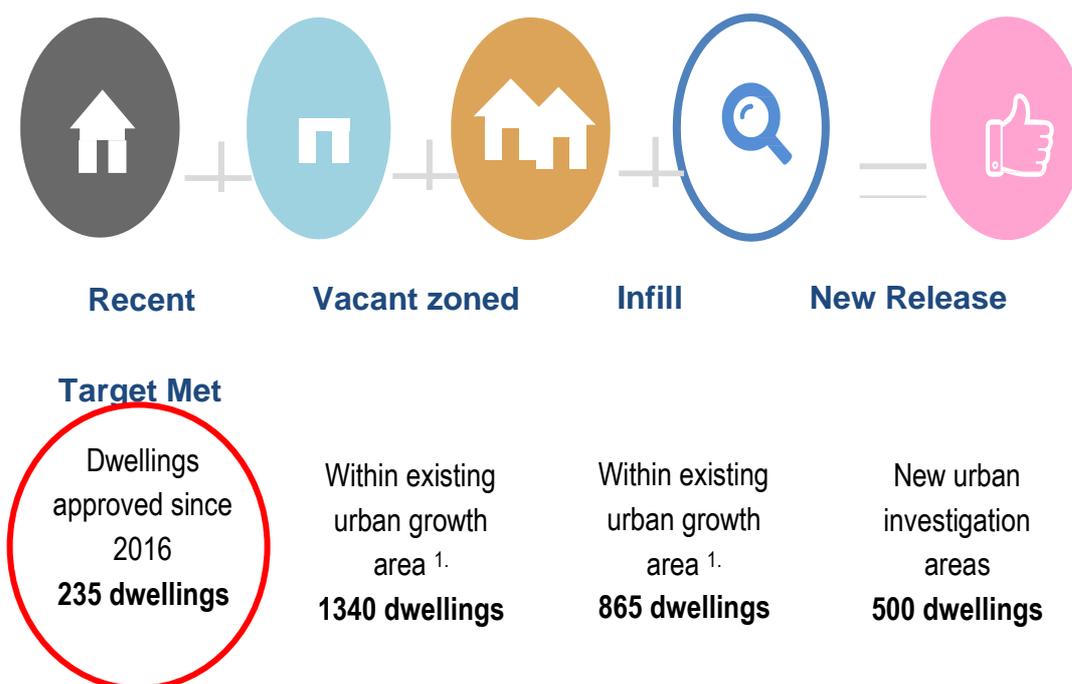
3. Dwellings and people – the numbers don't lie?

3.1 Incorrect data misrepresents the housing situation

The numbers in this strategy are grossly inaccurate in several places. We should expect that Strategy would present the truth of actual growth in the Shire to residents. If the Strategy presented the actual numbers of dwellings that have been built over the last few years then BRG believes our community would not be enthusiastic about the extent of the growth proposed therein as it is not sustainable. BRG believes that the community, as back in 2002, “*does not support a demand-driven growth scenario*”.

The level of growth that has been occurring already and the level of further growth that this Strategy proposes are excessive.

Graphic from *Draft Residential Strategy, Appendix 4 - Housing and Land Supply Analysis*. p.73



The above graphic in the Strategy is incorrect. Council's own data in the tables below shows Agglomerated Data on Dwelling Supply provided to Council in April 2018. This data showed **832 new dwellings** were approved in Byron over *2016/2017 alone*, without taking into account 2018 or 2019 figures. How can the Strategy be reporting 235 dwellings?

Looking only at building approvals since 2016, the figures from the ABS (see box below) show **800 + building approvals**. Even assuming that not every approval has resulted in a dwelling as yet, the disparity in the figures is astounding.

Again in this table (below) in the DRS the numbers of estimated approved dwellings do not correlate with ABS data or with the data produced by Council elsewhere.

	Bangalow	Brunswick Heads	Byron Bay & Sunrise	Mullumbimby	Ocean Shores - South Golden - New Brighton	Suffolk Park
Dwellings as at 2016	745	1025	3050	1774	2966	1699
Total projected dwellings (TPD) as at 2036 comprising:	1056	1334	4067	2590	3476	1871
Estimated approved dwellings 2016-18	35	29	42	37	63	29
Infill	117	67	153	152	234	143
Vacant land/in pipeline	122	213	802	183	21	0
New release	37	0	20	445	0	0

Figure 7. p.47 Section ?

3.2 Why are Council's figures so wrong?

Are the dwellings we have supplied being undercounted to justify more growth? This Strategy cannot be supported whilst the data is so manifestly incorrect. When errors such as these occur, it is not possible to accept any of the information in the DRS as reliable.

The combined 'Estimated approved dwellings 2016-18' in our urban areas in the above table total 235. The ABS data shows new building approvals alone in the Shire for that period are in the vicinity of 800 dwellings (taking into account the ABS counting period is financial, not calendar, years).

Rural dwellings for the last several years have made up a fairly consistent third of all new dwellings. As such **the ABS data equates to around 535 residential building approvals – not the 235 that this table is claiming. Where did those 300-odd dwellings go to?**

Again, the Strategy is **seriously under-reporting** the numbers of dwellings that have been provided.

Residential building approvals				
Byron Shire		Number		
Year (ending June 30)	Houses	Other	Total	H
2019-20 Aug FYTD	33	12	45	
2018-19	219	142	361	
2017-18	208	47	255	
2016-17	242	49	291	
2015-16	192	18	210	
2014-15	180	24	204	
2013-14	124	42	166	
2012-13	103	8	111	
2011-12	89	9	98	

Source: ABS. <https://profile.id.com.au/byron/building-approvals>

Residential building approvals				
Byron Shire		Number		
Year (ending June 30)	Houses	Other	Total	Hous
2017-18 Jan FYTD	114	32	146	
2016-17	242	49	291	+
2015-16	192	18	210	+
2014-15	180	24	204	+
2013-14	124	42	166	+
2012-13	103	8	111	+
2011-12	89	9	98	-
2010-11	104	80	184	+
2009-10	85	114	199	-
2008-09	101	19	120	-
2007-08	96	61	157	-
2006-07	121	75	196	-
2005-06	131	32	163	+
2004-05	105	30	135	-
2003-04	114	16	130	-
2002-03	141	47	188	-1

Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented by experts

Table shows the building approvals (only, not complying developments) from the period beginning with the FNCRS 2006. Source: ABS.

3.3 Council's own total dwelling figures

In April 2018, Councillors were supplied data on all dwellings approved by Council up until 2017. The number of all dwellings approved, not just new buildings, from 2012 – 2017 are in the tables below and on the following pages.

Source: BSC Data from Question with Notice No. 15.5:
Agglomerated Data on Dwelling Supply in Byron Shire.
File No: I2018/620 April 2018

2012	No. of Dwellings
Rural	76
Dwelling	46
Dual Occupancy	3
Studio	8
Secondary Dwelling	7
Tourist Facility	12
Urban	240
Dwelling	67
Dual Occupancy	26
Residential Unit	15
Studio	4
Medium Density Development	72
Secondary Dwelling	56
Grand Total	316

2015	No. of Dwellings
Rural	119
Aged Care Units	4
Cabin - Rural Tourist	2
Dual Occupancy	14
Dwelling	52
Secondary Dwelling	27
Studio	13
Tourist Facility	7
Urban	287
Dual Occupancy	39
Dwelling	99
Medium density development	18
Residential Units	19
Secondary Dwelling	102
Studio	3
Tourist Facility	7
Grand Total	406
2014	No. of Dwellings
Rural	106
Dual Occupancy	11
Dwelling	57
Secondary Dwelling	22
Studio	13
Tourist Facility	3
Urban	235
Dual Occupancy	34
Dwelling	99
Residential Units	17
Secondary Dwelling	79
Studio	6
Grand Total	341
2013	No. of Dwellings
Rural	74
Dwelling	44
Dual Occupancy	6
Studio	6
Tourist Facility	7
Secondary Dwelling	11
Urban	155
Dwelling	58
Dual Occupancy	32
Studio	1
Medium Density Development	5
Secondary Dwelling	59
Grand Total	229

2017	No. of Dwelli
Rural	128
Dual Occupancy	26
Dwelling	47
Secondary Dwelling	37
Studio	4
Tourist Facility	14
Urban	276
Dual Occupancy	23
Dwelling	65
Medium density development	70
Residential Units	3
Secondary Dwelling	113
Studio	2
Grand Total	404
2016	No. of Dwelli
Rural	150
Cabin - Rural Tourist	3
Dual Occupancy	22
Dwelling	56
Secondary Dwelling	46
Studio	10
Tourist Facility	19
Urban	282
Dual Occupancy	22
Dwelling	103
Medium density development	15
Residential Units	17
Secondary Dwelling	115
Studio	4
Tourist Facility	6
Grand Total	432

Total dwellings from 2012 – 2017 (dual occupancy, dwelling, secondary dwelling but minus tourist cabins) = 1737

Taking into account that the ABS data from 2006 – 2012 in the table on page 11 only recorded building *approvals* for new houses, the numbers for the first few years after the FNCRS 2006 are undercounted as they do not count all categories of dwellings. Nevertheless, the totals are still way beyond the targets set by the 2006 FNCRS.

2007- 2011 <i>building approvals only</i> as per ABS data	856
2012 – 2017 all dwelling types as per BSC data	1737
TOTAL dwelling data 2007 - 2017:	2,593

The FNCRS said we had to supply 2,600 new dwellings by 2031. By 2017, after only 10 years of a 25-year plan, and not even accounting for all dwelling types, Byron Shire had clearly met the whole target and likely exceeded that target. From 2006-2016 Byron Shire's population increased by 2789 – see table below.

These figures indicate **almost one house built for every person** who moved to the Shire in that period. At that same time we have seen an explosion in tourism numbers and holiday letting as a result of online platforms such as Stayz, Booking.com and Air BnB.

The North Coast Regional Plan 2016 identifies a potential population increase to 37,950 people by 2036 and anticipated need for additional 3,150 dwellings.

The argument could be made that, as we built more housing than we were required to in the FNCRS 2006, the increased dwelling numbers demonstrates a need for yet more housing. Similarly, based on the figures of dwellings relative to the increase in population in the first 10 years of the FNCRS 2006 life span, that **Byron Shire is over supplied for housing.**

4. Housing and Land Supply

It is laudable that the Strategy considers 'suitable for use principles' in Appendix 4 when considering land for housing. BRG agrees these ideals should underpin all land use planning for housing but they should be part of a Local Growth Management Strategy rather than as a list of principles in an Appendix to the Strategy.

4.1 Infill

It is sound that Council should be preferencing infill as a means of consolidating urban areas and inhibiting sprawl into rural areas, providing we have the infrastructure capacity to support it.

Table A4.7: Estimated dwelling supply potential within identified 'urban growth areas'

Source of land and dwellings	Estimated dwelling yield -> 600m ²
Dwelling infill already delivered - secondary dwellings and low rise medium density dwellings for the period post adoption of North Coast Regional Plan 2036 (1 July 2016 – 30 Sept 2018)	235 dwellings
Secondary dwelling ¹ and low rise medium density residential development infill on land zoned R2 – Residential, 2(a) Residential and R3 – Residential medium density	866
Total estimated infill dwelling yield	1101

Byron Residents' Group does not support some of the assertions in the Strategy regarding infill. The Strategy assumes an uptake of 10% of total possible lots via the existing development approval path and by 15% as complying development if the LRMDH Code is introduced in Byron. The reason given is that it is a state standard formula but, given housing trends in Byron Shire do not conform to state standards, this is not necessarily the best model. Infill dwellings are increasing each year, as are new dwellings.

The 2016 Preliminary Draft Residential Strategy assumed a 20% uptake of infill dwellings:

This estimate was based on a range of assumptions about the redevelopment of existing residential land for duplexes and semi-attached dwellings. It was also assumed that only 20% of lots that were suitable for redevelopment would be redeveloped in the 20-year time frame of the study (2016-2036). These are considered fairly conservative estimates.

2016 Preliminary Draft Residential Strategy. p 16

The "range of assumptions" referred to were not explained in that document. Similarly revising down to either 10% or 15% from the 20% used in the 2016 document does not make sense,

particularly given the substantial growth in secondary dwellings and the numbers of infill dwellings Council has approved.

The Strategy claims that:

In general, larger lots are either highly constrained or feature a relatively narrow road frontage. For this reason, the development of multi-dwelling housing (terraces) is expected to be uncommon. Therefore, a conservative average yield-multiplying factor of 1.5 has been applied across all lot sizes.

Appendix 4, p.86

The rationale behind this appears anecdotal and the factor of 1.5 yield is not properly explained. Similarly unbelievable is the assertion of low uptake of infill development in the Shire. The Strategy claims that:

Since the adoption of the North Coast Regional Plan 2016 dwelling figures, infill has delivered some 150 secondary dwellings and 85 low rise medium density dwellings.

Appendix 4, p.85

This is simply incorrect. In Council's own data – see above in 3.2 – the numbers of infill dwellings in 2017 alone was 208 of the total 276 urban dwellings approved. The infill dwellings comprised dual occupancies, medium density housing, secondary dwellings and studios. Infill made up 72% of the total urban dwellings.

We could conservatively expect at least the same numbers (if not more) for 2018. On that basis, we have had over 400 infill dwellings in the past two years, which does not even cover the whole period during which the NCRP 2016 has been in effect.

It is difficult to understand why these infill figures quoted in the Strategy are so wrong. What data is Council using if not its own?

The NCRP 2016 says we have to deliver 3150 dwellings over the next 20 years or **157.5 annually**. Infill by itself is demonstrably serving our (already unreasonable) targets as required by the *North Coast Regional Plan 2016*. With an average of 200 infill dwellings being provided in the Shire annually, **we are already exceeding our targets on infill counts alone**. Infill equates to approximately 70% of total urban dwelling approvals and the remaining 30% of urban development brings it up to 285 dwellings annually.

It should be noted in Council's data in point 3. above that rural dwelling approvals have roughly equalled 50% of urban approvals over the 5 years of data. Assuming this trend continues, our annual approvals for 2017, 2018 and 2019 would average around 425 dwellings, a total of 1275 dwellings or 40% of the target.

At this rate we will have met our *North Coast Regional Plan 2016* targets in 3.5 years.

4.2 Minimising the numbers to prove a need?

BRG is very concerned that the Strategy, by understating our infill numbers, will enable further development and more land releases to proceed. It is clear that we do not need to release the large amounts of land that the DRS proposes to fill our dwelling needs. We are already on track to replicate our over-zealous response to the Far North Coast Regional Strategy 2016.

Based on infill dwellings alone we are already a year ahead of the NCRP 2016 delivery timetable for dwellings. Adding in all other dwellings that have been approved since 2016 and we are much further along than that – and still we have no Local Growth Management Strategy.

4.2 Unnecessary land releases

The Strategy assumes that “appropriately zoned vacant (undeveloped) land will proceed to subdivision, construction and occupancy” – Appendix 4. p.74. Table A4.1 totals a yield of 1341 dwellings on 128 ha of land already zoned that is vacant and undeveloped and Table A4.2 sets out 34 ha for investigation that are in private ownership that might deliver 402 dwellings. Assuming the model for this yield is correct (noting that so far this Strategy has shown to under-represent dwelling numbers) then the total new land releases would be 1,743.

Assuming the Shire average of 2.33 persons per household, if all these lands were to be developed, the resulting dwellings – before any secondary dwellings or dual occupancies are added in – would result in a population roughly half the size of the current Byron Bay (pop. 9220). We don't know over what time this land might be released but without a Local Growth Management Strategy it could all potentially be upon us within a few years.

It is highly likely that new built dwellings will have secondary dwellings on them as they are easier to put in at the time of building and are a bonus for rental or holiday let income to pay off mortgages on new builds. Secondary dwellings on these lots – likely more than the 10% or 15% uptake that BSC is modelling – would put that population substantially higher.

4.3 Low Rise Medium Density Code

Despite multi dwelling housing already being permitted within R1 and R2 zones, some expressed disagreement with the proposed application of the Code across these zones as they are largely characterised by single detached dwellings. In particular, they considered

a definition that permits redevelopment of a single detached dwelling into more than 4 dwellings could allow uplift in density of such magnitude that it would place additional pressure on local infrastructure, particularly roads, parking and community facilities, and be out of character with the local area. In particular, this relates to the potential for manor houses to be defined as multi-unit dwellings or residential flat buildings and the impact more intense forms of multi dwelling housing may have on local infrastructure and character.

*Low Rise Medium Density Housing Code: Independent Review Report. NSW Govt.
p.16*

BRG concurs with the findings of the Review (above) and is aware that Council is trying to fend off the implementation of the LRMD Code in Byron. Given our proven success in delivering infill, it should be argued that the LRMD Code is not needed. It is difficult to see how the new LRMD Code can operate in concert with a Residential Strategy.

The Code circumvents strategically planned development by designating this kind of dwelling ('maisonette' apartments) as complying development. As such, we expect Council's power to limit the use of the Code to enable infill in many areas will be substantially reduced and it will be developers, not Council and community, that shape our future towns,

BRG appreciates that the Strategy needs to consider that the LRMD Code may come into force in Byron Shire and must therefore analyse the potential dwelling yields it would allow. As expressed in 4.1, above, we have concerns about the methodology of how infill development uptake is determined.

Whilst the DRS examines the infill potential – both via existing Development Application approval paths and as Complying development – the Strategy is hamstrung in dealing with the Code in a way that fits with any idea of managed settlement.

We urge Council to continue to advocate to allow Byron to determine its own housing needs and resist the imposition of this inappropriate and potentially disastrous impact on sustainable development.

4.4 Affordable housing

It is hard to see how housing that can be called "affordable" by most definitions can be delivered in Byron Shire. It may be possible to deliver dwellings that are less expensive than others, but Byron is the most expensive LGA in the state for housing. Many in the community have been dismayed for some time by the rising house prices, driven by factors they can't control, and many are experiencing housing stress.

The Strategy says that

Appropriate planning controls and incentives can help deliver more affordable housing. A range of tools will be considered through local planning, such as:

• bonus development provisions, where a percentage of affordable housing is included in a proposal.

It is not clear if this refers to the Affordable Housing SEPP or other means. BRG is not convinced that the Affordable Housing SEPP has delivered good outcomes to those that most need it as it has largely been used by developers to increase dwelling numbers and cut costs and car parking.

The Strategy does not say how many affordable dwellings the Shire has approved under the SEPP and how affordable they are. One 'affordable' development in Sunrise that provided barely any parking for residents has caused a serious parking congestion problem and the adjacent street and footpath/verges are now all parking spots, blocking pedestrian access and diminishing the appearance of the neighbourhood.

Council should do what it can to enable housing for people who really need assistance but, without the support of the state or federal governments, Council is not in a position to deliver social housing, which is what is really needed.

The Strategy also suggests more affordable housing might be helped by

• reduced contributions or other development incentives that may boost construction of secondary dwellings as alternative affordable housing

Council removed contributions just for secondary dwellings for that purpose. The uptake was slow at first until the advent of AirBnB and other holiday let platforms. Council is now reversing the waiver for secondary dwellings because it is costing money to council through additional infrastructure costs whilst appearing to be adding more holiday let accommodation rather than affordable housing.

More needs to be done to make those that build secondary dwellings for holiday letting compliant with their conditions of consent. Council could make a huge difference by enforcing compliance. By restoring these dwellings to the rental market, many people looking for smaller housing could be permanently accommodated. Additionally, the drive to build yet more housing to accommodate this sector of the rental market – couples and singles – would diminish.

BRG supports any attempts by Council to push developers to genuinely contribute to community by providing low cost housing. We are not confident of the likelihood of this resulting in the dwellings we need to keep a diversity of people housed in the Shire.

5. Infrastructure

Local planning actions

2. *Examine our current infrastructure capacity, charges and engineering standards to determine:*

a) *any areas unable to support significant infill development, and explore mechanisms to manage any infill until such times as they can be serviced with adequate and cost-effective physical and social infrastructure*

b) *where improvements or upgrades are needed to service identified new release land, and investigate options for timely delivery*

c) *updates needed to support the mix of housing and lot typologies shown in Figure 5 and 6 of the strategy.*

Draft Residential Strategy p.28

Before we start considering new settlement and land releases, we need to appraise our existing infrastructure. Acknowledging that Council has a schedule of upgrades and renewal for some existing infrastructure, particularly roads, much of Byron Shire's infrastructure is barely coping with our resident population, coupled with the massive visitor population.

The Draft Residential Strategy devotes only 8 of its 205 pages (main document 100pp + appendices 105pp) to infrastructure. Section A4.5 Infrastructure and Servicing, notes that:

Creating capacity for new residential supply in the right locations requires careful consideration of infrastructure capacity. Identifying the right locations will ensure future housing is linked to local infrastructure – both to optimise existing infrastructure and to maximise investment in new infrastructure.

This is a given but there is little indication in the Strategy of "careful consideration of infrastructure capacity".

5.1 Transport

Given the ever-increasing impact of traffic on Byron Shire residents, there is no traffic assessment associated with this strategy for growth. The Strategy does not reference any studies of Byron Shire traffic that indicate capacity for growth on our current road system.

Section A4.5 (d) Transport and Infrastructure is less than a page in the whole document and offers very little about the current issues with transport infrastructure. Whilst the Strategy says that "active 'non-vehicle' transport (ie walking and cycling) will be encouraged in all areas", this has limited application when dealing with essential trips such as between towns for work. BRG notes that Council has been preparing a Bike Plan and Pedestrian Access and Mobility Plan, both essential plans.

“Encouraging” walking and cycling is laudable but neither is not an option for many people in their most commonly taken trips. With Byron’s weather – high temperatures and high rainfall – and the long distances many residents need to travel, vehicle transport still remains the only choice for many. If it is not to be cars then it has to be public transport, which is barely mentioned in the Strategy.

In discussing Byron Bay, the Strategy’s transport approach becomes risible:

*In Byron Bay, **major works are currently underway to upgrade Ewingsdale Rd to a four lane** thoroughfare, and Council has received approval and full funding from the NSW State Government for the construction of a Byron Bay town centre bypass, to connect Shirley Street (north) to Browning Street (south). These works **anticipate a growing population** and are designed to facilitate efficient traffic flows both now and into the future.*

There are no major works “currently underway” to upgrade Ewingsdale Rd to four lanes. There is no mention of them in Council’s Capital Works Program. There is nothing referencing such works in the *Delivery Program 2017-2021 and Operational Plan 2019-2020*.

The suggestion that these works “*anticipate a growing population*” is ridiculous. The works are to ameliorate the traffic caused by the existing population – and the growing number of visitors. The four-laning of Ewingsdale Rd, were it to happen, would only shorten the traffic queue into town. There remains a choke point that the MR545 study of 2010 predicted a bypass relieve by only around 15%. Even if it was more than 15%, the net result is that the current traffic situation where queues back up onto the Pacific Highway might be improved and traffic might return to a more normal speed.

This is not “anticipating a growing population”, it’s an attempt to manage the excessive traffic of the current population. The bypass and the possible doubling of Ewingsdale Rd can in no way be taken to indicate that Byron Bay can manage yet more population growth.

5.2 Sewerage

Residential infill development and the associated increases in impervious cover and stormwater runoff have the potential to overwhelm aging infrastructure causing erosion, flooding, and ecological degradation of waterways. The increasing role of infill may require Council to amend policies regulating residential development and its associated stormwater management to mitigate the cumulative quantity and quality effects of infill development.

Appendix 4, p.105

BRG agrees with this assessment; Byron’s waterways are the recipients of our stormwater and our sewerage effluent – including the Brunswick River, Byron Creek, Simpsons Creek, Belongil Creek and Tallow Creek.

The effects of more development on these watercourses is likely to be deleterious and it is essential that Council should regulate development not just to to “mitigate the cumulative quantity and quality effects” but to avoid impacts on waterways. This should be a priority of any growth planning.

Table A4.13: Water and sewer infrastructure analysis

Urban Area	Current Persons 2016 Census Usual Place of Residence	Est. Additional Persons Infill	Est. Additional persons New Release	Est. Additional persons Zoned / Undeveloped	Est. Additional persons TOTAL	Infrastructure Capacity Analysis		
						Water & Sewerage 30 year capital plan 2046 (W&S) High growth scenario (2.4 persons /dwelling)	Strategy analysis estimates	Comment
Byron Bay & Sunrise	5428	367	50	1924	2340	13890 persons by 2036	Lower 11993 persons	Consist with W&S capital works program.
Suffolk Park	3795	340	0	0	340	Refer to above		
Mullumbimby	3781	316	1070	439	1825	4996 persons by 2036.	Higher 5606 persons	Further investigation of network capacity sequencing for new release and infill.
Bangalow	1780	213	90	292	595	2521 persons by 2036	Lower 2375 persons	Consist with W&S capital works program.
Brunswick Heads	1630	159	0	511	670	2835 persons by 2036	Lower 2300 persons	Consist with W&S capital works program.
New Brighton & Ocean Shores	6298	560	0	50	610	6862 persons by 2036	Higher 6908 persons	Further investigation of network capacity sequencing for infill.

Table A4.13 (above) provides an overview of population projections for each of the urban areas of Byron Shire, and provides an assessment of water and sewer infrastructure capacity to service the projected population. The capacity assessments have been made with reference to Council's current 30-year capital works program. Appendix 4, p.102

The capacity “assessments” – highlighted here by BRG – apparently “*consist with W&S capital works program*”. There is no documentation that BRG could find that details a Water and Sewerage capital works program. There is nothing in the 2019/20 budget, the Operational Plan or mentioned in the Capital Works programs on the Council website.

The Strategy should say how the Water and Sewerage Capital Works Program will manage the increased growth, not just that there are works planned for some time in the future.

The table above considers the resident urban population of Byron Shire. The Byron tourism scale and impact analysis records an extra 14,000 people in the Shire each day (11,000 overnight, mostly in urban areas) whose waste also goes to our STPs. By not counting those figures, this analysis gives us no information as to our STPS capacity to manage now or into the future.

Whilst it may be true to assert that our hard sewerage infrastructure can manage the increase in volume going into Byron Sewage Treatment Plant, there is no assessment, that BRG is aware of, of the capacity of the receiving environment. In the case of the Byron STP in particular, the limitations of the receiving environment are well documented and are the subject of legal issues for Council. The output for the STP is not being taken up for re-use as stipulated in the

conditions of consent for the STP and the extra outflow has been flooding neighbouring properties.

The uptake of re-use has been very low and the capacity of the receiving environment to manage effluent volume has not been assessed since. BRG acknowledges that a Belongil ICOLL Opening Strategy has been done and a Belongil Catchment Study is being done. Until the capacity of the receiving environment for the Byron STP is assessed (ie Belongil Creek), further growth that increases impacts on the Belongil should be very limited.

This approach should be taken with regard to all our sewerage and stormwater management infrastructure before we add in extra growth.

5.3 Water

The Draft Residential Strategy is silent on the impact of more growth with regards to providing potable water to the Shire. Rous County Council's Future Water Strategy states that "by around 2024, demand for water will match what current sources can reliably supply" and after that time the demand will be start to become greater than the available supply.

Rous' Future Water Strategy may not be able to contend with unanticipated and even greater numbers of dwellings and increased visitation in Byron Shire.

6. Tourism impacts

It is impossible to deliver a Residential Strategy whilst we are experiencing the continued unchecked growth of Short Term Holiday Letting (STHL).

SUM of Listings	Date			
LGA	2016-12-10	2017-12-13	2018-12-20	2019-08-25
Ballina	193	439	563	615
Blue Mountains	358	905	1135	1240
Byron	1172	2740	3037	3306
Lismore	77	165	210	218
Sydney City	5497	7858	9820	10139
Tweed	289	878	1216	1222
Waverley (Bondi)	4043	5206	5696	5573

Source: Inside Air BnB

In August 2019, Byron Shire had 3306 listings. Listings have almost tripled from the 1172 listings in 2016. The ABS records Byron Shire as having a total of 15,645 dwellings in 2016, although that will have increased. At 2016 figures, AirBnB in 2018 represented 21% of part/all dwellings used.

The DRS records 22% of dwellings in Byron Bay as unoccupied – 536 houses. Assuming they are holiday lettings, they are illegal and should be stopped.

As shown in the tables below, 1,241 of the entire home/apartment listings are grouped as multiple listings, managed by only 361 hosts.

NSW Stats 12/2016 - 08/2019									
SUM of Listings		Date							
LGA		2016-12-10	2017-12-13	2018-12-20	2019-08-25				
Byron		1,172	2,740	3,037	3,306				

08/2019										
SUM of Listings		Room Type								
LGA	Multi listing	Entire home/apt		Private room		Shared room		Grand Total		
		Multi listing	Single listing	Multi listing	Single listing	Multi listing	Total			
Byron		1,241	1,331	2,572	361	364	725	9	9	3,306

Multi listing	
SUM of Listings	Sum of Hosts
1241	361

It is perverse that the NSW State Government expects Byron to have a Residential Strategy when we are seeing residential housing being converted to holiday accommodation.

Adding more dwellings that are going to end up as yet more holiday lettings is not the answer.

Council has not done nearly enough to enforce compliance and stop the proliferation of holiday letting. **If half of the dwellings in the Shire on Air BnB alone (approx. 1650) could be returned to the rental market, we would have enough dwellings for almost the next 10 years without any other development.**

Whilst tourist numbers continue to grow rapidly, and holiday let platforms are enabling this, strategic planning for Byron Shire is undermined.

Tackling the problem of unsustainable and illegal tourism would do a great deal for improving access to housing for more of our residents, current and future.

Conclusion

Preparing a residential strategy in the face of the Low-Rise Medium Density Housing code and the Short Term Rental Accommodation legislation is optimistic, although BRG acknowledges Council has no choice in this. Given the massive and unreasonable demands these two state government initiatives place on our housing supply, not to mention the environment and the amenity of our residents, Byron Shire should be given a reprieve from further growth until we can manage what we already have.

It is therefore inexplicable that the North Coast Regional Strategy has set us targets that, at the rate we are providing dwellings, we will meet in 3-4 years. There is no urgent need to provide housing – population growth is still small relative to the massive over-provision of housing. Demand-driven supply of housing is in no way sustainable in Byron Shire, yet this Residential Strategy appears as a response to that demand.

The Draft Residential Strategy is disappointing in creating a perception that we need more housing and more land for housing. It undercounts the number of dwellings and the requirement for more land releases when the current land we already have zoned for new residential development has not even been developed yet.

Byron's residents are being told in this Strategy that the dwelling numbers we have are substantially lower than the data reveals. It is inexplicable that Council has done this.

Similarly, the handful of pages devoted to infrastructure portray a "she'll be right" attitude to the provision of infrastructure that is reckless.

Additionally, the absence of Strategy's lack of detail on growth management, staging of growth, and provision of infrastructure is a serious omission and does not conform to the objectives and principles of Ecologically Sustainable Development.

References

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