



Ms Laura Black
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Our ref: IRF23/3103

Via email: council@clarence.nsw.gov.au

Dear Ms Black

Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy.

Thank you for the opportunity to review and comment on the draft Clarence Valley Local Housing Strategy (October 2023) and associated draft Affordable Housing Policy.

I would like to commend Council on its commitment to establishing an evidence-based framework for appropriate housing growth and opportunities within the Clarence Valley. In particular, I note Council's strategic approach within the draft housing strategy to deliver a range of diverse housing types and infill development that will suit the needs of its future population and the identification of future land release areas that avoid environmental constraints, important farmland and flood prone land.

The following matters are raised for consideration when finalising the strategy:

- investigation areas and infill areas contained within Annexure 4 Planning Interventions, should include some high-level commentary on constraints and any investigations likely required before any planning changes occur. They should also include details on the existing planning controls for these sites.
- It should be clarified if the potential 1,730 dwellings resulting from the planning interventions is excluded or included in the theoretical supply of 9,229 dwellings in existing zoned land.
- a clear pathway of actions and sequencing of investigations to manage and prioritise residential growth is developed to help guide decision-makers, landowners, developers and investors along with supporting timely and cost-effective infrastructure delivery.
- trigger points for strategy actions and deliverables based on actual growth are identified.
- Planning Intervention 12, Duncans Road identifies a site with opportunity for large lot residential with a proposed zone of R1 General Residential. This should be clarified as large lot residential and general residential are different land use zones.
- Council should consider including the James Creek investigation area in Annexure 4 Planning Interventions if a future rezoning is to be pursued.
- Council should ensure any infill development is sensitive to or compatible with environmental constraints, particularly flooding and the State Government's flood prone land package in regard to areas like Grafton and Maclean.

- it is noted that Council has recently exhibited Interim Flood Planning Levels and is developing a Clarence Floodplain Risk Management Study and Plan. On completion of this work, or if the flood planning level is amended in the future, Council should consider the appropriateness and suitability of its residential, and rural residential investigation areas, using this information and update the Housing Strategy as necessary.
- Council should continue to work in consultation with the NSW Reconstruction Authority to support housing delivery for flood impacted residents including land identified within the final Resilient Lands Strategy.
- The need to assist delivery of social, diverse and affordable housing is outlined within the strategy, including an action to develop an affordable housing contribution scheme. Viability assessment will be required for the development of this scheme in accordance with the Department's Guideline for Developing an Affordable Housing Contribution Scheme. An upzoning is normally required to enable affordable housing contributions. There may be limited opportunity in Clarence Valley noting the strategy identifies sufficient existing zoned land to meet the forecast housing demand.
- Inclusionary contributions for an affordable housing contribution scheme are not consistent with the Department's current Guideline for Developing an Affordable Housing Contribution Scheme. Further investigation, detailed justification and consultation would be required with the Department should Council wish to pursue this approach.
- Commentary should be included to note that planning interventions outlined within the strategy are subject to further investigation and consultation and may change.
- The NSW government is currently exhibiting proposed changes to the Local Government Act Regulations applying to Manufactured Home Estates and Caravan Parks to restrict permanent sites and manufactured home estates on flood prone land in accordance with the recommendations of the 2022 Independent Flood Inquiry. These proposed changes should be considered in the final strategy and any resulting amendments to Councils Development Control Plan.
- Planning intervention 13 (Sheehans Lane) is not currently identified within the urban growth area boundary and is mapped within the coastal strip. Any future proposals to rezone land outside of the urban growth area boundary will need to confirm consistency with the North Coast Regional Plan 2041 Urban Growth Area Variation Principles or await an amendment to the urban growth area boundaries in the next Regional Plan review before a planning proposal to rezone the land can be undertaken.
- Planning Intervention 14 (Boundary Rd) involves large lot residential development within the coastal strip. The NCRP 2041 directs future large lot residential development away from the coastal strip. Justification and how the inconsistency with the regional plan is of minor significance should be included in the final strategy if this proposal is retained.
- the strategy confirm that any future rezoning proposals be supported by infrastructure servicing plans and detailed studies and assessment of site-specific development constraints, including potential high environmental value and PMF flood levels, velocity, flood planning levels and access to critical services during flood events, to confirm land suitability and consistency with the North Coast Regional Plan 2041, applicable State Environmental Planning Policies, and relevant Local Planning Directions.
- that post exhibition and council adoption, the finalised strategy is sent to DPE for further review and approval.

In finalising the strategy, Council should also ensure the strategy is consistent with all relevant state environmental planning policies, section 9.1 Ministerial Directions and the North Coast Regional Plan 2041. It should be noted that before any rezonings or building height changes can be implemented from the final strategy, further community consultation on the specific changes will be required.

Should you have any enquiries about this matter, I have arranged for Sam Tarrant to assist you. Mr Tarrant can be contacted on [REDACTED]

Yours sincerely



8/12/2023

Jeremy Gray
Director Northern Region
Local and Regional Planning

Ms Laura Black
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Council@clarence.nsw.gov.au

Attention: Mr Stephen Timms

Clarence Valley Draft Local Housing Strategy

Dear Ms Black

Thank you for your correspondence of 27 October 2023 and the opportunity to provide comment on the Draft Clarence Valley Local Housing Strategy (the 'draft Strategy').

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the draft Strategy and supports Council's approach to encourage future housing in existing urban areas and avoid locating new residential greenfield sites on land mapped as Important Farmland by the North Coast Regional Plan (NCRP) 2041.

The draft Strategy's proposed interventions identify some new residential land release areas. NSW DPI Agriculture has assessed these in the context of potential impacts on agricultural production and offers the following comments.

Actions 2.6 and 4.2

It is noted that the draft Strategy proposes two actions which would provide an ongoing benefit for agriculture.

Action 2.6 seeks to locate Manufactured Home Estates in serviced areas which will help to prevent these being located in areas which might conflict with agricultural production.

Action 4.2 seeks to protect strategic agricultural land by limiting ad hoc proposals.

These actions are specifically supported by NSW DPI Agriculture.

Intervention 12 Duncan's Road Clarenza

This site appears to have strategic merit due to its location and its significant physical separation by the Big River Way from land to the west which is mapped as Important Farmland.

NSW DPI Agriculture supports the proposed R1 General Residential zone for this site because it is considered important to maximise dwelling yield on suitable land to avoid the need for future encroachment of residential land uses into rural landscapes where conflict with agriculture could occur.

Intervention 13 Sheehans Lane Gulmarrad

This site appears to adjoin land mapped as Important Farmland to the north and west. Should this land be included in the final Strategy, NSW DPI Agriculture strongly recommends a master planning process be applied to this land. Such an approach will enable careful consideration of the interface between new residential land and the mapped Important Farmland to minimise the potential for land use conflict between residential and agricultural land uses.

It is NSW DPI Agriculture's preference that master planning is undertaken prior to the rezoning process to effectively plan for appropriate zones and land uses at the interface of rural and future urban areas. Master planning is invaluable in establishing clear guidance on the use of buffer areas to achieve physical separation between future residential development and agricultural land uses to mitigate against potential land use conflict.

Future Release Areas

The draft Strategy mentions (on page 7) future investigation opportunities for housing in the longer term (+20 years) at James Creek, east of Clarenza and east of Trenayr Road, Junction Hill. While no further detail is provided on these sites in the draft Strategy, NSW DPI Agriculture notes that there are significant areas of Important Farmland in the vicinity of James Creek and Junction Hill.

While it is acknowledged that this land is not proposed for residential use in the current draft Strategy it is expected that the inclusion of this land in future strategies would be subject to a rigorous assessment addressing the agricultural capability and sustainability of the land to satisfy the Urban Growth Area Variation Criteria in Appendix B of the North Coast Regional Plan 2041.

NSW DPI Agriculture expects that an assessment of the agricultural capability and sustainability of these future investigation sites would include:

- Verification of the attributes of the land against the criteria used to identify the land as regionally significant farmland in the Mid-North Coast Farmland Mapping Project 2008.
- Assessment of the production potential and constraints of the land based on common commodities produced in the region and suited to the site.
- A land use conflict risk assessment which is informed by consultation with nearby agricultural landowners, and which considers the potential agricultural land uses that could occur on neighbouring land without development consent.

- Analysis of the potential impacts on agricultural infrastructure, secondary agricultural industries or the processing and supply chain for other producers if the land is converted to urban use, both singularly and cumulatively.

It is strongly suggested that this kind of analysis is undertaken as early as possible in the strategic planning process to avoid unreasonable expectations for landowners and developers that the future residential use of land in these investigation areas is a foregone conclusion.

Should you require clarification on any of the information contained in this response, I have arranged for Paul Garnett, Agricultural Land Use Planning Officer to assist you. Paul can be contacted on

Sincerely



Tamara Prentice
Manager, Agricultural Land Use Planning
Ag Soil and Water

11 December 2023

OUR REF: C23/700

21 November 2023

The General Manager
Clarence Valley Council
2 Prince St
GRAFTON NSW 2460
Via email: stephen.timms@clarence.nsw.gov.au

Attention: Stephen Timms

Dear Mr Timms,

Re: DPI Fisheries comments on the Clarence Valley Council's Draft Local Housing Strategy and Draft Affordable Housing Policy.

I refer to your email dated 31 October 2023 seeking comment on the above-mentioned Housing Strategy and Policy for the Clarence Valley Council LGA.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend. To achieve this, the Coastal Systems Unit assesses activities under Parts 4 and 5 of the *Environmental Planning and Assessment Act 1979* in accordance with the objectives of the *Fisheries Management Act 1994* (FM Act), the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the FM Act, and the *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)* (DPI Fisheries P&G). In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial fishing and aquaculture, quality recreational fishing and the continuation of Aboriginal cultural fishing within NSW.

It is understood that the strategy and policy tie together long-term plans to create more affordable, diverse housing opportunities within the Clarence Valley LGA and to alleviate housing stress as the local population continues to rise.

Part 7 Fisheries Management Act 1994 Approvals

The table below outlines actions that trigger sections of the FM Act, which may be relevant to works undertaken in the future construction of new housing developments.

Sections	Description of action	Legislative trigger
198-202	Dredge (digging) and/or reclamation (filling) of land permanently or periodically inundated by water (including wetlands).	Digging and/or filling below the Highest Astronomical Tide (~1m AHD) in estuaries. Digging and/or filling within the high bed of 3 rd order and higher watercourses (based on 1:25,000 scale maps) and/or draining water from land for its reclamation. Digging and/or filling within Coastal Wetlands. Activities described in cl 226 <i>Fisheries Management (General) Regulation 2019</i>
205	Harming marine vegetation (seagrass, mangroves, and kelp)	Gather, cut, pull up, destroy, poison, dig up, remove, injure, or otherwise harm marine vegetation or any part of it. Activities described in cls 228-229 <i>Fisheries Management (General) Regulation 2019</i>
218-220	Obstructing free passage of fish, in waterways	Construction or alteration of a dam, floodgate, causeways, or weir or otherwise creation of an obstruction

Avoiding impacts on fisheries resources

Key fish habitats are defined within the DPI Fisheries P&G and are graded by 'type' on the basis of their sensitivity, or their importance to the survival of fish (refer to section 3.2 of DPI Fisheries P&G for further information). The DPI Fisheries impact mitigation hierarchy is to first avoid impacts to key fish habitats. Where impacts to key fish habitats cannot be avoided, the preference is to impact less sensitive key fish habitats over more highly sensitive key fish habitats. All unavoidable impacts should be appropriately mitigated and offset.

The final housing strategy and policy should consider:

- Avoiding the building of structures on water land unless there is an over-arching functional requirement for that structure to be placed within a watercourse;
- Minimise the footprint of structures located within or over water;
- Impacting pre-existing impacted areas, such as formalising informal access points;
- Avoiding impacts to mature native vegetation and implement native revegetation programs as a development control and to mitigate any unavoidable impacts;
- Incorporating foreshore buffer zones of 50-100 m width adjacent to TYPE 1 marine vegetation and at least 50 m width adjacent to TYPE 2 marine vegetation. Where a buffer zone of at least 50 m is physically unachievable due to land availability constraints, the available buffer width must be maximised to achieve protection of TYPE 1 and 2 marine vegetation. The buffer zone should not be used for other asset protection purposes (e.g. as a bushfire or mosquito buffer);

- Incorporating riparian buffer zones of at least 100m to Type 1 Key Fish Habitat or a Class 1 waterway, at least 50m from Type 2 Key Fish Habitat or a Class 2-3 waterway, and at least 10-50m from Type 3 Key Fish Habitat or a Class 3-4 waterway. These Riparian buffer zones should be clearly delineated (e.g. fences or other markers) and well managed to avoid degradation (e.g. weed and stock access management);
- Incorporating “soft” engineering approaches into designs, such as the use of soft scour protection;
- Avoiding construction within areas that constitute migration pathways for marine vegetation, including areas within the proposed “West Yamba” and “James Creek” Urban Release Areas that are mapped as predicted salt marsh and mangrove habitat under 0.5m sea level rise;
- Avoiding construction in areas mapped as vulnerable to Sea-Level Rise;
- Avoiding any works that could impact upon hydrological processes of nearby waterways and wetlands (e.g. wetland drainage);
- Avoiding impacts to areas that represent Aboriginal Cultural Heritage, or that provide access or opportunities for the public, or commercial fishers, to undertake fishing activities;
- Outlining how any proposed developments will be constructed in a manner to minimise impacts of urban stormwater discharge into estuaries and limit other sources of sedimentation and pollution (e.g. sewage effluent and septic runoff) into nearby waterways;
- Outlining how cumulative effects on water quality, including the management of stormwater, potential Acid Sulfate Soil and salinity issues, groundwater and land contamination, alterations to water volumes and flow velocities, will be managed; and,
- Outlining how any proposed development addresses any other threats and concerns raised within the marine estate management strategy and coastal management program for the area.

Other information requirements

DPI Fisheries’ standard minimum information requirements for environmental assessment are clearly detailed in section 3.3 of the DPI Fisheries P&G. Please ensure that these requirements are addressed when completing any future environmental studies. This will facilitate an effective assessment of any future proposals and reduce delays.

Further Information

DPI Fisheries’ Policy and Guidelines series contains more detailed information on techniques and practices that satisfy DPI Fisheries’ requirements to minimise impacts of developments on fish and fish habitat. The Guidelines are available at:

<http://www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit>

Department of Primary Industries (Fisheries)

Department of Regional NSW

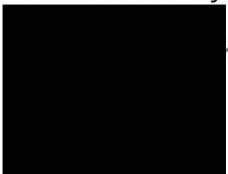


Considering the information in these documents prior to developing and submitting and future proposals is strongly recommended.

Another document "*Guidelines for the Assessment of Aquatic Ecology in EIA*" (Draft 1998) produced by the Department for Urban Affairs and Planning (now the Department of Planning and Environment) may prove useful in outlining appropriate procedures and methodologies for conducting aquatic surveys required for the preparation of an environmental assessment.

If you have any queries, please contact me on [REDACTED]

Yours sincerely



Fletcher Mingramm
Fisheries Manager, Coastal Systems (North Coast)
Marine Estate Management, Primary Industries NSW

USEFUL DEFINITIONS

The definitions given below are relevant to these requirements:

Dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations as being dredging work to which this Division applies.

Farm Dam means the backed up waters of any dam, or impoundment, located on land that is not public water land.

Fish means any part of marine, estuarine, or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). Fish include oysters and other aquatic molluscs, crustaceans, echinoderms and beach worms and other aquatic polychaetes.

Marine vegetation means any species of plant that at any time in its life must inhabit water (other than fresh water).

Reclamation Work means any work that involves:

- (a) using any material (such as sand, soil, silt, gravel, concrete, oyster shells, tyres, timber, or rocks) to fill in or reclaim water land, or
- (b) depositing any such material on water land for the purpose of constructing anything over water land (such as a bridge), or
- (c) draining water from water land for the purpose of its reclamation.

Stream Order (Strahler) When two first order streams come together, they form a second-order stream. When two second order streams come together, they form a third order stream. Streams of lower order joining a higher order stream do not change the order of the higher stream. Thus, if a first order stream joins a third order stream it remains a third order stream. It is not until a third order stream combines with another third order stream that it becomes a fourth order stream. DPI Fisheries, using maps at a scale of 1:25,000, consider 3rd order and above (i.e. 4th, 5th, 6th etc) waterways as Key Fish Habitats and works in these waterways in almost all instances trigger permit requirements under the *Fisheries Management Act 1994*.

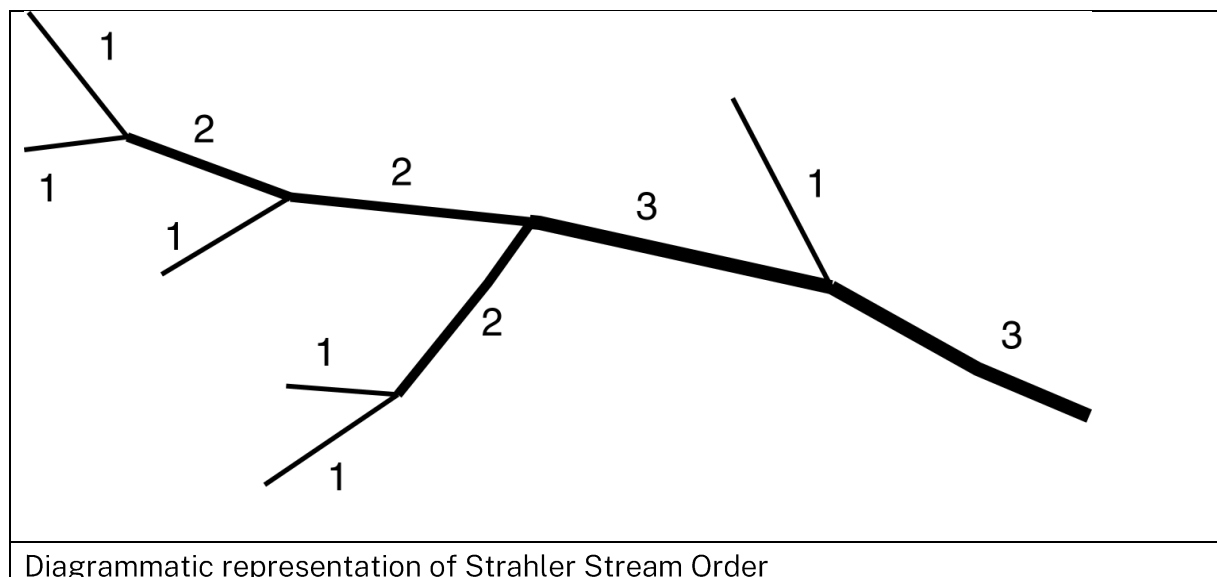
Water Land means land submerged by water:

- a) whether permanently or intermittently, or
- b) whether forming an artificial or natural body of water,

and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.

Waters refers to all waters including tidal waters to the Astronomical High Tide Level (AHTL) as well as flowing streams, irregularly flowing streams, gullies, rivers, lakes, coastal lagoons, wetlands, and other forms of natural or man-made water bodies on both private and public land.

Wetlands include marshes, mangroves, swamps, or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish, or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities



General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Mr Stephen Timms

Dear Ms Black

RE: Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy

Thank you for your e-mail dated 30 October 2023 about the draft Clarence Valley Local Housing Strategy and Affordable Housing Policy seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment. I appreciate the opportunity to provide input.

We have reviewed the documents provided and advise that we have no comments on the draft Affordable Housing Policy.

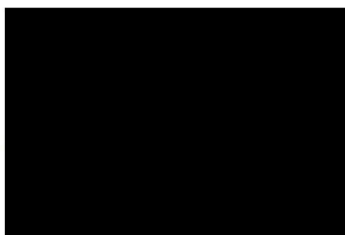
Our review of the draft Clarence Valley Local Housing Strategy (the strategy) has identified several issues for consideration relating to biodiversity, coastal hazards, and flooding. The issues relating to coastal hazards and flooding will be provided in due course under separate cover. Issues relating to biodiversity are discussed in detail in **Attachment 1** to this letter.

In summary, the BCD recommends that:

1. To better align with objective 3 of the *North Coast Regional Plan (2041)* the word 'limiting' in Action 4.2 of the strategy be replaced with 'avoiding'.
2. Council considers revising the strategy to include a review of land use zones for some of the remote villages or areas that have historic village type subdivision plans and are highly constrained by biodiversity, with a view to protecting confirmed areas of high environmental value by applying the C2 Environmental Conservation zone.
3. Council considers revising the strategy to include a review of the vegetated and undeveloped R5 zoned land at Waterview Highets and surrounding areas with a view to protecting the local koala population by applying the C2 Environmental Conservation zone to remaining areas of koala habitat.
4. The biodiversity constraints component of the planning capacity calculations be revised to accord with the North Coast Regional Plan (2041) by including all the criteria that define high environmental value land.
5. Prior to finalising the strategy, a detailed desktop and on-site assessment of biodiversity at planning intervention sites 12, 13 and 14 be carried out to identify areas of high environmental value land and then either refine the areas proposed for planning intervention or exclude the entire area from the strategy.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, [REDACTED]

Yours sincerely



DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

10/12/2023

Enclosure: Attachment 1 – Detailed BCD Biodiversity Comments – Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy

Attachment 1: Detailed BCD Biodiversity Comments – Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy

The Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment has reviewed the Clarence Valley Council Draft Local Housing Strategy and Draft Affordable Housing Policy dated October 2023. We have no comments on the Draft Affordable Housing Policy and provide the following comments on the Draft Local Housing Strategy (the strategy) relating to biodiversity.

Protecting areas of High Environmental Value

Action 4.2 of the strategy is to “*Protect areas of high environmental value, employment productivity and strategic agricultural importance by limiting new rezoning applications involving residential/rural residential development in areas not identified in strategic planning documentation and/or with limited strategic merit.*” Using the term ‘avoiding’ instead of ‘limiting’ would better align the strategy with objective 3 of the North Coast Regional Plan 2041 (NRCP).

BCD Recommendation

1. To better align with objective 3 of the *North Coast Regional Plan (2041)* the word ‘limiting’ in Action 4.2 of the strategy be replaced with ‘avoiding’.

Review of remote village zones

Section 4.3 of the strategy suggests that many of the remote villages or areas that have historic village type subdivision plans are highly constrained by environmental considerations, including biodiversity, and the council may wish to consider review of the zoning of these villages and the application of zones such as C3 Environmental Management or C4 Environmental Living.

Whilst the strategy has not included the locations of the remote village areas, better protection of some of these areas would be achieved by rezoning them to C2 Environmental Conservation. The C3 zone in the Clarence Valley Local Environmental Plan 2011 permits extensive agriculture without consent, which would see areas of high environmental value land degrade over time and hence this zone does not allow for appropriate protection of these areas.

BCD Recommendation

2. Council considers revising the strategy to include a review of land use zones for some of the remote villages or areas that have historic village type subdivision plans and are highly constrained by biodiversity, with a view to protecting confirmed areas of high environmental value by applying the C2 Environmental Conservation zone.

Existing R5 Large Lot Residential Areas in the Clarence Valley

Table 20 of the strategy lists the existing R5 large lot residential areas within the Clarence Valley local government area and comments on the development status and constraints of each area. The table includes the Waterview Heights R5 zoned land and states that:

“The area is largely developed as large lot residential. There are remaining large lots on the northern, western and southern edges of the R5 land. The area has potential for more intense development but would require investment in sewer infrastructure.”

We note that in 2018, Biolink undertook a study for council to further investigate the koala distribution and abundance across the Southern Clarence Area of Regional Koala Significance. Some of the key findings of this report were that Waterview Heights:

- contains one of the four local source koala populations.
- is considered a key local koala population hub (in combination with a requirement for an appropriate area of supporting habitat).

- has the highest rates of koala mortality in that study area from vehicles and domestic dog attacks.

Biolink (2018) identified Waterview Heights as; *'the highest (immediate) priority for management'* in that study area and recommended a hub-focused Koala Plan of Management or Koala Management Strategy be prepared for the area.

Given the findings of the Biolink (2018) study, intensification of development within the Waterview Heights area may be detrimental to the local koala population unless some of the vegetated and undeveloped R5 land and some of the surrounding land is zoned C2 Environmental Conservation.

BCD Recommendation

3. Council considers revising the strategy to include a review of the vegetated and undeveloped R5 zoned land at Waterview Heights and surrounding areas with a view to protecting the local koala population by applying the C2 Environmental Conservation zone to remaining areas of koala habitat.

Planning capacity constraints

The strategy has calculated a planning capacity for the Clarence Valley and Table 22 lists the various constraints, the land excluded from additional capacity calculations, and the mapping/data source used to exclude these lands.

Under the 'Biodiversity' constraint, the table suggests that land identified as high biodiversity value was excluded from additional capacity calculations. However, the mapping/data source used was the NSW Biodiversity Values Map, which is only one of the criteria that define high environmental value (HEV) land in the NRCP 2041. These HEV criteria include:

- Land on the NSW Biodiversity Values Map
- Native vegetation of high conservation value, including vegetation types that have been over cleared or occur within overcleared landscapes, threatened ecological communities, old growth forest and rainforest.
- Key habitat of threatened species
- Important wetlands, estuaries and lakes
- Areas of geological significance.

Including mapping and data from the various HEV criteria listed in the NRCP (2041) in the biodiversity constraints that inform the planning capacity modelling would accord with the the NCRP (2041) and result in a more accurate planning capacity calculation for the Clarence Valley.

BCD Recommendation

4. The biodiversity constraints component of the planning capacity calculations be revised to accord with the North Coast Regional Plan (2041) by including all the criteria that define high environmental value land.

Planning interventions biodiversity issues

Annexure 4 of the strategy identifies 14 areas proposed for planning interventions to increase capacity for additional dwellings in the Clarence Valley. Following review of each of the proposed targeted planning control amendments we note that further biodiversity assessment is required for some of the planning intervention areas to minimise the risk of creating misleading development expectations or inappropriate future development scenarios. The NCRP (2041) requires planning proposals to avoid areas of HEV and to include mechanism such as conservation zones to protect HEV areas.

The issues we have identified with Planning interventions 12, 13 and 14 are set out below.

Planning intervention 12. Duncans Road

Some parts of the Duncans Road proposed planning intervention area appear to contain native vegetation and the south-western portion of the site is mapped as an over cleared Mitchell Landscape, suggesting these areas may comprise HEV land. Further desktop and on-site analysis are required on this site to confirm any areas of HEV and determine which parts of the site, if any, are appropriate for inclusion in the strategy.

Planning intervention 13. West of Sheehans Lane

Recent studies have been carried out under the Department's Saving Our Species program to better understand the endangered Emu population of the North Coast region, noting this population has declined to an estimated population of fewer than 50 individuals. The studies identified a sub-population of the species in the Brooms Head Road/Gulmarrad area that comprises a significant number of individuals of the remaining population and the Department considers this location is a hot spot for the endangered Emu population.

The site for proposed planning intervention 13 contains a NSW Bionet record of the endangered emu on the subject land and several other records near the site. In addition, records of the threatened squirrel glider and threatened rufous bettong are also near the site. Furthermore, a small area of over cleared Mitchell landscape is mapped in the south-western portion of the site. Further desktop and on-site analysis are required on this site to confirm any areas of HEV and determine which parts of the site, if any, are appropriate for inclusion in the strategy.

Planning intervention 14. Boundary Road

The Boundary Road site is proposed to remain zoned R5 large lot residential with an amended minimum lot size to be reduced to 4000m². The site contains significant areas of native vegetation and given the high biodiversity values of the surrounding area is likely to contain threatened species habitat. In addition, a small area of mapped over cleared Mitchell Landscape is present in the north-eastern corner of the site. Further desktop and on-site analysis are required on this site to confirm any areas of HEV and determine which parts of the site, if any, are appropriate for inclusion in the strategy.

BCD Recommendations

5. Prior to finalising the strategy, a detailed desktop and on-site assessment of biodiversity at planning intervention sites 12, 13 and 14 be carried out to identify areas of high environmental value land and then either refine the areas proposed for planning intervention or exclude the entire area from the strategy.



General Manager
Clarence Valley Council
PO Box 23
GRAFTON NSW 2460Postcode

Attention: Mr Stephen Timms

Dear Ms Black

RE: Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy - Coastal Hazards and Flooding

Thank you for your email dated 30 October 2023 about the draft Clarence Valley Local Housing Strategy and Affordable Housing Policy seeking comments from the Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water. BCS provided a response in relation to biodiversity matters on 12 December 2023 which indicated we would provide a separate response on issues relating to coastal hazards and flooding, which is the subject of this response. I appreciate the opportunity to provide input.

We have reviewed the draft Clarence Valley Local Housing Strategy (the strategy) and have identified several issues for consideration in relation to coastal hazards and flooding. These issues are discussed in detail in **Attachment 1** to this letter.

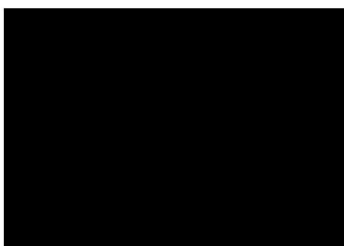
In summary, BCS recommends that:

1. The strategy be amended to further describe how current and future coastal hazard risks have been considered to determine the appropriateness of the planning interventions.
2. Council applies the Coastal design guidelines assessment checklist to determine alignment of the proposals to the guidelines, considering available information on coastal hazards for each site.
3. Council satisfy itself that the potential coastal hazard risks can be managed for each planning intervention over the nominal planning horizon.
4. Council satisfy itself that the potential impacts on coastal wetlands can be managed in accordance with the coastal design guidelines over the nominal planning horizon.
5. The strategy be amended to further describe how current and future flood inundation hazards have been considered to determine the appropriateness of the planning interventions.
6. Council refers to its 2023 flood study and the 2023 NSW Government's Flood Risk Management Manual to satisfy itself that the potential flood risks can be managed for each planning intervention.

7. Council seeks advice from the State Emergency Service on the implications of the interventions for emergency response.
8. The strategy be amended to address the intersection of housing affordability and flood resilience and include actions to incorporate flood resilience within building codes.

If you have any further questions about this issue, please contact Mr Tom Schmidt, Senior Conservation Planning Officer North East, Biodiversity, Conservation and Science Group, on [REDACTED]

Yours sincerely



DIMITRI YOUNG
Senior Team Leader Planning North East
Biodiversity, Conservation and Science

7 February 2024

Enclosure: Attachment 1 – Detailed DCCEEW BCS Coastal Hazard and Flooding Comments – Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy

Attachment 1: Detailed DCCEEW BCS Coastal Hazard and Flooding Comments – Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy

The Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water has reviewed the Clarence Valley Council Draft Local Housing Strategy and Draft Affordable Housing Policy dated October 2023. We have no comments on the Draft Affordable Housing Policy and provide the following comments on the Draft Local Housing Strategy (the strategy) relating to coastal hazards and flooding. We provided comments relating to biodiversity in our letter dated 12 December 2023.

Coastal Hazards

Planning Interventions

The Draft Local Housing Strategy planning interventions propose changes to zoning in areas that are within the coastal zone including the Grafton region (interventions 1-5), Yamba Hill, Yamba Centre, Iluka, and Maclean.

Proponents must use the Coastal Design Guidelines when seeking to change planning controls in the coastal zone through a planning proposal. Plan-making authorities must also use the guidelines to assess planning proposals. [Coastal design guidelines | Planning \(nsw.gov.au\)](#)

Two Coastal Management Programs (CMPs) are being prepared in accordance with the *Coastal Management Act 2016* for the Clarence River Estuary, and for the Open Coast. Whilst neither CMP is certified, the most current coastal hazard assessments and available data indicate that several of the areas subject to the draft local housing strategy are or will be subject to coastal hazards under future planning periods. Council may choose to map these areas as Coastal Vulnerability Areas under the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 in the future.

BCS Recommendations

1. The strategy be amended to further describe how current and future coastal hazard risks have been considered to determine the appropriateness of the planning interventions.
2. Council applies the Coastal design guidelines assessment checklist to determine alignment of the proposals to the guidelines, considering available information on coastal hazards for each site.

Grafton region (intervention 1-5)

Proposed sites may be subject to projected climate change induced sea level rise tidal inundation hazard, as well as shoreline recession and bank erosion where the foreshore is unprotected. As part of the Clarence River Estuary CMP, council plans to complete a tidal inundation assessment that will be finalised in late 2024.

Yamba Hill (intervention 6)

The 2023 Coastal Erosion and Hazard Assessment completed as part of the Open Coast CMP identified the eastern and northeast portion of the Yamba Hill site will be subject to erosion and recession hazards under future planning periods.

Iluka (intervention 8)

Foreshore areas fringing the proposed development (and possibly within the edges of the zone) may be subject to projected climate change induced sea level rise tidal inundation and coastal inundation hazards as well as shoreline recession and bank erosion where the foreshore is unprotected.

As part of the Clarence River Estuary CMP, council plans to complete a tidal inundation assessment that will be finalised in late 2024.

Co-Op site (intervention 10)

Proposed sites may be subject to projected climate change induced sea level rise tidal inundation hazard, as well as shoreline recession and bank erosion where the foreshore is unprotected. As part of the Clarence River Estuary CMP, council plans to complete a tidal inundation assessment that will be finalised in late 2024.

West of Sheehans Lane (intervention 13)

Proposed sites may be subject to projected climate change induced sea level rise tidal inundation hazard, as well as shoreline recession and bank erosion where the foreshore is unprotected. As part of the Clarence River Estuary CMP, council plans to complete a tidal inundation assessment that will be finalised in late 2024.

BCS Recommendation

3. Council satisfy itself that the potential coastal hazard risks can be managed for each planning intervention over the nominal planning horizon.

Boundary Road (intervention 14)

Proposed sites may be within the NSW Coastal Zone given their proximity to coastal wetlands.

BCS Recommendation

4. Council satisfy itself that the potential impacts on coastal wetlands can be managed in accordance with the coastal design guidelines over the nominal planning horizon.

Flooding

Planning Interventions

The Draft Local Housing strategy planning interventions propose changes to zoning for sites that may be subject to flood inundation hazard over the full range of floods including the Probable Maximum Flood (PMF).

The strategy provides an opportunity to influence a major component of the built form within the council area and contribute to flood resilience. Similarly housing affordability may also be positively influenced through improving flood resilience.

BCS Recommendation

5. The strategy be amended to further describe how current and future flood inundation hazards have been considered to determine the appropriateness of the planning interventions.
6. Council refers to its 2023 flood study and the 2023 NSW Government's Flood Risk Management Manual to satisfy itself that the potential flood risks can be managed for each planning intervention.
7. Council seeks advice from the State Emergency Service on the implications of the interventions for emergency response.
8. The strategy be amended to address the intersection of housing affordability and flood resilience and include actions to incorporate flood resilience within building codes.

From: "RFS-do-not-reply" <RFS-do-not-reply@id.ngcomms.net>
Sent: Mon, 12 Feb 2024 22:43:40 +1100 (EST)
To: "CVC Council Email" <council@clarence.nsw.gov.au>
Subject: (ECM:2585414) NSW RFS Determination - Clarence Valley Draft Local Housing Strategy and Draft Affordable Housing Policy – GRAFTON NSW 2463
Attachments: SPI20231103000142 - 11-02-2024 14_29_28 - Determination Letter.pdf
Categories: ECM;Casey

You don't often get email from rfs-do-not-reply@id.ngcomms.net. [Learn why this is important](#)



NSW RURAL FIRE SERVICE



Attention: Stephen Timms

Your Reference: draft Strategy and draft Policy - October 2023

Application Details: Other – Draft Proposal –

Draft Local Housing Strategy and Draft Affordable Housing Policy

Site Address:

Clarence Valley Draft Local Housing Strategy and Draft Affordable Housing Policy –
GRAFTON NSW 2463

Please find attached correspondence relating to the above development.

Should you wish to discuss this matter please contact Alan Bawden on 1300 NSW RFS and quote SPI20231103000142.



Planning and Environment Services

NSW RURAL FIRE SERVICE

Locked Bag 17 Granville NSW 2142

P 1300 NSW RFS **E** records@rfs.nsw.gov.au

www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs

PREPARE. ACT. SURVIVE.



RFS



Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Your reference: draft Strategy and draft Policy -
October 2023
Our reference: SPI20231103000142

ATTENTION: Stephen Timms

Date: Monday 12 February 2024

Dear Sir/Madam,

Strategic Planning Instrument

Other - Draft Proposal

Draft Local Housing Strategy and Draft Affordable Housing Policy

I refer to your correspondence dated 30/10/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The local Housing Strategy should consider bushfire hazards to any future residential growth lands. Future residential development will need to comply with Planning for Bushfire Protection guidelines, so where a vegetation hazard is present, council should exclude the land from residential activities, unless council is supportive of the hazard being removed.

Future Development applications shall satisfy the requirements of Planning for Bushfire Protection guidelines.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Built & Natural Environment

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Our Ref: ID 2172
Your Ref:

22 December 2023

Stephen Timms
Clarence Valley Council
Locked Bag 23
Grafton NSW 2460

email: stephen.timms@clarence.nsw.gov.au
Cc: michael.stubbs@one.ses.nsw.gov.au

Dear Stephen,

Draft Local Housing Strategy and Draft Affordable Housing Policy for Clarence Valley Local Government Area (LGA)

Thank you for the opportunity to provide comment on the Clarence Valley Draft Local Housing Strategy and Draft Affordable Housing Policy. It is understood that the Draft Local Housing Strategy seeks to outline Council's priorities and actions for housing, and how Council plans to achieve these priorities. The priorities will be used to guide planning, delivery, and management of housing supply and supporting infrastructure over the next 5-20 years and beyond. The Strategy identifies opportunities to amend local planning controls to create capacity for an additional 1,730 dwellings in the Clarence Valley LGA, with capacity for 1025 additional dwellings in the Upper Clarence area (59%) and capacity for 705 additional dwellings in the Lower Clarence area (41%) (former Maclean Shire area).

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

For strategic effectiveness the NSW SES aims to work in partnership with local councils in the preparation of strategic land use management plans, Local Environmental Plans and Development Control Plans. In summary, we:

- **Recommend** that strategic plans are underpinned by robust constraints analysis and mapping (considering flood, bushfire, ecological communities, etc.) undertaken by relevant experts to identify the suitability of different lands for different uses and thereby ensuring that appropriate statutory controls are in place (to protect the community and the environment from adverse impacts such as flooding) including the Flood Risk Management Process.

- **Recommend** continuation of NSW SES' involvement in the Floodplain Risk Management Committees for input Floodplain Management Studies and Plans in Clarence Valley LGA.
- **Recommend** that consideration should be given to the cumulative impacts of developments in Clarence Valley LGA with regard to Emergency Services requirements, including future NSW SES Unit facilities which must be located above the Probable Maximum Flood (PMF).
- **Support** the consideration of climate change in flood modelling using the best available science for climate risk assessments. The NSW SES encourages the sharing of this risk information, which will enable other organisations, such as NSW SES, to plan for extremes in climate events and sequences.
- **Recommend** that any fast-track planning process for the entire Clarence Valley LGA, including West Yamba Urban Release Area (URA) and North Grafton, would require consideration of flood risk for development located on flood prone land¹.

The consent authority will need to ensure that all planning proposals are considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations are outlined in Attachment A.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- Reducing Vulnerability of Buildings to Flood Damage
- Designing Safer Subdivisions
- Managing Flood Risk Through Planning Opportunities

Please feel free to contact Gillian Webber via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely



Claire Flashman
A/Manager Risk Assessment Emergency Risk Management
NSW State Emergency Service

¹ Draft Clarence Valley Local Housing Strategy For Exhibition October 2023 page 30

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline²

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the relevant local or state flood plan or by the NSW SES.

Principle 2 Decisions should be informed by understanding the full range of risks to the community.

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods up to and including the Probable Maximum Flood (PMF) are effectively understood and managed.

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

Development in a floodplain is likely to increase the need for NSW SES response and support. Managing potential risks across this area requires careful consideration of development type, likely users, and their ability respond to minimise their risks.

This includes consideration of:

- Isolation – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.
- Secondary risks – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- Consideration of human behaviour – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

² NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

Principle 5 Risks faced by the itinerant population need to be managed.

Any Emergency Management strategy needs to consider people visiting the area or using a development.

Principle 6 Recognise the need for effective flood warning and associated limitations.

An effective flood warning strategy with clear and concise messaging understood by the community is key to providing the community an opportunity to respond to a flood threat in an appropriate and timely manner.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

Flood risk and actions that should be undertaken to reduce the potential risk to life should be clearly communicated to communities, for example through signage. At first glance it may seem that if people live in an area where frequent low-level floods occur, they would be more flood aware. Unfortunately, although they may be aware of flooding, they generally come to the view that they are not at risk because they think all floods are like the small ones they often see. This is not true and big floods will almost always catch people by surprise and exceed their capacity to deal with the situation unless they have considered this scenario in their planning and preparedness.

From: "noreply@clarence.nsw.gov.au" <noreply@clarence.nsw.gov.au>
Sent: Thu, 21 Dec 2023 17:54:29 +1100
To: "Forms" <forms@clarence.nsw.gov.au>
Subject: (ECM:2570641) Submission - Draft Local Housing Strategy and Draft Affordable Housing Policy - Michael Carnuccio
Attachments: CHIA NSW submission on draft LHS and Affordable Housing Policy.pdf
Categories: ECM;Casey



Submission - Draft Local Housing Strategy and Draft Affordable Housing Policy - Michael Carnuccio

Contact details	
First name	Michael
Last name	Carnuccio
Email	
Phone number	
Address	
Suburb	
State	NSW
Postcode	2016
Submission details	
Item on public submission	Draft Local Housing Strategy and Draft Affordable Housing Policy

Comments	Please refer to the attached submission from Community Housing Industry Association NSW.
Please upload any additional supporting documents	CHIA NSW submission on draft LHS and Affordable Housing Policy.pdf

The Chief Executive Officer
Clarence Valley Council
Submitted via online submissions portal

Submission: Draft Local Housing Strategy and draft Affordable Housing Policy

This submission is made by the Community Housing Industry Association NSW (CHIA NSW) in response to the draft Clarence Valley Local Housing Strategy (the LHS) and the draft Clarence Valley Affordable Housing Policy (the AHP).

CHIA NSW is the industry peak body for registered, not-for-profit, community housing providers (CHPs) in NSW. The community housing industry builds and provides low-cost housing for individuals and families who cannot afford to rent or buy a home in the private market. Our members own or manage more than 67,000 homes across NSW.

CHIA NSW commends Council on the preparation of the draft LHS and AHP, which comprehensively consider housing needs in the local area. We welcome the identification of delivering more affordable housing in accessible locations as a key priority.

As the draft LHS and AHP recognise, there is a high and growing demand for social and affordable housing. Beyond the social housing wait list, it is estimated that 2,000 households in Clarence Valley (9.1%) do not have their housing needs met. Without significantly more social and affordable homes being built, unmet housing need is forecast to grow to 2,400 households by 2041.ⁱ

A lack of adequate affordable housing reinforces cycles of disadvantage. It can lead to lower income households being displaced from their communities, with the risk that they lose connections with families, friends, and support networks as well as schools and health services. Some people may have no option but to remain in unsafe or unhealthy circumstances, pay unaffordable rents, live in substandard housing, or, at worst, experience homelessness.

An unaffordable housing market also has economic consequences, impacting an area's ability to attract and retain essential workers, such as education and childcare workers, healthcare workers, aged care, or emergency service workers.

CHIA NSW broadly supports the draft LHS and AHP. While State and Federal governments need to act, there is an important role for local councils to play in advocating, facilitating, and encouraging affordable housing at the local level. The following comments are provided to assist Council with developing a sustainable and effective policy framework that supports this outcome.

Social and affordable housing supply targets

Strategic planning has historically focused on the overall quantum of housing needed. However, this has not been effective at increasing the proportion of supply that is genuinely diverse, affordable, and resilient.

To ensure that sufficient housing supply is provided across the housing continuum, the LHS needs to set clear targets for net growth in social and affordable housing. These targets need to reflect identified housing needs and the opportunities for supply from a range of interventions. This approach will provide a clear indication of the scale of supply and the types of housing products required, and highlight where specific models are needed, such as delivery tailored to Aboriginal communities or other priority households.

Collaborative working will leverage better outcomes

Council is encouraged to explore partnership opportunities through the implementation of the LHS and AHP. Joint-ventures with CHPs, such as development of affordable housing on council-owned land, can unlock development opportunities and increase housing supply by leveraging the development capacity and significant financial benefits of CHPs, including lower cost finance available through Housing Australia. This allows CHPs to develop affordable rental housing at lower cost than for-profit developers. Any affordable housing contributions collected by Council can be co-invested with the lower-cost finance CHPs are able to obtain, to enhance the potential of affordable housing contributions to increase supply.

CHIA NSW recommends section 5.3 of the AHP includes the option for the affordable housing to be dedicated directly to a registered CHP nominated by Council. Such an approach will reduce ongoing costs to Council and supports the delivery of increased supply of affordable housing by providing CHPs with additional capital they can leverage to deliver additional homes in the local area. The dedication of contributions to CHPs can be subject to appropriate controls to ensure the affordable housing is retained long-term.

CHIA NSW also strongly recommends that as part of finalising the LHS, Council develops a joint-delivery plan with the community housing industry, the Land and Housing Corporation and other partners that identifies all potential opportunities for the delivery of new supply. This needs to include engagement with Aboriginal CHPs and the Aboriginal Housing Office's Regional Aboriginal Housing Committees to better understand Aboriginal housing issues in the LGA, and opportunities identified by Local Aboriginal Land Councils in their Land and Business Plans.

Recent work commissioned by CHIA NSW can assist Council to evaluate partnership options further¹.

Improving access to land

CHIA NSW welcomes the draft LHS's commitment to investigate opportunities for affordable housing on Council-owned land.

Many CHPs have reported difficulties accessing appropriately located land as a barrier to delivering new social and affordable housing. Land owned by both state and local government presents a real opportunity to maximise the delivery of social and affordable housing in regional communities. Prioritising the use of this land will support development feasibilities and deliver opportunities for new supply.

CHIA NSW recommends that Council identifies a pipeline of council-owned sites that could be used to support a long-term program of affordable housing partnerships with CHPs. Several councils, such as Central Coast Council are already starting to undertake this work.²

Affordable housing contributions schemes

CHIA NSW supports Council progressing the preparation of an affordable housing contributions scheme. While we also support Council developing a separate policy for negotiating contributions through voluntary planning agreements policy, this should not take the place of an affordable contributions scheme.

Affordable housing contributions schemes are a more efficient and effective means of securing affordable housing than negotiating voluntary planning agreements on a scheme-by-scheme basis.

¹ Available from [Local Council Resources - Community Housing Industry Association NSW](#)

² For more information visit: <https://www.yourvoiceourcoast.com/CAHL>

Contribution schemes provide certainty to the community and developers, enabling local councils to plan for and fund affordable housing in partnership with not-for-profit organisations, such as CHPs.

CHIA NSW recommends that Council considers an approach similar to that being pursued by Waverley and other councils, whereby:

- a low-rate is applied to all new medium and high density development across the LGA; and
- additional provisions are inserted into the LEP enabling higher contributions rates to be applied to specific precincts realising uplift through a rezoning.

Delays in the implementation of schemes will lead to missed opportunities for the delivery of much needed social and affordable housing. Councils can support the feasibility and timely implementation of schemes by prioritising the implementation of its affordable housing contributions policy framework. Introducing a clear policy position now will support the viability of future schemes and avoid opportunities being missed. Accordingly, it is recommended that section 5.3 of the draft AHP is strengthened to more explicitly state that a contributions requirement will be applied to all planning proposals where development uplift is realised.

Council should take a strategic, long-term approach to setting affordable housing targets, phasing in higher rates over time as development feasibility improves. There is clear evidence that carefully implemented contributions requirements do not impede development, as developers incorporate the contribution into the land purchase price.³ Higher contribution rate will be supported if sufficient notice is provided to the market.

CHIA NSW supports the option for contributions to be provided as either in-kind or through a monetary contribution. To support this, the AHP should include a requirement for the suitability of in-kind dedications to be assessed from an operational perspective, including management and maintenance costs. Where on-site provision as part of mixed-tenure development is considered suitable, early engagement with a CHP is essential to ensure the needs of future tenants are accounted for, operational costs are reasonable, and to consider management and maintenance arrangements.

Review of Council development controls

Housing that is genuinely affordable to lower income households has lower rates of return compared to build-to-sell market housing. The rental revenue that CHPs receive is not sufficient to cover the costs of delivering new social and affordable housing. CHPs have limited scope to increase the rents they charge to cover additional construction or operating costs. Consequently, such development typically requires subsidy to ensure its viability. Planning settings that are too onerous will therefore increase the subsidy required to make social and affordable housing schemes viable and/or reduce the amount of housing that can be delivered.

Community housing development can have design requirements which differ from private housing. Social and affordable housing developments are often built to respond to identified gaps in provision with a specific tenant profile in mind. A key focus is on innovative design that delivers comfortable and secure homes, which require less maintenance, and deliver cost savings to tenants. This means that design requirements intended for market housing are not always a good fit for community housing schemes.

CHIA NSW recommends that the draft LHS includes an action committing to a review of local development controls to ensure they encourage and support the feasibility of genuinely affordable rental housing. As part of this work, Council needs to:

³ Gurran, N., Gilbert, C., Gibb, K., van den Nouwelant, R., James, A. and Phibbs, P. (2018) *Supporting affordable housing supply: inclusionary planning in new and renewing communities*, AHURI Final Report No. 297, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/297>, doi: 10.18408/ahuri-7313201.

- Ensure local planning instruments provide sufficient flexibility to adapt to the specific needs of social and affordable housing. As a starting point, CHIA NSW recommends that a statement be included in section 5.2 of the draft AHP that recognises the need for local development standards to be applied flexibly to social and affordable housing to realise desired outcomes.
- Work with Aboriginal CHPs to identify planning settings that will support housing that is appropriate to the social and cultural requirements, living patterns, and preferences of Aboriginal households.
- Incentivise supply, such as through height or floor space bonuses in exchange for affordable housing provision, recognising the public benefit created by affordable housing.
- Consider reductions in car parking requirements for affordable housing development in appropriate locations close to transport and services, such as urban centres, to support viability.

Exemptions from infrastructure contributions

The *Environmental Planning and Assessment Regulation 2000* currently exempts affordable housing from section 7.12 contributions. However, exemptions from section 7.11 contributions are at the discretion of councils.

CHIA NSW strongly recommends that Council reviews its contributions plans to exempt all social and affordable housing development by not-for-profit CHPs from infrastructure contributions. This will manage the costs of delivering community housing projects, supporting viability, and reducing the subsidy needed to deliver schemes.

Implementation and monitoring of the Local Housing Strategy

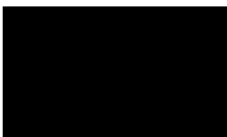
CHIA NSW supports the action in the draft Strategy committing to a review of council staff delegations to assist with the determination of community housing development applications.

We encourage Council to identify a specific team or officer within Council who will be responsible for the implementation of the LHS and AHP. This would include oversight of development applications and planning proposals to ensure compliance with affordable housing requirements, and identification of opportunities for partnership working with CHPs.

It is also recommended that the LHS includes key performance indicators to assist with the monitoring and review of the housing outcomes sort. Targets need to be monitored annually to allow mechanisms and initiatives to be amended as required if they are not delivering the housing that is required.

CHIA NSW appreciates the opportunity to provide feedback on the draft Local Housing Strategy and draft Affordable Housing Policy. We would be happy to discuss any of the recommendations further with Council staff.

Kind regards



Michael Carnuccio
Manager – Policy

¹ Clarence Valley Local Government Area from [Housing Need Dashboard](#) (December 2022) Prepared for the Community Housing Industry Association by Ryan van den Nouwelant, Laurence Troy, and Balamurugan Soundararaj; UNSW City Futures Research Centre.