



File No: # E2022/2750  
 Council PP ref: 26.2020.2.1  
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Acting Director  
 Northern Region  
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 Grafton NSW 2516

Attention: Gina Davis

[gina.davis@planning.nsw.gov.au](mailto:gina.davis@planning.nsw.gov.au)

Dear Gina

**Planning proposal request for Gateway Byron Shire State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) - DPIE reference PP-2021-7395**

Thank you for the opportunity to clarify on the matter of 11 April 2019 Council resolution (19-152) to prepare an affordable housing contribution scheme and its associated local environmental plan amendment. Table 1 below sets out how this resolution has been progressed. It shows the submission of the planning proposal is authorised under this resolution and supported by subsequent Council resolutions.

Table 1: Council resolutions and update reports on AHCS preparation

Report Aspect	Link to report and resolution detail as relevant to the AHCS	Guideline for developing an AHCS reference / comment
Determination to prepared HCS as per a State Environmental Planning Policy No 70 Affordable Housing (Revised	<p><b>Hyper link to report</b>  <a href="https://infocouncil.biz">Agenda of Planning Meeting - 11 April 2019 (infocouncil.biz)</a></p> <p><b>Res19-152: 11 April 2019</b></p> <ol style="list-style-type: none"> <li>1. That Council advise the Department of Planning that it is preparing an affordable housing contribution scheme under State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes).</li> <li>2. That Council fund the expedited preparation of an affordable housing contribution scheme and its associated local environmental plan amendment and planning agreement</li> </ol>	<p>Council resolution to prepare a AHCS and undertake the LEP amendment.</p> <p>Process set out in the guideline followed.</p> <p>Guideline Figure 2 - step A – Department notified</p>

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Schemes) - (SEPP 70)	<p>policy for Byron Shire through an allocation of \$20,000 at the March Budget Quarterly review.</p> <ol style="list-style-type: none"> <li>3. That subject to 2, Council prepare an affordable housing contribution scheme and its associated local environmental plan amendment which is consistent with the Department of Planning guideline.</li> <li>4. That subject to 2, Council prepare a planning agreement policy for affordable housing which is consistent with the Environmental Planning and Assessment (Planning Agreements) Direction 2019.</li> </ol>	
Lands to be considered under the AHCS	<p><b>Hyper link to report</b>  <a href="#">Agenda of Ordinary Meeting - 12 December 2019 (infocouncil.biz)</a></p> <p><b>Res19-636: 12 Dec 2019</b></p> <ol style="list-style-type: none"> <li>4. That Council support consideration of Residential Strategy new release investigation lands for inclusion under the SEPP 70 Affordable housing contribution scheme.</li> </ol>	Council resolution regarding which land to be considered for the application of the AHCS. Guideline Figure 4 – Step B - selection included upzoning as probable for this land.
Affordable Housing Contribution Policy – relating to AHCS and Planning Agreements	<p><b>Hyper link to reports:</b>  <a href="#">Agenda of Ordinary (Planning) Meeting - 21 May 2020 (infocouncil.biz)</a>  <a href="#">Agenda of Ordinary (Planning) Meeting - Thursday, 13 August 2020 (infocouncil.biz)</a></p> <p><b>Res 20-213 21 May 2020</b></p> <ol style="list-style-type: none"> <li>1. That Council adopt the Draft Byron Shire Affordable Housing Contribution Policy in Attachment 1 (E2020/33355) and accompanying Procedures Attachment 2 (E2020/33359) and place the documents on public exhibition for minimum a period of 28 days with the following amendments: ...</li> <li>2. That following exhibition, Council receive a further report detailing submissions made. Should there be no submissions as of the close of the exhibition period, that Council adopt the Draft Byron Shire Affordable Housing Contribution Policy in Attachment 1 (E2020/33355) and accompanying Procedures Attachment 2 (E2020/33359) as amended above</li> </ol> <p><b>Res 20-365: 13 August 2020</b>  Resolved that Council adopt the Byron Shire Affordable Housing Contribution Policy in Attachment 2 (E2020/55585) and accompanying Procedures in Attachment 3 (E2020/55587).</p>	<p>Council report and resolution that:</p> <ul style="list-style-type: none"> <li>- clarified both the land and the rates to be applied Guideline Figure 4 - step C</li> <li>- supported the testing of the rates and land with the community as per Guideline Figure 6 - step D</li> </ul> <p>Investigation areas mapped</p> <p>Draft AHC Policy exhibited July 2020</p> <p>Policy adopted without change</p>
Residential strategy – AHCS draft in the background report	<p><b>Hyper link to report</b>  <a href="#">Agenda of Ordinary (Planning) Meeting - Thursday, 10 December 2020 (infocouncil.biz)</a></p> <p><b>Res20-686: 10 Dec 2020</b></p>	The draft AHCS prepared as per Guideline Figure 4 - step D and presented to Council as part of the Background Report AHCS - Section 5: Affordable housing

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	<p>Item 4. That Council adopts the Residential Strategy as contained in Attachment '6' (E2020/5277) and forward to the NSW Department of Planning, Industry &amp; Environment for final endorsement together with the Background Report (Attachments '1' and '7', E2020/37962 and E2020/91141 respectively) with the following land inclusion as an investigation area for two dwellings: a) Lot 285 DP 1198641, 64 Corkwood Crescent, Byron Bay</p> <p>5. That Council delegates authority to the Director Sustainable Environment &amp; Economy, through the General Manager, to amend the Residential Strategy in relation to any consequential (non-policy) and/or other minor editorial amendments required for clarity or accuracy, prior to submitting to Department of Planning &amp; Environment for final endorsement.</p>	<p>contribution scheme analysis – steps 1 &amp; 2</p>
<p>Update report on housing projects</p>	<p><b>Hyper link to report</b>  <a href="#">Agenda of Ordinary (Planning) Meeting - Thursday, 11 March 2021 (infocouncil.biz)</a></p> <p><b>Res 21-062</b> 11 Mar 2021</p> <ol style="list-style-type: none"> <li>1. Notes the staff report on Council's role in Housing.</li> <li>2. Requests staff to further investigate the Community Land Trust, Live-Work and Restricted Purchase models to see how they can be applied to Council owned land and developments including contributions under a SEPP 70 Affordable Housing Contribution Scheme.</li> <li>3. Receives a report by or before mid-year on the findings of 2 with recommendations on the appropriate next steps for application and implementation of the preferred model/s to Council land and developments.</li> </ol>	<p>As per Guideline Figure 6 - steps B &amp; C</p> <p>Throughout 2020 - meetings held with Department on drafting the scheme including the possible holding entity for contributions – as a trust is outstanding, the scheme simply nominates Council as the recipient.</p>
<p>Planning agreement for an investigation land</p>	<p><b>Hyper link to report</b>  <a href="#">Agenda of Ordinary (Planning) Meeting - Thursday, 5 August 2021 (infocouncil.biz)</a></p> <p><b>Res 21-284</b> 5 August 2021</p> <p>Council: 1. Acknowledges the complex interaction between the offer of a draft Voluntary Planning Agreement (VPA) for 68 Rankin Drive, Bangalow (Attachment 2 E2021/90306) with the Residential Strategy and draft Affordable Housing Contribution Scheme (AHCS).</p> <ol style="list-style-type: none"> <li>2. In acknowledging the process to date and implications of point 1, supports public exhibition only of the draft VPA (Attachment 2 E2021/90306) for a period of four (4) weeks for public comment;</li> <li>3. Requests that the applicant, prior to public exhibition, make further amendments to the draft VPA to address the inconsistencies in Table 1 and legal matters identified in this Report;</li> <li>4. Considers a submissions report post-exhibition that includes any recommended changes to the draft VPA.</li> <li>5. Understands that should Council choose to proceed with finalising the attached draft VPA ahead of a statutory AHCS being</li> </ol>	<p>Council was updated on June 2021 re endeavour to lodge the AHCS planning proposal and draft AHCS with Department as per Guideline Figure 6 - step F.</p> <p>Council resolution Item 7 - instructs staff to follow up the AHCS planning proposal with the Department.</p>

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	<p>in place, there is no guarantee that 20% of the rezoned land (or any %) will be dedicated for affordable housing purposes.</p> <p>6. Due to 5, does not accept any 'urban residential' planning proposals pertaining to a non- Council owned and or managed investigation area (as identified in the Residential Strategy), until a statutory AHCS is in place for Byron Shire, noting that the timeframe for this may be at least 6 months away.</p> <p>7. Requests the Department of Planning, Industry and Environment to finalise its approval of the Byron Residential Strategy and corresponding Affordable Housing Contribution Scheme without further delay.</p>	

I note that you requested that this letter and relevant reports be uploaded to the planning portal, prior to undertaking this next step could you please:

- confirm this letter resolves the matter for the Department
- that all cited reports above are required to be uploaded, as several pertain to matters in addition to the AHCS planning proposal and hence uploading may result in confusion for the viewer of planning proposal documentation. (a combined PDF of the Council reports is attached to this email for your convenience.)

Council looks forward to your early response and forthcoming 'issue of a gateway' as this is a priority planning project.

Yours sincerely



Natalie Hancock

Senior strategic planner

Encl. PDF of Council reports