

Gateway Determination

Planning proposal (Department Ref: PP-2021-7395): to introduce an affordable housing contribution clause to the Byron LEP 2014

I, the Executive Director at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Byron Local Environmental Plan 2014 to introduce an affordable housing contribution should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal and associated draft Affordable Housing Contribution Scheme are to be updated to:
 - (a) remove all references to the prohibition of short-term rental accommodation in affordable rental housing created under the scheme;
 - (b) remove the proposed amendments to Byron LEP 2014 clause 6.7 Affordable Housing in Residential and Business Zones;
 - (c) identify that the Affordable Housing Contribution Scheme Maps will be adopted as part of subsequent LEP amendments for individual land parcels at the rezoning stage, and are included within the planning proposal only for illustration/exhibition purposes; and
 - (d) ensure all related maps are correctly titled.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the Local Environmental Plan Making Guidelines (Department of Planning, Industry and Environment, 2021) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan-Making Guidelines (Department of Planning, Industry and Environment, 2021).

Exhibition must commence within one month following the date of the Gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service
 - Division of Housing and Property

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal must be reported to council for a final recommendation no later than four months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.

Dated 18th day of February 2022.



Monica Gibson
Executive Director
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning