

Mr Mark Arnold  
General Manager  
Byron Shire Council  
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MULLUMBIMBY NSW 2482

via email: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
[nhancock@byron.nsw.gov.au](mailto:nhancock@byron.nsw.gov.au)

Dear Mr Arnold

**Planning proposal PP-2021-7395 to amend Byron Local Environmental Plan 2014**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 12 January 2022 in respect of the planning proposal to introduce an affordable housing contribution clause to the Byron LEP 2014.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with directions of the Minister under section 9.1 of the EP&A Act, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation and 4.3 Flooding are minor or justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 direction 4.4 Planning for Bushfire Protection.

I have determined not to authorise Council to be the local plan-making authority due to the potentially contentious nature of the planning proposal and it being the first Affordable Housing Contribution Scheme proposed in regional NSW.

It should be noted that I have conditioned the Gateway to require removal of any references to the prohibition of short term rental accommodation in future affordable housing to better clarify the scope of the proposal and to avoid any confusion in the community.

It is considered that this issue can be more appropriately managed through an arrangement/agreement between Council and the relevant community housing providers rather than through the LEP.

The amending local environmental plan (LEP) is to be finalised within 6 months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Industry and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Gina Davis to assist you. Ms Davis can be contacted on 5778 1487.

Yours sincerely



18/2/2022

**Monica Gibson**  
**Executive Director**  
**Local and Regional Planning**

Encl: Gateway determination