



Byron Shire Council

Planning Proposal 26.2020.2.1

Amendment of Byron Local Environmental Plan 2014

Affordable Housing Contributions Scheme

Exhibition Version

**Date: February 2022
#E2022/18106**

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
E2021/80322	15/6/21	Gateway Version 1 – Planning proposal request not accepted by DPIE see # E2021/90169
E2021/141578	6/12/2021	Gateway Version 1
E2021/141578	January 2022	Gateway version 1 – formatted for accessibility
E2022/18106	February 2022	Post Gateway and public exhibition version

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Part 1 Introduction

1.1 Objective and intended outcomes

This planning proposal seeks to amend Byron LEP 2014 to deliver affordable housing outcomes in Byron Shire. It follows Council adoption of the Byron Residential Strategy and the Byron Shire Affordable Housing Contribution Policy and commences the implementation of housing diversity and housing affordability actions set out in the Byron Shire Local Strategic Planning Statement (LSPS).

The Byron Shire Affordable Housing Contribution Policy was adopted by Council in August 2020 and sets a framework to advocate for, facilitate, provide, and manage affordable housing contributions in Byron Shire acquired through a planning agreement or delivered through a SEPP 70 affordable housing contribution scheme (AHCS).

This planning proposal provides a framework for the application of affordable housing contributions when land is being developed. This framework is underpinned by the Byron Shire Affordable Housing Contribution Policy and the Byron Shire Affordable Housing Contribution Scheme (Attachment 2).

Specifically, the planning proposal seeks to introduce local planning controls applicable to land identified in the proposed 'Affordable Housing Contribution Scheme', if the land is upzoned. Where viable, the planning controls seek to secure a portion of residential development for affordable housing and in accordance with the Affordable Housing Contribution Scheme.

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979*. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing planning proposals".

1.2 Background

State Policy Framework - State Environmental Planning Policy (Housing) 2021 [NSW] (previously SEPP 70)

Section 7.32 of the *Environmental Planning and Assessment Act* (EP&A Act) allows Council to levy contributions for affordable housing if a State Environmental Planning Policy (SEPP) identifies a need for affordable housing in the LGA. In February 2019, SEPP 70 – Affordable Housing (Revised Schemes) was amended to include all councils across NSW. In November 2021 the provisions of SEPP 70 were consolidated into Part 2 of the Housing SEPP.

Under Section 7.32(3)(b) of the EP&A Act, any condition imposed on a development consent must be authorised by a Local Environmental Plan (LEP) and be in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

Following the SEPP 70 amendment, a report was considered at the 11 April 2019 Council (Planning) Meeting regarding next steps now that Byron Shire had been entered into SEPP 70 to investigate and develop an affordable housing contributions scheme under the SEPP.

19-152 Resolved:

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).*
2. *That Council fund the expedited preparation of an affordable housing contribution scheme and its associated local environmental plan amendment and planning agreement policy for Byron Shire through an allocation of \$20,000 at the March Budget Quarterly review.*
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.*
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.*

Byron Shire Policy Framework

The Community Strategic Plan *Our Byron, Our Future*, sets out our aspirations for the next ten years.

THE COMMUNITY DESIRES: Increases in population to be managed in a way which fits in with the current lifestyle and culture of the Shire. This necessitates ensuring we have diverse housing available to support a community reflective of the current lifestyle and culture.

In the next 10 years it is predicted that:

1. Australia wide home ownership will continue to decline. For Byron Shire it dropped from 59.1 % (2006) to 56.7% (2016); benchmarked with Australia at 67% – essentially this means in Australia we cannot continue to rely on people being able to buy their home, as the core housing response. <https://www.aihw.gov.au/reports/australias-welfare/home-ownership-and-housing-tenure>
2. Australia wide 7 out of the 10 largest employment growth industries will be in lower paying industries such as health care and social assistance and education and training (the Business Industrial Lands Strategy analysis indicates Byron Shire is likely to follow this trend).
3. Households with low to middle income (working in jobs as cleaning, caring, teaching or nursing) will increasingly rely on affordable rental housing. Comparing change in the rental costs of a community over time, in 2006 the average week rent in Byron Shire was \$250/week, by 2016 - 40.3% of renting households were paying \$450 or more per week in rent. Medium weekly household income has not kept pace with this rental cost increase - 2006 - \$738 (rent at 33% on income) to \$1149.00/week (rent at 39% of income) over the same period.
4. Council acknowledges and pays respect to the Bundjalung of Byron Bay – Arakwal People as Traditional Custodians of the land within Byron Shire Aboriginal people – however they are overrepresented amongst the homeless, lower paying jobs and lower income households – in 2016 an estimated 37% of Indigenous Australians aged 15 and

over had adjusted weekly household incomes in the bottom 20% (quintile) of the income distribution for all Australians aged 15 and over.

5. Single women over 50 are most likely to be adversely affected by housing access - in 2016, women over a 50 made up 22 % of our Shire population with this predicted to grow to 28.5% by 2036. In Australia in 2016, 1618 women over the age of 50 who presented at homelessness services were couch-surfing – an 83 per cent increase over four years.
6. Since 2006 Residential Byron social rental housing stock dropped by 11 dwellings to 223 dwellings in 2016, whilst private rental housing stock is being impacted by the growing short term rental accommodation market.

Council's commitment to enabling affordable housing to maintain a diverse, vibrant, and healthy community and to alleviate housing stress experienced by some individuals and families in the private housing market is a priority.

The Byron Shire Local Strategic Planning Statement (LSPS) presents a 2036 vision and framework for land use within Byron Shire, outlining how growth and change will be managed to maintain the high levels of environmental amenity, liveability and landscape quality that characterises our Shire by setting planning priorities and actions.

- LSPS Support Our Liveable Shire Planning Priority 3 seeks to implement '*housing diversity and affordability with housing growth in the right locations.*'
- LSPS Liveability Priority Actions: LA9 seeks to '*investigate and implement planning controls to encourage an increase in the supply of affordable and inclusive housing stock.*'

LSPS further builds on planning work found in Council's other key land use strategies, studies, and plans. Relevant to this planning proposal is the Council adopted Residential Strategy.

- Byron Shire Residential Strategy: Policy 2 seeks to *improve housing choice, diversity and equity.*
- Residential strategy Action 17 seeks to:

Investigate applying a SEPP 70 affordable housing contribution scheme over new release areas within the urban growth investigation areas as shown on Strategy Maps 1, 2 & 4 consistent with State Environmental Planning Policy No 70 — Affordable Housing (Revised Schemes) and guided by Guideline for Developing an Affordable Housing Contribution Scheme and Strategy Appendix D - affordable housing principles and the Byron Shire Affordable Housing Contribution Policy and procedures.

A Byron Shire Affordable Housing Contribution Policy setting a framework to advocate for, facilitate, provide, and manage affordable housing contributions in Byron Shire acquired through a planning agreement or delivered through a SEPP 70 affordable housing contribution scheme (AHCS) was adopted by Council on 13 August 2020 (Resolution 20-365).

Part 2 Explanation of provisions

Plain English explanation of the changes sought

The Planning Proposal seeks to amend Byron LEP 2014 to include a new clause that will require new development in certain locations to make an affordable housing contribution. The proposed new clause will identify where and how the affordable housing contribution would apply.

What is intended?

The intent of the draft provision is that development for residential purposes identified within affordable housing contribution areas must contribute towards affordable housing.

The objectives of this clause are as follows:

- To capture land value increases when land is upzoned in accordance with this plan.
- To enable the imposition of conditions relating to the provision of affordable housing for very low income households, low income households and moderate income households.
- To deliver housing that promotes and retains a socially diverse residential population.

Where does it apply?

This clause applies to development on any land identified in the on the Affordable Housing Contribution Scheme within the *affordable housing contribution area* that is upzoned on or after the gazettled of the new clause in the Byron LEP 2014

How is the contribution determined?

This affordable housing rate of contribution is to be calculated in accordance with the Byron Shire Affordable Housing Contribution Scheme. The scheme presents the evidence basis for a need for affordable housing, and includes a viability assesment which determines if Council can impose a condition to levy developer contributions for affordable housing.

The affordable housing levy contribution which will be made to Council is 20% of the total area of residential lots for development in the following affordable housing contribution areas — Byron Bay, Mullumbimby and Bangalow .

The means of contribution will be determined by Council and may comprise:

- Fit for purpose land within the development; or
- Monetary contribution; or
- Dwellings within the development; or
- A combination of two or more of the above.

The clause would not apply to exempt development as specified in the Affordable Housing Contribution Scheme.

Why are there two tiers of affordable contribution areas?

An affordable housing contribution clause in the LEP and affordable housing contribution scheme does not enable a planning proposal to upzone. This is the function of a Residential

Strategy. That said as the Scheme relies on investigation areas identified in the Council adopted Residential Strategy that hold varying levels of constraints. In recognition, the Scheme applies tiers to the affordable housing contribution areas:

Tier 1: means that subject to site specific investigations this land may be suitable to progressing to a planning proposal to upzone.

Tier 2: means that the land has been flagged by the Department of Planning, Industry and Environment as having significant state matters of concern and hence whilst identified in the Scheme these areas are subject to future consideration and resolution of outstanding state matters of concern.

The Tier 2 affordable housing contribution areas are identified and further explained in the Scheme and as well as Q11 of this planning proposal. For Tier 2 land in Mullumbimby the state matter relates to possible impacts to regionally significant farmland and for the Tier 2 land at Belongil the state matter relates to completion of a coastal hazard assessment the Council has currently underway.

The provisions of the Scheme will apply to both Tier 1 and Tier 2 affordable contribution areas.

Maps

The Planning Proposal includes maps (Affordable Housing Contribution Scheme Maps) are only for illustration/exhibition purposes to identify land that the Affordable Housing Contribution clause will apply to (refer Part 4 and Appendix 1).

The Affordable Housing Contribution Scheme maps will be adopted as part of the subsequent LEP amendments for individual land parcels at the rezoning stage.

The maps also show the two tiers of Affordable Housing Contribution Areas.

What do the following terms mean?

affordable housing contribution area means the areas shown on the Affordable Housing Contribution Scheme Maps for Byron Bay, Mullumbimby and Bangalow.

upzoning means a change of zone to enable residential development or a change of planning controls (such as floor space ratio) which enables greater residential density on the subject site.

Affordable Housing Contribution Scheme means the Byron Shire Affordable Housing Contribution Scheme 01

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is consequential to Council's LSPS and adopted Residential Strategy.

The Byron Shire Local Strategic Planning Statement (LSPS) presents a 2036 vision and framework for land use within Byron Shire, outlining how growth and change will be managed to maintain the high levels of environmental amenity, liveability and landscape quality that characterises our Shire by setting planning priorities and actions.

- LSPS Support Our Liveable Shire Planning Priority 3 seeks to implement '*housing diversity and affordability with housing growth in the right locations.*'
- LSPS Liveability Priority Actions: LA9 seeks to '*investigate and implement planning controls to encourage an increase in the supply of affordable and inclusive housing stock.*'

LSPS further builds on planning work found in Council's other key land use strategies, studies, and plans. Relevant to this planning proposal is the adopted Residential Strategy.

- Byron Shire Residential Strategy: Policy 2 seeks to *improve housing choice, diversity and equity.*
- Residential Strategy Action 17 seeks to:

Investigate applying a SEPP 70 affordable housing contribution scheme over new release areas within the urban growth investigation areas as shown on Strategy Maps 1, 2 & 4 consistent with State Environmental Planning Policy No 70 — Affordable Housing (Revised Schemes) and guided by Guideline for Developing an Affordable Housing Contribution Scheme and Strategy Appendix D - affordable housing principles and the Byron Shire Affordable Housing Contribution Policy and procedures.

Q2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

The proposed clause allows Council to secure affordable housing contributions drawn from the increase in land value generated by an upzoning.

In this regard, the planning proposal is the only means to achieve the intended outcome as amendments to Byron LEP 2014 are required.

Section B Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (in this case the North Coast Regional Plan 2036)?

North Coast Region Plan 2036

The planning proposal is consistent with *Direction 25 - Deliver more opportunities for affordable housing.*

Action 25.1 seeks to:

- Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council Adopted Byron Shire Residential Strategy

Analysis supporting the Residential Strategy identified limited opportunities for the market to meet the demand for affordable housing in Byron Shire and significant underlying demand for affordable housing. The analysis concluded that there is a gap between the current needs and supply of rental accommodation for very low, low, and moderate income households and so the collecting of affordable housing contributions by Council, where the development remains viable, is warranted.

This planning proposal follows Byron Shire Residential Strategy - Policy 2: *Improved housing choice, diversity and equity*.

Policy 2, Action 17 seeks to:

- Investigate applying a SEPP 70 affordable housing contribution scheme over new release areas within the urban growth investigation areas as shown on Strategy Maps 1, 2 & 4 consistent with State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes) and guided by Guideline for Developing an Affordable Housing Contribution Scheme and Strategy Appendix D - affordable housing principles and the Byron Shire Affordable Housing Contribution Policy and procedures.

Community Strategic Plan

In planning for the future Council collaborated with our community on [Our Byron. Our Future](#). As a Community Strategic Plan, it sets out our vision for the next 10 years and highlights our priorities to guide our work. Relevant to this application is Community Objective 4 – ‘*We manage growth and change responsibly*’. The objective’s context identifies affordable housing and the cost of living as critical issues for the people of Byron Shire.

Business and Industrial Lands Strategy

Responses to the Byron Shire Business Survey, (over 1,000 responses) conducted in November 2017, that helped inform the endorsed Business and Industrial land Strategy identified access to affordable housing as a risk to business. The context to Direction 1: ‘*Enable business centres to retain an individual identity and fulfil their potential*’ recognises a necessity to provide housing for workers. Direction 4: ‘*Promote an attractive investment environment with people friendly industrial areas and business centres*’ includes in the Business and Industrial Suitable Land Principles – 5. ‘*Support or creates a local workforce*’ by placement employment areas convenient to suitable housing for low to medium income households

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Table 1 addresses State Environmental Planning Policies (SEPP) as relevant to this Planning Proposal.

Table 1: SEPP compliance assessment

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
<p>Housing State Environmental Planning Policy (Housing SEPP) – Part 2 previously SEPP 70 - Affordable Housing (Revised Schemes)</p> <p>In November 2021 the provisions of SEPP 70 were consolidated into part 2 of the Housing SEPP.</p>	<p>Consistent.</p> <p>The <i>Environmental Planning and Assessment Act 1979</i> (the Act) allows for the collection of contributions for affordable housing where a need for affordable housing is identified in a planning instrument and where:</p> <ul style="list-style-type: none"> the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or the regulations so provide. <p>The planning proposal contains provisions to require new housing in affordable housing contribution areas to contribute towards affordable housing. Contributions are at a rate equivalent to the value of 20% of the area of residential lots in the development, in accordance with the affordable housing contribution scheme.</p> <p>DPIE's <i>Guideline for Developing an Affordable Housing Contribution Scheme</i> stipulates that dedicated land should be held for affordable housing in perpetuity. The AHCS requires Council to establish an affordable housing implementation and delivery program. The AHCS provides a framework to an affordable housing implementation and delivery program by setting out preferred:</p> <ol style="list-style-type: none"> Objectives Asset pathway options for the use of contributions received as per AHCS Section 2 Process to appoint a registered community housing provider(s) (CHP) to manage affordable housing stock. Community outcomes guiding selection of residents to be

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
	<p>provided with access to affordable housing under the program.</p> <p>In reference to b) should Council intend to sell land dedicated for the purposes of affordable housing to fund development of an alternative site it requires the community to be consulted, and the proceeds to be used for the provision of affordable housing.</p> <p>In reference to c) neither a CHP nor a list of eligible CHPs can be nominated by Council at this time (or before the LEP amendment is made) as there are no concept plans for the precincts and all are subject to rezoning. The outcome for the precincts will be determined in consultation with individual owners at the Planning Proposal stage and a CHP will need to be nominated as part of those Planning Proposals.</p>

Q6. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?

Table 2 assesses consistency with the Ministerial Planning Directions.

Table 2: Ministerial Directions Assessment

1. Employment and Resources

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Business and Industrial Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Secretary of the Department of Planning and Environment, or <p>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the</p>	<p>Not Applicable.</p> <p>Although the Direction does not apply, it should be noted that the planning proposal does facilitate opportunities to provide housing for key workers and therefore supports businesses operating in the Shire's business and industrial zones. An outcome that is consistent with the endorse Byron Shire Business and Industrial Lands Strategy.</p>	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>	<p>The provisions contained in this planning proposal apply to land that has been (i) identified as an Affordable Housing Contribution Area in Byron LEP 2014, and (ii) has been rezoned for residential purposes.</p> <p>Any future rezoning of land in an existing rural zone that has been identified as an Affordable Housing Contribution Area is subject to a separate planning proposal.</p>	Not Applicable.
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p>	Not applicable	Not applicable

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses. 	Not applicable	Not applicable
1.5 Rural Lands	<p>Applies when a relevant planning authority prepares a planning proposal that:</p> <ul style="list-style-type: none"> (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or (b) changes the existing minimum lot size on land within a rural or environment protection zone. 	<p>The provisions contained in this planning proposal apply to land that has been (i) identified as an Affordable Housing Contribution Area in Byron LEP 2014, and (ii) has been rezoned for residential purposes.</p> <p>Any future rezoning of rural land identified as an Affordable Housing Contribution Area is</p>	Not Applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>A planning proposal to which clauses (a) and (b) apply must:</p> <ul style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and 	subject to a separate planning proposal.	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>reduce the risk of land use conflict, particularly between residential land uses and other rural land uses.</p> <p>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p>		

2. Environment and Heritage

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
2.1 Environment Protection Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying</p>	This planning proposal does not alter or apply to any environment protections zones.	Not applicable

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".		
2.2 Coastal Protection Zones	<p>This direction applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land. 	<p>This planning proposal will not enable increased development in any land mapped as coastal vulnerable, coastal wetlands or littoral wetlands.</p> <p>Any future rezoning of rural land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal and is required to give consideration to this direction.</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the planning proposal authority and the planning proposal authority, or (ii) by or on behalf of a public authority and provided to the planning proposal authority. <p>A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</p> <ul style="list-style-type: none"> (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.		
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	The planning proposal does not contain provisions that contradict or would hinder application of heritage conservation controls.	Consistent
2.4 Recreation	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area	This planning proposal does not enable land to be developed for the purpose of a	Consistent.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
Vehicle Areas	<p>(within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none"> (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> (i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and (ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985 	recreational vehicle area.	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>This direction applies when a relevant planning authority prepares a planning proposal:</p> <ul style="list-style-type: none"> (a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone; (b) that introduces or alters an overlay and 	This planning proposal does not alter or introduce any environmental protection zones or overlays.	Consistent.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	associated clause.		
2.6 Remediation of Contaminated Land	<p>This direction applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital, land: <ul style="list-style-type: none"> (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	Any future rezoning of land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal and must consider this direction.	Consistent.

3. Housing, Infrastructure and Urban Design

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Residential Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and 	<p>The provisions contained in this planning proposal apply to land that has been (i) identified as an Affordable Housing Contribution Area in Byron LEP 2014, and (ii) has been rezoned for residential purposes.</p> <p>Any future rezoning of land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal.</p> <p>In accordance with Schedule 2 of SEPP 70, the Affordable Housing Contribution Scheme sets out affordable housing principles (Section 1.7).</p> <p>These principles encourage a mix of dwellings that broadens the choice of available housing in the market.</p> <p>Section 1.7 also requires that affordable housing consists of dwellings constructed to a standard which, in the opinion of the Council, is consistent with other dwellings in</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(b) not contain provisions which will reduce the permissible residential density of land	Byron Shire.	
3.2 Caravan Parks and Manufactured Home Estates	<p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under 	Not Applicable.	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	the Community Land Development Act 1989 be permissible with consent.		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This planning proposal does not have any implication on home occupations.	Consistent.
3.4 Integrating Land Use and Transport	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>Land identified as an Affordable Housing Contribution Area has been assessed under the Byron Shire Residential Strategy as being potentially suitable for residential purposes, this includes the ability to integrate any future development within the broader transport network.</p> <p>Any future rezoning of land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal and must consider this direction.</p>	Consistent.
3.5 Development Near Regulated Airports and Defence Airfields	This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	This planning proposal does not alter or remove a zone in proximity to a regulated airport.	Not applicable.

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.6 Shooting Ranges	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <ul style="list-style-type: none"> (a) permitting more intensive land uses than those which are permitted under the existing zone; or (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range. 	This planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	This direction applies when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	Development subject to the provisions of this planning proposal must be consistent with the Affordable Housing Contributions Scheme.	Not applicable

4. Hazard and Risk

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Acid Sulfate Soils	This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils	Any future rezoning of land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal and	Not applicable

	<p>as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p>The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	must consider this direction.	
4.2 Mine Subsidence and Unstable Land	<p>This direction applies to land that:</p> <ul style="list-style-type: none"> (a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or (b) has been identified as unstable land. <p>This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment 	This planning proposal does not apply to land within a mine subsidence district or identified as unstable land.	Not applicable
4.3 Flood Prone	This direction applies when a relevant planning authority prepares a planning proposal that creates,	Some land identified as an affordable housing contributions area is mapped as	Justifiably

Land	<p>removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related</p>	<p>being flood prone land.</p> <p>Any future rezoning of land identified as an Affordable Housing Contribution Area to permit residential development will be subject to a separate planning proposal and must consider this direction.</p>	inconsistent.
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	<p>development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4 Planning for Bushfire Protection	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection</p>	<p>Some land identified as an Affordable Housing Contribution Area is mapped as being bushfire prone land or is in proximity to bushfire prone land.</p> <p>Any future rezoning of land identified as an Affordable Housing Contribution Area is subject to a separate planning proposal and must consider this direction.</p>	Justifiably inconsistent.

	<p>2006,</p> <ul style="list-style-type: none"> (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, 		
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	<ul style="list-style-type: none"> (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 		
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5. Regional Planning

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Implementation of Regional Strategies	<p>This direction applies to land to which the following regional strategies apply:</p> <ul style="list-style-type: none"> (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy 	Not Applicable.	Not applicable
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Not Applicable.	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>This applies to Byron Shire Council except within areas contained within the “urban growth area” mapped in the North Coast Regional Plan 2036.</p> <p>A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as “State Significant 	<p>Some land identified as an affordable housing contributions area is mapped as being important farmland.</p> <p>Any future rezoning of land identified as an</p>	Justifiably inconsistent.

	<p>Farmland” for urban or rural residential purposes.</p> <p>(b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.</p> <p>(c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.</p>	Affordable Housing Contribution Area is subject to a separate planning proposal and must consider this direction.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway; (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour. <p>A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide</p>	Not applicable	Not applicable

	<p>that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction; (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater. 		
5.5 – 5.8 Revoked	-	-	-
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not applicable	Not applicable
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The consistency of this planning proposal with the North Coast Regional Plan is addressed in Section B above.	Consistent
5.11 Development of	This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of State Environmental	Not applicable	Not applicable

Aboriginal Land Council land	Planning Policy (Aboriginal Land) 2019.		
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6. Local Plan Making

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Approval and Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of 	<p>This planning proposal will not include provisions that require concurrence, consultation or referral of development applications to a Minister of public authority. It does not identify development as designated development.</p>	Consistent

	<p>development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>		
6.2 Reserving Land for Public Purposes	<p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General).</p>	<p>The provisions in this planning proposal will create public land via a dedication to Council.</p> <p>However, the provisions will only apply to land identified in the Affordable Housing Contribution Scheme if the land is rezoned for residential purposes. Therefore, the direction applies at the rezoning stage.</p> <p>Any future rezoning of land identified as an Affordable Housing Contribution Area to permit residential development will be subject to a separate planning proposal and must consider this direction.</p>	Not applicable

<p>6.3 Site Specific Provisions</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>This planning proposal does not allow a particular development to be carried out.</p>	<p>Not applicable</p>
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Section C Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Any future rezoning of land identified on the Affordable Housing Contribution Area map will be subject to a separate planning proposal that considers potential adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed

No.

Any future rezoning of land identified as an Affordable Housing Contribution Area will be subject to a separate planning proposal that considers any likely environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The provisions in the planning proposal give effect to the Byron Shire Affordable Housing Scheme. The provisions apply to land identified in the Affordable Housing Contribution Scheme if the land is upzoned for residential purposes.

The social and economic effects of providing affordable housing via the Affordable Housing Contributions Scheme are outlined in the Scheme – Section 1.4: Affordable Housing Need.

A viability assessment for each of the chosen sites is included in Appendix B of the Scheme.

Land chosen to be included on the Affordable Housing Contribution Area in the Affordable Housing Contribution Scheme has been considered under the Byron Shire Residential Strategy – Appendix D: Principles and criteria for the location, fit and mix of affordable housing that aligned with the *SEPP 70 - Affordable Housing (Revised Schemes) Schedule 2 Affordable housing principles*.

The Scheme requires Council to prepare an affordable housing implementation and delivery program. A framework for this program is only provided at this stage as there are no concept plans for the precincts and all are subject to rezoning. The outcome for the precincts will be determined in consultation with individual owners at the Planning Proposal stage and a Community Housing Provider will need to be nominated as part of those Planning Proposals.

Section D State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Any future rezoning of land identified as an Affordable Housing Contribution Area will be subject to a separate planning proposal that gives consideration to public infrastructure requirements.

Land chosen to be included on the Affordable Housing Contribution Area on the Affordable Housing Contribution Scheme maps has been considered as 'investigation areas' under the Council adopted Byron Shire Residential Strategy. The Residential Strategy has helped to inform public infrastructure planning and delivery including local government (such as roads, water and sewer infrastructure and provisioning for climate change resilience), regional (such as Rous County Council water security forward planning) and state infrastructure delivery (such as Department of Education and schools).

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Prior to the lodgement of the planning proposal for gateway and as part of the review of Council's adopted Residential Strategy by the state government two matters of state concern were raised.

1. Mullumbimby Affordable Housing Contribution Scheme Map

The NSW Department of Primary Industries – Agriculture has formally objected to Areas 8 & 9 - land east of railway line and south of Ann Street and Hollingsworth Lane (1B Ann Street and 75 New City Road (as referenced in Council adopted draft residential strategy Map 1) being included as investigation areas in the Residential Strategy on the grounds that *'DPI does not agree with Council that the land meets the North Coast Regional Plan (NCRP) Variation Principles on the basis that these sites have no natural barriers separating them from the adjacent farmland to the east. We (DPI) also do not accept that this is a minor rounding off' in accordance with the Farmland Protection Project Final recommendations.*

DPI accepts that on occasion land identified as State or regionally significant farmland will need to be developed. However, this development should be avoided if possible and, in this case, a number of factors indicate there is not yet a need to undermine the protections afforded agricultural land on the North Coast.'

2. Byron Bay Affordable Housing Contribution Scheme Map

Council has commenced work to provide an updated coastal hazard assessment as part of its Coastal Management Program. This may result in changes to the 100-year coastal hazard line encroaching further landward. The NSW Department of Planning, Industry and Environment (Biodiversity and Conservation Division) has recommended that it be removed from the Residential Strategy an urban investigation area until this work is completed, and an informed decision can be made on the suitability for inclusion in the strategy.

As such the above Affordable Housing Contribution Areas are set as a Tier 2 Affordable Contribution Area. This affirming that matters of concern be resolved prior to the lodgement of any planning proposal to upzone.

State and Commonwealth public authorities will be further consulted in accordance with the Gateway determination.

Part 4 Mapping

The planning proposal includes 'Affordable Housing Contribution Area' maps only for illustration/exhibition purposes. The proposed Affordable Housing Contribution Areas are shown on the Affordable Housing Contribution Scheme Maps: Byron Bay, Mullumbimby and Bangalow - are provided in Attachment 1.

Table 3 provides the current lot details for land identified on each Affordable Housing Contribution Scheme map.

The Affordable Housing Contribution Maps will be adopted as part of subsequent LEP amendments for individual land parcels at the rezoning stage.

Table 3: Affordable Contribution Area land lot details

Affordable Housing Contribution Scheme Map Affordable Contribution Area	Parcel location	Lot details	Tier
Byron Bay	Ewingsdale Road	Part Lot 350/DP755695	2
Mullumbimby	1B Ann Street	Lot 1 DP1032298	2
Mullumbimby	75 New City Road	Part of Lot 2 DP1032298	2
Mullumbimby	156 Stuart St	Part of Lot 22 DP1073165	1
Mullumbimby	1660 Coolamon Scenic Drive	Lot 31 DP1266932	1
Mullumbimby	1660 Coolamon Scenic Drive	Lot 1 DP1209362	1
Mullumbimby	1632 Coolamon Scenic Drive	Lot 1 DP748729	1
Mullumbimby	1634 Coolamon Scenic Drive	Lot 2 DP748729	1
Mullumbimby	3 Poplar Street	Part of Lot 76 DP755722	1
Mullumbimby	3 Poplar Street	Part of Lot 77 DP755722	1
Mullumbimby	71 Main Arm Road	Part Lot 1 DP1222185	1
Mullumbimby	1 Azalea St	Part of Lot 188, Lot 1 DP 1159861 and Lot 138 DP 755722	1

Affordable Housing Contribution Scheme Map Affordable Contribution Area	Parcel location	Lot details	Tier
Mullumbimby	Tuckaroo Av	Part of Lot PT32 DP1169053	1
Bangalow	16 Ballina Road	Lot 1 DP614715	1
Bangalow	14 Ballina Road	Lot 3 DP702168	1
Bangalow	2 Ballina Road	Lot 1 DP1125857	1
Bangalow	2 Ballina Road	Lots 23 DP6478	1
Bangalow	4 Ballina Road	Lots 24 DP6478	1
Bangalow	4 Ballina Road	Lots 25 DP6478	1
Bangalow	6 Ballina Road	Lot 7 DP111819	1
Bangalow	6 Ballina Road	Lot 1 DP301392	1
Bangalow	8 Ballina Road	Lot 1 DP371410	1
Bangalow	10 Ballina Road	Lot 1 DP974496	1
Bangalow	12 Ballina Road	Lot 1 DP931195	1
Bangalow	3 Ballina Road	Lot 23 DP1070522	1
Bangalow	5 Ballina Road	Lot 1 DP 1069720	1
Bangalow	Ballina Road	Lot 2 DP233797	1
Bangalow	7 Ballina Road	Lot 2 DP313475	1
Bangalow	9 Ballina Road	Lot 1 DP233797	1
Bangalow	11 Ballina Road	Lot 1 DP961064	1
Bangalow	13 Ballina Road	Lot 1 DP613935	1
Bangalow	15 Ballina Road	Lot 1 DP1086364	1
Bangalow	31 Ballina Road	Part of Lot 2 DP 1260751	1

Affordable Housing Contribution Scheme Map Affordable Contribution Area	Parcel location	Lot details	Tier
Bangalow	32 Satinash Crescent	Lot 182 DP1000507	1
Bangalow	26 Satinash Crescent	Lot 348 DP 755695	1
Bangalow	68 Rankin Drive	Lot 11 DP807867	1
Bangalow	68 Rankin Drive	Part of Lot 261 DP 1262316	1
Bangalow	57 Rankin Drive	Part of Lot 262 DP 1262316	1

Part 5 Community consultation

The local community was introduced to the intent to apply an affordable housing contribution scheme through the process of adopting the Byron Shire Affordable Housing Contribution Policy (AHCP). This process gave the development industry, in particular the effected landowners an early signal that an affordable housing contribution scheme is being prepared, giving them time to make informed business decisions.

The AHCP was as exhibited and subsequently adopted by Council in August 2020.

Community consultation in relation to the planning proposal will be conducted in accordance with the Gateway determination.

A 30-day exhibition period is recommended.

Council staff intend to hold meeting/s with landowners to provide an overview of the proposal and answer questions.

Notification of the exhibited planning proposal will include:

- updates to Council's website
- letters to relevant State agencies
- notification in writing to affected landowners where possible
- key community groups
- local community housing providers
- Arakwal

Part 6 Project timeline

The proposed timeline for the completion of the planning proposal is detailed in Table 4.

Table 4: Timelines

Plan making step	Estimated completion
Gateway Determination	18 February 2022
Agency Consultation	February/March 2022
Public Exhibition Period	March/April 2022
Submissions Report to Council	May 2022
Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)	June 2022
DPIE to make the LEP amendment	June/July 2022
LEP amendment notification	June/July 2022

Conclusion

This planning proposal seeks to amend Byron LEP 2014 to deliver affordable housing outcomes in Byron Shire. It follows Council adoption of the Byron Residential Strategy and the Byron Shire Affordable Housing Contribution Policy and commences the implementation of housing diversity and housing affordability actions set out in the Byron Shire Local Strategic Planning Statement (LSPS).

The Byron Shire Affordable Housing Contribution Policy was adopted by Council in June 2020 and sets a framework to advocate for, facilitate, provide, and manage affordable housing contributions in Byron Shire acquired through a planning agreement or delivered through an affordable housing contribution scheme (AHCS).

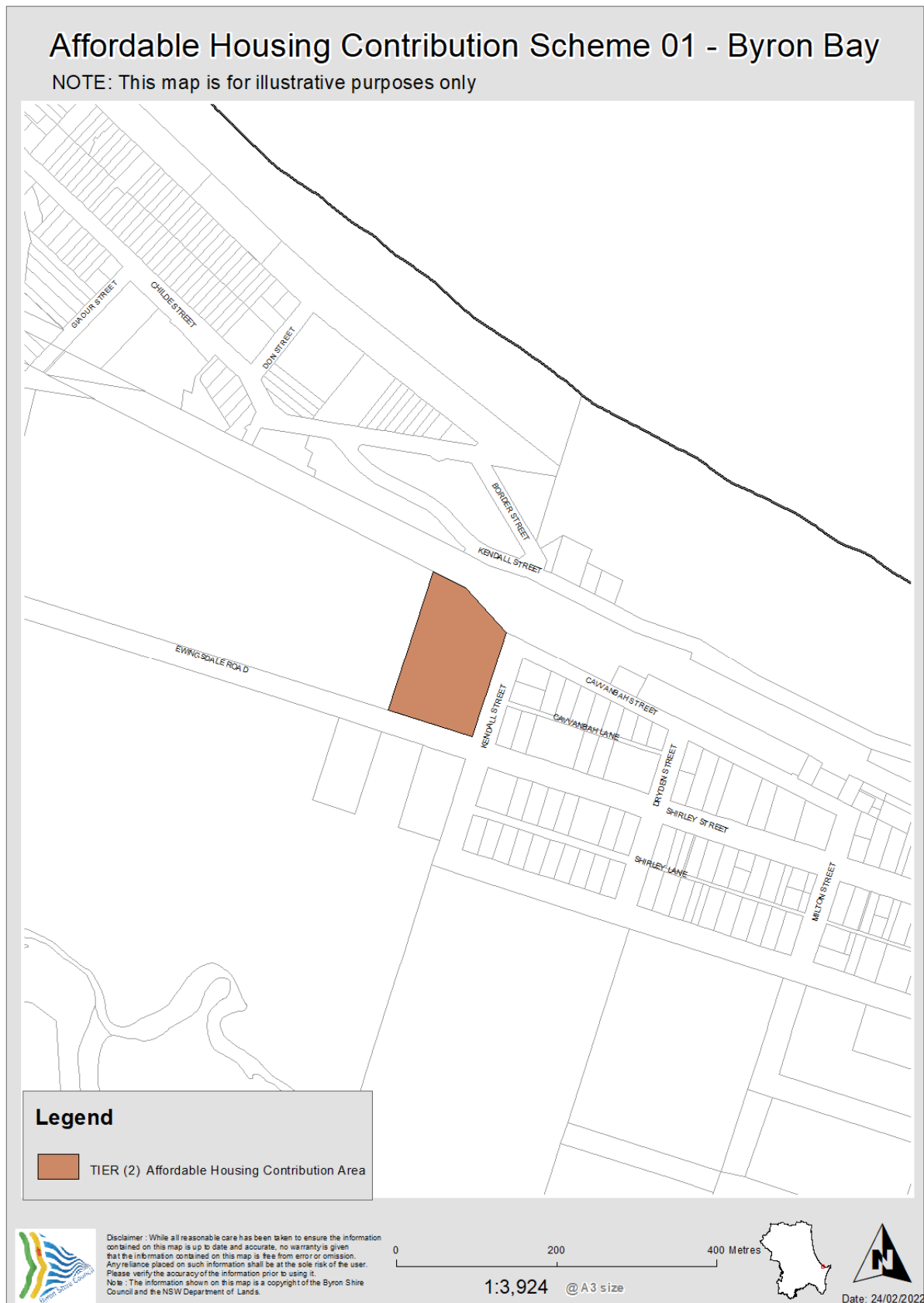
This planning proposal provides a framework for the application of affordable housing contributions when land is being developed. This framework is underpinned by the Byron Shire Affordable Housing Contributions Policy and the Byron Shire Affordable Housing Contribution Scheme.

Attachments

Attachment 1: Affordable Housing Contribution Maps showing Affordable Housing Contribution Areas

Attachment 2: Byron Shire Affordable Housing Contribution Scheme 01

ATTACHMENT 1 - Affordable Housing Contribution Scheme Maps showing Affordable Housing Contribution Areas - maps only for illustration/exhibition purposes



NOTE: This map is for illustrative purposes only



Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
Note : The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

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Date: 24/02/2022

Affordable Housing Contribution Scheme 01 - Bangalow

NOTE: This map is for illustrative purposes only



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Date: 24/02/2022

ATTACHMENT 2

Byron Shire Affordable Housing Contribution Scheme 01
(BSC Document number E2022/18116)