



Department of Planning, Housing and Infrastructure

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

PP-2024-1890 / IRF24/2168

Via email: council@byron.nsw.gov.au
khughes@byron.nsw.gov.au

Dear Mr Arnold

Planning proposal PP-2024-1890 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) in respect of the planning proposal to introduce the Byron Shire Affordable Housing Contribution Scheme 02 into 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 applicable directions of the Minister under section 9.1 of the Act 3.1 Conservation zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.2 Coastal Management and 9.2 Rural Lands is 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 relevant applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority to allow the Department to undertake an independent review of the final proposal and the associated Byron Shire Affordable Housing Contribution Scheme 02.

It should be noted that I have conditioned the Gateway to require the removal of the draft Resilient Lands site B2 at Bangalow until the outstanding matters for this site and its inclusion in the Department's strategy approval are resolved. It is anticipated that the land could then be included in any future affordable housing contribution schemes once this has occurred or Council could elect to negotiate a voluntary planning agreement with the landowner should a planning proposal to rezone the land proceed earlier.

The amending local environmental plan (LEP) is to be finalised within 6 months from the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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, Housing and Infrastructure, August 2023) 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 at gina.davis@planning.nsw.gov.au.

Yours sincerely



30/9/24

Craig Diss
Acting Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination