

## Gateway Determination

**Planning proposal (Department Ref: PP 2024-1890):** *To introduce Byron Shire Affordable Housing Contribution Scheme 02*

I, the Acting Director Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 Byron Shire Affordable Housing Contribution Scheme 02 should proceed subject to the following conditions.

The LEP should be completed on or before 6 months from the Gateway determination date.

### Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended as follows:
  - (a) the planning proposal to include:
    - (i) a tabulated list of properties that have been mapped as Affordable Housing Contribution areas in draft Affordable Housing Contribution Scheme 02; and
    - (ii) an explanation of the different approach and methodology taken in draft Affordable Housing Contribution Scheme 02 compared to Affordable Housing Contribution Scheme 01.
  - (b) The draft Affordable Housing Contribution Scheme 02 is to:
    - (i) revise section 2.2 (e) to detail that where there is a shortfall in the area of lots to be dedicated equivalent to less than 75% of the minimum lot size, the applicant may elect to meet the shortfall through a monetary contribution determined in accordance with Section 2.4 only; and
    - (ii) remove Area B2 as an Affordable Contribution Scheme area.
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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 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 Guideline* (Department of Planning and Environment).

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 Act:

- NSW Rural Fire Service
- HomesNSW

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 30 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 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).

Dated 30 September 2024



**Craig Diss**  
**Acting Director, Hunter and Northern**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**