



New South Wales

Byron Local Environmental Plan 2014 (Amendment No 35)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

JEREMY GRAY

As delegate for the Minister for Planning

Byron Local Environmental Plan 2014 (Amendment No 35)

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1 Name of Plan

This Plan is *Byron Local Environmental Plan 2014 (Amendment No 35)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Byron Local Environmental Plan 2014* applies.

Schedule 1 Amendment of Byron Local Environmental Plan 2014

[1] Part 6 Additional local provisions

Insert before clause 6.1—

Division 1 Miscellaneous

[2] Clause 6.7 Affordable housing in residential and business zones

Omit the clause.

[3] Part 6, Division 2

Insert at the end of Part 6, with appropriate clause numbering—

Division 2 Affordable housing

Affordable housing in residential and business zones

- (1) The objectives of this clause are as follows—
 - (a) to increase the supply of affordable housing,
 - (b) to provide accommodation to support a diverse residential population inclusive of all income groups in Byron,
 - (c) to ensure a housing mix and tenure choice including affordable housing,
 - (d) to ensure affordable housing is—
 - (i) identified by the Council as in demand, and
 - (ii) located close to transport and services appropriate to the intended households.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone B2 Local Centre,
 - (d) Zone B4 Mixed Use.
- (3) Development consent must not be granted for the purposes of residential accommodation on, or to the subdivision of, land to which this clause applies unless the consent authority has considered the need for—
 - (a) providing, maintaining or retaining affordable housing, and
 - (b) imposing conditions relating to providing, maintaining or retaining affordable housing including—
 - (i) imposing covenants, and
 - (ii) the registration of restrictions on users.

Affordable housing contribution for certain development in affordable housing contribution areas

- (1) The objectives of this clause are as follows—
 - (a) to capture increases in land value when rezoning of the land enables an increase in housing density,
 - (b) to enable the imposition of conditions relating to the provision of affordable housing,

- (c) to deliver housing that promotes and retains a socially diverse residential population.
- (2) This clause applies to development on land in an affordable housing contribution area involving one or more of the following—
 - (a) development for the purposes of residential accommodation,
 - (b) the subdivision of the land for the purposes of residential accommodation.
- (3) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing levy contribution (a *contribution*).
- (4) The contribution must be calculated in accordance with the Byron Affordable Housing Scheme.
- (5) A condition imposed under this clause must permit a person to satisfy the contribution by one or both of the following—
 - (a) a dedication in favour of the Council of land,
 - (b) a monetary contribution paid to the Council.
- (6) In this clause—
 - affordable housing contribution area* means land identified as “Affordable housing contribution area” on the Affordable Housing Contribution Scheme Map.
 - Byron Affordable Housing Scheme* means the *Byron Shire Council Affordable Housing Contribution Scheme* adopted by the Council on 11 August 2022.

[4] Dictionary

Insert in appropriate order—

Affordable Housing Contribution Scheme Map means the Byron Local Environmental Plan 2014 Affordable Housing Contribution Scheme Map.