

## Alteration of Gateway Determination

### ***Planning Proposal (Department Ref: PP\_2016\_BYRON\_001\_00)***

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 22 January 2016 for the proposed amendment to the *Byron Local Environmental Plan 1988* as follows:

1. Delete condition 1 and replace with a new condition 1:

1. The planning proposal is required to be revised prior to community consultation.

This is to include:

- (a) updating Part 2 – Explanation of Provisions, to remove draft Clause 72A and Clause 85(6A) and replaced with a plain English description of the proposed LEP provisions and reasoning behind each proposed provision;
- (b) updating Part 3 – Justification – Section C, to include further discussion and plans regarding the likely servicing arrangements, potential impacts and environmental protection measures associated with the proposed amendment to permit infrastructure and earthworks in all zones throughout the Release Area;
- (c) an A3 wider locality and site map; and
- (d) removing the proposed provision that would limit infrastructure to only crossing environmental zones and not extending along them.

Dated

15<sup>th</sup> day of April

2016



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**



Mr Ken Gainger  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Our ref: PP\_2016\_BYRON\_001\_00 (15/17459)  
Your ref: 26.2015.6.1

Attention: Mr Chris Larkin

Dear Mr Gainger

**Planning Proposal PP\_2016\_BYRON\_001\_00 – West Byron**

I refer to Council's correspondence of 14 March 2016 requesting the Secretary's approval of the amended Planning Proposal PP\_2016\_BYRON\_001\_00, which seeks to undertake various amendments relating to the West Byron Urban Release Area.

I have reviewed the amended Planning Proposal and have concerns in relation to the proposed requirement to limit infrastructure to only cross environmental zones. It appears this provision will prevent the orderly development of the site.

I have therefore determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 22 January 2016 for PP\_2016\_BYRON\_001\_00. The Alteration of the Gateway Determination is enclosed.

The Alteration of the Gateway Determination requires that the proposed requirement to limit infrastructure to only cross environmental zones be removed. While requiring this change, the intent of ensuring that works within environmental zones are properly considered and minimised is supported. Consideration in this regard could be given to including a heads of consideration clause in the Planning Proposal for any proposed works in the environmental zones to achieve this outcome.

The Planning Proposal should now be updated in accordance with the Gateway Determination (as altered) and provided back to the Department for community consultation approval.

If you have any questions in relation to this matter, I have arranged for Mr Luke Blandford to assist you. Mr Blandford can be contacted on 02 6641 6612.

Yours sincerely

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

15/04/2016

Encl: Alteration to Gateway Determination