



PP_2018_BYRON_005_00/(IRF18/4287)

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

Dear Mr Arnold

Planning proposal PP_2018_BYRON_005_00 to amend Byron Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for stage 1 of Council's environmental zone implementation program and to incorporate certain land into the Byron Local Environmental Plan 2014.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The conditions require that the "Equivalent Zones Reference Table for Byron LEP 1988 and LEP 2014" in Appendix 5 of the planning proposal is to be removed from the planning proposal as there are inconsistencies between the equivalent environmental protection zones listed in the table and the approach to applying environmental zones in the Northern Councils E Zone Review Final Recommendations

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 2.1 Environment Protection Zones, 3.1 Residential Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.


I have determined not to condition the Gateway for Council to be the local plan-making authority in this instance. This is to ensure a consistent approach to the finalisation of zoning decisions subject to the E Zone Review Final Recommendations Report. This approach is also consistent with the Secretary's letter to Council of 1 March 2016, which outlined plan making delegation arrangements for planning proposals that implement the Northern Councils E Zone Review Final Recommendations.

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on 6641 6607.

Yours sincerely

 2 November 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination