



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

Dear Mr Arnold

Planning proposal PP_2018_BYRON_004_00 – Alteration of Gateway Determination

I refer to your letter in relation to revisions to planning proposal PP_2018_BYRON_004_00, which seeks to facilitate rural event sites in the RU1 Primary Production and RU2 Rural Landscape zones of the Byron Local Environmental Plan 2014.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 3 September 2018 for PP_2018_BYRON_004_00. The Alteration of Gateway determination is enclosed.

It should be noted that the Alteration of Gateway determination requires the removal of the RU1 Primary Production zone and the proposed local clause provisions detailed in Section 2.1 (b)-(d) and Appendix 1 subclauses (2)-(4) of the planning proposal and any associated references.

The removal of the RU1 Primary Production zone has been required as this land represents the most significant farmland in Byron Shire, and it is considered that sufficient area is available in the RU2 Rural Landscape zone to facilitate rural event sites. This is also consistent with the Department of Primary Industries advice to Council that its preference is to avoid these types of development in the RU1 Primary Production zone.

In regard to the required changes to the proposed local provision, it is considered that the current draft clause contains a level of detail and guidance that would be more appropriately located in a development control plan rather than the LEP. This approach will provide Council greater flexibility and discretion in determining and addressing site specific matters for individual proposals on their merits. Council may wish to consider preparing and exhibiting the draft development control plan concurrently with the planning proposal to help inform and provide greater certainty to the community and key stakeholders on Council's intended planning framework for rural event sites.

Council will still need to obtain the Secretary's agreement to comply with the requirements of section 9.1 Directions 1.5 Rural Lands, 4.4 Planning for Bushfire Protection, 5.4 Commercial and Retail Development along the Pacific Highway, North Coast and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to the plan being made.

If you have any questions in relation to this matter, I have arranged for Mr Craig Diss to assist you. Mr Diss can be contacted on 5778 1485.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

3/12/2019

Monica Gibson

**Executive Director, Local and Regional Planning
Planning and Assessment**

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_BYRON_004_00)

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 3 September 2018 for the proposed amendment to the Byron Local Environmental Plan 2014 as follows:

1. Change the description of the planning proposal

from

“To make function centres permissible with consent in the RU2 Rural Landscape Zone in the Byron LEP 2014.

I, the Executive Director, Regions, at the Department of Planning, Industry and Environment, 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 (LEP) 2014 to make function centres permissible with consent in the RU2 Rural Landscape Zone in the Byron LEP 2014 should proceed subject to the following conditions:”

to

“To permit rural event sites with consent in the RU2 Rural Landscape zone in the Byron Local Environmental Plan 2014 and include associated local provisions.

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, 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 (LEP) 2014 to permit rural event sites with consent in the RU2 Rural Landscape zone in the Byron Local Environmental Plan 2014 and include associated local provisions should proceed subject to the following conditions:”

2. Delete Condition 6:

“6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.”

and replace with a new condition 6:

“6. The time frame for completing the LEP is by 3 September 2020.”

3. Insert new condition 7:

"7. Further community consultation of the planning proposal is required as follows:

- the planning proposal must be made publicly available for a minimum of **28 days**; and
- 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018)."

4. Insert new condition 8:

"8. Further consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Department of Planning, Industry and Environment (Agriculture);
- Department of Planning, Industry and Environment (Biodiversity and Conservation Division);
- NSW Rural Fire Service; and
- Transport for NSW (Roads and Maritime Services).

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal."

5. Insert new condition 9:

"9. Prior to the further required community and public agency consultation, the planning proposal is to be amended to remove the RU1 Primary Production zone and the proposed provisions detailed in Section 2.1 (b)-(d) and Appendix 1 subclauses (2)-(4) of the planning proposal and any associated references."

Dated 3rd day of December 2019



Monica Gibson
Executive Director, Local and
Regional Planning
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces