

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

Dear Mr Arnold

**Planning proposal PP\_2018\_BYRON\_002\_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* in respect of the planning proposal to amend the multiple occupancy and community title map in the Byron Local Environmental Plan 2014 to include Lot 11 DP 1039847 and Lot 1 DP 1143630, 74 Charltons Road, Federal to enable it to be developed for a multiple occupancy development.

As delegate of the Minister for Planning, I have determined that the planning proposal should not proceed for the reasons provided in the enclosed Gateway determination.

In making this decision, I have noted that the land was not included for future rural lifestyle living opportunities in Council's recently adopted Rural Land Use Strategy 2017. This strategy was endorsed by the delegate of the Secretary on 13 June 2018. Council's adopted strategy clearly outlines site selection criteria for future rural lifestyle opportunities. This proposal is not consistent with these criteria or identified as a release area in the strategy. It is considered that support for this proposal would undermine the strategic approach taken by Council to future land release.

The proposal is also considered to be inconsistent with the North Coast Regional Plan 2036 and does not satisfy the important farmland interim variation criteria for the use of regionally significant farmland for multiple occupancy purposes. It is important to note that the farmland mapping is based soil types and not the current use of the land for farming.

These inconsistencies mean the proposal is inconsistent with Ministerial directions 1.5 Rural Lands and 5.10 Implementation of Regional Plans and these inconsistencies are not justified in the absence of an approved strategy for the land.

I also note the existing development potential for multiple occupancy developments in Byron Shire and that a significant amount of land that has been mapped for multiple occupancy development remains undeveloped despite being identified for this purpose since 1998.

For these reasons I find no compelling case to support the proposal proceeding.

I understand Council's Rural Land Use Strategy includes actions to review village zoned land and ensure village plans can manage change, accommodate growth, encourage housing choice and protect valued environments. I recommend Council consider whether this proposed strategic planning for the village zoned land could have synergies with this proposal or other proposals within proximity of Federal village.

This is considered to be the most appropriate approach as it is consistent with the recent changes to the Act which encourage strategic lead planning outcomes.

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

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
*17/08/2018*  
Encl: Gateway determination