



Mr K Gainger
General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Our ref: PP_2015_BYRON_002_00 (15/04421)
Your ref: 26.2014.9.1

Dear Mr Gainger

Planning proposal to amend Byron Local Environmental Plan (2014)

I am writing in response to Council's letter dated 9 March 2015 and the additional information dated 10 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to extend the existing Bangalow Industrial Estate on land described as Part Lot 7 DP 626084 Lismore Road Bangalow.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional strategies and 5.3 Farmland of State & Regional Significance on the NSW Far North Coast are of minor significance. No further approval is required in relation to these Directions.

Although Council requested delegation of plan making functions for this amendment, it has not been granted on the basis that the proposal is inconsistent with the Far North Coast Regional Strategy.

The amending Local Environmental Plan (LEP) is to be finalised within **9 months** of the week following 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 6 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Jenny Johnson of the Department's regional office on (02) 6641 6614 (Tuesday to Friday).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

05/05/2015

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_BYRON_002_00): to extend the existing Bangalow Industrial Estate on land described as Part Lot 7 DP 626084 Lismore Road Bangalow.

I, the Deputy Secretary at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Byron Local Environmental Plan 2014* (LEP) to extend the existing Bangalow Industrial Estate on land described as Part Lot 7 DP 626084 Lismore Road Bangalow should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
2. Consultation is required with Transport for NSW – Roads and Maritime Services under section 56(2)(d) of the Act. Roads and Maritime Services 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.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 8th day of May 2015

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning