



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

Dear Mr Arnold,

**Planning proposal PP\_2019\_BYRON\_006\_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 to zone the rail corridor at Byron Bay between Bayshore Drive and Lawson Street SP2 Infrastructure, identify rail transport works as an additional permitted use without consent on the land and include the land on the Acid Sulfate Soils and Land Application maps under the Byron LEP 2014.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 2.1 Environmental Protection Zones, 2.2 Coastal Management, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis the majority of the land is already zoned 5(a) Special Uses under the Byron LEP 1988 and is an existing railway corridor. 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 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 enquiries about this matter, I have arranged for Ms Lucy Walker to assist you. Ms Walker can be contacted on 5778 1402.

Yours sincerely



13-12-2019

**Jeremy Gray**  
**Director, Northern Region**  
**Planning and Assessment**  
**Department of Planning, Industry and Environment**

Encl: Gateway determination  
Authorised plan-making reporting template