



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

Dear Mr Arnold

Planning proposal PP_2020_BYRON_007_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 change the permissible land use for part Zone SP2 Infrastructure to permit a car park, rezone for environmental purposes and introduce a minimum lot size on Lot 51 DP 844054 and part Lot 4729 DP 1228104, 158 Jonson Street Byron Bay.

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 2.2 Coastal Management and 4.3 Flood Prone Lands 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 an alteration to the permissible land use in Zone SP2 Infrastructure because it is no longer an operational rail 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 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Consistent with the Secretary's undertaking of 1 March 2016, the role of finalising the proposal will remain with the Department of Planning, Industry and Environment. This is to ensure consistency of zoning decisions with the final recommendations report. I have therefore determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 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 of Planning, Industry and Environment 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 enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on 6643 6414.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

18/12/2020

Jeremy Gray
Director, Northern
Local and Regional Planning

Encl: Gateway determination