

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

Att: Rob Van Iersel

Dear Mr Gainger

**Planning Proposal PP_2017_BYRON_001_00 to amend Byron Local
Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 8 January 2018 in respect of the Planning Proposal to amend the Temporary Uses provisions and Additional Permitted Uses schedule within the Byron Local Environmental Plan 2014.

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

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have determined not to issue an authorisation for Council to exercise its delegation for this LEP, consistent with Council's request to not have an authorisation issued.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 and Environment to draft and finalise the LEP should be made 8 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 further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Gray', is positioned above the date.

25-01-2018

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination