

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


Dear Mr Arnold

**Planning proposal PP_2019_BYRON_001_00 to amend Byron Local
Environmental Plan 1998 and 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 seeking to facilitate a community title subdivision and dwellings at Lot 1 DP 1031848, Broken Head Road, Broken Head (The Linnaeus Estate).

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, that the planning proposal's inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.2 Coastal Management, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land and 6.3 Site Specific Provisions 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 Secretary to comply with the requirements of section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 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 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 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 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 Alison Parr to assist you. Ms Parr can be contacted on 6643 6412.

Yours sincerely

 29 May 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template