



Mr Mark Arnold  
General Manager  
Byron Shire Council  
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Via email: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
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Dear Mr Arnold

**Planning proposal PP-2021-3615 to amend Byron Shire 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 rezone part of 150 Lismore Road, Bangalow (Lot 4 DP 635505) to IN1 General Industrial and E3 Environmental Management and amend the associated development controls.

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 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. 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 1.5 Rural Lands, 3.4 Integrating Land Use and Transport, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to public exhibition / the plan being made.

I have determined not to condition the Gateway for Council to be the local plan-making authority as the proposal seeks to rezone part of the site to E3 Environmental Management.

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 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 Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 9995 5665.

Yours sincerely



13/10/2021

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination