

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

Our ref: IRF23/2508

Via email: [andrew.fitzgibbon@byron.nsw.gov.au](mailto:andrew.fitzgibbon@byron.nsw.gov.au)  
[council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)

Dear Mr Arnold

### **Planning proposal PP-2023-1744 to amend Byron Local Environmental Plan 2014**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to facilitate the provision of residential, environmental and community uses on the former Mullumbimby Hospital site.

As delegate of the Minister for Planning, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act Directions 4.1 Flooding and 5.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act Directions 1.1 Implementation of Regional Plans, 4.2 Coastal Management, 4.3 Planning for Bushfire and 4.4 Remediation of Contaminated Land.

Consistent with the former Secretary's letter to Byron Shire Council on 1 March 2016, which specified plan making delegations, an authorisation to act as the Local Plan-Making Authority is not to be issued where a planning proposal seeks to apply a conservation zone to land. This is to ensure a consistent approach to the finalisation of rezoning decisions consistent with the E Zone Review Final Recommendations Report. Therefore, I have determined not to authorise Council to be the local plan-making authority.

The proposed local environmental plan (LEP) is to be finalised within 6 months of the gateway determination date. 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 eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Jon Stone to assist you. Mr Stone can be contacted on 5778 1488.

Yours sincerely

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

3/11/2023

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

Encl: Gateway determination