

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

Our ref: IRF24/56

By email: council@byron.nsw.gov.au
lwall@byron.nsw.gov.au

Dear Mr Arnold

Planning proposal PP-2023-2829 to amend Byron Local Environmental Plan 1988 and 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 transition the West Byron Urban Release Area from the Byron Local Environmental Plan 1988 to the Byron Local Environmental Plan 2014 and undertake associated mapping and policy housekeeping amendments.

As delegate of the Minister for Planning and Public Spaces, 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 the requirements of section 9.1 Directions 1.4 Site Specific Provisions, 3.1 Conservation Zones, 4.1 Flooding, 4.2 Coastal Management, 5.2 Reserving Land for Public Purposes, and 6.1 Residential Zones are justified in accordance with the terms of the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the rezoning of land for public purposes on the basis that the zone changes reflect the nature of the land use approved for the site by the Land and Environment Court. No further approval is required in relation to the Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department's Local and Regional Planning Northern team.

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* (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 Sandra Bush to assist you. Sandra can be contacted on 5778 1409.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written over a light gray rectangular background.

26/2/2024

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination