



Department of Planning, Housing and Infrastructure

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

Our ref: IRF25/504

Via email: council@byron.nsw.gov.au
cthiessen@byron.nsw.gov.au

Dear Mr Arnold

Planning proposal (PP-2024-1050) 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 rezone part of Lot 15 DP 1236885 and the adjoining road reserve, 40 The Tunnell Road, Billinudgel from RU2 Rural Landscape and Deferred Matter to E4 General Industrial and amend associated development standards.

As delegate of the Minister for Planning and Public Spaces, I have determined that 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 3.1 Conservation Zones, 4.5 Acid Sulfate Soils, 9.1 Rural Zones and 9.2 Rural Lands 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 applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection and 8.1 Mining, Petroleum Production and Extractive Industries. 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 on or before 9 months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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, Housing and Infrastructure, 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 Sam Tarrant to assist you. Mr Tarrant can be contacted on 6643 6410.

Yours sincerely

 27/3/25

Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination