

Department of Planning, Housing and Infrastructure

Our ref: IRF24/2426

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

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

Planning proposal PP-2024-1800 to amend the 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 enable subdivision for the purpose of a public road closure to be undertaken as exempt development.

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 applicable directions of the Minister under section 9.1 of the Act 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.2 Coastal Management, 4.5 Acid Sulfate Soils, 5.2 Reserving Land for Public Purposes and 9.2 Rural Lands are minor or 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 inconsistency as the proposal is unlikely to have any adverse impact upon existing or future land being used for public purposes. No further action is required in relation to the Directions.

Council will 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. 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 of the Gateway determination date. 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 of Planning, Housing and Infrastructure.

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.

Department of Planning, Housing and Infrastructure

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 be "Craig Diss".

17/10/24

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

Encl: Gateway determination