



## Department of Planning, Housing and Infrastructure

Mr Mark Arnold  
General Manager  
Byron Shire Council  
70 Station Street  
MULLUMBIMBY NSW 2482

Our ref: PP-2021-7471 (IRF 24/1359)

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

Dear Mr Arnold

### **Planning proposal PP-2021-7471 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 land at 66 The Saddle Road, Brunswick Heads (part of Lot 2 DP 1159910), amend associated development standards and introduce a local provision to facilitate a work / live precinct.

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 1.4 Site Specific Provisions, 4.5 Acid Sulfate Soils and 9.1 Rural Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to the 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 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection, 5.1 Integrating Land Use and Transport, and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

Consistent with the former Secretary's letter to Byron Shire Council of 1 March 2016, an authorisation to act as the local plan-making authority is not to be issued where a planning proposal seeks to apply a C zone to land to which the Northern Councils E Zone Review applies.


The amending local environmental plan (LEP) is to be finalised on or before 9 months from the date of 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, Housing and Infrastructure 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, 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 Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely



3/7/24

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

Encl: Gateway determination