



Mr Ken Gainger
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Our ref: PP_2016_Byron_006_00 (16/09780)
Your ref: 26.2016.2.1 #E2016/53167

Dear Mr Gainger

Planning proposal to amend Byron Local Environmental Plan 2014

I am writing in response to your Council's letter dated 6 July 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to reclassify part of Lot 100 DP 1023737, Suffolk Beachfront Holiday Park, to operational land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 2.2 Coastal Protection is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land serves no existing public open space purpose and the changes are only required to resolve and facilitate the long term leasing issues of the existing caravan park. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the 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 and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tamara Prentice of the Department's regional office to assist you. Ms Prentice can be contacted on (02) 6641 6610.

Yours sincerely

 9 August 2016
Craig Diss
Acting Director Regions, Northern
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_Byron_006_00): to reclassify part of Lot 100 DP 1023737, Suffolk Beachfront Holiday Park, to operational land.

I, the Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Byron Local Environmental Plan (LEP) 2014 to reclassify part of Lot 100 DP 1023737, Suffolk Beachfront Holiday Park, to operational land should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, Council is to amend the planning proposal to detail the discharge of any potential trusts which may apply to the land.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*; and
 - (c) Any mapping material must meet the specifications in the current *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment 2015).
3. Consultation is required with the NSW Rural Fire Service (RFS) under section 56(2)(d) of the Act. The NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9 day of August 2016



Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and
Environment
Delegate of the Minister for Planning