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Our ref: PP_2011_BYRON_007_00 (11/07886)
Your ref: PLN560065 #1087066

Mr Graeme Faulkner
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Dear Mr Faulkner,

Re: Planning Proposal to introduce a specific clause in the Byron LEP 1988 to control Major Events in the Shire.

I am writing in response to your Council's letter dated 6 May 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Byron Local Environmental Plan 1988 to introduce a specific clause to control Major Events to prohibit them in the (2(a) Residential zone, the 7(c) Water Catchment zone and the 7(f2) Urban Coastal Lands zone and limits the number of major outdoor music events to two a year but not at the same time.

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

The planning proposal is considered to be consistent with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact John Finlay of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

Tom Gellibrand 23/6/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BYRON_007_00): to introduce a specific clause in the Byron LEP 1988 to control Major Events in the Shire.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Byron Local Environmental Plan 1988 to introduce a specific clause to control Major Events to prohibit them in the (2(a) Residential zone, the 7(c) Water Catchment zone and the 7(f2) Urban Coastal Lands zone and limits the number of events to two a year but not at the same time as other major event should proceed subject to the following conditions

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Area Health Services
 - Catchment Management Authority – Northern Rivers
 - Department of Industry & Investment (Agriculture)
 - Department of Primary Industry (Fisheries)
 - Department of Primary Industries (Forestry)
 - NSW Police Service
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Roads and Traffic Authority
 - State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Council is required to consult with Byron United and provide a copy of the planning proposal and relevant supporting material to this organisation for its review.
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 EP&A 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 **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of June 2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning &
Infrastructure**