



Planning



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Department Generated Correspondence (Y)

Contact: Jenny Gwynne
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Gwynne@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2010_BYRON_010_00 (10/23268)
Your ref: PLN559000#1030729

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

Dear Mr Faulkner,

Re: Planning Proposal to rezone land at Ewingsdale Road, Byron Bay for the Byron Central Hospital

I am writing in response to your Council's letter dated 22 November 2010 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 rezone Lot 100 DP 1140936 on Ewingsdale Road, Byron Bay from 1(d) Investigation and 1(c2) Small Holdings (c2) to 5(a) Special Uses.

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

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are of minor significance. No further approval is required in relation to these Directions.

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 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 Jenny Gwynne of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

17.12.10

 **Tom Gellibrand**
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

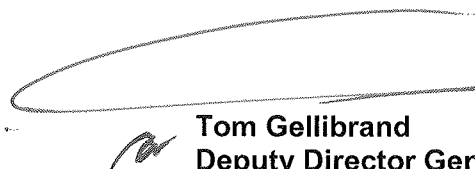
Planning Proposal (Department Ref: PP_2010_BYRON_010_00): to rezone Lot 100 DP 1140936 on Ewingsdale Road, Byron Bay from 1(d) Investigation and 1(c2) Small Holdings (c2) to 5(a) Special Uses.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Byron Local Environmental Plan 1988 to rezone Lot 100 DP 1140936 on Ewingsdale Road, Byron Bay from 1(d) Investigation and 1(c2) Small Holdings (c2) to 5(a) Special Uses should proceed for the following reasons:

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:
 - RTA
 - NSW Rural Fire 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. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 17th day of December 2010.



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