



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_BYRON_006_00 (10/10385)

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

Dear Mr Faulkner,

Re: Planning Proposal to amend the date of reference of the Byron DCP No. 16 under Section 73A

I am writing in response to your Council's letter dated 14 May 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 amend the date of adoption of the Byron Development Control Plan No. 16 "Exempt and Complying Development" under Section 73A of the EP&A Act.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed but that the provisions of Section 73A of the Act are not appropriate in this case. However, under section 56, I have determined that there is no need to carry out further public consultation in relation to this proposal.

The Department, in consultation with Council and the Parliamentary Counsel, will now make the necessary arrangements to finalise this LEP. 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. In this case, the LEP should be completed within 3 months.

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

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_BYRON_006_00): to amend the date of adoption of the Byron Development Control Plan No. 16 "Exempt and Complying Development" in Clauses 9 and 64 in the Byron Local Environmental Plan 1988.

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 amend the date of adoption of the Byron Development Control Plan No. 16 "Exempt and Complying Development" in Clauses 9 and 64 should proceed subject to the following conditions:

1. No consultation is required with either the public or public authorities under s56(2)(d) of the Act.
2. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
3. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated

7th

day of

June

2010.



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