



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

Our ref: PP_2014_BYRON_007_00
(14/15142)
Your ref: BSC File No:26.2014.2.1
#E2014/77635

Dear Mr Gainger

Planning proposal to amend Byron Local Environmental Plan 2014

I am writing in response to your Council's letter dated 25 November 2014 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 Byron LEP 2014 by rezoning Lot 10 DP 748099, Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassifying Lot 5 DP 609656, Byron Bay Road, Bangalow from Community land 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.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note PN09-003, *Classification and reclassification of public land through a local environmental plan*.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within nine (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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 EP&A 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 Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely

 17 December 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_BYRON_007_00): to amend Byron LEP 2014 by rezoning Lot 10 DP 748099, Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassifying Lot 5 DP 609656, Byron Bay Road, Bangalow from Community land to Operational land.

I, the General Manager, Northern Region at the Department of Planning and Environment 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 (LEP) 2014 by rezoning Lot 10 DP 748099, Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassifying Lot 5 DP 609656, Byron Bay Road, Bangalow from Community land to Operational land 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. A public hearing on the reclassification of Lot 5 DP 609656, Byron Bay Road in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after the completion of the public exhibition period. No other form of public hearing is required under section 56.
4. The Planning Proposal is to be amended prior to public exhibition to make the following changes:
 - (a) include the reclassification of Lot 5 DP 609656 from Community land to Operational land;
 - (b) amend the project time line to address all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued; and
 - (c) ensure that mapping prepared in accordance with the Department's standard technical requirements for LEP maps is included.

5. 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* 2014.


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Byron Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_BYRON_007_00	Planning proposal to amend Byron LEP 2014 by rezoning Lot 10 DP 748099, Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassifying Lot 5 DP 609656, Byron Bay Road, Bangalow from Community land to Operational land.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17 December 2014.

A handwritten signature in black ink, appearing to read "Stephen Murray".

Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment