

11 January 2013

Mr Jim Clark
Department of Planning
Locked Bag 9022
GRAFTON NSW 2460

Dear Jim,

Planning Proposal to rezone land at 95 Old Bangalow Road, Byron Bay (Lot 1 DP 857013) under the Byron Local Environmental Plan 1988

Council at its meeting on 8 November 2012 Resolved (12-889) to discontinue court proceedings against the owner of the subject land and to review a Planning Proposal for rezoning the site. The Council resolution was as follows:

12-889 Resolved (relevant extract only)

(b) preparing and submitting to the Council as the relevant planning authority by 30 November 2012 a planning proposal (as described in Section 55 of the Environmental Planning and Assessment Act 1979) with the intended effect of amending Byron Local Environmental Plan 1988 so as to rezone part of the land legally described as Lot 1 DP 857013 (Old Bangalow Road Byron Bay) (Land) to "2(t) Tourist Area Zone" being the land that is generally within the yellow outline shown on the attached plan prepared by Chris Pratt and dated 6 November 2012 and otherwise rezoning the remainder of the Land "7(b) Coastal Habitat Zone";

That Council will:

(c) consider the planning proposal (referred to in (b)) by 20 December 2012 and thereafter forward the planning proposal to the Minister for Planning for a determination to be made under section 56(2) of the Environmental Planning and Assessment Act 1979 (the "Gateway Determination") with a request for delegation of the relevant plan making functions to Council;

A Planning Proposal was drafted and submitted to the Council meeting of 20 December 2012 for review. The Council resolution was as follows:

12-982 Resolved

that Council forward the planning proposal contained in Annexure 17 (#E2012/24993) to the Department of Planning and Infrastructure for a Gateway determination.

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. Council also requests delegation for the relevant plan making functions to be carried out by Council.

As the public exhibition process for the draft LEP has only just been completed and timeframes for its adoption are unknown, it is intended that the planning proposal be progressed as an amendment to the *Byron Local Environmental Plan 1988*. Should you have any enquiries please contact Matt Walker on 02 6626 7039.

Yours sincerely

A handwritten signature in black ink that reads "R. E. Darney". The signature is written in a cursive style with a large initial 'R'.

Ray Darney
Executive Manager
Environment and Planning

Enc: Planning Proposal – Rezone land at 95 Old Bangalow Road, Byron Bay #E2012/24993