



Planning & Environment

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Mr K Gainger
General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Our ref: PP_2014_004_00 (14/17543)
Your ref: F2542 #E2014/33908

Dear Mr Gainger,

I am writing in response to your Council's letter dated 18 September 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify Lot 530 DP 238451 Orana Road, Ocean Shores (subject land) from *community* land to *operational* land and to discharge any interests in the 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 09-003 *Classification and reclassification of public land through a local environmental plan*.

The conditions of the Gateway Determination do not discharge Council from any of its obligations under the *Local Government Act 1993* with regard to the classification of land. Council should also ensure the intent of the planning proposal is clearly articulated during the exhibition period.

The amending Local Environmental Plan 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 as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 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 Mr Jim Clark of the Department of Planning and Environment's regional office to assist. Mr Clark can be contacted on (02) 6641 6604.

Yours sincerely,

Marcus Ray
Acting Deputy Secretary
Planning Services

Encl:

07/11/14



Gateway Determination

Planning proposal (Department Ref: PP_2014_BYRON_004_00): to reclassify Lot 530 DP 238451 Orana Road, Ocean Shores from community land to operational land and to discharge any interests in the land.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Byron Local Environmental Plan 2014 to reclassify Lot 530 DP 238451 Orana Road, Ocean Shores from *community* land to *operational* land and to discharge any interests in the land should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal by:
 - a. updating references to the Local Environmental Plan that is being amended noting that the Byron Local Environmental Plan 2014 has been notified; and
 - b. amending Part 1 *Objectives and Intended Outcomes* to ensure the outcome that the planning proposal seeks to achieve can be clearly understood by the general community.
2. Prior to finalisation of the LEP, the planning proposal is to be amended:
 - a. to clarify whether any interests applying to the land will be extinguished; and
 - b. to include required mapping prepared in accordance with the Department's Standard Technical Requirements for LEP Maps.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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)*.
 - (c) Council is to conduct a public hearing in accordance with the requirements of section 29 of the *Local Government Act 1993* as the planning proposal involves reclassification of land.
4. No consultation is required with public authorities under section 56(2)(d) of the Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligations under the *Local Government Act 1993* stated above.



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6. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 7th day of November 2014.

Marcus Ray
Acting Deputy Secretary
Planning Services

Delegate of the Minister for Planning