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Our ref: PP_2010_BYRON_004_00 (10/08036)
Your ref: PLN569015/#952109

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

Dear Mr Faulkner,

Re: Planning Proposal to provide dwelling entitlements to various allotments within Byron Shire

I am writing in response to your Council's letter dated 8 April 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 provide dwelling entitlements to various allotments within the Byron Shire.

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 Gateway Determination has endorsed dwelling entitlements only for those allotments which contain existing dwellings. The Determination requires the removal of three (3) allotments from the planning proposal based on this principle. If dwellings are erected on any of these three (3) allotments in the future, based on valid development approvals, Council could prepare a new planning proposal and seek to have dwelling entitlements attached.

Lots 332 & 334 DP 755692, Riverside Crescent, Brunswick Heads have been removed from the planning proposal based on Council's own recommendation.

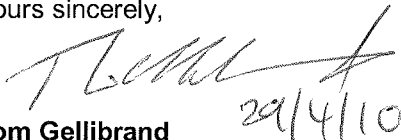
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_BYRON_004_00): to provide dwelling entitlements to various allotments in the Byron Shire.

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 provide dwelling entitlements to the below listed various allotments within the Byron Shire:

Under Schedule 7

- Lots 3 & 4 DP 576093, Blackbean Road, Wilsons Creek
- Lots 332 & 334 DP 755692, Riverside Crescent, Brunswick Heads
- Lot 7 DP 586804, Mill Road, Goonengerry
- Lot 1 DP 722429, Grays lane (Pacific Highway), Tyagarah
- Lot 7 DP 571588, Fraser's Road, Mullumbimby
- Lot 1 DP 123842, Midginbel Road, Mullumbimby
- Lot 1 DP 571873, Left Bank Road, Mullumbimby
- Lot 169 DP 257244, Left Bank Road, Mullumbimby
- Lot 373 DP 729103 and Lot 158 DP 755695, Skinners Shoot Road, Byron Bay
- Lot 1 DP 1022843, Dry Creek Road, Upper Main Arm
- Lot 8 DP 571588, Frasers Road, Mullumbimby
- Lot 1 DP 123289, Charltons Road, Federal
- Lot 5 DP 580915, Coral Avenue, Mullumbimby
- Lot 230 DP 755730, Main Arm Road, Main Arm

Under Schedule 8

- Lot 384 DP 727453 Coolamon Scenic Drive, Coorabell

should proceed subject to the following conditions:

1. Remove the following allotments from the Planning Proposal:

- Lots 332 & 334 DP 755692, Riverside Crescent, Brunswick Heads
- Lot 384 DP 727453 Coolamon Scenic Drive, Coorabell
- Lot 158 DP 755695, Skinners Shoot Road, Byron Bay
- Lot 1 DP 123842, Midginbel Road, Mullumbimby

2. 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 2009)* and must be made publicly available for **14 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)*.

3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 29th day of April 2010.



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