

1 April 2010

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

Dear Jim

Planning Proposal to Amend subclause 11(3) in the Byron Local Environmental Plan 1988

Council at its meeting of 17 December 2009 resolved (09-1160) that subclause 11(3) be amended in the current LEP 1988 under the new gateway process. Council conceded that the biannual process for LEP amendments will defer the proposal until after June 2010 and this amendment should be fast tracked to prevent any further Class 1 appeals.

The Council resolution was as follows:

09-1160 (relevant extract only)

1. *That Council proceed to amend subclause 11(3) Byron Local Environmental Plan 1988 under the Gateway process as follows:*

Delete "this clause" and insert "subclause 11(2)".

2. *That Council proceed with the Gateway amendment prior to the adopted biannual process which could delay the amendment until after June 2010.*

The objective of this amendment is to ensure that the definition of "land" only applies in Subclause 11(2) and not to subclause 11(1) of the LEP.

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for the Gateway determination.

Should you have any enquiries please contact Sharyn French, Council's Manager Land Planning and Natural Environment on 02 66267033.

Yours sincerely



Ray Darney
Executive Manager Environment and Planning

Attachments: Planning Proposal: Gateway amendment to subclause 11(3) Byron LEP 1988 (#944890)