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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

ALTERATION OF GATEWAY DETERMINATION FOR PLANNING PROPOSAL

PP 2016 BYRON 004 00

PURPOSE

- To recommend the Acting Director Regions, Northern as delegate for the Minister agrees to alter the Gateway determination for Planning Proposal no. PP_2016_BYRON_004_00 to permit a heliport at the Tyagarah Airport site and issue an Alteration of Gateway Determination.

RECOMMENDATION

- It is recommended that the Minister's delegate:
 - **agrees** under s56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination for Planning Proposal no. PP_2016_BYRON_004_00 in accordance with the Alteration of Gateway Determination document at (Tab A), to extend the timeframe by a further six (6) months until 1 January 2018;
 - **agrees** under part 3, division 4 of the *Environmental Planning and Assessment Act 1979* that no additional community consultation is required;
 - **signs** the Alteration of Gateway Determination (Tab A); and
 - **signs** the letter to Byron Shire Council (Tab B).

CURRENT POSITION

- Council has prepared a Planning Proposal to amend Schedule 1 of the Byron Local Environmental Plan (LEP) 2014 to list 'heliport' as an additional permitted use and to amend the Lot Size map to apply a minimum lot size that enables subdivision which reflects the current lease boundaries.
- The Gateway determination issued on 24 March 2016 (Tab C) determined that the proposal should proceed subject to consultation with Office of Environment and Heritage, Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome, NSW Roads and Maritime Services and NSW Rural Fire Service.
- The Gateway determination required that the Local Environmental Plan be finalised in nine (9) months from the week following the date of the Gateway determination expiring on 1 January 2017. An alteration was granted on 28 November 2016 to extend the completion date to 1 July 2017.
- The Council has requested that the period to complete the proposal be extended for a further six (6) months.
- The delay in meeting this Gateway determination timeframe has arisen due to the need to undertake additional studies to support the proposal.

- Community consultation occurred between 5 May 2016 and 2 June 2016. It is considered that the revised Planning Proposal does not require further community consultation as the changes only relate to the timeframe for completion.

 22 June 2017

Craig Diss
Acting Director Regions, Northern
Planning Services

Approved / Not Approved

Contact Officer: Jenny Johnson
Planning Officer, Northern Region
Phone: (02) 6641 6614



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

Our ref: PP_2016_BYRON_004_00
Your ref: E2017/64185

Attention: Rob Van Iersel

Dear Mr Gainger

**Planning Proposal PP_2016_BYRON_004_00 – Alteration of Gateway
Determination**

I refer to your letter of 16 June 2017 seeking an extension of time to complete Planning Proposal PP_2016_BYRON_004_00 to permit a heliport at the Tyagarah Airport site and amend the minimum lot size.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 24 March 2016 for PP_2016_BYRON_004_00 (as altered). The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

22 June 2017

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Alteration to Gateway Determination



Alteration of Gateway Determination

Planning proposal Department Ref: PP_2016_BYRON_004_00

I, the Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 24 March 2016 (as since altered) for the proposed amendment to the Byron Shire Council Local Environmental Plan 2014 as follows:

1. Delete:

condition 5 "The timeframe for completing the LEP is by 1 July 2017."

and replace with:

a new condition 5 "The timeframe for completing the LEP is by 1 January 2018."

Dated 22 day of June 2017

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning