

Gateway Determination

Planning proposal (Department Ref: PP-2023-1376): *Rezone land at Rankin Drive Bangalow for residential purposes and amend associated provisions.*

I, the Acting Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Byron Local Environmental Plan 2014 to rezone land at Rankin Drive Bangalow for residential purposes and amend associated provisions should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within 9 months of the Gateway determination date.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) remove the triangular area of land located in the eastern corner of Lot 11 DP 807867 that lies outside Area 11 of the Byron Shire Residential Strategy and the Byron Shire Affordable Housing Contribution Scheme and any other part affected by high flood hazard (H5 or H6) in the Probable Maximum Flood event;
 - (b) update the description of the site to nominate it applies only to parts of Lot 261 DP 1262316 and Lot 11 DP 807867 Rankin Drive, Bangalow;
 - (c) clearly articulate the proposed changes to zoning, minimum lot size, floor space ratio and intent to update the Byron Affordable Contribution Scheme Map in Part 1.1 Objective and Intended Outcomes;
 - (d) identify in Part 2 Explanation of provisions that the proposal includes introduction of a clause for the R3 zone that will deliver dwelling density consistent with the Byron Residential Strategy (2024) to ensure the objective of the proposal to deliver housing diversity is achieved;
 - (e) update all proposed maps to apply standard LEP colour scheme, show existing controls on surrounding lands and enhance the resolution / quality;
 - (f) include existing and proposed maps for all changes relating to land zoning, minimum lot size and floor space ratio;
 - (g) remove the assessment of the proposal against Important Farmland Variation Criteria in the North Coast Regional Plan 2036;

- (h) include further discussion and detail in relation to the agricultural capability and sustainability of the land;
 - (i) remove the Indicative Subdivision Layout map from Appendix 1; and
 - (j) revise the timeline for completion.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Department of Primary Industries – Agriculture
 - Rural Fire Service
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Services
 - Rous Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 4 July 2024



Craig Diss
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Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces