

Gateway Determination

Planning proposal (Department Ref: PP-2023-1744): to facilitate residential, environmental and community uses on the former Mullumbimby hospital site.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Byron Local Environmental Plan 2014 to facilitate residential, environmental and community uses on the former Mullumbimby hospital site should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) rationalise the proposed additional permitted uses and incorporate all zone suitable land uses into the proposed R1 General Residential land use table;
 - (b) include appropriate objectives for the R1 General Residential zone;
 - (c) provide further justification and reasoning to support the introduction of any proposed additional permitted uses;
 - (d) remove or provide further justification and reasoning to support the application of minimum lot sizes for certain forms of residential accommodation through the amendment to clause 4.1E;
 - (e) include discussion about the outcomes of the Enquiry by Design process for the site that will progress alongside the planning proposal process;
 - (f) include discussion in relation to the coastal management matters and Aboriginal cultural sensitivities identified for consideration by the Byron Shire Residential Strategy for the site;
 - (g) address the Northern Councils E Zone Review Final Recommendations;
 - (h) consider the safe and efficient evacuation of people in the event of a flood; and
 - (i) delete Appendices C and D and include a list of the consequential amendments proposed to the Byron LEP 2014 in Part 2 of the planning proposal.
2. Prior to exhibition, the planning proposal is to be revised to address condition 1 above and forwarded to the Minister's delegate for review and approval.
3. 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 Guidelines* (Department of Planning and Environment, 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 Guidelines* (Department of Planning and Environment, 2023).
4. 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:

- NSW Rural Fire Service
- Biodiversity and Conservation Division
- NSW State Emergency Service

Consultation is also required with the following organisations:

- Arakwal Corporation
- Tweed Byron Local Aboriginal Land Council

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 days to comment on the proposal.

5. 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).
6. The LEP should be completed within 6 months of the gateway determination date.

Dated 3 day of November 2023.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning