

Gateway Determination

Planning proposal (Department Ref: PP-2021-6076): to rezone part of Lot 8 DP 589795, 53 McAuleys Lane, Myocum, from RU2 Rural Landscape to R5 Large Lot Residential, amend the minimum lot size and permit multiple occupancy/community title development on part of the lot.

I, the Director Regions, Northern at the Department of Planning, Industry and Environment, 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 (LEP) 2014 to rezone part of Lot 8 DP 589795, 53 McAuleys Lane, Myocum, from RU2 Rural Landscape to R5 Large Lot Residential, amend the minimum lot size and permit multiple occupancy/community title development on part of the lot should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - rezone that part of the site intended for multiple occupancy/community title development to R5 Large Lot Residential;
 - insert a proposed minimum lot size map showing that part of the site intended for multiple occupancy/community title development as 10ha;
 - include a current and proposed community title and multiple occupancy map;
 - provide an assessment of consistency with the Byron Shire LSPS in Section 5.2(4); and
 - correct all references to '7' community title lots with '6' community title lots.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service (RFS)
- NSW Department of Planning, Industry and Environment – Biodiversity and Conservation Division (BCD)
- NSW Department of Primary Industries – Agriculture
- Transport for NSW (TfNSW)
- NSW Department of Natural Resources Access Regulator (NRAR)
- Arakwal and Tweed-Byron Local Aboriginal Land Council

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 1 day of November 2021.



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

Delegate of the Minister for Planning
and Public Spaces

