



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

Our ref: PP\_2015\_BYRON\_008\_00 (15/15154)  
Your ref: E2015/65858

Dear Mr Gainger

### **Planning proposal to amend Byron Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 9 October 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of Lots 231, 232 and 233 DP 1194657 from RU1 Primary Production to R2 Low Density Residential and apply a floor space ratio of 0.5:1 and minimum lot size of 600m<sup>2</sup> to the subject land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones and 1.5 Rural Lands is justified in accordance with the terms of the Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 8 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's Northern Region office for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2) (d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Daniel Summerhayes of the Department's regional office to assist you. Mr Summerhayes can be contacted on (02) 6641 6614.

Yours sincerely

 22 October 2015  
**Stephen Murray**  
**General Manager, Northern Region**  
**Planning Services**

Encl: .  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_BYRON\_008\_00):** to rezone part of Lots 231, 232 and 233 DP 1194657 from RU1 Primary Production to R2 Low Density Residential and apply a floor space ratio of 0.5:1 and minimum lot size of 600m<sup>2</sup> to include the land in the Bangalow urban area

I, the General Manager, Northern Region, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 Lots 231, 232 and 233 DP 1194657 from RU1 Primary Production to R2 Low Density Residential and apply a floor space ratio of 0.5:1 and minimum lot size of 600m<sup>2</sup> to the subject land should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **14 days**;
  - (b) A3 maps of each of the proposed LEP Map Amendments should be produced and made publicly available with the planning proposal during exhibition; and
  - (c) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
2. A public hearing is not required to be held into the matter by any person or body under section 56(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).
3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of October 2015

  
**Stephen Murray**  
General Manager, Northern Region  
Planning Services  
Department of Planning and Environment

**Delegate of the Minister for Planning**

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Byron Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                                                                                                 |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2015_BYRON_008_00 | Planning proposal to rezone part of Lots 231, 232 and 233 DP 1194657 from RU1 Primary Production to R2 Low Density Residential and apply a floor space ratio of 0.5:1 and minimum lot size of 600m <sup>2</sup> to the subject land. |

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 22 October 2015



Stephen Murray  
General Manager, Northern Region  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

| Stage                                               | Date/Details         |
|-----------------------------------------------------|----------------------|
| Planning Proposal Number                            | PP_2015_BYRON_008_00 |
| Date Sent to DoP&E under s56                        | 09 October 2015      |
| Date considered at LEP Review Panel (if applicable) |                      |
| Gateway determination date                          | 22 October 2015      |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified Reg Off |
|-------------------------------------------------|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DoP&E requesting notification      |              |                  |

**Table 3 – To be completed by Department of Planning and Environment**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: