

Byron LEP 2014 – Rezone part of lots 231, 232 and 233 DP1194657 from RU1 to R2

Proposal Title : **Byron LEP 2014 – Rezone part of lots 231, 232 and 233 DP1194657 from RU1 to R2**

Proposal Summary : **The proposal seeks to rezone part of lots 231, 232 and 233 DP1194657 from RU1 Primary Production to R2 Low Density Residential and apply a floor space ratio of 0.5:1 and a minimum lot size of 600sqm for inclusion in the adjoining Bangalow urban area.**

PP Number : **PP_2015_BYRON_008_00** Dop File No : **15/15154**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies
5.3 Farmland of State and Regional Significance on the NSW Far North Coast
6.1 Approval and Referral Requirements**

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the proposal to rezone land parts of Lots 231, 232 and 233 DP1194657 from RU1 to R2 under the Byron Local Environmental Plan 2014 should proceed as a minor planning proposal subject to the following conditions:**

1. Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

**(a) the planning proposal must be made publicly available for 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 local environmental plans (Planning and Infrastructure, 2013).**

2. No public hearing is required to be held into the matter under section 56(2) (e) of the EP&A 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.

4. Council be authorised to use the Minister's plan making functions under sections 59(2), (3) & (4) of the Environmental Planning and Assessment Act 1979.

5. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal's inconsistency with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands is justifiable under the provisions of the Directions.

Supporting Reasons : **The reasons for the above recommendations for the planning proposal are as follows:**

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1. Rezoning the land to urban will allow for the logical consolidation of unused rural land with the adjoining residential area.
2. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 22-Oct-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

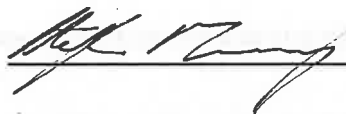
Exhibition period : 14 Days

LEP Timeframe : 9 months

Gateway Determination : 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 600m² 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.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

22 OCTOBER 2015