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Our ref: PP_2010_BYRON_001_00 (10/03296)
Your ref: PLN559000/#929010 (Sharyn French)

Mr Graeme Faulkner
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Dear Mr Faulkner,

Re: Planning Proposal to rezone specific land at Bangalow under Byron LEP 1988

I am writing in response to your Council's letter dated 3 February 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Byron Local Environmental Plan 1988 to rezone the following sites at Bangalow:

- **AREA 2 & 3**
 - Lot 100 & part Lot 101 DP 1127017 - rezone from 1(a) General Rural & 1(b1) Agricultural Protection to 2(a) Residential.
- **AREA 4 (North)**
 - Lot 22 DP 1070522 - rezone from 1(a) General Rural to 2(a) Residential.
 - Lot 4 DP 233810 - rezone from 1(a) General Rural to 2(a) Residential.
- **AREA 4 (South)**
 - Lot 2 DP 1086364 - rezone from 1(a) General Rural to 2(a) Residential.
- **AREA 6**
 - Part Lot 1 DP 127485 - rezone from 1(d) Investigation & 1(a) General Rural to 2(a) Residential
- **AREA 7**
 - Lots 25-27 & 30 DP 879204 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.
 - Lots 32-34 DP 880271 - rezone from 1(b1) Agricultural Protection to 2(a) Residential
 - Lots 35-38 & 41-50 DP 1010427 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.
 - Lot 54 DP 1013908 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.
 - Part Lot 77 DP 1031773 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.

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

Part of the land identified in Area 6 has been removed from the Planning Proposal (the "hatched area" as shown on the attached map). This land is outside the Far North Coast Regional Strategy growth boundary and is identified as farmland of regional significance. It is also

inconsistent with the "Northern Rivers Farmland Protection Program" report which indicated that the area is not to be considered for rezoning.

The Director General (or delegate) is not in a position to accept any inconsistency with the section 117 Ministerial Direction 4.4 – Planning for Bushfire Protection until Council has obtained written advice from the Commissioner of the NSW Rural Fire Service that the Service does not object to the LEP. This should be addressed by Council when seeking the preparation of the draft planning instrument.

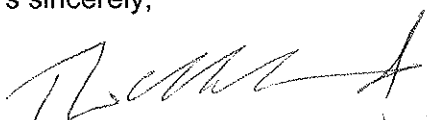
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenny Gwynne of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

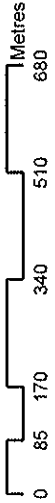

8/3/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Bangalow - Showing Five Sites and Proposed 2(a) Residential Zones.



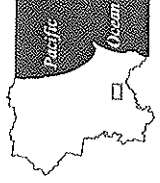
Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is as accurate as possible, no warranty is given by the State of New South Wales as to the accuracy of the information. Users should place on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
Note: The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.



Scale 1:12,000

Legend

- Property Boundaries
- Sites for rezoning
- Areas Proposed for 2(a) Residential



Byron Shire



Date Feb 2010

Gateway Determination

Planning Proposal (Department Ref: PP_2010_BYRON_001_00): to rezone specific land at Bangalow under Byron LEP 1988.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Byron Local Environmental Plan 1988 to rezone the following sites at Bangalow:

- **AREA 2 & 3**
 - Lot 100 & part Lot 101 DP 1127017 - rezone from 1(a) General Rural & 1(b1) Agricultural Protection to 2(a) Residential.
- **AREA 4 (North)**
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 - Lot 54 DP 1013908 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.
 - Part Lot 77 DP 1031773 - rezone from 1(b1) Agricultural Protection to 2(a) Residential.

should proceed subject to the following conditions:

1. Removal of that part of Area 6 which is outside the Far North Coast Regional Strategy growth boundary.
2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for **28 days**; and
 - (b) 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

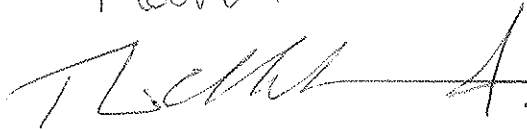
- NSW Rural Fire Service

This public authority is to be provided with a copy of the planning proposal and any relevant supporting material. This public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 8th day of March 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning