

Gateway Determination

Planning proposal (Department Ref: PP-2021-3615): *to rezone part of 150 Lismore Road, Bangalow (Lot 4 DP 635505) to IN1 General Industrial and E3 Environmental Management and amend the associated development controls.*

I, the Director, Northern Region 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 Shire Local Environmental Plan (LEP) 2014 to rezone part of 150 Lismore Road, Bangalow (Lot 4 DP 635505) to IN1 General Industrial and E3 Environmental Management and amend the associated development controls should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the proposal is to be amended to address the following:
 - (a) prepare an Agricultural Capability Assessment in accordance with the Byron Shire Business and Industrial Lands Strategy 2020; and
 - (b) amend the Traffic Impact Assessment to consider the impact of the proposal in relation to the distance from the Pacific Highway and access via Bangalow Village.
2. The amended planning proposal shall be submitted to the Planning Secretary for review and approval, prior to public exhibition under condition (3).
3. 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).
4. 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:
 - Transport for NSW
 - Biodiversity and Conservation Division
 - Department of Primary Industries – Agriculture

- Department of Primary Industries – Fisheries
- NSW Mining, Exploration and Geoscience
- Tweed Byron Local Aboriginal Land Council
- Natural Resource Access Regulator
- Essential Energy
- Transgrid
- Rous County 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.

5. Consistent with the recommendations of the E Zone Review, Council must ensure that any landowner whose land is proposed to have an E zone applied is notified in writing of the planning proposal and consultation arrangements.
6. When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to an E zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department if they would like the Chief Planner to review the proposed zoning of their property.
7. 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).
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 13 day of October 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