

Gateway Determination

Planning proposal (Department Ref: PP-2021-5766): to permit a dual occupancy (detached) with development consent at Lot 5 DP 585928, 55 Settlement Road, Main Arm.

I, the Acting Director, Northern Region at the Department of Planning, Housing and Infrastructure, 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 2014 to permit a dual occupancy (detached) with development consent at Lot 5 DP 585928, 55 Settlement Road, Main Arm should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within 9 months of the Gateway determination.

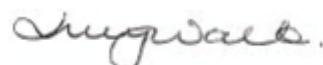
Gateway Conditions

1. Prior to agency and community consultation:

- (a) the planning proposal must be updated to:
 - correct the reference to zone R2 on page 3;
 - include additional discussion of Aboriginal cultural heritage, including a recent AHIMS search;
 - reflect the required upgrades to the driveway access, internal driveway and Settlement Road outlined in the submitted Traffic Safety Assessment and Bushfire Assessment;
 - include additional information regarding flooding, such as a map that illustrates inundation of the site and further details regarding access (including the type of flood event that will affect the access as well as the duration that the road is inaccessible); and
 - address the outcomes and recommendations of the updated reports required by conditions 1(b) and 1(c).
- (b) the following reports must be updated to include an assessment of both dwellings on the land:
 - Preliminary Site Contamination Report
 - On-Site Wastewater Management System Review
 - Traffic Safety Assessment
 - Land Use Conflict Risk Assessment

- Ecological Assessment
 - Bush Fire Assessment Report
- (c) the Ecological Assessment must be amended to address the required upgrades to the driveway access, internal driveway and Settlement Road outlined in the submitted Traffic Safety Assessment and Bushfire Assessment.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure , August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure , August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- NSW Rural Fire Service
 - NSW State Emergency Service
 - Tweed Byron Local Aboriginal Land Council
 - Arakwal Corporation
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal, where possible, and given at least 30 working 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).

Dated 18 January 2024



Lucy Walker
A/Director, Northern Region
Local and Regional Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces