

Gateway Determination

Planning proposal (Department Ref: PP-2024-1050): *Rezone part of Lot 15 DP 1236885 and the adjoining road reserve, 40 The Tunnell Road, Billinudgel from RU2 Rural Landscape and Deferred Matter to E4 General Industrial and amend associated development standards.*

I, the Director, Hunter and Northern 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 rezone part of Lot 15 DP 1236885 and the adjoining road reserve, 40 The Tunnell Road, Billinudgel from RU2 Rural Landscape and Deferred Matter to E4 General Industrial and amend associated development standards should proceed subject to the following.

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 on or before 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the proposal is to be amended to:
 - include a proposed land zoning map that applies an E4 Zone only to the existing filled area and road reserve;
 - include a proposed minimum lot size map that applies a 4-hectare minimum lot size to the residue lot;
 - include current and proposed land application, acid sulfate soils and a height of building map with a 9m height limit; and
 - update the objectives and explanation of provisions accordingly, include reference to the proposed floor space ratio change and identify all land within the planning area.
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 and Environment, 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 and Environment, 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; and
 - Department of Primary Industries and Regional Development – NSW Resources.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal 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 27 March 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces