

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1858):** to undertake various housekeeping amendments to the Byron LEP 2014

I, the Director, Northern Region at the Department of Planning 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 Local Environmental Plan 2014 to undertake various housekeeping amendments 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 EP&A 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 EP&A 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 6 months of the date of this Gateway determination.

### Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
  - revise Part 1 to delete reference to amending the Byron LEP 1988;
  - revise Part 1 to correct the stated number of policy versus mapping amendments;
  - update Table 1 to correct the sequencing of item numbers 9 to 11;
  - update Table 1 to specify the correct number of properties affected by item 10;
  - include LEP Additional Permitted Use mapping for item 6 and LEP Land Application Mapping for Item 11;
  - revise the assessment of section 9.1 Direction 6.1 Residential Zones to delete reference to the Wategos residential area;
  - revise the Conclusion to delete reference to amending the Byron LEP 1988 and the Wategos residential area;
  - revise Appendix 1 to show all tracked changes proposed to clause 6.8(3); and
  - revise Appendix 2 to show Zone E4 for the existing Bangalow Industrial Estate.
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 basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 10 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 Guidelines* (Department of Planning and Environment, 2021).
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 EP&A Act:
- NSW Department of Primary Industries - Agriculture
  - NSW Department of Planning and Environment - Biodiversity Conservation Division
  - Transport for NSW
  - NSW Rural Fire Service
  - Tyagarah Airfield lessee/operator
- 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 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 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).

Dated 20 day of September 2023.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**