

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2414):** to include additional items of local heritage under Schedule 5 of the Byron Local Environmental Plan 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 include additional items of local heritage under Schedule 5, 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 date of the Gateway determination.

### Gateway Conditions

1. The planning proposal is to be updated prior to agency and community consultation to:

- revise the mapping to clarify the site boundaries of proposed Items I192 and I195; and
- include heritage inventory sheets with statements of significance, as assessed against the NSW Heritage criteria for local listings, for each of the proposed items.

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 a standard proposal 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;
- (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); and
- (c) the planning proposal authority must notify all landowners affected by the planning proposal.

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:
- Heritage NSW
  - NSW Rural Fire Service
  - Department of Planning and Environment - Crown Lands

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 13 November 2023



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

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