

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_BYRON\_007\_00): to amend clause 32 of the Byron Local Environmental Plan 1988 to restrict strata subdivision of land zoned 7(f2) that results in vacant allotments.***

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 (LEP) 1988 to amend clause 32 to restrict strata subdivision of land zoned 7(f2) that results in vacant allotments should proceed subject to the following conditions:

1. 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**;
  - (b) Council is to write to all property owners in the 7(f2) zone advising of this proposal; and
  - (c) 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. 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:
  - Office of Environment and Heritage; and
  - NSW Rural Fire Service.

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.

3. 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).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated 10<sup>th</sup> day of January 2019.

  
Stephen Murray  
Executive Director, Regions  
Planning Services  
Department of Planning and  
Environment

Delegate of the Minister for Planning