

Gateway Determination

Planning proposal (Department Ref: PP_2020_BYRON_004_00): to amend Schedule 1 'Additional permitted uses' of the Byron Local Environmental Plan 2014 to permit a dwelling house on Lot 6 DP 8385, 31 Yagers Lane, Skinners Shoot.

I, the Director, Northern at the Department of Planning, Industry 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 (LEP) 2014 to amend Schedule 1 'Additional permitted uses' to permit a dwelling house on Lot 6 DP 8385, 31 Yagers Lane, Skinners Shoot should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal shall be amended to:
 - (a) include justification for the variation to the urban growth area boundary as specified by Appendix A of the *North Coast Regional Plan 2036*;
 - (b) address consistency of the proposal with the *Byron Local Strategic Planning Statement*; and
 - (c) address the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2019*.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. 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:
 - NSW Rural Fire Service;
 - Jali Local Aboriginal Land Council;
 - Tweed Byron Local Aboriginal Land Council; and
 - Arakwal Corporation.

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.

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).
5. 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.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7 day of August 2020.



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

Delegate of the Minister for Planning
and Public Spaces