



### Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_BYRON\_005\_00): to implement stage 1 of Council's environmental zone implementation program and incorporate certain land into the Byron Local Environmental Plan 2014.***

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) 2014 to implement stage 1 of Council's environmental zone implementation program and incorporate certain land into the Byron LEP 2014 should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended as follows:
  - (a) The maps in Appendix 5 of the planning proposal are to be amended to ensure all polygons which depict proposed zones and development controls are labelled correctly; and
  - (b) The "Equivalent Zones Reference Table for Byron LEP 1988 and LEP 2014" in Appendix 5 is to be removed from the planning proposal.
2. Prior to public exhibition, Council is to ensure that any landowner whose land is proposed to have an E zone applied to it is to be notified in writing of the planning proposal and the public exhibition arrangements.
3. 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**; 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, landowners whose land will be subject to an E zone are to be notified in writing of Council's decision and advised that they have 28 days to notify the Department of Planning and Environment if they request a review of the proposed zoning of their property.

5. Consultation is required with the following public authorities 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;
- Office of Environment and Heritage;
- NSW Department of Primary Industries; and
- NSW Division of Resources and Geoscience.

Each public authority 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.

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

Dated *2nd* day of *November* 2018.

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

Delegate of the Minister for Planning