

Gateway Determination

Planning proposal (Department Ref: PP_2019_BYRON_006_00): to zone the rail corridor at Byron Bay between Bayshore Drive and Lawson Street SP2 Infrastructure, identify rail transport works as an additional permitted use without consent on the land and include the land on the Acid Sulfate Soils and Land Application maps under the Byron LEP 2014

I, the Director 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 zone the rail corridor at Byron Bay between Bayshore Drive and Lawson Street SP2 Infrastructure, identify rail transport works as an additional permitted use without consent on the land and include the land on the Acid Sulfate Soils and Land Application maps should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be amended to include:
 - (a) the existing Land Zoning Maps;
 - (b) the proposed Land Application Map;
 - (c) the existing and proposed Additional Permitted Uses Map;
 - (d) the existing and proposed Acid Sulfate Soils Map; and
 - (e) an amended Subject Land map that identifies the area affected by the proposal to be between Bayside Drive and Lawson Street.
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 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 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:
- Department of Planning, Industry and Environment - Primary Industries (Fisheries)
 - Department of Planning, Industry and Environment - Biodiversity and Conservation Division
 - NSW Rural Fire Service
 - Transport for NSW

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 13 day of December 2019



Jeremy Gray
Director Northern Region
Planning and Assessment
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces