

Gateway Determination

Planning proposal (Department Ref: PP_2018_BYRON_008_00): planning proposal to amend planning controls applicable to the Byron Bay town centre.

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 make various changes to the planning controls applicable to the Byron Bay town centre should proceed subject to the following conditions:

1. Prior to agency consultation and public exhibition, the planning proposal is to be amended as follows:
 - (a) include advice that the proposed LEP amendments will be subject to final drafting by Parliamentary Counsel's Office and that the amendments may differ from what is exhibited;
 - (b) remove the proposed amendments to clause 4.6;
 - (c) remove the proposed clause 6.13(5) that requires statutory compliance with DCP controls or include car parking rates specified in the DCP in the clause; and
 - (d) include an additional head of consideration in the draft design excellence clause that promotes pitched roof designs.
2. Once the revisions detailed in Condition 1 have been completed and the planning proposal has been amended, the planning proposal is to be forwarded to the Department for approval of the form of the proposal for community consultation in accordance with Schedule 1(4) of the Act.
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. 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;

- NSW Office of Environment and Heritage;
- NSW Department of Industry – Crown Land; and
- Roads and Maritime Services.

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.

5. 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).
6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *18th* day of *June* 2019.


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

Delegate of the Minister for Planning