

Gateway Determination

Planning proposal (Department Ref: PP_2019_BYRON_004_00): to undertake general housekeeping amendments to the Byron LEP 2014.

I, the Director Regions, Northern at the Department of Planning 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 undertake general housekeeping amendments should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to public exhibition to:
 - (a) update the discussion on SEPP (Rural Lands) 2008 to SEPP (Primary Production and Rural Development) 2019;
 - (b) update the references in the proposal to the Far North Coast Regional Strategy to the North Coast Regional Plan 2036;
 - (c) clarify that Item 22 (Lot 60 Beech Street, Suffolk Park) seeks to zone the land part RE1 Public Recreation and part R2 Low Density Residential and amend associated minimum lot size and floor space ratio controls; and
 - (d) update the mapping to include minimum lot size and floor space ratio maps for Item 22, for the area proposed to be zoned R2 Low Density Residential, to align with the surrounding lands.
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 2016) 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 2016).

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
- Office of Environment and Heritage

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 **12 months** following the date of the Gateway determination.

Dated 24 day of June 2019.



Jeremy Gray
Director Region, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces