

Gateway Determination

Planning proposal (Department Ref: PP_2020_BYRON_007_00): to change the permissible land use for part Zone SP2 Infrastructure to permit a car park, rezone for environmental purposes and introduce a minimum lot size on Lot 51 DP 844054 and part Lot 4729 DP 1228104, 158 Jonson Street Byron Bay.

I, the Director, Northern Region 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 change the permissible land use for part Zone SP2 Infrastructure to permit a car park, rezone for environmental purposes and introduce a minimum lot size on Lot 51 DP 844054 and part Lot 4729 DP 1228104, 158 Jonson Street Byron Bay should proceed subject to the following conditions:

1. Prior to agency consultation and public exhibition, Council must:
 - a) alter the planning proposal to amend:
 - (i) Part 3 to address the Local Strategic Planning Statement; and
 - (ii) Part 2 to ensure that the maps align with one another and the written explanation of provisions
 - b) prepare a cultural heritage assessment;
 - c) undertake a preliminary contamination investigation; and
 - d) prepare a bushfire hazard report.
2. Council must ensure that any landowner whose land is proposed to have an E zone applied is notified in writing of the planning proposal and consultation arrangements.
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**. Council is to write to the landowners subject to the planning proposal and advising of the proposed community consultation arrangements; 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 (Biodiversity and Conservation Division)
- Transport for NSW
- NSW Rural Fire Service
- Heritage NSW
- Tweed Byron LALC / 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. When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to an E zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department if they would like the Chief Planner to review the proposed zoning of their property.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 18 day of December 2020.



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

Delegate of the Minister for Planning
and Public Spaces