

Gateway Determination

Planning proposal (Department Ref: PP_2019_BYRON_001_00): to facilitate a community title subdivision and dwellings at Lot 1 DP 1031848, Broken Head Road, Broken Head (The Linnaeus Estate).

I, the Executive Director, Regions 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) 1988 and the Byron Local Environmental Plan (LEP) 2014 to facilitate a community title subdivision and dwellings at Lot 1 DP 1031848, Broken Head Road, Broken Head (The Linnaeus Estate) should proceed subject to the following conditions:

1. Prior to agency or community consultation, Appendix 1 of the planning proposal is to be updated to show the accurate positioning of the proposed lots in relation to coastal erosion hazards.
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 5.5.2 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:
 - Office of Environment and Heritage;
 - NSW Rural Fire Service;
 - Jali Local Aboriginal Land Council;
 - Arakwal Corporation;
 - Ballina Shire Council; and
 - NSW Resources and Geoscience.

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 29th day of May 2019.


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

**Delegate of the Minister for Planning
and Public Spaces**