

Gateway Determination

Planning proposal (Department Ref: PP-2021-5283): to permit a dual occupancy with development consent at 103 Yagers Lane, Skinners Shoot (Lot 8 DP 8385).

I, the Acting Director, Northern Region 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 2014 to permit a dual occupancy with development consent at 103 Yagers Lane, Skinners Shoot (Lot 8 DP 8385) should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to:
 - include the updated land zone applicable to the subject land as a result of Map Amendment No. 3 to the Byron LEP 2014;
 - remove the assessment against the urban growth area boundary variation criteria contained in Appendix A of the North Coast Regional Plan 2036;
 - include a discussion on the proposal's consistency with the draft North Coast Regional Plan 2041; and
 - include additional information regarding flooding, such as a map that illustrates inundation of the site and further details regarding access (including the type of flood event that will affect the access as well as the duration that the road is inaccessible).
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW State Emergency Service
 - NSW Rural Fire Service
 - Essential Energy

Consultation is also required with the following organisations:

- Tweed Byron Local Aboriginal Land Council
- Jali Local Aboriginal Land Council

- Arakwal Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 EP&A 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 LEP should be completed on or before 9 months from the date of the Gateway determination.

Dated 24th day of November 2022.

Lucy Walker
Acting Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning