

Gateway Determination

Planning proposal (Department Ref: PP-2022-2595): to ensure tourist and visitor accommodation development in the rural zones of the Shire is located appropriately and meet the objectives of the RU1 Primary Production and RU2 Rural Landscape zones and to reduce the number of farm-stay accommodation bedrooms permitted from 12 to 8.

I, the Executive Director, Local and Regional Planning 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 ensure tourist and visitor accommodation development in the rural zones of the Shire is located appropriately and meet the objectives of the RU1 Primary Production and RU2 Rural Landscape zones and to reduce the number of farm-stay accommodation bedrooms permitted from 12 to 8 should proceed.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 31 July 2023.

Gateway Conditions

1. The planning proposal is to be amended prior to public and agency consultation to:
 - (a) include an alternative approach to managing tourist and visitor accommodation developments by incorporating a 'heads of consideration' clause or amendment of existing clause 6.8 of the Byron LEP 2014 that addresses key matters to be addressed before the consent authority can grant consent;
 - (b) remove the proposal of a 20ha minimum lot size for tourist and visitor accommodation in the RU1 Primary Production and RU2 Rural Landscape zones;
 - (c) include discussion on the consistency of the proposal with the Agri-tourism reforms released on 6 October 2022; and
 - (d) include discussion on the consistency of the proposal with the draft North Coast Regional Plan 2041.

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 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 Department of Primary Industries - Agriculture;
 - NSW Rural Fire Service;
 - Destination NSW
- 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).

Dated

25th of October 2022



Malcom McDonald
Executive Director
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning