

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1194):** *Byron Shire Conservation Zone (C Zone) Implementation Program – Stage 4*

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 2014 to implement the Byron Shire Conservation Zones (C Zones) program – Stage 4 should proceed subject to the following Gateway conditions.

The LEP should be completed on or before 12 months from the date of Gateway determination.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended prior to exhibition to:
  - (a) clearly articulate the Explanation of Provisions for the planning proposal, currently contained under the Objectives section of the proposal;
  - (b) determine the correct number of land parcels affected; and
  - (c) address the requirements of Section 9.1 Ministerial direction 4.2 Coastal Management, specifically completing section 3.2 of the NSW Coastal Design Guidelines and associated checklist.
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 complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 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 Guideline* (Department of Planning and Environment, August 2023).
  - (c) Consistent with the recommendations of the E Zone Review, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements;
  - (d) 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 a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department to undertake an independent review of the proposed zoning of their property.

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 Act:

- Biodiversity Conservation and Science Group
- National Parks and Wildlife Service
- NSW Rural Fire Service
- Department of Primary Industries
- NSW Mining, Exploration and Geoscience
- Tweed Byron LALC
- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Each 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 40 working 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 final planning proposal is to detail how the E Zone application process for each property has been satisfied in accordance with the review recommendations.

Dated 13 June 2024



**Craig Diss**  
**Acting Director, Hunter and Northern**  
**Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

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