

Gateway Determination

Planning proposal (Department Ref: PP-2024-134): *Permit a dwelling house with consent at Lot 1 DP 258921, 32 Grays Lane, Tyagarah.*

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 permit a dwelling house with consent at Lot 1 DP 258921, 32 Grays Lane, Tyagarah should proceed following to the following conditions.

The Byron Shire Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the 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 9 months of the date of this Gateway Determination.

Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended to:
 - (a) a completed NSW Coastal Design Guidelines 2023 assessment checklist;
 - (b) include detail about the PMF flood level, hazard level, inundation times and access to critical services during flood events; and
 - (c) If shelter-in-place is a proposed management response then include an assessment against the Department's Shelter-in-Place guideline for flash floods.
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 Guideline (Department of Planning and Environment, August 2023) 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 Guideline (Department of Planning and Environment, August 2023).

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.
- NSW Rural Fire Service
 - Tweed Byron LALC
 - Arakwal Corporation
 - NSW State Emergency Services
 - NSW Department of Climate Change, Energy, Environment and Water (Biodiversity Conservation and Science).

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 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).

Dated 28 January 2025



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

Delegate of the Minister for Planning and
Public Spaces