

Gateway Determination

Planning proposal (PP-2025-1810): housekeeping amendments to Byron LEP 2014 to correct minor anomalies and inconsistencies

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 for housekeeping amendments to correct minor anomalies and inconsistencies should proceed subject to the following Gateway conditions:

The LEP should be completed within 9 months of the gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended as follows:
 - (a) Item 10 - the proposed provision is unclear and Council should confirm its intention in the explanation of provisions rather than draft the provision;
 - (b) Item 19 – replace references to ‘water recycling plants’ with ‘water recycling facilities’;
 - (c) Item 20 - update the Additional Permitted Uses Map to identify it applies only to Lot 1 DP 535658;
 - (d) Item 21 - update property description to identify Lot 261 DP 1262316;
 - (e) Item 22 - update Land Application Map;
 - (f) Items 24 - update Height of Building and Land Application Maps;
 - (g) Item 26 - update the Acid Sulfate Soils and Land Application Maps;
 - (h) Item 29 - update the Lot Size Map, Height of Building Map, Land Application and Acid Sulfate Soils Maps;
 - (i) Item 33 - update Land Application Map;
 - (j) Item 21 and 33 – include discussion on potential land contamination and confirmation that the land is suitable for its intended future land use; and
 - (k) include a completed NSW Coastal Design Guidelines 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 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;

- (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; and
 - (d) When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowner 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 if they would like the Chief Planner (or equivalent) to review 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:
- Department of Climate Change, Energy, Environment and Water
 - NSW Rural Fire Service
 - NSW State Emergency Service
- 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 11 November 2025



Craig Diss
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Local Planning & Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces