

## Gateway Determination

**Planning proposal (Department Ref: PP-2025-476):** *Allow additional permitted uses on certain land in the Byron Arts and Industry Estate, Byron Bay, with consent.*

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 allow additional permitted uses on certain land in the Byron Arts and Industry Estate, Byron Bay, with consent, should proceed subject to the following:

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 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 within 6 months of the date of the Gateway determination.

### Gateway Conditions

1. Prior to agency and community consultations, the planning proposal is to be updated to:
  - revise Part 1 to correct the stated number of properties affected by the proposal;
  - revise Part 2 to remove the land use table and only specify the uses to be included in Schedule 1 and also include Lot 22 DP 812667, Centennial Circuit, in Table 2; and
  - include existing and proposed LEP Additional Permitted Use maps to illustrate the proposed change.
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 basic, 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 10 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 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 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 3 April 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**