

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-7471):** *rezone land at 66 The Saddle Road, Brunswick Heads (part of Lot 2 DP 1159910), amend associated development standards and introduce a local provision to facilitate a work / live precinct.*

I, the Acting 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 rezone land at 66 The Saddle Road, Brunswick Heads (part of Lot 2 DP 1159910), amend associated development standards and introduce a local provision to facilitate a work / live precinct should proceed subject to the following Gateway conditions.

The LEP should be completed nine months from the date of determination.

### Gateway Conditions

1. Prior to community and agency consultation the planning proposal is to be updated to:
  - remove the draft work / live special provision detailed in Appendix B;
  - amend planning proposal maps to apply proposed controls along Gulgan Road and The Saddle Road as specified by Byron Shire Council's C Zone Stage 4 implementation (PP-2024-1194), to the extent that it applies to the planning area of the planning proposal;
  - update land zoning, minimum lot size and height of buildings maps to reflect existing provisions;
  - include a Local Clauses Map, with that portion of the subject land proposed to be zoned E3 Productivity Support identified as a work / live precinct;
  - update the explanation of provisions to also detail the proposed changes to Precinct C as shown on the site analysis plan;
  - include an appropriate level of investigation of the site's flood risk and management options including the level of the PMF event, the level of hazard, potential flood evacuation routes, the time of isolation and compliance with the Department's draft shelter-in-place guideline; and
  - confirm that the small stand of *E. tereticornis* on the property, considered potential koala habitat, is to be incorporated in the C2 Environmental Conservation or C3 Environmental Management zone.
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:
- Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science Group
  - Department of Primary Industries – Agriculture
  - Heritage NSW
  - NSW Reconstruction Authority
  - NSW Rural Fire Service
  - Rous County Council
  - Transport for NSW

Consultation is also required with the following organisation:

- Arakwal Corporation

Each public authority / organisation 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 July 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**