

Gateway Determination

Planning proposal (Department Ref: PP-2023-2829): to transition the West Byron Urban Release Area from the Byron Local Environmental Plan 1988 to the Byron Local Environmental Plan 2014 and undertake associated mapping and policy housekeeping amendments

I, the Director, Northern Region, Local and Regional Planning 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 1988 and the Byron Local Environmental Plan 2014 to transition the West Byron Urban Release Area from the Byron Local Environmental Plan 1988 to the Byron Local Environmental Plan 2014 and undertake associated mapping and policy housekeeping amendments should proceed subject to the following conditions:

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 9 months of the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be updated to:
 - delete reference to the proposed self-repealing savings provision;
 - add Lot 1 DP 201626 to the list of properties in Part 1 and refer to parts of lots where applicable and street addresses;
 - revise Part 2 to clearly identify the full suite of amendments required to the Byron LEP 2014 and delete reference to Appendix 2;
 - correct the text in Table 1 to delete reference to clause 4.1C;
 - amend the proposed Land Zone and Lot Size maps to exclude areas of Lots 227 and 229 DP 755695 where the Byron LEP 2014 already applies;
 - remove reference to the Harvest Estate boundary on the proposed land zoning map;
 - include all relevant Byron LEP 1988 maps and corresponding proposed Byron LEP 2014 maps;
 - include an updated Land Reservation Acquisition Map and confirm any associated changes to clause 5.1 of the Byron LEP 2014;
 - transition the West Byron Urban Release Area Map to Byron LEP 2014 and add all existing urban release area clauses under Division 3 Urban release area of the Byron LEP 1988 to the Byron LEP 2014;

- ensure all proposed LEP maps align with the proposed zone footprint so as to incorporate residual Deferred Matter areas within Lots 227 and 229 DP 755695;
 - revise the proposed amendment to Byron LEP clause 4.1E to include the existing provisions for multi dwelling housing in the R3 Medium Density Residential zone; and
 - include an equivalent provision to Byron LEP 1988 clause 83(A) *Boundary adjustments between lots in Zones E2 and E3* in Byron LEP 2014 as either an amendment to clause 4.1C or a separate provision.
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* (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* (August 2023).
 3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material 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 26 February 2024



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces