

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1754):** to introduce a heritage conservation area and include additional local heritage items at Federal.

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 introduce a heritage conservation area and include additional local heritage items at Federal 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 6 months of the date of the Gateway determination.

### Gateway Conditions

1. The planning proposal is to be amended prior to agency and community consultation to:
  - (a) revise Part 2 Explanation of Provisions, Table 1 to include an additional column to clarify that the proposed heritage items are of local significance;
  - (b) revise Part 5 Community Consultation, to include a summary of the submissions received during the informal pre-consultation stage and Council's response; and
  - (c) include as an appendix, the heritage inventory sheets with statements of significance, as assessed against the NSW Heritage criteria for local listings, for each of the proposed items.
2. The Preliminary Heritage Assessment of Federal Village - Proposed Heritage Conservation Area and Additional Heritage Listings prepared by Jenna Reed Burns dated April 2023 is to be exhibited with the planning proposal.

3. 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 a standard proposal 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).
4. 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:
  - Heritage NSW
  - NSW Rural Fire 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.
5. 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 1 October 2024



**Craig Diss**  
**A/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**