

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_BYRON\_006\_00 / PP-2020-2720):***  
*to rezone land and amend associated development standards for environmental and tourist purposes at Bayshore Drive, Byron Bay.*

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, 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 (LEP) 2014 to rezone land and amend associated development standards for environmental and tourist purposes at Bayshore Drive, Byron Bay should proceed subject to the following conditions:

1. Prior to agency consultation and public exhibition, Council is to:
  - (a) prepare a preliminary contamination investigation report;
  - (b) amend the planning proposal as follows:
    - i. update the proposed minimum lot size map and proposed zone map to resolve any minimum lot size and zone boundary anomalies, including the application of a one hectare minimum lot size to all proposed SP3 Tourist Zone land;
    - ii. include the current and proposed versions of each map required to be amended to facilitate the planning proposal;
    - iii. remove the landowner requested map and agreed E zone review map;
    - iv. clarify and confirm the proposed height of building changes; and
    - v. clarify throughout the document that a 2 hectare minimum lot size is proposed for the proposed E4 zone.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- NSW Biodiversity and Conservation Division
- Tweed Byron Local Aboriginal Land Council
- Heritage NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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).
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 8<sup>th</sup> day of March 2021.



**Monica Gibson**  
**Executive Director**  
**Local and Regional Planning**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

## Alteration of Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_BYRON\_006\_00)***

I, Director, Northern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 March 2021 for the proposed amendment to the Byron Local Environmental Plan 2014 as follows:

1. Delete condition 5:

“5. The time frame for completing the LEP is to be 9 months following the date of the gateway determination.”

and replace with a new condition 5:

“5. The LEP is to be completed by 8 March 2022.”

Dated 10 day of September 2021.



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

**Delegate of the Minister for Planning**  
**and Public Spaces**