



Mr Mark Arnold  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Via email: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
[dylan.johnstone@byron.nsw.gov.au](mailto:dylan.johnstone@byron.nsw.gov.au)

Dear Mr Arnold,

**Planning proposal PP\_2020\_BYRON\_004\_00 to amend Byron Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Schedule 1 'Additional permitted uses' of the Byron Local Environmental Plan 2014 to permit a dwelling house on Lot 6 DP 8385, 31 Yagers Lane, Skinners Shoot.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely



7-8-2020

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_BYRON\_004\_00): to amend Schedule 1 'Additional permitted uses' of the Byron Local Environmental Plan 2014 to permit a dwelling house on Lot 6 DP 8385, 31 Yagers Lane, Skinners Shoot.**

I, the Director, Northern 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 amend Schedule 1 'Additional permitted uses' to permit a dwelling house on Lot 6 DP 8385, 31 Yagers Lane, Skinners Shoot should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal shall be amended to:
  - (a) include justification for the variation to the urban growth area boundary as specified by Appendix A of the *North Coast Regional Plan 2036*;
  - (b) address consistency of the proposal with the *Byron Local Strategic Planning Statement*; and
  - (c) address the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2019*.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 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;
  - Jali Local Aboriginal Land Council;
  - Tweed Byron Local Aboriginal Land Council; and
  - Arakwal Corporation.

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 planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7 day of August 2020.



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

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