

Gateway Determination

Planning proposal (Department Ref: PP_2019_LISMO_003_00): to rationalise the existing RU1 Primary Production and R5 Large Lot Residential split zoning on the site to facilitate a large lot rural residential allotment and a rural dwelling on Lot 28 DP 1130169, 55 Palmers Road, McLeans Ridges.

I, the 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(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lismore Local Environmental Plan (LEP) 2012 to rationalise the existing RU1 Primary Production and R5 Large Lot Residential split zoning on the site to facilitate a large lot rural residential allotment and a rural dwelling on Lot 28 DP 1130169, 55 Palmers Road, McLeans Ridges should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to agency or community consultation to reduce the size of the proposed R5 Large Lot Residential Area from three hectares to two hectares.
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, Industry and Environment 2016).
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;
 - Department of Planning, Industry and Environment (Primary Industries – Agriculture);
 - Department of Planning, Industry and Environment (Environment, Energy and Science – Biodiversity and Conservation); and
 - Rous County Council

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 20 day of September 2019.



Jeremy Gray
Director, Northern Region
Planning and Assessment
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces