

Gateway Determination

Planning proposal (Department Ref: PP_2018_LISMO_004_00): to rezone Lot 3 DP 709370, 431 Skyline Road South, Wyrallah from RU1 Primary Production to R5 Large Lot Residential, change the minimum lot size from 40 hectares to 8000 m² and apply an 8.5 metres maximum building height.

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 rezone Lot 3 DP 709370, 431 Skyline Road South, Wyrallah from RU1 Primary Production to R5 Large Lot Residential, change the minimum lot size from 40 hectares to 8000 m² and apply an 8.5m maximum building height should proceed subject to the following conditions:

1. Prior to community consultation the following additional investigations are to be undertaken and are to be included in the material used for community consultation:
 - (a) an updated Flora and Fauna Assessment; and
 - (b) a Land Use Conflict Risk Assessment.
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 2016) 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning 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;
 - NSW Office of Environment and Heritage; and
 - The Local Aboriginal Land 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 **18 months** following the date of the Gateway determination.

Dated 30 day of November 2018.



Jeremy Gray
Director Regions, Northern
Planning Services

Delegate of the Minister for Planning