

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_LISMO\_002\_00): to reclassify Council land at Lismore, East Lismore and South Lismore from community to operational land and to rezone Lot 131 DP 606999, 69 Caldwell Ave, East Lismore from RE1 Public Recreation to R1 General Residential and amend associated development standards.***

I, the Director Regions, 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) to reclassify Council land at Lismore, East Lismore and South Lismore from community to operational land and to rezone Lot 131 DP 606999, 69 Caldwell Ave, East Lismore from RE1 Public Recreation to R1 General Residential and amend associated development standards, should proceed subject to the following conditions:

1. Prior to agency and community consultation, Council is to alter the planning proposal as follows:
  - (a) amend Part 2 – Explanation of Provisions to clarify that only three (3) sites are to be reclassified;
  - (b) amend Appendix E to include a discussion on section 9.1 Ministerial Direction 2.6 Remediation of Land; and
  - (c) amend the proposal to include the correct lot description for site 3, 122 Bruxner Highway, South Lismore.
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 Biodiversity and Conservation Division of the Department of Planning, Industry and Environment under section 3.34(2)(d) of the Act. The Biodiversity and Conservation Division 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).

In accordance with Section 29 of the *Local Government Act 1993*, Council will arrange a public hearing following the public exhibition of the planning proposal.

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 5 day of May 2020.



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

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