

Gateway Determination

Planning proposal (Department Ref: PP_2019_LISMO_005_00): to rezone part of Lot 2 DP 1073973, 528 Caniaba Road, Caniaba from RU1 Primary Production to part R5 Large Lot Residential and part E3 Environmental Management and amend the minimum lot size and height of buildings provisions of those areas.

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 rezone part of Lot 2 DP 1073973, 528 Caniaba Road, Caniaba from RU1 Primary Production to part R5 Large Lot Residential and part E3 Environmental Management and amend the minimum lot size and height of buildings provisions of those areas should proceed subject to the following conditions:

1. Prior to agency and community consultation the proposal is to be amended to include a contaminated land assessment.
2. As part of the public exhibition process, Council is to ensure that any landowner whose land is proposed to have an E zone applied to it is to be notified in writing of the planning proposal and the public exhibition arrangements.
3. 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, Industry 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
4. 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 (Biodiversity and Conservation Division);
 - Department of Planning, Industry and Environment (Agriculture)
 - Ngulingah LALC

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.

5. 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).
6. When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, landowners whose land will be subject to an E zone are to be notified in writing of Council's decision and advised that they have 28 days to notify the Department of Planning and Environment to request a review of the proposed zoning of their property.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 14 day of November 2019.



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

Delegate of the Minister for Planning
and Public Spaces