



## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_LISMO\_007\_00): Amend controls relating to rural and nature Based tourism***

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 amend controls relating to rural and nature based tourism should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to include a plain english explanation that the proposed clause 6.11 applies to development more broadly than 'tourist and visitor accommodation', and explaining permissibility relating specifically to subclauses (4) and (5).
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) Any existing 'tourism' operators in the RU1 zone, who are larger than 'small scale' should be individually notified;
  - (b) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (c) 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 Department of Primary Industries;
  - NSW Rural Fire Service;
  - Office of Environment and Heritage; and
  - 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.

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 **6 months** following the date of the Gateway determination.

*FEBRUARY*  
Dated 20<sup>th</sup> day of 2019.



Jeremy Gray  
Director Regions, Northern  
Planning Services  
Department of Planning and  
Environment

Delegate of the Minister for Planning