

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_LISMO\_003\_00): to change the land zone, minimum lot size and height of buildings provisions on part Lot 2 DP 1185561, 123 Taylor Road, Chilcotts Grass***

I, the Director 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) to change the land zone, minimum lot size and height of buildings provisions on part Lot 2 DP 1185561, 123 Taylor Road, Chilcotts Grass 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 the cover page to refer to part 123 Taylor Road, Chilcotts Grass;
  - (b) amend Appendix 1 to remove reference to State Environmental Planning Policy No. 44 – Koala Habitat and include discussion on State Environmental Planning Policy (Koala Habitat Protection) 2019;
  - (c) amend Appendix 1 to remove reference to State Environmental Planning Policy No. 55 – Remediation of Land and amend Appendix 2 to include a discussion on section 9.1 Ministerial Direction 2.6 Remediation of Land; and
  - (d) amend Appendix 2 to include a discussion of section 9.1 Ministerial Direction 3.7 Reduction in non-hosted short term rental accommodation period.
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 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:
  - Department of Planning, Industry and Environment (Crown Lands)

- Department of Planning, Industry and Environment (Division of Biodiversity and Conservation)
- Department of Planning, Industry and Environment (Natural Resource Access Regulator)
- Department of Regional NSW (Department of Primary Industries – Agriculture)
- NSW Rural Fire Service

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 time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 18 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**