

Gateway Determination

Planning proposal (Department Ref: PP-2021-5175): *rezone part of 389 Keen Street, East Lismore (Lot 3 DP 805680) to R1 General Residential and amend associated minimum lot size and height of building controls*

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 389 Keen Street, East Lismore (Lot 3 DP 805680) to R1 General Residential and amend associated minimum lot size and height of building controls should proceed subject to the following conditions:

1. Prior to community and agency consultation, Council is to:
 - (a) update the planning proposal to:
 - i) amend land zoning, minimum lot size and height of building maps, contained in Part 4 of the planning proposal, to remove the reference to Lot 12 DP 1130877;
 - ii) amend the proposed height of building map to remove the black line around Lot 12 DP 1130877;
 - iii) update Part 3 (4) of the planning proposal report to reference Council's 'Revised Delivery Program 2017-2021 and Operational Plan 2021-2022';
 - iv) update Part 3 (4) of the planning proposal to include reference and commentary on the Lismore Regional City Action Plan; and
 - v) update Part 6 of the planning proposal to refer only to the plan making steps specific to this application.
 - (b) prepare:
 - i) an Ecological Study to address the planning area and consider the presence of native grassland, sedgeland, hairy joint grass and any vegetation that would contribute to maintaining the high-moderate significance of the Gundurimba-Tucki Tucki Creek Connector. The report should take into consideration the findings of supporting Council strategies and identify any ecological values within the planning area; and
 - ii) a Land Use Conflict Assessment, including a strategy to mitigate any potential impacts resulting from the proximity of the future dwellings to surrounding agricultural land uses, the East Lismore sewage treatment plant and the Wyrallah Road waste or resource management facility.

2. The amended planning proposal is to be updated to address any recommendations of the studies outlined in condition 1 and submitted to the Planning Secretary for review and approval, prior to public exhibition.
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 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).
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
 - Biodiversity Conservation Division
 - Department of Primary Industries - Agriculture
 - Environment Protection Authority
 - Ngulingah Local Aboriginal Land Council
 - Heritage NSW
 - Rous County Council
 - Transport for NSW
 - NSW Mining, Exploration and Geoscience

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. 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.

7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 16 day of September 2021.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

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

Delegate of the Minister for Planning
and Public Spaces