

## Gateway Determination

### ***Planning proposal (Department Ref: PP-2023-650): Housekeeping amendments***

I, the Director, Northern Region at the Department of Planning 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 EPA&A Act) that an amendment to the Lismore Local Environmental Plan 2012 to undertake various housekeeping amendments should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months from the date of the Gateway determination.

### **Gateway Conditions**

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) include in *Part 1 Objectives and Intended Outcomes* the intended outcomes for Items F, G & H;
  - (b) amend *Part 2 Explanation of Provisions Table 1* to:
    - detail the intention to rezone that part of the land zoned R1 General residential to R5 Large Lot Residential for Item E,
    - detail the intention to rezone that part of the land zoned RE1 Public Recreation to R1 General Residential for Item G; and
    - detail the intention to rezone approximately 50m<sup>2</sup> of land zoned R1 General Residential to RE1 Public Recreation for Item H.
  - (c) include a statement acknowledging that final drafting for all clauses will be subject to legal opinion and recognise that the clauses as proposed may not be reflected within the final LEP; and
  - (d) include a preliminary Contaminated Land Assessment for the land subject to Item G.
2. 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 Primary Industries - Agriculture
  - Lismore Regional Airport Operator
  - Civil Aviation Safety Authority
  - NSW Department of Education
  - Transport for NSW

3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
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 EP&A 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).

Dated 16 day of May 2023.



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

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