

Gateway Determination

Planning proposal (Department Ref: PP-2024-2297): to facilitate a two-lot subdivision as an additional permitted use on Lot 11 DP 1096690, 92 Dunoon Road, North Lismore

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 2012 to facilitate a two-lot subdivision as an additional permitted use on Lot 11 DP 1096690, 92 Dunoon Road, North Lismore should proceed subject to the following conditions Gateway 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 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 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 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) remove the draft wording for Schedule 1 Additional permitted uses;
 - (b) identify that it is intended to require the consent authority to consider and be satisfied in relation to certain matters before the granting of development consent for a two-lot subdivision on the land;
 - (c) include additional detail in relation to flooding, including a map that demonstrates the inundation of the site and further details regarding access to the existing farmhouse via Cusack Road (including the type of event that will affect the access as well as the duration that the road is inaccessible and potential alternate arrangements if needed);
 - (d) update the reference to Aboriginal Cultural Heritage to refer to Section C 9(d); and
 - (e) reference the current Local Environmental Plan Making Guideline (August 2023).

2. 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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Rural Fire Service
 - Ngulingah Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 17 January 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces