



Ms Shelley Oldham
General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Dear Ms Oldham

Planning proposal PP_2019_LISMO_006_00 to amend Lismore Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal that seeks to undertake various minor housekeeping changes to the Lismore Local Environment Plan 2012.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the rezoning and mapping amendments are consistent with the attributes and likely future use of the land. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to the plan being made.

As the proposal includes the application of an environmental zone to certain land, and consistent with the Secretary's undertaking of 1 March 2016, the role of finalising the proposal will remain with the Department of Planning, Industry and Environment. This is to ensure consistency of zoning decisions with the E zones final recommendations report. I have therefore determined not to condition the Gateway for Council to be authorised as the local plan-making authority

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Rebecca Carpenter to assist you. Ms Carpenter can be contacted on 6643 6421.

Yours sincerely

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

12-11-2019

Jeremy Gray
Director, Northern Region
Planning and Assessment

Encl: Gateway determination