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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Planning Operations and Regional Delivery

PLANNING PROPOSAL PP 2011 LISMO 001 00 NORTH LISMORE PLATEAU GATEWAY DETERMINATION ALTERATION AND EXTENSION OF TIME

PURPOSE

- To recommend the Minister's delegate alter the Gateway Determination for Planning Proposal 2011_LISMO_001_00.

RECOMMENDATION

It is RECOMMENDED that the Minister's delegate:

- **agree** pursuant to s56(7) of the Environmental Planning and Assessment Act, 1979 to amend the Gateway Determination for Planning Proposal 2011_LISMO_001_00:
 - (i) by revising the Gateway Determination to recognise the change in the zoning of the land following the publication of the Lismore LEP 2012 (published in February 2013) that will allow for the planning proposal to amend the current LEP rather than the previous planning instrument; and
 - (ii) by extending the time to complete the Planning Proposal for an additional nine (9) months to 3 April 2014.
- **sign** the revised Gateway Determination (**Tag A**); and
- **sign** the letter to Council (**Tag A1**).

CURRENT POSITION

- Council has prepared a Planning Proposal to consider the zoning options for 345 ha of land 4kms north of Lismore known as North Lismore Plateau (**Tag E**), (potential for residential, business, environmental protection and open space).
- The Gateway issued on 26 June 2011 determined that the proposal should proceed by amending the then Lismore LEP 2000. A range of studies ~~was~~^{we re} required. (**Tag B**).
- On 30 May 2012 the Gateway Determination was amended by extending the time for the completion of the Planning Proposal by an additional twelve months. The Planning Proposal is due for completion by 3 July 2013 (**Tag C**).
- In February 2013 the Lismore LEP 2012 was published. Previous zones for which there was no Standard Instrument equivalent were replaced with the RU1 Primary Production and R5 Large Lot Residential zones.
- The revised Gateway needs to be changed to recognise the published Lismore LEP 2012. An extract from the Lismore LEP 2012 Zoning Map showing the outline of the subject land is at **Tag E**.
- Council has now requested a further extension of time to complete the proposal be extended until at least December 2013 (**Tag D**).
- The delay in meeting this Gateway Determination timeframe has arisen due to a number of complex issues relating to infrastructure provision, the management and protection of Aboriginal heritage and flora, along with the preparation of Council's development control plans for the site. While the Planning Proposal has now been publicly exhibited, the issues outlined here are still to be resolved.

Gateway Determination (revised)

Planning Proposal (Department Ref: PP_2011_LISMO_001_00) to rezone land known as North Lismore Plateau from part RU1 Primary Production and part R5 Large Lot Residential to a range of zones for urban development

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan (LEP) 2012 to rezone land known as North Lismore Plateau from part RU1 Primary Production and part R5 Large Lot Residential to a range of zones for urban development should proceed subject to the following conditions:

1. Additional studies and assessment is required to support the proposed urban development of the North Lismore Plateau. Council is to contact the Department's Regional office for full details of the studies and additional assessment that is required, which includes additional work to address the following issues:
 - Infrastructure (including water and sewerage, electricity, telecommunications and possible school sites);
 - Traffic and transport;
 - Housing and social issues;
 - Water quality and stormwater management;
 - Flora and fauna;
 - European and Aboriginal heritage;
 - Significance of disused quarry and abandoned mine;
 - Natural hazards;
 - Regionally significant farmland;
 - Noise (particularly in relation to the local speedway); and
 - Site contamination.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
3. Council is not to commence exhibition until the studies and further assessment has been completed and necessary amendments made to the planning proposal, and this information has been resubmitted to the Department for consideration.
4. Council is to exhibit the draft Amendment to Council's Urban Land Release program, that will include the additional land at North Lismore Plateau, with the planning proposal and accompanying documentation.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.



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6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Commonwealth Department of Transport
- Department of Primary Industries
- Local public transport providers
- Members of local Aboriginal community
- NSW Rural Fire Service
- Office of Environment and Heritage
- Roads and Traffic Authority
- Rous Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(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).

8. The LEP is to be completed by **3 April 2014**.

Dated 17 day of June 2013.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



Planning & Infrastructure

Mr Gary Murphy
General Manager
Lismore City Council
PO BOX 23A
LISMORE NSW 2480

Our ref: 13/09679
Your ref: SD:TMI:EF11/32

Dear Mr Murphy

**Planning Proposal - PP_2011_LISMO_001_00 – North Lismore Plateau, Gateway
Determination alteration and extension of time**

I refer to your request on 5 June 2013 seeking an extension of time to complete the Planning Proposal PP_2011_LISMO_001_00.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 26 June 2011 for PP_2011_LISMO_001_00.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional nine (9) months. The Planning Proposal is now due for completion by 3 April 2014. A revised Gateway Determination is attached.

It should be noted that the revised Gateway Determination also references Lismore LEP 2012 that was published in February 2013. It will be necessary to amend the Planning Proposal to reflect that the proposal seeks to rezone land under the provisions of the current planning instrument, Lismore LEP 2012 rather than the previous planning instrument. Council will need to ensure that all the appropriate Lismore LEP 2012 maps are amended before submission of the draft LEP to the Department. The maps should be prepared in accordance with the Standard technical requirements for LEP maps.

Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

If you have any questions in relation to this matter, please contact Jenny Vallis or Jim Clark, of the Department of Planning and Infrastructure's Northern Region Office on telephone (02) 6641 6606 or (02) 6641 6604.

Yours sincerely


Neil McGaffin 14.6.13
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery