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Department Generated Correspondence (Y)

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Our ref: PP_2011_LISMO_001_00 (11/07362)
Your ref: FS:MJK: EF09/822

Mr Paul O'Sullivan
General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Dear Mr O'Sullivan,

Re: Planning Proposal to rezone land known as North Lismore Plateau from part 1(d) Investigation, part 1(a) General rural and part 1(r) Riverlands to a range of zones for urban development

I am writing in response to your Council's letter dated 3 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") following the submission of additional information in respect of the planning proposal to amend the Lismore Local Environmental Plan 2000 to rezone land known as North Lismore Plateau from part 1(d) Investigation, part 1(a) General rural and part 1(r) Riverlands to a range of zones for urban development

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

Council has provided an adequate assessment of the planning proposal against the Sustainability Criteria in the Far North Coast Regional Strategy to the extent that the planning proposal may now proceed.

It is noted however, that 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 scope of work for the studies that are required, which include:

- 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.

Insufficient justification has been provided, to assess the planning proposals' consistency against a number of relevant S117 Directions for the land subject to the planning proposal. Council is to demonstrate consistency and/or justify any inconsistency, or satisfy the Director

General that any inconsistency is of minor significance, following community consultation but prior to the finalisation of the plan for the following S117 Directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 5.3 farmland of State and Regional Significance on the NSW Far North Coast

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, 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 the Local Planning Direction.

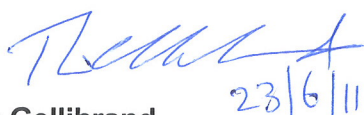
Council is not to commence exhibition until the studies and further assessment as required by the Gateway Determination have been completed and necessary amendments made to the planning proposal, and this information has been resubmitted to the Department for consideration.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks the week following the date of the concurrence by the Minister (or his delegate) of the resubmitted planning proposal. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jennifer Vallis of the Regional Office of the Department on 02 6641 6606.

Yours sincerely,



23/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LISMO_001_00 to rezone land known as North Lismore Plateau from part 1(d) Investigation, part 1(a) General rural and part 1(r) Riverlands to a range of zones for urban development

I, the Deputy Director General, Plan Making & Urban Renewal 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 2000 to rezone land known as North Lismore Plateau from part 1(d) Investigation, part 1(a) General rural and part 1(r) Riverlands 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)*.

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

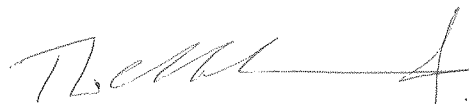
- Commonwealth Department of Transport
- Department of Primary Industries
- Local public transport providers
- Members of local Aboriginal community
- NSW Rural Fire Service
- Office of Environment and Heritage
- Roads and Traffic Authority
- Rous Water

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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 26th day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning