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Our ref: PP_2013_LISMO_001_00 (13/03831)

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

Dear Mr Murphy,

Planning proposal to amend Lismore Local Environmental Plan 2012

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone rural land within the 'Pineapple Road Precinct' at Pineapple Road and Bruxner Highway, Goonellabah and Richmond Hill Road, Richmond Hill to R1 General Residential and reduce the minimum lot size to 400sqm and introduce an 8.5m maximum building height to the subject land.

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

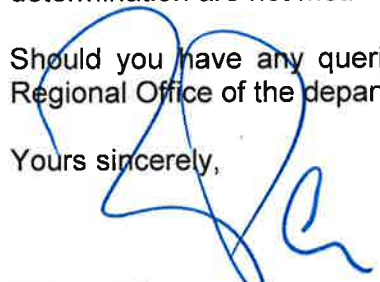
I have agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following 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 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 6600.

Yours sincerely,



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

28/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_LISMO_001_00): to rezone rural land at the Pineapple Road Precinct for residential purposes.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan (LEP) 2012 to rezone rural land within the 'Pineapple Road Precinct' at Pineapple Road and Bruxner Highway, Goonellabah and Richmond Hill Road, Richmond Hill to R1 General Residential and reduce the minimum lot size to 400sqm and introduce an 8.5m maximum building height to the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the 18 month timeframe allocated for completing the LEP.
2. Council is to update the land use zoning, minimum lot size and height of building maps to reflect the notified Lismore LEP 2012, before the planning proposal is placed on public exhibition.
3. The below information is to be placed on public exhibition with the planning proposal:
 - Flora and fauna assessment
 - Geotechnical assessment
 - European and Aboriginal heritage assessment
 - Social impact assessment
 - Stormwater assessment and management plan
 - Traffic impact and public transport assessment
 - Agricultural and land use conflict risk assessment
 - Noise assessment
 - Bushfire hazard assessment
 - Infrastructure delivery plan

Once this information is provided, consistency with S117 Directions 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast and State Environmental Planning Policy (SEPP) Rural Lands 2008 can be determined. Description of this consistency is to form part of the public exhibition material.

4. Council is to demonstrate that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.

Consultation is required with the following public authorities or organisations under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Transport for NSW – Roads and Maritime Services
- Office of Environment and Heritage
- Essential Energy
- Housing for NSW – Family and Community Services
- Department of Primary Industries – Agriculture
- Department of Health and Ageing
- Department of Education and Communities
- Environmental Protection Authority
- Rous Water
- local Aboriginal community

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

28

day of

March

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Delegate of the Minister for Planning
and Infrastructure