

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

Our ref: PP_2013_LISMO_006_00 (13/11781)
Your ref: EF13/237:EF13/132:CO13/5835

Dear Mr Murphy

Planning proposal to amend Lismore Local Environmental Plan 2012

I am writing in response to your Council's letter dated 11 July, 2013 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 make 'housekeeping' amendments including correcting anomalies to zoning, the Land Use Table and maps, to include additional land on the Land Reservation Map, introduction of a 'sex services premises' local clause and to modify Schedule 2 Exempt Development signage provisions for portable footpath signs.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Land, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licensed Aerodromes, 4.3 Flood Prone Land and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are of minor significance.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant S117 Directions, for example S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 54(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

 24 July 2013
Stephen Murray
Regional Director
Northern Region

Gateway Determination

Planning proposal (Department Ref: PP_2013_LISMO_006_00): to make 'housekeeping' amendments including correcting anomalies to zoning, the Land Use Table and maps, to include additional land on the Land Reservation Map, introduction of a 'sex services premises' local clause and to modify Schedule 2 Exempt Development signage provisions for portable footpath signs.

I, the Regional Director, Northern Region 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) to make 'housekeeping' amendments including correcting anomalies to zoning, the Land Use Table and maps, to include additional land on the Land Reservation Map, introduction of a 'sex services premises' local clause and to modify Schedule 2 Exempt Development signage provisions for portable footpath signs should proceed subject to the following conditions:

1. 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**;
 - (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 2013)*; and
 - (c) include existing and (where applicable) proposed land zoning, height of buildings and lot size maps, proposed acquisition areas on the Land Reservation Acquisition Map, and corrections, which are at an appropriate scale and clearly identify the subject sites.
2. Consultation is required with the NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection) under section 56(2)(d) of the EP&A Act. The Fire Service 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.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24th day of July 2013.


Stephen Murray
Regional Director
Northern Region
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lismore City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_LISMO_006_00	Planning proposal to make 'housekeeping' amendments including correcting anomalies to zoning, the Land Use Table and maps, to include additional land on the Land Reservation Map, introduction of a 'sex services premises' local clause and to modify Schedule 2 Exempt Development signage provisions for portable footpath signs.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 24th July 2013

Stephen Murray
Regional Director
Northern Region
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_LISMO_006_00
Date Sent to Department under s56	11/07/2013
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	24/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: