



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

Our ref: PP_2017_LISMO_001_00 (17/03133)

Dear Mr Murphy

Planning proposal to amend Lismore Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 15 February 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to reclassify council owned land from Community to Operational at Clunes and Goonellabah.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes 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 on the basis that the proposal is consistent and reflective of the current and intended future land uses. No further approval is required in relation to these Directions.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Jenny Johnson of the Department's regional office to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely



8 March 2017

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2017_LISMO_001_00): to reclassify council owned land from Community to Operational at Clunes and Goonellabah.

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lismore Local Environmental Plan (LEP) (2012) to reclassify council owned land from Community to Operational at Clunes and Goonellabah should proceed subject to the following conditions:

1. The planning proposal is required to be update prior to community consultation to:
 - (a) include references to the need to obtain the Governor's approval for sites with interests changing; and
 - (b) update the Project Timeline.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment 2016)*; and
 - (c) Council is to conduct a public hearing after the community consultation period in accordance with the requirements of section 29 of the Local Government Act 1993 as the planning proposal involves reclassification of land.
3. No consultation is required with public authorities under section 56(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 8 day of March 2017


Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and
Environment
Delegate of the Minister for Planning