

**Lismore LEP 2012 - Reclassification of Council owned land at Clunes and Goonellabah**

Proposal Title : **Lismore LEP 2012 - Reclassification of Council owned land at Clunes and Goonellabah**

Proposal Summary : **The proposal seeks to reclassify three parcels of Council owned land from 'Community' to 'Operational' pursuant to section 27 of the Local Government Act 1993 at Clunes and Goonellabah. The proposal will amend Lismore Local Environmental Plan (LEP) 2012 Schedule 4 Classification and Reclassification of Public Land. The reclassification of land at Clunes also involves changing the interests that currently apply to the site.**

**The proposal requires amendments to the written instrument only. No map amendments are proposed.**

PP Number : **PP\_2017\_LISMO\_001\_00**      Dop File No : **17/03133**

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:      **2.1 Environment Protection Zones  
3.1 Residential Zones  
5.1 Implementation of Regional Strategies  
6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended that the Acting Director Regions, Northern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore LEP 2012 to reclassify Council owned land should proceed subject to the following conditions:**

**1. The planning proposal is required to be updated prior to community consultation to:**  
- include references to Governor approval and reporting the reclassification to the Executive Council for any interests changed, prior to finalisation of the plan;  
- update the Project Timeline for the proposal (as the project timeline incorrectly lists the year 2016).

**2. Community consultation is required under section 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 specification for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 a 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013);  
(c) Council is to conduct a public hearing (21 days after completion of the public exhibition 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 obligations under the Local Government Act 1993 stated above.**

**5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

**6. The secretary's delegate agree to the planning proposal's inconsistencies with s117 Direction 3.1 Residential Zones and 6.3.**

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7. Plan making function should not be delegated to Council, given the Governor's approval is required to discharge interest.

Supporting Reasons : **The proposal by Council to reclassify land within Lismore LGA from Community to Operational to reflect the existing and future uses of the three sites that no longer suit a community classification, is appropriate to proceed.**

**Panel Recommendation**

Recommendation Date : **08-Mar-2017** Gateway Recommendation : **Passed with Conditions**  
Panel Recommendation : **The proposal is considered to be of minor significance and can be appropriately considered by the Director Regions, Northern.**

**Gateway Determination**

Decision Date : **08-Mar-2017** Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days** LEP Timeframe : **9 months**

Gateway Determination :

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.**

Signature: \_\_\_\_\_



Printed Name: \_\_\_\_\_

Craig Diss

Date: \_\_\_\_\_

8/3/17