

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

Our ref: PP_2014_LISMO_002_00 (14/06701)
Your ref: EF13/329:ED14/8942

Dear Mr Murphy

Planning proposal to amend Lismore Local Environmental Plan 2012

I am writing in response to your Council's letter dated 10 April 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal for general amendments to Lismore LEP 2012 which include minor adjustments to the land use tables, refining clause 4.2E, amending Schedule 2 Exempt Development and Schedule 3 Complying Development and a number of amendments to the Minimum Lot Size and Land Zoning Maps at specific locations.

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 the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The Minister's plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 12 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 of Planning and Environment 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, I have arranged for Jenny Johnson of the Grafton regional office to assist you. Jenny can be contacted on (02) 6641 6614.

Yours sincerely

 30 April 2014
Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_LISMO_002_00): for general amendments to Lismore LEP 2012.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *EP&A Act* that general amendments to the Lismore Local Environmental Plan (LEP) 2012 which include minor amendments to the land use tables, amending clause 4.2E, amending Schedule 2 Exempt and Schedule 3 Complying Development and a number of amendments to the Minimum Lot Size and Land Zoning Maps at specific locations 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** 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 (Planning & Infrastructure 2013)*.
2. Prior to exhibition a locality map is to be prepared for items 1, 2, 3 and 4 for exhibition purposes.
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural 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.
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 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 30 day of April 2014.



Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lismore City Council is authorised to exercise the functions of the Minister for Planning 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_2014_LISMO_002_00	Planning proposal for general amendments to Lismore LEP 2012 which include minor amendments to the land use tables, amending clause 4.2E, amending Schedule 2 Exempt Development and Schedule 3 Complying Development and a number of amendments to the Minimum Lot Size and Land Zoning Maps at specific locations

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 30 April 2014



Stephen Murray

General Manager, Northern Region
Growth Planning and Delivery
Department of Planning and Environment

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_2014_LISMO_002_00
Date Sent to Department under s56	10/04/2014
Date considered at LEP Review Panel (if applicable)	Proposal considered by General Manager, Northern Region under delegation
Gateway determination date	30/04/2014

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: