



## Planning & Infrastructure

Contact: Greg Yeates  
 Phone: (02) 6641 6600  
 Fax: (02) 6641 6601  
 Email: Greg.Yeates@planning.nsw.gov.au  
 Postal: Locked Bag, Grafton NSW 2460

Our ref: PP\_2012\_LISMO\_001\_00 (12/11790)  
 Your ref: EF12/264:CO12/6420

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

Dear Mr Murphy,

### **Planning proposal to amend Lismore Local Environmental Plan (LEP) 2000 or draft Lismore LEP 2012**

I am writing in response to your Council's letter dated 16 July 2012 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 amend the Lismore Local Environmental Plan (LEP) 2000 or draft Lismore LEP 2012 to rezone land at Dunromin Drive, Modanville for rural residential purposes.

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 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 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 following the required pre-exhibition agency consultation. 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 Greg Yeates of the Regional Office of the department on 02 6641 6600.

Yours sincerely,

  
**Sam Haddad**  
 Director-General

6/8/2012.

## Gateway Determination

*Planning proposal (Department Ref: PP\_2012\_LISMO\_001\_00): to amend either Lismore LEP 2000 or draft Lismore LEP 2012 by rezoning land at Modanville for rural residential purposes.*

I, the Director General, 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 LEP 2000 or draft Lismore LEP 2012 to rezone land at Dunromin Drive, Modanville for rural residential purposes should proceed subject to the following conditions:

1. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. 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.
3. Council is to amend the planning proposal to include proposed zoning maps to amend both Lismore LEP 2000 and draft Lismore LEP 2012, before the planning proposal is placed on public exhibition.
4. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. Council should provide additional information regarding the following matters to identify all impacts that may result from the proposed development for the purposes of exhibition:

- Flora and Fauna
- On site waste water disposal
- Archaeological land assessment

Council should include the outcomes of this assessment with the planning proposal for exhibition purposes to demonstrate the land is suitable for the proposed use.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6<sup>th</sup> day of August 2012.

Sam Haddad

Sam Haddad  
Director-General  
Delegate of the Minister for Planning and  
Infrastructure