



Briefing: Director
FOR APPROVAL

Alteration of Gateway Determination for Planning Proposal 2016_LISMO_008_00.

Purpose: To recommend the Director Regions, Northern as delegate for the Minister agree to alter the Gateway determination for Planning Proposal no. 2016_LISMO_008_00.

Analysis: A Gateway determination was issued on 24 November 2016 for the Planning Proposal, which seeks to reduce the minimum lot size of Lot A DP 100387, 366 Dunoon Road, Tullera to facilitate additional residential development. An alteration to the Gateway determination has been requested to revise the description of the Planning Proposal to reduce the proposed minimum lot size from 5000m² to 3600m². This increases the yield of the lot from one to two additional lots. A three month extension of timeframe has also been requested to complete the Planning Proposal. The requests are considered to have merit and an alteration to the Gateway determination has been prepared.

Due: This alteration is due by 30 August 2017.

Recommendation

As delegate of the Minister:

1. **agree** under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act), to alter the Gateway determination for Planning Proposal no. 2016_LISMO_008_00 in accordance with the Alteration of Gateway determination document at **(Attachment A)**, which in summary involves the following:
 - revising the description of the Planning Proposal to specify a minimum lot size of 3600m², allowing the subdivision of the existing allotment into two additional lots; and
 - extend the timeframe to complete the Planning Proposal by three months.
2. **direct** under part 3, division 4 of the Act that the revised Planning Proposal should be subject to further community consultation as proposed in condition 5 in the Alteration of Gateway determination at **(Attachment A)**;
3. **sign** the Alteration of Gateway determination **(Attachment A)**;
4. **sign** the letter to Lismore City Council **(Attachment B)**.

Approval

Jeremy Gray

Director Regions,
Northern



Date: 30-8-2017

Key reasons

Planning proposal

Council has prepared a Planning Proposal to reduce the minimum lot size of Lot A DP 100387, 366 Dunoon Road, Tullera, to facilitate additional residential development.

The Gateway determination issued on 24 November 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions.

Council requests an extension of time to complete the planning proposal

The Gateway determination required that the Local Environmental Plan (LEP) be finalised in nine months from the week following the date of the Gateway determination of 24 November 2016.

Council has requested that the period to complete the LEP be extended by three months.

The delay in meeting this Gateway determination timeframe has arisen due to a submission received during the exhibition period which requested a further reduction in the minimum lot size from 5000m² to 3600m².

It is considered that the date be extended to 1 November 2017 to allow for further exhibition of the Planning Proposal as revised.

Council has revised the planning proposal

Council has submitted a revised Planning Proposal (**Attachment D**) which now involves

- the reduction of the minimum lot size from 5000m² down to 3600m² altering the yield of additional allotments from one lot to two lots.

Council has indicated that it altered the proposal for the following reasons:

- in response to a submission received by the landowner requesting the revision of the Planning Proposal; and

- the provision of additional information supporting a higher density of development.

It is considered that the proposed alteration to the Planning Proposal has merit as it in keeping with the Lismore Growth Management Strategy.

Community consultation

Community consultation occurred between 16 February and 3 March 2017. Due to the extent of the revisions to the Planning Proposal, it is considered that further community consultation is required (see proposed condition 6 in the Alteration of the Gateway determination at **Attachment A**).

Attachments

Attachment	Title
A	Alteration of Gateway determination
B	Letter to Council
C	Gateway determination
D	Revised planning proposal

Alteration of Gateway Determination

Planning Proposal (Department Ref: 2016_LISMO_008_00)

I, Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 24 November 2016 for the proposed amendment to the Lismore Local Environmental Plan (LEP) 2012 as follows:

1. Change the description of the Planning Proposal

from "to reduce the minimum lot size of Lot A DP 100387, 366 Dunoon Road, Tullera, to facilitate additional residential development."

to "to reduce the minimum lot size of Lot A DP 100387, 366 Dunoon Road, Tullera, to 3600 m² to facilitate additional residential development."

2. Delete Condition 4:

"The timeframe for completing the LEP is to be nine months from the week following the date of the Gateway determination."

And replace with new condition 4:

4. "The timeframe for completing the LEP is to be 12 months from the week following the Gateway determination."

3. Insert new conditions 5 - 6:

5. Prior to the finalisation of the LEP, further analysis of the soil confirming that arsenic levels obtained within Composite Sample 1, as described in page 8 of the report prepared by Melaleuca Group Pty Ltd, are below the required Health Based Investigation Level for individual samples.

6. Further Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14; 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 local environmental plans* (Department of Planning and Environment 2016).

Dated 30 day of AUGUST 2017.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



2016_LISMO_008_00/16/15124

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

Dear Mr Murphy

Planning Proposal 2016_LISMO_008_00 – Alteration of Gateway Determination

I refer to your letter in relation to revisions and an extension of time to Planning Proposal 2016_LISMO_008_00 at 366 Dunoon Road, Tullera to facilitate additional residential development.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 24 November 2017 for PP no. 2016_LISMO_008_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Heidi Naylor to assist you. Ms Naylor can be contacted on 02 6641 6604.

Yours sincerely



30-8-2017

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Alteration to Gateway Determination