

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

Our ref: PP_2015_LISMO_004_00 (15/15272)
Your ref: EF 15/244 CO15/6117

Dear Mr Murphy

Planning proposal to amend Lismore Local Environmental Plan 2012

I am writing in response to your Council's letter dated 15 July 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at North Lismore Plateau, to facilitate residential and neighbourhood business uses incorporating open space and public recreation and environmental conservation and management.

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 1.2 Rural Zones, 1.3 Mining, Petroleum and Extractive Industries, 1.5 Rural Land, 4.3 Flood Prone Land and 5.3 Farmland of State and Regional Significance on the Far North Coast of NSW are justified and are of minor significance. No further approval is required in relation to these Directions.

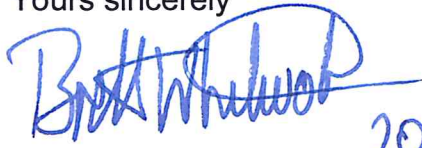
Council is to consult with the Civil Aviation Safety Authority and the NSW Rural Fire Service in accordance with S117 Directions 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection. Council may still need to obtain the agreement of the Department's Secretary to comply with the Local Planning Direction prior to the plan being made.

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 for 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 Mr Paul Garnett of the Northern Region office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely



20 October 2015

Brett Whitworth
Acting Executive Director
Regions, Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_LISMO_004_00): to rezone land at North Lismore Plateau, to facilitate residential and neighbourhood business uses incorporating open space and public recreation and environmental conservation and management.

I, the Acting Executive Director, Regions 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:

- rezone land at North Lismore Plateau from RU1 Primary Production to part R1 General Residential, B1 Neighbourhood Centre, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management;
- apply appropriate minimum lot size and maximum building height standards over the land; and
- insert land use tables for the E2 Environmental Conservation and E3 Environmental Management zones, along with consequential amendments to clauses and provisions.

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition amend the planning proposal to include “extensive agriculture” with consent in the E2 Environmental Conservation zoning table.
2. Prior to undertaking public exhibition the following studies if required be updated or their currency confirmed:
 - Flora and fauna assessment;
 - Biobanking and biocertification reporting;
 - Infrastructure and Servicing Assessment; and
 - Cultural Heritage Assessment.
3. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Civil Aviation Safety Authority;
 - NSW Rural Fire Service;
 - Department of Primary Industries (Agriculture);
 - the Office of Environment and Heritage;
 - Transport for NSW (Roads and Maritime Services); and
 - the relevant Local Aboriginal Land Council.

Each public authority and agency 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. 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**; 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 & Environment 2013*).
5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 20th day of October 2015



Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning