

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

Our ref: PP_2015_LISMO_007_00 (15/16673)
Your ref: EF11/752:ED15/137945

Dear Mr Murphy

Planning proposal to amend Lismore Local Environmental Plan 2012

I am writing in response to your Council's letter dated 16 November 2015 and complete proposal package provided on 1 December 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 Goonellabah and Lagoon Grass for residential and environmental management purposes and to apply alternative minimum lot size and maximum building height controls.

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. Council may wish to consider the suitability of including design controls in a DCP or site specific Master Plan for guiding development outcomes across the site rather than applying alternative minimum lot size provisions for open space and residue lot areas.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.1 Residential Zones are justified in accordance with terms of the Directions. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 not issue an authorisation for Council to exercise delegation to make this plan. This is because of the outcomes of the Far North Coast E Zone Review and that the planning proposal seeks to zone land for environmental management (E3) purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 Luke Blandford of the Department's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely



Stephen Murray
General Manager, Northern Region
Planning Services

9 December 2015

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_LISMO_007_00): to rezone land at Goonellabah and Lagoon Grass for residential and environmental management purposes and to apply alternative minimum lot size and maximum building height controls.

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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lismore Local Environmental Plan (LEP) 2012 to rezone land at Goonellabah and Lagoon Grass for residential and environmental management purposes and to apply alternative minimum lot size and maximum building height controls should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, the following studies should be updated or their currency confirmed:
 - Soil Contamination
 - Bushfire Hazard Assessment
 - Geotechnical Stability
 - Due Diligence Aboriginal Heritage Assessment
 - Access and Traffic Impact
 - Ecological
2. Prior to the commencement of community consultation, Council is to revise the planning proposal so that the landowners' written consent to the proposed E Zones are appended to the proposal and exhibited concurrently.
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:
 - NSW Rural Fire Service
 - Department of Primary Industries (Agriculture and Water)
 - Office of Environment and Heritage
 - Rous Water
 - Roads and Maritime Services

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. Consultation is required with the New South Wales Aboriginal Land Council. The Aboriginal Land Council is to be provided with a copy of the planning proposal and any relevant supporting material and given the period for community consultation to comment on the proposal.

5. 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 (Department of Planning and Infrastructure 2013)*.
6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 9th day of December 2015.



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

Delegate of the Minister for Planning