

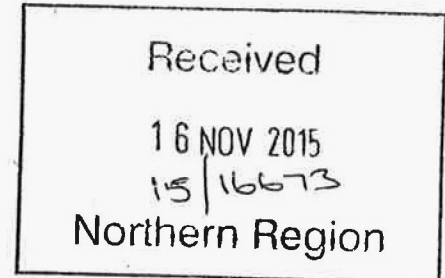


GY:EF11/752:ED15/37945

Greg Yopp

16 November 2015

Mr Steve Murray  
General Manager, Northern Region  
Planning Services  
Department of Planning and Environment  
Locked Bag 9022  
**GRAFTON NSW 2460**



Dear Mr Murray

**Re: Trinity Drive Precinct, Goonellabah and Lagoon Grass – Rezoning Planning Proposal**

Council received a rezoning application in 2007 to rezone land in the Trinity Drive Precinct (TDP) as part of the comprehensive Standard Instrument LEP process. Various technical reports and studies accompanied this submission including: engineering, ecological, stormwater, land contamination, social impact assessment, landscape design and visual assessment. However, certain matters remained unresolved at the time including ecological and cultural heritage and the rezoning was not included as part of LEP 2012.

Council resolved at its ordinary meeting of 8 December 2009, to “endorse in principle the inclusion of the subject land at Trinity Drive in a residential zone as a future amendment to the draft LEP 2009, subject to the satisfactory resolution of mitigation of impacts on the thorny pea and the matter being reported in detail back to Council”.

The TDP rezoning planning proposal was resubmitted in April 2015 in accordance with s55 of the *Environmental Planning and Assessment Act 1979*. The planning proposal includes an expanded area of Zone R1 General Residential compared with the 2007 submission and consequently updated studies/reports are recommended for submission post Gateway determination. The proposal also includes an associated request for Council to apply for biodiversity certification under the *Threatened Species Conservation Act 1995*. Some of the land proposed for biodiversity certification is proposed for Zone E3 Environmental Management.

The planning proposal was considered at Council's Ordinary Meeting held on 10 November 2015 and Council resolved as follows:

1. Council support the Planning Proposal to amend the Lismore Local Environmental Plan 2012 detailed in Attachment 1 for the Trinity Drive Precinct.
2. Council forward the Planning Proposal detailed in Attachment 1 to the Minister for Planning to seek a Gateway determination.
3. Council request to exercise delegations for LEP plan making.

4. *The proponent is to provide the following information prior to public exhibition of the planning proposal:*
  - a) *Biodiversity assessment report and biodiversity certification strategy in accordance with Part 7AA of the Threatened Species Conservation Act 1995*
  - b) *Preliminary soil contamination assessment*
  - c) *Bush fire threat assessment report*
  - d) *Geotechnical report*
  - e) *Due diligence Aboriginal heritage assessment*
  - f) *Traffic assessment report*
5. *Council support the application for biodiversity certification of nominated land at the Trinity Drive Precinct as illustrated in Figure 3.*
6. *Council apply to the Minister of the Environment for biodiversity certification upon the proponent's submission of a:*
  - a) *Biodiversity assessment report*
  - b) *Biodiversity certification strategy.*
7. *Council require the submission of a Trinity Drive Precinct Structure Plan by the proponent prior to the reporting of this planning proposal back to Council.*

It should be noted two areas of the subject site are mapped as Regionally Significant Farmland (refer to Figure 5 in the Council report). Approximately 2000m<sup>2</sup> of the Regionally Significant Farmland in the north eastern section of Lot 2 DP 810168 is proposed for Zone R1 General Residential. This matter is addressed in Appendix 3 – s117 Compliance Table located in the Planning Proposal report. Whilst it is considered that the minor inconsistency is justified, Council understands that the Minister or Minister's delegate may remove this area from the planning proposal and require the maintenance of Zone RU1 Primary Production.

In accordance with the above resolution, please find enclosed the Trinity Drive Precinct planning proposal for Gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

Should you require any further information with regard to this matter, please contact Greg Yopp on telephone number (02) 6625 0423.

Yours faithfully



**Greg Yopp**  
**Senior Strategic Planner**

Enclosures: Planning proposal report; Council report; Attachment 1 – Information checklist; Attachment 4 – Evaluation criteria for the delegation of plan making functions.