

Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2015_LISMO_003_00)

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(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 2 June 2015 (as since altered) for the proposed amendment to the Lismore Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal

from "to rezone various lots at Bexhill from RU1 Primary Production to RU5 Village and R5 Large Lot Residential Zones to permit expansion of Bexhill Village, and make related alterations to minimum lot size and height of buildings maps..."

to "to rezone various lots at Bexhill from RU1 Primary Production to RU5 Village and E3 Environmental Management and make related alterations to the Lot Size Map and Height of Buildings Map to permit expansion of Bexhill Village and facilitate protection and management of areas of ecological significance, ..."

2. Delete condition 1:

"1. Prior to undertaking consultation the following studies need to be completed:

- expanded flora and fauna assessment;
- updated contaminated land assessment;
- bush fire hazard assessment; and
- Aboriginal and European cultural heritage assessment.

and replace with new condition 1:

"1. Prior to undertaking community consultation the revised Planning Proposal is to include:

- discussion on Section 117 Direction 5.10 Implementation of Regional Plans;
- Lot 20 Section 6 DP 758102, Bexhill in the land subject to the Planning Proposal and apply an E3 Environmental Management zone to this land for consultation purposes;
- an expanded flora and fauna assessment;
- an updated contaminated land assessment;
- bushfire hazard assessment;
- Aboriginal and European cultural heritage assessment;

- an on-site effluent disposal assessment for the land proposed to be zoned RU5 Village;
- a land use conflict risk analysis;
- a vegetation management plan detailing protection and enhancement of threatened flora and fauna habitat, endangered ecological communities and koala habitat; and
- a threatened species management plan for the Hairy Joint Grass habitat.”

3. Delete condition 2:

“2. 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)*.”

and replace with new condition 2:

“2. 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**;
- (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)*; and
- (c) written notice of the public exhibition is to be sent to all land owners whose land is the subject of this Planning Proposal.”

4. Delete condition 5:

“5. The LEP is to be completed by 9 December 2017.”

and replace with a new condition 5:

“5. The LEP is to be completed by 9 June 2018.”

5. Insert new conditions 6 – 7:

- “6. When Council has considered the submissions received during community consultation and has endorsed the final Planning Proposal, land owners whose land will be subject to an E zone are to be notified in writing of the Council’s decision and advised that they have 28 days to notify the Department if they wish to request the Chief Planner to review the proposed zoning of their property.
7. Further consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
- Department of Primary Industries – Agriculture;
 - Department of Primary Industries – Lands
 - NSW Rural Fire Service;
 - NSW Office of Environment and Heritage;
 - Transport for NSW – Roads and Maritime Services; and
 - Rous Water County Council

Each public authority 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. DPI – Lands is to specifically be asked for agreement to the application of the E3 Environmental Management zone.”

Dated 27 day of July 2017



**Anthea Sargeant
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning