



Contact: Jennifer Vallis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Vallis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2013_LISMO_002_00 (13/07423)

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

Dear Mr Murphy,

Planning proposal to amend Lismore Local Environmental Plan (LEP) 2012 and Lismore LEP 2000

I am writing in response to your Council's letter dated 26 April 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone 16 sites within the Lismore local government area to R1 General Residential and reclassify the sites from 'community' to 'operational' land, rezone land at Cynthia Wilson Drive, Goonellabah to R1 General Residential and rezone land at Ballina Road, East Lismore to IN2 Light Industrial.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is reminded of its obligations for undertaking a public hearing and providing adequate information regarding the discharge of any interests in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation because Council has not confirmed that the Governor's approval is not required for the reclassification of land. Reclassification proposals where the Governor's approval is required cannot be delegated back to council.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jennifer Vallis of the regional office of the department on 02 6641 6640.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning

28.5.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_LISMO_002_00): to reclassify and rezone various sites in the Lismore LGA.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan (LEP) 2012 and Lismore LEP 2000 to rezone 16 sites within the Lismore local government area to R1 General Residential and reclassify the sites from 'community' to 'operational' land, rezone land at Cynthia Wilson Drive, Goonellabah to R1 General Residential and rezone land at Ballina Road, East Lismore to IN2 Light Industrial should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) include additional information to demonstrate consistency or justify any inconsistency with Section 117 Direction 6.2 Reserving Land for Public Purposes, including providing justification for the reduction of land used for open space purposes, the community benefit resulting from the proposal and identify alternative public open space areas,
 - (b) address the proposals consistency with State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection and include an assessment against Council's Comprehensive Koala Plan of Management for sites greater than 1ha,
 - (c) address relevant matters which are to be included within a planning proposal as identified in *A Guide to Preparing Planning Proposals*, including matters under Part 3 'Justification' and address the Director General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs*, and
 - (d) include existing and (where applicable) proposed land zoning, height of buildings and lot size maps, which are at an appropriate scale and clearly identify the subject site.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 & Infrastructure 2013).
3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
4. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.



5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

28th

day of

May

2013.

**Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**