

Lismore LEP 2012 - Rural Landsharing Community Development Provisions

Proposal Title : **Lismore LEP 2012 - Rural Landsharing Community Development Provisions**

Proposal Summary : **The proposal seeks to amend the Lismore LEP 2012 through a revision to the provisions and associated maps which relate to Rural Landsharing Community Development. These amendments include:**

- **Updating the Potential Rural Land Sharing Community Development Map to be consistent with the endorsed Lismore Growth Management Strategy 2015-2035;**
- **Delete Clause 6.8(3)(c), which is a provision that controls where Rural Landsharing Community Development is permitted and is now superfluous given the updated map; and**
- **Insert a new clause that permits community title subdivision of existing and future Rural Landsharing Community Development.**

PP Number : **PP_2016_LISMO_001_00** Dop File No : **16/04543**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 1.2 Rural Zones**
 - 1.3 Mining, Petroleum Production and Extractive Industries**
 - 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.3 Heritage Conservation**
 - 3.4 Integrating Land Use and Transport**
 - 3.5 Development Near Licensed Aerodromes**
 - 4.3 Flood Prone Land**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
 - 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**
 - 3.6 Shooting Ranges**

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Northern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environment Plan 2012 to amend the written provisions and associated maps which relate to Rural Landsharing Community Development should proceed subject to the following conditions:**

1. 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 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 local environmental plans (Planning and Infrastructure, 2013)'.**

2. Consultation is required with the following agencies and public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- (a) Office of Environment and Heritage**
- (b) NSW Rural Fire Service**

- (c) Roads and Maritime Services
- (d) Department of Primary Industries
- (e) Department of Industry Resources and Energy
- (f) Department of the Commonwealth responsible for aerodromes; and
- (g) Lismore airport management

3. 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).

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

5. Delegation to finalise the Plan should be issued to Council.

6. Section 117 Directions - It is recommended that:

- (a) Consultation is required in relation to s117 Direction 3.5 Development Near Licensed Aerodromes with the Department of the Commonwealth responsible for aerodromes and Lismore airport management; and
- (b) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection with the NSW Rural Fire Service.
- (c) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions.

7. The Planning Proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons : The reasons for the above recommendations for the Planning Proposal are as follows:.

- The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : 24-Mar-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to be of local significance and does not require referral to the LEP Panel and can be considered by the Director Regions, Northern.

Gateway Determination

Decision Date : 24-Mar-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : 1. 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 s117 Directions:

- (a) Office of Environment and Heritage
- (b) NSW Rural Fire Service
- (c) Roads and Maritime Services
- (d) Department of Primary Industries
- (e) Department of Industry Resources and Energy
- (f) Department of the Commonwealth responsible for aerodromes; and
- (g) Lismore airport management

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.

2. Community consultation is required under sections 56(2)(c) 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).

3. 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).

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

Signature:



Printed Name:

Craig Diss

Date:

24 March 2016