

Gateway Determination

Planning proposal (Department Ref: PP_2018_LISMO_001_00): to make changes to the land zoning and development standards, and reclassify land, at Skyline Road, Goonellabah for the future expansion of the Lismore Crematorium.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lismore Local Environmental Plan (LEP) (2012) to make changes to the land zoning and development standards, and reclassify land, at Skyline Road, Goonellabah for the future expansion of the Lismore Crematorium should proceed subject to the following conditions:

1. The planning proposal is required to be amended prior to community consultation to:
 - a) include discussion of the changes to minimum lot sizes for the rezoned portions of the subject land;
 - b) include current and proposed Lot Size Maps for the subject land;
 - c) update the explanation of the 'primary use of land' to discuss the actual use of that part of the land, not the ecological attributes; and
 - d) update the project timeline to reflect the extended timeframe to complete the plan.
2. Prior to commencement of community consultation an Aboriginal Cultural Heritage Assessment is to be undertaken to Council's satisfaction, and if necessary, the planning proposal updated to reflect its conclusion.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal 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) Council is required to conduct a public hearing after the community consultation period in accordance with the requirements of section 29 of the Local Government Act 1993 as the planning proposal involves reclassification of land.



Planning & Environment

4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions prior to public exhibition:
- NSW Rural Fire Service; and
 - Office of Environment and Heritage.

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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 30th day of August 2018.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Mr Scott Turner
Acting General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Dear Mr Turner

**Planning proposal PP_2018_LISMO_001_00 to amend Lismore Local
Environmental Plan 2012**

I am writing in response to Lismore City Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* and additional information received on 9 July 2018 in respect of the planning proposal to make changes to the land zoning and development standards, and reclassify land, at Skyline Road, Goonellabah for the future expansion of the Lismore Crematorium.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.5 Rural Lands, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority. To ensure a consistent approach for zoning decisions under the E Zone Review, plan-making function for planning proposals that seek to apply an E zone will remain with the Department.


The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on 6641 6614.

Yours sincerely

 30 August 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination