



Ms Shelly Oldham  
General Manager  
Lismore City Council  
PO Box 23A  
LISMORE NSW 2480

Attention: Sally Slater

Dear Ms Oldham

**Planning proposal PP\_2019\_LISMO\_005\_00 to amend Lismore Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of Lot 2 DP 1073973, 528 Caniaba Road, Caniaba from RU1 Primary Production to part R5 Large Lot Residential and part E3 Environmental Management and amend the minimum lot size and height of buildings provisions of those areas.

As delegate of the Minister for Planning and Public Spaces, 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 1.2 Rural Zones, 1.5 Rural Lands and 5.10 Implementation of Regional Plans are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have determined not to condition the Gateway for Council to be the local plan-making authority in this instance. This is to ensure a consistent approach to the finalisation of zoning decisions subject to the E Zone Review Final Recommendations Report. This approach is also consistent with the former Secretary's letter to Council of 1 March 2016, which outlined plan making delegation arrangements for planning proposals that implement the Northern Councils E Zone Review Final Recommendations.

The amending local environmental plan (LEP) is to be finalised within nine 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 of Planning, Industry and Environment 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 enquiries about this matter, I have arranged for Mr Jon Stone, to assist you. Mr Stone can be contacted on 5778 1488.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

14.11.2019

**Jeremy Gray**  
**Director, Northern Region**  
**Planning and Assessment**

Encl: Gateway determination  
Authorised plan-making reporting template