



Mr Michael Donnelly
Acting General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Via email: sally.slater@lismore.nsw.gov.au

Dear Mr Donnelly

Planning proposal PP-2021-6338 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 seeking to undertake the sixth round of housekeeping amendments to Lismore LEP 2012.

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 inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones and 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis as only a small area of land is affected and the changes generally reflect the existing land ownership and the most likely future use of the land. 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 relevant section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 3.5 Development Near Regulated Airports and Defence Airfields 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 as the proposal seeks to apply environmental zones to certain lands, consistent with the Secretary's undertaking of 1 March 2016, the role of finalising the proposal will remain with the Department of Planning, Industry and Environment. This is to ensure consistency of zoning decisions with the Northern Councils E Zone Review final recommendations report. I have therefore determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within six 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 Ms Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 9995 5665.

Yours sincerely



15/11/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination