

Mr Jon Gibbons  
General Manager  
Lismore City Council  
43 Oliver Avenue  
GOONELLABAH NSW 2480

Our ref: IRF23/3264

Via email: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)

Dear Mr Gibbons

**Planning proposal PP-2022-3907 to amend Lismore Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone and amend associated development standards at Lot 42 DP 868366 and Lot 1 DP 95767, 1055 and 1055A Bruxner Highway, Goonellabah.

As delegate of the Minister for Planning and Public Spaces, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.1 Flooding, 5.2 Reserving Land for Public Purposes, 9.1 Rural Zones and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.3 Planning for Bushfire Protection, 8.1 Mining, Petroleum Production and Extractive Industries and 9.4 Farmland of State and Regional Significance on the NSW Far North Coast. Council should ensure this occurs prior to the LEP being made.

Due to the number of unresolved s9.1 Directions and further work required to support the proposal, along with the potential assessment and provision of designated State public infrastructure, I have determined not to authorise Council to be the local plan-making authority in this instance.

The amending local environmental plan (LEP) is to be finalised on or before 12 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

When requesting finalisation of the plan, Council is encouraged to provide as part of the finalisation package, further detail to the Department in relation to the local infrastructure servicing and access arrangements and to provide a staging plan to articulate how the land will be released in accordance with these arrangements.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if

Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 6643 6408.

Yours sincerely



13/12/2023

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Letter to Council attachment - Guidance on Timeframes - August 2023