

Mr Jon Gibbons
General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Our ref: IRF23/465

Via email: council@lismore.nsw.gov.au
cameron.jewell@lismore.nsw.gov.au

Dear Mr Gibbons

Planning proposal PP-2023-340 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 amend the Lismore LEP 2012 to facilitate agritourism.

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

It is noted that the planning proposal needs to provide greater certainty and clarity during the consultation phase to assist in the community's understanding of the proposed changes to the Lismore LEP 2012 as a result of the State Government's agritourism reforms. If Council exhibits the planning proposal before these reforms are implemented and Lismore LEP 2012 is amended, the proposal should be amended to incorporate the agritourism reforms to ensure that the community has context regarding these changes.

I have agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act Direction 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.5 Acid Sulfate Soils, 5.4 Shooting Ranges and 9.2 Rural Lands is justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council will 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 EP&A Act Direction 4.3 Planning for Bushfire Protection and 5.3 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 17 September 2023. As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment.

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, 2022) 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 Ms Sandra Bush to assist you. Sandra can be contacted on 6588 5535.

Yours sincerely



17/3/2023

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination