



Department of Planning and Environment

PP-2023-671/ IRF23/786

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

Via email: council@lismore.nsw.gov.au
jamie.vaniersel@lismore.nsw.gov.au

Dear Mr Gibbons

Planning proposal PP-2023-671- Housekeeping amendments

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 EP&A Act) in respect of the planning proposal seeking to undertake various housekeeping amendments to Lismore LEP 2012.

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 EP&A Act section 9.1 Directions, 4.1 Flooding, 4.2 Coastal Management, 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.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction/creation of land for public purposes on the basis that the proposed changes will accurately reflect ownership as well as current and future use of the land.

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 EP&A Act, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land 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 within six months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. 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, 2021) 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 Gina Davis to assist you. Ms Davis can be contacted on 5778 1487.

Yours sincerely

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

16/5/2023

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination