

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

Our ref: IRF24/2771

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

Dear Mr Gibbons

**Planning proposal PP-2024-2509 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 facilitate some additional land uses in certain employment and rural zones.

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, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport and 8.1 Mining, Petroleum Production and Extractive Industries is 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 4.3 Planning for Bushfire Protection and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

It should be noted that the Gateway determination requires the planning proposal be amended prior to consultation to remove the component seeking to permit 'light industry' and prohibit 'high technology industry' in the RU1 Primary Production zone and replace with permitting only 'artisan food and drink industry' in the RU1 Primary Production zone.

This change has been required as permitting 'light industry' in the RU1 Primary Production Zone would require significant strategic justification through a rural lands strategy particularly noting these industries would be permitted on identified State and Regionally significant farmland that should be preserved primarily for agriculture in accordance with the North Coast Regional Plan 2041. It is also noted that light industry includes a range of potential activities including water extraction and bottling that need to be considered and determined whether appropriate. It is considered that until this additional strategic work is undertaken and completed, in consultation with the Department of Primary Industries and Regional Development and the local community, that only artisan food and drink industry be permitted in the interim.

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 nine 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, Housing and Infrastructure.

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, Housing and Infrastructure, 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 Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely



10/12/24

**Craig Diss**  
**Acting Director, Hunter and Northern Region**  
**Local Planning and Council Support**

Encl: Gateway determination