

Gateway Determination

Planning proposal (Department Ref: PP-2024-533): to introduce an affordable housing contribution clause into the Lismore Local Environmental Plan 2012.

I, the Director, Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lismore Local Environmental Plan 2012 to introduce an affordable housing contribution clause should proceed subject to the following Gateway conditions.

The LEP should be completed on or before 9 months from the date of the Gateway determination.

Gateway Conditions

1. The draft Lismore Affordable Housing Contribution Scheme is to be updated to:
 - remove the affordable housing income and cost benchmarks as this will need to be updated annually to reflect CPI and would be better placed in a supporting policy;
 - clarify the schemes application to:
 - development for non-residential floorspace
 - exempt development
 - refurbishment or repair of buildings that result in residential floorspace less than 100sqm
 - development for the purposes of community facilities, public roads or public utility undertakings
 - secondary dwellings
 - dual occupancies
 - remove the 30% premium from the scheme as it is not consistent with residual land value method;
 - discuss why remediation of agricultural lands has not been included in the feasibility assessment; and
 - clarify the contradiction in Precinct 1 that states the sites are comparable but also have significant variation.
2. Prior to community consultation, the planning proposal and the associated draft Affordable Housing Contribution Scheme are to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- 4. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
- 5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 19 April 2024



Jeremy Gray
Director, Northern Region
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces