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Our ref: PP_2013_RICHM_003_00 (13/04698)
Your ref: PP-RICHVALL-2013/01

Mr John Walker
General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Dear Mr Walker,

Planning proposal to amend Richmond Valley Local Environmental Plan 2012

I am writing in response to Council's letter dated 5 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to facilitate various administrative amendments and corrections.

As delegate of the Minister for Planning and Infrastructure, I have now determined the proposal should proceed subject to the conditions in the attached Gateway determination. As it has been determined that this is a minor amendment, there is no need to undertake community consultation for this planning proposal.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway determination. As it has been determined this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as it has undertaken consultation with the NSW Rural Fire Service, as identified in the conditions of the Gateway determination. A copy of the request should be forwarded to the department for administrative purposes.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Denise Wright of the regional office of the department on 02 6641 6600.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

27.3.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_RICHM_003_00): to make various housekeeping amendments.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Richmond Valley Local Environmental Plan (LEP) 2012 to facilitate various housekeeping amendments including the correction of errors in Schedule 5 Environmental Heritage and the Heritage Map, replacing 'dwelling entitlement' with 'dwelling opportunity' in clauses 4.1A and 4.1AA, updating clause 6.1(6) and permitting 'water supply systems' with consent in zone RU1 Primary Production should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
2. Council is to consult with the NSW Rural Fire Services (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, prior to making its request to Parliamentary Counsel to draft the LEP. The RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 27th day of March 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Richmond Valley Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_RICHM_003_00	Planning proposal to facilitate various housekeeping amendments including the correction of errors in Schedule 5 Environmental Heritage and the Heritage Map, replacing 'dwelling entitlement' with 'dwelling opportunity' in clauses 4.1A and 4.1AA, updating clause 6.1(6) and permitting 'water supply systems' with consent in zone RU1 Primary Production.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27 March 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_RICHM_003_00
Date Sent to Department under s56	05/03/2013
Date considered at LEP Review Panel	21/03/2013
Gateway determination date	27/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: