



Contact: Paul Garnett
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Paul.Garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2013_RICHM_006_00 (13/17971)
Your ref: LEP0011:CR — P1002919, P70662

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 your Council's letter dated 25 October 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 rezone Lot 1 and part of Lot 2 at Ellems Bridge Road from RU1 Primary Production to R5 Large Lot Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the subject land is within the 1 kilometre transition area that surrounds the property containing the Woodview Quarry, which has been identified as a regionally significant extractive resource. The Far North Coast Regional Strategy seeks to protect land identified as having extractive resources of regional significance and requires buffers to avoid land use conflict. Furthermore, the Richmond River Rural Residential Strategy (RRRRS) 1999 adopts a principle which promotes the avoidance of land use conflict between extractive industries and rural residential development. The planning proposal is therefore considered inconsistent with the RRRRS, and further justification is required.

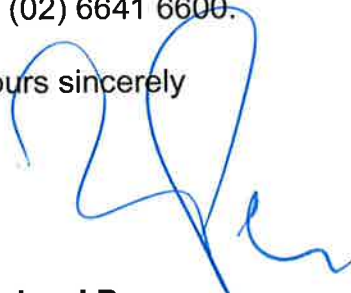
I also note that the planning proposal is inconsistent with S117 Directions 1.2 Rural Zones, 1.3 Mining Petroleum Production and Extractive Industries, 1.5 Rural Lands, 4.4 Planning for Bush Fire Protection and 5.1 Implementation of Regional Strategies. These inconsistencies are to be addressed in accordance with the conditions under the Gateway Determination.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The 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 section 54(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, I have arranged for Mr Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 6641 6600.

Yours sincerely



Richard Pearson
Deputy Director General
Growth Planning & Delivery

17/12/13

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_RICHM_006_00): to rezone land from RU1 Primary Production to R5 Large Lot Residential at Ellems Bridge Road, Piora.

I, the Deputy Director General, Growth Planning & Delivery 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 rezone Lot 1 and part of Lot 2 at Ellems Bridge Road from RU1 Primary Production to R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to commencing public exhibition, the following studies are to be undertaken:
 - an assessment, conducted in consultation with the NSW Department of Trade and Investment – Mineral Resources Branch, of the future potential of the extractive resource and the likely extent and direction of expansion of the quarry face over the life of the resource;
 - an assessment of the impact from noise, dust, vibration and traffic movements from the existing and potential future quarry operations on the proposed residential land uses;
 - a revised Land Use Conflict Risk Analysis which takes into account the future expansion of the quarry operations and has regard to the potential impact on future quarry operations, including blasting, that may arise from increased residential development in the vicinity of the quarry; and
 - an assessment of that land on Lot 2 DP 1170052 which is outside of the 1km transition zone surrounding Woodview Quarry, as an alternative location for rural residential development.
2. Prior to public exhibition, the planning proposal is to be amended to;
 - include the rezoning of the adjoining lots Lot 1 DP 573247, Lot 2 DP 543038, and Lot 1 DP 1170052 to R5 Large Lot Residential and the application of a 1ha minimum lot size; and
 - include maps which clearly show the existing and proposed zones and minimum lot sizes for the land.
3. Prior to public exhibition of the planning proposal consultation with the Department of Trade and Investment – Mineral Resources Branch is to be undertaken in accordance with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. Council is to provide a copy of the response to the Department of Planning and Infrastructure and update the planning proposal accordingly.
4. Prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken in accordance with S117 Direction 4.4 Planning for Bushfire Protection. Council is to update the planning proposal in accordance with any comments received.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

17

day of

December

2013.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning and Infrastructure