

Mr Vaughan Macdonald  
General Manager  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470

Dear Mr Macdonald

**Planning proposal PP\_2018\_RICHM\_002\_00 to amend Richmond Valley Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone Lots 1 and 2 DP 545750 and Lots 85, 86 and 87 DP 755627 to R1 General Residential and apply a minimum lot size of 600m<sup>2</sup> under the Richmond Valley Local Environmental Plan 2012.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed for reasons outlined in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 3.1 Residential Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to these Direction/s.

The proposals inconsistency with Direction 1.2 Rural Zones and 1.5 Rural Lands is unresolved and will require justification once consultation with the Department of Primary Industry Agriculture has been completed.

The inconsistency of the proposal with Direction 3.5 Development Near Licensed Aerodromes is unresolved and will require justification once consultation with the Civil Aviation and Safety Authority and aerodrome lessee has been completed.

The inconsistency with Direction 4.3 Flood Prone Land is unresolved and justification is dependent upon consultation with Office of Environment and Heritage and NSW State Emergency Services, and upon the outcomes of a study into the impacts of raising the land, which should be completed prior to community consultation.

The inconsistency with Direction 5.10 Implementation of Regional Plans will remain unresolved until the completion of the flood study and referrals to all agencies are completed.

I note the proposal is not within an identified residential release area under Council's local growth management strategy and appreciate Council's commitment to reviewing its local growth management strategy.

It is also noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Alison Parr to assist you. Ms Parr can be contacted on 6641 6612.

Yours sincerely



**21-9-2018**

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template