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

Our ref: PP\_2013\_RICHM\_002\_00 (13/03964)  
Your ref: LEP0021:CR – P1003045

Dear Mr Walker,

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### **Planning proposal to amend Richmond Valley Local Environmental Plan 2012**

I am writing in response to Council's letter dated 25 February 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 100 DP 1181445 at Reardons Lane, Swan Bay from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size for the land to 1ha.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

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 LEP is to be finalised within 12 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 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 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 Paul Garnett of the regional office of the department on 02 6641 6600.

Yours sincerely,



**Richard Pearson**  
**Deputy Director General**  
**Planning Operations & Regional Delivery**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_RICHM\_002\_00):** to rezone land at Swan Bay for large lot residential purposes and reduce the minimum lot size for the land.

I, the Deputy Director General of Planning Operations and Regional Delivery, 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 rezone approved Lot 100 DP 1181445 at Reardons Lane, Swan Bay from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size for the land to 1ha should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to provide existing and proposed land use zoning and minimum lot size maps, at an appropriate scale, which clearly identify the subject site.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for a minimum of **14 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 2012)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
  - Office of Environmental Heritage
  - Relevant Aboriginal Land Councils

Each public authority 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.

4. 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).



# Planning & Infrastructure

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 15 day of March 2013.

A handwritten signature in blue ink, appearing to read "Richard Pearson".

**Richard Pearson**  
**Deputy Director General**  
**Planning Operations & Regional Delivery**  
**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_002_00	Planning proposal to rezone Lot 100 DP 1181445 at Reardons Lane, Swan Bay from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size for the subject land to 1ha.

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 *15 March* 2013

**Richard Pearson**  
Deputy Director General  
Planning Operations & Regional Delivery  
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_002_00
Date Sent to Department under s56	25/02/2013
Date considered at LEP Review Panel	07/03/2013
Gateway determination date	15/03/2013

**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: