

**Richmond Valley LEP 2012 – draft amendment to correct zoning errors in Evans Head,
Busbys Flat and Broadwater**

Proposal Title :	Richmond Valley LEP 2012 – draft amendment to correct zoning errors in Evans Head, Busbys Flat and Broadwater		
Proposal Summary :	The Planning Proposal seeks to make three (3) amendments to the Richmond Valley LEP 2012. These amendments constitute the following. • 1 –Amend a zoning error on land located at 760 Woodburn-Evans Head Road, Evans Head (Lot 475 DP755624). The proposal seeks to zone the subject site from IN1 General Industrial to RU1 Primary Production, amend the minimum lot size from 5000 m2 to 40 ha and include the subject site on the Dwelling Opportunities Map. • 2 – Amend a zoning error on land located at 3280 Busbys Flat Road, Busbys Flat (Lot 11 DP777379). The proposal seeks to zone the subject site from RU3 Forestry Zone to RU1 Primary Production and W1 Natural Waterways and apply a minimum lot size of 100 ha to the RU1 Primary Production zone. • 3- Amend a zoning error on land located at Broadwater National Park. The proposal seeks to zone the subject site from SP2 Infrastructure (Waste or Resource Management Facility) to E1 National Parks and Nature Reserves.		
PP Number :	PP_2015_RICHM_003_00	Dop File No :	15/16552

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is recommended that;

1. The planning proposal should proceed as a minor planning proposal.
2. The planning proposal is to be completed within 6 months.
3. That a community consultation period of 14 days is necessary.
4. That the RPA consult with the Office of the Environment and Heritage (National Parks and Wildlife Service) in relation to the proposed amendments that affect land owned by this authority.
5. It is recommended that a delegate of the Secretary agree that the inconsistency of the proposal with S117 Direction 1.1 is justified in accordance with the provisions of the direction.
6. The RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with S117 Direction 4.4 Planning for Bush Fire Protection.
7. A written authorisation to exercise delegation is issued to Richmond Valley Council in this instance to enable Council to make the plan.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed amendments will ensure an accurate and current LEP for Richmond Valley which will provide confidence and clarity in the planning controls.
2. The inconsistencies of the proposal with the S117 Directions are of minor significance

Panel Recommendation

**Richmond Valley LEP 2012 – draft amendment to correct zoning errors in Evans Head,
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Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

Gateway Determination

Decision Date : **26-Nov-2015**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **6 months**

Gateway Determination : **The planning proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) 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 and Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- **Office of the Environment and Heritage (National Parks and Wildlife Service); and**
- **NSW Rural Fire Service (S 117 Direction 4.4 Planning for Bushfire Protection).**

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.

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 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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

26 November 2015