

Mr V Macdonald
Acting Chief Executive Officer
Richmond Valley Council
Locked Bag 10
Casino NSW 2470

Our ref: PP_2016_RICHM_001_00 (16/02290)
Your ref: 16/02290

Dear Mr Macdonald

Planning Proposal to amend Richmond Valley Local Environmental Plan 2012

I am writing in response to your Council's letters dated 25 January 2016 and 3 February 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at Spring Grove for rural residential purposes.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Directions 3.4 Integrated Land Use and Transport is justified in accordance with the terms of the Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Lands, 5.1 Implementation of Regional Strategies and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 not issue an authorisation for Council to exercise delegation to make this plan at this stage.

The amending Local Environmental Plan (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 8 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 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 Luke Blandford of the Department's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely



12 February 2016

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_RICHM_001_00): to rezone land at Spring Grove for rural residential purposes and to alter the minimum subdivision lot size controls for the subject land.

I, the Acting Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Richmond Valley Local Environmental Plan (LEP) 2012* to rezone land at Spring Grove for rural residential purposes and to alter the minimum subdivision lot size controls for the subject land should proceed subject to the following conditions:

1. Council is to update the planning proposal to:
 - (a) list on Page 5 that the proposal seeks to apply a 20 hectare minimum lot size standard to the portion of the site which is retaining a rural zone;
 - (b) remove any reference to a 'split lot clause';
 - (c) include a map that identifies the current minimum lot size standards for the site; and
 - (d) include a map that identifies the amount of land mapped as Regionally Significant Farmland and the Rural Residential Growth Boundary.
2. Additional information regarding the below matters is to be appended to the planning proposal:
 - Preliminary Contamination Assessment;
 - Flora and Fauna Assessment; and
 - Land Use Conflict Risk Assessment.
3. Consultation is required with the following public authorities prior to undertaking community consultation under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage regarding heritage, flooding and ecological considerations; and
 - Department of Primary Industries regarding significant farmland.

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. Following consultation with the public authorities and prior to undertaking community consultation, Council is to provide the Department with a copy of the updated planning proposal package for approval, as required by section 57(2) of the Act.

5. Community consultation is required under sections 56(2)(c) and 57 of the 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 and 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 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 **12 months** from the week following the date of the Gateway determination.

Dated 12th day of February 2016



Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning