



## Gateway Determination

**Planning proposal (Department Ref: PP-2020-3937):** *rezone part of Lot 100 DP 1201719, Hills Road, Rileys Hill, from RU1 Primary Production to RU5 Village and E2 Environmental Conservation, change the minimum lot size and alter the dwelling opportunity map.*

I, the Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Richmond Valley Council Local Environmental Plan (LEP) 2012 to rezone part of Lot 100 DP 1201719, Hills Road, Rileys Hill, from RU1 Primary Production to RU5 Village and E2 Environmental Conservation, change the minimum lot size and alter the dwelling opportunity map should proceed subject to the following conditions:

1. Prior to community or agency consultation, the planning proposal is to be amended to:
  - (a) consolidate the 'Amended planning proposal submission' (dated 3 November 2020) and the original planning proposal (dated May 2017) into one document to provide clarity on the objectives of the planning proposal, explanation of the provisions and justification for the proposed amendments;
  - (b) include discussion that addresses the planning proposal's consistency with the Richmond Valley Council Local Strategic Planning Statement;
  - (c) update the references and discussion of the applicable SEPPs and section 9.1 Directions;
  - (d) include the current and proposed land zoning, minimum lot sizes and dwelling opportunity maps;
  - (e) amend the proposed minimum lot size for the residual land zoned RU1 Primary Production and E2 Environmental Conservation to prevent any opportunity for further subdivision; and
  - (f) identify the proposed dwelling opportunity map is to only apply to the RU1 Primary Production Zone on the residual lot to prevent any expectation that a dwelling house could be built on land zoned E2 Environmental Conservation.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and

- (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Rural Fire Service;
  - NSW Roads and Maritime Service;
  - Biodiversity and Conservation Division;
  - NSW Division of Resources and Geoscience; and
  - The Local Aboriginal Land Council.

Each public authority/organisation 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 3.34(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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (g) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (h) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (i) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 20 day of January 2021.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**  
**Delegate of the Minister for Planning**  
**and Public Spaces**

