

Gateway Determination

Planning proposal (Department Ref: PP-2024-854): *Rezone part of Lots 832 and 833 DP 847683, corner Reardons Lane and Darke Lane, Swan Bay to R5 Large Lot Residential and amend associated development controls.*

I, the A/Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 Local Environmental Plan 2012 to rezone part of Lots 832 and 833 DP 847683, corner of Reardons Lane and Darke Lane, Swan Bay to R5 Large Lot Residential and amend associated development controls should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (the Act) subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) remove those parts of the land affected by a high flood hazard (H5 and H6) in the Probable Maximum Flood event;
 - (b) delete all text discussing the North Coast Regional Plan 2036;
 - (c) include an updated project timeline and consultation timeframe; and
 - (d) remove the conceptual subdivision layout - Map Plan 4.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- NSW Rural Fire Service
 - NSW Department of Primary Industries – Agriculture
 - Transport for NSW
 - Local Aboriginal Land Council
 - NSW State Emergency Service
 - NSW Mining, Exploration and Geoscience

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 21 day of June 2024.



Craig Diss
A/Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces