

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_RICHM\_002\_00): to rezone Lots 1 and 2 DP 545750 and Lots 85, 86 and 87 DP 755627 to R1 General Residential and apply a minimum lot size of 600m<sup>2</sup>.***

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Richmond Valley Local Environmental Plan 2012 to rezone Lots 1 and 2 DP 545750 and Lots 85, 86 and 87 DP 755627 to R1 General Residential and apply a minimum lot size of 600m<sup>2</sup> should proceed subject to the following conditions:

1. Prior to community consultation a flood study is to be undertaken to assess the impacts of raising the height of the subject land.
2. Prior to Community Consultation, Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Civil Aviation and Safety Authority and the aerodrome lessee; and
  - Department of Primary Industry Agriculture; and
  - Office of Environment and Heritage; and
  - NSW State Emergency Services.

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. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

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:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 21 day of September 2018.



**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**