

## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_RICHM\_002\_00):** to rezone Lots 100 to 111 DP 755627, Bruxner Highway, Casino from RU1 Primary Production to IN1 General Industrial and apply a 750 m<sup>2</sup> minimum lot size under the Richmond Valley LEP 2012.

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* (the Act) that an amendment to the Richmond Valley Local Environmental Plan (LEP) 2012 to rezone Lots 100 to 111 DP 755627, Bruxner Highway, Casino from RU1 Primary Production to IN1 General Industrial and apply a 750 m<sup>2</sup> minimum lot size should proceed subject to the following conditions:

1. Prior to community consultation a flood study is to be undertaken and the planning proposal amended if necessary to reflect the outcomes of the site investigations. This study is to be included in the material used for community consultation.
2. Prior to community consultation the planning proposal is to be amended as follows:
  - An assessment and reference against Ministerial Direction 1.1 Business and Industrial Zones;
  - An assessment and reference against the updated Ministerial Direction 1.5 Rural Lands; and
  - An assessment and reference against the subdivision matters in clause 5.16 of the Tweed LEP and removal of references to SEPP (Rural Lands) 2008.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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. 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 Roads and Maritime Service;
- NSW Office of Environment and Heritage; 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.

5. 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).
6. 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.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 4 day of April 2019.



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

**Delegate of the Minister for Planning**