

Gateway Determination

Planning proposal (Department Ref: PP_2019_RICHM_003_00): to rezone land at Johnston Street, Casino from RU1 Primary Production to IN1 General Industrial and apply a 750m² minimum lot size to enable the land to be developed for industrial purposes.

I, the Director Regions, Northern at the Department of Planning 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 Local Environmental Plan (LEP) 2012 to rezone land at Johnston Street, Casino from RU1 Primary Production to IN1 General Industrial and apply a 750m² minimum lot size to enable the land to be developed for industrial purposes should proceed subject to the following conditions:

1. Prior to public exhibition the following site investigations are to be undertaken and included in the material placed on public exhibition:
 - (a) a flood impact assessment which addresses the proposed filling of the site; and
 - (b) a contaminated land assessment.
2. Prior to public exhibition the planning proposal is to be amended as follows:
 - (a) The planning proposal is to explain the reason why adjoining land which has also been identified for industrial release in the Casino Urban Land Release Strategy 2005 has not been included for consideration in this planning proposal;
 - (b) the reference to State Environmental Planning Policy (Rural Lands) 2008 in Appendix A is to be deleted as this policy has been repealed by State Environmental Planning Policy (Primary Production and Rural Development) 2019; and
 - (c) the reference to direction 1.5 Rural Lands in Appendix B is to be amended to reflect the changes to the direction.
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 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2018).

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:
 - Roads and Maritime Services;
 - 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 **12 months** following the date of the Gateway determination.

Dated 21 day of June 2019.



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

Delegate of the Minister for Planning
and Public Spaces