

To permit restaurants or cafes on Lot 3 DP 337280, 122 Centre St, Casino

Proposal Title : To permit restaurants or cafes on Lot 3 DP 337280, 122 Centre St, Casino

Proposal Summary : The planning proposal seeks to amend the Richmond Valley Local Environmental Plan (LEP) 2012 by including restaurants or cafes as an additional permitted use with consent on Lot 3 DP 337280, 122 Centre Street, Casino.

PP Number : PP_2016_RICHM_002_00 **Dop File No :** 16/14748

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

Additional Information : It is recommended that the Acting Director Regions, Northern , as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Richmond Valley LEP 2012 to permit restaurants or cafés on Lot 3 DP 337280, 122 Centre Street, Casino, should proceed subject to the following conditions:

1) The planning proposal is required to be updated prior to community consultation to:

- (a) remove any references to food and drink premises and replace if necessary with restaurants or cafes; and
- (b) update Part 2 - Explanation of Provisions to remove 2.2 'Proposed Amendment to Schedule 1 Additional Permitted Uses'.

2) Community consultation is required under section 56(2) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made available along with the planning proposal as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure 2013)'.

3) Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- (a) Roads and Maritime Services
- (b) Department of Industry - Lands

4) A public hearing is not required to be held into the matter by any person or body under section 56(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).

5) The timeframe for completing the LEP is to be 9 months from the week following the date of Gateway determination.

6) The Secretary's delegate agree to the planning proposal's inconsistencies with s117 Directions 3.1 Residential Zones and 4.3 Flood Prone Land.

7) Delegation to finalise the planning proposal be issued to Richmond Valley Council.

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Supporting Reasons : **The reason for the above recommendations for the planning proposal are as follows:**

- The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.
- The proposal by Council to permit restaurants or cafés as a permitted use in Schedule 1 Additional Permitted Uses is appropriate to proceed.

The issue of delegation to Council to finalise the planning proposal is appropriate in this instance.

Panel Recommendation

Recommendation Date : **24-Nov-2016** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Director Regions, Northern. Therefore the planning proposal will not be considered by the Panel.**

Gateway Determination

Decision Date : **25-Nov-2016** Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days** LEP Timeframe : **9 months**

Gateway Determination : **1. The planning proposal is required to be updated prior to community consultation as follows:**

- remove any references to food and drink premises and replace if necessary with restaurants or cafes; and
- update Part 2 - Explanation of Provisions to remove 2.2 'Proposed Amendment to Schedule 1 Additional Permitted Uses.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days;

(b) the relevant planning 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 LEPs (Department of Planning and Environment 2016); and

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- Department of Industry - Lands
- Transport for NSW - Roads and Maritime 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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).

Signature: _____



Printed Name: _____

Craig Durr

Date: _____

25/11/16