

Gateway Determination

Planning proposal (Department Ref: PP_2019_RICHM_001_00): to rezone Lot 4 DP 708496, 75 Gregors Road, Spring Grove, from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size map to facilitate rural residential development.

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 the subject land and amend the minimum lot size map to facilitate rural residential development should proceed subject to the following conditions:

1. Prior to community consultation the following site investigations are to be undertaken and the planning proposal amended where necessary to reflect the outcomes of the investigations;
 - a) an updated ecological assessment;
 - b) an updated Aboriginal cultural heritage assessment;
 - c) an updated Contaminated land assessment including soil sampling as appropriate and to the satisfaction of Council;
 - d) a traffic and access report; and
 - e) a flood impact assessment.
2. Prior to community consultation the planning proposal is to be amended as follows:
 - a) the content of the planning proposal is to be amended in accordance with the results of the site investigations require by Condition 1 of this Gateway determination;
 - b) maps in the planning proposal are to be labelled consistent with mapping under the RVLEP 2012;
 - c) a project time line is to be included in the planning proposal; and
 - d) consideration is to be given to the application of a 1ha minimum lot size across the site.
3. Once the site investigations required by Condition 1 have been undertaken and the planning proposal has been amended in accordance with Condition 2, the planning proposal is to be forwarded to the Department for approval of the form of the proposal for community consultation in accordance with section 57(2) of the Act.
4. 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 **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).
5. 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 Rural Fire Service;
 - NSW Office of Environment and Heritage;
 - NSW Department of Industry, Agriculture; 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.
6. 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).
7. 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.

(d)

8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 19 day of February 2019.



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

Delegate of the Minister for Planning