

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2018\_RICHM\_001\_00): to rezone part of Lot 100 DP 1201719 at Hills Road, Rileys Hill from RU1 Primary Production to RU5 Village and change the minimum lot size from 40 hectares to 600m<sup>2</sup> to enable the land to be developed for low density residential purposes.***

I, the Director Regions, Northern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 part of Lot 100 DP 1201719 at Hills Road, Rileys Hill from RU1 Primary Production to RU5 Village and change the minimum lot size from 40 hectares to 600m<sup>2</sup> to enable the land to be developed for low density residential purposes 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 if necessary to reflect the outcomes of the site investigations. The site investigations are to be included in the material used for community consultation:
  - a. an ecological assessment;
  - b. a preliminary site contamination assessment including soil sampling as appropriate and to the satisfaction of Council;
  - c. an Aboriginal cultural heritage assessment;
  - d. an assessment of the potential impacts of the Rileys Hill Quarry operations, including a land use conflict risk assessment for potential blasting, noise, traffic and vibration impacts, should the operation of the quarry be resumed;
  - e. a traffic impact assessment;
  - f. a flood study;
  - g. a bushfire hazard risk assessment;
  - h. an infrastructure servicing plan; and
  - i. an acid sulfate soils 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 which show the current and proposed zone and minimum lot size for the land are to be included within the planning proposal; and
  - c. a project time line is to be included in the planning proposal;
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. 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**; 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 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 and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - NSW Rural Fire Service;
  - NSW Roads and Maritime Service;
  - NSW Office of Environment and Heritage;
  - NSW Division of Resources and Geoscience; 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 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).
7. The timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 16 day of February 2018.



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

## **Delegate of the Minister for Planning**