

## Gateway Determination

**Planning proposal (Department Ref: PP\_2012\_2685):** rezone Lots 1 to 12 and 14 to 20 Section 6 DP 976660, and Lot 1 DP783330, and a section of unformed crown road from RU1 Primary Production to IN1 General Industrial and apply a 750m<sup>2</sup> minimum lot size under the Richmond Valley LEP 2012.

I, the Director, Northern Region at the Department of Planning, Industry 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 Lots 1 to 12 and 14 to 20 Section 6 DP 976660, and Lot 1 DP 783330, and a section of unformed crown road from RU1 Primary Production to IN1 General Industrial and apply a 750m<sup>2</sup> minimum lot size should proceed subject to the following conditions:

1. Prior to community consultation the updated Richmond Valley Flood Model for the site is to be completed and the planning proposal amended if necessary. Specific consideration should be given to the proposed filling of the land. Appropriate information from the updated flood model 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:
  - (a) include an assessment and reference to the Local Strategic Planning Statement;
  - (b) remove references to SEPP No. 55 – Remediation of Land which has been replaced by section 9.1 Direction 2.6 Remediation of Land; and
  - (c) remove references to SEPP 44 No. - Koala Habitat Protection and replace with SEPPs (Koala Habitat Protection) 2020 and 2021.
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, 2018) 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 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:

- Transport for NSW;
- Division of Biodiversity and Conservation; and
- 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:
  - (d) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (e) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (f) there are no outstanding written objections from public authorities.
7. The LEP is to be completed by 31 December 2021.

Dated 19 day of April 2021.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

