

Gateway Determination

Planning proposal (Department Ref: PP-2022-2869): *rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part Lot of 1 DP 307050).*

I, the Director, 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 Kyogle Local Environmental Plan 2012 to rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part of Lot 1 DP 307050) should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 12 months from the date of the Gateway determination.

Gateway Conditions

1. The planning proposal is to be updated prior to agency or community consultation to:
 - clarify that a nine-metre height of building will apply to the land zoned R1 General Residential and include mapping as appropriate;
 - address the provisions of the Kyogle Local Growth Management Strategy 2010;
 - provide a discussion on the proposal's consistency with draft North Coast Regional Plan 2041;
 - address the most current version of the Ministerial section 9.1 Directions and consolidated State Environmental Planning Policies;
 - demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation;
 - confirm the Reduced Levels (RLs) of the site in accordance with the Kyogle Floodplain Risk Management Plan 2009;
 - include a preliminary investigation of the land in accordance with the contaminated land planning guidelines; and
 - include an updated project timeline.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Department of Primary Industries – Agriculture
 - Department of Planning and Environment – Floodplain Management Division
 - State Emergency Service
 - Northern Rivers Reconstruction Corporation
 - NSW Mining, Exploration and Geoscience
 - Gugin Gudduba Local Aboriginal Land Council
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 3.34(2)(e) of the EP&A 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).

Dated 15 day of September 2022.



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

Delegate of the Minister for Planning