



Gateway Determination

Planning proposal (Department Ref: PP_2020_WALGE_001_00): amend the Walgett Local Environmental Plan 2013 to rezone the land (MPL278) and permit a dwelling on part of Lot 2 DP 1153975, Crystal Road, Lightning Ridge.

I, the Director, Western 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 Walgett Local Environmental Plan (LEP) 2013 to rezone the land (MPL278) to SP1 Special Activities (Mining), change minimum lot size to 5 hectares and permit a dwelling as an Additional Permitted Use in Schedule 1 for part of Lot 2 DP 1153975 (MPL278), Crystal Road, Lightning Ridge should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to include advice received from Council dated 17 July 2020 to rezone the land (MPL278) to SP1 Special Activities (Mining) and amending the minimum lot size to 5ha.
2. 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 **28 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).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
 - NSW Department of Planning, Industry and Environment – Crown Land Division and
 - Regional NSW – Mining, Exploration and Geoscience.

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 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).
5. 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.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 24th day of July 2020.



Damien Pfeiffer
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces