



Gateway Determination

Planning proposal (Department Ref: PP_2020_LITHG_001_00): to rezone land at Lots 1 and 2 DP 213770 and Lot 20 DP 1207089 121-123 Main St Wallerawang.

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 Lithgow Local Environmental Plan (LEP) 2014 to rezone 121-123 Main St Wallerawang. The proposal is to rezone Lots 1 and 2 DP 213770 and Lot 20 DP 1207089 from part RU1 Primary Production and part SP2 Infrastructure (Electricity Generating Works) to zone IN2 Light Industrial, and insert additional permitted use to allow the ongoing permissibility of the Black Gold Motel at Lot 20 DP 1207089 and Lot 1 DP 213770, Main Street, Wallerawang should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, the planning proposal is to be updated to change the minimum lot size from 40 hectares to nil on Lot 20 DP 1207089, being the Black Gold Motel site.
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 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 and/or to comply with the requirements of relevant section 9.1 Directions:
 - Heritage NSW
 - NSW Rural Fire Service
 - Bathurst Aboriginal Land Council
 - NSW Environment, Energy and Science Biodiversity and Conservation Division
 - Transgrid

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.

4. Prior to submission of the plan under section 3.36 of the Act, the final LEP maps must be prepared to be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. A minimum lot size map (condition 1), a zoning map and an Additional Permitted Uses map in respect of Lot 1 DP 213770 and Lot 20 DP 1207089 for the use of the land for Hotel and motel accommodation are required.
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:
 - (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.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 19th day of November 2020.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces