



## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_MIDWR\_001\_00):** to zone land from zone RU4 Primary Production Small Lot to zone B5 Business Development, amend the minimum lot size from 20ha to 2000m<sup>2</sup> and apply a 25 metre wide development buffer – Lot 2 DP 1079362, 134 Lions Drive, Burrundulla, Mudgee.

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 Mid-Western Regional Local Environmental Plan (LEP) 2012 to facilitate a hardware and building supplies should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the following is required:
  - (a) Consultation with Department of Planning, Industry and Environment – Biodiversity, Conservation and Science regarding flooding and addressing inconsistency with section 9.1 Direction 4.3 Flood Prone Land.
  - (b) Address and resolve the details and inconsistencies with section 9.1 Direction 6.3 Site Specific Provisions.
  - (c) Clear details of the proposed 25m wide “no development buffer” and the 2000m<sup>2</sup> minimum lot size development standard proposed. Clarification is to be provided on the intent of the 25m “no development buffer” area including consideration of options to achieve the intended outcome.
  - (d) Details of the timeframes to complete the LEP amendment.

Council is to update the planning proposal to take into account the outcomes of the above and seek approval from the Department of Planning, Industry and Environment prior to undertaking public exhibition.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (e) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (f) 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 Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW 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 9 months following the date of the Gateway determination.

Dated 28<sup>th</sup> day of October 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**