

Gateway Determination

Planning proposal (Department Ref: PP-2020-3961): to rezone land from RU1 Primary Production to R5 Large lot residential and amend the minimum lot size to 5ha or 2ha for land at 37, 39, 139 and 141 Calderwood Road, Rylstone.

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 rezone land from RU1 Primary Production to R5 Large lot residential and amend the minimum lot size to 5ha or 2ha for land at 37, 39, 139 and 141 Calderwood Road, Rylstone should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:
 - a. Potential contamination – a preliminary contamination investigation is to be undertaken to satisfy Council the subject land is suitable or can be made suitable for the proposed large lot residential use;
 - b. Consultation with Department of Planning, Industry and Environment - Water and Environment Protection Authority in relation to proximity of the land to the Rylstone Sewerage Treatment Plant, potable and non-potable water supply to the land and proposed development;
 - c. Consultation with Department of Planning, Industry and Environment – Environment, Energy and Science to determine the impact of the proposed amendment to local biodiversity and ascertain the requirements should any further work be required;
 - d. Preparation of LEP maps as per the proposed amendment. In this regard, ensure all maps that form part of the planning proposal must clearly identify the subject land supported by the investigations as identified in (a) and (b) above;
 - e. Update planning proposal as required

Council is to seek approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal exhibition must commence within **four (4) months** from the date of the Gateway determination. 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 authority/organisation under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection:

- NSW Rural Fire Service

NSW Rural Fire Service 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 and
 - (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 29 day of March 2021



Garry Hopkins
Director, Western Region
Local and Regional Planning Department of Planning, Industry and Environment
Delegate of the Minister for Planning and Public Spaces