



Mr Craig Butler
General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Attention: Ms Sherilyn Hanrahan – Strategic Land Use Planner

Dear Mr Butler

Planning proposal PP-2020-4094 to amend Lithgow Local Environmental Plan 2014 – Foundations Site, Portland

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land known as the Foundations Site, Williwa Street, Portland, being Lot 1 DP 109592, Lot 1 DP 842890, Lot 5 DP 749907, Lot 6 DP 749908, Lot 7 DP 749909, Lot 24 Section 46 DP 758855, Lots 53 and 104 DP 755769 and Lots 1 and 4 DP 1227369 from 2(v) Village under the Lithgow Local Environment Plan (LEP) 1994 to a combination of zone R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE2 Private Recreation, and related amendments in accordance with Item 10.1.2.2 ECDEV consider at Lithgow City Council meeting dated 23 November 2020.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction's 2.6 Remediation of Land and 6.3 Site Specific Provisions are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions. In relation to the planning proposal's inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection, consultation with NSW Rural Fire Service is required to resolve the inconsistency. In relation to this matter please refer to condition 2 of the Gateway determination.

I note that while the planning proposal will allow deferred land to move from Lithgow City Local Environmental Plan 1994 to Lithgow LEP 2014, the submitted planning proposal still leaves some land as a 'Deferred Matter'. This planning proposal presents an ideal opportunity to allow for the repeal of the 1994 LEP and I have

conditioned the Gateway determination to require update of the planning prior to community consultation to include all deferred land. The regional team is available to discuss this matter further.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

Council is reminded to notify the Western Region office of the Department of Planning, Industry and Environment when the plan making milestones are achieved as identified in the attached "Authorised plan- making reporting template".

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office eight (8) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment via the NSW Planning Portal.

All related files for LEP Amendment, including PDF maps, Map Cover Sheet, planning proposal document and GIS data, if available, must be submitted to the Department via the Planning Portal website at www.planningportal.nsw.gov.au. To submit the data, Council is requested to create an account and log in using these details.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Rebecca Martin to assist you. Ms Martin can be contacted on 5852 6810.

Yours sincerely



Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template