

Gateway Determination

Planning proposal (Department Ref: PP-2021-3581): Amendment to Blayney Local Environmental Plan 2012 by including dual occupancy subdivision provisions for R1 General Residential land in the Town of Blayney and amendment to minimum lot size for land around Browns Creek Road, Blayney and Browns Creek.

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 the amendment to Blayney Local Environmental Plan 2012 by including dual occupancy subdivision provisions for R1 General Residential land in the Town of Blayney and amendment to minimum lot size for land around Browns Creek Road, Blayney and Browns Creek should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal authority is to:
 - a. Undertake consultation with Department of Planning, Industry and Environment - Mining, Exploration and Geoscience for the land identified to be affected by Mineral Resources.
 - b. Undertake consultation with APA Group to seek comments on the proposed amendments for the land near the gas pipeline.
 - c. Amend proposed lot averaging provisions for Browns Creek Road area, particularly, Clause 4.1C(2)(d) to include reference to gas pipeline as required.
 - d. Amend the planning proposal to justify amending minimum lot size for areas identified as approved for subdivision.
 - e. Amend discussion for SEPP (Infrastructure) 2007 to include discussion for development near pipeline (Clause 66C).
 - f. Amend the planning proposal to include any recommendation from the consultation as above and update discussion for s. 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries. In this regard, relevant maps may need to be updated to show mineral resources boundary as per the map for Mineral Resources Audit of Blayney Shire dated August 2012.
 - g. Clearly identify buffer areas for the ANL facility and demonstrate that adequate buffer area is achieved from the ANL facility to the land proposed to be impacted by the amendment.

Council is to forward a revised planning proposal for approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal must be exhibited within **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 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.
 - Central Tablelands Water for requirement for water service around Browns Creek Road area.

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. 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 21 day of July 2021.

A handwritten signature in black ink, appearing to read 'G. P. Hopkins', with a large, stylized initial 'G'.

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

Delegate of the Minister for Planning
and Public Spaces