

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-4679): to permit a bulk storage and reload facility (heavy industry) at 540 Buckaroo Road, Buckaroo.***

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 permit a bulk storage and reload facility (heavy industry) at Lot 2 DP 1227923, 540 Buckaroo Road, Buckaroo should proceed subject to the following conditions:

1. Prior to community consultation, consultation is required with the following public authorities:
  - (a) NSW Rural Fire Service to satisfy the requirements of section 9.1 Ministerial Direction 4.4 Planning for Bushfire Protection and any specific firefighting requirements for the proposed facility.
  - (b) Environment Protection Authority regarding impact of the proposal on surrounding sensitive receptors and any requirements for notifying surrounding land owners and licencing requirements.Having regard to the response from NSW Rural Fire Service and Environment Protection Authority, Council is to seek approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.
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:
  - (a) DPIE - Biodiversity, Conservation and Science Directorate
  - (b) DRNSW - Mining, Energy and Geoscience.

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. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps (Additional permitted use map) must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
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 26<sup>th</sup> day of November 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**