

Gateway Determination

Planning proposal (Department Ref: PP-2021-7118): to amend minimum lot size for residential dwellings and permit residential dwellings within 500m of certain villages.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Blayney Local Environmental Plan (LEP) 2012 to amend the minimum lot size and dwelling house permissibility in and near the six unsewered villages of Blayney Shire (Barry, Carcoar, Lyndhurst, Mandurama, Newbridge and Neville) 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) undertake a preliminary contamination investigation to satisfy Council the subject areas that may be potentially contaminated are suitable or can be made suitable for future residential use;
 - b) address application of the proposed minimum lot size on permissible non-residential uses in zones RU5 Village and R5 Large Lot Residential; and
 - c) update the Project Timeline

Council is to seek approval from the Department of Planning 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 is to 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 Stage 5 of Local Environmental Plan Making Guideline (Department of Planning and Environment, December 2021).
3. Consultation is required with the Department of Planning and Environment – Environment, Energy and Science under section 3.34(2)(d) of the Act.

The public authority/agency 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 **nine (9) months** following the date of the Gateway determination.

Dated 4th day of February 2022.



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

Delegate of the Minister for
Planning