

Gateway Determination

Planning proposal (Department Ref: PP-2022-1494): rezone part of the land from zone RU1 Primary Production to zone R5 Large Lot Residential and change the minimum lot size at part of Lot 6 DP 703806, No. 51 Winter Lane, Summer Hill Creek

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 Cabonne Local Environmental Plan 2012 to rezone part of the land from zone RU1 Primary Production to zone R5 Large Lot Residential and change the minimum lot size at part of Lot 6 DP 703806, No. 51 Winter Lane, Summer Hill Creek should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:-
 - a) Discuss the proposed mechanisms to create proposed Lot 4 under the Cabonne LEP 2012 – the land on which the existing dwelling house is to remain.
 - b) Update the Project Timeframe to reflect the submission of the proposal in August 2022 and subsequent milestones to ensure the plan is finalised in nine (9) months.
 - c) Update the planning proposal to include a preliminary contamination assessment to Council requirements.

The planning proposal is to be updated and forwarded to the Department via the Planning Portal for review and approval prior to commencing public exhibition.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) The planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:
 - Biodiversity Conservation and Science Directorate
 - NSW Rural Fire Service

Each public authority is to be provided with copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

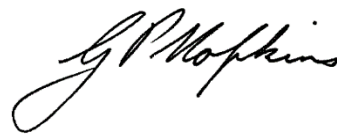
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) There are no outstanding written objections from public authorities.

The LEP should be completed within nine (9) months of the date of the Gateway determination.

Dated

6th day of September

2022.



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

Delegate of the Minister for Planning