

Gateway Determination

Planning proposal (Department Ref: PP-2022-3464): Housekeeping amendments

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 Mid-Western Regional Local Environmental Plan 2012 to amend land zoning, heritage schedule and additional permitted use schedule should proceed subject to the following conditions:

1. Prior to commencing community consultation, the planning proposal is to be amended to address the following matters:
 - a) Amend the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in nine (9) months.
 - b) To clearly demonstrate the proposed changes of Schedule 5 of MWRLEP 2012 for exhibition, all amendments are to be highlighted in bold italic or track changes.
 - c) Justify the deletion of the heritage items by either including evidence such as heritage reports confirming the loss of heritage significance, providing DA consents permitting demolition of a heritage item and/or through other forms of evidence.
 - d) Confirm that 6 Bulga Street, Gulgong (Lot 3 DP 570476) is the only property proposed to be inserted as a State or local heritage item and to provide supporting heritage reports and/or heritage inventory sheets.
 - e) The minimum lot size standard for the NPWS land is to be proposed as nil, consistent with C1 zoning.
 - f) To ensure a uniformed approach is made and to prevent unnecessary planning uncertainties for future development applications on Lots 7 & 9 DP 271077, the planning proposal is to be amended requiring Lots 7 & 9 to be included in the proposed APU schedule 1 provision.
 - g) Update Part 4 – Mapping to reflect the LEP maps that will be amended by this planning proposal.
 - h) Include identification / locality (not final LEP) maps for objective 3 and 4 of the planning proposals and for those items in objective 1 and 2 where additions or deletions to the heritage schedule will be made.
 - i) Address the most recent section 9.1 Ministerial Directions, ensuring correct Direction numbers are referenced and delete reference to section 117 Directions.
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 basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working 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, 2022).

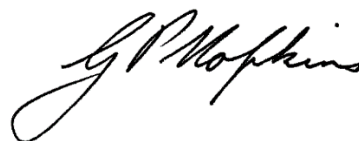
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Department of Planning and Environment – Environment and Heritage Group – Heritage NSW
- Department of Planning and Environment – Environment and Heritage Group - NPWS

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 28 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 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;
 - (c) there are no outstanding written objections from public authorities; and
 - (d) there is no Council owned land in objective 4 of the planning proposal or land being deleted from the heritage schedule in objective 1.
6. The LEP should be completed on within nine (9) months.

Dated 23rd day of December 2022.



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

Delegate of the Minister for Planning