

Gateway Determination

Planning proposal (Department Ref: PP-2022-847): to rezone land and change minimum lot size at 1583 Burrendong Way, Mullion 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 Lot D and E DP 33623, 1583 Burrendong Way, Mullion Creek to zone R5 Large Lot Residential and change minimum lot size from 100ha to 1ha should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated:
 - to reflect 9 month finalisation period
 - to include a preliminary contamination assessment to Council's requirements to satisfy section 9.1 Direction 4.3 - Remediation of Contaminated Land.
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 of the Act:
 - NSW Rural Fire Service
 - Biodiversity, Conservation and Science Directorate
 - Department of Planning and Environment – Water
 - NSW Mining, Exploration and Geoscience

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 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 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.
6. The LEP should be completed within nine (9) months.

Dated

6th day of June

2022.

A handwritten signature in black ink, appearing to read 'G. Hopkins', with a stylized, cursive script.

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

Delegate of the Minister for Planning