

Gateway Determination

Planning proposal (Department Ref: PP-2023-1099): to amend the Upper Lachlan Local Environmental Plan 2010 to rezone land at Laggan from RU2 Rural Landscape to part RU5 Village and part C3 Environmental Management and amend the minimum lot size controls.

I, Daniel Thompson the Director, Southern Region, at the Department of Planning 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 Upper Lachlan Local Environmental Plan 2010 as described above should proceed subject to the following conditions:

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 EP&A 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 EP&A 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 on or before 28th July 2024.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to include:
 - (a) an assessment of consistency with the exhibited Draft South East and Tablelands Regional Plan 2041;
 - (b) an assessment of consistency with Section 9.1 Direction 3.1 – Conservation Zones;
 - (c) a Flood Impact and Risk Assessment prepared in consultation with the Department's Biodiversity and Conservation Division;
 - (d) an updated Bushfire Assessment Report incorporating assessment of the most recent conceptual development plan; and
 - (e) additional information outlining how drinking water will be provided and wastewater will be disposed of.
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 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, 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 EP&A Act:

- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Primary Industries – Agriculture
- Heritage NSW
- Essential Energy
- Transport for NSW
- NSW Rural Fire Service (prior to public exhibition)
- WaterNSW
- Department of Planning and Environment - Crown Lands
- The relevant Local Aboriginal Land Council.

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 EP&A 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).

Dated 28th day of July 2024.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces