

Gateway Determination

Planning proposal (Department Ref: PP-2023-2531): Balranald Housekeeping

I, the Director, Western Region, at the Department of Planning, Housing and Infrastructure, 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 the Balranald Local Environmental Plan 2010 for various housekeeping amendments should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to address the points listed below in this condition and forwarded to the Minister under s 3.34(6) of the Act:
 - (a) Insert the correct lot/DP for Item 6 of the planning proposal.
 - (b) The intent of Item 6 in the planning proposal is not clear. To retain this item in the planning proposal the following justification and clarification is required:
 - The need and intended outcome of the proposed amendment for this site.
 - Alternative mechanisms that Council considered in achieving the proposed outcome.
 - Assessment of the suitability of the site for the proposed zoning and minimum lot size given the increased development opportunity provided by the proposed change. This assessment includes the undertaking of a preliminary site contamination report and serviceability.
 - (c) Correct the inconsistent references to heritage item 3, fish traps, on pages 11 and 92 of the planning proposal. The item's reference in the planning proposal is to be updated to reflect the proposed changes identified on page 92 of the planning proposal.
 - (d) The property description of the following heritage Items are to be corrected as described in detail on page 5 and 6 of the Gateway determination report:
 - Items 13, 15, 21, 22, 28, 29 and 33.
 - (e) The proposed heritage item (item I34 - Murray River Approach Bridge No. 3) is to be removed from the planning proposal.
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 principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).

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 Primary Industry – Agriculture
 - Department of Planning, Housing and Infrastructure - Crown Land
 - Department of Climate Change, Energy, the Environment and Water – NPWS
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Division
 - NSW Rural Fire Service

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 working 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 LEP should be completed on or before 12 January 2025.

Dated 15 January 2024



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

Delegate of the Minister for Planning and
Public Spaces