

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2573):** to increase the height of buildings at 36-42 Short Street, Mudgee.

I, the Acting Director, Southern, Western and Macarthur 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 Mid-Western Regional Local Environmental Plan 2012 to increase the height of buildings at 36-42 Short Street, Mudgee from 8.5m to 10.5m should proceed subject to the following.

### Gateway Conditions

1. The planning proposal is to be updated prior to public exhibition to:
  - (a) limit its application to Lot 1 DP 702951,
  - (b) apply a proposed maximum building height of 10.5m,
  - (c) include an extract of the existing height of building map showing the subject land, and
  - (d) update the timeline to reflect the revised finalisation date
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 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).

No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

3. 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).
4. 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.
5. The LEP should be completed on or before 30/06/2025.

Dated 2 October 2024



**Chantelle Chow**  
**A/Director Southern, Western and**  
**Macarthur Region**  
**Local Planning and Council**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**