

Mr David Webb  
General Manager  
Hay Shire Council  
PO Box 141  
Hay NSW 2711

Our ref: PP-2023-2746; IRF24/436

Dear Mr Webb

**Planning proposal (PP-2023-2746) to amend Hay Local Environmental Plan 2011**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 29 February 2024 in respect of the planning proposal to create an additional permitted use (service station) for Lot 2, DP1212081 (310 Moama Street, Hay South.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, 9.1 Rural Zones and 9.2 Rural Land, are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, specifically 1.1 Implementation of Regional Plans, 4.1 Flooding and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition for direction 4.3, and prior to the LEP being made for directions 1.1 and 4.1.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 30 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible, subject to the conditions of the Gateway determination.

As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure's Western Region team at [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au).

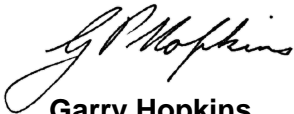
The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (August 2023) is supported by category specific timeframes for satisfaction

of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Simon French to assist you. Simon can be contacted on (02) 9274 6276

Yours sincerely



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

Encl: Gateway determination

4/4/2024