

Gateway Determination

Planning proposal (Department Ref: PP-2023-90): to amend the Mid-Western Regional Local Environmental Plan 2012 to require land subject to a development application for Tourist and Visitor Accommodation to comply with clause 4.2A for the erection of dwelling houses.

I, the Director, Western 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 the Mid-Western Regional Local Environmental Plan 2012 to require that Tourist and Visitor Accommodation to be permitted on certain lands on which a dwelling house is permitted under clause 4.2A should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to address the following matters:
 - a) Amend the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in six (6) months.
 - b) Consider inclusion of development consent consideration criteria for environmental impact matters for Tourist and Visitor Accommodation (e.g. biodiversity, bushfire, contamination, flooding & visual impacts etc.) similar to clause 5.24(4) of the Standard Instrument.
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, 2022) and must be made publicly available for a minimum of twenty (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, 2022).
3. Consultation is required with Destination NSW under section 3.34(2)(d) of the Act. Destination NSW 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 six (6) months of this Gateway determination.

Dated 6th day of April 2023.

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 and
Public Spaces