

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1037):** to remove minimum lot size from the RU5 Village zone and rezone land from RU1 Primary Production to R2 Low Density Residential in Hay.

I, the A/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 Hay Local Environmental Plan 2011 to remove minimum lot size from the RU5 Village zone and rezone land from RU1 Primary Production to R2 Low Density Residential in Hay should proceed subject to the following

### Gateway Conditions

1. The planning proposal is to be updated to:
  - (a) reflect that the amendment requires the land zoning maps (digital) to be updated,
  - (b) provide an assessment and justification of the land uses proposed to be included in the Land Use Table for R2 Low Density Residential,
  - (c) include the intent to introduce a local clause to ensure development consent is not granted for development on the land zoned R2 Low Density Residential unless a development control plan has been prepared for the land and detail the matters to be included, and
  - (d) reflect the new project timeline.
2. Prior to public exhibition, consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
3. 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).
4. 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:
  - Transport for NSW

- NSW Department of Industry
- Crown Lands
- DCCEEW Biodiversity and Conservation Division

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.

5. 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).
6. 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.
7. The LEP should be completed on or before 7 July 2025.

Dated 26 August 2024



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

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