

Gateway Determination

Planning proposal (Department Ref: PP-2024-1047): Amendment of minimum lot size map at South Lockhart

I, the A/Director, Southern, Western and Macarthur 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 Lockhart Local Environmental Plan 2012 to amend minimum lot size map at South Lockhart should proceed subject to the following conditions.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the following points and forwarded to the Minister under s 3.34(6) of the Act:
 - (a) update the current minimum lot size map to ensure the Area B outline is included.
 - (b) update the incorrect reference to "rezoning" on page 10 to accurately reflect the proposed amendment.
 - (c) include the lot/DP that are included in the subject land in an easily interpretable format, such as a table.
 - (d) include a detailed justification why clause 4.1A Subdivision of land in Zone R5 using average lot sizes, should no longer apply to the subject land.
 - (e) remove the incorrect reference to 'Area A' from the planning proposal.
 - (f) update the incorrect reference to "Collaboration activity 7" to correctly refer to Objective 7 or Strategy 7.1.
 - (g) update the proposal to address inconsistencies with the Lockhart Local Housing and Employment Strategy, especially regarding the prioritisation of short-term sites.
 - (h) provide a detailed discussion of the site's flooding constraints.
 - (i) correct the incomplete text on page 18, specifically the unfinished response to Question 9.
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).

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:
 - (a) Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - (b) Riverina Water

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. Prior to finalisation, Council is required to obtain and have consideration of a land and soil capacity assessment to determine the suitability of on-site septic systems in this subject area.
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 20 June 2025.

Dated 10 September 2024



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

Delegate of the Minister for Planning and
Public Spaces