

Gateway Determination

Planning proposal (Department Ref: PP-2024-1410): to rezone, reduce minimum lot size and introduce a height of buildings limit at Lot 42 DP756894 and Lot 49 DP756894, 34 Bruce Road, Spring Flat

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 rezone, reduce minimum lot size and introduce a height of buildings limit at Lot 42 DP756894 and Lot 49 DP756894, 34 Bruce Road, Spring Flat should proceed subject to the following:

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.

The LEP should be completed on or before 19 December 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:

- Include the introduction of an 8.5m Height of Buildings Limit (including mapping) at the site
- Include and reflect the findings of a Flood Impact Risk Assessment
- Include and reflect the findings of a Traffic Impact Assessment completed in accordance with current guidance material released by Transport for NSW - Guide to Traffic Impact Assessment, 2024


2. Prior to community consultation, consultation is required with the following public authorities:

- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (regarding flooding, Flood Impact Risk Assessment, and resolution of inconsistency with Direction 4.1)
- Transport for NSW (regarding traffic implications and the findings of the updated Traffic Impact Assessment)

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.

3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Minister under s 3.34(6) of the Act.
4. 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).
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).

Dated 17 March 2025



Chantelle Chow
Acting 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