

Gateway Determination

Planning proposal (Department Ref: PP-2024-1850): to amend clause 4.1AA by inserting the requirement for minimum subdivision lot size for strata plan schemes and community title schemes.

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 *amend clause 4.1AA by inserting the requirement for minimum subdivision lot size for strata plan schemes and community title schemes* should proceed subject to the following

Gateway Conditions

1. The planning proposal is to be updated prior to public exhibition to:
 - (a) Include the proposed amendment to clause 4.1AA. This revision should consider its potential conflict with clause 6.14 and investigate clause consolidation.
 - (b) Include a clear explanation of the proposed clause for minimum subdivision lot size for strata plan schemes.
 - (c) Identify any amendments required for references to 'registration of a strata plan' in the LEP that may conflict with the proposed minimum subdivision lot size for strata plan schemes clause.
 - (d) reflect the revised finalisation date of 30 June 2025.
2. Prior to public exhibition, consultation is required with NSW RFS under section 3.34(2)(d) of the Act. NSW RFS 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. 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 on or before 30 June 2025.

Dated 2 October 2024



Chantelle Chow
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Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces