

Gateway Determination

Planning proposal (Department Ref: PP-2024-628): Deletion of Clause 4.1C Exception to minimum subdivision lot sizes around the MU1 zone

I, the Acting Director of 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 remove Clause 4.1C Exception to minimum subdivision lot sizes around the MU1 zone 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.

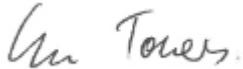
The LEP should be completed on or before 22 February 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) include mapping of the proposed changes to the Lot Size Map, and
 - (b) List all the lots that are incorporated in the amendment, and
 - (c) provide further detail and background on the impact of the existing minimum lot size exemption clause and justification why the controls should be removed.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (d) 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
 - (e) 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 NSW RFS under section 3.34(2)(d) of the Act.

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).

Dated 13 May 2024



Graham Towers
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