

Gateway Determination

Planning proposal (Department Ref: PP-2024-989): *Introduction of Zone R1 General Residential, rezone land to R1, and MLS reduction to 450m² at part Lot 6 DP1275427*

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 Berrigan Local Environmental Plan 2013 to introduce Zone R1 General Residential, rezone land to R1, and reduce MLS to 450m² at part Lot 6 DP1275427 should proceed subject to the following:

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Insert 'Roads' as a land use that is permitted with or without consent in the proposed Zone R1 General Residential land use table.
 - (b) Consider the inclusion of 'Dual occupancies' and 'Secondary dwellings' as land uses permitted with consent in the proposed Zone R1 General Residential land use table.
 - (c) The zoning map reference is changed from the pdf map number to the current digital zoning map.
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).

No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

3. 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).

4. 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.
5. The LEP should be completed on or before 9 May 2025.

Dated 19 August 2024



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