

Gateway Determination

Planning proposal (Department Ref: PP-2023-1258): Amendment to Mid-Western Regional LEP 2012 to reduce minimum lot size at part Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee from 400 hectares to 12 hectares.

I, the Director, Western 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 reduce the minimum lot size on the subject land should proceed subject to the following conditions:

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 31 January 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the points listed below in this condition:
 - (a) Remove any reference to rezoning the site.
2. Prior to exhibition, consultation is required with the NSW Rural Fire Service 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. NSW Rural Fire Service to be provided with a copy of the planning proposal and any supporting relevant material and given at least 30 working days to comment on the proposal.
3. Consultation is required with Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity and Conservation Division (BCD) 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. DCCEEW is to be provided with a copy of the planning proposal and any supporting relevant material and given at least 30 working days to comment on the proposal.
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 principal 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 5 April 2024



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces