



## Gateway Determination

### ***Planning proposal (Department Ref: PP-2020-4094): Foundations Site, Portland.***

I, the Director, Western Region at the Department of Planning, Industry and Environment, 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 Lithgow Local Environment Plan (LEP) 2014 to rezone land known as the Foundations Site, Williwa Street, Portland, being Lot 1 DP 109592, Lot 1 DP 842890, Lot 5 DP 749907, Lot 6 DP 749908, Lot 7 DP 749909, Lot 24 Section 46 DP 758855, Lots 53 and 104 DP 755769 and Lots 1 and 4 DP 1227369, from 2(v) Village under the Lithgow Local Environment Plan (LEP) 1994 to a combination of zone R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE2 Private Recreation and related amendments, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be revised and submitted to the Department of Planning, Industry and Environment to include:
  - a. the 'Deferred Matter' land with an appropriate Lithgow LEP 2014 land use zone and related mapping; and
  - b. the Foundations Precinct as an Urban Release Area (URA) with the inclusion of related mapping.
2. Prior to community consultation, consultation is to be undertaken with the NSW Rural Fire Service. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. A copy of the response is to be placed on public exhibition with the planning proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
  - Heritage NSW
  - Bathurst Local Aboriginal Land Council
  - NSW Department of Planning, Industry and Environment – Crown Lands
  - NSW Department of Planning, Industry and Environment – Biodiversity and Conservation Division

- NSW Department of Primary Industries - Fisheries
- NSW Environment Protection Authority
- NSW Health Nepean Blue Mountains Local Health District
- NSW Department of Education
- Water NSW
- Transgrid
- Endeavour Energy

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. New Additional Permitted Use, Urban Release Area and Heritage maps applicable to the subject land are required to be prepared.
8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 2<sup>nd</sup> day of February 2021



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**