



Gateway Determination

Planning proposal (Department Ref: PP-2021-4862): Amendment to Schedule 1 (Additional Permitted Use) of the Lithgow Local Environmental Plan 2014 to permit one (1) dwelling house on Lot 1 DP 914028, No 32 Ian Holt Drive, Lidsdale.

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 the amendment to Lithgow Local Environmental Plan 2014 by permitting an additional permitted use for one (1) dwelling house on Lot 1 DP 914028, No 32 Ian Holt Drive, Lidsdale should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that includes a preliminary contamination investigation undertaken to satisfy Council that the subject land is suitable or can be made suitable for the proposed residential use.

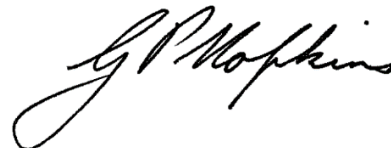
Council is to seek approval from the Department of Planning, Industry and Environment - Western Region office prior to undertaking community consultation.

2. The planning proposal must be exhibited within **3 months** from the date of the Gateway determination. 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).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act.
 - NSW Rural Fire Service
 - Water NSW
 - Department of Planning, Industry and Environment - Crown Land regarding the adjoining Enclosure Permit ID No. 327367.

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.

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 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 and
 - (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.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP Additional Permitted Use map must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 8 day of September 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