

Gateway Determination

Planning proposal (Department Ref: PP-2204-969): to amend Schedule 1 of the Cabonne Local Environmental Plan 2012 for an additional permitted use of a child care facility at 21 Noble Street, Eugowra, also described as Lot 150 DP750182.

I, the Acting Director Southern, Western and Macarthur Region, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cabonne Local Environmental Plan 2012 to amend Schedule 1 of the Cabonne Local Environmental Plan 2012 (CLEP 2012) for an additional permitted use APU of a child care facility at 21 Noble Street, Eugowra, also described as Lot 150 DP750182 should proceed subject to the following conditions:

1. Prior to public exhibition:
 - (a) The planning proposal should be updated to include a map of the flood impact land across the site.
 - (b) Consultation is required with Rural Fire Service (RFS) to satisfy the inconsistency with section 9.1 Direction 4.3 Planning for bushfire protection.
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 Guidelines* (Department of Planning and Environment, 2021) 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 Guidelines* (Department of Planning and Environment, 2021).


Exhibition must commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies 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 EP&A Act:
 - NSW Department of Climate Change, Energy, the Environment and Water
 - Crown Land

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 EP&A 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 28 March 2025.

Dated 28 June 2024.



Chantelle Chow
Acting Director, Southern, Western and
Macarthur
Local Planning and Council Support
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes