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Mr Warwick Bennett
 General Manager
 Mid-Western Regional Council
 PO Box 156
 MUDGEE NSW 2850

Our ref: PP_2012_MIDWR_003_00 (12/08278)

Dear Mr Bennett,

Planning proposal to rezone land at the Caerleon Blaxland Estate from part zone Agriculture and part zone Investigation to Residential

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at the Caerleon Blaxland Estate, Mudgee from part Rural Zone Investigation and part Rural Zone Agriculture to part Medium Density Residential and part Rural Residential Zone under the Mid-Western Regional Interim LEP 2008 and from RU1 Primary Production to part R1 General Residential and part R5 Large Lot Residential under the draft Mid-Western Regional LEP 2012.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council has included a number of maps with the planning proposal that identify the subject site including a development concept plan and existing zoning maps under the Mid-Western Regional Interim LEP and the draft Mid-Western Regional LEP 2012. However, the mapping provided does not clearly indicate how it would amend Council's existing and draft LEP in terms of zoning and minimum lot size. Therefore, Council is to revise and include additional maps to accurately indicate the zoning under Council's existing LEP and the proposed zoning and minimum lot size under Council's draft Principal LEP. Council is to include the additional and revised maps with the planning proposal for the purposes of community consultation, and provide the Department's Regional Team with a copy of the exhibition material.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following the completion of the additional work required under the Determination Notice. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Wayne Garnsey of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,

SHaddad

Sam Haddad
Director-General

6/7/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_MIDWR_003_00): to rezone land at the Caerleon Blaxland Estate from part zone Agriculture and part zone Investigation to Residential

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to rezone land at the Caerleon Blaxland Estate, Mudgee from part Rural Zone Investigation and part Rural Zone Agriculture to part Medium Density Residential and part Rural Residential Zone under the Mid-Western Regional Interim LEP 2008 and from RU1 Primary Production to part R1 General Residential and part R5 Large Lot Residential under the draft Mid-Western Regional LEP 2012 should proceed subject to the following conditions:

1. Council is to prepare additional maps to accurately indicate the proposed zoning and minimum lot size under the draft Mid-Western Regional LEP 2012. Council is to include these maps with the planning proposal for the purposes of community consultation, and provide the Department's Regional Team with a copy of the exhibition material
2. Council is to undertake a preliminary contamination assessment into potential contamination of the land in accordance with SEPP 55 – Remediation of Land to ensure the land is capable of supporting the proposed future land use. The planning proposal is to be amended to reflect the outcome of the investigation prior to the commencement of public exhibition.
3. Council is to ensure the requirements of S117 Direction 1.2 Rural Zones and 1.5 Rural Lands are addressed and any inconsistencies justified in the public exhibition material.
4. Council needs to provide additional information within the public exhibition material regarding the following matters to identify all impacts that may result from the proposed development:
 - Aboriginal archaeology and heritage
 - Salinity assessment
 - Biodiversity

Council needs to include the outcomes of this assessment with the planning proposal to provide advice that the land is suitable for the proposed use for the purposes of community consultation.

5. Council is to identify the land as an Urban Release Area under Part 6 of the Mid-Western Regional Interim LEP 2008 and Part 6 of the draft Mid-Western Regional LEP 2012 to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect state infrastructure provision prior to the commencement of public exhibition.
6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Australian Rail Track Corporation (ARTC)
- Essential Energy
- Transport for NSW – Roads and Maritime Services
- Central West Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries – Mineral and Petroleum
- NSW Office of Water
- NSW Rural Fire Service
- Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. Further to Condition 7 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
9. Further to Condition 7 above, Council is to consult the Office of Environment and Heritage in regards to Aboriginal heritage, biodiversity, salinity and buffer distance and treatment between the proposed residential development and adjoining waste management site. Council is to amend the planning proposal to reflect the outcome of this consultation, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
10. A public hearing is not required to be held into the matter by any person or body under section 56(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).
11. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6th day of July 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure