



Planning & Infrastructure

Mr Warwick Bennett
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Our ref: PP_2012_MIDWR_004_00 (12/12313)
Your ref: (ED) A0420236

Dear Mr Bennett,

Planning proposal to amend the Mid Western Local Environmental Plan (LEP) 2012

I am writing in response to your Council's letter dated 23 July 2012 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 amend the Mid Western Local Environmental Plan (LEP) 2012 to rezone land at Grimshaw Lane, Gulgong from R2 Low Density Residential to R1 General Residential and introduce a 600sqm minimum lot size on the subject land.

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.

As you are aware, the Mid Western LEP 2012 was notified on 10 August 2012. Consequently Council is to amend the planning proposal to delete references to the Mid Western Regional Interim LEP 2008. Council should also amend the planning proposal to correct references to the zoning of the site under the Mid Western LEP 2012, as the site is entirely zoned R2 Low Density Residential.

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 agency consultation. 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,


Sam Haddad
Director-General

22/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_MIDWR_004_00): to amend the Mid Western LEP 2012 to rezone land at Gulgong to R1 General 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 the Mid Western Local Environmental Plan (LEP) 2012 to rezone land at Grimshaw Lane, Gulgong from R2 Low Density Residential to R1 General Residential and introduce a 600sqm minimum lot size on the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a proposed zoning map and a proposed minimum lot size map for the subject land. A copy of the maps should be placed on public exhibition and be forwarded to the department's regional team.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to correct references to the zoning of the site under the Mid Western LEP 2012 as the site is entirely zoned R2 Low Density Residential.
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Prior to undertaking public exhibition, additional information regarding the impacts of the proposal on Aboriginal archaeology and heritage, biodiversity including flora and fauna and salinity is to be provided. This additional information is to be placed on public exhibition with the planning proposal.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Primary Industries (Office of Water)
 - Department of Primary Industries (Catchments and Lands)
 - Department of Education and Communities
 - Central West Catchment Management Authority
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Transport for NSW
 - Telstra
 - Essential Energy

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.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

22nd

day of

August

2012.

Sam Haddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure