



Contact: Megan Jones
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Megan.Jones@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

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

Our ref: PP_2013_MIDWR_008_00 (13/19749)
Your ref: (ED) A0420258

Dear Mr Bennett,

Planning proposal to amend Mid-Western Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 November 2013 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 consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(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 Megan Jones of the regional office of the department on 02 6841 2180.

Yours sincerely,



Neil McGaffin 23.12.13
Acting Deputy Director General
Growth Planning & Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

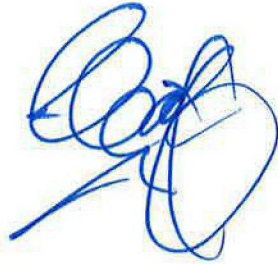
Planning proposal (Department Ref: PP_2013_MIDWR_008_00): to consolidate lots and permit a dwelling on a land at Botobolar.

I, the Acting Deputy Director General, Growth Planning and Delivery at the 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 consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar should proceed subject to the following conditions:

1. Council is to place on public exhibition with the planning proposal, the additional information provided to the Department on 12 December 2013 outlining its preference to use Schedule 1 to permit a dwelling on land at Botobola and information on consistency with Section 117 Directions and State Environmental Planning Policies. Council is to ensure the planning proposal addresses all relevant matters which are to be included in the planning proposal as specified in *A Guide to Preparing Planning Proposals* including a project timeline.
2. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Council is to consult with the Department of Primary Industries (DPI) - Agriculture as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. The planning proposal should be updated to take into consideration any comments made. DPI 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 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).

5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23 day of December 2013.



Neil McGaffin
Acting Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_MIDWR_008_00	Planning proposal to to consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 23 December 2013


Neil McGaffin
Acting Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_MIDWR_008_00
Date Sent to Department under s56	27/11/2013
Date considered at LEP Review Panel	19/12/2013
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: