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27 November 2013

Mr A Albury
Director Western Region
Department of Planning & Infrastructure
PO Box 58
DUBBO NSW 2830



Dear Ashley,

Re: Planning Proposal – Dwelling Entitlement Lots 28 & 29 DP 755414

On 20 November 2013 Council resolved to prepare a Planning Proposal for gateway determination for the preparation of an LEP to insert into Schedule 1 an additional permissible use for Lots 28 & 29 (consolidated) for a dwelling. This proposal will be familiar to you as Council has previously sort a variation to the development standard for the erection of a dwelling on this land. Advice from the Department was that Council should proceed with a Planning Proposal.

While Council area aware of the general objection the Department has towards the use of Schedule 1, however, the circumstances are such that there was a previous consent that would have permitted the dwelling only in association with an intensive agricultural land use. The proposal is unique in that it reinstates a previous entitlement and consent and in that regard is considered a one off. Council, and the Department of Planning through its endorsement of the Land Use Strategy gave an undertaking that existing entitlements would not be "lost" with the commencement of LEP 2012. The alternative considered is an amendment to the Lot Size Map. The issue with this mechanism is that the Lot Size Map would provide the entitlement unconditional in respect to the intensive agricultural use. In order to bring the intensive agriculture provision into play the site would need to be zoned RU4 Primary Production Small Lots. This would create much confusion amongst surrounding and other landowners and would require Council to continuously field questions and the ongoing need to justify why this is not a precedent.

To enable the proposal to proceed please find enclosed:

- Council Report and Minute from November 2013
- Request for initial Gateway Determinations sign by the General Manager
- A copy of the Planning Proposal

Should you require further information please contact me on 0263 782850.

Yours Sincerely

A handwritten signature in black ink that reads 'Liz Densley'. The signature is written in a cursive, flowing style.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING