

Gateway Determination

Planning proposal (Department Ref: PP_2013_MIDWR_003_00): to (to resolve a number of outstanding issues, anomalies and mistakes in the principle Mid-Western Regional Local Environmental Plan 2012).

I, the Regional Director, Western Region 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 Regional Local Environmental Plan (LEP) 2012 to to resolve a anomalies in the principle Mid Western Regional Local Environmental Plan 2012 should proceed subject to the following conditions:

1. That lots 153 and 162 DP 756880 remain as zone RU1 Primary Production and that the lot size map LSZ_006 be amended to permit one dwelling on each lot ensuring that each lot obtain a minimum lot size of 12ha.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - NSW Rural Fire Services

Each public authority 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. Council is to prepare amended maps for the Section 59 submission that are compliant with the Department's Standard technical requirements for LEP maps.
5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 5 day of August 2013.



Ashley Albury
Regional Director
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional 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_003_00	Planning proposal to resolve outstanding anomalies in the principle Mid Western Regional Local Environmental Plan 2012.

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

Dated 5 August 2013

Ashley Albury
Regional Director
Department of Planning and Infrastructure



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Our ref: PP_2013_MIDWR_003_00 (13/12871)
Your ref: A0420254

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

Dear Mr Bennett,

Planning proposal to amend Mid-Western Regional Local Environmental Plan 2012

I am writing in response to your Council's letter dated 29 July 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 resolve a number of outstanding issues, anomalies and mistakes in the principle Mid Western Regional Local Environmental Plan 2012.

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 that the inconsistency with section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 3.1 Residential Zones is of minor significance and no further approval is required in relation to these Directions.

In relation to lots 153 and 162 DP 756880 Grattai, I have agreed to retain this land as zone RU1 Primary Production and change the minimum lot size to 12ha to permit two (2) dwellings on the land. It is noted that the nearby land is zone R5 Large Lot Residential and Council is encouraged to look at this area more broadly against the local strategic policy.

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 (parliamentary.counsel@pco.nsw.gov.au) 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes at planmaking.monitoring@planning.nsw.gov.au.

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.

In accordance "A Guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment A**) has been enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's s59 submission to the Department.

Should you have any queries in regard to this matter, please contact Robert Bisley of the regional office of the department on 02 6841 2180.

Yours sincerely,

 5/8/2013
Ashley Albury
Regional Director

[Enc: **Attachment A** – Delegated plan making reporting template]