



Mr Brad Cam
General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

14/10800

Attention: Ms Liz Densley

Dear Mr Cam

Planning Proposal (PP_2014_MIDWR_002_00) – Yamble Close Mudgee, Snelsons Lane Gulgong and Multi-Dwelling Housing

I refer to your letter of 26 June 2014 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 Regional Local Environmental Plan 2012* (LEP) by:

- reducing the minimum lot size to 2000m² for 10 lots along Yamble Close and part of Norman Road, Mudgee;
- inserting the permitted use of 'transport depot' into Schedule 1 Additional Permitted Uses at Lot 113 DP 755433 being 10 Snelsons Lane, Gulgong; and
- reducing the minimum lot size for multi-dwelling housing to 300m² under Clause 4.1B Exceptions to minimum lot sizes for certain residential development.

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

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue authorisation for Council to exercise delegation to make this plan (**Attachment 1**).

The amended LEP is to be finalised within 9 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 Planning and Environment (planmaking.monitoring@planning.nsw.gov.au) 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 57(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

In accordance with “A Guide for the preparation of local environmental plans”, attachment 5 – Delegated plan making reporting template (**Attachment 2**) is enclosed for Council’s information. Table 2 of the attachment is to be completed and included in Council’s section 59 submission.

Should you have any further enquiries about this matter, I have arranged for Ryan Thomas, Growth Planning – Western Region to assist you. Mr Thomas can be contacted on telephone number 02 6841 2180.

Yours sincerely

 7-7-2014

Ashley Albury
**General Manager, Western Region
Growth Planning**

Encl.

Attachment 1 – Written Authorisation to Exercise Delegation
Attachment 2 – Delegated plan making reporting template



Gateway Determination

Planning proposal (Agency Ref: PP_2014_MIDWR_002_00) to include 'transport depot' as a permitted use at Lot 113 DP 755433, being 10 Snelsons Lane Gulgong; reduce the minimum lot size for multi-dwelling housing developments to 300m² in Clause 4.1B(2)(b)(ii) and (3)(b)(ii); and reduce the minimum subdivision size to 2000m² for land at Yamble Close and part of Norman Road, Mudgee.

I, the General Manager, Western Region Team at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to include 'transport depot' as a permitted use at Lot 113 DP 755433, being 10 Snelsons Lane Gulgong; reduce the minimum lot size for multi-dwelling housing developments to 300m² in Clause 4.1B(2)(b)(ii) and (3)(b)(ii); and to reduce the subdivision size to 2000m² at Yamble Close and part of Norman Road, Mudgee should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 (Planning & Infrastructure 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

2. 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).
3. Prior to submission of the Planning Proposal to Parliamentary Counsel the maps are to be compliant with the department's standard technical requirements for maps.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 7th day of July 2014.


Ashley Albury
General Manager, Western Region
Growth Planning and Delivery

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 8 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_MIDWR_002_00	To amend Mid-Western Regional Local Environmental Plan 2012 by: <ul style="list-style-type: none">• reducing the minimum lot size to 2000m² for 10 lots along Yamble Close and part of Norman Road, Mudgee;• inserting the permitted use of 'transport depot' into Schedule 1 Additional Permitted Uses at Lot 113 DP755433, being Snelsons Lane Gulgong; and• reducing the minimum lot size for multi-dwelling housing developments to 300m² under Clause 4.1B(2)(b)(ii) and (3)(b)(ii) Exceptions to minimum lot sizes for certain residential development.

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 7th July 2014

Ashley Albury
General Manager, Western Region
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning

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_2014_MIDWR_002_00
Date Sent to Department under s56	26/6/2014
Date considered at LEP Review Panel	
Gateway determination date	7/7/2014

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: