



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

18/107

Attention: Sarah Armstrong, Manager Strategic Planning

Dear Mr Cam,

**Planning proposal (PP\_2018\_MIDWR\_001\_00) – to amend Mid-Western Regional Local Environmental Plan 2012 – housekeeping- Growee and local heritage items**

I am writing in response to your Council's letter dated 15 November 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to rezone land at Growee and include three (3) new local heritage items and amending the description of an existing local heritage item.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. **(Attachment 1)**

I am satisfied that the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands is of minor significance in this case and no further work is required.

At this time, the planning proposal is inconsistent with section 117 Direction 1.3 – Mining, Petroleum Production and Extractive Industries as the rezoning of the land at Growee has the potential to prohibit and restrict the potential development of these resources. Consultation is required with the Department of Planning and Environment – Resources and Energy and this inconsistency is to be addressed and satisfied at section 59 stage.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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. **(Attachment 2)**

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ([parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 weeks prior to the projected publication date.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

A copy of the request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au) when requesting the planning proposal be finalised.

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 Environmental Planning & Assessment Act, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Wayne Garnsey of the Departments Western Region office to assist you. Mr Garnsey can be contacted on (02) 68412180.

Yours sincerely,



18.1.18

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl:  
Attachment 1 – Gateway determination  
Attachment 2 – Written Authorisation to Exercise Delegation  
Attachment 3 – Delegated Plan Making Reporting template



### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_MIDWR\_001\_00):** - housekeeping - to rezone land at Growee and include local heritage items.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Mid-Western Local Environmental Plan 2012 (LEP) to rezone land at Growee and include local heritage items should proceed subject to the following conditions:

1. Council as the relevant planning authority is required to prepare a Statement of Significance for the proposed local heritage items and include this work as part of the community and agency consultation package.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and/organisations under Section 56(2)(d) of the Act:
  - Department of Primary Industries – Agriculture
  - Office of Environment and Heritage
  - Rural Fire Service
  - Department of Planning and Environment – Resources and Energy.

Each public authority/organisation 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. Prior to submission of the planning proposal under section 59 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
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 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 **12 months** following the date of the Gateway determination.

Dated 18<sup>th</sup> day of January 2018.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and Environment**

**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 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2018_MIDWR_001_00	Planning proposal to rezone land at Growee and insert three (3) local heritage items and amend one (1) local heritage item.

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 18 January 2018

**Damien Pfeiffer**  
**Director Regions, Western**  
**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_2018_MIDWR_001_00
Date sent to Department under s56	21 November 2017
Date considered at LEP review Panel	N/A
Gateway determination date	18 January 2018

**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 DPE requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and Details	

Additional relevant information: