



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

15/16214

Dear Mr Cam

Planning Proposal (PP_2015_MIDWR_006_00) to amend Mid-Western Regional Local Environmental Plan 2012 – to permit a dwelling house on Lots 74, 147 & 148 DP 756894, 542 Spring Flat Road, Mudgee.

I am writing in response to Council's planning proposal dated 23 October 2015 and subsequent supporting information received on 26 November 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the subject matter.

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

I am satisfied that the inconsistencies with section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 1.5 Rural Lands are of minor significance and Council has provided adequate information regarding these matters in this instance. No further approval or work is required in relation to these Directions.

It is noted that a small portion of the land subject to this planning proposal is within an area identified for long term (15-25 year) release of rural lifestyle development in the endorsed Mid Western Comprehensive Land Use Strategy 2010. Council should consider this land and surrounding land when it reviews the Land Use Strategy.

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 LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

Mapping and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

A copy of the request should be forwarded to the Department of Planning and Environment (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 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 further enquiries, please contact Megan Jones at the Department of Planning and Environment's Western Region office on 02 6841 2180.

Yours sincerely



Azaria Dobson
Acting General Manager
Western Region

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_2015_MIDWR_006_00): to permit a dwelling house on Lots 74, 147 and 148 DP 756894, 542 Spring Flat Road, Mudgee.

I, the Acting General Manager, Western Region 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 Regional Local Environmental Plan (LEP) 2012 to permit a dwelling house on Lots 74, 147 and 148 DP 756894, 542 Spring Flat Road, Mudgee should proceed subject to the following conditions:

1. Prior to community consultation Council is to amend the planning proposal to apply a 20 hectare minimum lot size over Lots 74, 147 & 148 DP 756894 (inclusive) and amend the relevant LEP map/s and supporting exhibition material to reflect this as the mechanism to permit a dwelling house on the land. This amended proposal is to be submitted to the Department of Planning and Environment for approval
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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)*.

No consultation is required with agencies.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. 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).
4. Prior to submission of the planning proposal under Section 59 of the *Environmental Planning & Assessment Act 1979*, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 4th day of December 2015.



Azaria Dobson
Acting General Manager
Western Region

Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



Planning & Environment

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_2015_MIDWR_006_00	Planning proposal to permit a dwelling house on Lots 74, 147 and 148 DP 756894, 542 Spring Flat Road, Mudgee.

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 4 . 12 2015

Azaria Dobson
Acting General Manager
Western Region
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_ 2015_MIDWR_006_00
Date Sent to Department under s56	23 October 2015
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not referred to Panel
Gateway determination date	4 December 2015

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: