



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_MIDWR_003_00 (10/07146)
Your ref: (NB): OUT10/1B54882B, A0402010

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Mr Bennett,

Re: Planning Proposal to rezone land at Ulan Road, Ulan

I am writing in response to your Council's letter dated 18 March 2010 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 Interim LEP 2008 to rezone Lots 271 and 276 DP 755422 Ulan Road, Ulan.

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

The amending Local Environmental Plan (LEP) is to be finalised within 6 months from the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Wayne Garnsey of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

21/4/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_MIDWR_003_00): to rezone Lots 271 and 276 DP 755442 Ulan Road, Ulan from Agriculture Zone to part Heavy Industrial and part Conservation.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Mid Western Regional Interim LEP 2008 to rezone Lots 271 and 276 DP 755442 Ulan Road, Ulan from Agriculture Zone to part Heavy Industrial and part Conservation should proceed subject to the following conditions:

1. 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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Hunter / Central Rivers
 - Country Energy
 - Department of Environment, Climate Change and Water
 - Department of Primary Industry (Agriculture)
 - Department of Primary Industry (Fisheries)
 - Department of Primary Industry (Mining)
 - Department of Water and Energy
 - NSW Rural Fire Service
 - Telstra
 - Transgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal. Agency consultation can be carried out concurrently with public exhibition.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 21st day of April 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning