



Planning & Infrastructure

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Our ref: PP_2013_MIDWR_007_00 (13/19748)
Your ref: (ED)A0420258

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

Dear Mr Bennett,

Planning Proposal (PP_2013_MIDWR_007_00) to amend Mid-Western Regional Local Environmental Plan 2012 – 220 Ulan Road, Mudgee

I am writing in response to your Council's letter dated 22 November 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 change the lot size to 2000 m2 as it applies to Lot 1 DP 1000182 at 220 Ulan Road Mudgee.

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.

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 (**Attachment 1**).

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 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 queries in regard to this matter, please contact Wayne Garnsey of the Western Regional office of the Department on 02 68412180.
Yours sincerely,

A. W. Albury 6-12-2013
Ashley Albury
Regional Director
Western Region

Encl.

Attachment 1 – Written Authorisation to Exercise Delegation.

Attachment 2 – Delegated plan making reporting template.

Gateway Determination

Planning proposal (Department Ref: PP_2013_MIDWR_007_00): to change the lot size of Lot 1 DP 1000182 at 220 Ulan Road Mudgee to 2000 m2.

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 change the lot size of Lot 1 DP 1000182 at 220 Ulan Road Mudgee 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 & 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Maritime Services
 - Civil Aviation Safety Authority

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.
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 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).
4. That the mechanism to achieve the proposed change of lot size is to apply clause 4.1 (3A)(a) of the Mid Western Regional Local Environmental Plan 2012 and identify Lot 1 DP 1000182 as 'Area A' on Lot Size Maps 006F and 006G.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 6th day of December 2013.


Ashley Albury
Regional Director
Western Region
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



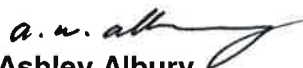
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_007_00	Planning proposal to change the lot size of Lot 1 DP 1000182 No 220 Ulan Road Mudgee to 2000 m2

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 *6th December* 2013


Ashley Albury
Regional Director
Western Region
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

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_2013_MIDWR_007_00
Date Sent to Department under s56	22 November 2013
Date considered at LEP Review Panel	
Gateway determination date	6 December 2013

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: