



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

Dear Mr Cam

Planning Proposal (PP_2014_MIDWR_003_00) to amend Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, Market Street and Split Zoning

Thank you for your letter dated 5 November 2014 requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the Planning Proposal including various amendments to Spring Flat Road, Adams Lead Road, Market Street and Split Zoning.

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

While I support the proposed amendments, it is identified that the rezoning of land at Spring Flat Road and Adams Lead Road are inconsistent with the Mid-Western Regional Comprehensive Land Use Strategy (CLUS). It is recommended that Council consider a review of the CLUS to ensure consistency with the proposed amendments. Further, Council should ensure that planning proposals to amend provisions on rural land are consistent with the CLUS and are strategically justified.

The Minister delegated his 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 and make this plan (**Attachment 2**).

The amended Local Environmental Plan (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 the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

The amended LEP maps 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: pocgis@planning.nsw.gov.au and a copy to westernregion@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 the determination are not met.

In accordance with 'A guide for the preparation of local environmental plans', the Delegated Plan Making Reporting Template (**Attachment 3**) is enclosed for your reference. Table 2 of the document is to be completed and forwarded to westernregion@planning.nsw.gov.au when requesting the Planning Proposal to be notified, in accordance with section 59 of the EP&A Act.

Should you have any further enquiries, I have arranged for Jessica Holland, Planning Officer to assist you. Ms Holland may be contacted at the Departments Western Region Office on (02) 6841 2180.

Yours sincerely

 9-12-2014
Ashley Albury
General Manager, Western Region

Enclosed:

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_2014_MIDWR_003_00): to amend the Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, Market Street and Split Zoning.

I, the 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 EP&A Act that an amendment to the Mid-Western Regional Local Environmental Plan 2012 (LEP) to:

- a) amend the minimum lot size on land at Lot 52 DP 633029 Spring Flat Road, Spring Flat from 100 hectares to 20 hectares;
- b) amend the land use zone at Lot 76 DP 755434 Adams Lead Road, Gulgong from Zone RU1 Primary Production to Zone R2 Low Density Residential and amend the minimum lot size from 100 hectares to 2 hectares,
- c) amend the land use zone at part Lot 41 DP 703056 and part Lot 1 DP 564729 Market Street, Mudgee from Zone E3 Environmental Management to Zone R1 General Residential and Zone RE2 Private Recreation and amend the minimum lot size from 400 hectares to 600 square metres, and
- d) insert a provision regarding minimum lot sizes for split zoned lots to provide for subdivision of lots that are within more than one zone,

should proceed subject to the following variations and conditions:

1. Prior to undertaking public exhibition, Council is to amend the Planning Proposal:
 - a) to address State Environmental Planning Policy (SEPP) 55 Remediation of Land and State Environmental Planning Policy (Rural Lands) 2008,
 - b) to outline the zones which are to be affected by the minimum lot size for split zones provision,
 - c) to zone land at Lot 76 DP 755434 Adams Lead Road, Gulgong Zone R5 Large Lot Residential,
 - d) to clearly indicate the intent to amend the minimum lot size on part Lot 41 DP 703056 and part Lot 1 DP 564729 Market Street, Mudgee to 600 square metres, and
 - e) to zone land that forms part Lot 42 DP 703056 within Zone E3 Environmental Management, Zone R1 General Residential and amend the minimum lot size to 600 square metres.

The Planning Proposal is not to be placed on public exhibition until the Department is satisfied that the above amendments have been adequately addressed.

2. 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 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 and Infrastructure 2013).
3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act and/or comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage



Planning & Environment

- NSW Rural Fire Service

4. 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).
5. Prior to submission of the Planning Proposal under section 59 of the EP&A Act the relevant Land Zoning Maps and Lot Size Maps that apply to the subject land are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Dated *9th* day of *December* 2014.

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Ashley Albury
General Manager, Western Region
Planning Services

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 10 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_MIDWR_003_00	Spring Flat Road, Adams Lead Road, Market Street and Split Zoning.

In exercising the Minister's functions under section 59, Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *9th December* 2014

Ashley Albury
General Manager, Western Region
Planning Services
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_003_00
Date Sent to Department under s56	
Date considered at LEP Review Panel	Considered by the Director Generals Delegate 9 December 2014
Gateway determination date	9 December 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: