



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

16/01350

Attention: Elizabeth Densley, Manager Strategic Planning

Dear Mr Cam

Planning Proposal (PP_2016_MIDWR_001_00) to amend Mid-Western Regional LEP 2012 – part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee

I am writing in response to Council's request for a Gateway determination under section 56(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with respect to the planning proposal to rezone land and reduce the minimum lot size on land at part Lot 60 DP 1181767 Robert Hoddle Grove, Bombira, Mudgee.

As a 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).

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 to make this plan (Attachment 2).

The amended Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should also 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) 10 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 map and GIS data is to be uploaded to the Departments FTP site at <ftp://lepup: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 publically 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 outlines 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 3) is enclosed for Council's information. Table 2 of the attachment is to be completed and forward to westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any queries in regard to this matter, I have arranged for Jessica Holland, Planning Officer to assist you. Ms Holland can be contacted on (02) 6841 2180.

Yours sincerely



21.1.16

Wayne Garnsey
Acting Director Regions, Western
Planning Services

Enclosures: 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_2016_MIDWR_001_00): to amend the Mid-Western Regional LEP 2012 – rezone land R2 Low Density Residential and amend minimum lot size on land to 2 hectares (4000 square metres if serviced by a water reticulation system and sewerage system) at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee.

I, the Acting 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* (EP&A Act) that an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone land and amend to the minimum lot size on land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.
2. Consultation is required with the following State Agencies under section 56 (2)(d) of the EP&A Act:
 - (a) Department of Primary Industries - NSW Office of Water
 - (b) NSW Office of Environment and Heritage
 - (c) NSW National Parks and Wildlife Service

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 planning proposal prior to community consultation.

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. Prior to submission of the planning proposal under section 59 of the EP&A Act, 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 12 months from the week following the date of the Gateway determination.

Dated 21st day of January 2016.



21.1.16

Wayne Garnsey
Acting Director Regions, Western
Planning Services

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_2016_MIDWR_001_00	Planning proposal to rezone land and amend the minimum lot size on land at part 60 DP 1181768 Robert Hoddle Grove, Bombira, 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 21 January 2016

Wayne Garnsey
Acting Director Regions, Western
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	P_2016_MIDWR_001_00
Date Sent to Department under s56	04/01/2016
Date considered at LEP Review Panel	Determined under delegation of the Minister for Planning and not considered by the Panel.
Gateway determination date	21/01/2016

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: