



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

Dear Mr Cam

Planning proposal PP_2019_MIDWR_003_00 to amend Mid-Western Regional Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to rezone the area of Lot 2 DP 1055152 currently zoned RU1 Primary Production with a minimum lot size of 100 hectares, to RU4 Primary Production Small Lots and E3 Environmental Management with a minimum lot size of 20 and 400 hectares respectively.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 4.4 Planning for Bushfire Protection Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.


The amending local environmental plan (LEP) is to be finalised within nine months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Tim Collins to assist you. Mr Collins can be contacted on 5852 6800.

Yours sincerely



24/09/2019

Damien Pfeiffer
Director, Western Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2019_MIDWR_003_00): to amend the Mid-Western Regional Local Environmental Plan 2012 to rezone the area of Lot 2 DP 1055152 currently zoned RU1 Primary Production with a minimum lot size of 100 hectares, to RU4 Primary Production Small Lots and E3 Environmental Management with a minimum lot size of 20 and 400 hectares respectively.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to rezone the area of Lot 2 DP 1055152 currently zoned RU1 Primary Production with a minimum lot size of 100 hectares, to RU4 Primary Production Small Lots and E3 Environmental Management with a minimum lot size of 20 and 400 hectares respectively should proceed subject to the following conditions:

1. The planning proposal should be updated to reflect changes to SEPPs (eg. State Environmental Planning Policy (Primary Production and Rural Development) 2019, SEPP 30 and SEPP (Rural Lands)).
2. The future intended land use for the road reserve in the north-west and land adjoining the southern part of the lot, both zoned RU1 Rural Landscape, should be considered and documented in the planning proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service 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.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).

6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 24 day of September 2019.



Damien Pfeiffer
Director, Western Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
[Name]
[Title]
[Council name]
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department

Stage	Date/Details
Planning proposal number	PP_2019_MIDWR_003_00
Date sent to DPIE under section 3.34(1)	4 September 2019
Gateway determination date	24 September 2019

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPIE requesting notification		

Table 3: To be completed by the Department

Stage	Date/Details
Notification date and details	

Additional relevant information: