



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

Attention: Sarah Armstrong – Manager, Strategic Planning

Dear Mr Cam

Planning proposal – General Amendment Mid-Western Regional Local Environmental Plan 2012 – request for Gateway Determination- electricity generating works.

I refer to Council's correspondence of 24 April 2019 seeking a Gateway determination for a general amendment to the Mid-Western Regional Local Environmental Plan 2012 (LEP). I also refer to a telephone discussion on 2 May 2019 between Council's Ms Sarah Armstrong and the Departments Jessica Holland and Wayne Garnsey.

The planning proposal, among other things, seeks to prohibit electricity generating works within zone RU4 Primary Production Small Lots. This is inconsistent with State Environmental Planning Policy (Infrastructure) 2007 (SEPP), which lists zone RU4 Primary Production Small Lots as a prescribed zone in Division 4 Electricity generating works or solar energy systems. Under the provisions of this Division, electricity generating works is development permitted with consent which prevails over the proposed LEP amendment. The Department is therefore unable to proceed with prohibiting the electricity generating works component of the planning proposal.

It is recommended that Council amend the planning proposal to omit the item that prohibits electricity generating works and resubmit the proposal to the Department for assessment.

Should you have any further enquiries in relation to this matter, I have arranged for Jessica Holland from the Department of Planning and Environment, Western Region office to assist you. Mrs Holland can be contacted on 5852 6800.

Yours sincerely

7.5.19

Damien Pfeiffer
Director Regions, Western
Planning Services