

Gateway Determination

Planning proposal (Department Ref: PP_2019_MIDWR_002_00): to amend clause 6.10 Visually sensitive land near Mudgee and the associated Visually Sensitive Land Maps.

I, the Director Regions, Western at the Department of Planning 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 amend clause 6.10 Visually sensitive land near Mudgee and the associated Visually Sensitive Land Maps should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to prepare a draft amending Visually Sensitive Land Map Sheets (CL1_006 and 006H). These maps are to be publicly exhibited with the planning proposal in accordance with Condition 3 of this Gateway Determination.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) The planning proposal 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 5.5.2 of *A Guide to preparing local environmental plans* (Department Planning and Environment 2018).
3. Consultation is required to NSW Rural Fire Service to address Ministerial Planning Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service is to be provided to a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the planning proposal.
4. 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).
5. 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.
- 6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
- 7. The time frame for completing the LEP is to be **six (6) months** following the date of the Gateway determination.

Dated 23rd day of May 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services

Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces