



Gateway Determination

Planning Proposal (Department Ref: PP_2015_MIDWR_003_00): to amend the Mid-Western Regional LEP 2012 – amend minimum lot size on land at part Lot 4 DP 1206488 Broadhead Road, Mudgee.

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 amend to the minimum lot size on land at part Lot 4 DP 1206488 Broadhead Road, Mudgee should proceed subject to the following conditions:

1. Prior to exhibition of the planning proposal consultation is required with the NSW Office of Water to determine an appropriate minimum lot size for the land having regard to water supply and impacts on groundwater.

The planning proposal is not to be placed on exhibition until the Department is satisfied that the matter has 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 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.
3. The criteria adopted by Council and proposed to be included in the Mid-Western Regional Comprehensive Land Use Strategy regarding development of rural residential land with a minimum lot size of 2 hectares shall be amended to include consideration of a sustainable water supply. The criteria shall be made publicly available on exhibition with the planning proposal.
4. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:
 - (a) NSW Rural Fire Service
 - (b) Department of Primary Industries - NSW Office of Water
 - (c) Office of Environment and Heritage
 - (d) 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.



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5. 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).
6. 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'.
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 26 day of June 2015.


Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning