



## Planning & Infrastructure

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Our ref: PP\_2013\_MIDWR\_002\_00 (13/02094)  
Your ref: A0100056, A0420246

Mr Warwick Bennett  
General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Dear Mr Bennett

### **Request for revised Gateway Determination – 16 Sydney Road, Mudgee**

I am writing in response to your Council's request for a revised Gateway Determination under section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal at 16 Sydney Road, Mudgee.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Revised Gateway Determination.

Council is to proceed with the planning proposal as originally submitted to the Department on 12 January 2013, which seeks to include Tourist and Visitor Accommodation as an Additional Permitted Use under Schedule 1 of the *Mid-Western Regional Local Environmental Plan 2012* at 16 Sydney Road, Mudgee.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amended LEP is to be finalised within 9 months of the week following the date of the revised 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Dan Wagner of the Department of Planning and Infrastructure's Dubbo Regional Office on 02 6841 2180.

Yours sincerely



21.6.13.  
**Neil McGaffin**  
**Executive Director**  
**Rural and Regional Planning**

Enc.  
Revised Gateway Determination  
Authorisation for Delegations  
Delegated Reporting Template

## Revised Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_MIDWR\_002\_00):** to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012.

I, the Executive Director, Rural and Regional Planning, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to provide additional traffic information to address any implications the proposal may have on the road network during the construction and operation of the tourist facility.
2. Prior to undertaking public exhibition, Council is to also amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of *A guide to Preparing Planning Proposals (Department of Planning & Infrastructure 2012)*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. 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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for **14 days**; and
  - (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 (Department of Planning & Infrastructure 2012)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the revised Gateway determination.

Dated *21st* day of *June* 2013.

A handwritten signature in black ink, appearing to read 'Neil McGaffin', written in a cursive style.

**Neil McGaffin**  
**Executive Director**  
**Rural and Regional Planning**  
**Delegate of the Minister for Planning**  
**and Infrastructure**



## Planning & Infrastructure

### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_MIDWR_002_00 | The planning proposal seeks to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012. |

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<sup>st</sup> June 2013

**Neil McGaffin**  
Executive Director  
Rural and Regional Planning  
Department of Planning and Infrastructure