



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

16/04744

Dear Mr Cam

**Re: Planning Proposal (PP\_2016\_MIDWR\_002\_00) to amend the Mid-Western Regional LEP 2012 - Lots 3 & 4 DP 1069441, Spring Flat Road, Burrundulla, Mudgee.**

I am writing in response to your Council's letter dated 8 March 2016 requesting a Gateway determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the planning proposal to amend the Mid-Western Regional LEP 2012 to rezone land at Lots 3 & 4 DP 1069441, Spring Flat Road, Burrundulla, Mudgee and amend the minimum lot size.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination **(Attachment 1)**.

The inconsistencies with section 117 Directions 1.2 Rural Zones and 1.3 Mining, Petroleum and Extractive Industries is considered as being of minor significance in this case. Inconsistency with 1.5 Rural Lands has been justified by the Mudgee-Gulgong Urban Release Strategy 2014. No further work is required in this regard.

Please note that Condition No 2 of the Gateway determination requires Council to progress the proposed amendment to the Mid Western Comprehensive Land Use Strategy 2010 to insert criteria for assessing the suitability of land for 2 hectare rural residential use as proposed in PP\_2015\_MIDWR\_003\_00.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has 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 **(Attachment 2)**.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following 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 ([parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at [ftp://lepup:lep\\_upload@203.3.194.247/](ftp://lepup:lep_upload@203.3.194.247/) and the map information emailed to: [pocgis@planning.nsw.gov.au](mailto:pocgis@planning.nsw.gov.au) and a copy to [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

In accordance with "A guide for the preparation of local environmental plans", Attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and forward to [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au) when requesting the planning proposal to be notified.

Should you have any queries in regard to this matter, I have arranged for Megan Jones, Planning Officer to assist you. Ms Jones can be contacted on (02) 6841 2180.

Yours sincerely,

 24-5-2016

**Ashley Albury**  
**General Manager, Western Region**

Enclosures: Attachment 1 – Gateway Determination  
Attachment 2 – Written Authorisation to Exercise Delegation  
Attachment 3 – Delegated Plan Making Reporting Template

## **Gateway Determination**

**Planning Proposal (Department Ref: PP\_2016\_MIDWR\_002\_00):** to amend the Mid-Western Regional LEP 2012 - rezone land at Lots 3 & 4 DP 1069441, Spring Flat Road, Burrundulla, Mudgee and amend the minimum lot size.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and assessment Act, 1979 that an amendment to the Mid-Western Regional Local Environmental Plan 2012 (LEP) to rezone land at Lots 3 & 4 DP 1069441, Spring Flat Road, Burrundulla, Mudgee and amend the minimum lot size should proceed subject to the following conditions:

1. Prior to community consultation, consultation is required with the Department of Primary Industries - 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. Prior to community consultation, the proposed amendment to the Mid Western Comprehensive Land Use Strategy 2010 to insert criteria for assessing the suitability of land for 2 hectare rural residential use, as proposed in (PP\_2015\_MIDWR\_003\_00), must be progressed to a stage suitable for community consultation. This proposed amendment requires approval of the Department of Planning and Environment.
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 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.
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) Department of Primary Industries - Water
  - (b) Roads and Maritime Services
  - (c) Office of Environment and Heritage

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.

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 9 months from the week following the date of the Gateway determination.

Dated 24<sup>th</sup> day of May 2016.

  
**Ashley Albury**  
**Director Regions, Western**  
**Planning Services**

**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 10 October 2014, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                     |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2016_MIDWR_002_00 | To amend the Mid-Western Regional LEP 2012 - rezone land at Lots 3 & 4 DP 1069441, Spring Flat Road, Burrundulla, Mudgee and amend the minimum lot size. |

In exercising the Minister's functions under section 59, Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *24 May* 2016

  
**Ashley Albury**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**



## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                               | Date/Details                         |
|-------------------------------------|--------------------------------------|
| Planning Proposal Number            | PP_2015_MIDWR_003_00                 |
| Date Sent to Department under s56   | 20 April 2016                        |
| Date considered at LEP Review Panel | Considered by the Ministers Delegate |
| Gateway determination date          | 13 May 2016                          |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified Reg Off |
|-------------------------------------------------|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: