

Gateway Determination

Planning Proposal (Department Ref: PP_2015_MIDWR_004_00): to amend the Mid-Western Regional LEP 2012 – rezone land R5 Large Lot Residential and amend minimum lot size to 2 hectares on land at part Lot 2 DP 136904 and part Lot 3 DP 587806 Wilbertree 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 rezone land R5 Large Lot Residential and amend minimum lot size to 2 hectares on land at part Lot 2 DP 136904 and part Lot 3 DP 587806 Wilbertree Road, Mudgee should proceed subject to the following conditions:

1. Prior to undertaking community consultation, consultation is required with the NSW Office of Water to determine the suitability of a 2 hectare 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 of Planning and Environment is satisfied and approves that the water supply and groundwater matters have been adequately addressed.
2. 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, and addressing consideration of a sustainable water supply, is to be made publicly available when community consultation is undertaken.
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) Office of Environment and Heritage
 - (b) Department of Primary Industries - NSW Office of Water

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

Dated 11th day of November 2015.

11.11.15

Ashley Albury
General Manager, Western Region
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 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_MIDWR_004_00	Rezone land and amend the minimum lot size on land at part Lot 2 DP 136904 and part Lot 3 DP 587806 Wilbertree Road, Mudgee.

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

Dated 11 November 2015

Ashley Albury
General Manager, Western Region
Planning Services
Department of Planning and Environment

Delegate of the Minister of 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_004_00
Date Sent to Department under s56	
Date considered at LEP Review Panel	
Gateway determination date	9 November 2015

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: