

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

Attention: Sarah Armstrong – Manager, Strategic Planning

Dear Mr Cam

Planning proposal PP_2019_MIDWR_001_00 to amend Mid-Western Local Environmental Plan 2012- Community Title subdivision on certain zone R5 land.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Mid-Western Local Environmental Plan 2012 through the insertion of an additional subclause to facilitate community title subdivision with a minimum lot size of 2 or 5 hectares for certain zone R5 Large lot residential land.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within six (6) months of 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) ten 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) for administrative purposes.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal documents and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data

To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" the authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal be finalised.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Jessica Holland, Planning Officer at the Department of Planning and Environment's Western Region office to assist you. Ms Holland can be contacted on (02) 5852 6800.

Yours sincerely



26.3.19

Damien Pfeiffer
Director, Western Region
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2019_MIDWR_001_00): amend the Mid-Western Local Environmental Plan 2012 through the insertion of an additional subclause to facilitate community title subdivision with a minimum lot size of 2 or 5 hectares for certain zone R5 Large lot residential land.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Local Environmental Plan (LEP) 2012 to insert an additional subclause to facilitate community title subdivision with a minimum lot size of 2 or 5 hectares for certain zone R5 Large lot residential land should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and 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 of Planning and Environment 2016).

No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act

2. 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).
3. 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.

4. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 26th day of March 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
[Name]
[Title]
[Council name]
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning proposal number	PP 2019_MIDWR_001_00
Date sent to DPE under section 3.34(1)	21 March 2019
Gateway determination date	26 March 2019

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		

Table 3: To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification date and details	

Additional relevant information: