



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\_2020\_MIDWR\_001\_00), to amend Mid-Western Regional Local Environmental Plan 2012 to facilitate a hardware and building supplies development at 134 Lions Drive, Burrundulla, Mudgee - Bunnings**

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 Regional LEP 2012 to facilitate a hardware and building supplies development.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

The planning proposal is inconsistent with the requirements of section 9.1 Direction 4.3 Flood Prone Land. Consultation is required Department of Planning, Industry and Environment – Biodiversity, Conservation and Science to address the inconsistency, as detailed in condition 1 of the Gateway determination, prior to community consultation.

Council is to update the planning proposal to consider the outcomes of the additional details and consultation required in condition 1 of the Gateway determination. Council is to seek approval from the Department prior to undertaking community consultation.

It is recommended that Council strategically assess and investigate the statutory protection of the gateway entry points to Mudgee. Council should develop clear strategies and development standards to address the visual amenity objectives for

entry ways into Mudgee. The Department is available to work with Council in this regard.

Having assessed the information provided, the Department supports the whole of lot 2 DP1079362, 134 Lions Drive being changed to zone B5 Business Development with a minimum lot size of 2000m<sup>2</sup>. Council should monitor the development of business and industrial land to assist in planning for future supply.

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 9 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 six (6) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department's Western Region Office ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document 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](http://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.

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 Mr Tim Collins, Senior Planning Officer, from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Collins can be contacted on 5852 6806.

Yours sincerely



28.10.20

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template