



Department of Planning, Housing and Infrastructure

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

Our ref: IRF25/272

Dear Mr Cam

Planning proposal PP-2024-1410 to amend Mid-Western Regional Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to rezone, reduce minimum lot size and introduce a height of buildings limit at Lot 42 DP756894 and Lot 49 DP756894, 34 Bruce Road, Spring Flat.

As delegate of the Minister for Planning and Public Spaces, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act (Directions 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands) are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act (Direction 4.1 Flooding). Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 19 December 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible following satisfaction of Gateway determination conditions 1-3.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Llyan Smith to assist you. Ms Smith can be contacted on (02) 9274 6347.

Yours sincerely



17/3/2025

Chantelle Chow
Acting Director, Southern, Western and Macarthur region
Local Planning and Council Support

Encl: Gateway determination