



Mr Michael Tolhurst
General Manager
Wellington Council
PO Box 62
Wellington NSW 2820

15/01611

Dear Mr Tolhurst

Planning proposal to Amend Wellington Local Environmental Plan 2012 (Amendment 3) (PP_2015_WELLIN_002_00) to formalise and clarify existing holding status of rural land.

I am writing in response to your Council's letter dated 6 January 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to amend the Wellington Local Environmental Plan 2012 (LEP) to formalise and map the status of 17 existing holding anomalies, map of all existing holdings by changing the minimum lot size and insert a 5 year sunset provision in clause 4.2B of the Wellington LEP 2012.

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

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**).

I have noted that in the submitted documentation, Council has stated that no State Environmental Planning Policies (SEPPs) or Section 117 Ministerial Directions are applicable to the proposal. This is not the case, as the proposal affects rural land. Prior to undertaking public exhibition, Council is to amend the planning proposal to address all applicable SEPPs and Section 117 Directions. The planning proposal is not to be placed on public exhibition until the Department is satisfied that the SEPPs and Section 117 Directions have been adequately addressed. The proposal is also to be amended to identify and map the 17 existing holding anomalies prior to commencement of public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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) 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) 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/ and the map information emailed to: pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

State Government is committed to reducing the time taken to complete LEP's 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 the 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 included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries about this matter, I have arranged for Jenna McNabb from the Western Region office to assist you. Ms McNabb can be contacted on 02 6841 2180.

Yours sincerely,

 29-1-2015

Ashley Albury
General Manager, Western Region
Planning Services

Enclosed:

- Attachment 1 – Gateway Determination
- Attachment 2 – Written Authorisation to Execute Delegation
- Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_WELLIN_002_00): to amend the Wellington Local Environmental Plan 2012 to formalise and map the status of 17 existing holding anomalies, map of all existing holdings by changing the minimum lot size and insert a 5 year sunset provision in clause 4.2B.

I, the General Manager, Western Region at 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 (EP&A Act) to amend the Wellington Local Environmental Plan 2012 to formalise and map the status of 17 existing holding anomalies, map of all existing holdings by changing the minimum lot size and insert a 5 year sunset provision in clause 4.2B should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address all applicable State Environmental Planning Policies (SEPPs) and Section 117 Directions, and include and map all 17 existing holding anomalies. The planning proposal is not to be placed on public exhibition until the Department is satisfied that the SEPPs and Section 117 Directions have been adequately addressed.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (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 (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - a. Office of Environment and Heritage; and
 - b. Department of Primary Industry (Agriculture)

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 proposal.

4. 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).

5. Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP Maps are to be prepared and be compliant with the Department's standard technical requirements for maps
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Dated 27 day of January 2015.


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

Delegate of the Minister for Planning