

Gateway Determination

Planning Proposal (Department Ref: PP_2017_DREGI_004_00): to make administrative housekeeping and minor amendments (14 items) relating to: permissible landuse activities, subdivision controls, controls relating to permissible uses, local provisions, Schedule 5 Environmental heritage, amendments to landuse zoning and minimum lot size provisions and mapping under the Wellington LEP 2012.

I, the Director Regions, Western at the 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* (the Act) that an amendment to the Wellington Local Environmental Plan (LEP) 2012 to make housekeeping and other minor amendments (14 items) should proceed subject to the following conditions:

1. Council is to consider the matter of creating **split zones and split minimum lot sizes** across certain lots in Wellington (Planning Proposal Item 13) and value of including a “split zones” and/or “split MLS” model clause to facilitate certain subdivision and development of these lots. This matter is required to be addressed and advice provided to the Department prior to proceeding to community consultation.
2. Council is required to review the **LEP flood mapping** and the proposal to rezone flood prone land from E3 Environmental Management to R1 General Residential and R2 Low-Density Residential in Wellington (Planning Proposal Item 13). The proposed rezoning of flood prone land is required to be justified under s117 direction 4.3 Flood Prone Land, in consultation with the Office of Environment and Heritage, and advice provided to the Department prior to proceeding to community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Office of Environment and Heritage (consultation prior to community consultation to address inconsistency with Direction 4.3 Flood Prone Land) (Direction 2.1 Environmental Protection Zones, 2.3 Heritage Conservation)
 - Roads and Maritime Service (Classified Road – Items 13 and 14)
 - NSW Rural Fire Service (4.4 Planning for Bushfire Protection)

Each public authority/organisation 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.

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 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. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 20th day of October 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning