



Mr Mark Riley  
General Manager  
Dubbo Regional Council  
PO Box 81  
DUBBO NSW 2830

PP\_2017\_DREGI\_004\_00 (17/10592-1)

**Attention:** Mr Steven Jennings, Manager – City Strategy Services

Dear Mr Riley,

**Planning Proposal [PP\_2017\_DREGI\_004\_00] to amend Wellington Local Environmental Plan 2012 – Housekeeping and minor amendments (14 items)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 October 2017 in respect of the Planning Proposal to make housekeeping amendments to 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.

Council is encouraged to consider the long term implications of creating split zones and split minimum lot sizes across certain lots in Wellington. Council should consider the value of including a split-zone and split-MLS model clause to facilitate future subdivision of certain lots, prior to proceeding to community consultation. (Refer to Gateway condition 1)

I have agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

The proposal remains inconsistent at this time with section 117 Direction 4.3 Flood Prone Land as the proposal seeks to rezone flood prone land in Wellington. Council is required to review LEP flood mapping and justify the proposed rezoning in consultation with the Office of Environment and Heritage (OEH). The outcome of this consultation and further justification should be submitted to the Department prior to proceeding to community consultation (Refer to Gateway condition 2).

The proposal also remains inconsistent at this time with section 117 Direction 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection.

Council is required to consult with the Office of Environment and Heritage (OEH) and the NSW Rural Fire Service (RFS) and report the outcome of consultation in the section 59 Report regarding these inconsistencies.

Council is also required to consult with the Roads and Maritime Service (RMS) as the proposed rezoning of land in Montefiores (Item 14) adjoins the Mitchell Highway.

I have considered Council's resolution not to exercise delegation in this instance and agree not to issue an authorisation to exercise delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date.

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 <https://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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Deniz Kilic of the Departments Western Region Office to assist you. Mr Kilic can be contacted on (02) 6841 2180.

Yours sincerely



20.10.17

**Katrine O'Flaherty**  
**Director Regions, Western**  
**Planning Services**

Encl: Gateway Determination

## 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.

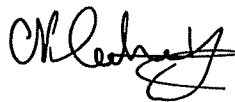
I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Wellington Local Environmental Plan (LEP) 2012 to make 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 20<sup>th</sup> day of October 2017.



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