

Gateway Determination

Planning proposal (Department Ref: PP_2014_WENTW_001_00): to rezone land from RU1 Primary Production to E4 Environmental Living to allow for the creation of 49 lots of 5 to 10 hectares in size for rural lifestyle development adjacent to the Darling River at Pomona.

I, the Secretary of 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 *Wentworth Local Environmental Plan (LEP) 2011* to rezone land from RU1 Primary Production to E4 Environmental Living to allow for the creation of 49 lots of 5 to 10 hectares in size for rural lifestyle development adjacent to the Darling River at Pomona should proceed subject to the following conditions:

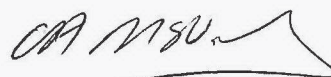
1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environmental and Heritage
 - Office of Water
 - Department of Primary Industries (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. These public authorities may request additional studies be undertaken to inform the planning proposal.

3. 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).

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

Dated 26 day of October 2015



Carolyn McNally
Secretary
Department of Planning and
Environment

Delegate of the Minister for Planning



Mr Peter Koslowski
General Manager
Wentworth Shire Council
PO Box 81
Wentworth NSW 2648

Our ref: PP_2014_WENTW_001_00

Dear Mr Koslowski

Gateway Review Wentworth Shire Planning Proposal PP_2014_WENTW_001_00

I am writing to you about the recent Gateway Review undertaken by the Western Region Joint Regional Planning Panel (JRPP) in respect of planning proposal PP_2014_WENTW_001_00.

As you will be aware the Joint Regional Planning Panel (JRPP) has recommended that the subject proposal should be issued with a Gateway determination. Accordingly, 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.

A revised planning proposal should be prepared that gives effect to the recommendations of the JRPP, including that the subject land be zoned E4 Environmental Living. This planning proposal should be submitted for endorsement prior to Wentworth Shire Council commencing any community consultation in respect of the proposal.

I have also determined the planning proposal's inconsistencies with any S117 Direction are of minor significance only. No further approval is required in relation to any S117 Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now 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.

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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

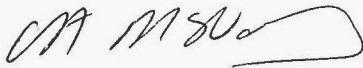
The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning & Assessment Act, 1979*, if the time frames outlined in this determination are not met.

Consistent with the recommendation of the JRPP I encourage Council to:

1. Finalise its rural strategy as soon as possible and include clear criteria for future rezoning of land to accommodate rural lifestyle development;
2. Finalise its flood mapping for the Pomona locality prior to any development applications being submitted for subdivision and dwellings to inform suitable building footprints; and
3. Liaise with Grand Junction Pty Ltd to enter into Voluntary Planning Agreement to extinguish the 49 dwelling entitlements on other landholdings in the locality, as per the planning proposal submission.

Should you have any queries in regard to this matter please contact Mr Brett Whitworth, Acting Executive Director, Regions on (02) 9228 6249.

Yours sincerely



Carolyn McNally
Secretary 26.10.15

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



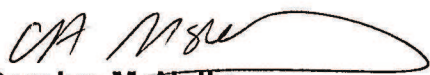
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wentworth Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_WENTW_001_00	Planning proposal to rezone land from RU1 Primary Production to E4 Environmental Living to allow for the creation of 49 lots of 5 to 10 hectares in size for rural lifestyle development adjacent to the Darling River at Pomona

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated *26 October* 2015


Carolyn McNally
Secretary
Department of Planning and Environment