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Our ref: PP_2014_WENTW_001_00 (14/05587)
Your ref: DOC/14/1242

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

Dear Mr Kozlowski,

Planning proposal to amend Wentworth Local Environmental Plan 2011

I am writing in response to Council's letter dated 5 February 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 5) to rezone land at South Pomona and North Pomona from RU1 Primary Production to RU4 Primary Production Small Lots, reduce the minimum lot size on the land to 5ha and 10ha and transfer dwelling entitlements.

As delegate of the Minister for Planning, I have determined the planning proposal should not proceed at this stage for the reasons outlined below and in the attached Gateway determination.

I understand that Council is currently undertaking a Rural Land Use Strategy, which will set a vision and policy framework for rural areas within the Wentworth local government area. It is considered appropriate that the planning proposal not proceed at this time and that the proposed use of the subject land for rural lifestyle purposes be considered as part of the broader strategic process. The Department will work promptly and efficiently with Council to resolve rural land development in Wentworth and ensure that planning for rural residential land in the future is informed through a strategic planning process.

I am also aware the Department of Primary Industries opposes the 10ha minimum lot size standard for irrigated agriculture/horticultural land as it considers the lot size is unrepresentative, would result in the fragmentation of land, increases land use conflict and discourages land being used for commercial agriculture. The Department of Primary Industries has encouraged Council to undertake a strategic review of its rural land and clearly differentiate between the use of agricultural land for agricultural purposes and the use of land for lifestyle purposes. The matter of minimum lot sizes has not been adequately addressed in the planning proposal and should be considered in the broader strategic process. The Department of Primary Industries has offered involvement in the process to ensure rural lands are protected and provided for.

In the meantime, if Council wishes to provide flexibility for the subdivision of land for legitimate intensive plant agricultural purposes in rural zones, clause 4.2A 'Subdivision for the purposes of intensive livestock agriculture or intensive plant agriculture' found in Cowra Local Environmental Plan 2012 may be relevant and could be introduced to Council's LEP through an amendment. Council is encouraged to consult with the Department on the use of this clause in the first instance.

Should you have any queries in regard to this matter, I have arranged for Ms Nita Scott of the Department of Planning and Environment's regional office to assist you. Ms Scott can be contacted on (02) 6841 2180.

Yours sincerely,



Richard Pearson
Deputy Secretary
Growth Planning

Encl: Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_WENTW_001_00): to rezone land at South and North Pomona to RU4 Primary Production Small Lots and reduce the minimum lot size.

I, the Deputy Secretary, Growth Planning at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wentworth Local Environmental Plan (LEP) 2011 to rezone land at South Pomona and North Pomona from RU1 Primary Production to RU4 Primary Production Small Lots, reduce the minimum lot size on the land to 5ha and 10ha and to transfer dwelling entitlements should not proceed for the following reasons:

1. The planning proposal is not at this stage supported by sufficient strategic planning justification and does not adequately address potential land use conflict and the demand and supply for rural lifestyle development in Wentworth.
2. Council is currently undertaking a Rural Land Use Strategy, which will set a vision and policy framework for rural areas within the Wentworth local government area. The use of the subject land for rural lifestyle purposes should be considered as part of this broader strategic process. Matters regarding appropriate minimum lot sizes of land used for agricultural purposes should also be considered as part of this process.
3. The planning proposal does not adequately address inconsistency with State Environmental Planning Policy (SEPP) Rural Lands 2008, as it will create potential for land use conflict and increase fragmentation of rural land. The proposal also creates demand for infrastructure provision and results in the creation of undersized rural lots along the Darling River, which has potential to impact the riverine ecosystem.
4. The proposal for rural lifestyle development is inconsistent with the objectives of the RU4 Primary Production Small Lots zone, because of the proposed minimum lot size and the intended use of the land.

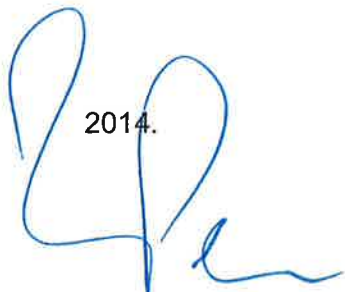
Dated

21

day of

July

2014.



Richard Pearson
Deputy Secretary
Growth Planning

Delegate of the Minister for Planning