

Mr Donald Ramsland
General Manager
Walgett Shire Council
PO Box 31
Walgett NSW 2832

IRF17/361

Attention: Bob Harris, Acting Director Environmental Services

Dear Mr Ramsland,

Planning proposal (PP_2017_WALGE_002_00)– Rural Residential to amend Walgett Local Environmental Plan 2013

I am writing in response to your Council's email dated 23 November 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the planning proposal to rezone land at Lightning Ridge and Walgett to zone R5 Large Lot Residential to facilitate rural residential development.

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)**

In relation to section 117 Direction 4.3 Flood Prone Land, consultation is required with NSW Office of Environment and Heritage regarding the potential impacts of flooding on the subject lands. Council should ensure this occurs during public exhibition and is addressed in the section 59 submission.

The proposal is inconsistent with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.10 Regional Plans however, it has been justified as minor significance and supported by the work undertaken in the draft Walgett Rural Residential Land Use Strategy 2017. No further work is required in regard to this Direction.

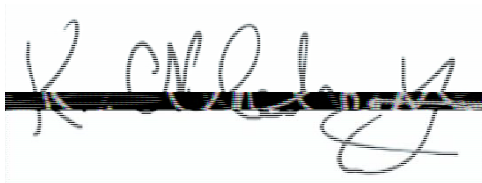
The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan given the Lightning Ridge site is in Council ownership.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au).

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.

Should you have any queries regarding this matter, I have arranged for Tim Collins of the Departments Western Region office to assist you. Mr Collins can be contacted on 6841 2180.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K O'Flaherty', is written over a horizontal line. The signature is stylized and cursive.

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination

19/12/2017

Gateway Determination

Planning proposal (Department Ref: PP_2017_WALGE_002_00): to rezone land at Lightning Ridge and Walgett to zone R5 Large lot residential to facilitate rural residential development.

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 that an amendment to the Walgett Local Environmental Plan (LEP) 2013 to rezone land at Lightning Ridge and Walgett to zone R5 Large lot residential to facilitate rural residential development should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to address section 117 Direction 5.10 – Implementation of Regional Plans. This work is to address the Far West Regional Plan 2036 that was released on 22 August 2017.
2. Prior to undertaking community consultation Council is to consult with the Department of Primary Industries Water to determine a suitable lot size to facilitate adequate water supply.

The planning proposal is not to be placed on exhibition until the Department of Planning and Environment is satisfied and approves that the water supply matters have been adequately addressed.

3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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 2016)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions:
 - Department of Primary Industries - Water,
 - Civil Aviation Safety Authority,
 - Department of Industry - Lands and Water,
 - Office of Environment and Heritage, and
 - Department of Planning & Environment – Resources and Geoscience.

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.

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 *Environmental Planning and Assessment Act, 1979*. 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 from the week following the date of the Gateway determination.

Dated 19th day of December 2017.

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', written over a horizontal line.

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning