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

Our ref: PP_2012_WENTW_001_00 (12/06420)
 Your ref: DOC/12/3970

Dear Mr Kozlowski,

Planning Proposal to amend the Wentworth LEP 2011 (Amendment No. 1)

I am writing in response to your Council's letter dated 22 March 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wentworth Local Environmental Plan 2011 as follows:

- to apply the 10 ha minimum lot size to certain land within the historic horticultural growing districts/settlements of Ellerslie, Darling View and Curlwaa;
- to include an additional sub-clause in Clause 4.2D to provide for construction of dwellings on former rural lots without the need for the land to be used or intended to be used for the purpose of intensive plant agriculture or extensive agriculture and without the need for the dwelling house being required to support the carrying out of any such practice;
- to reduce the minimum lot size for land zoned R5 Large Lot Residential east of the township of Gol Gol from 10,000 ha to 5000sqm;
- to rezone land at Lot 1 DP 829902, used for the Gol Gol water treatment plant from R5 Large Lot Residential to SP2 Infrastructure;
- to correct the description of land under Schedule 5 Environmental Heritage in respect to Cal Lal Post Office identified as heritage item I9 from Lot 17, DP 756151 to Lot 25, DP 756151;
- to correct the description of land under Schedule 5 Environmental Heritage in respect to Cal Lal Police Station, Courthouse identified as heritage item I10 from Lot 17, DP 756151 to Lot 24, DP 756151 5495 Rufus River Road, Rufus; and
- to correct the description of land under Schedule 5 Environmental Heritage in respect to a dwelling identified as heritage item I87 from Lot 3 DP 5601346, 34 Sandwych St, Wentworth to Lot 1 DP 304749, 36 Sandwych Street, Wentworth.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as outlined in the conditions in the attached Gateway Determination.

It is noted that Council's assessment against the requirements of State Environmental Planning Policy (Rural Lands) 2008 is inadequate. Council is to amend the planning proposal and demonstrate consistency with the Rural Planning and Rural Subdivision principles of the SEPP prior to public exhibition of the planning proposal. In doing so, Council is to consult with the NSW Department of Primary Industries regarding the proposed development. Any comments made, along with any information produced from the assessment of the Rural Lands SEPP is to be included in the planning proposal for the purposes of public exhibition.

It is noted that the planning proposal is inconsistent with the requirements of S117 Direction 3.4 Integrating Land Use and Transport. Council is therefore to provide further justification for the inconsistency given the existing Rural Residential Strategy has not been endorsed by the Department. Council is to amend the planning proposal prior to commencing community consultation and identify how the inconsistency is of minor significance prior to finalisation of the planning proposal.

In regards to the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones, it is noted that there is no strategy or study which would support the increased density as a result of the proposed reduction in minimum lot size on areas of certain land to 10 ha. Therefore, Council is to amend the planning proposal to provide further consideration and justification of the outcome of the lot size reduction, and identify how the planning proposal is either consistent with the Local Planning Direction or is of minor significance.

It is noted that Council has not considered the consistency of the proposal with the requirements of S117 Direction 1.3 Mining, Petroleum and extractive Industries. The Department considers the Local Planning Direction to be relevant to the planning proposal given the increase in density on rural land as a result of the reduction in the minimum lot size will reduce the potential to access mineral resources. Therefore, Council is to consult with the Department of Primary Industries (Minerals) to ascertain whether any resources will be impacted by the planning proposal, prior to the commencement of public exhibition. The planning proposal is to be amended, if necessary to reflect the outcomes of the consultation for the purposes of community consultation.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Anna Patton of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


Sam Haddad
Director-General

18/5/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WENTW_001_00): to amend the Wentworth LEP 2011 (Amendment No. 1)

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wentworth Local Environmental Plan 2011 to Wentworth Local Environmental Plan 2011 as follows:

- to apply the 10 ha minimum lot size to certain land within the historic horticultural growing districts/settlements of Ellerslie, Darling View and Curlwaa;
- to include an additional sub-clause in Clause 4.2D to provide for construction of dwellings on former rural lots without the need for the land to be used or intended to be used for the purpose of intensive plant agriculture or extensive agriculture and without the need for the dwelling house being required to support the carrying out of any such practice;
- to reduce the minimum lot size for land zoned R5 Large Lot Residential east of the township of Gol Gol from 10,000 ha to 5000sqm;
- to rezone land at Lot 1 DP 829902, used for the Gol Gol water treatment plant from R5 Large Lot Residential to SP2 Infrastructure;
- to correct the description of land under Schedule 5 Environmental Heritage in respect to Cal Lal Post Office identified as heritage item I9 from Lot 17, DP 756151 to Lot 25, DP 756151;
- to correct the description of land under Schedule 5 Environmental Heritage in respect to Cal Lal Police Station, Courthouse identified as heritage item I10 from Lot 17, DP 756151 to Lot 24, DP 756151 5495 Rufus River Road, Rufus; and
- to correct the description of land under Schedule 5 Environmental Heritage in respect to a dwelling identified as heritage item I87 from Lot 3 DP 5601346, 34 Sandwych St, Wentworth to Lot 1 DP 304749, 36 Sandwych Street, Wentworth.

should proceed subject to the following conditions:

1. Council is to ensure that all mapping is consistent with the Department's Standard Technical Requirements for LEP Maps prior to finalisation of the planning proposal.
2. Council is to amend the planning proposal and demonstrate consistency with the Rural Planning and Rural Subdivision principles of the SEPP prior to public exhibition of the planning proposal. In doing so, Council is to consult with the NSW Department of Primary Industries regarding the proposed development. Any comments made, along with any information produced from the assessment of the Rural Lands SEPP is to be included in the planning proposal for the purposes of public exhibition.
3. Council is to amend the planning proposal to provide further consideration and justification of the outcome of the lot size reduction, and identify how the proposed change is either consistent with S117 Direction 1.2 Rural Zones or is of minor significance.
4. Council is to consult with the Department of Primary Industries (Minerals) as per the requirements of S117 Direction 1.3 Mining, Petroleum and extractive Industries, prior to the commencement of public exhibition. The planning proposal is to be amended, if necessary to reflect the outcomes of the consultation for the purposes of community consultation.

5. Council is to provide further justification for the inconsistency with S117 Direction 3.4 Integrating Land Use and Transport given the existing Rural Residential Strategy has not been endorsed by the Department. Council is to amend the planning proposal prior to commencing community consultation and identify how the inconsistency is of minor significance prior to finalisation of the planning proposal.
6. Council is to consider and address the requirements of S117 Direction 3.6 Shooting Ranges, and amend the planning proposal accordingly, prior to the commencement of public exhibition.
7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Lower Murray Darling Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries - Minerals and Petroleum

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
10. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18th day of May 2012.

SHaddad
Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure