



Contact: Jenna McNabb
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Jenna.McNabb@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2014_WENTW_002_00 (14/02810)

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 your Council's request for 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. 4) to rezone Lots 56 and 73 DP756946 at Wilga Road, Gol Gol from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 3,000sqm and rezone the former Gol Gol landfill site at Lot 188 DP756946 from R5 Large Lot Residential to SP1 Special Activities (Wildlife Sanctuary).

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

While I support the planning proposal to rezone the former Gol Gol landfill site, the proposal to rezone rural land at Wilga Road, Gol Gol for large lot residential purposes is not supported at this time because the planning proposal, as submitted by Council, does not adequately justify the rezoning. Consequently, the planning proposal is to be amended to remove the rezoning of Lots 56 and 73 DP756946 at Gol Gol, prior to Council undertaking public exhibition.

I understand that Council is currently preparing a new rural residential strategy, which will assess the availability and suitability of land for agricultural and rural residential purposes, including the subject land. Therefore, the outcomes of the strategy should inform the rezoning of the subject site for rural residential purposes and Council should consider the broader strategic framework when determining the appropriateness of large lot residential development on the site.

The proposed rezoning of Lots 56 and 73 DP756946 at Gol Gol is also inconsistent with State Environmental Planning Policy (SEPP) Rural Lands 2008 and S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land, given the proposal seeks to rezone rural land for residential purposes, which is not identified for residential development in a strategy and the proposal does not adequately address infrastructure provision (including public transport), accessibility to the village of Gol Gol and environmental impacts. Furthermore, the land is identified as being below the 1:100 year flood level, however the planning proposal does not address flooding impacts on the site or identify appropriate flood mitigation measures.

Should Council wish to pursue the rezoning of Lots 56 and 73 DP756946, it should await the outcomes of the strategy and undertake the above mentioned strategic and flooding work.

The planning proposal is to be updated to include all relevant information regarding the rezoning of the former Gol Gol landfill site, including a project timeline and assessment of S117 Directions and SEPPs, in accordance with the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*. Council is to work closely with the Department's regional office to amend the planning proposal, prior to placing it on public exhibition.

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 9 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department 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 EP&A Act if the time frames outlined in this determination are not met.

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

Yours sincerely,



15/7/14

Richard Pearson
Deputy Secretary
Growth Planning

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template