



Planning & Infrastructure

Office of the Director General

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

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

Our ref: PP_2012_WENTW_002_00 (12/18335)
Your ref:

Dear Mr Kozlowski,

Planning proposal to amend Wentworth Local Environmental Plan 2011

I am writing in response to Council's letter dated 30 October 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 (LEP) 2011 to rezone land at Pooncarie Road, Wentworth for residential purposes.

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

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.2 Rural Lands and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

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 to meet the 12 month timeframe. 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 NSW 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 Nita Lennon of the regional office of the department on 02 6841 2180.

Yours sincerely,

Sam Haddad
Director General

15/12/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WENTW_002_00): to amend Wentworth Local Environmental Plan to rezone land for residential purposes.

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 (LEP) 2011 to rezone Part lot 1578, DP 763289 107 Pooncarie Road, Wentworth from RU1 Rural Primary Production to R5 Large Lot Residential and amend the Lot Size Map to apply a minimum lot size of 5000 square metres should proceed subject to the following conditions:

1. Council is to provide information on access and building envelopes above the flood level. Council is to include this additional information as part of the exhibition material and if necessary amend the planning proposal to take into account any findings the additional information has on the Primary Production and Flood Strategy currently being undertaken.
2. Prior to exhibition, Council is to amend the planning proposal to advise the status of the Pooncarie Road reserve and whether the road has been closed.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal Lands Council
 - Lower Murray Darling Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Fishing and Aquaculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - NSW Department of Primary Industries – Catchment and Lands
 - NSW Rural Fire Service
 - NSW Office of Water
 - Transport for NSW
 - Transport for NSW Roads and Maritime Services
 - State Emergency Services

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.



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

Dated 15th day of December 2012.

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