

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

16/04072

Attention: Mr Ken Ross – Director Sustainable Development

Dear Mr Kozlowski

Planning proposal (2016_WENTW_002_00) to amend Wentworth Local Environmental Plan 2011 (Amendment 12) - Extension of sunset clause provisions in Clause 4.2B(4) and Schedule 1

I am writing in response to your Council's letter received on 14 March 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Wentworth Local Environmental Plan 2011 by extending the sunset period, for an additional one (1) year until 16 December 2017, within Clause 4.2B(4) and for items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**). This decision is based on Council undertaking and completing the Rural Land Use Strategy and considering the subject sunset provisions in a strategic context.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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. (**Attachment 2**)

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 (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with 'A guide for the preparation of local environmental plans' attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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 in regard to this matter, I have arranged for Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,

 23-03-2016

Ashley Albury
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2016_WENTW_002_00): to amend the Wentworth Local Environmental Plan 2011 to extend the sunset period for an additional one (1) year until 16 December 2017 within Clause 4.2B(4) and items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses.

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 (the Act) that an amendment to the Wentworth Local Environmental Plan 2011 (LEP) to extend the sunset period for an additional one (1) year until 16 December 2017 within Clause 4.2B(4) and items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act 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 & Infrastructure 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the Act.

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

Dated 23rd day of March 2016

Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wentworth Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WENTW_002_00	Planning proposal to amend the Wentworth Local Environmental Plan 2011 to extend sunset provisions for an additional one (1) year until 16 December 2017, within Clause 4.2B(4) and items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 23rd March 2016


Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2016_WENTW_002_00
Date Sent to Department under s56	14 March 2016
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not by the Panel
Gateway determination date	23 March 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: