



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

Attention: Mr Ken Ross, Director Health and Planning

Dear Mr Kozlowski

Planning Proposal (PP_2017_WENTW_002_00) to amend Wentworth Local Environmental Plan 2011 – Reclassification of riverfront land

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to reclassify 20 riverfront parcels of land from community to operational land and discharge Council's interests in the land.

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).

I note in a letter dated 17 August 2017, Council confirmed that the minimum lot size provisions of the allotments to be reclassified are not to be removed, contrary to that described in the submitted Planning Proposal. The Planning Proposal is to be amended to clearly state that the current minimum lot size is not to be changed (refer to Condition 1). Council also confirmed via email dated 29 August 2017 that a minimum lot size was not required to be applied to Lot 2 DP 583614, Nevill Street, Wentworth, to be consistent with the existing RU5 Village zone provisions within the Wentworth LEP 2011. The Department supports the intent for the reclassified lots be sold to and consolidated with adjoining owners land as a condition of the sale.

Council is to carefully consider the interests on each parcel and clearly determine which interests are to be extinguished and what are to be retained. This information is to be provided with Section 59 reporting.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that Council has demonstrated that it has sufficient reserves and open space in locations that will benefit the community. The subject lands are isolated, inaccessible and of insufficient size to enable effective public use. No further approval is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department of Planning and Environment's LEP practice note *PN16-001*, Classification and reclassification of public land through a local environmental plan.

Council is also reminded of its obligation under the *Local Government Act, 1993* when undertaking reclassification of land.

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 I am unable to issue an authorisation for Council to exercise delegation to make this plan due to Council's interest in the subject land and that the Governors approval is required to discharge interests in the subject land.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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).

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal documents and GIS Data, if available, must be submitted to the Department via the Planning Portal website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 Act if the time frames outlined in this determination are not met.

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

Yours sincerely



Katrine O'Flaherty
**Director Regions, Western
Planning Services**

Encl: Gateway Determination

31/08/2017.



Gateway Determination

Planning Proposal (Department Ref: PP_2017_WENTW_002_00): to reclassify 20 riverfront parcels of land from community to operational land and discharge Council's interests in the land

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 (LEP) 2011 to reclassify 20 riverfront parcels of land from Community to Operational land and discharge Council's interests in the land should proceed subject to the following conditions:

1. Prior to community consultation the Planning Proposal is to be amended to:
 - clearly state the minimum lot size is not to be changed or removed from the subject allotments; and
 - clearly state that the proposal will amend the Wentworth Local Environmental Plan 2011 by including the subject lots as operational land in Schedule 4 Classification and reclassification of public land - Part 2 Land classified, or reclassified, as operational land – interests changed; and
 - address consistency with Murray Regional Environmental Plan No. 2 – Riverine Land in relation to “access” principles.
2. 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following State Agencies under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - (a) NSW Office of Environment and Heritage
 - (b) Department of Primary Industries – Water and Fisheries
 - (c) Murray Darling Basin Authority
 - (d) Crown Lands.

Each public authority is to be provided with a copy of the amended Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the Planning Proposal.

4. Wentworth Shire Council is to conduct a public hearing in accordance with the requirements of Section 57 of the Act, and Section 29 of the *Local Government Act 1993* as the Planning Proposal involves reclassification of land from Community Land to Operational Land.
5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 31st day of August 2017.



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

Delegate of the Minister for Planning