

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

Attention: Ms Michele Bos, Strategic Development Officer

Dear Mr Kozlowski

Planning proposal (PP_2017_WENTW_003_00) to amend Wentworth Local Environmental Plan 2011 – second extension of sunset clause provisions and timeframes for items listed in Schedule 1 Additional Permitted Uses

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) received on 31 August 2017 in respect of the planning proposal to extend sunset period for an additional one (1) year until 16 December 2018 within Clause 4.2B(4) and the sunset provisions of items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses of the Wentworth LEP 2011.

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 have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Directions.

The Planning Proposal is to be amended prior to the commencement of community consultation to address the final Far West Regional Plan for consistency with section 117 Direction 5.10 Implementation of Regional Plans (refer Condition 1).

Plan making powers were delegated to Councils by the Minister 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 6 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.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document 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.

In accordance with "A guide for the preparation of local environmental plans" 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 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 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



22.9.17

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl: Gateway determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template