



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

16/09396

Attention: Ms Michele Bos

Dear Mr Kozlowski

Planning Proposal to amend Wentworth Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a planning proposal seeking to amend Wentworth LEP 2011 to permit rural residential development on part of Lot 1 DP 1193874, 'Kelso Station', Pooncarie Road, North Wentworth.

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

I note that the proposal seeks to zone the subject land to E4 Environmental Living. I have determined that it is more appropriate that the site be zoned to R5 Large Lot Residential. The planning proposal is to be amended to reflect this change prior to community consultation.

It is also noted that the site is identified as 'Flood Planning Area' in the *Wentworth Local Environmental Plan 2011*. A Flood Study and Floodplain Management Plan will need to be prepared in consultation with the Office of Environment and Heritage and the Office of Water to support the proposal prior to the commencement of community consultation.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land. Council should ensure this occurs prior to the plan being made.

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.

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. 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 of Planning and Environment 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, please contact Mr Ashley Albury of the Department's Western Region office on (02) 6841 2180.

Yours sincerely

 29 September 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 - Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_WENTW_004_00): to permit rural residential development on part of Lot 1 DP 1193874, 'Kelso Station', Pooncarie Road, North Wentworth.

I, the Executive Director, Regions 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* (EP&A Act) that an amendment to the *Wentworth Local Environmental Plan 2011* to permit rural residential development on part of Lot 1 DP 1193874, 'Kelso Station', Pooncarie Road, North Wentworth should proceed subject to the following conditions:

1. The planning proposal is to be amended to rezone the subject land to R5 Large Lot Residential rather than the proposed E4 Environmental Living. The amended proposal is to be resubmitted to the Department of Planning and Environment for approval prior to undertaking community or agency consultation.
2. Prior to undertaking community consultation, Council is to:
 - (a) prepare a Flood Study and Floodplain Management Plan that determines the extent and risks of potential flooding on the site and measures necessary to mitigate these risks; and
 - (b) seek advice from the NSW Office of Water and NSW Office of Environment and Heritage following the preparation of the Flood Study and Floodplain Management Plan and address any concerns and comments provided by these agencies.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of the relevant section 117 Directions:
 - NSW Aboriginal Lands Council
 - Office of Environment and Heritage
 - NSW Office of Water
 - NSW Department of Primary Industries – Water, Agriculture, Lands and Fishing
 - Transport for NSW and Roads and Maritime Services
 - Fire and Rescue NSW
 - NSW Rural Fire Service
 - NSW State Emergency Service
 - Essential Energy / Transgrid

Each public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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)*.
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 29th day of September 2016.



Stephen Murray
Executive Director, Regions
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_004_00	Planning proposal to permit rural residential development on part of Lot 1 DP 1193874, 'Kelso Station', Pooncarie Road, North Wentworth

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 29 September 2016



Stephen Murray
Executive Director, Regions
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 of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_WENTW_004_00
Date Sent to DP&E under s56	25 July 2016
Date considered at LEP Review Panel (if applicable)	Considered by Minister Delegate, Executive Director, Region's
Gateway determination date	29 September 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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: