



Mr Ken Ross
General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Attention: Michele Bos, Strategic Development Officer

Dear Mr Ross

Planning proposal [PP_2019_WENTW_002_00] to amend Wentworth Local Environmental Plan 2011- Wentworth Commercial Area.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 51 lots with the township of Wentworth from RU5 Village Zone to B2 Local Centre Zone under the Wentworth Local Environmental Plan 2011.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment (westernregion@planning.nsw.gov.au).

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 www.planningportal.nsw.gov.au/reporting/online-submission-planning-data.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Haydon Murdoch from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Murdoch can be contacted on 62297914.

Yours sincerely



11.12.19

Damien Pfeiffer
Director Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2019_WENTW_002_00): to rezone 51 lots with the township of Wentworth from zone RU5 Village to zone B2 Local Centre Zone under the Wentworth Local Environmental Plan 2011

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wentworth Local Environmental Plan (LEP) 2011 to rezone 51 lots with the township of Wentworth from zone RU5 Village to zone B2 Local Centre should proceed subject to the following conditions:

1. Prior to community consultation Council is required to provide an analysis that assesses and clearly articulates the existing permitted/prohibited land uses under the zone RU5 Village and the proposed zone B2 Local Centre.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Department of Planning, Industry and Environment – Crown Lands under section 3.34(2)(d) of the Act. Department of Planning, Industry and Environment – Crown Lands is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;

- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Prior to the submission of the planning proposal under section 3.36 of the Act, mapping must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 11th day of December 2019.



Damien Pfeiffer
Director Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces