



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

Attention: Ms Michele Bos, Strategic Development Officer

Dear Mr Ross

Planning proposal (PP_2019_WENTW_003_00) to amend Wentworth Local Environmental Plan 2011- recreation and infrastructure.

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 public land to RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure to reflect the current land use and make minor land use table amendments.

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 inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the land is currently being utilised for recreation purposes and the only change as part of this proposal is to confirm the appropriate land zoning. No further approval is required in relation to these Directions.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as Council are the owners or trustees of the land subject to the planning proposal.

I also note the Crown Lands, as the land owner, has raised no objection to the proposed rezonings except for Site 13 – Wentworth Sporting Complex being rezoned to zone RE2 – Private Open Space. Consultation with Crown Lands is required to resolve this matter prior to the amending local environmental plan (LEP) being

submitted to the Department for finalisation.

The amending 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, Industry and Environment to draft and finalise the LEP should be made 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 to assist you. Mr Murdoch can be contacted on (02) 62297914.

Yours sincerely



28/11/2019

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2019_WENTW_003_00): to rezone public land to RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure to reflect the current land use and make minor amendments to the land use tables.

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 public land to RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure to reflect the current land use and make minor land use table amendments should proceed subject to the following conditions:

1. 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).
2. 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.
3. 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).
4. 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.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 28 day of November 2019.

A handwritten signature in black ink, appearing to be 'DP', with a stylized flourish at the end.

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

Delegate of the Minister for Planning
and Public Spaces