



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

15/13310

Attention: Mr Ken Ross – Director Sustainable Development

Dear Mr Kozlowski

Planning proposal (PP_2015_WENTW_004_00) to amend Wentworth Local Environmental Plan 2011 (Amendment 10) for an Additional Permitted Use – Jewel Market – Sturt Highway, Gol Gol

I am writing in response to your Council's letter received on 9 September 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to amend the Wentworth Local Environmental Plan 2011 (LEP) to allow development for a market as an 'Additional Permitted Use' on part Lot 2 DP 733735, Sturt Highway, Gol Gol.

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).

The Minister delegated his 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 have decided to issue an authorisation for Council to exercise delegation to make this plan (Attachment 2).

The planning proposal's inconsistency with Section 117 Directions 4.3 Flood Prone Land requires further work and consultation with the Office of Environment and Heritage. Council is therefore requested to undertake a Flood Study and Floodplain Management Plan in consultation with the Office of Environment and Heritage in respect to the subject land prior to community consultation. This inconsistency is to be addressed by Council and submitted for approval by Department prior to community consultation.

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 (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.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pccgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

State Government is committed to reducing the time taken to complete LEP's 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 57(2)(d) of the EP&A Act if the time frames outlined in the determination are not met.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – 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 and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

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

Yours sincerely,

 25-9-2015

Ashley Albury
General Manager, Western Region
Planning Services

Enclosed:

Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Execute Delegation
Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_WENTW_004_00): to amend the Wentworth Local Environmental Plan 2011 to allow development for a market as an 'Additional Permitted Use' on part Lot 2 DP 733735, Sturt Highway, Gol Gol

I, the General Manager, Western Region at 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 to amend the Wentworth Local Environmental Plan 2011 to allow development for a market as an 'Additional Permitted Use' on part Lot 2 DP 733735, Sturt Highway, Gol Gol should proceed subject to the following conditions:

1. Prior to community consultation, a flood Study and Floodplain Risk Management Plan prepared in accordance with the Floodplain Development Manual 2005 to the requirements of the Office of Environment and Heritage for the development site is to be submitted to the Department of Planning and Environment for approval.
2. Prior to community consultation Council is to address the inconsistency with section 117 Direction 4.3 Flood Prone Land and seek the approval of the Department of Planning and Environment.
3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of related section 117 Directions:
 - (a) Office of Environment and Heritage
 - (b) NSW Roads and Maritime Services

Each public authority 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 planning proposal prior to community consultation.

4. Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".
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 25 day of September 2015.


Ashley Albury
General Manager, Western Region
Planning Services
Department of Planning & 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_2015_WENTW_004_00	To amend Wentworth Local Environmental Plan 2011 to allow development for a market as an 'Additional Permitted Use' on part Lot 2 DP 733735, Sturt Highway, Gol Gol

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *25 September* 2015



Ashley Albury
General Manager, Western Region
Planning Services
Department of Planning & 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 following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2015_WENTW_004_00
Date Sent to Department under s56	9 September 2015
Date considered at LEP Review Panel	Considered by the Director Generals Delegate 25 September 2015
Gateway determination date	25 September 2015

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		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: