



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

16/06545

Attention: Mr Ken Ross – Director Health & Planning

Dear Mr Kozlowski,

Planning Proposal (PP_2016_WENTW_003_00) to amend Wentworth Local Environmental Plan 2011 to rectify minor descriptive errors, add one (1) item and remove two (2) local heritage items to Schedule 5 Environmental Heritage and associated Heritage Maps.

I am writing in response to Council's email dated 2 May 2016 requested a Gateway determination in respect of the planning proposal to amend the Wentworth Local Environmental Plan 2011 (WLEP 2011) to rectify minor descriptive errors, add one (1) item and remove two (2) items from Schedule 5 Environmental Heritage and associated Heritage Maps.

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 the planning proposal's inconsistency with section 117 Direction 2.3 – Heritage Conservation is of minor significance. No further approval is required in relation to this Direction. Council is required to consult with the Office of Environment and Heritage.

The Minister has delegated 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 the 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 12 months of the week following the date of the Gateway determination. 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 (westerregion@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: pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

State Government is committed to reducing the time taken to complete the 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 *Environmental Planning and Assessment Act 1979* 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, please contact Wayne Garnsey, Planning Services, at the Department on (02) 02 6841 2180.

Yours sincerely,

 2-6-2016
Ashley Albury
Director Regions, Western
Planning Services

Enclosed:

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_WENTW_003_00): to amend the Wentworth Local Environmental Plan 2011 to rectify minor descriptive errors, add (1) item and remove two (2) local heritage items from Schedule 5 Environmental Heritage and associated Heritage Maps.

I, the Director Regions, Western 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 rectify minor description errors, add (1) item and remove two (2) local heritage items from Schedule 5 Environmental Heritage, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for **28 days** as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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 LEPs.
2. Consultation is required with the Office of Environment and Heritage under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979. The Office of Environment and Heritage 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.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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 submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of Gateway determination.

Dated 2 day of June 2016.



Ashley Albury
Director Regions, Western
Planning Services
Department of Planning & Environment

Delegate of the Minister for Planning

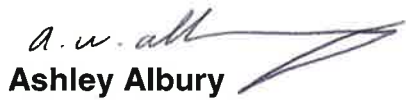
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_2016_WENTW_003_00	To amend the Wentworth Local Environmental Plan 2011 to rectify minor descriptive errors, add (1) item and remove two (2) local heritage items from Schedule 5 Environmental Heritage and associated Heritage Maps.

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 2 June 2016



Ashley Albury
Director Regions, Western
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_2016_WENTW_003_00
Date Sent to Department under s56	2 May 2016
Date considered at LEP Review Panel	Considered by the Minister's Delegate
Gateway determination date	2 June 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		
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: