

Gateway Determination

Planning proposal (Department Ref: PP-2022-716): *Rezone land from RU1 Primary Production and RU5 Village to C2 Environmental Conservation at Lot 7323 and 7328 DP1174216 and Crown waterway, Thegoa Lagoon Reserve, Lagoon Road, Wentworth.*

I, the Acting Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2011 to rezone land at Thegoa Lagoon Reserve to C2 Environmental Conservation zone should proceed subject to the following conditions:

1. Prior to community and agency consultation the planning proposal is to be updated to:
 - Outline amendments to Minimum Lot Size, including indicative map
 - Discuss consistency with relevant Directions from the Far West Regional Plan 2036 including Direction 13, 14, 15, 16, 17 and 18
 - Discuss consistency with relevant planning priorities from the Wentworth Local Strategic Planning Statement 2020 including Planning Priority 8, 9, 10 and 11
 - Update numbering of relevant s9.1 Ministerial Directions that came into force on 1 March 2022.

The planning proposal is to be forwarded to the Department for review and approval.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as outlined in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days.
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act:
 - Heritage NSW
 - Department of Primary Industries - Agriculture
 - Dareton Local Aboriginal Land Council
 - Western Zone Aboriginal Land Council
 - Environment Protection Authority
 - Water NSW
 - Transport for NSW
 - NTSCorp (legal representatives for Barkandji Prescribed Body Corp) – Native Title claimants

Each public authority / organisation 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 4th day of April 2022.



Wayne Garnsey
Acting Director, Western Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning