



Mr Glenn Carroll  
General Manager  
Weddin Shire Council  
PO Box 125  
Grenfell NSW 2810

16/08008

**Attention: Mr Brendan Hayes – Director Environmental Services**

Dear Mr Carroll

**Planning Proposal (PP\_2016\_WEDDI\_001\_00) to amend Weddin Local Environmental Plan 2011 (Amendment 2) to provide additional zone R5 Large Lot Residential land at Grenfell.**

I am writing in response to iPlan Projects submission on behalf of Council received on 14 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to provide additional zone R5 Large Lot Residential Land at Grenfell. This proposal is supported by the draft Addendum to the Rural Settlement Project relating to zone R5 Large Lot Residential lands around Grenfell.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination (Attachment 1).

I have also agreed to endorse the draft Rural Settlement Project and Addendum documentation – relating to zone R5 Large Lot Residential lands around Grenfell dated 8 May 2016 version B for community consultation. Documentation for this matter is being sent under separate cover.

Council needs to obtain agreement of the Department's Secretary (delegate) to comply with requirements of relevant section 117 Directions as follows:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum production and Extractive Industries
- 1.5 Rural Lands
- 4.4 Planning for Bushfire Protection

This agreement is to occur after consultation with relevant agencies, and the exhibition of the draft Rural Settlement Project documentation and prior to the plan being made.

The Minister 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 Council's 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 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](mailto: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's Western Region office ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting and GIS data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 uploaded to the Planning Portal when requesting the planning proposal be finalised.

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 54(2)(d) of the *Environmental Planning and Assessment Act, 1979* if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on (02) 68412180.

Yours sincerely

 12/7/16

Wayne Garnsey  
Acting Director Regions, Western  
Planning Services

Encl:  
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\_WEDDI\_001\_00): to amend the Weddin Local Environmental Plan 2011 to provide additional zone R5 Large Lot Residential land at Grenfell.***

I, the Director Regions, Western at the 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 that the amendment to the Weddin Local Environmental Plan 2011 (LEP) to provide additional zone R5 Large Lot Residential land at Grenfell should proceed subject to the following conditions:

1. Prior to community consultation being undertaken consultation is required with the NSW Rural Fire Service under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979 to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protection. Council is to forward the NSW Rural Fire Service response to the Department and seek approval to proceed to community consultation.

The NSW Rural Fire Service is to be provided with a copy of the planning proposal, the draft Rural Settlement Project documentation and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (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 (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the requirements of relevant section 117 Directions:
  - (a) Department of Primary Industries – Water and Agriculture
  - (b) Department of Industry - Resources and Energy
  - (c) NSW Roads and Maritime Services
  - (d) NSW Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal, the draft Rural Settlement Project documentation and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

4. The draft Rural Settlement Project and Addendum documentation is to be placed on public exhibition concurrently with the planning proposal for a minimum of 28 days.
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 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).
6. Prior to submission of the planning proposal under Section 59 of the Environmental Planning and Assessment Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' (2015).
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 12 day of July 2016.



**Wayne Garnsey**  
**Acting Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**



## Planning & Environment

### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Weddin 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_WEDDI_001_00 | Planning proposal to provide additional zone R5 Large Lot Residential Land at Grenfell |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 12 July 2016

**Wayne Garnsey**  
Acting Director Regions, Western  
Department of Planning and 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_WEDDI_001_00                 |
| Date Sent to Department under s56   | 14 June 2016                         |
| Date considered at LEP Review Panel | Considered by the Ministers Delegate |
| Gateway determination date          | 12 July 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: