

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

Attention: Mr Brendan Hayes, Director, Environmental Services

Dear Mr Carroll

**Planning Proposal (PP_2017_WEDDI_002_00) to amend Weddin Local
Environmental Plan 2011- 1D North Street, Grenfell.**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the Planning Proposal to rezone land at 1D North Street, Grenfell from zone IN1 General Industrial to R1 General Residential and amend the minimum lot size of the site to 900m².

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, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is justified as minor significance in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

At this time the planning proposal is inconsistent with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. Council will be required to consult with the Department of Planning and Environment – Resources and Energy to address the inconsistency prior to undertaking community consultation – refer to Condition 1 of the Gateway determination.

Plan making powers were delegated to Councils by the Minister 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.

The amending Local Environmental Plan (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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

All related files for the 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 <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.

A copy of the request should be forwarded to the Department of Planning and environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with "A guide to 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 requiring 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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Jenna McNabb of the Departments Western Region Office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely



Katrine O'Flaherty
**Director Regions, Western
Planning Services**
21/07/2017

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated plan making reporting template



Gateway Determination

Planning Proposal (Department Ref: PP_2017_WEDDI_002_00): to rezone land at 1D North Street, Grenfell from IN1 General Industrial to R1 General Residential and amend the minimum lot size applicable to the site to 900m².

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* (EP&A Act) that an amendment to the Weddin Local Environmental Plan 2011 to *rezone land at 1D North Street, Grenfell from IN1 General Industrial to R1 General Residential and amend the minimum lot size applicable to the site to 900m²* should proceed subject to the following conditions:

1. Prior to community consultation being undertaken consultation is required with the Department of Planning and Environment – Resources and Energy under Section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* to address the inconsistency with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

The Department of Planning and Environment – Resources and Energy is to be provided with a copy of the planning proposal and any supporting material, and given at least 40 days to comment on the proposal.

The result of the consultation is to be provided to the Department of Planning and Environment seeking approval to undertake community consultation.

2. Prior to community consultation Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. An initial site contamination investigation report is to be prepared to demonstrate that the land is suitable for rezoning to the proposed R1 General Residential zone. The preliminary review of the subject land, which has been undertaken by Council, and initial site contamination investigation report are to be placed on public exhibition as part of the community consultation package.
3. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
4. 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 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).



Planning & Environment

(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.

No consultation is required with public authorities/organisations under Section 56(2)(d) of the Act.

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 the 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.
7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated

21st day of July

2017.

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



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* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_WEDDI_002_00	Planning proposal to rezone land at 1D North Street, Grenfell

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 21st July 2017

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Secretary
of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_WEDDI_002_00
Date Sent to DP&E under s56	4 July 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	21 July 2017

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: