



Mr Robert Hunt  
General Manager  
Lachlan Shire Council  
PO Box 216  
Condobolin NSW 2877

16/09655

**Attention: Mr Alan Townsend – Acting Director Environment and Planning**

Dear Mr Hunt

**Planning Proposal (PP\_2016\_LACHL\_001\_00) to reclassify three (3) parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to reclassify three (3) parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land with no rezoning or interests being changed.

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

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**).

This determination and authorisation to exercise delegation has been made on the basis of Council's advice that no interests are to be changed in relation to the reclassification of the subject land.

Council is reminded of its obligations in relation to the proposed reclassification of land in accordance with Planning Practice Note PN09-003, *Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

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](mailto:westernregion@planning.nsw.gov.au) 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 & Assessment Act, 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Megan Jones of the Department's Western Region office to assist you. Ms Jones can be contacted on (02) 6841 2180.

Yours sincerely

 12-8-2016

Ashley Albury  
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\_LACHL\_001\_00): to reclassify three (3) parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land.**

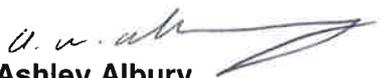
I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the *Lachlan Local Environmental Plan 2013* (LEP) to reclassify three (3) parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land with no rezoning or interests being changed 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* 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).

No consultation is required with public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*.

2. Lachlan Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the *Local Government Act, 1993* and section 57 of the *Environmental Planning and Assessment Act, 1979* as the proposal involves reclassification of the land from community to operational.
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*.
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 12<sup>th</sup> day of August 2016.

  
**Ashley Albury**  
Director Regions, Western  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for  
Planning**



# Planning & Environment

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lachlan 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_LACHL_001_00	Planning proposal to reclassify three (3) parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land.

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<sup>th</sup> August 2016

**Ashley Albury**  
General Manager  
Western Region  
Department of Planning and Environment

**Delegate of the Minister for Planning**

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## 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_LACHL_001_00
Date Sent to Department under s56	19 July 2016
Date considered at LEP Review Panel	<b>This matter was determined by Ministers delegate and not considered by Panel</b>
Gateway determination date	12 August 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	