



Gateway Determination

Planning proposal (Department Ref: PP-2021-146): Allow “Animal Shelter” as a permissible use at Lot 16 DP 914643, 301 Golf Links Road, Condobolin

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lachlan Local Environmental Plan (LEP) 2013 to include “animal shelter” as a permissible use at Lot 16 DP 914643, 301 Golf Links Road, Condobolin should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to provide:
 - (a) amendment to the Explanation of Provisions to include a broad description of the activities to be undertaken at the ‘Animal Shelter’ (to aid drafting of the LEP amendment) and identify that the amendment will be achieved by an Additional Permitted Use (“APU”) in Schedule 1 of the Lachlan LEP 2013 (rather than adding a new term on the zoning map);
 - (b) establishment of an APU map;
 - (c) an assessment against section 9.1 Direction 2.6 Remediation of Contaminated Land; and
 - (d) outline the strategic consistency with the draft Lachlan Shire Urban Settlement Strategy.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the NSW Environment Protection Authority under section 3.34(2)(d) of the Act. The NSW Environment Protection Authority 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.

5. 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. New 'Additional Permitted Use' map applicable to the subject land is required to be prepared.
8. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 19th day of February 2021.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces