



Mr Greg Tory  
General Manager  
Lachlan Shire Council  
PO Box 216  
CONDOBOLIN NSW 2877

**Attention: Bryce Koop, Manager Town Planning**

Dear Mr Tory

**Planning proposal PP-2021-146 to amend Lachlan Local Environmental Plan 2013 – ‘Animal Shelter’ at Lot 16 DP 914643, 301 Golf Links Road, Condobolin**

I am writing in response to Council’s request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to add “Animal Shelter” as a permissible use for Zone SP2 Infrastructure at Lot 16 DP 914643, 301 Golf Links Road, Condobolin.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council proposes to amend the Lachlan Shire LEP 2013 Land Zoning Map. The preferred mechanism to allow permissibility of the ‘Animal Shelter’ is to create an ‘Additional Permitted Use’ (APU) under Schedule 1 of the Lachlan LEP 2013. The planning proposal is to be amended to reflect this mechanism including the establishment of an APU map and inclusion of a broad outline of the activities proposed for the site prior to community consultation. Refer to condition 1 of the Gateway determination.

The planning proposal is inconsistent with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land at this time as it does not consider the impact of the existing on-site sewage treatment plant. Council is to update the planning proposal to consider if the land is contaminated from current and historical sewage treatment activities. Potential land contamination sources include raw sewerage overflows and leakages, irrigation of treated effluent as part of a reuse scheme as well as the on-site disposal of biosolids and grit contaminated waste. Consultation with the NSW Environment Protection Authority will assist Council in addressing this matter.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land.

I would also like to draw your attention to potential implications for future nearby residential development including noise and odour nuisance issues. The planning proposal does not adequately address the potential for nearby residential development, including strategic consistency with the draft Lachlan Shire Urban Settlement Strategy. Council is to update the planning proposal as required in condition 1 of the Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

Council is reminded to notify the Western Region office of the Department of Planning, Industry and Environment when the plan making milestones are achieved as identified in the attached 'Authorised plan-making reporting template'.

The amending local environmental plan (LEP) is to be finalised within six (6) 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 six (6) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment's Western Region office via the NSW Planning Portal.

All related files for 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 [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au). To submit the data, Council is requested to create an account and log in using these details.

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 act under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Helen Smith to assist you. Ms Smith can be contacted on 5852 6800.

Yours sincerely



19 February 2021

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template