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14/02581

Department Generated Correspondence (Y)

## DEPARTMENT OF PLANNING AND INFRASTRUCTURE

*Growth Planning and Delivery*

### PLANNING PROPOSAL PP\_2013\_002\_00 GATEWAY DETERMINATION ALTERATION

#### PURPOSE

- To recommend the Minister's delegate alter the Gateway Determination for PP\_2013\_BATHU\_002\_00.

#### RECOMMENDATION

It is RECOMMENDED that the Minister's delegate:

- **agree** pursuant to s56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination to alter the Planning Proposal for Bathurst Regional Council, PP\_2013\_BATHU\_002\_00;
- **sign** the letter to Council (**Tag A**).

#### CURRENT POSITION

- Council has prepared a Planning Proposal to amend the curtilage requirements for a heritage item in the Bathurst Interim LEP 2005.
- The Gateway Determination on 15 March 2013 determined that the proposal should proceed subject to a number of conditions.
- The Council requested on 26 August 2013 that the Gateway Determination be amended (**Tag B**). The amendment is required as a result of Council withdrawing the Planning Proposal. The reasons for withdrawal are:
  - Council could not obtain supporting advice from the Heritage Council in regard to the amendment,
  - Council proposes to include the change in the draft Bathurst LEP 2014, and undertake necessary consultation again with OEH and the Heritage Council.
- The Gateway Determination required that the Planning Proposal be finalised in 9 months from the week following the date of the Gateway Determination expiring on 22 December 2013.
- The Department is recommending that the Gateway Determination be amended to as 'rejected' and the proposal be withdrawn.

Contact Officer: Dan Wagner  
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7.2.14

**General Manager, Western Region  
Growth Planning and Delivery**



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Mr David Sherley  
General Manager  
Bathurst Regional Council  
PMB 17  
Bathurst NSW 2795

Our ref: 14/02581

Dear Mr Sherley

**Planning Proposal PP\_2013\_002\_00 – Gateway Determination Alteration**

I refer to your request on 26 August 2013 seeking an alteration to the Planning Proposal PP\_2013\_002\_00 to amend heritage provisions in the Bathurst interim LEP 2005.

At Council's request, the Planning Proposal is not proceeding, as the proposed amendments will be incorporated into Council's draft Standard Instrument LEP, to be notified in 2014.

Therefore, I have determined as the delegate of the Minister, in accordance with section 59(2)(b) of the Environmental Planning and Assessment Act, 1979, not to make the LEP.

If you have any questions in relation to this matter, please contact Mr Daniel Wagner, Team Leader, of the Department of Planning and Infrastructure's Western Region office on (02) 6841 2180.

Yours sincerely

7.2.14

**Ashley Albury**  
General Manager, Western Region