



Planning & Environment

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

15/05016

Attention: Nicholas Murphy, Senior Strategic Planner

Dear Mr Sherley,

Planning proposal (PP_2015_BATHU_001) to amend Bathurst Regional Local Environmental Plan 2015. Reclassification from community to operational land – Lot 7 DP 263393 Woodside Drive, Mount Rankin, Bathurst.

I am writing in response to Council's letter dated 9 March 2015 and further information submitted on 1 April 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to reclassify Lot 7 DP 263393, Woodside Drive, Mount Rankin Bathurst to operational land.

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 am satisfied that Council has justified that the planning proposal's inconsistency with section 117 Directions 6.2 Reserving Land for Public Purposes is of minor significance. In relation to section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land is not used or maintained for public recreation purposes and surplus to Council's needs. No further approval or work is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land under the Local Government Act, 1993 and in accordance with the Department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

Council cannot be authorised to exercise delegation to complete the Local Environmental Plan as the draft plan will need to be forwarded to the Governor of NSW seeking approval

The amending Local Environmental Plan 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 for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 10 weeks prior to the projected publication date. Council's request to finalise the Local Environmental Plan should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au).

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Wayne Garnsey of the Departments Western Region office to assist you. Mr Garnsey can be contacted on 02 68412180.

Yours sincerely,

 2-4-2015

Ashley Albury
General Manager
Western Region
Planning Services

Encl:
Attachment 1 – Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_BATHU_001): to reclassify Lot 7 DP 263393 Woodside Drive, Mount Rankin, Bathurst to operational land.

I, the General Manager, Western Region 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 Bathurst Regional Local Environmental Plan 2014 to reclassify Lot 7 DP 263393 Woodside Drive, Mount Rankin, Bathurst to operational land 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. Bathurst Regional Council is to include and explain in its community consultation package that it is intending to change interests in the land.
3. Bathurst Regional Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 as the proposal involves reclassification of the land from community to operational.
4. 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.
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated *2nd* day of *April* 2015.

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

Delegate of the Minister for Planning