



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

15/15796

Attention: Nicholas Murphy, Senior Strategic Planner

Dear Mr Sherley,

Planning proposal (PP_2015_BATHU_005) to amend Bathurst Regional Local Environmental Plan 2014 - Windradyne and Llanarth zone boundary alteration, Bathurst.

I am writing in response to Council's letter dated 21 October 2015 and further information submitted on 4 November 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to alter zone boundaries at Lot 11 DP 778516, Ophir Road Llanarth and Lot 138 DP 1123180 Governors Parade Windradyne, Bathurst.

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).**

In relation to section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the proposed alteration of land for public purposes and that the inconsistency is of minor significance in this case. No further approval or work is required in relation to this Direction.

Council has advised that no changes to the public land reclassification are required.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council will accept 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)**

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.council@pcg.nsw.gov.au) 10 weeks prior to the projected publication date.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

A copy of the request to finalise the plan should be forwarded to the Department of Planning and Environment (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 when requesting the planning proposal be finalised.

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,

 5-11-2015
Ashley Albury
General Manager
Western Region
Planning Services

Encl:

Attachment 1 – Gateway determination

Attachment 2 – Written Authorisation to Execute Delegation

Attachment 3 – Delegated Plan Making Reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2015_BATHU_005): to amend Bathurst Regional Local Environmental Plan 2014 - Windradyne and Llanarth zone boundary alteration, Bathurst.

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 Local Environmental Plan (LEP) 2014 to alter zone boundaries – Windradyne and Llanarth, Bathurst 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. 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. 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).
3. Prior to submission of the planning proposal under Section 59 of the Environmental Planning and Assessment Act, 1979 the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 5th day of November 2015.


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

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bathurst Regional 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_2015_BATHU_005	Planning proposal to alter the zone boundaries at Lot 11 DP 778516 Ophir Road Llanarth and Lot 138 DP 1123180 Governors Parade, Windradyne, Bathurst.

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 6th November 2015

Ashley Albury
General Manager
Western Region
Department of Planning and Environment

Delegate of the Minister for Planning

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_2015_BATHU_005_00
Date Sent to Department under s56	26 October 2015
Date considered at LEP Review Panel	Determined under delegation and not considered by the LEP Panel
Gateway determination date	5 November 2015

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	

Additional relevant information: