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Our ref: PP_2009_BATHU_001_00 (D09/00031)
Your ref: JB:AP:20.00162

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

Dear Mr Sherley,

Re: Planning Proposal to implement the heritage conservation areas and heritage items recommended in the Bathurst Region Heritage Study 2007 and Bathurst Conservation Area Review 2007

I am writing in response to your Council's letter dated 10 March 2010 requesting a review of the Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Bathurst Regional (Interim) LEP 2005 to implement the heritage conservation areas and heritage items recommended in the Bathurst Region Heritage Study 2007 and Bathurst Conservation Area Review 2007.

As delegate of the Minister for Planning, I have now determined that the planning proposal which was originally submitted on 14 September 2009, and which proposed to implement the Heritage Study and Conservation Area Review, should proceed subject to the conditions in the attached Gateway Determination. This Determination is made on the understanding that the Planning Proposal will not alter the heritage provisions and definitions under Bathurst Regional (interim) LEP 2005.

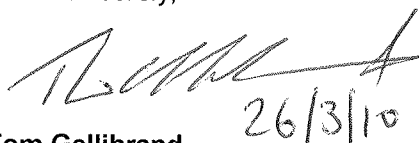
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tim Deverell of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,



26/3/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2009_BATHU_001_00): To amend Bathurst Regional (Interim) LEP 2005 to implement the heritage conservation areas and heritage items recommended in the Bathurst Region Heritage Study 2007 and Bathurst Conservation Area Review 2007, detailed as follows:

- remove existing list of heritage items (131 items) and insert new list of heritage items (304 items); and
- remove existing list of 5 Heritage Conservation Areas and insert 10 new Heritage Conservation Areas.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Bathurst Regional (Interim) LEP 2005 to implement the heritage conservation areas and heritage items recommended in the Bathurst Region Heritage Study 2007 and Bathurst Conservation Area Review 2007 should proceed subject to the following conditions:

1. Remove from the proposed heritage list/schedule land that is either "National Park" or a "Nature Reserve" owned by the State.
2. Include the Bentinck Street Elm trees on the list of heritage items.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water

The Department of Environment, Climate Change and Water (DECCW) is to be provided with a copy of the planning proposal and any relevant supporting material. It is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. DECCW may request additional information or additional matters to be addressed in the planning proposal.
5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 26th day of March 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning