



Contact: Catriona Jennings
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Catriona.Jennings@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2010_BATHU_001_00 (10/10271)
Your ref: RY:AP:20.00170

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

Dear Mr Sherley,

Re: Planning Proposal to rezone land to expand the village of Eglinton

I am writing in response to your Council's letter dated 13 September 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Bathurst Regional (Interim) Local Environmental Plan 2005 to rezone land around the urban village of Eglinton from 1(a) Inner Rural and 1(b) Market Garden to 2(a) Residential.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination. I note your request to be in attendance when the planning proposal was considered by the LEP Panel. The LEP Panel supported Council's Planning Proposal, and the straightforward conditional approval granted by the Gateway is an indication that your attendance would have been an unnecessary time and cost constraint to Council.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.3 Home Occupations are of minor significance and are justified. No further approval is required in relation to these Directions.

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. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Catriona Jennings of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_BATHU_001_00): to rezone land around the urban village of Eglinton from 1(a) Inner Rural and 1(b) Market Garden to 2(a) Residential.

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 to the Bathurst Regional (Interim) Local Environmental Plan 2005 to rezone land around the urban village of Eglinton from 1(a) Inner Rural and 1(b) Market Garden to 2(a) Residential should proceed subject to the following conditions:

1. Prior to exhibition, a map is to be prepared which identifies the land as a "land release area". On this basis, the inclusion of the State Public Infrastructure clause is required.
2. Council is to provide justification for any inconsistency with S117 Direction 4.3 Flood Prone Land during the exhibition of this planning proposal and when seeking to have the LEP finalised.
3. In relation to SEPP 55, detailed site investigations to define the nature, extent and degree of any contamination and to assess potential risk to human health to confirm that the subject and is suitable for residential use (or can be adequately remediated) must be carried out prior to the finalisation of the LEP.
4. 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 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Ambulance Service of NSW
 - Country Energy
 - Department of Education and Training
 - Department of Environment, Climate Change and Water
 - Department of Industry and Investment
 - NSW Fire Brigades
 - NSW Police Service
 - NSW Rural Fire Service
 - NSW Transport and Infrastructure
 - Roads and Traffic Authority
 - State Emergency Service
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority 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. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 14th day of October 2010.



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