



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

**Attention: Nicholas Murphy, Senior Strategic Planner**

Dear Mr Sherley,

**Planning proposal (PP\_2020\_BATHU\_002\_00) – to rezone, amend lot size and height of building controls for various lots at Abercrombie-Llanarth, Bathurst City, Eglinton, Kelso north & Laffing Waters, Raglan, West Bathurst, Gormans Hill to RE1- Public Recreation in accordance with Bathurst 2040 Open Space Strategy**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone, amend lot size and height of building controls for various lots located throughout Bathurst to RE1- Public Recreation in accordance with Bathurst 2040 Open Space Strategy.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 1.5 Rural Lands, 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis of Bathurst 2040 Open Space Strategy. No further approval is required in relation to these Directions.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of 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.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment, Western Region office ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.


All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans", Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal be finalised.

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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Wayne Garnsey, Team Leader, from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Garnsey can be contacted on 5852 6800.

Yours sincerely



4.6.20

**Damien Pfeiffer**  
**Director, Western Region**  
**Local & Regional Plan**

Encl: Gateway determination  
Authorised plan-making reporting template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_BATHU\_002\_00): to rezone, amend lot size and height of building controls for various lots at Abercrombie-Llanarth, Bathurst City, Eglinton, Kelso north & Laffing Waters, Raglan, West Bathurst, Gormans Hill to RE1- Public Recreation in accordance with Bathurst 2040 Open Space Strategy 2040.***

I, the Director, Western Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to allow sought amendment to zoning, lot size and height of building for various lots located throughout Bathurst Local Government Area should proceed subject to the following conditions:

1. Public exhibition is required under Section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days** and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
2. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.

5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 4<sup>th</sup> day of June 2020.



**Damien Pfeiffer**  
**Director, Western Region**  
**Local & Regional Planning**  
**Department of Planning,**  
**Industry and Environment**

**Delegate of the Minister for**  
**Planning and Public Spaces**

## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department**

| Stage                                   | Date/Details         |
|---|----------------------|
| Planning proposal number                | PP_2020_BATHU_002_00 |
| Date sent to DPIE under section 3.34(1) | 5 May 2020           |
| Gateway determination date              | 4 June 2020          |

**Table 2: To be completed by the local plan-making authority**

| Stage  | Date/Details | Notified regional office |
|--|--------------|--------------------------|
| Dates draft LEP exhibited                                    |              |                          |
| Date of public hearing (if held)                             |              |                          |
| Date draft LEP requested from PCO                            |              |                          |
| Date draft LEP received from PCO                             |              |                          |
| Date PCO Opinion requested                                   |              |                          |
| Date PCO Opinion received                                    |              |                          |
| Date GIS data or maps provided/requested                     |              |                          |
| Date ePlanning confirmed mapping is suitable and sent to PCO |              |                          |
| Date LEP finalised   |              |                          |
| Date sent to DPIE requesting notification                    |              |                          |

**Table 3: To be completed by the Department**

| <b>Stage</b>                  | <b>Date/Details</b> |
|-------------------------------|---------------------|
| Notification date and details |                     |

**Additional relevant information:**