



Office of the Director General

Mr David Sherley
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Our ref: PP_2013_BATHU_001_00 (12/20711)
Your ref:

Dear Mr Sherley,

Planning proposal to amend the Bathurst Regional (Interim) Local Environment Plan 2005

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 207-213 Sydney Road, Kelso from 1(a) Inner Rural to 3(b) Service Business and 6(a) Local Recreation, insert definitions for bulky goods salesrooms and showrooms and freight transport facilities and include a local clause to permit additional uses warehouse or distribution centres, industries and freight transport facilities.

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

Council's proposal to permit additional uses on the site through a local clause as opposed to using land use zones is not supported as the means of achieving the desired outcome. Council is to amend the planning proposal to rezone areas of the site where it seeks to permit bulky goods premises, freight transport facilities and warehousing and distribution centres to 4(a) Industrial zone.

I understand that Council is currently working on its standard instrument Local Environmental Plan (LEP) to prepare the Plan for public exhibition. Council is encouraged to consider incorporating this planning proposal into its standard LEP, as an alternative to proceeding with this planning proposal.

I note that the definition proposed by Council for bulky goods premises is inconsistent with the Standard Instrument Order. Whilst I support this amendment to proceed though the planning proposal, Council is to comply with the Standard Instrument Order when making its comprehensive LEP. Council is strongly encouraged to use the Standard Instrument definition in this planning proposal. The planning proposal is to advise how the proposed changes are to be translated into Council's standard instrument LEP.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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.

The amending LEP is to be finalised within 12 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 Nita Lennon of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,



Sam Haddad
Director General

12/2/2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_BATHU_001_00): to rezone land at 207-213 Sydney Road, Kelso for business and recreation purposes.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Bathurst Regional (Interim) Local Environmental Plan (LEP) 2005 to rezone land at 207-213 Sydney Road, Kelso from 1(a) Inner Rural to 3(b) Service Business and 6(a) Local Recreation, insert definitions for bulky goods salesrooms and showrooms and freight transport facilities and include a local clause to permit additional uses warehouse or distribution centres, industries and freight transport facilities should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to zone those areas of the site it seeks to permit freight transport facilities and warehousing and distribution centres to 4(a) Industrial zone. The planning proposal should also be amended to remove words 'in conjunction with' from the explanation of provisions. The planning proposal maps, including the land zoning map, is to be amended to reflect the above amendment. A copy of the revised planning proposal and maps should be forwarded to the department for information purposes.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include an indicative concept map which identifies the proposed location of the intermodal freight terminal and associated warehousing and bulky goods development.
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 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of State and Regional Development
 - Essential Energy
 - Ambulance Service of NSW
 - Central West Catchment Management Authority
 - Office of Environment and Heritage
 - Department of Premier and Cabinet
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Fishing and Aquaculture
 - Fire and Rescue NSW
 - NSW Police Force
 - NSW Rural Fire Service
 - NSW Office of Water
 - Transport for NSW
 - RailCorp



- John Holland Rail P/L (which are undertaking the role of Railcorp)
- Roads and Maritime Services
- State Emergency Services
- 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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of February 2013.

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bathurst Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_BATHU_001_00	The planning proposal seeks to to rezone land at 207-213 Sydney Road, Kelso from 1(a) Inner Rural to 3(b) Service Business and 6(a) Local Recreation, insert definitions for bulky goods salesrooms and showrooms and freight transport facilities and include a local clause to permit additional uses warehouse or distribution centres, industries and freight transport facilities.

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 12 February 2013

Sam Haddad
DIRECTOR GENERAL
Department of Planning and Infrastructure

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_2013_BATHU_001_00
Date Sent to Department under s56	07/01/2013
Date considered at LEP Review Panel	24/01/2013
Gateway determination date	12/02/2013

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: