



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

15/09022

Attention: Ms Janet Bingham, Manager Strategic Planning

Subject: Planning Proposal (PP_2015_BATHU_003) to amend the Bathurst Regional Local Environmental Plan 2014 by inserting model clauses for temporary use of land, minimum lot size for certain split zones and water catchments.

I am writing in response to your Council's letter dated 28 May 2015 requesting a Gateway Determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the planning proposal to amend the Bathurst Local Environmental Plan 2014 to insert model clauses relating to temporary use of land, minimum lot size for certain split zones and water catchments.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination **(Attachment 1)**.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has 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 **(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.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 and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

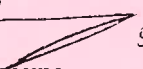
The amended LEP maps and GIS data is to be uploaded to the Department's FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pocgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

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 forward to westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any queries in regard to this matter, I have arranged for Wayne Garnsey, Team Leader to assist you. Mr Garnsey can be contacted on (02) 6841 2180.

Yours sincerely,

aw all  *5-6-2015*
Ashley Albury
General Manager, Western Region
Planning Services

Enclosures: Attachment 1 – Gateway Determination
 Attachment 2 – Written Authorisation to Exercise Delegation
 Attachment 3 – Delegate Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_BATHU_003_00): to amend the Bathurst Regional Local Environmental Plan 2014 to insert model clause for temporary use of land, minimum lot size for certain split zones and water catchments.

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 (EP&A Act) that an amendment to the Bathurst Regional Local Environmental Plan 2014 to insert model clause for temporary use of land, minimum lot size for certain split zones and water catchments should proceed subject to the following conditions:

1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act 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).
2. Consultation is required with the NSW Office of Water under Section 56 (2)(d) of the EP&A Act. The NSW Office of Water is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.
3. Consultation is required with Oberon Council and City of Lithgow Council. The local governments are to be provided with a copy of the planning proposal and any relevant supporting material.
4. 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).
5. Prior to submission of the planning proposal under section 59 of the EP&A Act the relevant LEP Maps that apply to water catchment are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.
6. 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 June 2015.


Ashley Albury
General Manager, Western Region
Planning Services
Delegate of the Minister for Planning



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 10 October 2014, in relation to the following planning proposal:

Number	Name
PP_2015_BATHU_003_00	To amend the Bathurst Regional Local Environmental Plan 2014 to insert model clauses for temporary use of land, minimum lot size for certain split zones and water catchments.

In exercising the Minister's functions under section 59, Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 5th June 2015


Ashley Albury
General Manager, Western Region
Planning Services
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_003_00
Date Sent to Department under s56	2 June 2015
Date considered at LEP Review Panel	Considered by the Ministers Delegate
Gateway determination date	5 June 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: