

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

Mr Neil Southorn, Director, Environmental, Planning and Building Services

Dear Mr Sherley

Planning proposal [PP_2018_BATHU_002_00] to amend Bathurst Regional Local Environmental Plan 2014 - housekeeping

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* (the Act) and additional information received on 9 January 2018 in respect of the planning proposal to make six housekeeping amendments.

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (1.3 Mining, Petroleum Production and Extractive Industries). Council should ensure this occurs prior to public exhibition as specified in Gateway determination condition No. 1.

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 determination 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 public 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 ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment - Western Region office (westernregion@planning.nsw.gov.au).

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

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

Yours sincerely



12.2.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_BATHU_002_00): Housekeeping Amendment (No. 14)

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to make housekeeping amendments as specified in the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition consultation is required with Department of Planning and Environment – Resources and Energy to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
The response from the Department of Planning and Environment – Resources and Energy is to be forwarded to the Department of Planning and Environment – Western Region office and Council is to seek approval to proceed to public exhibition.
2. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 3.34(2)(d) of the Act. The public authority 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 proposal.
4. 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).

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 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 12th day of February 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

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
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA 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, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2018_BATHU_002_00
Date Sent to DPE under s3.34	3/10/2018 & 9/01/2019
Date considered at LEP Review Panel	NA
Gateway determination date	12/02/2019

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: