



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

15/05016

Attention: Janet Bingham, Acting Director Environmental Planning and Building

Dear Mr Sherley

Planning Proposal (PP_2015_BATHU_002_00) to amend Bathurst Regional LEP 2014 – to rezone land and amend minimum lot size - Lot 14 DP 1050220 and Lot 1 DP 867504 O’Connell Road, Kelso.

I am writing in response to your Council’s letter dated 23 April 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 Regional Local Environmental Plan 2014 to rezone land and reduce the minimum lot size at Lot 14 DP 1050220 and Lot 1 DP 867504, O’Connell Road, Kelso.

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 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 (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 Departments 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,

A. W. Albury 22-5-2015

Ashley Albury
General Manager, Western Region

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_005_00): to rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size from 200 hectares to 4000m² at Lot 14 DP 1050220 and Lot 1 DP 867504 O'Connell Road, Kelso.

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 EP&A Act that an amendment to the Bathurst Regional Local Environmental Plan 2014 (LEP) to rezone land and amend the minimum lot size at Lot 14 DP 1050220 and Lot 1 DP 867504 O'Connell Road, Kelso should proceed subject to the following conditions:

1. 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 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 following public authorities under section 56(2)(d) of the EP&A Act 1979:
 - Office of Environment and Heritage (in relation to potential land contamination and for the local Heritage Item I159).
 - Civil Aviation Safety Authority.

Each 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.
3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to address this matter in its submission under section 59 of the EP&A Act 1979.
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 the submission of the Planning Proposal under section 59 of the EP&A Act 1979 the relevant Land Zoning Map, Lot Size Map, Height of Buildings and Heritage Maps that apply to the subject land 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 **12 months** from the week following the date of the Gateway determination.

Dated 22 day of May 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_002_00	To rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size from 200 hectares to 4000m2 at Lot 14 DP 1050220 and Lot 1 DP 867504 OConnell Road, Kelso.

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 22 May 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_002_00
Date Sent to Department under s56	29 April 2015
Date considered at LEP Review Panel	-
Gateway determination date	22 May 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: