



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

15/12068

Attention: Daniel Dwyer

Dear Mr Sherley,

Planning Proposal (PP_2015_BATHU_004) to rezone and reclassify Lot 7 DP 620655 Lee Street, Kelso – known as Alec Lamberton Field.

I am writing in response to Council's letter dated 27 July 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to rezone to IN 1 General Industrial and reclassify to 'operational' land with no interests changed on Lot 7 DP 620655, Lee Street, Kelso, Bathurst.

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

This determination has been made on the basis of Council's advice that no interests are required to be changed in relation to the reclassification of the land. Please refer to Condition 1 of the Gateway determination that requires Council to be satisfied that no interests are required to be changed and the Governor's approval is not required. Should Council establish that an interest is to be changed and the Governor's approval is required then this planning proposal and Gateway determination will require alteration and the authorisation to exercise delegation cannot be issued to Council.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land under the Local Government Act, 1993 and in accordance with the Department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

I am satisfied that Council has justified that the planning proposal's inconsistency with section 117 Direction 6.2 Reserving Land for Public Purposes is of minor significance. In relation to section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that there is adequate established recreational land is available and that the surrounding land is industrial. No further approval or work is required in relation to this Direction.

In relation to section 117 Direction Development near licensed aerodromes Council is required to consult with the Civil Aviation Safety Aviation and consider in the section 59 report and submit to the Departments Western Region office for approval.

The Minister delegated plan making powers to Councils in October 2012. 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 Local Environmental Plans 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 Environmental Planning & Assessment Act, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Wayne Garnsey of the Departments Western Region office to assist you. Mr Garnsey can be contacted on 02 68412180.

Yours sincerely,

 12.8.2015

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_004): to rezone and reclassify Lot 7 DP 620655 Lee Street, 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 Environmental Planning and Assessment Act, 1979 that an amendment to the Bathurst Local Environmental Plan (LEP) 2014 to rezone to zone IN1 General industrial and reclassify from 'community' and 'operational' with no interests changed should proceed subject to the following conditions:

1. Prior to community consultation Bathurst Regional Council is to investigate how the land was acquired and whether interests are required to be changed. Council is to provide this information to the Department of Planning Western Region office for approval.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, 1979 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 (Planning & Infrastructure 2013).

3. Bathurst Regional Council is to include and clearly explain in the community consultation package its intention to seek approval to rezone the land from zone RE1 Public Recreation to zone IN1 General Industrial and reclassify the land to 'operational' so that the land may be sold with the reclassification process under the Local Government Act, 1993 and Environmental Planning and Assessment Act, 1979 is being followed.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and/or to comply with the requirements of relevant section 117 Directions:

- Roads and Maritime Services
- 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.

5. Bathurst Regional Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 and section 57 of the Environmental Planning and Assessment Act, 1979

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act, 1979.

7. 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 August 2015.


Ashley Albury
General Manager
Western Region
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



Planning & Environment

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 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_BATHU_004_00	Planning proposal to rezone to zone IN1 General Industrial and reclassify to 'operational' land with no interests changed on Lot 7 DP 620655 Lee Street, Kelso.

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 12th August 2015

Ashley Albury
General Manager
Western Region
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_004_00
Date Sent to Department under s56	31 July 2015
Date considered at LEP Review Panel	Considered by Ministers delegate and not considered by Panel
Gateway determination date	12 August 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: