



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

Attn: Mr Nicholas Murphy, Senior Strategic Planner

Dear Mr Sherley

Re: Planning Proposal (PP_2016_BATHU_001_00) to amend Bathurst Regional Local Environmental Plan 2014 – to alter the boundary of RE1, RU1 and R1 zoned land on Lot 11 DP 872964, Freemantle Road, Eglinton, Bathurst.

I am writing in response to Council's planning proposal dated 27 January 2016 and subsequent supporting information received on 8 February 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the subject matter.

As 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).

I am satisfied that the inconsistencies with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to section 117 Direction 6.2, I also approve the proposed reduction in zone RE1 Public Recreation. No further approval or work is required in relation to these Directions.

It is noted that Council has not addressed SEPP 55 Remediation of Land and SEPP (Rural Lands) 2008 in context of this planning proposal. As both of these SEPPs apply to this proposal, Council needs to address these policies and include this with the community consultation material. The response to these policies also needs to be addressed as part of Council's section 59 submission.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

Mapping 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 pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans", *Attachment 5 – Delegated 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 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal 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 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 further enquiries, please contact Megan Jones at the Department of Planning and Environment's Western Region office on 02 6841 2180.

Yours sincerely

 16-2-2016

Ashley Albury
General Manager, Western

Encl:
Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template

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_2016_BATHU_001_00	To amend Bathurst Regional Local Environmental Plan 2014 – to alter the boundary of RE1, RU1 and R1 zoned land on Lot 11 DP 872964, Freemantle Road, Eglinton, Bathurst.

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 16th February 2016



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

Delegate of the Minister for Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2016_BATHU_001_00) to amend Bathurst Regional Local Environmental Plan 2014 – to alter the boundary of RE1, RU1 and R1 zoned land on Lot 11 DP 872964, Freemantle Road, Eglinton, Bathurst.

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 the abovementioned planning proposal should proceed subject to the following conditions:

1. Prior to commencing community consultation, Council must address SEPP 55 Remediation of Land and SEPP (Rural Lands) 2008 and include a copy of the response with the consultation material. The response to these policies must also be addressed as part of Council's section 59 submission.
2. 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 following State Agencies under section 56(2)(d) of the EP&A Act:
 - (a) NSW Office of Water, and
 - (b) Office of Environment and Heritage.

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. 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).
4. The timeframe for completing the LEP is to be **nine (9) months** from the week following the date of the Gateway determination.

Dated 16th day of February 2016.



Ashley Albury
General Manager, Western Region
Planning Services

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 2016 BATHU 001_00
Date Sent to Department under s56	8 February 2016
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not referred to Panel
Gateway determination date	12 February 2016

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: