



Mr Andrew Muir
Acting General Manager
Lithgow City Council
PO BOX 19
Lithgow NSW 2790

Our ref: PP_2017_LITHG_001_00

Dear Mr Muir,

Planning Proposal PP_2017_LITHG_001_00 to amend Lithgow Local Environmental Plan 2014

I am writing in response to Council's letter dated 2 December 2016 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and additional information received on 11 January 2017 in respect of the planning proposal to amend the *Lithgow Local Environmental Plan 2014* (LEP) through inserting clause 4.1B Minimum lot sizes for certain split zones.

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.

Ministerial section 117 Direction 4.4 *Planning for Bushfire Protection* requires consultation with the NSW Rural Fire Service prior to community consultation being undertaken. Please refer to condition number one of the Gateway determination, and arrange for consultation with NSW Rural Fire Service as soon as possible.

Ministerial section 117 Direction 5.2 *Sydney Drinking Water Catchment* requires consultation with Sydney Catchment Authority (SCA) prior to the issuing of a Gateway determination. In this case, Council may consult with the SCA prior to commencing community consultation, please refer to condition number two of the Gateway determination, and arrange for consultation with the SCA as soon as possible.

Plan making powers were delegated to Councils by the Minister 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.

The amending LEP is to be finalised within 9 months of 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 administration purposes.

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.

Should you have any queries in regard to this matter, I have arranged for Ms Megan Jones of the Department's Western region office to assist you. Ms Jones can be contacted on (02) 6841 2180.

Yours sincerely,

W Garnsey 20/1/17

Wayne Garnsey
Acting Director Regions, Western
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_LITHG_001_00): to amend the Lithgow Local Environmental Plan 2014 through inserting clause 4.1B Minimum lot sizes for certain split zones.

I, the Acting Director Regions, Western, 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 *Lithgow Local Environmental Plan 2014 (LEP)* to insert clause 4.1B *Minimum lot sizes for certain split zones* should proceed subject to the following conditions:

1. Prior to community consultation Council is to consult with NSW Rural Fire Service to address section 117 Direction 4.4 Planning for Bushfire Protection. Council is to submit the NSW Rural Fire Service comments to the Department of Planning and Environment for approval prior to community consultation being undertaken.
2. Prior to community consultation Council is to consult with Sydney Catchment Authority (SCA) to address section 117 Direction 5.2 Sydney Drinking Water Catchments. Council is to submit the SCA comments to the Department of Planning and Environment for approval prior to community consultation being undertaken.
3. 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 local environmental plans (Department of Planning and Environment 2016)*.
4. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - Fire and Rescue NSW
 - Sydney Catchment Authority
 - Office of Environment and Heritage
 - Department of Primary Industries – Water
 - Department of Primary Industries – Agriculture
 - Mine Subsidence Board

Each public authority/organisation 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. 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).
6. The timeframe for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated 20th day of January 2017.

**Wayne Garnsey
Director Regions, Western
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning




WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lithgow City 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_2017_LITHG_001_00	Planning proposal to amend the Lithgow Local Environmental Plan 2014 through inserting clause 4.1B Minimum lot sizes for certain split zones

In exercising the Minister's functions under section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated *20 January* 2017


Wayne Garnsey
Acting Director Regions, Western
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template
Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_LITHG_001_00
Date Sent to DP&E under s56	11 January 2017
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	20 January 2017

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: