



Planning & Environment

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

17/08674

Attention: Janet Bingham, Acting Director Environmental, Planning and Building Services.

Dear Mr Sherley,

Planning proposal (PP_2017_BATHU_001_00) to amend the zone boundaries and remove houses from zone RE1 for the Bathurst Local Environmental Plan 2014.

I am writing in response to your Council's letter dated 9 June 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect to the nine (9) items identified in the planning proposal to amend the zone boundaries and remove dwelling houses from zone RE1.

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)**

I am satisfied that the planning proposal's consistent with section 117 Directions. No further approval is required in relation to the Directions.

In relation to section 117 Direction 6.2 Rezoning Land for Public Purposes I agree with the minor changes to RE1 Public Recreation zone boundaries and no further work is required in this regard.

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 not to issue an authorisation for Council to exercise delegation to make this plan in this case as Councils is a landowner in respect to some of the proposed changes.

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 to the Department's Western Region office (westernregion@planning.nsw.gov.au) 10 weeks prior to the projected publication date.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, must be submitted to the Department via the Planning Portal Website at <https://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.

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 queries in regard to this matter, I have arranged for Amanda Carnegie of the Departments Western Region office to assist you. Ms Carnegie can be contacted on (02) 6841 2180.

Yours sincerely,

 4.7.17

Azaria Dobson
Acting Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_BATHU_001_00): to amend the zone boundaries and remove dwelling houses from zone RE1.

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* that an amendment to the Bathurst Local Environmental Plan (LEP) 2014 to amend the zone boundaries and remove dwelling houses from zone RE1 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* 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)*.
 - Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*: Office of Environment and Heritage
 - Roads and Maritime Services
 - Civil Aviation 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.

2. 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*. 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).
3. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 4th day of July 2017.



Azaria Dobson
Acting Director Regions,
Western
Planning Services
Department of Planning
and Environment
Delegate of the Minister for
Planning