



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

16/08637

Dear Mr Sherley

Re: Planning Proposal (PP_2016_BATHU_003) to amend the Bathurst Regional LEP 2014 – Amendment 10 – to insert new items and update descriptions of some existing items listed in Schedule 5 Environmental Heritage

I am writing in response to Council's letter dated 14 June 2016 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 (LEP) by inserting new items and updating the description of some existing items listed in Schedule 5 Environmental Heritage, and amending the relevant LEP Heritage maps.

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).

Please note that Condition No 1 of the Gateway determination requires Council to consult with the Office of Environment and Heritage (OEH) regarding the method to appropriately describe items that are difficult to identify and amend Schedule 5 Environmental Heritage in line with any recommendations from OEH. Council is to notify the Department that it has met this condition prior to commencing community consultation.

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 is to be finalised within 9 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.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting and GIS data, if available, 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 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 Megan Jones at the Department's Western Region office to assist you. Ms Jones can be contacted on (02) 6841 2180.

Yours sincerely,

 15/7/2016
Wayne Garnsey
Acting Director Regions, Western
Planning Services

Enclosures: Attachment 1 – Gateway Determination
 Attachment 2 – Written Authorisation to Exercise Delegation
 Attachment 3 – Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2016_BATHU_003_00): to amend the Bathurst Regional LEP 2014 – Amendment 10 – to insert new items and update descriptions of some existing items listed in Schedule 5 Environmental Heritage

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 Regional Local Environmental Plan 2014* (LEP) to insert new items and update descriptions of certain current items listed in Schedule 5 Environmental Heritage and the relevant Heritage maps should proceed subject to the following conditions:

1. Prior to commencing community consultation, Council is to consult with the Office of Environment and Heritage (OEH) regarding the appropriate method to describe items that are difficult to identify and amend Schedule 5 Environmental Heritage in line with any recommendations from OEH. Council is to notify the Department that it has met this condition prior to commencing community consultation.
2. 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 is required to be made publicly available on exhibition for 28 days as described in *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).
 - 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*.
3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:
 - (a) Office of Environment and Heritage,
 - (b) John Holland Rail, and
 - (c) Department of Primary Industries - Crown Lands

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 planning proposal prior to community consultation.

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. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015).
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 15 day of July 2016.


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

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_2016_BATHU_003_00	To amend the Bathurst Regional LEP 2014 by inserting new items and updating descriptions of some existing items listed in Schedule 5 Environmental Heritage, and amending the relevant LEP Heritage maps

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 15 July 2016


Wayne Garnsey
Acting Director Regions, Western
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_2016_BATHU_003_00
Date Sent to Department under s56	14 June 2016
Date considered at LEP Review Panel	Considered by the Ministers Delegate
Gateway determination date	15 July 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: