

Mr David Sherley  
General Manager  
Bathurst Regional Council  
158 Russell Street or PMB 17  
BATHURST NSW 2795

Our ref/: IRF 24/1826

Dear Mr Sherley

**Planning proposal (PP-2024-1001) to amend Bathurst Regional Local Environmental Plan 2014**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 26 June 2024 in respect of the planning proposal to rezone land at 34 Busby Street (Part Lot 22 DP 1033481) South Bathurst from R1 General Residential to R3 Medium Density Residential, amend the Height of Building and Minimum Lot Size and insert 'food and drink premises' as an Additional Permitted Use.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 3.2 Heritage Conservation which remains unresolved until consultation has been undertaken with Heritage NSW. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

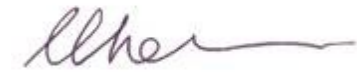
The proposed local environmental plan (LEP) is to be finalised on or before 13 September 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Gary Hinder to assist you. Mr Hinder can be contacted on 9873 8547.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'llhe' followed by a long horizontal stroke.

11/9/2024

**Chantelle Chow**  
**Acting Director, Southern, Western and Macarthur Region**  
**Local Planning and Council Support**

Encl: Gateway determination