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Mr Roger Bailey
General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Our ref: PP_2013_LITHG_001_00 (12/07210)

Dear Mr Bailey

Planning Proposal for draft Lithgow Principal Local Environmental Plan 2013

I am writing in response to Council's request for an initial Gateway Determination under section 56(2) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") for the draft Lithgow Principal Local Environmental Plan (LEP) 2013.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

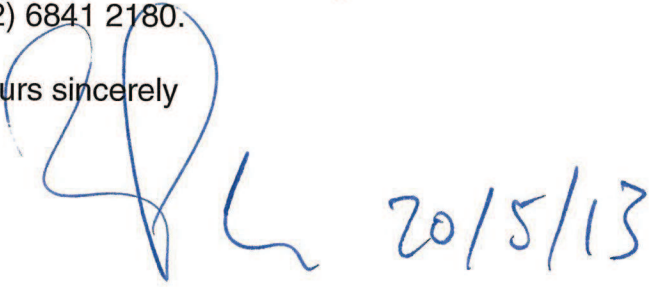
I have agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones, 1.2 Rural Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions. Further consultation with the Office of Environment and Heritage and the local Aboriginal Land Council will determine whether the inconsistencies with S117 Direction 2.3 Heritage Conservation and 4.3 Flood Prone Land have been sufficiently justified.

The draft LEP is to be finalised within 9 months of the week following the date of the revised Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. It is recommended that public consultation be undertaken for a period of 28 days, as sufficient consultation has already been undertaken on Council's Land Use Strategy, and the draft LEP largely reflects the outcomes of that strategy. This will ensure rapid progression and implementation of the draft LEP.

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 s54(2)(d) of the EP&A Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Dan Wagner of the Department of Planning and Infrastructure's Western Regional Office on (02) 6841 2180.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '20/5/13' written in the same ink.

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_LITHG_001_00): to make the Lithgow Local Environmental Plan 2013.

I, the Deputy Director General, Planning Operations and Regional Delivery, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that the draft *Lithgow Local Environmental Plan 2013* should proceed subject to the following conditions:

1. Subject to data being available from Roads and Maritime Services prior to public exhibition commencing Council must amend the draft LEP to include the relevant model clause and mapping to reflect the acquisition of land for upgrades to the Great Western Highway from Katoomba to Lithgow. Should this data not be available prior to public exhibition, Council can proceed to public exhibition and RMS can seek to amend the LEP to reflect this information by processing a new planning proposal.
2. Prior to resubmission of the planning proposal to the Department following public exhibition, all maps should be prepared in the Standard Instrument format.
3. 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 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 2012)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Catchment Authority
 - NSW Aboriginal Land Council
 - Ambulance Service of NSW
 - Essential Energy
 - Delta Electricity
 - Corrective Services NSW
 - Department of Education and Communities
 - Office of Environment and Heritage – Regional Operations, National Parks and Wildlife Service, Heritage
 - NSW Department of Primary Industries - Agriculture

- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Forests
- NSW Department of Primary Industries - Minerals and Petroleum
- Department of Trade and Investment
- Mine Subsidence Board
- Transport for NSW
- Fire and Rescue NSW
- Department of Health and Ageing
- NSW Police Force
- NSW Rural Fire Service
- Transport for NSW - RailCorp
- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- State Water Corporation
- Telstra
- Transgrid
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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** from the week following the date of the Gateway determination.

Dated

20

day of

May

2013.

Richard Pearson
Deputy Director General
Planning Operations and Regional
Delivery
Delegate of the Minister for Planning
and Infrastructure