

Request for Initial Gateway Determination

Instructions to Users

1. When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified in this form.
2. Please send this completed form and one (1) electronic copy and two (2) hard copies of the completed Planning Proposal and other information as applicable, to your local Regional Office.
3. This document is a locked word document, please check boxes and type directly into the hi-lighted grey areas of this form.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Bathurst Regional Council

Contact Person: Ms Janet Bingham

Contact Phone and Email: 02 6333 6214 janet.bingham@bathurst.nsw.gov.au

Planning Proposal Details - Attachments

1. **LAND INVOLVED** [If relevant - e.g. Street Address and Lot and Deposited Plan]
Part Lots 2 & 3, DP 1233661 and Part Lot 1 DP 176203, Limekilns Road Kelso

Attached/Completed [Check the box]

2. **MAPS** [If applicable – provide 1 electronic and 2 hard copies]

☒ Location map showing the land affected by the proposed draft plan in the context of the LGA [tagged 'location map']

☒ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s [tagged 'comparative existing/proposed zoning']

3. **PHOTOS and other visual material** [if applicable]

☒ Aerial photos of land affected by the Planning Proposal

☒ Photos of land involved and surrounding land uses

4. **COMPLETE PLANNING PROPOSAL** [provide 1 electronic and 2 hard copies]

☒ Council's must address all relevant matters in a planning proposal – including the Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) as set out in the Department of Planning publications; a 'Guide to preparing local environmental plans' and a 'Guide to preparing a planning proposal'. These requirements must be completed prior to submitting the Planning proposal to the Regional Office.

5. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL**

☒ Council has considered the written planning proposal prior to sending it to the Department of Planning

☒ Council has resolved to send the written planning proposal to the Department of Planning


Signed for and on behalf of the Relevant Planning Authority

DATE 18/04/2018

Limekilns Road Planning Proposal

Part 1 - Objectives or Intended Outcomes

The amendment to the *Bathurst Regional Local Environmental Plan* seeks to amend the RU1 Primary Production, R1 Residential and RE1 Local Recreation zone boundary of Part Lots 2 & 3 DP 1233661 and Part Lot 1 DP 176203, Limekilns Road Kelso.

Part 2 - Explanation of Provisions

A recent subdivision along the RE1/R1 zone boundary has resulted in a corridor of RE1 zoned land. The land is proposed to have a collector road constructed within this area as identified on DCP Map No 3 - Kelso. As a result of the subdivision of the residential land from the rural and recreation land, a row of rear fences adjacent to the collector road will be the resulting urban form. Council officers are of the opinion that this will not result in a desirable outcome from an urban design perspective and encourage active street frontages.

The amendment to the *Bathurst Regional Local Environmental Plan* seeks to amend the RU1 Primary Production, R1 Residential and RE1 Local Recreation zone boundary of Part Lots 2 & 3 DP 1233661 and Part Lot 1 DP 176203, Limekilns Road Kelso.

Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

A recent subdivision along the RE1/R1 zone boundary has resulted in a corridor of RE1 zoned land. The land is proposed to have a collector road constructed within this area as identified on DCP Map No 3 - Kelso. As a result of the subdivision of the residential land from the rural and recreation land, a row of rear fences adjacent to the collector road will be the resulting urban form. Council officers are of the opinion that this will not result in a desirable outcome from an urban design perspective and encourage active street frontages.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the only means available to facilitate the rezoning of the land as proposed.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy** (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is not inconsistent with the Central West and Orana Regional Plan.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

It is considered that the Planning Proposal is not inconsistent with Council's Urban Strategy. The proposed changes will align the LEP, DCP and Section 94 Contributions Plan with the best planning outcome for the subject land within the wider Kelso area.

5. Is the planning proposal consistent with applicable state **environmental planning policies**?

It is considered that the Planning Proposal is not inconsistent with the provisions of any SEPP.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)?

The Planning Proposal is inconsistent with the following s117 directions, 1.2, 1.5, 3.1, 3.5 and 6.2. It is also considered that the inconsistencies are of minor significance and should be supported by the Department. The Planning Proposal is consistent with all other s117 directions.

Section C - Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is completely clear of any vegetation and has historically been used for cropping purposes.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Following the rezoning of the land, it is unlikely that the uses will result in any adverse environmental conditions.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (and impacts are negligible). There is a net community benefit by the expansion of the REI zoned land from 40m to 50m wide.

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will have negligible impact of agricultural operations on the adjoining rural lands whilst improving the planning outcomes for the area as described in this report.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal only seeks to slightly alter the zone boundaries –this realignment will better line up with proposed public infrastructure such as the proposed new road to service the site.

11. How many lots or hectares of residential or employment land are proposed?

As a result of the Planning Proposal, a total of 15 additional lots will be made available.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variation to the planning proposal?

No State or Commonwealth public authorities have been consulted during the preparation of the Planning Proposal. Given the proximity to the Bathurst Airport, Council will notify CASA of the Planning Proposal.

Part 4 - Community Consultation

Following gateway determination, it is proposed to publically exhibit the Planning Proposal to Council anticipates that following the Gateway Determination and Council satisfying any conditions imposed prior to the public exhibition period, the Planning Proposal will be placed on public exhibition for a period of 28 days. During the exhibition period, a notice will be placed in the Western Advocate newspaper.

In addition, a letter will be sent to landowners of the subject land, those who directly adjoin the subject land and the relevant information placed on Council's website.

Although the matters dealt with in this Planning Proposal are of a minor nature and do not result in any adverse impacts upon the community, Public authorities will be consulted regarding specific amendments, such as the Civil Aviation Safety Authority, and Bathurst Airport. It is proposed that this Planning Proposal will be publically exhibited simultaneously with the public authority consultation.

A Public Hearing is not expected to be conducted as part of this Planning Proposal.

Part 5 – Risks to the Planning Proposal

No risks have been identified that would otherwise delay the progression of the Planning Proposal.

Part 6 – Benchmark Timeframes for making the Plan

1. The plan will be made within 12 months of the Gateway Determination date.
2. The Planning Proposal will aim to be exhibited within the timeframe specified in the Gateway Determination.
3. Community Consultation will be completed 28 from the last day the Planning Proposal must be exhibited.
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. Council's request for the Department to draft and finalise the LEP should be made in 6 weeks prior to the projected publication date, as specified in point 1 above.