

21 September 2015

Mr A Albury
Regional Director
NSW Department of Planning and Infrastructure
Western Region
PO Box 58
DUBBO NSW 2830

Dear Mr Albury

Woodside Drive Reclassification Planning Proposal (PP 2015 BATHU 001)

I refer to the abovementioned matter.

Council resolved at its Ordinary Meeting held 16 September 2015 to:

- (a) reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;
- (b) forward the Bathurst Regional LEP 2014 – Amendment No 2 – Woodside Drive Reclassification Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) note that a further report will be submitted to Council should the land be proposed for sale or long term lease;
- (d) notify those who made submissions or attended the Public Hearing of its decision; and
- (e) call a division.

Council has finalised the Planning Proposal which is **enclosed** for your information. Would you now please make arrangements for the Plan to be made.

If you have any queries please contact Mr Nicholas Murphy of Council's Environmental Planning & Building Services Department on 02 6333 6514.

Yours faithfully

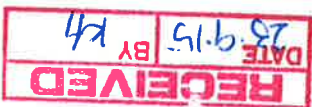

J E Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Reference: NM:AP:20.00280
Enquiries: Mr N Murphy 02 6333 6514
lm Albury 2.docx

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7	263393	67 Woodside Drive, Mount Rankin
Lot	DP	Address

WOODSIDE DRIVE RECLASSIFICATION

POST EXHIBITION

**BATHURST REGIONAL LOCAL
ENVIRONMENTAL PLAN 2014
AMENDMENT No 2
(20.00280)**

FOR

PLANNING PROPOSAL



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Schedule of Maps

Map Number	Map Name	Version

List of Attachments

Attachment Number	Name
1	Council report and minute to proceed with the Planning Proposal
2	Advertisement from Western Advocate – Public Exhibition
3	Mail merge letter to landowners
4	Copies of the submissions received
5	Advertisement from Western Advocate – Public Hearing
6	Report from independent chair for Public Hearing held 16 June 2015
7	Council report and minute to proceed to gazette the Planning Proposal

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Ms Janet Bingham Acting Director, Environmental Planning and Building Services
Contact Phone Number:	02 6333 6213
Contact email address:	janet.bingham@bathurst.nsw.gov.au

Introduction

The subject parcel of land, 67 Woodside Drive Mount Rankin, was created by a subdivision registered in 1982. The parcel of land was dedicated to Council as a Public Reserve and is located within an existing rural residential cul-de-sac. The land is not currently used for recreation purposes, and is not actively maintained by Council.

Given the semi rural nature of the locality and that the land is not currently being used for recreation purposes, it is proposed to:

- a) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

Council may sell the land on the open market once the reclassification of the land has been completed. A dwelling would be permissible with consent under the provisions of the Bathurst Regional Local Environmental Plan 2014.

A copy of the following documents are attached:

- 1) Council report and minute to proceed with the Planning Proposal
- 2) Advertisement from Western Advocate
- 3) Mail merge letter to landowners
- 4) Copies of the submissions received
- 5) Advertisement from Western Advocate – Public Hearing
- 6) Report from independent chair for Public Hearing held 16 June 2015
- 7) Council report and minute to proceed to gazette the Planning Proposal.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Part 1 Objectives or intended outcomes

1.1 Introduction

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

The Planning Proposal aims to reclassify the subject land from Community to Operational and remove the public reserve status of the land. Following public exhibition, Council has yet to determine whether or not to sell the land.

1.2 The subject land

67 Woodside Drive, Mount Rankin

The subject land comprises Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin. The property was owned by Evans Shire Council, now known as Bathurst Regional Council.

The site is approximately 2.2 hectares and is generally rectangular in shape. The land is located approximately 8km north west of the Bathurst CBD.

The land currently has the following characteristics:

Current land use	Zone Bathurst Regional LEP 2014	Current classification	Land status
Vacant	R5 Large Lot Residential	Community	Public reserve



Part 2 Explanation of Provisions

2.1 Introduction

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 (“the LEP”), to:

- a) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 2 of Schedule 4 of the Bathurst Regional LEP 2014.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil
	67 Woodside Drive	

PART 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

No. The lot was created as a public reserve as part of an application to subdivide land in 1982 creating a rural residential estate. Dwellings have been erected on the other lots within the subdivision. The subject land is not actively maintained by Council.

The size of the surrounding lots are of sufficient size to enable recreational activities to be undertaken on them and as such a specific public reserve is considered unnecessary in this circumstance.

Council resolved on 21 August 2013 to reclassify the land from Community to Operational. Council has subsequently resolved on 18 February 2015 to prepare a planning proposal to reclassify the subject land.

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

The Planning Proposal is the best means of achieving the development and intended outcomes of the Planning Proposal. The only avenue available to Council to reclassify the land and remove the public reserve status is via a Planning Proposal.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following table addresses the evaluation criteria for the consistency with the regional and sub-regional strategies, as required by the guidelines for preparing a Planning Proposal.

Evaluation criteria	Y/N	Comment
- Does the proposal have strategic merit and: - Is consistent with a relevant local strategy endorsed by the Director General; or - Is consistent with the relevant regional strategy or Metropolitan Plan; or - Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations (e.g. proximity to existing urban	Yes	The Planning Proposal is consistent with the Bathurst Rural Strategy 2008 which recommended the zoning of this locality for rural residential purposes. There are no relevant regional strategies relevant to the Bathurst Regional LGA. The Planning Proposal is consistent with the relevant Section 117 directions of the Minister. They are explained later in this Planning Proposal documentation.

areas , public transport and infrastructure accessibility, providing jobs closer to home etc)		
Does the proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following: ◇ The natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and ◇ The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	Yes	The subject land is approximately 2.2 hectares and is consistent with the other lots in the subdivision. The lot, as a public reserve, is currently unused. Given the large lot size of the surrounding lots, the public reserve is unlikely to be required by the surrounding residents. Following the reclassification of the lot, the zoning of the land would permit a dwelling to be erected, which would be consistent with the other surrounding land uses. The lot is of sufficient size to enable effluent disposal. Electricity and telecommunication services are available in the vicinity of the subject land. The site is not known to have any environmental constraints and the site is not bush fire prone land.

4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic Plan?

The Bathurst Region Rural Strategy 2008 recommended a R5 Large Lot Residential zone for this locality. Therefore the Planning Proposal is consistent with the strategy. The land in its current form has little or no agricultural potential and is situated in an existing rural residential estate. The use of the land for a dwelling is unlikely to have an adverse impact on the adjoining land. The Bathurst Regional Development Control Plan has boundary setbacks which aim to control the location of a future dwelling, further protecting the adjoining landuses.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Council has undertaken a review to determine whether or not the Planning Proposal is consistent with the State Environmental Planning Policies. There are no SEPP's which are relevant to the Planning Proposal. See the table below.

Compliance (Yes/No or Not Relevant)	State Environmental Planning Policy (SEPP)	SEPP No 14 – Coastal Wetlands	Not Relevant
		SEPP No 15 – Rural Landsharing Communities	Not Relevant
		SEPP No 19 – Bushland in Urban Areas	Not Relevant
		SEPP No 21 – Caravan Parks	Not Relevant
		SEPP No 22 – Shops and Commercial Premises	Not Relevant
		SEPP No 26 – Littoral Rainforests	Not Relevant
		SEPP No 29 – Western Sydney Recreation Area	Not Relevant
		SEPP No 30 – Intensive Agriculture	Not Relevant
		SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not Relevant
		SEPP No 33 – Hazardous and Offensive Development	Not Relevant
		SEPP No 36 – Manufactured Home Estates	Not Relevant
		SEPP No 39 – Spit Island Bird Habitat	Not Relevant
		SEPP No 41 – Casino Entertainment Complex	Not Relevant
		SEPP No 44 – Koala Habitat Protection	Not Relevant
		SEPP No 47 – Moore Park Showground	Not Relevant
		SEPP No 50 – Canal Estate Development	Not Relevant
		SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Relevant
		SEPP No 55 – Remediation of Land	Not Relevant
		SEPP No 59 – Central Western Sydney Regional Open Space and Residential	Not Relevant
		SEPP No 60 – Exempt and Complying Development	Not Relevant
		SEPP No 62 – Sustainable Aquaculture	Not Relevant
		SEPP No 64 – Advertising and Signage	Not Relevant
		SEPP No 65 – Design Quality of Residential Flat Development	Not Relevant
		SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
		SEPP No 71 – Coastal Protection	Not Relevant
		SEPP (Affordable Rental Housing) 2009	Not Relevant
		SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
		SEPP (Exempt and Complying Development Codes) 2008	Not Relevant

SEPP (Housing for Seniors or People with a Disability) 2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Major Development) 2005	Not Relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Relevant
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Rural Lands) 2008	Not Relevant
SEPP (SEPP 53 Transitional Provisions) 2011	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant
SEPP (Temporary Structures) 2007	Not Relevant
SEPP (Urban Renewal) 2010	Not Relevant
SEPP (Western Sydney Employment Area) 2009	Not Relevant
SEPP (Western Sydney Parklands) 2009	Not Relevant

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 117 Ministerial Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

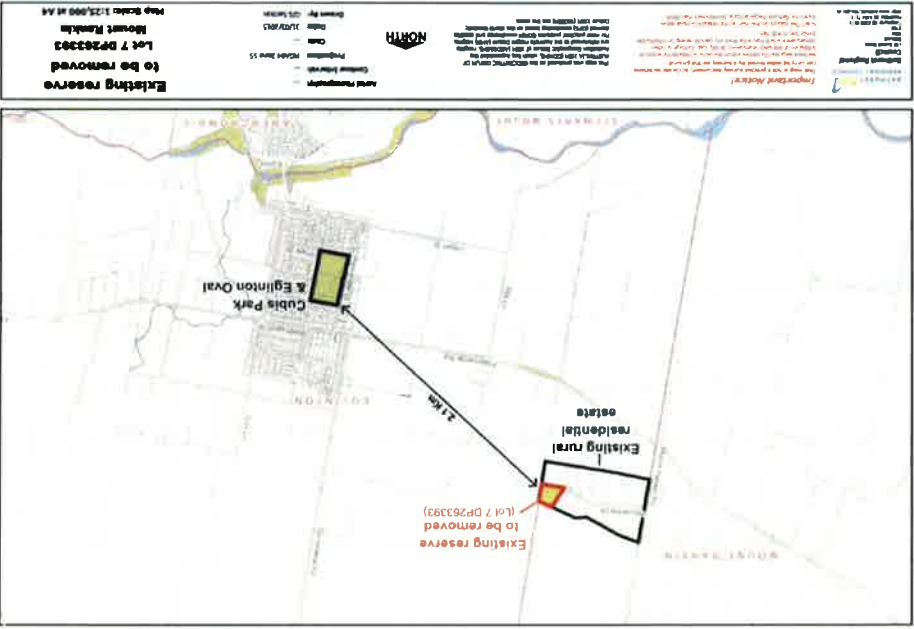
All relevant Section 117 Ministerial Directions are considered in the following table.

Section 117 Ministerial Direction	Consistency
1. Employment and resources	
1.1 Business and Industrial Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.2 Rural Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the

Section 117	Consistency	Ministerial Direction		requirements of the direction.
1.3 Mining, Petroleum and Production and Extractive Industries	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
1.4 Oyster Aquaculture	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
1.5 Rural Lands	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
2. Environment and Heritage				
2.1 Environment Protection Zones	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
2.2 Coastal Protection	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
2.3 Heritage Conservation	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
2.4 Recreation Vehicle Areas	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction as the zone of the land is not being altered.		
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
3.3 Home	Not applicable.			

Section 117	Ministerial Direction	
	Occupations	Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4. Hazard and Risk	3.4 Integrating Land Use and Transport	Council is satisfied that the planning proposal is consistent with the requirements of the direction. Not applicable.
	3.5 Development Near Licensed Aerodromes	Council is satisfied that the planning proposal is consistent with the requirements of the direction. The proposal does not alter or remove a provision relating to land in the vicinity of a licensed aerodrome.
	3.6 Shooting Ranges	Council is satisfied that the planning proposal is consistent with the requirements of the direction. The proposal does not affect land adjacent or adjoining an existing shooting range.
	4.1 Acid Sulfate Soils	
		Council is satisfied that the planning proposal is consistent with the requirements of the direction. The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department.
	4.2 Mine Subsidence and Unstable Land	Council is satisfied that the planning proposal is consistent with the requirements of the direction. The Bathurst Region does not include any land identified as within a Mine Subsidence District proclaimed under the Mine Subsidence Compensation Act 1961.
	4.3 Flood Prone Land	Council is satisfied that the planning proposal is consistent with the requirements of the direction. The Planning Proposal does not include any land which is identified as being flood liable land as identified either by Council's computer based flood model or the Bathurst Floodplain Management Policy.
	4.4 Planning for Bushfire Protection	Council is satisfied that the planning proposal is consistent with the requirements of the direction. The Planning Proposal does not include any land which is identified as being Bushfire Prone Land.
5. Regional Planning		
5.1	No regional or sub-regional strategy applies to the Bathurst Region.	

Section 117 Ministerial Direction Consistency	
Council is satisfied that the planning proposal is consistent with the requirements of the direction.	Implementation of Regional Strategies
The Bathurst Region is outside the identified Sydney Drinking Water Catchment area. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	5.2 Sydney Drinking Water Catchments
Does not apply to the Bathurst Region. No farmland or State or Regional significance is located within the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	5.3 Farmland of State and Regional Significance on the NSW Far North Coast
Does not apply to the Bathurst Region. No regional or sub-regional strategy applies to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	5.4 Commercial and Retail; Development along the Pacific Highway, North Coast
Does not apply to the Bathurst Region. No regional or sub-regional strategy applies to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	5.8 Second Sydney Airport: Badgerys Creek
Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	5.9 North West Rail Link Corridor Strategy
6. Local Plan Making	
The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land. Council is satisfied that the planning proposal is consistent with the	6.1 Approval and referral

Section 117 Ministerial Direction	Consistency
Requirements	requirements of the direction.
6.2 Reserving land for Public Purposes	In relation to the Woodside Drive Reclassification Planning Proposal, the land is currently vacant and unmaintained by Council. The subdivision was enabled by Amendment No. 1 to the Evans IDO (1980) and the original sketch plan indicated a reserve on proposed Lot 7. Some documentation in Council records indicate that the estate was to be similar to that of Forest Grove estate on the north-eastern side of Bathurst which also included a reserve, however the reserve surrounds the estate and acts as a buffer, which is in contrast to the subject land which is essentially a rural residential allotment. The LEP amendment did not require the establishment of a reserve as a specific clause or subclause. Council has identified that the land is surplus to Council public land requirements, and has the potential to be sold for rural residential use as per its existing R5 Large Lot Residential zoning. Council has identified, and provided a map, showing that alternate land is dedicated for improved public reserve (including sporting facilities, community hall and playground equipment) within Eglington which is within close proximity. As shown on the map the existing allotments are rural residential in nature (being between 2 & 4 hectares in size) providing more than adequate informal open space on each lot. No informal public space is therefore required at this location. It is recommended that the Secretary of Planning and Environment agree to the reduction of land for public purposes based on: the small size of the land; Council identifying that the land has not been used as a public reserve since its dedication in 1982, that there is an alternate improved and formal public reserve in close proximity; and that the size of the existing lots are such that separate formal open space is not required.
	

Section 117 Ministerial Direction	
Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
The Planning Proposal does not relate to a particular development to be carried out on a specific site. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	6.3 Site Specific Provisions
7. Metropolitan Planning	
Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	7.1 Implementation of the Metropolitan Strategy

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?

Council is satisfied that, as a result of the Planning Proposal, critical habitat, threatened species, populations or ecological communities will not be adversely affected by the reclassification. A review of Council's threatened species database does not indicate the sighting of any species within 2.9km of the site.

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

Council considers that there are no likely environmental effects as a result of the Planning Proposal. The Planning Proposal aims to amend the land classification from Community to Operational.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Social Impacts

It is considered that as a result of the Planning Proposal there are no social impacts that need to be addressed.

Economic Impacts

It is considered that as a result of the Planning Proposal there are no economic impacts that need to be addressed.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not impact on any existing or future public infrastructure.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

Council did not consult with any State or Commonwealth Public Authority in relation to the reclassification of the land.

Part 4 Mapping

There are no maps proposed to be amended as part of this planning proposal.

Part 5 Community Consultation

Council publically exhibited the planning proposal from 20 April 2015 to 19 May 2015. Council notified the residents of Woodside Drive and the adjoining rural properties (**attachment 3**).

Two submissions were received during the exhibition period (**attachment 4**).

In accordance with condition 3 of the Gateway Determination dated 2 April 2015, Council held a public hearing pursuant to Section 29 of the Local Government Act 1993. The Public Hearing was held on 16 June 2015. A copy of the advertisement for the public hearing and the report from the independent chair is at **attachments 5 & 6**.

Part 6 Project timeframe

The following table outlines Council's anticipated timetable for the completion of the Planning Proposal. Council anticipates that the process will take approximately 8 months from the date of the Gateway Determination.

Step	Criteria	Project timeline
1	Anticipated commencement date (date of Gateway determination)	2 April 2015
2	Anticipated timeframe for the completion of required technical information	2 April 2015
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Not required
4	Commencement and completion dates for public exhibition period	20 April 2015 to 19 May 2015
5	Dates for public hearing (if required)	16 June 2015
6	Timeframe for consideration of submissions	31 July 2015
7	Timeframe for the consideration of a proposal post exhibition	16 September 2015
8	Date of submission to the department to finalise the LEP	25 September 2015
9	Anticipated date RPA will make the plan (if delegated)	
10	Anticipated date RPA will forward to the department for notification.	

Attachment 1 Council report and minute

Bathurst Regional Council Ordinary Meeting 18 February 2015

7. BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT NO 1 - RECLASSIFICATION OF WOODSIDE DRIVE, MOUNT RANKIN (20.00280 & 22.09031)

Recommendation:

That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

Report:

Council's property section has requested that the land at Lot 7 DP 263393, 67 Woodside Drive be reclassified from Community Land to Operational land pursuant to the Local Government Act 1993.

A location plan is provided at attachment 1.

The site is approximately 2.2 hectares and is generally rectangular in shape. The land is located approximately 8km north west of the Bathurst CBD. The lot was created in 1982 as a public reserve for the residents of the Woodside Drive area.

The land, as a public reserve, is surplus given the larger lot size of the Woodside Drive area. A specific public reserve is considered unnecessary in this circumstance and the land is generally unused for public purposes.

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Reclassify the land from Community to Operational (Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (Clause 30 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 under Part 2 of Schedule 4 of the Bathurst Regional LEP 2014.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil

Receive And Deal With Directors' Reports to the 18/02/2015 Released

GENERAL MANAGER

Page 1

MAYOR

Receive And Deal With Directors' Reports to the 18/02/2015 Released

GENERAL MANAGER

MAYOR

Page 2

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets.
- Strategy 28.8

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

Financial Implications

Nil.

The draft plan will be exhibited for 28 days and properties within Woodside Drive will be notified of the exhibited LEP.

Following the reclassification of the land, it is intended to sell the land on the open market. The erection of a dwelling would be permissible with consent under the provisions of the Bathurst Regional LEP 2014.

Meeting type: ORDINARY MEETING OF BATHURST REGIONAL COUNCIL	
Minute Section:	RECEIVE AND DEAL WITH DIRECTORS' REPORTS
Minute Status	Released
Minute Security:	Standard
Section Number 9	
SubSection:	Director Environmental Planning & Building Services' Report
Created By:	Stephanie Williamson/BathurstCC
SubSection Number:	9.01
Division:	Yes
Required:	
Subject: BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT NO 1 - RECLASSIFICATION OF WOODSIDE DRIVE, MOUNT RANKIN	
Item Number:	7
File Number:	(20.00280 & 22.09031)
Minute Number:	12
Moved By:	Cr G Westman
Seconded By:	Cr I North

Resolution: That Council: **RESOLVED:**

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;

- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and

- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the vote was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

Precis:

20,00280/008

PLANNING PROPOSAL - WOODSIDE DRIVE RECLASSIFICATION

Planning Proposal

Notice is hereby given that a Planning Proposal for the reclassification of a public reserve in Woodside Drive, Mount Rankin has been prepared by Council.

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Reclassify the land from Community land to Operational land (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 2 of Schedule 4 – Classification and reclassification of public land, of the Bathurst Regional LEP 2014.

Part 2 – Land classified, or reclassified, as operational land – interests

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil

It is Council's intention to sell the land on the open market once the reclassification of the land has been completed. A dwelling would be permissible with consent under the provisions of the Bathurst Regional Local Environmental Plan 2014.

Public exhibition

Council is exhibiting the Planning Proposal for a period 28 days from 20 April 2015 until 19 May 2015. Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Infrastructure's LEP tracking website <http://leptacking.planning.nsw.gov.au/FpublicDetails.aspx?id=2003>. Copies of the Planning Proposal are also available on Council's website <http://www.bathurst.nsw.gov.au/community/community-consultation.html>

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on 19 May 2015 and include your name and address.

Attachment 3 Mail merge letter for exhibition

20.00280/009

Civic Centre
158 Russell Street
Private Mail Bag 17
Bathurst NSW 2795
Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurstregion.nsw.gov.au
www.bathurstregion.com.au



15 April 2015

«Post_Name_2»
«Post_Add_1»
«Post_Add_2»

Dear «Title»

Woodside Drive Reclassification Planning Proposal

I refer to the abovementioned matter.

Notice is hereby given that a Planning Proposal for the reclassification of a public reserve in Woodside Drive, Mount Rankin has been prepared by Council.

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

a) Reclassify the land from Community land to Operational land (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and

b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

This is to be achieved by:

a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 2 of Schedule 4 – Classification and reclassification of public land, of the Bathurst Regional LEP 2014.

Part 2 – Land classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil

It is Council's intention to sell the land on the open market once the reclassification of the land has been completed. A dwelling would be permissible with consent under the provisions of the Bathurst Regional Local Environmental Plan 2014.

A copy of the public exhibition documentation and maps has been enclosed for your consideration.

NM

Reference: NM:JM:22 09031 & 20.00280
Enquiries: Mr N Murphy 02 6333 6244

BATHURST REGION... FULL OF LIFE

Proud to be an evocity

17 letters sent 15/4/15 Jm

15 April 2015

Council is exhibiting the Planning Proposal for a period 28 days from **20 April 2015** until **19 May 2015**. Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department of Planning and Infrastructure's LEP tracking website are available on the Department of Planning and Infrastructure's LEP tracking website <http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?id=2003>. Copies of the Planning Proposal are also available on Council's website <http://www.bathurst.nsw.gov.au/community/community-consultation.html>

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Council is advising you of this Planning Proposal so that you can make a written submission if you wish. Any submission needs to be lodged with Council by 4.00 pm on **19 May 2015** and include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully



D R Shaw
DIRECTOR

ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Per:



Reference: NM:JM:22 09031 & 20 00280
Enquiries: Mr N Murphy 02 6333 6211
from woodside drive reclassification - fo docx

Post_Name_2	Post_Add_2	Post_Add_1	Parcel_Desc	Parcel_Street_Add	Title
Mr S J Piper	46 Osborne Avenue	2795	WEST BATHURST NSW	Lot: 1 DP: 633355	Freemantle Road
Ms K M Hallett & Miss K M Atkins & Ms M D Atkins	119 Duramana Road	2795	EGLENTON NSW	Lot: 2 DP: 634117	119 Duramana Road
Mr J5 McGuire & Mrs MS McGuire	Frog Hollow	156 Freemantle Road	EGLENTON NSW	Lot: 1 DP: 634117	156 Freemantle Road
Mr J5 McGuire & Mrs BA Norrie	PO Box 844	BATHURST NSW	2795	Lot: 12 DP: 263393	11 Woodside Drive
Mr DJ Tonkin & Mrs CEV Tonkin	31 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 11 DP: 263393	31 Woodside Drive
Mr DR Turcato & Mrs SM Turcato	37 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 10 DP: 263393	37 Woodside Drive
Mr JC Lamberton & Mrs AK Lamberton	43 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 9 DP: 263393	43 Woodside Drive
Mr EG Young & Mrs C Young	59 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 8 DP: 263393	59 Woodside Drive
Mr M J Watts	66 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 6 DP: 263393	66 Woodside Drive
Mr M J Van Den Bos & Ms A Corbett	58 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 5 DP: 263393	58 Woodside Drive
Mr JE Bares & Ms CH James	PO Box 994	BATHURST NSW	2795	Lot: 4 DP: 263393	46 Woodside Drive
Mr RJ Burden & Mrs PA Burden	34 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 3 DP: 263393	34 Woodside Drive
Mr TJ McCrossin & Mrs NM McCrossin	28 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 2 DP: 263393	28 Woodside Drive
Mr TJ Press & Mrs DM Press	12 Woodside Drive	MOUNT RANKIN NSW	2795	Lot: 1 DP: 263393	12 Woodside Drive
Mr JA Stait & Mrs CP Stait	90 Clairvaux Lane	KELESO NSW	2795	Lot: 2 DP: 784400	78 Mount Rankin Road
Mr GT Rice & Mrs MA Rice	72 Mount Rankin Road	MOUNT RANKIN NSW	2795	Lot: 1 DP: 105831	72 Mount Rankin Road
Mr DJ Hawkey & Mrs EM Hawkey	Hawk's Nest	MOUNT RANKIN NSW	2795	Lot: 2 DP: 105831	7 Woodside Drive
Mr & Mrs Hawkey	7 Woodside Drive	2795	2795	Lot: 2 DP: 105831	7 Woodside Drive



Bathurst Regional Local Environmental Plan 2014

Amendment No. 2

Explanation Document

Why is Council amending the Bathurst Regional Local Environmental Plan 2014?

Currently there is a public reserve located at Lot 7, DP 263393, 67 Woodside Drive, Mount Rankin. The reserve was originally dedicated to Council in the 1980's as part of a rural residential subdivision. The land has not been improved nor utilised for formal active recreation purposes since its dedication. Council has recently identified this land as surplus to its current public reserve stock.

The Planning Proposal aims to:

- reclassify the land from Community land to Operational land and
- remove the public reserve status from the land.

It is also Council's intention to sell the land on the open market once the reclassification of the land has been completed. A dwelling would be permissible with consent under the provisions of the Bathurst Regional Local Environmental Plan 2014.

How does the LEP Amendment affect me?

The Bathurst Regional Local Environmental Plan 2014 will be amended to include Lot 7 DP 263393 in the table under Part 2 of Schedule 4 – Classification and reclassification of public land, as illustrated below.

Part 2 – Land classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil

Note that there are no alterations to the zone or the minimum lot size of the land under the Bathurst Regional LEP 2014.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Local Environmental Plan 2014 for a period of 28 days from **20 April 2015** until **19 May 2015**.

Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <http://www.bathurst.nsw.gov.au/community/community-consultation.html>. Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department of Planning and Environment's LEP tracking public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?id=2003>. Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.

Attachment 4 Submissions received

10

BATHURST REGIONAL COUNCIL
21 APR 2015
20-00280/010

To: epb secretary/BathurstCC,
Cc:
Bcc:
Subject: Fw: Lot 7 Woodside Drive Mt Rankin 2795 (MAIL)
FILE No 20.00280

----- Forwarded by Rosemary Gordon/BathurstCC on 20/04/2015 02:49 PM -----

From: Helen Burden <hackbarburden@bigpond.com>
To: council@bathurst.nsw.gov.au,
Date: 20/04/2015 12:11 PM
Subject: Lot 7 Woodside Drive Mt Rankin 2795

Attention Mr Nicholas Murphy.
Hello Nicholas,
I am penning this as a follow up to our phone conversation this morning, unfortunately my phone dropped out and I could not call back.

In our discussion I voiced my concerns about councils intentions to reclassify the above land and the sell it. This land was previously owned by my deceased father Mr Lance Leslie Lamont. In about 1980 this lot was part of a subdivision, it is my understanding that there was a requirement that there be a reserve lot left unsold for the communities use. With this in mind I am asking the question, does council have the right to sell off this land, I would like to see the original contract signed by my father as to the future use of this land, and also proof that council actually owns the land or is just caretaker
I look forward to your reply, unfortunately I am in remote Northern Territory and phone service is minimal,
Yours Sincerely,
Helen Burden
PO Box 550
Bathurst 2795
Phone 0407951096.

Click here to report this message as spam:
<https://console.mailguard.com.au/ras/1LQdts0Vb2/233iYuo9H4DwP>
NYZGBBAS/0

DEPB-RV

DEED
GM
MR

2. We will notify the Bathurst Regional Council of our stance and the Bathurst Public through the local press.

1. We vigorously oppose the reclassification and removal of the public reserve status of the land. (Lot 7 DP 263393, 67 Woodside Drive, Mt Rankin) This land would then be available for Bathurst Regional Council to sell.

The meeting resolved to forward the following ten items to the Council.

The meeting resolved to put the following questions and make the following points to the Bathurst Regional Council and to attend any subsequent meetings where further issues may well be discussed in the interests of having a resolution to the above proposal.

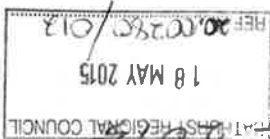
The above "Mount Rankin Landcare Group" at a special general meeting held on Saturday, May 9, 2015 resolved to respond to the above mentioned proposal. There was an opinion expressed at the meeting that in the light of the Bathurst Bi-centenary celebrations in this current year, the decision to dispose of public reserve land in this way for whatever reason must surely sit uneasily on the public mind. Given the Lamont Family historical connections and recent Council legal issues with subdivision 'reserve' dedications, (vs Hood) the proposal (Amendment No 2) before Council might well appear short sighted and quite out of keeping with our 2015 celebrations and our looking to the next 200 years.

Dear sir/madam,

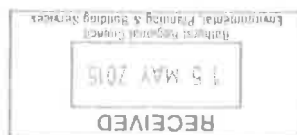
Land recently identified as "Surplus to its public Reserve stock"

Re: Proposal for re-classification of land & remove public reserve status. Lot 7 DP 263393, 67 Woodside Drive Mount Rankin.

The General Manager
Bathurst Regional council.
Bathurst. NSW. 2795



Mount Rankin Landcare Group Inc.
C/O Unit 21, 50 Colville St
Bathurst. NSW. 2795



3. We notify the Bathurst Regional Council that the generous donation, some decades ago, of the 7 acres, (2.2ha) block of land by the Lamont Family to the citizens of the district (Evans/Bathurst) is our heritage and we believe there are no valid reasons to alienate it from the living and future citizens. "Surplus to Current Needs" in the view of Bathurst 200 is ludicrous.

4. We notify the Bathurst Regional Council that the land has been used and valued over the years by local residents and there are many options that can be currently canvassed for the land, not excluding care and interest by Mount Rankin Landcare Group Inc. Which currently has care with the knowledge and support of the Council of two parcels of public land. This 2.2 ha parcel of land including 123 metres of as yet un-named tributary of the Salttram/Kelloshiel Creek system has the capacity to be returned to its original Grassy Box Woodlands with a Chain of Ponds and is we believe a rare piece of public creek still in public hands outside the city limits. (An environmental report is attached.)

5. We notify the Bathurst Regional Council that in this year of "Bathurst 200" Members of the Lamont Family have real pride that their pioneering family chose to dedicate this land. In the Bathurst Regional Council recent legal battle (vs Hood), the Council insisted that the developer honour the development agreement for the dedication of a public reserve. Is there a possibility of double standards here?

6. We ask the Bathurst Regional Council if, in direct reference to the MacTaggart/Goldney biodiversity report of July 2012, page 119, has the council chosen the Woodside Drive Property alone to be "Surplus to Requirements" or are there further properties, Sallys Flat, Bruinbun, Oakley Creek, Hill End, Sojala, Crudine, Watlie Flat as well as land on pages 113 to 118 in other outlying villages. "Surplus to Requirements"?

7. We ask the Bathurst Regional Council if the recommendations of the MacTaggart/Goldney report for the Woodside property have been or are stated to be accepted?

8. We ask the Bathurst Regional Council if it can be assured that the proposal to alienate this block of land from the Public Land Management, is in accordance with all the stipulations of the Department of Local Government Guidelines particularly headed "'Public Land Management'" pages 2 to 6.

9. We ask the Bathurst Regional Council if in the face of recent State and Local Government dealings with land sales and developers, the decision to choose this block of land will stand further investigation.

10. We ask the Bathurst Regional Council if, prior to the Council deciding to take this decision to alienate this block of land from community Land and Public Reserve status, there have been any approaches official of unofficial from persons or bodies seeking to purchase the block of land in question.

Closure

This letter to the General manager of the Bathurst Regional Council is a response to the request for participation in the process of the Bathurst Regional Council in its proposed

**Amendment No 2
of the Bathurst Regional Local Environmental Plan 2014.**

This letter is a first official response from a small Incorporated Landcare Group that is, we believe, the only environmental/social body of citizens involved in the Mount Rankin district.

Yours sincerely

T. Rath
15/5/2015

Terence F Rath

Secretary.

Mount Rankin Landcare Group Inc.

25th April 2015
C/O Terry Rath
For attn. of the Mt Rankin Landcare Group

RECEIVED
15 MAY 2015
Bathurst Regional Council
Environmental Planning & Building Services

REF
18 MAY 2015
BATHURST REGIONAL COUNCIL

ENVIRONMENTAL
SERVICE SUPPORT
M J A D W E S C H



Mt Rankin Reserve

On the 25th April 2015 I inspected the common ground at the end of Woodside Drive at Mount Rankin (Attachment 1) at the request of the Mt Rankin Landcare Group, to inform their submission (if any) to Bathurst Regional Council on their plans to divest themselves of the common.

The assessment of the sites vegetation was limited by time constraints and seasonality (autumn), and did not rely on comprehensive / systematic survey, rather being based on opportunistic observations of dominant species throughout. Many additional species would be expected to be reported by systematic and/or counter-seasonal survey.

The majority of the site is dominated by introduced species typical of "waste-lands" on the periphery of human development, including (but not limited to) *Paspalum dilatatum*, Cockfoot (*Dactylis glomerata*), dock (*Rumex crispus*), Fat Hen (*Chenopodium album*), Hebeane (*Conyza* ssp), Phalaris (*Phalaris aquatica*), Vipers Bugloss (*Echium vulgare*), Pattersons Curse (*E. plantaginifolium*), catsear (*Hypochaeris radicata*), Plantain (*Plantago lanceolata*), Serrated Tussock (*Nassella inchoitoma*), Skeleton Weed (*Chondrilla juncea*), Prairie Grass (*Bromus catherinus*), Saffron Thistle (*Carthamus lanatus*), Goosegrass (*Elysiene ciliensis*), peppergrass (*Lepidium* ssp), Milk Thistle (*Sonchus oleraceus*), Prickly Sow Thistle (*Sonchus asper*), wireweed (*Polygonum aviculare*), Sheep Sorrel (*Acetosella vulgaris*), Blue Heliotrope (*Heliotropium amplexicaule*), Red-flowered Mallow (*Modiola caroliniana*), Bathurst Burr (*Xanthium spinosum*), Blackberry (*Rubus fruticosus*), datura (*Datura stramonium*) and Binar Rose (*Rosa rubiginosa*).

The non-endemic (introduced) native Couch (*Cynodon dactylon*) was also common, particularly stabilising the stream bed. The eastern half of the common has been ploughed and was developing as a lucerne crop.

Native species which persist at the site include pigface (*Portulaca oleracea*), Swamp Dock (*Rumex brownii*), wallaby grass (*Austrodanthonia racemosa*), Lovegrass (*Eragrostis parviflora*), Stender Rats-tail Grass (*Sporobolus creber*), crumbweed (*Chenopodium pumilio*), soursob (*Oxalis perennans*), speargrass (*Austrostipa scabra*), Redleg Grass (*Bothriochloa macra*), Willowherb (*Epilobium biliaridienanum*) and Windmill Grass (*Chloris truncata*), being species which characterize the former vegetation community which dominated the site prior to the arrival of Europeans, being the endangered Box-Gum woodlands. Higher prevalence of these species occurs across the north of the study area alongside the creek-line.

The creek-line is a collapsed system of a former "chain of ponds", which were described as threading the landscape at the time of settlement. Species such as Saw Sedge (*Carex appressa*) and *Juncus* ssp remain in the stream bed, with reeds (*Phragmites australis*) in adjacent reaches of the stream, however willows and blackberry detract from natural values here.

25/4/15
Terry Rath

M J A D W E S C H ENVIRONMENTAL SERVICE SUPPORT
26 Koppel Street
BATHURST NSW 2795
E: ray@mjadweschenvironmental.com.au
P/F: 02 6331 5858
ABN: 72 678 295 925



In terms of management of the site, the Landcare Group could readily establish and restore native grassy woodlands with strategic planting of suitable species, particularly canopy species such as Yellow Box (*Eucalyptus melliodora*), making it into a much more attractive public space while simultaneously enhancing environmental / habitat values locally. The Lovegrass which already occurs at the site is in some places the dominant species, and supplementary planting and harvesting of seed from nearby intact remnants could easily improve the composition of ground-covering vegetation.

The creek-line in the north of the allotment would likewise lend itself to stabilization and restoration works, with established stream bed vegetation already alleviating erosion rates, and providing a basis for embankment / in-stream flow controls to establish, in the longer term, something approaching the form of the stream prior to degradation, with pools separated by swampy sections.

Low intensity infestations of noxious species including Serrated Tussock, Blue Heliotrope, Blackberry, Briar Rose and Bathurst Burr can easily be treated at little cost or effort.

If you have any questions or further requirements please do not hesitate to contact me.

Yours sincerely

Raymond Mjadwesch
Consulting Ecologist

MJADWESCH ENVIRONMENTAL SERVICE SUPPORT
26 Koppel Street
BATHURST NSW 2795
E: ray@mjadweschenvironmental.com.au
P/F: 02 6331 5858
ABN: 72 878 295 925



Attachment 1. Location



Assessment Area at the end of Woodside Drive



Introduced "wasteland" species dominate much of the site

MJADWESCH ENVIRONMENTAL SERVICE SUPPORT

26 Keppel Street
BATHURST NSW 2795

E: ray@mjadweschenvironmental.com.au
P/F: 02 6331 5858
ABN: 72 678 295 925



Approximately half of the site has been appropriated by someone for lucerne production

MJADWESCH ENVIRONMENTAL SERVICE SUPPORT
26 Keppel Street
BATHURST NSW 2795
E: ray@mjadweschenvironmental.com.au
P/F: 02 6331 5858
ABN: 72 878 295 925



The creek-line would need remedial work to restore it to its former (pre-European) state

MJADWESCH ENVIRONMENTAL SERVICE SUPPORT

E: ray@mjadweschenvironmental.com.au
P/F: 02 8331 5858
ABN: 72 878 295 925

26 Koppel Street
BATHURST NSW 2795



Native grasses including Speargrass, Redleg Grass, Lovegrass and Windmill Grass are common along the banks of the creek in the north of the common

MJADWESCH ENVIRONMENTAL SERVICE SUPPORT
28 Keppel Street
BATHURST NSW 2795
E: mj@mjadweschenvironmental.com.au
P/F: 02 6331 5858
ABN: 72 676 295 925

To: epb secretary/BathurstCC,

Cc:

Bcc:

Subject: FW: digitalcopyofdocumentslodged15May'15 (MAIL)
FILE NUMBER 20.00280

— Forwarded by Narelle Heness/BathurstCC on 18/05/2015 09:36 AM —

From:

"Terry Rath" <the.raths@bigpond.com>

To:

<council@bathurst.nsw.gov.au>

Cc:

"Terry Rath" <the.raths@bigpond.com>

Subject:

digitalcopyofdocumentslodged15May'15

Date:

15/05/2015 04:48 PM

Subject:

digitalcopyofdocumentslodged15May'15

Dear sir/madam,

Attached you will find courtesy copies of documents lodged over the counter at Bathurst

Regional Council today.

Regards,

Terry Rath

Mount Rankin Landcare Group Inc.

- Ray Mjadwesch4.pdf

BATHURST REGIONAL COUNCIL
15 JUN 2015
REF 20.00280/021

**Mount Rankin Landcare Group Inc.
C/O Unit 21, 50 Colville St
Bathurst, NSW, 2795**

Councillor
Bathurst Regional Council.
Bathurst, NSW, 2795

**Amendment No2, Draft Bathurst Regional Local Environment Plan 2114
Re. Proposal for re-classification of land & remove public reserve status.
Lot 7 DP 263393, 67 Woodside Drive Mount Rankin.**

Land recently identified as "Surplus to its Public Reserve stock"

Dear Councillor,

The above "Mount Rankin Landcare Group" at a special general meeting held on Saturday, May 9, 2015 resolved to respond to the above mentioned proposal. There was an opinion expressed at the meeting that in the light of the Bathurst Bi-centenary celebrations in this current year, the decision to dispose of public reserve land in this way for whatever reason must surely sit uneasily on the public mind. Given the Lamont Family historical connections and recent Council legal issues with subdivision 'reserve' dedications, (vs Hood) the proposal (Amendment No 2) before Council might well appear short sighted and quite out of keeping with our 2015 celebrations and our looking to the next 200 years.

The meeting resolved to put a number of questions and make certain points to the Bathurst Regional Council. For brevity in this personal letter to you, some of the issues are canvassed here. At the meeting in Council Chambers on June 16 at 5.00pm we will be able to expand our position.

1. We vigorously oppose the reclassification and removal of the public reserve status of the land. (Lot 7 DP 263393, 67 Woodside Drive, Mt Rankin) This land would then be available for Bathurst Regional Council to sell.

2. We notify the Bathurst Regional Council that the donation, some decades ago, of the 7 acres, (2.2ha) block of land by the Lamont Family to the

DEPR-4

citizens of the district (Evans/Bathurst) is our heritage and we believe there are no valid reasons to alienate it from the living and future citizens. "Surplus to Current Needs" in the view of Bathurst 200 is ludicrous.

3. We notify the Bathurst Regional Council that the land has been used and valued over the years by local residents and there are many options that can be currently canvassed for the land, not excluding care and interest by Mount Rankin Landcare Group Inc. Which currently has care with the knowledge and support of the Council of two parcels of public land.

4. We remind the Bathurst Regional Council that in this year of "Bathurst 200" Members of the Lamont Family have real pride that their pioneering family agreed to dedicate this land. In the Bathurst Regional Council recent legal battle (vs Hood), the Council insisted that the developer honour the development agreement for the dedication of a public reserve. Is there a possibility of double standards here?

5. We have asked the Bathurst Regional Council specific questions, in direct reference to the MacTaggart/Goldney biodiversity report of 2012. These questions refer to the choice of the Woodside Drive Property as "Surplus to Requirements" and not the many other reserves within the boundaries of Bathurst Regional Council. At the meeting 5.00pm on June 16 we will expand this issue.

6. We ask the Bathurst Regional Council if in the face of recent State and Local Government dealings with land sales and developers, the decision to choose this block of land for the above action will stand further investigation.

7. We ask the Bathurst Regional Council if, prior to the Council deciding to take this decision to alienate this block of land from community Land and Public Reserve status, there have been any approaches official or unofficial from persons or bodies seeking to purchase the block of land in question and if the Council has chosen to not publish that this is so.

Yours sincerely

Terence F Rath

Secretary.

Mount Rankin Landcare Group Inc.

1



DEBB ✓

We plan to

Maintain and re-vegetate the land with indigenous trees and plants, leaving open space for active and passive community activities in the future.

Repair the 123 metres of creek within the property allowing for wild-life and plant-life for recreation and education.

Fence with gates where appropriate for safety, security and plant growth.

Control weeds and encourage native grasses.

Install signs reflecting the nature of the land and its local history.

This first stage of the project will be a 10 year plan.

We wish the land to remain for community use even if Council proceeds with the change to Operational Land.

We have a current application lodged with the Local Land Services for \$24700 for work on this property and feel confident of success. This work is to be completed within a year.

Our Proposal

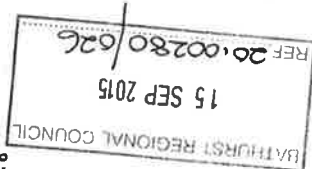
Concerning the agenda item for your meeting on September 16th in reference to the parcel of land (Lot 7, Woodside Drive, Mount Rankin,) our Landcare Group respectfully requests your attention to a proposal we wish to make. We have had much thought and discussion among ourselves and with Council Officers about the re-classification of the land from Public Reserve status to Operational Land status.

Dear Councillors,

Bathurst Regional Council
BATHURST.

September 14, 2015

Mount Rankin Landcare Group Inc.



Notes.

We wish to be active in the care of this land in partnership with Bathurst Regional Council as we already do in our care of the "Kelloshiel Creek Stone Bridge land", and the "Willow Tree Lane quarry land".

Groups supporting our aims.

Mount Rankin Landcare Group Inc.
Residents of Woodside Drive.
Bathurst Region residents with historical links to the Lamont Family.
Eglington Public School

Our Landcare Group respects the Council's action on this occasion and our application has been initiated through our desire to promote and then preserve the public interest in Community Land in the Mount Rankin area.

Respectfully yours



Terry Rath
Secretary

Mount Rankin Landcare Group Inc.

Unit 21/50 Colville St
Bathurst. NSW 2795

No.	Name	Comments or issues raised	BRC response
1	Ms H Burden	- Questions whether Council has the right to sell the land. - Has the understanding that as part of the original subdivision there was a requirement to have a 'reserve' lot for community use	A search of the files held for the subject land did not reveal any specific requirement to include a public reserve as part of the subdivision. There was reference to 'operating similar to the Forest Grove estate'. The Forest Grove estate contains a public reserve lot which acts as a buffer from surrounding land, however that lot remains in the ownership of the landowners, not Council.
2	Mr T Rankin Mount Rath Landcare Group	- Oppose the reclassification of the land with the view to sell the land. - Considers that there are no valid reasons to sell the land making it unavailable to current and future residents of Bathurst. - States that the land has been used and valued by local residents. - States that there are options for the land to be revegetated into a Grassly Box-Gum woodland. - Asking whether there are double standards in relation to providing a public reserve (BRC v Hood) - Asking whether other lots contained in the Biodiversity Management Plan for Bathurst Regional Council by Mactaggert & Goldney (July 2012) in other villages are surplus to requirements? - Asking whether the recommendations of the Biodiversity Management Plan for Bathurst Regional Council by Mactaggert & Goldney (July 2012) are to be implemented? - Asking whether the disposal of the land is in accordance with the Department of Local Government guidelines "Public Land Management"?	The comments that the land has been used for cropping and stock use is generally not in the gamut of a recreational use. The use of the land in this manner moving forward may fact benefit from a reclassification from community to operational with Council able to lease the land for agricultural purposes. At the moment, its use by a nearby landowner for agricultural activities has not been authorised by Council nor is Council being compensated for such a commercial use of the land. Remnants of Grassly Box Gum Woodland (GBGV) are present throughout the Bathurst Region. Council has previously been successful

No.	Name	Comments or issues raised	BRC response
		- Asks whether in the face of recent State and Local Government dealings with land sales and developers, the decision to choose this block of land will stand further investigation. - Asks whether Council has had approaches to purchase the land. Environmental Report from Mjadwesch Environmental Service Support (25 April 2015) as part of the submission	for grant funding to enhance areas of GBGW within the Bathurst Region. It should be noted that for the site to be classified as GBGW it needs to have the ability to regenerate naturally. In this case, the ability for the GBGW to regenerate is questionable. In the case of Hood v BRC, Council enforced the standards around the farm lot which forms part of the Mount Haven Estate. It was the landowner's intention to further subdivide and sell the farm lot to private individuals. In this particular case, the farm lot was in private ownership. Council progressively reviews its land holdings. A determination and assessment of those parcels specifically noted in the Biodiversity Management Plan has not been completed to date. The Biodiversity Management Plan was adopted by Council as a strategic document. The recommendations of the Biodiversity Management Plan are progressively being implemented based on resource and funding availability. Section 3.2 of the "Public Land Management" Practice Note (Department of Local Government, 2000) outlines the methodology for the reclassification of the land from community to operational. Council is undertaking an LEP amendment to reclassify this parcel in accordance with the Gateway determination dated 2 April 2015. It should be noted that the process has altered from that published in the "Public Land Management" Practice Note. Council has disclosed in the accompanying documentation that the sale of the land will be on the open market. Council has received one written expression for the purchase of the land. Council's policy in relation to residential land is to sell the land on the open market.

Representations from the Public Hearing held 16 June 2015

No.	Name	Comments or issues raised	BRC response
3	Ms R McGill Mt Rankin Landcare Group	Objects to the sale of the land and it should be retained as public land for public use.	The reclassification of the land does not compel Council to sell the land. The reclassification of the land does give Council the flexibility to lease the land as well as to sell the land. The issue of whether Council sells that land should be considered separately.
4	Mr T Rath Secretary Mt Rankin Landcare Group	- Concerned with the sale of the land. - Opposes the reclassification of the land.	The reclassification of the land does not compel Council to sell the land. The reclassification of the land does give Council the flexibility to lease the land as well as to sell the land. The issue of whether Council sells that land should be considered separately.
5	Mr D Squires	- The land will serve the needs of growing Eglington and Mt Rankin. - Council needs to investigate the current and future land uses of the land prior to sale. - Consultation to date has not canvassed all interested parties. - One option is to retain a passive use of the land and still have benefit to the community.	The current land uses, such as cropping and stock use, are not in line with accepted uses of a public reserve. The ongoing use of the land would need to be for active or passive recreational uses in line with the other public reserves within the Bathurst Region. As disclosed in the planning proposal documentation, one possible use, following reclassification is for a dwelling. Alternatively, if Council allocates funds in its management plan the land could be retained and used for recreational purposes, or Council could enter into lease arrangements for individuals or organisations for improvements or agistment. Council has consulted with the landowners of Woodside Drive and adjoining properties, together with notices in the Western Advocate. It is

No.	Name	Comments or issues raised	BRC response
6	Various speakers	• Park should be named the Col Lamont Park after the man who donated it to Evans Council. • Create park (BBQ) and wetland / restored land; could be used for BBQ social area - places to ride bike, kick balls. • Used by neighbours to feed stock; Used by children. • Documentation states that land has not been used for recreational purposes, how does Council know the land has not been? • Creek could be restored; Give the community a chance to do something with the land; the area; needs a social space for the residents to be able to gather.	Following the reclassification of the land, Council may wish to retain the land. Passive recreation uses is one possible option. considered that the level of notification has been appropriate. The naming of the park could be explored if the land is retained in public ownership. Passive recreation uses, such as BBQs, wetland are possible options, but Council would need to allocate funds in its management plan. The current land uses, such as cropping and stock use, are not in line with accepted uses of a public reserve. Such uses have not been authorised by Council, nor is Council being compensated for any existing commercial agricultural activities. The reclassification process would enable Council to formalise lease opportunities. Following the reclassification of the land, the options for its future use will be further explored. Partnering with an organisation to undertake creek restoration works are a possible option.

Attachment 5 Western Advocate notice of Public Hearing

20.00220/013

NOTICE OF PUBLIC HEARING

DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 (Amendment No. 2)

Notice is hereby given that Council will be holding a public hearing in relation to the reclassification of 67 Woodside Drive, Mount Rankin situated within the Bathurst Regional local government area as required by Section 29 of the Local Government Act and Section 68 of the Environmental Planning and Assessment Act 1979.

Details of the public hearing are:

Date: 16 June 2015
Venue: Council Chambers
1st Floor
Civic Centre
158 Russell Street, Bathurst
Time: 5.00 pm

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014, to:

- Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and
- Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

This is to be achieved by:

- Amending Bathurst Regional Local Environmental Plan 2014 to include 67 Woodside Drive, Mount Rankin, Lot 7 DP 263393 in the table under Part 2 of Schedule 4 of the Bathurst Regional LEP 2014.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7 DP 263393	Nil

Interested parties are invited to attend the public hearing. If you will be attending this public hearing, please advise Kylie Denyer on 6333 6213, at your earliest convenience or if you have any queries in relation to the matter, please contact Mr Nicholas Murphy of Council's Environmental Planning & Building Services Department on 02 6333 6211.

For insertion in the Western Advocate on Saturday 23 May 2015

19/5/15
NM

Attachment 6 Independent Chair report of the Public Hearing

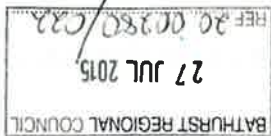
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Blayney Shire Council
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ABN 47 619651511



Report on the Public Hearing for the proposed reclassification of Bathurst Regional Council owned land.

6 July 2015

Independent Chair

A handwritten signature in black ink, appearing to read "Mark Dicker".

Mark Dicker
Director Planning and Environmental Services
Blayney Shire Council

DEPB/

Proposed reclassification site

The site proposed for reclassification from 'community' to 'operational' is lot 7 DP 263393, 67 Woodside Drive Mount Rankin.

Legislative context

Pursuant to Section 25 of the Local Government Act 1993 all public land must be classified. There are two classifications for public land – community and operational. Section 27 of the Act provides that the classification or reclassification of land may be made by a Local Environmental Plan. Section 29 of the Act states Council must arrange a public hearing where it is proposed to reclassify community land to operational land. Pursuant to section 57(7) of the Environmental Planning and Assessment Act 1979 a report of any public hearing is to be furnished to the relevant planning authority and may be made publically available by that authority.

Reason for reclassification:

A due diligence review of Council's operational and community land has indicated that the allotment is considered as surplus considering the larger lot size of allotments within Woodside Drive Mount Rankin that enable recreational activities to be undertaken upon them therefore a specific public reserve is not considered necessary. Additionally the land is currently not being utilised for recreational purposes.

Council's proposed future use of the land

It is stated within the Planning Proposal that if the land is reclassified the dwelling house would be permissible under Bathurst Regional Local Environmental Plan 2014. Any monies from the sale of the land will be placed in reserve to purchase additional open space in more appropriate locations.

The Public Hearing

The Public Hearing on the proposed reclassification of land from 'community' to 'operational' in the Bathurst Regional Local Environmental Plan 2014 was independently chaired by Mark Dicker, Director of Planning and Environmental Services, Blayney Shire Council.

The Public Hearing was held Tuesday 16 June 2015 from 5.00pm to 6.10pm, within the Council Chambers, 1st Floor, Civic Centre, 158 Russell Street Bathurst.

Attendance
The meeting was opened by Mr Mark Dicker at 5:00pm and closed at 6:10pm with the following recorded as having been in attendance:

- Janet Bingham, Manager Strategic Planning, Bathurst Regional Council
- Nick Murphy, Senior Strategic Planner, Bathurst Regional Council
- Ben Campbell, Property Officer, Bathurst Regional Council
- Cheryl Gewin (granddaughter of Lance Lamont), 63 Hamilton Street, Eglinton, on behalf of Helen Burden (daughter of Lance Lamont), PO Box 550, Bathurst
- Browyn Norrie, 11 Woodside Drive, Mount Rankin
- Michael van den Bos, 58 Woodside Drive, Mount Rankin
- Alicia van den Bos, 58 Woodside Drive, Mount Rankin
- Terry Rath, 21/50 Colville Street, Bathurst
- Don Squires, 'Koorangai', Willow Tree Lane, Mount Rankin
- Daena Roughley, 556 Willow Tree Lane, Mount Rankin
- Robyn McGill, 266 Willow Tree Lane, Mount Rankin
- Brendan McGill, 266 Willow Tree Lane, Mount Rankin
- Andrew Colley, "Redhill", 537 Willow Tree Lane, Mount Rankin

Summary of issues raised at the Public Hearing
As shown above the Public Hearing was well attended. The Mount Rankin Landcare Group was the main contributor to the hearing with residents of Woodside Drive also providing significant input into the hearing. A summary of the Public Hearing is as follows:

1. Mount Rankin Landcare Group: President: Robyn McGill.
 - Lived in Mount Rankin area for 35 years.
 - Committed to the locality.
 - Landcare group rehabilitated the former quarry at Willow Tree Lane – removed rubbish. Fenced area & replanted with natives.
 - Little stone bridge into Mount Rankin – cleared of willows. Heritage bridge retained. Landcare group undertook plantings.
 - Extensive plantings of tree corridors – established links with Eglinton School.
 - Participation in Clean Up Australia Day within the Mount Rankin area.
 - Object to sale of Woodside Drive Reserve – should be retained as public land for public use.
2. Terry Rath (Secretary of Landcare Group)
 - Landcare Group has a significant interest in the area.
 - Looking after 2 parcels of Council land.
 - Concerned about sale of this 3rd parcel of land.
 - Not appropriate to sell land in this bicentenary year.
 - Need to look ahead – this land might be of value into the future – so don't sell it.
 - Oppose the reclassification of the land.

4. Don Squires
 - Park should be named the Col Lamont Park after the man who donated it to Evans Council.
 - Create park (BBQ) and wetland / restored land.
 - Used by neighbours to feed stock.
 - Used by children.
 - Could be used for BBQ social area - places to ride bike, kick balls.
 - Creek could be restored.
 - Give the community a chance to do something with the land; the area needs a social space for the residents to be able to gather.
 - Documentation states that land has not been used for recreational purposes.
 - How does Council know the land has not been?
3. Various speakers:
 - Legal precedent that Council has to dedicate land to the Council.
 - Evans Council required dedication of lot 7 from the subdivision.
 - Land is used occasionally to stock animals, has been slashed by neighbours on occasion. Motor bikes have used the block. Half the block has been ploughed and crop has been sown by a local resident.
 - Is used for a program of control and management of the land. Council has not been proactive in managing the land nor spent any money on it.
 - Seeking to enhance boxy gum woodlands in this locality.
 - Sale of land will not be major income for Council (only est \$250,000)
 - As public reserves outside of the urban areas – why is Council selling this one off and not others.
 - Issue of sale of land has been raised by Council in past with other neighbouring property owners.
 - Is there a time limit for Council to sell a public reserve off?
 - Land is a memorial to the Lamont family and should be retained.
 - Lots of things that could be done with the land.
 - Land has been degraded. Is being ploughed for oats by neighbour (about half a block) – this should be investigated.
 - Environmental report notes restoration possibilities – Landcare group would like to be granted the opportunity to work with Council to restore and find use for the land.
 - Council should think outside the square.
 - Good water supply on this land (through unregistered bore)
 - 4 recommendations:
 - Council to answer questions raised in letter of Mount Rankin Landcare Group.
 - Defer decision on proposal until community consulted – give community more time.
 - Landcare group keen to be involved in lands restoration – needs good management – mismanagement not an excuse to sell it off.
 - Council to consult fully with community on all future and sale of public land.

- If retained the land will serve growing Eglington and Mt Rankin areas.
- Land has great historic value.
- Council needs to fully investigate current and future uses before it sells off the land.
- Consultation to date has not necessarily canvassed all interested parties ideas / issues.
- One option might be to retain a passive use of land. Could still have benefit to the community.

Next step

The independent report of the outcomes of the public hearing will be submitted to Bathurst Regional Council for consideration. The report from the public hearing, as required by section 57(7) of the Environmental Planning and Assessment Act 1979, is to be made available to the community.

Bathurst Regional Council staff will prepare a report for a forthcoming ordinary meeting of Council, for Council to consider and resolve if it wishes to proceed with the Planning Proposal.

Council agreed at the public hearing to formally notify those who were in attendance at the public hearing of the Council meeting date which the matter will be heard.

Attachment 7 Council report and minute

Bathurst Regional Council Ordinary Meeting 18 February 2015
16 September

4. DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - AMENDMENT NO 2 (20.00289)

Recommendation:

That Council:

- (a) reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;
- (b) forward the Bathurst Regional LEP 2014 – Amendment No 2 – Woodside Drive Reclassification Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) note that a further report will be submitted to Council should the land be proposed for sale or long term lease;
- (d) notify those who made submissions or attended the Public Hearing of its decision; and
- (e) call a division.

Report:

Background

The land at 67 Woodside Drive, Mount Rankin is approximately 2.2 hectares and is generally rectangular in shape. A location plan is provided at attachment 1. The land is located approximately 8km north west of the Bathurst CBD. The lot was created in 1982 as a public reserve for the residents of the Woodside Drive area and dedicated to the former Evans Shire Council in December 1982 as part of a rural residential subdivision. The land has a tributary of Kelioshiel Creek located on the northern boundary. As part of a broader study, Council undertook a biodiversity assessment of the lot in 2012, and at that time it was assessed as having a poor condition and poor conservation rating. The land currently has a number of weed species located on the land and has not been used for recreation purposes as was originally intended. A neighbouring landowner is currently cropping part of the land without a formal lease with Council. Council does not hold any leases over the property. Council's Asset Management System - Recreation (Plan of Management) identifies a number of public reserves within the Bathurst Regional LGA, including the subject land. The Asset Management System sets out the maintenance level of service of the reserve.

Council at its Policy Committee held 18 February 2015 resolved to:

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(a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;

(b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and

(c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014, to:

(a) Reclassify the land from Community to Operational (pursuant to Clauses 27 & 28 of the Local Government Act 1993); and

(b) Remove the Public Reserve Status (pursuant to Clause 30 of the Local Government Act 1993).

This is to be achieved by:

(a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 in the table under Part 2 of Schedule 4 of the Bathurst Regional LEP 2014.

If the land is sold by Council, a dwelling would be permissible on the land with consent.

Public Exhibition

The Planning Proposal was publicly exhibited for the period 20 April 2015 to 19 May 2015. Two submissions were received during the exhibition period.

Public Hearing

As required by Section 29 of the Local Government Act 1993, a Public Hearing was held on 16 June 2015. Ten members of the public attended the hearing. A copy of the submissions and the public hearing report, prepared from the independent chair of the Public Hearing are at attachment 2.

Matters raised in Submissions or at the Public Hearing

Attachment 3 to this report summarises the public submissions received and those matters raised at the public hearing and the recommended planning response/comment. Council staff do not recommend any alterations to the draft Plan as exhibited in response to the submissions received for those reasons outlined in the planning response/comment at attachment 3.

The findings of the Public Hearing indicated that those who attended sought the retention of the land by Council and its continued use for public purposes rather than the sale of the land that could result if its reclassification proceeds.

Planning Proposal for Council adoption

The matters raised in the submissions received during public exhibition or representations at the public hearing do not warrant the Planning Proposal to be discontinued. It is important to note that the reclassification of the land from Community to Operational does not compel

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Council to sell the land, and provides Council with further flexibility in entering into lease arrangements and sale of the land at a future date if it is deemed appropriate.

It is therefore recommended that Council proceed with the reclassification of the land from Community to Operational.

As a result of the representations made by the community, Council has two alternative options available to it following the reclassification of the land.

Option 1:

Sell the land on the open market following the reclassification of the land, or lease the land, or part thereof, for agricultural purposes. A decision to sell or lease the land would be the subject of a further report to Council.

OR

Option 2:

Retain the land as public open space dependent on negotiations with Council and the local residents and/or interested community groups.

It should be noted that if Council were to maintain the land as public open space a budget should be allocated in future Management Plans to fund maintenance and improvements on the land.

Conclusion

Council commenced a planning proposal to reclassify the land, Lot 7 DP 263393, from Community to Operational pursuant to the Local Government Act. Council placed the proposal on public exhibition and held a public hearing. A number of representations were made.

The clear message that was contained in the submissions received and the representations made at the public hearing was that the land should be retained in public ownership. Notwithstanding, the matters raised do not warrant the Planning Proposal to be discontinued. The reclassification of the land from Community to Operational does not compel Council to sell the land. The land can be retained in public ownership despite the reclassification. It's reclassification to operational land will, however, provide Council with flexibility in entering into lease arrangements or proceed to the sale of the land at a future date if it is deemed appropriate. In this regard it is proposed that a further report would be submitted to Council.

Financial Implications

Council is not currently funding the maintenance or improvement of the land under its management plan. The reclassification of the land will not change the current financial status quo. The reclassification would however offer Council an opportunity to sell or lease the land into the future.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the Strategy 28.8

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- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.

Strategy 30.2, 30.3, 30.7

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Meeting type: ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

Minute Section: RECEIVE AND DEAL WITH DIRECTORS' REPORTS	Section Number 12
Minute Status: Released	
Minute Security: Standard	

SubSection: Director Environmental Planning & Building Services' Report	SubSection Number: 12.02	Created By: Sally Moore/BathurstCC	Division Number: 12.02	Required: Yes
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Subject: DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - AMENDMENT NO 2	Item Number: 4	File Number: (20.00280)	Minute Number: 22
Moved By: Cr I North	Seconded By: Cr J Jennings		

Resolution: That Council:

- (a) reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;

- (b) forward the Bathurst Regional LEP 2014 – Amendment No 2 – Woodside Drive Reclassification Planning Proposal to the NSW Department of Planning and Environment for gazettal;

- (c) note that a further report will be submitted to Council should the land be proposed for sale or long term lease;

- (d) notify those who made submissions or attended the Public Hearing of its decision; and

- (e) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

Precis:

