

BATHURST
REGIONAL COUNCIL

PLANNING PROPOSAL

FOR

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

WOODSIDE DRIVE RECLASSIFICATION

Lot	DP	Address
7	263393	67 Woodside Drive, Mount Rankin

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Schedule of Maps

Map Number	Map Name	Version
	Nil	

List of Attachments

Attachment Number	Name
1	Council report and minute to proceed with the Planning Proposal

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Mr David Shaw Director, Environmental Planning and Building Services
Contact Phone Number:	02 6333 6213
Contact email address:	david.shaw@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).

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 Council report and minute to proceed with the Planning Proposal are provided at **attachment 1**.

If the Planning Panel so determines, Council will accept the delegated functions offered to it pursuant to Section 59 of the Environmental Planning and Assessment Act 1979.

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. It is Council's intention to sell the land on the open market once the reclassification has been completed.

1.2 The subject land

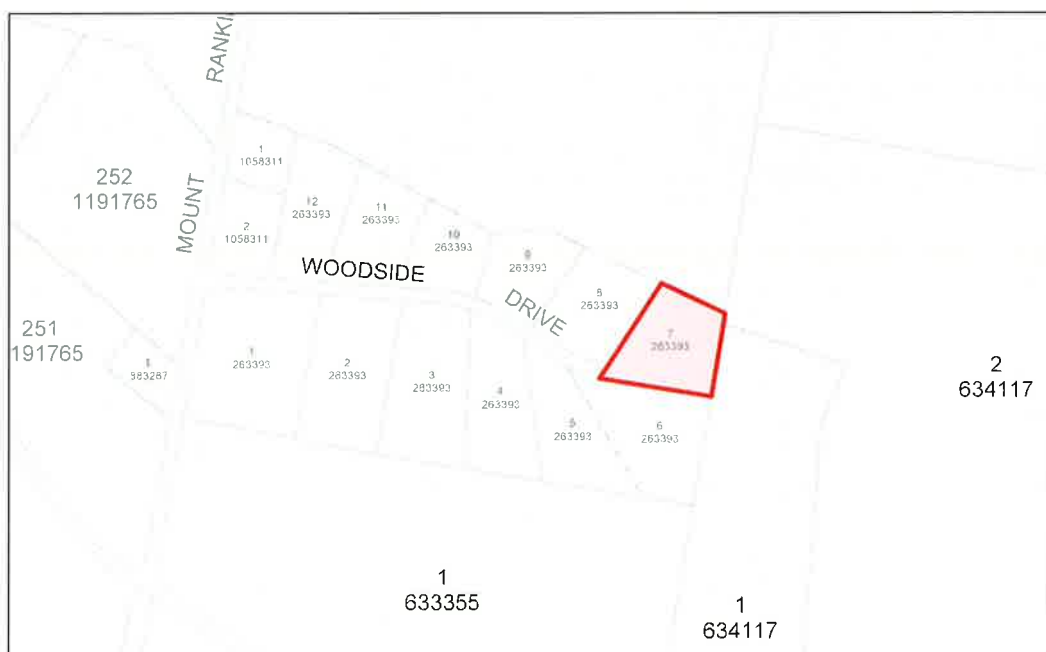
67 Woodside Drive, Mount Rankin

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 67 Woodside Drive	Nil

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.	Yes	The Planning Proposal is consistent with the Bathurst Region 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.

proximity to existing urban 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.

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

Section 117 Ministerial Direction	Consistency
Implementation of Regional Strategies	Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.2 Sydney Drinking Water Catchments	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.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to the Bathurst Region. No farmland of 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.
5.4 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. 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.
5.9 North West Rail Link Corridor Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6. Local Plan Making	
6.1 Approval and referral	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

Section 117 Ministerial Direction	Consistency
Requirements	requirements of the direction.
6.2 Reserving land for Public Purposes	The Planning Proposal does not relate to reserving land for public purposes. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.3 Site Specific Provisions	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.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

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 has not consulted with any Government Agencies. Council does not propose to 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 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.

It is proposed that the Planning Proposal will be publically notified by:

- a) a notice in the Western Advocate newspaper on at least 2 occasions; and
- b) written notification to all landowners in Woodside Drive and the directly adjoining landowners; and
- c) notification on Council's website.

A Public Hearing will need to be conducted as part of this Planning Proposal as it proposes to reclassify land.

If the Planning Panel deems necessary, Council will notify the relevant government public authorities concurrently with the public exhibition period with respect to the Planning Proposal.

Following the public exhibition period, this section will be altered to reflect the extent of consultation that was undertaken, including any issues which were raised as a result of the consultation.

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)	March 2015
2	Anticipated timeframe for the completion of required technical information	27 March 2015
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	30 March 2015 to 1 May 2015
4	Commencement and completion dates for public exhibition period	30 March 2015 to 1 May 2015
5	Dates for public hearing (if required)	3 June 2015
6	Timeframe for consideration of submissions	End of August 2015
7	Timeframe for the consideration of a proposal post exhibition	September 2015
8	Date of submission to the department to finalise the LEP	October 2015
9	Anticipated date RPA will make the plan (if delegated)	November 2015
10	Anticipated date RPA will forward to the department for notification.	November 2015

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 67 Woodside Drive	Nil

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

GENERAL MANAGER

MAYOR

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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.

Financial Implications

Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- 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

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

GENERAL MANAGER

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MAYOR

Meeting type:	ORDINARY MEETING OF BATHURST REGIONAL COUNCIL		
Minute Section:	RECEIVE AND DEAL WITH DIRECTORS' REPORTS	Section Number	9
Minute Status:	Released		
Minute Security:	Standard		
SubSection:	Director Environmental Planning & Building Services' Report	SubSection Number:	9.01
Created By:	Stephanie Williamson/BathurstCC	Division Required:	Yes
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: **RESOLVED:** 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.

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: