

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Ms Janet Bingham Manager, Strategic Planning
Contact Phone Number:	0263 336211
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Planning Proposal Details - Attachments

1. Bathurst Region Urban Strategy (2007)
2. Eglinton Expansion Local Environmental Study (LES) (2006)
3. Land Involved Map
4. Location Map
5. Draft LEP Amendment Map
6. Comparative Existing/Proposed Zoning Map
7. Aerial Photo 2007
8. Draft Amendment to Residential Subdivision Development Control Plan
9. Eglinton Expansion LES – Low Growth Scenario
10. Eglinton Expansion LES – Moderate Growth Scenario – Option 1
11. Eglinton Expansion LES – Moderate Growth Scenario – Option 2
12. Eglinton Expansion LES – High Growth Scenario – Option 1
13. Eglinton Expansion LES – High Growth Scenario – Option 2
14. Potential Contaminated Sites at Eglinton
15. Land subject to Site Compatibility Certificate – SEPP (Housing for Seniors or People with a Disability) 2004
16. Flood Prone Land at Eglinton

1. **LAND INVOLVED** (If relevant - e.g. Street Address and Lot and Deposited Plan):
Attached ✓
2. **MAPS** (If applicable - electronic and hard copy) ☒
 - o Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').
 - o Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning')
3. **PHOTOS and other visual material (if applicable)** ☒
 - o Aerial photos of land affected by the Planning Proposal
 - o Photos of land involved and surrounding land uses
4. **COMPLETE PLANNING PROPOSAL** (electronic and hard copy) ☒
 - o All matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal ' are completed prior to forwarding to the Regional Office in the first instance. See attached pro-forma.

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D.R.Shaw

Director, Environmental Planning and Building Services

Signed for and on behalf of the Relevant Planning Authority on 13/09/10

Expansion of the Village of Eglinton

Background

Bathurst Regional Council was formed in 2004 by a proclamation which dissolved the former Bathurst City Council and Evans Shire Councils. As a result of this structural reform process, Council was subject to a number of strategic and statutory planning controls. Council prepared an Urban and Rural Strategy as a precursor to the preparation of a new comprehensive Local Environmental Plan (LEP) for the new Local Government Area (LGA). The Bathurst Region Urban Strategy was adopted by Council in March 2007 and subsequently endorsed by the NSW Department of Planning in December 2008. An electronic copy of the Urban Strategy is at **Attachment 1**. A key objective of the Urban Strategy was to identify sustainable urban growth opportunities for the City.

A key location identified for residential expansion was around the periphery of the urban village of Eglinton. This area has long been identified for residential expansion and was the subject of the Eglinton Village Expansion Local Environmental Study (LES) (2006). An electronic copy of the Eglinton Expansion LES is at **Attachment 2**.

It is noted that the study area, the subject of the LES, encompasses a larger area than that identified for rezoning by this planning proposal. The area subject of this proposal is illustrated in **Attachment 3** (Land involved) and **Attachment 4** (Location). A copy of the Draft LEP Amendment Map is at **Attachment 5**.

The findings of the LES are not all relevant to this planning proposal as they relate to a wider area than that identified for rezoning. The LES considered the expansion of the village and identified six growth options. These options were examined by the Urban Strategy and the strategy recommended the rezoning of land identified in the Comparative Existing/Proposed Zoning map (see **Attachment 6**) from rural to residential as part of the Comprehensive LEP.

Council has very recently received preliminary comments from the Department in relation to the Draft Comprehensive LEP which will require **another** major reworking prior to the Departments consideration of the draft LEP to enable formal submission for a certificate to place the LEP on public exhibition.

Given the continued ongoing delays with the preparation of the new Comprehensive LEP, Council is keen to amend its current LEP to rezone land from rural to residential at Eglinton as recommended by the Urban Strategy for the following reasons:

- The Urban Strategy (supported by the Eglinton Village Expansion LES (2006)) recommended rezoning of land from rural to residential around Eglinton. The Strategy has been adopted by Council and endorsed by the Department.
- Residential land supply and choice of supply in Bathurst is becoming increasingly limited.
- Council has recently received a letter from a landowner of Eglinton requesting that Council proceed now to expand the village rather than wait for the comprehensive LEP. Council staff agree that because the Comprehensive LEP process has been so slow an LEP amendment might see a quicker result.

Part 1 - Objectives or Intended Outcomes

To amend the Bathurst Regional (Interim) LEP 2005 to expand the urban village of Eglinton as recommended by the Bathurst Region Urban Strategy 2007 and supported by the Eglinton Village Expansion LES (2006).

Part 2 - Explanation of Provisions

Amend the Land Use Map to rezone land around the urban village of Eglinton from 1(a) – Inner Rural and 1(b) – Market Garden to 2(a) – Residential under the Bathurst Regional (Interim) LEP 2005 as illustrated in the Draft LEP Amendment Map (refer to **Attachment 5**).

A summary of the land to be rezoned by the Planning Proposal is detailed in the following table:

Land to be zoned	Total Area	Estimated Lot Yield (7 lots/ha on approximately 91 ha available for residential development).	Estimated additional Population (3 persons/lot)
From rural to residential. 1(a) – 2(a) 1(b) – 2(a)	117ha	637	1911

Note: In conjunction with these rezonings the LEP amendment will be supported by an amendment to the Residential Subdivision Development Control Plan (refer to **Attachment 7**).

This will modify Residential, Business, Open Space and School – Special Uses areas on Map No. 3 – Eglinton. In this regard an additional 27.54ha of land has been identified for Open Space, an additional 0.91ha of land has been identified for school expansion, and an additional 2024m² has been identified for possible expansion of convenience shopping services in the village. Refer to **Section 10** of this proposal for further details. Further, the Development Control Plan (DCP) will be amended to require below ground electricity servicing for new development at Eglinton.

Part 3 - Justification

Section A - Need for the planning proposal

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

Yes. The possible expansion of Eglinton village was recognised initially by the Bathurst City 1974 and 1996 Structure Plans and discussed by the 1994 and 2001 Bathurst Housing Strategies as a possible solution to providing alternative low density residential opportunities for the City.

Eglinton has long been considered the most suitable urban village for expansion by these studies due to the development constraints associated with the land surrounding the two other urban villages of Perthville and Raglan. Major augmentation to the water and sewer system would be required to enable further expansion of Perthville. Such augmentation would be significantly more expensive than for Eglinton due to its distance from Bathurst. The land surrounding Raglan also maintains development constraints due to its proximity to the airport to the north and the railway line to the south. Furthermore the expansion of Raglan would not have any lesser impact on agricultural land compared with expansion of Eglinton as rural land surrounding the Raglan Village has the same agricultural land suitability classification as land surrounding Eglinton.

In light of this history, the Eglinton Village Expansion LES (2006) was prepared for the village to examine suitable growth opportunities in detail. Council engaged consultants Connell Wagner to prepare the LES to assess the suitability of 347 hectares of rural land surrounding the existing Eglinton village for further residential development and the possible expansion of the village boundaries. This study was adopted by Council on 20th September 2006. The outcomes of the LES were further examined by the Bathurst Region Urban Strategy (2007).

These two studies coupled with the growing need for additionally zoned residential land at this location in the short to medium term demonstrate a suitable residential growth option for the region supported by an adopted strategic framework.

The following sections summarise the findings of the Eglinton Village Expansion LES (2006) and the Bathurst Region Urban Strategy (2007) as they relate to the Planning Proposal.

The Eglinton Village Expansion LES (2006)

The LES examined the future expansion of Eglinton in the full context of the strategic and statutory planning framework, covering a full range of issues, constraints and opportunities that could impact on village growth including:

- The existing local and state planning framework
- Soils
- Land contamination
- Surface water, hydrology and water quality
- Stormwater management
- Ecology
- Bushfire hazard
- European and Aboriginal Heritage
- The Piper airfield
- 2BS Radio transmission towers
- Rural-urban interface
- Human services
- Utilities

The technical investigations concluded that there were no significant impediments to the rezoning and future urban development of the subject area.

Development options for the study area were then derived from the assessment of the issues identified above and the community consultation process. The options were categorised into six growth scenarios as summarised in the following table and illustrated in **Attachments 8, 9, 10, 11 and 12** of this planning proposal.

Development Option	Development Summary	Estimated Additional Lots	Estimated Additional Population	Estimated no. of years land supply
No growth	Whilst this option was consistent with some of the communities expectations it did not address the demand for residential land in Eglinton, nor did it enable existing urban/rural interface problems to be addressed.	-	-	-
Low Growth	Minor expansion east and west of the village, south of Wellington St with predominant lot sizes being 2,000m2.	146	409	7
Moderate Growth (Option 1)	Same as low growth above, but with lot sizes of 1,000m2.	278	778	14
Moderate Growth (Option 2)	Expansion east and west of the village, north and south of Wellington St with 1,000m2 lots south of Wellington St and 2,000m2 lots north of Wellington Street.	409	1145	20
High Growth (Option 1)	Same as moderate growth option 2 above but with 1,000m2 lots north of Wellington Street.	519	1453	26
High Growth (Option 2)	Same as high growth	729	2041	36

	option 1 above but also with additional lands zoned for rural residential development.			
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The LES suggested that either the low or moderate growth options might be the most appropriate options in the short to medium term. These options would have a number of benefits including the following:

- Provision of a 7 to 14 year supply of residential land which would meet the short to medium term demand for residential land at Eglinton.
- A minor expansion of the village consistent with the community expectations identified through the community consultation process.
- These options would result in a minor loss of Class 2 agricultural land and implementation of land use buffers around urban expansion areas would better manage existing rural-urban land use conflict.
- Rural land between the village and Saltram Creek which is no longer viable for agricultural production would be developed.
- Minor expansion would not have a significant impact on the visual environment and would not result in significant change to the village character.
- Passive open space would be provided along the eastern and western boundaries south of Wellington Street.
- Development would have only a minor impact on the road and transport network.
- Development would require only relatively minor upgrades and extensions to existing utility infrastructure.
- Provision of growth boundaries around new expansion areas would curtail potential village sprawl.

The Study delineates that development of one of the lower growth options would not preclude further village expansion in the future. Further it suggests that the development of a high growth option would include the following additional benefits.

- A continuous land buffer surrounding the village to manage rural-urban land use conflicts.

- A continuous open space corridor around the village with cycle/pedestrian paths connecting into the surrounding cycle network. This corridor would also form a growth boundary around the village.

The Bathurst Region Urban Strategy (2007)

The Bathurst Region Urban Strategy summarises the City's housing situation as follows:

- The City has historically grown east (Macquarie Plains/Kelso) and west (Windradayne/Llanarth). The north (Eleven Mile Drive) was identified as an additional residential growth opportunity in the longer term by the 1996 Structure Plan.
- Historically, the expansion of the urban villages were considered an additional solution to cater for low density residential growth. Eglinton village has long been considered the most appropriate village for expansion and this is supported by the recently completed Eglinton Expansion LES (2006). This study provides a strategic framework for the consideration of its expansion in the short and long term.
- Longer term medium density development opportunities were identified to include consolidation and an increase in density within the City boundaries. This opportunity has been assessed and re-assessed by the Housing Strategies.
- The previous Housing Strategies have not considered the projected increase of persons aged over 65 years by 2030. This will necessitate a review of medium density housing opportunities to ensure that sufficient housing choice is available by 2030 when 1 in 4 persons will be aged over 65 years.
- If the Bells Line Expressway proceeds, expected population growth may exceed 2% per annum, therefore this strategy needs to identify strategic residential land for a population exceeding 53,000 persons.

The strategy then provides a summary of land supply in regard to land zoned but not yet developed in the City's key residential expansion areas of Windradayne/Llanarth and Kelso/Macquarie Plains and a time series of the rate of development of existing zoned residential land developed in the Windradayne/Llanarth and Macquarie Plains/Kelso area for the last decade as detailed in the following tables.

Note: these tables have been updated below to show the current situation.

Location	Area Available (Ha) 2010	Potential Lots 2010	Servicable Population 2010
Windradyne/ Llanarth	233	1,750	5,250
Kelso/Macquarie Plains	160	1,200	3,600
Total	393	2,950	8,850

Location	2010 Existing residential land not yet developed (ha)	2000 Existing residential land not yet developed (ha)	1994 Existing residential land not yet developed (ha)
Windradyne/ Llanarth	233	267	332
Kelso/ Macquarie Plains	160	340	336
Total	393	607	668

The following analysis in respect to land supply is then included in the strategy. Note again that this has been updated below to show the current situation.

Current vacant land stocks are approximately 393ha, current take up rates dictate that approximately 12 years supply of residential land remains available.

Notwithstanding the available land stocks presented above, approximately 130 hectares of this land is unlikely to be developed in the near future due to the current owners disinterest in development. This reduces available vacant zoned land stocks to approximately 243 hectares (i.e. approximately 8 years supply) and therefore creates a potential shortfall for the lifespan of the next LEP. Additional residential land for zoning in 2008 should be identified by this strategy to meet demand over the next decade. Further, appropriate strategic land for future development and potential population increases to cater for the longer term and higher growth rate scenarios should also be identified.

The housing section of the Strategy continues to identify 6 potential residential growth areas within the city (including land around Eglinton) as detailed in the following table:

Site	Property Description	Approx.
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		area (ha)
1	East of the City (Macquarie Plains/Kelso expansion)	490
2	North of the City (Eleven Mile Drive)	380
3	West of the City (Stewarts Mount)	400
4	Eglinton expansion	361
5	Perthville expansion	60
6	The Morrisset Street Area (recently flood protected)	3.8
Total		1695

In respect to land around Eglinton, the following table from the Urban Strategy summarises constraints and opportunities associated with its urban development.

Constraints and opportunities	Comments
History	The expansion of Eglinton Village has been recognised by the 1994 and 2001 Housing Strategies. An Eglinton Expansion LES has recently been completed. This study supports the expansion of Eglinton village in the short and long term and provides a strategic context for its consideration.
Proximity to other residential land/proximity to City centre	Adjoins Eglinton village and would provide additional low density residential opportunities (i.e. minimum allotment sizes in the villages being 900m ²).
Ability to service	Land is able to be serviced.
Agricultural suitability	Predominantly Class 2 land. It should be noted that the existing rural/urban interface is poor and land adjacent to the existing village is not being used for agriculture for this reason. Expansion could improve the current situation.
Land use compatibility	Whilst village expansion would result in a loss of Class 2 agricultural land the proposed

	growth scenarios of the Eglinton Expansion ES incorporate land use buffers around urban expansion areas that would better manage the existing rural-urban land use conflict and curtail potential village sprawl.
Land area (ha)	361
Estimated lot yield	519 *
Estimated population	1453 *

*As estimated by the Eglinton Expansion Local Environmental Study

The strategy then provides the following assessment and recommendations in regard to rezoning land at Eglinton as detailed in the LES.

*The Eglinton Expansion LES provides a framework for the consideration of the expansion of the village boundaries. The findings of the Eglinton LES suggest that the low growth scenario or moderate growth scenario – option 1 development options would be the most appropriate options for an expansion of Eglinton at this stage. These scenarios are illustrated in **figures 16 and 17** of the LES (refer to **Attachments 9** and **10**).*

The low and medium growth scenario options are considered by the LES as the most appropriate growth options for the following reasons.

- *These options would provide a 7 to 14 year supply of residential land and meet short to medium term demand for residential land within Eglinton.*
- *A minor expansion of the village is consistent with the community expectations identified through the community consultation process.*
- *These options would result in only a minor loss of Class 2 agricultural land and implementation of land use buffers around urban expansion areas would better manage rural-urban land use conflict.*
- *Rural land between the village and Saltram Creek which is no longer viable for agricultural production would be developed.*
- *Minor expansion would not have a significant impact on the visual environment and would not result in significant change to the village character.*

- *Passive open space would be provided along the eastern and western boundaries south of Wellington Street.*
- *Development would have only a minor impact on the road and transport network.*
- *Development would require only relatively minor upgrades and extensions to existing utility infrastructure.*
- *Provision of growth boundaries around new expansion areas would curtail potential village sprawl.*

*The study further delineates that development of one of the lower growth options at this stage would not preclude further village expansion in the future. Moderate Growth scenario – option 2 or high growth Scenario – option 1 are illustrated in **figures 18 and 19** of the LES (refer to **Attachments 11** and **12**).*

*The development of Moderate Growth scenario – option 2 (see **figure 18** of the LES) (refer to **Attachment 11**) or high growth Scenario – option 1 (see **figure 19** of the LES) (refer to **Attachment 12**) includes the following additional benefits.*

- *A continuous land buffer surrounding the village to manage rural-urban land-use conflicts.*
- *A continuous open space corridor around the village with cycle/pedestrian paths connecting into the surrounding cycle network. This corridor would also form a growth boundary around the village.*
- *High growth Option 1 – provides a picture of certainty for the village at full growth.*

*More extensive development of the outer parts of the study area for rural residential purposes is identified by High Growth Scenario – option 2, see **figure 20** of the LES (refer to **Attachment 13**).*

This option is not considered appropriate at this stage for the following reasons.

- *This option would be expensive to service and would result in loss of a considerable area of Class 2 agricultural land.*

- *There are a number of areas of Class 3 agricultural land that surround the urban areas of Bathurst which may be more suitable for rural-residential development. This broader strategic planning issue is considered as part of the Bathurst Region Rural Strategy.*

Notwithstanding the abovementioned findings of the Eglinton Expansion LES, the Urban Strategy sought to identify residential expansion opportunities to cater for the next twenty years. It considered the various growth scenarios of the LES as follows.

The low growth scenario and the moderate growth scenario – option 1 would seek to cater for a 7 to 14 year period only. Further, given the existing minimum lot size for all classes of housing within the urban villages defined by the Residential Housing DCP as 900m² it is considered inappropriate to recommend growth opportunities based on a 2000m² minimum lot size identified by the low growth option. The moderate growth scenario – option 1 identifies 1000m² lots, which remains consistent with the existing provisions of the Residential Housing DCP and lot size expectations for the City in general.

*The high growth scenario – option 1 (**figure 19**) of the LES (refer to **Attachment 12**) provides additional benefits as identified above. Notwithstanding that the moderate growth option 1 will satisfy the immediate demands, it is likely that there will be a demand for further growth of Eglinton after that demand period. It is suggested therefore, that Council should consider a long term plan for Eglinton now. This would ensure that:*

- *An overall plan for the growth of Eglinton could be adopted preventing later ad hoc development.*
- *Enable infrastructure requirements (social, economic and environmental) for the total growth scenario to be planned.*
- *Enable Section 94 planning to provide for the equitable funding of infrastructure for the total growth scenario.*
- *Ensure that infrastructure, external to the village (i.e. roads, intersections) is adequately upgraded and equitably funded.*

It is therefore recommended that land generally identified in high growth scenario option 1 be zoned in 2008. It should be remembered that this will not see development proceed at any greater rate than if only that land under the moderate growth options is zoned. The rate of development will depend on the rate of growth of the City itself, not the availability of zoned land.

*It must also be remembered that the high growth – option 1 shown in **figure 19** of the LES (refer to **Attachment 12**) provides only a guide to its future development. Council would still need to undertake more detailed investigation and planning to establish the final recommended subdivision pattern.*

Recommendation: Rezone the area of Site 4 from rural to residential in 2008 as generally identified by in figure 23 (of the Urban Strategy), being figure 18 of the LES (refer to Attachment 11).

2. Is there a net community benefit?

Yes. Current residential vacant land stocks in Bathurst are located within the City's two key residential expansion areas of Windradyne and Kelso as summarised in the following table.

Location	Land Area	Estimated Lot Yield
Windradyne	233ha	1,750
Kelso	160ha	1,200

Land at Windradyne is owned either by Council or one private developer. Consistent development of this land in line with market demand is expected until it is fully developed. Land at Kelso is owned by various private property owners. Consistent development in line with market demand is not expected for approximately 130ha due to owners showing little current interest in developing their land. Only 30ha is therefore likely to be developed in line with market demand.

Current land stocks might therefore satisfy demand for up to 8 years, however supply will be limited to one location (Windradyne). There would, therefore be a net community benefit in widening the number of suppliers and providing new locations of supply. Eglinton offers a further 91ha of land with a lot yield of approximately 637 lots (based on 7 lots per ha). This would increase total supply by approximately another 4 years. There would be some pent up demand of land at Eglinton due to its popularity and limited lot supply in the last 5 years.

In addition to providing land availability in a location other than the eastern and western suburbs for the wider community, the planning proposal provides significant benefits for the local community as follows:

- The village expansion will result in a minor loss of Class 2 agricultural land. The implementation of new land use buffers around the urban expansion areas of Eglinton will better manage the existing rural-urban land use conflict and act as a continuous open space corridor with cycle/pedestrian paths connecting into the surrounding cycle network.
- Rural land between the village and Saltram Creek which is no longer viable for agricultural production will be rehabilitated and developed for a more appropriate use.
- Minor expansion will not have a significant impact on the visual environment and will not result in significant change to the village character.
- Passive open space will be provided along the eastern and western boundaries south of Wellington Street.
- Development will have only a minor impact on the road and transport network.
- Development will require only relatively minor upgrades and extensions to existing utility infrastructure.
- Provision of growth boundaries around the proposed expansion area will curtail potential village sprawl.

In summary then, there is a significant community benefit to be gained through the rezoning of land around Eglinton from rural to residential for the wider and local community. The Planning Proposal will guarantee adequate land would be available for residential development for the next 12 years in the absence of Kelso land owners developing current land stocks. Further, it would provide the community with an urban village location alternative to existing eastern and western suburbs.

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

Yes. The Planning Proposal is the best means of achieving the objectives/intended outcomes. There appears to be no impediment as to why Council could not proceed with an amendment to its current LEP to rezone land at Eglinton residential now given the findings of the Eglinton Expansion LES (2006) and the adoption and endorsement of the Bathurst Region Urban Strategy (2007). Council staff will continue to work towards a Comprehensive LEP and DCP for the Bathurst Region, however this LEP amendment is best achieved in the short term.

Section B - Relationship to strategic planning framework.

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

No regional or sub-regional strategy applies to the Bathurst Region.

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

Yes. The land to be rezoned to residential is supported by the Eglinton Expansion LES (2006) and the adopted and endorsed Bathurst Region Urban Strategy (2007). See detail provided in **Section 1** above.

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

Council has undertaken a review to ensure the planning proposal is consistent with all State Environmental Planning Policies (SEPP)'s. It is noted that the following SEPP's are not applicable to the Bathurst Region and/or the preparation of this Planning Proposal:

- SEPP No 1 – Development Standards
- SEPP No 4 - Development without consent and miscellaneous Exempt and Complying Development
- SEPP No 6 – Number of Storeys in a building

- SEPP No 14 – Coastal Wetlands
- SEPP No 15 – Rural Landsharing Communities
- SEPP No 19 – Bushland in Urban Areas
- SEPP No 21 – Caravan Parks
- SEPP No 22 – Shops and Commercial Premises
- SEPP No 26 – Littoral Rainforests
- SEPP No 29 – Western Sydney Recreation Area
- SEPP No 30 – Intensive Agriculture
- SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)
- SEPP No 33 – Hazardous and Offensive Development
- SEPP No 36 – Manufactured Home Estates
- SEPP No 39 – Spit Island Bird Habitat
- SEPP No 41 – Casino Entertainment Complex
- SEPP No 47 – Moore Park Showground
- SEPP No 50 – Canal Estate Development
- SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas
- SEPP No 53 – Metropolitan Residential Development
- SEPP No 59 – Central Western Sydney Regional Open Space and Residential
- SEPP No 60 – Exempt and Complying Development
- SEPP No 62 – Sustainable Aquaculture
- SEPP No 65 – Design Quality of Residential Flat Development
- SEPP No 70 – Affordable Housing (Revised Schemes)
- SEPP No 71 – Coastal Protection
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SEPP (Infrastructure) 2007
- SEPP (Kosciuszko National Park – Alpine Resorts) 2007
- SEPP (Major Development) 2005
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Rural Lands) 2008
- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Temporary Structures) 2007
- SEPP (Western Sydney Employment Area) 2009
- SEPP (Western Sydney Parklands) 2009

All other SEPP's are considered in the table below.

SEPP	Consistency
SEPP No 44 – Koala Habitat Protection	An assessment of Koala Habitat undertaken as part of the Eglinton Expansion LES (2006) concluded that the area identified for residential zoning did not contain either potential or core Koala Habitat as defined under the SEPP. Within the land identified for rezoning, dominant eucalypts include Yellow Box and Red Box and one Koala feed tree species (<i>Eucalyptus viminalis</i>) was recorded. This species was represented by a few isolated trees and constituted less than 15% of the tree component of the study area. Based on this assessment the area does not contain potential koala habitat and accordingly an assessment of core Koala Habitat is not required, hence there is no requirement for the preparation of a koala plan of management. Less than 1% of the original over-storey within the study area remains intact. Where present, the tree component is dominated by ornamental plantings and exotics such as Weeping Willow, Cootamundra Wattle and conifers. The study area does not form part of a local wildlife or bushland corridor and has little, if any, connectivity with more extensive vegetation remnants in the local area, such as those to the north-east. No evidence of Koala activity was recorded and it is considered highly unlikely that koalas would utilise the study area. Council is satisfied that the Planning Proposal is consistent with the requirements of the SEPP.
SEPP No 55 – Remediation of Land	A Phase 1 contamination assessment was prepared as part of the LES. The assessment was prepared in accordance with the DEC Guidelines for Consultants Reporting on Contaminated Sites (1997) and under the Contaminated Land Management Act (1997). The assessment concluded that the overall likelihood of encountering contamination if development were to proceed was moderate to high due to the potential sources of contamination identified within the study area and the proposed future land use indicated by the LES.

SEPP	Consistency																
	A number of potentially contaminating activities and potential contaminated areas were identified by the LES. Those identified within the land identified for rezoning are shown in <u>Attachment 13</u> and summarised in the following table. <table border="1"> <thead> <tr> <th data-bbox="395 488 786 589">Areas of Contamination</th><th data-bbox="794 488 1177 589">Potential Contamination Hazard</th></tr> </thead> <tbody> <tr> <td data-bbox="395 593 786 689">Asbestos Shed</td><td data-bbox="794 593 1177 689">Exposure to asbestos containing material</td></tr> <tr> <td data-bbox="395 694 786 1142">Fire Station</td><td data-bbox="794 694 1177 1142">Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead, PAH, AFFF and BFFF. Note this land use is unlikely to change so further investigation is not proposed as part of this planning proposal.</td></tr> <tr> <td data-bbox="395 1146 786 1400">Sheep and cattle dip areas</td><td data-bbox="794 1146 1177 1400">Exposure to arsenic, organochlorins, organophosphates, carbamates, synthetic pyrethoids.</td></tr> <tr> <td data-bbox="395 1404 786 1601">Farm Storage Area</td><td data-bbox="794 1404 1177 1601">Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead and PAH.</td></tr> <tr> <td data-bbox="395 1606 786 1803">Abandoned farm machinery areas</td><td data-bbox="794 1606 1177 1803">Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead and PAH.</td></tr> <tr> <td data-bbox="395 1807 786 1904">AM Transmission Towers</td><td data-bbox="794 1807 1177 1904">Exposure to unknown contaminants present in fill.</td></tr> <tr> <td data-bbox="395 1908 786 2004">Existing Cropping areas</td><td data-bbox="794 1908 1177 2004">Exposure to chemicals associated with herbicide</td></tr> </tbody> </table>	Areas of Contamination	Potential Contamination Hazard	Asbestos Shed	Exposure to asbestos containing material	Fire Station	Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead, PAH, AFFF and BFFF. Note this land use is unlikely to change so further investigation is not proposed as part of this planning proposal.	Sheep and cattle dip areas	Exposure to arsenic, organochlorins, organophosphates, carbamates, synthetic pyrethoids.	Farm Storage Area	Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead and PAH.	Abandoned farm machinery areas	Exposure to petroleum hydrocarbons (petrol, diesel), BTEX, lead and PAH.	AM Transmission Towers	Exposure to unknown contaminants present in fill.	Existing Cropping areas	Exposure to chemicals associated with herbicide
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SEPP	Consistency		
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	and pesticide use.		

SEPP	Consistency
	used for residential purposes within the allotted timeframe for the planning proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	Pursuant to the SEPP, a Site Compatibility Certificate (SCC) was issued on 11 July 2008 for Lots 3, 4, 5, 6, 7, & 8, DP 765012, Duramana Road, Eglinton for 215 dwellings (serviced self-care seniors housing) with ancillary facilities on 11th July, 2008. This includes Lot 11, DP 1141570 (Former Lot 8, DP 795012) of the land subject of this Planning Proposal. This area is illustrated in <u>Attachment 14</u>). The Eglinton Expansion LES (2006) and the Bathurst Region Urban Strategy (2007) considered a significant area of land around the village and included the land subject to the SCC and the approved Seniors Living Development. The land subject to the SSC is identified as Class 2 agricultural land and the proposed development would result in a portion of prime agricultural land being lost to an urban use. The intent of the future expansion of the village identified by the Urban Strategy seeks to set a clear delineation between rural and urban uses and provide adequate buffering to enable the long term protection of agriculture. The Urban Strategy made particular recommendations with respect to not rezoning particular tracts of rural land adjoining urban zones to residential or rural residential purposes in the future to ensure the long term protection of the City's rural views, vistas and scenic gateways, to curtail urban sprawl and to provide a holistic approach to urban expansion supported by appropriate land use buffers. Opening these areas to seniors living development contradicts the findings of the Strategy. Both the LES and the Strategy supported the retention of the majority of land subject to the SCC and the approved Seniors Living Development for rural purposes, with the exception of former Lot 8, DP 795012.

SEPP	Consistency
	In summary Council supports the expansion of the residential zone only as detailed in <u>Attachment 5</u> and not to include all land as approved under the SEPP. Irrespective of the above, Council acknowledges that the SCC has been issued under the SEPP. However, it does not seek to include the land approved for Seniors Living Development with the exception of former Lot 8, DP 795012 in this rezoning proposal.

7. 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
1.1 Business and Industrial Zones	Not applicable. The Planning Proposal does not alter any existing industrial or business zone boundaries. The proposal does not reduce areas or locations of existing business and industrial zones, reduce total potential floor space area for employment uses, related public services or industry. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.2 Rural Zones	The Planning Proposal seeks to rezone land from rural to residential. In this regard the Eglinton Expansion LES (2006) and the Bathurst Region Urban Strategy (2007) give consideration to the objectives of this direction and justify this rezoning which is considered of minor significance.

Section 117 Ministerial Direction	Consistency
	The LES examines the existing agricultural land uses and agricultural productivity of land identified for rezoning. It recognises that an expansion of the Eglinton Village would result in the loss of agricultural land. This agricultural land is classified as having moderate to high agricultural capability however the current agricultural productivity of the land within the study area is limited due to land fragmentation and proximity to the Eglinton village. The agricultural land in the study area represents a small proportion of the total area of land within the wider Bathurst region classified as Class 1 or 2 agricultural lands. The loss of this agricultural land would therefore not have a significant impact on agriculture within the Bathurst Region and a modest and well planned expansion would not compromise the objectives of the direction. In this regard it is argued that implementation of appropriate land use buffers around an expanded village as proposed would reduce the existing rural-urban land use conflicts and provide opportunities for increased agricultural production of remaining land. Council acknowledges that the planning proposal is inconsistent with the intent of this direction. It is justified however because the proposed rezoning is supported by the Bathurst Region Urban Strategy which has been endorsed by the Department.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable. The proposal does not identify any developments associated with Mining, Petroleum Production and Extractive Industries as exempt or complying developments. The proposal does not prohibit mining, production of petroleum, or winning or obtaining of extractive materials, or restrict the potential development of resources of coal, other minerals, petroleum or extractive materials of state or regional significance by permitting incompatible development. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 117 Ministerial Direction	Consistency	
1.4 Oyster Aquaculture	Not applicable. The Bathurst Region includes no Priority Oyster Aquaculture Areas.	
1.5 Rural Lands	The proposal alters existing rural zone boundaries. In this regard, the following table outlines the Planning Proposals consistency with the Rural Planning Principles in the SEPP as required by Part 4(a) of the Direction.	
	Rural Planning Principle	Comment on how this is addressed by the Planning Proposal
	The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.	The Planning Proposal will result in a loss of less than 100ha of rural land. This loss represents a very small portion of the total land area of land within the wider Bathurst region classified as Class 1 or 2 agricultural lands. Further, whilst this land is classified as having moderate to high agricultural capability, its current agricultural productivity is limited due to land fragmentation and proximity to the Eglinton village. Finally, the implementation of appropriate land use buffers around an expanded village as proposed will reduce existing rural-urban land use conflicts and provide opportunities for increased agricultural production of remaining land. Council is satisfied that the Planning

Section 117 Ministerial Direction	Consistency	
		Proposal is consistent with this principle.
	• Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State. • Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development. • In planning for rural lands, to balance the social, economic and environmental interests of the community.	Not applicable. The loss of less than 100ha of rural land is not significant enough to impact on these principles.
	• The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land. • The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities. • The consideration of impacts on services and infrastructure and	The Eglinton Expansion LES (2006) considered a range of environmental issues as they related to the minor loss of agricultural land and concluded that they would be adequately managed by the proposed rezoning. Refer to Section C of the LES for further information. It is considered that the Planning Proposal will not impact on rural housing, settlement and rural communities. Finally the Planning Proposal supports settlement intensification and hence a strategic

Section 117 Ministerial Direction	Consistency	
	appropriate location when providing for rural housing.	approach to servicing and infrastructure provision. Council is satisfied that the Planning Proposal is consistent with these principles.
	Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Not applicable. There is no regional strategy for the Bathurst Region. The Bathurst Region Urban Strategy which supports the rezoning has been adopted by Council and endorsed by the Department.
	In summary, the Eglinton Expansion LES (2006) and the Bathurst Region Urban Strategy (2007) give consideration to the objectives of this direction and justify this rezoning which is considered of minor significance. As detailed in 1.2 Rural Zones above, The LES examines the existing agricultural land uses and agricultural productivity of land and supports its rezoning to residential in light of its minor significance and the benefits associated with introducing appropriate land use buffers around its periphery. Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
2.1 Environment Protection Zones	The Planning Proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas. In this regard land use buffers for open space purposes around the periphery of the expansion area will provide for the protection of existing vegetation and geographical features and enhance connectivity opportunities for existing flora and fauna.	

Section 117 Ministerial Direction	Consistency
	The proposal does not apply to land within an environmental protection zone. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.2 Coastal Protection	Not applicable. The direction applies to the coastal zone only.
2.3 Heritage Conservation	The proposal contains provisions that facilitate the conservation of the environmental heritage within the land identified for rezoning. In this regard, the Eglinton Expansion LES (2006) included a cultural heritage assessment which considered European and aboriginal heritage. It concluded that there were no long term archaeological or Aboriginal archaeological constraints within the study area to the future expansion of the Eglinton Village. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.4 Recreation Vehicle Areas	Not applicable. The proposal does not include any land within an environmental protection zone or land comprising a beach or dune adjacent to or adjoining a beach. Further, existing or proposed exempt and complying development provisions do not address recreation vehicle areas. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.1 Residential Zones	The planning proposal will encourage a variety and choice of housing types to provide for existing and future housing needs, will make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands. The Planning Proposal will guarantee adequate land would be available for residential development within the Region for the next 12 years in the absence

Section 117 Ministerial Direction	Consistency
	of Kelso land owners developing current land stocks (as predicted by Council). In this regard zoning land at this location would give people an urban village location alternative to the existing eastern and western suburbs. The Eglinton Expansion LES (2006) examined infrastructure and servicing needs associated with the rezoning. In this regard it concluded that there were no significant constraints to development subject to the extension of relevant associated infrastructure. Further investigations by Council conclude that the rezoning can proceed in the presence of specific capital works as detailed in Section D of this proposal. Finally, the expansion of the village will result in an improved urban-rural fringe through the provision of landuse buffers and associated open space areas. This will ensure the minimisation and improvement of the impact of residential development on the adjoining agricultural land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable. The proposal does not address caravan parks or manufactured home estates. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.3 Home Occupations	It is noted that Council's current LEP does not identify <i>home occupation</i> development as development without consent. Notwithstanding, Home occupations are currently exempt development (in all zones) pursuant to Council's Exempt Development DCP. Therefore in practice home occupations do not currently require consent in any zone in the Bathurst Region. It is Council's intention to list home occupations as development permitted without consent in all residential zones in the Comprehensive LEP. This is consistent with the standard template which mandates <i>home occupation</i> development in the RU1, RU2, RU4, RU5, R1, R5, E4 zones. Council also intends

Section 117 Ministerial Direction	Consistency
	to list <i>home occupation</i> development as permitted without consent in the B1, B3, B5, B7 and IN1 zones and permitted with consent in the SP3, RE1 and RE2 zones. In conclusion then, home occupations do not require Council consent in any zone (pursuant to Council's exempt development DCP) despite not being listed in the LEP as development permitted without consent. This is of minor significance because the planning proposal does not change the provisions for home occupations and hence home occupations can continue to be carried out in dwelling houses without the need for development consent. Finally, it is Council's intention to list home occupations as permitted without consent in the residential zone in the Comprehensive LEP.
3.4 Integrating Land Use and Transport	The proposal expands a residential zone. In a regional context this residential rezoning is considered minor and therefore the implications of this direction are considered minimal. Notwithstanding the following comments are made. It is noted that the integrated land use and transport policy approach (including the policy documents <i>Improving Transport Choice – Guidelines for Planning and Development</i> and <i>The Right Place for Business and Services</i>) aims to encourage the location of trip generating development which provides important services in places that: • Help reduce reliance on cars and moderate the demand for car travel. • Encourage multi-purpose trips. • Encourage people to travel on public transport, walk or cycle. • Provide people with equitable and efficient access. • Minimise dispersed trip-generating development that can only be accessed by cars. • Ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery. • Protect and maximise community investment in centres, and in transport

Section 117 Ministerial Direction	Consistency
	infrastructure and facilities. • Encourage continuing private and public investment confidence in centres, and ensure that they are well designed, managed and maintained. • Foster growth, competition, innovation and investment confidence in centres, especially in the retail and entertainment sectors through consistent and responsive decision making. The intent of the integrated land use and transport policy approach is consistent with metropolitan settings, and in a regional context the CBD provides the core business centre of the City of Bathurst. Further, mixed use development common to metropolitan planning remains inconsistent with protecting the CBD as the core business/retail precinct of the City. In the context of the minor residential expansion of Eglinton village, existing bus shelters supported by the City's private bus operator (Jones Bros) at Eglinton will continue to provide sufficient infrastructure to cater for the public transport needs of the community. Further the open space areas included in the proposal will be supported by improved walkway and cycleway networks within the village and connecting to the existing network towards the City itself which will provide better access at a community level. In regard to the provision of adequate retail facilities to service the expansion of the village, the Eglinton Expansion LES (2006) supported the 1999 Bathurst Retail Strategy's findings that no additional retail facilities should be located in the village and the existing Eglinton Store was adequate to cater for local convenience shopping needs, with higher order shopping needs of Eglinton residents being met within Bathurst itself. This has been supported by comments made by the consultants (Renaissance Planning) engaged by Council who are currently reviewing the 1999 Retail Strategy. Renaissance Planning have indicated to Council that with the future expansion of Eglinton as proposed, convenience shopping should continue to be focussed on the existing general store with some opportunity for minor growth. The associated DCP provides possible growth opportunities for the existing store.

Section 117 Ministerial Direction	Consistency
	Council is satisfied that the draft LEP is consistent with the terms of this direction.
3.5 Development Near Licensed Aerodromes	Not applicable. 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.
4.1 Acid Sulfate Soils	Not applicable. 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	Not applicable. 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 provisions of the planning proposal that are inconsistent are of minor significance. In this regard it is noted that the planning proposal affects 212.8m² of land identified by Council as flood prone land as illustrated in Attachment 16. Council's current adopted flood level (flood prone land) pursuant to the Bathurst Floodplain Management Policy and Plan is the 1 in 100 year flood. In this regard, it is noted that Flood liable land as identified by Council's computer based flood model and Council policy (as illustrated in Attachment 16) is based on contours and not actual ground levels. Development on land identified as flood prone by this model requires consideration of a flood level certificate for any given site at development stage. This identifies the actual flood level on the ground and any new development is required to be built 500mm above the level recorded. Councils adopted flood planning level (1 in 100 year flood) and Councils

Section 117 Ministerial Direction	Consistency
	adopted floodplain management policy/plan have been prepared and implemented in accordance with relevant State Policies/Plans of the time. Implementation has been dependant upon State funding. The adopted flood planning level has been consistently applied by Council across all of its planning decisions. In summary then, Council considers the consideration of 212m² of flood prone land (0.02% of the subject area) in the context of a rezoning proposal of 91ha as of minor significance, particularly given the location of this land so close to the existing road boundary and the very likelihood that the land itself (when tested through a flood level certificate process) will be unlikely to be flood prone. Council is satisfied that should the land identified as being flood prone at a later stage be identified for development its current policy will ensure that any identified risks will be managed to the adopted flood level. Further Council is satisfied that its current floodplain management plan and the adopted flood planning level of the 1 in 100 year flood are appropriate to manage flood prone lands within the LGA and in particular the 212m² of land identified within this planning proposal.
4.4 Planning for Bushfire Protection	Not applicable. The proposal is not located on Bushfire Prone Land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.1 Implementation of Regional Strategies	Not applicable. No regional or sub-regional strategy applies to the Bathurst Region.
5.2 Sydney Drinking Water Catchments	Not applicable. The Bathurst Region is outside identified hydrological catchment areas.

Section 117 Ministerial Direction	Consistency
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable. Does not apply to the Bathurst Region.
5.4 Commercial and Retail; Development along the Pacific Highway, North Coast	Not applicable. Does not apply to the Bathurst Region.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable. Does not apply to the Bathurst Region.
6.1 Approval and referral Requirements	Not applicable. The proposal does not affect development application provisions. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.2 Reserving land for Public Purposes	Not applicable. The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.3 Site Specific Provisions	Not applicable. The proposal will not allow a particular development to be carried out on a specific site. Council is satisfied that the planning proposal is consistent with the

Section 117 Ministerial Direction	Consistency
	requirements of the direction.
7.1 Implementation of the Metropolitan Strategy	Not applicable. Does not apply to the Bathurst Region.

Section C - Environmental, social and economic impact.

8. 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?

An ecological assessment of the study area was undertaken by the LES. The assessment considered the ecological constraints and opportunities to urban development within the study area. The LES identified a small area of Box Gum Grassy Woodland Endangered Ecological Community in the north-western corner of the study area. The location of the remnants is outside the area identified for rezoning by this Planning Proposal. The land identified for rezoning by this Planning Proposal contains no critical habitat or threatened species, populations or ecological communities, or their habitats.

It is noted that the LES identified the riparian zone of Saltram Creek as an area of ecological value and considered it to be severely degraded and characterised by Weeping Willow with pasture grassland species occurring up to the gravel creek bed. The LES recommended a 40 metre riparian corridor along both sides of Saltram Creek be established and rehabilitated by eradicating Weeping willow and replanting with River She Oak and other suitable indigenous species. In this regard, the planning proposal includes this area within the proposed open space corridor. Its rehabilitation and replanting will be undertaken in conjunction with the establishment and ongoing maintenance of the open space area.

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

The Eglinton Expansion LES addressed a range of planning and environmental issues including landform, geology and soils, land contamination, ground water, surface water hydrology and water quality, Ecology, Bushfire Hazard, Visual environment, Cultural Heritage and Land use and Development. It concluded that most of the study area is suitable for residential purposes and there are no significant constraints to urban development.

In this regard the development option identified by the study that delineates the rezoning of land (subject of this Planning Proposal) has given consideration to environmental effects of expansion and included appropriate management controls. For example the provision of urban/rural interface buffer around the periphery of the village will better manage land use conflict. Further, existing development control provisions in the Residential Housing and Residential Subdivision Development Control Plans require new residential development to minimise any negative environmental effects at development stage.

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

Social Effects

The Eglinton Expansion LES (2006) considered the social effects of the planning proposal in detail including health services, primary, secondary and tertiary education and community facilities. It concluded that the City's existing health services and secondary and tertiary education facilities could adequately accommodate for the expansion of the village.

In respect to primary education, Eglinton village is currently serviced by the Eglinton Public School. The school provides primary school education from kindergarten to Year 6. In 2006, there was 325 students enrolled in the school, 10 full time teaching places and it was running at full capacity. The school indicated that it could increase its capacity within its existing footprint through additional demountable buildings or construction of new permanent buildings. The school is currently located on a 2.54ha site. The standard site area for a primary school in NSW is 3ha. The Department of Education and Training advised Council that new primary schools are not considered unless at least 1500 new lots are proposed within an area. However a new school would not be considered to cater for an expansion to Eglinton given that uptake rates would not be expected to be high and development would occur over an extended period of time. A new school site is therefore

not required to be set aside within Eglinton. The Department of Education and Training advised that an additional area of land of at least 0.46ha at the rear of the existing school site would be sufficient to cater for future population growth at Eglinton. Council has identified an additional 0.9ha of land around the existing school site for the expansion of the school. This additional land has been identified as “School – Special Uses” on the Residential Subdivision Development Control Plan amendment (refer to **Attachment 8**). An alternative zoning to residential for this school expansion is not appropriate given the existing residential zoning of the school and other schools within the City. It would be appropriate for Council to consult with the Department of Education again during the exhibition of this proposal to ensure the land that has been set aside for the schools expansion is appropriate.

In respect to community facilities, a broad range of community services and facilities are located close to Eglinton within Bathurst. These include various cultural and entertainment facilities and a range of regional recreation and sports facilities. Local facilities located within the village of Eglinton itself include a community hall (Eglinton War Memorial Hall), recently upgraded by Council, and an 8.4 ha outdoor recreation area incorporating playing fields and tennis courts. This area services the current Eglinton population and together with the school is the community focus of the village. Based on the historic state government standard of 2.83ha of open space per 1,000 persons, the existing open space provision within Eglinton would be sufficient for a total population of about 3,000 persons. The proposed village expansion will include an additional 27.5ha of open space as identified by the Residential Subdivision DCP Amendment (refer to **Attachment 8**) around the periphery of the village. This amount of open space will well exceed any historic state government requirement.

Economic Effects

The proposed residential expansion of Eglinton will have a positive economic effect. Whilst it was noted above that current land stocks might satisfy demand for up to 8 years, supply is currently limited to one location (Windradyne). There would, therefore be a net economic benefit in widening the number of suppliers and providing new locations of supply. A further 91ha of land with a lot yield of approximately 637 lots at Eglinton will secure broader land availability and choice which will in turn maintain reasonable land prices across the City.

Finally the cost associated with investigating the development of land at this location is considerable. To date, Council has already spent a significant amount on the consideration of

this area for rezoning in the preparation of the strategic framework and subsequent infrastructure investigations. In this regard, residential growth at an alternative location would now be far more costly than continuing with this location.

Section D - State and Commonwealth interests.

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

Yes. Council is satisfied that adequate public infrastructure, including water, sewer, electricity, telecommunications and gas can be made available to service the proposal. Expansion of education infrastructure has been provided for this proposal.

Water

The existing Eglinton village has a town water supply which is a single line feed from the No. 8 Reservoir in Nightmarch Parade. The water is conveyed via a trunk main ranging in size from DN450 to DN250. The water supply system for Eglinton was designed for a peak demand of 2ML and a peak instantaneous demand of 57L/s which is considered to be adequate. The Eglinton Expansion LES (2006) concluded that a water system upgrade would be required to adequately service an expansion of the Eglinton Village.

In 2010, AWT was engaged by Council to complete a system performance and options study for the Bathurst water supply network. An option analysis was undertaken for supply zones in order to find solutions to provide a more reliable water supply and acceptable level of service in Bathurst for both existing and future demands. In this regard this study considered the expansion of Eglinton to include 703 new lots (consistent with this planning proposal).

To meet the future demand and provide water to the future population in Eglinton the study proposed to add 6 new pipes (total length 3520m) to the existing network. A total of 864 additional lots were modelled with a peak demand of 2887l/lot/day. This resulted in an additional demand of 2.5ML per day.

Significant pipe upgrades were identified as being required for the expansion of the village to provide satisfactory pressures at Eglinton. The following works were recommended:

- Upgrade existing 262mm pipes supplying Eglinton from Reservoir 8 to 400mm diameter (pipes WR2006, WR2007, WR1952, WR 1952_2, WR1953, 151 and WR 2108. Total Length 1825m).
- Supply the West part of Eglinton (From south east to north west):
 - o Upgrade existing 146mm pipes to 300mm diameter (pipes WR1554, WR1553, WR1552, and WR0715. Total Length 670m).
 - o New pipe 250mm, total length 1950m.
 - o New pipe 200mm, total length 390m.
 - o Upgrade existing 100mm WR0696 pipe to 150mm diameter, total length 440m.
- Supply the East part of Eglinton (From south to north):
 - o Upgrade existing 209mm pipes to 300mm diameter (pipes WR1828, WR1827, WR1826, WR1825 and WR1288. Total Length 860m).
 - o Upgrade existing 100mm pipes to 200mm diameter (pipes WR1287 and WR0703. Total Length 350m).
 - o New pipe 150mm, total length 450m.
 - o New pipe 100mm, total length 700m.

These works will provide minimum pressures of 25m head during a peak day for future demand and head losses of less than 5m/1000m in the main pipes supplying Eglinton. These works were estimated to cost approximately \$5,623,898. Council's Engineering Department have planned for these upgrades and should the proposal proceed they will be undertaken as required and funded either by the developer directly or through contributions payable to Council (who is the water management authority).

Sewer

Eglinton Village is currently serviced by a gravity fed main discharging into a pumping station at Ranken's bridge. This is then pumped to All Saints College Pumping Station. It then feeds to the Sewerage Treatment Plant in Commonwealth Street adjacent to the Macquarie River.

The sewerage system for Eglinton was designed for an average dry weather flow of 7 litres/second and a peak wet weather flow of 31 litres/second based on a maximum population of 1,520 persons. Given that the population is approximately 1600 persons, it can be concluded that the system is operating at its maximum design capacity.

In 2010, AWT was engaged by Council to provide some comments in relation to the expansion of the Eglinton Village. It was recommended that an optimisation analysis on the current Eglinton pumping station should be undertaken.

The analysis should include a pressure test on the rising main and a secondary draw down test. AWT concluded that if the wet weather pump capacity could be increased to approximately 40 l/s the Eglinton catchment would be able to service approximately two times the projected year 2030 population of 1950 persons (i.e. 3,900 persons) and a 25% increase in the level of service in the Eglinton catchment. These works would adequately cater for the residential expansion proposed by this proposal and could be undertaken for approximately \$50,000. Council's Engineering Department have planned for these upgrades and should the proposal proceed they will be undertaken as required. Again, these will be funded either by the developer directly or through contributions to Council (who is the sewer management authority).

Electricity

Connell Wagner consulted with Country Energy as part of the Eglinton Expansion LES (2006). Country Energy advised at the time that the current infrastructure supplying Eglinton with power was adequate but did not have spare capacity to accommodate any further village expansion. They advised that they planned to construct a new 11kV feeder from the Stewart Zone Substation within the next three years to accommodate demand from a number of residential areas including Eglinton (and its subsequent expansion as identified by this planning proposal). The proposed new feeder main would accommodate the demands of the proposed village expansion and Country Energy would typically provide the feeder main to the development area as required. Developers of the land under the Country Energy Capital Contribution Policy would then fund the new distribution system as required. Given these works are now in place the land identified for rezoning (by this Planning Proposal) will be adequately supplied by electricity.

Telecommunications

Connell Wagner consulted with Telstra as part of the Eglinton Expansion LES (2006).

Telstra indicated at this time that the existing communications network for Eglinton was at 50% capacity. Telstra had 2000 lines available to service Eglinton of which 1000 were not utilised. In addition, 130 lines were further available for connection at the corner of Hamilton Street and Wellington Street. It is therefore concluded that there is ample infrastructure in place to accommodate telecommunications demand generated by the Planning Proposal.

Gas

Connell Wagner consulted with Agility as part of the Eglinton Expansion LES (2006). Agility advised that a DN110 gas main which services the village via Rankens Bridge was constructed in 2003. Current estimates show this main has limited capacity and could service an additional 150 residential properties. Another DN110 gas main is located at the corner of Gilmour Street and Eleven Mile Drive which is directly connected to a regulator. Current estimates by Agility indicate the main could service an additional 600 residential properties. Agility would need to carry out major infrastructure works to provide natural gas to service the remainder of the study area. A new main would need to be constructed from Gilmour Street along Eleven Mile Drive to connect with the existing supply. It is therefore concluded that there is some spare infrastructure in place to accommodate some of the gas demand generated by the Planning Proposal. Council will need to consult further with the gas supplier as to if and when they would proceed to upgrade infrastructure.

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

Public authorities and other relevant organisations were invited to submit written comments on the LES. This consultation sought information from public authorities relevant to the study area and advice on additional issues that the LES should consider and address. This was intended to fulfil the consultation requirements under section 62 of the EPA Act despite the fact that Council had not at the time of preparing the LES resolved to prepare a draft LEP. For a full summary of issues raised and resolutions proposed refer to Part 3 of the LES (see **Attachment 2**).

In addition, Council consulted extensively with Government Agencies in the preparation of the Urban Strategy. The only concern raised was by the former Department of Primary

Industries in respect of the loss of prime agricultural land around the village. This issue has been addressed in the various sections above.

Notwithstanding, it is proposed that the following authorities be consulted again when this planning proposal is placed on public exhibition:

- Country Energy
- Telstra
- AGL Energy
- Department of Education and Training
- NSW Police Service
- NSW Ambulance
- NSW Rural Fire Service
- Bathurst Fire Brigade

The key purpose of further consultation being now to alert these agencies that expansion is now imminent.

Section E – Reclassification of Public Land.

This section is not applicable, no land is to be reclassified as part of the planning proposal.

Part 4 - Community Consultation

Connell Wagner undertook an extensive consultation process in conjunction with the Eglinton Expansion LES (2006). This included:

- Written consultation with Government Departments, public authorities and other relevant stakeholders.
- Face to face interviews with interested landholders and stakeholder groups.
- A community meeting/workshop.
- A community information day.
- The distribution to all households in Eglinton of a series of newsletters throughout the study process.

For a full summary of consultation undertaken refer to **Part 3** of the LES (see **Attachment 2**).

Council commenced the Urban Strategy process with a substantial community consultation process in late 2005 which sought to identify key issues and community values that needed to be accounted for in the Strategy process.

A year later a further substantial community consultation process was held to determine which matters within each of the Strategies/Studies the community supported, did not support and what other matters they thought had not been addressed.

The stage 2 community consultation program was well documented by Council and included 24 community meetings as detailed in the following table.

Meeting (No.)	No. Invited	No. Attended
Community Public Meetings (13)	n/a	356
Community Focus Groups (11)	143	36

The expansion of Eglinton Village was one of several key issues raised by the community with respect to the draft Bathurst Region Urban Strategy.

In regard to further consultation to be undertaken should this proposal proceed, this is a Low Impact Planning Proposal. Council anticipates further consultation with the community through a 30 day public exhibition process as follows:

- Community consultation with interested community groups
- Public exhibition in the local newspaper and Eglinton Primary School Newsletter
- Material relevant to the planning proposal available at Council Offices
- Consultation with relevant Government Agencies as outlined earlier.

Further, public hearings will be held and submissions considered as required by the Act.