



Environmental Investigations for the
Bathurst Regional Local Environmental
Plan and Development Control Plan
2011

Effective Date: 14 December 2009

CONTENTS

MAPS FOR LES.....	I
1 INTRODUCTION.....	1
2 PLANNING FRAMEWORK	4
2.1 BATHURST REGION URBAN STRATEGY	4
2.2 BATHURST REGION RURAL STRATEGY	5
3 COMMUNITY CONSULTATION	8
4 DEMAND AND SUPPLY	10
5 PLANNING AND ENVIRONMENTAL ISSUES.....	11
6 EGLINTON.....	13
6.1 BACKGROUND	13
6.2 CULTURAL HERITAGE	13
6.2.1 Aboriginal Heritage	13
6.2.2 Heritage Conservation Areas	14
6.2.3 Heritage Items	14
6.3 CONCLUSION.....	16
7 HILL END.....	18
7.1 BACKGROUND	18
7.2 TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	18
7.2.1 Topography.....	18
7.2.2 Drainage	22
7.2.3 Geology and Soils.....	24
7.3 LAND CONTAMINATION.....	24
7.4 GROUNDWATER AND WATER QUALITY	24
7.5 BIODIVERSITY.....	26
7.6 BUSHFIRE HAZARD.....	28
7.7 VISUAL ENVIRONMENT	30
7.8 CULTURAL HERITAGE	30
7.8.1 Aboriginal Heritage	30
7.8.2 Heritage Conservation Areas	31
7.8.3 Heritage Items	33
7.8.4 Archaeology.....	33
7.9 LANDUSE AND DEVELOPMENT	35
7.10 DEMOGRAPHIC	38
7.11 LAND TENURE AND OWNERSHIP	39
7.12 TRANSPORT AND ACCESS	39
7.13 UTILITIES	39
7.14 CONCLUSION.....	39
8 KELSO	41
8.1 BACKGROUND	41
8.2 TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	41
8.2.1 Topography.....	41
8.2.2 Drainage	45
8.2.3 Geology and Soils.....	47
8.3 LAND CONTAMINATION.....	47

8.4	GROUNDWATER AND WATER QUALITY	47
8.5	BIODIVERSITY.....	49
8.6	BUSHFIRE HAZARD.....	54
8.7	VISUAL ENVIRONMENT	54
8.8	CULTURAL HERITAGE	54
8.8.1	Aboriginal Heritage	54
8.8.2	Heritage Conservation Areas	55
8.8.3	Heritage Items	55
8.9	LANDUSE AND DEVELOPMENT	58
8.10	DEMOGRAPHIC	59
8.11	LAND TENURE AND OWNERSHIP	59
8.12	TRANSPORT AND ACCESS	59
8.13	UTILITIES	61
8.14	CONCLUSION.....	63
9	LOWER HOPE STREET AREA	65
9.1	BACKGROUND	65
9.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	65
9.2.1	Topography.....	65
9.2.2	Drainage	69
9.2.3	Geology and Soils.....	71
9.3	LAND CONTAMINATION.....	71
9.4	GROUNDWATER AND WATER QUALITY	71
9.5	BIODIVERSITY.....	73
9.6	BUSHFIRE HAZARD.....	75
9.7	VISUAL ENVIRONMENT	75
9.8	CULTURAL HERITAGE	75
9.8.1	Aboriginal Heritage	75
9.8.2	Heritage Conservation Areas	76
9.8.3	Heritage Items	76
9.9	LANDUSE AND DEVELOPMENT	76
9.10	DEMOGRAPHIC	77
9.11	LAND TENURE AND OWNERSHIP	77
9.12	TRANSPORT AND ACCESS	77
9.13	UTILITIES	78
9.14	CONCLUSION.....	78
10.	MOUNT RANKIN (EAST).....	81
10.1	BACKGROUND	81
10.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	81
10.2.1	Topography.....	81
10.2.2	Drainage	85
10.2.3	Geology and Soils.....	87
10.3	LAND CONTAMINATION.....	87
10.4	GROUNDWATER AND WATER QUALITY	87
10.5	BIODIVERSITY.....	90
10.6	BUSHFIRE HAZARD.....	94
10.7	VISUAL ENVIRONMENT	96

10.8	CULTURAL HERITAGE	96
10.8.1	Aboriginal Heritage	96
10.8.2	Heritage Conservation Areas	99
10.8.3	Heritage Items	99
10.9	LANDUSE AND DEVELOPMENT	99
10.10	DEMOGRAPHIC	103
10.11	LAND TENURE AND OWNERSHIP	104
10.12	TRANSPORT AND ACCESS	104
10.13	UTILITIES	104
10.14	WATER & SEWER & MINIMUM LOT SIZE	105
10.15	CONCLUSION.....	106
11	PEEL	108
11.1	BACKGROUND	108
11.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	108
11.2.1	Topography.....	108
11.2.2	Drainage	112
11.2.3	Geology and Soils.....	114
11.3	LAND CONTAMINATION.....	114
11.4	GROUNDWATER AND WATER QUALITY	114
11.5	BIODIVERSITY.....	116
11.6	BUSHFIRE HAZARD.....	120
11.7	VISUAL ENVIRONMENT	122
11.8	CULTURAL HERITAGE	122
11.8.1	Aboriginal Heritage	122
11.8.2	Heritage Conservation Areas	123
11.8.3	Heritage Items	123
11.9	LANDUSE AND DEVELOPMENT	126
11.10	DEMOGRAPHIC	130
11.11	LAND TENURE AND OWNERSHIP	130
11.12	TRANSPORT AND ACCESS	130
11.13	UTILITIES	130
11.14	CONCLUSION.....	131
12	ROBIN HILL.....	133
12.1	BACKGROUND	133
12.2	CONCLUSION.....	133
12	ROBIN HILL.....	135
12.1	BACKGROUND	135
12.2	CONCLUSION.....	135
13	ROCKLEY.....	137
13.1	BACKGROUND	137
13.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	137
13.2.1	Topography.....	137
13.2.2	Drainage	141
13.2.3	Geology and Soils.....	143
13.3	LAND CONTAMINATION.....	143
13.4	GROUNDWATER AND WATER QUALITY	143

13.5	BIODIVERSITY.....	146
13.6	BUSHFIRE HAZARD.....	150
13.7	VISUAL ENVIRONMENT	152
13.8	CULTURAL HERITAGE	152
	13.8.1 Aboriginal Heritage	152
	13.8.2 Heritage Conservation Areas	153
	13.8.3 Heritage Items	153
13.9	LANDUSE AND DEVELOPMENT	156
13.10	DEMOGRAPHIC	159
13.11	LAND TENURE AND OWNERSHIP	159
13.12	TRANSPORT AND ACCESS	160
13.13	UTILITIES	160
13.14	CONCLUSION.....	160
14	SOFALA.....	163
14.1	BACKGROUND	163
14.2	TOPOGRAPHY, DRAINAGE, FLOODING, GEOLOGY AND SOILS.....	163
	14.2.1 Topography.....	163
	14.2.2 Drainage and Flooding	167
	14.2.3 Geology and Soils.....	169
14.3	LAND CONTAMINATION.....	169
14.4	GROUNDWATER AND WATER QUALITY	169
14.5	BIODIVERSITY.....	171
14.6	BUSHFIRE HAZARD.....	175
14.7	VISUAL ENVIRONMENT	177
14.8	CULTURAL HERITAGE	177
	14.8.1 Aboriginal Cultural Heritage.....	177
	14.8.2 Heritage Conservation Areas	178
	14.8.3 Heritage Items	178
14.9	LANDUSE AND DEVELOPMENT	181
14.10	DEMOGRAPHIC	184
14.11	LAND TENURE AND OWNERSHIP	185
14.12	TRANSPORT AND ACCESS	185
14.13	UTILITIES	185
14.14	CONCLUSION.....	185
15	SYDNEY ROAD PRECINCT (SOUTH)	188
15.1	BACKGROUND	188
15.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	188
	15.2.1 Topography.....	188
	15.2.2 Drainage	192
	15.2.3 Geology and Soils.....	194
15.3	LAND CONTAMINATION.....	194
15.4	GROUNDWATER AND WATER QUALITY	194
15.5	BIODIVERSITY.....	196
15.6	BUSHFIRE HAZARD.....	200
15.7	VISUAL ENVIRONMENT	200
15.8	CULTURAL HERITAGE	200

15.8.1	Aboriginal Heritage	200
15.8.2	Heritage Conservation Areas	201
15.8.3	Heritage Items	201
15.9	LANDUSE AND DEVELOPMENT	201
15.9.1	Site 1 – Sydney Road (38ha)	202
15.10	DEMOGRAPHIC	203
15.11	LAND TENURE AND OWNERSHIP	203
15.12	TRANSPORT AND ACCESS	203
15.13	UTILITIES	205
15.14	CONCLUSION.....	207
16	THE LAGOON	209
16.1	BACKGROUND	209
16.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	209
16.2.1	Topography.....	209
16.2.2	Drainage	213
16.2.3	Geology and Soils.....	215
16.3	LAND CONTAMINATION.....	215
16.4	GROUNDWATER AND WATER QUALITY	215
16.5	BIODIVERSITY	218
16.6	BUSHFIRE HAZARD.....	222
16.7	VISUAL ENVIRONMENT	222
16.8	CULTURAL HERITAGE	222
16.8.1	Aboriginal Heritage	222
16.8.2	Heritage Conservation Areas	223
16.8.3	Heritage Items	223
16.9	LANDUSE AND DEVELOPMENT	223
16.10	DEMOGRAPHIC	227
16.11	LAND TENURE AND OWNERSHIP	227
16.12	TRANSPORT AND ACCESS	227
16.13	UTILITIES	227
16.14	CONCLUSION.....	228
17	TRUNKY CREEK	230
17.1	BACKGROUND	230
17.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	230
17.2.1	Topography.....	230
17.2.2	Drainage	234
17.2.3	Geology and Soils.....	234
17.3	LAND CONTAMINATION.....	234
17.4	GROUNDWATER AND WATER QUALITY	234
17.5	BIODIVERSITY.....	237
17.6	BUSHFIRE HAZARD.....	242
17.7	VISUAL ENVIRONMENT	244
17.8	CULTURAL HERITAGE	244
17.8.1	Aboriginal Heritage	244
17.8.2	Heritage Conservation Areas	245
17.8.3	Heritage Items	245

17.9	LANDUSE AND DEVELOPMENT	247
17.10	DEMOGRAPHIC	251
17.11	LAND TENURE AND OWNERSHIP	251
17.12	TRANSPORT AND ACCESS	251
17.13	UTILITIES	251
17.14	CONCLUSION.....	252
18	WATTLE FLAT	254
18.1	BACKGROUND	254
18.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	254
18.2.1	Topography.....	254
18.2.2	Drainage	259
18.2.3	Geology and Soils.....	261
18.3	LAND CONTAMINATION.....	261
18.4	GROUNDWATER AND WATER QUALITY	265
18.5	BIODIVERSITY.....	268
18.5.1	Northern Area	270
18.5.2	Western Area	270
18.5.3	Central Area.....	270
18.5.4	Southern Area.....	270
18.5.5	Eastern Area	270
18.6	BUSHFIRE HAZARD.....	273
18.7	VISUAL ENVIRONMENT	275
18.8	CULTURAL HERITAGE	275
18.8.1	Aboriginal Heritage	275
18.8.2	Heritage Conservation Areas	276
18.8.3	Heritage Items	276
18.9	LANDUSE AND DEVELOPMENT	278
18.9.1	Wattle Flat Village.....	280
18.9.2	Wattle Flat Rural Lifestyle Area	281
18.10	DEMOGRAPHIC	289
18.11	LAND TENURE AND OWNERSHIP	289
18.12	TRANSPORT AND ACCESS	289
18.13	UTILITIES	289
18.14	CONCLUSION.....	290
19	YETHOLME	291
19.1	BACKGROUND	291
19.2	TOPOGRAPHY, DRAINAGE, GEOLOGY AND SOILS	291
19.2.1	Topography.....	291
19.2.2	Drainage	295
19.2.3	Geology and Soils.....	297
19.3	LAND CONTAMINATION.....	297
19.4	GROUNDWATER AND WATER QUALITY	297
19.5	BIODIVERSITY.....	299
19.6	BUSHFIRE HAZARD.....	309
19.7	VISUAL ENVIRONMENT	311
19.8	CULTURAL HERITAGE	311

19.8.1	Aboriginal Heritage	311
19.8.2	Heritage Conservation Areas	312
19.8.3	Heritage Items	312
19.9	LANDUSE AND DEVELOPMENT	314
19.10	DEMOGRAPHIC	317
19.11	LAND TENURE AND OWNERSHIP	318
19.12	TRANSPORT AND ACCESS	318
19.13	CONCLUSION.....	318
20	SUMMARY.....	320

MAPS FOR LES

- 1 Figure 1 – Heritage Items at Eglinton
- 2 Figure 2 - draft DCP map No. 4a – Eglinton
- 3 Figure 3 – draft DCP map No. 4b - Eglinton
- 4 Figure 4 - Aerial imagery at Hill End
- 5 Figure 5 – Contours at Hill End
- 6 Figure 6 – Environmentally Sensitive land at Hill End
- 7 Figure 7 – Environmentally Sensitive Waterways at Hill End
- 8 Figure 8 - High and Moderate Biodiversity Sensitivity at Hill End
- 9 Figure 9 - Bushfire Prone Land at Hill End
- 10 Figure 10 – Heritage Conservation Area and Heritage Items at Hill End
- 11 Figure 11 – Draft DCP Map No. 23a – Hill End Archaeology
- 12 Figure 12 – Constraints at Hill End
- 13 Figure 13 - Draft DCP Map No. 23 – Hill End
- 14 Figure 14 - Aerial imagery at Kelso
- 15 Figure 15 – Contours at Kelso
- 16 Figure 16 – Environmentally Sensitive land at Kelso
- 17 Figure 17 – Environmentally Sensitive Waterways at Kelso
- 18 Figure 18 - High and Moderate Biodiversity Sensitivity at Kelso
- 19 Figure 19 – Threatened Species Sightings at Kelso
- 20 Figure 20 - Heritage Conservation Area and Heritage Items at Kelso
- 21 Figure 21 – Land able to be Serviced at Kelso
- 22 Figure 22 - Draft DCP Map No. 5 – Kelso
- 23 Figure 23 - Aerial imagery at Lower Hope Street
- 24 Figure 24 – Contours at Lower Hope Street
- 25 Figure 25 – Environmentally Sensitive land at Lower Hope Street
- 26 Figure 26 – Environmentally Sensitive Waterways at Lower Hope Street
- 27 Figure 27 - High and Moderate Biodiversity Sensitivity at Lower Hope Street
- 28 Figure 28 - Draft DCP Map No. 7 – Lower Hope Street
- 29 Figure 29 - Aerial imagery at Mount Rankin (East)

- 30 **Figure 30 – Contours at Mount Rankin (East)**
- 31 **Figure 31 – Environmentally Sensitive land at Mount Rankin (East)**
- 32 **Figure 32 – Environmentally Sensitive Waterways at Mount Rankin (East)**
- 33 **Figure 33 - High and Moderate Biodiversity Sensitivity at Mount Rankin (East)**
- 34 **Figure 34 - Threatened Species Sightings at Mount Rankin**
- 35 **Figure 35 - Bushfire Prone Land at Mount Rankin (East)**
- 36 **Figure 36 – Potential Aboriginal Heritage Sites at Mount Rankin (East)**
- 37 **Figure 37 – Constraints at Mount Rankin (East)**
- 38 **Figure 38 – Draft DCP Map No. 21 – Mount Rankin (East)**
- 39 **Figure 39 - Aerial imagery at Peel**
- 40 **Figure 40 – Contours at Peel**
- 41 **Figure 41 – Environmentally Sensitive land at Peel**
- 42 **Figure 42 – Environmentally Sensitive Waterways at Peel**
- 43 **Figure 43 - High and Moderate Biodiversity Sensitivity at Peel**
- 44 **Figure 44 - Threatened Species Sightings at Peel**
- 45 **Figure 45 - Bushfire Prone Land at Peel**
- 46 **Figure 46 - Heritage Conservation Area and Heritage Items at Peel**
- 47 **Figure 47 – Constraints at Peel**
- 48 **Figure 48 - Draft DCP Map No. 27 – Peel**
- 49 **Figure 49 – Draft DCP Map No. 17 – Robin Hill**
- 50 **Figure 50 - Aerial imagery at Rockley**
- 51 **Figure 51 – Contours at Rockley**
- 52 **Figure 52 – Environmentally Sensitive land at the Rockley**
- 53 **Figure 53 – Environmentally Sensitive Waterways at Rockley**
- 54 **Figure 54 - High and Moderate Biodiversity Sensitivity at Rockley**
- 55 **Figure 55 – Threatened Species Sightings at Rockley**
- 56 **Figure 56 - Bushfire Prone Land at Rockley**
- 57 **Figure 57 - Heritage Conservation Area and Heritage Items at Rockley**
- 58 **Figure 58 – Constraints at Rockley**
- 59 **Figure 59 – Draft DCP Map No. 25 – Rockley**

- 60 **Figure 60 - Aerial imagery at Sofala**
- 61 **Figure 61 – Contours at Sofala**
- 62 **Figure 62 – Environmentally Sensitive land at Sofala**
- 63 **Figure 63 – Environmentally Sensitive Waterways at Sofala**
- 64 **Figure 64 - High and Moderate Biodiversity Sensitivity at Sofala**
- 65 **Figure 65 – Threatened Species Sightings at Sofala**
- 66 **Figure 66 - Bushfire Prone Land at Sofala**
- 67 **Figure 67 - Heritage Conservation Area and Heritage Items at Sofala.**
- 68 **Figure 68 – Constraints at Sofala**
- 69 **Figure 69 - Draft DCP Map No. 24 – Sofala**
- 70 **Figure 70 - Aerial imagery at Sydney Road Precinct (South)**
- 71 **Figure 71 – Contours at Sydney Road Precinct (South)**
- 72 **Figure 72 – Environmentally Sensitive Land at Sydney Road Precinct (South)**
- 73 **Figure 73 - Environmentally Sensitive Waterways at Sydney Road Precinct (South)**
- 74 **Figure 74 – High and Moderate Biodiversity Sensitivity at Sydney Road Precinct (South)**
- 75 **Figure 75 – Threatened Species Sightings at Sydney Road Precinct (South)**
- 76 **Figure 76 - Land able to be Serviced with Reticulated Water at Sydney Road Precinct (South)**
- 77 **Figure 77 - Draft DCP Map No. 10 – Sydney Road Precinct (South)**
- 78 **Figure 78 - Aerial imagery at the Lagoon**
- 79 **Figure 79 – Contours at the Lagoon**
- 80 **Figure 80 – Environmentally Sensitive Land at the Lagoon**
- 81 **Figure 81 - Environmentally Sensitive Waterways at the Lagoon**
- 82 **Figure 82 – High and Moderate Biodiversity Sensitivity at the Lagoon**
- 83 **Figure 83 – Threatened Species Sightings at the Lagoon**
- 84 **Figure 84 - Constraints at the Lagoon**
- 85 **Figure 85 - Draft DCP Map No. 19 – The Lagoon**
- 86 **Figure 86 - Aerial imagery at Trunkey Creek**
- 87 **Figure 87 – Contours at Trunkey Creek**
- 88 **Figure 88 – Environmentally Sensitive land at Trunkey Creek**

- 89 **Figure 89 – Environmentally Sensitive Waterways at Trunkey Creek**
- 90 **Figure 90 - High and Moderate Biodiversity Sensitivity at Trunkey Creek**
- 91 **Figure 91 – Threatened Species Sightings at Trunkey Creek**
- 92 **Figure 92 - Bushfire Prone Land at Trunkey Creek**
- 93 **Figure 93– Heritage Conservation Area at Trunkey Creek**
- 94 **Figure 94 - Constraints at Trunkey Creek**
- 95 **Figure 95 - Draft DCP Map No. 18 – Trunkey Creek**
- 96 **Figure 96 - Aerial imagery at Wattle Flat**
- 97 **Figure 97 – Contours at Wattle Flat**
- 98 **Figure 98 – Environmentally Sensitive land at Wattle Flat**
- 99 **Figure 99 - Sheet 4 of Bathurst Regional (Interim) LEP 2005**
- 100 **Figure 100 – Land identified as containing past mining activities at Wattle Flat**
- 101 **Figure 101– Environmentally Sensitive Waterways at Wattle Flat**
- 102 **Figure 102 - High and Moderate Biodiversity Sensitivity at Wattle Flat**
- 103 **Figure 103 – Threatened Species Sightings at Wattle Flat**
- 104 **Figure 104 - Bushfire Prone Land at Wattle Flat**
- 105 **Figure 105 - Heritage Conservation Area and Heritage Items at Wattle Flat.**
- 106 **Figure 106 – Constraints at Wattle Flat**
- 107 **Figure 107 – Spring Gully Gold Resource Buffer identified by DPI at Wattle Flat**
- 108 **Figure 108 – Development potential of land identified as Spring Gully Gold Resource Buffer at Wattle Flat**
- 109 **Figure 109 - Draft DCP Map No. 20 – Wattle Flat (Amended)**
- 110 **Figure 110 - Aerial imagery at Yetholme**
- 111 **Figure 111 – Contours at Yetholme**
- 112 **Figure 112 – Environmentally Sensitive land at Yetholme**
- 113 **Figure 113 – Environmentally Sensitive Waterways at Yetholme**
- 114 **Figure 114 - High and Moderate Biodiversity Sensitivity at Yetholme**
- 115 **Figure 115 - Threatened Species Sightings at Yetholme**
- 116 **Figure 116 - Bushfire Prone Land at Yetholme**
- 117 **Figure 117 – Heritage Items at Yetholme**
- 118 **Figure 118 – Constraints at Yetholme**

119 Figure 119 - Draft DCP Map No. 27 – Yetholme

1 INTRODUCTION

This Environmental Assessment was undertaken by Council's Strategic Planning Section in response to the need to provide a comprehensive environmental assessment of land identified to be rezoned under a Comprehensive LEP. Council's Engineering Section provided technical advice in relation to engineering issues including water and sewer servicing and land development. Council's Environmental Section provided technical advice in relation to biodiversity and threatened species. Ray Mjadwesch from Mjadwesch Environmental Service Support provided some additional feedback on the threatened species and biodiversity sections. Council's Geographic Information System Section provided all maps.

This document summaries the environmental assessment undertaken by Council for land identified for rezoning by the Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 prior to the preparation of the draft comprehensive Local Environmental Plan (LEP) and accompanying Development Control Plan (DCP).

Environmental assessment undertaken addresses the following key considerations:

- Planning Framework including Federal, State and Local Government Legislation and policy.
- Community Consultation
- Planning and Environmental Issues (for all lands identified for rezoning) including:
 - Topography, Drainage, Geology and Soils
 - Land Contamination
 - Groundwater and Water Quality
 - Biodiversity
 - Bushfire Hazard
 - Visual Environment
 - Cultural Heritage
 - Landuse and Development
 - Demographic
 - Land Tenure and Ownership
 - Human Services
 - Transport and Access
 - Utilities

Council is satisfied that the results of the investigations detailed hereunder has not precluded the rezoning of any lands identified in the Bathurst Region Urban and Rural Strategies under the comprehensive LEP other than some lands at Sofala and Mount Rankin. Those areas of land to be rezoned that are identified as constrained or considered unsuitable for development are adequately restricted from development by land management controls on relevant DCP Maps and LEP and DCP prohibitions and assessment provisions. Environmental Protection Areas (EPA's) have been identified as part of the environmental assessment process to protect environmentally sensitive lands and limit development opportunities on these sites. The draft DCP maps included in this report represent the preferred development option for each site based on the environmental assessment undertaken.

In relation to the rezoning of lands as detailed in this report and the preparation of the whole draft LEP and DCP, this report should be read in conjunction with the following studies/reports.

- The Bathurst Region Urban Strategy 2007
- The Bathurst Region Rural Strategy 2008
- The Bathurst Region Heritage Study 2007
- Land use Planning in the Bathurst Region – What you said in 2005
- Report on the Public Exhibition Process 2006
- Eglinton Village Expansion Local Environmental Study 2006
- Warrabindi/Coolibah/Eskdale Local Environmental Study 1999
- Draft Southern Ring Road Study 2008
- Bathurst Retail Strategy 1998
- Bathurst Traffic Study 1997
- Bathurst Conservation Area Review 2007
- Preliminary Investigations for Land Contamination – General Rezoning identified within the Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008.

Separate report to NSW Department of Planning titled *An assessment of the consistency with the draft Standard Instrument LEP with:*

- *Relevant Environmental Planning Instruments*
- *Section 117 Directions*
- *Relevant regional and subregional strategies*
- *Relevant LEP Practice Notes, and*
- *A brief explanation of the intent of additional local provisions*

You should also refer to the list of local studies/reports in Section **2.1** and Section **2.2** if this report. Finally, this report should also be read in conjunction with the draft LEP and draft DCP to which it relates. Standards, controls and restrictions proposed are generally not repeated in this report, but should be referenced in the draft LEP and DCP.

2 PLANNING FRAMEWORK

All relevant policies, strategies and planning controls that directly affect current and future planning in the Bathurst Region were considered by the Bathurst Region Urban and Rural Strategies. These strategies considered the planning framework in the context of land identified to be rezoned. Policies/Plans are outlined below. Detailed explanation of the planning framework is not repeated below. Reference should be made to Section 3 of the Bathurst Region Urban and Rural Strategies.

Council has also undertaken an assessment of the consistency with the draft Standard Instrument LEP with:

- Relevant Environmental Planning Instruments
- Section 117 Directions
- Relevant regional and subregional strategies
- Relevant LEP Practice Notes, and
- A brief explanation of the intent of additional local provisions.

This assessment has been provided to the NSW Department of Planning separately and includes justification of any inconsistencies against specific terms of relevant directions.

2.1 BATHURST REGION URBAN STRATEGY

Federal Government

- Environmental Protection and Biodiversity Conservation Act

State Government

- Section 117 Ministerial directions issued under the Environmental Planning and Assessment Act (1979)
- National Parks and Wildlife Act (1974)
- Threatened Species Conservation Act (1995)
- NSW Water Quality and River Flow Objectives
- Department of Planning 2000, Rural Lands Policy
- Department of Primary Industries 1998, Policy for Sustainable Agriculture
- Central West Catchment Board 2003, Central West Catchment Blueprint
- Central West Catchment Management Authority 2005, Central West Catchment Action Plan
- SEPP (Seniors Living) 2004
- SEPP 44 – Koala Habitat Protection

- **SEPP 55 – Remediation of Land**

Local Government

- **Cleveland Rose Report 1960's**
- **Bathurst Local Environmental Plan (LEP) 1987**
- **Structure Plan 1974 (prepared as a part of the planning for the Bathurst/Orange Growth Centre)**
- **Bathurst Structure Plan 1996**
- **Bathurst Local Environmental Plan (LEP) 1997**
- **Bathurst Retail Strategy 1998**
- **Local Environmental Study – South East Sector 1991**
- **Bathurst Traffic Study 1997**
- **Bathurst Open Space Study 1993**
- **Bathurst Vegetation Management Plan 2003**
- **Bathurst Floodplain Management Plan 1995**
- **Bathurst Housing Strategies, 1994 and 2001 and Supplementary Report 2003**
- **Eglinton Expansion Study 1997**
- **Eglinton Expansion Local Environmental Study 2006**
- **Mount Panorama Tourism and Recreation Strategy 2003**
- **Bathurst Regional Council Community Satisfaction Report 2006**
- **Bathurst Social/Community/Cultural Plan 1999**
- **Bathurst Strategic Access Plan 2000**
- **Bathurst Local Area Bicycle Plan 1993**
- **Community Well-being indicator Project – Draft Report 2003**
- **Economic Impact of the Bells Line Expressway 2005**

2.2 BATHURST REGION RURAL STRATEGY

Federal Government

- **Environmental Protection and Biodiversity Conservation Act**

State Government

- Section 117 Ministerial directions issued under the Environmental Planning and Assessment Act (1979)
- National Parks and Wildlife Act (1974)
- Threatened Species Conservation Act (1995)
- NSW Water Quality and River Flow Objectives
- Department of Planning 2000, Rural Lands Policy
- Department of Primary Industries 1998, Policy for Sustainable Agriculture
- Central West Catchment Board 2003, Central West Catchment Blueprint
- Central West Catchment Management Authority 2005, Central West Catchment Action Plan
- Farm Dams Policy
- Planning for Bushfire Protection 2006
- SEPP 15 – Rural Land sharing Communities
- SEPP 30 – Intensive Agriculture
- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Land
- SEPP Mining, Petroleum Production and Extractive Industries 2007
- SEPP (Infrastructure)
- SEPP (Rural Lands) 2008

Local Government

- Bathurst Local Environmental Plan 1997
- Evans Interim Development Order 1980 and amending LEP's
- Bathurst Regional (Interim) Local Environmental Plan 2005
- Abercrombie Shire Planning Study 1976
- Strategies for the development of Rural Lands in the City of Bathurst 1984
- Evans Shire Council Local Environmental Study 1993
- City of Bathurst Structure Plan 1996 Review
- Draft Evans Shire Local Environmental Planning Strategy

- Bathurst City Draft Rural Strategy 2004
- Numerous Local Environmental Studies
- Numerous rural residential demand studies
- Economic Impact of the Bells Line Expressway 2005
- Bathurst City Agricultural Land Suitability Study 1984

3 COMMUNITY CONSULTATION

As part of the preparation of the Urban and Rural Strategies, Council undertook an extensive two stage consultation program. The following tables summarises consultation undertaken and submissions received as part of this process.

Stage 1 – Visioning (September/October/November 2005)

• URBAN AND RURAL STRATEGY MEETINGS IN SEPT/OCT/NOV 2005	• NO INVITED	• NO ATTENDED
• GOVERNMENT AGENCY	• 37	• 12
• STAFF WORKING PARTY	• 9	• 9
• COMMUNITY PUBLIC MEETINGS	• N/A	• 156
• COMMUNITY FOCUS GROUPS	• 138	• 44
• TOTAL	•	• 221
• SUBMISSIONS RECEIVED		
• GENERAL COMMUNITY	• 87	
• GOVERNMENT AGENCIES	• 15	
• TOTAL	• 102	

Stage 2 – Public Exhibition of Draft Strategies (November/December 2006)

• URBAN AND RURAL STRATEGY MEETINGS • IN NOV/DEC 2006	• NO INVITED	• NO ATTENDED
• COMMUNITY PUBLIC MEETINGS	• N/A	• 356
• COMMUNITY FOCUS GROUPS	• 143	• 36
• TOTAL	•	• 392
• SUBMISSIONS RECEIVED		
• GENERAL COMMUNITY	• 256	
• GOVERNMENT AGENCIES	• 5	
• TOTAL	• 261	

Council produced the following reports to aid in and summarise Stage 1 and Stage 2 community consultation:

- Bathurst Region Urban Strategy Discussion/Issues Paper
- Bathurst Region Rural Strategy Discussion/Issues Paper

- **Landuse Planning in the Bathurst Region – What You Said in 2005**
- **Report of the Public Exhibition Process 2006**

These reports provide detailed summaries of key issues raised and visions of the Bathurst Regional Community and should be referred to separately.

4 DEMAND AND SUPPLY

The Urban and Rural Strategies provided detailed analysis of demand and supply within the region for residential, commercial, industrial, rural lifestyle and rural village development. The strategies justify in detail the need to zone additional land residential, commercial, industrial, rural lifestyle and rural village under the Comprehensive LEP. Those lands recommended by the strategies to be zoned by the Comprehensive LEP are considered by this study. Note that other lands were identified strategically for growth (e.g. North of Eleven Mile Drive) but were not required within the next ten year period. These sites will not be zoned and therefore have not been assessed below. Demand and supply analysis is not repeated in this document, reference should be made to the Bathurst Region Urban and Rural strategies.

5 PLANNING AND ENVIRONMENTAL ISSUES

Council has undertaken detailed environmental assessment for each of the following areas identified for rezoning under the Comprehensive LEP by the Bathurst Region Urban and Rural Strategies.

- Eglinton
- Hill End
- Kelso
- Lower Hope Street Area
- Mount Rankin
- Peel
- Robin Hill
- Rockley
- Sofala
- Sydney Road Precinct (South)
- The Lagoon
- Trunkey Creek
- Wattle Flat
- Yetholme

Environmental assessment undertaken for each locality includes the following:

- Background
- Topography, Drainage, Geology and Soils
- Land Contamination
- Groundwater and Water Quality
- Biodiversity
- Bushfire Hazard
- Visual Environment
- Cultural Heritage
- Landuse and Development

- Demographic
- Land Tenure and Ownership
- Transport and Access
- Utilities

12

6 EGLINTON

6.1 BACKGROUND

The Eglinton Village Expansion LES (2006) provided a comprehensive environmental assessment of all land identified for rezoning from rural to residential around the urban village of Eglinton. The outcomes of that study will not be repeated in this document, reference should be made to the LES.

Council is satisfied that the results of investigations detailed in the LES did not preclude the rezoning of lands at Eglinton. Subsequent assessment of the development options detailed in the LES was undertaken by the Bathurst Region Urban Strategy.

The Urban Strategy recommended the adoption of the LES High Growth Option 1. Since this time Council has also approved a Development Application for a major retirement resort to the northern boundary. Depending on the status of that development, a further growth option for Eglinton has been prepared. This includes some additional land investigated under High Growth Option 2 of the LES. These development options are included in **Figure 2** and **Figure 3**.

6.2 CULTURAL HERITAGE

Notwithstanding the results of the LES further investigations in regard to cultural heritage were undertaken for this area as part of the process of the Bathurst Region Heritage Study 2007. Investigations and analysis undertaken considered Aboriginal heritage, proposed Heritage Conservation Areas and proposed Heritage Items in the Eglinton Area as detailed below.

6.2.1 Aboriginal Heritage

The Heritage Study broadly investigated places of Aboriginal heritage significance. Research is summarised in the following table:

Research Undertaken	Sites Identified From Research Undertaken
<u>Review of listed sites</u> This included a review of sites that were already listed in some way. This included sites listed on the Aboriginal Heritage Information Management System, (AHIMS) by DECC.	Nil
<u>Sites identified by Aboriginal Liaison Officer</u> Council engaged an Aboriginal Liaison Officer (Mr. Bill Allen) to undertake the research on Aboriginal history and sites in the Region and further make recommendations of sites that should be nominated, listed or further investigated. As part of this process Mr Allen, in this role was required to make direct contact with Aboriginal groups and other interested persons within the Region.	Nil

Research Undertaken	Sites Identified From Research Undertaken
<u>Summary</u>	No Aboriginal Heritage Sites were identified at Eglinton.

In 2008, the Central West Catchment Management Authority, (CWCMA), received funding for Aboriginal studies to be undertaken. Two Aboriginal officers were appointed to carry out a study for the Bathurst and Orange areas to identify Aboriginal heritage sites. At a meeting held at the end of 2008 between the Aboriginal officers and Council staff, it became apparent that their proposal was very similar in detail to Council's proposed Aboriginal Desktop Study. As a result, Council agreed to assist the officers where it could with providing information and studies, rather than to double up and carry out the Desktop Study.

The study being undertaken by the CWCMA will identify the likelihood of potential Aboriginal sites within the whole LGA. This study will not be completed prior to December 2009, being the NSW Department of Planning's timeframe for gazettal of the Comprehensive LEP.

No Aboriginal heritage items were identified within the Eglinton area. Should further investigations identify items of Aboriginal Cultural Heritage appropriate amendments will be able to be made to the LEP and DCP to ensure their protection from incompatible development.

6.2.2 Heritage Conservation Areas

A Heritage Conservation Area was not recommended in the Bathurst Regional Heritage Study 2007 for Eglinton as the heritage items identified were few and generally well separated from each other. The Heritage Study therefore recommended the listing of individual items, rather than protection from a Heritage Conservation Area.

6.2.3 Heritage Items

Five European items were identified from the Bathurst Regional Heritage Study 2007 at Eglinton (See **Figure 1**). It is proposed that all of the five items will be listed as heritage items under Schedule 5 of the Bathurst Regional LEP 2010.

The items include:

- No. 117: Eglinton Memorial Hall, Alexander Street, Eglinton,
- No. 118: St Luke's Anglican Church, (former), 27 Alexander Street, Eglinton,
- No. 124: Kellosheil Water Race, Logan Street, Eglinton,
- No. 127: Late Victorian Homestead, 10 Todd Street, Eglinton, and
- No. 128: Margan's House, 43 Wellington Street, Eglinton.

Bathurst Region LES
Figure 1- Heritage Items at Eglinton



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Date 21/04/2009
Note: The colours on this Plan do not indicate zones under the Bathurst Regional (Interim) Local Environmental Plan 2005.

Department of Lands

Four of the heritage items are located within the existing built up residential area of Eglinton. For this reason, the proposed expansion of Eglinton will not alter the existing urban environment surrounding these items.

Item No. 124, the Kellosheil Water Race, will be located on rural land outside land identified to be zoned residential. Therefore, any proposed subdivision or housing development is unlikely to impact upon the physical condition of this item due to its locality within the Flood Liable Land and the associated restrictive development measures.

Various clauses are proposed in the draft LEP and DCP to ensure both Aboriginal and European heritage sites are conserved and are not impacted upon by new development.

6.3 CONCLUSION

Figure 2 (being draft DCP map No. 4a – Eglinton) represents the preferred development option at Eglinton supported by the findings of the LES. Those areas of land to be rezoned that are identified as constrained or considered unsuitable for development are adequately restricted from development by land management controls on the DCP Map. Note that Draft DCP Map No. 4b represents the preferred development option if the retirement resort proceeds (See **Figure 3**).

For further information on the interpretation of land use areas and land management areas reference should be made to the draft DCP.

Bathurst Region LES
Figure 3 - Draft DCP MAP No. 4b - Eglinton

