

Rezoning of 207-213 Sydney Road, Bathurst for bulky goods development and public open space

Proposal Title :	Rezoning of 207-213 Sydney Road, Bathurst for bulky goods development and public open space		
Proposal Summary :	Rezoning of 29ha being Lot 1 DP1093933, Lot 2 DP1079829, Lots 21 & 22 DP137352 and Lot 23 DP1133685, 207-213 Sydney Road, Bathurst from Inner Rural 1(a) to 3(b) Service Business and 6(a) Local Recreation for the purposes of bulky goods development, warehousing and distribution and riparian buffer.		
PP Number :	PP_2013_BATHU_001_00	Dop File No :	12/20711

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport

Additional Information : **Condition 1. Consultation with the following:**

Ambulance Service, Essential Energy, Department of Primary Industries, Fire and Rescue NSW, John Holland Rail P/L, NSW Police Service, NSW Rural Fire Service, NSW Dept of State and Regional Development, Office of Environment and Heritage, Office of Water, Roads and Maritime Service, State Emergency Service, Telstra, Transport for NSW.

Condition 2. Exhibition for a period of 28 days, with a 12 month completion period.

Condition 3. That the draft instrument either Option 1: zone part of the site to 3(b) Special Business, with the remainder (area containing former Part 3A approved rail-freight terminal) being deferred and considered as part of the Comprehensive LEP 2013; or Option 2 (Preferred): that the site be zoned a combination of 3(b) Special Business and 4(b) Industrial, in order to reflect the general concept of bulky goods premises along the Sydney Road frontage and freight transport facilities, warehousing and distribution centres over the former Part 3A approved concept plan, or Option 3: that the entire site be rezoned to 3(b) Special Business and Schedule 4 of Bathurst Regional (Interim) LEP be amended to enable development for the purpose of freight transport facilities, warehousing and distribution centres on the site, and that in each case the draft LEP mapping be amended accordingly;

Condition 4. That in each case in (3) above, the draft LEP instrument omit the proposed definition of 'bulky goods development' as proposed, instead the SI definition for 'bulky goods premises' be inserted into the Bathurst Regional (Interim) LEP 2005 as necessary.

Condition 5. That in each case in (3) above, there is no reference to 'Additional Uses' on the draft map; and that the draft instrument omit reference to development 'only in conjunction with' other forms of development.

Condition 6. Prior to community consultation the amended instrument and maps in accordance with items 3, 4 and 5 be submitted to the Department's Western Region office

Supporting Reasons : **That the following reasons be provided in the covering letter to Bathurst Regional Council:**
Condition 1. In particular, the impact of the proposed rezoning and subsequent

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development on the transport systems in Bathurst is to be addressed in the s59 Submission;

Condition 2: As nominated by Council and agreed as the suitable timeframe for public exhibition.

Condition 3: The following reasons are provided in relation to the drafting of the LEP:
Option 1: In relation to the timing of the preparation of the draft Comprehensive LEP and the potential to be further informed on the use of the subject site at this time; Option 2: To provide a clear delineation of land uses as proposed; Option 3: To permit the proposed land uses on a site-specific basis.

Conditions 3,4 & 5: The need to conform where possible with the SI LEP for ease of transition to the Comprehensive LEP.

6. Conditions 3,4 5 & 6: The need to conform to established legal drafting and planning practice, particularly in relation to the SI LEP.

Panel Recommendation

Recommendation Date : 24-Jan-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to zone those areas of the site it seeks to permit freight transport facilities and warehousing and distribution centres to 4(a) Industrial zone. The planning proposal should also be amended to remove words 'in conjunction with' from the explanation of provisions. The planning proposal maps, including the land zoning map, is to be amended to reflect the above amendment. A copy of the revised planning proposal and maps should be forwarded to the department for information purposes.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include an indicative concept map which identifies the proposed location of the intermodal freight terminal and associated warehousing and bulky goods development.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of State and Regional Development
 - Essential Energy
 - Ambulance Service of NSW
 - Central West Catchment Management Authority
 - Office of Environment and Heritage
 - Department of Premier and Cabinet
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Fishing and Aquaculture
 - Fire and Rescue NSW
 - NSW Police Force
 - NSW Rural Fire Service
 - NSW Office of Water
 - Transport for NSW

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- RailCorp
- John Holland Rail P/L (which are undertaking the role of Railcorp)
- Roads and Maritime Services
- State Emergency Services
- Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Noel McGiffin

Date:

6.2.13