



28 September 2018

Mr D Pfeiffer
General Manager, Western Region
NSW Department of Planning and Infrastructure
PO Box 58
DUBBO NSW 2830

Dear Mr Pfeiffer

Bathurst Regional LEP Amendment – Housekeeping

I refer to the abovementioned matter.

Council resolved on 18 July 2018 and 12 September 2018 to prepare and submit a Planning Proposal pursuant to the Environmental Planning and Assessment Act 1979.

Please find **enclosed** all the required documentation for the Planning Proposal to proceed to the Gateway for consideration. The documentation has also been uploaded to the Planning Portal.

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

Yours faithfully

J E Bingham
MANAGER STRATEGIC PLANNING

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Bathurst Regional

Name of draft LEP:Bathurst Regional Local Environmental Plan 2014

Address of Land (if applicable):

Lot	DP	Address
Part Lot 100	864119	21 Blacks Mill Lane, O'Connell
2	1233088	Edgells Lane, Kelso
1 & 2	1237902	294 Russell Street & 10 Bishop Street, Bathurst
Part Lot 284	47960	Boundary Road, Robin Hill

Intent of draft LEP: Council proposes to undertake a housekeeping LEP Amendment to update the Bathurst Regional LEP 2014 in relation to a number of matters.

Council has undertaken a review of the Exempt and Complying Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements of certain development types.

Council proposes to amend Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item.

Council also proposes to rezone a parcel of land at Edgells Lane from RE2 to E2 and RU4. It should be noted that Council is the landowner in relation to this land.

Clause 7.10 is proposed to be amended to enable educational establishments to erect directional signage on any land.

Finally, Council wishes to include artisan food and drink industry as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local Environmental Plan.

Additional Supporting Points/Information:

The aim of the Planning Proposal is to make some minor amendments to the Exempt and Complying Development provisions within the Bathurst Regional Local Environmental Plan 2014, alter Schedule 5 with the addition of two new local heritage items and amending the curtilage of one existing heritage item, amending Clause 7.10 to enable educational establishments to erect directional signage on any land, rezone land at Edgells Lane, Kelso and to permit Artisan Food and Drink Industries in the RU1, RU2 & RU4 zones. Council has drafted this housekeeping amendment which is explained in more detail below.

1. Schedule 5: Heritage

Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

Part Lot 284 DP 47960, Boundary Road, Mitchell

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

2. Land Zone

Lot 2 DP 1233088, Edgells Lane, Kelso

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat land E2 Environmental conservation and the residual rural balance RU4 Small Lot Primary Production. The classification of the land, pursuant to Local Government Act 1993, is not being altered.

It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots.

3. Schedule 2: Exempt Development

The amendment relates to a number of exempt development types. Further detail is included in the accompanying planning proposal documentation.

4. Schedule 3: Complying Development

The amendment relates to Parts 2 - Additions to dwelling houses & 4 – Dwelling Houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

5. Bathurst Regional LEP 2014: Clause 7.10

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land. Education is one of the largest sectors industry within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

6. Bathurst Regional LEP 2014: Zones RU1, RU2 and RU4

Council wishes to include artisan food and drink industry as a permissible land use with consent within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local Environmental Plan. Light industries will otherwise remain prohibited landuses within these zones.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Not Relevant		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Yes			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		No		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		No		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not Relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not Relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not Relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not Relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not Relevant		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not Relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not Relevant		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		No		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		No		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		No		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not Relevant		

Does the planning proposal create an exception to a mapped development standard?		No		
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).</p>		Not Relevant		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.