

Bathurst Regional Council Blue Ridge large lot residential extension

Proposal Title : **Bathurst Regional Council Blue Ridge large lot residential extension**

Proposal Summary : **To rezone RU Primary production land to R5 Large lot residential at land known as Blue Ridge Estate - OConnell Road Kelso**

PP Number : **PP_2015_BATHU_002_00** Dop File No : **15/07297**

Proposal Details

Date Planning Proposal Received : **20-May-2015** LGA covered : **Bathurst Regional**

Region : **Western** RPA : **Bathurst Regional Council**

State Electorate : **BATHURST** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **OConnell Road**

Suburb : **Kelso** City : **Bathurst** Postcode : **2795**

Land Parcel : **Lot 14 DP 1050220 - 3991 OConnell Road Kelso**

Street : **OConnell Road**

Suburb : **Kelso** City : **Bathurst** Postcode : **2795**

Land Parcel : **Lot 1 DP 867504 - 4031 OConnell Road Kelso**

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**

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RPA Contact Details

Contact Name : **Ashlee Cutter**

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DoP Project Manager Contact Details

Contact Name : **Ashley Albury**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	29.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	50
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meetings with Lobbyists**

Supporting notes

Internal Supporting Notes : **The proposal is consistent with the endorsed Bathurst Region Rural Strategy. Council are also undertaking a detailed local environmental study as part and concurrently with the planning proposal process.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **It is clear that the proposal is to rezone RU1 land to allow large lot residential development with a minimum lot size of 4000m2**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **In respect to lot 14 and Lot 1 it is proposed to change:**

the land zoning Maps (LZN_11F & G) from zone RU1 Primary Production to zone R5 Large lot residential,

the Lot size maps (LSZ_11F & G) - change from lot size of 200 ha to 4000m2

include subject land on the height of buildings maps (HOB_11F & G)

amend Heritage map (HER_11F) in respect to heritage item No I159 - The extent of land on which I159 remains can be determined through the Local Environmental Study and addressed at the section 59 submission.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.5 Rural Lands

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

At section 59 further work is required in respect to:

SEPP 55 Remediation of Land as lot 14 DP 1050220 has an existing orchard thereon

Section 117 2.3 Heritage Conservation - in respect to the heritage item 1159 located on Lot 1.

In respect to Section 117 1.3 Mining - the proposal will prohibit mining on the land and is inconsistent with this Direction. However the subject land is located near the Blue Ridge large lot residential estate, located on the fringe of Bathurst and has been identified in the endorsed Bathurst Region Rural Strategy as being suitable for rural lifestyle living. On that basis it is considered that the officer nominated by the Secretary can be satisfied that the inconsistency is of minor significance in this case with no further work required.

The subject land is within the Bathurst Airport Obstacle Limitation Surface - consultation will be required with the Civil Aviation Safety Authority. The land is not within the airport ANEF.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The proposed community consultation for 28 days is adequate

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

The land is within the Bathurst Airport Obstacle Limitation Surface - consultation with the Civil Aviation Safety Authority will be required.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The outstanding matters can be conditioned to be addressed with the section 59 submission

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Bathurst Regional LEP 2014 was notified on 19 November 2014

Assessment Criteria

Need for planning
proposal :

The planning proposal is to rezone the land from zone RU1 Primary production to zone R5 Large lot residential- a planning proposal is required to make this change and allow subdivision for living purposes.

Consistency with
strategic planning
framework :

The subject land has been identified as being suitable for 'rural lifestyle living' in the endorsed Bathurst Region Rural Strategy. This strategy was endorsed by the Department on 14 May 2013. The subject land adjoins Blue Ridge large lot living estate and the proposal is a logical extension to that estate.

Environmental social
economic impacts :

The general environmental and social impacts have been broadly considered in the endorsed Bathurst Region Rural Strategy. Council will concurrently undertake a detailed local environmental study to address the abovementioned issues and other matters relating to the land.

There are issues relating to potential land contamination, the airport OLS and the local heritage item on Lot 1 that can be conditioned and be addressed at section 59.

There is adequate information and justification to permit the proposal proceed to Gateway.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Matters that can be addressed at section 59 submission:

Consultation with the Civil Aviation Safety Authority in respect to the land being located in the Bathurst Airport Obstacle Limitation Surface. The natural surface at this land is about RL 710mAHD and the OLS contour is RL

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779.5mAHD - ie about 70m difference. A height of building restriction will be 9m on this land.

Potential contamination assessment is required as there is/was a orchard located on Lot 14 DP 1050220.

Address curtilage required around Heritage Item I159

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The proposal is for 50 lots with access to local roads and services therefore urban release area and state infrastructure is not required at this time.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.5 Rural Lands
2.3 Heritage Conservation
3.1 Residential Zones
3.5 Development Near Licensed Aerodromes**

Additional Information :

- 1. 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 a minimum of 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 2013).**
- 2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act 1979:**
 - Office of Environment and Heritage (in relation to potential land contamination and for the local Heritage Item I159).**
 - Civil Aviation Safety Authority.**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
- 3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to address this matter in its submission under section 59 of the EP&A Act 1979.**
- 4. 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).**
- 5. Prior to the submission of the Planning Proposal under section 59 of the EP&A Act 1979 the relevant Land Zoning Map, Lot Size Map, Height of Buildings and Heritage Maps that apply to the subject land are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.**
- 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

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Authorise Bathurst Regional Council to exercise plan making delegation for this proposal

Supporting Reasons :

The subject land is consistent with the endorsed Bathurst Region Rural Strategy as being suitable for rural lifestyle living purposes. There is adequate information provided to proceed through Gateway at this time. In addition Council is undertaking a detailed local environmental study concurrently with the planning proposal.

Signature:

W Gamsey

Printed Name:

W Gamsey

Date:

21/5/15

Endorsed

A Albany
GMWR