

**PLANNING PROPOSAL**  
**BATHURST REGIONAL LOCAL**  
**ENVIRONMENTAL PLAN 2014**  
**AMENDMENT No**  
**(20.00332)**  
**POST EXHIBITION**

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**Health Services Facilities in Zone RE2**

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Nil

## List of Attachments

Attachment Number	Name
1	Council's report which reviews the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014.
2	Planning Proposal from Anthony Daintith Town Planning in relation to 45 Mitre Street, Bathurst.
3	Council Minute to proceed with Planning Proposal.
4	Location plans of sites currently zoned RE2 under Bathurst Regional LEP 2014.
5	Gateway Determination, dated 1 May 2019
6	Mail Merge letter to landowners
7	Newspaper notice
8	Report to Council meeting held 17 July 2019

## Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Mr Neil Southorn Director, Environmental Planning and Building Services
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## Background

Council has undertaken a review of the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to health services in the vicinity of the Bathurst Base hospital (**refer attachment 1**).

In relation to the Bathurst Base hospital precinct the only planning impediment identified for new health services to locate close to the existing hospital is the current prohibition of health services facilities in the RE2 Private Recreation Zone.

Concurrent to Council's review of permissibility, Council has also received a separate Planning Proposal from Anthony Daintith Town Planning to enable medical centres as an additional permitted use at 45 Mitre Street (**refer attachment 2**), one of the sites zoned RE2 in proximity to the hospital.

The purpose of this Planning Proposal is therefore to delete Health Services Facilities from item 4 (Prohibited) of the zoning table to Zone RE2 Private Recreation in order to enable this land use to be a permitted use with consent in the RE2 zone.

The RE2 Private Recreation Zone applies to 6 sites within the Bathurst Region:

1. 2 Commonwealth St (PCYC)
2. 184 Morrisett St (Ten Pin Bowling Centre)
3. 45 Mitre St (currently vacant)
4. 234 Gilmour St (St Pats sporting club/hotel).
5. 7 Upfold St (Greyhound racing track)
6. 8 Havannah St (Dwelling)

Sites 1, 2 and 3 are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Council has received a Planning Proposal from Anthony Daintith Town Planning to permit medical centres at Site 3, 45 Mitre Street, to enable the establishment of a physiotherapy business in the existing building in conjunction with other associated medical services. Sites 1 and 2 may also offer opportunities for other new health services to locate close to Bathurst Base Hospital into the future if redevelopment of these sites was sought.

The RE2 zone also applies to 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track) and 8 Havannah St (Dwelling). The inclusion of health services facilities as a permissible use at these sites is considered appropriate (**refer attachment 1**) and in the case of the St Pats Sporting Club/Hotel site will complement its current change of use to seniors living.

A copy of the Council minute to proceed with the Planning Proposal is provided at **attachment 3**.

The Gateway determination provides that Council is authorised as the local plan-making authority to exercise functions under section 3.36(2) of the Act.

The Planning Proposal has been prepared in accordance with Section 55 of *the Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

## Part 1 Objectives or intended outcomes

### 1.1 Introduction

The purpose of this Planning Proposal is to delete Health Services Facilities from item 4 (Prohibited) of the zoning table to Zone RE2 Private Recreation in order to enable this land use to be a permitted use with consent in the RE2 zone.

Council has undertaken a review of the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to health services locating in the vicinity of the Bathurst Base hospital (**see attachment 1**).

In relation to the Bathurst Base hospital precinct the only planning impediment identified to opportunities for further health services to locate close to the existing hospital is the current prohibition of health services facilities in the RE2 Private Recreation Zone.

Concurrent to Council's review of permissibility, Council has also received a separate Planning Proposal from Anthony Daintith Town Planning to enable medical centres as an additional permitted use at 45 Mitre Street (**refer attachment 2**), one of the sites zoned RE2 in proximity of the hospital.

The RE2 Private Recreation Zone applies to 6 sites within the Bathurst Region (**refer to location plans at attachment 4**):

1. 2 Commonwealth St (PCYC)
2. 184 Morrisset St (Ten Pin Bowling Centre)
3. 45 Mitre St (currently vacant building)
4. 234 Gilmour St (St Pats sporting club/hotel).
5. 7 Upfold St (Greyhound racing track)
6. 8 Havannah St (Dwelling)

Sites 1, 2 and 3 are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Council has received a Planning Proposal from Anthony Daintith Town Planning to permit medical centres at Site 3 - 45 Mitre Street to enable the establishment of a physiotherapy business in the existing building in conjunction with other associated medical services. Sites 1 and 2 may also offer opportunities for other new health services to locate close to Bathurst Base Hospital into the future if redevelopment of these sites was sought.

The RE2 zone applies to 234 Gilmour St (St Pats sporting club/hotel) and 7 Upfold St (Greyhound racing track). Both of these sites are located on the edge of the Macquarie River floodplain on lands adjoining the RU4 Primary Production Small Lots zones. Health services facilities are permissible with consent in the RU4 zone. The inclusion of health services facilities in the RE2 zone as a permissible use would be no different than if these lands were otherwise zoned RU4 (an RU4 zone would be the most appropriate zone for both localities if they were not currently zoned because of existing or past private recreation uses).

The greyhound racing park at 7 Upfold Street is still being used for greyhound racing so at this time it is considered unlikely that a change of use to health services facilities would be likely.

In relation to 234 Gilmour St (St Pats sporting club/motel), DA 2014/109 was lodged under SEPP (Housing for Seniors or People with a Disability) 2004 and granted consent to 89 self

contained seniors living units. The inclusion of health services facilities as a permissible use in the RE2 zone will complement the current change of use of 234 Gilmour Street to seniors living.

8 Havannah Street is also zoned RE2 and is currently being used as a dwelling and has considerable vacant land around the site. Its proximity to higher density living may make it a suitable site for future health services if redevelopment of the site was contemplated into the future.

In general terms, objective 2 of zone RE2 Private Recreation Zone (SILEP) is “to provide a range of recreational settings and activities and compatible land uses”. Health services facilities, whilst not a recreation use might, at all of these locations, be compatible (or at the least not incompatible) with other adjoining land uses and the adjoining land use zones.

Based on the findings of Council’s review it is recommended that Health Services Facilities be included as a permissible use with consent within the RE2 Private Recreation Zone under the Bathurst Regional LEP 2014. A Planning Proposal is required to enable this change.

## **1.2 The subject land**

The land the subject of this planning proposal is all lands zoned RE2 Private Recreation under Bathurst Regional Local Environmental Plan 2014.

Lands currently zoned RE2 Private Recreation are:

<b>Address</b>	<b>Current Use</b>
2 Commonwealth Street	PCYC building
184 Morrissett St	Ten Pin Bowling Centre
45 Mitre St	Vacant building (formerly martial arts use)
234 Gilmour Street	St Pats sporting club/motel, consent issued for seniors living.
7 Upfold Street	Greyhound racing track
8 Havannah Street	Dwelling

## **Part 2 Explanation of Provisions**

### **2.1 Introduction**

The Health Facilities Services in the RE2 zone Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014, to delete Health Services Facilities from item 4 (Prohibited) of the zoning table to Zone RE2 Private Recreation.

This amendment will have the effect of enabling Health Services Facilities to be a permitted use with consent in the RE2 zone.

## PART 3 Justification

### Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes. Council has undertaken a review of the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to health services in the vicinity of the Bathurst Base hospital (**refer attachment 1**). The only planning impediment identified to prevent new health services to locate close to the existing hospital is the current prohibition of health services facilities in the RE2 Private Recreation Zone.

Council, by way of a minute, has subsequently resolved to prepare a planning proposal to permit health services facilities in the RE2 Private Recreation Zone (**refer attachment 3**).

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the change in permissibility of health services facilities in the RE2 zone. The only avenue to change land use permissibility is via a Planning Proposal.

### Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following table addresses the evaluation criteria for the consistency with the regional and sub-regional strategies, as required by the guidelines for preparing a Planning Proposal.

Evaluation criteria	Y/N	Comment
Does the proposal have strategic merit and: <ul style="list-style-type: none"><li>◇ Is consistent with a relevant local strategy endorsed by the Director General; or</li><li>◇ Is consistent with the relevant regional strategy or Metropolitan Plan; or</li><li>◇ Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations (e.g.</li></ul>	Yes	<p>The Planning Proposal is consistent with the Bathurst Region Urban Strategy 2007.</p> <p>The Planning Proposal is consistent with the Central West and Orana Regional Plan.</p> <p>The Planning Proposal is consistent with the relevant Section 117 directions of the Minister. They are</p>

Evaluation criteria	Y/N	Comment
proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc)		explained later in this Planning Proposal documentation.
<p>Does the proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following:</p> <ul style="list-style-type: none"> <li>◇ The natural environment (including known significant environmental values, resources or hazards) and</li> <li>◇ The existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and</li> <li>◇ The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</li> </ul>	Yes	<p>In general terms, objective 2 of zone RE2 Private Recreation Zone (SILEP) is “to provide a range of recreational settings and activities and compatible land uses”. Health services facilities, whilst not a recreation use might, at all of the locations zoned RE2, be compatible (or at the least not incompatible) with other adjoining land uses and the adjoining land use zones.</p> <p>In respect of 2 Commonwealth St (PCYC), 184 Morrisett St (Ten Pin Bowling Centre) and 45 Mitre St (currently vacant building), these sites are located in very close proximity to the Bathurst Base Hospital and the new Ambulance Station. Each of these sites may offer opportunities for new health services into the future if redevelopment of these sites was sought.</p> <p>In respect of 234 Gilmour St, the inclusion of health services facilities in the RE2 zone would support the current change of use of this site to seniors living.</p>

**4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic Plan?**

The Planning Proposal is consistent with the Bathurst Region Urban Strategy 2007.

The Urban Strategy identified the need to ensure equitable access to health facilities for all of the community. This Planning Proposal enhances the opportunities to create a medical precinct around the Bathurst Base hospital so as to improve the range of services that might be able to be provided in the City. It will also enable health services to locate adjacent to a recently approved seniors living development.

**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**



Council has undertaken a review to determine whether or not the Planning Proposal is consistent with the State Environmental Planning Policies. There are no SEPP's which are relevant to the Planning Proposal. See the table below.

<b>State Environmental Planning Policy (SEPP)</b>	<b>Compliance (Yes/No or Not Relevant)</b>
SEPP No 19 – Bushland in Urban Areas	<b>Not Relevant</b>
SEPP No 21 – Caravan Parks	<b>Not Relevant</b>
SEPP No 33 – Hazardous and Offensive Development	<b>Not Relevant</b>
SEPP No 36 – Manufactured Home Estates	<b>Not Relevant</b>
SEPP No 44 – Koala Habitat Protection	<b>Not Relevant</b>
SEPP No 47 – Moore Park Showground	<b>Not Relevant</b>
SEPP No 50 – Canal Estate Development	<b>Not Relevant</b>
SEPP No 55 – Remediation of Land	<b>Not Relevant</b>
SEPP No 62 – Sustainable Aquaculture	<b>Not Relevant</b>
SEPP No 64 – Advertising and Signage	<b>Not Relevant</b>
SEPP No 65 – Design Quality of Residential Flat Development	<b>Not Relevant</b>
SEPP No 70 – Affordable Housing (Revised Schemes)	<b>Not Relevant</b>
SEPP (Aboriginal Land) 2019	<b>Not Relevant</b>
SEPP (Affordable Rental Housing) 2009	<b>Not Relevant</b>
SEPP (Building Sustainability Index: BASIX) 2004	<b>Not Relevant</b>
SEPP (Coastal Management) 2018	<b>Not Relevant</b>
SEPP (Concurrences) 2018	<b>Not Relevant</b>
SEPP (Educational Establishment Child Care Facilities) 2017	<b>Not Relevant</b>
SEPP (Exempt and Complying Development Codes) 2008	<b>Not Relevant</b>
SEPP (Gosford City Centre) 2018	<b>Not Relevant</b>
SEPP (Housing for Seniors or People with a Disability) 2004	<b>Not Relevant</b>
SEPP (Infrastructure) 2007	<b>Not Relevant</b>
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<b>Not Relevant</b>
SEPP (Kurnell Peninsula) 1989	<b>Not Relevant</b>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<b>Not Relevant</b>
SEPP (Miscellaneous Consent Provisions) 2007	<b>Not Relevant</b>
SEPP (Penrith Lakes Scheme) 1989	<b>Not Relevant</b>

SEPP Primary Production and Rural Development) 2019	<b>Not Relevant</b>
SEPP (State and Regional Development) 2011	<b>Not Relevant</b>
SEPP (State Significant Precincts) 2005	<b>Not Relevant</b>
SEPP (Sydney Water Drinking Catchment) 2011	<b>Not Relevant</b>
SEPP (Sydney Region Growth Centres) 2006	<b>Not Relevant</b>
SEPP (Three Ports) 2013	<b>Not Relevant</b>
SEPP (Urban Renewal) 2010	<b>Not Relevant</b>
SEPP (Vegetation in Non-Rural Areas) 2017	<b>Not Relevant</b>
SEPP (Western Sydney Employment Area) 2009	<b>Not Relevant</b>
SEPP (Western Sydney Parklands) 2009	<b>Not Relevant</b>

**6. 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.

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
<b>1. Employment and resources</b>	
1.1 Business and Industrial Zones	Not applicable. <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
1.2 Rural Zones	Not applicable. <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable. <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
1.4 Oyster	Not applicable.

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
Aquaculture	<b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
1.5 Rural Lands	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
2.2 Coastal Protection	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
2.3 Heritage Conservation	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
2.4 Recreation Vehicle Areas	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
3.3 Home Occupations	Not applicable.  <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
3.4 Integrating Land Use and Transport	<p>Not applicable.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
3.5 Development Near Licensed Aerodromes	<p>The proposal does not alter or remove a provision relating to land in the vicinity of a licensed aerodrome.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
3.6 Shooting Ranges	<p>The proposal does not affect land adjacent or adjoining an existing shooting range.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
3.7 Reduction in non-hosted short term rental accommodation period	<p>Does not apply to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	<p>The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
4.2 Mine Subsidence and Unstable Land	<p>The Bathurst Region does not include any land identified as within a Mine Subsidence District proclaimed under the Mine Subsidence Compensation Act 1961.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
4.3 Flood Prone Land	<p>The RE2 zone includes lands that are flood free and lands which are identified as being flood liable land as identified either by Council's computer based flood model or the Bathurst Floodplain Management Policy. The Planning Proposal only permits another land use to be permissible with consent in the RE2 zone. Any future development of land subject to flooding would be dependent upon sufficient lands being identified on the particular site as flood free.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p> <p><b><i>The Gateway determination provides that, as delegate of the Secretary, the planning proposal's inconsistency with</i></b></p>

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
	<b><i>section 9.1 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No Further approval is required in relation to this Direction.</i></b>
4.4 Planning for Bushfire Protection	<p>The Planning Proposal does not include land which is identified as being Bushfire Prone Land.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	<p>The Planning Proposal is consistent with the Central West and Orana Regional Plan.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.2 Sydney Drinking Water Catchments	<p>The Bathurst Region is outside the identified Sydney Drinking Water Catchment area.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Does not apply to the Bathurst Region. No farmland of State or Regional significance is located within the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.4 Commercial and Retail; Development along the Pacific Highway, North Coast	<p>Does not apply to the Bathurst Region.</p> <p>No regional or sub-regional strategy applies to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.8 Second Sydney Airport: Badgerys Creek	<p>Does not apply to the Bathurst Region.</p> <p>No regional or sub-regional strategy applies to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.9 North West Rail Link Corridor Strategy	<p>Does not apply to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
5.10 Implementation	The Central West and Orana Regional Plan applies to the Bathurst

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
of Regional Plans	<p>Region. The Planning Proposal aims to amend the Exempt (Schedule 2) and Complying Development (Schedule 3) provisions for certain development types within the Bathurst Regional LEP 2014. An amendment to three local Heritage Items (Schedule 5) is also proposed.</p> <p>The proposed changes are considered to be consistent with Council's local Land Use Strategies and are not inconsistent with the overall intent of the Regional Plan.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is consistent with the overall intent of the Regional Plan (Clause 5(b)) and should be supported.</b></p>
5.11 Development of Aboriginal Land Council land	<p>Does not apply to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
<b>6. Local Plan Making</b>	
6.1  Approval and referral Requirements	<p>The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
6.2  Reserving land for Public Purposes	<p>The Planning Proposal does not relate to reserving land for public purposes.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
6.3  Site Specific Provisions	<p>The Planning Proposal does not relate to a particular development to be carried out on a specific site.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	<p>Does not apply to the Bathurst Region.</p> <p><b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b></p>
7.2 Implementation of Greater Macarthur Land	<p>Does not apply to the Bathurst Region.</p>

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
Release Investigation	Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.

<b>Section 117 Ministerial Direction</b>	<b>Consistency</b>
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to the Bathurst Region.  Council is satisfied that the planning proposal is consistent with the requirements of the direction.

### ***Section C – Environmental , social and economic impact***

7. 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?

Council is satisfied that, as a result of the Planning Proposal, critical habitat, threatened species, populations or ecological communities will not be adversely affected.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Council considers that there are no likely environmental effects as a result of the Planning Proposal.

9. Has the Planning Proposal adequately addressed any social and economic effects?

#### Social Impacts

The Planning Proposal will have positive social impacts. The Planning Proposal enhances the opportunities to create a medical precinct around the Bathurst Base hospital so as to improve the range of services that might be able to be provided in the City. It will also enable health services to locate adjacent to a recently approved seniors living development.

#### Economic Impacts

It is considered that as a result of the Planning Proposal there are no economic impacts that need to be addressed.



## **Section D State and Commonwealth interests**

### **10. Is there adequate public infrastructure for the Planning Proposal?**

The Planning Proposal does not impact on any existing or future public infrastructure.

### **11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?**

It is considered that the Planning Proposal is of no specific interest to State and Commonwealth Public Authorities.

## **Part 4 Mapping**

No maps are proposed to be amended as part of this planning proposal.

## **Part 5 Community Consultation**

Consultation was undertaken as follows.

Council exhibited the Planning Proposal from 13 May to 11 June 2019. All landowners within zone RE2 Private Recreation that are affected by the Planning Proposal were notified of the planning proposal.

The Gateway Determination did not require any consultation with Government authorities/organisations.

Council placed notification of the public exhibition in the Western Advocate on 11 May 2019 and 18 May 2019.

The Gateway Determination did not require a Public Hearing to be held in relation to the Planning Proposal.

Council did not receive any submissions in relation to the exhibition of the Planning Proposal.

The Planning Proposal has not been altered as a result of the public exhibition process.

## **Part 6 Project timeframe**

The following table outlines Council's anticipated timetable for the completion of the Planning Proposal. Council anticipates that the process will take approximately 8 months from the date of the Gateway Determination.

<b>Step</b>	<b>Criteria</b>	<b>Project timeline</b>
1	Anticipated commencement date (date of Gateway determination)	February 2019
2	Anticipated timeframe for the completion of required technical information	February 2019
3	Commencement and completion dates for public exhibition period	March 2019
4	Dates for public hearing (if required)	Not required
5	Timeframe for consideration of submissions	17 July 2019
6	Timeframe for the consideration of a proposal post exhibition	17 July 2019
7	Date of submission to the department to finalise the LEP	22 July 2019
8	Anticipated date RPA will make the plan (if delegated)	5 August 2019
9	Anticipated date RPA will forward to the department for notification.	5 August 2019

# Attachment1 – Council review of Permissibility of Health Services Facilities

## Health Services Facilities in the Bathurst Region

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### 1.0 Introduction

This report reviews the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to the future location of health services in the vicinity of the Bathurst Base hospital.

### 2.0 Definitions

The relevant land uses reviewed are those under the group definition of health services facility and emergency services facilities. These are defined under the Bathurst Regional LEP 2014 as follows.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre, (see below)
- (b) community health service facilities (not otherwise defined in the LEP)
- (c) health consulting rooms, (see below)
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital. (see below)

**health care professional** means any person registered under an Act for the purpose of providing health care.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.  
Note.: Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note.: Health consulting rooms are a type of health services facility—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),

- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note.: Hospitals are a type of health services facility—see the definition of that term in this Dictionary.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

### 3.0 Permissibility

The permissibility of health service facilities and emergency services facilities are assessed under the Infrastructure SEPP and the Bathurst Regional LEP 2014 as shown in the table below.

Zone	Health Service Facilities		Emergency services Facilities	
	Permissible under Infrastructure SEPP	Permissible under Bathurst Regional LEP 2014	Permissible under Infrastructure SEPP	Permissible under Bathurst Regional LEP 2014
RU1 Primary Production		✓	✓	✓
RU2 Landscape		X	✓	✓
RU3 Forestry		X	✓	X
RU4 Primary Production Small Lots	✓	✓	✓	✓
RU5 Village	✓	✓	✓	✓
R1 General Residential	✓	✓	✓	✓
R2 Low Density Residential	✓	✓	✓	✓
R5 Large Lot Residential	✓	✓	✓	✓
B1 Neighbourhood Centre	✓	✓	✓	✓
B3 Commercial Core	✓	✓	✓	✓
B5 Business Development	✓	✓	✓	✓
IN1 General Industrial		✓	✓	✓
SP1 Special Activities	✓	✓#	✓	✓#
SP2 Infrastructure	✓	✓#	✓	✓#
SP3 Tourist		X		✓
RE1 Public Recreation		X	✓	✓
RE2 Private Recreation		X		✓
E1 National Parks and Nature Reserves		X		X
E2 Environmental Conservation		X		X
E4 Environmental Living		X	✓	✓
W2 Recreational Waterways		X		X
✓# where shown on the land use map				

**Health Services Facilities are prohibited development in the following zones:**

- RU2 Rural Landscape
- RU3 Forestry
- SP3 Tourist
- RE1 Public Recreation
- RE2 Private Recreation.
- E1 National Parks and Nature Reserves.
- E2 Environmental Conservation
- E4 Environmental Living
- W2 Recreational Waterways

**Emergency service facilities are prohibited development in the following zones:**

- E1 National Parks and Nature Reserves.
- E2 Environmental Conservation
- W2 Recreational Waterways

#### 4.0 Appropriateness of Health Service Facilities in prohibited zones

The table below examines the general appropriateness or otherwise of health service facilities in each of the zones where such use is currently prohibited.

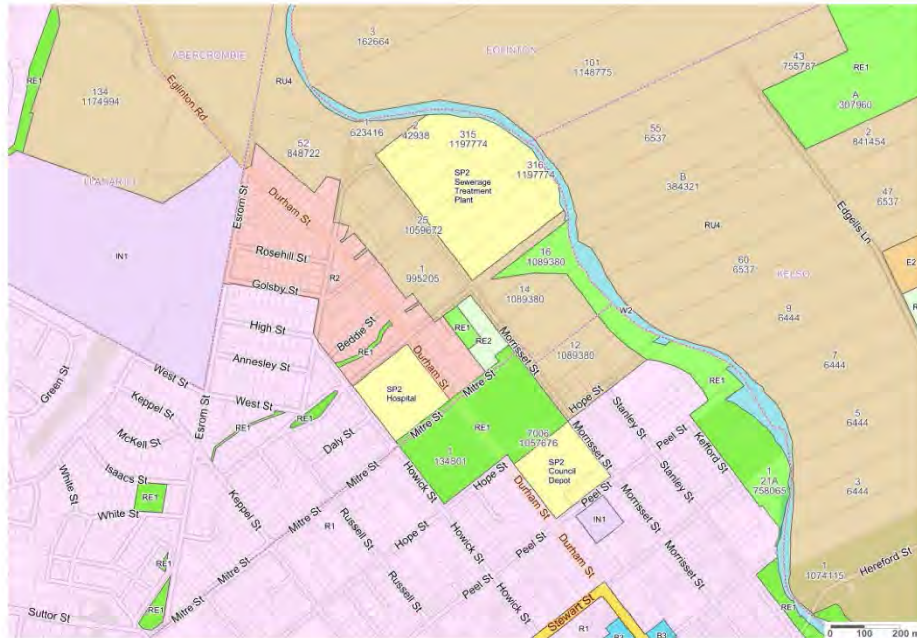
Zone	Locality	Appropriateness of Health Services Facilities in these localities
RU2 Rural Landscape	Private rural lands surrounding the Mount Panorama racing circuit.	The lands are of high scenic value. The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.
RU3 Forestry	Rural lands used for forestry purposes only.	The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.
SP3 Tourist	Council owned lands within the Mount Panorama precinct used primarily for tourist and motor racing purposes.	The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.
RE1 Public Recreation	Public lands throughout the city used for formal and informal recreation and open space (active and passive).	These lands are all public open spaces and/or environmentally sensitive lands (e.g. drainage reserves). The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.

<b>Zone</b>	<b>Locality</b>	<b>Appropriateness of Health Services Facilities in these localities</b>
RE2 Private Recreation	Applies to: 1. 2 Commonwealth St (PCYC) 2. 184 Morrisett St (Ten Pin Bowling Centre) 3. 45 Mitre St (currently vacant) 4. 234 Gilmour St (St Pats sporting club/hotel). 5. 7 Upfold St (Greyhound racing track) 6. 8 Havannah St (dwelling)	Sites within the RE2 zone are discussed in section 5 and 6 below.
E1 National Parks and Nature Reserves	Various environmentally sensitive lands.	The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.
E2 Environmental Conservation	Various environmentally sensitive lands.	The current zone objectives do not support the use of these lands for health service facilities. These lands would not be suitable for health service facilities.
E4 Environmental Living	Applies to the Mount Haven Estate to the east of the City.	These lands are of high environmental value. Despite their zoning enabling low density/rural housing, the lands would not be suitable for health services facilities.
W2 Recreational Waterways	Lands directly adjoining and including the Macquarie River	These lands are floodprone and of high environmental value. They would not be suitable for health services facilities.



## 5.0 Permissibility of Health Service Facilities and Emergency Service Facilities in proximity to Bathurst Base Hospital

The map below illustrates the current zoning of land in proximity of the Bathurst Base Hospital.



In all zones both Health Services and Emergency Services Facilities are permissible with consent with the exception that Health Services Facilities are not permissible in the RE1 Public Recreation and RE2 Private Recreation Zones.

The RE1 zone, within proximity of the hospital, applies to:

- John Matthews Sporting complex ( tennis and netball courts)
- Victoria Park (Adventure playground)
- New Ambulance Station
- Floodprone lands (including levee banks) along the Macquarie River
- Minor drainage lines

In terms of the abovementioned RE1 sites, it seems highly unlikely that the John Matthews' sporting complex and Victoria Park would become available for development given their established recreation uses. If they were to become available then it would be appropriate at that time to go through a site specific LEP process to consider any change to their land classification and/or zoning.

Health services facilities would not be appropriately located on flood prone and/or flood protected lands along the Macquarie River, on levee banks or within other minor drainage lines.

It is therefore recommended that no change to the RE1 zone within proximity to the hospital is considered necessary or appropriate at this time.

The RE2 Private Recreation zone, in close proximity to the hospital, applies to the following sites:

- 2 Commonwealth St (PCYC)
- 184 Morrisett St (Ten Pin Bowling Centre)
- 45 Mitre St (currently vacant building)

The RE2 land is also within the sewer treatment plant (STP) buffer where residential development, particularly at a higher density, is discouraged within 400m of the STP.

If any of the abovementioned uses were to vacate these sites, a reuse for health services facilities could be appropriate given the proximity of these lands to the Bathurst hospital and the new ambulance station. Such use would not necessarily be in conflict with the STP buffer.

In general terms, objective 2 of zone RE2 Private Recreation Zone (SILEP) is "to provide a range of recreational settings and activities and compatible land uses". Health services facilities, whilst not a recreation use would, at these locations, be compatible (or at the least not incompatible) with other adjoining private recreation uses and other adjoining land zones.

It is recommended that a change to the RE2 zone, as it applies to the abovementioned sites, to include Health Service Facilities as permissible with consent, would be appropriate in terms of encouraging such uses in close proximity to the Bathurst Base hospital.

#### **6.0 RE2 Private Recreation Zone – other sites**

Three other sites within the Bathurst Region are zoned RE2 Private Recreation under the Bathurst Regional LEP 2014: 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track) and 8 Havannah St (dwelling).

In general terms, objective 2 of zone RE2 Private Recreation Zone (SILEP) is "to provide a range of recreational settings and activities and compatible land uses". Health services facilities, whilst not a recreation use might, at these locations, be compatible (or at the least not incompatible) with other adjoining land uses and the adjoining land use zones.

In relation to 234 Gilmour St (St Pats sporting club/hotel) and 7 Upfold St (Greyhound racing track) the following comments are provided.

- Both of these sites are located on the edge of the Macquarie River floodplain on lands adjoining the RU4 Primary Production Small Lots zones. Health services facilities are permissible with consent in the RU4 zone. The inclusion of health services facilities in the RE2 zone as a permissible use would be no different than if the land was otherwise zoned RU4 (an RU4 zone would be the most appropriate zone for both localities if they were not currently zoned because of existing or past private recreation uses).
- Both sites are, to some degree, flood prone or flood protected. Any development of either site would be subject to land being identified as flood free. A review of the Bathurst Floodplain Management Plan would be required to determine if flood protected lands



would be suitable for use as a hospital but it is likely that flood protected lands would be suitable for a medical centre.

The greyhound racing park is still being used for greyhound racing so at this time it is considered unlikely that a change of use to health services facilities would be likely.

The St Pats Sporting Club/Hotel site has seen consent issued to a number of development applications since 2011:

- DA 2011/342 – change of use from club to hotel
- DA 2012/258 – camping ground
- DA 2012/265 – Advertising signage, covered playground, fence and internal alterations
- DA 2014/109 – 89 self contained seniors living units, recreation facility
- DA 2015/282 – nine lot subdivision and drainage channel widening
- DA 2016/20 – childcare centre
- DA 2016/68 – temporary structures for circus
- DA 2016/425 – temporary inflatable water park – recreation facility
- DA 2017/40 – two lot subdivision
- DA 2017/482 – Indoor recreation facility (gym)
- DA 2018/345 – relocate grandstand, awning and sign.

The St Pats Sporting Club/Hotel site has been used as a hotel and separately as a recreation facility (sports fields) for many decades.

DA 2014/109 will see a significant change in use of the site (note this DA is currently being implemented). DA 2014/109 was for:

- Demolition of the existing grandstand, amenities building and storage shed
- Site filling
- Five lot torrens title subdivision
- 89 self care seniors living units
- Community title subdivision of those units

This DA was assessed under the Bathurst Regional (Interim) LEP 2005 when the site was zoned 1(b) Market Garden and 6(a) Local Recreation. The development was classified as residential units under the 2005 LEP and was prohibited development in both zones. Under the then draft 2014 LEP the development was defined as seniors housing which was prohibited development in the proposed RU4 Primary Production Small Lots and RE2 Private Recreation zones.

Notwithstanding the above, DA 2014/109 was lodged under SEPP (Housing for Seniors or People with a Disability) 2004 which enabled consent to be granted.

Given the change of use of the site to seniors living with supporting uses, the inclusion of health services facilities in the RE2 zone at this site would be appropriate.

8 Havannah Street is currently being used as a dwelling and has considerable vacant land around the site. Its proximity to higher density living may make it a suitable site for future health services if redevelopment of the site was contemplated into the future.

## **7.0 Summary/Recommendations**

This report has reviewed the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to health services in the vicinity of the Bathurst Base hospital.

In relation to the Bathurst Base hospital precinct the only planning impediment identified to encourage further health services to locate close to the existing hospital is the prohibition of health services facilities in the RE2 Private Recreation Zone. Three significant sites zoned RE2 Private Recreation are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Each site may offer opportunities for new health services into the future if redevelopment of these sites was sought.

The RE2 zone applies to three other sites in the Bathurst Regional LGA, 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track), and 8 Havannah Street (dwelling). The inclusion of health services facilities as a permissible use at these sites is considered appropriate and in the case of the St Pats Sporting Club/Hotel site will complement its current change of use to seniors living.

Based on the findings of the investigations of this report it is recommended that Health Services Facilities be included as permissible use with consent within the RE2 Private Recreation Zone under the Bathurst Regional LEP 2014. A Planning Proposal should be prepared to enable this change.

**Attachment 2 - Planning Proposal from Anthony Daintith  
Town Planning in relation to 45 Mitre Street, Bathurst.**



**PLANNING PROPOSAL**



**PROPOSAL: Additional Permitted Use  
(Medical Centre)**

**ADDRESS: 45 Mitre Street, Bathurst**

**DATE: 18 January 2019**



**DESCRIPTION:** Planning Proposal – Additional Permitted Use

**CLIENT:** John & Katrina Roberts

**Anthony Daintith Town Planning Pty Ltd**  
**ABN 46 121 454 153**  
**ACN 121 454 153**

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#### QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	14/1/2019	Draft	AD
2.0	18/1/2019	Approved	AD

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This document has been authorised by

Anthony Daintith (Principal)  
Date: 18 January 2019



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## 1 BACKGROUND

### 1.1 INTRODUCTION

John & Katrina Roberts have engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Bathurst Regional Local Environmental Plan 2014* by the inclusion of an "additional permitted use" that permits "medical centres" on Lot 4 DP 615659, 45 Mitre Street, Bathurst.

It is proposed that the applicants intend to operate their business Bathurst Physiotherapy and Sports Injuries Centre from the site. It is also likely that the applicants will lease space to other health care professionals that also fall under the medical centre definition.

*For 28 years Bathurst Physiotherapy and Sports Injuries Centre have helped the people of the central west live a better life. Our goal is to provide the best possible care for our clients. Whether you are suffering and in pain or trying to live your life to the fullest, we are committed to providing expert, compassionate care and advice.*

*Our staff are passionate about helping their clients achieve their goals, we do this by striving to reach our full potential as physiotherapists. We are committed to continually improving our skills through ongoing education and training so that our clients are given the absolute best possible care. Improving everyday as a therapist means having a commitment to ongoing education, learning and skill development.*

*Our commitment to providing the best possible care is demonstrated by our principle physiotherapist John Roberts who is currently undertaking a PhD on persistent pain following knee replacement. Additionally, both John and Luke Howard have undergone formal post-graduate training to qualify as titled physiotherapists.*

*Our practice contributes to physiotherapy education. John, Luke and Al Fryer either lecture or tutor on Charles Sturt University (CSU) physiotherapy programmed and supervise physiotherapy students from CSU, Sydney University and Newcastle University. Shannon Mansur and Al Fryer tutor on the Masters of Exercise science programmed at CSU.*

*By being our best, we can provide our clients with the best possible care. We understand how hard it can be dealing with debilitating injuries and how hard it is to navigate the language and investigations used in medicine. We are proud of the time we take to explain to our clients the implications of their injury, what the investigations mean and how to progress towards maximum improvement.*

*We have over 80 years combined physiotherapy experience. We are compassionate, caring and interested in our client's stories. We draw on our training and experience to listen to our clients, discuss their goals and develop a treatment plan in consultation with them that is evidenced based. Treatment includes a thorough in-depth assessment followed by, a vast array of manual and soft tissue techniques. Education about your condition and what you can expect from treatment, and a structured meaningful exercise programmed that is directed towards your goals.*





*We have been members of the local medical community for thirty years we have a strong network of health professionals such as GP's, orthopaedic surgeons, rheumatologists, psychologists, pharmacists and exercise physiologists who we collaborate with to help you live a better life.*

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "A guide to preparing local environmental plans" (Department of Planning & Environment, August 2016).

A planning proposal is comprised of five parts:

- Part 1** - A statement of the objectives or intended outcomes of the proposed instrument;
- Part 2** - An explanation of the provisions that are to be included in the proposed instrument;
- Part 3** - The justification for those objectives, outcomes and the process for their implementation;
- Part 4** - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5** - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.





The project timeline forms Part 6 of a planning proposal.

## **1.2 PROPONENT AND OWNER**

The proponent is John & Katrina Roberts, C/- Anthony Daintith Town Planning. The registered owners of the subject land are Allan Baird and Pamela June Baird.



## 2 SUBJECT LAND

### 2.1 SITE DESCRIPTION

The subject land is identified as 45 Mitre Street, Bathurst. Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

The area of the subject land is 4099m<sup>2</sup>.

The land title description is:

Table 1: Land Title Details

Lot	Deposited Plan
4	615659

Figure 1: Extract of DP 615659

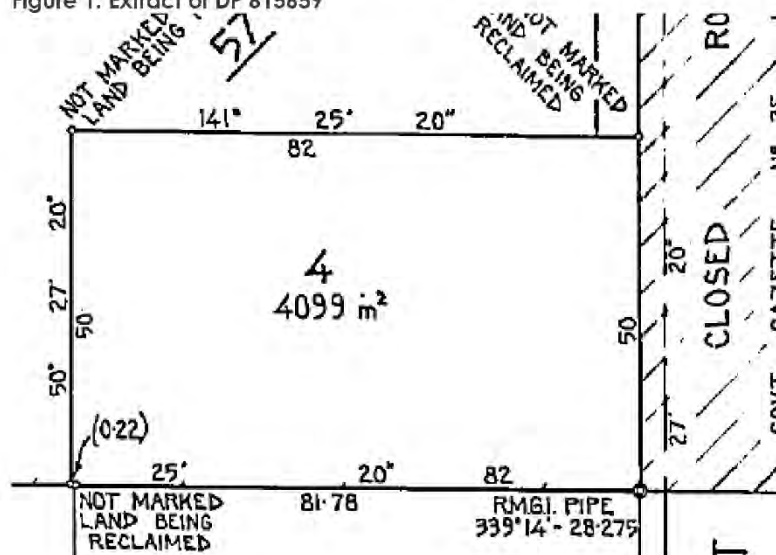




Figure 2: Locality Plan

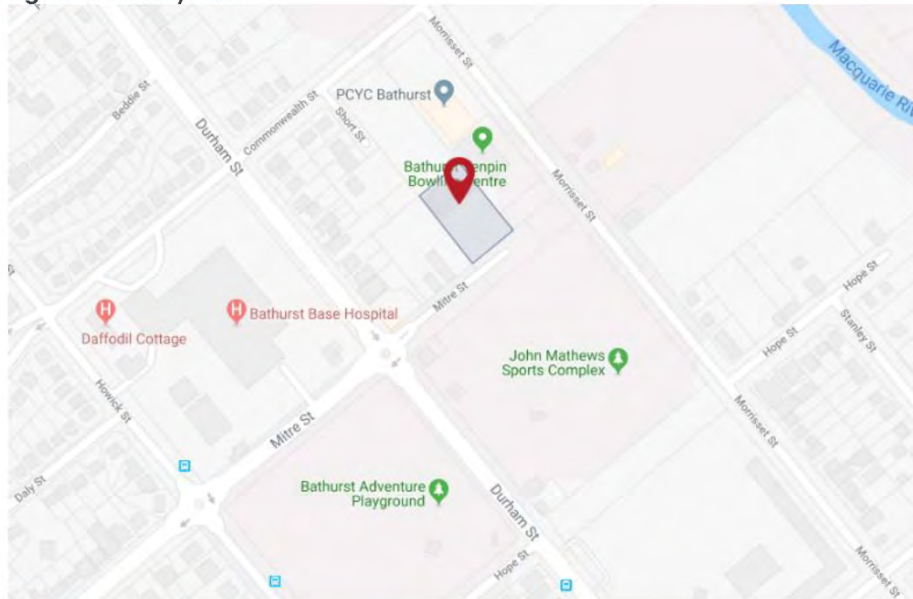


Figure 3: Aerial Photo





## 2.2 GENERAL SITE DESCRIPTION

### Topography

The land is relatively level.

### Vegetation

The site is cleared.

### Waterways

There are no watercourses traversing the site.

### Buildings

The site contains an existing commercial building (previously used as a martial arts studio).

### Services

Connected to reticulated water, sewer, electricity and telephone.



**Photo 1: Existing building**







## 2.3 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

The subject land is currently zoned RE2 Private Recreation under the *Bathurst Regional Local Environmental Plan 2014* (refer to **Figure 4** below).

**Figure 4: LEP - Zoning Map**



### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and conserve the historical and scenic quality of Bathurst's recreational areas.

#### **2 Permitted without consent**

Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

#### **3 Permitted with consent**

Cellar door premises; Community facilities; Dwelling houses; Food and drink premises; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roadside stalls; Secondary dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

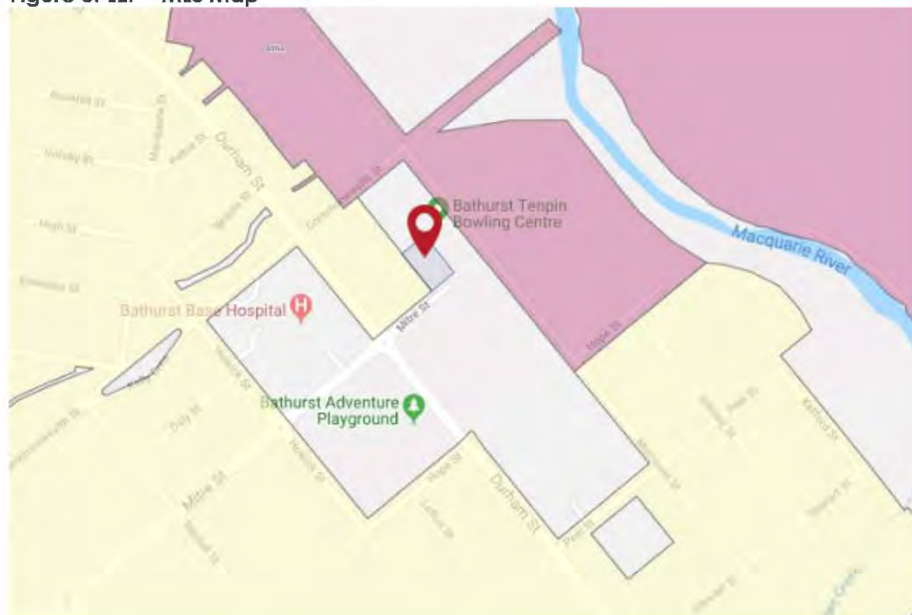
Air transport facilities; Commercial premises; Correctional centres; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Public administration buildings; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies



There is no proposal to change the zone of the land.

There is no minimum lot size (MLS) applicable for the subject land (refer to **Figure 5** below). There is no proposal to amend the MLS.

**Figure 5: LEP - MLS Map**





## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Bathurst Regional Local Environmental Plan 2014* by:

- The inclusion of an Additional Permitted Use under Schedule 1 that would permit subject to consent a "medical centre" on Lot 4 DP 615659, 45 Mitre Street, Bathurst.

This change will enable the applicant to use the site for their physiotherapy practice. It is likely that the applicant will source other health care professionals to use the building that also fall under the medical centre definition.

This Planning Proposal will require a change to the LEP mapping (Additional Permitted Uses Map).

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

It is proposed to amend the *Bathurst Regional Local Environmental Plan 2014* by inclusion of an "additional permitted use" that permits a "medical centre" on Lot 4 DP 615659, 45 Mitre Street, Bathurst.

## PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP. Within the justification there are a number of specific questions that must be discussed with reasons explained.

### Section A – Need for Planning Proposal

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

No - the Planning Proposal is not a result of any strategic study or report.

The Planning Proposal will provide the proponent with a compliant land use for their proposed medical centre (physiotherapy and similar professionals) on the subject land. They have outgrown their existing premises in Bathurst and





require a much larger site to enable their business to expand and better service the local community.

The proposed additional permitted land use in this location is considered acceptable especially considering its close proximity to the Bathurst Base Hospital. In the future, a medical type hub of allied health professionals is considered a good strategic move by Council for the immediate locality close to the hospital.

The planning proposal will provide an improved planning outcome for the subject land that has been determined in consultation with Bathurst Regional Council Planning Department.

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

It is believed that by the inclusion of an additional permitted use is the best means of achieving the objectives and intended outcome of this Planning Proposal (initial discussions with Council have confirmed this). A rezoning of the land, whilst achieving the same outcome is not in Councils current planning for this area. In addition, the inclusion "medical centre" as a permitted land use in the RE2 zone may create issues with respect to other land in the LGA that is zoned RE2 (however Council may be comfortable with a zone based change). An additional permitted use enables the issues surrounding the proposed future development and the subject land to be considered in isolation and at a localised level. A medical centre in very close proximity to the hospital makes good planning sense.

There are no other feasible methods to achieve this final outcome.

**Is there a net community benefit?**

There will be a positive community benefit through the significant investment of funds into the Bathurst economy through the redevelopment of the site as a medical centre as well as the significant job creation and providing a medical centre in close proximity to the hospital. There are also additional benefits to the community by the creation of a state of the art facility to service the needs of the injured and disabled.



## **Section B – Relationship to Strategic Planning Framework**

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?**

The proposal is not inconsistent with the provisions of the Central West and Orana Regional Plan. The impacts of the proposed are relatively localised.

### **Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?**

It is considered that the Planning Proposal is not inconsistent with Councils Land Use Strategy:

- There are no significant environmental or natural features affecting the development of the site for the proposed development.
- There are no known heritage issues affecting the site.
- Adequate cost-effective servicing already exists on site and is available to the proposed future development on the site.
- Will not create a demand for the uneconomic provision of services.
- Will support surrounding medical facilities (i.e. hospital).
- There are no significant topographical features affecting the subject land.
- The proposal has substantial economic benefits to the Bathurst economy through the creation of additional jobs and significant investment by the owners in the development of the site (and associated boost to the local construction industry).

### **Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

#### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Council must consider Clause 6 of the SEPP when determining a Development Application:

#### **6 Contamination and remediation to be considered in zoning or rezoning proposal**

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning authority has considered whether the land is contaminated, and*



(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note.

In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

(5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.

The potential for contamination appears minimal. This is based upon an inspection of the site and surrounding lands and discussions with the current landowners.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

#### State Environmental Planning Policy (Infrastructure) 2007

The proposal is not inconsistent with the provisions of the SEPP. The health services facilities in the SEPP generally relates to existing facilities by public authorities.





## Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 July 2009 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 2: Section 9.1 Directions**

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	<p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</li> </ul>	<p>Not applicable. There are no business/industrial zones affected.</p> <p>The planning proposal is not considered to be inconsistent with this s9.1 Direction.</p>
1.2 Rural Zones	<p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy</p>	<p>It is not proposed to rezone land from a rural zone to a residential, business, industrial, village or tourist zone – it will provide for an additional permitted use of medical centres on the subject land.</p> <p>The planning proposal will not contain any increase in the permissible density of land within a rural zone – the proposal will not result in any increase in dwelling entitlements.</p> <p>Accordingly, it is considered that this proposal is consistent with this direction.</p>



	<p>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>justified by a strategy which:</p> <p>gives consideration to the objectives of this direction,</p> <p>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	
1.3 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
1.4 Oyster Aquaculture		Not considered applicable to this proposal.
1.5 Rural Lands	<p>When this direction applies</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State</p>	<p>Not considered applicable to this proposal.</p> <p>There is no proposal to rezone any rural lands.</p>




	<p><i>Environmental Planning Policy (Rural Lands) 2008.</i></p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	
2.1 Environment Protection Zones		Not applicable to this proposal.
2.2 Coastal Protection		Not applicable to this proposal.
2.3 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).
2.4 Recreation Vehicle Areas		Not applicable to this proposal.
3.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	Not applicable to this Planning Proposal.





3.2 Caravan Parks & Manufactured Home Estates	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>	<p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>
3.3 Home Occupations		Not applicable to this proposal.
3.4 Integrating Land Use and Transport		No new access is proposed or required off Mitre Street.
3.5 Development Near Licensed Aerodromes		The subject land is within the OLS of the Bathurst Airport – however as no external building work is proposed (nor increasing the height of the building) – no impact will occur.
3.6 Shooting Ranges		Not applicable to this proposal.



4.1 Acid Sulfate Soils		Not applicable to this proposal.
4.2 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
4.3 Flood Prone Land	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ol style="list-style-type: none"> <li>permit development in floodway areas,</li> <li>permit development that will result in significant flood impacts to other properties,</li> <li>permit a significant increase in the development of that land,</li> <li>are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.</li> </ol>	<p>The subject land is not mapped as being flood liable land.</p> 





	<p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director- General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
4.4 Planning for Bushfire Protection	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2006,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul>	<p>The subject is not mapped as Bushfire Prone Land.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	<p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
6.1 Approval and Referral Requirements		This proposal is consistent.
6.2 Reserving Land for Public Purposes	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning</p>	<p>The Planning Proposal will not create, alter or reduce any existing zonings. No public/recreational lands are proposed to be rezoned as part of the Planning Proposal.</p> <p>None of the lands identified in the Planning Proposal have been acquired under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> nor have been identified by a public authority or the Minister as being required for future public purposes.</p>



	<p>(or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	<p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>
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## **Section C Environmental, Social & Economic Impact**

### **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?**

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is clear of vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

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

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards, such as flooding, land slip, bushfire hazard and the like within the subject land.

### **How has the planning proposal adequately addressed any social and economic impacts?**

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are positive through a large investment of funds in the economy through the construction of the proposed future medical centre and job creation).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will facilitate the future development (change of use to a medical centre) within the property that would be consistent with the surrounding locality.

A medical centre in this location (future medical precinct) is considered a perfect land use to support the local community whilst being complementary to neighbouring land uses and been very close to the centre of Bathurst.



## **Section D – State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

A future medical centre on the site will have access to reticulated town water and sewerage. There is electricity and telephone services connected. The subject land has bitumen road frontage to Mitre Street.

The proposed medical centre will not require any upgrading to existing services.

### **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Council has already been consulted regarding this proposal to include an additional permitted use under the Bathurst Regional LEP 2014. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would be affected any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.



#### 4. COMMUNITY CONSULTATION

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

#### 5. CONCLUSIONS

The objective of this Planning Proposal is to amend the *Bathurst Regional Local Environmental Plan 2014* by the inclusion of an additional permitted use (medical centre) to achieve the aims of the proposal.

It is considered that an additional permitted use to permit “medical centres” on the subject land, will enable the proponent to develop a medical centre on a site that provides a suitable area, close to the hospital whilst been sympathetic to surrounding land uses and close to Bathurst CBD and the facilities that it affords – the development results in a more beneficial planning and health outcome.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.

## Attachment 3 - Council Minute to proceed with Planning Proposal.

### Minute – Planning Proposal – Health Services Facilities in the RE2 Private Recreation Zone

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Applicant: Bathurst Regional Council

Address: RE2 Private Recreation Zone

File: 20.00332

Date: 6 February 2019

Instruments to be amended: Bathurst Regional Local Environmental Plan 2014

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By this Minute, under authority delegated by the General Manager, I hereby resolve that Council:

- a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this minute;
- b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and
- c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

Note that it is proposed that the Planning Proposal be placed on public exhibition upon receipt of the Gateway Determination and that Council be informed of the Planning Proposal by way of a memo.

#### Background

Council is in receipt of a planning proposal to include a medical centre as an additional permitted use at 45 Mitre Street, currently zoned RE2 Private recreation (**see attached planning proposal submission from Anthony Daintith Town Planning**).

Council's Environmental, Planning and Building Services Department have undertaken a review of the permissibility of health services facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine any impediments to health services in the vicinity of the Bathurst Base hospital (**see report attached**).

In relation to the Bathurst Base hospital precinct the only planning impediment identified to opportunities for further health services to locate close to the existing hospital is the current prohibition of health services facilities in the RE2 Private Recreation Zone.

The RE2 Private Recreation Zone applies to 6 sites within the Bathurst Region:

1. 2 Commonwealth St (PCYC)
2. 184 Morrisett St (Ten Pin Bowling Centre)
3. 45 Mitre St (currently vacant), the subject of the Planning Proposal submission from Anthony Daintith Town Planning.



4. 234 Gilmour St (St Pats sporting club/hotel).
5. 7 Upfold St (Greyhound racing track)
6. 8 Havannah St (dwelling)

Sites 1, 2 and 3 are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Council has been approached by Anthony Daintith Town Planning to amend the LEP to permit a medical centre at 45 Mitre Street for the purposes of a physiotherapy business and other medical services. Sites 1 and 2 may also offer similar opportunities for new health services into the future if redevelopment of these sites was sought.

The RE2 zone also applies to 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track) and 8 Havannah St (dwelling). The inclusion of health services facilities as a permissible use at both these sites is considered appropriate (**see attached report**) and in the case of the St Pats Sporting Club/Hotel site will complement its current change of use to seniors living.

Based on the findings of the review it is recommended that Health Services Facilities be included as a permissible use with consent within the RE2 Private Recreation Zone under the Bathurst Regional LEP 2014. A Planning Proposal is required to enable this change.

#### The Planning Proposal

It is proposed to delete Health Services Facilities from item 4 (Prohibited) of the zoning table to Zone RE2 Private Recreation in order to enable this land use to be a permitted use with consent.

#### **Recommendation:**

That Council commence a Planning Proposal as outlined in this minute.

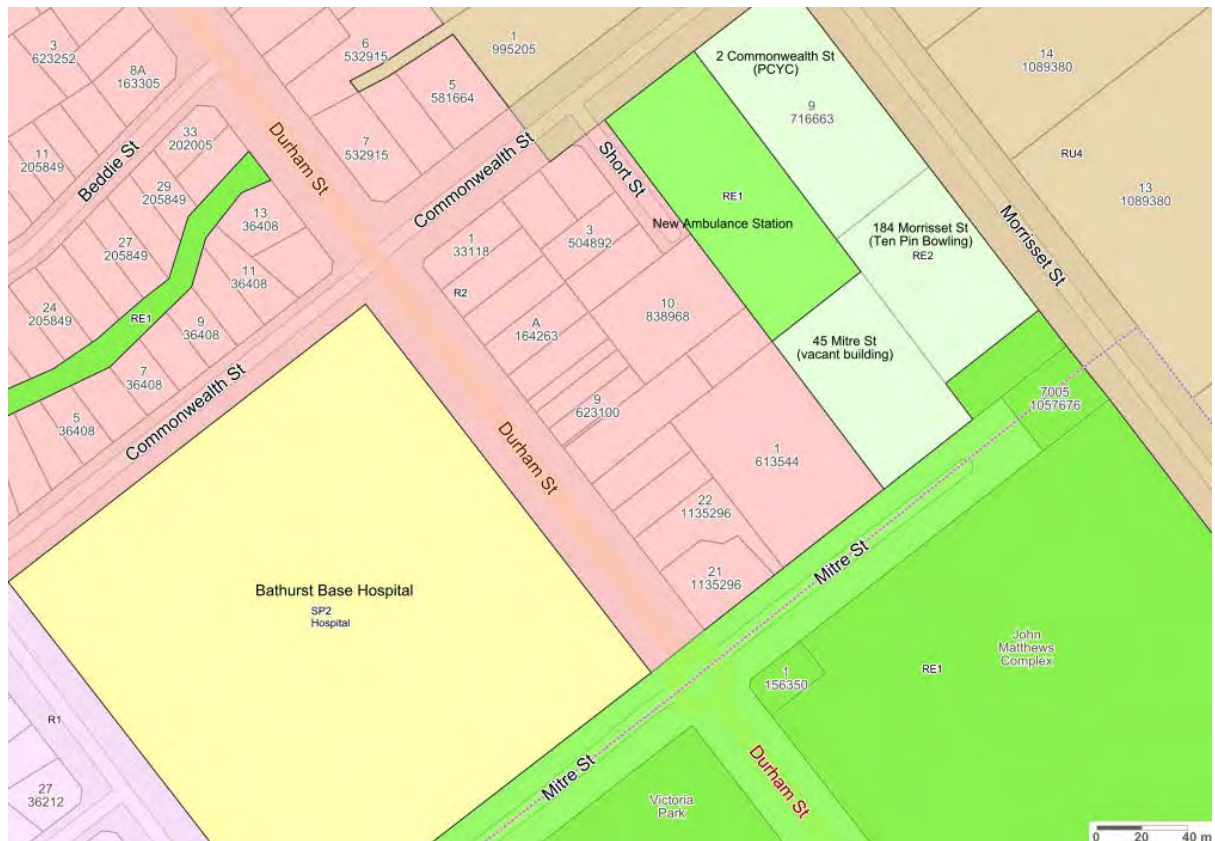


Neil Southorn

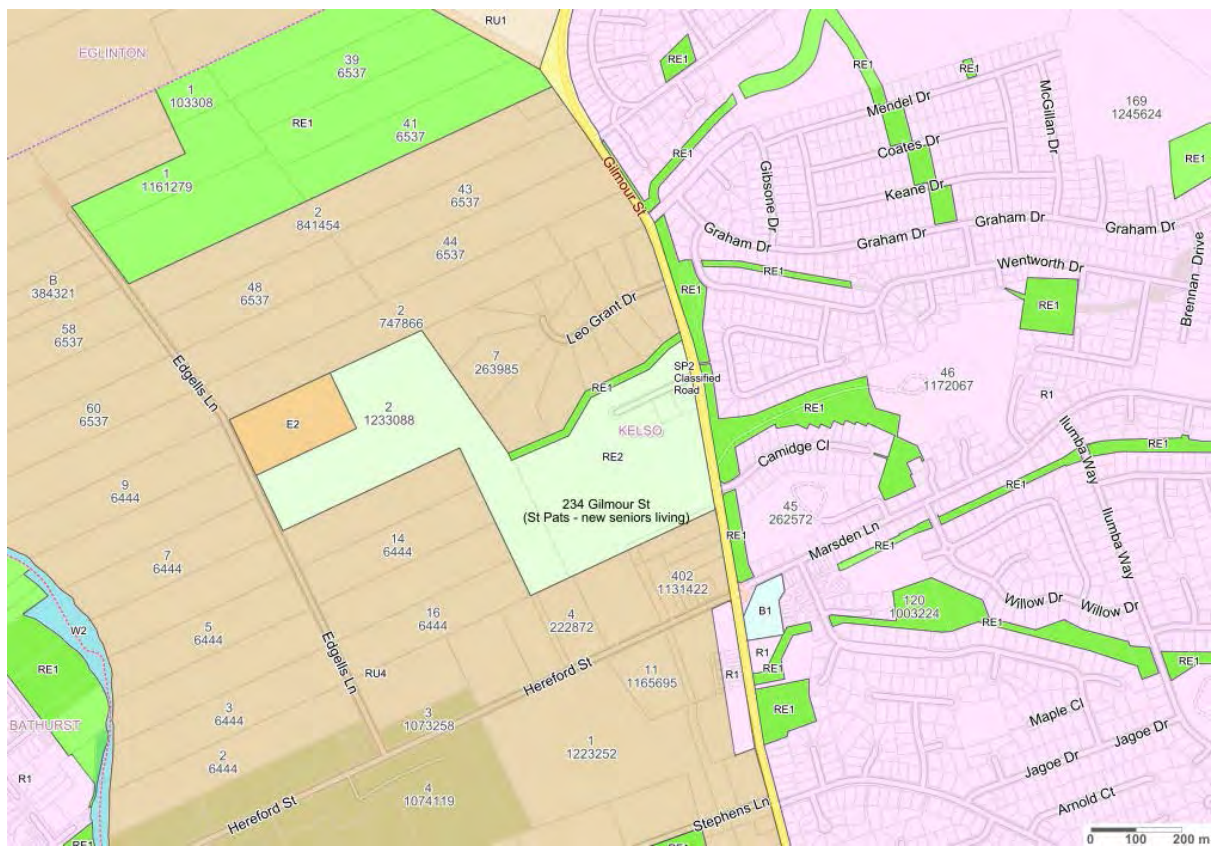
**DIRECTOR,  
ENVIRONMENTAL PLANNING AND BUILDING SERVICES**

## Attachment 4 - Locality Plans for Lands Currently Zoned RE2 Private Recreation

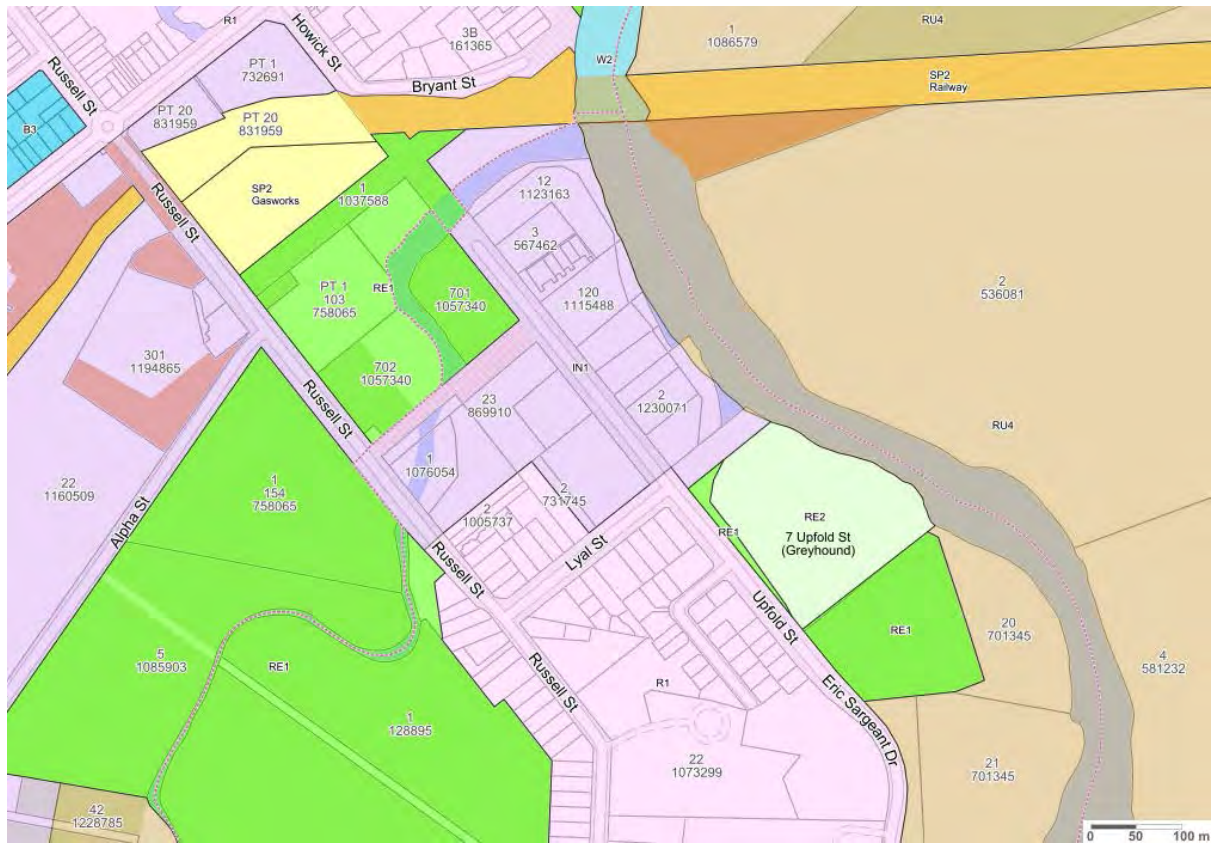
Current zoning and location of 2 Commonwealth St (PCYC), 184 Morrisset St (Ten Pin Bowling Centre), and 45 Mitre St (currently vacant building) in relation to Bathurst Base Hospital and the new Ambulance Station.



Current zoning and location of 234 Gilmour St (St Pats sporting club/hotel).

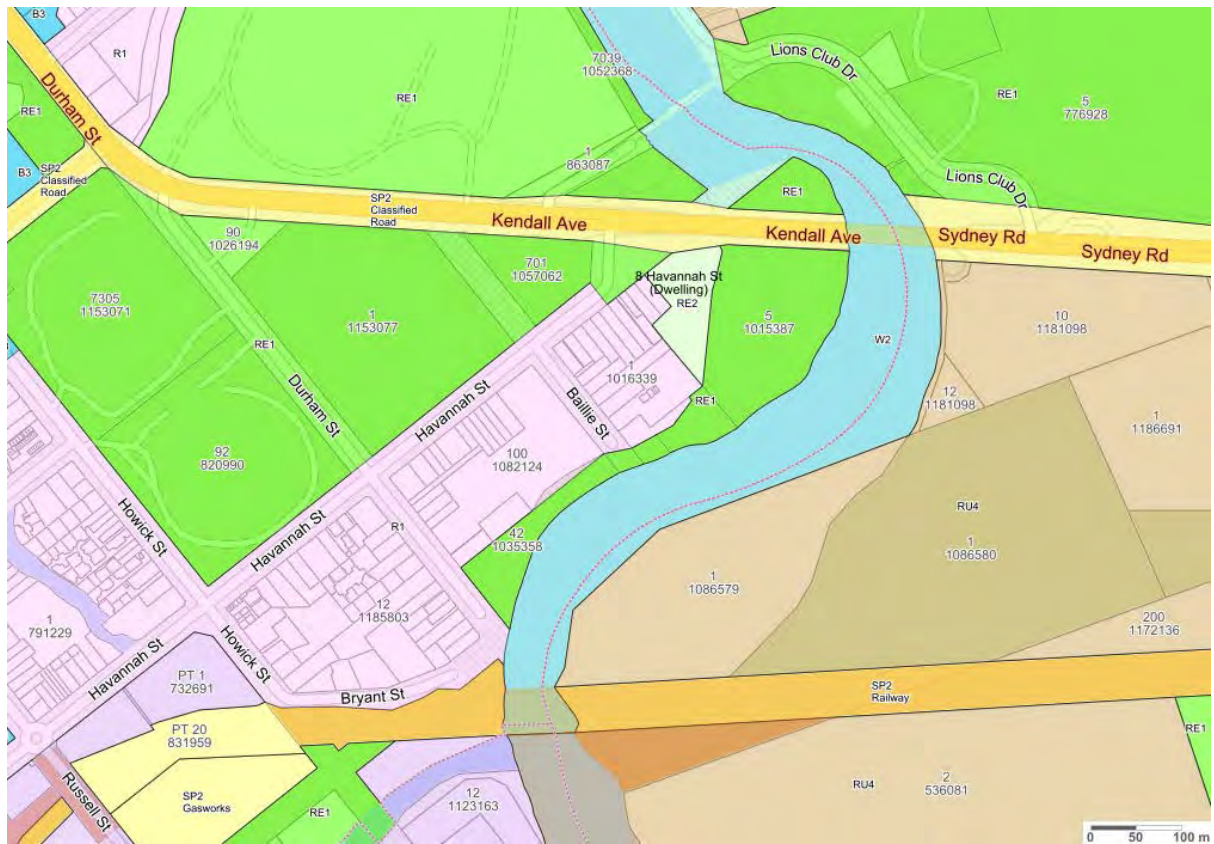


## Current zoning and location of 7 Upfold St (Greyhound racing track)





## Current zoning and location of 8 Havannah St (dwelling)



## Attachment 5 – Gateway Determination



Planning &  
Environment

PP\_2019\_BATHU\_001\_00/IRF19/2847

Mr David Sherley  
General Manager  
Bathurst Regional Council  
Private Mail Bag 17  
BATHURST NSW 2795

Attention: Janet Bingham, Manager Strategic Planning

Dear Mr Sherley

**Planning proposal [PP\_2019\_BATHU\_001\_00] to amend Bathurst Regional Local Environmental Plan 2014 – Health Services Facilities on land zoned RE2 Private Recreation.**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 17 April 2019 in respect of the planning proposal to allow Health Services Facilities as a permissible use on land zoned RE2 Private Recreation.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment –Western region office ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

All related files for the LEP Amendment, including planning proposal documents must be submitted to the Department via the Planning Portal Website at [www.planningportal.nsw.gov.au/planning-tools/on-line-submission-planning-data](http://www.planningportal.nsw.gov.au/planning-tools/on-line-submission-planning-data)



To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal to be finalised.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Wayne Garnsey of the Department of Planning and Environment, Western Region office, to assist you. Mr Garnsey can be contacted on 58526800.

Yours sincerely



1.5.19

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template



### Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_BATHU\_001\_00):** to allow Health Services Facilities as a permissible use on land that is zone RE2 Private Recreation.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to allow Health Services Facilities as a permissible use on land that is zone RE2 Private Recreation should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).

No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
3. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.

4. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 1<sup>st</sup> day of May 2019.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

PP\_2019\_BATHU\_001\_00 (IRF 19/2847)



## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
Mr David Sherley  
General Manager  
Bathurst Regional Council  
Delegate of Bathurst Regional Council, the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Planning proposal number	PP_2019_BATHU_001_00
Date sent to DPE under section 3.34(1)	17 April 2019
Gateway determination date	1 May 2019

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		

**Table 3: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Notification date and details	

**Additional relevant information:**



## Attachment 6 - Mail merge letter to landowners



Civic Centre  
158 Russell Street  
Private Mail Bag 17  
Bathurst NSW 2795

Telephone 02 6333 6111  
Facsimile 02 6331 7211  
council@bathurst.nsw.gov.au  
www.bathurst.nsw.gov.au

6 May 2019

6 letters  
sent 6/5/19  
AP

«Name»  
«Address»

Dear «Title»

### **Planning Proposal – Health Services Facilities in Zone RE2 Private Recreation**

Council has undertaken a review of the permissibility of Health Services Facilities under the Bathurst Regional Local Environmental Plan (LEP) 2014, specifically to determine if there are any impediments to new health services locating in the vicinity of the Bathurst Base Hospital.

In relation to the Bathurst Base Hospital precinct, the only planning impediment identified for new health services to locate close to the existing hospital is the current prohibition of Health Services Facilities in the RE2 Private Recreation Zone.

Council has therefore prepared a Planning Proposal to amend the RE2 Private Recreation Zone under the Bathurst Regional Local Environmental Plan (LEP) 2014. The purpose of the Planning Proposal is to make Health Services Facilities a permissible use within the zone.

Your property at «Property», is currently zoned RE2 Private Recreation. The effect of the Planning Proposal will be that Health Services Facilities will be a permitted landuse at this location.

The Planning Proposal is on public exhibition from 13 May 2019 through to 11 June 2019. You are invited to lodge a written submission with Council with respect to the Planning Proposal by **11 June 2019**.

Please find **enclosed** an explanation in relation to the Planning Proposal including a weblink to obtain a full copy of the Planning Proposal.

If you have any queries, please do not hesitate to contact me on 6333 6211.

Yours faithfully

N. Murphy  
**ACTING MANAGER STRATEGIC PLANNING**

Reference: JB:AP:20.00332  
Enquiries: Ms J Bingham 02 6333 6211  
ljb Health Services Facilities - fo.docx

BATHURST REGION... FULL OF LIFE

Proud to be an **evocity**



Name	Address	Title	Property
The Manager Police and Community Youth Clubs NSW Limited	PO Box 650 BATHURST NSW 2795	Sir/Madam	2 Commonwealth Street, West Bathurst
Mr W & Mrs E J Price	PO Box 2021 BATHURST NSW 2795	Mr & Mrs Price	184 Morrisset Street, West Bathurst
Mr A & Mrs P J Baird	PO Box 986 BATHURST NSW 2795	Mr & Mrs Baird	45 Mitre Street, West Bathurst
The Manager Crohar Pty Ltd	264 Tarana Road BREWONGLE NSW 2795	Sir/Madam	234 Gilmour Street, Kelso
The Manager NSW Greyhound Breeders Owners & Trainers Ass Ltd	PO Box 485 GLEBE NSW 2037	Sir/Madam	7 Upfold Street, Gormans Hill
Mrs J A Britten, Ms H L Lowe & Mr B J Lynne	PO Box 993 BATHURST NSW 2795	Mrs Britten, Ms Lowe & Mr Lynne	8 Havannah Street, Bathurst



6 May 2019

Mr Anthony Daintith  
Anthony Daintith Town Planning  
PO Box 1975  
ORANGE NSW 2800

Dear Mr Daintith

**Planning Proposal – Health Services Facilities in Zone RE2 Private Recreation**

I refer to the abovementioned matter and Council's previous correspondence in relation to 45 Mitre Street Bathurst.

Please note that the abovementioned Planning Proposal has been placed on public exhibition from 13 May 2019 through to 11 June 2019. You are invited to lodge a written submission with Council with respect of the Planning Proposal by **11 June 2019**.

Please find **enclosed** an explanation in relation to the Planning Proposal including a weblink to obtain a full copy of the Planning Proposal.

If you have any queries please do not hesitate to contact me on 63 336211.

Yours faithfully

N Murphy  
**ACTING MANAGER STRATEGIC PLANNING**

Reference: JB:AP:20.00332  
Enquiries: Ms J Bingham 02 6333 6211  
ljb daintith 6 May.docx

# Attachment 7 - Newspaper notice

11 May 2019



**BATHURST  
REGIONAL  
COUNCIL**

**Upcoming  
Events**

Bathurst Winter  
Festival  
6 - 21 July 2019



## COUNCIL NEWS

### Temporary Road Closures

**Flying 1/5th & Hillclimb**  
Saturday 18 May and Sunday 19 May 2019, part of Mount Panorama Racing Circuit will be closed between the hours of 7.00am and 6.00pm to allow the Bathurst Light Car Club to conduct a "Flying 1/5th" and Mountain Straight Hillclimb.  
Flying 1/5th - Saturday 18 May 2019 - from the eastern side of McPhillamy Park gates on Skyline, through the Esses and Conrod Straight to Murray's Corner. Access to Pit Straight will not be interrupted during the event.  
Mountain Straight Hillclimb - Sunday 19 May 2019 - from the lower side of the Pit Entrance on Mountain Straight to the end of Skyline. Alternate access to the top of Mount Panorama will be via Barry Gurdon Drive.  
All enquiries regarding the Event should be directed to the Bathurst Light Car Club's Clerk of the Course, Mr David Robinson, on 0418 652 419.

**Railway Underpass**  
Russell Street Bathurst Railway Underpass will be temporarily closed between Saturday 25 May 2019 and Sunday 26 May 2019.  
The temporary closure is for John Holland works. Any enquiries should be directed to John Holland by telephoning 02 4028 9448.

### Amendments

**Bathurst Regional Local Environmental Plan Amendment Health Services Facilities in the RE2 Private Recreation Zone**  
Council has prepared a Planning Proposal to amend the RE2 Private Recreation Zone under the Bathurst Regional Local Environmental Plan (LEP) 2014. The purpose of the Planning Proposal is to make Health Services Facilities a permissible use within the zone.  
The Planning Proposal is available on Council's YourSay website: <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.  
The Planning Proposal has been placed on public exhibition from 13 May to 11 June 2019.  
Council invites written submissions with respect to the Planning Proposal. Submissions need to be lodged with Council by 4.00 pm on 11 June 2019 and be relevant and well founded and include your name and address.

**Bathurst Regional Local Environmental Plan 2019 Housekeeping Amendment**  
Council has prepared a Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 to amend:  
• Council's Exempt and Complying development criteria for some development types;  
• Council's Heritage listing to amend the curtilage of an existing Heritage Item and add two new heritage items;  
• Rezone certain land at Edgells Lane Kelso from RE2 Private Recreation to part E2 Environmental Conservation and part RU4 Primary Production Small Lots;  
• Include artisan food and drink industry as a permissible land use within the RU1 Primary Production zone, RU2 Rural Landscape and RU4 Primary Production Small Lots;  
• Amend Clause 7.10 to allow educational establishments to erect directional signage on any land with consent.  
Council is exhibiting the Planning Proposal for a period of 28 days from 13 May 2019 until 11 June 2019. Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>. Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted). Council invites written submissions with respect to the Planning Proposal or DCP Amendment. Any submission needs to be lodged with Council by 4.00 pm on 11 June 2019 and must include your name and address.  
Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

### Tender

**Construction Of Roundabout**  
Tender No. 36.00713  
Tenders are invited from suitably qualified and experienced contractors for the construction of a roundabout at the intersection of Lambert, Mire and Sutor Streets, Bathurst.  
Interested parties are required to register via the E-tendering Portal [www.tenderlink.com/bathurst](http://www.tenderlink.com/bathurst) to download the tender document at no charge. If you experience difficulties accessing the above website please call the Tenderlink Helpdesk on 1800 233 533. The closing time and date for submissions is: 4.00pm on 11 June 2019.  
Interested parties are required to register via the E-tendering Portal [www.tenderlink.com/bathurst](http://www.tenderlink.com/bathurst) to download the tender document at no charge. If you experience difficulties accessing the above website, please call the Tenderlink Helpdesk on 1800 233 533. All electronic tenders must be submitted in the format specified in the tender document. Failure to do so will result in the tender not being considered by Council.  
Council Policy is that the lobbying or liaison with Councillors prior to the consideration of a Tender by Council will lead to the rejection of the Tender.

### Notice of Meetings

**Council Meeting**  
An Ordinary Meeting of Bathurst Regional Council will be held in the Council Chamber, Civic Centre, Bathurst, on Wednesday, 15 May 2019 at 6.00 pm.  
From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council.

**Village Meetings**  
**Perrville** 6 pm 14 May at Perrville School of Arts Hall

### Draft Delivery Program

**2019-2023 & Operational Plan 2019-2020**  
The Delivery Program & Operational Plan, incorporating the Revenue Policy, outlines the strategies and financial resources required over the next four years to implement the key directions identified by the community in our Bathurst 2040 Community Strategic Plan.  
At the Council Meeting on Wednesday 1 May 2019, the Draft Delivery Program 2019-2023 & Operational Plan 2019/2020 and Council's Revenue Policy 2019/2020 was presented and adopted for display and public submissions. It will ensure Council delivers those facilities and services identified during the development of the Bathurst 2040 Plan.  
Your feedback is important, the draft plan is now open for public submissions and can be viewed at [yoursay.bathurst.nsw.gov.au](https://yoursay.bathurst.nsw.gov.au) or at the Civic Centre, Bathurst Library, Hill End (General Store), Sofala (Souvenir Shop), Wattle Flat (General Store), Rockley (Pub) and Trunkay Creek (Black Stump Hotel).  
Submissions are invited until 4pm on Tuesday 4 June 2019, and will be considered at the Council meeting on Wednesday 19 June 2019. Submissions can be made by completing the form on the [yoursay](https://yoursay.bathurst.nsw.gov.au) website, emailing your comments to [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au) or by post to The General Manager, Private Bag 17, Bathurst, NSW, 2795. If you need assistance with your submission please contact us on 6333 6111. If you would like to view a copy of the detailed budget document please email [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au) with your request. After consideration of submissions, the Delivery Program 2019-2023 & Operational Plan 2019/2020 and Council's Revenue Policy 2019/2020 will be adopted by Council.

### Heritage Conservation Area Review

Council has prepared the Heritage Conservation Area Review to review the boundaries of the Bathurst and West Bathurst Heritage Conservation Areas and identify buildings or areas that should be listed or included in a Heritage Conservation Area under Bathurst Regional Local Environmental Plan 2014. The Review has been placed on public exhibition from 29 April to 7 June 2019.  
Council invites written submissions with respect to the Heritage Conservation Area Review. Submissions need to be lodged with Council by 4.00 pm on 7 June 2019. For more information visit [yoursay.bathurst.nsw.gov.au](https://yoursay.bathurst.nsw.gov.au)

### Careers @ Council

Working for Council is a stimulating and rewarding career option, providing the opportunity to be part of a team contributing to shaping the success and future of our Region. Current career opportunities are listed below:  
Museum Assistant Front of House (12.75 Hours)  
General Maintenance Ganger  
Drainage Ganger  
Events Assistant x 2  
Philanthropy & Partnerships Coordinator (22.5 Hours)  
Library Assistant (26 Hours)  
Kelso Community Hub Service Coordinator  
Human Resources Advisor  
Council only accepts online applications.  
Please visit [www.bathurst.nsw.gov.au/careers](http://www.bathurst.nsw.gov.au/careers) for further information and to apply. Public computer access is available at the Bathurst Library.

### Development Applications & Complying Development Certificates

Council approved the following applications for the period of 28 April 2019 to 3 May 2019

Application No.	Description	Address
2018/367	Modification - additions/alterations of existing dwelling, freestanding habitable rooms, swimming pool & safety barrier & garage	277 Howick Street Bathurst
2018/404	Single storey dwelling & attached garage	690 The Bridge Track Duramana
2019/88	Change use from dwelling to office premises & alterations/additions to building	11 Church St Perthville
2019/97	Retaining wall	23 Queen St Perthville
2019/105	Shed	46 Duramana Rd Eglinton
2019/132	Establishment of use	7 Keppel St Bathurst
CDC2019/49	Single storey dwelling & attached garage	20 Carrol Ave Eglinton
CDC2019/50	Single Storey dwelling & attached garage	18 Burlington Rise Kelso

Copies of the consents are available for public inspection, free of charge at Council's Environmental, Planning & Building Services Department, Ground Floor, Civic Centre, 158 Russell Street, Bathurst.

www.bathurst.nsw.gov.au

[council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

Private Mail Bag 17  
Bathurst NSW 2795

Civic Centre  
158 Russell Street  
Bathurst NSW 2795

6333 6111

Fax 6331 7211

@BRCmedia

@bathurst\_council

@BathurstCouncil

Photo by Nick Day



# Attachment 8 - Council report and minute adopting the Planning Proposal

## **3 PLANNING PROPOSAL – HEALTH SERVICES FACILITIES IN THE RE2 PRIVATE RECREATION ZONE (20.00332)**

### **Recommendation:**

That Council:

- (a) adopt the Bathurst Regional LEP amendment to include health services facilities as a permissible use with consent within the RE2 Private Recreation Zone;
- (b) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal; and
- (c) call a division.

### **Report:**

Under authority delegated to the Director Environmental Planning and Building Services, Council has prepared a planning proposal to amend the Bathurst Regional Local Environmental Plan 2014 to permit, with consent, health services facilities in the RE2 Private Recreation Zone. Health services are currently a prohibited land use within this zone.

The Planning Proposal was prepared following the receipt of a proposal to include a medical centre as an additional permitted use at 45 Mitre Street Bathurst (former Martial Arts Centre). Council also undertook a broader review of the permissibility of health services being able to locate in close proximity to the Bathurst Base Hospital (refer **attachment 1**). The Planning Proposal submitted in respect of 45 Mitre Street and the Health Facilities Review prepared by Council formed the basis of the Planning Proposal submitted to the NSW Department of Planning.

Council's Review of Health Facilities identified that the only planning impediment for future health services to locate close to the existing hospital is the current prohibition of health services in the RE2 Private Recreation Zone.

The RE2 Private Recreation Zone applies to 6 sites within the Bathurst Region:

- 1. 2 Commonwealth St (PCYC)
- 2. 184 Morrisett St (Ten Pin Bowling Centre)
- 3. 45 Mitre St (currently vacant)
- 4. 234 Gilmour St (St Pats sporting club/hotel).
- 5. 7 Upfold St (Greyhound racing track)
- 6. 8 Havannah St (Dwelling)

Sites 1, 2 and 3 are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Council has received a Planning Proposal from Anthony Daintith Town Planning to permit medical centres at Site 3, 45 Mitre Street, to enable the establishment of a physiotherapy business in the existing building in conjunction with other associated medical services. Sites 1 and 2 may also offer opportunities for other new health services to locate close to Bathurst Base Hospital into the future if redevelopment of these sites was sought.

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Receive And Deal With General Manager's And Directors' Reports to the 17/07/2019 Released

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GENERAL MANAGER  
Page 1

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MAYOR

The RE2 zone also applies to 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track) and 8 Havannah St (Dwelling). The inclusion of health services facilities as a permissible use at these sites is not considered to be inappropriate and in the case of the St Pats Sporting Club/Hotel site will complement the approved development application for Seniors Housing.

Council exhibited the Planning Proposal from 13 May to 11 June 2019. All landowners affected by the Planning Proposal were notified of the exhibition. During this time no submissions were received. **Attachment 2** outlines the website consultation results during the exhibition period.

There are no environmental or planning grounds why the proposal should not proceed. The proposal ensures that lands in close proximity to the hospital are able to support new health services facilities, subject to development consent. It is recommended that the proposed amendment to the Bathurst Regional Local Environmental Plan 2014 be adopted and the Planning Proposal be forwarded to the Department for gazettal.

#### **Financial Implications**

The Planning proposal was prepared within existing budgets.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3

#### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions



Meeting type:	ORDINARY MEETING OF BATHURST REGIONAL COUNCIL		
MeetingDate:	17/07/2019		
Minute Section:	RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS	Section Number	9
Minute Status:	Draft		
Minute Security:	Standard		
SubSection:	Director Environmental Planning & Building Services' Report	SubSection Number:	9.02
Created By:	Erin Fitzpatrick/BathurstCC	Division Required:	Yes
Subject:	PLANNING PROPOSAL - HEALTH SERVICES FACILITIES IN THE RE2 PRIVATE RECREATION		
Item Number:	3		
File Number:	(20.00332)		
Minute Number:	10		
Moved By:	Cr I North	Seconded By:	Cr J Rudge

Resolution: **RESOLVED:** That Council:

- (a) adopt the Bathurst Regional LEP amendment to include health services facilities as a permissible use with consent within the RE2 Private Recreation Zone;
- (b) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal; and
- (c) call a division.

Precis: