



PLANNING PROPOSAL

FOR

**BATHURST REGIONAL LOCAL
ENVIRONMENTAL PLAN 2014**

AMENDMENT No

(20.00332)

Health Services Facilities in Zone RE2

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Schedule of Maps

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

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.

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
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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 Morrissett 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**.

If the Planning Panel so determines, Council will accept the delegated functions offered to it pursuant to Section 59 of the Environmental Planning and Assessment Act 1979.

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:

Address	Current Use
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: ◇ Is consistent with a relevant local strategy endorsed by the Director General; or ◇ Is consistent with the relevant regional strategy or Metropolitan Plan; or ◇ Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc)	Yes	The Planning Proposal is consistent with the Bathurst Region Urban Strategy 2007. The Planning Proposal is consistent with the Central West and Orana Regional Plan. The Planning Proposal is consistent with the relevant Section 117 directions of the Minister. They are explained later in this Planning Proposal documentation.
Does the proposal have site specific merit and is it compatible	Yes	In general terms, objective 2 of zone RE2 Private Recreation Zone

Evaluation criteria	Y/N	Comment
<p>with the surrounding land uses, having regard to the following:</p> <ul style="list-style-type: none"> ◇ The natural environment (including known significant environmental values, resources or hazards) and ◇ The existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and ◇ 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. 		<p>(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 Morrissett 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.

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP No 14 – Coastal Wetlands	Not Relevant

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP No 15 – Rural Landsharing Communities	Not Relevant
SEPP No 19 – Bushland in Urban Areas	Not Relevant
SEPP No 21 – Caravan Parks	Not Relevant
SEPP No 22 – Shops and Commercial Premises	Not Relevant
SEPP No 26 – Littoral Rainforests	Not Relevant
SEPP No 29 – Western Sydney Recreation Area	Not Relevant
SEPP No 30 – Intensive Agriculture	Not Relevant
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not Relevant
SEPP No 33 – Hazardous and Offensive Development	Not Relevant
SEPP No 36 – Manufactured Home Estates	Not Relevant
SEPP No 39 – Spit Island Bird Habitat	Not Relevant
SEPP No 41 – Casino Entertainment Complex	Not Relevant
SEPP No 44 – Koala Habitat Protection	Not Relevant
SEPP No 47 – Moore Park Showground	Not Relevant
SEPP No 50 – Canal Estate Development	Not Relevant
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Relevant
SEPP No 55 – Remediation of Land	Not Relevant
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	Not Relevant
SEPP No 60 – Exempt and Complying Development	Not Relevant

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP No 62 – Sustainable Aquaculture	Not Relevant
SEPP No 64 – Advertising and Signage	Not Relevant
SEPP No 65 – Design Quality of Residential Flat Development	Not Relevant
SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
SEPP No 71 – Coastal Protection	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not Relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
SEPP (Exempt and Complying Development Codes) 2008	Not Relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Major Development) 2005	Not Relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Relevant
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Rural Lands) 2008	Not Relevant
SEPP (SEPP 53 Transitional Provisions) 2011	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP (Temporary Structures) 2007	Not Relevant
SEPP (Urban Renewal) 2010	Not Relevant
SEPP (Western Sydney Employment Area) 2009	Not Relevant
SEPP (Western Sydney Parklands) 2009	Not Relevant

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.

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

Section 117 Ministerial Direction	Consistency
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.2 Coastal Protection	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.3 Heritage Conservation	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.4 Recreation Vehicle Areas	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.3 Home Occupations	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.4 Integrating Land Use and Transport	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.5 Development Near Licensed Aerodromes	The proposal does not alter or remove a provision relating to land in the vicinity of a licensed aerodrome. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.6 Shooting Ranges	The proposal does not affect land adjacent or adjoining an existing shooting range. Council is satisfied that the planning proposal is

Section 117 Ministerial Direction	Consistency
	consistent with the requirements of the direction.
4. Hazard and Risk	
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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
4.4 Planning for Bushfire Protection	<p>The Planning Proposal does not include land which is identified as being Bushfire Prone Land.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies	<p>The Planning Proposal is consistent with the Central West and Orana Regional Plan.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.2 Sydney Drinking Water Catchments	<p>The Bathurst Region is outside the identified Sydney Drinking Water Catchment area.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North	<p>Does not apply to the Bathurst Region. No farmland of State or Regional significance is located within the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is</p>

Section 117 Ministerial Direction	Consistency
Coast	consistent with the requirements of the direction.
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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.9 North West Rail Link Corridor Strategy	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
6. Local Plan Making	
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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
6.2 Reserving land for Public Purposes	<p>The Planning Proposal does not relate to reserving land for public purposes.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</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>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>

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

Council anticipates that following the Gateway Determination and Council satisfying any conditions imposed prior to the public exhibition period, the Planning Proposal will be placed on public exhibition for a period of 28 days.

It is proposed that the Planning Proposal will be publically notified by:

- a) a notice in the Western Advocate newspaper on 1 occasion; and
- b) written notification to all existing landowners within the RE2 Private Recreation Zone.

Council does not consider it necessary to notify any government public authorities with respect to the Planning Proposal.

Following the public exhibition period, this section will be altered to reflect the extent of consultation that was undertaken, including any issues which were raised as a result of the consultation.

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.

Step	Criteria	Project timeline
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)	April 2019
5	Timeframe for consideration of submissions	April 2019
6	Timeframe for the consideration of a proposal post exhibition	May 2019
7	Date of submission to the department to finalise the LEP	July 2019
8	Anticipated date RPA will make the plan (if delegated)	August 2019
9	Anticipated date RPA will forward to the department for notification.	September 2019

Attachment1 – Council review of Permissibility of Health Services Facilities

Health Services Facilities in the Bathurst Region

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

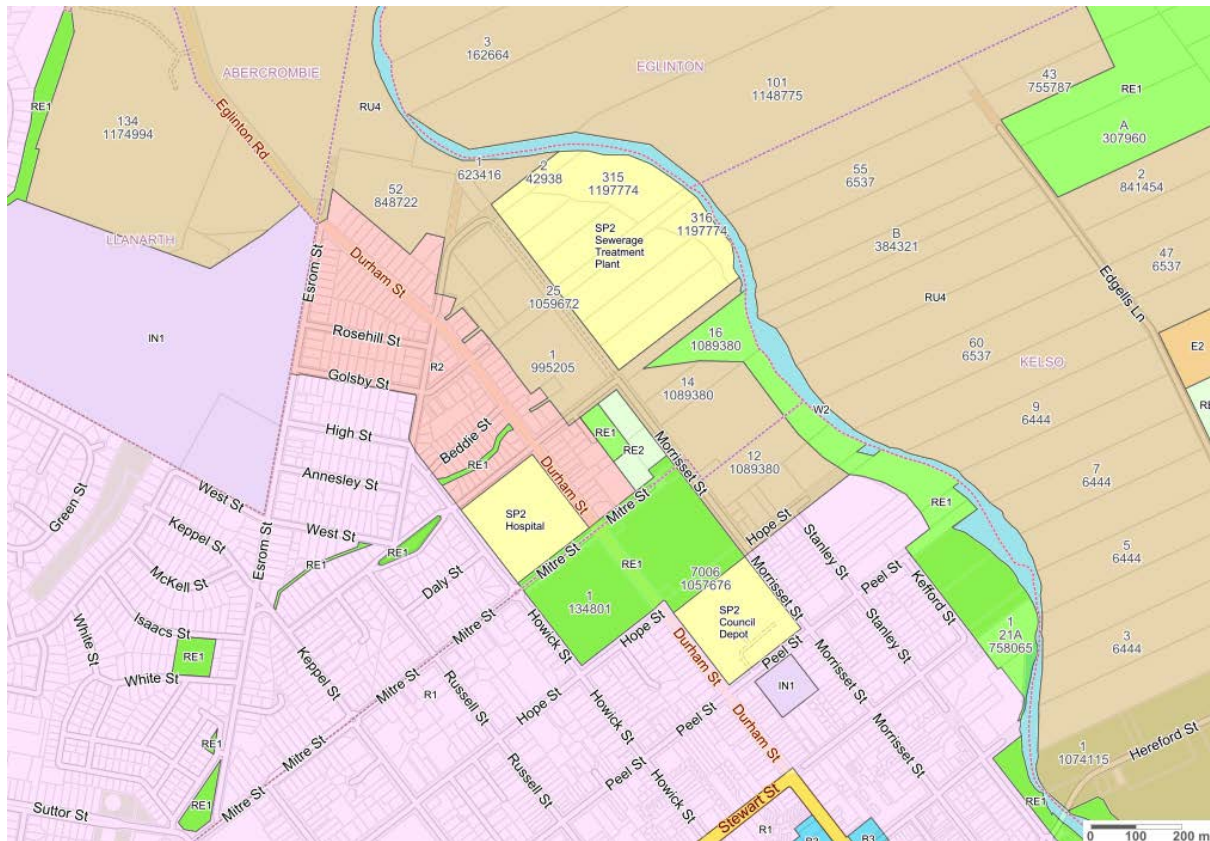
The table below examines the general appropriateness or otherwise of health service facilities in each of the zones where such use is currently prohibited.

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.
RE2 Private	Applies to:	Sites within the RE2 zone are discussed

Zone	Locality	Appropriateness of Health Services Facilities in these localities
Recreation	7. 2 Commonwealth St (PCYC) 8. 184 Morrissett St (Ten Pin Bowling Centre) 9. 45 Mitre St (currently vacant) 10. 234 Gilmour St (St Pats sporting club/hotel). 11. 7 Upfold St (Greyhound racing track) 12. 8 Havannah St (dwelling)	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 Morrissett 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
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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 4099m².

The land title description is:

Table 1: Land Title Details

Lot	Deposited Plan
4	615659

Figure 1: Extract of DP 615659

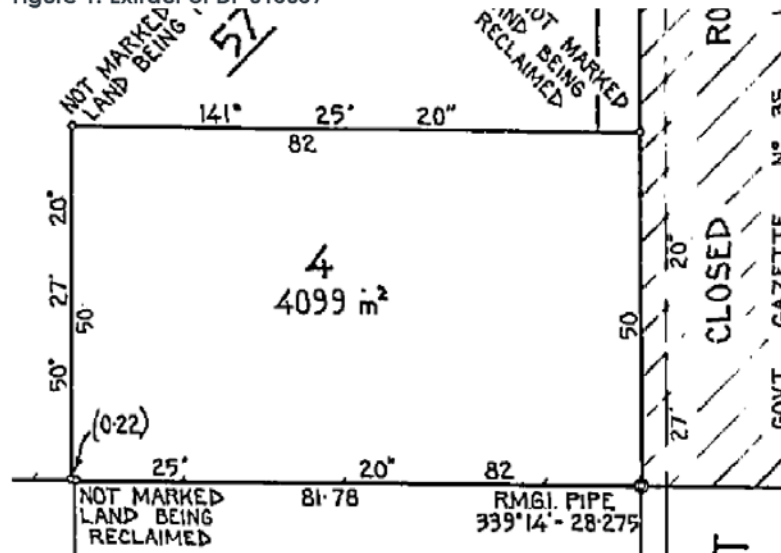




Figure 2: Locality Plan

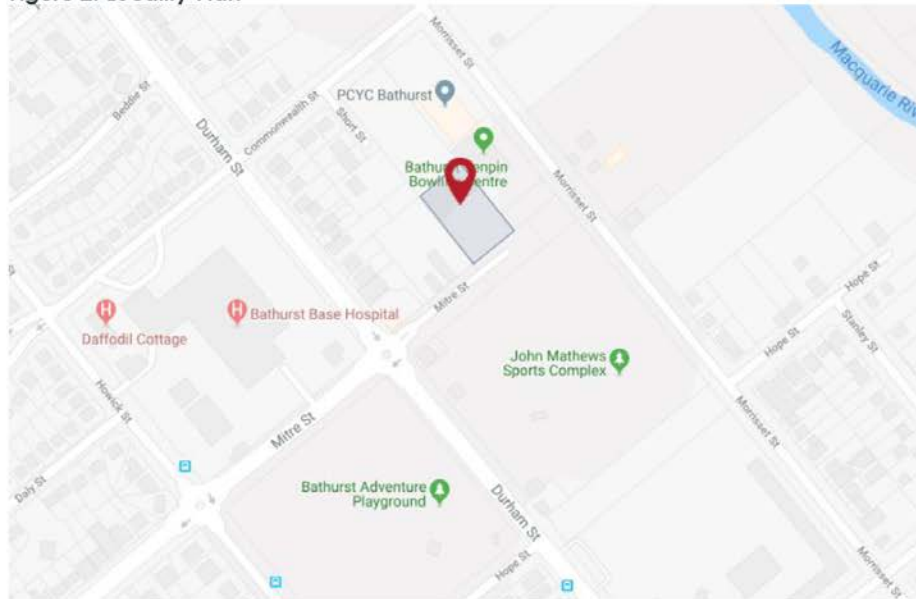


Figure 3: Aerial Photo





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

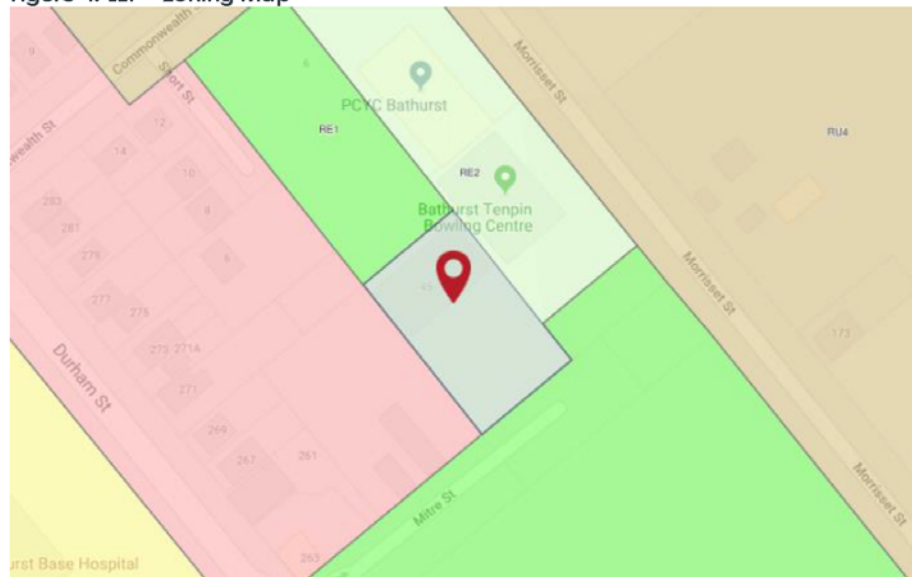




2.3 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

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

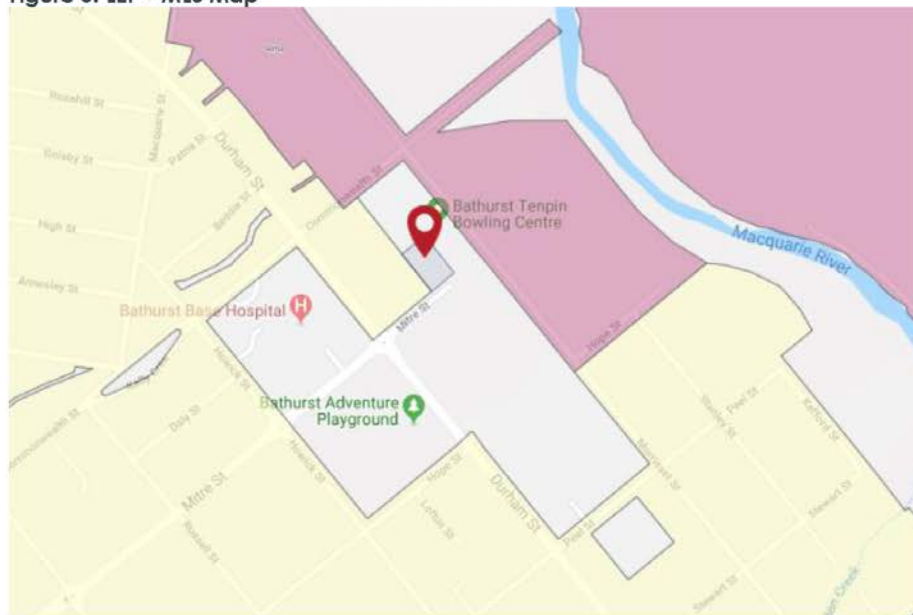
Air transport facilities; Commercial premises; Correctional centres; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex 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"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (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. 	<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"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (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). <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 <i>State</i></p>	<p>Not considered applicable to this proposal.</p> <p>There is no proposal to rezone any rural lands.</p>

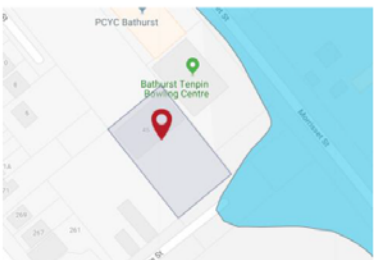


	<p><i>Environmental Planning Policy (Rural Lands) 2008.</i></p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	
2.1 Environment Protection Zones		Not applicable 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"> permit development in floodway areas, permit development that will result in significant flood impacts to other properties, permit a significant increase in the development of that land, are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or 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. 	<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 <i>Guideline on Development Controls on Low Flood Risk Areas</i>) 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">(a) have regard to Planning for Bushfire Protection 2006,(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and(c) ensure that bushfire hazard reduction is not prohibited within the APZ.	<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

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

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:

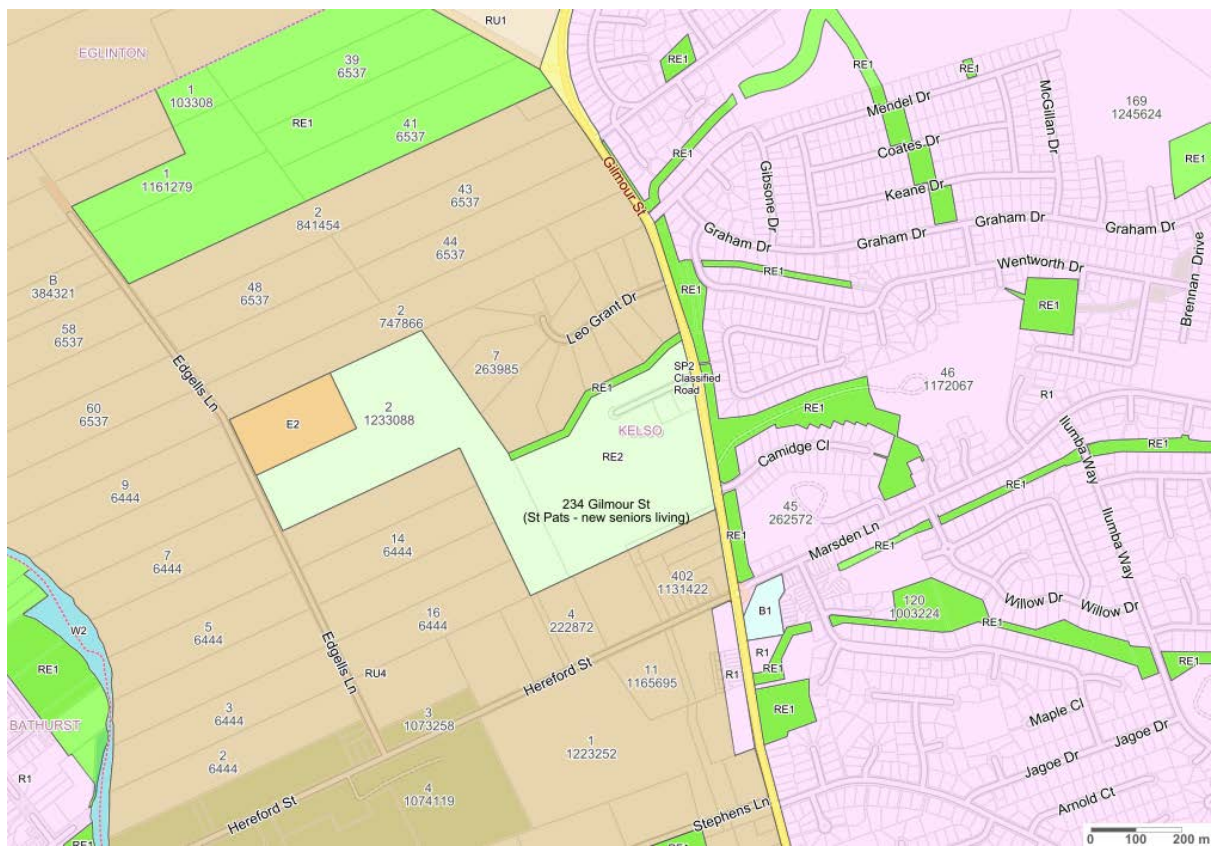
That Council commence a Planning Proposal as outlined in this minute.



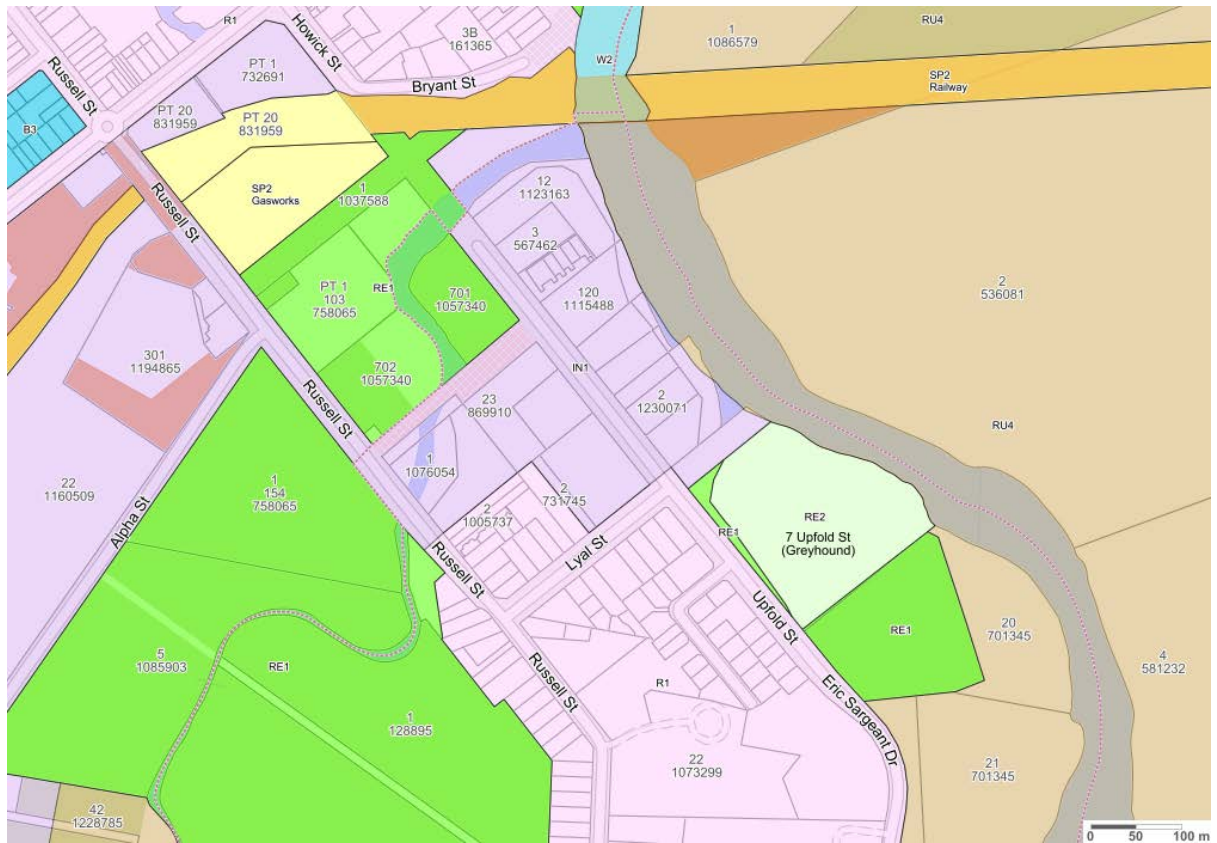
Neil Southorn

**DIRECTOR,
ENVIRONMENTAL PLANNING AND BUILDING SERVICES**

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)

