

Bathurst Regional Council - Proposed rezoning and reclassification with no interests changed - Lot 7 DP 620655 Lee Street Kelso - Alec Lamberton Field

Proposal Title :	Bathurst Regional Council - Proposed rezoning and reclassification with no interests changed - Lot 7 DP 620655 Lee Street Kelso - Alec Lamberton Field		
Proposal Summary :	Proposed to rezone Lot 1 DP 620655 (4.6ha) Lee Street Kelso - known as Alec Lamberton Field from zone RE 1 Public Recreation to IN1 General Industrial, change floor space ratio from nil to 1, reclassify from community land to operational land with no interest changed.		
PP Number :	PP_2015_BATHU_004_00	Dop File No :	15/12068

Proposal Details

Date Planning Proposal Received :	31-Jul-2015	LGA covered :	Bathurst Regional
Region :	Western	RPA :	Bathurst Regional Council
State Electorate :	BATHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Lee Street		
Suburb :	Kelso	City :	Bathurst
		Postcode :	2795
Land Parcel :	Lot 1 DP 620655 - 4.6 ha - the land is currently zone RE1 Public recreation		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	4.60	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	100

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

If No, comment : **No known lobbyists**

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

If Yes, comment : **No known meetings with registered lobbyists**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The stated objectives of the planning proposal are clear - to rezone the land to IN1 General Industrial and reclassify the land from 'community' to 'operational' with no interests changed.**

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

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

Comment : **Change zone maps, floor space ratio maps and seek reclassification.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.5 Development Near Licensed Aerodromes

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

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

Section 117 Direction 6.2 Reserving land for public purposes- the proposal is inconsistent as it is to rezone and reclassify public recreation land. Council have provided adequate information and supported by an endorsed strategy to permit the subject land to be rezoned and reclassified to permit sale and use for industrial purposes. The General Manager, Western Region (as nominated officer of the Secretary) can be satisfied that the loss of this land from public recreation is of minor significance as Council has demonstrated that there is adequate recreation areas nearby and this area is now predominantly industrial. No further work is required in this regard.

The subject land is within the Bathurst Airport Obstacle Limitation Surface (OLS) - **Section 117 Direction 3.5 Development near licensed aerodromes** applies. The General Manager, Western Region (as nominated officer of the Secretary) can be satisfied that the inconsistency is of minor significance as all the land in this area is affected by the OLS and due consideration can be given to airport impacts with further industrial development applications. In addition the proposal is consistent with the endorsed strategy. Consultation with the Civil Aviation Safety Authority will be recommended for Council to consider at section 59 stage.

The land has frontage to a Classified Road (O'Connell Road) and consultation is required with the Roads and Maritime Services.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposed community consultation and exhibition for 28 days is acceptable**

Additional Director General's requirements

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

If Yes, reasons : **Council is to clearly identify during community consultation how the subject land was acquired and investigate whether any interests in the land are to be changed in accordance with Planning Note PN09-003 Reclassification of public land.**

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Bathurst LEP 2014 was notified on 19 November 2014

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Assessment Criteria

Need for planning proposal :	A planning proposal is required to rezone and reclassify the subject land
Consistency with strategic planning framework :	Yes the future strategic direction for this area is industrial.
Environmental social economic impacts :	There are no known adverse environmental, social or economic impacts. In relation to the reduction in recreation land Council has demonstrated that adequate developed local and regional open space and recreation land is available in more ideal locations. The subject area is predominantly industrial.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Transport for NSW - Roads and Maritime Services Other		

Is Public Hearing by the PAC required?	No
(2)(a) Should the matter proceed ?	Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bathurst 0470_COM_FSR_011F_020_20150630.pdf	Proposal	Yes
Bathurst 0470_COM_LZN_011F_020_20140321.pdf	Proposal	Yes
Bathurst 0470_COM_LZN_011F_020_20150630.pdf	Proposal	Yes
Bathurst 0470_COM_MCS_20150630.doc	Proposal	Yes
Bathurst Aerial Photo.pdf	Proposal	Yes
Bathurst Council Report.pdf	Proposal	Yes

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Bathurst Council Resolution.pdf	Proposal	Yes
Bathurst Existing Floor Space Ratio Map FSR_011F.pdf	Proposal	Yes
Bathurst Existing Land Zoning Map LZN_011F.pdf	Proposal	Yes
Bathurst initial request for gateway.pdf	Proposal	Yes
Bathurst Location Map.pdf	Proposal	Yes
Bathurst Planning Proposal requesting gateway determination.pdf	Proposal	Yes
Bathurst covering letter.pdf	Proposal Covering Letter	Yes
Bathurst DP.tif	Proposal	No
Bathurst CT_L7_DP620655.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
3.5 Development Near Licensed Aerodromes
6.2 Reserving Land for Public Purposes

Additional Information : **That the Planning Proposal should proceed and the General Manager Western Region as delegate of the Minister can issue the Gateway determination subject to:**

1. Prior to community consultation Bathurst Regional Council is to investigate how the land was acquired and whether interests are required to be changed. Council is to provide this information to the Department of Planning Western Region office for approval.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

3. Bathurst Regional Council is to include and clearly explain in the community consultation package its intention to seek approval to rezone the land from zone RE1 Public Recreation to zone IN1 General Industrial and reclassify the land to 'operational' so that the land may be sold with the reclassification process under the Local Government Act, 1993 and EP&A Act being followed.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and/or to comply with the requirements of relevant section 117 Directions:

- **Roads and Maritime Services**
- **Civil Aviation Safety Authority**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. Bathurst Regional Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 and section 57 of the EP&A Act.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

7. The timeframe for completing the LEP is to be 12 months from the week following the

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date of the Gateway determination.

8. The General Manager, Western Region is able to utilise delegation in this case as the proposal is consistent with an endorsed strategy and broader Government policy for employment lands.

Supporting Reasons : The proposal can be supported due to the fact that this area is industrial and Council has indicated that there is adequate developed public open space more appropriately located nearby.

This proposal is being supported on the basis that as part of the reclassification process that no interests are being changed. However Condition No 1 is proposed to ensure that Council investigates and confirms, prior to exhibition, that no interests are being changed. Should this not be correct Council cannot be granted authorisation to exercise delegation and an altered Gateway determination will need to be issued.

At this stage as there are no interests being changed Council can be authorised to exercise delegations.

Signature:



Printed Name:

W GARNSEY

Date:

12/8/15