

Eglinton (West) RE1 RU1 R1 Zone Boundary Adjustment

Proposal Title : **Eglinton (West) RE1 RU1 R1 Zone Boundary Adjustment**

Proposal Summary : **To adjust the alignment of the RE1 Public Recreation zone through the site, which will involve adjusting the boundaries to adjoining RU1 Primary Production and R1 General Residential zoned land at the site.**

PP Number : **PP_2016_BATHU_001_00**

Dop File No :

16/02619-1

Proposal Details

Date Planning **08-Feb-2016**

Proposal Received :

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 : **Freemantle Road**

Suburb : **Eglinton**

City : **Bathurst**

Postcode : **2795**

Land Parcel : **Lot 11 DP 872964**

DoP Planning Officer Contact Details

Contact Name : **Megan Jones**

Contact Number : **0268412180**

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RPA Contact Details

Contact Name : **Nicholas Murphy**

Contact Number : **0263336514**

Contact Email : **nicholas.murphy@bathurst.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

Eglinton (West) RE1 RU1 R1 Zone Boundary Adjustment

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **0**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

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

If No, comment :

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

If Yes, comment : **There have been no known meetings with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **Extra information requested on Thursday 4th February 2016, received Monday 8th February 2016 and Wednesday 10th February 2016.
Information relating to justification of the zone boundary change based on the Eglinton Village Expansion Local Environmental Study 2006.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

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

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

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

Council has not addressed SEPP 55 Remediation of Land and SEPP (Rural Lands) 2008. The Gateway determination requires Council to address these policies prior to exhibition and include a copy of the assessment with the exhibition material.

In relation to section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes the General Manager, Western Region can be satisfied that the inconsistencies have been justified as minor significance given the nature of the proposal. In relation to section 117 Direction 6.2 approval may be granted by the General Manager, Western Region as delegate of the Secretary. No further work is required.

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

If No, explain :

Council has not addressed SEPP 55 Remediation of Land and SEPP (Rural Lands) 2008. The Gateway Determination requires Council to address these policies prior to exhibition and include a copy of the assessment with the exhibition material.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping provided is adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days, adequate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **Proposal is adequate, after Council addresses SEPP 55 and the Rural Lands SEPP. Consultation with government agencies recommended.**

Proposal Assessment

Principal LEP:

Due Date : **November 2014**

Comments in relation to Principal LEP : **Bathurst Regional LEP 2014 was notified on 19 November 2014.**

Assessment Criteria

Need for planning proposal : **Council is seeking to amend the land zoning of certain land, which will affect adjoining land zones and lot sizes. A planning proposal is the means through which the LEP amendment can be made.**

Consistency with strategic planning framework : **Adjusting the boundary of the RE1 zone on this land does not contravene the overall strategic plan for the area in terms of providing additional urban land in Eglinton. A small amount of public recreation and rural land is lost, with a corresponding increase in general residential land.**

Eglinton (West) RE1 RU1 R1 Zone Boundary Adjustment

Environmental social
economic impacts :

Realigning the RE1 zone removes the two (2) central dams from the original public recreation corridor. Council will need to consult with NSW Office of Water, OEH and DPI-Ag (Gateway condition) as part of the consultation process.

Council states that by realigning the RE1 zone a safer road/lot layout may be designed at the interface to the public school. The proposal does not significantly impact on the provision of public recreation land.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

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

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

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

If no, provide reasons : **Council needs to consult with:**
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Office of Water.

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
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Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes

Additional Information :

- 1. Prior to commencing community consultation, Council must address SEPP 55 Remediation of Land and SEPP (Rural Lands) 2008 and include a copy of the response with the consultation material. These policies must also be addressed as part of Council's section 59 submission.**
- 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 (Department of Planning & Infrastructure 2013).**
- 2. Consultation is required with the following State Agencies under section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:**
 - (a) Department of Primary Industries – Agriculture,**
 - (b) NSW Office of Water, and**
 - (c) Office of Environment and Heritage.**

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

- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**

- 4. The timeframe for completing the LEP is to be nine (9) months from the week following the date of the Gateway determination.**

Supporting Reasons :

Council did not address SEPP 55 or the Rural Lands SEPP in its original submission to the Department, both which are both relevant to the planning proposal. Council provided the Department with a copy of the proponent's planning proposal report (prepared by Voerman & Ratsep Surveyors) of which an insufficient assessment of SEPP 55 was provided, but no response to the Rural Lands SEPP. Council needs to address these policies prior to commencing community consultation and include a copy of the response with the exhibition materials. Re-submission of the PP is not required in this instance to progress the PP, Council may respond to these policies as part of its Section 59 submission.

The proposal is considered a minor zone boundary realignment to facilitate a more effective lot layout and access. The provision of RE1 zone land is not significantly affected.

Signature: _____

Printed Name: _____

Date: _____