

PLANNING PROPOSAL

FOR

BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT No. 12 (20.00307)

POST EXHIBITION

MINOR ZONE BOUNDARY ALTERATIONS HOUSEKEEPING

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Schedule of land affected by the Planning Proposal

Lot	DP	Address
11	778516	Ophir Road, Llanarth
10	842947	296 Ophir Road, Stewarts Mount
1&2	1215901	567 Eleven Mile Drive, Eglinton
1	1126786	240 Limekilns Road, Kelso
1	1179973	Limekilns Road, Kelso
1	176203	Limekilns Road, Kelso
421	1176436	Ashworth Drive, Kelso
5	847225	197 Limekilns Road, Kelso
А	408013	Edgells Lane, Kelso
12	819967	Boundary Road, Robin Hill
33	1070624	Corporation Avenue, Robin Hill
15	1049399	Eglinton Road, Llanarth
320	1205931	O'Farrell Place and Wentworth Drive, Kelso
15	263985	Gilmour Street, Kelso
		Chifley Park, Commonwealth Street, West Bathurst
	Various	Drainage reserves & open space, Kelso, Eglinton, Robin Hill, Windradyne and Llanarth

Schedule of Maps

Map Number	Map Name	Version		
Height of Bu	Height of Buildings Map			
HOB_011A	Height of buildings Map – Sheet HOB_011A	В		
	Height of buildings Map – Sheet HOB_011B	В		
HOB_011F	Height of buildings Map – Sheet HOB_011F	В		
Land Reser	vation Acquisition Map			
LRA_011A	Land Reservation Acquisition Map - Sheet LRA_011A	В		
LRA_011B	Land Reservation Acquisition Map - Sheet LRA_011B	В		
LRA_011F	Land Reservation Acquisition Map - Sheet LRA_011F	В		
Minimum Lo	ot Size - Dual Occupancy Map			
LSD_011A	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011A	В		
LSD_011B	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011B	В		
LSD_011F	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011F	В		
Minimum Lo	ot Size - Multi Dwelling Housing & Residential Flat Building	s Map		
LSM_011A	Minimum Lot Size - Multi Dwelling Housing & Residential	B		
	Flat Buildings Map – Sheet LSM_0 11A			
LSM_011B	Minimum Lot Size - Multi Dwelling Housing & Residential	В		
	Flat Buildings Map – Sheet LSM_0 11B			
LSM_011F	Minimum Lot Size - Multi Dwelling Housing & Residential	В		
	Flat Buildings Map – Sheet LSM_0 11F			
Lot size Ma	<u>0</u>			
LSZ_011A	Lot size Map – Sheet LSZ_011A	В		
LSZ_011B	Lot size Map – Sheet LSZ_011B	В		
LSZ_011C	Lot size Map – Sheet LSZ_011C	В		
LSZ_011E	Lot size Map – Sheet LSZ_011E	В		
LSZ_011F	Lot size Map – Sheet LSZ_011F	В		
Land zone Map				
LZN_011A	Land zone Map – Sheet LZN_011A	В		
LZN_011B	Land zone Map – Sheet LZN_011B	В		
LZN_011C	Land zone Map – Sheet LZN_011C	В		
LZN_011E	Land zone Map – Sheet LZN_011E	В		
LZN_011F	Land zone Map – Sheet LZN_011F	В		

List of Attachments

Attachment Number	Name
1	Location Plans
2	Council report and minute to proceed with the Planning Proposal
3	Historical zoning of Part Lot 10 DP 842947
4	Gateway determination
5	Mail merge letter to landowners
6	Mail merge letter to Government Agencies
7	Western Advocate advertisement
8	Submissions
9	Council report and minute to proceed to gazette the Planning Proposal

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
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Introduction

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below. Location plans are included at <u>attachment 1.</u>

The zones to which this amendment applies to are:

- R1 General Residential.
- R5 Large Lot Residential.
- RE1 Public Recreation.
- RU1 Primary Production.
- RU4 Primary Production Small Lots.
- E2 Environmental Conservation.
- B5 Business Development.
- IN1 General Industrial.

It is also proposed to delete "Dwelling Houses" as a permissible land use within the RE1 Public Recreation zone. However, dwellings may still be permitted in certain circumstances where they can be considered as ancillary development.

A copy of the Council report and minute to proceed with the Planning Proposal is provided at <u>attachment 2</u>.

The gateway determination, dated 4 July 2017, did not delegate plan making functions to Council. The Relevant Planning Authority (RPA) for this Planning Proposal is the NSW Department of Planning and Environment.

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

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below. Location plans are included at <u>attachment 1.</u>

The zones to which this amendment applies to are:

- R1 General Residential.
- R5 Large Lot Residential.
- RE1 Public Recreation.
- RU1 Primary Production.
- RU4 Primary Production Small Lots.
- E2 Environmental Conservation.
- B5 Business Development.
- IN1 General Industrial.

1.2 The subject land

1. Part Lot 11 DP 778516, Ophir Road, Llanarth - Map No. 1

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the RE1 and R1 zone is located on the intended lots.

Council supported an earlier Planning Proposal to amend the R1/RE1 zone boundary on the subject land. As a result of an approved subdivision, part of the residential lot remains zoned RE1 which was intended to be R1 under the previous Planning Proposal. The purpose of the amendment is to undertake a minor adjustment of the RE1/R1 zone boundaries to ensure that the RE1 and R1 zones are located on the intended lots.

2. Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount - Map No. 2

Council has received correspondence from the landowner who indicated that their land had been inadvertently rezoned from residential to rural as part of the Bathurst Regional Local Environmental Plan 2014. The landowner requested that the portion of the land that was previously zoned residential be reinstated.

Reinstating the historical zoning is considered appropriate given that Council inadvertently rezoned that part of the land as part of the 2014 LEP. In this regard it is considered that only part of the land should be zoned residential and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site.

In this circumstance, ie the partial reinstatement of the historical residential zoning, the part rezoning of the land be supported.

3. Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton - Map No. 3

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the RE1 and R1 zone is located on the intended lots.

As part of the Planning Proposal in 2010 to rezone additional land at Eglinton, a 50 metre wide land use buffer was created between the rural and residential land. The buffer was zoned RE1 Public Recreation. The resultant subdivision of the land did not exactly follow the zone boundary as intended. As a result a minor adjustment of the zone boundaries is required to:

- a) Rezone land zoned RE1 on Lot 2 to R1,
- b) Rezone land zoned R1 on Lot 1 to RE1,
- c) Rezone land zoned RE1 on Lot 2 to RU4
- d) Rezone land zoned RU4 within Saltram Creek to RE1
- 4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso – Map No. 4

The purpose of the amendment is to rectify an anomaly that occurred in drafting the Bathurst Regional LEP 2014. This saw the open space buffer with a variable width from approximately 40 metres wide to approximately 65 metres. Council intended that the open space be 50 metres wide. It is therefore proposed to amend the RE1 zoned land to a width of 50 metres, with the residual to be zoned R1 General Residential or RU1 Primary Production.

5. Part Lot 421, DP 1176436, Ashworth Drive, Kelso - Map No. 5

The purpose of the amendment is to rectify the unequitable burden of open space on the subject land that occurred in drafting the Bathurst Regional LEP 2014.

This saw part of the land reserved for open space which would prejudice the orderly development of the land for residential purposes. As a result of negotiations with the landowner, the RE1 Public Recreation zone boundary is proposed to be located approximately 10 metres from top of bank, consistent with the zone boundary upstream of the subject land.

6. Part Lot 5 DP 847225, 197 Limekilns Road, Kelso - Map No. 6

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

The purpose of the zone boundary adjustment is in response to a proposed subdivision design. The overall gain in land zoned RE1 Public Recreation is approximately 800sqm. This will also see a significant area of open space located adjacent to the existing water reservoir on Marsden Lane.

7. Lot A DP 408013, Edgells Lane, Kelso - Map No. 7

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat.

It is appropriate that the land be zoned E2 Environmental Conservation.

8. <u>Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso</u> Eglinton, Robin Hill, Windradyne and Llanarth – Map No. 8

It should be noted that Bathurst Regional Council is the landowner of these parcels of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has undertaken a review of the open space and its zoning in existing locations in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne. Council has identified a number of parcels which are reserved as open space, although its zoning is not reflective of its use. It is proposed to zone relevant parcels of land as RE1 Public Recreation.

9. <u>Deletion of Dwelling Houses as a permissible land use in the RE1 Public</u> <u>Recreation Land</u>

The purpose of the amendment is to correct an error whilst drafting the Bathurst Regional Local Environmental Plan 2014 which saw dwelling houses as permissible with consent in the RE1 Public Recreation zone. Dwellings on land that are otherwise identified for Open Space is inconsistent with the zone objectives and therefore it is appropriate that they are prohibited. It should be noted that in certain circumstances dwellings may still be allowed as ancillary development to an open space or recreation landuse.

Part 2 Explanation of Provisions

2.1 Introduction

The aim of the Planning Proposal is to undertake some minor amendments to a number of zone boundaries which do not reflect the current subdivision pattern, or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below. The Planning Proposal affects land within the suburbs of Eglinton, Kelso, Llanarth, Stewarts Mount and Windradyne.

With respect to Part Lot 11 DP 778516, Ophir Road, Llanarth (Map No 1), Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton (Map No 3), Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso (Map No 4) and Part Lot 421, DP 1176436, Ashworth Drive, Kelso (Map No 5) it is proposed to amend the current RE1/R1 zone boundary to match the zone boundary with that of the property boundary. This minor adjustment will ensure that the zone is entirely on the intended lot. It should also be noted that the development potential of the subject land is insignificant and unlikely to have a detrimental impact on the existing road network.

With respect to Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount **(Map No 2)**, Council has received correspondence from the landowner who indicated that their

land had been inadvertently rezoned from residential to rural as part of the Bathurst Regional Local Environmental Plan 2014. The landowner requested that the portion of the land that was previously zoned residential be reinstated.

Reinstating the historical zoning is considered appropriate given that Council inadvertently rezoned that part of the land as part of the 2014 LEP. In this regard it is considered that only part of the land should be zoned residential and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site. It should also be noted that the development potential of the subject land is insignificant and unlikely to have a detrimental impact on the existing road network.

With respect to Part Lot 5 DP 847225, 197 Limekilns Road, Kelso **(Map No 6)** the purpose of the zone boundary adjustment is in response to a proposed subdivision design. The overall gain in land zoned RE1 is approximately 800sqm. This will also see a significant area of open space located adjacent to the existing water reservoir on Marsden Lane. This minor adjustment will ensure that the zone is entirely on the intended lot.

With respect to Lot A DP 408013, Edgells Lane, Kelso **(Map No 7)**, Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RU4 Primary Production Small Lots and it is proposed to zone this land E2 Environmental conservation. The classification of the land, pursuant to Local Government Act 1993, is not being altered.

With respect to various drainage reserves and open space in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne **(Map No 8)**, Council has undertaken a review of the open space and its zoning in existing locations in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne. Council has identified a number of parcels which are reserved as open space, although its zoning is not reflective of its use. It is proposed to zone relevant parcels of land as RE1 Public Recreation. The classification of the land, pursuant to Local Government Act 1993, is not being altered.

Supporting the rezoning of the land, amendments to the following maps will occur imposing the appropriate controls on the land relevant to the proposed zoning change:

- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Minimum Lot Size—Dual Occupancy Map
- Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map

With respect to the deletion of 'Dwelling Houses' as a permissible land use in the RE1 Public Recreation Land, the purpose of the amendment is to correct an error whilst drafting the Bathurst Regional Local Environmental Plan 2014 which saw dwelling houses as permissible with consent in the RE1 Public Recreation zone. Dwellings on land that are otherwise identified for Open Space is inconsistent with the zone objectives and therefore it is appropriate that they are prohibited. It should be noted that in certain circumstances dwellings may still be allowed as ancillary development to an open space or recreation landuse.

Alterations to Council's DCP in relation to the above sites has occurred concurrently with the Planning Proposal process.

PART 3 Justification

Section A – Need for the Planning Proposal

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

The amendments to the zone boundaries is generally in accordance with Council's current land use strategies. The minor change in the location of open space is as a result of subdivisions that have occurred since the zoning of the land, or proposed subdivision design. Council has also identified a number of parcels of land within Kelso, Eglinton, Robin Hill, Llanarth and Windradyne that have historically been used as open space and drainage lines, however have retained their zoning as R1 General Residential. The proposal is to zone these parcels of land as RE1 Public Recreation and not to alter their classification pursuant to the Local Government Act.

Council's purchase of the land on Edgells Lane, Kelso, was for environmental purposes. The zoning of the land for this purpose is considered appropriate to support Council's ongoing conservation programs.

The reinstatement of the zoning, with appropriate buffers to the residual agricultural land, at 296 Ophir Road, Stewarts Mount is to amend an error that occurred during the drafting of the Bathurst Regional LEP 2014.

The removal of dwelling houses as a permissible land use in the RE1 zone is also to correct an error that occurred during the drafting of the Bathurst Regional LEP 2014.

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 intended outcomes of the Planning Proposal. The only avenue available to Council to rezone the land and to alter the permissibility of a land use 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	Yes	The lots have historically been
merit and:		zoned for residential purposes over
Is consistent with a relevant		a number of decades. The
local strategy endorsed by		Bathurst Regional LEP 2014, for
the Director General; or		the first time, zoned open space in
Is consistent with the		suburban locations. The Planning
relevant regional strategy or		Proposal aims to amend the
Metropolitan Plan; or		R1/RE1 zone interface catering for
 Can it demonstrate strategic 		development specific

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)		circumstances. The Planning Proposal is consistent with the Bathurst Region Urban Strategy. The planning proposal is not inconsistent with the Central West and Orana Regional Plan. The Planning Proposal supports Direction 4.1 to support the region's growth and change by responding to minor zone boundary amendments and facilitating continued residential growth. 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 with the surrounding land uses, having regard to the following: ♦ 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. 	Yes	Notwithstanding the alteration to the R1/RE1 zone boundary interface, following the proposed rezoning, the overall amount of land zoned for open space purposes is expected to increase overall.

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

The Bathurst Region Urban Strategy 2007 identified continued growth of the city. The Planning Proposal is consistent with the strategy and only proposes minor modification of zoning boundaries. The majority of the land in its current form has been zoned for residential purposes for a number of decades and is located adjacent to existing residential estates. The alteration of the open space arrangements, particularly given the increase in the amount of open space overall, is supported. Buffers to rural lands and open space corridors remain consistent with the recommendations of the Bathurst Region Urban Strategy. The alteration to the permissibility of dwelling houses within the RE1 zone is more consistent with the objectives of the zone. Council notes that dwelling houses as an ancillary development to an open space or recreation use would be permissible.

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
SEPP No 19 – Bushland in Urban Areas	Not Relevant
SEPP No 21 – Caravan Parks	Not Relevant
SEPP No 26 – Littoral Rainforests	Not Relevant
SEPP No 30 – Intensive Agriculture	Not Relevant
SEPP No 33 – Hazardous and Offensive Development	Not Relevant
SEPP No 36 – Manufactured Home Estates	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	Not Relevant
Water Management Plan Areas	
SEPP No 55 – Remediation of Land	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	Not Relevant
Development	
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 (Integration and Repeals) 2016	Not Relevant

SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Mining, Petroleum Production and Extractive	Not Relevant
Industries) 2007	
SEPP (Miscellaneous Consent Provisions) 2007	Not Relevant
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Rural Lands) 2008	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (State Significant Precincts) 2005	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant
SEPP (Three Ports) 2013	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. <u>117 directions)?</u>

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	Consistency
Ministerial	
Direction	
1. Employment ar	nd resources
1.1 Business and	The direction applies due to the inclusion of Lot 33 DP 1070624
Industrial Zones	and Lot 15 DP 1049399 (See Map 8b & 8c).
	Lot 33 DP 1070624 is zoned B5 Business Development, although its use is restricted by easements on the Deposited Plan and DCP restrictions. The land was reserved through the DCP as a land use buffer between the commercial and residential land. Whilst the direction applies, the proposal to rezone the land to RE1 Public Recreation does not reduce the land intended for commercial use or reduce the total floor space potential for employment within the B5 zone (Clause 4(b & c)) given the existing DCP provisions.

Section 117 Ministerial Direction	Consistency
	Lot 15 DP 1049399 is partly zoned IN1 General Industrial. The land is a drainage reserve created in 2003. The area of land being rezoned to RE1 is approximately 4600sqm and whilst the Planning Proposal reduces the land available for industrial purposes, it is likely that any development would require significant buffers to existing residential land uses. Therefore Council is satisfied that the Planning Proposal does not reduce the potential floor space area for industrial land. Council believes that the planning proposal is inconsistent
	with the requirements of the direction, however is of minor significance (Clause 5(d)) and should be supported.
1.2 Rural Zones	The direction applies due to the inclusion of Part Lot 10 DP 842947, Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton and Lot A DP 408013, Edgells Lane, Kelso. (See Map 2 , 3 & 7 and Attachment 3)
	Part Lot 10 DP 842947 (See Map 2)
	The land had an historical residential zoning and was zoned RU1 as part of a drafting error for the Bathurst Regional LEP 2014. The rezoning of the land represents a loss of approximately 2.3 hectares from rural. Approximately 0.9 hectares being zoned R1 General Residential and the balance being zoned RE1 Public Recreation.
	Council considers that the reduction of the rural zoned land is minor in nature and is unlikely to prejudice the rural operations on the adjoining land.
	A plan showing the historical zoning of the land is included at attachment 3 .
	Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton (See Map 3) As part of the Planning Proposal in 2010 to rezone additional land at Eglinton, a 50 metre wide land use buffer was created between the rural and residential land. The buffer was zoned RE1 Public Recreation. The resultant subdivision of the land did not exactly follow the zone boundary as intended. As a result a minor adjustment of the zone boundaries is required to: a) Rezone land zoned RE1 on Lot 2 to R1, b) Rezone land zoned R1 on Lot 1 to RE1, c) Rezone land zoned RE1 on Lot 2 to RU4 d) Rezone land zoned RU4 within Saltram Creek to RE1
	Council considers that the reduction of the rural zoned land is

Section 117	Consistency
Ministerial Direction	
Direction	minor in nature and is unlikely to prejudice the rural operations on
	the adjoining land.
	Lot A DP 408013, Edgells Lane, Kelso (See Map 7) Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RU4 Primary Production Small Lots and it is proposed to zone this land E2 Environmental conservation. The land is not currently being used for agricultural purposes and the proposed rezoning does not intensify the development potential of the land, nor does it convert it from a rural use to an urban use.
	Council considers that the reduction of the rural zoned land is minor in nature and is unlikely to prejudice the rural operations on the adjoining land.
	Council believes that the planning proposal is inconsistent with the requirements of the direction, however is of minor significance (Clause 5(d)) and should be supported.
1.3 Mining,	Not applicable.
Petroleum Production and	Council is satisfied that the planning proposal is consistent
Extractive	with the requirements of the direction.
Industries	
1.4 Oyster	Not applicable.
Aquaculture	Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.5 Rural Lands	The direction applies due to the inclusion of Part Lot 10 DP 842947 and the rezoning of Lot A DP 408013, Edgells Lane, Kelso from RU4 to E2.
	Part Lot 10 DP 842947 (See Map 2).
	The land had a historical residential zoning and was zoned RU1 as part of a drafting error for the Bathurst Regional LEP 2014. The rezoning of the land represents a loss of approximately 2.3 hectares of rural zoned land. Approximately 0.9 hectares is proposed to be zoned R1 General Residential and the balance being zoned RE1 Public Recreation.
	Council considers that the reduction of the rural zoned land is minor in nature, given its proximity to Sawpit Creek and the Mitchell Highway, and is unlikely to prejudice the rural operations

Section 117 Ministerial	Consistency
Direction	
Direction	on the adjoining land.
	A plan showing the historical zoning of the land is included at attachment 3 .
	<u>Lot A DP 408013 (</u> See Map 7).
	Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RU4 Primary Production Small Lots and it is proposed to zone this land E2 Environmental conservation. The land is not currently being used for agricultural purposes and the proposed rezoning does not intensify the development potential of the land, nor does it convert it from a rural use to an urban use.
	Council is satisfied that the proposed rezoning of the land to E2 is consistent with the principles of the
2 Environment e	Council believes that the planning proposal is inconsistent with the requirements of the direction, however is of minor significance (Clause 6(b)) and should be supported.
2. Environment an	nd Heritage
2.1 Environment Protection Zones	The direction applies due to the inclusion of Lot A DP 408013, Edgells Lane, Kelso.
	Council recently purchased the land for environmental conservation purposes. The Planning Proposal seeks to rezone the land from RU4 to E2. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The zoning of the land for this purpose is considered appropriate to support Council's ongoing conservation programs.
	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.
2.5 Application of E2 and E3 Zones and	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 117	Consistency				
Ministerial					
Direction					
Environmental					
Overlays in Far					
North Coast					
LEPs					
3. Housing, Infras	3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones The planning proposal affects a number of parcels of land are zoned R1 General Residential. A number of parcels, identified on Map No. 1-6 , are included because the result subdivision boundaries do not reflect those of the zone bo					
	With respect to the open space lots in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne, as identified on Map No. 8 , the actual use of the land is for open space or drainage infrastructure, rather than housing as the zone intends. The zone change from R1 General Residential to RE1 Public Recreation will be reflective of the current use of the land. The classification of the land, pursuant to Local Government Act 1993, is not being altered. Council believes that the planning proposal is inconsistent				
	with the requirements of the direction, however is of minor significance (Clause 6(b)) and should be supported.				
3.2 Caravan	Not applicable.				
Parks and	Council is satisfied that the planning proposal is consistent				
Manufactured	with the requirements of the direction.				
Home Estates					
3.3 Home	Not applicable.				
Occupations	Council is satisfied that the planning proposal is consistent with the requirements of the direction.				
3.4 Integrating	Not applicable.				
Land Use and	Council is satisfied that the planning proposal is consistent				
Transport	with the requirements of the direction.				
3.5 Development Near Licensed Aerodromes	The proposal alters the R1/RE1 zone boundary within 1.3 km of the Bathurst Airport (See Maps 4, 5 & 6). It is proposed to extend appropriate planning controls onto land that is being rezoned. It should be noted that the planning proposal only adjusts the existing zone boundaries and does not significantly change the permissible development or the housing density on the land that exists currently. The ANEF for the Bathurst Airport was updated in 2013 which illustrates that the 20dBa ANEF is generally contained on the lot associated with the Bathurst Airport.				
	It should also be noted that the proposal does not affect land under the main runway for the Bathurst Airport.				

Section 117	Consistency
Ministerial	
Direction	
	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction, is of minor
	significance (Clause 7(d)) and should be supported.
3.6 Shooting	The proposal does not affect land adjacent or adjoining an
Ranges	existing shooting range.
	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction.
4. Hazard and Ris	
4.1 Acid Sulfate	The Bathurst Region does not include any land identified on Acid
Soils	Sulfate Soils Planning maps held by the Department.
	Council is satisfied that the planning proposal is consistent
4.0.14	with the requirements of the direction.
4.2 Mine	The Bathurst Region does not include any land identified as within
Subsidence and	a Mine Subsidence District proclaimed under the Mine
Unstable Land	Subsidence Compensation Act 1961.
	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction.
4.3 Flood Prone	Lot A DP 408013 (See Map 7) is located on the Bathurst
Land	Floodplain. The planning proposal rezones the land from RU4
	Primary Production Small Lots to E2 Environmental Conservation. The change in zone does not permit an increase in development
	potential of the land. Council is of the opinion that the planning
	proposal is consistent with the matters raised in Clauses $4 - 8$ of
	the Direction.
	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction, is of minor
	significance (Clause 9(b)) and should be supported.
4.4 Planning for	The Planning Proposal does not include any land which is
Bushfire	identified as being Bushfire Prone Land.
Protection	
	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction.
5. Regional Plann	ing
5.1	No regional strategy applies to the Bathurst Region.
Implementation	
of Regional	Council is satisfied that the planning proposal is consistent
Strategies	with the requirements of the direction.
5.2 Sydney	The Bathurst Region is outside the identified Sydney Drinking
Drinking Water	Water Catchment area.
Catchments	Council is satisfied that the planning proposal is consistent
	with the requirements of the direction.
	Deep not apply to the Dethurst Degion
5.3 Farmland of State and	Does not apply to the Bathurst Region.

Section 117	Consistency		
Ministerial			
Direction			
Regional	Council is satisfied that the planning proposal is consistent		
Significance on	with the requirements of the direction.		
the NSW Far			
North Coast	Description of the Dethurst Device		
5.4 Commercial and Retail;	Does not apply to the Bathurst Region.		
Development	Council is satisfied that the planning proposal is consistent		
along the Pacific	with the requirements of the direction.		
Highway, North			
Coast			
5.8 Second	Does not apply to the Bathurst Region.		
Sydney Airport:			
Badgerys Creek	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
5.9 North West	Does not apply to the Bathurst Region.		
Rail Link Corridor			
Strategy	Council is satisfied that the planning proposal is consistent with the requirements of the direction.		
5.10	The Central West and Orana Regional Plan applies to the		
Implementation	Bathurst Region. The Planning Proposal aims to rectify some		
of Regional	R1/RE1 zone boundary anomalies, correct two errors that were		
Plans	made during the drafting of the Bathurst Regional LEP 2014 and		
	to prohibit dwelling houses as permissible land uses in the RE1		
	zone land. A detailed analysis has not been made of each		
	direction due to the minor nature of the rezonings proposed.		
	The proposed changes are considered to be consistent with		
	Council's local Land Use Strategies and is not inconsistent with		
	the overall intent of the Regional Plan.		
	Council is satisfied that the planning proposal is consistent		
	with the requirements of the direction.		
6. Local Plan Mak	<u> </u>		
6.1	The Planning Proposal does not affect development application		
Approval and referral	provisions and does not propose any referral provisions relating to this land.		
Requirements	Council is satisfied that the planning proposal is consistent		
	with the requirements of the direction.		
6.2	Where the Planning Proposal aims to alter the R1 / RE1 zone		
Reserving land	interface, and as yet, has not been dedicated to Council for public		
for Public	purposes, Council is satisfied that the overall amount of open		
Purposes	space is increasing in the locality which will be of benefit to the		
	community as a whole.		

Section 117 Ministerial	Consistency		
Direction			
	Where the Planning Proposal aims to rezone land from R1 to		
	RE1, the land is in Council's ownership and is not identified for		
	disposal.		
	Council is satisfied that the planning proposal is consistent		
	with the requirements of the direction.		
6.3	The Planning Proposal does not relate to a particular development		
Site Specific	to be carried out on a specific site.		
Provisions	Council is satisfied that the planning proposal is consistent		
	with the requirements of the direction.		
7. Metropolitan P	7. Metropolitan Planning		
7.1	Does not apply to the Bathurst Region.		
Implementation			
of the	Council is satisfied that the planning proposal is consistent		
Metropolitan	with the requirements of the direction.		
Strategy			
7.2	Does not apply to the Bathurst Region.		
Implementation			
of Greater	Council is satisfied that the planning proposal is consistent		
Macarthur Land	with the requirements of the direction.		
Release			
Investigation			
7.3 Parramatta	Does not apply to the Bathurst Region.		
Road Corridor			
Urban	Council is satisfied that the planning proposal is consistent		
Transformation	with the requirements of the direction.		
Strategy			

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 by the reclassification. In the case of the land on Edgells Lane (**Map No 7**), the Planning Proposal seeks to protect environmentally sensitive lands.

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. Appropriate buffers to rural lands and creek corridors have been maintained.

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

Social Impacts

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

Economic Impacts

It is considered that as a result of the Planning Proposal there are no negative 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?

Council did not consult with any Government Agencies prior to the drafting of the Planning Proposal. Formal consultation occurred with several public authorities at the public exhibition stage including the Office of Environment & Heritage, Roads & Maritime Services, the Civil Aviation Safety Authority.

Refer to Part 5 below with respect to submissions received from Government Agencies.

Part 4 Mapping

The following maps are proposed to be amended as a result of this planning proposal.

Map Number	Map Name	Version		
	Height of Buildings Map			
	11A Height of buildings Map – Sheet HOB_011A			
	Height of buildings Map – Sheet HOB_011B			
	Height of buildings Map – Sheet HOB_011F			
	vation Acquisition Map			
LRA_011A	Land Reservation Acquisition Map - Sheet LRA_011A	В		
LRA_011B	Land Reservation Acquisition Map - Sheet LRA_011B	В		
LRA_011F	Land Reservation Acquisition Map - Sheet LRA_011F	В		
Minimum Lo	ot Size - Dual Occupancy Map			
LSD_011A	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011A	В		
LSD_011B	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011B	В		
LSD_011F	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011F	В		
Minimum Lo	ot Size - Multi Dwelling Housing & Residential Flat Building	s Map		
LSM_011A	Minimum Lot Size - Multi Dwelling Housing & Residential	В		
	Flat Buildings Map – Sheet LSM_0 11A			
LSM_011B	Minimum Lot Size - Multi Dwelling Housing & Residential	В		
	Flat Buildings Map – Sheet LSM_0 11B			
LSM_011F	Minimum Lot Size - Multi Dwelling Housing & Residential	В		
	Flat Buildings Map – Sheet LSM_0 11F			
Lot size Ma	<u>0</u>			
LSZ_011A	Lot size Map – Sheet LSZ_011A	В		
LSZ_011B	Lot size Map – Sheet LSZ_011B	В		
LSZ_011C	Lot size Map – Sheet LSZ_011C	В		
LSZ_011E	Lot size Map – Sheet LSZ_011E	В		
LSZ_011F	F Lot size Map – Sheet LSZ_011F			
Land zone Map				
LZN_011A	Land zone Map – Sheet LZN_011A	В		
LZN_011B	Land zone Map – Sheet LZN_011B	В		
LZN_011C	Land zone Map – Sheet LZN_011C	В		
LZN_011E	Land zone Map – Sheet LZN_011E	В		
LZN_011F	Land zone Map – Sheet LZN_011F	В		

Council updated the cadastral layer for the LGA post exhibition. The cadastral data reflects the record as at 8 September 2017. The update to the cadastral data does not impact on the intent of the Planning Proposal.

Part 5 Community Consultation

Consultation was undertaken as follows.

Council exhibited the Planning Proposal from 31 July 2017 until 28 August 2017.

Council notified the following people in writing (see <u>attachment 5</u>) with respect to the Planning Proposal:

- a) the landowners; and
- b) adjoining landowners.

The Gateway determination requires consultation with the Department of Primary Industries and the Office of Environment and Heritage (see <u>attachment 6</u>). Council notified the Government Departments for the period from 31 July 2017 until 28 August 2017.

Council also placed notification in the Western Advocate (see <u>attachment 7</u>) on the following dates:

- 29 July 2017
- 5 August 2017

The Gateway Determination dated 4 July 2017 did not require a Public Hearing to be held as part of this Planning Proposal. No submissions specifically requested a Public Hearing be held.

Council received a total of 2 submissions from the community during the public exhibition period and a further 3 submissions were received from Government Agencies. Copies of the submissions received as part of the Public Exhibition are provided at <u>attachment 8</u>.

A minor adjustment of the boundaries was made post-exhibition in response to the submission made by Mr & Mrs Cutler (Lot 2 DP 1233661) and to reflect the current property boundaries. Council does not consider that the post-exhibition amendment to the maps warrants further exhibition of the Planning Proposal, as the intent of the initial amendment was for the zone and lot boundaries to be on the same alignment.

No significant issues were raised in the other submissions. Refer to the report to Council at **attachment 9**.

Part 6 Project timeframe

Step	Criteria	Project timeline
1	Anticipated commencement date (date of Gateway determination)	4 July 2017
2	Anticipated timeframe for the completion of required technical information	29 July 2017
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	31 July 2017 until 28 August 2017
4	Commencement and completion dates for public exhibition period	31 July 2017 until 28 August 2017
5	Dates for public hearing (if required)	Not relevant
6	Timeframe for consideration of submissions	September 2017
7	Timeframe for the consideration of a proposal post exhibition	18 October 2017
8	Date of submission to the department to finalise the LEP	November 2017
9	Anticipated date RPA will make the plan (if delegated)	Not relevant
10	Anticipated date RPA will forward to the department for notification.	February 2018

Attachment 1 Location plans

Summary Map





Map No. 1 - Part Lot 11 DP 778516, Ophir Road, Llanarth



Map No. 2 - Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount



Map No. 3 - Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton



Map No. 4 - Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203



Map No. 5 - Part Lot 421, DP 1176436, Ashworth Drive, Kelso



Map No. 6 - Part Lot 5 DP 847225, 197 Limekilns Road, Kelso







Map No 8 - Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso Eglinton, Robin Hill, Windradyne and Llanarth






Attachment 2 Council report and minute

Bathurst Regional Council Ordinary Meeting 1 February 2017

10_BATHURST REGIONAL LEP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL OPEN SPACE SECTION 94 PLAN AMENDMENT (20.00307 & 20.00036)

Recommendation:

That Council:

- 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 report;
- (b) commence an amendment to the Bathurst Regional DCP as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Open Space Section 94 Plan as outlined in this report;
- (d) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (e) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (g) call a division.

Report:

The Bathurst Regional Local Environmental Plan, Development Control Plan and Bathurst Regional Open Space Section 94 Plan have been in force since November 2014. As a result of their operation, Council staff have noted a number of minor anomalies in both the LEP and DCP. The Section 94 Plan will be amended to reflect the proposed changes in the zone boundaries as it relates to the RE1 Local Recreation land.

It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend the R1 Residential and RE1 Local Recreation of various open space in Kelso to better suit subdivision design.
- Amend the R1 Residential and RE1 Local Recreation of various open space in Windradyne, Llanarth and Eglinton in response to subdivision design.
- Amend the RU1 Primary Production zone boundary adjacent to Sawpit Creek in response to landowner request.
- Amend Schedule 2 Exempt Development provisions for:
 - Garages and carports to limit the size of a combined carport/garage to 45 sqm (in a heritage conservation area) or 60 sqm on all other land, introducing a maximum

Receive And Deal With Directors' Reports to the 01/02/2017 Released

GENERAL MANAGER Page 1 MAYOR

floor area of 60 sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.

- farm buildings to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered size of building dependant on the land size.
- Balconies, decks, patios, patio covers, pergola, terrace and verandah permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback
- rainwater tanks to remove tanks as exempt development on floodprone land.
- Filming removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Prohibit dwelling houses on land zoned RE1 Local Recreation.
- Zone land owned by Council at Mount Panorama as SP3 Tourist.

It is proposed to commence an amendment to the *Bathurst Regional Development Control Plan* which seeks to:

- Amend various maps to reflect the zone changes outlined in the draft LEP amendment.
- Amend Section 4.10.2 in relation to fire hydrants for certain developments consistent with current NSW Fire Brigade Guidelines.

It is proposed to commence an amendment to the *Bathurst Regional Open Space Section* 94 *Plan* which seeks to:

- Amend the land identified as open space to ensure it is consistent with the zoning of the land.
- Amend the rate at which the open space is purchased. The purchase rate will be determined by a new valuation report to be commissioned by Council.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the Plans and then placed on public exhibition in accordance with Council's statutory obligations.

Financial Implications Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

•	Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets.	Strategy	28.8
•	Objective 30: To identify the needs of the community and	Strategy	30.3, 30.7

Objective 30: To identify the needs of the community and Strategy 30.3, 30.7 encourage and support communication, interaction and support within the community.

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GENERAL MANAGER Page 2 MAYOR

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL Meeting type:

Minute Section:	RECEIVE AND DEAL WITH DIRECTORS' REPORTS	Section Number 9
Minute Status	Released	
Minute Security:	Standard	
SubSection:	Director Environmental Planning & Building Services' Report	SubSection 9.01 Number:
Created By:	Sally Moore/BathurstCC	Division Yes Required:
Subject:	BATHURST REGIONAL LEP 2014 AMENDMENT - HOUSEKEE 2014 AMENDMENT - HOUSEKEEPING AND BATHURST REGI AMENDMENT	
Item Number:	10	
File Number:	(20.00307 & 20.00036)	
Minute Number:	16	
		I blo sale:
Moved By:	Cr B Bourke Seconded By: Cr I	North

Moved By:

Resolution:

RESOLVED: That Council:

- prepare a Planning Proposal in accordance with the NSW Department of Planning and (a) Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- commence an amendment to the Bathurst Regional DCP as outlined in this report; (b)
- (c) commence an amendment to the Bathurst Regional Open Space Section 94 Plan as outlined in this report;
- forward the Planning Proposal to the NSW Department of Planning and Environment (d) requesting a Gateway Determination;
- (e) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in (f) accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (g) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was: In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Against the motion - Nil Absent - Cr G Westman, Abstain - Nil



Attachment 3 Historical zoning of Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount

Attachment 4 Gateway determination



BATHURST REGIONAL COUNCIL

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1 1 JUL 2017

REF 20.00307 005

17/08674

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

Attention: Janet Bingham, Acting Director Environmental, Planning and Building Services.

Dear Mr Sherley,

Planning proposal (PP_2017_BATHU_001_00) to amend the zone boundaries and remove houses from zone RE1 for the Bathurst Local Environmental Plan 2014.

I am writing in response to your Council's letter dated 9 June 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect to the nine (9) items identified in the planning proposal to amend the zone boundaries and remove dwelling houses from zone RE1.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. (Attachment 1)

I am satisfied that the planning proposal's consistent with section 117 Directions. No further approval is required in relation to the Directions.

In relation to section 117 Direction 6.2 Rezoning Land for Public Purposes I agree with the minor changes to RE1 Public Recreation zone boundaries and no further work is required in this regard.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan in this case as Councils is a landowner is respect to some of the proposed changes.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made to the Departments Western Region office (westernregion@planning.nsw.gov.au) 10 weeks prior to the projected publication date.

DEPB

Level 1 188 Macquarie Street Dubbo NSW 2830 PO Box 58 Dubbo NSW 2830

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, must be submitted to the Department via the Planning Portal Website at https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data. To submit the data, Council is required to create an account and log in using these details.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning & Assessment Act*, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Amanda Carnegie of the Departments Western Region office to assist you. Ms Carnegie can be contacted on (02) 6841 2180.

Yours sincerely,

Allebson 4.7.17

Azaria Dobson Acting Director Regions, Western Planning Services

Encl: Attachment 1 – Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_BATHU_001_00): to amend the zone boundaries and remove dwelling houses from zone RE1.

I, the Acting Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act*, 1979 that an amendment to the Bathurst Local Environmental Plan (LEP) 2014 to amend the zone boundaries and remove dwelling houses from zone RE1 should proceed subject to the following conditions:

- 1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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).
 - Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979:* Office of Environment and Heritage
 - Roads and Maritime Services
 - Civil Aviation 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.

- A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act*, 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 3. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act,* 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 4th day of July 2017.

Allebsan

Azaria Dobson Acting Director Regions, Western Planning Services Department of Planning and Environment Delegate of the Minister for Planning

Attachment 5 Mail merge letter to landowners



Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795 Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

26 July 2017

«Postal_Name» «Postal_Add_1» «Postal_Add_2»

Dear «Salutatin»

Open Space Housekeeping LEP and DCP Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the **Bathurst Regional Local Environmental Plan 2014** to rectify 9 zone boundary changes. Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. Inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. It is also proposed to remove "dwelling houses" as a permissible land use within Zone RE1 – Public recreation. The planning proposal seeks to resolve these matters.

Council has also drafted an amendment to the **Bathurst Regional Development Control Plan 2014** so that the LEP and DCP maps are consistent with each other. The DCP amendment relates only to the following maps:

- DCP Map No. 3 Eglinton;
- DCP Map No. 4 Kelso; and
- DCP Map No. 15 Robin Hill.

Council is notifying you of the draft amendment because Item «Item» adjoins your property.

The explanation document has been enclosed for your information.

Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from **31 July 2017** until **28 August 2017**. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <u>http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?ld=4954.</u>

Reference: NM:AP:20.00307 Enquiries: Mr N Murphy 02 6333 6514 geen space housekeeping - to docx

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«Salutatin» 26 July 2017

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Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **28 August 2017** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.

Yours faithfully

luge

R Denyer ACTING DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES Per:

 Reference:
 NM:AP:20.00307

 Enquiries:
 Mr N Murphy 02 6333 6514

Minor Zone Boundary Alterations Housekeeping Planning Proposal

Postal_Name	Postal_Add_1	Postal_Add_2	Salutatin	Item	Parcel Desc	Parcel Street Add
Landforce Management & Construction Pty Ltd	PO Box 85	BATHURST NSW 2795	Sir/Madam	-	Lot: 11 DP: 778516	129 Obbir Road LLANARTH NSW 2795
Bathampton Nominees Pty Ltd	Bathampton	2021 Mid Western Highway BATHAMPTON NSW 2795	Sir/Madam	-	Lot: 112 DP: 1145879	Obbit Road LLANARTH NSW 2795
Mrs J E Taylor & Mr AC Taylor	571 Eleven Mile Drive	EGUNTON NSW 2795	Mr & Mrs Taylor	m	Lot: 10 DP: 1077306	571 Eleven Mile Drive EGLINTON NSW 2795
Mr DJ Fulton & Mrs EA Fulton	567 Eleven Mile Drive	EGUNTON NSW 2795	Mr & Mrs Fulton	m	Lot: 1 DP: 1215901	567 Eleven Mile Drive EGLINTON NSW 2795
Marc IA Consists	deres to deline	1540 Turondale Road	1			
Rethinet Barlonal Council	100 Durcell Creat	MILLAH MUKKAH NSW 2/95	Mrs Smyth	~ ~	LOT: 1 UP: /864/2	48 Hamilton Street EGUNION NSW 2795
evinest Regional Council	The massing of the	CC/2 MCN ICUDING			TOSCITZI DALLA	203 Eleven Mile Urive EGUNIUN NSW 2/95
Bathurst Regional Council	158 Russell Street	BATHURST NSW 2795	Sir/Madam	2	Lot: 1126 DP: 1215618	Colville Street WINDRADYNE NSW 2795
Mr P H Stewart	PO Box 1394	BATHURST NSW 2795	Mr Stewart	2	Lot: 10 DP: 842947	296 Ophir Road STEWARTS MOUNT NSW 2795
Eodo Pty Limited	968 Rockley Road	BATHURST NSW 2795	Sir/Madam	48.5	Lot: 102 DP: 1231601	Limekilns Road KELSO NSW 2795
Ruce Pty Ltd	33 Wigmore Drive	ROBIN HILL NSW 2795	Sir/Madam	4&5	Lot: 1 DP: 224395	Sydney Road KELSO NSW 2795
Milk Bros industries Pty Ltd	C/- Suite 1B	P LYN Parade PRESTONS NSW 2170	Sir/Madam	4 & 5	Lot: 421 DP: 1176436	Ashworth Drive KELSO NSW 2795
Mr J Sultana & Mrs T Sultana	670 Kurmond Road	FREEMANS REACH NSW 2756	Mr & Mrs Sultana	4 & 5	Lot: 1 DP: 176203	240A Limekilns Road KELSO NSW 2795
Mr GE Cutter & Pretty Heights Pty Ltd & Lara (NSW) Pty Ltd	PO Box 811	BATHURST NSW 2795	Sir/Madam	4 & 5	Lot: 1 DP: 1126786	240 Limekilns Road KELSO NSW 2795
Mrs PS Hotham	21 Tom Close	KELSO NSW 2795	Mrs Hotham	9	Lot: 3013 DP: 1056567	Lot: 3013 DP: 1056567 21 Tom Close KELSO NSW 2795
Mr EE Woldhuis &. Mrs J Hofman	PO Box 1142	BATHURST NSW 2795	Mr Woldhuls & Mrs Hofman	9	Lot: 3014 DP: 1056567	Lot: 3014 DP: 1056567 17 Tom Close KELSO NSW 2795
Mrs C S Cooney	13 Tom Close	KELSO NSW 2795	Mrs Cooney	9	Lot: 3015 DP: 1056567	Lot: 3015 DP: 1056567 13 Tom Close KELSO NSW 2795
Mr LJ Mitchell & Mrs HM Mitchell	9 Hargraves Place	KELSO NSW 2795	Mr & Mrs Mitchell	9	Lot: 2018 DP: 1051415	Lot: 2018 DP: 1051415 9 Hargraves Place KELSO NSW 2795
Ms SL Sewell	6 Hargraves Place	KELSO NSW 2795	Ms Sewell	9	Lot: 2017 DP: 1051415	6 Hargraves Place KELSO NSW 2795
Mr CJ Barnes & Mrs BA Barnes	57 McBrien Drive	KELSO NSW 2795	Mr & Mrs Barnes	9	Lot: 2014 DP: 1049561	Lot: 2014 DP: 1049561 57 McBrien Drive KELSO NSW 2795
Mr JF Hallahan & Mrs CF Hallahan	53 McBrien Drive	KELSO NSW 2795	Mr & Mrs Hallahan	9	Lot: 2013 DP: 1049561	Lot: 2013 DP: 1049561 53 McBrien Drive KELSO NSW 2795
Ms SF Meehan & Mrs SM Meehan	49 McBrien Drive	KELSO NSW 2795	Ms Meehan & Mrs Meehan	9	Lot: 2012 DP: 1049561	Lot: 2012 DP: 1049561 49 McBrien Drive KELSO NSW 2795
Mr B I Hurst & Mrs J Hurst	45 McBrien Drive	KELSO NSW 2795	Mr & Mrs Hurst	9	Lot: 2011 DP: 1049561	Lot: 2011 DP: 1049561 45 McBrien Drive KELSO NSW 2795
Mr GV Moase & Mrs NT Moase	41 McBrien Drive	KELSO NSW 2795	Mr & Mrs Moase	9	Lot: 1034 DP: 1007767	Lot: 1034 DP: 1007767 41 McBrien Drive KELSO NSW 2795
Mr PM Hanlon & Mrs JHM Hanlon	37 McBrien Drive	KELSO NSW 2795	Mr & Mrs Hanlon	9	Lot: 1035 DP: 1007767	37 McBrien Drive KELSO NSW 2795
Mrs M Upton	PO Box 1163	BATHURST NSW 2795	Mrs Upton	9	Lot: 1012 DP: 1000123	
Mr AK Hurley & Mrs LV Hurley	25 McBrien Drive	KELSO NSW 2795	Mr & Mrs Hurley	9	Lot: 1013 DP: 1000123	25 McBrien Drive KELSO NSW 2795
Mr PW Cox & Mrs BM Cox	33 McBrien Drive	KELSO NSW 2795	Mr & Mrs Cox	9	Lot: 1036 DP: 1007767	Lot: 1036 DP: 1007767 33 McBrien Drive KELSO NSW 2795
Mrs MC Eccles	PO Box 2092	BATHURST NSW 2795	Mrs Eccles	9	Lot: 1014 DP: 1000123	Lot: 1014 DP: 1000123 21 McBrien Drive KELSO NSW 2795
Mr NAL Wanigasekera Gunawardena & Ms KB Gunawardena	11 McBrien Drive	KELSO NSW 2795	Mr Wanigasekera Gunawardena & Ms Gunawardena	9	Lot: 1016 DP: 1000123	Lot: 1016 DP: 1000123 11 McBrien Drive KELSO NSW 2795
Mr S J Marais & Mrs P Marais	9 McBrien Drive	KELSO NSW 2795	Mr & Mrs Marais	9	Lot: 1017 DP: 1000123	Lot: 1017 DP: 1000123 9 McBrien Drive KELSO NSW 2795
Mr KH Waiter & Mrs KM Waller	38 Limekilns Road	KELSO NSW 2795	Mr & Mrs Waller	9	Lot: 1020 DP: 1000123	Lot: 1020 DP: 1000123 38 Limekilns Road KELSO NSW 2795
Mr GP Grellman & Ms AG Richens	1 McBrien Drive	KELSO NSW 2795	Mr Greilman & Ms Richens	9	Lot: 1019 DP: 1000123	Lot: 1019 DP: 1000123 1 McBrien Drive KELSO NSW 2795
Mr PM Baker & Mrs EJ Baker	7 McBrien Drive	KELSO NSW 2795	Mr & Mrs Baker	9	Lot: 1018 DP: 1000123	Lot: 1018 DP: 1000123 7 McBrien Drive KELSO NSW 2795
Mr DJ Storey	PO Box 1056	BATHURST NSW 2795	Mr Storey	9	Lot: 1015 DP: 1000123	Lot: 1015 DP: 1000123 17 McBrien Drive KELSO NSW 2795
Mr G Strati & Mrs C Strati	PO Box 364	HORSLEY PARK NSW 2175	Mr & Mrs Strati	9	Lot: 351 DP: 1104676	270 Marsden Lane KELSO NSW 2795
Mrs H Conyers	PO Box 1913	BATHURST NSW 2795	Mrs Conyers	9	Lot: 5 DP: 502406	20 Clairvaux Lane KELSO NSW 2795
Mr DS Baldi & Mrs A M Baldi	9 Wattle Close	KELSO NSW 2795	Mr & Mrs Baldi	9	Lot: 3 DP: 215532	3 Clairvaux Lane KELSO NSW 2795
Ar HD Money & Mre VAA Noney	Nalara	SOLC WOR USIA	Mr & Mrc Mascu	u	104:1 00: 215522	212 Maredon Lano KEISO NSW 2795
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Postal_Name	Postal_Add_1	Postal_Add_2	Salutation	Item	Parcel_Desc	Parcel_Street_Add
Mr MT Lund	Yarralea 39 Clairvaux Lane	KELSO NSW 2795	Mr MT Lund	4 & 5	Lot: 7 DP: 1017758	2 Emerald Drive KEISO NSW 2795
Mr M C Pearce & Mrs G C Pearce	PO Box 85	TUMUT NSW 2720	Mr M C Pearce & Mrs G C Pearce	4 & 5	Lot: 8 DP: 1017758	4 Emerald Drive KELSO NSW 2795
Mr PK Catt & Mr DB Catt & Ms J L Williams	66 Wigmore Drive	ROBIN HILL NSW 2795	Mr PK Catt & Mr DB Catt & Ms J L Williams	4 & 5	Lot: 9 DP: 1017758	6 Emerald Drive KEISO NSW 2795
Mr A Demamiel & Mrs W Demamiel	12 Emerald Drive	KELSO NSW 2795	Mr A Demamiel & Mrs W Demamiel	4 & 5	Lot: 12 DP: 1017758	12 Emerald Drive KELSO NSW 2795
Mr T J Zeilstra & Ms A J Hall	10 Margaret Street	ANNA BAY NSW 2316	Mr T J Zeilstra & Ms A J Hall	4&5	Lot: 71 DP: 1049051	16 Emerald Drive KELSO NSW 2795
Ms C Ahern	20 Emerald Drive	KELSO NSW 2795	Ms C Ahern	4 & 5	Lot: 73 DP: 1049051	20 Emerald Drive KELSO NSW 2795
Mr BG D'Connor & Mrs JN O'Connor	18 Emerald Drive	KELSO NSW 2795	Mr BG O'Connor & Mrs JN O'Connor	4 & 5	Lot: 72 DP: 1049051	18 Emerald Drive KELSO NSW 2795
Mr R P Flynn	18 Williams Lane	PERTHVILLE NSW 2795	Mr R P Flynn	4 & 5	Lot: 11 DP: 1017758	10 Emerald Drive KELSO NSW 2795
Mr G Parish	24 Emerald Drive	KELSO NSW 2795	Mr G Parish	485	Lot: 75 DP: 1049051	24 Emerald Drive KELSO NSW 2795
Mr JP Robinson	314 Grose Wold Road	GROSE WOLD NSW 2753	Mr JP Robinson	4 & 5	Lot: 77 DP: 1049051	28 Emerald Drive KELSO NSW 2795
Ms LM Caton	26 Emerald Drive	KELSO NSW 2795	Ms LM Caton	4&5	Lot: 76 DP: 1049051	26 Emerald Drive KELSO NSW 2795
Mr PL Flynn & Mrs JT Flynn	18 Williams Lane	PERTHVILLE NSW 2795	Mr PL Flynn & Mrs JT Flynn	4 & 5	Lot: 10 DP: 1017758	8 Emerald Drive KELSO NSW 2795
Ms AT Black	15 Rivenoak Avenue	PADSTOW NSW 2211	Ms AT Black	4 & 5	Lot: 74 DP: 1049051	22 Emerald Drive KELSO NSW 2795
Mr GW Bowman & Mrs DA Bowman	14 Emerald Drive	KELSO NSW 2795	Mr GW Bowman & Mrs DA Bowman	4 & 5	Lot: 13 DP: 1017758	14 Emerald Drive KELSO NSW 2795
Mrs KP Nixon	30 Emerald Drive	KELSO NSW 2795	Mrs KP Nixon	4 & 5	Lot: 78 DP: 1049051	30 Emerald Drive KELSO NSW 2795
Mrs B Andrada & Miss U S Andrada & Mr J G Kovoor	32 Emerald Drive	KELSO NSW 2795	Mrs Andrada & Miss Andrada & Mr Kovoor	4 & 5	Lot: 24 DP: 1062238	32 Emerald Drive KELSO NSW 2795
Mr P C Crowley	28 Keats Road	NORTH TURRAMURRA NSW 2074	Mr Crowley	4 & 5	Lot: 251 DP: 1169667	34A Emerald Drive KELSO NSW 2795
Mrs CJ Alchin	61 Turner Crescent	ORANGE NSW 2800	Mrs Alchin	4 & 5	Lot: 250 DP: 1169667	34 Emerald Drive KELSO NSW 2795
Ms LC Jones	27 Rickard Road	WARRIMOO NSW 2774	Ms Jones	4 & 5	Lot: 401 DP: 1078156	36 Emerald Drive KELSO NSW 2795
Mr GL Scott	40 Emerald Drive	KELSO NSW 2795	Mr Scott	4 & 5	Lot: 403 DP: 1078156	40 Emerald Drive KELSO NSW 2795
Mr AJ Doble	48 Emerald Drive	KELSO NSW 2795	Mr Doble	4 & 5	Lot: 407 DP: 1078156	48 Emerald Drive KELSO NSW 2795
Mr B S Grabham & Mrs T N Grabham	PO Box 1572	BATHURST NSW 2795	Mr & Mrs Grabham	4 & 5	Lot: 411 DP: 1078156	56 Emerald Drive KELSO NSW 2795
Gico Pty Ltd	968 Rockley Road	ROCKLEY MOUNT NSW 2795	Sir/Madam	4 & 5	Lot: 17 DP: 1223260	64 Emerald Drive KELSO NSW 2795
Mr B A Seager & Ms J L Hotham	48 Marsden Lane	KELSO NSW 2795	Mr Seager & Ms Hotham	4 & 5	Lot: 20 DP: 1223260	72 Emerald Drive KELSO NSW 2795
Mr LG Howlett & Mrs M M Howlett	44 Emerald Drive	KELSO NSW 2795	Mr Howlett & Mrs Howlett	4 & 5	Lot: 405 DP: 1078156	44 Emerald Drive KELSO NSW 2795
Prestige Land Developments Pty Ltd	293 Icely Road	ORANGE NSW 2800	Sir/Madam	4 & 5	Lot: 35 DP: 1227187	80 Emerald Drive KELSO NSW 2795
Mr B L Campbell & Mrs C L Campbell	PO Box 1659	BATHURST NSW 2795	Mr & Mrs Campbell	4 & 5	Lot: 15 DP: 1223260	60 Emerald Drive KELSO NSW 2795
Mr J T Goddard & Mrs P T Goddard	186 Limekilns Road	KELSO NSW 2795	Mr & Mrs Goddard	4 & 5	Lot: 18 DP: 1223260	68 Emerald Drive KELSO NSW 2795
Mr D A Windsor & Mrs D Windsor	968 Rockley Road	ROCKLEY MOUNT NSW 2795	Mr & Mrs Windsor	4 & 5	Lot: 19 DP: 1223260	
Mr LJ Bannister & Mrs J A Bannister	46 Emerald Drive	KELSO NSW 2795	Mr & Mrs Bannister	4 & 5	Lot: 406 DP: 1078156	46 Emerald Drive KELSO NSW 2795
Mr KL Goodwin & Mrs J M Goodwin	54 Emerald Drive	KELSO NSW 2795	Mr & Mrs Goodwin	4 & 5	Lot: 410 DP: 1078156	54 Emerald Drive KELSO NSW 2795
Ms M Morris	52 Emerald Drive	KELSO NSW 2795	Ms Morris	4 & 5	Lot: 409 DP: 1078156	
Mr C R Dwyer & Mrs R K Dwyer	50 Emerald Drive	KELSO NSW 2795	Mr & Mrs Dwyer	4 & 5	Lot: 408 DP: 1078156	50 Emerald Drive KELSO NSW 2795
Mr B L Campbell	PO Box 1659	BATHURST NSW 2795	Mr Campbell	4 & 5	Lot: 412 DP: 1078156	58 Emerald Drive KELSO NSW 2795
Ms E A Mitchell	38 Emerald Drive	KELSO NSW 2795	Ms Mitchell	4 & 5	Lot: 402 DP: 1078156	38 Emerald Drive KELSO NSW 2795
Ms L A McGowan & Mr C J Leet	28 Wentworth Drive	KELSO NSW 2795	Ms McGowan & Mr Leet	4 & 5	Lot: 21 DP: 1223260	76 Emerald Drive KELSO NSW 2795
Mr D N Gokcimen & Mrs V L Gokcimen	42 Emerald Drive	KELSO NSW 2795	Mr & Mrs Gokcimen	4 & 5	Lot: 404 DP: 1078156	42 Emerald Drive KELSO NSW 2795
Daniel Finn Builder Pty Ltd	789 Lagoon Road	THE LAGOON NSW 2795	Sir/Madam	4 & 5	Lot: 16 DP: 1223260	62 Emerald Drive KELSO NSW 2795
Mr J M Bush	67 Shortland Street	WENTWORTH FALLS NSW 2782	Mr Bush	4 & 5	Lot: 34 DP: 1227187	78 Emerald Drive KELSO NSW 2795
Bathuret Recional Council	158 Russell Street	BATHURST NSW 2795	Sir/Madam		6.00	• :

Minor Zone Boundary Alterations Housekeeping Planning Proposal





Bathurst Regional Local Environmental Plan 2014 Open Space Housekeeping Explanation Document

Why is Council amending the Bathurst Regional Local Environmental Plan (LEP) 2014?

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below.

It is also proposed to make "Dwelling Houses" a prohibited land use within the RE1 Public Recreation zone. However, dwellings may still be permitted in certain circumstances where they can be considered as ancillary development.

What is the intent of the proposed amendment?

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This LEP Amendment relates to the following zones: RE1 – Public Recreation R1 – General Residential RU1 – Primary Production RU4 – Primary Production Small Lots E2 – Environmental Management

The detailed maps con be downloaded from <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

There are nine key elements of the LEP Amendment. Each of the elements are outlined below.

1. Part Lot 11 DP 778516, Ophir Road, Llanarth - Map No. 1

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the RE1 and R1 zone is located on the intended lots.

Council supported an earlier Planning Proposal to amend the R1/RE1 zone boundary on the subject land. As a result of an approved subdivision, part of the residential lot remains zoned RE1 which was intended to be R1 under the previous Planning Proposal. The purpose of the amendment is to undertake a minor adjustment of the RE1/R1 zone boundaries to ensure that the RE1 and R1 zones are located on the intended lots.



2. Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount - Map No. 2

Council has received correspondence from the landowner who indicated that their land had been inadvertently rezoned from residential to rural as part of the Bathurst Regional Local Environmental Plan 2014. The landowner requested that the portion of the land that was previously zoned residential be reinstated.

Reinstating the historical zoning is considered appropriate given that Council inadvertently rezoned that part of the land as part of the 2014 LEP. In this regard it is considered that only part of the land should be zoned residential to reflect the historical zoning of the land and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site.

In this circumstance, ie the partial reinstatement of the historical residential zoning, the part rezoning of the land be supported.



3. Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton - Map No. 3

The purpose of the amendment is to rectify the RE1, RU4 and R1 zone boundary to ensure the RE1, RU4 and R1 zone is located on the intended lots.

As part of the Planning Proposal in 2010 to rezone additional land at Eglinton, a 50 metre As part of the Planning Proposal in 2010 to recore auditorial rand at Egimuon, a so means wide land use buffer was created between the rural and residential land. The buffer was zoned RE1 Public Recreation. The resultant subdivision of the land did not exactly follow the zone boundary as intended due to the topography of the land. As a result a minor adjustment of the zone boundaries is required to: a) Rezone land zoned RE1 on Lot 2 to R1,

- b) Rezone land zoned R1 on Lot 1 to RE1,
 c) Rezone land zoned RE1 on Lot 2 to RU4
 d) Rezone land zoned RU4 within Saltram Creek to RE1



4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso – Map No. 4

The purpose of the amendment is to rectify an anomaly that occurred in drafting the Bathurst Regional LEP 2014. This saw the open space buffer with a variable width from approximately 40 metres wide to approximately 65 metres. Council intended that the open space be 50 metres wide. It is therefore proposed to amend the RE1 zoned land to a width of 50 metres, with the residual to be zoned R1 General Residential or RU1 Primary Production.



5. Part Lot 421, DP 1176436, Ashworth Drive, Kelso - Map No. 5

The purpose of the amendment is to rectify the inequitable burden of open space on the subject land that occurred in drafting the Bathurst Regional LEP 2014.

This saw part of the land reserved for open space which would prejudice the orderly development of the land for residential purposes. As a result of negotiations with the landowner, the RE1 Public Recreation zone boundary is proposed to be located approximately 10 metres from top of bank, consistent with the zone boundary upstream of the subject land.



6. Part Lot 5 DP 847225, 197 Limekilns Road, Kelso - Map No. 6

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

The purpose of the zone boundary adjustment is in response to a proposed subdivision design. The overall gain in land zoned RE1 Public Recreation is approximately 800sqm. This will also see a significant area of open space located adjacent to the existing water reservoir on Marsden Lane.



7. Lot A DP 408013, Edgells Lane, Kelso - Map No. 7

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat.

The land is currently zoned RU4. It is appropriate that the land be zoned E2 Environmental Conservation.



8. <u>Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso</u> Eglinton, Robin Hill, Windradyne and Llanarth – Map No. 8

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It should be noted that Bathurst Regional Council is the landowner of these parcels of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has undertaken a review of the open space and its zoning in existing locations in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne. Council has identified a number of parcels which are reserved as open space, although its zoning is not reflective of its use as passive open space. It is proposed to zone relevant parcels of land as RE1 Public Recreation.









9. <u>Deletion of Dwelling Houses as a permissible land use in the RE1 Public Recreation</u> Land

The purpose of the amendment is to correct an error whilst drafting the Bathurst Regional Local Environmental Plan 2014 which saw 'dwelling houses' included as a permissible land use with consent in the RE1 Public Recreation zone. Dwellings on land that is otherwise identified for Open Space is inconsistent with the RE1 zone objectives and therefore Council considers it is appropriate that 'dwelling houses' be a prohibited land use. It should be noted that in certain circumstances dwellings may still be allowed as ancillary development to an open space or recreation land use.

How might the LEP Amendment affect me?

The alteration of the zone boundaries in most cases is considered minor and in most cases will not significantly affect the development capacity of the land. Council, in considering the amendments to the zone boundaries proposes to maintain buffers to adjoining rural landowners and natural features such as Sawpit Creek.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Local Environmental Plan 2014 for a period of 28 days from **31 July 2017** until **28 August 2017**

Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking

website http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?ld=4954 or on Council's website identified above.

Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.



Location of land affected by Planning Proposal.

Detailed site maps can be downloaded from <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u> or by calling Nicholas Murphy on 02 6333 6514

Bathurst Regional Development Control Plan 2014

Open Space Housekeeping

Explanation Document

Why is Council amending the Bathurst Regional Development Control Plan (DCP) 2014?

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. Council has drafted this housekeeping amendment to the Development Control Plan so that the LEP and DCP maps are consistent with each other.

What is the intent of the proposed amendment?

The intent of the DCP amendment is to amend the following DCP maps so that the LEP and DCP are consistent with each other.

DCP Map No. 3 – Eglinton;

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- DCP Map No. 4 Kelso; and
- DCP Map No. 15 Robin Hill.

How might the DCP Amendment affect me?

The alteration of the zone boundaries in most cases is considered minor and in most cases will not significantly affect the development capacity of the land. Council, in considering the amendments to the zone boundaries proposes to maintain buffers to adjoining rural landowners and natural features such as Sawpit Creek. The purpose of the Amendment is to ensure that the relevant controls apply to the land amended under the Planning Proposal.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Development Control Plan 2014 for a period of 28 days from **31 July 2017** until **28 August 2017**.

Copies of the draft DCP Amendment and location maps are available from Council offices and from its website https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping.

Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.









1.3
Attachment 6 Mail merge letter to Government Agencies



Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795 Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

27 July 2017

«Postal Name» «Postal Add1» «Postal_Add2»

Dear Sir/Madam

Open Space Housekeeping LEP and DCP Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 to rectify 9 zone boundary changes. Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. Inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. It is also proposed to remove "dwelling houses" as a permissible land use within Zone RE1 - Public recreation. The planning proposal seeks to resolve these matters.

Council has also drafted an amendment to the Bathurst Regional Development Control Plan 2014 so that the LEP and DCP maps are consistent with each other. The DCP amendment relates only to the following maps:

- DCP Map No. 3 Eglinton;
- DCP Map No. 4 Kelso; and
- DCP Map No. 15 Robin Hill.

The explanation document has been enclosed for your information.

In accordance with Section 56(2)(d) of the Environmental Planning and Assessment Act, Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from 31 July 2017 until 28 August 2017. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?ld=4954.

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted). Reference: NM:JM:20.00307 Enquiries: Mr N Murphy 02 6333 6514 Inm open space gov dept - fo.docx

BATHURST REGION ... FULL OF LIFE

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«Postal_Name» 27 July 2017

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **28 August 2017** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully

Hereyes R Denyer ACTING DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES Per: N de

3 letter sect 27/7/17

Reference: NM:JM:20.00307 Enquiries: Mr N Murphy 02 6333 6514

2

Postal Name	Postal Add-1	Postal Add-2
Roads and Maritime Services	PO Box 334	PARKES NSW 2870
Civil Aviation Safety Authority	GPO Box 2005	CANBERRA NSW 2001
Office of Environmental and Heritage	Locked Bag 5020	PARRAMATTA NSW 2124

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Bathurst Regional Local Environmental Plan 2014 Open Space Housekeeping Explanation Document

Why is Council amending the Bathurst Regional Local Environmental Plan (LEP) 2014?

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below.

It is also proposed to make "Dwelling Houses" a prohibited land use within the RE1 Public Recreation zone. However, dwellings may still be permitted in certain circumstances where they can be considered as ancillary development.

What is the intent of the proposed amendment?

8.0

This LEP Amendment relates to the following zones: RE1 – Public Recreation R1 – General Residential RU1 – Primary Production RU4 – Primary Production Small Lots E2 – Environmental Management

The detailed maps con be downloaded from <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

There are nine key elements of the LEP Amendment. Each of the elements are outlined below.

1. Part Lot 11 DP 778516, Ophir Road, Llanarth - Map No. 1

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the RE1 and R1 zone is located on the intended lots.

Council supported an earlier Planning Proposal to amend the R1/RE1 zone boundary on the subject land. As a result of an approved subdivision, part of the residential lot remains zoned RE1 which was intended to be R1 under the previous Planning Proposal. The purpose of the amendment is to undertake a minor adjustment of the RE1/R1 zone boundaries to ensure that the RE1 and R1 zones are located on the intended lots.



2. Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount - Map No. 2

Council has received correspondence from the landowner who indicated that their land had been inadvertently rezoned from residential to rural as part of the Bathurst Regional Local Environmental Plan 2014. The landowner requested that the portion of the land that was previously zoned residential be reinstated.

Reinstating the historical zoning is considered appropriate given that Council inadvertently rezoned that part of the land as part of the 2014 LEP. In this regard it is considered that only part of the land should be zoned residential to reflect the historical zoning of the land and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site.

In this circumstance, ie the partial reinstatement of the historical residential zoning, the part rezoning of the land be supported.



3. Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton - Map No. 3

The purpose of the amendment is to rectify the RE1, RU4 and R1 zone boundary to ensure the RE1, RU4 and R1 zone is located on the intended lots.

As part of the Planning Proposal in 2010 to rezone additional land at Eglinton, a 50 metre As part of the Planning Proposal in 2010 to recome additional land at Egimton, a so mease wide land use buffer was created between the rural and residential land. The buffer was zoned RE1 Public Recreation. The resultant subdivision of the land did not exactly follow the zone boundary as intended due to the topography of the land. As a result a minor adjustment of the zone boundaries is required to:

- a) Rezone land zoned RE1 on Lot 2 to R1,
- Rezone land zoned R1 on Lot 1 to RE1, b)
- Rezone land zoned RE1 on Lot 2 to RU4 c) d)
 - Rezone land zoned RU4 within Saltram Creek to RE1



4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso – Map No. 4

The purpose of the amendment is to rectify an anomaly that occurred in drafting the Bathurst Regional LEP 2014. This saw the open space buffer with a variable width from approximately 40 metres wide to approximately 65 metres. Council intended that the open space be 50 metres wide. It is therefore proposed to amend the RE1 zoned land to a width of 50 metres, with the residual to be zoned R1 General Residential or RU1 Primary Production.



5. Part Lot 421, DP 1176436, Ashworth Drive, Kelso - Map No. 5

The purpose of the amendment is to rectify the inequitable burden of open space on the subject land that occurred in drafting the Bathurst Regional LEP 2014.

This saw part of the land reserved for open space which would prejudice the orderly development of the land for residential purposes. As a result of negotiations with the landowner, the RE1 Public Recreation zone boundary is proposed to be located approximately 10 metres from top of bank, consistent with the zone boundary upstream of the subject land.



6. Part Lot 5 DP 847225, 197 Limekilns Road, Kelso - Map No. 6

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

The purpose of the zone boundary adjustment is in response to a proposed subdivision design. The overall gain in land zoned RE1 Public Recreation is approximately 800sqm. This will also see a significant area of open space located adjacent to the existing water reservoir on Marsden Lane.



7. Lot A DP 408013, Edgells Lane, Kelso - Map No. 7

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat.

The land is currently zoned RU4. It is appropriate that the land be zoned E2 Environmental Conservation.



8. <u>Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso</u> Eglinton, Robin Hill, Windradyne and Llanarth – Map No. 8

y

It should be noted that Bathurst Regional Council is the landowner of these parcels of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has undertaken a review of the open space and its zoning in existing locations in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne. Council has identified a number of parcels which are reserved as open space, although its zoning is not reflective of its use as passive open space. It is proposed to zone relevant parcels of land as RE1 Public Recreation.









9. <u>Deletion of Dwelling Houses as a permissible land use in the RE1 Public Recreation</u> Land

The purpose of the amendment is to correct an error whilst drafting the Bathurst Regional Local Environmental Plan 2014 which saw 'dwelling houses' included as a permissible land use with consent in the RE1 Public Recreation zone. Dwellings on land that is otherwise identified for Open Space is inconsistent with the RE1 zone objectives and therefore Council considers it is appropriate that 'dwelling houses' be a prohibited land use. It should be noted that in certain circumstances dwellings may still be allowed as ancillary development to an open space or recreation land use.

How might the LEP Amendment affect me?

*

The alteration of the zone boundaries in most cases is considered minor and in most cases will not significantly affect the development capacity of the land. Council, in considering the amendments to the zone boundaries proposes to maintain buffers to adjoining rural landowners and natural features such as Sawpit Creek.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Local Environmental Plan 2014 for a period of 28 days from **31 July 2017** until **28 August 2017**

Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking

website <u>http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?ld=4954</u> or on Council's website identified above.

Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.



Location of land affected by Planning Proposal.

Detailed site maps can be downloaded from <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u> or by calling Nicholas Murphy on 02 6333 6514

Bathurst Regional Development Control Plan 2014

Open Space Housekeeping

Explanation Document

Why is Council amending the Bathurst Regional Development Control Plan (DCP) 2014?

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or current or intended use of the land. Council has drafted this housekeeping amendment to the Development Control Plan so that the LEP and DCP maps are consistent with each other.

What is the intent of the proposed amendment?

The intent of the DCP amendment is to amend the following DCP maps so that the LEP and DCP are consistent with each other.

DCP Map No. 3 – Eglinton;

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- DCP Map No. 4 Kelso; and
- DCP Map No. 15 Robin Hill.

How might the DCP Amendment affect me?

The alteration of the zone boundaries in most cases is considered minor and in most cases will not significantly affect the development capacity of the land. Council, in considering the amendments to the zone boundaries proposes to maintain buffers to adjoining rural landowners and natural features such as Sawpit Creek. The purpose of the Amendment is to ensure that the relevant controls apply to the land amended under the Planning Proposal.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Development Control Plan 2014 for a period of 28 days from **31 July 2017** until **28 August 2017**.

Copies of the draft DCP Amendment and location maps are available from Council offices and from its website <u>https://yoursay.bathurst.nsw.gov.au/OpenSpaceHousekeeping</u>.

Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.

Draft DCP Maps









Attachment 7 Western Advocate advertisement



Attachment 8 Submissions

Name	Comments or issues raised	Council officer comments
Roads and Maritime Service (RMS)	 Roads and Maritime will not object to the proposal. Requests that Council ensure vehicular access to the residential land proposed on Map No.2 (Part Lot 10 DP 842947) is obtained from the adjoining Windradyne Estate and not directly from the Mitchell Highway. 	Draft DCP Map No 5 – Windradyne, Llanarth and Abercrombie amended to include an access restriction adjacent to the Mitchell Highway.
Jade	We need to do a better job at maintaing the rural nature of our open spaces and community infrastructure such as schools. The loss of the character is almost irretrievable once it occurs.	Noted. The LEP/DCP amendment seeks to appropriately plan for and protect open space locations.
Civil Aviation Safety Authority	The proposed structures and any cranes if used in the construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at Bathurst Aerodrome.	Noted.
Office of Environment and Heritage – Heritage Division	No comment is required from the Heritage Council as the Planning Proposal does not relate to heritage items or heritage conservation areas.	Noted.
Mr G & Mrs E Cutler	Advises of recent registration of a subdivision. Seeks that the open space be located along the boundary of Lot 2 rather than the old boundary line.	The RE1 zone boundary has been adjusted with respect to the request. The intent of the zone boundary was to align with the property boundary.

Submissions summary



9 August 2017

SF2013/149635; WST13/00091/07

The General Manager Bathurst Regional Council Private Mail Bag 17 Bathurst NSW 2795

Dear Sir,

PP_2017_BATHU_001_00; Multiple lots within Bathurst LGA Open Space Housekeeping LEP and DCP Amendments

Thank you for your letter dated 27 July 2017 referring PP_2017_BATHU_001_00 to Roads and Maritime Services for comment.

The submitted documentation has been reviewed. Roads and Maritime notes the proposal includes the following:

- Reinstate historical residential zoning of Part Lot 11 DP 778516
- Reinstate historical residential zoning of Part Lot 10 DP 842947
- Re-align the RE1, RU4 and R1 zone boundary on Part Lot 1 & 2 DP 1215901
- Amend the RE1 zoned land within Part Lot 1 DP 1126726, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203 to a width of 50 metres
- Re-align the RE1 boundary within Part Lot 421 DP 1176436.
- Zone Part Lot 5 DP 847225 to include RE1 to accommodate a proposed subdivision.
- Rezone Lot A DP 408013 to E2 Environmental Conservation.
- Rezone various passive open spaces to RE1 to reflect current use.
- Delete Dwelling-houses as a permissible land use in the RE1 Public Recreation Zone.

Roads and Maritime has reviewed the proposed amendments. The proposed amendments will not significantly increase potential traffic generation by future developments at the various subject sites. Roads and Maritime will not object to the proposal, however, requests that Council ensure vehicular access to the residential land proposed on Map No.2 (Part Lot 10 DP 842947) is obtained from the adjoining Windradyne Estate and not directly from the Mitchell Highway (HW7).

Please keep Roads and Maritime informed on the progress of the proposed amendments. Should you require further information please contact me on 02 6861 1453.

Yours faithfully

NAL 212 Andrew McIntyre

Andrew McIntyre Manager Land Use Assessment Western Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 | PO Box 334 Parkes NSW 2870 DX 20256 |

www.rms.nsw.gov.au | 13 22 13

Page 1 of 1



1975 completed Survey submission (20.0307) Your Say Bathurst Region to: nicholas.murphy, council 19/08/2017 08:15 PM Hide Details From: Your Say Bathurst Region <notifications@engagementhq.com> To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au Security: To ensure privacy, images from remote sites were prevented from downloading. Show Images

1975 just submitted the survey 'Survey submission' with the responses below.

Name

Jade

Postal Address

184 Turondale rd bathurst

Your email address

bagginsjade@yahoo.com.au

Please outline your submission

We need to do a better job at maintaing the rural nature of our open spaces and community infrastructure such as schools. The loss of the character is almost irretrievable once it occurs.

Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.

I have not made a reportable political donation

Report this message as spam

file:///C:/Users/murphyn.BRC/AppData/Local/Temp/notes5BEBB2/~web0171.htm 24/10/2017



STAKEHOLDER ENGAGEMENT GROUP

CASA Ref: GI17/653

29 August 2017

Ms Janet Bingham Acting Director Environmental, Planning & Building Services **Bathurst Regional Council PMB 17** BATHURST NSW 2795

Email: council@bathurst.nsw.gov.au

Dear Ms Bingham

I refer to your letter of 8 August 2017 addressed to Stakeholder Engagement at the Civil Aviation Safety Authority (CASA) requesting comment on the planning proposal to amend the Bathurst Regional Local Environmental Plan 2014 to rectify 9 zone boundary changes.

I am advised that the proposed development is in the vicinity of Bathurst Aerodrome, which has instrument flight procedures. The proposed structures and any cranes if used in the construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at Bathurst Aerodrome.

Bathurst Regional Council should also consider the specific issues which are contained in the attachment. These should be carefully considered as part of any planning and development.

Should you require further information, please contact Ms Slavica Despotovic, CASA Aerodrome Inspector, on 131757 or by email ANAA.corro@casa.gov.au.

I trust this information is of assistance.

Yours sincerely

Carolyn Hutton Manager Government and International Relations Branch

GPO Box 2005 Canberra ACT 2601 Telephone 131 757

ATTACHMENT - CASA Recommendations

Departure and Approach Procedures

Any proposed structures and cranes if used in construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at the aerodrome. Please be aware that there may be more than one organisation responsible for the procedures at the aerodrome.

To check which organisations are responsible you can view the procedures at <u>http://www.airservicesaustralia.com/aip/aip.asp</u> then Departure and Approach Procedures. The logo on the bottom of each procedure plate indicates the design organisation responsible.

Compliance with standards

Any aerodrome developments to aviation facilities associated with the planning proposal need to be consistent with the requirements of Civil Aviation Safety Regulations 1998 Part 139 and the associated Manual of Standards. Further details are available on the CASA website. https://www.casa.gov.au/standard-page/casr-part-139-aerodromes

The National Airports Safeguarding Framework provides guidance on planning requirements for development that affects aviation operations. This includes building activity around airports that might penetrate operational airspace and/or affect navigational procedures for aircraft. The Framework consists of a set of guiding principles with six guidelines relating to aircraft noise, windshear and turbulence, wildlife strikes, wind turbines, lighting distractions and protected airspace. Further information is available from the following link: https://infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/

Aerodrome operations

Consultation should also be undertaken with the aerodromes operational management team to manage the following issues with developments adjacent to any aerodromes:

- Airport master planning: Council should ensure that the proposal does not affect any future development or upgrades planned by the aerodrome's operational management.
- Obstacle limitation surfaces (OLS) and Procedures for Air Navigation Services Aircraft Operations: Prior to construction, the development and crane activity should be reviewed by the aerodrome's management team for the protection of these surfaces.
- Wildlife hazard management plan: Consideration needs to be given to the final heights and bird attractions of landscaping provisions which potentially may cause a risk to aviation activities.
- Lighting in the vicinity of an aerodrome: Any proposed non-aeronautical ground light in the vicinity of an aerodrome may by reason of its intensity, configuration or colour, cause confusion or glare to pilots and therefore might endanger the safety of aircraft.
- Gaseous plume: Exhaust plumes can originate from a number of sources and aviation authorities have established that an exhaust plume with a vertical gust in excess of 4.3 metres/second may cause damage to an aircraft airframe, or upset an aircraft when flying at low levels.
- Control of dust: During any construction the emission of airborne particulate may be generated which could impair the visual conditions.

GPO Box 2005 Canberra ACT 2601 Telephone 131 757



DX 8225 PARRAMATTA

 Level 6, 10 Valentine Avenue
 Telephone: 61 2 9873 8500

 Paramatta NSW 2150
 Facsimile: 61 2 9873 8599

 Locked Bag 5020
 heritage mailbox@ environment nsw.gov.au

 Paramatta NSW 2124
 www.heritage.nsw.gov.au

File No: SF17/38158 Ref No: DOC17/407113

R Denyer Acting Director Bathurst Regional Council Private Mail Bag 17 Bathurst NSW 2795

Attn: Nicholas Murphy

By email: council@bathurst.nsw.gov.au

Dear Mr Denyer

Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 - Open Space Housekeeping Amendment

I refer to your letter dated 27 July 2017 regarding the abovementioned planning proposal. The planning proposal seeks to rectify inconsistencies in zone boundaries that do not reflect 'the current subdivision pattern, or current or intended use of land'. The planning proposal also seeks to remove 'dwelling houses' as a permissible land use within Zone RE1 - Public recreation.

The planning proposal and the supporting documents included with the proposal have been reviewed. It is noted that the proposed amendments to the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 do not relate to heritage items or heritage conservation areas. Therefore, it is considered that no comment is required from the Heritage Council in this instance.

Please note the Greater Sydney Region Planning Team, OEH may provide a separate response to the planning proposal.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Heritage Assessment Officer, at the Heritage Division on 98738587 or at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely

AM geer

Rajeev Maini Manager, Conservation Heritage Division Office of Environment & Heritage As Delegate of the NSW Heritage Council 25 August 2017

Helping the community conserve our heritage

BATHURST REGIONAL COUNCIL 2 9 AUG 2017

RE 20.00307/015

25th August 2017

15

Dear Nick,

We wish to make a submission in relation to our property with respect to the Open Space Housekeeping LEP and DCP Amendment. Originally and we assume is still the case, the rural and recreation zone boundary was/is intended to follow the northern and eastern extremities of the old crown road. Up until recently the property was old systems title and had not had a proper survey. This has now been carried out with a recent subdivision of this land. The new lots were created on the RU1/RE1 zone boundary. The lots which are affected by this LEP amendment are Lot 2 DP1233661 containing the residential and recreation zoned land and Lot 3 DP1233661 containing the rural zoned land.

It would be our preference for the RU1/RE1 zone boundary to remain/follow the boundary of the newly created Lot 2 DP1233661

We are otherwise supportive of the amendment, with a 50 metre wide open space and the residual land being zoned to R1 General Residential.

Yours Sincerely

Greg and Elizabeth Cutler

2 9 AUG 2017

BATHURST REGIONAL COUNCIL

REPBS-R



4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso – Map No. 4

The purpose of the amendment is to rectify an anomaly that occurred in drafting the Bathurst Regional LEP 2014. This saw the open space buffer with a variable width from approximately 40 metres wide to approximately 65 metres. Council intended that the open space be 50 metres wide. It is therefore proposed to amend the RE1 zoned land to a width of 50 metres, with the residual to be zoned R1 General Residential or RU1 Primary Production.



Attachment 9 Council report and minute to gazette the Planning Proposal (Including Council report attachments)

9 BATHURST REGIONAL LEP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING (20.00307)

Recommendation: That Council:

- adopt the Bathurst Regional Local Environmental Plan amendment to alter the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan Open Space Housekeeping Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No 3 – Eglinton, Map No 4 – Kelso, Map No 5 – Windradyne, Llanarth & Abercrombie and Map No 15 – Robin Hill as outlined in this report, noting that the Development Control Plan amendment will not come into effect until the planning proposal is gazetted;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

Report: Background

The Bathurst Regional Local Environmental Plan (LEP), Development Control Plan (DCP) and Bathurst Regional Open Space Section 94 Plan have been in force since November 2014. As a result of their operation, a number of minor anomalies in both the LEP and DCP have been identified. A review has therefore been undertaken of the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst.

The Local Environmental Plan Amendment

The aim of the Planning Proposal is to undertake some minor amendments to a number of zone boundaries which do not reflect the current subdivision pattern, or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in more detail below.

The Planning Proposal affects land within the suburbs of Eglinton, Kelso, Llanarth, Stewarts Mount and Windradyne. Details of each site are outlined below and shown on the maps located at <u>attachment 1</u>.

The Planning Proposal relates to the following zones:

- RE1 Public Recreation
- R1 General Residential
- RU4 Primary Production Small Lots
- RU1 Primary Production
- E2 Environmental Conservation.
- 1. Part Lot 11 DP 778516, Ophir Road, Llanarth Map No. 1

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

GENERAL MANAGER

_MAYOR Page 77 RE1 and R1 zone is located on the intended lots.

Council supported an earlier Planning Proposal to amend the R1/RE1 zone boundary on the subject land. As a result of an approved subdivision, part of the residential lot remains zoned RE1 which was intended to be R1 under the previous Planning Proposal. The purpose of the amendment is to undertake a minor adjustment of the RE1/R1 zone boundaries to ensure that the RE1 and R1 zones are located on the intended lots.

2. Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount - Map No. 2

Council has received correspondence from the landowner who indicated that their land had been rezoned from residential to rural as part of the Bathurst Regional Local Environmental Plan 2014. The landowner requested that the portion of the land that was previously zoned residential be reinstated.

Reinstating the historical zoning is considered appropriate given its former zoning. In this regard it is considered that only part of the land should be zoned residential and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site.

In this circumstance, ie the partial reinstatement of the historical residential zoning, the part rezoning of the land is supported.

3. Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton - Map No. 3

The purpose of the amendment is to rectify the RE1/R1 zone boundary to ensure the RE1 and R1 zone is located on the intended lots.

As part of the Planning Proposal in 2010 to rezone additional land at Eglinton, a 50 metre wide land use buffer was created between the rural and residential land. The buffer was zoned RE1 Public Recreation. The resultant subdivision of the land did not exactly follow the zone boundary as intended. As a result a minor adjustment of the zone boundaries is required to:

- a) Rezone land zoned RE1 on Lot 2 to R1,
- b) Rezone land zoned R1 on Lot 1 to RE1,
- c) Rezone land zoned RE1 on Lot 2 to RU4
- d) Rezone land zoned RU4 within Saltram Creek to RE1
- 4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203, Limekilns Road, Kelso – Map No. 4

The purpose of the amendment is to rectify an anomaly that occurred in drafting the Bathurst Regional LEP 2014. This saw the open space buffer with a variable width from approximately 40 metres wide to approximately 65 metres. Council intended that the open space be 50 metres wide. It is therefore proposed to amend the RE1 zoned land to a width of 50 metres, with the residual to be zoned R1 General Residential or RU1 Primary Production.

5. Part Lot 421, DP 1176436, Ashworth Drive, Kelso - Map No. 5

The purpose of the amendment is to rationalise the open space on the subject land that occurred in drafting the Bathurst Regional LEP 2014.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

____GENERAL MANAGER

_MAYOR Page 78 This saw part of the land reserved for open space which would prejudice the orderly development of the land for residential purposes. As a result of negotiations with the landowner, the RE1 Public Recreation zone boundary is proposed to be located approximately 10 metres from top of bank, consistent with the zone boundary upstream of the subject land.

6. Part Lot 5 DP 847225, 197 Limekilns Road, Kelso - Map No. 6

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

The purpose of the zone boundary adjustment is in response to a proposed subdivision design. The overall gain in land zoned RE1 Public Recreation is approximately 800sqm. This will also see a significant area of open space located adjacent to the existing water reservoir on Marsden Lane.

7. Lot A DP 408013, Edgells Lane, Kelso - Map No. 7

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat.

It is appropriate that the land be zoned from RU4 Primary Production Small Lots to E2 Environmental Conservation.

8. <u>Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso, Eglinton,</u> <u>Robin Hill, Windradyne and Llanarth – Map No. 8</u>

It should be noted that Bathurst Regional Council is the landowner of these parcels of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has undertaken a review of the open space and its zoning in existing locations in Kelso, Eglinton, Robin Hill, Llanarth and Windradyne. Council has identified a number of parcels which are reserved as open space, although its current zoning is not reflective of its use. It is proposed to zone relevant parcels of land as RE1 Public Recreation.

9. <u>Deletion of Dwelling Houses as a permissible land use in the RE1 Public Recreation</u> Zone

The purpose of the amendment is to correct an anomaly in Bathurst Regional Local Environmental Plan 2014 which saw dwelling houses as permissible with consent in the RE1 Public Recreation zone. Dwellings on land that are otherwise identified for Open Space is inconsistent with the zone objectives and therefore it is appropriate that they are prohibited. It should be noted that in certain circumstances dwellings may still be allowed as ancillary development to an open space or recreation landuse.

The Development Control Plan Amendment

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

____ GENERAL MANAGER

__MAYOR Page 79 The alteration of the zone boundaries as part of the Planning Proposal is considered minor and will not significantly affect the development capacity of the land. Council, in considering the amendments to the zone boundaries proposes to maintain buffers to adjoining rural landowners and natural features such as Sawpit Creek. The purpose of the DCP Amendment is to ensure that the relevant controls shown on the various DCP maps complement the proposed changes to the LEP under the Planning Proposal.

Public exhibition

Council exhibited the draft Local Environmental Plan Amendment and Development Control Plan amendment concurrently from 31 July 2017 to 28 August 2017. A total of 2 submissions were received from the community during the public exhibition period and a further 3 submissions were received from Government Agencies. Copies of the submissions received as part of the Public Exhibition are provided at <u>attachment 2</u>.

The table below summarises the submissions received as part of the Public Exhibition period and the key issues raised in those submissions.

Name	Comments or issues raised	Council officer comments
Roads and Maritime Service (RMS)	 Roads and Maritime will not object to the proposal. Requests that Council ensure vehicular access to the residential land proposed on DCP Map No. 2 (Part Lot 10 DP 842947) is obtained from the adjoining Windradyne Estate and not directly from the Mitchell Highway. 	Draft DCP Map No 5 – Windradyne, Llanarth and Abercrombie amended to include an access restriction adjacent to the Mitchell Highway.
Jade	We need to do a better job at maintaining the rural nature of our open spaces and community infrastructure such as schools. The loss of the character is almost irretrievable once it occurs.	Noted. The LEP/DCP amendment seeks to appropriately plan for and protect open space locations.
Civil Aviation Safety Authority	The proposed structures and any cranes if used in the construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at Bathurst Aerodrome.	Noted.
Office of Environment and Heritage – Heritage Division	No comment is required from the Heritage Council as the Planning Proposal does not relate to heritage items or heritage conservation areas.	Noted.
Mr G & Mrs E Cutler	Advises of recent registration of a subdivision. Seeks that the open space be located along the boundary of Lot 2 rather than the old boundary line.	The RE1 zone boundary has been adjusted with respect to the request. The intent of the zone boundary was to align with the property boundary.

There were no unresolved matters arising from the submissions and therefore a discussion forum was not held. The NSW Department of Planning and Environment's gateway determination did not require a public hearing to be held.

<u>Attachment 3</u> is a report that summarises the level of engagement with respect to this Planning Proposal during the exhibition period.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

_____ GENERAL MANAGER

_MAYOR Page 80
Conclusion

Council has reviewed the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst. A number of inconsistencies were identified with a number of zone boundaries which do not reflect the current subdivision pattern, or intended use of the land. Council has drafted this housekeeping amendment to rectify a number of zone changes which are explained in this report. Council placed the planning proposal on public exhibition for a period of 28 days from 31 July 2017 to 28 August 2017. A total of 5 submissions were received, however no unresolved matters arose out of the submissions, so a discussion forum was not held.

There are no environmental or planning grounds to prevent the Planning Proposal and DCP amendment from proceeding. Their adoption (as provided in <u>attachment 4</u>) is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

•	Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets.	Strategy	28.8
	Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.	Strategy	30.3

Community Engagement

Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

____ GENERAL MANAGER

__MAYOR Page 81





















S_DEPBS_9_1







9 August 2017

SF2013/149635; WST13/00091/07

The General Manager Bathurst Regional Council Private Mail Bag 17 Bathurst NSW 2795

Dear Sir,

PP_2017_BATHU_001_00; Multiple lots within Bathurst LGA Open Space Housekeeping LEP and DCP Amendments

Thank you for your letter dated 27 July 2017 referring PP_2017_BATHU_001_00 to Roads and Maritime Services for comment.

The submitted documentation has been reviewed. Roads and Maritime notes the proposal includes the following:

- Reinstate historical residential zoning of Part Lot 11 DP 778516
- Reinstate historical residential zoning of Part Lot 10 DP 842947
- Re-align the RE1, RU4 and R1 zone boundary on Part Lot 1 & 2 DP 1215901
- Amend the RE1 zoned land within Part Lot 1 DP 1126726, Part Lot 1 DP 1179973 and Part Lot 1 DP 176203 to a width of 50 metres
- Re-align the RE1 boundary within Part Lot 421 DP 1176436.
- Zone Part Lot 5 DP 847225 to include RE1 to accommodate a proposed subdivision.
- Rezone Lot A DP 408013 to E2 Environmental Conservation.
- Rezone various passive open spaces to RE1 to reflect current use.
- Delete Dwelling-houses as a permissible land use in the RE1 Public Recreation Zone.

Roads and Maritime has reviewed the proposed amendments. The proposed amendments will not significantly increase potential traffic generation by future developments at the various subject sites. Roads and Maritime will not object to the proposal, however, requests that Council ensure vehicular access to the residential land proposed on Map No.2 (Part Lot 10 DP 842947) is obtained from the adjoining Windradyne Estate and not directly from the Mitchell Highway (HW7).

Please keep Roads and Maritime informed on the progress of the proposed amendments. Should you require further information please contact me on 02 6861 1453.

Yours faithfully

1 Andrew McIntyre

Andrew McIntyre Manager Land Use Assessment Western Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 PO Box 334 Parkes NSW 2870 DX 20256

www.rms.nsw.gov.au | 13 22 13

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1975 completed Survey submission (20.0307) Your Say Bathurst Region to: nicholas.murphy, council 19/08/2017 08:15 PM Hide Details From: Your Say Bathurst Region <notifications@engagementhq.com> To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au Security: To ensure privacy, images from remote sites were prevented from downloading. Show Images

1975 just submitted the survey 'Survey submission' with the responses below.

Name

Jade

Postal Address

184 Turondale rd bathurst

Your email address

bagginsjade@yahoo.com.au

Please outline your submission

We need to do a better job at maintaing the rural nature of our open spaces and community infrastructure such as schools. The loss of the character is almost irretrievable once it occurs.

Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.

I have not made a reportable political donation

Report this message as spam

 $file:///C:/Users/denyerk/AppData/Local/Temp/notes7232E0/{\sim}web5219.htm$

13/09/2017



STAKEHOLDER ENGAGEMENT GROUP

CASA Ref: GI17/653

79 August 2017

Ms Janet Bingham Acting Director Environmental, Planning & Building Services Bathurst Regional Council PMB 17 BATHURST NSW 2795

Email: council@bathurst.nsw.gov.au

Dear Ms Bingham

I refer to your letter of 8 August 2017 addressed to Stakeholder Engagement at the Civil Aviation Safety Authority (CASA) requesting comment on the planning proposal to amend the Bathurst Regional Local Environmental Plan 2014 to rectify 9 zone boundary changes.

I am advised that the proposed development is in the vicinity of Bathurst Aerodrome, which has instrument flight procedures. The proposed structures and any cranes if used in the construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at Bathurst Aerodrome.

Bathurst Regional Council should also consider the specific issues which are contained in the attachment. These should be carefully considered as part of any planning and development.

Should you require further information, please contact Ms Slavica Despotovic, CASA Aerodrome Inspector, on 131757 or by email ANAA.corro@casa.gov.au.

I trust this information is of assistance.

Yours sincerely

Carolyn Hutton Manager Government and International Relations Branch

GPO Box 2005 Canberra ACT 2601 Telephone 131 757

ATTACHMENT – CASA Recommendations

Departure and Approach Procedures

Any proposed structures and cranes if used in construction should be referred to the procedure design organisation/s responsible for the maintenance of instrument flight procedures at the aerodrome. Please be aware that there may be more than one organisation responsible for the procedures at the aerodrome.

To check which organisations are responsible you can view the procedures at http://www.airservicesaustralia.com/aip/aip.asp then Departure and Approach Procedures. The logo on the bottom of each procedure plate indicates the design organisation responsible.

Compliance with standards

Any aerodrome developments to aviation facilities associated with the planning proposal need to be consistent with the requirements of Civil Aviation Safety Regulations 1998 Part 139 and the associated Manual of Standards. Further details are available on the CASA website. https://www.casa.gov.au/standard-page/casr-part-139-aerodromes

The National Airports Safeguarding Framework provides guidance on planning requirements for development that affects aviation operations. This includes building activity around airports that might penetrate operational airspace and/or affect navigational procedures for aircraft. The Framework consists of a set of guiding principles with six guidelines relating to aircraft noise, windshear and turbulence, wildlife strikes, wind turbines, lighting distractions and protected airspace. Further information is available from the following link: https://infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/

Aerodrome operations

Consultation should also be undertaken with the aerodromes operational management team to manage the following issues with developments adjacent to any aerodromes:

- Airport master planning: Council should ensure that the proposal does not affect any future development or upgrades planned by the aerodrome's operational management.
- Obstacle limitation surfaces (OLS) and Procedures for Air Navigation Services Aircraft Operations: Prior to construction, the development and crane activity should be reviewed by the aerodrome's management team for the protection of these surfaces.
- Wildlife hazard management plan: Consideration needs to be given to the final heights and bird attractions of landscaping provisions which potentially may cause a risk to aviation activities.
- Lighting in the vicinity of an aerodrome: Any proposed non-aeronautical ground light in the vicinity of an aerodrome may by reason of its intensity, configuration or colour, cause confusion or glare to pilots and therefore might endanger the safety of aircraft.
- Gaseous plume: Exhaust plumes can originate from a number of sources and aviation authorities have established that an exhaust plume with a vertical gust in excess of 4.3 metres/second may cause damage to an aircraft airframe, or upset an aircraft when flying at low levels.
- Control of dust: During any construction the emission of airborne particulate may be generated which could impair the visual conditions.

GPO Box 2005 Canberra ACT 2601 Telephone 131 757

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File No: SF17/38158 Ref No: DOC17/407113

R Denyer Acting Director Bathurst Regional Council Private Mail Bag 17 Bathurst NSW 2795

Attn: Nicholas Murphy

By email: council@bathurst.nsw.gov.au

Dear Mr Denyer

Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 - Open Space Housekeeping Amendment

I refer to your letter dated 27 July 2017 regarding the abovementioned planning proposal. The planning proposal seeks to rectify inconsistencies in zone boundaries that do not reflect 'the current subdivision pattern, or current or intended use of land'. The planning proposal also seeks to remove 'dwelling houses' as a permissible land use within Zone RE1 – Public recreation.

The planning proposal and the supporting documents included with the proposal have been reviewed. It is noted that the proposed amendments to the *Bathurst Regional Local Environmental Plan 2014* and *Bathurst Regional Development Control Plan 2014* do not relate to heritage items or heritage conservation areas. Therefore, it is considered that no comment is required from the Heritage Council in this instance.

Please note the Greater Sydney Region Planning Team, OEH may provide a separate response to the planning proposal.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Heritage Assessment Officer, at the Heritage Division on 98738587 or at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely

AM

Rajeev Maini Manager, Conservation Heritage Division Office of Environment & Heritage As Delegate of the NSW Heritage Council 25 August 2017

15

BATHURST REGIONAL COUNCIL 2 9 AUG 2017

REF 20.00307/015

25th August 2017

Dear Nick,

We wish to make a submission in relation to our property with respect to the Open Space Housekeeping LEP and DCP Amendment. Originally and we assume is still the case, the rural and recreation zone boundary was/is intended to follow the northern and eastern extremities of the old crown road. Up until recently the property was old systems title and had not had a proper survey. This has now been carried out with a recent subdivision of this land. The new lots were created on the RU1/RE1 zone boundary. The lots which are affected by this LEP amendment are Lot 2 DP1233661 containing the residential and recreation zoned land and Lot 3 DP1233661 containing the rural zoned land.

It would be our preference for the RU1/RE1 zone boundary to remain/follow the boundary of the newly created Lot 2 DP1233661

We are otherwise supportive of the amendment, with a 50 metre wide open space and the residual land being zoned to R1 General Residential.

Yours Sincerely

Greg and Elizabeth Cutler

2 9 AUG 2017

BATHURST REGIONAL COUNCIL

DEPBS-R







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S_DEPBS_9_3

Aware Participants	44	Engaged		1		
Aware Actions Performed	Participants	Engaged Actions	Registered	Unverified	Anonymous	
Visited a Project or Tool Page	44	Performed	riogiotorou	Universitied	raionymous	
Informed Participants	30	Contributed on Forums	0	0	0	
Informed Actions Performed	Participants	Participated in Surveys	1	0	0	
Viewed a video	0	Contributed to Newsfeeds	0	0	0	
Viewed a photo	0	Participated in Quick Polls	0	0	0	
Downloaded a document	26	Posted on Guestbooks	0	0	0	
Visited the Key Dates page	2	Contributed to Stories	0	0	0	
Visited an FAQ list Page	0	Asked Questions	0	0	0	
Visited Instagram Page	0	Placed Pins on Maps	0	0	0	
Visited Multiple Project Pages	27	Contributed to Brainstormers	0	0	0	
Contributed to a tool (engaged)	1					

Your Say Bathurst Region : Summary Report for 22 July 2016 to 30 August 2017

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Survey submission	Published	5	1	0	0

Powered by engagement ho

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Your Say Bathurst Region : Summary Report for 22 July 2016 to 30 August 2017

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Individual site maps	15	17
Document	Overview map showing the context of the amendment	12	12
Document	Explanation document	11	12
Document	LEP Maps	9	10
Document	Draft DCP Map - Kelso	6	9
Document	Draft DCP Map - Robin Hill	2	2
Document	Draft DCP Map - Eglinton	2	2
Document	Draft DCP Map - Windradyne, Llanarth	0	0
Key Dates	Key Date	2	3

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Your Say Bathurst Region : Summary Report for 22 July 2016 to 30 August 2017

ENGAGEMENT TOOL: SURVEY TOOL

Tool title/name: Survey submission



Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councilior of the Council or any gifts to...





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MINUTE

16 Item 9 BATHURST REGIONAL LEP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING (20.00307) MOVED Cz. L. Budge SECONDED: Cz. M. Margae

MOVED: Cr J Rudge SECONDED: Cr M Morse

RESOLVED: That Council:

- adopt the Bathurst Regional Local Environmental Plan amendment to alter the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan Open Space Housekeeping Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No 3 – Eglinton, Map No 4 – Kelso, Map No 5 – Windradyne, Llanarth & Abercrombie and Map No 15 – Robin Hill as outlined in this report, noting that the Development Control Plan amendment will not come into effect until the planning proposal is gazetted;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was: In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge <u>Against the motion</u> - Nil <u>Absent</u> - Nil <u>Abstain</u> - Nil

Director Environmental Planning & Building Services' Report to the Council Meeting 18/10/2017

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