



9 June 2017

Ms K O'Flaherty
General Manager, Western Region
NSW Department of Planning and Infrastructure
PO Box 58
DUBBO NSW 2830

Dear Ms O'Flaherty

Bathurst Regional LEP Amendment Minor Zone Boundary Alterations
Housekeeping

I refer to the abovementioned matter.

Council resolved on 1 February 2017 to prepare and submit a Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 to amend the zone boundaries on a number of parcels of land.

Please find **enclosed** all the required documentation for the Planning Proposal to proceed to the Gateway for consideration.

If you have any queries please contact Mr Nicholas Murphy of Council's Environmental Planning & Building Services Department on 02 6333 6514.

Yours faithfully

J E Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES



PLANNING PROPOSAL

FOR

**BATHURST REGIONAL LOCAL
ENVIRONMENTAL PLAN 2014
AMENDMENT
(20.00307)**

**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
A	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
<u>Height of Buildings Map</u>		
HOB_011A	Height of buildings Map – Sheet HOB_011A	A
HOB_011B	Height of buildings Map – Sheet HOB_011B	A
HOB_011F	Height of buildings Map – Sheet HOB_011F	A
<u>Land Reservation Acquisition Map</u>		
LRA_011A	Land Reservation Acquisition Map - Sheet LRA_011A	A
LRA_011B	Land Reservation Acquisition Map - Sheet LRA_011B	A
LRA_011F	Land Reservation Acquisition Map - Sheet LRA_011F	A
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LSD_011B	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011B	A
LSD_011F	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011F	A
<u>Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map</u>		
LSM_011A	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011A	A
LSM_011B	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011B	A
LSM_011F	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011F	A
<u>Lot size Map</u>		
LSZ_011A	Lot size Map – Sheet LSZ_011A	A
LSZ_011B	Lot size Map – Sheet LSZ_011B	A
LSZ_011C	Lot size Map – Sheet LSZ_011C	A
LSZ_011E	Lot size Map – Sheet LSZ_011E	A
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<u>Land zone Map</u>		
LZN_011A	Land zone Map – Sheet LZN_011A	A
LZN_011B	Land zone Map – Sheet LZN_011B	A
LZN_011C	Land zone Map – Sheet LZN_011C	A
LZN_011E	Land zone Map – Sheet LZN_011E	A
LZN_011F	Land zone Map – Sheet LZN_011F	A

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

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Ms Janet Bingham Acting Director, Environmental Planning and Building Services
Contact Phone Number:	02 6333 6213
Contact email address:	janet.bingham@bathurst.nsw.gov.au

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 **attachment 1**.

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 **attachment 2**.

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

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

Part 1 Objectives or intended outcomes

1.1 Introduction

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 **attachment 1**.

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. Various Lot & DPs, drainage reserves and open space, West Bathurst, Kelso 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. 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.

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 is proposed to occur concurrently with the exhibition of the Planning Proposal.

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 Windradynne 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.

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 merit and: ◇ Is consistent with a relevant local strategy endorsed by the Director General; or ◇ Is consistent with the relevant regional strategy or Metropolitan Plan; or ◇ Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the	Yes	The lots have historically been zoned for residential purposes over a number of decades. The Bathurst Regional LEP 2014, for the first time, zoned open space in suburban locations. The Planning Proposal aims to amend the R1/RE1 zone interface catering for development specific circumstances. The Planning Proposal is consistent with the Bathurst Region Urban Strategy.

site and other strategic considerations (e.g. proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc)		The planning proposal is not inconsistent with the draft 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 modifies zoning boundaries. 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 should be 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 Water Management Plan Areas	Not Relevant
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 Development	Not Relevant
SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
SEPP No 71 – Coastal Protection	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not Relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
SEPP (Exempt and Complying Development Codes) 2008	Not Relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (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. 117 directions)?

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 117 Ministerial Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

All relevant Section 117 Ministerial Directions are considered in the following table.

Section 117 Ministerial Direction	Consistency
1. Employment and resources	
1.1 Business and Industrial Zones	The direction applies due to the inclusion of Lot 33 DP 1070624 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. 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

Section 117 Ministerial Direction	Consistency
	Planning Proposal reduced 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 (See Map 2 and Attachment 3). 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 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 <u>attachment 3</u>. 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, Petroleum Production and Extractive Industries	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.4 Oyster Aquaculture	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.5 Rural Lands	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. <u>Part Lot 10 DP 842947</u> (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

Section 117 Ministerial Direction	Consistency
	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 on the adjoining land. A plan showing the historical zoning of the land is included at <u>attachment 3</u>. <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 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 and 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.

Section 117 Ministerial Direction	Consistency
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 Environmental Overlays in Far North Coast LEPs	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The planning proposal affects a number of parcels of land which are zoned R1 General Residential. A number of parcels, as identified on Map No. 1-6, are included because the resultant subdivision boundaries do not reflect those of the zone boundary. 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 Parks and Manufactured Home Estates	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.3 Home Occupations	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.4 Integrating Land Use and Transport	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.5 Development Near Licensed Aerodromes	The proposal 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

Section 117 Ministerial Direction	Consistency
	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. 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 Ranges	The proposal does not affect land adjacent or adjoining an existing shooting range. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.2 Mine Subsidence and Unstable Land	The Bathurst Region does not include any land identified as within a Mine Subsidence District proclaimed under the Mine Subsidence Compensation Act 1961. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.3 Flood Prone Land	Lot A DP 408013 (See Map 7) is located on the Bathurst Floodplain. The planning proposal rezones the land from RU4 Primary Production Small Lots to E2 Environmental Conservation. The change in zone does not permit a significant 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 Bushfire Protection	The Planning Proposal does not include any land which is identified as being Bushfire Prone Land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5. Regional Planning	
5.1 Implementation of Regional	No regional strategy applies to the Bathurst Region. Council is satisfied that the planning proposal is consistent

Section 117 Ministerial Direction	Consistency
Strategies	with the requirements of the direction.
5.2 Sydney Drinking Water Catchments	The Bathurst Region is outside the identified Sydney Drinking Water Catchment area. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.4 Commercial and Retail; Development along the Pacific Highway, North Coast	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.9 North West Rail Link Corridor Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.10 Implementation of Regional Plans	The draft Central West and Orana Regional Plan applies to the Bathurst Region. The Planning Proposal aims to rectify some R1/RE1 zone boundary anomalies, correct two errors that were made during the drafting of the Bathurst Regional LEP 2014 and to prohibit dwelling houses as permissible land uses in the RE1 zone land. The proposed changes are considered to be consistent with Council's local Land Use Strategies and is not expected to be 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 Making	
6.1 Approval and referral Requirements	The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 117 Ministerial Direction	Consistency
6.2 Reserving land for Public Purposes	Where the Planning Proposal aims to altering the R1 / RE1 zone interface, and as yet, has not been dedicated to Council for public purposes. Council is satisfied that the overall amount of open space is increasing in the locality which will be of benefit to the community as a whole. 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 Site Specific Provisions	The Planning Proposal does not relate to a particular development to be carried out on a specific site. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

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 has not consulted with any Government Agencies prior to the drafting of the Planning Proposal. Formal consultation will occur with several public authorities at the public exhibition stage including the Office of Environment & Heritage, Roads & Maritime Services, the Civil Aviation Safety Authority and Bathurst Airport.

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		
HOB_011A	Height of buildings Map – Sheet HOB_011A	A
HOB_011B	Height of buildings Map – Sheet HOB_011B	A
HOB_011F	Height of buildings Map – Sheet HOB_011F	A
Land Reservation Acquisition Map		
LRA_011A	Land Reservation Acquisition Map - Sheet LRA_011A	A
LRA_011B	Land Reservation Acquisition Map - Sheet LRA_011B	A
LRA_011F	Land Reservation Acquisition Map - Sheet LRA_011F	A
Minimum Lot Size - Dual Occupancy Map		
LSD_011A	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011A	A
LSD_011B	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011B	A
LSD_011F	Minimum Lot Size - Dual Occupancy Map - Sheet LSD_011F	A
Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map		
LSM_011A	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011A	A
LSM_011B	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011B	A
LSM_011F	Minimum Lot Size - Multi Dwelling Housing & Residential Flat Buildings Map – Sheet LSM_011F	A
Lot size Map		
LSZ_011A	Lot size Map – Sheet LSZ_011A	A
LSZ_011B	Lot size Map – Sheet LSZ_011B	A
LSZ_011C	Lot size Map – Sheet LSZ_011C	A
LSZ_011E	Lot size Map – Sheet LSZ_011E	A
LSZ_011F	Lot size Map – Sheet LSZ_011F	A
Land zone Map		
LZN_011A	Land zone Map – Sheet LZN_011A	A
LZN_011B	Land zone Map – Sheet LZN_011B	A
LZN_011C	Land zone Map – Sheet LZN_011C	A
LZN_011E	Land zone Map – Sheet LZN_011E	A
LZN_011F	Land zone Map – Sheet LZN_011F	A

Part 5 Community Consultation

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

In addition, a letter will be sent to all landowners of the subject land, those who directly adjoin the subject land and the relevant information placed on Council's website.

Although the matters dealt with in this Planning Proposal are of a minor nature and do not result in any adverse impacts upon the community, Public authorities will be consulted regarding specific amendments, such as the Office of Environment & Heritage, Roads & Maritime Services, the Civil Aviation Safety Authority, and Bathurst Airport. It is proposed that this Planning Proposal will be publically exhibited simultaneously with public authority consultation.

A Public Hearing is not expected to be conducted as part of this Planning Proposal.

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

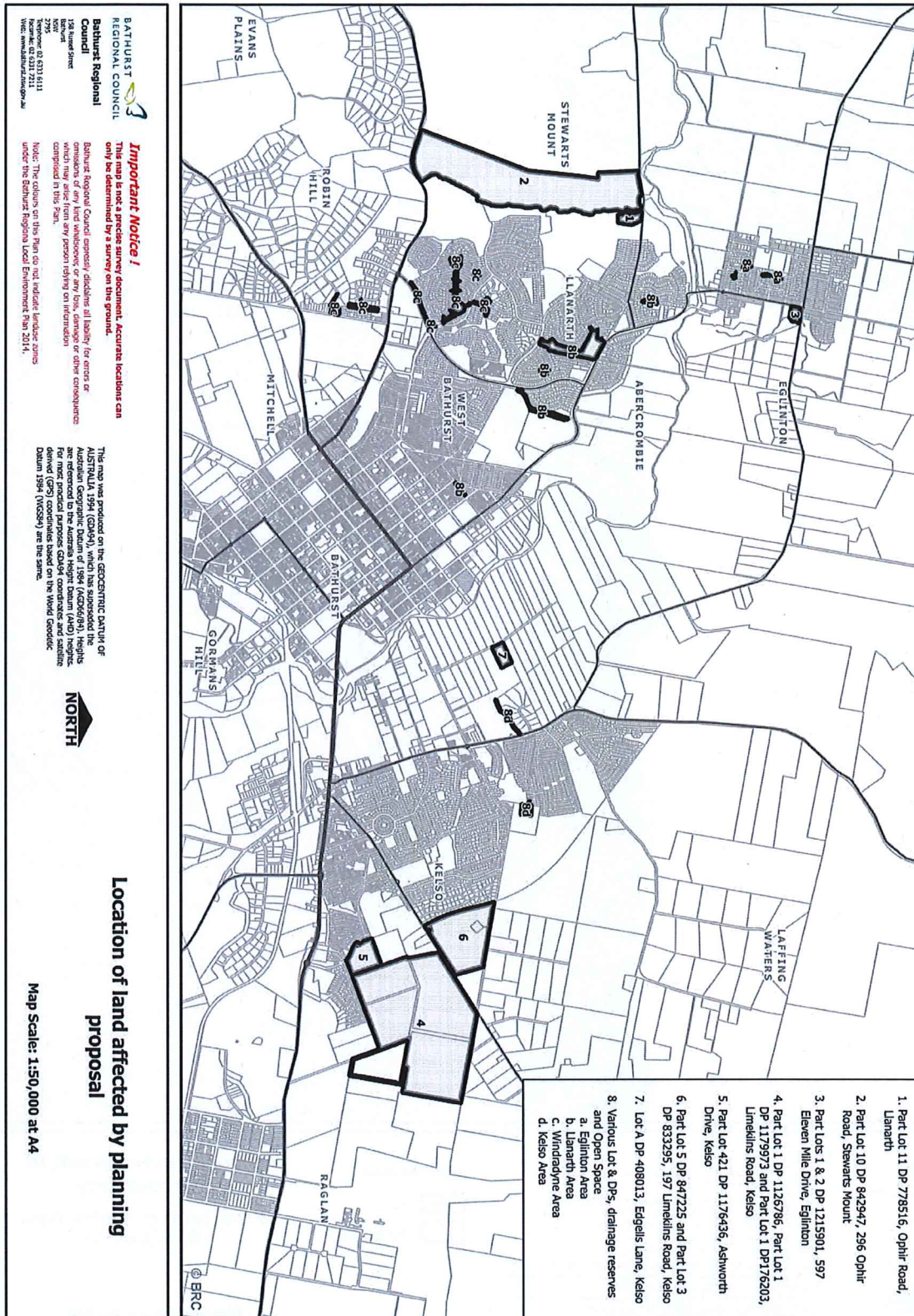
Part 6 Project timeframe

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

Step	Criteria	Project timeline
1	Anticipated commencement date (date of Gateway determination)	July 2017
2	Anticipated timeframe for the completion of required technical information	July 2017
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2017
4	Commencement and completion dates for public exhibition period	July/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	October 2017
8	Date of submission to the department to finalise the LEP	December 2017
9	Anticipated date RPA will make the plan (if delegated)	January 2018
10	Anticipated date RPA will forward to the department for notification.	January 2018

Attachment 1 Location plans

Summary Map



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



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Proposed Zone

 R1

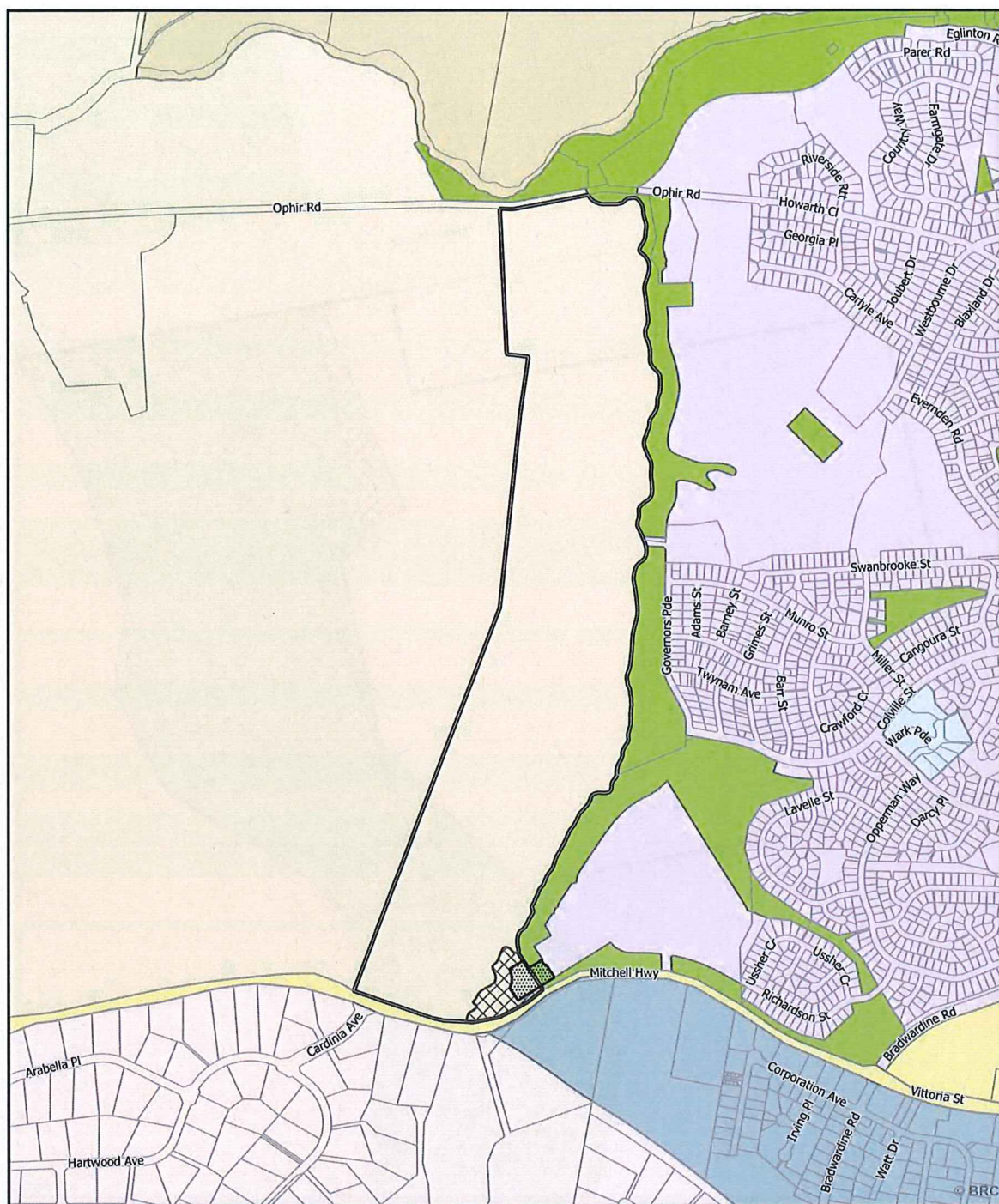
 Subject Land

Proposed amendment to zone boundary

1. Part Lot 11 DP 778516, Ophir Road, Llanarth

Map Scale at A4: 1:2,500

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



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Proposed Zone

-  R1
-  RE1
-  Subject Land

Proposed amendment to zone boundary

2. Part Lot 10 DP 842947, 296 Ophir Road, Stewarts Mount

Map Scale at A4: 1:15,000

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



BATHURST REGIONAL COUNCIL Bathurst Regional Council 158 Princes Street Bathurst NSW 2795 Telephone: 02 6333 6111 Fax: 02 6333 7211 Web: www.bathurstregionalcouncil.nsw.gov.au NORTH	Important Notice! <i>This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.</i> Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information comprised in this Plan. Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional Local Environment Plan 2014. This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.	Proposed Zone <table border="0"> <tr> <td></td> <td>R1</td> </tr> <tr> <td></td> <td>RE1</td> </tr> <tr> <td></td> <td>RU4</td> </tr> <tr> <td></td> <td>Subject Land</td> </tr> </table>		R1		RE1		RU4		Subject Land	Proposed amendment to zone boundary 3, Part Lots 1 & 2 DP 1215901, 597 Eleven Mile Drive, Eglinton Map Scale at A4: 1:1,000
	R1										
	RE1										
	RU4										
	Subject Land										

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



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Proposed Zone

-  R1
-  RU1
-  Subject Land

Proposed amendment to zone boundary

4. Part Lot 1 DP 1126786, Part Lot 1 DP 1179973 and Part Lot 1 DP176203, Limekilns Road, Kelso

Map Scale at A4: 1:10,000

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



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Proposed Zone

-  R1
-  Subject Land

Proposed amendment to zone boundary

**5. Part Lot 421 DP 1176436,
 Ashworth Drive, Kelso**

Map Scale at A4: 1:2,500

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



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Proposed Zone

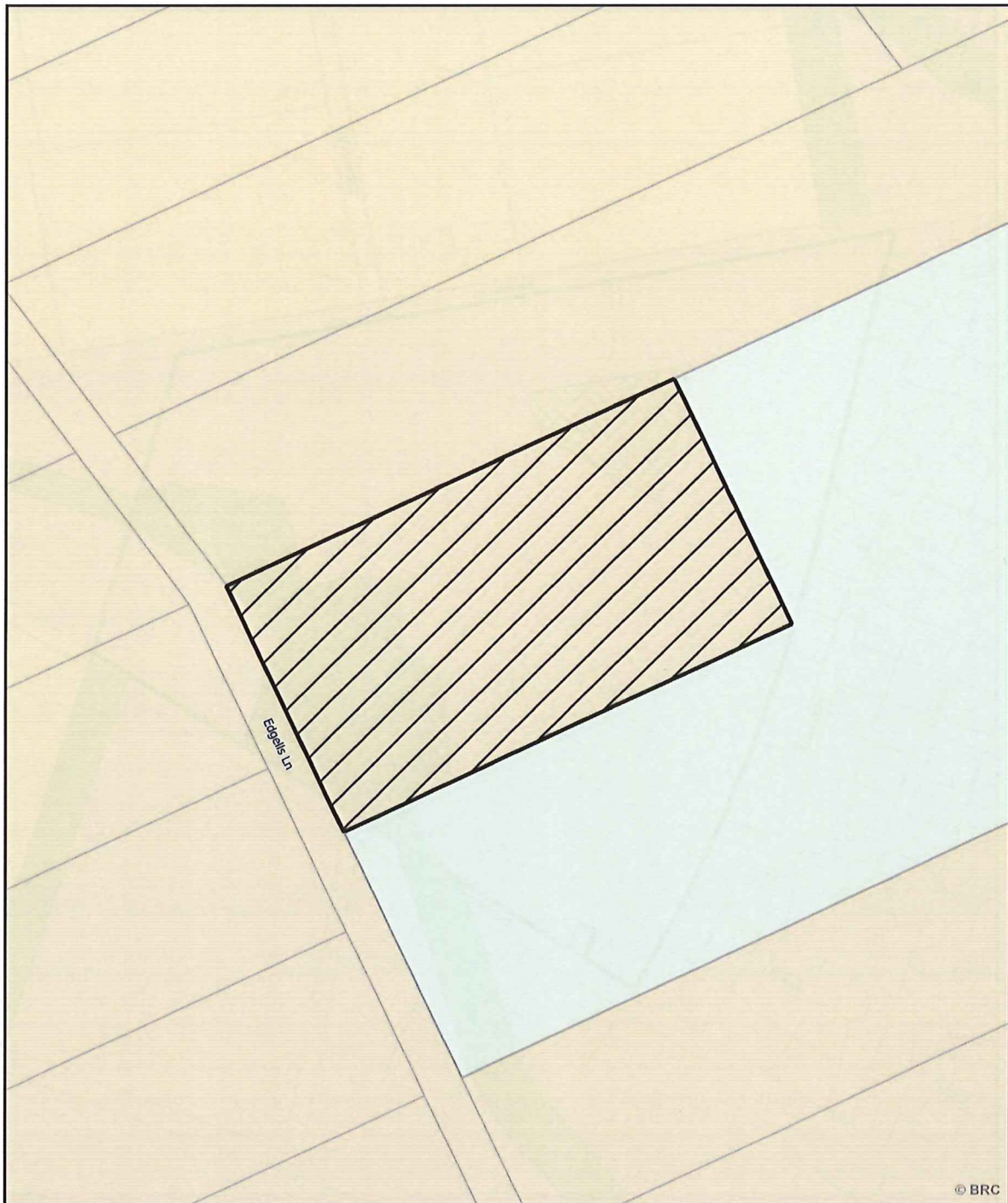
-  R1
-  RE1
-  Subject Land

Proposed amendment to zone boundary

6. Part Lot 5 DP 847225 and Part Lot 3 DP 833295, 197 Limekilns Road, Kelso

Map Scale at A4: 1:5,000

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



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Proposed Zone

-  E2
-  Subject Land

Proposed amendment to zone boundary

7. Lot A DP 408013, Edgells Lane, Kelso

Map Scale at A4: 1:2,500

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



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Proposed Zone



RE1

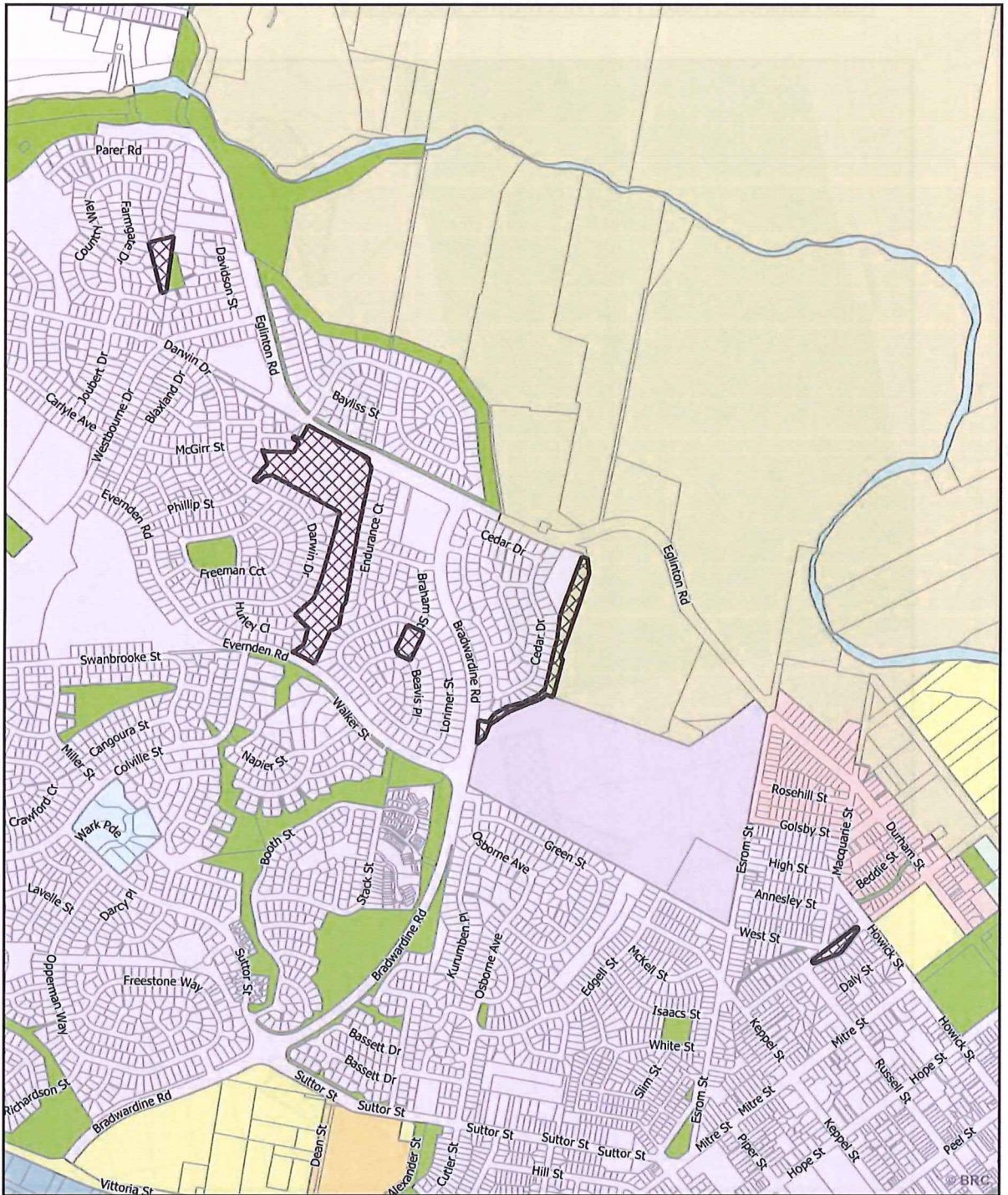


Subject Land

Proposed amendment to zone boundary

8a. Various Lot & DPs, drainage reserves and Open Space (Eglinton Area)

Map Scale at A4: 1:2,500



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Proposed Zone

-  RE1
-  Subject Land

Proposed amendment to zone boundary

8.b Various Lot & DPs, drainage reserves and Open Space (Llanarth Area)

Map Scale at A4: 1:15,000



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Proposed Zone

-  RE1
-  Subject Land

Proposed amendment to zone boundary

8c. Various Lot & DPs, drainage reserves and Open Space (Windradyne Area)

Map Scale at A4: 1:7,500



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Proposed Zone

-  RE1
-  Subject Land

Proposed amendment to zone boundary

8d. Various Lot & DPs, drainage reserves and Open Space (Kelso Area)

Map Scale at A4: 1:7,500

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:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this 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;
- (f) 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

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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 encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

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GENERAL MANAGER
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MAYOR

Meeting type:	ORDINARY MEETING OF BATHURST REGIONAL COUNCIL		
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 Number:	9.01
Created By:	Sally Moore/BathurstCC	Division Required:	Yes
Subject:	BATHURST REGIONAL LEP 2014 AMENDMENT - HOUSEKEEPING AND BATHURST REGIONAL LEP 2014 AMENDMENT - HOUSEKEEPING AND BATHURST REGIONAL OPEN SPACE SECTION 94 AMENDMENT		
Item Number:	10		
File Number:	(20.00307 & 20.00036)		
Minute Number:	16		
Moved By:	Cr B Bourke	Seconded By:	Cr I North

Resolution: **RESOLVED:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this 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;
- (f) 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.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

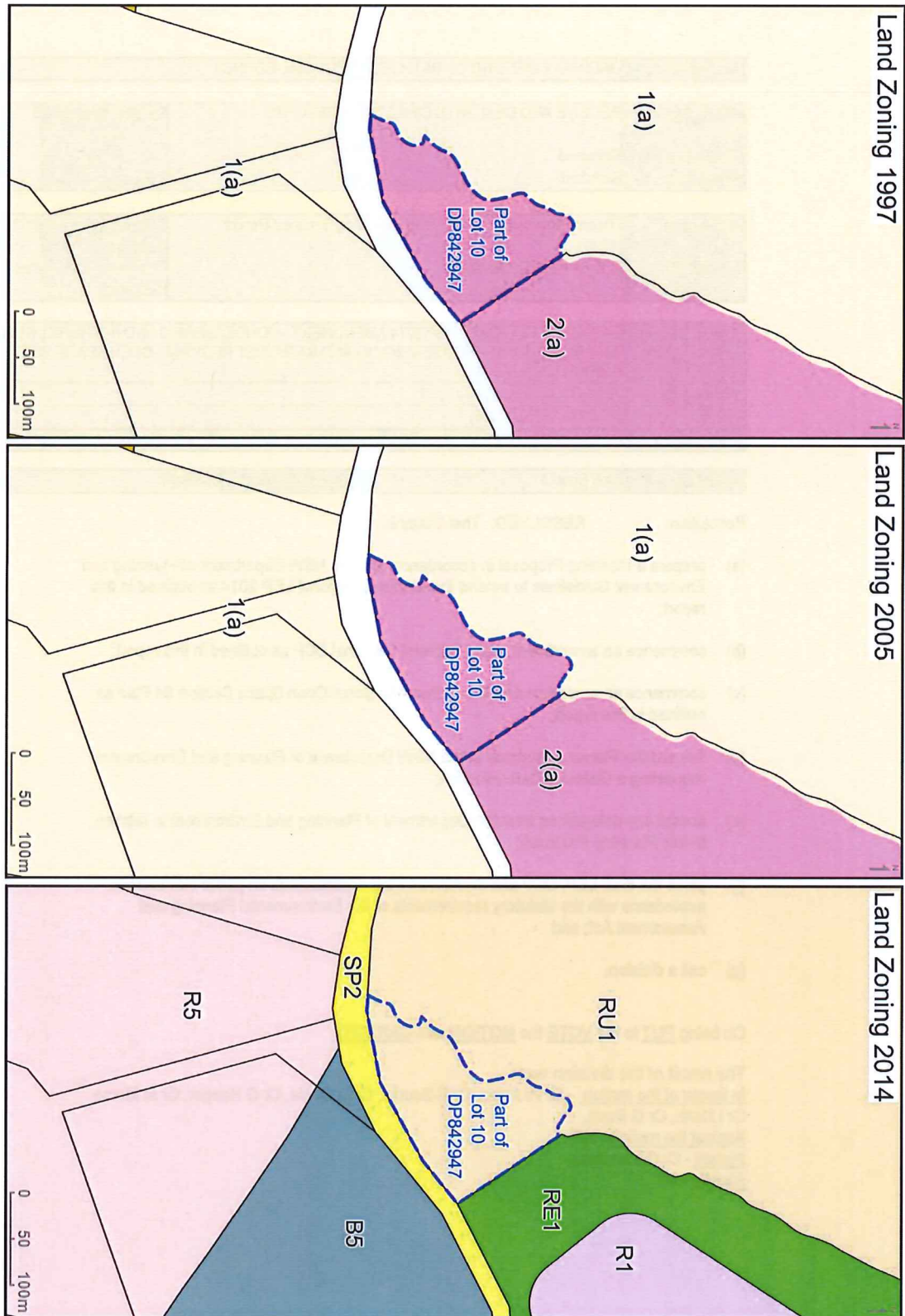
In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

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 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Bathurst Regional

Name of draft LEP:Bathurst Regional Local Environmental Plan 2014

Address of Land (if applicable):Various

Intent of draft LEP:

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.

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.

Additional Supporting Points/Information:

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.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State	Yes			

Environmental Planning Policies (SEPPs)?				
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Not Relevant		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Not Relevant		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not Relevant		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Not Relevant		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not Relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not Relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not Relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not Relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not Relevant		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not Relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part		Not Relevant		

of its documentation?				
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not Relevant		
Does the planning proposal create an exception to a mapped development standard?	No			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		Not Relevant		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.

- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.