

Bathurst Regional Council - Planning Proposal - Amendment 10 - Schedule 5 Environmental Heritage Amendment

Proposal Title :	Bathurst Regional Council - Planning Proposal - Amendment 10 - Schedule 5 Environmental Heritage Amendment		
Proposal Summary :	Bathurst Regional Council is seeking to amend the Bathurst Regional LEP 2014 by updating and adding new local items to Schedule 5 Environmental Heritage.		
PP Number :	PP_2016_BATHU_003_00	Dop File No :	10/08635

Proposal Details

Date Planning Proposal Received :	23-Jun-2016	LGA covered :	Bathurst Regional
Region :	Western	RPA :	Bathurst Regional Council
State Electorate :	BATHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Various		
Suburb :		City :	Bathurst
		Postcode :	2795
Land Parcel :	Various		

DoP Planning Officer Contact Details

Contact Name :	Megan Jones
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RPA Contact Details

Contact Name :	Ashlee Cutter
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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

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

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

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

Supporting notes

Internal Supporting Notes : **The Bathurst Regional Heritage Study 2007 identifies the new local items that Council is proposing to be inserted into the Schedule. The items include various natural landscapes, a dwelling house, moveable gantry crane and to increase the curtilage of the existing heritage listed agricultural research station.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective is to update and insert new local items into Schedule 5 Environmental Heritage.**

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

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

Comment : **An LEP may be amended via submitting a planning proposal for assessment by the Gateway. A planning proposal is the appropriate mechanism to effect the changes to Schedule 5 as per Council's objective.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The planning proposal is consistent with all SEPPs and s117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days is proposed. This is supported.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The proposal is adequate to proceed to community consultation, subject to consulting with OEH regarding appropriate descriptions for certain heritage items.**

Proposal Assessment

Principal LEP:

Due Date : **November 2014**

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

Assessment Criteria

Need for planning proposal : **Council is seeking to amend the LEP by inserting new items and updating existing items listed in Schedule 5 Environmental Heritage. A planning proposal is the appropriate mechanism for this amendment to be made.**

Consistency with strategic planning framework : **The planning proposal is consistent with the relevant local and regional strategic planning framework as it aims to protect items of local environmental heritage by inclusion into Schedule 5. These items were identified in the Bathurst Regional Heritage Study 2007.**

Environmental social economic impacts : **Council considers there are no negative social, environmental or economic impacts resulting from this planning proposal. There is a general social benefit resulting from the preservation of local heritage.**

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Assessment Process

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

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

Public Authority Consultation - 56(2)(d) **Other**

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Council needs to consult with the Office of Environment and Heritage to ensure that the proposed descriptions of the heritage items is clear enough and meets any requirements of OEH.

Council has indicated it will consult with:

- John Holland Rail

- Crown Lands.

This is supported.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bathurst Initial Request for Gateway Heritage Items.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**

Additional Information : **1. 1. Prior to commencing community consultation, Council is to consult with the Office of Environment and Heritage (OEH) regarding the appropriate method to describe items that are difficult to identify and amend Schedule 5 Environmental Heritage in line with any recommendations from OEH. Council is to notify the Department that it has met this condition prior to commencing community consultation.**

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2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
- 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.

3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:

- (a) Office of Environment and Heritage,
- (b) John Holland Rail, and
- (c) Department of Primary Industries - Crown Lands

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 planning proposal prior to community consultation.

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

5. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal may proceed due to the following key points:

- The new local heritage items identified for inclusion in the schedule have been formally identified in a heritage study commissioned by Council in 2007.
- Amending the descriptions of the existing heritage items will more clearly identify the item in the Schedule.
- The best method of describing the items in the schedule may be agreed with OEH prior to community consultation commencing.

Signature:



Printed Name:

Megan Jones

Date:

15/07/16

Endorsed
M. J. Jones 15/07/16
A DR, W