



Planning & Environment

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

16/08235

Attention: Ms Janet Bingham, Acting Director, Environmental Planning and Building

Dear Mr Sherley,

Planning Proposal (PP_2016_BATHU_002_00) seeking to amend Bathurst Regional Local Environmental Plan 2014 by rezoning land from RU1 Primary Production to R1 General Residential on Lot 182 DP 1013217, Sydney Road, Kelso.

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal seeking to rezone land from RU1 Primary Production to R1 General Residential at Lot 182 DP 1013217, Sydney Road, Kelso.

Council is commended for its urban and rural land use strategic planning work undertaken in the region and is encouraged to continue its focus on strategically considered planning outcomes.

As delegate of the Minister for Planning, I have determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

The planning proposal is not supported as it is inconsistent with the endorsed Bathurst Region Urban Strategy 2007. There is adequate land identified within the Strategy to provide for dwelling stock supply to cater for the next 10-20 years.

The proposal has the potential to create undesirable visual outcomes on the urban-rural interface of Bathurst City, as the subject site is located on a prominent south sloping setting with a dominant ridgeline. Land with such topography needs to be protected from further encroachment by unplanned urban expansion and should be retained as a rural zone at this time.

There is also potential land use conflict in expanding the Kelso urban residential release areas further into rural lands and adjacent to the approved intermodal freight facility in a Business Release Area, which may impact future operations. In addition the planning proposal also does not adequately address inconsistencies with a number of Section 117 Ministerial Directions.

Council is encouraged to consider future urban residential release areas in accordance with the endorsed strategic work.

Should you have any queries in regard to this matter, please contact Mr Ashley Albury of the Department's Western Region office, on (02) 6841 2180.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a long horizontal flourish extending to the right.

Marcus Ray
Deputy Secretary
Planning Services
21/07/2016
Encl. Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2016_BATHU_002_00): to rezone land from RU1 Primary Production to R1 General Residential at Lot 182 DP 1013217, Sydney Road, Kelso.

I, Deputy Secretary, Planning Services 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 Regional Local Environmental Plan 2014* to rezone land from RU1 Primary Production to R1 General Residential at Lot 182 DP 1013217, Sydney Road, Kelso should not proceed for the following reasons:

1. The planning proposal to rezone land RU1 Primary Production to R1 General Residential is not strategically considered and inconsistent with the endorsed Bathurst Region Urban Strategy 2007.
2. The planning proposal has the potential to create undesirable visual outcomes on the urban-rural interface of the City. The subject land is located on a prominent south sloping setting with a dominant ridgeline at the eastern gateway to Bathurst City. The current urban-rural interface at this ridgeline provides a residential zone boundary with the existing Kelso Urban Release Area.
3. The planning proposal does not adequately address inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and partly 3.1 Residential Zones as well as *State Environmental Planning Policy (Rural Lands) 2008* as it may create potential land use conflict by expanding the urban residential area further into rural lands and adjacent to the approved intermodal freight facility in a Business Release Area.

Dated **21st** day of July 2016.

Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning