

Bathurst Regional Council - Rezone land from RU1 Primary Production to R1 General Residential - Sydney Rd Kelso

Proposal Title :	Bathurst Regional Council - Rezone land from RU1 Primary Production to R1 General Residential - Sydney Rd Kelso		
Proposal Summary :	The planning proposal seeks to rezone land from RU1 Primary Production to R1 General Residential at Lot 182 DP 1013217, Sydney Road, Kelso.		
PP Number :	PP_2016_BATHU_002_00	Dop File No :	16/08234-1

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 :	Spot Rezoning		

Location Details

Street :	Sydney Road		
Suburb :	Kelso	City :	Bathurst
		Postcode :	2795
Land Parcel :	Lot 182 DP 1013217		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	No

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MDP Number :		Date of Release :	
Area of Release (Ha) :	31.44	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	160
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

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

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to rezone land at Lot 182 DP 1013217, Sydney Road Kelso, from RU1 Primary Production to R1 General Residential under the Bathurst Regional Local Environmental Plan 2014.**

The subject site is located at the eastern gateway to Kelso and Bathurst, with a generally south facing slope descending towards its primary Sydney Road (Great Western Highway) frontage. The site is approximately 31.44 hectares with a tributary of Raglan Creek traversing the site which falls to the west. The site has been used for grazing activities for many decades, with residential lands to the north and west while the eastern boundary fronts rural lands. The site is highly prominent in the landscape rising from approximately RL700-708m at road level towards a ridgeline at over the RL730m contour.

The site is largely covered in pasture grasses with no significant trees or vegetation. Information in the planning proposal states that the site has been used for the grazing of livestock for over 100 years.

Background

Under current ownership since 2003, the site has been the subject of numerous studies and submissions to Bathurst Regional Council to rezone the subject land for residential purposes. In 2004, Council did not support a proposal to rezone the subject land from the then 1(a) General Rural Zone to 2(a) Residential Zone under the Bathurst Local Environmental Plan 1997, as the subject land had not been identified for future residential expansion under the City of Bathurst Structure Plan 1994.

While a 2001 Housing Strategy identified part of the subject site up to the 708m contour as being an option for future residential use, Council's more recent strategic planning investigations did not recommend the site as being suitable for urban expansion. Council's current endorsed strategy, the Bathurst Regional Urban Strategy (BRUS) 2007, does not identify the subject land for future urban development or any residential expansion. The planning proposal states that submissions were made to Council in support of including the subject site for future urban release as residential zoned land, in the ensuring period leading up to the making of Bathurst Regional Local Environmental Plan 2014.

In December 2011, an application for a Site Compatibility Certificate was made to the then Department of Planning and Infrastructure (the Department) under clause 25(4)(a) of the

State Environmental Planning Policy (Housing for Senior or People with a Disability 2004 (Seniors Housing SEPP). The proposal was to establish a seniors housing development including a 50-bed residential care facility and 150 self-care dwellings on the subject site. Council provided detailed advice to the Department, opposing the granting of a Site Compatibility Certificate for the purposes of a seniors housing development, citing multiple reasons including:

- Divergence from the Bathurst Regional Urban Strategy 2007,
- The high scenic value of the site to the entrance of Bathurst City,
- The south facing slopes of the site being unsuitable for sustainable urban development,
- Insufficient capacity to service the site with reticulated sewer and water,
- Concerns over the site being adjacent to the now B5 Business Development zoned lands for an approved intermodal freight terminal.

The Department formed the position that the proposed seniors housing development was not appropriate for the subject site as urban expansion is inconsistent to the endorsed Strategy. It was deemed many of the site specific issues such as scenic protection, serviceability, noise, traffic and access cannot be resolved at the Development Application stage. In March 2012, the Director-General of the Department refused to issue a Site Compatibility Certificate for seniors housing on the subject site, citing its strategic incompatibility for future urban development, adverse impacts on existing and future land uses and the potential for rural land use conflict.

The Proposal

The current planning proposal to rezone land for residential purposes does not adequately address the inconsistencies with the endorsed Bathurst Regional Urban Strategy (BRUS) 2007 and other supportive documents, including the Bathurst 2036 Community Strategic Plan (CSP) and the Bathurst Vegetation Management Plan (VMP) 2004.

The Strategy identifies and promotes the protection of gateways to Bathurst City, including the eastern approach which is dominated by the south facing slopes of the subject site. The VMP 2004 describes Bathurst's distinct rural identity as being reflected in existing gateways to the city which are characterised by its valley setting, surrounding rural landscapes and visible green hills. The planning proposal is inconsistent with an endorsed land use strategy and the objectives of Council's supporting strategic frameworks.

The planning proposal describes its strategic merit based on a "rounding off" with surrounding R1 General Residential zoned lands to the north and west. The planning proposal states the subject lands were omitted from the Strategy and subsequent making of the Bathurst Regional LEP 2014 due to water serviceability issues rather than on strategic grounds. The planning proposal does not provide justification for its departure from the endorsed Strategy, instead focusing on serviceability issues and reference to surrounding urban release areas. A planning report to Council's Ordinary Meetings of 16 September 2015 and 18 May 2016 outlines the reasons for excluding the subject site from the Strategy for the purposes of urban expansion. These reasons are consistent with the reasons for Council's opposition to the former proposed seniors housing development, and include:

- The subject land has scenic value to the entrance of the City,
- The land has south facing slopes, generally unsuitable for sustainable urban development,
- Ongoing concerns over reticulated water and sewer serviceability, and
- Potential land use conflict with adjacent B5 Business Development zoned land, with approval for an intermodal freight terminal.
- BRUS 2007 has already identified land for urban expansion to cater for dwelling supply for the next 10-20 years.

The planning proposal relies on the rationale for releasing surrounding lands to the north and west for urban development. However these lands had been identified for future

urban release for residential purposes in the endorsed Strategy. The Strategy considered the easterly expansion of the City as a logical extension to the existing Macquarie Plains residential area. The Strategy clearly states that "sufficient area adjacent to the highway should be excluded from future development to protect the City's gateway" (pp. 74, BRUS 2007). Converse to a "rounding off" of R1 General Residential zoned lands, the existing zone boundary considers the topography of the ridgeline to form an urban-rural interface for the city. It is for this reason that the subject site is considered of scenic value and the Strategy actively promotes the subject land to remain rural to characterise the distinct rural identity of the City at its easternmost gateway.

The planning proposal cites considerations of water and sewer servicing as well as traffic impacts could be addressed through continued negotiations with Council, following a Gateway determination. While considerations for reticulated services and mitigating of traffic impacts can most likely be resolved with the provision of enabling infrastructure, Council's engineering services has raised some concern. The report to Council raises concern over the setting of precedent in allowing additional connections to water reservoirs that are designed to cater for existing urban release areas, jeopardising contingency factors for spare capacity and the maintenance of minimum pressure within the network. Nonetheless, servicing and other infrastructure considerations are premature matters, given the strategic merit for the planning proposal has not been justified.

There is also potential land use conflicts arising out of expanding urban residential development further into rural lands and adjacent to an approved intermodal freight facility in a Business Release Area.

Lastly, the planning proposal cites the shortage of land zoned for residential purposes within Bathurst LGA as a justification for the proposal, with some research and analysis included as an evidence base. Conversely, a presentation by Council staff at a working party held on 23 September 2015 argues against such a shortage. Council's planning staff have identified that current residential land stocks can yield approximately 4000 dwellings in the Kelso Urban Release Area, 800 dwellings in Windradyne/Llanarth, and 600 dwellings in Eglinton Urban Release Area. It is estimated these stocks would yield an adequate dwelling house supply in the next 20 years. The subject land is not within the short to medium term potential areas for residential land releases.

It is noted that Council's planning staff recommended against the planning proposal proceeding to Gateway determination, with reasons for this recommendation outlined in reports to Council's Ordinary Meetings of 16 September 2015 and 18 May 2016. Council resolved to support the planning proposal despite this recommendation at the Ordinary Meeting of 18 May 2016.

It is therefore deemed the planning proposal that seeks to rezone land Lot 182 DP 1013217, Sydney Road Kelso, from RU1 Primary Production to R1 General Residential under the Bathurst Regional Local Environmental Plan 2014 is unjustified in departing from an endorsed Strategy. The proposal does not have strategic merit, undermines the planned future urban expansion of the city and relies on resolution of outstanding issues at post-Gateway determination. The reasons and issues in question cannot be adequately mitigated through conditions of a Gateway approval, nor deferred to the Development Application stage.

It is acknowledged that the BRUS 2007 should be reviewed, however this planning proposal should not proceed at this time before the review is undertaken.

It is therefore recommended that the Minister's delegate issue a Gateway determination to refuse the planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives clearly states that the purpose of the planning proposal is to allow for residential development on the subject lands at Lot 182 DP 1013217, Sydney Road, Kelso, under the Bathurst Regional Local Environmental Plan 2014.**

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

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

Comment : **The explanation of provisions clearly states that the objectives of the planning proposal will be achieved by rezoning the subject site from RU1 Primary Production to R1 General Residential under the Bathurst Regional Local Environmental Plan 2014. An amendment would be required to the following Map Sheets in the Bathurst Regional LEP 2014 to achieve the objectives of the proposal:**

- **Land Zoning Map - Sheet LZN_011F**
- **Lot Size Map - Sheet LSZ_011F**
- **Height of Buildings Map - Sheet HOB_011F**
- **Minimum Lot Size - Dual Occupancy Map – Sheet LSD_011F**
- **Minimum Lot Size - Multi Dwelling Housing and Residential Flat Buildings Map - Sheet LSM_011F**
- **Urban Release Area Map - Sheet URA_011F**

The proposed R1 General Residential zone would make residential development permissible on the subject site, as intended in the Statement of Objectives and facilitated by amendments to the aforementioned maps.

The planning proposal makes no reference to rezone the subject site from RU1 Primary Production to “part R1 General Residential and part RE1 Public Recreation”, as presented in indicative cursory constraints mapping and Council’s cover letter dated 27 May 2016.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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

The planning proposal identifies seven (7) Section 117 Directions that may be applicable in this case. These include Direction 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, and 6.3 Site Specific Provisions.

Direction 1.2 Rural Zones – The Ministerial Direction is relevant as the planning proposal seeks to rezone land from a rural zone (RU1 Primary Production) to residential zone (R1

General Residential) under the Bathurst Regional Local Environmental Plan 2014. The objective of this direction is to protect the agricultural production value of rural land. A planning proposal may be inconsistent with the terms of this Ministerial Direction if the inconsistencies are justified by an endorsed strategy, justified by a study, is in accordance with a relevant Regional Strategy or is of minor significance.

The planning proposal is inconsistent with the direction and its justifications for being of minor significance are not supported. The site has been used for the grazing of livestock for many decades and a continuation of a rural zoning is considered appropriate, given an endorsed Strategy does not promote urban expansion across this site.

Direction 1.5 Rural Lands – The Ministerial Direction is relevant as the planning proposal affects land within an existing rural zone. The objective of the direction is to protect the agricultural value of rural land and facilitate its orderly and economic development for rural and related purposes. While a planning proposal may be inconsistent with this direction, any such inconsistency must be justified by an endorsed Strategy or demonstrate that it is of minor inconsistency.

The planning proposal is inconsistent with this direction and its justifications for being of minor significance are not supported. An endorsed Strategy does not identify the site for future urban expansion, conversely the site has been consistently identified for rural purposes. The subject site consists of approximately 6.6ha of Class 2 agricultural land and 25ha of Class 3 agricultural land, suitable for ongoing grazing purposes. The Department of Primary Industries has not been consulted, however the incremental loss of Class 2 and 3 agricultural land for urban purposes is of wider concern.

Direction 2.3 Heritage Conservation – The Ministerial Direction applies when a relevant planning authority prepares a planning proposals. The planning proposal considers this direction, however the subject site is not identified or adjacent to an item of heritage significance and unlikely to contain unknown items. The matter of consistency with this direction is not considered relevant in this case.

Direction 4.4 Planning for Bushfire Protection – The Ministerial Direction applies when a relevant planning authority prepares a planning proposal that will affect or is in proximity to land mapped as bushfire prone land. The planning proposal considers and addresses this direction, however the subject site is described in the planning proposal as not known to be identified as or adjacent to bushfire prone land. The matter of consistency with this direction is not considered relevant in this case.

Direction 5.1 Implementation of Regional Strategies – The Ministerial Direction applies when a relevant planning authority prepares a planning proposal. Any planning proposal must be consistent with a regional strategy released by the Minister for Planning. The planning proposal considers this direction, concluding that “there are no regional strategies in place that currently affect the Bathurst Regional Council area.” The draft Central West and Orana Regional Plan applies to the subject site and has been on exhibition from 4/5/16 to 4/7/16 and is currently being assessed for finalisation. The draft Regional Plan includes mapping that identifies strategically endorsed urban release areas in regional centres. Under Goal 4, Direction 4.1, Figure 18 of the draft Plan, Bathurst Regional City is depicted with the subject site clearly identified as a “Non-Urban Area”, at the interface with the existing “Urban Area” and the Kelso “Urban Release Area”. The planning proposal is inconsistent with the strategic vision for Bathurst in the draft Central West and Orana Regional Plan and thus inconsistent with the Ministerial Direction 5.1. While a planning proposal may be inconsistent with this direction, the inconsistency in this case is not of minor significance and rather, undermines the vision and land use strategy of the draft Regional Plan.

Direction 6.1 Approval and Referral Requirements - The Ministerial Direction applies when a relevant planning authority prepares a planning proposal. The planning proposal considers this direction, however the direction is not considered relevant in this case.

Direction 6.3 Site Specific Provisions – The Ministers Direction applies when a relevant

planning authority prepares a planning proposal that will allow a particular development to be carried out. The planning proposal considers this direction, however the direction is not considered relevant in this case as site specific provisions are not proposed.

SEPP 55 Remediation of Land – The Policy requires the potential for land contamination to be considered in the preparation of an environmental planning instrument. The planning proposal at this time identifies the historic use of the land is not likely to cause potential contamination. The matter of contamination would require further investigation, if the planning proposal is determined to proceed at Gateway.

The planning proposal does not identify and demonstrate consistency with a further three (3) relevant Ministerial Directions. These include: Direction 3.1 Residential Zones, 3.5 Development Near Licensed Aerodromes, and Direction 1.3 Mining, Petroleum Production and Extractive Industries. The planning proposal also does not address consistency with SEPP (Rural Lands) 2008. These omissions would need to be addressed, if the planning proposal does proceed to Gateway. Notwithstanding, an assessment is made against the omitted Section 117 Directions and the Rural Lands SEPP below:

Direction 3.1 Residential Zones – The Ministerial Direction applies when a planning proposal affects lands within an existing or proposed residential zone and any other zone in which residential development is permitted or proposed to be permitted. While the planning proposal does not address consistency with this direction, it is relevant given the proposal seeks to rezone land to R1 General Residential. While the proposal would encourage a variety and choice of housing types for future needs, this would be done in a way where land is consumed for housing and urban development on the urban fringe rather than making efficient use of existing and strategically planned infrastructure and services. The planning proposal is partly consistent with the objectives of this direction in delivering an increased dwelling house supply, however inconsistent with provisions relating to development on the urban fringe and consideration of existing infrastructure and services.

Direction 3.5 Development Near Licensed Aerodromes – The Ministerial Direction applies when a planning proposal relates to land in the vicinity of a licensed aerodrome. While the planning proposal does not identify nor address this direction, it is relevant given the subject site is near Bathurst Airport and identified as “Airspace Affected Land” on the Obstacle Limitation Surface Map - Sheet OLS_011 under the Bathurst Regional LEP 2014. The subject site is within the 779.5m AHD OLS contour and given the site contours reach 730m AHD at the ridgeline, the planning proposal would need to be referred to the Civil Aviation Safety Authority (CASA) to demonstrate consistency with the direction if it proceeds to Gateway. Relevant consultations could be undertaken if the proposal proceeds.

Direction 1.3 Mining, Petroleum Production and Extractive Industries – The Ministerial Direction applies when a planning proposal would have the effect of prohibiting mining. Given the proposal seeks to rezone land from RU1 Primary Production to R1 General Residential, mining would be prohibited under a residential zone. While the planning proposal does not identify nor address consistency with this direction, consultation with Resource Assessments will be required to demonstrate consistency with this Direction if it proceeds to Gateway.

SEPP (Rural Lands) 2008 – The planning proposal must be consistent with the Rural Planning Principles contained within the SEPP, as the planning proposal seeks to rezone land from a rural zone to a residential zone. The planning proposal is inconsistent with all the Principles of the SEPP and this inconsistency is unjustified at this time, given the strategic merit has not been justified for the departure from an endorsed Strategy.

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

If No, explain :

The inconsistencies with Section 117 Direction 1.2 Rural Zones, 1.5 Rural Lands, 5.1

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Implementation of Regional Strategies and partly 3.1 Residential Zones as well as SEPP (Rural Lands) 2008 are not adequately justified.

These inconsistencies are not supported by an endorsed Strategy and are not considered of minor significance. Conversely, the planning proposal seeks departures from the Strategy's vision for Bathurst's urban release areas and its rural interface at the easternmost gateway. The inconsistencies cannot be adequately resolved through conditions of a Gateway determination, nor deferred to the future Development Application stage.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate indicative mapping has been provided, identifying the subject site on the existing Bathurst Regional Local Environmental Plan 2014 Land Zoning Map Sheet 011F, labelled as "R1" hashed and outlined in red. A separate "Constraints Map" has been provided indicating areas that would be reserved as an "open space buffer", "road buffer", "riparian buffer" and "rural buffer". No indication is made in the planning proposal whether these indicative buffer areas are proposed to be zoned RE1 Public Recreation or otherwise any other zone. This detail can be provided if the proposal proceeds to Gateway.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal describes that community consultation will occur during an exhibition period of 28 days, of which the community would be notified through a local newspaper and on the Bathurst Regional Council website. It is proposed that adjoining landowners would be notified in writing with a brief description of the planning proposal and details to facilitate lodgement of any submissions. A community consultation and exhibition period of 28 days would be adequate. The planning proposal is not a low impact proposal and is inconsistent with an endorsed Strategy.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Bathurst Regional Local Environmental Plan 2014 was notified on 19.11.2014

Assessment Criteria

Need for planning proposal : The planning proposal is required as it seeks to rezone land from RU1 Primary Production to R1 General Residential at Lot 182 DP 1013217, Sydney Road, Kelso.

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Consistency with strategic planning framework :

The planning proposal to rezone land for residential purposes does not adequately address the inconsistencies with the endorsed Bathurst Regional Urban Strategy (BRUS) 2007 and other supportive documents, including the Bathurst 2036 Community Strategic Plan (CSP) and the Bathurst Vegetation Management Plan (VMP) 2004.

The Strategy identifies and promotes the protection of gateways to Bathurst City, including the eastern approach which is dominated by the south facing slopes of the subject site. The VMP 2004 describes Bathurst's distinct rural identity as being reflected in existing gateways to the city which are characterised by its valley setting, surrounding rural landscapes and visible green hills. The planning proposal undermines the objectives of an endorsed land use strategy and Council's supporting strategic frameworks.

While a 2001 Housing Strategy identified part of the subject site up to the 708m AHD contour as being an option for future residential use, Council's more recent strategic planning investigations did not recommend the site as being suitable for urban expansion. Council's current endorsed strategy, the Bathurst Regional Urban Strategy 2007, does not identify the subject land for future urban development or any residential expansion. The planning proposal states that submissions were made to Council in support of including the subject site for future urban release as residential zoned land, in the ensuing period leading up to the making of Bathurst Regional Local Environmental Plan 2014. However, the subject site has not been endorsed by Council or the Department for future residential purposes.

Further at the broader regional level, the draft Central West and Orana Regional Plan applies to the subject site and Bathurst LGA. Among its many goals and directions that aim to manage growth, the draft Regional Plan includes mapping that identifies strategically endorsed urban release areas in regional centres. Under Goal 4, Direction 4.1, Figure 18 of the draft Plan, Bathurst Regional City is depicted with the subject site clearly identified as a "Non-Urban Area", at the interface with the existing urban area and the Kelso "Urban Release Area".

The planning proposal is inconsistent with the strategic vision for Bathurst Regional City, as iterated through Council's endorsed Strategy and in the draft Central West and Orana Regional Plan. Such departures undermine strategic thinking and the regional planning process for Bathurst and the broader Western NSW region.

Environmental social economic impacts :

Environmental Impacts

The planning proposal is considered to have potential environmental impacts in the locality, as it seeks to expand urban residential development over rural land at the fringes of Bathurst City. The subject site is identified as part of the eastern gateway to the city, and its rural zoning maintains the desired rural character of the gateway, as intended in the endorsed Strategy. The site is also identified as Class 2 and 3 agricultural land, and the incremental loss of such rural lands is a further concern. The current urban-rural interface at the ridgeline on the northern edge of the subject property is a strategically considered zone boundary for urban residential land release.

Social Impacts

The Bathurst 2036 Community Strategic Plan (CSP) describes the community's emphasis on the entrances to Bathurst as being of great significance. The retention of rural vistas and the protection of the City's gateways are particularly emphasised. Development of the subject site for urban residential purposes would be contrary to the objectives of the Bathurst 2036 CSP.

Economic Impacts

It is recognised that the planning proposal would encourage a greater variety and choice of dwelling house supply for future needs, however this would be done in a way where land is consumed for housing and urban development on the urban fringe rather than making efficient use of existing and strategically planned infrastructure and services. The rezoning would have positive financial impacts for the proponent, however would undermine an endorsed Strategy and be inconsistent with the objectives of the Bathurst

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2036 Community Strategic Plan.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)
:

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

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **The planning proposal that seeks to rezone land from RU1 Primary Production to R1 General Residential under the Bathurst Regional Local Environmental Plan 2014 is not adequately justified in departing from an endorsed Strategy. The proposal has not justified strategic merit, undermines the planned future urban expansion of the city and relies on resolving outstanding issues at post-Gateway determination. The Department considers the issues in question cannot be adequately mitigated through conditions of a Gateway determination, nor deferred to the Development Application stage.**

It is therefore recommended the Minister's delegate issue a Gateway determination to refuse the planning proposal.

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal (Sydney Road - PP FINAL) 22.07.15.pdf	Proposal	Yes
Additional information April 2016.pdf	Proposal	Yes
Annexure 1 - Proposed Zone Boundary Change.pdf	Map	Yes
Annexure 2 - Planning Gateway Process.pdf	Proposal	Yes
Constraints Plan (Revised) 11.04.16.pdf	Map	Yes
Council Report and Minute.pdf	Proposal	Yes
Council Attachment 1_S_DEPBS_6_1.pdf	Proposal	Yes
Council Attachment 2_S_DEPBS_6_2.pdf	Proposal	Yes
Council Attachment 3_S_DEPBS_6_3.pdf	Proposal	Yes
Council Attachment 4_S_DEPBS_6_4.pdf	Proposal	Yes

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Council Attachment 5 S_DEPBS_6_5.pdf	Proposal	Yes
Council Attachment 6 S_DEPBS_6_6.pdf	Proposal	Yes
Part 6 Project timeframe.docx	Proposal	Yes
Correspondence received from Council dated 27 May 2016.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.5 Development Near Licensed Aerodromes
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : The planning proposal 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 (BRUS) 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 of 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.

Supporting Reasons : The proposal adjoins the Kelso urban residential release area, however having thoroughly assessed the planning proposal it is recommended the Minister's delegate issue a Gateway determination to refuse the planning proposal from proceeding for the following reasons:

The planning proposal has not been strategically justified and is inconsistent with the endorsed Bathurst Region Urban Strategy 2007. The endorsed Strategy provides for ample residential land stocks that can yield dwellings over the next 20 years.

The planning proposal seeks to expand urban residential development on land that is in a prominent south sloping setting with a dominant ridgeline at the eastern gateway to Bathurst City. The subject site has been identified to characterise the rural identity of Bathurst as a gateway that clearly and logically distinguishes the urban-rural interface. It is considered good planning practice to avoid unplanned urban expansion in such topographies and the site should be retained as a rural zone.

The draft Central West and Orana Regional Plan depicts the subject site as a non-urban area in mapping contained within the draft Plan. The planning proposal presents a departure from strategically considered planning and undermines the regional planning process for Bathurst and the broader Central West region.

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The proposal has not justified strategic merit, undermines the planned future urban expansion of the city and relies on resolving outstanding issues at post-Gateway determination. The Department considers these issues cannot be adequately mitigated through conditions of a Gateway determination, nor deferred to the Development Application stage.

Signature:

Deniz

Printed Name:

Deniz Kilib

Date:

13/7/16

Endorsed
W. Hamsey
A.R.D.W. 13/7/16