



IRF21/3619

Gateway determination report – PP-2021-5200

Amendment of Bathurst LEP 2014 - various zones, lot sizes, development standards and relevant mapping for Laffing Waters Urban Release Area, Bathurst. .

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Table: Reports and plans supporting the proposal

Relevant reports and plans
Report- Planning Proposal for Laffing Waters prepared by Council
Report- Laffing Waters Masterplan prepared by Tract Consultants dated April 2019
Plans- Biodiversity Constraints Assessment dated prepared by Eco Logical dated 20 November 2018
Council minutes- dated 15/5/2019

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table: Planning proposal details

LGA	Bathurst
PPA	Bathurst Regional Council
NAME	Amendment of various development standard and relevant mapping for Laffing Waters Urban Release Area in order to reconfigure the neighbourhood as per Laffing Waters Masterplan; and to seek re-certification of Laffing Waters and Kelso Urban Release area to reflect the proposed amendments.
NUMBER	PP-2021- 5200
LEP TO BE AMENDED	Bathurst Regional Local Environmental Plan 2014
ADDRESS	Laffing Waters Urban Release Area- detailed at section 1.2 of this report
DESCRIPTION	As per section 1.2 of this report
RECEIVED	20/08/2021
FILE NO.	IRF21/3619
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

Page 6 of the planning proposal report contains objectives and intended outcomes that adequately explain the intent of the proposal. Council developed a Masterplan for Laffing Waters Growth Precinct. The planning proposal (proposal) intends to implement recommendations and outcomes of the Masterplan. Proposed changes relate to:

- Re-certification of Laffing Waters and Kelso Urban Release Area.
- Relocation, reconfiguration and enlargement of the Laffing Waters Neighbourhood Activity Centre and provide appropriate development control for the whole Laffing waters area. The amendments will also include defining drainage land, school site an additional public recreation land. Controls to be amended include zone, floor space ratio, height of building etc.
- Introduction of new R3 Medium density zone, SP2 Infrastructure - Drainage Land, SP2 Infrastructure - Education in the land use table.
- Introduction of Lot Frontage and Earthworks provisions.
- Amend relevant mapping and update other unrelated mapping where legend and labels are required to be updated as a result of this proposal.
- Amendment to Schedule 2 Exempt Development and Schedule 3 Complying Development of the Bathurst Regional LEP 2014(BRLEP) to give effect to the R3 Medium Density Zone.

The objectives of this planning proposal are clear and adequate.

1.2 Site description and surrounding area

Laffing Waters Estate is located approximately 4km north east of Bathurst. Laffing Waters comprises approximately 360 hectares of land and has access through unsealed Sofala Road to the west, and unsealed Laffing Waters Lane to the south east. The majority of the site is characterised by a 5-10% slope, with some pockets of 10-15% slope, falling from the north east to south west. The subject sites consist of mostly cleared open grassland. Other than south west of the site, all land surrounding the subject area is predominantly rural land.

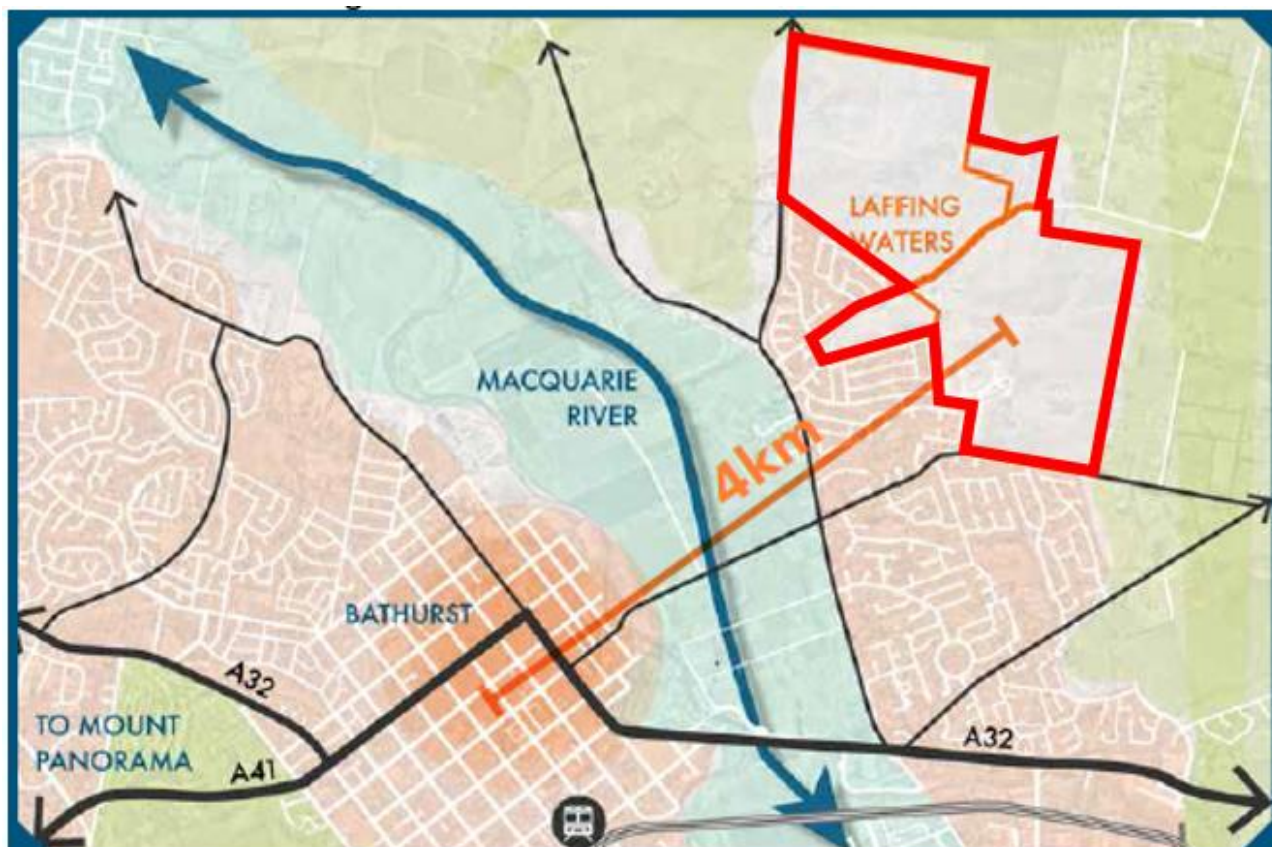


Figure: Laffing Waters URA and surrounds (source: Laffing Waters Masterplan, 2019)

1.3 Explanation of provisions

The planning proposal seeks to amend the Bathurst Regional LEP 2014 per the changes below:

1. New Land Zone- R3 Medium Density Residential

The planning proposal (proposal) intends to increase residential density close to the proposed Neighbourhood Activity Centre (NAC) while reducing the density going further away from the centre. In order to achieve higher density in the desirable built form, Council is proposing to introduce R3 zone to the land use tables for the BRLEP. The land use table will be developed post exhibition and subject to legal and Parliamentary Council Office drafting. A draft land use table will be required for community consultation.

2. Minimum Lot Frontage Clause

Page 14 of the Council report adequately explains the intention of the new clause 4.1D and page 33 contains the proposed draft clause. This amendment will also require inclusion of mapping overlay to relevant maps. See 6d below for the overlay. In this regard, the

discussion for lot size map refers to incorrect clause and Council will be required to correct details prior to public exhibition.

3. Earthworks Model Clause

Page 14 of the Council report adequately explains the intention of the proposed new clause 7.15 and page 34 contains the proposed clause.

4. Exempt and Complying Development (Schedule 2 & 3)

Pages 14, 15, 16 of the Council report adequately explains the intention of the amendments that are sought by Council to relevant provision under Schedule 2 and 3 of the BRLEP. The proposed amendments will be finalised post exhibition and during the drafting stage with legal and PCO.

5. Urban Release Area (URA)

The proposal intends to amend the URA maps to reflect the proposed residential and business zoning. DPIE issued URA satisfactory arrangements certification for Laffing Waters and Kelso on 7 July 2020. Council is seeking recertification of both areas as this proposal introduces an additional zone and increases the living density for a significant portion of the URA. URA mapping will also proposed be updated under this proposal.

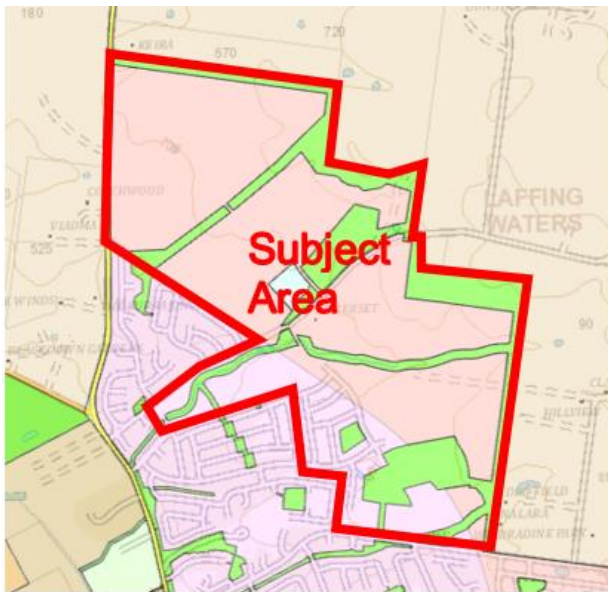
The Department will commence the relevant agency consultation to seek satisfactory arrangement certification for designated State infrastructure as required under clause 6.1 of the Bathurst LEP 2014 for the change to the Urban Release Area.

6. Mapping Amendment

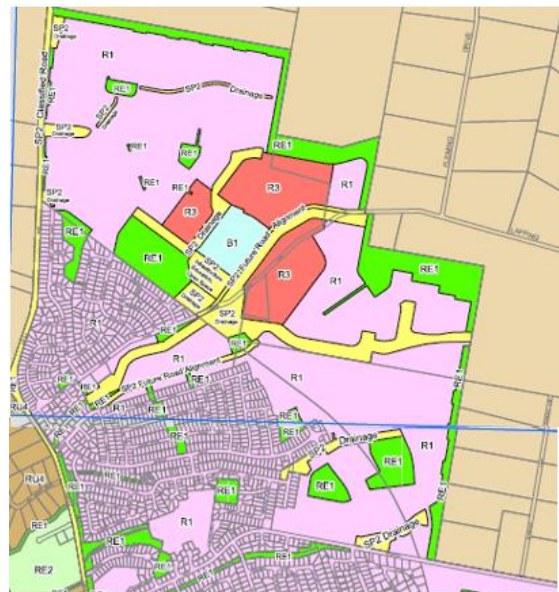
Adequate explanations for all the proposed mapping amendments can be located at pages 9 -13 of the Council report and all proposed mapping can be located under Appendix 5 of the report. The proposed maps compared to existing map are provided below.

a. Land Zone

The proposal intends to redistribute the land in the URA for newly introduced R3 Medium Density Residential, R1 General Residential, redefined B1 Neighbourhood Centre land, RE1 Public Recreation (including new recreation areas) and SP2 Infrastructure land for drainage and a School site.



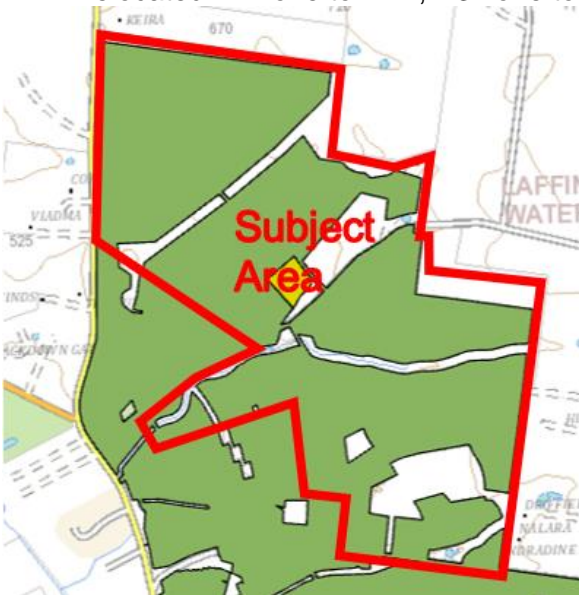
Current Map (source: ePlanning Spatial Services, 2021)



Proposed amendments (source: Council report, 2021)

b. Height of Building (HOB)

All R1 land in the subject area has a HOB of 9m. The proposal intends to amend HOB for relocated B1 zone to 14m, R3 zone to 12m and the all SP2 land to have no HOB.



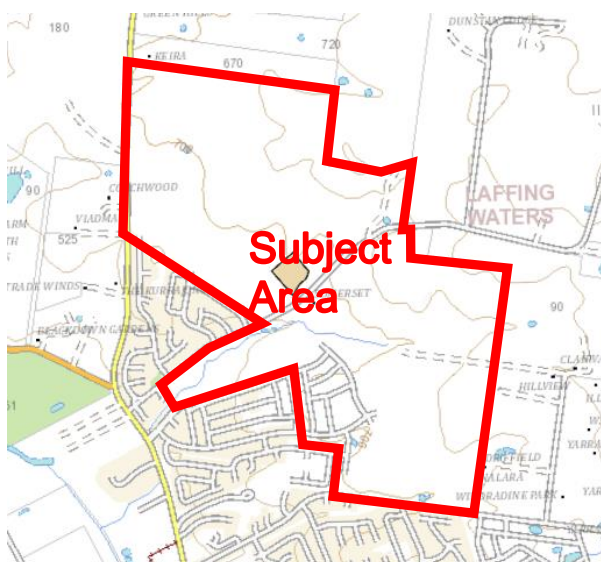
Current Map (source: ePlanning Spatial Services, 2021)



Proposed amendments (source: Council report, 2021)

c. Floor Space Ratio (FSR)

Currently, only the B1 land has a FSR of 1:1. The proposal seeks to redefine the B1 land and amend the FSR to 2:1. In this regard, the proposed mapping is incorrect for this amendment and will need to be corrected prior to exhibition.



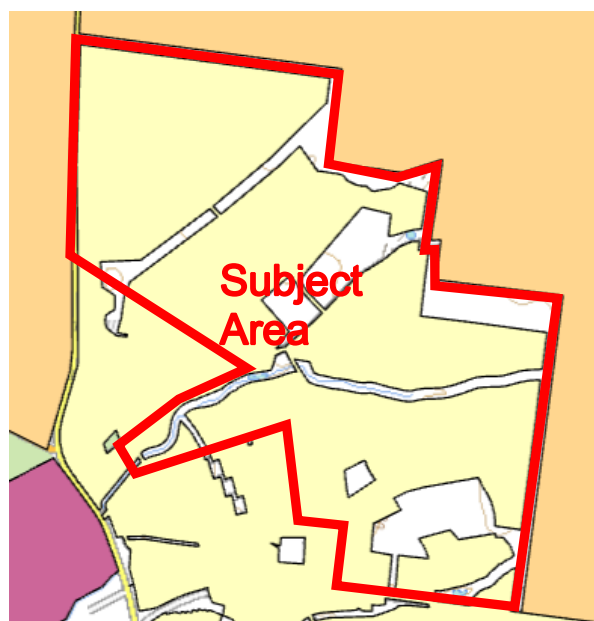
Current Map (source: ePlanning Spatial Services, 2021)



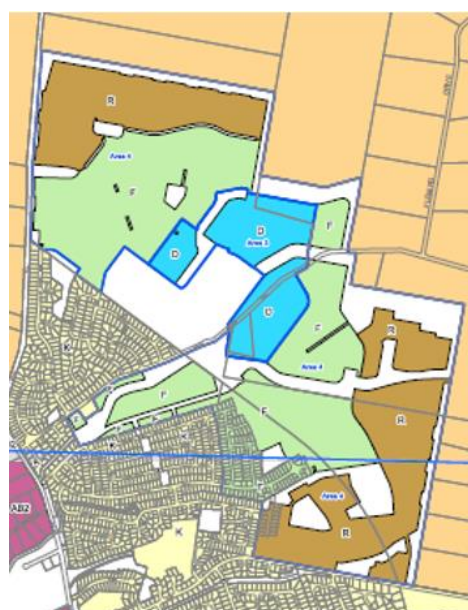
Proposed amendments with correct boundary, but incorrect FSR (source: Council report, 2021)

d. Lot Size Map (LSZ)

The subject area has a lot size of 550m² for all R1 land. The proposal intends to amend lot size for the B1, RE1 and SP2 land to have no lot size and the R3 land to have 325m². The R1 land will have two different lot sizes. The land closer to the R3 land will have a reduced lot size of 435m² and land located on the fringe will have an increased lot size of 650m². This regard, the LEP maps are inconsistent with the recommendation for the report and will need to be corrected prior to exhibition.



Current Map (source: ePlanning Spatial Services, 2021)

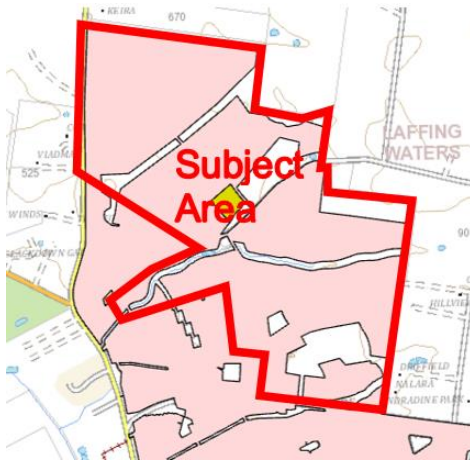


Proposed amendments with correct boundary, but incorrect lot size (source: Council report, 2021)

e. Minimum Lot Size—Dual Occupancy Map (LSD)

The proposal intends to amend mapping for the redefined B1 land, however, has not suggested any LSD under the report. The proposed mapping indicates that the B1 land is to have LSD of 600m². The proposal also intends to have no LSD controls for the R3 land,

870m² provision for R1 land closer to the centre and 1600m² LSD for R1 land located on the fringe. Additionally, LSD 11A, 11B, 11C and 12AA maps will need to be replaced as the legend and labelling for these maps are to be updated. Council will also need to amend the council report to indicate the intentions for B1 land.

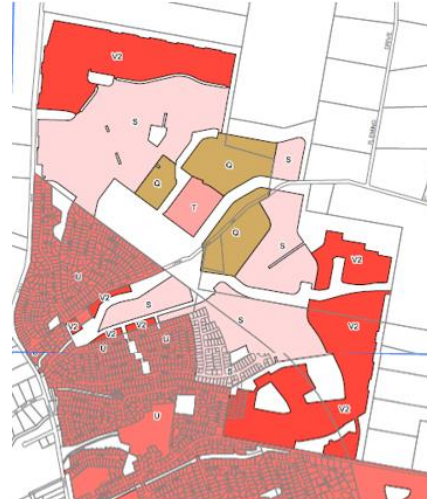
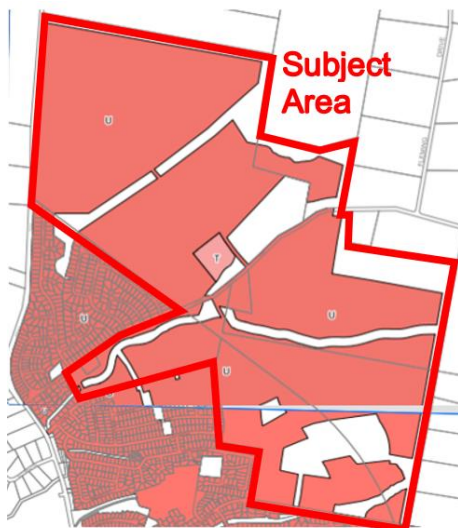


Current Map (source: ePlanning Spatial Services, 2021)

Proposed *amendments* (source: Council report, 2021)

f. Minimum Lot Size—Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map (LSM)

The proposal intends to amend LSM provisions for B1 land (not mentioned in the report but in the proposed mapping) to 900m², R3 land to 700m², R1 land closer to centre to have LSM of 870m² and R1 land on the fringe to have LSM of 2300m². Additionally, LSZ 11A, 11B, 11C and 12AA maps will need to be replaced as the legend and labelling for these maps are updated. Council will also need to amend council report to indicate intention for B1 land.

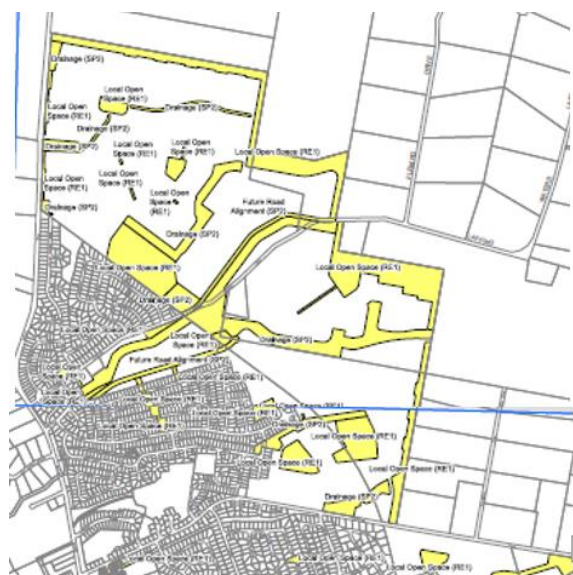
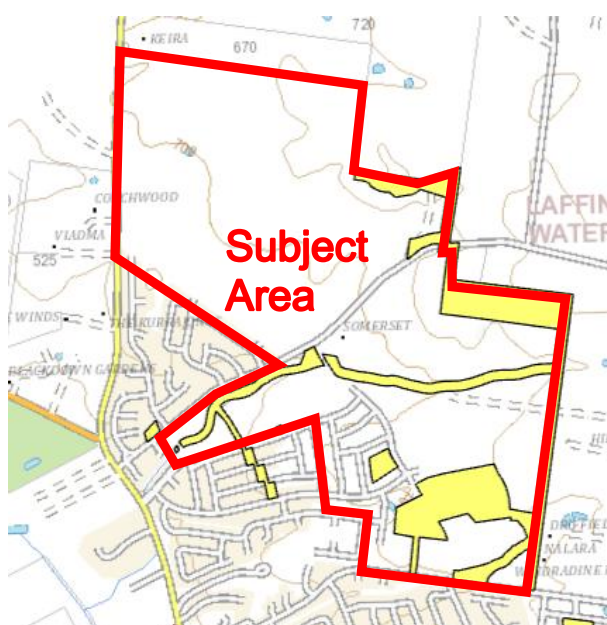


Current Map (source: ePlanning Spatial Services, 2021)

Proposed *amendments* (source: Council report, 2021)

g. Land Acquisition Reservation (LAR)

The proposal intends to amend LAR mapping for both SP2 zones and RE1 in the subject area.



Current Map (source: ePlanning Spatial Services, 2021)

Proposed amendments (source: Council report, 2021)

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the Land zone, Minimum lot size, Minimum Lot Size— Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map, Minimum Lot Size—Dual Occupancy, Land Reservation Acquisition, Height of Buildings and Floor Space Ratio maps, which are required to be updated prior to community consultation.

The following Maps are to be amended by this proposal:

Floor Space Ratio Map

FSR 011E

Height of Buildings Map

HOB 011E

HOB 011F

Land Reservation Acquisition Map

LRA 011E

LRA 011F

Minimum Lot Size—Dual Occupancy Map

LSD 011A

LSD 011B

LSD 011C

LSD 011E

LSD_011E
LSD_011F

LSD_012AA

Minimum Lot Size— Manor Houses, Multi Dwelling Housing and Residential Flat Buildings
Map

LSM 011A

LSM 011B

LSM 011C

LSM 011E

LSM 011F

LSM_012AA

Lot Size Map

LSZ_011E

LSZ_011F

Land Zone Map

LZN_011E

LZN_011F

Urban Release Area Map

URA_011E

URA_011F

2 Need for the planning proposal

The planning proposal is required to achieve intended outcomes for Laffing Water Urban Release Area as per recommendations under Laffing Waters Master Plan Report 2020 (LWMR). The Masterplan also provides for neighbourhood activity centre and medium density precinct in proximity to the neighbourhood centre. The proposed amendments will provide additional variety of housing in Bathurst region and give effect to Bathurst 2036 Housing Strategy by utilising existing urban land. Overall, the planning proposal gives effect to appropriate precinct planning guidelines and clear direction for development whilst increasing residential development density and variety within the Laffing Waters Urban release area. The Council proposed methods achieve the outcomes with correct development control and mechanisms to streamline development assessment process without impacting other lands throughout Bathurst LGA.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2036.

Table Regional Plan assessment

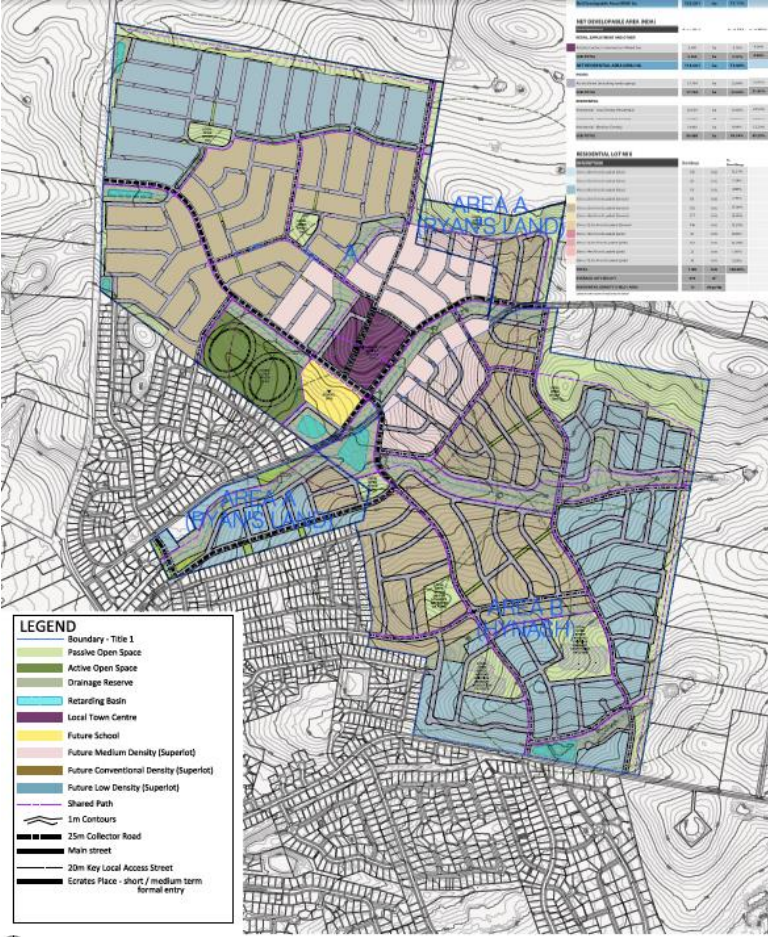
Regional Plan Objectives	Justification
Central West and Orana Regional Plan (CWORP) 2036	<p>The proposal for Laffing Waters will provide appropriate controls for housing and facilitate additional housing opportunities in Bathurst LGA. Laffing Waters and Kelso are identified Urban Release area for Bathurst and the proposed amendments will enable strategic development of the URA and provide certainty with infrastructure investment. The proposed amendments also seek to define residential density by considering proximity to neighbourhood centre and provide appropriate opportunities for recreational land. The newly master planned residential area will also adhere to current urban design principles.</p> <p>Overall, the proposal complies with the following directions of the CWORP 2036:</p> <ul style="list-style-type: none"> • Direction 21: Coordinate utility infrastructure investment • Direction 25: Increase housing diversity & choice. • Direction 29: Deliver healthy built environments and better urban design

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table: Local strategic planning assessment

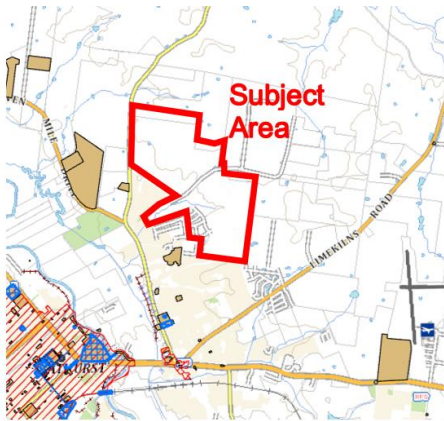
Local Strategies	Justification
Bathurst Regional Local Strategic Planning Statement	<p>The Planning Proposal intends to implement amendments provide development of Urban release area by using place-based approach where connections to the existing and future communities are considered and maintained. The subject area is also planned to provide a 50m wide green buffer between urban and rural uses.</p> <p>Currently, Bathurst's dwelling density is 7.5 dwellings per ha, where in Laffing Waters, 10 dwelling per ha is achieved with the Masterplan. This will enable efficient utilisation of proposed infrastructure, development of sustainable high-performance building while reducing the need for urban sprawl. In order to provide higher density development, this proposal will include a new land zone (R3 Medium Density Residential) which can be utilised for future in-fill proposals. The proposal will also provide minimum level of community parks and sporting opportunity for Laffing Waters.</p> <p>Overall, the proposal is consistent with Council's Local Strategic Planning Statement by giving effect to the following priorities:</p> <ul style="list-style-type: none"> • Planning Priority 4: Maintain a thriving local business and retail economy • Planning Priority 13: Protect primary production land • Planning Priority 14: Create a sustainable Bathurst Region • Planning Priority 16: Provide new homes • Planning Priority 18: Deliver public spaces and recreation
Bathurst 2036 Housing Strategy	<p>Bathurst 2036 Housing strategy identifies requirements to plan for and enable significant change and growth within close proximity to the future Laffing Waters Neighbourhood Activity Centre. The proposal will implement changes which will give effect to the actions recommended for Laffing Waters precinct under the strategy.</p>

Local Strategies	Justification
Laffing Waters Master Plan (LWMP)	<p>The Masterplan was adopted by Council on 15 May 2021 and provides recommendations for the development control for Laffing Waters. This proposal implements all amendments proposed under the Masterplan and gives a clear direction for future development in this release area.</p>  <p>Figure: proposed uses and dwelling density at Laffing Waters (Source: LWMP, 2019)</p>
Bathurst 2040 Open Space Strategy	<p>According to Bathurst 2040 Open Space Strategy, future land development needs to deliver a minimum level of supply of open space as below:</p> <ul style="list-style-type: none"> • 3 hectares per 1,000 residents for community parks, i.e. formal parkland settings • providing non-organised outdoor recreation at local and destination levels. • 1.5 hectares per 1,000 residents for formal sporting and organised public recreation activity. • a community park opportunity within 400-500 metres safe walking distance in urban areas. • access to a large destination recreation park and/or sporting opportunity within 10-20 minutes via car. <p>The proposal will give effect to all above open space principals as per the strategy.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table: 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Consistent	The proposal increases the existing business zoned land and places a neighbourhood centre in a suitable central location with respect to the surroundings. The neighbourhood centre will be able to service and be supported by the surrounding residential land. The proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	Inconsistent but justified	This direction applies and the proposal is inconsistent as resource recovery is being restricted. The mineral resources map for Bathurst does not identify the subject area to be identified, potential or transition resource area. Agriculture is permissible in the R1 General residential zone under BRLEP 2014, however, the proposed B1 Neighbourhood centre zone and R3 medium density zone will restrict mining activities for the relevant land. Considering Laffing Water URA is strategically identified and zoned for urban purposes under Council's housing strategy, the inconsistency with the direction for the business and medium density residential zoned land is considered to be of minor significance and not further work is required.
2.1 Environment Protection Zones	Consistent	The LWMP undertook an ecological assessment and as recommended to locate all major vegetation on the RE1 zoned land. The proposal does not reduce any previous environmental protection standards that apply to the land. The proposal is deemed to be consistent with this direction.
2.3 Heritage Conservation	Consistent	<p>Laffing Waters URA is located near some heritage significant items although does not have any heritage significant item within the subject area. The BRLEP 20014 contains adequate controls for consideration of development impacting local heritage and can be assessed accordingly during development application stage if required. The proposal does not change the existing heritage considerations and provisions. The proposal is deemed to be consistent with this direction.</p>  <p>Figure: Heritage items near Laffing Waters (Source: ePlanning Spatial Mapping, 2021)</p>

2.6 Remediation of Contaminated Land	Consistent	The Laffing Waters URA is already zoned urban land and Council advise no historical contamination is known to be present on the site. In this regard, the proposal is consistent with this direction.
3.1 Residential Zones	Consistent	The proposal includes a broader choice of building types and locations available in the housing market, makes more efficient use of proposed infrastructure and services by increasing density, and provides an additional 2270 dwellings in Bathurst which will be of good urban design and appropriate sustainable building standard. The proposal is consistent with direction.
3.4 Integrating Land Use and Transport	Consistent	The proposal locates higher density development near the neighbourhood centre, school and public recreation land, thus reducing travel demand by the distances travelled. The proposal is deemed consistent with this direction.
3.5 Development Near Regulated Airports and Defence Airfields	Consistent	Bathurst Regional Airport is a regulated airport is nearby, operated by Bathurst Regional Council and the planning proposal offers assessment against the height of buildings and noise impacts by Airport. Council has proposed to consult CASA for the proposed use near the Airport. In this regard, the proposal is deemed consistent with this direction.
5.10 Implementation of Regional Plans	Consistent	See section 3.1 as above. The proposal is deemed consistent with this direction.
6.2 Reserving land for Public Purposes	Consistent	The planning proposal creates reserved land for public purposes. The proposed uses and areas are supported by Council's Housing Strategy, Open Space Strategy and Masterplan for the URA. The proposed provisions that are consistent with the terms of this direction and have been justified to allow the Delegate of the Secretary to approve the proposed changes. No further work is required.

3.4 State environmental planning policies (SEPPs)

Table: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP (Koala Habitat Protection) 2021	Consideration must be given to development near any potential Koala Habitat.	The ecological assessment completed for the LWMP did not identify any Koala habitat at Laffing Waters. In addition, majority of the trees are to be retained in the existing and proposed RE1 land. Council will further investigate at the development assessment stage.	Yes.
SEPP (Infrastructure) 2007	To facilitate the effective delivery of infrastructure across the State	Council may utilise provision of this SEPP to provide infrastructures throughout Laffing Waters.	Yes

SEPP No 65 –
Design Quality of
Residential Flat
Development

Improve the design quality
of residential apartment
development in New South
Wales

Council will consider this SEPP for
relevant development of residential flat
building in Laffing Waters.

To be
considered
during
development
assessment.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table: Environmental impact assessment

Environmental Impact	Assessment
Bushfire	The Laffing Water area is not identified as a bushfire prone area.
Flood prone land	The Laffing Water area is not identified as a flood prone area.
Noise impact	The impact from the related airport use and commercial activity will be considered during the development assessment stage. Consideration of the development will require suitable design solutions and use of appropriate materials during for the construction.
Heritage	As discussed under section 3.3 (Direction 2.3) of this report. There are no changes to the current heritage requirements or provisions.
Drinking Water Catchment	Laffing Waters in not located in the drinking water catchment for Bathurst.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table: Social and economic impact assessment

Social and Economic Impact	Assessment
Housing Diversity and Availability	The proposal will facilitate additional variety of dwellings in the Bathurst. The additional dwellings will also help reduce demand for housing and contribute to increasing housing choice and affordability in Bathurst.
Employment	The additional dwellings will increase short-term construction jobs in Bathurst. Furthermore, the additional dwellings/population will increase demands for local services which may result in additional long-term jobs in the area, as well as existing businesses and services in Bathurst.

Public Domain and
Access to Services

The proposal will facilitate new public domains with improved infrastructure as well as services. The additional dwellings, some of which can be intended for social housing (Housing for Seniors or People with a Disability) which are also located in proximity to neighbourhood centre and services.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 1 Infrastructure assessment

Infrastructure	Assessment
Infrastructure	The additional dwellings and commercial development will be serviced by proposed new urban infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate , and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Civil Aviation Safety Authority for impacts near the airport
- NSW Department of Education
- Transport for NSW

It is noted that Council intends to consult with an extensive range of stakeholders as part of the community consultation process and there is no objection to this.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council is a significant landowner (Lot 231 DP 1177478) and as such it is recommended that the functions as a Local Plan-Making authority not be issued to Council in this case.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will provide additional dwelling options to meet housing needs in Bathurst ;
- The proposal will encourage a variety and choice of housing type in Bathurst.
- The proposal will provide a neighbourhood service centre which will contain additional commercial and retail premises to cater for the needs of the neighbourhood.
- The proposal will enable provision of improved public domain.
- The proposal will contribute to utilisation of proposed infrastructure and services; and
- Council already has undertaken master planning for this area and consistent with strategic planning for this area.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Ensure all proposed mapping is consistent with the recommended amendments
- Include recommended provision of B1 zone for Minimum Lot Size—Dual Occupancy Map and Minimum Lot Size—Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map (LSM)
- Correct clause reference for lot size map on page 10,

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction - 1.3 Mining, Petroleum Production and Extractive Industries is of minor significance and no further work is required.
- Under section 9.1 Direction – 6.2 Reserving land for Public Purposes- the delegate of the Secretary approves the changes to the public open space as proposed.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Ensure mapping are consistent with recommendation
 - Include Missing descriptions
 - Correct incorrect references
2. Consultation is required with the following public authorities:
 - Civil Aviation Safety Authority (CASA) for impact of the operation of the Bathurst Airport
 - NSW Department of Education
 - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. LEP mapping required to technical standards prior to finalisation

6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal and Council being a landowner, Council should not be authorised to be the local plan-making authority.



_____ (Signature)

17 September 2021

Wayne Garnsey,
Acting Director, Western Region



_____ (Signature)

17 September 2021

Assessment officer

Oyshee Iqbal
Planning Officer, Western Region
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