



IRF 22/2361

## Gateway determination report – PP-2022-2417

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Insert 42 new items and amend 3 existing items to  
Schedule 5 Environmental Heritage of Bathurst  
Regional LEP 2014

July 22

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal – Bathurst Regional Council – July 2022
Council Report – Ordinary Meeting – 21 July 2021
Draft Mapping – July 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Bathurst Regional</b>
<b>PPA</b>	<b>Bathurst Regional Council</b>
<b>NAME</b>	<b>Insert 42 new items to Schedule 5 Environmental Heritage</b>
<b>NUMBER</b>	<b>PP-2022-2417</b>
<b>LEP TO BE AMENDED</b>	<b>Bathurst Regional LEP 2014</b>
<b>ADDRESS</b>	<b>Multiple lots in Bathurst LGA</b>
<b>RECEIVED</b>	<b>5/07/2022</b>
<b>FILE NO.</b>	<b>IRF22/2361</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>
<b>DWELLINGS/JOBS</b>	<b>0/0</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Include the listing of 42 new heritage items.
- Update three (3) existing heritage items

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Bathurst Regional LEP 2014 (BRLEP 2014) by:

- Amending the significance and item name of three (3) existing listed heritage items in Part 1 Schedule 5 of the Bathurst LEP 2014 (no mapping amendments); and
- Including an additional 42 new heritage items, including mapping amendments.

There are no amendments to any other development standards in the BRLEP 2014.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The proposal is applicable to 46 sites across the Bathurst Regional LGA, as identified in the table below:

**Table 3 Subject sites**

Suburb	Item Name	Address	Property Description	Significance	Proposed item no.
Bathurst	Milltown Public School (Former)	28-34 Bant Street	Lot 2 DP 846171	Local	360
Bathurst	St Barnabas' Rectory	14 Brilliant Street	Lots 1 & 2 DP 1529	Local	361
Bathurst	Mount View	183 Brilliant Street	Lot 1 DP 783589	Local	362
Bathurst	Georgian Workers Terrace	93 Durham Street	Lot 4 DP 38448	Local	363
Bathurst	Georgian Workers Terrace	95 Durham Street	Lot 5 DP 38448	Local	363
Bathurst	Georgian Workers Terrace	97 Durham Street	Lot 6 DP 38448	Local	363
Bathurst	Georgian Residence	99 Durham Street	Pt Lot A DP 157508	Local	364
Bathurst	Commercial Hotel	135 George Street	Lot 49 DP 576271	Local	365
Bathurst	Messener House	137 George Street	Lot 38 DP 583235	Local	366
Bathurst	Attached Residence	142 George Street	Lot 31 DP 609720,	Local	367
Bathurst	Attached Residence	144 George Street	Lot 32 DP 609720	Local	367
Bathurst	Healy's General Store (Former)	153A Havannah Street	Lot A DP 400029	Local	368
Bathurst	Victorian Residence	169 Havannah Street	Lot 1 DP 608393	Local	369
Bathurst	Victorian Terrace	16 Henry Street	DP 7 DP 137306	Local	370
Bathurst	Victorian Terrace	18 Henry Street	Lot 8 DP 1044629	Local	370
Bathurst	Matron's Cottage (Former)	170 Howick Street	Lot 1 DP 995899	Local	371
Bathurst	Residence	296 Howick Street	Lot H DP 160199	Local	372
Bathurst	Clonlara	15 Keppel Street	Lot 15 DP 1104819	Local	373
Bathurst	Tattersalls Hotel	35 Keppel Street	Lot A & Lot C DP 389305	Local	374
Bathurst	Attached Residence	17 Morrisset Street	Lot 1 DP 998834	Local	375
Bathurst	Attached Residence	19 Morrisset Street	Lot 1 DP 197194	Local	375
Bathurst	Early Victorian Residence	79 Piper Street	Lot 13 DP 1131977	Local	376
Bathurst	Corner Shop and Residence	22 Rankin Street	Lot 2 DP 151309	Local	377
Bathurst	Terrace Residences	24 Rankin Street	Lot 1 DP 779715	Local	378
Bathurst	Terrace Residences	26 Rankin Street	Lot 201 DP 999686	Local	378
Bathurst	Terrace Residences	28 Rankin Street	Lot 1 DP 745802	Local	378

<b>Bathurst</b>	Corner Shop and Residence	140 Rankin Street	Lot 2 DP 572760	Local	379
<b>Bathurst</b>	Werona	62 Rocket Street	Lot 1 DP 874356	Local	380
<b>Bathurst</b>	Attached Residence	102 Russell Street	Lot 1 DP 223116	Local	381
<b>Bathurst</b>	Attached Residence	104 Russell Street	Lot 1 DP 801256	Local	381
<b>Bathurst</b>	Fintona	163 Russell Street	Lot 1 DP 569954	Local	382
<b>Bathurst</b>	Victorian Cottage	58 Seymour Street	Lot 1 DP 194227	Local	383
<b>Bathurst</b>	Attached Residence	144 Seymour Street	Lot 1 DP 104333	Local	384
<b>Bathurst</b>	Attached Residence	146 Seymour Street	Lot 1 DP 104334	Local	384
<b>Bathurst</b>	Victorian Cottage	168 Seymour Street	Lot 10 DP 1199565	Local	385
<b>Bathurst</b>	Commercial Building	124 William Street	Lot 15 DP 1085466	Local	386
<b>Kelso</b>	Cambewarra	7 Cambewarra Court	Lot 2 DP 625060	Local	387
<b>Kelso</b>	King William Inn (Former)	5-7 Lee Street	Lot 101 DP 1204847	Local	388
<b>Kelso</b>	Kelso Police Station and Lockup (former)	72 Sydney Road	Lot 8 DP 1186691	Local	389
<b>Kelso</b>	Victorian Cottage	126 Sydney Road	Lot 25 DP 1186691	Local	390
<b>Mount Rankin</b>	Osborne	257 Freemantle Road	Lot 7 DP 255509	Local	391
<b>Perthville</b>	Wardell	1080 Trunkey Road	Pt Lot 3 DP 1039707	Local	392
<b>Raglan</b>	St James Anglican Church	44 Christie Street	Lot 11 DP 1232495	Local	393
<b>Raglan</b>	Raglan Hall (And Former School)	58 Christie Street	Lot 193 DP 821845	Local	394
<b>Raglan</b>	Residence	14 Melrose Avenue	Lot 82 DP 630970	Local	395
<b>Sofala</b>	Sofala Police Station (Former)	7 Barkley Street	Lots 109, 110 & 111 DP 758908	Local	396
<b>South Bathurst</b>	Attached Residence	12 Busby Street	Lot 1 DP 799511	Local	397
<b>South Bathurst</b>	Federation House	238 Havannah Street, Bathurst	Lot 34 DP 1146172	Local	398
<b>South Bathurst</b>	Federation House	8 Spencer Street	Lot 2 DP 182484	Local	399
<b>Tambaroora</b>	Chinese Pig Oven	Tambaroora Pig Oven	PT Lot 7318 DP 1184639	Local	400
<b>Trunkey Creek</b>	Mulgunnia Station	267 Grove Creek Road	Lot 1 DP 1207285	Local	401
<b>West Bathurst</b>	Former Scout Hall and Department of Works Office	18 Alamein Walk	Pt Lot 39 DP 28260	Local	402

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following heritage maps:

- HER\_003A
- HER\_005C
- HER\_007
- HER\_009B
- HER\_009C
- HER\_011
- HER\_011BA
- HER\_011BB
- HER\_011F
- HER\_012AA

These maps are suitable for community consultation and have been prepared in accordance with the Department's mapping guidelines.

## 1.6 Background

The Bathurst Heritage Plan (2017-2020) includes actions to undertake regular reviews of the BRLEP 2014 of listed items and conservation areas and heritage provisions, as well as implement the recommendations of Council's Bathurst Region Heritage Study (2007).

Council resolved on 21 July 2021 to prepare a planning proposal to include the subject items of heritage significance under the BRLEP 2014.

Council has not consulted with landowners or the community prior to the lodgement of the planning proposal, therefore it is expected that there may be amendments to the items that are proposed to be listed in the schedule following community consultation.

## 2 Need for the planning proposal

Q1. Is the planning proposal a result of a local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is the result of the Bathurst Regional Heritage Study (2007) and the Bathurst Region Heritage Plan 2021-2025, which recommend that Council continue to review and update the heritage schedule as required.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The inclusion of an item or site in the Bathurst Region Heritage Study (2007) or Bathurst Region Heritage Plan 2021-2025 does not provide the item/site with statutory protections for preservation of its significance. A planning proposal is the only means to update Schedule 5 of the BRLEP 2014 and provide the items with the appropriate heritage protection.

## 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.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Goal 2 A stronger, healthier environment and diverse heritage  Action 17.2 – Prepare, review and update heritage studies in consultation with the wider community to recognise and conserve heritage assets and items, and include appropriate local planning controls	The proposal is directly consistent with Action 17.2. Council has undertaken several heritage studies and has plans in place to monitor and update the heritage sites and items in the Bathurst LGA and provide them with appropriate statutory planning protection within Schedule 5 of the BRLEP 2014.

### 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 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	The proposal achieves actions 10.3 and 10.4 of the Vision Bathurst 2040: Local Strategic Planning Statement, in relation to researching, identifying and recording heritage significance of existing and newly identified heritage items and sites within Bathurst.
Bathurst Community Strategic Plan	The proposal achieves Strategy 1.2 – Protect, enhance and promote the regionals non-indigenous assets and character.
Bathurst Region Heritage Plan 2021-2025	The planning proposal has stated that the listing of new items in the heritage schedule achieves action 2.2.1 of the Bathurst Region Heritage Plan 2021-2025. This action is in relation to reviewing and updating the existing items and areas listed in Schedule 5. The proposal has stated that this proposal is not a comprehensive review of the existing schedule, rather, only adding 42 new items to the schedule. In this regard, this action is not applicable to this proposal. There are no actions that relate only to the listing of new items; however, this is not considered to be of significance at this time.
Bathurst Regional Heritage Study 2007	The planning proposal is consistent with the recommendations of the heritage study.



### 3.3 Section 9.1 Ministerial Directions

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

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	The planning proposal is directly consistent with this direction. The proposal aims to provide adequate statutory protection to 42 additional heritage items and sites within the BRLEP 2014, in accordance with a heritage study and strategy.

### 3.4 State environmental planning policies (SEPPs)

There are no SEPPs applicable to heritage conservation.

## 4 Site-specific assessment

### 4.1 Environmental, social and economic

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.

## 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

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Heritage NSW (Department of Planning and Environment)
- Crown Lands (as a landowner of some items)

## 6 Timeframe

Council proposes a 8 month time frame to complete the LEP.

It is also noted that Council has not previously consulted with the landowners of items proposed to be listed in Schedule 5, and therefore additional time may be required to resolved community comments and concerns.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times.

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

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered to be the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- The new local heritage items identified for inclusion in the schedule have been formally identified in a heritage study
- The proposal is consistent with applicable local and regional plans;
- Amending schedule 5 of the LEP is the best mechanism to provide appropriate statutory protection to the sites and items of significance.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed.

Consultation is required with the following public authorities:

- NSW Heritage
  - Crown Lands
1. The planning proposal should be made available for community consultation for a minimum of 28 days
  2. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
  3. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

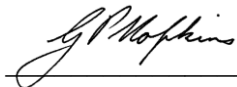
21 July 2022

(Date)

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Noted



(Signature)

22 July 2022

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