

Gateway Determination

Planning proposal (Department Ref: PP-2024-1001): Rezone land at 34 Busby Street (Part Lot 22 DP 1033481) South Bathurst from R1 General Residential to R3 Medium Density Residential, amend the Height of Building and Minimum Lot Size and insert 'food and drink premises' as an Additional Permitted Use.

I, the Acting Director, Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan 2014 to rezone land at 34 Busby Street (Part Lot 22 DP 1033481) South Bathurst from R1 General Residential to R3 Medium Density Residential, amend the Height of Building and Minimum Lot Size and insert food and drink premises as an Additional Permitted Use should proceed subject to the following:

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Include accurate and clear mapping including labels on the current and proposed land zoning, height of building, lot size map, and dual occupancy lot size maps to identify the proposed development standards.
 - (b) Include the intent to amend Schedule 1 to include 'food and drink premises' as an additional permitted use for the site, restricted to a floor area of 150m² for each individual tenancy on the site and to a total maximum floor area of 300m². The proposal should include accurate and clear mapping including labels to identify the site related to the proposed additional permitted use.
 - (c) Include the intent to introduce a clause to consider site-specific Development Control Plan prior to any development consent being granted for work on the site.
2. Prior to public exhibition the following amendments to the supporting documents is required and must be reflected in the planning proposal:
 - (a) A peer review of the Acoustic Impact Assessment, and subsequent amendments to consider the potential noise impacts from existing and possible future activities at Mount Panorama Motor Racing Circuit on the amenity of the proposed 'Busby Street Medium Density Precinct'. Consultation should also occur with the Environmental Protection Authority on this matter.
 - (b) A peer review of the Traffic and Parking Assessment Report, and subsequent amendments to consider traffic demand and impact on the surrounding traffic network resulting from the 'Busby Street Medium Density Precinct'. Consultation should also occur with Transport for NSW on this matter.
 - (c) A Visual Impact Assessment be prepared to consider the 360-degree views to and from the site and potential building envelopes permitted under the proposed height of building controls. This will then need to inform the site-specific DCP.

- (d) An overshadowing analysis be prepared that considers the maximum building envelopes permitted under the proposed height of building controls, and which identifies the mitigation measures to minimise any adverse overshadowing impacts.
 - (e) The Servicing Strategy is amended to consider expected loadings and impacts on local infrastructure.
- 2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- 3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW
 - Heritage NSW
 - Environmental Protection Authority

Consultation is also required with the following organisations


- Essential Energy
- Bathurst Local Aboriginal Land Council
- Wiradjuri Traditional Owners Central West Aboriginal Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 13 September 2025.

Dated 11 September 2024



Chantelle Chow
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Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces