



IRF24/1826

Gateway determination report – 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.

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Attachment A - Planning Proposal - 34 Busby Street, South Bathurst
Attachment B - Council Report
Attachment C – Council Meeting Minutes
Attachment D - Owners Consent
Attachment E - Acoustic Impact Assessment
Attachment F - Conservation Management Plan
Attachment G - Heritage Impact Statement
Attachment H - Place Analysis and Urban Design Report
Attachment I - Services Strategy Report
Attachment J - Social Impact Assessment
Attachment K - Traffic and Parking Assessment Report
Attachment L - Vegetation Management Plan

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bathurst Regional
PPA	Bathurst Regional Council
NAME	Rezone land at 34 Busby Street, 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.
NUMBER	PP-2024-1001
LEP TO BE AMENDED	Bathurst Regional Local Environmental Plan (BRLEP) 2014
ADDRESS	34 Busby Street, Bathurst
DESCRIPTION	Part Lot 22 DP 1033481 (also referred to as proposed Lot 226)
RECEIVED	26/06/2024
FILE NO.	IRF24/1826
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
MAP ONLY/PCO ONLY/PCO & MAPS	PCO & Maps

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) and supporting material (**Attachments B-L**) contain objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone land from R1 General Residential to R3 Medium Density Residential;
- Amend the minimum lot size from 550m² to 1300m²;
- Remove the minimum dual occupancy map applied to the site;
- Amend the height of building from 9m to 18m; and
- Include ‘retail premises’ as an Additional Permitted use (APU) on the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The proposal seeks to rezone the subject land from R1 General Residential to R3 Medium Density residential and amend the minimum lot size from 550m² to 1300m² (consistent with the minimum lot size for multi dwelling housing and residential flat buildings) in the Bathurst Regional Local Environmental Plan (BRLEP) 2014.

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

The planning proposal (**Attachment A**) seeks to amend the BRLEP 2014 as per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R1 General Residential	R3 Medium Density Residential
Maximum height of the building	9m	18m
Minimum lot size	Dwelling - 550m ² Dual Occupancy - 850m ² Multi Dwelling Housing and Residential Flat Building - 1300m ²	Overall 1300m ² Remove MLS maps for Dual Occupancy applicable to the site
Number of dwellings	N/A	Approximately 218 dwellings
Schedule 1 Additional Permitted Use	N/A	<i>'Retail premise' (see further explanation below)</i>

The planning proposal seeks to adopt 'retail premises' as an additional permitted use on the site. To provide consistent planning controls within the 'Busby Street Medium Density Precinct' it is considered appropriate to adopt 'food and drink premises' as the additional permitted land use, including a restriction to the floor area. The proposed control, as described in the Council report (**Attachment B**), is detailed below.

The Council report (**Attachment B**) includes the intention to adopt a local clause in the BRLEP 2014 to ensure design excellence is achieved through a site-specific development control plan (DCP). Bathurst regional DCP 2014 currently applies to development on the site however it is considered appropriate for a site-specific DCP to be established given the local context. The additional proposed control is detailed below.

A condition is included on the Gateway determination to update the planning proposal, prior to public exhibition, to include the intent to adopt the controls included in Table 3.1 below.

Table 3.1 Current and proposed controls

Control	Proposed
Schedule 1 Additional Permitted Use	Include 'food and drink premises', restricted to a floor area of 150m ² for each individual tenancy on the site and to a total maximum floor area of 300m ²

Control	Proposed
Local clause	Development consent must not be granted for development on the land to which this clause applies unless a development control plan that provides for the range of matters required to achieve design excellence has been prepared for the land.

To achieve the proposed controls outlined in Tables 3 and 3.1 above, the following amendments to the BREP 2014 are required:

- Amending the NSW Planning Portal Digital EPI at Lot 22 DP 1033481 for:
 - BRLEP 2014 Land Zoning Map (PDF Land Zoning Map - Sheet LZN_011B) from R1 General Residential to R3 Medium Density Residential;
 - BRLEP 2014 Height of Buildings Map (PDF Hight of Buildings Map – Sheet HOB_011B) from 9m to a 18m;
 - BRLEP 2014 Lot Size Map (PDF Lot Size Maps – Sheet LSZ_011B) from 550m² MLS to 1300m² MLS;
 - BRLEP 2014 MLS – Dual Occupancy Map (PDF Lot Size Maps – Sheet LSD_011B) removed for the site.
 - BRLEP 2014 APU – Additional Permitted Uses Map (PDF Additional Permitted Uses Maps – Sheet APU_011B)
- Amend BRLEP 2014 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
- Adopt a local clause to ensure development on land occurs in accordance with a site-specific development control plan.

1.4 Site description and surrounding area

The subject site is located approximately 1.1 km south of the Bathurst CBD (**Figure 1** below).

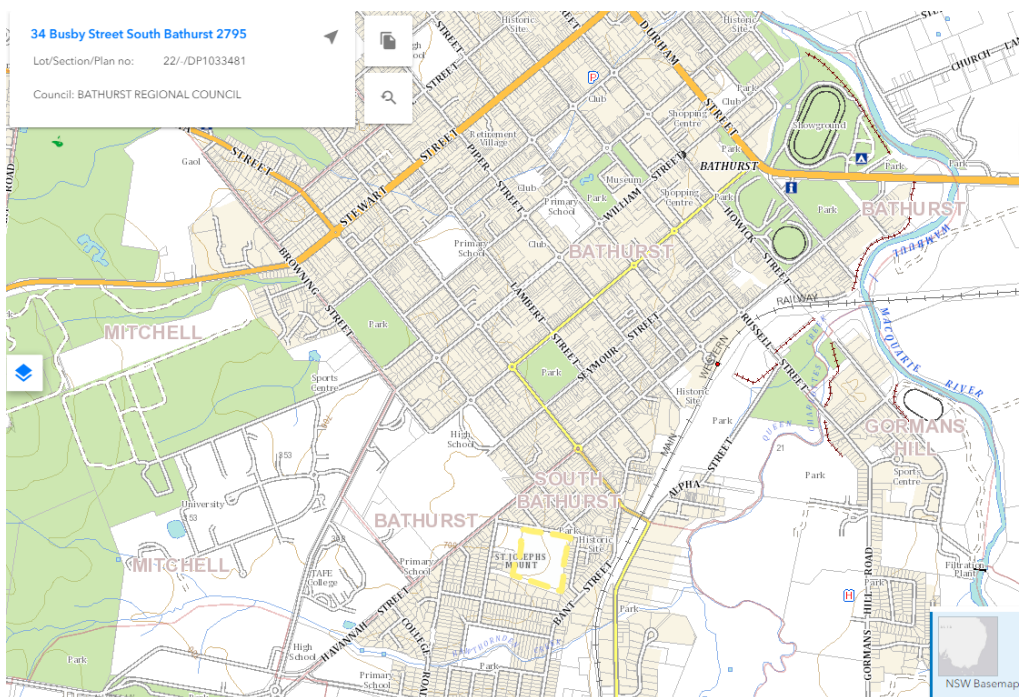


Figure 1 Site context (site indicated by yellow border)

The Planning Proposal relates to part of the land at 34 Busby Street, South Bathurst being part Lot 22 DP1033481. The planning proposal refers to the site as proposed Lot 226, which is reference to a Council approved three lot subdivision of the land. It is noted that the associated reports incorrectly reference the site as proposed Lot 225.

The land contains St Joseph's Mount which is a locally listed heritage item also known as Logan Brae. The land is also located within Bathurst heritage conservation area (see **Figure 2**).

The land (Lot 22 DP1033481) is approximately 4.67ha and has street frontage only to Busby Street. The site's topography slopes down significantly to the south east.

A current approval under Development Application (DA) 2020/50 was granted on 3 June 2021 for a three-lot subdivision of the land (see **Figure 3**). The three resultant lots would contain:

- 'Lot 223', being a 550m2 lot containing the existing single-storey 'Gatekeeper's Cottage';
- 'Lot 225', being a 2.3ha lot containing the existing St Joseph's Mount (Logan Brae) and associated heritage curtilage; and
- 'Lot 226', a 2.28ha lot (the subject of this Planning Proposal).

A Planning Proposal (PP-2024-418) pertaining to the property immediately to the west of the site (50 Busby Street) has been provided a Gateway determination to rezone the land for the purpose of creating 34 townhouses and 63 apartments.

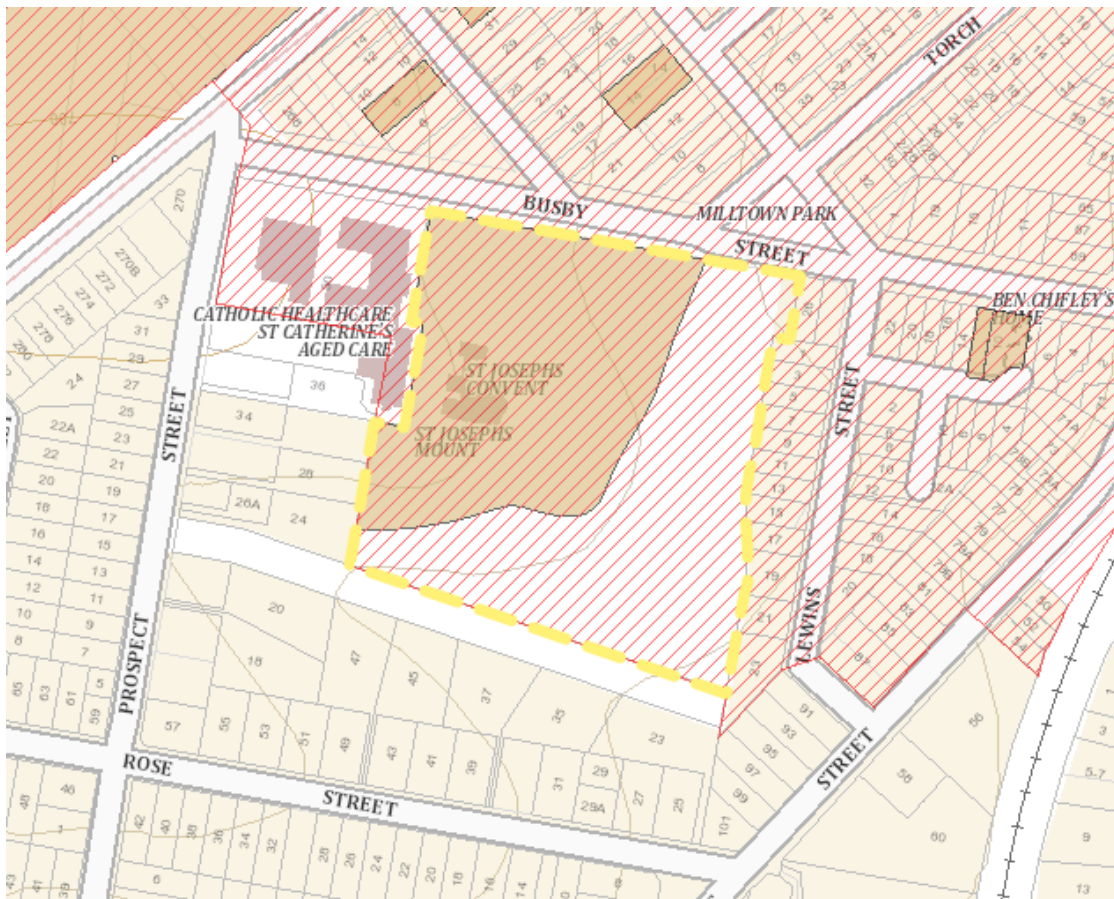


Figure 2 Site context (site indicated by yellow border)



Figure 3 Current site plan showing proposed subdivision (source: Marchese Partners)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning, lot size and height of building maps (**Figures 8-10**).

The planning proposal is to be updated prior to exhibition to include:

- a proposed Minimum Lot Size – Dual Occupancy Map, and
- a proposed Additional Permitted uses map.

It is considered appropriate for the proposed APU to be mapped, consistent with other additional permitted uses in the BRLEP 2014. A condition is included on the Gateway determination to require the planning proposal be updated prior to public exhibition to include the intent to amend Additional Permitted Uses Map (PDF Additional Permitted Uses Maps – Sheet APU_011B).

The proposal should clearly identify the proposed zone, minimum lot size, minimum lot size – dual occupancy, height of building and site of the APU (colour and labels) using the LEP map series legend. It is recommended these maps are updated prior to public exhibition, a condition has been included on the Gateway determination to this effect.

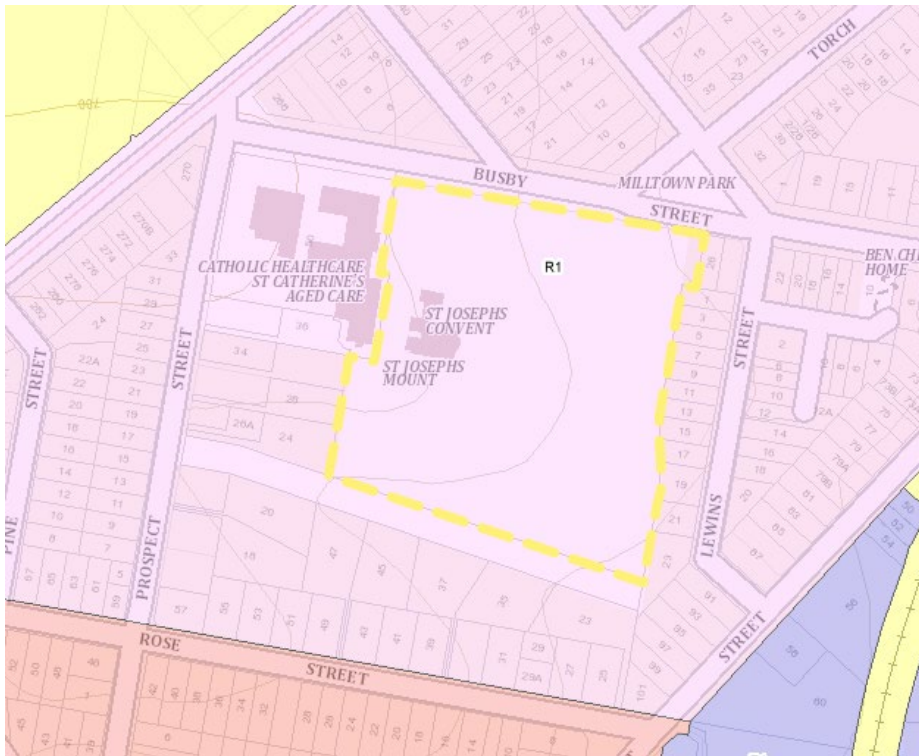


Figure 4 Current zoning (R1) (source: NSW Planning Portal)



Figure 5 Proposed zoning map (source: Planning Proposal – Hamptons)

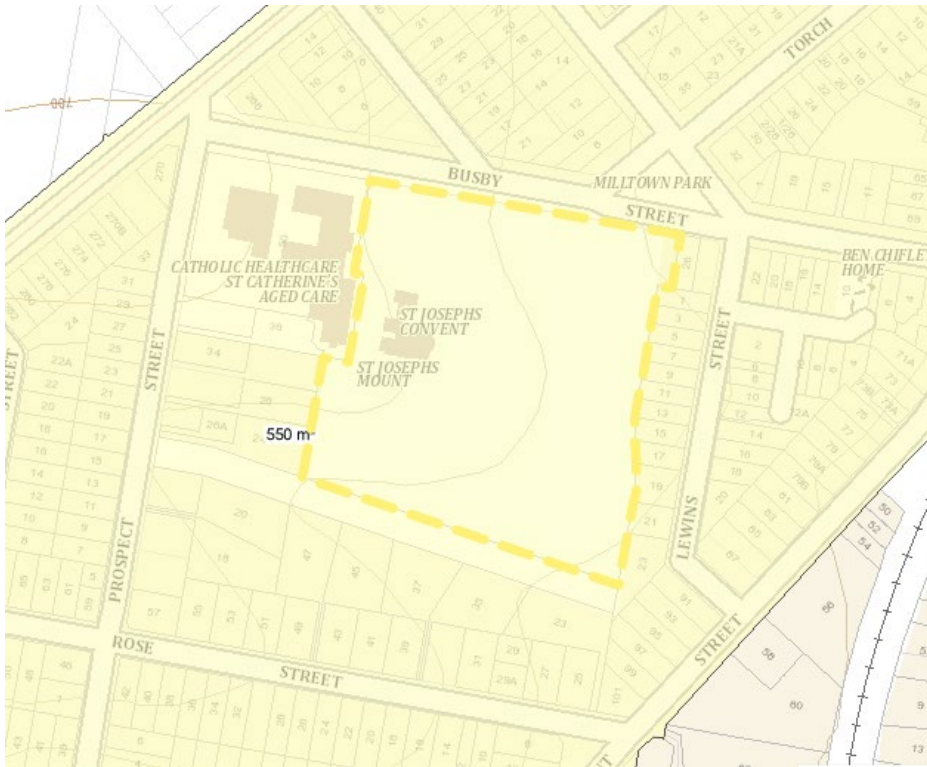


Figure 6 Current lot size map (source: NSW Planning Portal)

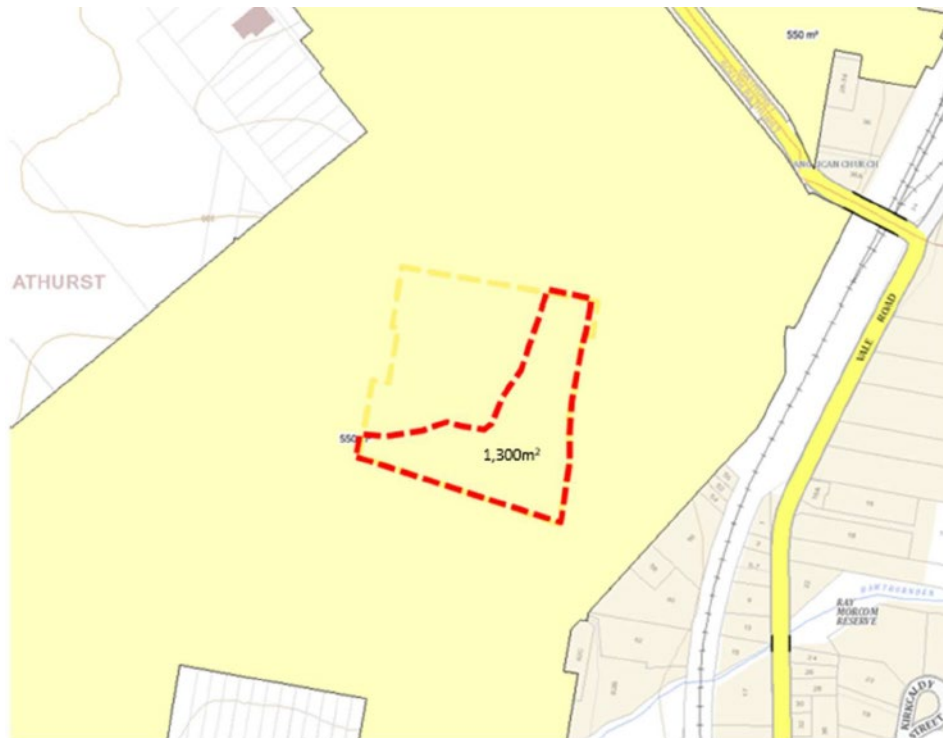


Figure 7 Proposed minimum lot size (source: Planning Proposal – Hamptons)

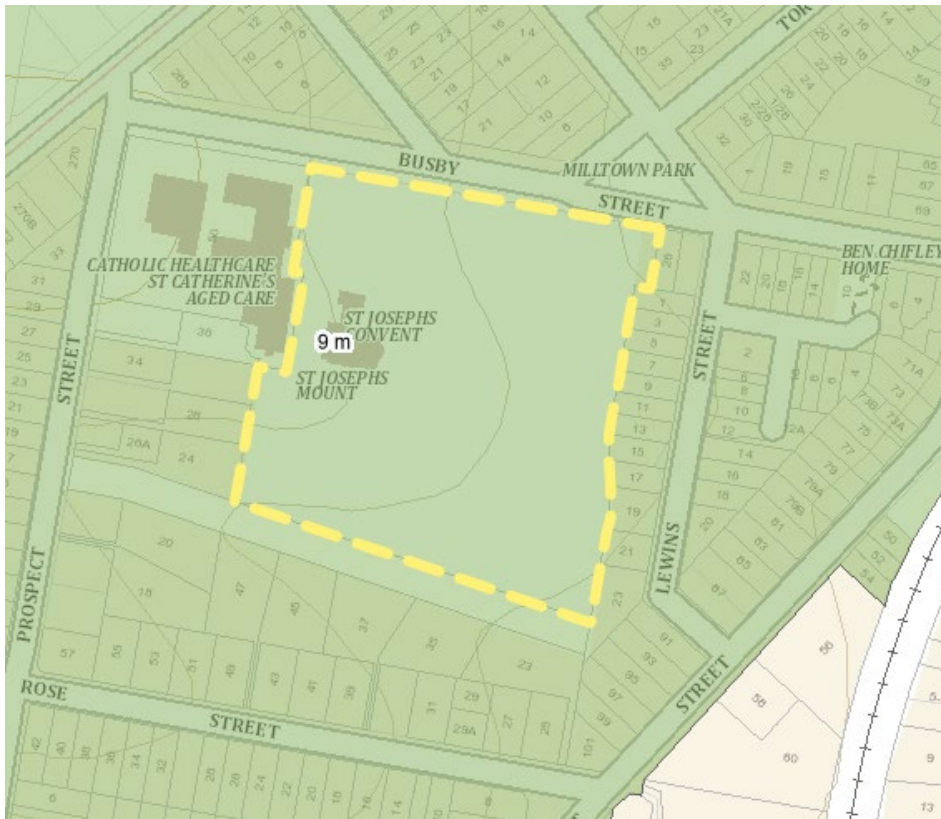


Figure 8 Current height of building map (source: NSW Planning Portal)

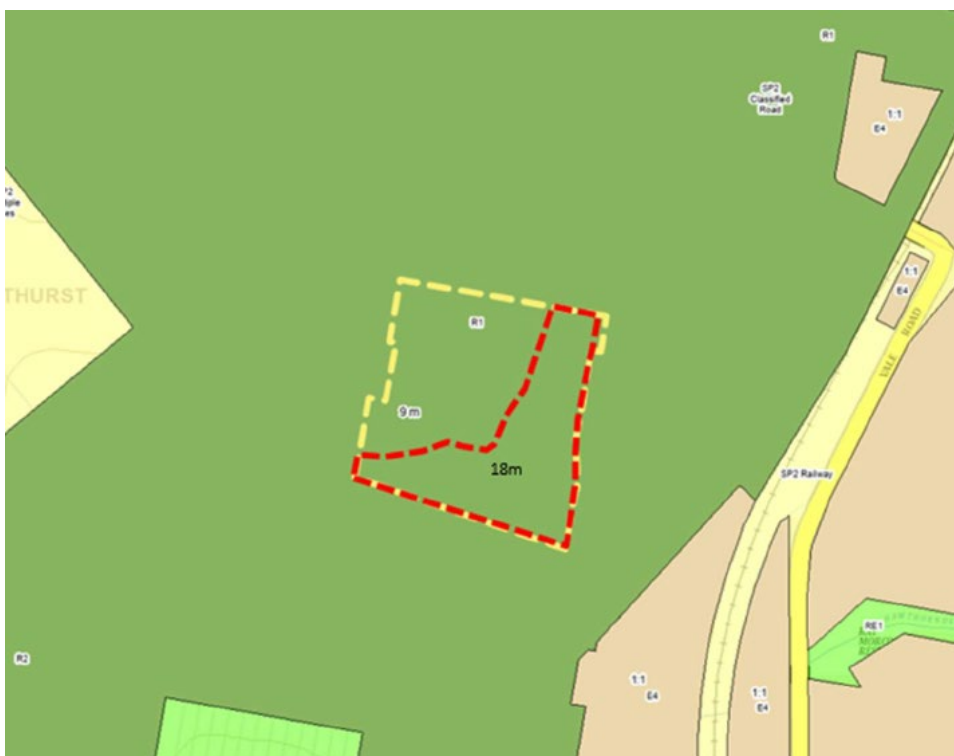


Figure 9 Proposed height of building map (source: Planning Proposal – Hamptons)

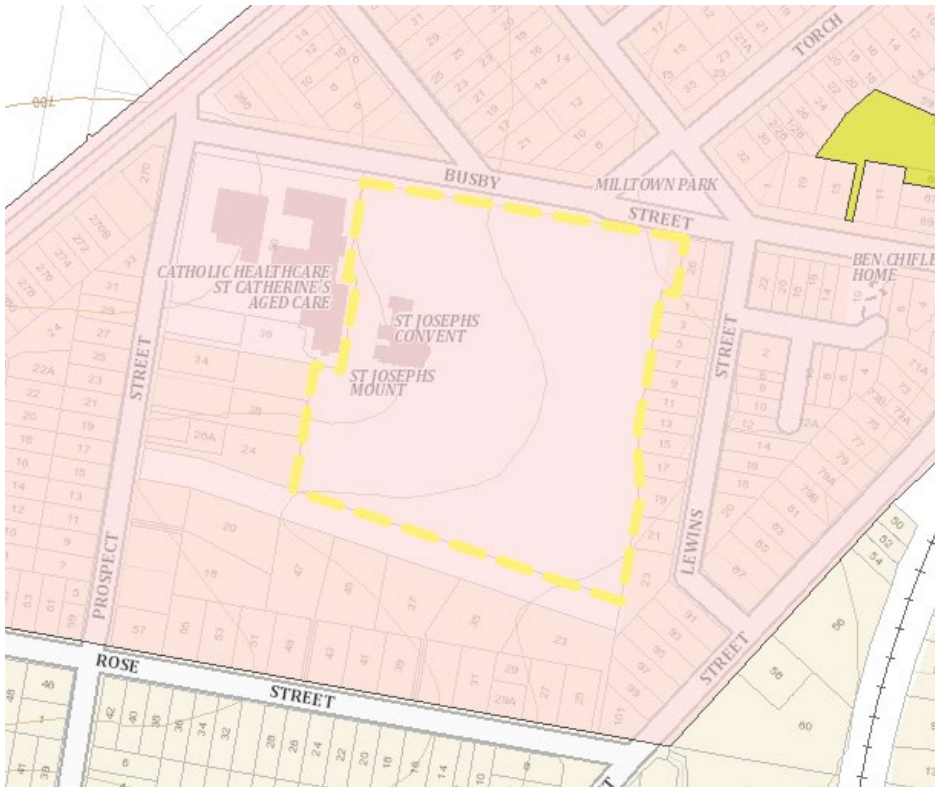


Figure 10 Current minimum lot size map – dual occupancy (850m²) (source: NSW Planning Portal)

1.6 Background

The planning proposal recognises the need to needs of the changing demographic and household composition in Bathurst and intends to provide a diverse range of housing through this amendment through infill development of the site.

The proposal is supported by a Place Analysis and Urban Design Report (**Attachment H**) which contains an analysis of the proposal against the site's opportunities and constraints. The concept plan (**Figure 11**) proposes to construct approximately 218 new dwellings across 7 apartment blocks consisting of:

- 30 x 1-Bedroom units;
- 159 x 2-Bedroom units; and
- 29 x 3- Bedroom units.

Council at its general meeting (19 June 2024) considered the planning proposal and the relevant supporting documents and provided in principle support of the amendment with detailed recommended conditions, which include:

- Update planning proposal to include adequate LEP maps
- Peer review Acoustic Impact Assessment (**Attachment E**) and Traffic and Parking Assessment Report (**Attachment K**) prior to public exhibition
- A Visual Impact Assessment is to be submitted prior to exhibition to address a range of specific matters
- An Overshadowing analysis is to be submitted prior to exhibition to address a range of specific matters including the potential impact on the adjacent properties
- Update Servicing Strategy to model the proposed stormwater system and to quantify the loading on the water and sewer networks

Council stated that the support of this planning proposal will be withdrawn should the above conditions not be included in the Gateway determination.

Following assessment of the proposal it is considered that the above matters can be adequately addressed as conditions of the Gateway determination as follows:

- Update the current and proposed LEP maps as necessary
- 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.
- 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 proposed 'Busby Street Medium Density Precinct'. Consultation should also occur with Transport for NSW on this matter.
- The Visual Impact Assessment is to be provided 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.
- An Overshadowing Analysis is to be provided that considered the maximum building envelopes permitted under the proposed height of building controls. This will then need to inform the site-specific DCP.
- The Servicing Strategy is amended to consider expected loadings and impacts on local infrastructure.



Figure 11 Concept Plan (Place Analysis and Urban Design Report – Marchese Partners)

2 Need for the planning proposal

The planning proposal seeks to rezone land to accommodate higher density residential development and associated activities. The planning proposal is the most suitable means of achieving the intended outcome. The proposed amendment will provide additional variety of housing in Bathurst region and give effect to Bathurst 2036 Housing Strategy by utilising existing urban land.

The planning proposal is accompanied by the necessary studies/investigations to support site suitability and presents a logical approach for redevelopment of an existing site.

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 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13 Provide well located housing options to meet demand	Consistent - the proposal will enable future higher residential density development in a logical location where services are accessible with minimum environmental impacts.
Objective 14 Plan for diverse, affordable, resilient and inclusive housing	Consistent – the proposal will enable a variety of housing choices.
Part 5 Local government priorities	The proposal is consistent with the local priorities for Bathurst LGA in particular providing “a diversity of housing for the population’s changing demographic make-up”.

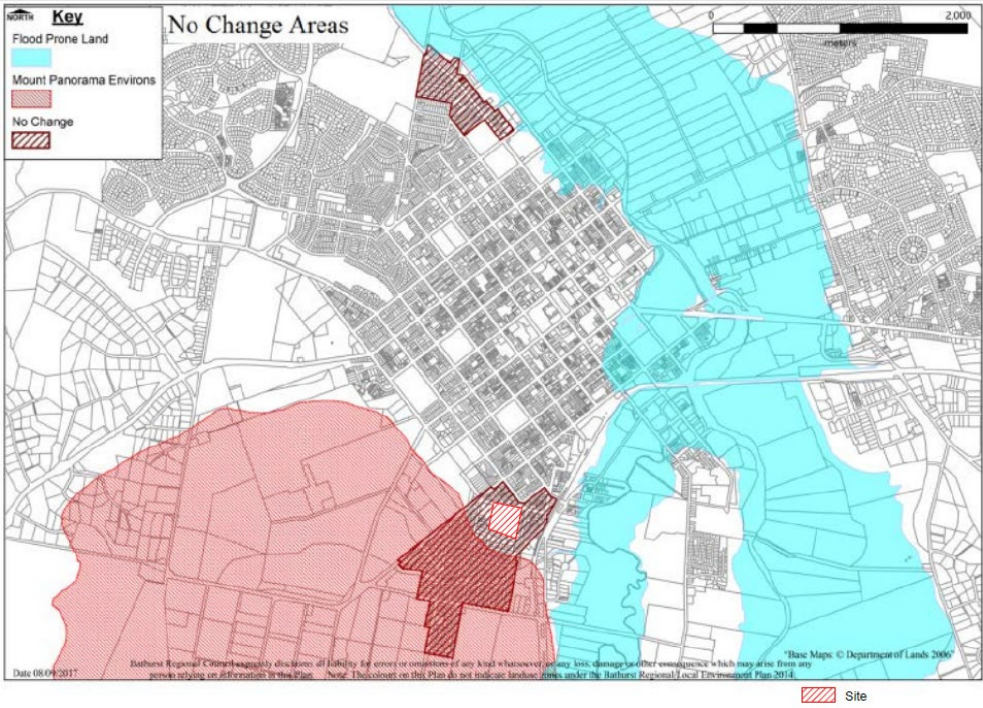
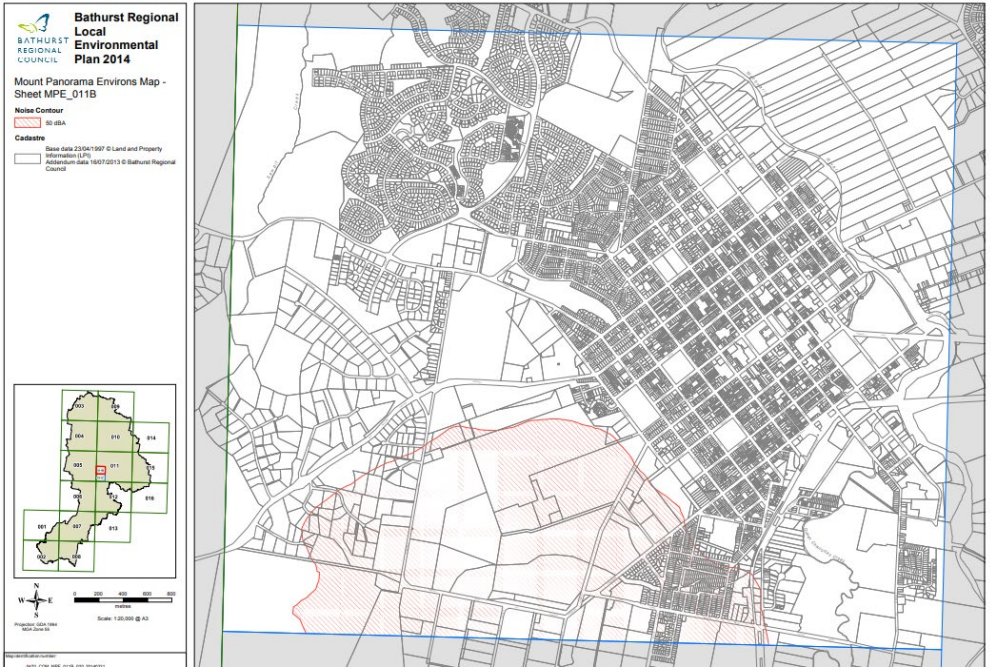
3.2 Local

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
Vision Bathurst 2040 (LSPS)	The planning proposal presents a unique opportunity for housing diversity that is relatively close to the existing town centre and infrastructure. Council considered that the planning proposal is consistent with the objectives of the Bathurst Region

Local Strategies	Justification
	<p>LSPS subject to completion of peer reviews of the Noise and Traffic Impact Assessments.</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 14: Create a sustainable Bathurst Region • Planning Priority 16: Provide new homes • Planning Priority 18: Deliver public spaces and recreation • Planning Priority 19: Deliver social, community and cultural infrastructure
Bathurst 2036 Housing Strategy	<p>The planning proposal is supported with a Social Impact Assessment (Attachment J) which examined the existing housing stock and whether the proposal would meet the future demand of housing in Bathurst. It noted that the proposal presents unique opportunity to deliver smaller housing within the established urban footprint.</p> <p>Bathurst 2036 Housing Strategy establishes a 50dBA noise contour for motor racing activities at Mount Panorama. The current zoning of lands within the 50dBA noise contour restricts development to low-density. The intent of the noise contour is to exclude the land from intensive housing development, to ensure that the existing and future activities at the Mount Panorama Racing Circuit are not jeopardised by increased living densities in proximity to the 50dBA noise contour.</p> <p>The subject site is marked as a 'no change area' in this strategy due to its proximity to lands within the 50dBA noise contour (Figure 12). The noise contour relates to the Mount Panorama Racing Circuit located approximately 1.5km from the site. The objective of this 'no change area' relates to the Mount Panorama lands, to ensure higher living densities and new residential development opportunities are not permitted. Associated actions include:</p> <ul style="list-style-type: none"> • do not support the rezoning of lands for new or intensifies residential purposes, and • maintain the status quo density provisions to prohibit higher density living options. <p>BREP 2014 includes local provision 7.6 Mount Panorama environs with the objectives to ensure development in and around Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events and to ensure the future of Mount Panorama as an international motor racing circuit. This clause does not apply to the site as it is not identified as "50 dBA" on the <i>Mount Panorama Environs Map</i> (Figure 13).</p> <p>To ensure that future development on the site is capable of complying with relevant standards and can be protected from the level of noise generated from the racing circuit, Council have requested further detail in the assessment and a condition included in the Gateway determination to require a review of the Acoustic Impact Assessment (Attachment E).</p> <p>A Gateway condition has been included to ensure the assessment of noise impacts has been completed to the satisfaction of Council prior to public exhibition.</p>

Local Strategies	Justification
	<div><p>The map displays the Bathurst area with various planning overlays. A large red hatched area in the south-west is labeled 'Mount Panorama Environs'. A smaller red hatched area in the center-east is labeled 'No Change Areas'. A legend in the top-left corner identifies these areas: 'Flood Prone Land' (light blue), 'Mount Panorama Environs' (red hatched), and 'No Change' (white). A scale bar in the top-right indicates 0 to 2,000 meters. A north arrow is in the top-left. A small inset map in the bottom-left shows the location of the study area within the Bathurst Regional Council boundary.</p></div> <p>Figure 12 Subject site (bright red hatch) identified as ‘No Change Area’ precinct in the Bathurst 2036 Housing Strategy</p> <div><p>This map is a detailed view of the Mount Panorama Environs Map Sheet MPE_001B. It shows the subject site (bright red hatch) and surrounding areas. The map includes a legend with 'Noise Contour' (red hatched) and 'Cadastral' (white). A scale bar in the bottom-left indicates 0 to 1,000 meters. A north arrow is in the bottom-left. An inset map in the top-left shows the location of the study area within the Bathurst Regional Council boundary.</p></div> <p>Figure 13 Mount Panorama Environs Map Sheet MPE_001B</p>
Bathurst Community Strategic Plan (CSP) 2022	The planning proposal supports the vision and objectives of the CSP, in particular: <i>Objective 4 Sustainable and Balanced Growth, Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community</i>

Local Strategies	Justification
Bathurst CBD & Bulky Goods Business Development Strategy 2011 (Retail Strategy)	<p>The Planning Proposal is consistent with the objectives and recommendations of the Bathurst CBD & Bulky Goods Business Development Strategy 2011.</p> <p>The planning proposal includes a proposed APU to allow 'retail premises' within the site which would otherwise be prohibited in R3 Medium Density zone. Council resolved that the introduction of an APU to permit 'food and drinks premises' is the best means to ensure small scale food and drink premises on the site and recommended to restrict the total floor area to no more than 300m². A gateway condition has been included to ensure the planning proposal is updated to accurately describe this amendment prior to exhibition.</p>

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
1.1 Implementation of Regional Plans	Yes	As discussed in Section 3.1 of this report, the proposal aligns with the strategies of the Central West and Orana Regional Plan 2041.
1.4 Site specific provisions	Inconsistent, justified.	The planning proposal intends to include an APU on the site to permit 'food and drinks premises' including a floor area restriction. The proposal is inconsistent with the Direction. However, the inconsistency is considered to be justified as minor as it will enable a complementary use to the proposed R3 zone as detailed in the Council Report (Attachment B).
3.2 Heritage Conservation	Unresolved, further consultation required	<p>The land is listed in Schedule 5 of the BRLEP 2014 as the site of a local heritage item St Joseph's Mount (I247). A Conservation Management Plan (Attachment F) prepared in relation to the development application for subdivision of the site and Heritage Impact Assessment (Attachment G) have been provided.</p> <p>The site is within the Bathurst Heritage Conservation Area. The proposed increasing density and height will have an impact on the heritage conservation area which is currently characterised by low-density single dwelling housing. The Conservation Management Plan includes the recommendation that appropriate scaling of buildings on the site subject to the planning proposal is necessary and that views to and from St Joseph's Mount are to be maintained. The Place Analysis and Urban Design Report (Attachment H) includes detailed bulk and scale diagrams and elevations showing a future development scenario. Consideration has been given to minimise the impacts of future development of the site on the heritage significance of the item. It is considered appropriate for a visual impact assessment to be provided to consider the 360-degree views to and from the site and the potential building envelopes permitted under the proposed height of building controls.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Council has sought to include a local clause as part of this proposal to ensure that development could not be carried out unless a site-specific DCP and been prepared. The intent of Council is that the DCP would address the need for sympathetic design and detailed site-specific development controls. This is considered an appropriate mechanism to achieve the intent. A Gateway condition has been included to ensure the planning proposal is amended to reflect this amendment prior to public exhibition.</p> <p>A Gateway condition has been included to consult with Heritage NSW.</p>
4.1 Flooding	Yes	The subject site is not flood prone.
4.3 Planning for Bushfire Protection	Yes	The subject site is not Bush fire affected.
4.4 Remediation of Contaminated Land	Yes	The subject site is not identified as potential contaminated.
5.1 Integrating Land Use and Transport	Yes	<p>The planning proposal is supported by a Traffic and Parking Assessment Report (Attachment K) which considered the traffic impact from future proposed land uses on the land at 34 Busby Street including a function centre and associated tourist and visitor accommodation and residential land uses on the adjoining site at 50 Busby Street. The report states that the proposed cumulative increase in traffic as a consequence of proposed future development will not result in any unacceptable traffic implications to the surrounding road network, nor will any road upgrades be required.</p> <p>Council is not satisfied with the extent of traffic impact considered in the assessment and has requested a peer review of the assessment.</p> <p>Consultation with Transport for NSW (TfNSW) forms part of the Gateway conditions.</p>
6.1 Residential zones	Yes	The proposal seeks to rezone R1 General Residential zone land to R3 Medium Density zone, and it will enable a variety housing making more efficient use of existing infrastructure and services by increasing density, and provides an additional 218 dwellings in Bathurst which will be guided by good urban design and appropriate sustainable building standards. The proposal is consistent with the direction.

3.4 State environmental planning policies (SEPPs)

The proposal is not inconsistent with the SEPPs, and the relevant consideration will be given at Development Application stage.

4 Site-specific assessment

4.1 Environmental

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

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Heritage	<p>As discussed under section 3.3 (Direction 3.2) of this report, the proposal contains provisions for the conservation of the heritage significance of the site and consideration has been given to minimise impacts on significant heritage elements and views.</p> <p>The land at 34 Busby Street is noted as being both locally listed as an individual item and also sitting within the Bathurst Heritage Conservation Area. The Conservation Management Plan accompanying the proposal (Attachment F) identifies the site as likely being of State significance.</p> <p>Council has recommended that detailed provisions need to be provided for in the subsequent DCP to ensure rigorous in-depth analysis can be afforded the final design at development application stage so that the development is consistent with the objectives of the Bathurst Heritage Conservation area and can minimise impacts on the local heritage item. A condition has been included to this effect.</p> <p>A condition requiring consultation with Heritage NSW has also been included.</p>
Waterways and groundwater	<p>The land is not affected by a watercourse. No geotechnical investigation has been made at this stage.</p>
Noise impact	<p>The planning proposal is supported with an Acoustic Impact Assessment (Attachment E), which concluded that the site will not be significantly impacted by Mt Panorama Race Circuit in non-active period. However, Council request that the assessment be peer reviewed as a condition of Gateway to ensure any possible impacts from noise generated at the racing circuit be appropriately mitigated.</p> <p>Consultation with the Environmental Protection Authority is recommended as a condition of the Gateway Determination.</p>
Visual impact	<p>The Place Analysis and Urban Design Report (Attachment H) provides examples of views to and from the site and provides viewpoints of the proposed concept.</p> <p>The proposed concept has considered minimising visual impact to and from the primary heritage item, however Council expresses some concern in the report (Attachment B) regarding the visual impact of the development on the heritage conservation area noting the lack of front set back.</p> <p>There is also potential for significant impact on views on surrounding houses, noting the site is surrounded by low rise suburban dwellings. A Visual Impact Assessment is recommended to be prepared to accompany the proposal prior to exhibition.</p> <p>A condition has been included to ensure the assessment of visual impacts has been complete to the satisfaction of the Council prior to exhibition.</p>

Overshadowing

A Shadow Study (**Figure 14**) is included in the Place Analysis and Urban Design Report (**Attachment H**) The submitted shadow diagrams represent overshadowing from the proposed buildings, not the maximum proposed building envelopes.

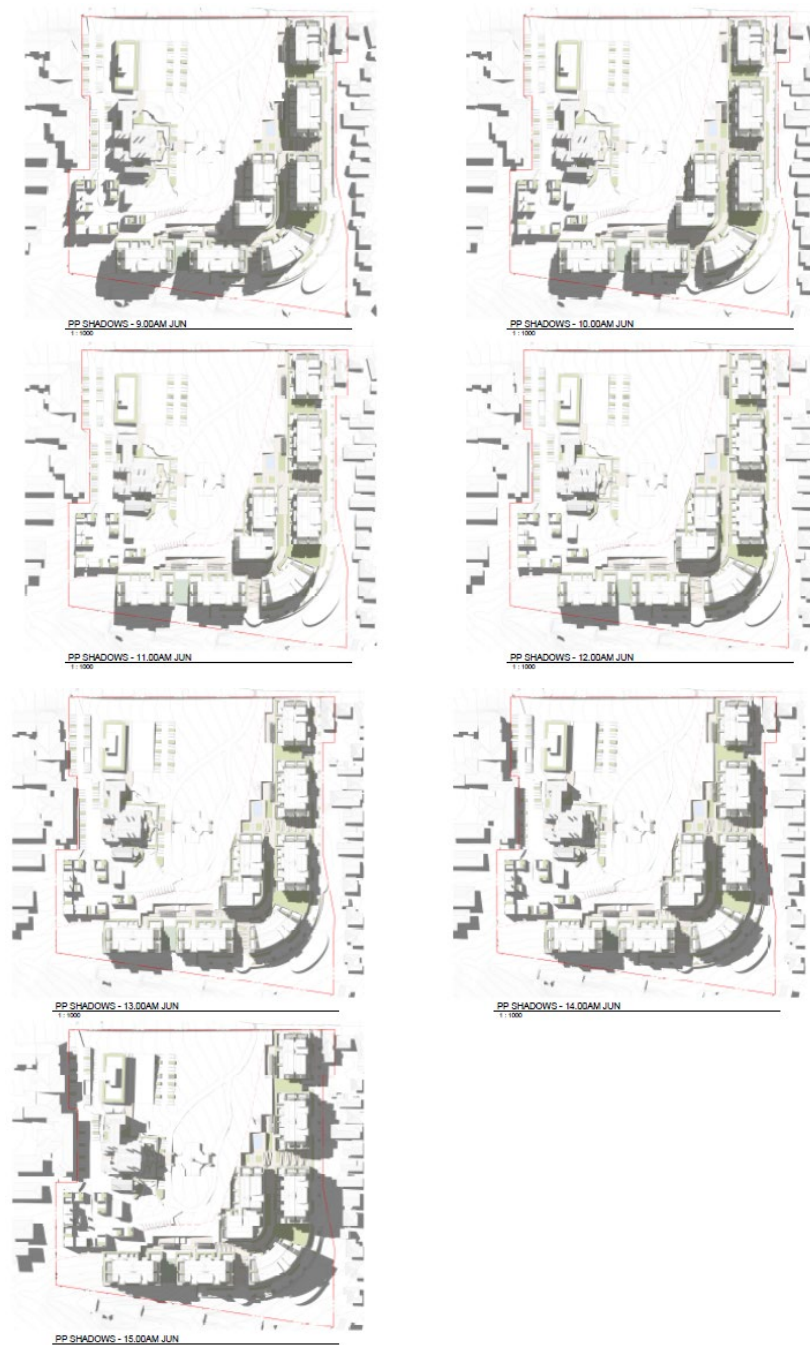


Figure 14 Shadow Study (Urban Design Report, Allera & ClarkeHopkinsClarke)

Council recommends that the assessment should consider the full extent of the proposed building envelopes at their potential full height (not the proposed building designs) on all adjoining and adjacent properties. Whilst the diagrams show general compliance with the current DCP provisions it is considered that more detailed analysis would better illustrate the potential impact and further analysis identify how impacts can be mitigated through site-specific DCP provisions. It is therefore commended that an updated overshadowing analysis be submitted, prior to public exhibition. A condition has been included to this effect.

4.2 Social and economic

The proposal justifies the need for proposed amendments to provide diverse housing supply, enabling infill development that utilises existing infrastructure. The planning proposal is supported with a Social Impact Assessment (**Attachment J**) which considers the cumulative impacts from proposed future development on the land including a function centre and associated tourist and visitor accommodation. The report concludes medium density residential development on the site represents a suitable and appropriate location given its close proximity to public transport, local shops and services such as medical centres. The report states the proposal is unlikely to generate any long term negative social impacts, but has the potential to generate a number of positive impacts.

The Vegetation Management Plan (**Attachment L**) identifies a small eucalypt located on the land, specially on proposed Lot 224 which was planted by Wiradjuri Elders as a memorial to the life of Bill Allen Snr. It is recommended that consultation with the Bathurst Local Aboriginal Land Council and Wiradjuri Traditional Owners Central West Aboriginal Corporation occur to ensure the significance of the planting is understood and consideration of potential impacts can be made.

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 8 Infrastructure assessment

Infrastructure	Assessment
Reticulated water and sewer	<p>The site is proposed to be serviced by existing water and sewer infrastructure.</p> <p>The Services Strategy Report (Attachment I) outlines how the site may be serviced and demonstrates that the initial development of the site could be serviced by existing infrastructure subject to further engineering design. However, Council has requested that the Strategy to be updated to quantify the loading to the water and sewer network, including consideration of fire projection needs. This will enable Council to model implications of the potential full development on the network.</p>
Stormwater	<p>The proposal is accompanied by a Place Analysis and Urban Design Report (Attachment H) which includes a description of an existing stormwater channel which runs west to east beyond the southern boundary of the site. A Services Strategy Report (Attachment I) concludes that the site is adequately serviced for stormwater discharge, noting that onsite detention and Water Sensitive Urban design measures will likely be required to the increase of impervious services.</p> <p>Overall, no significant drainage issues are identified, however Council's Engineering section noted that further investigation is required in relation to stormwater drainage and that on-site detention appears feasible in the south-eastern corner of the site.</p> <p>A condition has been included which requires the proponent to update the Servicing Strategy Report prior to exhibition.</p>
Electricity supply	<p>The site is serviced by telecommunications and electricity. The Services Strategy Report (Attachment I) notes the site is serviced with existing electrical infrastructure, however states that as there is very limited information related to the</p>

Infrastructure	Assessment
	<p>infrastructure arrangement serving the site, it is uncertain whether there will be sufficient capacity within the existing infrastructure to accommodate the estimated load. If not, new substations will be required and confirmed by suitably qualified engineers.</p> <p>A condition requiring consultation with Essential Energy is included.</p>
Telecommunications	Available via extension of existing services.
Transport	The proposed development will be able to directly access via existing local collector Busby Street. The site is 1.5km from Bathurst Train Station and two bus stops are located within proximity of the site.

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 30 working days to comment:

- Transport for NSW
- Heritage NSW
- Essential Energy
- Environmental Protection Authority

6 Timeframe

Council proposes a 12-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for Planning proposal by category. This planning proposal is categorised as a standard Planning proposal.

The Department recommends an LEP completion date of 13 September 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council requests delegation to be the Local Plan-Making authority.

As the planning proposal is strategically justified and is of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with section 9.1 Direction 3.2 Heritage Conservation remains unresolved until consultation has been undertaken with Heritage NSW.
- Agree that the inconsistency with section 9.1 Direction 1.4 is justified as being of minor significance.

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

The following conditions are recommended to be included on the Gateway determination:


1. Prior to public exhibition the planning proposal is to be updated as follows:
 - 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.
 - 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.
 - Include the intent to introduce a clause to consider a 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 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.
 - A peer review of the Transport 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.
 - 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.
 - 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.

- The Servicing Strategy is amended to consider expected loadings and impacts on local infrastructure.
3. Consultation is required with the following:
 - Transport for NSW
 - Heritage NSW
 - Essential Energy
 - Environmental Protection Authority
 - Bathurst Local Aboriginal Land Council
 - Wiradjuri Traditional Owners Central West Aboriginal Corporation
 4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
 5. The timeframe for the LEP amendment to be completed is on or before 13 September 2025
 6. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.



11 September 2024

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11/9/2024

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