



IRF24/1669

Gateway determination report – PP-2024-418

R1 General Residential to R3 Medium Density
Residential and change the Height of Building and
Minimum Lot Size.

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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, Allera
Attachment B1&2 - Council Report (19 June 2024) & Council Meeting Minute, Bathurst Regional Council
Attachment C – Survey Plan (28 March 2023), Zenith Construction Surveying
Attachment D – Concept Architectural Plans (January 2024), Allera & ClarkeHopkinsClark
Attachment E – Urban Design Report (January 2024), Allera & ClarkeHopkinsClark
Attachment F – Visual Impact Assessment (January 2024), Allera & ClarkeHopkinsClark
Attachment G – Geotechnical Investigation (August 2023), ACT Geotechnical Engineers Pty Ltd
Attachment H – Heritage Impact Assessment (11 January 2024), R. Christison, High Ground Consulting
Attachment I – Servicing Strategy (5 March 2024, revision D), JHA services
Attachment J – Social-Economic Impact Assessment (December 2023), Atlas Economics
Attachment K – Social and Community Needs Assessment (March 2024), HillPDA
Attachment L – Noise Impact Assessment (8 March 2024), Rodney Stevens Acoustics
Attachment M – Draft Design Guideline, Allera
Attachment N - Traffic Impact Assessment (20 May 2024), SALT

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bathurst Regional
PPA	Bathurst Regional Council
NAME	Rezone land in 50 Busby Street, Bathurst from R1 General Residential to R3 Medium Density Residential and amend the Height of Building and Minimum Lot Size.
NUMBER	PP-2024-418
LEP TO BE AMENDED	Bathurst Regional Local Environmental Plan (BRLEP) 2014
ADDRESS	50 Busby Street, Bathurst
DESCRIPTION	Lot 212 DP 1289265
RECEIVED	26/06/2024
FILE NO.	IRF24/1669
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-N**) 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 a mix of 12m and 16m;
- Include ‘food and drink premises’ as an Additional Permitted Use (APU) on the site; and
- Adopt a local clause to ensure development on land occurs in accordance with a site-specific development control plan.

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).

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 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	12m for townhouses 16m for apartments
Minimum lot size	Dwelling - 550m ² Dual Occupancy - 850m ² Multi Dwelling Housing and Residential Flat Buildings - 1300m ²	1300m ² Remove MLS maps for Dual Occupancy
Number of dwellings	N/A	Approximately 97 dwellings including 34 townhouses and 63 apartments
Schedule 1 Additional Permitted Use	N/A	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

The Council report (**Attachment B1**) 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 Development Control Plan (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:

Table 3.1 Current and proposed controls

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 BRLEP 2014 are required:

1. Amending the NSW Planning Portal Digital EPI at Lot 212 DP 1289265 for:
 - a) BRLEP 2014 Land Zoning Map (PDF Land Zoning Map - Sheet LZN_011B) from R1 General Residential to R3 Medium Density Residential;
 - b) BRLEP 2014 Height of Buildings Map (PDF Height of Buildings Map – Sheet HOB_011B) from 9m to a combination of 12m and 16m;
 - c) BRLEP 2014 Lot Size Map (PDF Lot Size Maps – Sheet LSZ_011B) from 550m² MLS to 1300m² MLS;
 - d) BRLEP 2014 MLS – Dual Occupancy Map (PDF Lot Size Maps – Sheet LSD_011B) removed for the site.
2. Amend BRLEP 2014 Schedule 1 to include 'food and drink premises' as an Additional permitted use (APU) for the site.
3. 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 (source: Planning proposal, Allera)

The subject site has an area of approximately 1.17ha and is located on the corner of Busby Street and Prospect Street, on the urban fringe of Bathurst Central Business District. The proposal details an approximate 11.5m fall from west to east and 1.5m fall from north to south (See **Attachment C** Site Survey).

The land is under single ownership, surrounded by R1 General Residential zoned land with dwellings to the north, south and west, and shares the eastern boundary and a small portion of southern boundary with the neighbouring cultural centre site 34 Busby Street - St Joseph's Convent /Logan Brae (**Figure 2**). The existing brick buildings on site are formally known St Catherine's Nursing Home and Aged Care Facilities, vacant since 2017.

The BRLEP 2014 identifies the site adjoining Havannah Street to the north-east as local heritage item I9 – St Stanislaus Collage and curtilage, and the site adjoining to the east as local heritage item I247 - St Joseph's Mount.

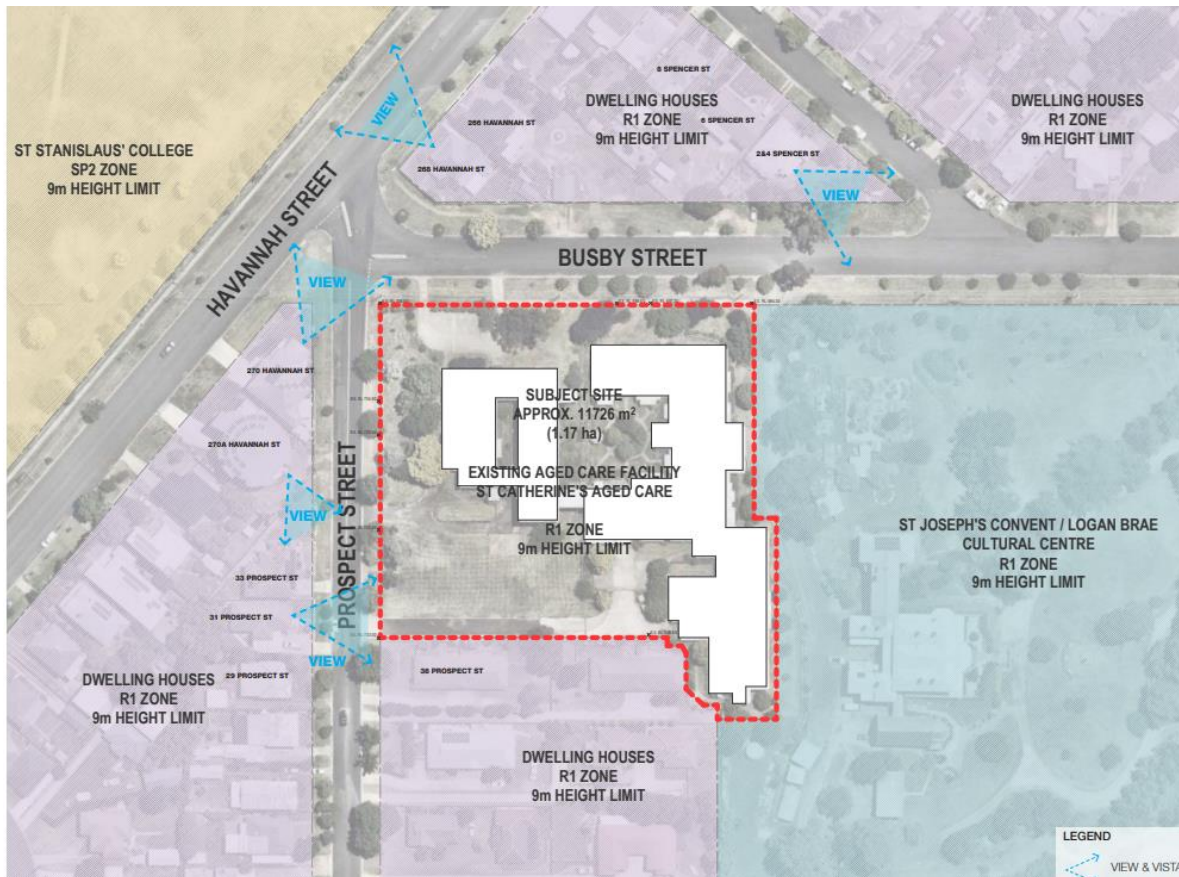


Figure 2 Neighbouring analysis (source: Concept Design Pack, Jan 2024)

It is noted that Council has resolved to support the planning proposal (PP-2024-1001) for rezoning part of 34 Busby Street, Bathurst from R1 General Residential to R3 Medium Density Residential for the Lot 226 of 2.28ha, approved in DA 2020/50 to facilitate higher density development and the proposed residential flat building (approximately 218 dwellings).

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps, as well as inclusion of a new Additional permitted uses map which is not considered necessary as detailed further in this report:

- Land Zoning Map
- Lot Size Map
- Minimum Lot Size – Dual Occupancy Map
- Height of Building Map

It is noted that a proposed Minimum Lot Size – Dual Occupancy Map has not been provided.

The proposal does not clearly identify the proposed zone, minimum lot size and height of building maps (colour and labels) using the LEP map series legend. It is recommended these maps are updated prior to public exhibition to appropriately show the existing and proposed zoning, minimum lot size and height of building controls.

Given the BRLEP 2014 does not currently contain APU maps to identify the 11 sites listed within Schedule 1, it is considered unnecessary to adopt a new map series as part of this amendment. Schedule 1 will adequately identify the site through the property description.

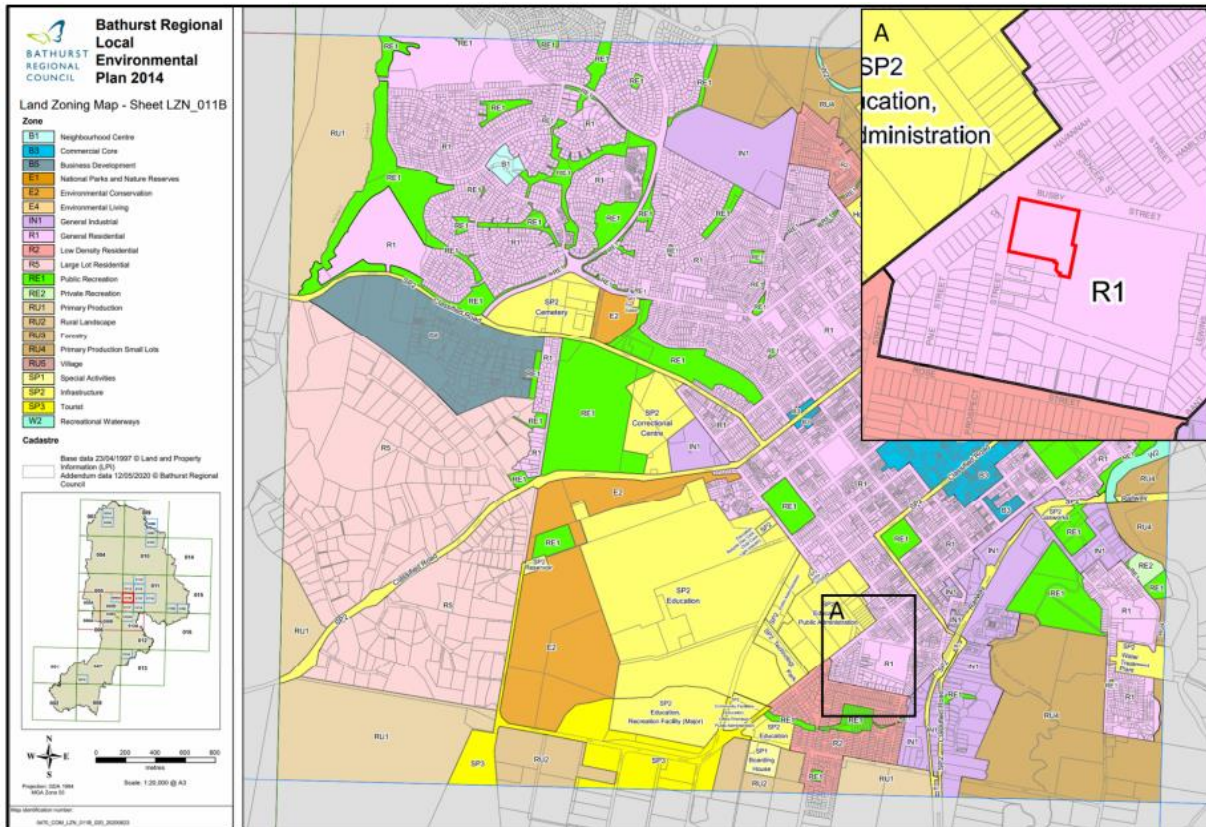


Figure 3 Current zoning map (source: Planning proposal, Allera)

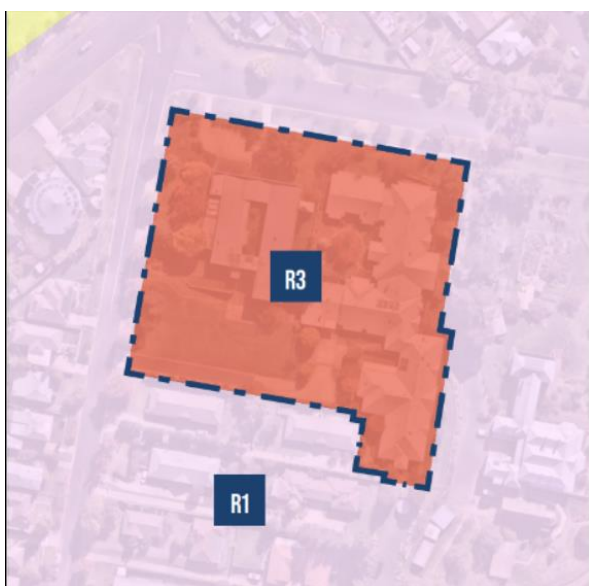


Figure 4 Proposed zoning map

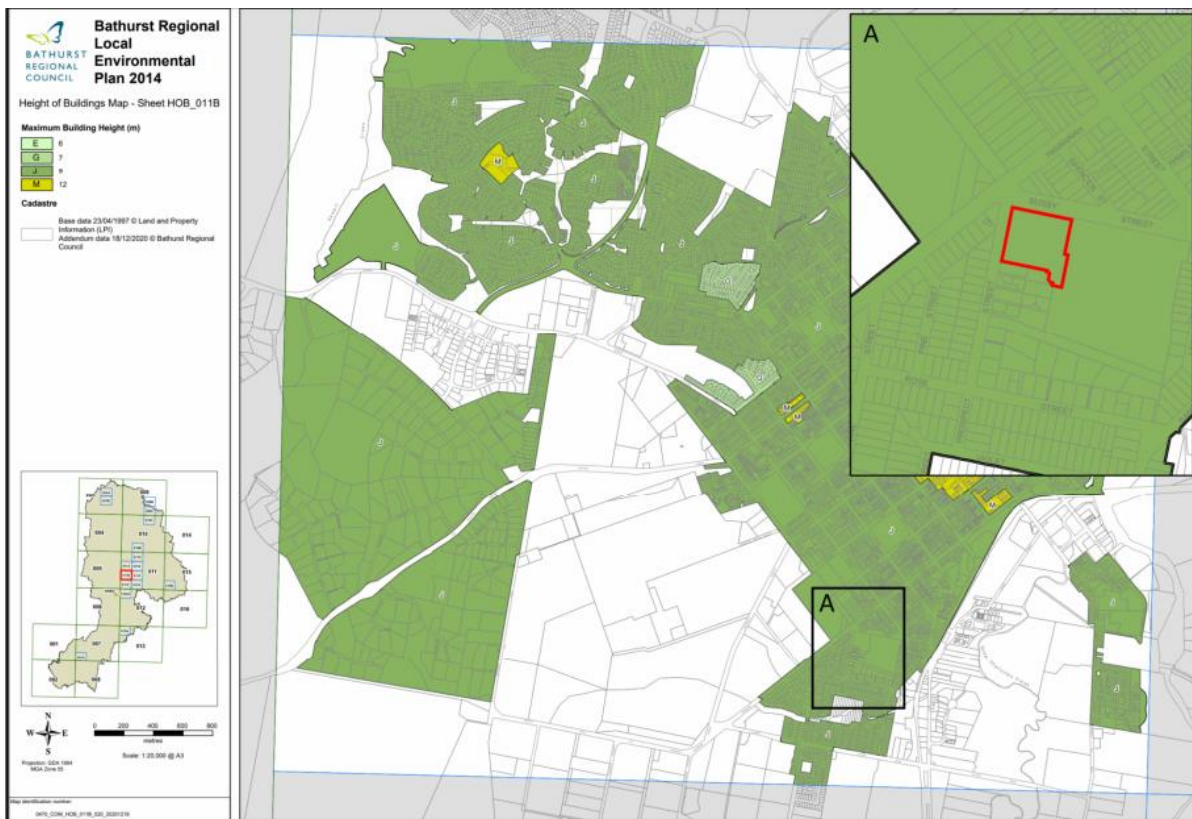


Figure 5 Current height of building map

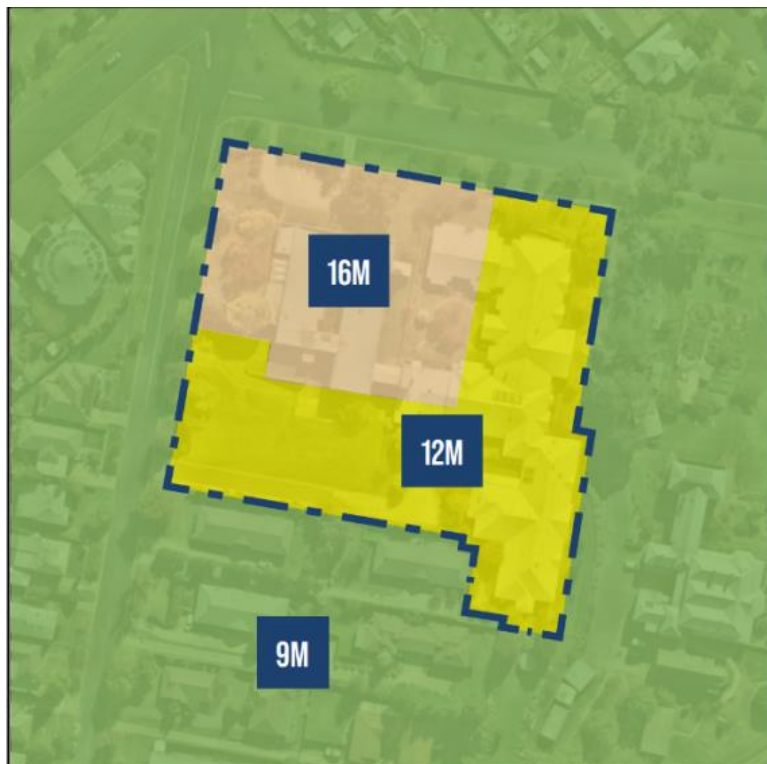


Figure 6 Proposed height of building map

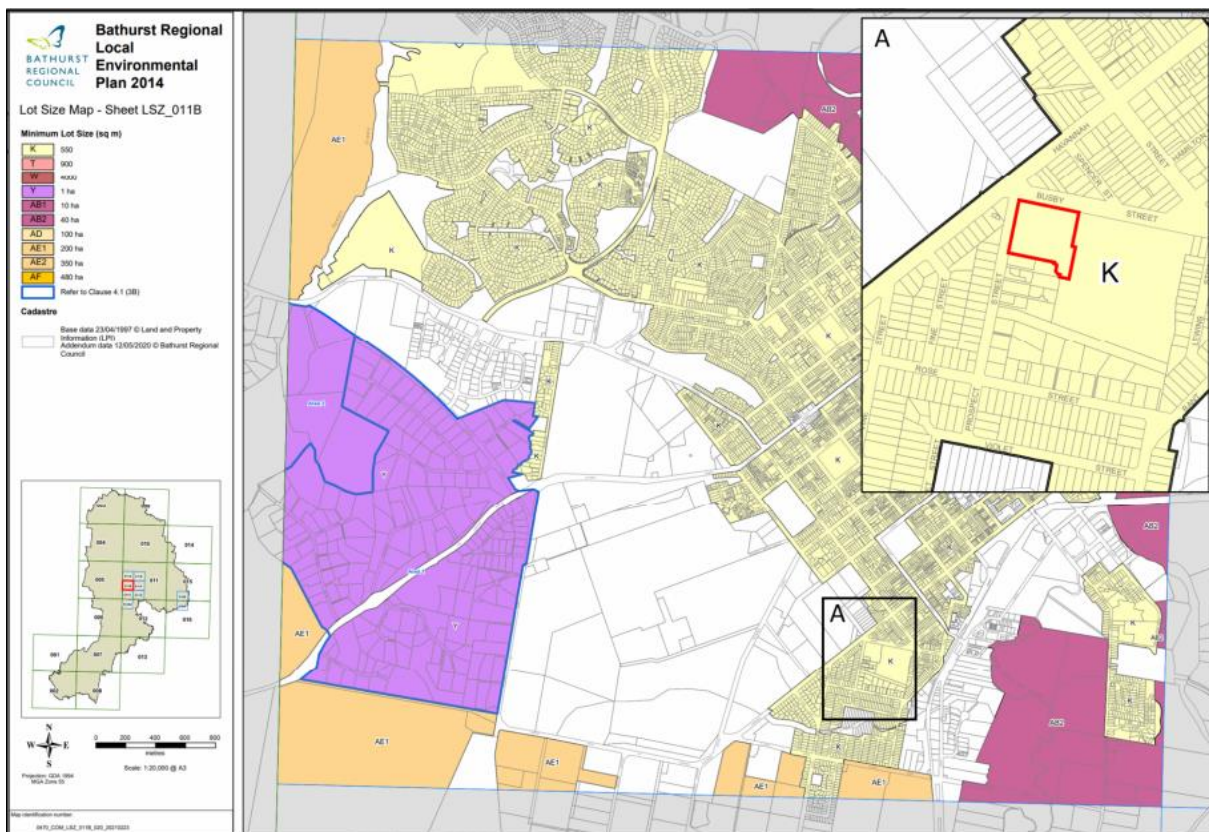


Figure 7 Current lot size map (source: Planning proposal, Allera)



Figure 8 Proposed lot size

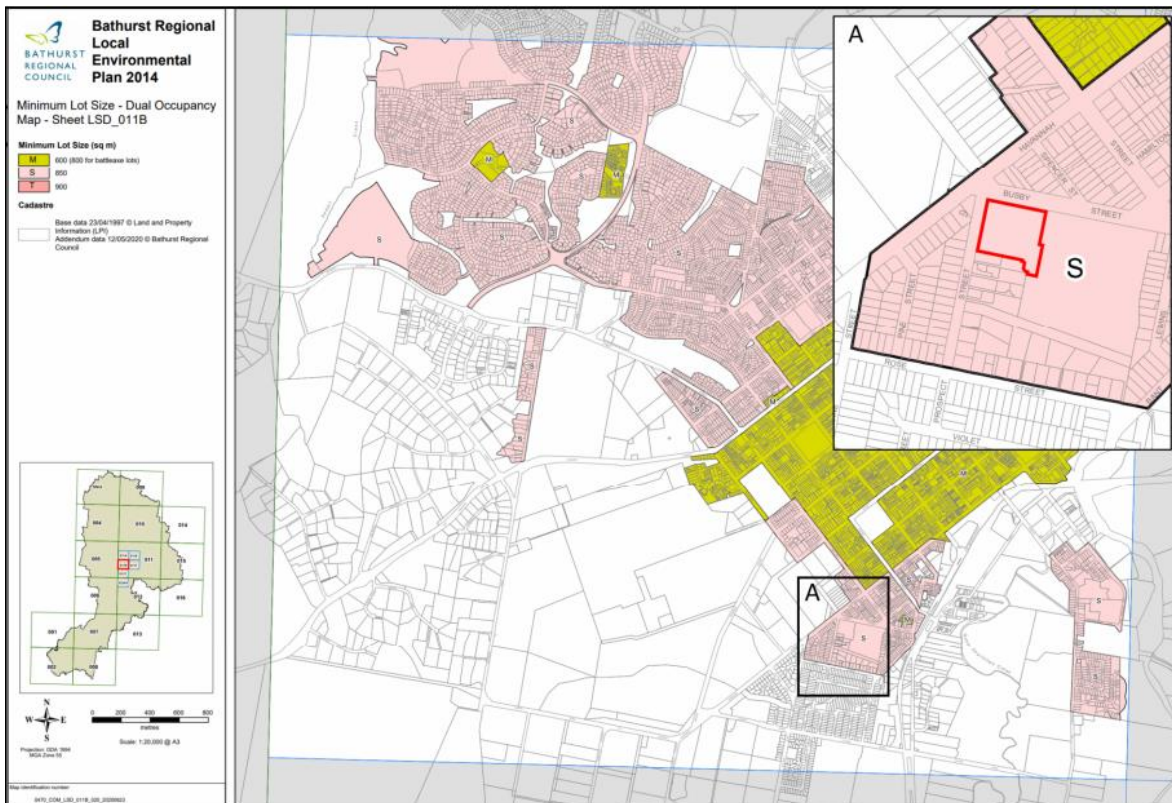


Figure 9 Current minimum lot size map – dual occupancy (source: Planning proposal, Allera)



Figure 10 Proposed additional permitted use map

1.6 Background

The planning proposal recognises the needs of 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 Concept Architectural Plans (**Attachment D**) and an Urban Design Report (**Attachment E**) which determine that the site will not be feasible for the purpose of adaptive re-use of existing buildings due to non-compliances, insufficient service/parking and poor orientations. The concept plan proposes to demolish all buildings and trees on site and construct approximately 97 new dwellings including 34 townhouses and 63 apartments with indicative figures showing the townhouses range from 150m² to 220m² and the apartments range from 75m² to 175m² providing a mix of 1-3 bedroom apartments (**Figure 11**).

MASTERPLAN SPATIAL PLANNING

- MULTI-DWELLING HOUSING
- RESIDENTIAL FLAT BUILDING
- ACTIVATED STREET FRONTAGE
- ACCESS & PERMEABILITY
- VEHICULAR ACCESS LANEWAY

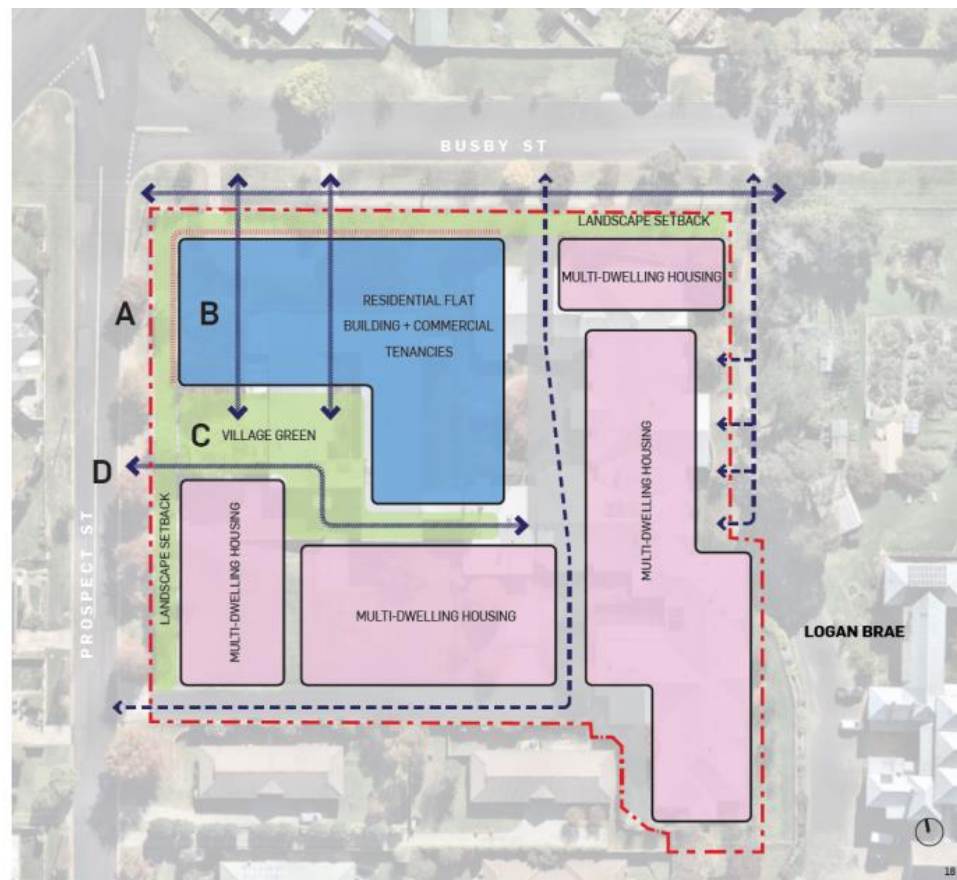


Figure 11 Concept Plan (Urban Design Report, Jan 2024, Allera & ClarkeHopkinsClarke)

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 conditions recommending:

- Update of LEP maps
- Peer review of Noise Impact Assessment (**Attachment L**) and Transport Impact Assessment (**Attachment N**) prior to public exhibition
- Amendment of the Visual Impact Assessment (**Attachment F**) to provide 360° views to and from the site, and consider the potential building envelopes using the proposed HOB controls
- A detailed overshadowing analysis (in addition to the study included in **Attachment I**) which considers the potential building envelopes using the proposed HOB controls

- Update of Servicing Strategy (**Attachment I**) to quantify the loading to existing 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 is it 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 Noise 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 Impact Assessment, 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.
- The Visual Impact Assessment is amended 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 updated overshadowing analysis be prepared that considers 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.

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 (residential flat buildings and townhouses) currently a rare housing type in Bathurst,
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)	<p>The planning proposal presents a unique opportunity for housing diversity that is relatively close to the existing town centre and infrastructure. The planning proposal is consistent with the objectives of the Bathurst Region LSPS. Council have requested peer reviews of the Noise and Traffic Impact Assessments to ensure adequate consideration of impacts on the operation of the Mount Panorama Motor Racing Circuit and the existing local road network. A Gateway condition to this effect will be included.</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

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.

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:

- 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.

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 *Mount Panorama Environs Map* (**Figure 13**).

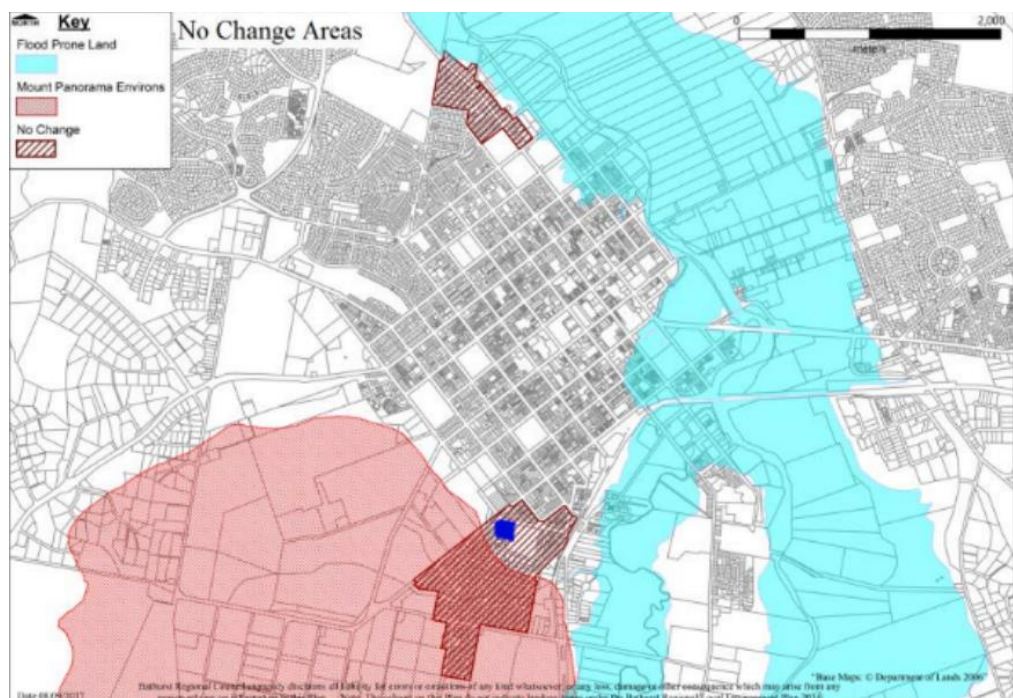
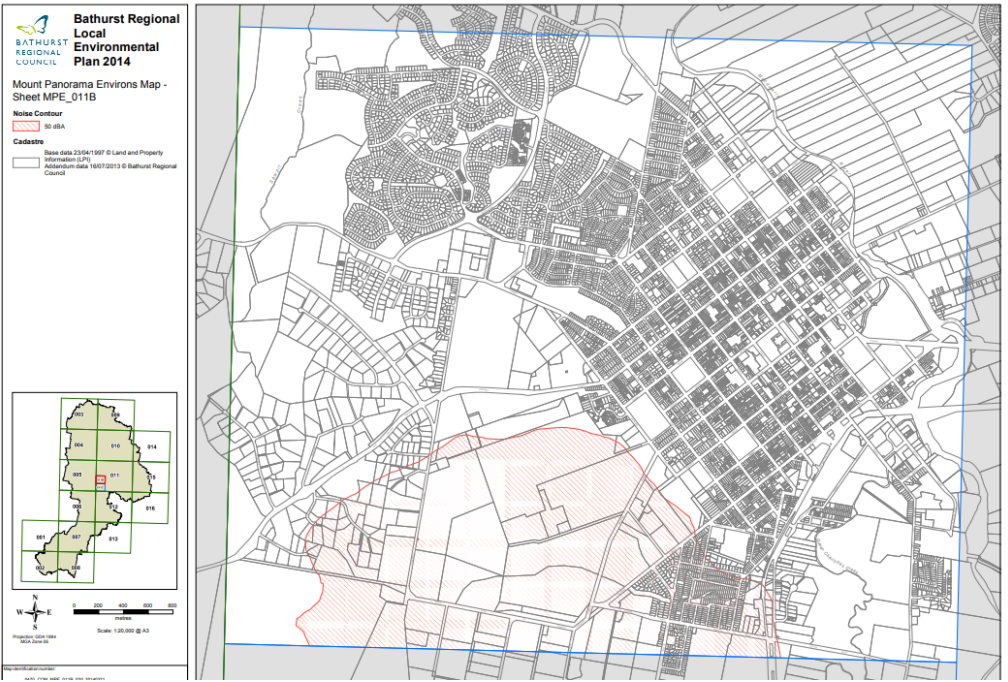


Figure 12 Subject site (navy blue) identified as 'No Change Area' precinct in the Bathurst 2036 Housing Strategy

Local Strategies	Justification
	 <p>Figure 13 Mount Panorama Environs Map Sheet MPE_011B</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 Noise Impact Assessment (Attachment L).</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>
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>
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 small scale 'food and drink premises' within the site which would otherwise be prohibited in R3 Medium Density zone. Council considered that the introduction of an APU 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 development standards are considered.</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.
3.2 Heritage Conservation	Unresolved, Further consultation required	<p>The site is located on and within the edge of the Bathurst Heritage Conservation Area. The proposed increasing density and height is not in keeping with the existing character of the heritage conservation area which is currently characterised by low-density single dwelling housing. There are two local heritage items within close proximity to the site being St Stanislaus Collage and Curtilage (I9) and St Joseph's Mount (I247).</p> <p>The planning proposal is supported by a Heritage Impact Assessment (Attachment H). The report concludes potential impacts of development on the site on the heritage conservation area and the adjoining site known as St Joseph's Mount (Logan Brae) can be appropriately managed through development controls including building setbacks, avoiding overshadowing and adopting sympathetic design including consideration of bulk and scale, colours and textures of external materials and finishes.</p> <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 bushfire affected.
4.4 Remediation of Contaminated Land	Yes	The subject site is not identified as potential contaminated.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Yes	<p>The planning proposal is supported by a Traffic Impact Assessment (Attachment N) stating that the site will have sufficient car parking spaces to accommodate future residential development and that considering the cumulative impact of the adjoining residential developments, the road and intersection will continue to operate well.</p> <p>Council is not satisfied with the extend of traffic impact considered in the assessment and is requesting a review for the proposal and consideration of the traffic impact cumulatively with the potential traffic impact resulting from the proposal at 34 Busby Street.</p> <p>A Gateway condition has been included to ensure the assessment of traffic impacts has been completed to the satisfaction of Council prior to public exhibition. Consultation with Transport for NSW (TfNSW) forms part of the Gateway conditions.</p>
6.1 Residential zones	Yes	<p>The proposal seeks to rezone R1 General Residential zone land to R3 Medium Density zone, and it will enable a variety housing types making more efficient use of existing infrastructure and services by increasing density, and provides an additional 97 dwellings in Bathurst which will be guided by good urban design and appropriate sustainable building standards. The proposal is consistent with direction.</p>

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	As discussed under section 3.3 (Direction 3.2) of this report. There are no changes to the current heritage requirements or provisions.
Waterways and groundwater	The proposal is accompanied by a Geotechnical Investigation Report (Attachment G) which examined the subsurface conditions of the site and provide recommendations for building footing design, excavation conditions, preparation of subgrades, stability of cut and fill batters and site drainage advice. Those matters can be taken into consideration

Environmental Impact	Assessment
	at the development application stage, and it is considered satisfactory for the planning proposal to proceed.
Noise impact	<p>The planning proposal is supported with a Noise Impact Assessment (Attachment L), which concluded that the site will not be significantly impacted by Mt Panorama Racing Circuit in non-active period. However, Council request that the Noise Impact Assessment be reviewed as a condition of Gateway to ensure any possible impacts from noise generated at the racing circuit can be appropriately mitigated. 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. Consultation with the Environmental Protection Authority will form part of consultation under 3.34(2)(d) of the Act.</p>
Visual impact	<p>The Visual Impact Assessment (Attachment F) provides examples of views to and from the site and provides viewpoints for the proposed concept.</p> <p>The Council report (p. 50 Attachment B1), identifies and discusses perceived mistakes within the Visual Impact Assessment including the misrepresenting of proposed mass. However, in the review of the attached Assessment, the figures in questions seemed to be updated and are representing correct building mass. Council is also unsatisfied with the lack of consideration of some key view corridors.</p> <p>A Gateway condition has been included to ensure the assessment of visual impacts has been completed to the satisfaction of Council prior to public exhibition.</p>
Overshadowing	<p>A Shadow Study (Figure 14 below) is included in the Urban Design Report (Attachment E). The submitted shadow diagrams have shown three intervals on the winter and summer solstices and represent overshadowing from the proposed building footprints based on the Concept Architectural Plans (Attachment D). It is considered appropriate for the study to consider the potential building envelopes resulting from the proposal, which includes the potential building envelopes using the proposed HOB controls.</p> <p>SHADOW STUDY</p>  <p>The figure consists of six diagrams arranged in a 2x3 grid. The top row shows shadows on the Winter Solstice at 09:00, 12:00, and 15:00. The bottom row shows shadows on the Summer Solstice at 09:00 (DST), 12:00 (DST), and 15:00 (DST). Each diagram shows a proposed building footprint (outlined in red) and surrounding context, including Logan Brae and Carpark. The shadows are cast from the building footprint onto the surrounding area, showing the potential for overshadowing.</p> <p>Figure 14 Shadow Study (Urban Design Report, Allera & ClarkeHopkinsClarke)</p>

Environmental Impact	Assessment
	A Gateway condition has been included to ensure the assessment of overshadowing has been completed to the satisfaction of Council prior to public exhibition.

4.2 Social and economic

The proposal justifies the need for the proposed amendments to provide diverse housing supply as an infill development that utilises existing infrastructure.


The planning proposal is supported by a Social-Economic 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. It recognises the proposed medium density housing does not necessarily represent the availability of affordable housing.

The proposed additional permitted use to facilitate the development of ‘food and drink premises’ will provide employment opportunities and have economic benefit to the wider community. Council recognises the potential for development to impact the commercial hierarchy in relation to competition with the Bathurst CBD and has recommended a total maximum floor area of 300m² to be implemented on the site as the development standard for the proposed APU.

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. There are two existing watermains connecting from both Busby Street and Prospect Street and two sewer mains located on the southern boundary of the site.</p> <div></div> <p>Figure 15 Existing infrastructure (left – water supply; right – sewer connection)</p> <p>The Servicing Strategy (Attachment I) outlines a preliminary design for 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 be updated to quantify the</p>

	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. A Gateway condition has been included to ensure the servicing strategy has been completed to the satisfaction of Council prior to public exhibition.
Stormwater	The current stormwater system is expected to be able to cater the proposed residential development. It is noted that further investigation is required to confirm the condition of existing inter-allotment drainage.
Electricity supply	Available via extension of existing services.
Telecommunications	Available via extension of existing services.
Transport	The site adjoins the exiting local collector Busby Street and Prospect Street. Public transport is available in proximity to 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 a condition 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
- 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

The Department recommends an LEP completion date of 4 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.

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.
 - Remove the intent to prepare an Additional permitted uses map.
 - Include the intent to introduce a clause to require the preparation of a site-specific Development Control Plan prior to any development 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 Noise 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 Impact Assessment, 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.
 - The Visual Impact Assessment is amended 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 updated overshadowing analysis be prepared that considers the maximum building envelopes permitted under the proposed height of building controls, and identify 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 public authorities:
 - Transport for NSW
 - Heritage NSW
 - Environmental Protection Authority
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 4 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.



27/08/2024

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4/9/2024

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