

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

11 July 2018

His Worship the Mayor & Councillors

### Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 18 July 2018

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 July 2018 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.

D J Sherley GENERAL MANAGER

### **BUSINESS AGENDA**

### **ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

### TO BE HELD ON WEDNESDAY, 18 JULY 2018

### 1. 6:00 PM - MEETING COMMENCES

### 2. PUBLIC QUESTION TIME

#### 3. PRAYER

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

### 4. APOLOGIES

### 5. MINUTES

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 JUNE 2018 \* MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 27 JUNE 2018

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 JULY 2018

#### 6. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

### 7. MAYORAL MINUTE - Nil

#### 8. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

- \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- \* DIRECTOR ENGINEERING SERVICES' REPORT
- \* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

### 9. REPORTS OF OTHER COMMITTEES

- \* MINUTES POLICY COMMITTEE MEETING 4 JULY 2018
- \* MINUTES TRAFFIC COMMITTEE MEETING 3 JULY 2018

#### 10. NOTICES OF MOTION - Nil

#### 11. RESCISSION MOTIONS - Nil

### 12. COUNCILLORS/ DELEGATES REPORTS

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 3 JULY 2018 \* MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 14 JUNE 2018 \* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 JUNE 2018

### 13. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

#### Recommendation: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005,:

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
- 3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	AGREEMENT AT LOTS 2 & 3 DP1115543, KNOWN AS 57A CHURCH LANE, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	2018 BATHURST 6 HOUR	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

		council's position in negotiating commercial and or financial arrangements.
3	FINANCIAL STATEMENT - 2017 CHALLENGE BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PURCHASE OF LOTS 2 AND 3 FREEMANTLE ROAD, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

### \* DIRECTOR ENGINEERING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
	DOCUMENTATION OF SECOND MOTOR RACING CIRCUIT, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

### 14. RESOLVE INTO OPEN COUNCIL

### 15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

### 16. MEETING CLOSE

### MINUTE

### 1 <u>MEETING COMMENCES</u>

<u>Present</u>: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, Rudge.

Meeting Commences to the Council Meeting 18/07/2018

### MINUTE

### 2 PUBLIC QUESTION TIME

### <u>**G Boshier and L Nichols**</u> – Youth Council - Item #1 Delegates

Spoke to the Youth Council report of 3 July 2018 meeting. Gabrielle Boshier voted Youth Mayor and Lydia Nichols voted Deputy Youth Mayor. Referred to the Groove and Grill event at the Winter Festival and future endeavours.

### B Hennesey - applicant - DA Lot 15, DP 700460 Tarana Rd, Brewongle - Item #3 DEPBS

Spoke to DA before Council and the history of this proposal. Noted details provided to Council and the existing settlement pattern in this area. The zoning of the land is unreasonable and irrelevant. Noted boundary restrictions of the site with the road and rail corridors. The block is unique and a building would be good for the area and the economy. The land is uneconomic for agriculture. Referred to Rock Forest DA recently considered by Council. If they are unsuccessful with the DA they will continue with their struggle.

### D Pratley – DA 624 Limekilns Road, Forest Grove - Item #4 DEPBS

Is this proposal only to try and add value to the property for future sale? The concept flies in the face of the current LEP. Council should consider prior arguments against this development. Referred to water availability concerns and impact on the Winburndale Creek.

### <u>R Carroll</u> – adjoining neighbour - DA 624 Limekilns Road, Forest Grove - Item #4 DEPBS

Area is zoned agricultural, will this land need to be rezoned? Concern at possible size of the development, costs, water impact. The proposal is an unknown quantity. Asks Council to consider prior representations.

### J Gorrick – DA 14 Ironstone Ave, White Rock - Item #6 DEPBS

Spoke to impact of the DA, noise, shading problems. This development will put residents into a conflict situation. Believes Mr Mould will park more than one vehicle at his premises. There is long term conflict which will cause stress. Requested Council uphold the LEP requirements. Council is here to do their best for all residents, Feels this is a transport depot. Spoke to financial capacity of the applicant. Asks for the DA not to be approved,

#### L Moulds- owner - DA 14 Ironstone Ave, White Rock - Item #6 DEPBS

There will be only one truck at the property. Noted advice from Crennan Legal on the development proposed. There will be no overshadowing, the noise is acceptable.

### P Gorrick - neighbour - DA 14 Ironstone Ave, White Rock - Item #6 DEPBS

Spoke to prior discussions on this matter at Council. Then referred to the financial status of the applicant and vehicle parking at his current residential premises. Noted recommendation in the report about vehicle parking and the DA creates a turning circle for a B-Double which is not normal for a residential area. Does not believe this proposal is legal.

### B Manning - resident

Spoke to student assignment processes. Then referred to an Engineering Certificate and the structure of these and recommended works to be undertaken. Then spoke to her court case with Council and landowners. Noted Calare Civil certificate which said all completed works were done, yet sub-soil drainage was not done. Council paid over and above the valuation of the property. Spoke to Council correspondence about the dividing fence.

### M Griffiths - resident 70 Havannah Street

Spoke to DA for 48 Havannah Street. Spoke to; access to site plans, not being able to speak to staff but has to do it in writing; denial of procedural fairness; ombudsman fact sheets; bias of Council to the applicant; discrimination by the Deputy Mayor, Cr Bourke; Council's Code of Conduct. What action has been taken against Cr Bourke? Also made allegations against Cr Christian.

### E Dowd – Owner - DA 138 Russell Street - Item #5 DEPBS

Spoke to review of DA before Council, concerning car parking contribution. If this continues to be required, they will not be able to proceed with the purchase. Lease for 3 car parking spaces at 99 Keppel Street has been entered into, a copy of the lease has been provided to Council. Referred to prior submissions made. Feels Council should waive the fee in full.

### <u>**T Jones**</u> – National Redress Scheme

Spoke to the recent inquiry held and quoted from statements made by persons such as the Prime Minister. Spoke to possible action by local government and current media actions. Asks Council to take a lead and publicly thank the police for the work they have done. Noted incidences that occurred in Bathurst.

### B Triming – Bathurst Regional Access Committee Chair

Thanked Council for its assistance to the Access Committee. Winter Festival was great, and compliments to the Events Team who have worked on increasing access. Noted people coming to Bathurst and staying the weekend due to the excellent works on access availability. Would like to see more work on web page showing extra access that has been put in.

### I Pearson – Carillon

Spoke to recent grant for the Carillon of \$300,000 and assistance of Council staff to the Carillon Group. Thanked Paul Toole for his efforts and assistance with S Pearson in getting an application submitted. Council needs to allocate future funds for ongoing maintenance and could Council clean the facade of the building.

### <u>L Sullivan – Mount Panorama Second Circuit Action Group - Tender - Item #1 DES</u> Confidential

Spoke to this item before Council, the size of the project, it is a legacy development. Congratulations to Council for finishing this project and noted efforts by various persons for this project. Facility will cater for bikes and cars and be unique, thanks to everyone.

### MINUTE

### 3 <u>APOLOGIES</u> MOVED: Cr B Bourke SECONDED: Cr A Christian

**RESOLVED:** That the apology from Cr North be accepted and leave of absence granted.

Apologies to the Council Meeting 18/07/2018

### MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

### <u>1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20</u> JUNE 2018 (11.00005)

**<u>Recommendation</u>**: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 June 2018 be adopted.

**<u>Report</u>**: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 June 2018, are <u>attached</u>.

### Financial Implications: N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### MINUTE

### 4 <u>Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL</u> - 20 JUNE 2018 (11.00005) <u>MOVED: Cr B Bourke SECONDED: Cr A Christian</u>

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 June 2018 be adopted.

### 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 27 JUNE 2018 (11.00005)

**<u>Recommendation</u>**: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 27 June 2018 be adopted.

**<u>Report</u>**: The Minutes of the Extrardinary Meeting of Bathurst Regional Council held on 27 June 2018, are <u>attached</u>.

### Financial Implications: N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### MINUTE

### 5 <u>Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL</u> COUNCIL - 27 JUNE 2018 (11.00005) <u>MOVED: Cr J Rudge SECONDED: Cr J Fry</u>

**RESOLVED:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 27 June 2018 be adopted.

### <u>3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4</u> JULY 2018 (11.00005)

**<u>Recommendation</u>**: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 July 2018 be adopted.

**<u>Report</u>**: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 July 2018, are <u>attached</u>.

### Financial Implications: N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### MINUTE

### 6 <u>Item 3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL</u> - 4 JULY 2018 (11.00005) <u>MOVED: Cr W Aubin SECONDED: Cr J Jennings</u>

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 July 2018 be adopted.

Minutes to the Council Meeting 18/07/2018

### MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD ON 20 JUNE 2018

### MEETING COMMENCES

### 1 MEETING COMMENCES 6:00 PM

**<u>Present</u>**: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North.

### **PUBLIC QUESTION TIME**

### 2 PUBLIC QUESTION TIME

#### L Nicholls & M Whittaker – Bathurst Regional Youth Council

Spoke to report to the Youth Council and activities scheduled for Youth Week. The Youth Council has also held a "How to Adult" workshop. The 2018/19 Youth Council will hold their first meeting in July 2018.

#### J Hollis – proponent for the DA - DEPBS Item #3 - DA 2018/56

Spoke to heritage group, neighbours etc. about the development. Noted existing developments in this area and the existing streetscape. Feels there is no bulk/size benchmark. Noted government policy to keep elderly in their homes. Buildings around the area have colorbond roofs. The proposal is consistent with architectural standards in the existing building. Except for the house at #2 there are no contributing buildings. Request DA be approved.

#### **EXTENSION OF TIME**

MOVED Cr W Aubin and SECONDED Cr I North

**RESOLVED:** That an extension of time be granted for Mr Hollis.

#### P Gorrick - resident 18 Ironstone Avenue - DEPBS Item #4 - DA 2018/122

Spoke of advice received from Mr T Cork. This advice is contrary to staff advice and was forwarded to Council today. Spoke to issues such as precedence, impacts - noise, vehicle movements and prior complaints.

#### L Moulds – land owner and proponent for the DA - DEPBS Item #4 - DA 2018/122

Referred to prior approval to park the truck on the block from Council. Noted the style of house proposed for the site. The development will help improve values in the area. The shed is to protect his business vehicle, also location was chosen to reduce noise and visual impact. Spoke to the proposed truck directions chosen on the site, there will be no reversing of the truck, Noise will be limited.

### C Telfser – DEPBS Item #4 - DA 2018/122

### This is page 1 of Minutes (Minute Book Folio 12747) of the Ordinary Meeting of Council held on 20 June 2018

General Manager

Page 16 \_\_\_**Mayor**  Spoke to concerns with the proposed development. Referred to issues such as safety, noise, traffic movements. Also noted the 2014 DCP changes.

### K McNab – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Spoke to construction of a roundabout and safety advice received from the Victorian State Government. Four reports have recommended a roundabout and there is funding available. The design plan seems to be an excellent fit for this intersection, noted some specific components. Referred to prior accident history at this intersection. Works need to occur, over 5,000 people have signed a petition.

### D McNab - DES Item #4 - Mitre/Suttor/Lambert Street intersection

Requested a roundabout construction go ahead. Noted letters sent from school parent organisations which requested action be taken. Noted dangerous nature of the intersection, this has increased with the growth in the Windradyne area and the relocation of the Fire Station. Spoke to traffic history at the intersection and the level of traffic flows. Children's lives are at risk, the intersection no longer functions safely.

### R Collins – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Spoke to role of councillors, and whether this is being met. Then spoke to Vodafone tower in Walmer Park which was refused and related experience that the residents had in this process. Also referred to Kelso telecommunication tower matter. There needs to be a negotiated solution, spoke to traffic movements around this intersection from locations such as Keppel and Stewart Streets. How many reports are needed by Council? Spoke to Timms-vs-Shoalhaven Council matter.

### J Hodges – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Lived in Cummins Street for 50 years. Spoke to accident daughter had at this intersection. There needs to be a roundabout put in this location. Asked where is Alamein Walk on the design.

### <u>A McLeish</u> – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Had an accident in 2016. Lucky the time it occurred was not when children were in the area. Supports Mr & Mrs McNab, asks Council to build the roundabout. How many more accidents will occur? If coming from Hill Street, no one sees you, the carpark at the shops adds to the confusion. Roundabouts slow people down, this has been going on for too long. This is people's lives and Council has the money. Please build the roundabout.

### <u>A McLeish</u> – DES Item #4 - Mitre/Suttor/Lambert Street intersection

This has been going for 20 years.

### G Westman - Water Availability

Spoke to Notice of Motion concerning water availability and the Engineers report. Council has for a long time benefitted from the work undertaken on the water supply. Introducing water restrictions before analysing policy, sends a negative message to people who wish to invest here. We should continue to improve water storage / availability, sending out a message about water restrictions reduces

### This is page 2 of Minutes (Minute Book Folio 12748) of the Ordinary Meeting of Council held on 20 June 2018

General Manager \_\_\_

Page 17 \_\_\_**Mayor**  Council's ability to stand out from other cities. Noted water consumption trends over recent years, water awareness campaigns previously run by the Council. Urges Council to push an awareness campaign, do not move quickly to water restrictions.

### M Griffiths - Havannah Street

Spoke to development at 48 Havannah Street and objected to letter he received from the Director Environmental, Planning & Building Services. Questions why he must investigate the matter. Referred to prior correspondence and photos he has sent to Council. Spoke to asbestos and criminal activity concerns he has. Cr Christian should take no further action in this issue until the activities are resolved. Why hasn't management been held to account on this matter? Feels has been denied procedural fairness. Why has Council said site is clean, when it is not?

### L Leaky - Bathurst Dragon Boat Club - Proposed Aqua Park

Spoke to needs they have and noted concerns with the proposal including safe launching of boats, parking availability, lack of toilet facilities and limited play-space areas.

### S Jones - Western Region Dragon Boar group - Proposed Aqua Park

In support of the Aqua Park then referred to proposed regatta on 4 November 2018. Boats must be launched from the boat ramp near the cabins and this is where the racing will occur. Need to ensure the Park does not impede the running of the regatta.

### <u>G Crisp – ratepayer</u>

Spoke to concerns about water fund theft and admissions he has made to the police. Made allegations against staff and claimed inappropriate behaviour. Referred to his submission to the budget. Stated the premier has released an illegal "fatwah"

**Cr Morse** expressed concerns at Mr Crisp's behaviour and his continued allegations against staff and the Council.

### P Dowling - ratepayer

Could Council look at the median strips in areas such as Peel Street where they are untidy. Also Keppel Street, between Bentinck and Havannah, is there any review being undertaken of the uneven joins in the road?

**The Director Engineering Services** spoke to previous road construction techniques in this area. Council will have a look at some short term repair options.

### B Triming - Chairman, Bathurst Regional Access Committee

Thanked the Engineers for the works undertaken in Bentinck Street near the Federal members offices recently. Also spoke about the footpath near the football fields and cars blocking the footpath. Can a fix be found for this problem, as it stops access through to the private hospital etc? Thanked Council for their efforts.

### **APOLOGIES**

This is page 3 of Minutes (Minute Book Folio 12749) of the Ordinary Meeting of Council held on 20 June 2018

#### <u>3</u> <u>APOLOGIES</u> <u>MOVED</u> Cr B Bourke

and SECONDED Cr I North

**RESOLVED:** That the apology from Cr Rudge be accepted and leave of absence granted.

### **MINUTES**

#### 4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL -16 MAY 2018 (11.00005) MOVED Cr | North MOVED Cr | North and SECONDED Cr W Aubin

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 May 2018 be adopted.

## 5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL 6 JUNE 2018 (11.00005) and SECONDED Cr B Bourke

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 6 June 2018 be adopted.

### **DECLARATION OF INTEREST**

### 6 DECLARATION OF INTEREST 11.00002 MOVED Cr I North and SECONDED Cr W Aubin

**RESOLVED:** That the following Declarations of Interest be noted.

<u>Cr Fry</u>

Item #5 of the Director Corporate Services & Finance's report.

<u>Cr Bourke</u> Item #12 of the Director Corporate Services & Finance's report.

<u>Cr Jennings</u> Item #10 of the Director Cultural & Community Service's report.

<u>Cr Hanger</u> Item #5 of the Delegates report and Item #2 of the Director Engineering Service's confidential report.

### RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

General Manager's Report

### 7 Item 1 LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW - CASUAL

This is page 4 of Minutes (Minute Book Folio 12750) of the Ordinary Meeting of Council held on 20 June 2018

General Manager \_\_\_\_

### VACANCY (18.00289) MOVED Cr J Jennings

and SECONDED Cr I North

**RESOLVED:** That Council nominate Cr Hanger, Cr Bourke and Cr Jennings as voting delegates for the casual vacancy - Vice President (Rural/Regional Councils).

### Director Environmental Planning & Building Services' Report

 8
 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND

 ASSESSMENT ACT 1979 (03.00053)
 and SECONDED

 MOVED
 Cr I North
 and SECONDED

**RESOLVED:** That the information be noted.

9 Item 2 GENERAL REPORT (03.00053) MOVED Cr J Jennings and SECONDED Cr W Aubin

**RESOLVED:** That the information be noted.

### 10 Item 3 EXTENSION OF TIME (DA/2018/56) MOVED Cr I North and SECONDED Cr W Aubin

**RESOLVED:** That an extension of time of 1 minute be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

# 11 Item 3.01 DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56) MOVED Cr B Bourke

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent to Development Application No.
   2018/56 pursuant to Section 4.16 of the Environmental Planning and
   Assessment Act 1979, subject to conditions able to be imposed pursuant to
   Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

### On being <u>PUT</u> to the <u>VOTE</u> the <u>MOTION</u> was <u>CARRIED</u>

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr I North

### This is page 5 of Minutes (Minute Book Folio 12751) of the Ordinary Meeting of Council held on 20 June 2018

P

General Manager

<u>Against the motion</u> - Cr M Morse <u>Absent</u> - Cr J Rudge <u>Abstain</u> - Nil

# 12 Item 4 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122) MOVED Cr J Jennings and SECONDED Cr B Bourke

**RESOLVED:** That Council:

- defer consideration of Development Application No.2018/122 pending Council obtaining its own legal advice as to the appropriate characterisation of the development;
- (b) pending receipt of that advice that the matter be further considered by Council;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

On being PUT to the VOTE the MOTION was CARRIED

#### The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North <u>Against the motion</u> - Nil <u>Absent</u> - Cr J Rudge <u>Abstain</u> - Nil

## 13 Item 5 NAMING OF PUBLIC ROADS – BRENNAN DRIVE, CAIN DRIVE & DOVEY DRIVE (20.00024) and SECONDED MOVED Cr I North

**RESOLVED:** That Council:

- (a) adopt the names Brennan Drive, Cain Drive and Dovey Drive ; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

### 14Item 6 BATHURST 2036 HOUSING STRATEGY (20.00089)MOVEDCr J JenningsandSECONDEDCr B Bourke

**RESOLVED:** That Council:

- (a) adopt the Bathurst 2036 Housing Strategy; and
- (b) notify those who made a submission of its decision.

### This is page 6 of Minutes (Minute Book Folio 12752) of the Ordinary Meeting of Council held on 20 June 2018

General Manager

### 15 Item 7 EDGELLS LANE BRICK PITS WETLAND HYDROLOGICAL ASSESSMENT (13.00086) MOVED Cr I North and SECONDED

**RESOLVED:** That the information be noted.

## 16Item 8 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2018–<br/>2022 (20.00071)<br/>MOVED Cr J Jenningsand SECONDED Cr W Aubin

**RESOLVED:** That Council adopt the Bathurst Region Economic Development Strategy 2018–2022.

### **Director Corporate Services & Finance's Report**

### 17 Item 1 STATEMENT OF INVESTMENTS (16.00001) MOVED Cr B Bourke and SECONDED Cr A Christian

**RESOLVED:** That the information be noted.

## 18Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL<br/>PLAN 2017-2018 (16.00148)<br/>MOVED Cr W Aubinand SECONDED<br/>Cr I North

**RESOLVED:** That the information be noted.

## 19 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004) MOVED Cr J Fry and SECONDED Cr I North

**RESOLVED:** That the information be noted and any additional expenditure be voted.

### 20 Item 4 POWER OF ATTORNEY (11.00007) MOVED Cr W Aubin and SECONDED Cr J Jennings

**RESOLVED:** That the information be noted.

## 21Item 5 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVEDMOVEDCr B BourkeandSECONDEDCr A Christian

**RESOLVED:** That Council consider the submissions individually.

This is page 7 of Minutes (Minute Book Folio 12753) of the Ordinary Meeting of Council held on 20 June 2018

#### 22 Item 5.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155) MOVED Cr W Aubin and SECONDED Cr M Morse

Cr Fry declared a pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

Reason: Employee of Skillset who consult for the Bathurst Golf Club.

### (a) Bathurst Golf Club

**RESOLVED:** That Council not amend the DP/OP in respect of this submission.

### 23 Item 5.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155) MOVED Cr B Bourke and SECONDED Cr J Jennings

### (b) <u>Bathurst Edgell Jog</u>

**RESOLVED:** That Council amend the DP/OP to provide a donation of \$13,000 to the Bathurst Edgell Jog as a section 356 donation.

## 24Item 5.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVED Cr J JenningsMOVEDCr J JenningsandSECONDED<br/>SECONDED

### (c) <u>Rebellion on the Turon</u>

**RESOLVED:** That Council amend the DP/OP to provide a donation of \$5,000 to the Rebellion on the Turon as a Section 356 Donation.

## 25Item 5.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVEDMOVEDCr B BourkeandSECONDEDCr I North

(d) Scallywags Child Care Centre Expansion

**RESOLVED:** That Council note the submission.

## 26Item 5.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVED Cr J JenningsCr W AubinMOVEDCr J Jenningsand SECONDED<br/>SECONDEDCr W Aubin

### (e) The Bridle Track

**RESOLVED:** That Council not amend the DP/OP in respect of the submission.

### 27 Item 5.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)

### This is page 8 of Minutes (Minute Book Folio 12754) of the Ordinary Meeting of Council held on 20 June 2018

General Manager

MOVED Cr M Morse

and **SECONDED** Cr J Fry

### (f) Accessibility, Lack of Parking and Employment Opportunities

**RESOLVED:** That Council not amend the DP/OP in respect of the submission.

## 28Item 5.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVED Cr I NorthCr B Bourke

(g) <u>Water and Sewerage Availability Charges</u>

**RESOLVED:** That Council not amend the DP/OP in respect of the submission.

## 29Item 5.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVEDMOVEDCr W AubinandSECONDEDCr A Christian

(h) <u>Submission from Mr G A Crisp</u>

**RESOLVED:** That Council not amend the DP/OP in respect of the submission received from Mr G A Crisp.

### 30 Item 5.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155) MOVED Cr I North and SECONDED Cr M Morse

### (i) <u>Submission from Council</u>

**RESOLVED:** That Council amend the DP/OP in respect of the submission.

## 31Item 5.1 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVED Cr J JenningsMOVEDCr J JenningsandSECONDEDCr J Fry

(j) <u>Submission from Council</u>

**RESOLVED:** That Council amend the DP/OP in respect of the submission.

- 32Item 5.11 SUBMISSIONS DRAFT DELIVERY PLAN 2018-2022 AND<br/>OPERATIONAL PLAN 2018/2019 (16.00155)<br/>MOVED Cr W Aubinand SECONDED<br/>Cr M Morse
  - (k) Sporting Grants

**RESOLVED:** That Council not amend the DP/OP in respect of this submission.

## 33Item 6 DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019<br/>(16.00155)<br/>MOVED Cr I Northand SECONDED<br/>Cr J Jennings

This is page 9 of Minutes (Minute Book Folio 12755) of the Ordinary Meeting of Council held on 20 June 2018

General Manager \_\_\_\_

Page 24 Mayor

### **RESOLVED:** That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2018-2022 and Operational Plan 2018/2019 be adopted as the Bathurst Regional Council Delivery Plan and Operational Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operational Plan 2018/2019 be voted.
- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.
- (c) It be noted that Council has reviewed its organisation structure in accordance with section 333 of the Local Government Act 1993 as amended.

### 34 Item 7 2018/2019 REVENUE POLICY (16.00155) MOVED Cr I North and SECONDED Cr B Bourke

**RESOLVED:** That, following consideration of the submissions received by Council, the Revenue Policy for 2018/2019, as presented to Council, be adopted as the Bathurst Regional Council 2018/2019 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

### 35 Item 8 2018/2019 RATE LEVY (16.00155) MOVED Cr A Christian and SECONDED Cr I North

That Council formally resolve to make the following rates and charges in relation to the 2018/2019 Rating Year.

(a) ORDINARY RATES FOR 2018/2019 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2018-2022 and Annual Operating Plan 2018/2019 for the twelve months to 30 June 2019 was adopted by the Council on 20 June 2018 it is hereby recommended that:

1. a **Residential Rate** of zero point two eight nine one four six (0.289146) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT

2. a **Residential Town/Villages Rate** of zero point nine four one two five six (0.941256) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT

3. a **Farmland Rate** of zero point two two zero one eight six (0.220186) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT

4. a Business Rate of zero point four five four four eight five (0.454485) cents in

### This is page 10 of Minutes (Minute Book Folio 12756) of the Ordinary Meeting of Council held on 20 June 2018

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	-

the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT

5. a **Business Bathurst City Rate** of one point eight four five five two zero (1.845520) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

6. a **Business Forest Grove Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

7. a **Business Ceramic Avenue Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

8. a **Business Eglinton Non-Urban Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

11. a **Business Evans Plains Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

12. a **Mining Rate** of zero point three five one three three five (0.351335) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2018/2019 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

Category	Minimum Amount	Base Amount	%Yield Base Amount	
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\_\_\_ General Manager \_\_\_\_\_Mayor

1	Residential		\$262.00	32
2	Residential/Town Village	\$373.00		
3	Farmland		\$355.00	24
4	Business	\$260.00		
5	Business Bathurst City	\$399.00		
6	<b>Business Forest Grove</b>	\$399.00		
7	Business Ceramic Avenue	\$399.00		
8	<b>Business Eglinton Non-Urban</b>	\$399.00		
9	Business Orton Park	\$399.00		
10	<b>Business Stewarts Mount</b>	\$399.00		
11	Business Evans Plains	\$399.00		
12	Mining		\$229.00	48

- DOMESTIC WASTE MANAGEMENT CHARGES FOR 2018/2019 That the (b) annual residential charge – Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2018 being three hundred and ninety four dollars and zero cents (\$394.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and the annual residential charge for other than standalone dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2018 being two hundred and ninety two dollars and zero cents (\$292.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2018 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of two hundred and three dollars and zero cents (\$203.00) per mobile bin and for each additional food and green waste collection service of one hundred and two dollars and zero cents (\$102.00) and for each additional fortnightly recycling collection service of eighty nine dollars and zero cents (\$89.00) per mobile bin be made by the Council.
- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2018/2019 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being two hundred and three dollars (\$203.00) per mobile bin and the weekly removal of food and green waste being one hundred and two dollars (\$102.00) and the fortnightly collection of material for recycling being eighty nine dollars (\$89.00) per mobile bin for the twelve months commencing 1 July 2018 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES RURAL AREAS FOR 2018/2019 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2018 being eighty five dollars (\$85.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS That the Council provide to all

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rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.

- (f) SEWERAGE CHARGES FOR 2018/2019 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2018.
- 1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and eight four dollars and zero cents (\$584.00).
- 2. That the annual charge for vacant land be three hundred and seventy one dollars and zero cents (\$371.00).
- 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection	Charge for
(mm)	2018/2019
· · ·	
20	\$527.00
25	\$819.00
32	\$1342.00
02	\$1012.00
40	<b>\$2400.00</b>
40	\$2100.00
50	\$3280.00
65	\$5275.00
	<b>, , , , , , , , , ,</b>
80	\$8389.00
00	\$0309.00
100	\$13108.00
150	\$29488.00
Strata Properties (Each non-residential lot)	\$527.00
	ψ321.00
	<b></b>
Assumption School	\$1643.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and seventy five cents (\$1.75) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2018/2019

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months

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General Manager \_\_\_\_\_

commencing 1 July 2018.

- 1. That the Annual Trade Waste Fee for individual businesses be one hundred and nineteen dollars and zero cents (\$119.00).
- 2. That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and ninety four dollars and thirty cents (\$794.30).
- 3. That the Trade Usage Charge for non-residential properties be two dollars and ninety cents (\$2.90) per kilolitre of filtered water supplied multiplied by a trade discharge factor.
- (h) WATER CHARGES 2018/2019 That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2018.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection	Charge for 2018/2019
(mm)	\$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

- 2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy five dollars and zero cents (\$175.00).
- 3. That the annual water availability charge for vacant unconnected land be one hundred and seventy five dollars and zero cents (\$175.00).
- 4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and forty five dollars and zero cents (\$745.00).
- 5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy five dollars and zero cents (\$175.00).
- 6. That Water Usage Charges (Section 502) be as follows in the below table.

Туре	Consumption	Tariff per kilolitre for 2018/2019
Hillview Estate Water Supply	First 250 kl	\$2.18
	> 250 kl	\$4.36
Residential Filtered	First 250 kl	\$2.08

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	> 250 kl	\$3.12
Residential Raw	First 250 kl	\$0.91
	> 250 kl	\$1.37
Other Filtered	First 250 kl	\$2.08
	> 250 kl	\$3.12
Other Raw	First 250 kl	\$0.91
	> 250 kl	\$1.37
Large Industrial Filtered	>0 kl	\$1.68
Large Industrial Raw	>0 kl	\$1.06
Community Clubs:	First 18,000 kl	\$0.81
Golf, Majellan & Bathurst Community Club	>18,000kl to 45,000kl	\$1.07
	Balance	\$1.68
Strata Unit property	First 250 kl (for each unit)	\$2.08
	>250 kl (for each unit)	\$3.12
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$2.08
	>250 kl	\$3.12
Hospital	1 <sup>st</sup> x patient average	Free
	Balance per KL	\$3.12

- (i) Included in this year's Bathurst Delivery Plan 2018/2022 and Annual Operating Plan 2018/2019 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2018/2019 That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12 month period commencing 1 July 2018 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.5%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and a 5.0% increase in Water Charges which have been calculated on achieving a 25% access charge and 75% usage charge basis as per the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

#### 36 Item 9 TCORP LOAN (16.00148) MOVED Cr I North

and SECONDED Cr B Bourke

**RESOLVED:** That Council approves the execution of the Loan Agreement with NSW Treasury Corporation.

<u>37</u>	Item 10 WATER FOR VERIFIED I	PRIME PRODUCERS (16.00155)
	MOVED Cr J Jennings	and <b>SECONDED</b> Cr B Bourke

This is page 15 of Minutes (Minute Book Folio 12761) of the Ordinary Meeting of Council held on 20 June 2018

General Manager \_\_\_\_

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### **RESOLVED:** That Council:

- (a) Provide verified primary producers access to water from the Hereford Street standpipes at no charge, based on the following parameters;
  - (i) To apply to Bathurst Regional Council / ratepayers who are owners of a farmland rated parcel of land;
  - (ii) Must be registered primary producer with a current Property Identification Code (PIC); and
  - (iii) A limit of 20kl per week per rate notice (non-accruing); and
  - (iv) For stock and domestic use only.
- (b) The scheme will cease in the event of any of the following:
  - (i) When Ben Chifley Dam reaches a capacity of 40% or lower;
  - (ii) Drought declaration is lifted for the Bathurst Regional Council area; and
  - (iii) Four months from commencement of the scheme.
- (c) That the proposed waiving of water charges for primary producers, be placed on public exhibition for 28 days and a further report come back to Council.

### 38 Item 11 OPERATIONAL LAND CLASSIFICATION (22.00911, 22.06307, 22.16073) MOVED Cr B Bourke and SECONDED Cr I North

**RESOLVED:** That Council classify the following parcels as operational land in accordance with the provision of Section 31(2) of the Local Government Act, 1993:

- (a) 38 William Street, Bathurst;
- (b) 116 Bentinck Street, Bathurst;
- (c) 434 Laffing Waters Lane, Laffing Waters
- 39Item 12 REQUEST FOR FINANCIAL ASSISTANCE 8 LIONS CLUB DRIVE,<br/>KELSO (22.01907)<br/>MOVED Cr I Northand SECONDED<br/>Cr A Christian

Cr Bourke declared a non-pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

### Reason: Volunteer manager at the Community Op Shop.

**RESOLVED:** That Council fund the cost of the additional water consumption that was incurred at 8 Lions Club Drive, Kelso arising from the fire clean-up works to be funded from Section 356 donations.

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	General	Manager _
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## 40 Item 13 2019 AUSTRALIAN INTERNATIONAL LUTHIERS CONGRESS (18.00004) MOVED Cr M Morse and SECONDED Cr J Jennings

**RESOLVED:** That Council:

- (a) Provide financial support of up to \$5,000 (cash/in-kind) towards the inaugural Australian International Luthiers Congress to be held in July 2019; and
- (b) Host a Mayoral Reception as part of this Congress, at Council's cost.

### 41 Item 14 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.01826, 22.11668, 21.00044, 22.00654, 22.11668) MOVED Cr B Bourke and SECONDED Cr J Fry

**RESOLVED:** That the information be noted.

### **Director Engineering Services' Report**

 42
 Item 1 WATER SECURITY IN BATHURST (16.00103)

 MOVED
 Cr J Jennings
 and SECONDED
 Cr J Fry

### The following MOTION was MOVED.

That Council:

- (a) Give notice of Level 1 water restrictions, upon Ben Chifley Dam reaching 50% capacity; and
- (b) Increased restriction levels be introduced in accordance with the Drought Management Plan.

### The MOTION was PUT and LOST

 43
 Item 1.01 WATER SECURITY IN BATHURST (16.00103)

 MOVED
 Cr M Morse
 and SECONDED
 Cr B Bourke

**RESOLVED:** That the information be noted.

### 44 Item 2 ROAD SAFETY OFFICER PROGRAM UPDATE (16.00018) MOVED Cr B Bourke and SECONDED Cr W Aubin

**RESOLVED:** That Council continues its commitment to the Road Safety Officer Program and retains a Road Safety Officer position to 30 June 2019, subject to the ongoing support of the Blayney Shire Council and Roads and Maritime Services.

### 45 Item 3 PROPOSED CROWN ROAD TRANSFER - BURGES ROAD CALOOLA

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_	-

(25.00322) MOVED Cr I North

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council approve the transfer of the Crown Road section of Burges Road within Lot 1 DP1189149 at Caloola from the Crown to Council, subject to the information contained in the Director Engineering Services' report.

### 46 Item 4 DESIGN AND ENGINEERING REPORT - MITRE/SUTTOR/LAMBERT STREET INTERSECTION (25.00095) MOV/ED

MOVED Cr A Christian and SECONDED Cr I North

### **RESOLVED:** That:

- (a) Council place the Mitre/Suttor/Lambert Street Intersection Report and Roundabout Design on public exhibition for a period of 28 days; and
- (b) Following the public exhibition period, a further report be presented to Council to adopt the Engineering Design. However, if no submissions are received then the Council move immediately to constructing the roundabout.

## 47Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE<br/>(11.00005, 36.00655 & 36.00669)<br/>MOVEDMOVEDCr I NorthandSECONDEDCr B Bourke

**RESOLVED:** That the information be noted.

### Director Cultural & Community Services' Report

## 48 Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 7 MAY 2018 (07.00116) and SECONDED Cr J Fry

**RESOLVED:** That the information be noted.

### 49 Item 2 BATHURST TOURISM REFERENCE GROUP - MEMBERSHIP (07.00116) MOVED Cr B Bourke and SECONDED Cr J Jennings

**RESOLVED:** That the information be noted.

### 50Item 3 TOURISM INDUSTRY ENGAGEMENT (18.00010)MOVEDCr B BourkeandSECONDEDCr J Fry

**RESOLVED:** That Council:

(a) Note the progress of the implementation of the Strategic Priorities of the Destination Management Plan (DMP) since its adoption.

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General Manager \_\_\_\_\_

- (b) Note the five year time-frame to execute the strategies.
- (c) Review the DMP following a further two year sustained and strategic campaign and product development work involving high level industry engagement.

### 51 Item 4 BATHURST DESTINATION BRAND STRATEGY - PROGRESS REPORT (20.00299) MOVED Cr M Morse and SECONDED Cr W Aubin

**RESOLVED:** That the information be noted.

 52
 Item 5 2018 THE END FESTIVAL, HILL END (20-22 APRIL 2018) (23.00026)

 MOVED
 Cr B Bourke
 and SECONDED
 Cr I North

**RESOLVED:** That the information be noted.

### 53Item 6 ARTS OUTWEST 2017 ANNUAL REPORT (18.00036)MOVEDCr M MorseandSECONDEDCr I North

**RESOLVED:** That Council note the Arts OutWest Annual report for 2017.

## 54Item 7 AUTUMN SCHOOL HOLIDAY ACTIVITIES 2018 (21.00039, 21.00054,<br/>21.00060)<br/>MOVED Cr W Aubinand SECONDED Cr J Jennings

**RESOLVED:** That the information be noted.

### 55 Item 8 BATHURST REGION: A CULTURAL VISION 2036 - PROGRESS REPORT (20.00056) MOVED Cr J Jennings and SECONDED Cr I North

**RESOLVED:** That Council note and endorse the actions as outlined in the progress report for the Bathurst Region: A Cultural Vision 2036.

## 56Item 9 BATHURST LIBRARY - 2018 BOOKLINK LITERACY PROGRAM<br/>(21.00029)<br/>MOVED Cr M Morseand SECONDED<br/>Cr B Bourke

**RESOLVED:** That the information be noted.

 57
 Item 10 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2018 BATHURST

 WRITERS' AND READERS' FESTIVAL IN ASSOCATION WITH THE SYDNEY

 WRITERS' FESTIVAL LIVE & LOCAL (4-6 MAY 2018) (21.00060)

 MOVED
 Cr B Bourke

 and
 SECONDED

 Cr I North

Cr Jennings declared a pecuniary interest in this item, left the Chamber and

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General Manager

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took no part in discussion or voting.

Reason: Partner paid in the event.

**RESOLVED:** That the information be noted.

### 58Item 11 AUTUMN COLOURS 2018 (23.00060)MOVEDCr B BourkeandSECONDEDCr J Fry

**RESOLVED:** That the information be noted.

### 59Item 12 BATHURST HERITAGE TRADES TRAIL 2018 (23.00060)MOVEDCr M MorseandSECONDEDCr B Bourke

### **RESOLVED:** That:

- (a) the information be noted; and
- (b) the organisers of the Heritage Trades Trail be congratulated.

### **REPORTS OF OTHER COMMITTEES**

### Policy Committee Meeting

### 60Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2018 (07.00064)MOVEDCr W AubinandSECONDEDCr I North

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 6 June 2018 be adopted.

### **Traffic Committee Meeting**

### 61 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JUNE 2918 (07.00006) MOVED Cr W Aubin and SECONDED Cr B Bourke

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 5 June 2018 be adopted.

### NOTICES OF MOTION

## 62Item 1 NOTICE OF MOTION - CR NORTH - WATER RESTRICTIONS (11.00004,<br/>32.00017)<br/>MOVED Cr I NorthMOVEDCr I NorthandSECONDEDCr A Christian

**RESOLVED:** Moved by Cr North:

That Council review its Drought Management Policy at a Working Party to be held

This is page 20 of Minutes (Minute Book Folio 12766) of the Ordinary Meeting of Council held on 20 June 2018

General Manager

Page 35 Mayor as soon as practical.

### **COUNCILLORS/ DELEGATES REPORTS**

 
 63
 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 MAY 2018 (11.00019) MOVED Cr J Fry

 MOVED
 Cr J Fry

 and
 SECONDED

 Cr M Morse

**RESOLVED:** That the information be noted.

### 64 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 MAY 2018 (11.00020) MOVED Cr W Aubin and SECONDED Cr M Morse

**RESOLVED:** That the information be noted.

 65
 Item 3 COUNCILLORS MEETING WITH COMMUNITY

 GROUPS/REPRESENTATIVES - 23 MAY 2018 (11.00019)

 MOVED
 Cr A Christian

 and
 SECONDED

 Cr J Jennings

**RESOLVED:** That the information be noted.

 66
 Item 4 MINUTES - COMMUNITY SAFETY COMMITTEE - 17 MAY 2018 (07.00107)

 MOVED
 Cr M Morse
 and SECONDED
 Cr J Jennings

**RESOLVED:** That the information be noted.

## 67Item 5 CENTROC BOARD MEETING 24 MAY 2018 (PARLIAMENT HOUSE,<br/>SYDNEY) (07.00017)<br/>MOVED Cr A Christianand SECONDEDCr J Jennings

Cr Hangar declared a non-pecuniary interest in this item and remained in the Chamber.

Reason: Nephew is mentioned in the report.

**RESOLVED:** That the report on the CENTROC Board Meeting held 24 May 2018 at Parliament House, Sydney be noted.

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

### 68 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH

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General Manager

#### CONFIDENTIAL REPORTS

MOVED Cr A Christian

#### and SECONDED Cr I North

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

#### There were no representations from the public.

#### **RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT RENEWAL AT LOT 60 DP1226661, KNOWN AS COX LANE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PURCHASE OF PROPERTY - 29-35 SYDNEY ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME TO GO 2 INVESTMENTS PTY LTD T/A HERTZ CAR RENTAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RURAL LICENCE AGREEMENT - LOT 1 DP 1007963 AND LOT 1 DP995205 KNOWN AS CORNER OF	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

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	PATNA & COMMONWEALTH STREETS, BATHURST.	the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW COMMERCIAL LICENCE AGREEMENT, PART LOT 2 DP1186691 KNOWN AS 29 SYDNEY ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

#### \* DIRECTOR ENGINEERING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER - DESIGN & CONSTRUCTION OF NEW TENNIS CENTRE BUILDING, JOHN MATTHEWS SPORTING COMPLEX	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDERS - PREFERRED CONTRACTORS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

#### **Director Corporate Services & Finance's Report**

#### Item 1 RURAL LICENCE AGREEMENT RENEWAL AT LOT 60 DP1226661, <u>a</u> KNOWN AS COX LANE, EGLINTON (22.01826) MOVED Cr W Aubin and SECONDED Cr I North

That Council approves the renewal of rural licence agreement for Lot 60 in DP1226661, known as Cox Lane Eglinton for a period 12 months as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

#### <u>b</u> Item 2 PURCHASE OF PROPERTY - 29-35 SYDNEY ROAD, KELSO (22.11668/019)**MOVED** Cr I North

and SECONDED Cr W Aubin

That Council:

(a) Purchase the properties at 29-35 Sydney Road, Kelso as detailed in the report;

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Page 38 Mayor

General Manager

- (b) Delegate the authority to the General Manager to execute the purchase contracts; and
- (c) Classify the land as operational land under the provisions of the Section 31(2) of the Local Government Act, 1993.

 c
 Item 3 PROPOSED NEW COMMERCIAL LICENCE AGREEMENT AT BATHURST

 AERODROME TO GO 2 INVESTMENTS PTY LTD T/A HERTZ CAR RENTAL

 (21.00044)

 MOVED
 Cr I North

 and
 SECONDED

 Cr B Bourke

**That** Council approve the new commercial licence agreement with GO 2 Investments Pty Ltd t/as Hertz Car Rental for counter space, lockable cabinet and signage together with a return key facility located in the terminal building, being part Lot 404 in DP1241250 at the Bathurst Aerodrome for a period of up to five (5) years as detailed in the report

# dItem 4 RURAL LICENCE AGREEMENT - LOT 1 DP 1007963 AND LOT 1<br/>DP995205 KNOWN AS CORNER OF PATNA & COMMONWEALTH STREETS,<br/>BATHURST. (22.00654)<br/>MOVED Cr I Northand SECONDED<br/>SECONDED Cr J Fry

**That** Council approves entering into a rural licence agreement for Lot 1 DP1007963 and Lot 1 DP995205 known as corner of Patna & Commonwealth Streets, Bathurst for a period of 12 months with a 12 month option at Council's discretion, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

# eItem 5 PROPOSED NEW COMMERCIAL LICENCE AGREEMENT, PART LOT 2<br/>DP1186691 KNOWN AS 29 SYDNEY ROAD, KELSO (22.11668)<br/>MOVED Cr B BourkeMOVEDCr B BourkeandSECONDED<br/>SECONDEDCr J Jennings

**That** Council approve entering into a new commercial licence agreement with oOh! Media Regional Pty Ltd at part Lot 2 DP1186691 known as 29 Sydney Road, Kelso for a period of five (5) years and a further option for five (5) years as detailed in the report.

#### **Director Engineering Services' Report**

#### f Item 1 TENDER - DESIGN & CONSTRUCTION OF NEW TENNIS CENTRE BUILDING, JOHN MATTHEWS SPORTING COMPLEX (36.00655) MOVED MOVED Cr I North and SECONDED Cr B Bourke

**That** Council accepts the tender from Nick Harvey Construction to the amount of \$776,973.00 (GST incl.), subject to provisional items and variations.

g	Item 2 TENDERS - PREFERRED CON	ITRACTORS (36.00669)
_	MOVED Cr A Christian	and <b>SECONDED</b> Cr J Jennings

This is page 24 of Minutes (Minute Book Folio 12770) of the Ordinary Meeting of Council held on 20 June 2018 Mayor, Cr Hangar declared a pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

Reason: son is one of the tenderers.

The Mayor, Cr Hanger vacated the Chair.

Deputy Mayor, Cr Bourke took the Chair.

**That** Council accepts the Preferred Contractor List for the engagement of contractors for minor works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

#### **RESOLVE INTO OPEN COUNCIL**

## 69 RESOLVE INTO OPEN COUNCIL MOVED Cr I North and SECONDED Cr J Jennings

**RESOLVED:** That Council resume Open Council.

#### ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

## 70 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE MOVED Cr A Christian and SECONDED Cr J Fry

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (g) be adopted.

#### **MEETING CLOSE**

#### 71 MEETING CLOSE

The Meeting closed at 9.05 pm.

#### CHAIRMAN:

#### MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD ON 27 JUNE 2018

#### MEETING COMMENCES

#### 1 MEETING COMMENCES 6:00 PM

**<u>Present</u>**: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

#### **APOLOGIES**

2 APOLOGIES MOVED Cr | North

and **SECONDED** Cr A Christian

**RESOLVED:** That the late arrival of Cr Aubin be accepted and leave of absence granted.

#### **DECLARATION OF INTEREST**

3 DECLARATION OF INTEREST 11.00002 MOVED Cr B Bourke and SECONDED Cr J Jennings

**RESOLVED:** That the Declaration of Interest be noted.

Cr Aubin arrived at 6.02 pm.

#### **RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

Director Environmental Planning & Building Services' Report

 
 4
 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053) MOVED Cr B Bourke
 and SECONDED

**RESOLVED:** That the information be noted.

 5
 Item 2 DEVELOPMENT APPLICATION NO. 2018/141 – OUTDOOR

 RECREATION FACILITY (AQUA PARK) AT BEN CHIFLEY DAM, THE LAGOON.

 APPLICANT: HICKSTAR INVESTMENTS (BATHURST) PTY LTD. OWNER:

 BATHURST REGIONAL COUNCIL (DA2018/141)

 MOVED
 Cr B Bourke

 and
 SECONDED

 Cr J Jennings

That Council:

(a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development

This is page 1 of Minutes (Minute Book Folio 12772) of the Ordinary Meeting of Council held on 27 June 2018

General Manager \_\_\_\_\_

Page 41 \_\_\_\_**Mayor**  Application No. 2018/141, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- The applicant is to provide on-site, for the duration of the aqua park season, a minimum of four (4) self-contained portable toilets suitably designed and installed to eliminate effluent escape to the environment, with one of these to be suitable for disabled access.
- (ii) The Aqua Park be located to provide unimpeded access for marine craft using the boat ramp and the vessel towing drop off/pick up zone on the western foreshore, specifically, a minimum 60 metre buffer or such other distance as may be specified by Roads & Maritime Services.
- (iii) In addition to other approvals, the applicant enter into a Licence Agreement with Council to prescribe operational and other requirements.
- (iv) Exclusion fencing on the foreshore be limited to enable other visitors to the dam to use foreshore facilities.
- (v) Prior to the commencement of works on site the applicant is to submit to Council a final plan of the layout of the on-water infrastructure and evidence of approval of the plan from Roads & Maritime Services.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

#### On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

#### The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge, <u>Against the motion</u> - Nil <u>Absent</u> - Nil <u>Abstain</u> - Nil

#### **MEETING CLOSE**

#### 6 MEETING CLOSE

The Meeting closed at 6.17 pm.

#### CHAIRMAN:

#### MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE HELD ON 4 JULY 2018

#### MEETING COMMENCES

#### <u>1</u> MEETING COMMENCES 6:25 PM

**<u>Present</u>**: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

#### **APOLOGIES**

#### 2 APOLOGIES

Nil.

#### DECLARATION OF INTEREST

<u>3</u>	DECLARATION OF INTEREST 11.00002			
	MOVED Cr J Rudge	and SECONDED Cr M Morse		

**RESOLVED:** That the Declaration of Interest be noted.

## 4 Item 999.01 SUSPENSION OF STANDING ORDERS 11.00002 MOVED Cr I North and SECONDED Cr B Bourke

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Rescission Motion - DA 2018/56 - 6 Stanley Street, Bathurst.

#### **RESCISSION MOTIONS**

 5
 Item 1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 –

 ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET,

 BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW

 HOLLIS & MRS MP HOLLIS (DA/2018/56)

 MOVED
 Cr M Morse

 and
 SECONDED

 Cr J Fry

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

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General Manager \_\_\_\_\_

Page 43 Mayor

## 12775

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.
- Dated: 20 June 2018
- Signed: Cr Monica Morse Cr Graeme Hanger Cr Jacqui Rudge

## 6 Item 1.01 EXTENSION OF TIME (11.00005) MOVED Cr B Bourke and SECONDED Cr J Fry

**RESOLVED:** That an extension of time of 1 minute be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

## 7Item 1.02 EXTENSION OF TIME (11.00005)MOVEDCr J JenningsandSECONDEDCr J Fry

**RESOLVED:** That a further extension of time be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

# 8 Item 1.03 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (2018/56) MOVED Cr M Morse and SECONDED

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

This is page 2 of Minutes (Minute Book Folio 12775) of the Ordinary Meeting of Council held on 4 July 2018

General Manager	Mayor

## 12776

Dated: 20 June 2018

Signed: Cr Monica Morse Cr Graeme Hanger Cr Jacqui Rudge

On being **<u>PUT</u>** to the **<u>VOTE</u>** the <u>**MOTION**</u> was <u>**LOST**</u>

#### The result of the division was:

In favour of the motion - Cr J Fry, Cr G Hanger, Cr M Morse, Cr J Rudge <u>Against the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings, Cr I North <u>Absent</u> - Nil <u>Abstain</u> - Nil

## 9 Item 1.04 RESUMPTION OF STANDING ORDERS (11.00005) MOVED Cr I North and SECONDED Cr B Bourke

That Council resume Standing Orders.

#### **RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

#### **Director Corporate Services & Finance's Report**

## 10Item 1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE<br/>(22.00219) (22.00999)<br/>MOVED Cr B Bourkeand SECONDED<br/>Cr W Aubin

**RESOLVED:** That the information be noted.

Cr Christian left the meeting at 6.42 pm

#### **Director Engineering Services' Report**

11Item 1 HILLVIEW WATER (32.00023)MOVEDCr W AubinandSECONDEDCr J Fry

**RESOLVED:** That Council does not supply additional water to the Hillview Estate.

#### RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

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General Manager \_\_\_\_

Page 45 Mayor

#### 12 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS MOVED Cr I North and SECONDED Cr B Bourke

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

#### There were no representations from the public.

#### **RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

#### **Director Corporate Services & Finance's Report**

<u>a</u>

Item 1 PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7DP758065 AND PART LOT 3, SECTION 7DP758065 KNOWN AS 133-137KEPPEL STREET BATHURST (22.00219) (22.00999)MOVEDCr B BourkeandSECONDEDCr I North

**That** Council approve the proposed boundary adjustment at part Lot 12 DP1040066 known as 176 Russell Street, Bathurst, with part Lot 4, Section 7 DP758065 and part Lot 3, Section 7 DP758065 known as 133 -137 Keppel Street, Bathurst, subject to development consent as detailed in the report.

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Genera	l Man	ager

#### **RESOLVE INTO OPEN COUNCIL**

 13
 RESOLVE INTO OPEN COUNCIL

 MOVED
 Cr I North
 and SECONDED
 Cr M Morse

**RESOLVED:** That Council resume Open Council.

#### ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

## 14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE MOVED Cr J Rudge and SECONDED Cr I North

**RESOLVED:** That the Report of the Committee of the Whole, Item (a) be adopted.

#### MEETING CLOSE

#### 15 MEETING CLOSE

The Meeting closed at 7.01 pm.

CHAIRMAN:

#### MINUTE

#### 7 DECLARATION OF INTEREST 11.00002 MOVED: Cr J Fry SECONDED: Cr J Rudge

**RESOLVED:** That the following Declarations of Interest be noted.

<u>Cr Jennings</u> Item #1 of the Director Engineering Services Confidential report

<u>Cr Bourke</u> Item #3 of the Director Environmental, Planning & Building Services report

#### DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

#### <u>1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT</u> ACT 1979 (03.00053)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

4.15 Evaluation (cf previous s 79C)

#### (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

## (2) Compliance with non-discretionary development standards—development other than complying development

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/07/2018

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
  - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

#### (3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

#### (4) Consent where an accreditation is in force

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

#### (6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

#### Financial Implications: Nil

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

Objective 6: Community leadership and collaboration
 Strategy 6.4

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### MINUTE

#### 8 <u>Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND</u> <u>ASSESSMENT ACT 1979 (03.00053)</u> <u>MOVED: Cr M Morse SECONDED: Cr B Bourke</u>

**RESOLVED:** That the information be noted.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/07/2018

#### 2 GENERAL REPORT (03.00053)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during June 2018 (<u>attachment 1</u>).
- (b) Applications refused during June 2018 (attachment 2).
- (c) Applications under assessment as at the date of compilation of this report ( $\underline{attachment}$ <u>**3**</u>).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (<u>attachment 4</u>).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in June 2018 (<u>attachment 5</u>).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

#### Financial Implications: Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 4: E</li> </ul>	nabling sustainable growth	Strategy 4.6
Objective 6: C	ommunity leadership and collaboration	Strategy 6.4

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### MINUTE

#### 9 <u>Item 2 GENERAL REPORT (03.00053)</u> MOVED: Cr B Bourke SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

Director Environmental Planning & Building Services' Report to the Council Meeting 18/07/2018

#### <u>3 DEVELOPMENT APPLICATION NO. 2018/207 – SINGLE STOREY</u> DWELLING AT LOT 15, DP 700460, TARANA ROAD, BREWONGLE. APPLICANT: MR P & MRS V HENNESSY. OWNER: MR P & MRS V HENNESSY (DA/2018/207)

#### Recommendation: That Council:

- (a) not support the variation to the development standard prescribed in Clause 4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst Regional Local Environmental Plan 2014 and as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/207, for the following reasons:
  - a. The proposal is not consistent with the objectives of the RU1 Primary Production Zone;
  - b. The proposal is not consistent with the objectives of Clause 4.2B Erection of dwelling houses on land in certain rural zones; and
- (b) call a division.

#### Report: Summary

Development Application 2018/207 has been received for a dwelling on land at Brewongle. Whilst dwellings are permissible in the zone, the land area is 18.3 ha and the minimum lot size is 100 ha. The 100 ha minimum lot size is well established, having been in place for decades. Consequently, the application includes a request to depart from the minimum lot size, which is available under Clause 4.6 of BRC LEP 2014.

There have been a number of applications for dwellings under various owners of this land. At various points in time, two dwelling approvals were granted by Evans Shire Council. The first of these approvals was granted because the subject land was part of an aggregation of two lots that, when combined, exceeded the 100 ha minimum lot size. The two lots were not legally aggregated and the larger of the two lots was subsequently sold, leaving the subject land as the site where a dwelling had been approved. The latter approval, on the subject land alone, gained concurrence from the then Department of Planning but with certain conditions. It is also the case that electricity was connected to the land and earthworks conducted, presumably for the construction of a dwelling, but no building works occurred. Although the current land owners have a different view, Council staff are of the opinion that there is insufficient evidence that demonstrates the approved developments have achieved "physical commencement" in accordance with the legislation and therefore a new approval is necessary. In the last 10 years, three development applications have been lodged with Bathurst Regional Council prior to the current application, the outcomes being one withdrawn and two refused, largely on the basis of the land being much smaller than the minimum lot size.

One of the main and potentially unique features of the land, and one which is given prominence in the current application, is that the land is bound on one side by Tarana Road and the other side by the main rail line. This isolates the subject land from adjoining land, which is predominantly agricultural in use. The application includes discussion about the prevalence of small lots with dwellings in the Brewongle precinct, the unviability of agricultural pursuits on the subject land, the minimal impact a dwelling would create if approved and other planning reasons why the variation to the minimum lot size should be supported. The Statement of Environmental Effects accompanying the application considers these matters at length, as well as the applicant's view of why Council should vary the development standard in this case. Councillors will also recall a recent report recommending approval in principle to depart from the same standard for a development application for a dwelling on land at Rock Forest where the lot size was 43.38 ha, which Council resolved to support. This is an indication that such cases can and need to be considered on merit and there not be a standard response to such applications.

However, the amount of the variation in this case is significant, the subject land being only 18.3 ha compared to the minimum lot size of 100 ha. For this and other reasons that go to previous decisions of the Council (and the Courts), including previous decisions regarding this lot, and the precedent that might be set for the very large number of vacant lots below the current minimum lot size, Council staff are unable to support the proposal. This is despite the unique circumstances that apply in this case and agreement that a single dwelling on this particular lot, which has received development approval in the past, is in isolation unlikely to cause significant impact. That is not however the only test that must be applied in these cases and the broader objectives of the LEP currently in force need to be considered.

#### The Site

Council has received a Development Application (DA) for a single storey dwelling with attached garage at Tarana Road, Brewongle, described as Lot 15, DP 700460.

See location plan and aerial photo at <u>attachment 1</u>. The plans for the proposed development are at <u>attachment 2</u> and the Statement of Environmental Effects is at <u>attachment 3</u>.

While the subject site is currently vacant, some time ago a pad has been levelled and electricity has been connected to the lot.

The site has an area of 18.3 hectares.

#### History of the Site/Proposal

The following chronology of the land has been derived from Council's files. It is noted that the application makes reference to the "loss of Evans Shire files" however Council staff believe there is no specific evidence to indicate that any approvals or documents are not contained in the existing files for the property.

#### 1**988**

In 1988 the subject land was owned in conjunction with other land in the vicinity by P & V Hennessy (i.e. the current owners).

The Hennessy's subsequently lodged a Development Application with Evans Shire Council for the erection of a new dwelling house on the aggregation of two allotments of land namely Lot 15 DP700460 (the subject land) and Lot 12 in DP629257.

Lot 12 is located to the south of the subject land on the opposite side of the Great Western Railway line. Lot 12 by itself is 99.57 hectares.

The allotments when taken together exceeded the minimum allotment size for the erection of a dwelling house of 100 hectares. The dwelling was to be physically located on Lot 15 however permissibility could only be achieved by considering the two allotments conjointly as they exceed 100 hectares.

The Development Application was approved on 24 January 1989 and was understood to be valid for 2 years.

It was not a condition of consent that the two allotments be consolidated into a single allotment.

In January 1991 Evans Shire Council agreed to extend the consent for a further 12 months (i.e. until 24 January 1992).

#### 1992

At some point between 1991 and 1992 Lot 15 was sold to new owners R & H Brain.

It would appear that the new owners were aware of the approval of a dwelling on the land but unaware of the fact that the approval related to the subject land and the adjoining Lot 12 in DP629257.

In 1992 Evans Shire Council received a Development Application on behalf of the new owners to erect a dwelling house on the subject land.

The Development Application was, by necessity, supported by a SEPP 1 Objection noting that a dwelling was not permissible on the subject land but citing the previous approval that existed on the land.

Evans Shire at its meeting held 23 October 1992 resolved to:

- Seek concurrence of the Department of Planning to allow a dwelling house to be built on Lot 15 DP700460 in the Parish of Melrose; and
- That the question of consolidating lots in such cases be now referred to Council's Planning Committee for the formulation of a definite policy.

In January 1993 the Department of Planning granted concurrence to the Development Application subject to conditions with the following note:

If there is a significant demand for small lot subdivision within the Shire, the Council should consider developing a strategy to guide the provision of land for this type of land use in the most suitable locations.

Development consent was subsequently granted on 22 January 1993 and was to be valid for a period of 2 years (i.e. until 22 January 1995).

#### 1994

In 1994 the subject land was sold by Brain to new owners - McGovern & Peet.

#### 1**994**

In December 1994 Evans Shire received an application to modify the existing consent (by substituting new house plans) by prospective purchasers M & L Ireland.

Development consent to the modification was granted on 22 December 1994.

In February 1994 the Ireland's lodged a Building Application for construction of the approved dwelling. The Building Application was subsequently withdrawn prior to it being determined

and the Ireland's did not proceed with the purchase of the land.

Legislative change to the terms of development consent led to Evans Shire forming the opinion that development consent was to remain current for 5 years from the date of modification (i.e. 22 December 1999).

#### 1997

In 1997 Evans Shire received a further Development Application for a "deferred commencement" dwelling on the land by Elders Real Estate. This was later withdrawn given the previous advice in relation to currency of the existing approval until December 1999.

In 1997 McGovern and Peet sold the land back to P & V Hennessy.

#### 2001

In 2001 ESC received enquiries from the new owners P & V Hennessy as to the potential for subdivision of the land into 4 allotments pursuant to the LEP 24 provisions of Evans IDO No.1

Advice from ESC to the owners in May 2001 was that that land was not suitable for subdivision pursuant to LEP 24 due to its Land Capability classification as Class 5 land.

#### 2007

In 2007 a Development Application was lodged with Bathurst Regional Council for a "dwelling in principle" on the subject lot.

The Development Application 2007/0463 was refused for the following reasons:

- 1. The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:
  - a) The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;
  - b) The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the existing parcel comprised Portions 23-26, 28, 33, 38, 74, 75, 84-87 and 140 in the Parish of Melrose, at the appointed day, being 19 April 1968 (Interim Development Order No 1 Shire of Turon);
  - c) The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
  - d) The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.

#### 2009

In 2009 a Development Application was lodged for a "single storey dwelling with attached double garage" on the subject lot.

This Development Application was lodged with a State Environmental Planning Policy No. 1 *Development Standards* (SEPP1) Objection to the 100 hectare minimum lot size for the erection of a dwelling house under the Bathurst Regional (Interim) Local Environmental Plan 2005.

On 20 March 2009 the Development Application 2009/0435 was refused for the following reasons:

- 1. The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:
  - a) The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;
  - b) The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the subject land was owned by Mr G. H. Locke who owned numerous other adjoining and adjacent parcels, at the appointed day, being 9 April 1968 (Interim Development Order No 1 Shire of Turon);
  - c) The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
  - d) The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.
- 2. The SEPP 1 objection fails to establish that strict compliance with the 100 ha development standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of Section 5 of the Environmental Planning and Assessment Act 1979.
- 3. The development will act as an undesirable precedent for dwellings on allotments which are below the minimum area for the creation of a dwelling house or have restrictions on their agricultural use.

#### Physical commencement of previous Development Application

The background information provided in Appendix C of the Statement of Environmental Effects makes reference to works undertaken on site namely earthworks for a building pad and connection of electricity to the allotment.

In accordance with Section 4.53 of the Environmental Planning and Assessment Act development consent for the erection of a building does not lapse if "*building, engineering* or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would

#### otherwise lapse ".

It is important to note that physical commencement as an issue is separate to permissibility of the development. Indeed if the applicant was able to prove physical commencement had occurred within 5 years of approval then the previous Development Application would still be valid and the applicant would be entitled to act upon that consent.

Council itself has no record of works commencing on the site. There is no evidence of any of the previous owners obtaining building consent from Evans Shire Council. This would be a necessary precursor to any works relating to the construction of the dwelling.

Despite the obvious fact that a pad has been constructed, and unless additional evidence is found, it is not possible to sustain the argument that works relating to the construction of a dwelling physically commenced in accordance with the requirements of the EP & A Act for the following reasons:

- No documentation provided clearly indicates which consent has been acted upon.
- The earthworks undertaken appear to have been undertaken when the land was owned by McGovern and Peet.
- No Building Application was lodged by McGovern and Peet at this time seeking to commence building works.
- The modification lodged by Ireland sought to completely substitute the dwelling plans and move the dwelling from its approved position.
- The Building Application lodged by Ireland was not accompanied by the consent of the owners of the land at that time (McGovern & Peet) and was withdrawn prior to its determination. Council refunded the application fees accordingly to the applicant.
- Conditions of consent that needed to be complied with prior to the granting of building consents were never complied with, namely the construction of access to the land.

It must also be noted that it was not a condition of the development consent that electricity be connected to the property or the dwelling site.

It is a well-established principle that is essentially the case here, that no reliance can be placed upon unauthorized works to prove physical commencement (i.e. as no building consent has been granted, no building work could lawfully have commenced).

#### The proposal

The proposal involves the construction of a single storey three-bedroom dwelling

See plan of proposed development at <u>attachment 2</u> and Statement of Environmental Effects at <u>attachment 3</u>.

#### Planning Context

#### State Environmental Planning Policy (Rural Lands) 2008

Clause 10 of State Environmental Planning Policy (Rural Lands) 2008 provides matters to be considered in determining Development Applications for rural subdivisions or rural dwellings. These matters are as follows:

(a) The existing uses and approved uses of land in the vicinity of the development.

The predominant land uses in the vicinity of the subject site are agricultural (both grazing and cultivation) and rural lifestyle.

(b) Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development.

The land is zoned RU1 Primary Production and has minimum lot size of 100 hectares for dwelling houses on those lots not subject to any savings provision.

The construction of one additional dwelling by itself is unlikely to have any significant adverse impacts on the surrounding land uses as agricultural land.

(c) Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b).

Whilst the area has been the subject of historic subdivisions under former planning schemes (including by way of SEPP 1 and LEP 24), the current zoning is rural and the minimum lot size remains 100 hectares.

Notwithstanding historical subdivisions, this area has not been included in the areas identified for rural lifestyle development under the Bathurst Regional LEP 2014. The predominant and preferred uses remain for agricultural purposes. Approving further dwellings, which are otherwise not permissible, is not compatible with this use.

(d) If the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone.

The land does not adjoin any rural residential zone.

(e) Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Minimum setbacks of 20 metres from all boundaries would be achieved consistent with the provisions adopted by Council in its DCP.

#### Bathurst Region Rural Strategy

The proximity of the land to Brewongle was cited in the Clause 4.6 Variation application accompanying this application and the preceding SEPP 1 objection for the subject land and the adjoining land dating back to 1992.

Council should take note of the Department of Planning's comments in granting concurrence to the Development Application on this land in 1992, which was to take a strategic view of small rural allotments and to prepare a strategy for rural residential development. In other words, Council should prepare a Strategy for its rural lands and use it to provide guidance for the establishment of rural residential areas rather than dealing with ad hoc development applications on the basis of individual SEPP 1 objections.

Those studies have been undertaken since the granting of the concurrence in 1992. More recently this occurred as part of Council's Rural Strategy process, which specifically considered the issue of establishing Brewongle as a recognised zoned village or as an area for rural residential development. The Rural Strategy was adopted by Council at its meeting held 10 December 2008 and provided the framework for the formulation of the Bathurst Regional Local Environmental Plan 2014.

In relation to the Brewongle area the Rural Strategy recommended as follows:

A village zoning to enable infill development is not recommended at this time as it will convert agricultural lands to residential purposes and/or may increase landuse conflicts with surrounding agricultural activities. Due to the lack of existing fragmentation of holdings, new rural lifestyle living subdivision is also not supported at this time.

The area considered in the Rural Strategy for the Brewongle area specifically included the subject land as part of its area of investigations.

Whilst there are a number of small rural allotments within the vicinity it is no longer appropriate to use the proximity of the land to Brewongle as justification for variation of the 100 hectare development standard, which contradicts the strategic process contemplated by the Department of Planning in its historic dealings with this property.

#### Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014.* A *dwelling house* is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

In general terms, fragmentation of agricultural land is not supported. The applicant argues that the subject land, being bound by a road and an active railway line, is already fragmented and the approval of a dwelling on this particular lot will not contribute to further fragmentation.

#### Clause 4.2B Erection of dwelling houses on land in certain rural zones

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,

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- (c) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:
  - (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (b) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement, or
  - (c) is an existing holding, or
  - (d) is a lot resulting from a subdivision for the purposes of intensive plant agriculture for which development consent was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement but only if the consent authority is satisfied that the lot is being used for the purpose of intensive plant agriculture, or

Part 3 of the Clause outlines the circumstances under which Council may grant consent to a dwelling house in the zone.

Part 3(a) provides for dwellings to be approved on allotments that meet the minimum lot size identified on the Lot Size Map. The minimum lot size for the erection of a dwelling in this locality is 100 hectares. The subject lot has an area of 18.3 hectares.

Part 3(b) provides for dwellings to be approved on allotments created under former a planning instrument *and on which a dwelling would have been permissible under the former planning instrument*. There is no evidence to suggest the allotment was created under a former planning instrument.

Part 3(c) provides for dwellings to be approved on an allotment or allotments that constitute an existing holding. The subject lot does not constitute an existing holding because the original holding was subdivided after the appointed day (19 April 1968).

Part 3(d) provides for dwellings to be approved on allotments created specifically for the purpose of intensive plant agriculture under a former planning instrument. There is no evidence to suggest the allotment was created under a former planning instrument for the purpose of intensive plant agriculture.

Given that the subject lot does not satisfy and of the requirements of Part 3, the application seeks a variation to the 100 hectare minimum lot size under Clause 4.6.

#### **Clause 4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard

imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - *(i) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (ii) that there are sufficient environmental planning grounds to justify contravening the development standard.

A Clause 4.6 Variation was submitted with the Development Application. The Clause 4.6 Variation can be found at Appendix F within the Statement of Environmental Effects (see **<u>attachment 3</u>**). The applicant's case as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is summarised below:

- The proposed development is considered to be consistent with the aims of the LEP. It will provide for a single dwelling that is close to the locality of Brewongle and consistent with the spread of dwellings and land use patterns in the locality, as shown in Drawing P01 Sheet 2 (Appendix D of the SEE).
- The development is considered to provide for housing choice whilst not resulting in unplanned rural residential development as the lot is considered to provide for a one-off variation to the development standards given the site attributes of being disconnected from surrounding rural land by road, rail and topography.
- A decision to approve this dwelling would not result in a precedent as this situation provides for extenuating circumstances whereby a dwelling is considered to be appropriate and suitable.
- The provision of a dwelling would not adversely impact upon the agricultural potential of the land. The site is already far smaller than what would be a sustainable agricultural holding. Therefore, the dwelling would not impact on the regions primary resources.
- The development would only be visible from a small area due to existing topography and location of the development. The design of the development is considered to be compatible and consistent with existing rural buildings in the area. As such the proposed development would not adversely impact upon the landscape or scenic views, vistas or quality of the area.
- The proposed development will not be antipathetic to the zone objectives.
- Despite not meeting the development standard, the development would not be inconsistent with the objectives of the development standard.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

- It is not considered that the development will create an adverse impact on the productivity of the surrounding agricultural land.
- The isolated nature of the site provides for appropriate buffers to un-associated agricultural land operation.
- The site itself does not comprise a viable agricultural holding.
- Being located just outside of the locality of Brewongle is considered to be an appropriate location for a dwelling on a smaller agricultural lot.
- The proposed dwelling is considered to provide extenuating circumstances due to the characteristics of the lot.

- Allowing an exception to the development standard in this instance would not set a precedent for further such development or the sprawl of unplanned residential development in the area.
- The site already has existing electricity connections and the occupants would be responsible for their own waste management. It is therefore considered the development would not result in unreasonable demands on existing services.
- The proposed development is suitable for the locality as it is consistent with the surrounding and predominant land use of the locality and therefore would not be incompatible with this land use.
- The proposed dwelling is consistent with the surrounding land use pattern.

The Department of Planning's "*Varying Development Standards: A Guide*" published in 2011 has provided guidance in relation to establishing that compliance with a development standard may be considered to be unreasonable or unnecessary These justifications are summarized as follows:

- 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- 3. The underlying objective or purpose would be defeated or thwarted if compliance was required.
- 4. Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable.
- 5. Establish that the zoning of particular land was unreasonable or inappropriate.

In this particular case the underlying zone objectives relative to the development are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

The locality has seen some historical small lot subdivisions and dwelling approvals reflective of the planning provisions that have been in force over time. These historical provisions do not currently exist. The current development standard for dwelling houses in this area is 100 hectares.

Council's attention is brought to the decision of the Land and Environment Court (*Thorncraft* & Anor v Bathurst Regional Council & Anor 2005 NSWLEC 571) in which the Court agreed that the objective of "the 100 hectare minimum standard for a dwelling house was to discourage rural residential lifestyle development, it is a standard of long standing, it is accepted by the community, there is no proposal to change it and what is here is in effect tantamount to a rezoning. SEPP 1 is not to be used to effect planning changes".

The fact that the land is not attached to or adjoins any other land in the same ownership is of little consequence to the application of the development standard. Acceptance of this as an argument has the potential to significantly undermine the long term integrity of rural lands by enabling larger holdings (which typically consist of multiple lots) to be sold to individual owners, each tempted to seek a dwelling approval to which they are not entitled.

It is reiterated that this land was once part of a larger holding which complied with the 100 hectare development standard. It was the sale of the original holding into separate ownership which gave rise to Council dealing with the Development Application entertaining the original SEPP 1 objection in 1992. Prior to its sale the land was part of a holding of greater than 100 hectares and in fact the original approval for a dwelling on the land in 1988 was predicated on this basis.

The proposed variation represents a significant departure from that standard and should not be varied lightly. In particular, it must be demonstrated that the standard is unreasonable, unnecessary or otherwise inappropriate.

- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The objectives of Clause 4.2B *Erection of dwelling houses on land in certain rural zones* are as follows:

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural zones.

It is considered that the proposed development is inconsistent with the objectives of Clause 4.2B as the lot was not initially created for the purpose of the erection of a dwelling house and the proposal therefore gives rise to unplanned rural residential development.

The strategic process, having been undertaken through Council's Rural Strategy, did not identify this area for rural residential purposes. Council's Rural Strategy specifically investigated this area and did not proceed with any intensification of dwellings in the locality.

Whilst it is acknowledged that the development in isolation does not result in a significant adverse environmental impact, in the consideration of Clause 4.6 variations it is not sufficient to merely point to an absence of environmental harm in evidence that the objectives have been met. There must be more than an absence of environmental harm to justify the departure from a development standard.

The position taken in the Clause 4.6 variation application is that the land is not suitable for use for agriculture apart from its use as a small hobby farm. This position is based on the allotment being of insufficient size to be "viable" on its own and its relative isolation.

The issue of viability of agriculture and an appropriate minimum area has been often discussed in recent years and in particular as part of the Rural Strategy process.

In terms of the meaning of "viability" Council has previously had decisions handed down in the Land and Environment Court which deals with this issue (*Ratsep vs Bathurst Regional Council*). In the context of viability as expressed in the zone objectives the following points are worth noting.

It is apparent from the evidence that a farming enterprise on a 100 ha lot is unlikely to be viable or self sustaining. In fact, there is general agreement between the agricultural experts that a minimum area of 600 ha would be required to achieve the objective of economic sustainability.

The objective for the zone requires any proposal to "support and maintain the continued viability of agricultural development".

In the general context, viability refers to being practicable and workable and I am satisfied to accept Ms Carpenter's submission that the viability of agricultural development is not coincident with the economic viability of the enterprise.

The usual planning practice is that where objectives are stated, then the associated development standards are usually imposed, which are consistent with achieving these objectives. The assumption being that compliance with the development standard by default satisfies the zone objective.

Whilst it is agreed that the land is of limited agricultural capability it does not automatically follow that the standards should be varied. The development standard is not necessarily aimed at achieving economic viability but rather at being practicable and workable.

Council needs to put the application in the context of the long standing nature of the 100 hectare minimum and its examination under the Rural Strategy being the precursor to the current LEP standard. In particular the following points are raised:

- The zoning of this particular land as general rural has been long established.
- The minimum area of 100 hectares for a dwelling house has been in existence since at least 1980 with the gazettal of Evans IDO No.1.
- The 100 ha minimum area was reaffirmed with the gazettal of BRILEP in 2006 and again in 2014.
- Council, as part of the Rural Strategy, resolved to maintain the status quo in terms of the minimum area in the rural zones.

It is also relevant to consider the distribution of holdings on rural land and the number of holdings that are below 100 ha in area.

The following provides an estimate of the area of land within each respective land capability class (Source: Bathurst Regional Rural Strategy).

Capability Class	Area (sq km)	% of total	% of total
1	5.34	0.2	5.1
2	50.36	1.4	
3	124.14	3.5	
4	601.96	17	68
5	810.43	23	
6	1001.36	28	
7	695.06	19	20.2

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8	41.6	1.2	
Lake Wyangala,	234.9	6.7	6.7
National Park, State			
Forest or Urban Area			

The subject land is identified as being Class 5 land in the DLWC Land Capability map. It is therefore of similar capability to approximately 23% of the land in the RU1 Primary Production zone.

Cumulatively Class 5, 6 and 7 lands (being land of similar of even lower capability) represent 2506 square kilometres of land or 70% of the total land area within the Zone.

The following table is extracted from the Rural Strategy. The table indicates that there are a substantial number of holdings (as opposed to individual lots) which are below 100 ha.

Area of holding	No.	% of total
less than 10ha	1,044	38
10-20ha	334	12
20-50ha	403	16
50-100ha	228	8
100-200ha	284	10
200-400ha	200	7
greater than 400ha	252	9
Total	2,745	100

In total there are at the date of compilation 2009 of the 2745 rural holdings below the minimum area for the erection of a dwelling. This equates to 73% of the total number of holdings within the RU1 Primary Production Zone.

The subject land itself is therefore not distinguishable from many other allotments within the locality and within the Zone in that it is vacant, below the minimum area and is of limited agricultural capability. There is nothing to suggest that the zoning of this particular parcel of land is not appropriate.

These figures relate to holding sizes as opposed to allotment size. Considering that many properties are composed of multiple small lots the likely result is that the number of small holdings is substantially larger than this.

The acceptance of a Clause 4.6 variation has the potential to significantly undermine the objects of the Act where it enables the sale of larger holdings into its component parts with a dwelling entitlement of each. The argument that the property is unable to achieve viability cannot sustain the argument. The position is contrary to the prevailing decisions made by Council and the Land and Environment Court.

It is considered that it is in the public interest to uphold the development standard given that the cumulative effect of similar approvals would undermine the objective of the development standard and ultimately the planning objectives for the RU1 Primary Production zone and Clause 4.2B Erection of Dwelling Houses on Land in Certain Rural Zones.

#### Need for Concurrence

It is noted that in the event that Council were to support the application it would nonetheless require the concurrence of the Secretary of the Department of Planning before the Development Application could be approved. Council is unable to assume the Departments' concurrence where the lot size is less than 90% of the required minimum lot size.

In the event that the Department were to refuse that concurrence, the Development Application would have to be refused.

Bathurst Regional Development Control Plan 2014

## Bathurst Regional Development Control Plan 2014 – Chapter 6 Rural and Rural Lifestyle Development

Development Standard	Proposed	Permissible	Compliance
Setback – Front	50m	20m	Yes
Setback – Side (nearest side)	N/A	20m	N/A
Setback – Rear	195m	20m	Yes
Domestic Water Supply	45,000lt	15,000lt per bedroom	Yes
Fire Fighting Water Supply	20,000lt	20,000lt	Yes

a) The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.

The proposed dwelling will have face brick walls and zincalume roofing. A condition will be imposed to ensure that non-reflective materials of an appropriate rural colour scheme are used.

b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

The proposed dwelling is single storey only with an overall height of 5.5 metres. The proposed dwelling has been designed to distribute its bulk horizontally.

c) The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.

The proposed dwelling is single storey only with an overall height of 5.5 metres and will therefore not exceed the height of the nearby ridgeline.

d) The design of the building must be in keeping with the rural character of the area.

The proposed dwelling will have face brick walls and zincalume roofing. The design of the proposed dwelling is consistent with that of surrounding rural dwellings and is therefore considered appropriate.

e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.

No outbuildings are proposed.

## Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

Sensitive Land Areas – DCP Map No. 29 Land Resources

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Environmentally Sensitive Area	Identified on Subject Site?	Comment		
Land Capability Class 7	NO	Not Applicable.		
Land Capability Class 8	NO			
Karst Extent	NO			
Salting	NO			
Sever or Extreme Sheet or Rill Erosion	NO	1		
Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways				
Environmentally Sensitive Area	Identified on Subject Site?	Comment		
Sensitive Waterways	NO	Not Applicable.		
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity				
Environmentally Sensitive Area	Identified on Subject Site?	Comment		
DECC Estate	NO	Not Applicable.		
High Biodiversity Sensitivity	NO			
Moderate Biodiversity Sensitivity	NO			

#### **Conclusion**

Council has received a Development Application (DA) for a single storey dwelling with attached garage at Tarana Road, Brewongle. The minimum lot size for a dwelling in this locality is 100 hectares. The subject lot has an area of 18.3 hectares. The application seeks to vary the 100 hectare minimum lot size under Clause 4.6 Exceptions to development standards in the Bathurst Regional Local Environmental Plan 2014. The justification for the variation is outlined in the body of this report. It is recommended that Council not support the variation for the reasons also outlined in the body of this report.

#### Financial Implications: Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.1, 4.6
<ul> <li>Objective 6: Community leadership and collaboration</li> </ul>	Strategy 6.4, 6.5

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### MINUTE

#### 10 <u>Item 3 DEVELOPMENT APPLICATION NO. 2018/207 – SINGLE STOREY</u> DWELLING AT LOT 15, DP 700460, TARANA ROAD, BREWONGLE. APPLICANT: MR P & MRS V HENNESSY. OWNER: MR P & MRS V HENNESSY (DA/2018/207) MOVED: Cr M Morse SECONDED: Cr J Jennings

Cr Bourke declared a non-pecuniary interest in this item and remained in the Chamber.

## Reason: Proponent has donated to Op Shop of which Cr Bourke is the Volunteer Manager.

#### **RESOLVED:** That Council:

- (a) support in principle the variation to the development standard prescribed in Clause
   4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst
   Regional Local Environmental Plan 2014 for Lot 15 DP 700460.
- (b) refer the proposal to the Department of Planning and Environment for the concurrence of the Secretary of the Department.
- (c) defer determination of Development Application 2018/207 until concurrence of the Secretary of the Department has been received. If concurrence is provided, determine the application by way of approval with conditions under delegation, and if concurrence is not provided, the application be determined by way of a refusal under delegation.
- (d) call a division.

#### On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

#### The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge, <u>Against the motion</u> - Nil <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

# 4 DEVELOPMENT APPLICATION NO. 2018/21 – CONCEPT APPLICATION FOR MIXED USE DEVELOPMENT INCLUDING EDUCATION ESTABLISHMENT, INFORMATION AND EDUCATIONAL FACILITY, TOURIST AND VISITOR ACCOMMODATION, RECREATIONAL FACILITY (OUTDOOR) AND CARAVAN PARK AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: EDUCATIONAL LEARNING PTY LTD. OWNER: HERITAGE HILLS PTY LTD (fadasds)

# Recommendation: That Council:

- (a) as the consent authority, grant concept approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/21, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - i. Any development of any precinct in any stage be subject to a further Development Application.
  - ii. The number of long term sites is zero.
  - iii. The maximum period a person may stay in a moveable dwelling or holiday van on any short term site over the entirety of the site is 150 days in any 12 month period (unless the moveable vehicle is a holiday van and the person is the owner of that holiday van).
  - iv. Staging of the development is to occur as proposed in the application, i.e. the development is to occur in 2 Stages with Precincts 1 & 2 occuring in Stage 1.
  - v. Each precinct of the caravan park is only to proceed if the corresponding attractions detailed in the SEE and accompanying plans are also provided or are already provided on site.
  - vi. The owners are to surrender the development consent granted under Development Application 2002/0736.
  - vii. Upgrading the new intersection providing access from Limekilns Road to accommodate appropriate turning traffic inclusive of street lighting.
  - viii. Upgrading Limekilns Road to a minimum rural residential road standard in accordance with Council's adopted Engineering Guidelines from the new entrance to the property and Marsden Lane.
  - ix. Widening the road shoulders in Limekilns Road to accommodate a designated on road cycleway of minimum 1.5m width.
  - x. A full detailed assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided for each stage.
  - xi. All buildings, structures and landscaping associated with the development are to be located so that their finished height is, in the case of a building, no higher than the obstacle limitation surface for Bathurst Airport and in the case of a landscape feature, the mature height is to be 5m less than the obstacle limitation surface.
  - xii. All dwelling sites are located outside the area identified as being subject to greater than 10 x 60 dBA noise events as identified in the Bathurst Airport Masterplan.
  - xiii. The following bird strike reduction strategies are to be incorporated in the development:
    - 1. All water bodies are to be designed with steep embankments and deep waters suitable for preventing aquatic plant growth;
    - 2. All properties are to be provided with rubbish bins with lids such that

rubbish cannot escape;

- 3. All open space areas are to be provided with adequate rubbish bins with lids that are adequately maintained;
- 4. All open space areas are to be regularly maintained, including mowing; and
- 5. All common waste storage areas are to be suitably covered and disposed of regularly.
- xiv. An Acoustic assessment is to be submitted to address the impact of road noise on surrounding properties in accordance with the NSW Road Noise Policy.
- xv. Details of fencing to be provided to the external boundaries of the site noting that the fencing will need to address security, privacy and biodiversity objectives.
- xvi. Landscaping is to be provided to the areas between the proposed new entrance road and the southern boundary.
- xvii. That the applicant prepare a site management plan incorporating the following:
  - 1. Site management protocols to address light associated with street lighting, vehicle lighting and building lighting inclusive of the caravan park and camping areas;
  - 2. Dust management protocols, inclusive of monitoring during construction;
  - 3. All trees and buildings not to impinge more than 10 degrees from the horizontal above the property fenceline;
  - 4. Landscaping of the areas between the observatory and the development within Precinct 1; and
  - 5. Siting all buildings, including dwellings and caravan sites a minimum of 100m away from the observatory site.
- (b) Development Applications subsequent to concept approval must address, amongst other matters, contamination assessment, biodiversity assessments, heritage conservation and interpretation and Aboriginal Cultural Heritage.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

# Report: The Site

Council has received a Concept Development Application for a mixed use development at 624 Limekilns Road, Forest Grove, described as Lot B1 DP 403344, Lot 1 DP 126025, Lot 270 DP 861476, Lot 1 DP 1047459, and Lot 34 DP 1012860.

A location plan and aerial image are provided at **<u>attachment 1</u>**.

The subject site is commonly known as Rossmore Park, contains the Sheep and Cattle Drome and is accessed off Limekilns Road. The site is approximately 172 hectares.

At the existing entrance to the site is the Migrant Camp and War Service Training Memorial. This site is listed on the State Heritage Inventory (1080094).

The site currently contains the Sheep and Cattle Drome, as well as tourist and visitor accommodation and a partially constructed golf course. There are also a number of dwellings on the property.

Surrounding the site are small scale agriculture and lifestyle allotments. Bathurst Airport is 800 metres to the south at its closest point. The Winburndale pipeline traverses the site.

The site surrounds the location of the Bathurst Observatory.

# History of the Site

There is a long history of attempts to develop Rossmore Park into various forms of residential and non permanent accommodation types. These developments have typically centred on the development of a golf course and expansion of tourism related facilities.

Development consent (2002/0736) has previously been approved for the subdivision of the land under the Community Land Development Act into 19 allotments. Those lots (in its original form) included the following uses:

- Lot 1 Public Road
- Lot 2 Golf Course
- Lot 3 40 individual dwellings (non-permanent)
- Lot 4 60 cabin/villas (non-permanent)and conference centre
- Lot 5 40 villas (non permanent)
- Lot 6 30 villas (non permanent)
- Lot 7 Observatory
- Lot 8 New Agrodome
- Lot 9 120 unit retirement village (non permanent)
- Lot 10 50 terrace homes (non permanent)
- Lot 11 New clubhouse and commerce centre
- Lot 12 Dormitory accommodation (non-permanent)
- Lot 13 Car parking
- Lot 14 20 terrace homes (non-permanent)
- Lot 15 Memorial Parkland
- Lot 16 30 villas (non permanent)
- Lot 17 Crematorium
- Lot 18 Cricket Ground
- Lot 19 Reserve land
- Lot 20 Horse stables and equestrian centre
- Lot 21 Reserve lands
- Lot 22 Reserve lands

The application proposed the subdivision of land only with resulting development on those lots being the subject of further Development Applications. The development contemplated 390 accommodation units to be used for what was short term tourist and visitor accommodation.

The application has been physically commenced and remains capable of being acted upon by the owners. Note that this previous consent only involves the subdivision of the land with further development consent being required for the development of each allotment. No applications for further development have been sought.

There have been a number of requests to modify this original consent over the years. Some of these requests have been supported whilst others have not. The most recent request involved changing the proposed uses from tourist and visitor accommodation to a caravan park. This modification application was refused by Council at its meeting held 19 July 2017 primarily because the proposal was not substantially the same as originally approved.

The applicant's SEE for the current application notes that, in their opinion, "that it is considered that the proposed development will have the same or similar basic characteristics of the development Council has already consented to on the land ie for a "resort style" development. The decision to use "moveable dwellings" for the tourist accommodation component of the development will not change the appearance or character

of the development set out later in the report. The proposal is therefore consistent with Council previous decisions on the use of the subject land "

Whilst it is acknowledged that there are similarities between the two developments, this Development Application must nonetheless undergo its own assessment against the relevant criteria. This includes Council's adopted LEP, SEPP 21 – Caravan Parks and the Local Government Regulations governing caravan parks which were not part of Council's previous consideration. It must also be acknowledged that no subsequent applications were ever lodged for development associated with the 2002 consent.

In the event that this application is to be approved it would represent a significant departure from the previous application. It is therefore appropriate that in the event that this consent were to be granted that the former consent be surrendered by the owners of the land. This effectively creates a "clean slate" from which this development may proceed.

# The relevance of 390 accommodation units

One of the common elements between this application and the previous applications is the 390 accommodation units.

The 390 accommodation units were initially proposed as part of the 2002 application. It represented the maximum capacity of the proposed Sewage Treatment Plant to avoid the triggers associated with Designated Development. It did not stem from any strategic assessment such as that required under SEPP 21 – Caravan Parks as required by this assessment. It does not form some binding limit on this application.

# **Concept Development Applications**

The Development Application has been lodged as a "concept development application" under the provisions of Section 4.22 of the EP&A Act (formerly Section 83B) repeated below.

# 4.22 Concept development applications

- (1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.
- (2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.
- (3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.
- (4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:
  - (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

Note. The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).

A Concept Development Application is one which seeks concept approval for multiple stages or parts of a proposal, each being subject to its own subsequent Development Application.

The proposal involves the establishment of several precincts on the site to be developed at different stages. Further Development Applications would be required for the development of any of the precincts identified in the concept plan.

In consideration of the application Council need only consider the likely impact of the concept proposals and does not need to consider the likely impact of carrying out the development. Those impacts are subject to consideration as part of future development applications.

Whilst the application outlines the various concepts for each part of the site, it does not propose to undertake any physical works associated with each precinct. The details associated with each precinct will be the subject of subsequent Development Applications, that is, the consent if granted does not by itself authorise the carrying out of any development unless a further Development Application is lodged and approved. Likewise much of the technical detail that would normally accompany an application will occur in future applications.

# The proposal

Precincts	Use Characteristics
1	Bathurst Experience and Wiradjuri Aboriginal Cultural and Educational Centre
2	Golf Facilities & Academy and Stage 1 – Caravan Park (comprising 107 moveable dwellings, 43 caravan sites and 44 camping sites ie a total194 sites). The precinct will also include the village café and general store and administrative offices.
3	Stage 2 Caravan Park (98 mobile home sites for short term accommodation and Sports Facilities including a soccer and hockey field complex)
4	Stage 3 Caravan Park (98 mobile home sites for short term accommodation and Sports Facilities including multi purpose cricket, Australian Rules field and exercise complex
5	18 Hole Golf Course, golf club house and academy building

The application identifies the following precincts.

6	Site manager residence and future expansion of Precinct 1
7	Animal agistment, paddock and Bushland Regeneration Nursery

Indicative staging as outlined in the Statement of Environment Effects is that Precincts 1 and 2 will occur in Stage 1 with the remaining precincts occurring as part of Stage 2 follows:

Stage 1	Precincts 1 & 2 that is the Cultural Centre and the first 194 site caravan park
Stage 2	Precincts 3,4,5,6 & 7

The development is described in the Statement of Environmental Effects submitted with the application (see **<u>attachment 2</u>**) and includes the proposed plans.

Proposed servicing of the development in terms of water and sewer are addressed in the Conceptual Services Report prepared by Calare Civil at <u>attachment 3</u>.

The applicant proposes to service the development by extension of the reticulated water supplied from the Council reservoir in Marsden Lane through to the land. Reticulation to the site would include running new water mains along Limekilns Road together with booster pumps through to the property with further augmentation on site including an on site reservoir. All costs associated with the reticulation would be borne by the applicant.

The applicant also proposes the construction of a new, privately operated, sewage treatment plant on the site. Effluent from the treatment plant would then be irrigated onto the golf course.

A new entrance road would be constructed at the south western corner of the site to service the development.

The total site development proposes 390 sites in total comprising a mixture of moveable dwellings (107), mobile home sites (196), caravan sites (43) and camping sites (44).

It is noted within the SEE that the application is premised on *"short term tourist accommodation and not the permanent occupation of any of its residential components*". The application proposes no intention to allow permanent occupation of any of the dwelling sites. Were that premise to change the assessment and conclusions would likewise change.

The site, in its entirety, proposes 346 "dwelling sites" and 44 "camping sites" (390 total). Whilst the application refers to a mixture of moveable dwellings (107), mobile home sites (196), caravan sites (43) they are in effect of "dwelling sites" for the purposes of the caravan park.

A "dwelling site" is defined under the Local Government Act as being:

#### dwelling site:

- (a) ....
- (b) in relation to a caravan park—means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

Under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 a "moveable dwelling" within the caravan park is as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.

The final form of the "moveable dwellings" on each "dwelling site" can therefore cover a range of different styles from a tent or caravan through to a manufactured home. The submitted documentation shows some indicative forms of manufactured homes that would occupy the site.

In accordance with the Clause 74 of the Regulations, exemptions from the need to obtain further consent are available for the installation of relocatable homes, caravans and tents on a dwelling site within a caravan park. That is, further consent is not required to install the moveable dwellings (in whatever form that may take) on individual sites within the caravan park.

Camp sites are defined under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

camp site means an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.

What constitutes a "caravan site" is not defined under either the LG Act or the LG Regulations

caravan means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the Road Transport Act 2013) as a trailer, but does not include a camper trailer.

# Short term and long term sites

Dwelling sites within a caravan park are divided into "short term" and "long term" sites.

These are defined as follows:

short-term site means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site. long-term site means a dwelling site that is specified in the approval for a caravan park as being a long-term site.

In accordance with Clause 73 of the Regulations an approval to operate a caravan park is subject to the following conditions:

a person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,

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# State Environmental Planning Policy No 21 – Caravan Parks

In accordance with Clause 8 of SEPP 21 – Caravan Parks, Council is required to determine the number of short term and long term sites and impose a condition accordingly.

Clause 8 Development consent required for caravan parks

- (1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.
- (2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine:
  - (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and
  - (b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.
- (3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.
- (4) The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land:
  - (a) for a continuous period of more than 3 months, except as provided by paragraph (b), or
  - (b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993,

*if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.* 

- (4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.
- (5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No 36—Manufactured Home Estates or dedicated or reserved under the National Parks and Wildlife Act 1974.

It is acknowledged that the application is premised upon the entirety of the site being used for short term sites only.

There is a long history of attempts to develop Rossmore Park into various forms of residential and non-permanent accommodation types.

Historically, Council and government departments, notably the Department of Planning and Environment, have had concerns with permanent accommodation on site.

Consideration has previously been given to the idea of permanent housing on the subject

site via a request to rezone the site to allow for permanent housing uses in 1997. Advice received from the Department at that time was that it would not support permanent housing at this site. The Department's advice noted the following for its justification:

- Inconsistency with the Housing Strategy prepared at the time
- Potential to impact on Bathurst Housing Market
- Proximity to Bathurst Airport could result in conflicting land uses and the likely expansion of the Airport in the future.

Having regard to Clause 8 it is appropriate that Council conclude that the number of sites that are suitable for long term occupation is nil.

Given the applicants premise that the consent only seeks the use of short term occupation of the dwelling sites it is appropriate that this be reflected in the conditions of consent requiring:

- The number of long term sites is zero.
- The maximum period a person may stay in a moveable dwelling or holiday van on any short term site (i.e. the entirety of the site) is 150 days in any 12 month period (unless the moveable vehicle is a holiday van and the person is the owner of that holiday van.
- 10 Matters to be considered by Councils

A Council may grant a development consent required by this Policy only after it has considered the following:

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
- (e) any relevant guidelines issued by the Director, and
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

# **Comment**

Clause 10 of SEPP 21 provides the matters to be considered by Council in determining an application for a Caravan Park. As this is a concept development application, some of the fine detail associated with the impact on social, environmental and economic factors cannot be fully resolved.

# Whether the site is suitable?

The land has a history of tourism related activities surrounding the Sheep and Cattle Drome. There is also a partially constructed golf course on the site which provides an attractor to the site from a tourism perspective. The site currently contains short term accommodation in the form of dormitory style accommodation for students. Consistent with that history of use some form of caravan park, incorporating short term sites only, i.e. for tourists, would be acceptable on the site.

The proximity to Bathurst gives the site further attraction as a site for tourist accommodation.

Whether that is at the scale contemplated by the applicant requires further consideration. The application proposes the provision of a number of new attractions on the site inclusive of:

# Precinct 1

- The Wiradjuri theatre utilising the existing Drome building.
- WW2 Training Camp and Migrant Camp Museum
- Aboriginal learning sites
- New Drome buildings
- Precinct 2 (194 sites)
- Aboriginal Cultural Academy
- 18 Hole Golf Course, Clubhouse and Academy
- Amenities, office, café and general store
- Precinct 3 (98 sites)
- Soccer fields
- Hockey fields
- Precinct 4 (98 sites)
- Cricket and AFL Fields
- Outdoor recreation facilties
- Precinct 5
- 18 Hole Golf Course

The site as it currently stands would not be able to justify the proposed number of sites without the provision of additional attractors on the site. It is therefore critical to ensure that those tourist and visitor attractors identified in Precincts 1 and 2 (being the first stage of the development identified by the applicant) and indeed those attractors in the latter stages are provided as part of each respective stage. Without these facilities being provided the ultimate number of caravan park sites being sought cannot be justified. It is therefore appropriate that any consent reflects the need to establish those tourist relation facilities on site as part of the establishment of the accommodation. Without these facilities being provided the caravan park, at this scale, could not be supported.

# Adequate accommodation in the vicinity

Within the immediate vicinity there is no substantive tourist accommodation beyond that provided on site. The nearest caravan parks are those located on Sydney Road and less formally at the Bathurst Showground. The Sydney Road site contains 68 long term sites, 61 short term sites and 25 camping sites, i.e. 154 in total. The application provides no details as to whether there is adequate provision for tourist accommodation in this locality. The only conclusions able to be drawn are that there is currently sufficient tourist accommodation in the locality.

# Availability of low cost housing

Within the vicinity of the site there are no identified areas of low cost housing either provided or proposed. This is consistent with the rural zoning applying to the land. Given that the site does not propose the provision of any long term sites or permanent housing it is not seen as an alternative locality for low cost housing. Were the application to propose long term occupation the application could not be supported for the reasons outlined elsewhere.

Availability of community facilities and services

Given the location of the site in a rural area there will be a greater reliance upon the provision of on site facilities. As noted above the community facilities being provided under the application include amenities, office, café and general store in Precinct 2. Beyond these facilities the site will be reliant upon off site community facilities and services. The issue is therefore what facilities and services would reasonably be required and how access will be provided.

Given that there is no provision being made for long term occupation then the required facilities are limited to those reasonably required for tourists and visitors and ensuring that access to those is available.

Other than basic amenities there will be a focus on the provision of off site facilities and services and there needs to be access to them. This would extend to provision of adequate road networks but also must acknowledge that there would be a significant increase in pedestrian and cycle traffic that would result from a development of this scale. It has been acknowledged in many of the public submissions that Limekilns Road would require upgrading works to accommodate increased vehicular, cycle and pedestrian traffic. It is therefore appropriate that the conditions of any consent incorporate upgrades to Limekilns Road to accommodate increases in vehicle, cycle and pedestrian traffic.

# Director's Guidelines

There are no adopted Director's Guidelines.

# **Relevant Regulations**

The 1993 Regulations referenced within SEPP 21 have since been repealed and replaced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The current application, being a concept application, does not have the necessary detail to make a full assessment of compliance against relevant Regulations. The level of detail expected between this application and subsequent applications will need to increase significantly in order to demonstrate compliance with the adopted Regulations. That said, there appears to be no significant departures from the requirements of the Regulations.

# Summary of SEPP 21 requirements

In order for the development to be supportable under the terms of SEPP 21 the following should be required as conditions of consent:

- The number of long term sites is zero.
- Staging of the development is to occur as proposed in the application, i.e. the development is to occur in 2 Stages with Precincts 1 & 2 occuring in Stage 1.
- Each precinct of the caravan park is only to proceed if the corresponding attractions detailed in the SEE and accompanying plans are also provided or are already provided on site
- Access to the site is improved inclusive of upgrading of Limekilns Road to accommodate additional vehicular, cyclist and pedestrian traffic.
- A full detailed assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided for each stage.

# **Current Review of SEPP 21 – Caravan Parks**

It is to be noted that the regulatory regime surrounding caravan parks is currently under the review by the State Government. The Department of Planning initially released a Discussion Paper in 2015.

The review highlights many issues surrounding the approval regime governing caravan parks and manufactured home estates. These include appropriately distinguishing between tourist parks and residential parks, the lack of guidance in determining the appropriateness of locations for both, conversion of short term to long term sites and vice versa, and the significant overlap and inconsistencies between the EP&A Act provisions governing consideration of Development Applications and the Local Government Act and Regulations governing consideration of the subsequent Section 68 Applications.

The review acknowledges that while SEPP 21 was developed to support establishment of new parks, it has been ineffective in doing so.

The current advice from the Department of Planning is that there is no clear timetable for completion of this review. Any subsequent Development Applications will be subject to the legislative regime of the day.

# Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014.* 

The different elements fall within the following landuse definitions:

"caravan park" means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed. "information and education facility" means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like. "recreation facility (outdoor)" means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Caravan Parks, information and education facility and recreation facility (outdoor) are all permissible with consent in the RU1 Primary Production zone.

In accordance with Clause 2.3 of the LEP, Council must have regard to the objectives for development in a zone when determining an application.

# Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining

zones.

- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

It is noted that the application represents a significant departure from the historic uses occurring on the site and will represent a significant urbanisation of the land which has an underlying rural zone. Not unsurprisingly the development is not consistent with those objectives which aim at maintaining agricultural land for agricultural/rural purposes. That said, the zoning control table allows a range of uses which would not typically be associated with agricultural/rural purposes. The planning system acknowledges that where development is permissible then it should be capable of being undertaken in some form. Whether or not that is at the scale proposed remains a matter for determination.

# 7.3 Airspace Operations

The development is located within close proximity to Bathurst Airport. Proximity to the Airport is relevant to the issues surrounding the obstacle limitation surface, noise from aircraft and potential for birdstrikes etc.

# 7.3 Airspace operations

- (1) The objectives of this clause are as follows:
  - (a) to provide for the effective and ongoing operation of the Bathurst Airport by ensuring that the operation of the airport is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (5) In this clause: Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Bathurst Airport.

The Obstacle Limitation Surface for the airport provides height limitations for any structures occurring on the land. For the most part there is a sufficient distance between the existing ground levels and the proposed buildings/infrastructure. Some care will need to be taken with any higher structures (eg any water reservoirs/trees) to ensure that the Obstacle Limitation Surface is not breached. It is therefore appropriate that conditions be imposed requiring:

• All buildings, structures and landscaping associated with the development are to be

located so that their finished height is, in the case of a building no higher than the Obstacle Limitation Surface for Bathurst Airport and in the case of a landscape feature, the mature height is to be 5m less than the obstacle limitation surface.

# 7.4 Development in areas subject to aircraft noise

The proposed development will be located under the flight paths associated with the operation of Bathurst Airport.

- 7.4 Development in areas subject to aircraft noise
  - (1) The objectives of this clause are as follows:
    - (a) to prevent certain noise sensitive developments from being located near the Bathurst Airport and its flight paths,
    - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
    - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
  - (2) This clause applies to development that:
    - (a) is on land that:
      - (i) is near the Bathurst Airport, and
      - (ii) is in an ANEF contour of 20 or greater, and
    - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
  - (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority:
    - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
    - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
    - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
  - (4) In this clause: AS 2021—2000 means AS 2021—2000, Acoustics—Aircraft noise intrusion— Building siting and construction.

In this particular case the development is outside the adopted 20 ANEF contour.

Notwithstanding this, it is acknowledged that the development may be subject to noise associated with aircraft at Bathurst Airport.

It is noted that the Council has had prepared an Airport Masterplan for the Bathurst Airport (Rehbein Airport Consulting 2013).

The Masterplan acknowledges that properties outside of the ANEF mapping may nonetheless be subject to aircraft noise. The Masterplan provides an estimate of noise levels up to 2033 based on expected increase in operations. An excerpt from the report is provided below:

6.4 N60 AND N70 CONTOURS

The ANEF system is generally recognised as being the most technically complete

description of aircraft noise in use in the Australian context and the ANEF is the only metric recognised under AS2021:2000. However, it is also widely recognised that the ANEF system is not easily translated into the important factors which affect how individuals react to aircraft noise: the number of over flights and the loudness of individual events. This is due to the way the ANEF combined the effects of loudness, duration and frequency of noise events to develop a measure of the cumulative noise dose.

'Number above', or 'N', contours illustrate the average number of events per day louder than a certain sound level, in the case of the N60, this level is 60 Db(A). The single event level of 60Db(A) is specified in Australian Standard AS2021:2000 as the indoor design sound level for normal domestic areas in dwellings and 70 DB(A) is the noise level at which conversation is disturbed within a house with the windows open.

Contours such as the N60s and N70s assist the community to better understand the impacts of aircraft noise by giving individuals the ability to interpret aircraft noise based on actual counts of aircraft with a noise profile greater than a certain level over a range of flight paths. The provisions of 'Number Above' contours has been recently recommended by Department of Infrastructure, Transport, Regional Development and Local Government (previously the Department of Transport and Regional Services) in a discussion paper entitled Guidance Material for Selecting and Providing Aircraft Noise Information. They have also proven to be a good way to produce a 'whole of airport' picture of single event aircraft noise patterns which is easy for the general public to understand.

In this particular case the predictions are that the majority of the property will be subject to noise events of 60 dBA up to 5 times per day. Parts of the property at the western end (i.e. closest to Limekilns Road) will be subject to up to 25 events of up to 60 dBA although this area is earmarked as part of the golf course and cricket/AFL fields. Parts of Precinct 4 (being closest to Limekilns Road) may be on the borderline between 5 and 10 noise events per day. To put that it in perspective, 5 noise events is the predicted noise levels experienced in parts of the Kelso residential area. A condition could be imposed to ensure that all dwelling sites are located outside the area identified as being subject to greater than 10 x 60 dBA noise events as identified in the Bathurst Airport Masterplan.

The development also has the potential to impact airport safety from bird strike if water bodies are not appropriately managed. In order to deal with this issue the following condition is recommended:

The following bird strike reduction strategies are to be incorporated in the development:

- a) All water bodies are to be designed with steep embankments and deep waters suitable for preventing aquatic plant growth
- b) All properties are to be provided with rubbish bins with lids such that rubbish cannot escape
- c) All open space areas are to be provided with adequate rubbish bins with lids that are adequately maintained
- d) All open space areas are to be regularly maintained, including mowing
- e) All common waste storage areas are to be suitably covered and disposed of regularly.

# SEPP 55 - Remediation of Land

In accordance with Clause 7 of SEPP 55 – Remediation of Land, Council has an obligation

to ensure that the land is suitable for its use.

Potential contamination sources stem from the historic usage of the site for agricultural purposes, its use for army training purposes and as a migrant camp. More recently the land is part of the area under investigation for PFAS surrounding Bathurst Airport.

It will be necessary for these and other potential sources of contamination to be investigated in detail as part of each subsequent Development Application. Where necessary, remediation works may be required.

# Bathurst Regional Development Control Plan 2014

#### Chapter 2 Exhibition and Notification of Development Applications

The Development Application was advertised and notified to adjoining property owners from 10 April 2018 to 20 April 2018. Following the advertising and notification period a total of sixteen (16) submissions were received (see submissions at <u>attachment 4</u>). The matter proceeded to a Council Discussion Forum on 6 June 2018 (refer to minutes at <u>attachment 5</u>). Following the discussion forum Council received 1 further submission (**attachment 6**).

Submissions received raised concerns in the following areas:

- Consistency with rural character;
- Impact upon rural views;
- Impacts upon privacy;
- Adequacy of Limekilns Road to accommodate additional traffic;
- Responsibility for ongoing maintenance of Limekilns;
- Provision of boundary fencing to a suitable standard;
- Permissibility under current zoning;
- Need for additional caravan parks;
- Whether the site will be used for permanent residents;
- Potential use of bore water;
- Hours of operation;
- Potential impacts upon operational aspects of existing observatory;
- Changes to current property and water access arrangements;
- Lighting impacts associated with additional street and housing lighting and vehicle lighting;Dust generation during construction phase;
- Potential odours associated with sewage treatment plant;
- Land use conflict with agricultural properties surrounding;
- Noise
- Increased night time light impacts;
- Length of time people stay in caravan park and moveable dwelling site;
- Rubbish generated;
- Impact on cycling route of Limekilns Road;
- Water usage;
- Sewerage disposal;
- Impact on property values;
- Arrangements for rubbish removal;
- Potential conflicts with airport operations;
- Weed controls;
- Costs and timing of future development;
- Potential impact on Windburndale pipeline;
- Responsibility for ongoing maintenance of sewage treatment plant;
- Quarry operations on the site;
- Additional traffic using Yarras Lane in major events;

• Bushfire safety;

The applicant has provided a written response to the Observatory submission (see **<u>attachment 7</u>**).

There is a commonality in the issues raised and accordingly these will be addressed together.

# Change to rural locality

Consistent with the zoning of the land the dominant usage in the locality is rural and rural residential usage. The anomaly to this is the Sheep and Cattle Drome which currently has a small scale tourist focus.

The development has the potential to significantly alter this scenario and will certainly result in the introduction of what would be considered by many to be urban development contrary to the current focus. That said, the development does maintain quite an amount of open space surrounding that development in the form of the golf course and recreational activities being planned as part of the development.

The development will be visible from the various vantage points surrounding the site and will result in a significant change in the types of views from a rural setting to a more urbanised setting.

Certainly changing the location of the entrance to the southern boundary (i.e. where it adjoins 548 Limekilns Road) has the potential to result in additional impacts on this property in terms of privacy, vehicular noise and general disturbance. The application has not made any specific references to how these impacts may be mitigated. Accordingly a condition should be formulated requiring the submission of:

- Acoustic assessments to address the impact of road noise on surrounding property
- Details of fencing to be provided to the external boundaries of the site
- Landscaping to the areas between the proposed new entrance road and the southern boundary

# Traffic, cycle and pedestrian linkages

The application has not been supported with any specific assessment of traffic related issues.

As acknowledged elsewhere the development has the potential to be a significant generator of the vehicular, cycle and pedestrian traffic. That is not only from the tourists staying on the site but also those staying elsewhere wishing to visit the site. These give rise to the need to upgrade Limekilns Road to accommodate traffic increases in these areas. This would include:

- Upgrading the new intersection with Limekilns Road to accommodate appropriate turning traffic inclusive of street lighting
- Upgrading Limekilns Road to a minimum rural residential road standard in accordance with Council's adopted Engineering Guidelines
- Widening the road shoulders to accommodate a designated on-road cycleway of minimum 1.5m.

# <u>Water</u>

The principal water supply for the development will be from the extension of the town water supply to the site at the cost of the developer. In addition, the developer would also be required to make capital contributions (i.e. water headworks charges) towards this supply.

The property also has connections to the Winburndale water pipeline with historic agreements to use that water for some of the current uses occurring on the site.

The applicant also proposes (subject to further environmental assessment) to irrigate treated effluent onto the golf course.

## **Operations of Bathurst Observatory**

The Bathurst Observatory is a stand alone facility located near precinct 1.

It is currently separately owned and is accessed via a Right of Carriageway through Rossmore Park to Limekilns Road. Any alterations to these access arrangements will need to be negotiated between the respective owners but effectively no alterations to this arrangements can occur unless that agreement occurs.

The submission lodged on behalf of the Observatory owners raises a number of site specific issues including:

- Lights from vehicles using the new entrance road;
- Lighting;
- Dust during construction;
- All trees and buildings not to impinge any more than 10 degrees above the property fenceline;
- Need to establish trees around the boundary of the observatory; and
- Need for a 100m "exclusion zone" around the observatory where buildings, including temporary dwellings and caravans cannot be located.

The applicant has suggested a condition requiring a site management plan be prepared to address light glare related issues. This condition goes part way to addressing the issues raised and it is suggested that it be broadened to incorporate some of the other issues raised but not directly addressed by the applicant. It is therefore recommended that the applicant prepare a site management plan incorporating the following:

- Site management protocols to address light associated with street lighting, vehicle lighting and building lighting inclusive of the caravan park and camping areas;
- Dust management protocols, inclusive of monitoring during construction;
- All trees and buildings not to impinge any more than 10 degrees above the property fenceline;
- Landscaping of the areas between the observatory and the development within Precinct 1; and
- Siting all buildings, including dwellings and caravan sites a minimum of 100m away from the observatory site.

# OTHER ISSUES

Because of the nature of concept Development Applications much of the detail associated with the impact of the development are the subject of further detailed investigation. This leaves a number of issues that will need to be further investigated as part of this process.

#### **Biodiversity Impacts**

The property contains areas of native and remnant vegetation that will require detailed assessment in accordance with the current biodiversity conservation principles and legislation. To date these issues have not be addressed and will be subject to further investigation.

# Aboriginal Heritage

The development has the potential to impact on large areas of land which to date have not been the subject of any detailed investigations from an Aboriginal heritage perspective. The site contains areas previously identified as being of high, medium and low sensitivity.

# **Conclusion**

The development represents a significant departure from the current rural locality albeit there have historically been applications approved for similar type proposals.

Whilst some concern remains that a caravan park of this scale could not be supported in isolation this is somewhat negated by the fact it forms part of much larger tourist and cultural facilities. Without these additional facilities the caravan park elements could not be supported at the scale sought.

There are undoubtedly impacts associated with the development which will need to be addressed and managed if the development is to achieve the ultimate development outlined in the concept plan.

# Financial Implications: Nil.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 1: Our sense of place and identity</li> </ul>	Strategy 1.1, 1.2
<ul> <li>Objective 3: Environmental stewardship</li> </ul>	Strategy 3.1
<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.1, 4.2, 4.3, 4.6
<ul> <li>Objective 5: Community health, safety and well being</li> </ul>	Strategy 5.5
<ul> <li>Objective 6: Community leadership and collaboration</li> </ul>	Strategy 6.4, 6.5

# **Community Engagement**

• Consult To obtain public feedback on alternatives and/or decisions

# MINUTE

# 11 <u>Item 4 DEVELOPMENT APPLICATION NO. 2018/21 – CONCEPT</u> <u>APPLICATION FOR MIXED USE DEVELOPMENT INCLUDING EDUCATION</u> <u>ESTABLISHMENT, INFORMATION AND EDUCATIONAL FACILITY, TOURIST AND</u> <u>VISITOR ACCOMMODATION, RECREATIONAL FACILITY (OUTDOOR) AND CARAVAN</u> <u>PARK AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: EDUCATIONAL</u> <u>LEARNING PTY LTD. OWNER: HERITAGE HILLS PTY LTD (fadasds)</u> <u>MOVED: Cr J Fry SECONDED: Cr A Christian</u>

# **RESOLVED:** That Council:

- (a) as the consent authority, grant concept approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/21, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - i. Any development of any precinct in any stage be subject to a further Development Application.
  - ii. The number of long term sites is zero.
  - iii. The maximum period a person may stay in a moveable dwelling or holiday van on any short term site over the entirety of the site is 150 days in any 12 month period (unless the moveable vehicle is a holiday van and the person is the owner of that holiday van).
  - iv. Staging of the development is to occur as proposed in the application, i.e. the development is to occur in 2 Stages with Precincts 1 & 2 occuring in Stage 1.
  - v. Each precinct of the caravan park is only to proceed if the corresponding attractions detailed in the SEE and accompanying plans are also provided or are already provided on site.
  - vi. The owners are to surrender the development consent granted under Development Application 2002/0736.
  - vii. Upgrading the new intersection providing access from Limekilns Road to accommodate appropriate turning traffic inclusive of street lighting.
  - viii. Upgrading Limekilns Road to a minimum rural residential road standard in accordance with Council's adopted Engineering Guidelines from the new entrance to the property and Marsden Lane.
  - ix. Widening the road shoulders in Limekilns Road to accommodate a designated on road cycleway of minimum 1.5m width.
  - x. A full detailed assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided for each stage.
  - xi. All buildings, structures and landscaping associated with the development are to be located so that their finished height is, in the case of a building, no higher than the obstacle limitation surface for Bathurst Airport and in the case of a landscape feature, the mature height is to be 5m less than the obstacle limitation surface.
  - xii. All dwelling sites are located outside the area identified as being subject to greater than 10 x 60 dBA noise events as identified in the Bathurst Airport Masterplan.
  - xiii. The following bird strike reduction strategies are to be incorporated in the development:
    - 1. All water bodies are to be designed with steep embankments and deep

waters suitable for preventing aquatic plant growth;

- 2. All properties are to be provided with rubbish bins with lids such that rubbish cannot escape;
- 3. All open space areas are to be provided with adequate rubbish bins with lids that are adequately maintained;
- 4. All open space areas are to be regularly maintained, including mowing; and
- 5. All common waste storage areas are to be suitably covered and disposed of regularly.
- xiv. An Acoustic assessment is to be submitted to address the impact of road noise on surrounding properties in accordance with the NSW Road Noise Policy.
- xv. Details of fencing to be provided to the external boundaries of the site noting that the fencing will need to address security, privacy and biodiversity objectives.
- xvi. Landscaping is to be provided to the areas between the proposed new entrance road and the southern boundary.
- xvii. That the applicant prepare a site management plan incorporating the following:
  - 1. Site management protocols to address light associated with street lighting, vehicle lighting and building lighting inclusive of the caravan park and camping areas;
  - 2. Dust management protocols, inclusive of monitoring during construction;
  - 3. All trees and buildings not to impinge more than 10 degrees from the horizontal above the property fenceline;
  - 4. Landscaping of the areas between the observatory and the development within Precinct 1; and
  - 5. Siting all buildings, including dwellings and caravan sites a minimum of 100m away from the observatory site.
- xviii The Maximum number of caravan sites be restricted to 194.
- (b) Development Applications subsequent to concept approval must address, amongst other matters, contamination assessment, biodiversity assessments, heritage conservation and interpretation and Aboriginal Cultural Heritage.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

# On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

# The result of the division was:

<u>In favour of the motion</u> - Cr B Bourke, Cr A Christian, Cr J Fry, Cr J Jennings, Cr M Morse, <u>Against the motion</u> - Cr W Aubin, Cr G Hanger, Cr J Rudge, <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

# 5 REVIEW OF DEVELOPMENT APPLICATION NO. 2018/137 – CHANGE OF USE FROM DWELLING TO OFFICE PREMISES, ALTERATIONS AND ADVERTISING SIGNAGE AT 138 RUSSELL STREET, BATHURST. APPLICANT: MR E DOWD & MS L HENNESSY. OWNER: BELLFIELD INVESTMENTS PTY LTD (DA/2017/137)

# Recommendation: That Council:

- having undertaken a review of Development Application 2018/1378 reaffirm its decision to impose a condition requiring the payment of a Section 7.11 contribution in lieu of three car parking spaces as noted in Condition 1 of its Notice of Determination dated 30 May 2018; and
- (b) call a division.

**<u>Report</u>**: Council has received a request to undertake a review of its decision made in relation to the above Development Application under Section 8.3 (formerly Section 82A) of the Environmental Planning and Assessment Act 1979.

The Development Application was approved by Council under delegated authority on 30 May 2018 subject to conditions. It is a condition of that consent that is the subject of this review.

#### The Site

The subject site has an area of 198.1m<sup>2</sup> and formally described at Lot 1, DP 41851.

The property is known as 138 Russell Street, Bathurst

See location plan and aerial photo are provided at attachment 1.

For many years the building operated as "Solo House" before more recently being converted into a dwelling.

#### History of the Site

The building, while owned by the Crown, was operated as a boarding house from the early 1980s until 2014. The boarding house provided accommodation for disadvantaged men and was commonly known as "Solo House".

In 2014 the boarding house operations ceased and the Crown Lands Division of NSW Trade & Investment put the property up for sale. In March 2015, the purchaser of the property lodged a Development Application to change the use of the building from a boarding house to a dwelling. The application included partial demolition, additions and alterations. The Development Application was approved and the works were subsequently completed. An Occupation Certificate was issued for the dwelling on 17 March 2017.

A subsequent development application (2018/137) was lodged which involved the following:

- Change of use of the existing dwelling to office premises;
- Internal and external alterations for access and fire separation; and
- Advertising signage two flush wall signs and two under awning signs.

This application was also approved under delegation with conditions.

The approved plan of the proposed development is provided at **<u>attachment 2</u>**.

Due to the size of the land there is no onsite parking or sufficient space to provide any so a condition was imposed requiring the payment of a monetary contribution.

## Condition of consent to be reviewed

The review only relates to a condition imposed upon the consent requiring a financial contribution under Council's adopted Section 94 Plan (now referred to as Section 7.11) in lieu of parking spaces. There are no other elements of the consent under review. Condition 1 of the consent reads as follows:

# The payment to Council of \$52,770.60 for three car parking spaces in accordance with Council's Section 94 or Section 7.11 Contributions Plan "Bathurst CBD Car Parking".

All monetary conditions are to be paid <u>prior</u> to the issuing of any Construction Certificates.

NOTE 1: All monetary conditions are reviewed annually, and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

The applicants, Mr Evan Dowd and Ms Louisa Hennessy, have requested that Council review the above condition for the reasons outlined in their written request for review at **attachment 3**.

# Planning Context

Bathurst Regional Development Control Plan 2014

It is noted that there are no car parks on the subject site and there is not sufficient area to create any.

Council's adopted DCP provides a ratio of 1 car parking space per 50m<sup>2</sup> for offices.

The proposed building has a total floor area of 172.7m<sup>2</sup> and accordingly a total of four (4) car parks would normally be required. Note Council's usual practice is to "round up".

A credit of one (1) car parking space exists from the building's current use as a dwelling and its previous use as a boarding house.

A deficit of three (3) car parking spaces therefore exists.

The 3 spaces are used as the basis for calculation of the contribution discussed below.

Section 14.3 of the DCP provides the following:

Contributions in lieu

Council may consider a cash contribution, in lieu of on-site parking provision where:

- i) as many car parking spaces as possible have been provided on-site, and
- ii) the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and
- iii) the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.

Should these conditions not be met, car parking would otherwise be required on the land.

In relation to the above the following is noted:

- There are no car parks on the subject site and there is not sufficient area to create any;
- The subject site is located within the area subject to Council's relevant Section 7.11 (formerly Section 94) Contributions Plan for car parking space; and
- The subject site is within an area where additional CBD car parking could be provided under the Section 94 Contributions Plan (e.g. RSL car park or Carrington Park).

A condition was therefore imposed to require the payment of a Section 7.11 Contribution for three (3) deficit car parking spaces.

For the 2017/2018 financial year the contribution per space is 17,590.20 i.e.  $3 \times 17,590.20$  = 52,770.60. Note that these figures are subject to indexation.

The applicant's justification for requesting a variation makes the following points:

- The number of employees in the building is limited;
- The number of offices provided in the building is relatively low; and
- Short term nature of client visits.

# **Discussion**

The current Council Section 94 Contributions Plan came into force on 19 November 2014.

Clause 1.10 of the Section 94 Plan provides that "Council, may, in certain circumstances, accept an offer by the applicant not to provide onsite car parking in accordance with the relevant DCP standard.

An offer for Council to accept a deficit in onsite car parking is to be made in writing to Council and clearly state:

- Why deficit of on site car parking is proposed; and
- Why Council should support a cash contribution in lieu of providing the car parking spaces on site in accordance with this Plan."

The circumstances at play in this application are that:

- The development involves conversion of a dwelling to an office building in the CBD.
- The development makes no provision for any parking on site
- There is no area available for on site parking given the site constraints
- The demand for on street parking is well known as a constraint to the use of the site.
- There is already a history of requests from owners and persons acting on behalf of the owners for special dispensations from the on street parking requirements.
- Parking restrictions apply to Russell Street in the vicinity of the development.

- The development will accommodate 3 upstairs offices as well as meeting rooms down stairs.
- The number of employees at present and their FT/PT status is a circumstance of the individual business and subject to change.

On the whole there is little justification for providing a dispensation to the duly adopted Council policy in circumstances where the demand for parking is high and no car parking spaces can be provided on site.

# **Conclusion**

Council has received a request to review a condition imposed upon a development consent requiring a contribution under its adopted Section 94 Plan. The circumstances at play are not unique. A request to waive the condition is not supported.

**<u>Financial Implications</u>**: Nil if Council adopts the recommendation. In the event that Council agrees to the request it will forego the Section 94 Contributions payable under its adopted Plan.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.2, 4.3, 4.4, 4.6

• Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

# **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# MINUTE

# 12 <u>Item 5 REVIEW OF DEVELOPMENT APPLICATION NO. 2018/137 – CHANGE</u> OF USE FROM DWELLING TO OFFICE PREMISES, ALTERATIONS AND ADVERTISING SIGNAGE AT 138 RUSSELL STREET, BATHURST. APPLICANT: MR E DOWD & MS L HENNESSY. OWNER: BELLFIELD INVESTMENTS PTY LTD (DA/2017/137) MOVED: Cr B Bourke SECONDED: Cr A Christian

## **RESOLVED:** That Council:

(a) require the payment of the contributions, or the applicant is to provide documentary evidence of a long-term arrangement for the provision of three (3) physical car parking spaces on another site within the vicinity of 138 Russell Street. Such an arrangement is to be registered on the title for 138 Russell Street and evidence of this registration provided to Council. Should the arrangement cease at any time and no equivalent arrangement be available, the party having the benefit of this consent must pay Council the applicable contribution under the Section 7.11 (formerly Section 94) Contributions Plan *Bathurst CBD Car Parking* for three (3) car parking spaces.

NOTE 1: The arrangement may be a long-term lease, an easement for parking or a land purchase.

NOTE 2: Council will need to be satisfied that the alternate site where it is proposed to provide the three (3) car parking spaces has a surplus of car parking spaces beyond those required for the existing development on that alternate site.

(b) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED** 

#### The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge, <u>Against the motion</u> - Nil <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

# <u>6</u> DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122)

# Recommendation: That Council:

- support the variation to the Clause 6.2.4 Minimum Setbacks Zone R5 Large Lot Residential and Zone E4 Environmental Living development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/122, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The site is not be used as a "transport depot", "depot" or "truck depot" as defined in the Bathurst Regional Local Environmental Plan 2014.
  - (ii) The shed is only to be used to park vehicles owned or used by the residents of dwelling.
  - (iii) No employees or third parties are to utilise the vehicles parked on the premises.
  - (iv) The shed and site is not be used for the unloading and/or storage of any business related goods.
  - (v) No more than one semi-trailer is to be housed on the site.
  - (vi) An Occupation Certificate for the shed cannot be issued until an Occupation Certificate for a dwelling on the same site has been issued.
  - (vii) A turning circle is to be provided showing that a semi-trailer 19.0 metres in length can enter and leave the site in a forward direction. A plan drawn to scale showing the manoeuvring area is to be submitted to Council for approval prior to the issuing of a Construction Certificate. NOTE 1: All vehicle turning movements are to be based on the Austroads.

NOTE 1: All vehicle turning movements are to be based on the Austroads design vehicle.

- (viii) The paving (in concrete) of all vehicular manoeuvring areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- (ix) Heavy vehicles, other than for the purposes of entering or leaving the site, should not be heard from inside a neighbour's residence with windows either open or closed, between 8 pm and 8 am on a Saturday, Sunday or public holiday or 8 pm and 7 am on any other day.
- (x) The washing of heavy vehicles should not occur on site unless appropriate measures are put in place to prevent pollution of waterways.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

# Report: The Site

Council has received a Development Application (DA) for shed and earthworks including a retaining wall at 14 Ironstone Avenue, White Rock, described as 10 DP 1062075. A location plan and aerial photo are provided at <u>attachment 1</u>.

The site has an area of 4003m<sup>2</sup>.

The site contains a 7 x 12 metre shed, which had approval to be used as a temporary

dwelling. The consent for the temporary dwelling has lapsed and the shed is currently being used for storage purposes.

Council is also concurrently considering a Development Application for a dwelling on the property. The dwelling seeks a minor variation to the developer imposed covenant, specifically that the building be setback 9m from the front boundary rather than 10m, which remains a greater setback than Council's DCP requirement of 8m, and therefore the proposed development complies with Council's adopted standards and will be determined under delegated authority in the near future. Earthworks to create the building pad for the dwelling have been completed.

The adjoining properties contain dwellings and associated outbuildings with established landscaping. The site remains one of the few remaining lots in the Blue Ridge Estate which have not been substantially developed.

The site slopes generally from the front to the rear and from east to west.

#### The proposal

The proposal involves the erection of shed (see plan of proposed development at **<u>attachment 2</u>**).

The shed is proposed to be 12 metres x 20 metre. The eave height of the shed is 4.7 metres with a total height of 5.866 metres.

The site requires approximately 1 metre cut and 1 metre of fill for the development which will be retained with a 1 metre high retaining wall.

The shed will have a maximum height of approximately 6.9 metres from natural ground level.

The shed is proposed to be located 5 metres from the side boundary with 18 Ironstone Avenue and 5.65m from the rear boundary with 86 and 90 Blue Ridge Drive.

It is noted that during the assessment process the applicant has reduced the size of the shed (originally  $12 \times 22$  metres), the overall height of the building (from 6.67m to 5.86 m) and relocated it further from the rear boundary.

#### Previous consideration by Council

The Development Application was previously considered by Council at its meeting held 20 June 2018.

Council at that meeting resolved to:

- a) defer consideration of Development Application 2018/122 pending Council obtaining its own legal advice as to the appropriate characterisation of the development; and
- b) pending receipt of that advice that the matter be further considered by Council.

Council has subsequently sought as to the appropriate characterisation of the development and the capacity for Council to vary the developer imposed covenants on the land.

Council is now in receipt of advice from Crennan Legal (attachment 3).

The advice confirms that:

- It is reasonable and appropriate to characterise the proposed development for the shed as ancillary to the use of the land as a dwelling.
- (The Council report) has by reference to the facts and circumstances of the proposed development reasonably identified that the use is one which is ancillary but not independent and is therefore permissible in the zone as an ancillary use to that of a dwelling. The proposed condition regarding the timing of the issue of Occupation Certificates remains an appropriate mechanism for providing assurance that the use of the shed could not be commenced independently of the use of the dwelling.
- To ensure that the development does not proceed otherwise than as being ancillary to a dwelling, the imposition of a condition requiring Occupation Certificate for the shed not to issue until an Occupation Certificate for a dwelling on the same site will be issued is reasonable and appropriate.
- Clause 1.9A of Bathurst Regional Local Environmental Plan 2014 operates to override the covenants on the land which would otherwise prevent the development for the shed proceeding.
- It is unnecessary for Council to take any step to release or modify those covenants, as it is by operation of law (BRLEP cl 1.9A) that the covenants do not apply to the extent necessary to enable the development to proceed.

The advice does however make comments in relation to the proposed conditions of consent foreshadowed in the original report. The comments suggest splitting proposed condition 1 into individual conditions, addition of a condition to the effect that no more than one semi-trailer is housed on the site and addition to the requirement that noise intrusion be specified with windows either open or closed. These comments have been incorporated into the recommendation now presented to Council.

# **Consideration**

The development application has not altered from that considered by Council at its June meeting. A copy of that assessment is provided at <u>attachment 4</u> and remains the basis for determining the application.

# **Conclusion**

Council originally deferred consideration of this development application pending receipt of legal advice in relation to the appropriate characterisation of the development (and accordingly its overall permissibility). Council has now received that advice and it confirms that the development is appropriately considered as being ancillary to the dwelling on the land and not a depot, truck deport or transport depot. The advice also confirms that Council has the power to override the covenant imposed by the developers of the land.

# Financial Implications: Nil.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth
   Strategy 4.6
- Objective 6: Community leadership and collaboration
   Strategy 6.4, 6.5

# **Community Engagement**

Consult
 To obtain public feedback on alternatives and/or decisions

# MINUTE

# 13 <u>Item 6 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND</u> EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122) MOVED: Cr J Rudge SECONDED: Cr M Morse

That Council:

- support the variation to the Clause 6.2.4 Minimum Setbacks Zone R5 Large Lot Residential and Zone E4 Environmental Living development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/122, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The site is not be used as a "transport depot", "depot" or "truck depot" as defined in the Bathurst Regional Local Environmental Plan 2014.
  - (ii) The shed is only to be used to park vehicles owned or used by the residents of dwelling.
  - (iii) No employees or third parties are to utilise the vehicles parked on the premises.
  - (iv) The shed and site is not be used for the unloading and/or storage of any business related goods.
  - (v) No more than one semi-trailer is to be housed on the site.
  - (vi) An Occupation Certificate for the shed cannot be issued until an Occupation Certificate for a dwelling on the same site has been issued.
  - (vii) A turning circle is to be provided showing that a semi-trailer 19.0 metres in length can enter and leave the site in a forward direction. A plan drawn to scale showing the manoeuvring area is to be submitted to Council for approval prior to the issuing of a Construction Certificate. NOTE 1: All vehicle turning movements are to be based on the Austroads.

NOTE 1: All vehicle turning movements are to be based on the Austroads design vehicle.

- (viii) The paving (in concrete) of all vehicular manoeuvring areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- (ix) Heavy vehicles, other than for the purposes of entering or leaving the site, should not be heard from inside a neighbour's residence with windows either open or closed, between 8 pm and 8 am on a Saturday, Sunday or public holiday or 8 pm and 7 am on any other day.
- (x) The washing of heavy vehicles should not occur on site unless appropriate measures are put in place to prevent pollution of waterways.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

# The following AMENDMENT was MOVED

# **MINUTE**

# <u>14</u> Item 6.01 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122) MOVED: Cr J Fry SECONDED: Cr A Christian

That Council

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/122, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The site is not be used as a "transport depot", "depot" or "truck depot" as defined in the Bathurst Regional Local Environmental Plan 2014.
  - (ii) The shed is only to be used to park vehicles owned or used by the residents of dwelling.
  - (iii) No employees or third parties are to utilise the vehicles parked on the premises.
  - (iv) The shed and site is not be used for the unloading and/or storage of any business related goods.
  - (v) No more than one semi-trailer is to be housed on the site.
  - (vi) An Occupation Certificate for the shed cannot be issued until an Occupation Certificate for a dwelling on the same site has been issued.
  - (vii) A turning circle is to be provided showing that a semi-trailer 19.0 metres in length can enter and leave the site in a forward direction. A plan drawn to scale showing the manoeuvring area is to be submitted to Council for approval prior to the issuing of a Construction Certificate.
     NOTE 1: All vehicle turning movements are to be based on the Austroads design vehicle.
  - (viii) The paving (in concrete) of all vehicular manoeuvring areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
  - (ix) Heavy vehicles, other than for the purposes of entering or leaving the site, should not be heard from inside a neighbour's residence with windows either open or closed, between 8 pm and 8 am on a Saturday, Sunday or public holiday or 8 pm and 7 am on any other day.
  - (x) The washing of heavy vehicles should not occur on site unless appropriate measures are put in place to prevent pollution of waterways.
  - (xi) That the tree planting be doubled on the western boundary.
  - (xii) The slab RL be maintained as proposed in the Development Application.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

# On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

# The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, <u>Against the motion</u> - Cr B Bourke, Cr J Rudge, <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

Director Environmental Planning & Building Services' Report to the Council Meeting 18/07/2018

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

# 7 BATHURST REGION HERITAGE REFERENCE GROUP (20.00134)

# **Recommendation**: That Council:

- (a) note the minutes of the Bathurst Region Heritage Reference Group meeting held on 4 June 2018; and
- (b) adopt the amended charter for the Bathurst Region Heritage Reference Group as outlined in attachment 3 to this report.

**<u>Report</u>**: The Bathurst Region Heritage Reference Group met on 4 June 2018. The minutes of that Group's meeting are provided at **<u>attachment 1</u>**.

The Group noted the summary of actions that Council and the community have undertaken from July 2017 to date to achieve the objectives of the 2017-2020 Bathurst Region Heritage Plan. This represents the first year's annual report under the Plan.

The key achievements for the first year of the plan include:

- 129 site visits and advice on 53 Development Applications by Council's Heritage Advisor (note this is from May 2017 to May 2018 as reported to NSW Office of Environment and Heritage).
- Four Heritage Reference Group Meetings.
- Completed and launched the Surveyors Walk Trail.
- Completed and launched the Kings Parade Interpretation Project.
- Added nine (9) pillars to the Pillars of Bathurst.
- Participated in the Sustainable Living Expo, included promotional footage from Sticks and Wombat on Council's Heritage Services and maintaining older buildings.
- Brochure outlining Council's Heritage Services developed and released.
- Developed Housing Strategy and Open Space Strategy and ensured heritage matters were given a high priority in their preparation.
- Implemented Development Control Plan provisions for archaeology at Hill End.
- Investigated the history of the Milltown Cemetery.
- Attended Heritage Network seminars in Sydney.
- Participated in the State Government review of Aboriginal Cultural Heritage Legislation.
- Negotiated outcomes for the Railway Museum with the NSW Heritage Office.
- Assisted the National Trust with the Local Heritage Awards.
- Undertook Aboriginal Cultural Investigations at Mount Panorama.
- Completed the CBD Main Street Review.

Council's 2017/18 heritage incentive funds supported:

- 49 projects: Local Heritage Fund;
- 10 projects: CBD Main Street Fund;
- 9 projects: Conservation and Interpretative Fund.

Note that more detailed reports are provided separately on the outcomes of the 2017/18 heritage incentive funds.

Council, at its meeting held 18 April 2018, noted a report in relation to the Charter of the Heritage Reference Group and resolved to request the Group to review their Charter at their next meeting and report back to Council. The existing Group Charter is provided at

# attachment 2.

In this regard the Heritage Reference Group recommends to Council that the Group Charter be:

- 1. Updated to include the Wiradyuri Elders Group.
- 2. Reformatted so that Council staff representatives are not listed as members of the group but rather as attendees on behalf of Council.
- 3. That the Friends of the Agricultural Research Station be included as a member of the Heritage Reference Group.
- 4. That memberships be updated to include:
  - The Tourism Reference Group,
  - All rural village and rural settlement area progress associations.

In respect of (1), both the Bathurst Local Aboriginal Lands Council and the Wiradyuri Elders Group have always been members of the Heritage Reference Group. The consent Charter incorrectly does not list the Elders Group. It is noted that neither group has attended meetings to date.

An amended Charter has been prepared in line with this recommendation. The amended Charter has also been updated to reference the new Heritage Plan and the recently adopted Bathurst 2040 Community Strategic Plan. The amended Charter is provided at <u>attachment</u><u>3</u>. It is recommended that Council adopt the amended Charter.

The Heritage Reference Group will next meet on 6 August 2018.

**<u>Financial Implications</u>**: Administrative costs of the meeting are met within Council's existing budgets.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 1: Our sense of place and identity

Strategy 1.1, 1.2, 1.3

# **Community Engagement**

Involve

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

# MINUTE

# 15 <u>Item 7 BATHURST REGION HERITAGE REFERENCE GROUP (20.00134)</u> MOVED: Cr B Bourke SECONDED: Cr J Jennings

## **RESOLVED:** That Council:

- (a) note the minutes of the Bathurst Region Heritage Reference Group meeting held on 4 June 2018; and
- (b) adopt the amended charter for the Bathurst Region Heritage Reference Group as outlined in attachment 3 to this report.

# 8 2017/18 BATHURST REGION LOCAL HERITAGE FUND (16.00151)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The Bathurst Region Local Heritage Fund program is in its 20<sup>th</sup> year of operation. The 2017/18 fund saw a total of 49 projects completed with Council offering a total of \$45,800 to property owners and community groups throughout the region. Grants ranged from \$200 to \$2,000. The 2017/18 funding program is associated with \$398,441.59 worth of works being completed in the region. The Bathurst Region Local Heritage Fund is the largest funding project of its type in NSW. The table below shows the funds growth since its inception in 1998/99.

Year	Projects Completed	Council funds awarded	Total value of works
1998/99	8	\$9,000	\$38,278
1999/00	11	\$7,900	\$56,203
2000/01	14	\$8,000	\$92,681
2001/02	24	\$14,012	\$122,014
2002/03	24	\$15,521	\$109,599
2003/04	25	\$20,300	\$139,399
2004/05	40	\$67,030	\$389,195
2005/06	33	\$29,510	\$190,930
2006/07	33	\$34,284	\$293,740
2007/08	44	\$30,175	\$376,965
2008/09	44	\$42,377	\$360,849
2009/10	39	\$39,300	\$273,535
2010/11	47	\$42,750	\$812,598
2011/12	39	\$37,800	\$288,786
2012/13	62	\$62,840	\$752,786
2013/14	50	\$52,700	\$630,375
2014/15	47	\$55,016	\$434,526
2015/16	54	\$48,250	\$410,800
2016/17	51	\$40,000	\$355,015
2017/18	49	\$45,800	\$398,441
Total	738	\$702,565	\$6,526,715

Overview of the Local Heritage Fund to date

There is an extremely positive response from property owners and community groups throughout the region to the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped restore the Anglican Church Fitzgerald Valley, former Peel School Hall, and grave restorations at the Bathurst Cemetery and the village cemeteries including Long Swamp and Rockley. Other projects included reroofing, repainting and timberwork repairs, replacement of gutters and downpipes, repairs to verandahs, repairs to chimneys, underfloor ventilation and window repairs to a wide range of dwellings throughout the region.

A copy of the final report summary for the 2018/17 Local Heritage Fund can be found at **<u>attachment 1</u>**.

**<u>Financial Implications</u>**: The Bathurst Region Local Heritage Fund is funded by Council and the NSW Office of Environment and Heritage.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 1: Our sense of place and identity

Strategy 1.2, 1.3

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 16 <u>Item 8 2017/18 BATHURST REGION LOCAL HERITAGE FUND (16.00151)</u> MOVED: Cr J Jennings SECONDED: Cr J Fry

**RESOLVED:** That the information be noted.

# 9 2017/18 BATHURST MAIN STREET IMPROVEMENT FUND (16.00152)

## **<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: Council launched the Bathurst Region Main Street Improvement Fund in 2016. The Main Street fund aims to assist property owners and tenants to improve, repair and maintain buildings within the Bathurst CBD.

The 2017/18 fund received 17 applications for works. Ten (10) of these applications were completed, with a total value of \$290,077, refer <u>attachment 1</u> for summary. In its first year, 2016/17, 11 projects were completed at a total value of \$162,031. Key projects completed this year included:

- Roof replacement with Bristile Curvado Tiles at 46 George Street Bob Jane T-Marts
- Painting of façade and removal of signage at 75 Keppel Street Dean Mobbs Gallery

Council has received support and recognition for this Fund within the community. Many applicants have acknowledged the fund motivated the necessary improvements to their building.

It is noted that Council's total allocation of \$50,000 was not expended in this financial year. Council staff will review the distribution of funding in 2018/19 to determine if a higher rate of take up can be achieved. It is always difficult to achieve completion of all projects offered funding as applicant circumstances can change and often it is difficult to coordinate the works with relevant trades within a 12 month period.

**Financial Implications:** Funding for this item is contained within existing budgets.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 1: Our sense of place and identity

Strategy 1.2, 1.3

## **Community Engagement**

Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# 17 <u>Item 9 2017/18 BATHURST MAIN STREET IMPROVEMENT FUND (16.00152)</u> <u>MOVED: Cr M Morse SECONDED: Cr J Jennings</u>

**RESOLVED:** That the information be noted.

# 10 2017/18 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00087)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The Bathurst Region Heritage Conservation and Interpretation Fund is in its 7<sup>th</sup> year of operation. The fund was established to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

A total of 9 Projects were completed in 2017/18 with Council offering \$16,215 to individuals and community groups from Bathurst and the rural villages. Grants ranged from \$500 - \$3,000, refer **attachment 1** for summary.

Conservation and	Overview of the Conservation and Interpretation fund to date:			
Interpretation Fund	Year	Projects Completed	Funding Offered	
	2011/12	7	\$19,505	
	2012/13	8	\$11,755	
	2013/14	7	\$17,500	
	2014/15	11	\$20,475	
	2015/16	9	\$14,063	
	2016/17	10	\$16,255	
	2017/18	9	\$16,215	
	Total	61	\$115,768	

This year's funding program has provided financial assistance for the completion of the following projects:

- Installation of signage on Heritage Centre and production update of DVD "Enriching Lives" – St Joseph's Convent, Perthville.
- Permanent exhibition at History Hill incorporating the Holtermann Collection photos and reference maps History Hill.
- Republication of 1000 copies Hill End Hearsay, 3rd Edition History Hill.
- Republication of 1000 copies of Hill End Gold, 3rd Edition History Hill.
- Bathurst Artisans Trades Trail video production.
- Building Bathurst book Graham Lupp Research assistance.
- Installation of a sign promoting information and history of White Rock White Rock Progress Association.
- First Ten Settlers publication.
- Using Ground Penetrating Radar to locate remains at Hill End and Tambaroora Cemeteries and record information Hill End & Tambaroora Gathering Group.

In total, the projects completed in the 2017/18 fund have an estimated total value of \$80,626 for the region. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

**Financial Implications**: Funding for this item is contained within existing budgets.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 1: Our sense of place and identity

Strategy 1.1, 1.2, 1.3

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 18 <u>Item 10 2017/18 BATHURST REGION HERITAGE CONSERVATION AND</u> INTERPRETATION FUND (13.00087) MOVED: Cr J Fry SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

# 11 HERITAGE ADVISOR REPORTS (10.00004)

## **Recommendation**: That Council:

- (a) note the information on the role of the Heritage Advisor; and
- (b) require formal pre lodgement discussions for development in the Bathurst Regional Council Heritage Conservation Areas involving demolition, building height more than single storey over any part of the site, modifications to or in the vicinity of a heritage item and development proposals seeking a variation to a development standard.

#### Report: Background

Council has requested a report on how heritage advice is reported to Council in relation to development matters. The report also discusses some proposed changes to dealing with development applications in the Heritage Conservation Areas.

#### Current Practice

Council engages the services of an independent heritage advisor to provide advice to Council on a range of heritage matters including but not limited to the heritage impact of development. The heritage advisory service is funded by Council with the assistance of an annual grant from the NSW Office of Environment and Heritage.

Under the OEH grant provisions the advisor is restricted from undertaking private (non-Council) work within the local government area and thus the advisor is sourced from outside of the Bathurst region. Council's current advisor is based in Mudgee. In addition, the advisor appointed by Council must be included on the NSW Heritage Consultants Directory.

Council's annual budget for the heritage advisory service has been \$32,500 in recent years (which includes the grant from OEH). Next year the budget has been increased slightly as Council's current advisor is retiring and it is anticipated that the service costs will increase.

The current budget allows for the advisor to attend Bathurst once a fortnight. During each visit to Bathurst the advisor, in conjunction with Council's Senior Heritage Planner:

- 1. Meets with members of the public on site to provide heritage advice in relation to maintenance, conservation and pre-DA matters.
- 2. Reviews development applications identified by Council's Senior Heritage Planner as warranting advice from Council's heritage advisor.
- 3. Meets with Council's Manager Strategic Planning to discuss heritage strategy and policy direction and other special project work.

In between each fortnightly visit the heritage advisor remains available to provide additional advice as and when required via email and phone conversations. This usually amounts to about 5 to 7 hours per month.

The fortnightly visit and the additional advice in between visits generally sees the annual budget close to full expenditure each year.

In terms of the heritage advice and reporting that is provided during the visits to Bathurst, the following summarises the current practice.

1. Meetings with members of the public on site to provide heritage advice in relation to

maintenance, conservation and pre-DA matters.

Advice is most commonly provided orally to members of the public at the on-site meetings. Council's Senior Heritage Planner records a brief summary of the advice given at each site visit and that is retained as an internal document should it need to be referenced in the future. Where further information is required by the public (e.g. a colour scheme for a building) this is prepared by the advisor in her office, emailed to Council's planner and then sent by the planner to the member of public.

When there is a need to more formally reiterate advice given on site to a member of the public, a follow up letter is written by Council's Senior Heritage Planner to the member of the public. For more complex matters that letter is reviewed by Council's Heritage Advisor before it is finalised.

In most instances the advice from the Heritage Advisor is oral advice directly to the member of the public.

2. Review of development applications identified by Council's Senior Heritage Planner as warranting advice from Council's Heritage Advisor.

Council's Heritage Advisor and Senior Heritage Planner attend the site of the development proposal and review the submitted plans. Advice is provided orally to the Senior Heritage Planner. The Senior Heritage Planner prepares a memo to the Development Assessment Planner outlining that advice. For more complex applications, such as the demolition of a building, the memo is drafted by the Senior Heritage Planner and referred back to the Heritage Advisor for review. The memo is also referred to the Manager Strategic Planning for review and comment. The memo of advice is then finalised and provided to the Development Assessment Planner.

In certain circumstances, e.g. where the advisor suggests major amendments to a development proposal or a development proposal necessitates a review of a major heritage management document (e.g. a Conservation Management Plan), Council's Heritage Advisor will prepare a written report directly to Council staff and if required a meeting will be held between the applicant, Council staff and the Heritage Advisor.

In most instances the advice from the Heritage Advisor comes to Council in the form of a memo of advice from the Senior Heritage Planner to the Development Assessment Planner, prepared in conjunction with the Heritage Advisor.

3. Meetings with Council's Manager Strategic Planning to discuss heritage strategy and policy development and other special project work that is warranted.

Council's Heritage Advisor, Senior Heritage Planner and Manager Strategic Planning meet once a fortnight to discuss a range of heritage issues and to discuss future heritage policy direction. Council's Senior Heritage Planner records a brief summary of those conversations that is retained as an internal document should it need to be referenced in the future.

Council staff prepare all key strategic and policy documentation and refer draft work to the Heritage Advisor for review and comment where required. Council staff also refer heritage management documents to Council's Heritage Advisor for review (e.g. Conservation Management Plans for a Council asset).

In most instances the advice is by way of conversation between Council staff and the Heritage Advisor or by way of written advice for major report review.

In summary, Council staff are the primary point of contact for routine matters, formal submissions from the Heritage Advisor limited to major projects or matters where disputes require negotiation. Ultimately, it is the responsibility of the assessment officer to prepare recommendations for development matters, relying on the advice of many expert parties of which the Heritage Advisor is one.

The above arrangements have worked well for Council in terms of:

- Being able to obtain advice on the range of matters for which it is sought within the annual budget provided by Council.
- Providing timely advice to Council and members of the public. In most cases the advice is provided on-site and at the time of meeting.
- The ability for Council staff to phone or email the Heritage Advisor at any time to clarify matters.

Formal written advice from the Heritage Advisor on all matters dealt with during a fortnightly visit could not be sustained under the current budget. Into the future, the existing budget will be further stretched if travel costs increase should the new advisor not be able to be sourced from the central west area.

The Heritage Advisor/Senior Heritage Planner's memo is generally not attached to the Council report but rather, as with other sources of advice on the development, the salient matters are dealt with in the body of the report. If Councillors wish, that memo and other advisory documents can be attached to Council reports into the future.

Council reports are drafted so as not to directly quote the Heritage Advisor as this has, in the past, been selectively picked up by the media and has appeared in the media as a direct quote of Council's position attributed to the advisor.

It must always be remembered that the advice of Council's Heritage Advisor is as an independent heritage expert and is advice to Council only. The Heritage Advisors role is not to recommend a decision to Council on a development application. Any development proposal must be assessed on the range of planning matters relevant to it, heritage usually being one of many. The planning report and its recommendation to Council are based on an assessment of all of those planning matters not just the heritage issues.

## Proposals for consideration

Council will shortly commence recruitment for its Heritage Advisory Service with the pending retirement of the current Heritage Advisor. Given the increasing scrutiny of the Heritage Advisors role, it is proposed that, depending on applications received, a panel of Advisors may be appointed to better manage the diversity of heritage issues and any conflicts of interest that might arise.

It is also recommended that formal pre lodgement meetings be held with the applicant, Council staff and the Heritage Advisor for those types of development in the Bathurst Region Heritage Conservation Areas that are likely to raise concerns in the community - demolition, two storey construction, modifications to or in the vicinity of a heritage item, and development proposals seeking a variation to a development standard - and that these discussions be considered mandatory and implemented following a public notification period. Such changes can be incorporated into an amendment of Council's Development Control Plan.

In this way, the applicant can better prepare appropriate documentation for the application,

of the required standard to undertake a professional assessment of the application in a timely way. It is expected that this will include a Heritage Impact Assessment prepared by a suitably qualified person. The formality of such discussions, including minutes of the meeting, also gives certainty to the applicant as to Council's expectations, and provides a record of the discussions for Council reports and the public.

**<u>Financial Implications</u>**: The Bathurst Heritage Advisory service is funded from an existing budget and an annual grant received from the NSW Office of Environment and Heritage.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.5

Strategy 4.6

Objective 4: Enabling sustainable growth

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 19 <u>Item 11 HERITAGE ADVISOR REPORTS (10.00004)</u> <u>MOVED: Cr M Morse SECONDED: Cr J Jennings</u>

## **RESOLVED:** That Council:

- (a) note the information on the role of the Heritage Advisor; and
- (b) require formal pre lodgement discussions for development in the Bathurst Regional Council Heritage Conservation Areas involving demolition, building height more than single storey over any part of the site, modifications to or in the vicinity of a heritage item and development proposals seeking a variation to a development standard.

## <u>12</u> BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – HOUSEKEEPING AMENDMENT (20.00322)

## **Recommendation**: That Council:

- (a) prepare an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (b) place the draft DCP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

**<u>Report</u>**: The Bathurst Regional Development Control Plan 2014 has been in force since November 2014. The purpose of the proposed amendment is to provide clarification of Council's requirements for street lighting within subdivisions, Council's requirements in relation to all two-storey housing with respect to overshadowing, the requirements of the NSW Fire Brigade and Council's requirements for certain development proposals in Heritage Conservation Areas..

It is proposed to commence an amendment to the *Bathurst Regional Development Control Plan* which seeks to:

- Amend Section 3.3.1 and Section 11.3.1 in relation to subdivisions requiring LED street lighting.
- Amend Section 4.4.2 in relation to overshadowing from two-storey dwelling houses not associated with a dual occupancy or multi unit development.
- Amend Section 4.10.2 in relation to fire hydrants for certain developments.
- Amend Section 10, Urban Design and Heritage Conservation, to address issues associated with the information lodged with certain development types in Heritage Conservation Areas and formalising a pre-lodgement discussion process.

These changes are required as a matter of priority whilst a more wide-ranging review of the DCP commences.

## Public exhibition

It is proposed to place the draft Amendment on public exhibition for a period of 28 days. Following the exhibition period the matter will be brought back to the Council for further consideration.

## **Conclusion**

The proposed amendment to the Bathurst Regional Development Control Plan seeks to provide clarification of Council's requirements for street lighting within subdivisions, Council's requirements in relation to all two-storey housing with respect to overshadowing, the requirements of the NSW Fire Brigade and certain types of development in Heritage Conservation Areas. The amendment will be placed on public exhibition for a period of 28 days before being reported back to Council for further consideration. It is the first of a number of amendments proposed to the DCP as part of a wider major review of that DCP (refer to item 13 of the Director, Environmental, Planning & Building Services report).

## Financial Implications: Nil.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

•	Objective 3: Environmental stewardship	Strategy 3.3, 3.5
•	Objective 4: Enabling sustainable growth	Strategy 4.1, 4.3, 4.6
•	Objective 6: Community leadership and collaboration	Strategy 6.1, 6.4

## **Community Engagement**

• Consult To obtain public feedback on alternatives and/or decisions

#### 20 <u>Item 12 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 –</u> HOUSEKEEPING AMENDMENT (20.00322) <u>MOVED: Cr J Rudge SECONDED: Cr B Bourke</u>

## **RESOLVED:** That Council:

- (a) prepare an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (b) place the draft DCP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

## On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

#### The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge, <u>Against the motion</u> - Nil <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

# <u>13</u> BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – MAJOR REVIEW (20.00296)

**<u>Recommendation</u>**: That Council note a major review of the Bathurst Regional Development Control Plan 2014 has commenced as outlined in this report.

**<u>Report</u>**: The Bathurst Regional Development Control Plan (DCP) 2014 came into effect in November 2014 upon gazettal of the Bathurst Regional Local Environmental Plan (LEP) 2014. The 2014 DCP replaced the earlier 2011 Interim DCP and was largely based on the 2011 DCP, which was prepared by Council following adoption of the Urban and Rural Strategies.

The DCP is provided at **<u>attachment 1</u>**.

Since 2014 Council has undertaken 15 amendments to the DCP on largely minor matters such as various alterations to some of the DCP maps, archaeological provisions, notification of DA requirements, crime prevention referrals to the NSW Police and provisions for dual occupancy developments.

Council staff are now of the opinion that a more extensive review of the DCP is warranted to review a variety of development standards in relation to:

- Recent legislative and State Government policy changes (e.g. Vegetation SEPP);
- The recommendations of Council's strategic planning documents (e.g. Housing Strategy); and
- Changing community values and issues that arise through the development process and other feedback to Council.

Further, the NSW Government is moving to require all Council's to prepare a new DCP in a standardised format, and this proposed review will ensure the Bathurst Regional Council DCP will reflect best practice when that time comes.

The current 2014 DCP is made up of a number of chapters dealing with issues relating to:

- Exhibition an notification of development applications
- Subdivision of land
- Residential development
- Business and Industrial Development
- Rural and rural lifestyle Development
- Rural village development
- Mount Panorama and environs
- Environmental considerations
- Urban Design and Heritage
- Outdoor lighting
- Signage and colour schemes
- Landscaping and greening
- Parking
- Crime Prevention
- Earthworks

The review of the DCP will be undertaken progressively. It is proposed that the review generally be undertaken as follows:

• Review of the current format

- Housekeeping amendment to deal with some urgent issues (see item 12 of the DEPBS report)
- Review on a chapter/topic basis with the first priorities being:
  - Signage and colour schemes
  - Landscaping and greening
  - Urban design and heritage

Each chapter/topic , as it is completed, will be:

- Reported to Council seeking a resolution for public exhibition;
- Exhibited for public comment; and
- Referred to Council for consideration of its adoption.

A final overall review will then be completed to reformat and rename the whole development control plan and bring it into line with the State Government's proposed standard format DCP which is expected to be released to councils in mid-2020.

**Financial Implications**: The DCP review will be completed within existing budgets.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 1: Our sense of place and identity</li> </ul>	Strategy 1.1, 1.2, 1.4, 1.5
<ul> <li>Objective 3: Environmental stewardship</li> </ul>	Strategy 3.1, 3.3, 3.4, 3.5
<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.1, 4.2, 4.4, 4.6
<ul> <li>Objective 5: Community health, safety and well being</li> </ul>	Strategy 5.2, 5.4, 5.5
<ul> <li>Objective 6: Community leadership and collaboration</li> </ul>	Strategy 6.1, 6.4

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 21 <u>Item 13 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 –</u> <u>MAJOR REVIEW (20.00296)</u> <u>MOVED: Cr J Rudge SECONDED: Cr W Aubin</u>

**RESOLVED:** That Council note a major review of the Bathurst Regional Development Control Plan 2014 has commenced as outlined in this report.

# <u>14 BATHURST REGIONAL LEP 2014– 2018 HOUSEKEEPING AMENDMENT</u> (20.00322)

## **Recommendation**: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

**<u>Report</u>**: The Bathurst Regional Local Environmental Plan 2014 has been in force since November 2014. It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend certain development types within Schedule 2 Exempt Development provisions relating to:
  - <u>Garages and carports</u> to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introducing a maximum total floor area of 60sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
  - <u>farm buildings</u> to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered maximum size of building dependant on the land size.
  - <u>Balconies, decks, patios, patio covers, pergola, terrace and verandahs</u> permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback.
  - Rainwater tanks to remove tanks as exempt development on flood prone land.
  - <u>Filming</u> removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 Heritage to:
  - Include two additional local heritage items (21 Blacks Mill Lane, O'Connell and a survey tree at Boundary Road Reserve), and
  - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the proposed amendments and then placed on public exhibition in accordance with Council's statutory obligations.

## Financial Implications: Nil.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 1: Our sense of place and identity</li> </ul>	Strategy 1.2
<ul> <li>Objective 3: Environmental stewardship</li> </ul>	Strategy 3.4
<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.6
<ul> <li>Objective 6: Community leadership and collaboration</li> </ul>	Strategy 6.1, 6.5

## **Community Engagement**

<ul> <li>Consult</li> </ul>	To obtain public feedback on
	alternatives and/or decisions

#### 22 <u>Item 14 BATHURST REGIONAL LEP 2014–2018 HOUSEKEEPING</u> <u>AMENDMENT (20.00322)</u> <u>MOVED: Cr M Morse SECONDED: Cr J Rudge</u>

## **RESOLVED:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

## On being **<u>PUT</u>** to the **<u>VOTE</u>** the **<u>MOTION</u>** was **<u>CARRIED</u>**

#### The result of the division was:

<u>In favour of the motion</u> - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge, <u>Against the motion</u> - Nil <u>Absent</u> - Cr I North, <u>Abstain</u> - Nil

# 15 2018 BUSINESS LEADERS LUNCH (20.00071)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: On the 21 June 2018, Council hosted the fifth annual Business Leaders Lunch at the Bathurst Goldfields. Seventy prominent business professionals attended including senior staff from a number of local businesses, Bathurst Business Chamber, Charles Sturt University, TAFE NSW, the finance sector and the NSW Government.

The annual Business Leaders Lunch provides the opportunity for Council to strengthen and maintain relationships with the local business community and to also provide information on key projects that local businesses can become involved in. This year the keynote presentations focussed on Council's vision to develop Bathurst into a Smart City, which relies on the use of people, data and technology to drive economic activity, accelerate innovation and better manage energy, resources and services.

The 2018 Business Leaders Lunch was a great success. Council has received excellent feedback, with a number of local businesses already using the information they have learnt to promote investment in Bathurst.

#### **Conclusion**

The 2018 Business Leaders Lunch was highly successful and allowed Council to connect with seventy local business leaders. The Lunch provided the opportunity for Council to provide insight on Smart City developments, and also reinforces Council's commitment to supporting local businesses and the vital role they play in the Bathurst community.

**<u>Financial Implications</u>**: Funding for this item is contained within existing budgets.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 2: A smart and vibrant economy Strategy 2.1, 2.3
- Objective 6: Community leadership and collaboration Strategy 6.1

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 23 <u>Item 15 2018 BUSINESS LEADERS LUNCH (20.00071)</u> MOVED: Cr B Bourke SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

Yours faithfully

Jonthe

N Southorn DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES

# DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

# 1 STATEMENT OF INVESTMENTS (16.00001)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: \$83,880,000 was invested at 30 June, 2018 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	Rating	<b>Balance</b>	<u>Average</u> Return
<u>Short Term 1 – 365 Days</u>			<u></u>
(comprising Commercial Bills, Term Deposits, D and Certificates of Deposits):	ebentures		
National Australia Bank Limited	A1+	\$12,000,000.00	2.56%
Bankwest	A1+	\$7,500,000.00	2.52%
Westpac	A1+	\$3,000,000.00	2.75%
Bank of Queensland Limited	A2	\$10,500,000.00	2.61%
People's Choice Credit Union	A2	\$4,500,000.00	2.64%
IMB	A2	\$1,500,000.00	2.59%
Auswide Bank	A3	\$1,500,000.00	2.70%
Maritime, Mining & Power Credit Union Ltd	ADI	\$4,500,000.00	2.69%
Railways Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.73%</u>
		\$49,500,000.00	2.60%
<u>Long Term &gt; 365 Days</u>			
(comprising Commercial Bills, Term Deposits, D	ebentures		
and Bonds):			
Floating Rate Term Deposits			
CBA Deposit Plus	AA-	\$1,500,000.00	2.86%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.95%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.04%
WBC Coupon Select	AA-	\$2,000,000.00	2.98%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
WBC Coupon Select 2	AA-	\$1,500,000.00	2.95%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,830,000.00</u>	<u>1.70%</u>
		\$12,830,000.00	2.79%
Fixed, Negotiable & Tradeable			
Certificates of Deposits			
Greater Bank Ltd	BBB	\$1,000,000.00	3.34%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.52%</u>
		\$3,000,000.00	3.46%
Floating Rate Notes			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.98%
CBA Climate Bond	AA-	\$1,000,000.00	3.03%
Suncorp Metway	A+	\$1,000,000.00	3.31%
Rabobank	A+	\$1,000,000.00	3.50%
AMP	А	\$1,000,000.00	3.16%
AMP	А	\$800,000.00	3.16%
AMP	А	\$1,000,000.00	3.13%
Macquarie Bank	A	\$1,000,000.00	3.10%

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Bank of Queensland 1	BBB+	\$2,000,000.00	3.21%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.07%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.99%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.04%
Members Equity 3	BBB	\$750,000.00	3.21%
Police Bank Ltd 2	BBB	\$1,000,000.00	3.02%
Credit Union Australia 3	BBB	\$1,000,000.00	3.64%
Newcastle Permanent	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.71%
Newcastle Permanent 3	BBB	\$1,000,000.00	<u>3.71%</u>
		\$18,550,000.00	3.24%
Total Investments		<u>\$83,880,000.00</u>	<u>2.80%</u>
These funds were held as follows:			
Reserves Total (includes unexpended loan funds)			
	)	\$47,616,372.00	
· ·	)	\$47,616,372.00 \$2,773,031.00	
Grants held for specific purposes	)		
· ·	)	\$2,773,031.00	
Grants held for specific purposes Section 7.11 Funds held for specific purposes	)	\$2,773,031.00 \$32,931,328.00	
Grants held for specific purposes Section 7.11 Funds held for specific purposes	)	\$2,773,031.00 \$32,931,328.00	
Grants held for specific purposes Section 7.11 Funds held for specific purposes Unrestricted Investments	)	\$2,773,031.00 \$32,931,328.00 \$559,269.00	<u>2.80%</u>

## A Jones Responsible Accounting Officer

**<u>Financial Implications</u>**: <u>Attachment 1</u> shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4, 6.6

## **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# 24 <u>Item 1 STATEMENT OF INVESTMENTS (16.00001)</u> <u>MOVED: Cr B Bourke SECONDED: Cr W Aubin</u>

**RESOLVED:** That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

# 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At <u>attachment 1</u> is an update of Council's progress towards achieving the Strategies and Objectives for the 2017-2021 Delivery Plan and the Annual Operational Plan 2017-2018.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 1.

#### Financial Implications: Nil.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration

Strategy 6.4, 6.6

## **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 25 <u>Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL</u> <u>PLAN 2017-2018 (16.00148)</u> <u>MOVED: Cr W Aubin SECONDED: Cr J Rudge</u>

**RESOLVED:** That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

# <u>3</u> SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)

**<u>Recommendation</u>**: That the information be noted and any additional expenditure be voted.

**<u>Report</u>**: At <u>attachment 1</u> is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 June 2018.

**<u>Financial Implications</u>**: Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$4,154.75

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 5: Community health, safety and well being

Strategy 5.3

## Community Engagement

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 26 <u>Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL</u> ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004) MOVED: Cr J Jennings SECONDED: Cr W Aubin

**RESOLVED:** That the information be noted and any additional expenditure be voted.

# 4 POWER OF ATTORNEY (11.00007)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: That the General Manager's action in affixing the Power of Attorney to the following be noted.

- Greyhound Welfare Integrity Commission Level 1, 230 Howick Street, Bathurst Lot 1, DP 774489 Lease
- WTH Pty Ltd t/as Avis Australia Car Hire Bathurst Aerodrome, PJ Moodie Drive, Raglan
   Part Lot 404, DP1241250 Licence
- Budget Rent a Car Australia Pty Ltd Bathurst Aerodrome, PJ Moodie Drive, Raglan -Part Lot 404, DP1241250 - Licence

## **Linen Plan Release**

- AR & DL Cox Stage 2: 31 Lot Residential & 1 Lot Residual Subdivision Lot 2, DP795012 & Lot 12, DP1067214 - Duramana Road, Eglinton
- WP & BR Young Stage 3: 23 Lot Residential Subdivision Lot 2, DP786472 Hamilton Street, Eglinton

#### Financial Implications: Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4

## **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# 27 <u>Item 4 POWER OF ATTORNEY (11.00007)</u> MOVED: Cr B Bourke SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

# 5 REQUESTS FOR FINANCIAL ASSISTANCE (18.00108, 22.01429, 18.00195, 18.00004, 18.00195)

## **Recommendation**: That Council:

- (a) **Royal Bathurst Show- Major Sponsor of Community Stage** Waive the fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show with the \$1,244 being funded from the Section 356 General Donations allocation; and include consideration of the future years' sponsorship when developing the 2019/2020 budget.
- (b) **Bathurst City Community Club Discount on General Rates and Water** Provide 50% of the general rates to an amount of \$3,655 with funding being provided by the Section 356 Donations allocation.
- (c) <u>Bathurst Arts Council Annual Youth Arts Awards Concert</u> Waive the BMEC venue hire fees for the 2018 Youth Arts Awards Concert up to a cost of \$1,500, with funding being provided by the Section 356 BMEC Community Use allocation.
- (d) <u>**20th Anniversary National Cool Climate Wine Show</u></u> Participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show with the \$1,500 being funded from the Section 356 Donations allocation.</u>**
- (e) <u>**Central Tablelands Woodcraft Inc Street Libraries</u></u> Provide up to \$700 to the Central Tablelands Woodcraft Inc towards the cost of the materials for two street libraries with funding being provided from the Section 356 Donations allocation.</u>**

**<u>Report</u>**: Following the adoption of Council's Delivery Program and Operational Plan, and the donations contained therein, the following balances remain in Council's Section 356 Donations allocations:

BEMC Community Use	\$10,000
Mount Panorama	\$35,000
General Donations	\$8,500

Council has received the following requests for financial assistance which are being presented to Council for consideration.

## (a) Royal Bathurst Show- Major Sponsor of Community Stage

A copy of the request from the Bathurst AH & P Association is provided at Attachment 1.

The organisers of the Royal Bathurst Show are seeking Council to extend its recently expired sponsorship of the Show for a further four years. The sponsorship package includes:

- (i) Two \$500 cash prizes for the Supreme Exhibit Awards;
- (ii) Naming rights major sponsor of the Community Stage \$6,000 (previously \$5,000); and
- (iii) Waiving of fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show \$1,244.

Council's adopted Delivery Program and Operational Plan included a provision of \$7,000 as a donation to the Show for 2018/2019 only. Hence, this request is seeking an additional \$1,244 and a commitment from Council to continue its sponsorship for the following years.

It should be noted that at the time of preparing this report, that the acquittal report on Council's 2017/2018 support for the Show had not been submitted to Council. Accordingly, any support that Council may resolve to provide to the Show will be withheld until the 2017/2018 acquittal information is received.

It is recommended that Council:

- (a) Waive the fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show with the \$1,244 being funded from the Section 356 General Donations allocation; and
- (b) Include consideration of the future years' sponsorship when developing the 2019/2020 budget.

## (b) Bathurst City Community Club - Discount on General Rates and Water

A copy of the request from the Bathurst City Community Cub is provided at <u>Attachment 2</u>.

Council has received a request from the Bathurst City Community Club seeking a discount on General Rates and Water for 2018/2019.

In previous years Council has supported the Club by paying their General Rates (\$7,696.73 in 2017/2018).

Council's adopted Revenue Policy already provides a water tariff structure which allows the Club to have reduced water costs, accordingly no further reduction to their water charges is recommended.

It should be noted that the Local Government Act 1993 does not permit Council to provide a "discount" on general rates, under these circumstances. However, Council may elect to pay all, or part, of the general rates as a donation.

The 2018/2019 General Rates for the Club's premises are estimated to be \$7,308.26.

It is recommended that Council:

(a) Provide 50% of the general rates to an amount of \$3,655 with funding being provided by the Section 356 Donations allocation.

## (c) Bathurst Arts Council - Annual Youth Arts Awards Concert

A copy of the request from the Bathurst Arts Council is provided at <u>Attachment 3</u>.

The Bathurst Arts Council is again seeking Council to waive the BMEC hire fees associated with their annual Youth Arts Awards Concert, scheduled to be held in November.

The Bathurst Arts Council has submitted an additional request also at <u>Attachment 3</u>, seeking Council to provide further funding of \$1,000 "....to cover the \$100 for each of the 10 nominees selected to perform at the Showcase Concert".

Council has previously supported this event providing \$1,200 towards their BMEC hire fees

in 2017. The BMEC hire fees for this year's event are estimated to be \$1,500, excluding bar and refreshment costs. In line with Council's support for this event in previous years, it is the recommendation of this report that only the request for BMEC hire fees be supported, and not the additional request.

## It is recommended that Council:

(a) Waive the BMEC venue hire fees for the 2018 Youth Arts Awards Concert up to a cost of \$1,500, with funding being provided by the Section 356 BMEC Community Use allocation.

## (d) 20th Anniversary National Cool Climate Wine Show

A copy of the request from the organisers of the 20th Anniversary National Cool Climate Wine Show is provided at <u>Attachment 4</u>.

Council has been requested to participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show, at a cost of \$1,500.

Council has previously supported this event providing a donation of \$1,000 in 2017.

#### It is recommended that Council:

(a) Participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show with the \$1,500 being funded from the Section 356 Donations allocation.

## (e) Central Tablelands Woodcraft Inc - Street Libraries

A copy of the request from the Central Tablelands Woodcraft Inc. is provided at <u>Attachment</u>.

Central Tablelands Woodcraft Inc is seeking Council's assistance in meeting the costs of the materials required to make two street libraries. Central Tablelands Woodcraft Inc is also seeking Council to administer the placement of these street libraries. As previously discussed with Council, these installations are generally better embraced when operated by the community and not the Council. Accordingly, Council will be encouraging Central Tablelands Woodcraft Inc to liaise with the community (and vice versa) concerning the administration of the placement of these installations.

#### It is recommended that Council:

(a) Provide up to \$700 to the Central Tablelands Woodcraft Inc towards the cost of the materials for two street libraries with funding being provided from the Section 356 Donations allocation.

**<u>Financial Implications</u>**: Should Council resolve in accordance with the recommendation of this report, then the following balances will remain in Council's Section 356 Donations allocations:

BMEC Community Use	\$8,500
Mount Panorama	\$35,000
General Donations	\$1,401

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 2: A smart and vibrant economy

Strategy 2.1

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# 28 <u>Item 5 REQUESTS FOR FINANCIAL ASSISTANCE (18.00108, 22.01429, 18.00195, 18.00004, 18.00195)</u> MOVED: Cr J Rudge SECONDED: Cr J Jennings

#### **RESOLVED:** That Council:

- (a) <u>Royal Bathurst Show- Major Sponsor of Community Stage</u> Waive the fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show with the \$1,244 being funded from the Section 356 General Donations allocation; and include consideration of the future years' sponsorship when developing the 2019/2020 budget.
- (b) **Bathurst City Community Club Discount on General Rates and Water** Provide 50% of the general rates to an amount of \$3,655 with funding being provided by the Section 356 Donations allocation.
- (c) Bathurst Arts Council Annual Youth Arts Awards Concert -
  - waive the BMEC venue hire fees for the 2018 Youth Arts Awards concert up to a cost of \$1,500 with funding being provided by the Section 356 BMEC Community Use allocation.
  - (ii) provide \$1,000 to fund the awards presented at the Showcase concert, with funding being provided by the Section 356 Donations allocation.
- (d) <u>**20th Anniversary National Cool Climate Wine Show</u></u> Participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show with the \$1,500 being funded from the Section 356 Donations allocation.</u>**
- (e) <u>Central Tablelands Woodcraft Inc Street Libraries</u> Provide up to \$700 to the Central Tablelands Woodcraft Inc towards the cost of the materials for two street libraries with funding being provided from the Section 356 Donations allocation.

## 6 SISTER CITY DELEGATION TO OHKUMA - 2018 (23.00011)

## **Recommendation**: That Council:

- (a) Send a delegation to Aizuwakamatsu to visit Ohkuma Town during November 2018, subject to further discussion with Ohkuma Town Council;
- (b) Authorise the Mayor and General Manager (or their authorised delegates) to attend as Council's delegates; and
- (c) Authorise the General Manager to appoint a travel agent to commence preparations.

**<u>Report</u>**: Council is in receipt of an invitation from Toshitsuna Watanabe, the Mayor of Ohkuma Town, seeking a delegation from Bathurst to attend during November 2018, but not between 10 - 18 November.

For many years as part of the ongoing development of the relationship between Ohkuma and Bathurst, it has been customary for a community delegation led by a Council representative to visit Ohkuma every second year. Council last sent a delegation in 2016 which was the second since the earthquake and tsunami, which damaged the nuclear power plant near Ohkuma. The earthquake forced the evacuation of the area within a 20 km radium of the plant. The residents of Ohkuma were relocated to various other townships with the main centre being Aizuwakamatsu (Aizu).

Since the tsunami, Ohkuma has sent a number of delegations with a group of 20 students and two teachers visiting in August 2013. The Mayor Toshitsuna Watanabe led a delegation in May 2015 to help celebrate Bathurst's 200th birthday. There was also a group who visited Bathurst in August 2015 consisting of 8 students and two teachers, and more recently their "Ohkuma Wings of Hope" group last year.

The ongoing visits between Bathurst and Ohkuma reinforce how strong and important the relationship is to both communities.

The financial commitment from Council, should Council agree to a delegation, would be in covering the costs of the "Council delegates". Members of the community who join in the delegation meet all their own travel expenses. The approximate cost to Council for each Council delegate is estimated to be around \$4,500 to \$5,500, and includes:

- Return airfares (Qantas)
- Airport taxes
- Airport transfers between airport and accommodation
- Accommodation in Aizuwakamatsu and Tokyo
- Japan rail pass

Should Council agree to the delegation, media releases will be prepared calling for expressions of interest from people wanting to join the delegation. Further, a travel agent will be appointed to make preparations for the trip and prepare pricing details. Subject to Council's resolution, the exact dates will be discussed and finalised with the Mayor of Ohkuma Town Council.

**<u>Financial Implications</u>**: Should Council resolve in accordance with the recommendations of this report, the costs of Council's delegates, of \$4,500 to \$5,500 per delegate, is able to be funded from Council's Sister City allocation.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 2: A smart and vibrant economy
   Strategy 2.2
- Objective 4: Enabling sustainable growth

# Strategy 4.1, 4.3

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

#### 29 <u>Item 6 SISTER CITY DELEGATION TO OHKUMA - 2018 (23.00011)</u> MOVED: Cr B Bourke SECONDED: Cr W Aubin

#### **RESOLVED:** That Council:

- (a) Send a delegation to Aizuwakamatsu to visit Ohkuma Town during November 2018, subject to further discussion with Ohkuma Town Council;
- (b) Authorise the Mayor and General Manager (or their authorised delegates) to attend as Council's delegates; and
- (c) Authorise the General Manager to appoint a travel agent to commence preparations.

## 7 BATHURST BIKE HIRE SCHEME - BOOMERANG BIKES (20.00117)

**<u>Recommendation</u>**: That Council does not renew the License Agreement with Boomerang Bikes for the Bathurst Bike Hire Scheme.

**<u>Report</u>**: Council resolved, at its meeting of 20 July 2016 (Director Corporate Services & Finance Report #5):

"That Council enter into a twelve month agreement, including a twelve month option, with Boomerang Bikes for a Bike Hire Service as detailed in the report."

The Agreement commenced 12 September 2016 with the bike hire stations located at the Bathurst Visitor Information Centre (BVIC) and the Bathurst Aquatic Centre as these locations had neighbouring businesses available to store helmets and locks and access to the bike pathway networks.

A further report was considered by Council at its meeting 16 August 2017 (Director Corporate Services & Finance Report #7) where it was resolved:

"That Council exercise the option and extend the License Agreement with Boomerang Bikes, for the Bathurst Bike Hire Scheme, for a further 12 month period."

It was noted, in the August 2017 report, that the take-up of this facility had been much lower than anticipated. The table below provides data from the previous and current period.

ouninary of rotal filles and income					
	BVIC	BVIC	Aquatic Centre	Aquatic Centre	
	Sep 16 to Aug	Sep 17 to Apr 18		Sep 17 to Apr 18	
	17		Sep 16 to Aug		
			17		
Total Hires	56	39	71	75	
		(figure to April 2018)		(figure to April 2018)	
Total	\$899	\$498	\$935	\$988	
Income		(figure to April 2018)		(figure to April 2018)	

#### Summary of Total Hires and Income

In exercising the option for extension, direction was given for Council staff to explore further avenues to increase the awareness of the service. The following actions have occurred to date:

- BVIC staff monitor and maintain the area.
- A cash receipt system was introduced in October 2017 improving accessibility of the system for visitors not wishing to use a credit card.
- All BVIC staff actively promote the service to Centre visitors.
- Boomerang Bikes brochure, map and Council Cycling map are prominently displayed.
- Information and promotional brochures were personally delivered to all Bathurst accommodation providers by BVIC staff in October/November 2017.
- Bike Hire and Bathurst cycling were placed as one of the four central calls to action on the VisitBathurst website in October 2017.
- Bike hire has been actively promoted on 2BS/B-Rock to local families as a perfect activity to undertake with visiting friends and relatives in weekly 'What's On' radio segments.
- Bike hire has been regularly promoted on social media (Facebook and Twitter) with a paid campaign in January/February 2018.

Council had resolved to subsidise the cost for this facility at \$1,200 per site per month, with Council retaining 50% of the income generated from each site for the period of the initial 12 month contract and 12 month extension.

Given there has only been minimal increase in the usage and income generated from the facility, following a targeted promotional campaign, it is recommended that Council does not renew the contract with Boomerang Bikes from the end of contract in September 2018.

**<u>Financial Implications</u>**: Council is currently investing \$28,800 per annum with a projected return of approximately \$2,000 per annum. Should Council resolve in accordance with the recommendation of this report, Council will save approximately \$26,000.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.3
<ul> <li>Objective 5: Community health, safety and well being</li> </ul>	Strategy 5.1, 5.2

#### **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## 30 <u>Item 7 BATHURST BIKE HIRE SCHEME - BOOMERANG BIKES (20.00117)</u> MOVED: Cr W Aubin SECONDED: Cr A Christian

**RESOLVED:** That Council does not renew the License Agreement with Boomerang Bikes for the Bathurst Bike Hire Scheme.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

## 8 REQUEST FOR REIMBURSEMENT - SEWER CHOKE COSTS - 18 GLADSTONE STREET, BATHURST (22.01191/004)

**<u>Recommendation</u>**: That Council reimburse the owners of 18 Gladstone Street, Bathurst an amount of \$1,182.78 in accordance with Council's policy "Sewer Blocks - Review of Payment to Private Person for Sewer Blocks in Council Mains".

**<u>Report</u>**: Council is in receipt of a request from the owners of 18 Gladstone Street, Bathurst seeking reimbursement of the full costs of their plumbing costs in rectifying a sewer choke which affected their property in February 2018.

Council's policy "Sewer Blocks - Review of Payment to Private Person for Sewer Blocks in Council Mains" provides the ability to reimburse property owners for reasonable costs involved in their engagement of a private plumber to clear a sewerage blockage which is established to be in Council's sewer mains. A copy of the full policy is provided at <u>Attachment 1.</u>

In accordance with the Policy, the owners have provided evidence that their plumber's invoice has been paid, which in this instance amounted to \$1,182.78. A copy of the plumber's invoice and email has been provided to Councillors under separate cover.

Council's Engineering staff also responded to the sewer choke incident, and due to the extent of the blockage and work already undertaken by the private plumber, there is some doubt over the exact location of the blockage. Accordingly, for the purposes of assessing this request, it has been assumed that the blockage was in Council's sewer main.

Council's policy provides that, in instances where the blockage is in Council's sewer main then the reimbursement "...will be limited to a payment for up to two man hours work at the current rate listed in Council's Revenue Policy". Council's 2017/2018 Revenue Policy prescribes an hourly rate of \$137, hence a maximum reimbursement of \$274. However, the private plumber has provided Council with a detailed report outlining the blockage and the resultant extensive surcharge that occurred on this parcel, hence explaining the higher than normal invoice for these works. Accordingly, <u>it is recommended</u> that the full plumber's invoice be reimbursed.

**<u>Financial Implications</u>**: Should Council resolve in accordance with the recommendations of this report, then funding will be provided by Council's Sewer Fund.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 3: Environmental stewardship

Strategy 3.3

#### **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 31 <u>Item 8 REQUEST FOR REIMBURSEMENT - SEWER CHOKE COSTS - 18</u> <u>GLADSTONE STREET, BATHURST (22.01191/004)</u> <u>MOVED: Cr B Bourke SECONDED: Cr A Christian</u>

**RESOLVED:** That Council reimburse the owners of 18 Gladstone Street, Bathurst an amount of \$1,182.78 in accordance with Council's policy "Sewer Blocks - Review of Payment to Private Person for Sewer Blocks in Council Mains".

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

## <u>9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE</u> (11.00005, 22.00487, 04.00125, 04.00136, 22.02055)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The following items have been included in the confidential section of the business paper for Council's consideration:

#### 1 RURAL LICENCE AGREEMENT AT LOTS 2 & 3 DP1115543, KNOWN AS 57A CHURCH LANE, KELSO. (22.00487)

This report relates to the proposed new rural licence agreement for 57A Church Lane, Kelso for a period of 12 months.

#### 2 FINANCIAL STATEMENT - 2018 BATHURST 6 HOUR (04.00125)

This report relates to the financial statements for the 2018 Bathurst 6 Hour event.

#### 3 FINANCIAL STATEMENT - 2017 CHALLENGE BATHURST (04.00136)

This report relates to the financial statements for the 2017 Challenge Bathurst event.

#### 4 PURCHASE OF LOTS 2 AND 3 FREEMANTLE ROAD, EGLINTON (22.02055)

The report relates to the proposed purchase of lots at Freemantle Road, Eglinton.

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

Objective 6: Community leadership and collaboration
 Strategy 6.4

#### **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 32 <u>Item 9</u> ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.00487, 04.00125, 04.00136, 22.02055) MOVED: Cr J Rudge SECONDED: Cr M Morse

**RESOLVED:** That the information be noted.

Yours faithfully

A Jones DIRECTOR CORPORATE SERVICES & FINANCE

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

## DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

## <u>1 PROPOSED CROWN ROAD TRANSFER - BEATH STREET WATTLE FLAT</u> (25.00593)

**<u>Recommendation</u>**: That Council approve the transfer of the Crown public road identified as Beath Street, Wattle Flat, as detailed in the Director Engineering Services' report.

**<u>Report</u>**: Council will recall at its ordinary meeting on 9 December 2015 that the ownership of Crown roads within the village of Wattle Flat be considered. Council resolved to: "Approve the transfer of Crown public roads located at the Village of Wattle Flat, as detailed in the Director Engineering Services' report."

Beath Street, shown in the plan at <u>attachment 1</u> was among the roads considered for transfer and was rejected on the basis there were less than 3 residences fronting the street.

In April 2018, Council received a letter from the Secretary of the Wattle Flat Progress Association requesting on behalf of local residents that Council reconsider its position in respect to the ownership of Beath Street and that the road surface be maintained to a suitable standard. The letter also indicated the construction of a third residence had taken place since 2015.

An investigation has been undertaken by Council Engineers and it is recommended that Council make application to the Department of Industry - Crown Lands for the transfer of Beath Street to Councils ownership.

**<u>Financial Implications</u>**: The initial cost to upgrade the road to meet Council's standard is estimated at \$10,000 and will be funded from the Rural Roads Unsealed Maintenance budget.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 4: Enabling sustainable growth

Strategy 4.3

## **Community Engagement**

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 33 <u>Item 1 PROPOSED CROWN ROAD TRANSFER - BEATH STREET WATTLE</u> <u>FLAT (25.00593)</u> <u>MOVED: Cr J Rudge SECONDED: Cr W Aubin</u>

**RESOLVED:** That Council approve the transfer of the Crown public road identified as Beath Street, Wattle Flat, as detailed in the Director Engineering Services' report.

Director Engineering Services' Report to the Council Meeting 18/07/2018

## 2 FLYING FOX CAMP MANAGEMENT PLAN FOR MACHATTIE PARK & KINGS PARADE (04.00012)

#### **Recommendation**: That Council:

- (a) Place the Flying Fox Camp Management Plan on public exhibition for a period of 28 days;
- (b) Should it be deemed necessary to significantly alter the draft plan, following any comments received during the public submission period, a further report be presented to Council for consideration;
- (c) Subject to any significant amendments deemed necessary from submissions received by the public or the Office of Environment and Heritage, Council adopt the Flying-fox Camp Management Plan;
- (d) That Council allocate funding to develop a flying-fox action plan in preparation of the possible arrival of flying foxes in Machattie Park this coming summer.

**<u>Report</u>**: A colony of flying-foxes established a camp within the tree canopy of Machattie Park between December 2017 to June 2018. The colony consists of two species of flying-fox, including the Grey-headed flying-fox (*Pteropus poleocephalus*) and Little red flying-fox (*Pteropus scapulatus*). Grey-headed Flying-foxes are listed as a vulnerable species and protected under the NSW *Biodiversity Conservation Act 2016* and the Federal *Environment Protection Biodiversity Conservation Act 1999*.

In early March 2018 Council commissioned Eco Logical Australia, an experienced environmental consultancy company, to prepare a Flying-fox Camp Management Plan for Machattie Park and Kings Parade. The draft Management Plan has been completed and is provided at <u>attachment 1</u>.

#### Field Survey

The Ecologists completed an inspection of the Flying-fox camp within Machattie Park as well as other potential suitable habitat within Bathurst as part of the development of the Camp Management Plan.

#### Consultation

Community consultation, a regulatory requirement of preparing a Camp Management Plan, was completed to gain an understanding of the history of the camp, flying-fox activity in the region and to understand community values and concerns. Consultation included an online survey on Council's "Your Say" website, a "Drop-in" session within Machattie Park, and letters sent to surrounding neighbours and key stakeholders. A total of 127 survey responses, 17 verbal responses, and 1 written submission was received.

The feedback from the online survey favoured management measures that:

- Do not impact on the trees or appearance of Machattie Park (Very important or important to 78% of respondents)
- Do not move the camp to another unsuitable site (Very important or important to 67% of respondents)
- Do not restrict the use of Machattie Park (Very important or important to 62% of respondents)
- Do not harm the flying foxes (Very important or important to 61% of respondents)

The draft Flying-fox Camp Management Plan was provided to the Office of Environment and

Heritage for comment and feedback. Within their review, OEH acknowledged the difficulties in managing the Machattie Park Flying-fox Camp due the urban location, small size of Machattie Park, and limited ability to trim or remove trees due to their heritage values. They have advised that if Council chooses to disperse the camp, such actions will be extremely expensive, require repeated actions over an extended period of time, does not guarantee successful outcomes, flying foxes may establish in other or more sensitive locations, and that dispersals are highly contentious and controversial. OEH advised that Council may choose to manage the flying-fox camp in-situ if impacts on the community are acceptable. OEH support the proposed habitat restoration activities in other sites to provide suitable camp habitat in non-contentious areas, particularly along the Macquarie River given that it was used as camps in the past. They advised that the timing of camp establishment in 2010-11 and 2017-18 coincided with the timing of known food shortages.

#### **Proposed Management Actions**

The plan includes a number of management measures that were developed for the Machattie Park flying-fox colony. The measures were developed using the NSW Office of the Environment and Heritage template and under guidance of the NSW Flying-Fox Camp Management policy.

Level 1: Community Education (Section 8.1.1 and 9.1 of Management Plan) Continue and expand the community education program to provide information on why the flying-foxes are in the area, how residents could live with the colony, and their ecological importance.

Level 1: Revegetation to Create Alternative Habitat (Section 8.1.3 and 9.1 of Management Plan)

Revegetate and manage land along the Macquarie River to create alternative flying-fox roosting habitat away from human settlement. Two potential sites along the Macquarie River have been identified as suitable for future camps. One of these is the last location occupied by the flying-fox camp (2011) which is a 500m stretch of willows that have been retained along the Macquarie River. Given that the Macquarie River was used as camps in the past, there is the possibility that habitat restoration activities at these sites would facilitate improving their suitability for future flying-fox camps.

#### Level 2: Deterrent Actions (Section 8.2.1 and 9.2 of Management Plan)

Install deterrents within the Machattie Park trees to discourage the flying foxes from roosting within the trees when they initially arrive into Bathurst. The aim of the deterrents is to make the trees unattractive as roosting habitat, resulting in them finding more appropriate habitat elsewhere. Deterrents may include visual deterrents (flood lights, plastic hawks, plastic bags), noise emitters on timers to provide loud random and varied noise, smell deterrents, and canopy-mounted water sprinklers within roost trees. Deterrents must be moved frequently to avoid habitation from the flying-foxes. The success of using deterrents is not known and it is possible that the camp may return in subsequent years or relocate to less desirable areas within Bathurst.

#### Level 3: Dispersal Actions (Section 8.3.2 and 9.3 of Management Plan)

If the deterrents are unsuccessful and flying-foxes begin to establish a camp within Machattie Park then active, early dispersal may be actioned to reduce this possibility or the population increasing to an unsustainable size. Responding earlier to move smaller numbers of flying-foxes will increase the likelihood of successful relocation and reduce the impacts on the individual animals. Measures may include noise, spotlights, smoke and sprinklers used on a randomised schedule. If a camp appears to be establishing in a new undesirable location elsewhere in Bathurst, early active or passive dispersal options are to be carried out in the new location. If the camp has been successfully dispersed to a more appropriate location, maintenance dispersal may be required to prevent the camp re-establishing within Machattie Park in future years. Active dispersal activities can be extremely costly and are often unsuccessful. There is no guarantee where the Flying-foxes will disperse to or they may relocate to less desirable areas within Bathurst.

The Draft Management Plan states that level 1 works are all but completed with Council already undertaking most of the recommended actions in 2017/18. The next stage of works under the proposed Management Plan would involve the implementation of deterrent actions, and possibly a combination of deterrent and dispersal actions at the same time.

#### **Proposed Action Plan**

It is recommended that an Action Plan be developed by ecologists experienced in flying-fox management that details the exact measures, labour requirements and costings to carry out the level 2 and 3 deterrent and dispersal measures for Machattie Park and Kings Parade. The Action Plan may require approval by OEH before these actions are implemented. The action plan will also provide indicative costs that are likely to be incurred by implementing the proposed actions.

#### Success Rate and Costs of Other Dispersal Attempts

It should be noted that a review of 17 recent camp dispersal attempts throughout Australia has found that dispersal programs are generally <u>not</u> successful in reducing the number of flying-foxes and the costs of the dispersal works is excessive. In most instances, dispersed animals did not move far, repeated and ongoing dispersal was generally required and in all cases it was not possible to predict where displacement camps would re-roost. Examples of dispersal attempts of camps of a similar size to Bathurst include:

- An attempt was made to disperse a colony of 500 Grey-headed flying foxes at Singleton, NSW. The dispersal used lights, noise, ultrasonic sound, and water, however was unsuccessful as the flying-foxes returned to their original location. The actions cost \$117,000 with ongoing costs.
- A colony of 3000 Grey-headed flying-foxes were dispersed from the Royal Botanic Gardens, Sydney. The dispersal actions included lights, noise, physical deterrent, odour and water. The dispersal required ongoing daily actions for 12 months, and cost over \$1 million with ongoing costs.

#### Next steps

In order to proceed with deterrent and dispersal actions in Machattie park, it is considered that the following actions / processes will be required:-

- Place the Flying-fox Camp Management Plan on public exhibition for a period of 28 days,
- Should it be deemed necessary to significantly alter the draft plan following any comments received during the public submission period, a further report will be presented to Council for consideration,
- Council adoption of the Flying-fox Camp Management Plan,
- Endorsement of the Flying Fox Camp Management Plan by OEH,
- Prepare an action plan that will be presented to Council for consideration. The Action Plan will provide a cost estimate for the deterrent and dispersal actions.
- Allocation of appropriate funding to implement the management actions. Council currently has \$50,000 in its 2018/19 Management Plan for flying-fox management actions, however it is anticipated that costs will be significantly higher.
- Seek approval from the Office of Environment and Heritage to implement the management plan, especially actions relating to dispersal. This is a compulsory requirement of the Flying-Fox Camp Management Policy.
- Develop and award a contract to carry out the deterrent and dispersal actions.

**<u>Financial Implications</u>**: The cost for an ecologist to develop a detailed Action Plan for the flying-fox management actions will be \$9,515. This plan will provide more accurate costings for the proposed management actions contained within the plan.

It is estimated that the cost for the community engagement and revegetation to create alternative habitat (Level 1) would be \$20,000. Council will be seeking grant funding for this work.

The cost for the deterrent and dispersal actions (Level 2 and 3) could be in the vicinity of \$100,000 to \$1,000,000, dependant upon the extent of actions deemed necessary and the duration required of any proposed actions. In addition, there would also be ongoing costs to ensure that the flying-foxes do not return to the Machattie Park trees in future years.

Note that the NSW Government Flying-fox Grants Program is now finalised. Future grant funding will be available for revegetation projects to improve and restore flying-fox habitat. Future grant funding will not be available for deterrent and dispersal actions.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

•	Objective 1: Our sense of place and identity	Strategy 1.2
•	Objective 3: Environmental stewardship	Strategy 3.4

#### **Community Engagement**

• Consult

To obtain public feedback on alternatives and/or decisions

Director Engineering Services' Report to the Council Meeting 18/07/2018

#### 34 <u>Item 2 FLYING FOX CAMP MANAGEMENT PLAN FOR MACHATTIE PARK &</u> <u>KINGS PARADE (04.00012)</u> <u>MOVED: Cr B Bourke SECONDED: Cr A Christian</u>

#### **RESOLVED:** That Council:

- (a) Place the Flying Fox Camp Management Plan on public exhibition for a period of 28 days;
- (b) Should it be deemed necessary to significantly alter the draft plan, following any comments received during the public submission period, a further report be presented to Council for consideration;
- (c) Subject to any significant amendments deemed necessary from submissions received by the public or the Office of Environment and Heritage, Council adopt the Flying-fox Camp Management Plan;
- (d) That Council allocate funding to develop a flying-fox action plan in preparation of the possible arrival of flying foxes in Machattie Park this coming summer.

## <u>3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE</u> (11.00005 & 36.00631)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The following item has been included in the confidential section of the business paper for Council's consideration:

#### <u>1 TENDER FOR DESIGN & DOCUMENTATION OF SECOND MOTOR RACING</u> <u>CIRCUIT, MOUNT PANORAMA (36.00631)</u>

This report considers the tender for the design and documentation of the second motor racing circuit for Mount Panorama.

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 6: Community leadership and collaboration Strategy 6.4

#### Community Engagement

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 35 <u>Item 3</u> ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00631) MOVED: Cr W Aubin SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

Yours faithfully

ann J. Hungin.

Darren Sturgiss DIRECTOR ENGINEERING SERVICES

Director Engineering Services' Report to the Council Meeting 18/07/2018

# DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

## <u>1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4</u> JUNE 2018 (07.00116)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: Included in the Destination Management Plan, adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group (TRG) has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

The role of the Group is to provide strategic advice, review plans and provide recommendations to Council for the implementation of the Destination Management Plan.

The Bathurst Region Tourism Reference Group met on 4 June 2018. The Minutes of the Group's Meeting are provided at <u>attachment 1.</u>

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting.

The following items were discussed at the Meeting held on Monday 4 June 2018:

- Website Status Update
- Online Booking Engine
- Destination Network Country and Outback new Destination Management Plan
- Artstate 2018 Bathurst
- Bathurst Visitor Information Centre refurbishment.
- Discussions from Heritage Trades Trail event
- Regional Conferencing

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 1: Our sense of place and identity</li> </ul>	Strategy 1.2, 1.3
<ul> <li>Objective 2: A smart and vibrant economy</li> </ul>	Strategy 2.1, 2.6
<ul> <li>Objective 5: Community health, safety and well being</li> </ul>	Strategy 5.2
<ul> <li>Objective 6: Community leadership and collaboration</li> </ul>	Strategy 6.1

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 36 <u>Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD</u> <u>4 JUNE 2018 (07.00116)</u> <u>MOVED: Cr J Jennings SECONDED: Cr J Rudge</u>

**RESOLVED:** That the information be noted.

## <u>2 BATHURST REGIONAL ART GALLERY - FRENCH ARTIST IN RESIDENCE</u> (FAR) HILL END ARTIST IN RESIDENCE PROGRAM (21.00092)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: Bathurst Regional Art Gallery and the Embassy of France in Australia have undertaken a highly successful partnership to link the French Artist in Residence (FAR) and the Hill End Artists in Residence programs.

Coordinated by the French Consulate in Sydney and Bathurst Regional Art Gallery staff, the aim of the program is to build longer term relationships between BRAG and French cultural institutions as well as between Australian and French artists.

The inaugural French Artist in Residence – FAR Hill End AIR artist was Fabrice Cazenave who undertook a 6 week residency in Murrays Cottage, Hill End from 9 April – 21 May 2018.

Cazenave creates artworks about landscape in various mediums, from drawing and painting to sculpture, which he develops en plein air. During his time in Hill End, Cazenave produced a series of large-scale drawings and video works which he will exhibit in Paris in 2018. BRAG is working with the artist and French Consulate, Sydney, to realise an exhibition of these works in Bathurst and Sydney in 2019.

It is expected that the FAR Hill End AIR program will continue in 2019. The development of this partnership signals an increased awareness of the Hill End AIR program internationally. In 2018, artists from Germany, the UK and France will participate.

BRAG is committed to fostering and developing cultural development in the region through the Hill End AIR Program, which has hosted over 300 Australian and international artists since its inception 20 years ago. The program is unique in the Australian visual arts landscape, and is one of the oldest and most respected residency programs in the country.

**<u>Financial Implications</u>**: Funding for this program was shared between Bathurst Regional Art Gallery and the Embassy of France, Australia. A breakdown of costs follows:

French Embassy:	One international return airfare to Sydney (economy class) Stipend of AUD \$1,000			
BRAC	Accommodation six weeks Murrays Cottage Hill End (in-king			

BRAG: Accommodation, six weeks, Murrays Cottage, Hill End (in-kind) Car rental to the value of AUD \$2,200

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity
   Strategy 1.3
- Objective 2: A smart and vibrant economy
   Strategy 2.6

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Director Cultural & Community Services' Report to the Council Meeting 18/07/2018

#### 37 <u>Item 2 BATHURST REGIONAL ART GALLERY - FRENCH ARTIST IN</u> <u>RESIDENCE (FAR) HILL END ARTIST IN RESIDENCE PROGRAM (21.00092)</u> <u>MOVED: Cr J Rudge SECONDED: Cr J Jennings</u>

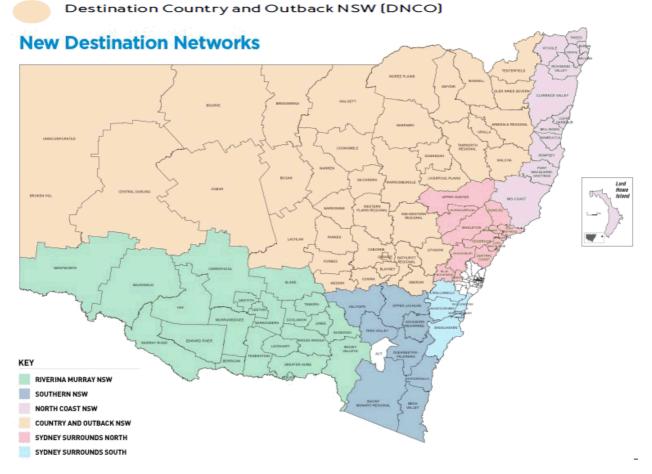
**RESOLVED:** That the information be noted.

## <u>3 DESTINATION COUNTRY AND OUTBACK - 2018 DESTINATION</u> MANAGEMENT PLAN (20.00020)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The NSW Government on 6 July 2016 announced that it would invest \$43 million over four years in a major overhaul in the way regional and rural areas attract visitors, including the creation of six new Destination Networks throughout NSW.

Destination Networks (DNs) have replaced the previous Regional Tourism Organisation (RTO) structure. Bathurst was previously a member of Central NSW Tourism RTO. Bathurst is now part of the new Destination Network Country and Outback (DNCO). This network covers 61.2% of the State, includes 38 council areas, and the Unincorporated Far West Region of NSW, as indicated in the image below.



The network's vision is 'to provide an inspiring and effective approach to grow the visitor economy of Country and Outback NSW and create meaningful connection between the place, its communities and businesses, with visitors to the region.'

The key roles and responsibilities are:

- 1. **Building industry capacity and capability** through training, mentoring and supporting centres of excellence as well as through sharing of best practice and providing access to research and industry data;
- 2. Engaging and advocating for industry through effective communication as well as

representing the DNCO region to Government, including on infrastructure and transport;

- 3. **Facilitating relationships and partnerships** for accessing funding, including the Regional Visitor Economy Fund and other grant programs as well as strengthening connectedness with Destination NSW on industry and marketing activities;
- 4. **Driving more effective destination management and business planning**, especially to support experience development and marketing.

#### **DNCO Destination Management Plan**

Member for Dubbo Troy Grant and Minister for Tourism and Major Events Adam Marshall MP launched Destination Country and Outback's Destination Management Plan on Monday 21 May at the Old Dubbo Gaol. The event was attended by Mayor Hanger OAM and Destination Development Manager.

Minister for Tourism and Major Events Adam Marshall said the Destination Management Plan will act as a blueprint for the region's tourism industry, stating that the tourism industry is huge business for our rural and regional communities, so it's vital that we have a forward thinking plan to ensure continued industry growth.

A copy of the plan can be read by opening the following link on Destination Country and Outback NSW website:

Destination Networks Country and Outback NSW - Destination Management Plan

#### **Experiences in Development**

The DMP recognises that a number of projects that would constitute or contribute to signature experiences have applied for funding through the NSW Government's Regional Growth – Environment and Tourism Fund and notes the following Bathurst based project in this list:

Shortlisted Projects	Applicant	Where	DMP Strategic Themes Link
Zoofari Lodge Redevelopment and Expansion	Taronga WP Zoo / TCSA	Central West NSW	Exploring Our Nature/ Unlimited Horizons
Big River Dreaming – The Water Weaving Way	Gwydir Shire Council	New England North West	Events and Conferences
The Mount Panorama Boardwalk	Bathurst Regional Council	Central West NSW	Events and Conferences
Lighting Ridge Visitor Information Centre, Council Agency, Conference/ Community Centre and Transit Hub	Walgett Shire Council	Outback NSW	Little Places Big Stories
Repurposing of the Saumarez Homestead & Heritage Listed Farm for Enhanced Regional Tourism	Armidale Regional Council/ Nat Trust of Aus	New England North West	Revealing Our Heritage
Central West Equestrian and Blayney Shire		Central West NSW	Little Places Big Stories

Council Livestock Centre			
Infrastructure for Implementing Destination Macquarie Marshes Action Plan	RiverStart Australia Ltd	Central West NSW	Exploring Our Nature
Astronomy/Science Centre, Planetarium and Café	Tamworth Regional Council	New England North West	Unlimited Horizons
Eskbank Wagon Maintenance & Carriage Restoration Facility and Living Museum	COC Limited	Central West NSW	Revealing Our Heritage
Gunnedah Koala Park and Education Centre	Gunnedah Shire Council	New England North West	Exploring Our Nature
Restart Jenolan	Jenolan Caves Reserve Trust	Central West NSW	Exploring Our Nature/ Revealing Our Heritage
Kokoda Trail Walkway	Liverpool Plains Shire Council	New England North West	Exploring Our Nature/ Revealing Our Heritage

#### **Opportunities for Bathurst**

The plan has some very clear opportunities for Bathurst to leverage and these include a regional Fossil Trail, and participation in a local data collection project.

The DMP highlights opportunities to enhance the seasonal offer as well as reinforcing the importance of the nature and heritage-based tourism offering and supporting regional conferences and business events. Six potential game-changing initiatives which would strengthen the appeal of Country and Outback NSW have been identified and include:

- Aboriginal cultural tourism experiences;
- Experientially-led touring routes and trails;
- An Unearth the Fossils initiative;
- A Night Skies experience development initiative;
- Export-ready wine packages and experiences; and
- A Flying Tours and Private Charters initiative.

Products and experiences with the greatest potential for implementation, collaboration and funding are those with villages and towns showcasing heritage and rural lifestyle, mining history, fossils and geoheritage. This includes opportunities for opal mining and gold fossicking as well as key centres such as the Australian Opal Centre, Age of Fishes Museum and the Australian Fossil and Mineral Museum.

The Australian Museum, through its association and involvement with The Somerville Collection have been identified as partners in a potential fossil trail and meetings with Destination NSW have been held to discuss the project and its potential. A framework for a 12 month implementation of such a trail was presented to the Somerville Board of Directors meeting at the June meeting held in Bathurst.

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

•	Objective 1: Our sense of place and identity	Strategy 1.2, 1.3
•	Objective 2: A smart and vibrant economy	Strategy 2.1, 2.6

•	Objective 5: Community health, safety and well being	Strategy 5.2
•	Objective 6: Community leadership and collaboration	Strategy 6.1

## **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 38 <u>Item 3 DESTINATION COUNTRY AND OUTBACK - 2018 DESTINATION</u> <u>MANAGEMENT PLAN (20.00020)</u> <u>MOVED: Cr J Jennings SECONDED: Cr M Morse</u>

**RESOLVED:** That the information be noted.

Yours faithfully

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Alan Cattermole DIRECTOR CULTURAL & COMMUNITY SERVICES

## POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## 1 MINUTES - POLICY COMMITTEE MEETING - 4 JULY 2018 (07.00064)

**<u>Recommendation</u>**: That the recommendations of the Policy Committee Meeting held on 4 July 2018 be adopted.

**<u>Report</u>**: The Minutes of the Policy Committee Meeting held on 4 July 2018, are <u>attached</u>.

Financial Implications: N/A

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

Objective 6: Community leadership and collaboration

Strategy 6.4

#### Community Engagement

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Policy Committee Meeting to the Council Meeting 18/07/2018

## 39 <u>Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 JULY 2018 (07.00064)</u> <u>MOVED: Cr W Aubin SECONDED: Cr J Rudge</u>

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 4 July 2018 be adopted.

#### MINUTES OF THE POLICY COMMITTEE HELD ON 4 JULY 2018

#### MEETING COMMENCES

#### 1 MEETING COMMENCES 6:00 PM

**<u>Present</u>**: Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

#### **APOLOGIES**

#### 2 <u>APOLOGIES</u> MOVED Cr I North

and **SECONDED** Cr B Bourke

**RESOLVED:** That the late arrival of Cr Christian be accepted and leave of absence granted.

#### **REPORT OF PREVIOUS MEETING**

 3
 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2018 (07.00064)

 MOVED
 Cr I North
 and SECONDED
 Cr J Rudge

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 6 June 2018 be adopted.

#### **DECLARATION OF INTEREST**

4 DECLARATION OF INTEREST 11.00002 MOVED Cr J Rudge and SECONDED Cr M Morse

**RESOLVED:** That the Declaration of Interest be noted.

#### **RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

#### **Director Corporate Services & Finance's Report**

# 5 Item 1 POLICY UPDATE - FINANCE - INVESTMENT OF SURPLUS FUNDS (16.00001, 41.00089) MOVED Cr I North and SECONDED Cr J Jennings

**RESOLVED:** That Council

 place the draft Finance - Investment of Surplus Funds Policy on public exhibition for a period of not less than 28 days and invite the public to make submissions; and

## This is page 1 of Minutes of the Policy Committee held on 4 July 2018

(ii) if no submissions are received, adopt the amendments to the Finance -Investment of Surplus Funds Policy and update the Policy Manual.

# 6Item 2 POLICY - FINANCE - BORROWING (16.00001, 41.00089))MOVEDCr I NorthandSECONDEDCr J Rudge

#### **RESOLVED:** That Council

- (i) place the draft Finance Borrowing policy on public exhibition for a period of not less than 28 days and invite the public to make submissions; and
- (ii) if no submissions are received, adopt the Finance Borrowing Policy and update the Policy Manual.

#### **GENERAL BUSINESS**

#### <u>7 HERITAGE REFERENCE GROUP (20.00123)</u>

**Cr Rudge** - the group are looking at issuing awards to businesses who comply with Council signage.

#### 8 Item 2 HISTORY/HERITAGE GATHERING - SATURDAY 28 JULY 2018 (20.00123)

**Cr Rudge** - the group will hold an initial meeting in Council Chambers. This is like minded groups meeting to discuss Heritage and History matters.

#### 9 Item 3 STREET LIGHTING (28.00014)

**Cr Rudge** - spoke to concerns with lighting and noted work occurring with LED lighting.

#### 10 Item 4 STREET CLEANING, KEPPEL STREET (25.00039)

**Cr Rudge** - previously raised this matter and queried whether cleaning has recommenced.

**The Director Engineering Services** advised the cleaning regime has recommenced and noise problems appear to be resolved.

#### 11 Item 5 NEW DEVELOPMENTS IN HERITAGE CONSERVATION AREA (20.00143)

#### This is page 2 of Minutes of the Policy Committee held on 4 July 2018

**Cr Rudge** - noted concerns with development, need to balance preserving heritage and promoting Bathurst. Noted; DCP's, heritage advisor needs, pre-lodgement meetings, etc.

### 12 Item 6 CARILLON (04.00021)

**Cr Rudge** - congratulated the Carillon Group on the grant received from the State Government of \$300,000.

#### <u>13</u> <u>Item 7 SOLAR ROADWAY (13.00065)</u>

**Cr Jennings** - asked Council to check out this technology and keep an eye on it. Perhaps use at Mount Panorama.

# <u>14</u> <u>Item 8 TOURISM (07.00116)</u>

**Cr Jennings** - with the issues between China and USA may open up opportunities for Bathurst, eg Education. The Orange Region Tourism Group are interacting with China, could we contact Orange and see if Bathurst can be involved.

#### 15 Item 9 HERITAGE LISTED CITY (20.00142)

**Cr Jennings** - have previously raised this matter, could advice be provided where this is at?

# 16 Item 10 KEY DECISIONS OF COUNCIL (11.00005)

**Cr Jennings** - would like to see a summary of key decisions being made on a user friendly platform for the community.

# 17 Item 11 BURNT OUT VEHICLES (30.00005)

Cr Aubin - who is responsible for the removal of burn out vehicles.

**The Director Environmental, Planning & Building Services** advised that after following due process, then Council would be the removal authority.

# This is page 3 of Minutes of the Policy Committee held on 4 July 2018

# 18 Item 12 CARILLON (04.00021)

**Cr Morse** - State Government has provided \$300,000 to the Carillon project. Acknowledged contribution of Director Corporate Services & Finance into this process, also Planning and Engineering Departments.

# <u>19</u> <u>Item 13 BRC WEBSITE (08.00008)</u>

**Cr Morse** - are there any plans to upgrade the website?

The Director Corporate Services & Finance advised no funding currently available.

#### 20 Item 14 FOOTPATH - BROWNING STREET - REAL ESTATE SIGNS (23.00045)

**Cr Fry** - sent through a picture to Council which showed how the footpath is blocked, includes a toilet and other objects. Can we get the signs removed?

The Director Environmental, Planning & Building Services spoke to powers in place to address these issues, will review this matter.

# 21 Item 15 GEORGE PARK - AFL (04.00042)

**Cr Fry** - people are driving over the grass and getting close to the ovals, it is degrading the area. Is there a plan to put up barricades?

The Director Engineering Services will review this matter.

# 22 Item 16 SOLAR PANELS (13.00065)

**Cr Fry** - support proposal to get more solar panels in. Particularly at Mount Panorama. Referred to Photon Energy proposal and possible power purchase arrangement.

**The Director Corporate Services & Finance** noted bulk energy purchased through CENTROC tender agreements. Photon can engage in this purchasing process.

This is page 4 of Minutes of the Policy Committee held on 4 July 2018

# 23 Item 17 TROLLEY BAYS (28.00006)

Cr Christian - can Council build these?

The Director Engineering Services advised if funding is available, then yes.

# 24 Item 18 CODE OF MEETING PRACTICE (11.00005)

**Cr North** - can we hold a Working Party to discuss public access periods on the first and third Wednesdays, to include timing and what can be raised.

# 25 Item 19 HILL STREET, ROCKLEY (25.00315)

**Cr North** - just past the school can we look at making a turning circle and possibly widen the street.

# 26 Item 20 LOW LEVEL BRIDGE (25.00007)

**Cr North** - is it possible to look at a barrier on both sides of the walkway?

The Director Engineering Services advised the matter will be reviewed.

# **MEETING CLOSE**

# 27 MEETING CLOSE

The Meeting closed at 6.25 pm.

# CHAIRMAN:

This is page 5 of Minutes of the Policy Committee held on 4 July 2018

# TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

# 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 JULY 2018 (07.00006)

**<u>Recommendation</u>**: That the recommendations of the Traffic Committee Meeting held on 3 July 2018 be adopted.

**<u>Report</u>**: The Minutes of the Traffic Committee Meeting held on 3 July 2018, are <u>attached</u>.

Financial Implications: N/A

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

Objective 6: Community leadership and collaboration

Strategy 6.4

#### Community Engagement

• Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

# 40 <u>Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 JULY 2018 (07.00006)</u> MOVED: Cr W Aubin SECONDED: Cr A Christian

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 3 July 2018 be adopted.

# MINUTES OF THE TRAFFIC COMMITTEE HELD ON 3 JULY 2018

#### MEETING COMMENCES

#### 1 MEETING COMMENCES 2:00 PM

<u>Members</u>: Ms Jackie Barry (Roads and Maritime Services), Mr David Veness (MP Representative) and Senior Constable Daniel Cooper (Police)

<u>**Present:**</u> Mr Bernard Drum (Manager Technical Services), Mr Paul Kendrick (Traffic & Design Engineer)

**Observer:** Mr Sul Ghani (Roads and Maritime Services)

#### **APOLOGIES**

#### <u>2</u> <u>APOLOGIES</u>

That the apology of Councillor Warren Aubin (Bathurst Regional Council) be accepted.

In the absence of Cr Aubin, the Manager Technical Services chaired the meeting.

#### **REPORT OF PREVIOUS MEETING**

#### <u>3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JUNE 2018 (07.00006)</u>

That the Minutes of the Traffic Committee Meeting held on 5 June 2018 be adopted.

#### **DECLARATION OF INTEREST**

#### 4 DECLARATION OF INTEREST 11.00002

There was no declaration of interest.

#### **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

#### **Director Engineering Services' Report**

#### 5 <u>Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 JUNE 2018</u> (07.00006)

That the information be noted and necessary actions be taken.

#### 6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

# This is page 1 of Minutes of the Traffic Committee held on 3 July 2018

That the information be noted.

#### 7 Item 3 NO STOPPING SIGN - SKILLSET EXIT ONTO HAVANNAH STREET BATHURST (25.00027-04/068)

That Council approve installation of "No Stopping" (R5-400) (L) and "No Stopping" (R5-400) (R) signs at the Havannah Street entrance to Skillset Bathurst Campus.

#### 8 Item 4 INSTALLATION OF DISABLED PARKING - 213 GEORGE STREET BATHURST (25.00039-05/154)

That Council approve the installation of a disabled parking space outside 213 George Street, subject to the conditions as noted in the Director Engineering Services' report.

#### <u>9</u> <u>Item 5 INSTALLATION OF NO PARKING SIGNS - CENTRELINK OFFICE</u> <u>RUSSELL STREET (28.00007-04)</u>

That Council approve the installation of "No Parking" signs on Russell Street across both the Centrelink and Country Fruit delivery dock driveways.

#### 10 Item 6 2018 SPYDERFEST MOTORCYCLE SHOW AND SHINE (23.00015-08/058)

That the 2018 Spyder Motorcycle "Show and Shine" proposed for Sunday 9 September 2018, be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' report.

# TRAFFIC REGISTER

# 11 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

#### **MEETING CLOSE**

# 12 MEETING CLOSE

The Meeting closed at 2.18 pm.

This is page 2 of Minutes of the Traffic Committee held on 3 July 2018

# COUNCILLORS/ DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

# <u>1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 3 JULY 2018</u> (11.00020)

# Recommendation: That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council for 2018/2019, including Gabrielle Boshier as Youth Mayor and Lydia Nichols as Youth Deputy Mayor.

**<u>Report</u>**: The 2018/2019 Youth Council consists of 14 young people aged 15 – 18 years of age. The Youth Council held their Training Day and first Youth Council Meeting on Tuesday 3 July 2018. Election of Youth Mayor and Youth Deputy Mayor was carried out with the following result:

- Gabrielle Boshier (The Scots School) Youth Mayor
- Lydia Nichols (Denison College Bathurst High Campus) Youth Deputy Mayor

The Youth Council also considered a number of items at their meeting, including the following:

- Election of two Secretaries Jack Lynch (St Stanislaus' College) and Faith Shean (MacKillop College).
- YJAM Winter "Groove & Grill" to be held Sunday 15 July 2018, as part of the Bathurst Winter Festival.
- Possible projects to be carried out over the next 12 months.
- "How to Adult" workshops to be held at TAFE on 2 November and 9 November 2018.

The minutes from the meeting are provided at **<u>attachment 1</u>**.

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

•	Objective 4: Enabling sustainable growth	Strategy 4.1
•	Objective 5: Community health, safety and well being	Strategy 5.1, 5.2, 5.3, 5.5
•	Objective 6: Community leadership and collaboration	Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

# **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 41 <u>Item 1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 3 JULY 2018</u> (11.00020) <u>MOVED: Cr J Rudge SECONDED: Cr W Aubin</u>

# **RESOLVED:** That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council for 2018/2019, including Gabrielle Boshier as Youth Mayor and Lydia Nichols as Youth Deputy Mayor.

# <u>2 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 14</u> JUNE 2018 (07.00107)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: The Bathurst Regional Community Safety Committee considered a number of items at the June Meeting, including the following:

- Representatives from five key stakeholder organisations have now joined the Committee.
- Community consultation methodology:
  - (i) Distribution of Community Safety Survey 2018.
  - (ii) Focus Groups to be held July and August 2018.
- Nominations for Chairperson were declared open.

The minutes are provided at attachment 1

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

<ul> <li>Objective 2: A smart and vibrant economy</li> </ul>	Strategy 2.3
<ul> <li>Objective 4: Enabling sustainable growth</li> </ul>	Strategy 4.1
<ul> <li>Objective 5: Community health, safety and well being</li> </ul>	Strategy 5.2, 5.3, 5.4, 5.5
Objective 6: Community leadership and collaboration	Strategy 6.1, 6.2, 6.3, 6.5, 6.7

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Councillors/ Delegates Reports to the Council Meeting 18/07/2018

#### 42 <u>Item 2 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE</u> - 14 JUNE 2018 (07.00107) <u>MOVED: Cr J Rudge SECONDED: Cr A Christian</u>

**RESOLVED:** That the information be noted.

Councillors/ Delegates Reports to the Council Meeting 18/07/2018

# <u>3 COUNCILLORS MEETING WITH COMMUNITY</u> GROUPS/REPRESENTATIVES - 26 JUNE 2018 (11.00019)

**<u>Recommendation</u>**: That the information be noted.

**<u>Report</u>**: <u>**Present**</u>: Councillors Bourke (Chair), Christian, Fry, Jennings, North, Rudge, Aubin (6.05 pm)

Apologies: Councillors Hanger, Morse

#### 1. <u>CORRECTIVE SERVICES NSW - BATHURST CORRECTIONAL CENTRE</u> PROPOSED EXPANSION (22.04446)

Representatives from Corrective Services NSW met with Council to present a proposal to expand the Bathurst Correctional Centre.

Mr Greg Lake, Executive Director, Corrective Services NSW Infrastructure gave the presentation.

Discussion included:

- Bathurst Gaol is quite old and presents challenges in meeting service requirements/demands.
- Proposed works designed to meet the demands of future generations.
- Includes additional 220 beds maximum security. Total will become 880 beds.
- expansion over 'oval' area.
- setting up 'best practice' programs to minimise re-offence occurrences.
- Aiming to commence construction before the end of year, operational by mid 2020,
- Community consultation forum established. Community door knocking will be undertaken.

#### 2. TAFE MOTOR SPORT REPAIR TEAM (18.00093)

Representatives from the TAFE Motor Sport Repair Team met with Council regarding the Tony Warrener Centre (Shed 1) at Mount Panorama.

Mr John Ewing addressed Council.

Discussion included:

- The TAFE Smash Repair team have been operating from the Tony Warrener Centre for over 30 years.
- Currently running short courses with the view to establishing larger team.
- Development of Second Circuit will see growth in student registrations.

- Engagement with race teams with students placed in team crews.
- Provides students from NSW and Interstate with a pathway into the Motor Sport industry.

### Financial Implications: Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

•	Objective 2: A smart and vibrant economy	Strategy 2.5
•	Objective 4: Enabling sustainable growth	Strategy 4.3
•	Objective 6: Community leadership and collaboration	Strategy 6.1

#### **Community Engagement**

 Inform
 To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### 43 <u>Item 3</u> <u>COUNCILLORS MEETING WITH COMMUNITY</u> <u>GROUPS/REPRESENTATIVES - 26 JUNE 2018 (11.00019)</u> <u>MOVED: Cr A Christian SECONDED: Cr W Aubin</u>

**RESOLVED:** That the information be noted.

Councillors/ Delegates Reports to the Council Meeting 18/07/2018

# 44 <u>RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO</u> <u>DEAL WITH CONFIDENTIAL REPORTS</u> <u>MOVED: Cr J Rudge SECONDED: Cr W Aubin</u>

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

#### There were no representations from the public.

#### **RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT AT LOTS 2 & 3 DP1115543, KNOWN AS 57A CHURCH LANE, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	FINANCIAL STATEMENT - 2018 BATHURST 6 HOUR	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
3	FINANCIAL STATEMENT - 2017 CHALLENGE BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PURCHASE OF LOTS 2	10A (2) (d) (i) – contains commercial information of a

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 18/07/2018

AND 3 FREEMANTLE ROAD, EGLINTON	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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# \* DIRECTOR ENGINEERING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
	DOCUMENTATION OF SECOND MOTOR RACING CIRCUIT, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 18/07/2018

# DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

# (a) <u>Item 1 RURAL LICENCE AGREEMENT AT LOTS 2 & 3 DP1115543,</u> <u>KNOWN AS 57A CHURCH LANE, KELSO. (22.00487)</u> <u>MOVED: Cr B Bourke SECONDED: Cr J Rudge</u>

**That** Council approves entering into a rural licence agreement for Lots 2 & 3 in DP1115543, known as 57A Church Lane, Kelso for a period of 12 months with a 12 month year option period at Council's discretion, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

# (b) Item 2 FINANCIAL STATEMENT - 2018 BATHURST 6 HOUR (04.00125) MOVED: Cr J Jennings SECONDED: Cr B Bourke

That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

# (c) Item 3 FINANCIAL STATEMENT - 2017 CHALLENGE BATHURST (04.00136) MOVED: Cr B Bourke SECONDED: Cr J Rudge

That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 18/07/2018

#### (d) Item 4 PURCHASE OF LOTS 2 AND 3 FREEMANTLE ROAD, EGLINTON (22.02055) MOVED: Cr J Jennings SECONDED: Cr W Aubin

#### That Council:

- (a) Purchase the properties at Lots 2 and 3 Freemantle Road, Eglinton as detailed in the report;
- (b) Delegate authority to the General Manager to execute the purchase contracts; and
- (c) Classify the land as operational land under the provisions of Section 31 (2) of the Local Government Act 1993.

# DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

#### (e) <u>Item 1 TENDER FOR DESIGN & DOCUMENTATION OF SECOND</u> <u>MOTOR RACING CIRCUIT, MOUNT PANORAMA (36.00631)</u> <u>MOVED: Cr W Aubin SECONDED: Cr B Bourke</u>

# Cr Jennings declared a non-pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

#### Reason: Family friend is member of one of the parties tendering.

**That** Council accept the tender of Apex Circuit Design for \$3,703,000 (ex GST) for the design and documentation of the second motor racing circuit for Mount Panorama, subject to adjustments and provisional amounts.

# 45 <u>RESOLVE INTO OPEN COUNCIL</u> MOVED: Cr W Aubin SECONDED: Cr B Bourke

**RESOLVED:** That Council resume Open Council.

Resolve Into Open Council to the Council Meeting 18/07/2018

# 46 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE MOVED: Cr A Christian SECONDED: Cr J Rudge

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (e) be adopted.

Adopt Report Of The Committee Of The Whole to the Council Meeting 18/07/2018

# 47 MEETING CLOSE

The Meeting closed at 8.45 pm.

CHAIRMAN:

Meeting Close to the Council Meeting 18/07/2018

# DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT - ATTACHMENTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

# 1 of 1 DA's Approved

1/06/2018 - 30/06/2018

# S\_DEPBS\_2\_1

3BATHURST

#### LIVE

						LIVE
Printed: 2	2/07/2018	11:24:20AM				Date
Туре	Year	No.	Value	Description	Address	Determined
10	2018	192	\$22,660	Shed	Scarborough PI ABERCROMBIE	22/06/2018
10	2018	156	\$19,500	Addition to dwelling	Bassett Dr WEST BATHURST	6/06/2018
18	2018	78	\$8,000	Additions to dwelling	Green St WEST BATHURST	21/06/2018
10	2017	422	\$0	Commercial - Use of Existing Premises for	Bentinck St BATHURST	6/06/2018
				health consulting rooms		
10	2018	179	\$12,000	External painting of commercial premises	William St BATHURST	18/06/2018
10	2018	132	\$63,450	Storage shed	Rankin St BATHURST	5/06/2018
10	2018	191	\$32,625	Inground swimming pool & safety fence	Rankin St BATHURST	12/06/2018
10	2018	151	\$45,000	Detached habitable addition	Rocket St BATHURST	25/06/2018
10	2018	155	\$19,653	Storage shed	Seymour St BATHURST	5/06/2018
10	2018	150	\$70,000	Partial demolition, additions and alterations to	Stewart St BATHURST	25/06/2018
				dwelling, carport		
10	2018	144	\$0	Change of use of premises - to vehicle body	Kembla PI KELSO	6/06/2018
				repair workshop and erecti		
10	2018	158	\$294,500	Dual occupancy (second dwelling) & two lot	View St KELSO	18/06/2018
				subdivision		
10	2018	165		Dual occupancy & two lot subdivision	Tandora St KELSO	5/06/2018
10	2018	183	\$0	Three lot residential subdivision - consolidation	Ashworth Dr KELSO	20/06/2018
10		70	<b>*</b> • <b>=</b> •••	to two lots		7/00/00/00
18	2018	70		Inground swimming pool & safety fence	James Barnet Dr KELSO	7/06/2018
10	2017	448		5 x self contained units	Vine St SOUTH BATHURST	1/06/2018
10	2018	159	\$10,000		Cherrywood Cr LLANARTH	1/06/2018
10	2018	205		Additions and alterations to existing dwelling	Quinn Ct LLANARTH	25/06/2018
10	2018	152		Two storey dwelling with attached garage	Ridgeview CI WHITE ROCK	20/06/2018
10	2018	213		Alterations and additions to existing dwelling	Vista PI WHITE ROCK	29/06/2018
10	2013	245		Single storey dwelling and separate carport	Gormans Hill Rd GORMANS HILL	25/06/2018
10	2017	396	\$0	221 lot Residential, 1 Open Space, 1	Freemantle Rd EGLINTON	1/06/2018
				Unserviced Lot, 1 Residual Lot Su		
10	2018	206		Use of existing habitable room	Nelson St RAGLAN	25/06/2018
10	2018	174		Shed and carport	Nile St RAGLAN	5/06/2018
10	2018	214		Inground swimming pool and safety barrier	Ophir Rd STEWARTS MOUNT	28/06/2018
10	2018	102		Additions to existing dwelling	Duramana Rd DURAMANA	15/06/2018
10	2018	186	\$15,000		Yetholme Dr YETHOLME	18/06/2018
10	2017	439		Two storey rural dwelling with attached garage	Peregrine Rd BILLYWILLINGA	20/06/2018
10	2018	194		Installation of three rainwater tanks	Crescent Orchard Rd LOCKSLEY	22/06/2018
10	2005	380		Separate Dwelling - Additions	Mount Haven Way MEADOW FLAT	27/06/2018
10	2018	171		Second Rural dwelling with attached garage	Limekilns Rd LIMEKILNS	19/06/2018
10	2018	118	. ,	Farm stay accommodation	Ophir Rd ROCK FOREST	8/06/2018
10	2018	178	\$597,660	Dual occupancy and two lot residential	Coates Dr KELSO	25/06/2018
				subdivision		
10	2018	183	\$0	Three lot residential subdivision - consolidation	Ashworth Dr KELSO	20/06/2018
10		70	****	to two lots		00/00/00/00
18	2018	79		Single storey dwelling with attached garage	Wellesley Ct RAGLAN	20/06/2018
10	2018	95		Use of existing retaining walls	Mendel Dr KELSO	25/06/2018
10	2018	133	\$6,500	Change of use of existing shed to habitable	Sydney Rd RAGLAN	5/06/2018
40	2018	00	¢040 400	rooms Single storey dwelling with attached garage	Wontworth Dr KELSO	28/06/2018
18		80		Single storey dwelling with attached garage	Wentworth Dr KELSO Wentworth Dr KELSO	
18	2018	71		Single storey dwelling with attached garage		12/06/2018
10	2018	43	<b>\$530,000</b>	MOD - Dual occupancy and two lot residential subdivision	Lew Ave EGLINTON	19/06/2018
18	2018	75	\$341 805	Single storey dwelling with attached garage	Fraser Dr EGLINTON	18/06/2018
10				Single storey dwelling and separate carport		
	2013	245			Gormans Hill Rd GORMANS HILL	25/06/2018
10	2018	173		Single storey dwelling with attached garage		19/06/2018
10	2018	168	\$557,969	Two storey dwelling, attached garage and	Parer Rd ABERCROMBIE	12/06/2018
10	2019	77	¢16 000	retaining wall		20/06/2010
18	2018	77 194		Inground swimming pool & safety fence	Parer Rd ABERCROMBIE	20/06/2018
10	2018	184		Retaining wall	Copeman Ct ABERCROMBIE	12/06/2018
18	2018	68		Single storey dwelling with attached garage	Darling St EGLINTON	8/06/2018
10	2018	182	\$300,000	Dual Occupancy (Second dwelling) and two lot	Darling St EGLINTON	25/06/2018
40	2040	400	¢040.000	subdivision	Darling of FOLINTON	05/00/0040
10	2018	160	<b>ъ840,000</b>	Three single storey units & three lot residential	Darling St EGLINTON	25/06/2018
10	2018	146	\$200 000	subdivision 2 x industrial units	Michigan Rd KELSO	27/06/2010
10	2010	140	φ <b>200,000</b>		Michigan Nu KELOO	27/06/2018

Ordinary Meeting

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Attachments

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# **1 of 1** DA's Refused

1/06/2018 - 30/06/2018



BATHURST REGIONAL COUNCIL

Printeo	I: 2/07/2018 1	1:25:28AM			Date
Туре	e Year	No.	Value Description	Address	Determined

NIL

Authority

# 1 of 2 DA's Pending

# S\_DEPBS\_2\_3

BATHURST

LIVE

Printed: 2	2/07/2018	11:25:42AM			
Туре	Year	No.	Value	Description	Address
10	2015	196		Recreation facility - Go Kart track	Brocks Skyline MOUNT PANORAMA
10	2017	190		Construction of two industrial storage sheds	Vale Rd SOUTH BATHURST
10	2017	192		Commercial premises, consolidate 5 lots to 1 lot and 6 lot	Rankin St BATHURST
				strata sub	
10	2017	214	\$75,000	Internal office adidtion to existing hangar	PJ Moodie Dr RAGLAN
10	2017	428		Use of existing garage to habitable space	Jagoe Dr KELSO
10	2017	440	\$975,000	Construction of 4 warehouses, retaining walls and two lot	Corporation Ave ROBIN HILL
				subdivision	
10	2017	444		Three lot rural subdivision	Box Ridge Rd TURONDALE
10	2017	455		Additions to dwelling	Gormans Hill Rd GORMANS HILL
10	2017	459		New trainers facility	College Rd SOUTH BATHURST
10	2018	21	\$0	9 lot community title subdivision & concept application for	Limekilns Rd FOREST GROVE
40	0040	10	¢00.470	mixed use	Bethemates Dd W/MDI EDON
18	2018	10		Inground Swimming Pool	Bathampton Rd WIMBLEDON
10	2018	37		Add/alt to dwelling, separate garage & self contained unit	
10	2018	49	\$2,500,000	Minor internal modifications to cathedral and landscaping works	William St BATHURST
10	2018	55	\$0	Use of existing premises as a quarry	Gormans Hill Rd GORMANS HILL
10	2018	56		Partial demolition and second storey addition to existing	Stanley St BATHURST
10	2010	00	<i><b>4000</b>,000</i>	dwelling	
10	2018	62	\$410,000	Relocation of fuel facility including installation of two above	PJ Moodie Dr RAGLAN
			, ,,	ground	
10	2018	99	\$463,251	Two storey dwelling with attached garage	Limekilns Rd FOREST GROVE
10	2018	111	\$210,000	Farm machinery shed	Zagreb St KELSO
10	2018	112	\$320,000	Single storey rural dwelling with attached garage	Pine Ridge Rd ROCK FOREST
10	2018	115	\$0	Continued and expanded operation of an extractive industry	Mid Western Hwy EVANS PLAINS
10	2018	122	\$80,889	Shed	Ironstone Ave WHITE ROCK
10	2018	124	\$40,000		The Bridle Tr BRUINBUN
10	2018	125	\$20,000	Public amenities block	The Bridle Tr BRUINBUN
10	2018	126	\$20,000		The Bridle Tr BRUINBUN
10	2018	127	\$20,000	Public amenities block	The Bridle Tr BRUINBUN
10	2018	128	\$19,000	Use of existing habitable space	Bonnor St KELSO
10	2018	136	\$0	Four large lot residential subdivision	Mount Rankin Rd MOUNT RANKIN
10	2018	141	\$50,000	Outdoor recreation facility (aqua park) and associated	Chifley Dam Rd THE LAGOON
				transportable	
10	2018	142		RFS storage shed	Hampden Park Rd KELSO
10	2018	143	\$525,000	Single storey dwelling and attached garage with retaining	Ironstone Ave WHITE ROCK
10	2010	154	000 9559	Walls	Morrisont St RATHURST
10	2018	154	\$336,000	Demolition & Construction of single storey dwelling & attached garage	Morrisset St BATHURST
10	2018	167	\$45,000	Alterations and additions to existing dwelling	Napoleon St RAGLAN
10	2018	170		Dual occupancy	Bentinck St BATHURST
10	2018	172		Permanent takeaway food and drink van	Vale Rd SOUTH BATHURST
10	2018	175		change of use from church to dwelling	Sofala Rd WATTLE FLAT
10	2018	177		Carport	Limekilns Rd KELSO
10	2018	181	\$6,000	•	Frome St RAGLAN
10	2018	185		conversion of existing garage to habitable rooms	Esrom St WEST BATHURST
10	2018	187		Single storey dwelling with attached garage	Bant St SOUTH BATHURST
10	2017	385		Single storey dwelling	Howards Dr MOUNT RANKIN
10	2018	188	\$30,000		Hill End Rd SALLYS FLAT
10	2018	189		Alterations and additions to existing club house kitchen	Mitre St WEST BATHURST
10	2018	190		Alterations & additions to existing dwelling & retaining wall.	Keppel St BATHURST
				stairs	
10	2018	193	\$500,000	New rural dwelling with attached garage, detached habitable	Clairvaux La KELSO
				rooms & sw	
18	2018	69		SEPP Single storey dwelling with attached garage	Hamilton St EGLINTON
10	2018	195		Alterations and additions to existing two storey residence	Mitre St WEST BATHURST
10	2018	196		Advertising signage - flush wall sign and gate sign	Havannah St BATHURST
10	2018	197		Use of existing garage to habitable and second rural dwelling	Paling Yards Rd WATTLE FLAT
10	2018	198	\$600,000	Stage 1 - Alteration & additions to existing commercial	Keppel St BATHURST
	00/0		A	building	
10	2018	199	\$150,000	Partial demolition of and additions & alterations to existing	Henry St BATHURST
40	2040	200	<b>*</b> ~	dwelling Burd aubdivision boundary adjustment	
10	2018	200		Rural subdivision - boundary adjustment	
10	2018	201	<b>ъ</b> О	Use of existing store room for storage of food & use of shop for seati	William St BATHURST

Authority

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# 2 of 2 **DA's Pending**

# S\_DEPBS\_2\_3

BATHURST REGIONAL COUNCIL

LIVE

Printed: 2	2/07/2018	11:25:43AM			
Туре	Year	No.	Value	Description	Address
10	2018	202	\$384,000	Industrial shed	Vale Rd SOUTH BATHURST
10	2018	203	\$30,000	Quarry	Hill End Rd SALLYS FLAT
10	2018	204	\$30,000	Partial demolition of & alterations/additions to existing dwelling	Havannah St BATHURST
10	2018	207	\$450,000	Single storey dwelling with attached garage	Tarana Rd BREWONGLE
10	2018	208	\$16,580	Patio cover	George St BATHURST
10	2018	209	\$295,862	Dual occupancy (second dwelling) and two lot residential subdivision	Vincent Cr KELSO
10	2018	210	\$580,000	Dual occupancy and two lot residential subdivision	Hamilton St EGLINTON
10	2018	211	\$280,000	Dual occupancy (2nd dwelling) and two lot residential subdivision	Darling St EGLINTON
10	2018	212	\$30,330	Alterations and additions to existing dwelling	Coolabah Cl KELSO
10	2018	215	\$0	Two lot residential subdivision - boundary adjustment	Howards Dr MOUNT RANKIN
10	2018	137	\$30,000	Commercial - Additions/Alterations	Russell St BATHURST
10	2018	216	\$17,000	Shed	Pioneer St BATHURST
10	2018	217	\$9,035	Carport on existing slab	Hughes St KELSO
10	2018	218	\$41,046	Additions and alterations to detached habitable rooms	Stewart St BATHURST
10	2018	219	\$289,721	Demolish 2 sheds, Dual occupancy (2nd dwelling) and 2 lot subdivision	Morrisset St BATHURST
10	2017	227	\$408,600	MOD - dual occupancy and two lot residential subdivision	Icely St EGLINTON
10	2018	220	\$55,126	Underpinning of dwelling	Bentinck St BATHURST
10	2018	221	\$19,500	Garage	Logan St EGLINTON
10	2018	222	\$495,000	Single storey dwelling with attached garage	Rockley Rd ROCKLEY MOUNT
10	2018	223	\$23,915	Carport	Kensington PI PERTHVILLE
10	2018	224	\$0	Eight lot strata subdivision	Lombard Dr ROBIN HILL
18	2018	81	\$34,000	Swimming Pool	Vincent Cr KELSO
18	2018	82	\$44,895	Swimming Pool	White Rock Rd WHITE ROCK
10	2018	225	\$17,068	Construction of a shed	Vista PI WHITE ROCK
18	2018	83	\$500,000	Single storey dwelling with attached garage	Copeman Ct ABERCROMBIE
10	2018	226	\$10,000	Retaiining wall	Copeman Ct ABERCROMBIE
10	2018	227	\$8,500,000	Other Business Premise - Adds (No Flat)	Keppel St BATHURST
18	2018	84	\$285,000	Single storey dwelling with attached garage	Dillon Dr KELSO

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Address	Boundary Rd MOUNT PANORAMA	Vale Rd SOUTH BATHURST	PJ Moodie Dr RAGLAN	Corporation Ave ROBIN HILL	Box Ridge Rd TURONDALE	Gormans Hill Rd GORMANS HILL	College Rd SOUTH BATHURST	Limekilns Rd FOREST GROVE	Conrod Stgt MOUNT PANORAMA	Stanley St BATHURST	PJ Moodie Dr RAGLAN	Limekilns Rd FOREST GROVE	Zagreb St KELSO	Pine Ridge Rd ROCK FOREST	Mid Western Hwy EVANS PLAINS	Ironstone Ave WHITE ROCK	The Bridle Tr BRUINBUN	Bonnor St KELSO	Howards Dr MOUNT RANKIN	Hampden Park Rd KELSO	Ironstone Ave WHITE ROCK	Bentinck St BATHURST	Vale Rd SOUTH BATHURST	Sofala Rd WATTLE FLAT	Limekilns Rd KELSO			
No Description	196 Recreation facility - Go Kart track	190 Construction of two industrial storage sheds	214 Internal office addition to existing hangar	440 Construction of 4 warehouses, retaining walls etc	444 Three lot rural subdivision	455 Additions to dwelling	459 New trainers facility	21 9 lot community title subdivision & concept application	37 Additions & alterations to dwelling, garage & unit	56 Partial demolition and second storey addition	62 Relocation of fuel facility including installation	99 Two storey dwelling with attached garage	111 Farm machinery shed	112 Single storey rural dwelling with attached garage	115 Continued and expanded operation of an extractive	122 Shed	124 Public amenities block	125 Public amenities block	126 Public amenities block	127 Public amenities block	128 Use of existing habitable space	136 Four large lot residential subdivision	142 RFS storage shed	143 Single storey dwelling and attached garage	170 Dual occupancy	172 Permanent takeaway food and drink van	175 Change of use from church to dwelling	177 Carport
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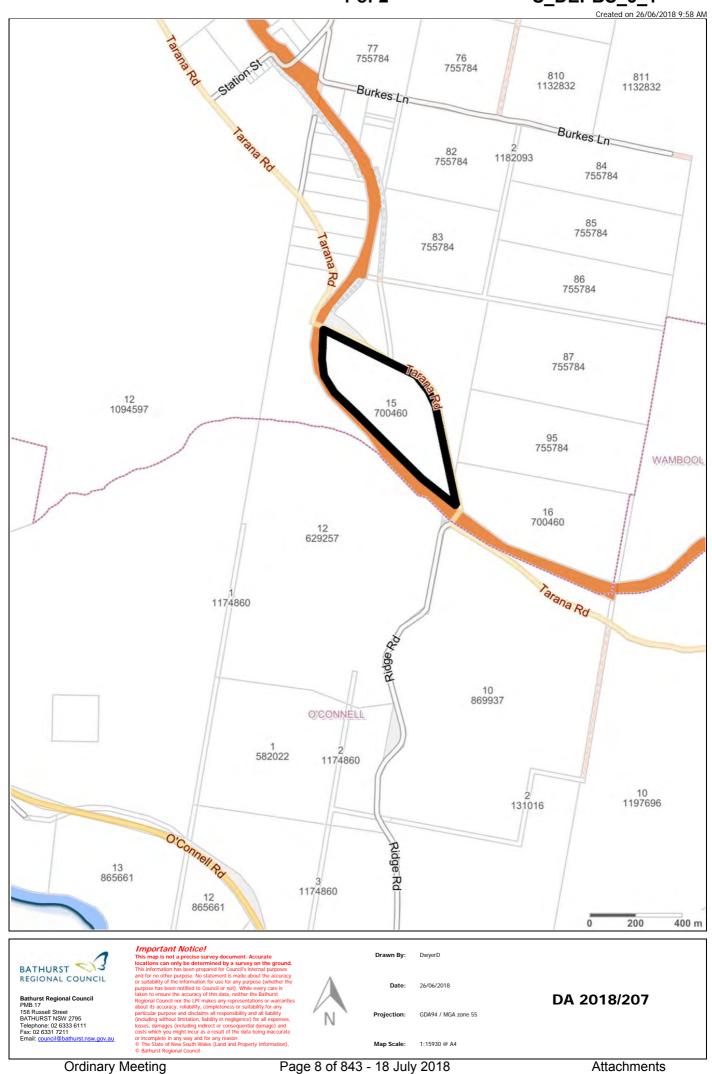
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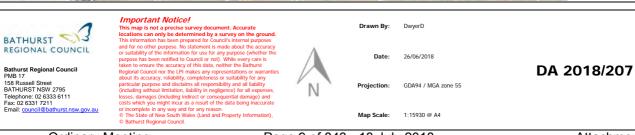
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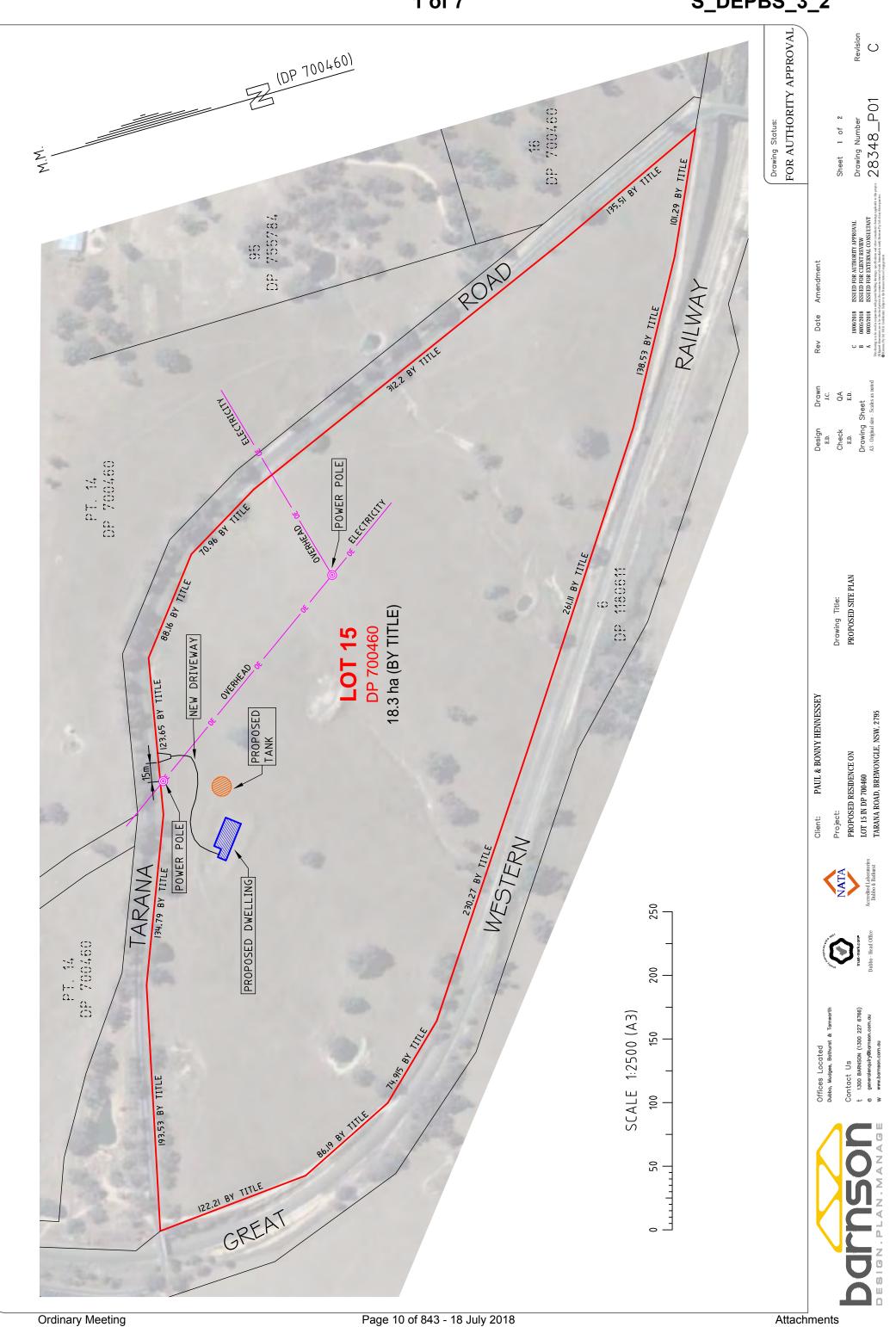




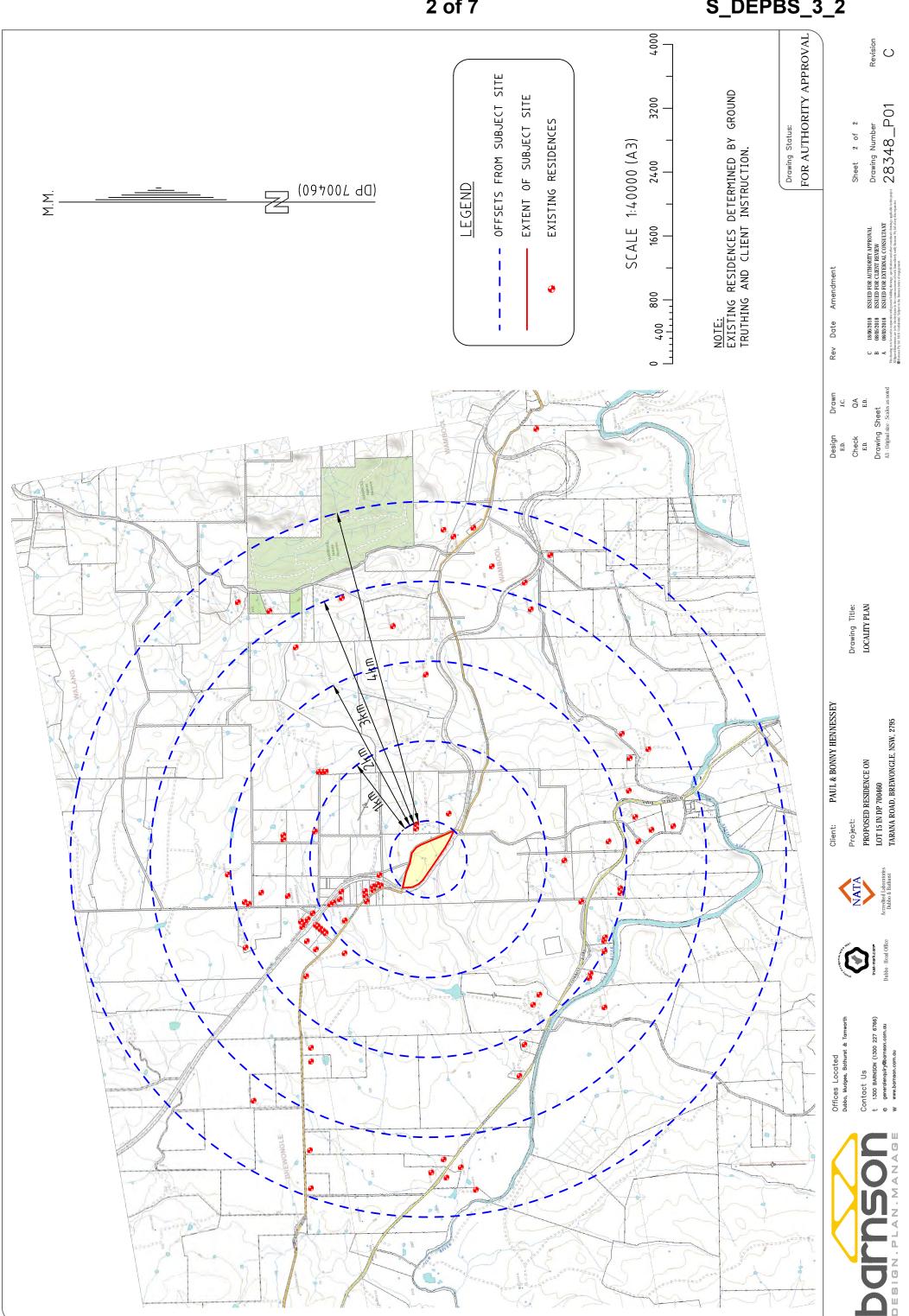


**Ordinary Meeting** 

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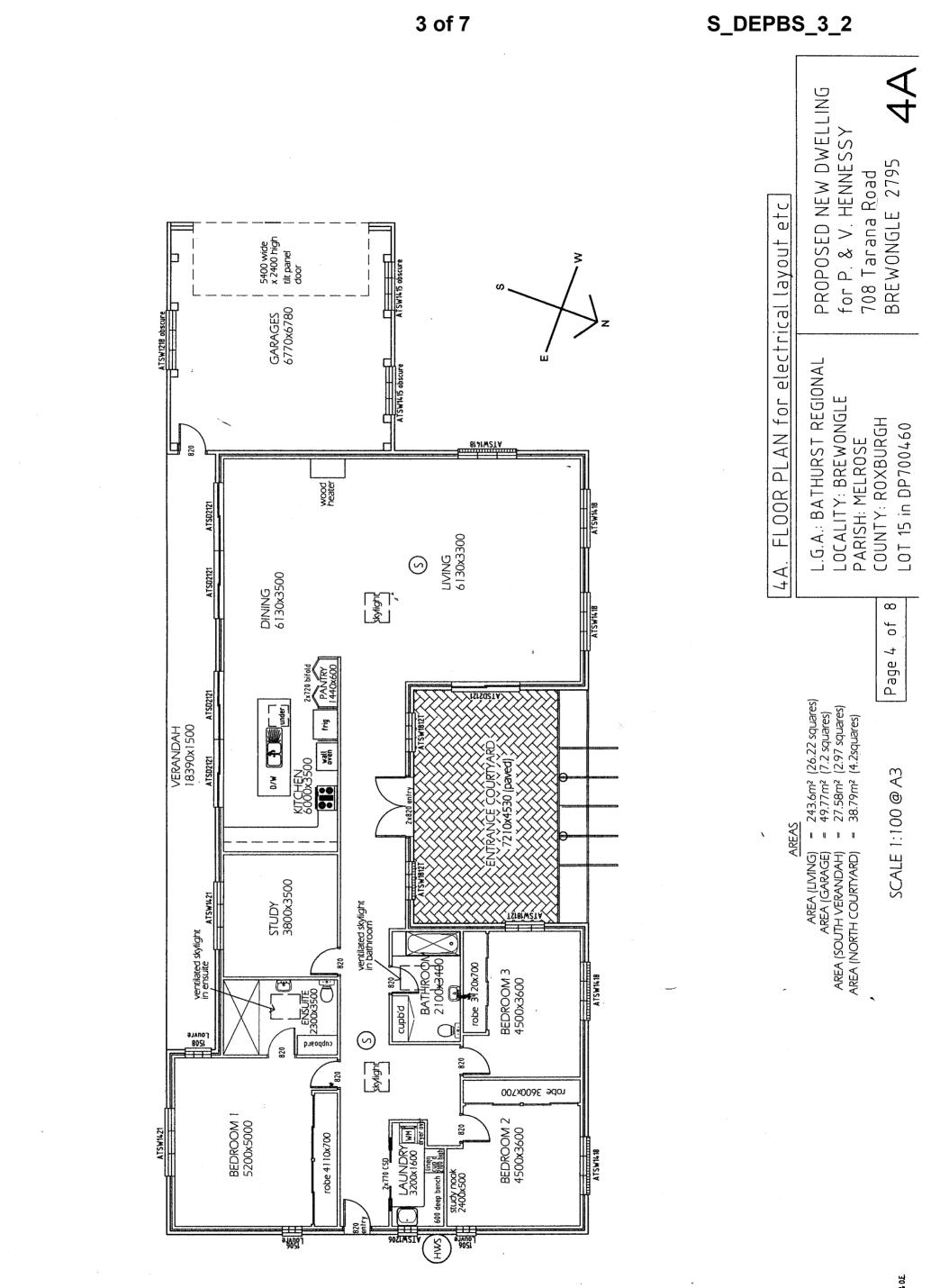


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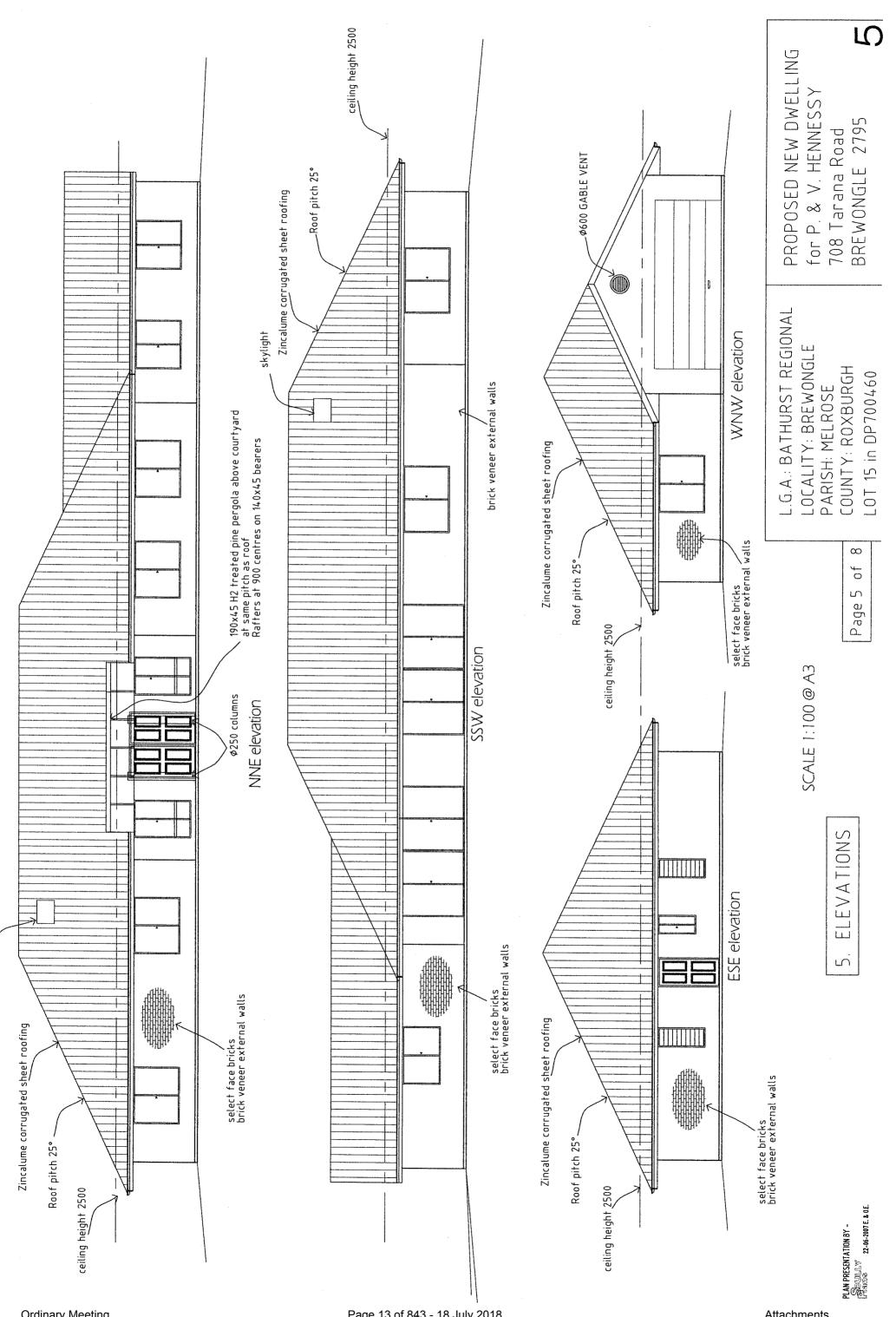




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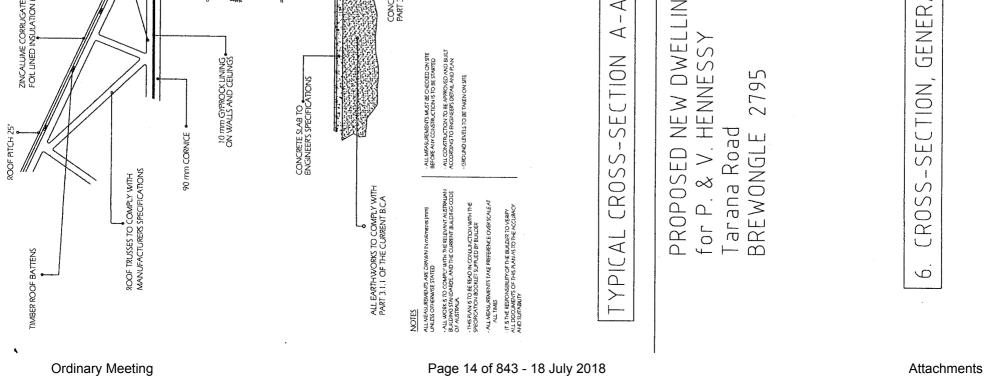
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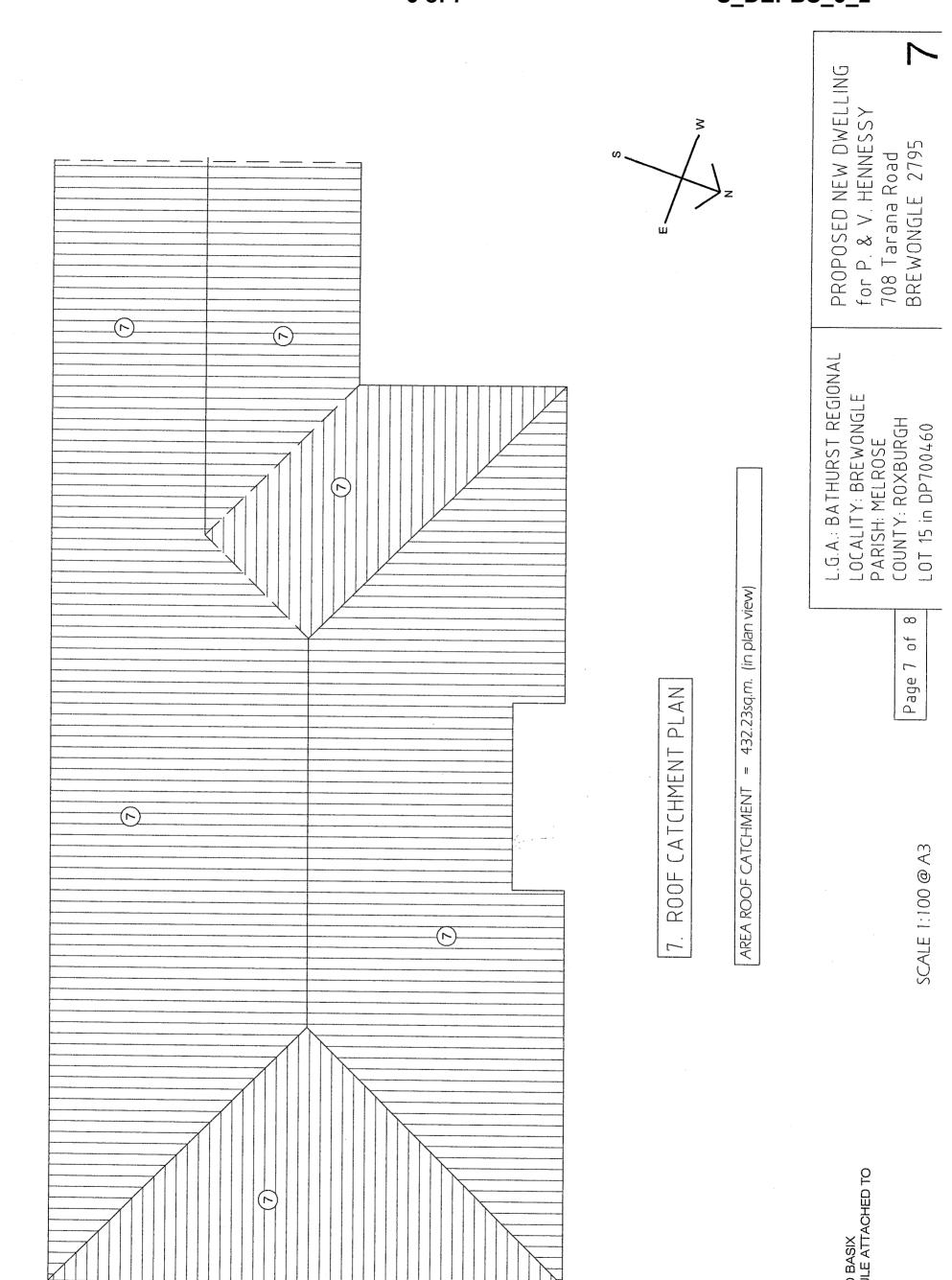
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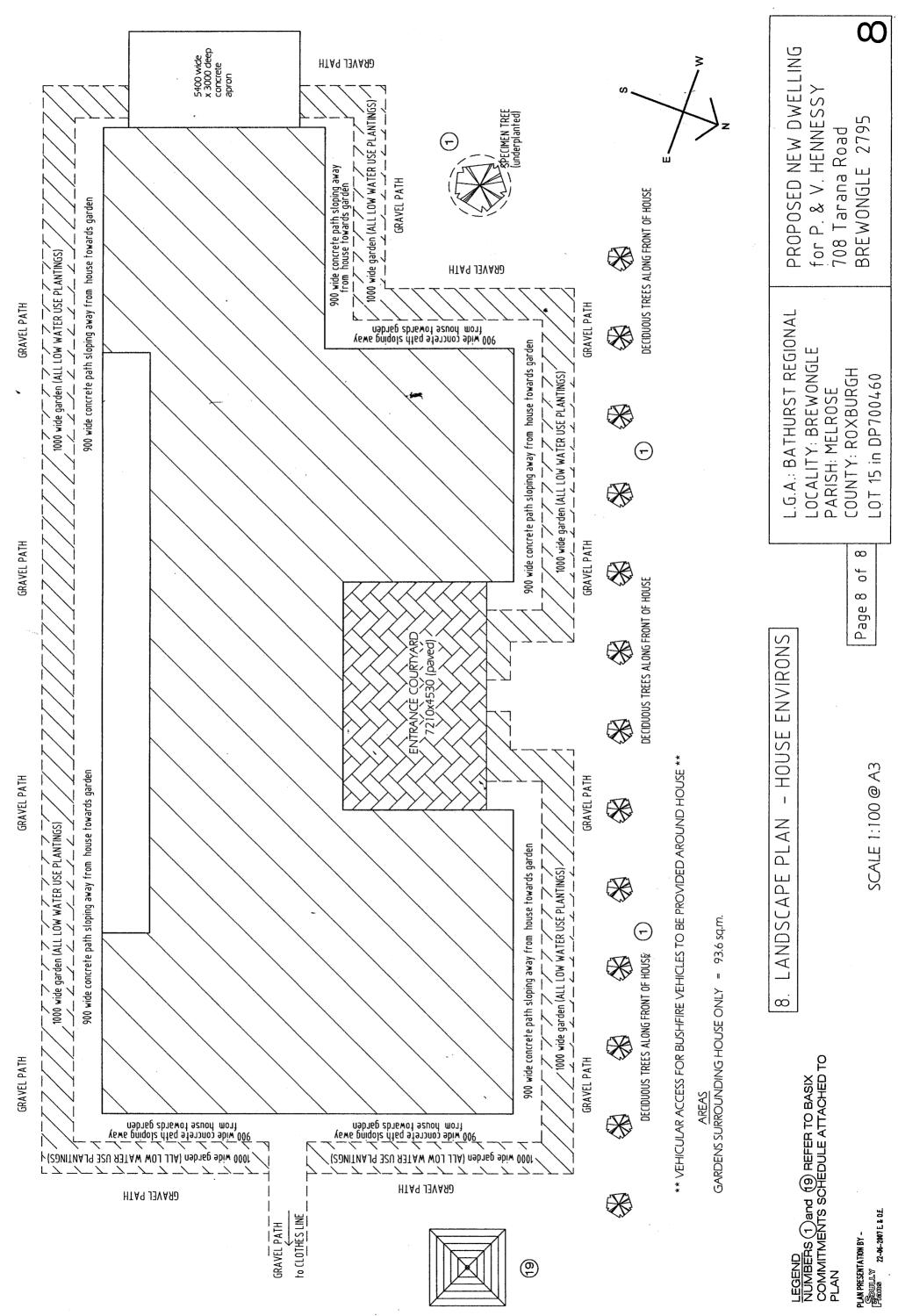
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# Statement of Environmental Effects

New Dwelling Tarana Road, Brewongle

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Ordinary Meeting

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## Disclaimer

This report has been prepared solely for Paul & Bonny Hennessy (the client) in accordance with the scope provided by the client and for the purpose(s) as outlined throughout this report. Barnson Pty Ltd accepts no liability or responsibility for or in respect of any use or reliance upon this report and its supporting material by anyone other than the client.

Report Title:	Statement of Environmental Effects
Project Name:	New dwelling – Tarana Road, Brewongle
Client:	Paul & Bonny Hennessy
Project No.	28348
Report Reference	28348-PR01_B
Date:	18/6/2018
Revision:	Final

Prepared by:	Reviewed by:
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Bushfire Protection, RPIA, MFPAA	Surveying, MAIBS MEHA RPIA
Senior Town Planner	Director

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## **1** INTRODUCTION

#### 1.1 Background

Barnson Pty Ltd has been engaged by Paul & Bonny Hennessy to prepare information in support of a Development Application (DA) for a new dwelling on Lot 15 DP 700460, Tarana Road, Brewongle.

The subject site is located approximately 1.2km south of Brewongle and has an area of 18.3 hectares. The site is currently vacant.

The project will consist of erection of a new dwelling.

The site is zoned RU1 Primary Production under *Bathurst Regional Local Environmental Plan 2014* (LEP). The proposed development is defined as a 'dwelling house', which is permissible with consent in the RU1 zone.

This application consists of:

- A completed development application form; and
- One (1) copy of this written statement, including plans.

#### 1.2 Proponent

The proponent for the DA is Paul & Bonny Hennessy.

#### 1.3 Consultant

Barnson Pty Ltd Erika Dawson 2 Littlebourne Street Bathurst NSW 2795

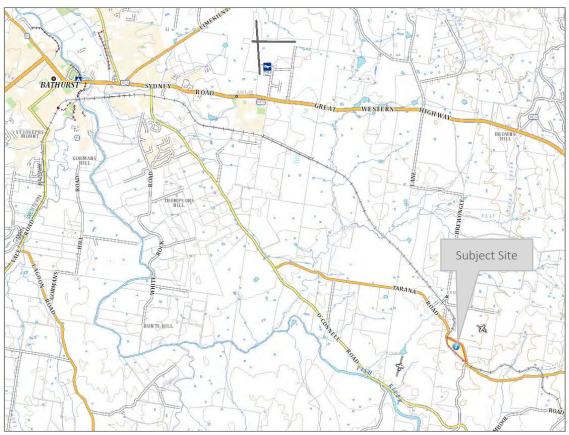
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## 2 EXISTING ENVIRONMENT

#### 2.1 Location and Title

The site the subject of this application is Lot 15 DP 700460, known as 747 Tarana Road, Brewongle. The site is located on the southern side of Tarana Road, approximately 1.2km south of Brewongle as shown in **Figure 1**.



Source: (NSW Government Spatial Services, 2018)

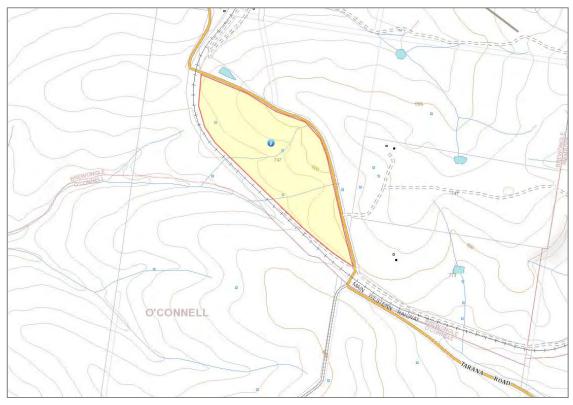
#### Figure 1 – Site Location

The site has an overall area of 18.3 hectares (refer **Appendix A**). Lot 15 has direct frontage and access to Tarana Road and is bound to the south west by the Main Western Railway Line (refer **Figure 2**). It contains an existing earth pad, a vehicular access and electricity connection. **Figure 3** provides an aerial photograph of the site.

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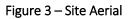


Source: (NSW Government Spatial Services, 2018)

Figure 2 – Site Plan



Source: (Google Earth, 2018)





#### 2.2 Land Use

The site is located in a rural zoned area, predominantly characterised by grazing and dwellings on smaller rural lots. The prevailing pattern of subdivision, despite having a minimum lot size of 100 hectares, is far less.

#### 2.3 Topography and Soils

As can be seen on **Figure 3**, the site generally slopes from east (the road) to west (railway line). It has a fall of approximately 30m over the site. The site contains two first order ephemeral drainage lines that flow to the west and ultimately to the Fish River.

The site is located within the Bathurst (ba) Soil Landscape as identified on the *Soil Landscapes of the Bathurst 1:250 000 Sheet* (Kovac, Murphy, & Lawrie, 1990). The Bathurst soil landscape is located on hills around Bathurst and has non-calcic brown soils with yellow solodic soils on the lower slopes and in drainage lines. Sands and mottled yellow solodic soils also occur (Kovac, Murphy, & Lawrie, 1990).

#### 2.4 Flora and Fauna

The site has previously been cleared of significant vegetation. It remains as largely grassland with scattered eucalypts as shown in **Figure 3**. The site is not mapped under the LEP as containing area of terrestrial biodiversity significance or native vegetation protection. The site is not mapped by the NSW Government Biodiversity Value Map as being of biodiversity value.

#### 2.5 Natural Hazards

The site is not mapped under the LEP as containing any natural hazards, including bushfire prone land, flood planning or mining subsidence.

#### 2.6 Visual Amenity

The site is located in an area characterised by a rural environment with grazing as the predominant land use and scattered dwellings. The topography comprises rolling hills with grassland and scattered paddock trees. Strips of riparian vegetation remain along many of the watercourses. **Plate 1** to **Plate 6** illustrate the local visual environment.

The visual catchment of the site is limited due to the local topography. The site is essentially not visible from north of Tarana Road due to higher land to the north and east of the site. **Figure 4** and **Plate 1** to **Plate 4** show that the immediate viewshed is limited to approximately 700m to the south and west from the proposed location of the dwelling, with more distance views beyond.

Reference: 28348-PR01 B





Plate 1 – View south from proposed dwelling location



Plate 2 – View south west from proposed dwelling location





Plate 3 – View west from proposed dwelling location



Plate 4 – View north west from proposed dwelling location

Attachments

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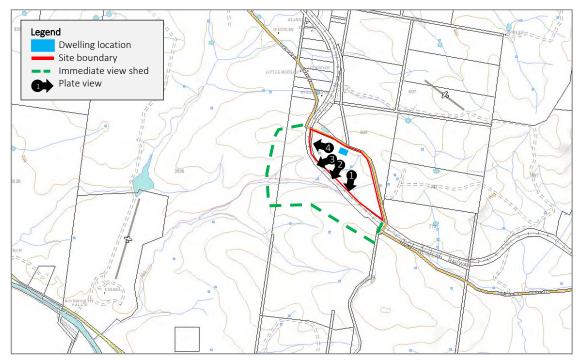


Plate 5 – View north west from the northern side of Tarana Road



Plate 6 – View north east from the northern side of Tarana Road





Source: (NSW Government Spatial Services, 2018)

#### Figure 4 – Visual Catchment

#### 2.7 Services

The site has an existing aboveground electricity connection. Telecommunications services are available in the vicinity of the site.

#### 2.8 Access and Traffic

The site has access to Tarana Road, approximately 200m from the south eastern end of the frontage with the road. Tarana Road is predominantly a two-lane two-way sealed rural road. It narrows over the railway bridges to a single lane at either end of the site. Tarana Road has a posted speed limit of 100km/hr.

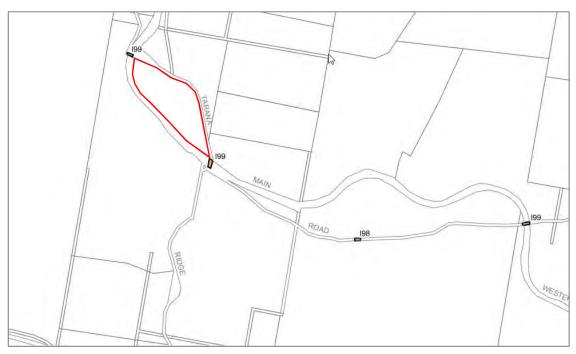
#### 2.9 Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the site and its immediate surrounds (refer **Appendix B**). There are no known items or places of Aboriginal cultural heritage on or within the vicinity of the site.

A search of the State Heritage Register (SHR) and Bathurst Regional LEP was undertaken for the site and its immediate surrounds. There are no items or places of European or Aboriginal cultural heritage on or within the vicinity of the site listed on the SHR. The site does not contain any items listed on the LEP, however, the adjacent existing 'Brewongle Road Bridges over the railway' are listed as an item of heritage significance (Item 99). Refer to **Figure 5**.

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Source: (NSW Government NSW Legislation, 2018)

Figure 5 – LEP Heritage Items

Reference: 28348-PR01\_B 9



## **3 PROPOSED DEVELOPMENT**

#### 3.1 Background

The site has been the subject of a number of previous applications to both the current Bathurst Regional Council and former Evans Shire Council. They, and relevant commentary, are provided below.

Table 1 – History of Site and Applications	
Date	Comment
No date available, however, active until 24 January 1992 <sup>1</sup> .	<b>Development Application (141/88)</b> - Consent Granted by Evans Shire Council for a new dwelling on Lot 15 700460 (and Lot 12 DP 629257 which provided a total area >100 hectares).
22 January 1992	<b>Development Application (120/92)</b> – Consent Granted by Evans Shire Council for a new dwelling on Lot 15.
	The then Department of Planning granted concurrence for the SEPP 1 Application for the variation to the development standard (minimum lot size)
22 December 1994	Modification to Development Consent (120/92) – approved by Evans Shire Council. For a revised house plan and siting of the buildings due to change in land ownership.
13 March 2007	<b>Development Application (2007/0463)</b> – refused by Bathurst Regional Council for the following reasons:
	<ol> <li>The subject land is not land that would be entitled to have a dwelling- house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:</li> </ol>
	a) The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;
	<ul> <li>b) The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the existing parcel comprised Portions 23-26,28,33,38, 74, 75, 84-87 and 140 in the Parish of Melrose, at the appointed day, being 19 April 1968 (Interim Development Order No 1 Shire of Turon);</li> </ul>

<sup>&</sup>lt;sup>1</sup> Evans Shire Council. 1992, *Letter to Department of Planning dated 28 October 1992*.



Table 1 – History of Site and Applications	
Date	Comment
	c) The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
	<ul> <li>d) The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.</li> </ul>
20 March 2009	<b>Development Application (2009/0435)</b> – refused by Bathurst Regional Council for new dwelling on Lot 15 for the following reasons:
	<ol> <li>The subject land is not land that would be entitled to have a dwelling house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:</li> </ol>
	<ul> <li>(a) The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;</li> </ul>
	(b) The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the subject land was owned by Mr G. H. Locke who owned numerous other adjoining and adjacent parcels, at the appointed day, being 9 April 1968 (Interim Development Order No 1 - Shire of Turon);
	(c) The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and
	<ul> <li>(d) The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.</li> </ul>
	2. The SEPP 1 objection fails to establish that strict compliance with the 100 ha development standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of Section 5 of the Environmental Planning and Assessment Act 1979.
	3. The development will act as an undesirable precedent for dwellings on allotments which are below the minimum area for the creation of a dwelling house or have restrictions on their agricultural use.



It is understood that a Building Application was lodged with the former Evans Shire Council for the dwelling approved under DA 120/92, however, the former Evans Shire Council files relating to this property are unable to be located.

It is also understood that an electricity connection was made to the site and a building pad cut following the approval of the DA for the dwelling.

The client has provided some further background to the history of the site and surrounds in Appendix C.

#### 3.2 Proposed Development

The proposed development involves the erection of a single storey dwelling house on site. It will be located on the existing earth pad that exists on site. Plans of the proposed development are provided in **Appendix D**.

The dwelling is to be sited 40m from the Tarana Road frontage and 390m from the south western boundary (railway line). The dwelling will contain three bedrooms and be brick veneer construction with Zincalume corrugated sheet roofing.

The existing electricity supply on site would be augmented to connect to the new dwelling. An 80,000 litre above ground rainwater tank would be utilised for potable water supply. Effluent would be disposed of onsite through an appropriate system as outlined in **Appendix E**.

Vehicular access will be provided by a new driveway to be established approximately 15m east of the existing power pole on Tarana Road.



### 4 LAND USE ZONING

The subject site is zoned RU1 Primary Production pursuant to *Bathurst Regional Local Environmental Plan 2014* (LEP). The proposed development is for a dwelling house, which is permissible with consent in the RU1 Zone pursuant to Clauses 4.2 and 4.6 of the LEP.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which incorporates consideration of the LEP and the objectives and permissible uses outlined in the RU1 Zone, as outlined in **Section 5** of this report.

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### 5 PLANNING CONSIDERATIONS

#### 5.1 Biodiversity Conservation Act 2016

# 5.1.1 Is the development likely to significantly affect threatened species?

Clause 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

Each of these is addressed below.

#### 5.1.1.1 Section 7.3 Test

To determine whether a development is likely to significantly affect threatened species or ecological communities, or their habitats, the following is to be taken into account in accordance with Section 7.3 of the BC Act:

- (a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
  - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
  - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- (c) in relation to the habitat of a threatened species or ecological community:
  - (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
  - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
  - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,
- (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),
- (e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

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**Comment:** The proposed dwelling will be located on an existing earth pad and therefore will not require the removal of any vegetation. A new property access driveway will be provided approximately 15m east of the existing power pole on Tarana Road. It would not require the removal of any significant vegetation (refer **Plate 7**).



Plate 7 – Location of proposed property access driveway

#### 5.1.1.2 Section 7.4 Test

Section 7.4 of the BC Act states:

- (1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.
- (2) In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.

**Comment:** The proposed development does not exceed the biodiversity offsets threshold for the purposes of this part



#### 5.1.1.3 Declared Area of Outstanding Biodiversity Value

The site is not mapped on the Biodiversity Value Map as being land with a high biodiversity value as defined by the BC Act.

#### 5.1.2 Biodiversity Development Assessment Report

As outlined in **Section 5.1.1**, the proposed development is not likely to significantly affect threatened species as defined by Section 7.2 of the BC Act. Therefore, a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

#### 5.2 Environmental Planning & Assessment Act 1979

#### 5.2.1 Application of Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) identifies that Part 7 of the BC Act and Part 7A of the FM Act relate to the operation of the EP&A Act in relation to the terrestrial and aquatic environment. The BC Act provisions are addressed in **Section 5.1** of this report. The FM is not applicable to this development.

#### 5.2.2 Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application as outlined below.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) The provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,



- (b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- (c) The suitability of the site for the development,
- (d) Any submissions made in accordance with this act or the regulations,
- (e) The public interest.

The proposed development has been designed with consideration to the following matters, as outlined below.

#### 5.2.3 Integrated Development

Development that requires both development consent and another approval listed under Section 4.46 of the EP&A Act is 'Integrated Development'. The proposed development is not Integrated Development as it does not require any of the other listed approvals.

#### 5.3 Environmental Planning Instruments

#### 5.3.1 SEPP No. 44 - Koala Habitat Protection

Whilst the subject site is located within the former Evans LGA, it is not considered to comprise potential koala habitat as defined by *State Environmental Planning Policy No. 44* - *Koala Habitat Protection* (SEPP 44). Therefore SEPP 44 does not require any further consideration.

#### 5.3.2 SEPP No. 55 - Remediation of Land

Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land* (SEPP 55) requires Council to consider the following before granting consent to a DA:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

**Comment:** The site is known to be have been used for grazing and has not contained any previous buildings. The site is not known to have been used for any previous land uses that are listed in Table 1 of the *Contaminated Land Planning Guidelines* (NSW Department of Urban Affairs and Planning & Environment Protection Authority, 1998). Given this, it is reasonable to assume that the land is not known to be contaminated. No further consideration of SEPP 55 is therefore required.



#### 5.3.3 State Environmental Planning Policy (Rural Lands) 2008

*State Environmental Planning Policy (Rural Lands) 2008* (Rural Lands SEPP) applies to the proposed development. Clause 10 of the SEPP outlines matters that the consent authority is required to take into account when considering whether to grant consent to a development on rural land for the purpose of a dwelling. These matters are:

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

**Comment:** In relation to (a), the site is surrounded predominantly by grazing activities and scattered dwellings. In relation to (b) the proposed dwelling would be located in a discrete and isolated area that is quite separated from other surrounding land by the existing road and railway line. The development is therefore not likely to have a significant impact on the preferred or predominant land uses in the locality. Consequently, in relation to (c) the development would not be incompatible with the surrounding land uses. In relation to (d) there are no adjoining rural residential zones. Given the above, there are no measures required to avoid or minimise incompatibility as required by (e).

#### 5.3.4 Bathurst Regional Local Environmental Plan 2014

#### 5.3.4.1 Land Use Table

The subject site is zoned RU1 Primary Production pursuant to *Bathurst Regional Local Environmental Plan 2014* (LEP). Dwelling houses are permitted with consent in the RU1 Zone.

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.



• To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

**Comment:** Clause 2.3 of the LEP requires Council to have regard to the zone objectives when considering a DA. In terms of the consideration of zone objectives, Pearlman CJ (in Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21) provided the following opinion which has been held as the standard for consideration of zone objectives:

27. The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.

In consideration of this, the following is provided in relation to the proposed development.

The subject site is a discrete small portion of land, bound by Tarana Road to the north and the Main Western Railway Line to the south. It also slopes away from the road and down towards the railway line. The site is therefore quite separate to adjacent rural lands both physically and visually. The erection of a dwelling on this lot would not impact on fragmentation of rural land as it is already considered to be fragmented by virtue of the above. Due to the removed nature of the lot, the future dwelling is not considered that it would alienate any resource lands.

In terms of agricultural land use of the surrounding area, it is primarily used for grazing with some improved pasture harvesting. The location of the dwelling, more than 50m from grazing of stock, is considered to be an appropriate buffer distance (Learmonth, Whitehead, Boyd, & Fletcher, 2007) to avoid land use conflict. Therefore, it is considered that the dwelling would not impact on the sustainable primary production in the locality. Being in a discrete location, it would also not adversely impact on the natural resource base.

Character is described as:

the way a place 'looks and feels'. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation. (NSW Government Planning & Environment, 2018)

The site is located in a rural area characterised by grazing activities with rolling hills, predominantly grassland vegetation with scattered remnant trees. The site is located just out of the village of Brewongle. The Plates in **Section 2.2** illustrate the character of the area. Dwellings are scattered throughout the landscape. The existing earth pad on site provides for the dwelling to be 'cut into' the site which will substantially reduce its visibility from Tarana Road and prominence in the rural landscape. The design, siting and



location of the dwelling is considered to be consistent with the existing rural and scenic character of the area.

It is important to note that:

Compatibility is different from sameness, as it allows for many different features to coexist together harmoniously (NSW Government Planning & Environment, 2018).

The proposed dwelling is considered to be compatible with the rural character of the locality as it is consistent with the existing development in the locality and it is sited to avoid any land use conflicts with surrounding rural activities. A buffer of 50m is identified (Learmonth, Whitehead, Boyd, & Fletcher, 2007) as being appropriate for separation between dwellings and grazing activities. The dwelling will be more than 50m from any unassociated rural activity.

From the above it can be seen that the proposed dwelling would not be antipathetic to the zone objectives.

# 5.3.4.2 Erection of dwelling houses on land in certain rural zones

Clause 4.2B applies to *inter alia* land in the RU1 Zone. The objectives of this clause are:

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural zones.

Subclause (3) requires:

Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
- (b) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement, or
- (c) is an existing holding, or
- (d) is a lot resulting from a subdivision for the purposes of intensive plant agriculture for which development consent was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement but only if the consent authority is satisfied that the lot is being used for the purpose of intensive plant agriculture, or
- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
  - (i) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (ii) a consolidation with an adjoining public road or public reserve or for another public purpose.



**Comment:** The LEP map shows the site as having a minimum lot size of 100 hectares. It is understood that the site does not meet the prerequisites of clause 4.2B, however, an objection to compliance with development standards is provided in **Section 5.3.4.3** in accordance with Clause 4.6 of the LEP. In providing this objection, it is demonstrated that the development would not be inconsistent with the objectives of this development standard in that it would not result in unplanned rural residential development.

#### 5.3.4.3 Exceptions to Development Standards

Clause 4.6 of the LEP facilitates variations to development standards of an Environmental Planning Instrument, including the LEP. The objectives of the clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- *(b)* to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In terms of considering variation to development standards, the following is required by clause 4.6:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.

**Comment:** The required written argument is provided in **Appendix F**. In summary, it can be seen that:

• compliance with the development standard is unreasonable or unnecessary in this instance; and



• there are sufficient environmental planning grounds to justify contravening the development standard; and

That the development is:

- Consistent with the objectives of clause 4.2B of the LEP as outlined in **Section** 5.3.4.2; and
- Consistent with the objectives of the RU1 Zone as outlined in **Section 5.3.4.1**.

Therefore, the variation to the development standard could be supported pursuant to clause 4.6.

#### 5.3.4.4 Bush Fire Prone Land

Clause 7.2 of the LEP applies to land in the RU1 Zone that is bush fire prone land within the meaning of the EP&A Act. The site is not mapped as being bush fire prone on the map certified by the Commissioner of the NSW Rural Fire Service, which is deemed as being 'bush fire prone land' within the meaning of the EP&A Act (section 10.3).

Therefore, no further consideration of clause 7.2 of the LEP is required.

#### 5.3.4.5 Essential Services

Clause 7.5 of the LEP requires that Council cannot grant consent to a development unless it is satisfied that the services essential to the development are available or adequate arrangements have been made to make the services available when required. Each of these are addressed below:

- (a) **Water supply** The proposed dwelling will provide its own rain water tank(s) for potable water supply.
- (b) **Electricity** The site has an existing electricity connection available which would be augmented to supply the proposed dwelling.
- (c) **Disposal and management sewage** An on-site waste water treatment system would be provided for the dwelling.
- (d) **Stormwater drainage** The dwelling will divert its roof water to the rainwater tank(s) for potable water supply.
- (e) **Road Access** The lot has an existing vehicular access to Tarana Road. A new access driveway will be provided for the dwelling near the existing power pole, to provide for improved sight lines.

#### 5.4 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are known to be applicable to the subject site or development.



#### 5.5 Bathurst Regional Development Control Plan 2014

#### 5.5.1 Introduction

Bathurst Regional Development Control Plan 2014 (DCP) applies to all land in the Bathurst Regional LGA. Each of the sections of the DCP relevant to the proposed development are addressed in the following sections.

#### 5.5.2 Rural & Rural Lifestyle Development

The provisions relating to development in rural areas are provided in Section 6 of the DCP with relevant clauses addressed in the table below.





	Table 2 – Rural DCP Provisions	DCP Provisions
	Required	Comment
c)	Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and identify any trees proposed to be removed.	The dwelling would be located on the existing earth pad. It would not require the removal of any trees. The new access driveway would not require the removal of any trees.
q	Where applicable, dwellings and other buildings are to be sited within a designated building envelope if shown on the relevant deposited plan and outside any 'Land Management Areas' identified on a relevant DCP map.	No building envelopes have been designated for the subject site.
6.	6.2.3 Setbacks – Zones RU1 – Primary Production, RU2 – Rural Landscape and RU4 – Primary Production Small Lots	Primary Production Small Lots
a)	Council must only grant consent to development listed in the table below where the front, side and rear setbacks comply with the standards outlined in the table below. Dwellings = 20m for front, side and rear setbacks for lots less than 20ha in area.	The dwelling has a 50m front setback and 195m rear setback. The lot doesn't have sides as such. Nevertheless, the building is not closer than 50m to any property boundary.
6.	6.3 ACCESS, ENTRANCES AND FENCING	
6.	6.3.2 Development standards	
¥	Access	
a)	A vehicular access shall not be created or used to give access directly onto a classified road or highway, without the consent of the Roads and Maritime Service (RMS).	No access to a classified road.



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	Table 2 – Rural DCP Provisions	JCP Provisions
	Required	Comment
Fen	Fencing	
a)	Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, wire, timber, masonry or the like. Pre-coloured metal sheet fencing is not permitted.	
(q	Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.	
Dri	Driveways and property access roads	
a)	Driveways and property access roads are to be constructed of an all- weather surface.	The driveway would comply with this requirement.
(q	Driveways and property access roads are to be constructed to comply with Section 4.1.3 (2) of the Planning for Bushfire Protection Guidelines (2006).	The driveway would comply with this requirement.
6.4	6.4 ON SITE EFFLUENT DISPOSAL	
6.4.	6.4.2 Development standards	
a)	The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on-site waste water disposal, from a suitably qualified Geotechnical Engineer.	Provided in Appendix E.
(q	The proposed method of effluent disposal and the associated waste water disposal area must comply with AS/NZS1547:2000 – On-Site Domestic	Addressed in the Geotechnical Assessment provided in <b>Appendix E</b> .



DCP Provisions	Comment		N/A	Addressed in the Geotechnical Assessment provided in <b>Appendix E</b> .	The site is identified as having a high or moderately high groundwater vulnerability. This is addressed in the Geotechnical Assessment provided in <b>Appendix E</b> .
Table 2 – Rural DCP Provisions	Required	Wastewater Management and the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households.	c) The effluent disposal system and associated disposal area is to be sited within the designated effluent disposal envelope if shown on the relevant deposited plan.	<ul> <li>d) Effluent disposal systems and associated disposal areas (including irrigation areas) are to be located so as to meet the buffer requirements in the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households (refer section 3.2.2).</li> </ul>	e) Council cannot consent to the installation of an on-site effluent disposal system on land identified wholly or partially as having a high or moderately high groundwater vulnerability on DCP Map No. 30 - Riparian Land and Waterways (excluding those lands shown on DCP Map No.'s 14 – White Rock and 15 – Robin Hill) unless it has considered a report prepared in accordance with section 9.5 - Groundwater of this Plan that considers the impact of on-site effluent disposal systems on groundwater.

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Table 2 – Rural DCP Provisions	0CP Provisions
Required	Comment
6.5 WATER SUPPLY REQUIREMENTS	
6.5.2 Development standards	
<ul> <li>a) An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations not connected to a reticulated water system as specified below.</li> </ul>	
Domestic Dwellings	
The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as study's, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.	The dwelling contains three bedrooms and one study, thus four bedrooms for the purpose of this clause. A total of 60,000L of potable and household water is required. A minimum 80,000L rainwater tank is to be provided as part of the development.
Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and	
Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. bath, WC, laundry tub etc., or	
Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.	



Table 2 – Rural DCP Provisions	DCP Provisions
Required	Comment
Fire Fighting – Dwellings and Dwelling Additions/Alterations	
In addition to the above a water supply is to be available for firefighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings. See section 4.1.3 of the Planning for Bush Fire Protection Guidelines (2006). Large Rural/Lifestyle lots (>10,000m <sup>2</sup> ) = 20,000 l/lot	A minimum 80,000L rainwater tank is to be provided as part of the development.
Only static water storage within the Asset Protection Zone will be considered as storage for firefighting purposes. The following provisions apply to all water storage supplies for firefighting purposes:	The rainwater tank will comply with these requirements.
A suitable connection for firefighting purposes is to be made available and located within the Inner Protection Area (IPA) and away from the structure. A 65mm Storz outlet with a gate or Ball valve is to be provided.	
Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.	
Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.	
Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.	

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	Table 2 – Rural	Table 2 – Rural DCP Provisions
	Required	Comment
All ak inclu	All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.	
Bore wate	Bores and creeks are not to be used as a substitute for a dedicated static water supply.	
e: wh use Fire	Note: where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.	
BUIL	6.6 BUILDING FORM AND DESIGN	
2 De	6.6.2 Development standards	
to Th	The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.	The materials used on the proposed dwelling are consistent with other existing dwellings and rural buildings found in the locality.
The am sig	The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.	The dwelling is single storey and will be sited on the existing earth pad that is cut into the hill. Its visibility will be limited and is considered to be a similar, or smaller, bulk and scale to existing dwellings in the locality.
The tha and	The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.	The dwelling will be sited on the existing earth pad that is cut into the hill. It will sit well below the ridgeline.
The the	The design of the building must be in keeping with the rural character of the area.	The design proposed dwelling are consistent with other existing dwellings and rural buildings found in the locality.

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Attachments

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	Table 2 – Rural DCP Provisions	JCP Provisions
	Required	Comment
e)	Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section 6.2.4).	No rural structures proposed.
6.7	6.7 SOIL AND WATER MANAGEMENT	
6.7	6.7.2 Development standards	
a)	For developments with a disturbance area of less than 2500m <sup>2</sup> , development must comply with Council's Erosion and Sediment Control Guidelines for Building and Work Sites.	An Erosion & Sediment Control Plan would be provided with the CC Application.
(q	For developments with a disturbance area of greater than 2500m <sup>2</sup> , development must comply with the requirements of the document: Managing Urban Stormwater: Soils and Construction 2004, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.	
C	As a condition of consent for sites with a disturbance area of greater than 2500m <sup>2</sup> , Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of any construction certificate.	Noted.
q	Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work	Noted.

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	Table 2 – Rural DCP Provisions	JCP Provisions
	Required	Comment
	commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.	
e)	Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's Erosion and Sediment Control Guidelines for Building and Work Sites or Managing Urban Stormwater: Soils and Construction 2004 and remain in place while ever earthworks are being completed, and until such time that the site is revegetated.	Noted.
	5.5.3 Environmental Considerations	

5.5.3 Environmental considerations

The provisions relating to environmental considerations are provided in Section 9 of the DCP with relevant clauses addressed in the table below.

Table 3 – Environmental Co	ole 3 – Environmental Considerations DCP Provisions
Required	Comment
9.4 BIODIVERSITY	
9.4.1 Land to which this Section applies	
This section applies to land within Zone RU1 Primary Production and identified wholly or partially as High or Moderate Biodiversity Sensitivity on DCP Map No. 31 - Biodiversity.	A very small portion of the site adjacent to Tarana Road is identified as being of High or Moderate Biodiversity Sensitivity.

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<b>6</b> (q	Table         Required         Consent must not be granted to any development i subdivision or work on land identified as High or Mo Sensitivity on DCP Map No. 31 - Biodiversity unless has considered an environmental assessment that i development will achieve the following outcomes: i ) Protect biological diversity, native flora and fa ii) Protect the ecological processes necessary for iii) Protect the ecological processes necessary for iii) Encourage the recovery of threatened species populations and their habitats.         A Development Application lodged for any developi identified above must be accompanied by the follow assessment.         i) Site Plan (preferably using an aerial photograp	c 3 - Environmental Considerations DCP Provisions         Comment         Comment         ncluding any building,       The proposed dwelling and access driveway will not be built on land mapped as decase blockversity.         ncluding any building,       The proposed dwelling and access driveway will not be built on land mapped as decase blockversity.         ncluding any building,       The proposed dwelling and access driveway will not be built on land mapped as decases how the         ncluding any building,       The proposed dwelling and access driveway will not be built on land mapped as decases how the         sconsent authority       Assessment of impacts on biodiversity have been provided in Sections 5.1 and 5.8.8.         una and their habitat.       Ecosystem health.         communities,       The site plan is provided in Appendix D.         ment on any lands       The site plan is provided in Appendix D.         ment on any lands       S.8.8.
	<ul> <li>ii) Assessment</li> <li>a) Impact of development on biodiversity</li> <li>b) Proposed mitigation measures</li> <li>c Summary</li> </ul>	

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	Table 3 – Environmental Co	Table 3 – Environmental Considerations DCP Provisions
	Required	Comment
9.9	9.9 SUSTAINABLE BUILDING DESIGN AND ENERGY EFFICIENCY	
9.9	9.9.2 Development standards	
a)	All new residential development is to comply with BASIX requirements as required by the NSW Department of Planning and Infrastructure, where applicable.	BASIX Certificate provided with the DA.
(q	All new commercial development is to comply with Section J – Energy Efficiency of the National Construction Code.	N/A

5.5.4 Parking

The provisions relating to environmental considerations are provided in Section 14 of the DCP with relevant clauses addressed in the table below.

Table 4 – Parking DCP Provisions	rovisions
Required	Comment
14.1 PRELIMINARY	
14.1.1 Land to which this Section applies	
This section applies to all land in the Bathurst Regional Local Government Area (LGA).	

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Reference: 28348-PR01\_B



	Table 4 – Parking DCP Provisions	DCP Provisions
	Required	Comment
14	14.3 CAR PARKING	
ă	Development standards	
a)	Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.	Double garage provided.
c)	All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.	Garage space is 6.78m wide (clear of obstructions) x 6.77m long. This more than complies with AS2980.1 parking space requirements.
ш	Engineering and building standards	

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a)       On site car parking spaces shall not form part of vehicle manoeuvring areas       Parking achieves this requirement.         b)       All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape (see section 13 – Landscaping and Greening of this Plan).       Parking forms part of the main building.         c)       Car parking spaces and manoeuvring areas must comply with the minimum       Parking achieves this requirement.	s this requirement.	art of the main building.	s this requirement.
	Parking achieves	Parking forms pa	Parking achieves
c) a) a)	On site car parking spaces shall not form part of vehicle manoeuvring area or loading/unloading areas.	All car parking areas are to be located behind the building line or should by adequately screened by landscaping to reduce the effect of the development on the streetscape (see section 13 – Landscaping and Greening of this Plan).	Car parking spaces and manoeuvring areas must comply with the minimun
	a)	(q	c)



	Table 4 – Parkin	Table 4 – Parking DCP Provisions
	Required	Comment
f)	Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.	The new access driveway from Tarana Road will comply with council's design requirements.
g)	For residential development, where possible, access ways and parking areas should be provided on the southern side of the site (i.e. using the shaded area of the lot).	Not considered to be applicable for the proposed development given the size pf the lot.
	Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.	All vehicles will be able to enter and exit the site in a forward direction.
Nun	Number of car parking spaces	
a)	Car parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit. Single dwelling house = 1 covered car parking space.	Complies. Double garage provided.
14.4	14.4 BICYCLE PARKING	
Dev	Development Standards	
a	Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.	Sufficient area exists on site for the secure parking of bicycles in accordance with these requirements.



	F	Jired	termined by Council on merit.
In addition to the above the following facilities are also to be provided for It is considered that the dwelling will provide for suitable facilities in accordance			
termined by Council on merit. Jired	termined by Council on merit.	termined by Council on merit.	
aces are to be provided for development in accordance Dwellings are not specified in the table. Nevertheless, sufficient area exists on table. Any development not specified in the table will be site for the secure parking of bicycles in accordance with these requirements. termined by Council on merit.	are to be provided for development in accordance e. Any development not specified in the table will be ined by Council on merit.		
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5.5.5 Earthworks

The provisions relating to earthworks are provided in Section 16 of the DCP with relevant clauses addressed in the table below.

	Table 5 – Earthworks DCP Provisions	-ks DCP Provisions
	Required	Comment
16.1	16.1 PRELIMINARY	
16.1	16.1.1 Land to which this Section applies	
This Area	This section applies to all land within the Bathurst Regional Local Government Area (LGA).	Noted.
16.3	16.3 CHANGING THE LEVEL OF LAND (PREPARING TO BUILD, DURING OR POST CONSTRUCTION)	struction)
16.3	16.3.2 Development standards	
a)	The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by filling or cutting).	Development would achieve this.
(q	Where cut and/or fill in excess of 1 metre is proposed, any change in level (in excess of 1 metre) is to be stepped away from the boundary at a minimum of 450.	No changes to existing earth pad.
c)	Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in Chapter 16 of this DCP.	The driveway will comply with AS2890. Minor reshaping works will be required to the existing batter to the north of the dwelling to facilitate the driveway.

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Table 5 – Earthworks DCP Provisions	Comment	No changes to existing earth pad.							No significant changes to the existing earth pad.
	Required	d) Outside of the building footprint cut and fill to 1.0m is permissible to achieve flatter backyards, outdoor living areas, BBQ areas, clothes drying areas and the like. Consideration will be given to greater cut and fill thresholds subject to:	<ul> <li>Justification of the proposal and design intent through a site analysis including consideration of the likely streetscape impacts and compatibility with existing streetscape character.</li> </ul>	ii) Demonstration of a structural system of the house appropriate to the site and slope.	<ul> <li>Justification and documentation of full site sections showing all existing and proposed levels and proposed retaining walls and batters.</li> </ul>	iv) Consideration of the likely amenity impacts including overlooking, overshadowing, drainage and structural issues.	<ul> <li>Limiting multiple retaining walls to 1.0m encouraging terracing rather than one large wall.</li> </ul>	vi) Suitable storm water and drainage management.	e) Excavations and fill in excess of 1 metre may be permitted to allow for compliant driveways and basement garages providing the excavations are adequately retained and drained in accordance with engineering requirements.



Table 5 – Earthworks DCP Provisions	Comment	N/A.	N/A	N/A	No significant changes to the existing batters on site.
Table 5 – Earthworl	Required	f) Where a property is burdened by storm water or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.	g) Where more than one retaining wall is required, this should be in the form of terracing with landscaped areas between level changes to soften the visual impact of the retaining wall.	h) Retaining walls, unless constructed for the sole purpose of landscaping, should be constructed of a material such as concrete, masonry, rock or other permanent type material. Timber retaining walls are not acceptable for walls that support side boundaries or structures.	<ul> <li>i) Cut and fill batters shall not:</li> <li>i) exceed a slope of 1:4 (v:h) unless geotechnical reports result in Council being satisfied with the site stability. All batters are to be provided with both short term and long term stabilization to prevent soil erosion.</li> <li>ii) be located where they will impact on the privacy of neighbours.</li> <li>iii) shall not extend onto Council's road reserve.</li> </ul>

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Reference: 28348-PR01\_B



#### 5.6 Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

#### 5.7 Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clauses 92, 93, 94 and 94A of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. None of these matters are applicable to the proposed development.

#### 5.8 Any Likely Impacts of the Development

#### 5.8.1 Context & Setting

As outlined **in Sections 2.2, 2.6**, and **5.3.4.1**, the site is located within a rural area, characterised by grazing activities and scattered dwellings. The proposed dwelling will be located on the earth pad that has previously been cut on site. This provides for the dwelling being much lower than Tarana Road. The dwelling is single storey in height and is considered to be similar in style to existing dwelling and buildings in the locality. The siting, bulk and scale combined with having a similar materiality to surrounding buildings in the locality, will provide for a dwelling that is consistent with the existing landscape features and values.

As outlined in **Section 2.6**, the site has quite a discrete location due to the existing topography and road and rail boundaries. This, combined with the location of the proposed dwelling on the existing earth pad which is cut into the site provides for a very innocuous development in terms of its impacts on adjacent properties and public sight lines. As outlined in **Section 5.3.4.1** the development is not considered that it will result in land use conflict due to the separation distance provided to unrelated rural activities.

The existing land use patterns shown on Sheet 2 of Drawing P01 in **Appendix D** demonstrates that whilst the land in the area is zoned as RU1 with a minimum lot size of 100 hectares for the erection of a dwelling, the actual existence of dwellings in the locality is far denser than the current development standard. Given this, the proposed dwelling would not be inconsistent with the existing pattern of dwellings in the locality.

The development is therefore considered be consistent with the existing and desired future context and setting.

#### 5.8.2 Access, Transport & Traffic

#### 5.8.2.1 Traffic Generation

The site has access to Tarana Road, which is a two-lane two-way rural sealed road. It has a posted speed limit of 100km/h in the vicinity of the site. The NSW Roads and Maritime

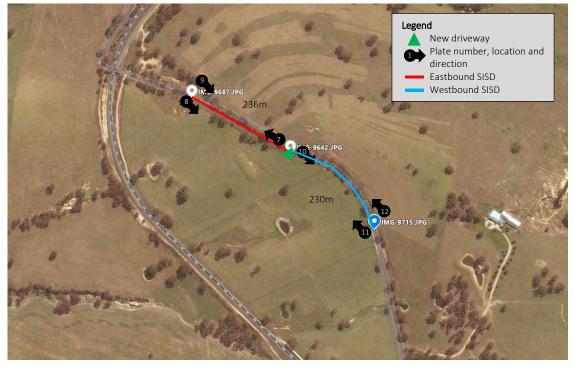


Services (RMS) *Guide to Traffic Generating Developments Updated Traffic Surveys* (NSW Roads and Maritime Services, 2013) indicates the low density residential dwellings in regional areas generate on average 7.4 daily vehicle trips per dwelling. The additional traffic generated by the development is not expected to adversely impact on the capacity of Tarana Road.

#### 5.8.2.2 Access

The development proposes to provide a new access driveway to Tarana Road (refer Sheet 1 of Drawing PO1 in **Appendix D**) located approximately 15m east of the existing power pole. The new access driveway will be designed and constructed to Council's requirements, being 4m wide and set back 10m from the property boundary.

The new driveway is considered to provide for optimum sight distances for vehicles accessing and egressing the site given the site constraints (refer **Plate 8** to **Plate 13**). Other locations were considered, however, this was the best location in proximity to the dwelling location. An existing access gate is located further to the east opposite the driveway for the existing dwelling on 747 Brewongle Road, however, this is located some 450m from the proposed dwelling location and is therefore considered impractical.



Source: (Microsoft Corporation, 2018)

Figure 6 – Sight Distances



Austroads *Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections* (GTRD) provides the requirements for Safe Intersection Sight Distances (SISD). Whilst the posted speed limit of Tarana Road is 100km/h, the actual operating speed on the road in the vicinity of the site is constrained due to geometry. Approaching the site from the west, is a 90 degree corner followed by a single lane over the railway bridge. Likewise, a 90 degree corner is located at the eastern end of the site followed by a single land railway bridge. The road is considered to be an intermediate speed rural road with an actual speed achievable in the vicinity of the site likely to be 80km/h. The 85<sup>th</sup> percentile speed is likely to be 90km/h.

The location of the proposed driveway cannot achieve the minimum SISD required by Tables 3.2 and 3.3 of Austroads GTRD Part 4A. Section 3.4 of Austroads GTRD Part 4A recognises that property accesses often struggle to achieve the SISD. Instead, new accesses should achieve:

- Minimum gap sight distance (MGSD); and
- SISD using values given under the extended design domain (EDD) criteria for sight distances at intersections.

Appendix A of Austroads GTRD Part 4A provides further detail on the EDD for *inter alia* sight distances at domestic driveways. It states:

EDD sight distance at domestic accesses requires mandatory application of the following:

- EDD MGSD Apply in accordance with the NDD MGSD criteria, except use an object height of 1.25 m (top of a passenger car) instead of 0.65 m (indicator height).
- EDD SISD using an observation time (OT) of 0.5 s less than the values given in Table A 8 of this appendix.
- EDD SSD. At all locations on a roadway, stopping sight distance to hazards is required. Refer criteria in Section A.3 of Appendix A of the Guide to Road Design – Part 3: Geometric Design (Austroads 2009a).

Normally, the provision of ASD at domestic accesses is not necessary due to the familiarity of their location by users.

Each of these is addressed below.





Plate 8 – View west from proposed driveway location



Plate 9 – View east from SISD location

Reference: 28348-PR01 B 45

Attachments





Plate 10 – View east from SISD location (zoomed in)



Plate 11 – View east from proposed driveway location

Reference: 28348-PR01 B

Attachments





Plate 12 – View west from SISD location



Plate 13 – View west from SISD location (zoomed in)





#### Minimum Gap Sight Distance (MGSD) Requirements

The following table outlines the minimum gap sight distance requirements based on an object height of 1.25m instead of 0.65m.

Table 6 – Minimum Gap Sight Distance										
Movement	Critical Acceptance Gal (t <sub>a</sub> )	85 <sup>th</sup> Percentile Speed of Approaching Vehicle (km/h)	MGSD Required	Provided						
Left-hand turn	5 sec <sub>2</sub>	90	125m	230m						
Right-hand turn from major road	4 sec	90	100m	230m						
Right-hand turn from minor road	5 sec₃	90	125m	236m						
Notes:	·	·	·	·						

<sup>&</sup>lt;sup>1</sup> Not interfering with approaching car

2 Requiring approach car to slow

3 two lane/two way

It is acknowledged that the vehicles turning left out of the driveway and right out of the driveway may require an oncoming vehicle from the west and east respectively to slow. However, given the minor traffic generation by the development, it is considered to provide for an appropriate MGSD.

#### Safe Intersection Sight Distance (SISD)

For domestic accesses, the EDD SISD uses an observation time (OT) of 0.5s less than the values given in Table A8 (1.5s), being 1s. Despite being able to reduce the OT, the 1.5s value has been used for the purpose of this assessment. The following table outlines the required EDD SISD for both the norm day base case and truck day base case and demonstrates how the development complies.

Reference: 28348-PR01 B 48

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Table 7 – EDD Safe Intersection Sight Distance									
Scenario	Design Speed (km/h)	Observation Time (seconds)	Reaction Time (seconds)	Grade Correction (m)	SISD (m)	Provided (m)			
Eastern Leg of Main	Road								
Norm day base case	90	1.5	2.0	0	157	230m			
Truck day base case	90	1.5	2.0	0	197	230m			
Western Leg of Main	n Road								
Norm day base case	90	1.5	2.0	-10 (upgrade 8%) <sub>1</sub>	147	236m			
Truck day base case	90	1.5	2.0	-24 (upgrade 8%) <sub>2</sub>	187	236m			
1	ustroads GTRD ustroads GTRD		1	1	1	1			

From the above table it can be seen that the proposed location of the new private accessway more than achieves the minimum SISD.

#### Stopping Sight Distance (SSD)

The SSD to hazards is required to be achieved at all locations on a roadway. Austroads GTRD Part 3 outlines the requirements for SSD.



Table 8 – Safe Stopping Distance							
Vehicle	Design Speed (km/h)	Reaction Time (seconds)	Grade Correction (m)	Absolute minimum SSD values	Desirable minimum SSD values	Provided (m)	
Eastern Leg of Main Road							
Car <sub>1</sub>	90	2.0	0	119	139	230	
Truck <sub>2</sub>	90	2.0	0	-	160m	230	
Western Leg of Main Road							
Car <sub>1</sub>	90	2.0	-16	65 <sub>3</sub>	125	236	
Truck <sub>2</sub>	90	2.0	-24	-	140	236	
<ul> <li>Table 5.4 of Austroads GTRD Part 3</li> <li>Table 5.5 of Austroads GTRD Part 3</li> <li>Calculated from Equation 1 of Austroads GTRD Part 3</li> </ul>							

The development provides for more than the minimum required SSD.

#### Summary

As outlined above, the proposed new property access driveway location achieves the minimum requirements for new access driveways on existing roads as outlined in Austroads GTRD Part 4A. In particular it achieves the required:

- EDD MGSD using an object height of 1.25 m;
- EDD SISD using the observation time (OT) values given in Table A8 of Austroads GTRD Part 4A; and
- EDD SSD as defined in Austroads GTRD Part 3.

#### 5.8.3 Utilities

The site has an existing electricity connection. The proposed dwelling would be connected to this existing supply connection. There are no known issues with capacity.

#### 5.8.4 Heritage

As outlined in **Section 2.9**, the site is adjacent to the existing 'Brewongle Road Bridges over the railway' which are listed as an item of heritage significance (Item 99) under the LEP. It is considered that the development would not adversely impact upon the heritage significance of these items.



#### 5.8.5 Other Land Resources

The site is located within an area used for agriculture, predominantly grazing. The site is a small lot (18 hectares) that is currently used for agistment sheep grazing as it is not size to support a viable agricultural business on its own.

The proposed dwelling would be located on the earth pad that is already existing on site. The dwelling would impact on a small part of the site. It is not considered though that the introduction of the dwelling would have a significant impact on productive agricultural land, given the constraints and isolation of the site.

#### 5.8.6 Water

Roof water from the dwelling would be captured in a rainwater tank(s) for reuse as potable water supply for the dwelling and bushfire fighting water supply. A minimum 80,000 litre rainwater tank supply would be provided in accordance with the DCP requirements.

#### 5.8.7 Groundwater

The proposed development is not expected to have an adverse impact on groundwater, as outlined in the Effluent Disposal Assessment provided in **Appendix E**.

#### 5.8.8 Flora & Fauna

The site comprises grassland, with scattered eucalypts. It is heavily disturbed as a result of existing grazing activities. The proposed development does not require the removal of any significant vegetation. Given this and the degraded state of the site, it is not expected that the development would have a significant adverse impact on any threatened species, ecological communities or their habitats.

#### 5.8.9 Waste

#### 5.8.9.1 Effluent

Effluent from the development will be disposed of on site. An Effluent Disposal Assessment has been prepared for the development, which is provided in **Appendix E**. It has determined that effluent can be appropriately disposed of on site in accordance with:

- AS/NZS 1547:2012 On-site Domestic Wastewater Management (Standards Australia 2012);
- On-site Sewage Management for Single Households (Office of Local Government 1998);
- Designing & Installing On-Site Wastewater Systems (Sydney Catchment Authority 2012);
- The New South Wales Feedlot Manual (NSW DPI / Agriculture 1998); and



• Septic Tank and Collection Well Accreditation Guideline (NSW Health 2001).

#### 5.8.10 Energy

The proposed development application is accompanied by a BASIX Certificate, which demonstrates compliance with the state's mandatory energy targets.

#### 5.8.11 Social & Economic Impacts in the Locality

The proposed development is not expected to result in any social or economic impacts in the locality.

#### 5.9 Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

#### 5.10 The Public Interest

The proposed development is considered to be in the public interest as it provides for a smallscale dwelling. As outlined throughout this report the development is consistent with the objectives for the zone and is not expected to have any adverse off-site impacts.



## 6 CONCLUSION

It is recommended that the proposed dwelling on Lot 15 DP 700460 Tarana Road, Brewongle be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979;*
- The proposal is permissible with consent and consistent with the objectives of the relevant development standards and provisions of the *Bathurst Regional Local Environmental Plan 2014,* subject to a clause 4.6 exception to development standards;
- The proposal complies with the relevant provisions of the *Bathurst Regional Council Development Control Plan 2014*;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.



### 7 **REFERENCES**

Google Earth. (2018). Google Earth.

- Kovac, M., Murphy, B. W., & Lawrie, J. W. (1990). *Soil Landscapes of the Bathurst 1:250 000 Sheet.* Sydney: Soil Conservation Service of NSW.
- Learmonth, R., Whitehead, R., Boyd, B., & Fletcher, S. (2007). *Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast.* Wollongbar: NSW Department of Primary Industries.

Microsoft Corporation. (2018). Maps.

- NSW Department of Planning. (2009, September 10). LEP Practice Note PN 09-005 Local Environmental Plan Zone Objectives. Sydney: NSW Department of Planning.
- NSW Department of Urban Affairs and Planning & Environment Protection Authority. (1998). Managing Land Contamination: Planning Guildeines SEPP 55 - Remediation of Land. Sydney: DUAP.
- NSW Government NSW Legislation. (2018, February 28). *Bathurst Regional Local Environmental Plan* 2014. Retrieved from NSW Legislation: https://www.legislation.nsw.gov.au/maps/6df9859a-d4c4-488b-9d9b-0f30cd93dfd4/0470\_COM\_HER\_012B\_040\_20140320.pdf
- NSW Government Planning & Environment. (2018, March 1). *Planning Circular PS 18-001 Stepping up planning and designing for better places: respecting and enhancing local character.* Retrieved from Planning System Circulars: http://www.planning.nsw.gov.au/~/media/Files/DPE/Circulars/local-character-planningcircular-2018-01-16.ashx
- NSW Government Spatial Services. (2018). Six Maps. Retrieved from http://maps.six.nsw.gov.au/
- NSW Planning & Environment. (2017). *Central West and Orana Regional Plan 2036*. Dubbo: NSW Planning & Environment.
- NSW Planning & Infrastructure. (2011). *Varying Developmeent Standards: A Guide.* Sydney: NSW P&I.
- NSW Roads and Maritime Services. (2013). *Technical Direction TDT 2013/04a: Guide to Traffic Generating Developments Updated Traffic Surveys.* Sydney: NSW RMS.

Reference: 28348-PR01 B 54



# Appendix A - Title & Deposited Plan



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 15/700460

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SEARCH DATE	TIME	EDITION NO	DATE
28/2/2018	12:13 PM	11	2/12/1997

#### LAND

LOT 15 IN DEPOSITED PLAN 700460 AT BREWONGLE LOCAL GOVERNMENT AREA BATHURST REGIONAL PARISH OF MELROSE COUNTY OF ROXBURGH TITLE DIAGRAM DP700460

FIRST SCHEDULE

PAUL HENNESSY VERONICA HENNESSY AS JOINT TENANTS

\_\_\_\_\_

(T 3213029)

SECOND SCHEDULE (3 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

2 LAND EXCLUDES MINERALS AS REGARDS THE PART COMPRISED IN CROWN GRANT VOL 10918 FOL 17

3 3628804 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED

NOTATIONS

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NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

#### Barnson Pty Ltd (Mudgee)

PRINTED ON 28/2/2018

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

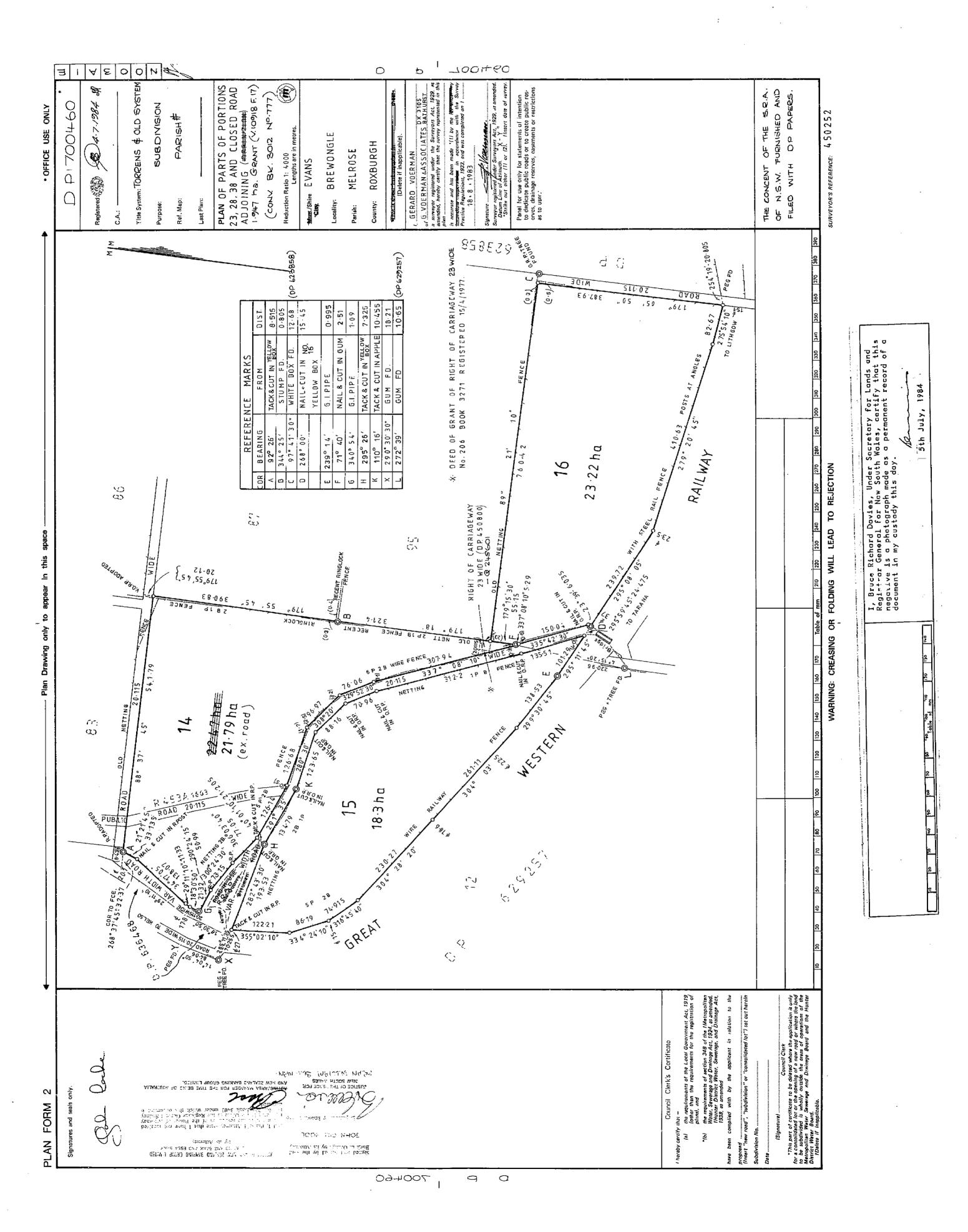
URBISPRO PTY LTD - hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

Note: Information contained in this document is provided by URBISPRO PTY LTD (ABN 35 164 894 517), http://www.urbispro.com.au/ an approved NSW Information Broker © Office of the Registrar-General 2018

Ordinary Meeting

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# **Appendix B - AHIMS Search**



# AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 28348 Client Service ID : 330801

Date: 28 February 2018

Erika Dawson 2 littlebourne Street Bathurst New South Wales 2795 Attention: Erika Dawson Email: edawson@barnson.com.au Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 15, DP:DP700460 with a Buffer of 50 meters, conducted by Erika Dawson on 28 February 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

#### If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it.
   Aboriginal places gazetted after 2001 are available on the NSW Government Gazette

   (http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from
   Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

#### Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



# **Appendix C - Background Information**

# S\_DEPBS\_3\_3

BOX 703, BATHURST. 2795 TELEPHONE: (063) 31 4200

FACSIMILE: (063) 31 2121

# EVANS SHIRE COUNCIL

22nd January, 1992.

Councils Reference Assess.1360.11000.9 DA.120/92 KT:bt.

Mr. R. & Mrs. H. Brain, P.O. Box 1232, BATHURST. N.S.W. 2795

Dear Sir/Madam,

# DETERMINATION OF DEVELOPMENT APPLICATION UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

LAND: Lot 15 DP.700460, Parish Melrose.

PURPOSES: Dwelling.

I refer to the above Application No. 120/92 which is acknowledged, and you are advised that pursuant to Section 92 of the Act and Council's Interim Development Order that the Development Application has been determined by:

\* granting of consent subject to the conditions attached hereto.

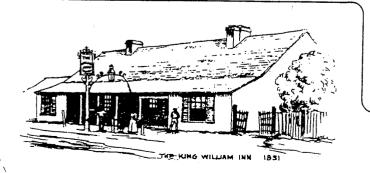
The conditions have been imposed for the reason that unconditional development would be in contravention of environmental and amenity considerations under the Environmental Planning and Assessment Act, 1979. You are further advised of your Right of Appeal under Section 97 of the Act.

NOTE: This consent is valid for two years from the date hereon.

Yours faithfully,

10

D.L. GORRINGE, SHIRE CLERK.



COUNCIL CHAMBERS, 7 LEE STREET, KELSO. 2795 (Formerly the King William Inn - 1831)

**Ordinary Meeting** 

Attachments

Conditions to Development Consent No.120/92 dated 22nd January, 1992. The Development being generally undertaken in accordance 1. with the submitted plans, drawings and accompanying details, as amended by the following conditions: Building Consent being obtained from Council. 2. No secondhand materials being used without the prior consent 3. All weather access into the land from the road being 4. provided in accordance with Council's requirements, enclosed) prior to the issue of any building consent. Or, (Copy alternatively, the lodgement of an appropriate security bond of \$1,000 prior to the issue of any building consent. Access being provided in a location satisfactory to the 5. Shire Engineer. It is the owners responsibility to contact the Engineering Department and obtain this approval. An all weather access from the road to the development site 6. being provided. Provision of onsite water storage in an amount of 85,000 7. litres, or lesser amount as approved by Councils Health and Building Surveyor, for fire fighting purposes. Storage tanks to have suitable top opening and access for 8. conventional fire fighting suction hoses. Underfloor area being fully enclosed to the satisfaction of 9. Council's Health Surveyor. The applicant is to submit a landscaping plan for the 10. approval of Council prior to the release of the building consent, showing how it is proposed to screen the development from the direct view of motorists and to maintain the rural character of the area. Garbage disposal arrangements being satisfactory to 11. Council's Health Surveyor. Disposal of effluent to the satisfaction of Council's 12. Health and Building Surveyor. 13. All the above conditions being met prior to the occupation or use of the development. NOTE: Minor variations of this development consent require approval via a modification of consent. Major variations require the lodgement of a new Development Application. ---EVANS SHIRE COUNCIL ---

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Attachments

# S\_DEPBS\_3\_3

New South Wales Government



# Department of Planning

The Shire Clerk
 Evans Shire Council
 P.O. Box 703
 BATHURST NSW 2795

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Remington Centre 175 Liverpool Street, Sydney 2000 Box 3927 G.P.O. Sydney 2001 DX . 15 Sydney

2268 Telephone : (02) 391 2000 Ext: Fax No : (02) 391 2111 Peter Barber

Contact :

S91/01280/002

Our reference : DA.120/92 - Brain Your reference :

Dear Sir,

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# 19 JAN 1993

# STATE ENVIRONMENTAL PLANNING POLICY NO.1 DEVELOPMENT APPLICATION NO. 120/92

I refer to your letter dated 28 October 1992, concerning the proposed erection of a dwelling house on Lot 15, DP 700460, Parish of Melrose, Brewongle.

Pursuant to clause 7 of State Environmental Planning Policy No. 1, the Director concurs with the variation of the 100 ha. standard contained within clause 16(3) of Interim Development Order No. 1 Shire of Evans, to permit erection of a dwelling on the subject land. It would be appropriate, however, for Council to give consideration to attaching the following conditions to any consent issued:

- that access from the Kelso Tarana Road to the subject lot be located in a position affording the best possible sight distance and safety, to the satisfaction of the Council; and
- 2) that the applicant submit a landscaping plan for the approval of the Council prior to construction, showing how it is proposed to screen the development from the direct view of motorists and to maintain the rural character of the area.

If there is a significant demand for small lot subdivision within the Shire, the Council should consider developing a strategy to guide the provision of land for this type of land use in the most suitable locations.



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Should any further information be required regarding this matter, please contact Peter Barber; telephone (02) 391 2268.

Yours faithfully,

Lois Gray

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Lois Gray ( Acting Regional Manager Southern and Western Regions

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BOX 703, BATHURST, 2795

TELEPHONE: (063) 31 4200 FACSIMILE: (063) 31 2121

# **EVANS SHIRE COUNCIL**

22nd December, 1994.

Councils Reference Assess.1360.11 DA.120/92 PM:bt.

Mr M & Mrs L Ireland P.O. Box 178, BATHURST. N.S.W. 2795

Dear Sir and Madam,

Modification of Development Consent No. 120/92 dated 22nd January, 1992 - Erection of Dwelling and Shed - Lot 15 DP.700460, Parish of Melrose.

I refer to your application under Section 102 of the Environmental Planning and Assessment Act, 1979, to modify the above consent with a revised house plan and a revised siting of the buildings, due to transfer of property from the original ownership and preferred plans and site, and I wish to advise that your application has been determined by granting consent subject to the conditions attached hereto.

You are also advised of your right of appeal to the Land and Environment Court under the provisions of Section 102(5) of the Environmental Planning and Assessment Act, 1979.

Yours faithfully,

David Gorringe, General Manager.



COUNCIL CHAMBERS, 7 LEE STREET, KELSO. 2795 (Formerly the King William Inn - 1831)

**Ordinary Meeting** 

Conditions to Development Consent No. 120/92 dated 22nd January, 1992, as modified 22nd December, 1994.

- 1. The Development being undertaken in accordance with the submitted plans, drawings and accompanying details, as amended by the following conditions:
- 2. All weather access into the land from the road being provided in accordance with Council's requirements, (Copy enclosed) prior to the issue of any building consent. Or, alternatively, the lodgement of an appropriate security bond of \$1,000 prior to the issue of any building consent.
- 3. Access being provided in a location satisfactory to the Director of Engineering Services. It is the owners responsibility to contact Council's Engineering Department and obtain this approval.
- 4. Building Consent being obtained from Council.
- 5. No secondhand materials being used without the prior consent of Council.
- 6. An all weather access from the road to the development site being provided and maintained.
- 7. Provision of onsite water storage in an amount of 85,000 litres, or lesser amount as approved by the Director of Environmental and Planning Services, for fire fighting purposes.
- 8. Water Storage tanks to have suitable top opening and access for conventional fire fighting suction hoses.
- 9. Underfloor area being fully enclosed to the satisfaction of the Director of Environmental and Planning Services.
- 10. Garbage disposal arrangements being satisfactory to the Director of Environmental and Planning Services.
- 11. Disposal of effluent to the satisfaction of Council's Director of Environmental and Planning Services.
- 12. Measures being undertaken to ensure that soil erosion and/or runoff from the construction site is contained onsite.
- 13. All the above conditions being met prior to the occupation or use of the development.
- 14. Landscaping to effectively screen the development from adjoining dwellings being undertaken within two years from the date of commencement of any building work.

- EVANS SHIRE COUNCIL -

Attachments

Note:

- (a) Minor variations of this development consent require approval via a modification of consent.
- (b) Major variations require the lodgement of a new Development Application.

- EVANS SHIRE COUNCIL -

# S DEPBS 3 3



Civic Centre Cnr Russell & William Sts Facsimile 02 6331 7211 Private Mail Bag 17 Bathurst NSW 2795

Telephone 02 6333 6111 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

13 March 2007

#### NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

To Ms V Hennessy 192 Edinburgh Road CASTLECRAG NSW 2068

being the applicant in respect of Development Application No. 2007/0463.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, notice is hereby given of the determination by Council of Development Application No. 2007/0463, relating to the land described as follows:

#### LOT 15, DP 700460, 708 TARANA ROAD, BREWONGLE

The Development Application has been determined by REFUSING consent to the following development:

#### **DWELLING – IN PRINCIPLE**

Building Code of Australia building classification N/A.

This refusal is issued for the following reasons:

- 1. The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:
  - a) The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;
  - b) The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the existing parcel comprised Portions 23-26, 28, 33, 38, 74, 75, 84-87 and 140 in the Parish of Melrose, at the appointed day, being 19 April 1968 (Interim Development Order No 1 -Shire of Turon);
  - C) The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and

Reference: Enquiries: DA2007-0463

RR·MM·DA/2007/0463 Ms R Redfern 02 6333 6215

BATHURST REGION ... FULL OF LIFE

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Ms V Hennessy 13 March 2007

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 d) The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.

REASON: Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended.

Date application submitted: 15 December 2007

Endorsement of date of determination: 13 March 2007

### NOTES:

- 1. **Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination, within 12 months of the date endorsed on this notice. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.
- 2. **Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court within 12 months of the date endorsed on this notice.
- 3. See attached sheet for explanatory notes.

D R Shaw DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Reference: Enquiries: DA2007-0463

S DEPBS 3 3

BATHURST **REGIONAL COUNCI** FAX

MAYOR'S OFFICE Civic Centre Cnr Russell & William Sts Private Mail Bag 17 Bathurst NSW 2795

Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

Strucy

20 March 2009

# 5050

#### NOTICE TO APPLICANT OF REFUSAL OF A DEVELOPMENT APPLICATION

To Mrs V Hennessy 192 Edinburgh Road CASTLECRAG NSW 2068

being the applicant in respect of Development Application No 2009/0435.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, notice is hereby given of the determination by Council of Development Application No .2009/0435, relating to the land described as follows:

#### LOT 15, DP 700460, 708 TARANA ROAD, BREWONGLE

The Development Application has been determined by REFUSING consent to the following development:

#### SINGLE STOREY DWELLING WITH ATTACHED DOUBLE GARAGE

Building Code of Australia building classification **1a & 10a**.

This refusal is issued for the following reasons

- 1. The subject land is not land that would be entitled to have a dwellinghouse erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:
  - (a)The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;
  - (b)The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the subject land was owned by Mr G. H. Locke who owned numerous other adjoining and adjacent parcels, at the appointed day, being 9 April 1968 (Interim Development Order No 1 - Shire of Turon);
  - (c)The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and

Reference: DD:LR:I Enquiries: Mr D Dv 2009-0435-DA.doc

DD:LR:DA/2009/0435 Mr D Dwyer 02 6333 6212

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Mrs V Hennessy

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20 March 2009

(d)The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.

2. EXTRA 10 2007

The SEPP 1 objection fails to establish that strict compliance with the 100 ha development standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of Section 5 of the Environmental Planning and Assessment Act 1979.

3. EXTRA 10 200

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The development will act as an undesirable precedent for dwellings on allotments which are below the minimum area for the creation of a dwelling house or have restrictions on their agricultural use.

OTHER PRECEDENTS

WHY?

Date application submitted: 6 March 2009

Endorsement of date of determination: 20 March 2009

NOTES:

- 1. **Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination, within 12 months of the date endorsed on this notice. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.
- 2. **Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court within 12 months of the date endorsed on this notice.
- 3. See attached sheet for explanatory notes.

D R Shaw DIRECTOR ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Reference: Enquiries: 2009-0435-DA.doc DD:LR:DA/2009/0435 Mr D Dwyer 02 6333 6212

Ordinary Meeting

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Attachments

# BATHURST S REGIONAL COUNCIL

# NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

# **EXPLANATORY NOTES**

- 1. Should further explanation of the terms or conditions of the approval be required, please contact Council's Environmental Planning and Building Services Department.
- 2. Unless otherwise stated in a particular condition, it is the developer's responsibility to obtain any additional permits, approvals, consents, easements, or permission to enter necessary for the satisfaction of any conditions or for the completion of any works to be carried out in connection with the development.
- 3. Application for modification of this consent must be made on the prescribed form and be accompanied by the prescribed fee.
- 4. If amended building plans are submitted they must be accompanied by the fee set out in Council's Revenue Policy.

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# TABLE OF CONTENT

- Objectives of a SEPP1 (including definition of precedent)
- 708 Tarana Road unique and abnormal features
- Substantial Start
- Residences on blocks within approximately 500 metres of the subject boundary
- No reason for refusals provided by BRC
- How many building permits have been granted on land of less than 100

Ha's since March 2007?

- Loss of Evans Shire file
- What is "best use" of the subject land including public interest

# • OBJECTIVES OF SEPP 1 (including definition of precedent)

To vary the 100 HA requirement of the Development Standards we, the proponents, have as our objective to establish that these circumstances are almost unique.

- Why should our Development Application be an exception to the rule, as opposed to other land holdings that are less than 100 hectares?
- A refusal by BRC would show an inappropriate degree of inflexibility
- Mandatory compliance with the development standard would be <u>unreasonable</u> (as contemplated by clause 4.6 of the LEP)
- Mandatory compliance with the development standard would be <u>unnecessary</u> (as contemplated by clause 4.6 of the LEP)
   Further
- There are sufficient environmental grounds to justify contravening the development standards. Note all <u>approximately 150 tests are satisfied</u>
- The proposed development represents <u>"best use"</u> of the land and is in the <u>public</u> <u>interest</u>

Would the granting of this development application set "an undesirable precedent"?

Definition of precedent:

"An action, situation or decision that has already happened and can be used as a reason a similar action or decision should be performed or made"

OR

"The way something may have been done in the past that therefore shows that it is the correct way"

# 708 TARANA ROAD – Unique and abnormal features

Concern that support for the variation may set a precedent and contribute to unplanned rural residential development, we believe, is highly unlikely given the unique and abnormal features of the subject lot.

How likely is it that other lot owners on less and 100 hectares could claim comparable reasons for varying the development standard?

# **UNIQUE FEATURES**

- 1. It is a discrete and isolated 18.3 hectare lot completely bounded by the Great Western Railway and the Tarana Road.
- 2. It has no shared boundary fence with neighbours
- 3. Consent granted for a new dwelling on the lot by:
  - Evans Shire Council (1990 approx.)
  - Consent granted (renewal) Evans Shire Council (1992)
- 4. The Department of Planning granted concurrence for the SEP1 application for the variation of the development standard (1992)

File: DA 708 Tarana Road – final 13 June 2018

Ordinary Meeting

- 5. Modification of development consent approved by Evans Shire Council (22.12.94)
- 6. Power brought to lot pole, transformer, meter.
- 7. Substantial start on dwelling -
  - earthworks including drainage,
  - building pad 1200 square metres.
  - dams,
  - fences,
  - all costing approximately \$100,000 in todays \$'s
- 8. Our Evans Shire Council file has been lost. We speculate appropriate approvals may well be in that file.

# ABNORMAL FEATURES

There are many other dwellings on similar or smaller lots in close proximity.

The predominant land uses in the vicinity beyond the subject site and its immediate neighbours is rural lifestyle.

The area has not been included in the areas identified for "*Rural Lifestyle Development*" under the Bathurst Regional LEP 2014. The preferred use of the land in this locality may be agriculture but based on reality, the predominant use is rural lifestyle.

There are 56 dwellings within an approximate two kilometre radius. Approximately 50% of those dwellings have been in existence for approximately 100 years. Given the above, we believe in the judgement of a reasonable person, the development standard and zoning should never have been implemented and is inappropriate.

A dwelling on the subject land to the extent there is agricultural production, would not be incompatible with that pursuit.

Approx. Radius	No. of Dwellings	Dwelling lifestyle	Dwellings agriculture
500 metres	7	7	nil
1 kilometre	17	13	4
2 kilometres	56	38	18

- 1. 34 of the 56 dwellings are on less hectares than the subject lot 18.3 hectares
- 2. The predominant use of the land in the immediate vicinity is lifestyle not agriculture, and has been so for approximately 100 years
- 3. The property rating category is "residential"
- 4. The standard unreasonably restricts effective use of the land
- 5. All the surrounding land is owned by persons other than the proponents, Paul & Bonny Hennessy

File: DA 708 Tarana Road – final 13 June 2018

Ordinary Meeting

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# **THORNCRAFT DECISION – not highly relevant**

This particular case is often quoted as a reason to strictly observe the 100 hectare rule, however, we believe it has limited relevance in respect of the subject lot.

To quote parts of the judgement:

*"It is clear that there are many lots within a 2 kilometre radius of the site which are considerably less than 100 hectares in area.* 

These lots in most cases comprise part of a larger holding, but there is no reason why they could not be sold and become the subject of a similar application to the present."

Given that there are 56 dwellings within a 2 kilometre radius, it is false to assert the above. There is an <u>abnormally low number of large holdings</u> in this case - 4 in number in the subject area:

Bestwicks Condons Lockes P & D Hennessy

Given the unique circumstances in respect of the subject lot, the observation in the "*Thorncraft*" case is of limited relevance.

Similarly;

"As was noted in Goldin vs Minister for Transport, if there is an Application for Development which is both objectionable in itself and where there is a sufficient probability that there will be further applications of a like kind, then the fact that a consent would operate as a precedent may be taken into consideration".

The probability that there will be further applications of a like kind – given the unique and abnormal features – is in our opinion also exceptionally low.

# **DWELLINGS WITHIN 500 METRES RADIUS**

Tarana Road		Ha's	Total
773	B & J Limon	25	
747	Clifton Park	12	
747	Clifton Park	12	
633	Beekeeper Andy	1	
633	Beekeeper Andy	1	
615	Junk yard	2	
615	Junk yard	2	

5

SUBTOTAL 7 55

Average size lot 8 hectares

# **DWELLINGS WITHIN 1 KILOMETRE RADIUS**

# Tarana Road

607	Lockleigh
607	Lockleigh
602	Matilda
567	Bestwick flat
496	Bestwick hill
	Lockleigh – shearer's house

SUBTOTAL <u>6</u>

# Brewongle School Road

26	Cheriton old school house	
30	Elandra	
30	Elandra	
34	no name	
		-
SUBTOTAL	4	-
TOTAL	17 DWELLINGS	10

Of the 17 dwellings above within a 1 kilometre radius, 12 are on lots of less than 18.3 hectares

# **DWELLINGS WITHIN 2 KILOMETRE RADIUS**

# Tarana Road

1041Clintons 'Alexandra ParK'SUBTOTAL1

# **Ridge Road**

75	M & L Ireland 'Asherton'	
103	Scott Johnson	
<u>140</u>	'Fenham Park'	
<u>SUBTOTAL</u>	3	

# **Station Street**

17

File: DA 708 Tarana Road – final 13 June 2018

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23	
28	
?	pale cream residence
?	block with concrete slab
?	junk yard house
<u>No. 1</u>	
SUBTOTAL	7

# **Railway Precinct**

?	Station masters house
752	'Tregear'
	'McFadzean'
758	'Taronga'
757	'Bulagero'
<u>SUBTOTAL</u>	5

# O'Connell Road

2827	'Karalee'
2828	residence
2901	residence
2969	'Hathaway'
2971	'Willow Grove Lodge'
3036	"Euarra' – Bestwicks
3036	residence – Bestwicks
3106	A. Hanger
?	'Westham' – Ian Kiernan
SUBTOTAL	9

# **Brewongle Lane**

723	'Kimberley' – Green
681	residence
673	'Carlton' cottage
671	'Carlton'
?	Jack Locke's memorial – house
674	'Currugong' homestead
?	'Adelong' farm – Starr
457	'Adelong' Park – P & D Hennessy
?	<u>E &amp; L Dowd</u>
<u>SUBTOTAL</u>	9

# Burke's Lane

101	P & R McGrath
121	residence
188	Don Lee – J & J Anderson
	Don Lee – J & J Anderson
	Don Lee – J & J Anderson

<u>300101//E</u> 3	<u>SUBTOTAL</u>	5	
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Of the 56 dwellings within 2 kilometres, 28 are on less than 18.3 hectares

39

# SUMMARY

Approximate radius	No. of dwellings			
500 metres	7			
1 Kilometre	7 + 10 = 17			
2 Kilometres	17 + 39 = 56			

# • SUBSTANTIAL START

Significant financial resources have already been committed to the establishment of a residence on the subject land.

A previous owner has confirmed that excavation, drainage, fencing and dams were carried out in accordance with the Conditions of Consent from Evans Shire Council.

# **EXCAVATION & DRAINAGE**

- The side of a hill has been partially excavated. The side nearest the road has a cut about 2 metres deep and the railway line side has been battered to provide a bank about 2 metres high.
- Excavation has been carried out to establish a level area of approximately 1200 square metres for the installation of a concrete slab. A generous average house size would be between 200 to 300 square metres. That is the subject area is 4 to 6 times that of an average house.
- The level land area is oval in shape it has a bank of approximately 2 metres high along both long sides and excavation has been carried out above the upper bank (closest to the road) to provide drainage. Excavation has also been carried out for drainage on the level area prior to the concrete pour.
- These excavations are approximately 20 years old and have survived intact which is testimony to the scope and competence of the persons who undertook the work
- We believe the scope of works can only be appreciated by an <u>on site inspection of the</u> <u>four sides</u> – refer attached mud map. (ATTACHMENT – SITE PLAN)
- Based on our experience, we believe the cost of the works in today's dollars could reasonably be calculated as follows:

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# 1. BUILDING SITE PREPARATION COSTS

	Ş
Excavator 50 hours @ \$180 per hour	9,000
Truck 20 hours x \$100 per hour	2,000
Floatage	1,000
	12,000
GST	1,200
Estimated building site preparation costs	<u>13,200</u>
DAM CONSTRUCTION	
2 dams constructed	10,000
GST	1,000
Total costs	<u>11,000</u>
FENCING	
400 metres of fencing	2,000
GST	200
Total costs	2,200

# 4. POWER TO SITE

2.

3.

- Initial enquiries disclose that power was brought to the site in December 1991 (yet to be confirmed).
- Origin Energy installed the meter
- The site has been de-energised, however, the meter is still being read (March 2018)
- The customer has paid for the transformer + pole
- The power has been brought from John Locke's shearing shed.
- Further enquiries are underway to obtain more information from Essential Energy

Power including pole, transformer + meter – in today's cost structure <u>72,000</u>

# TOTAL EXPENDITURE BASED ON CURRENT COSTS

<u>\$98,400</u>

\$

• SEVEN RESIDENCES ON BLOCKS WITHIN APPROXIMATELY 500 METRES FROM THE SUBJECT LAND BOUNDARY

In March 2007, when BRC first refused the DA there had been in existence for between 8-60 years, 7 residences on the Tarana Road on blocks within approximately 500 metres of the boundary of our block.

# <u> Tarana Road</u>

773 B & J Limon

- 747 Clifton Park
- 747 Clifton Park

633 Beekeeper – Andy
633 Beekeeper – Andy
615 Junkyard
615 Junkyard

The above is evidence that these residences are but a continuation along Tarana Road of the hamlet of Brewongle.

How could the DA approval set an "unacceptable precedent" given the above? What evidence is in your files (2007 and 2009) to support the assertion it would set an "undesirable precedent"?

We believe the assertion the granting of the DA would set an "undesirable precedent" is not reasonable in this instance.

# • NO REASON FOR REFUSAL GIVEN BY BRC

No specific reason has been provided by BRC for its 2 refusals, dated March 2007 and March 2009, for the failure of the SEPP 1 objection.

This is particularly disappointing given the fact the SEPP 1 objection <u>had twice been accepted</u> by Evans Shire and at least once by the Department of Planning.

# • HOW MANY BUILDING PERMITS HAVE BEEN GRANTED ON LAND OF LESS THAN 100 HECTARES SINCE MARCH 2007?

Please provide us with a list – we are aware of a number including several who were granted approval due to a window of opportunity during the drafting of an LEP. Why were we not advised? BRC to advise.

What research was undertaken or evidence gathered to support BRC's assertion such a variation would provide for an "undesirable precedent"?

# • LOSS OF EVANS SHIRE FILE

We believe this file could well contain relevant information in respect of critical approvals relating to the proposed residence and the connection of power.

Why would either the landowner or the electricity company incur such material costs in bringing power to the block, erecting a pole, installing a transformer and a meter if the landowner did not:

- have unqualified grounds to construct a residence?
   OR
- The electricity company had no assurance of an end user?

# S\_DEPBS\_3\_3

10

We believe the evidence for the logic of incurring this expenditure in all probability resides in the lost Evans Shire file.

Why should we be handicapped because of the loss of the property file?

# FINANCIAL MODEL 18.3 HECTARES (LOT 15 DP 700 460) FORECAST ANNUAL CASH FLOW

CASH INFLOWS		\$
Lamb receipts (60 lambs @ \$125 each) (based on 50 ewes lambing rate of 125%)		7,500
Wool – net of on costs (shearing, marking etc.)	1	-
Cash inflow		7,500
CASH OUTFLOWS	\$	
Ewe replacement (10 x \$150)	1,500	
Rates & Taxes	500	
Rural supplies	1,000	
Labour (150 hours x \$35/hr)	5,250	
TOTAL OUTFLOW BEFORE INTEREST	8,250	
CASH DEFICIENCY BEFORE INTEREST	750	

Note 1:assuming a funding gearing of 50% on \$100,000, at 6% interest rate \$3,000 Note 2:no depreciation has been included

Loss would increase to an annual rate of \$3,750

• WHAT IS THE "BEST USE" OF THE SUBJECT LAND?

Is it in the public interest that the best use of the land is inevitably as a rural enterprise?

The attached financial model is in our opinion strong evidence of the non-viability of the subject land as a rural enterprise.

There is no livestock infrastructure which in itself introduces a suite of extraordinary expenses.

For the last several years it has been running at an annual loss of approximately \$5,000 p.a.

File: DA 708 Tarana Road – final 13 June 2018

Ordinary Meeting

Page 104 of 843 - 18 July 2018

The value of the land without a house - \$100,000

A secondary benefit in the public interest is the building of a residence which would create jobs for the local area.

The construction of a residence will add to the sovereign wealth by converting a discounted moribund asset to an asset to work in the public interest.

File: DA 708 Tarana Road – final 13 June 2018

Ordinary Meeting



# **Appendix D - Development Plans**



# Appendix E - Effluent Disposal Investigation



20180233 1 March, 2018

Barnson 2 Littleborne Street BATHURST NSW 2795

Attention: Erika Dawson

Dear Erika

Re: Effluent Disposal Investigation Dockairne 747 Tarana RD Lot 15 DP700460 Brewongle NSW 2795

### INTRODUCTION

At your request we have carried out a Geotechnical investigation for the above project. The objectives of this work were to i) identify the subsoils generally underlying the area, and assess subsoil reactivity, ii) Design a method of on-site effluent disposal for the site in accordance with the following Current Recommended Practice (CRP) documents:

- AS/NZS 1547:2012 On-site Domestic Wastewater Management (Standards Australia 2012)
- On-site Sewage Management for Single Households (Office of Local Government 1998)
- Designing & Installing On-Site Wastewater Systems (Sydney Catchment Authority 2012)
- The New South Wales Feedlot Manual (NSW DPI / Agriculture 1998)
- Septic Tank and Collection Well Accreditation Guideline (NSW Health 2001)

#### LOCATION

The site is located on a rural lot along the Tarana Road, Brewongle. The lot is approximately 18.3ha in size, and the proposed dwelling site is not near any permanent surface waters.

### SUBSURFACE CONDITIONS

One soil-observation pit was dug at the site using an excavator. The site stratigraphy at the proposed disposal site as revealed by the soil pit comprised typically of the following:

0mm-150mm: Grey, moist topsoil 150mm-1100mm: Light brown, moist, coarse clay silt 1100mm-2000mm: Brown, moist, clayey silt EOP 2000mm

Groundwater was not encountered during the fieldwork.

Calare Civil Pty Ltd

ABN 41 050 057 933 170 Rankin Street Bathurst NSW 2795

 Tel:
 02 6332 3343

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 02 6331 8210

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 bathurst@calare-civil.com.au

 Web:
 www.calare-civil.com.au

# **DISPOSAL OF EFFLUENT**

### <u>General</u>

For the subject development, on-site disposal of effluent using conventional absorption beds is considered appropriate. Neutral effects on groundwater are predicted due to moderate percolation rates and large buffer zones.

# **Restrictive Site and Soil Features**

In accordance with OSMSH the most limiting site or soil feature determines the capability of the subject site for land application of effluent, or the modifications to the site required to allow land application. Relevant sections of the CRP documents have been reviewed with respect to the subject site and reveal that the limiting feature for absorption disposal is **soil permeability, imposing minor limitation.** 

Potential restrictive site & soil features located relative to the proposed disposal site are:

- Proposed dwelling approximately 28m NE. Minor limitation.
- Closest dam approximately 88m SE. Minor limitation.
- Drainage depression approximately 81m SE. Minor limitation.
- Closest property boundary approximately 80m NNE. Minor limitation.
- Moderately structured Category 4 silty clay loam soil. Minor limitation.
- There are no bores located within 500m of the proposed development site. Minor limitation.

The following buffer distances should be adhered to:

- 6m from building or property boundary at higher elevation
- 12m from building or property boundary at lower elevation
- 40m from intermittent water course or dam
- 100m from permanent surface waters (eg rivers)

### **Design Effluent Flow**

The proposed dwelling will comprise 3 bedrooms.

Potential Bedrooms	Reticulated/Bore Water	Tank Water		
1-2 potential bedrooms	600 L/d	400 L/d		
3 potential bedrooms	900 L/d	600 L/d		
4 potential bedrooms	1200 L/d	800 L/d		
More than 4 potential bedrooms	1200 + 150 L/d per additional bedroom	800 + 100 L/d per additional bedroom		

### Qd = 3 bedrooms = 600 L/d (average daily flow for dwelling)

#### Soil Properties

The methods used to determine absorptive characteristics of site soils in this study were:

- 1) Visual/tactile assessment of site soil profile
- 2) Assessment of soil landscape sheets.

In accordance with Table L1, we have identified the underlying soils as Category 4 (Silty Clay Loam). Taking into account visual and tactile assessment of soils, in conjunction with documented soil landscape data, we conclude that on site disposal of effluent at the development is possible using conventional absorption beds. We have adopted an indicative permeability ( $k_{sat}$ ) of 0.5m/d with an associated Design Loading Rate (DLR) of 8 mm/d.

### Sizing of Bed

In accordance with AS/NZS 1547:2012 (Appendix Q), the disposal area required is calculated using a water balance analysis. Rainfall and evaporation data from local gauging stations is used in the calculations.

The spreadsheets below summarise calculations. It can be seen that a design disposal area of  $68.9m^2$  is required, with a maximum effluent depth of 309mm.

Month	E	ET	R	Rr	DLR/mth	Disposal Rate	Effluent Applied	Size of area
	mm	mm	mm	mm	mm	mm	per month (L)	m2
January	210.80	158	69.60	52	248	354	18600	53
February	159.60	120	55.60	42	224	302	16800	56
March	139.50	105	50.70	38	248	315	18600	59
April	87.00	65	43.30	32	240	273	18000	66
May	52.70	40	43.30	32	248	255	18600	73
June	33.00	25	44.10	33	240	232	18000	78
July	37.20	28	49.30	37	248	239	18600	78
August	55.80	42	50.00	38	248	252	18600	74
September	84.00	63	46.30	35	240	268	18000	67
October	127.10	95	60.60	45	248	298	18600	62
November	162.00	122	57.40	43	240	318	18000	57
December	201.50	151	63.40	48	248	352	18600	53

DLR 8mm/d								
Month	First trial m2	Application Rate	Disposal Rate	AR-DR (mm)	Increase in depth of stored effluent	Depth of effluent for month	Increase in depth of effluent	Design depth per mth (mm)
December	68.94							
January		270	354	-84	-280	0	-280	0
February		244	302	-58	-194	0	-194	0
March		270	315	-45	-149	0	-149	0
April		261	273	-12	-39	0	-39	0
May		270	255	15	49	0	49	49
June		261	232	29	98	49	98	147
July		270	239	31	103	147	103	250
August		270	252	17	58	250	58	309
September		261	268	-7	-24	309	-24	285
October		270	298	-28	-94	285	-94	191
November		261	318	-57	-191	191	-191	0
December		270	352	-82	-273	0	-273	0

### DEPTH OF STORED EFFLUENT

From AS1547:2012, the total required bed length is calculated as follows:

 $L = A_e/B_e$ 

Where  $A_e = 68.94m^2$  (required area)

 $B_e = 2.4m$  (wetted base of 2.4m wide bed)

n.b. a nominal depth of bed of 0.45m is adopted from 0.309m + 0.05m freeboard, rounded up to 0.45m.

Then: L = 68.94/2.4

= 28.7m (say 29.0m)

In summary, for the dwelling, adopt **two beds each 14.5m long x 2.4m wide x 0.45m deep**, adjacent to each other and 2.0m spacing between the beds side wall to side wall (see attached sketch). Effluent delivery to all beds should be even via a distribution box or similar and preferably delivered into the centre of the beds through the top of the self-supporting arches (see attached sketch).

# The septic tank shall be a minimum 3000L.

If site conditions (ie slope restrictions) are greater than 10% then a 1200mm wide bed can be utilised ensuring that the same Required Area ( $A_e$ ) is achieved (i.e. halving the width will double the required length of the bed) or regrade the site to achieve the required grade of 10%.

# PREPARATION AND MAINTENANCE OF DISPOSAL AREAS

### General

We note that the bed should not be constructed in an area subject to stormwater run-off or ground water concentrations. The upstream flow of stormwater run-off should be diverted from the disposal area. The disposal area is to be stock and vehicle free.

### **Excavation Techniques**

The following excavation techniques recommended in AS1547:2012 shall be observed so as to minimize the risk of damage to the soil.

- (a) Plan to excavate only when the weather is fine.
- (b) During wet seasons or when construction cannot be delayed until the weather becomes fine, smeared soil surfaces may be raked to reinstate a more natural soil surface, taking care to use fine tines and only at the surface.

### In particular for absorption beds:

- (c) If rain is forecast then cover any open beds, to protect them from rain damage.
- (d) Excavate perpendicular to the line of fall or parallel to the contour of sloping ground.
- (e) Ensure that the inverts are horizontal.

### Disposal Site Cover

It is recommended that a fescue/fescue blend (Temperate and Mediterranean blend varieties) or similar be planted on the disposal area, which has year-round active growth, enhancing nutrient uptake (Ref. NSW Feedlot Manual 1998, NSW Department of Agriculture). Other recommended species providing similar data include Ryegrass. Also small trees with non-intrusive root systems planted below the disposal area will improve transpiration and uptake of nutrients (plants suitable for growing in wet soils can be recommended by local nurseries)

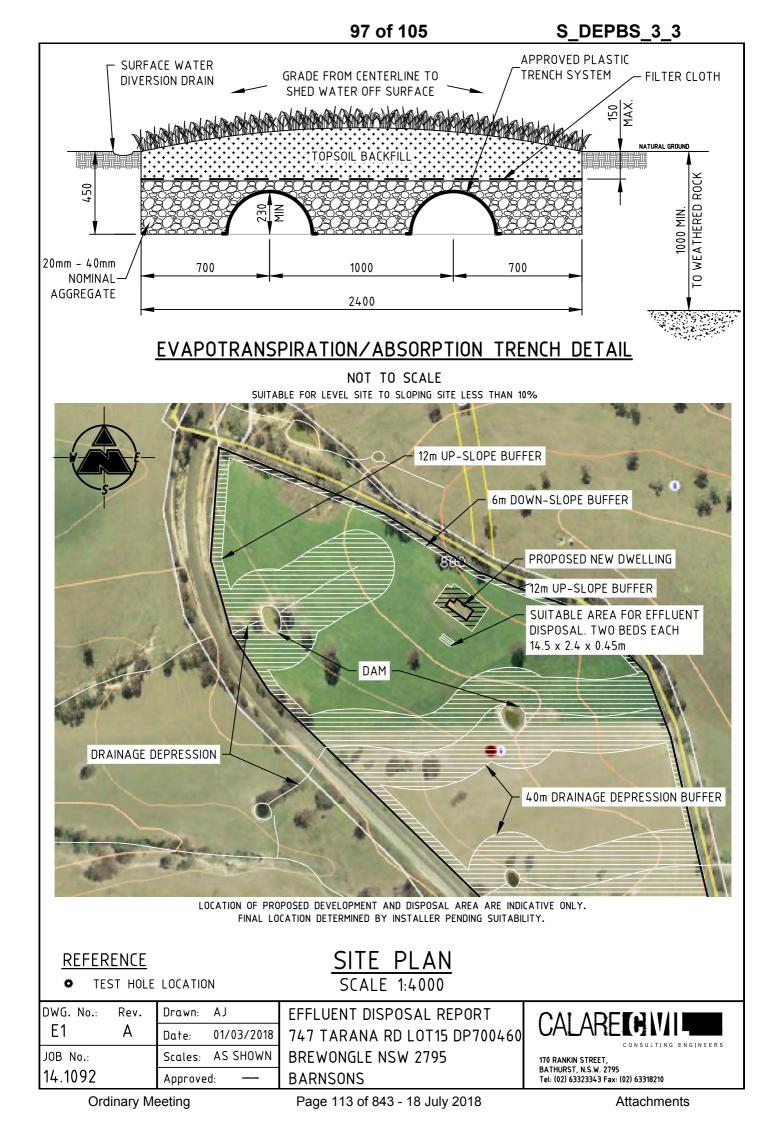
# Further Considerations

The implementation of wastewater and nutrient reduction initiatives such as the following will further improve the performance of the system:

- Use of low phosphate/low SAR detergents, and low quantities where practicable.
- Water saving shower heads, taps and appliances.
- Consideration of 3/6 litre dual flush toilets.
- Avoid placing fats, oils or food waste into the system.
- Reducing peak hydraulic loading by reducing shower time and washing laundry over several days as opposed to completing multiple cycles in one day

Yours faithfully, CALARE CIVIL PTY LTD

Sean Johnson BE GradIEAust.





# Appendix F - Objection to Development Standards



# Introduction

Clause 4.6 of *Bathurst Regional Local Environmental Plan 2014* (LEP) allows for development consent to be granted to developments that would contravene a development standard imposed by an Environmental Planning Instrument. A written request from the applicant is required to accompany a DA that is seeking a variation to a development standard pursuant to Clause 4.6. Specifically, the following is required:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

This Appendix forms the required written request. The proposed development standard to be varied is the minimum lot size required for the erection of a dwelling as required by Clause 4.2B(3)(a) of the LEP.

# **Development Standard to be Varied**

The development standard to be varied is Clause 4.2B(3)(a) of the LEP which states:

- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:
  - (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or

The subject site is located in the RU1 Primary Production Zone under Bathurst Regional LEP. The Lot Size Map shows the subject site as requiring a minimum lot size of 100 hectares for the erection of a dwelling. The subject site has an area of 18 hectares which is 18% of the required minimum lot size.



#### Justification

The NSW Planning & Infrastructure's *Varying Development Standards: A Guide* (NSW Planning & Infrastructure, 2011) provides guidance on the preparation of a written submission required for a Clause 4.6 development standard variation. Specifically, it notes that the matters in clause 4.6(3) and (4) should be addressed along with the "five-part test" established by the NSW Land & Environment Court. The following provides a justification for the variation to the development standard in accordance with these requirements.

#### **Five Part Test**

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard.

The objectives of the standard are:

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural zones.

It is understood that there has never been a lawfully erected dwelling house on the site, however, at least two (2) previous approvals have existed for the erection of a dwelling on the site (refer **Table 1**).

It is not considered that the erection of a dwelling on Lot 15 would result in unplanned rural residential development. The site is located just out of the locality of Brewongle, which interestingly has numerous dwellings on lots that are far from the minimum lot size. The use of the site itself is quite constrained given its size, the local topography, and surrounding barriers of Tarana Road and the Main Railway Line. These barriers in effect substantially disconnect the site from surrounding land. The consequential discrete nature of the site, would mean that if a dwelling was to be erected on it, it would be an exception to the rule rather than opening the door for other dwellings on lots less than the minimum lot size. Such a determination would not set a precedent in this situation, that would result in unplanned rural residential development.

From the above it can be seen that the development, despite not achieving the numerical development standard, would still achieve the objective of the standard as it would not result in unplanned rural residential development.

### 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

This matter is not applicable in this instance as the underlying objective and purpose is applicable to the development.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

This matter is not applicable in this instance.



4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

This matter is not applicable in this instance.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

This matter is not applicable in this instance.

#### Clause 4.6 Matters

4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

LEPs are set up with a hierarchy of policy intention. The aims of the LEP provide the highest consideration and overarching direction for development. This is followed by the zone objectives which describe in more detail the purpose of the land which are to be based on the strategic planning for the area. Below this sits the land use controls, being the permitted uses and principal development standards, which are the key tools used to achieve the objectives of the zone (NSW Department of Planning, 2009).

The aims of the LEP are:

- (a) to deliver growth and development in the city of Bathurst and rural localities,
- (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,
- (c) to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets,
- (d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:
- (i) preserve and improve the ecosystem services they provide, and
- (ii) protect the region's significant vegetation and scenic quality, and
- (iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,
- (e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,
- (f) to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint,
- (g) to promote the well-being of the people of the region by encouraging living, vibrant and growing rural settlement areas, urban villages and suburbs that generate a sense of community and place,

Reference: 28348-PR01 B



- (h) to protect the region's key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,
- (i) to provide a secure future for the region's recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,
- (j) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires and to minimise cumulative impacts on environmentally sensitive areas,
- (k) to encourage the dynamic and innovative development and growth of the region's primary resources,
- (I) to protect and enhance the region's landscapes, views, vistas and open spaces,
- (m) to create a land use framework for controlling development in the region that allows detailed provisions to be made in any development control plan made for that purpose.

**Comment:** The proposed development is considered to be consistent with aims of the LEP. It will provide for a single dwelling that is close to the locality of Brewongle and consistent with the spread of dwellings and land use patterns in the locality, as shown in Drawing PO1 Sheet 2 (Appendix D). The development is considered to provide for housing choice whilst not resulting in unplanned rural residential development as the lot is considered to provide for a one-off variation to the development standards given the site attributes of being disconnected from surrounding rural land by road, rail and topography. A decision to approve this dwelling would not result in a precedent as this situation provides for extenuating circumstances whereby a dwelling is considered to be appropriate and suitable. The provision of a dwelling would not adversely impact upon the agricultural potential of the land. The site is already far smaller than what would be a sustainable agricultural holding. Therefore, the dwelling would not impact on the regions primary resources. As outlined throughout this report, the development would only be visible from a small area due to existing topography and location of the development. Furthermore, the design of the development is considered to be compatible and consistent with existing rural buildings in the area. As such the proposed development would not adversely impact upon the landscape or scenic views, vistas or quality of the area.

The objectives of the RU1 Zone have been thoroughly considered in relation to the proposed development in **Section 5.3.4.1**. It is demonstrated that the proposed development will not be antipathetic to the zone objectives.

The objectives of the land use control relating to the provision of a dwelling on the site are addressed above. It is outlined above that despite not meeting the development standard, the development would not be inconsistent with the objectives of the development standard.

For this reason, and the others outlined throughout this submission, the compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case as the development still achieves the overall intent of the provision.



### 4.6(3)(b) Sufficient environmental planning grounds to justify contravening the development standard

As outlined above, the development whilst contravening the numerical minimum lot size development standard for the erection of a dwelling, will still achieve the aims and objectives of the LEP, Zone and development standard.

The *Central West and Orana Regional Plan 2036* outlines the strategic regional direction for planning the Central West and Orana Regions (NSW Planning & Environment, 2017). It provides for a number of directions to achieve the four identified goals for the regions. Of relevant to the proposed development are the following directions:

- Direction 1: Protect the region's diverse and productive agricultural land
- Direction 12: Plan for greater land use compatibility
- Direction 28: Manage rural residential development

These three directions are all interrelated. Unplanned residential development in rural area can adversely impact on the productivity and functioning of the agricultural land due to land use conflicts and fragmentation of rural land. Unplanned residential development in rural areas also can result in unreasonable demands on existing services.

In the instance of the proposed development, it is not considered that the development will create an adverse impact on the productivity of the surrounding agricultural land. These matters are discussed in detail in **Section 5.3.4.1**. However, in summary the following is provided. The isolated nature of the site provides for appropriate buffers to un-associated agricultural land operation. The site itself does not comprise a viable agricultural holding. Being located just outside of the locality of Brewongle is considered to be an appropriate location for a dwelling on a smaller agricultural lot.

The proposed dwelling is considered to provide extenuating circumstances due to the characteristics of the lot. Therefore, allowing an exception to the development standard in this instance would not set a precedent for further such development or the sprawl of unplanned residential development in the area. The site already has existing electricity connections and the occupants would be responsible for their own waste management. It is therefore considered the development would not result in unreasonable demands on existing services.

The Rural Lands SEPP also outlines requirements for consideration in determining DAs for rural dwellings. This is addressed in **Section 5.3.3** and demonstrates that the proposed development is suitable for the locality as it is consistent with the surrounding and predominant land use of the locality and therefore would not be incompatible with this land use. The proposed dwelling is consistent with the surrounding land use patter in the locality as shown in Drawing P01 Sheet 2 in **Appendix D**.

Based on the above, it can be seen that the development would not be antipathetic to the zone objectives by virtue of the lot being undersized and that there are sufficient environmental planning grounds to justify contravention of the development standard.

65



### 4.6(4)(a)(ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is consistent with the objectives of clause 4.2B and the RU1 Zone of the Bathurst Regional LEP as outlined above. Therefore, the development will be in the public interest.

#### **Other Matters**

#### **Cumulative Impacts**

Varying Development Standards: A Guide (NSW Planning & Infrastructure, 2011) suggests that Councils in considering a variation to development standards, should consider the cumulative effects of making such a decision. As outlined throughout this written submission, the site provides a unique situation where a dwelling would be appropriate for the site, despite not meeting the minimum lot size development standard. The detached nature of the site from surrounding agricultural land makes it impractical from an operational point of view and by itself is an unviable tenure. The location would provide for appropriate separation to surrounding rural land use to avoid land use conflict. It is therefore considered that in approving the proposed variation to the development, it would not create a precedent or result in adverse cumulative impacts due to the very distinct characteristics of the site and its specific situation.

#### Secretary's Matters for Consideration

### Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The matters relating to state and regional planning significance have been addressed throughout this submission. It is considered that the Rural Lands SEPP outlines the state related matters and the Regional Plan identifies the regional matters. It has been demonstrated throughout this submission that the development would not be inconsistent with the aims, objectives and intent of these documents. Therefore, the contravention of the numerical development standard would not raise any matters of significance relating to state or regional environmental planning.

#### The public benefit of maintaining the development standard

There is not considered to be any public benefit in maintaining the development standard in this instance. By maintaining the development standard, it would mean that a dwelling could not be erected on the subject site. Given that the development would not: result in land use conflict, reduce the agricultural productivity of the land or locality, detract from the scenic amenity of the locality, or unreasonably increase the demand for services, by not allowing the dwelling will actually result in inconsistency with the objectives of the LEP. Therefore, it is considered that there is no benefit in maintaining the development standard in the case of the proposed development.



#### Conclusion

The development proposes a substantial variation to the minimum lot size development standard required for the erection of a dwelling. As outlined above, despite not achieving the development standard, the dwelling would not result in any land use conflict and would not adversely impact on the agricultural productivity of the site or surrounds or result in adverse impact on the rural and scenic qualities of the locality. The site presents a unique situation where it is physically isolated from surrounding agricultural lands which is consequentially makes it suitable for a dwelling. The characteristics of the site and its location make it a suitable exception to development standards, which would not create a precedent for future variations.

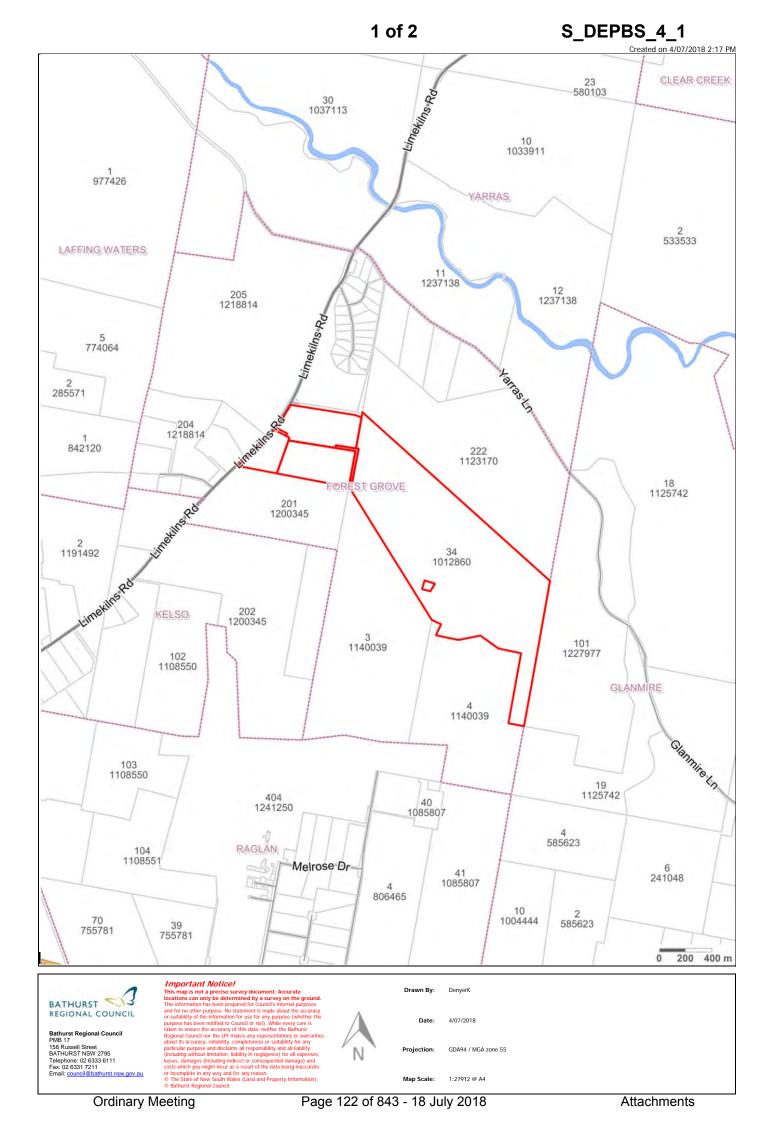
In this regard, the development would be consistent with:

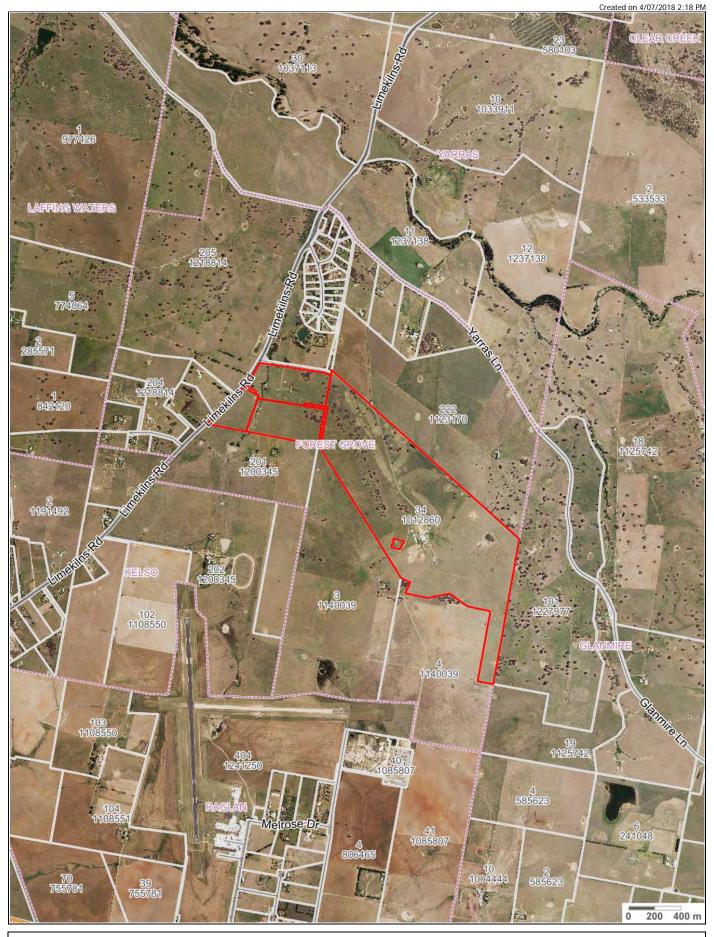
- the aims of the LEP and Rural Lands SEPP,
- the objectives of the RU1 Zone and relevant development standard, and
- the Rural Planning Principles and matters for consideration for rural dwellings in the Rural Lands SEPP.

It can therefore be concluded that:

- Compliance with the development standard is unreasonable and unnecessary in this instance as the development would achieve the intent of the relevant objectives and intent of the planning provisions; and
- There are sufficient environmental planning grounds to justify the contravention of the development standard;
- The development would be in the public interest by virtue of being consistent with the objectives of the development standard and the RU1 zone;
- The development would not result in any unacceptable cumulative impacts;
- The development would not result in any matter of significance for State or regional environmental planning; and
- There is no public benefit of maintaining the development standard in this instance.

Reference: 28348-PR01 B







Bathurst Regional Council PMB 17 158 Russell Street BATHURST NSW 2795 Telephone: 02 6333 6111 Fax: 02 6331 7211 Email: <u>council@bathurst.nsw.gov.au</u>

Important Notice!



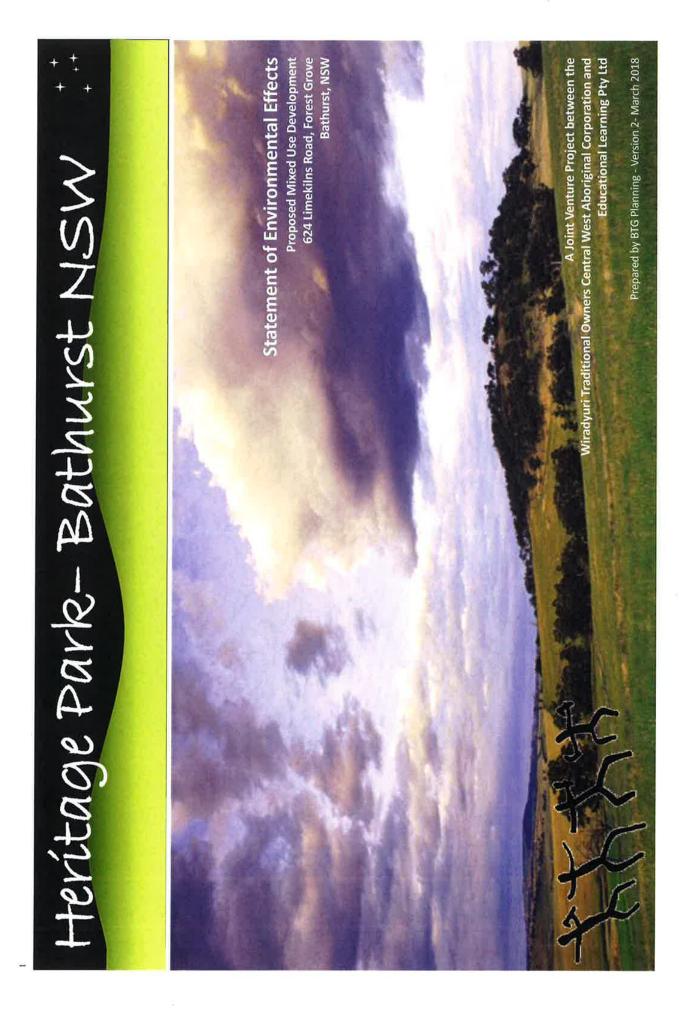
Drawn By: DenverK 4/07/2018 Date:

GDA94 / MGA zone 55 Projection: 1:27912 @ A4

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Map Scale:



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	1.0 Pre	1.0 Preface and Background
Preface	This report pr opment conc Bathurst knov	This report provides the required Statement of Environmental Effects (SEE) for a new tou opment concept that will reinvigorate an important local an existing regional tourist attr Bathurst known as the "Sheep and Cattle Drome".
The "Wiradyuri Cultural and Education Cen-	The subject "Rossmore Pa and Lots 270 known as 624	The subject property has an area of approx 172 hectares and is the remainder o "Rossmore Park" now called "Heritage Park Bathurst". The property consists of Lot 34 l and Lots 270 & 271 DP 861476, Lot B1 DP 403344, Lot 1 DP 1047459 and Lot 1 DP 1 known as 624 Limekilns Road, Forest Grove.
tre" and "The Bathurst Experience" will be the centrepiece and key attraction for a new tourist and education centre development at Forest Grove, Bathurst, NSW	The "Sheep a business has ( with farm sta including stuc	The "Sheep and Cattle Drome" has been in continuous operation for in excess of 38 year business has expanded over time to include short stay accommodation (mainly for schoo with farm stay for families and educational programmes as part of the NSW educational including studies on Australia's gold mining past of which Bathurst has a proud and signi
This innovative joint venture between the "Wiradyuri Traditional Owners Central West Aboriginal Corporation" and "Education and Learning Pty Ltd" will also be the catalyst for construction of a destination "tourist resort" in the Bathurst Region of NSW centred on a new 18 hole public golf course.	In 2001 the business w proposal for an "Integra gional Council – DA 200 golf course and sites for Drome. This developme proval remains in place.	In 2001 the business was acquired by "Heritage Hill (Aust) Pty Ltd" and in 2002 a commu proposal for an "Integrated Resort Style Tourist Development" was approved by the Bat gional Council – DA 2002/0736. The approval provided for up to 390 tourist villas around golf course and sites for various tourist related attractions, including the existing Sheep a Drome. This development was physically commenced by various construction projects so proval remains in place.
Key to the concept is that the tourist devel- opment will be self funding and overtime this will provide a source of income to be	Unfortunately structure cost	Unfortunately it has not been possible to fully realise this project mainly due to the signi structure costs involved and inability to gain funding because of uncertainty in the touris
used for ongoing educational programmes and to maintain and promote the regions rich Indigenous and European history collec- tions.	To add to the: tion Program <sup>6</sup> landscape at I from the prev	To add to these concerns in 2015 the Federal Government embarked on a new "Nation: tion Program" for kindergarten to year 12. This program has dramatically changed the e landscape at Heritage Park by requiring an emphasis on "indigenous studies" and moving from the previous emphasis on the "gold rush days of growth and change". However, thi
More importantly, the development will be- come an important Indigenous centre of learning, for cultural and sporting pursuits, and an opportunity to bring our cultures	vided a uniqu Aboriginal an Park". In addit Ias will make t	vided a unique and important opportunity to potentially be a leader in this field by integ Aboriginal and post settlement history into the one education experience all provided at Park". In addition, the concept of using high quality moveable dwellings instead of consti las will make the development more economical and achievable.
closer together.	Discussions began in 201 owners of the property, i nal Corporation". An agre venture can be achieved.	Discussions began in 2015 between the directors of "Educational Learning Pty Limited", t owners of the property, and the elders of the "Wiradyuri Traditional Owners Central Wes nal Corporation". An agreement has now been reached and subject to appropriate approventure can be achieved.

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Attachments

2.0 The Application

This SEE forms part of a development application by Educational Learning P/L for a Concept DA approval for "Mixed Use Development" comprising the following main elements:

- An Educational Establishment
- An Information and Educational Facility
  - Tourist and Visitor Accommodation
     A Recreational Facility (Outdoor)
    - Caravan Park

The application is made under the provisions of Section 83A &B of the Environmental Planning and Assessment Act 1979 (as amended), the terms of which follow:

## 83A Application of this Division

This Division applies to concept development applications and to consents granted on the determination of those applications.

## 83B Concept development applications

(1) For the purposes of this Act, a "concept development application" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.

(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.

(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application. (4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless: (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 79C the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development in-

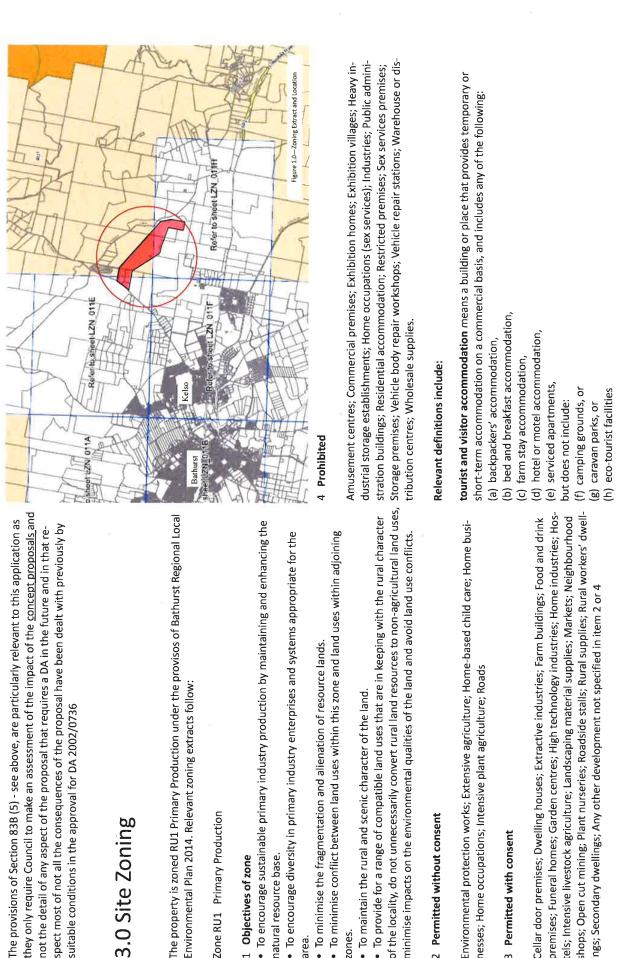
cluded in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications. The proposals for detailed development of the site will require further consideration under section 79C when a subsequent development application is lodged (subject to subsection (2)).

The various elements of the proposal and their respective land use classifications follow:

ational ation	TABLE A	
ational ation	Element	Statutory Land Use
Facility	Wiradyuri Cultural and Educational Centre and Academy	Part Educational Establishment and part Information and Educational Facility
ation	Bathurst Experience Tourist Facility	Information and Educational Facility
	Dormitory Style Accommodation	Tourist and Visitor Accommodation
	Golf Course and Club House	Recreation Facility (Outdoor)
	Sports facilities	Recreation Facility (Outdoor)
	Short Term Accommodation	Caravan Park

The proposal is not an application made under Section 83B(2)- Staged Approvals. However, it does include a number of Precincts that can de developed in stages if necessary. The application consists of the following plans and documentation:

TABLE B	
Statement of Environmental Effects	BTG Planning – Version 2
Site Plan	DA 01 - PJS Design-Version 2
Precinct 1	DA 02 - PJS Design- Version 2
Precinct 2	DA 03 - PJS Design- Version 2
Precinct 3	DA 04 - PJS Design-Version 2
Precinct 4	DA 05 - PJS Design- Version 2
Precinct 5	DA 06 - PJS Design- Version 2
Precincts 6&7	DA 07 - PJS Design- Version 2
Conceptual Services Report	Calare Civil Pty Ltd



3.0 Site Zoning

The property is zoned RU1 Primary Production under the provisos of Bathurst Regional Local Environmental Plan 2014. Relevant zoning extracts follow:

Zone RU1 Primary Production

## 1 Objectives of zone

· To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

To encourage diversity in primary industry enterprises and systems appropriate for the area.

To minimise the fragmentation and alienation of resource lands.

 To minimise conflict between land uses within this zone and land uses within adjoining zones.

To maintain the rural and scenic character of the land.

of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, To provide for a range of compatible land uses that are in keeping with the rural character minimise impacts on the environmental qualities of the land and avoid land use conflicts.

## 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

## 3 Permitted with consent

premises; Funeral homes; Garden centres; High technology industries; Home industries; Hosshops; Open cut mining; Plant nurseries; Roadside stalls; Rural supplies; Rural workers' dwelltels; Intensive livestock agriculture; Landscaping material supplies; Markets; Neighbourhood Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Food and drink ngs; Secondary dwellings; Any other development not specified in item 2 or 4

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

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educational establishment means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

and includes any of the lonowin
 (a) attached dwellings,

(b) boarding houses,

(c) dual occupancies,

(d) dwelling houses,

(e) group homes,

(f) hostels,

(g) multi dwelling housing,(h) residential flat buildings,

(i) rural workers' dwellings,

(j) secondary dwellings,

(k) semi-detached dwellings,

(I) seniors housing,

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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- The "Bathurst Sheep and Cattle Drome" is replaced by the "Bathurst Experience and the Wiradyuri Cultural and Education Centre". The existing Drome becomes a multi purpose facility and a new Drome building is constructed;
- The 18 Hole golf course is reconfigured (see green shading on the plans);
  - 3. The Crematorium and Observatory are deleted;
- The 390 Non Permanent Occupancy Units are replaced with 390 moveable dwellings as a caravan park;
  - The golf club house is combined with an academy building;
     The commercial site is replaced with a village admin/cafe/
    - The commercial site is replaced with a village admin/cafe/ general store and sports centre.

## 4.3 Development Stages- Indicative Only

### Stage 1

Development of Precincts 1&2 in conjunction Stage 2 Precincts 3,4, 5, 6 & 7 progressively, subject to demand and cost, Stage 3 Precinct 6 expansion

## 4.4 Servicing the Development

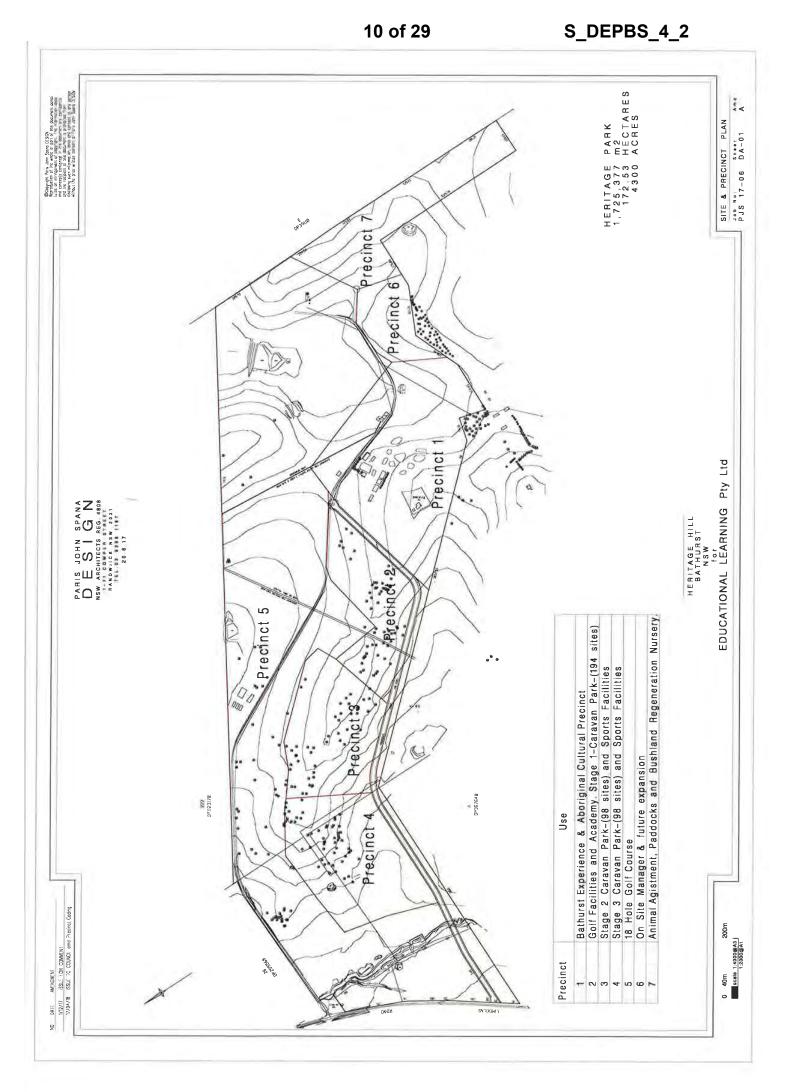
A detailed report has been prepared by Calare Civil Pty Limited that addresses water and sewer services to the site. Their report forms part of this development application.

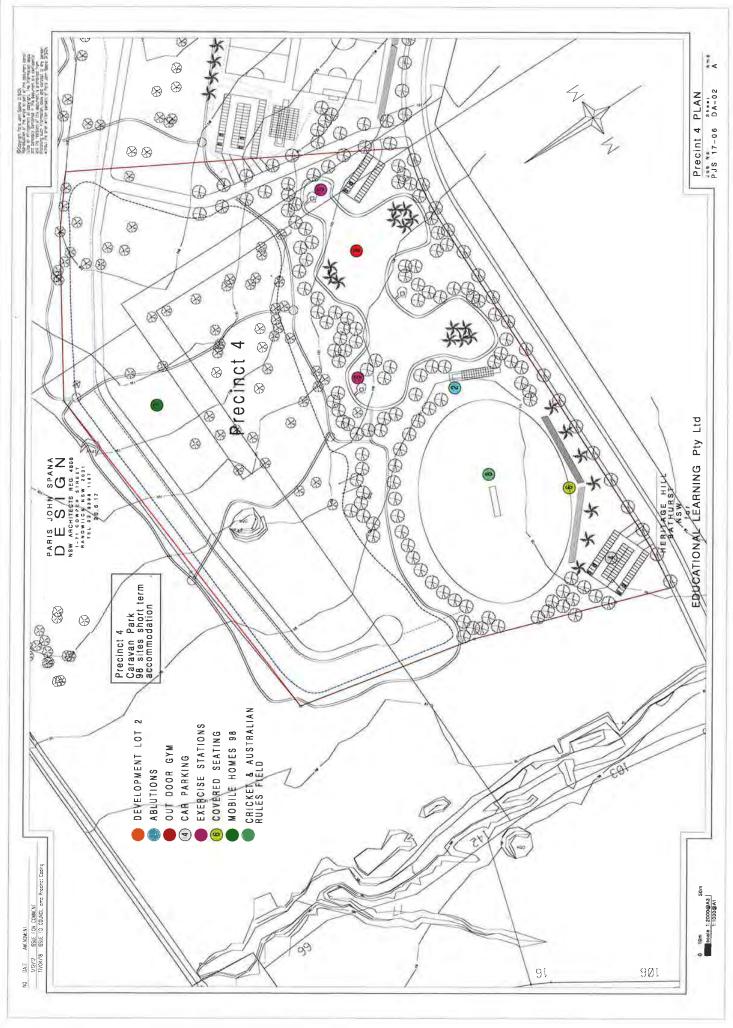
The report addresses on-site sewerage treatment packages to cater for the future needs of the development. It also assumes that all the existing facilities on site are adequately catered for by an existing on-site septic tank system. Their conclusions are:



Sewer	(b) sewer mining systems or works that distribute treated water that is intended to be used solely for industrial purposes.
<ol> <li>The loading for Precinct 2 would be approximately an EP of 630 for the 194 sites proposed;</li> <li>The total loading for the full development would be an EP of 1300 or about 250 kl/day;</li> <li>A site has been chosen for a staged sewerage package plant which would be a minimum of 400m from adjoining properties and 312m to Lot 33.</li> </ol>	Clearly, the proposed development does not fall within the category of 29(1)(a) and in rela- tion to 29(1)(b), the following is relevant: The proposal will have a processing capacity greater than 20EP.
Water Water supply can be achieved from Council's reticulated supply south of Marsden Lane. There will be the need for an on-site reservoir and potentially some pumping stations along the route.	<ul> <li>(i) it is not located within a flood plain;</li> <li>(ii) it is not within a coastal dune field;</li> <li>(iii) it is not within a drinking water catchment;</li> <li>(iv) it is not within 100m of a natural water body;</li> <li>(v) it is not within 250m of a dwelling not associated with the development.</li> </ul>
Council has previously raised questions whether or not the development would be classified as Designated Development and require an EIS. However, the EP&A Act regulations state:	<u>Comment:</u> <u>It can therefore be concluded the proposal is not Designated Development and does not re-</u> <u>quire an EIS.</u>
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 - SCHEDULE 3 SCHEDULE 3 – Designated development (Clause 4)	A copy of the proposed plans and further commentary on the proposal follows:
Part 1 - What is designated development? 29 Sewerage systems and sewer mining systems (1) Sewerage systems or works (not being development for the purpose of sewer mining sys-	
tems or works): (a) that have an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day, or (b) that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day and are located:	
(i) on a flood plain, or (ii) within a coastal dune field, or	
(iii) within a drinking water catchment, or (iv) within 100 metres of a natural water body or wetland, or	BATHURST
<ul> <li>(v) within 250 metres of a dwelling not associated with the development.</li> <li>(2) Sewerage systems or works that incinerate sewage or sewage products.</li> <li>(3) Sewer mining systems or works that extract and treat more than 1,500 kilolitres of sewage per day.</li> </ul>	
(4) This <u>clause</u> does not apply to: (a) the pumping out of sewage from recreational <u>vessels</u> , or	P

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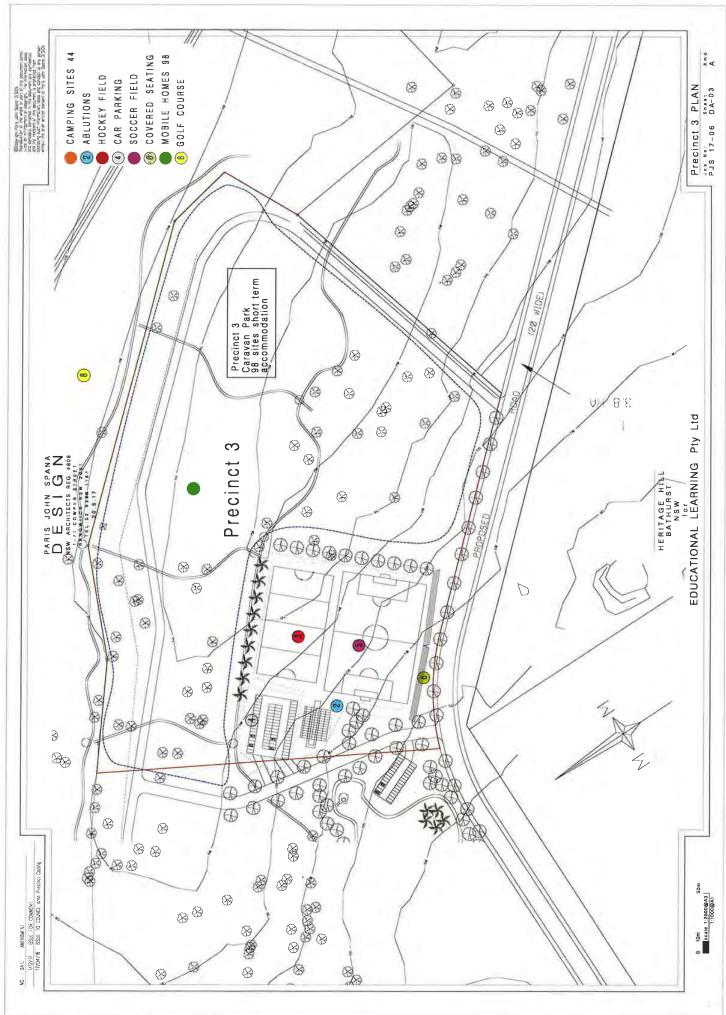






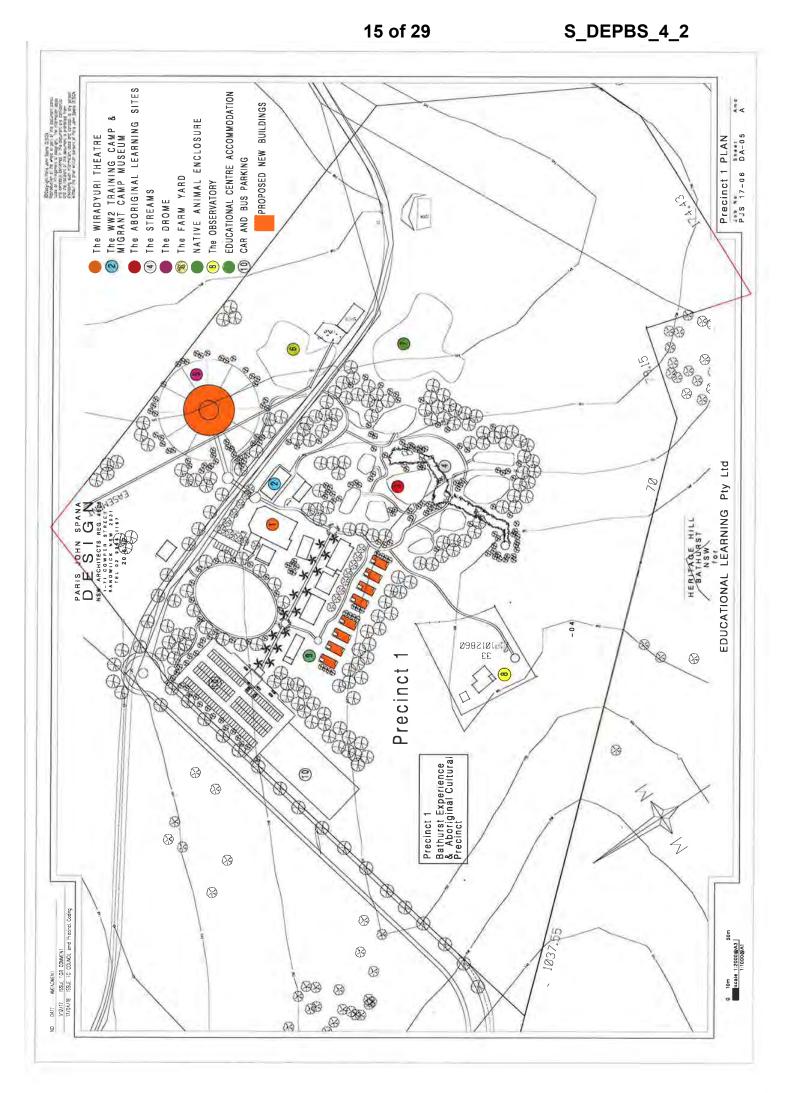
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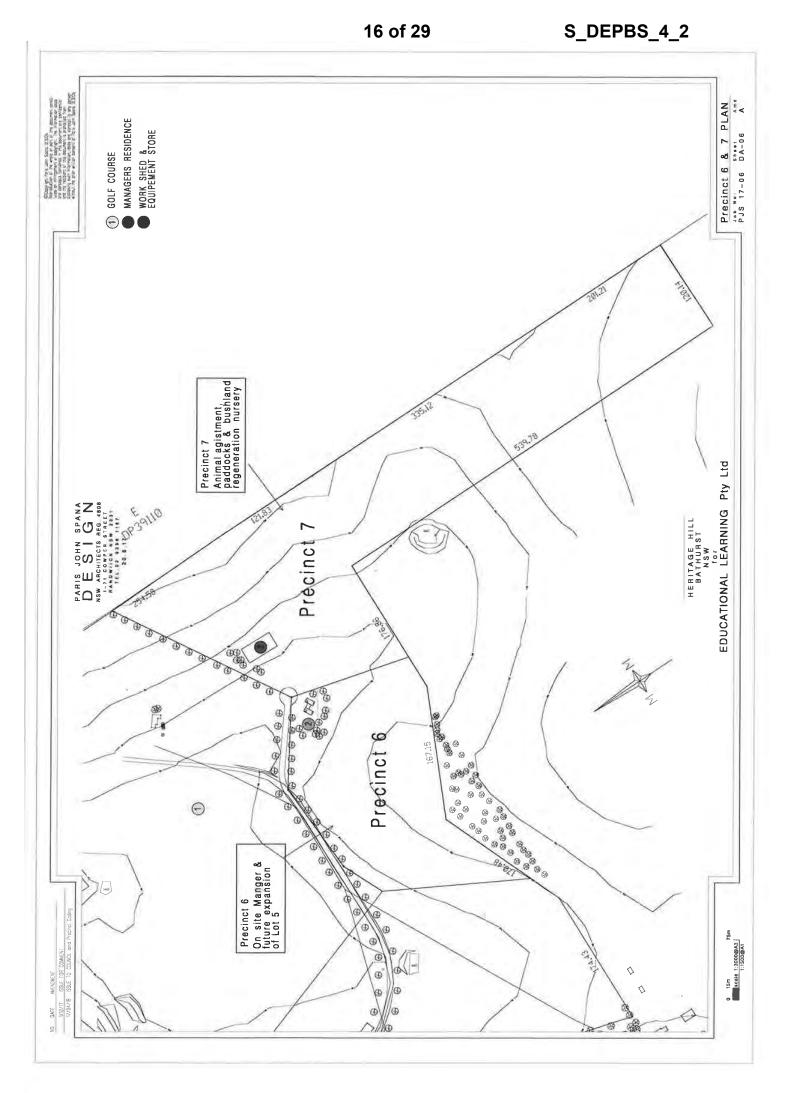
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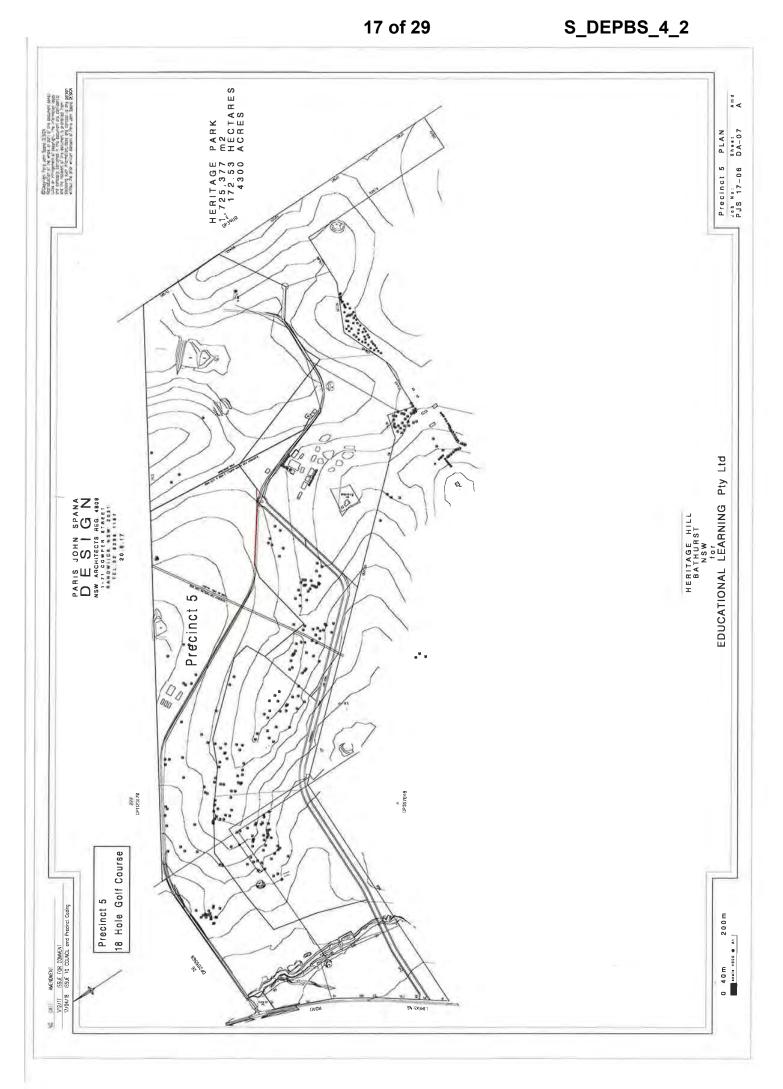




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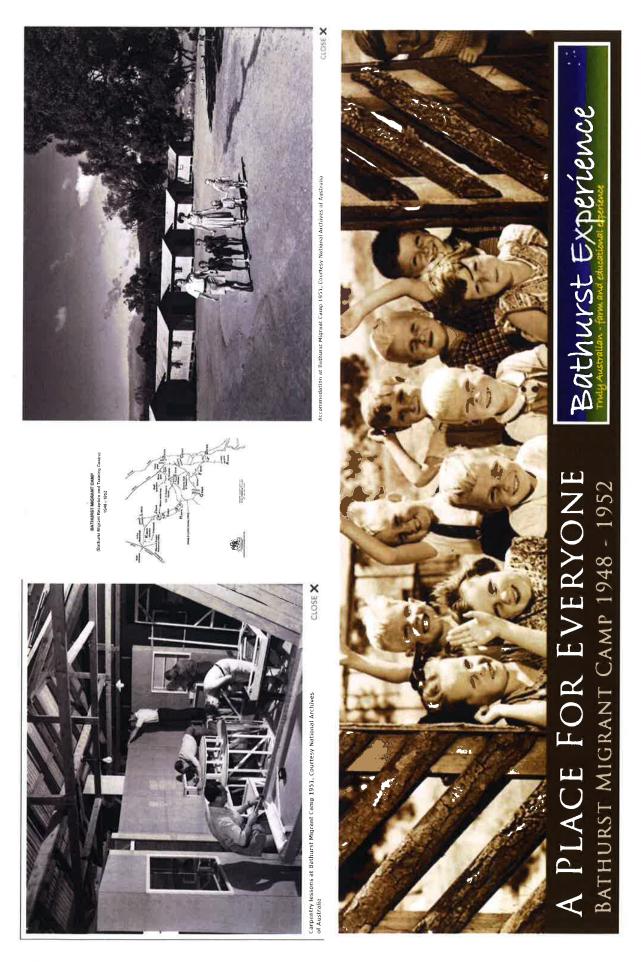
Deríence	The "Bathurst Experience" will present an intriguing and comprehensive story of European settlement and life in rural Australia. There will be a new " <b>Sheep and Cattle Drome</b> ", enlarged and upgraded school accommodation, a new " <b>Native &amp; Farm Animals Display</b> " and a new " <b>Heritage Park Museum</b> " celebrating the rich history of the site first as a WUII army training facility and later as one of Australia's largest migrant processing centres. It is proposed to have static displays and education facilities for a range of spects of early Australian II if including the WW2 training camp, the including the WW2 training camp, the migrant camp, gold mining and farming the migrant processing tentres. It is proposed to have static displays and education facilities for a range of the sta	The current Drome building will be upgraded and become the "Wiradyuri Theatre" housing the "Wiradyuri Museum Collection" and provide a multi purposed theatre space for all on site educational needs, from traditional indigenous dance, art and dreamtime presentations and teaching to observations of the sky and potentially with real time projection from an Observatory.	It is also hoped to incorporate a new " <b>Bathurst Observatory</b> " based on the existing major tele- scope located on Lot 33 DP 1012860 (currently owned and operated by others) into the joint ven- ture but this cannot be confirmed at this stage. If this is not possible a new Observatory with addi- tional moveable telescope positions around the hill behind the existing Drome building will be constructed. It should be noted the owner of Lot 33 is not currently part of the proposed joint venture or this DA and Lot 33 does not presently have formal access to Lime-
Bathurst Experiment Farm and educational experience			

kilns Road but a ROW over the property. How-

ever, the applicant is willing to agree to a condition of consent to construct and provide a suitable new road access from Lot 33 to the proposed new Lot 1-Access Road.

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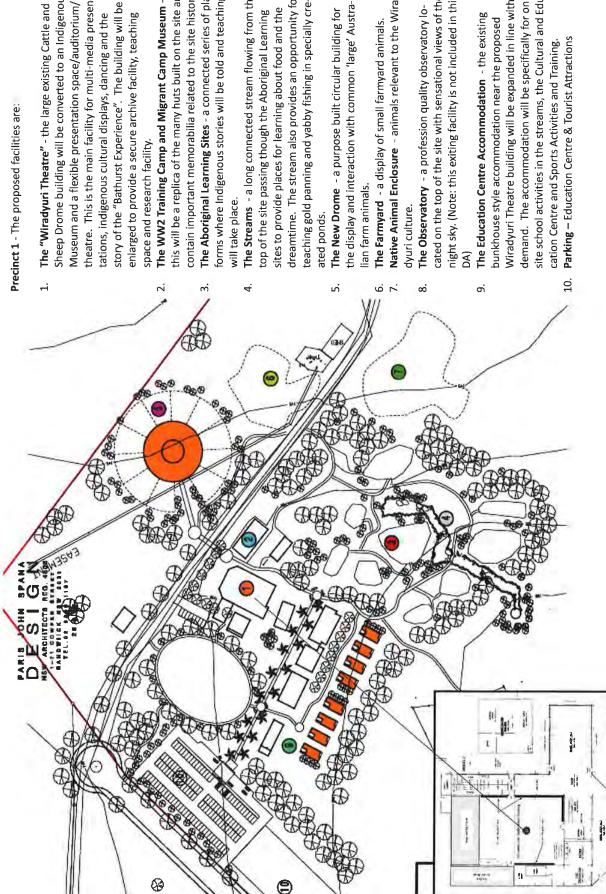
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ral and Educational Centre :::	The Wiradyuri People	The Wiradyuri People are the people of the three rivers—the Wambool (Macquarie), the Calare (Lachlan) and Murrumbidgee. They are the largest Aboriginal group in NSW to the west of the Great Dividing Range and they are united by a common language. They have strong ties of kinship and have survived as skilled hunter-fisher-gatherers in family groups or clans scattered throughout central NSW.	Clashes between European settlers and Aborigines were very violent from 1821- 1827, particularly around Bathurst and these have been termed the "Bathurst Wars",	The Bathurst Wiradyuri have the totem of the "goanna" and many words in our lan- guage today have been borrowed from their language.	Under Governor Macquarie, white settlement west of the mountains proceeded slowly but when Macquarie was replaced by Governor Sir Thomas Brisbane, the white population doubled from 114 in 1820 to 287 by 1921. Wiradyuri hunting	grounds, rood sources and sacred sites were usurped by the write settlers. The life of Windradyne (Chief of the Aborigines), has made him a character of na- tional importance as a resistance hero. A suburb at Bathurst is named in his honour and his grave at Brucedale is on the State Heritage Register.
Víradyurí Cultural and Eo A unique aboriginal centre of excellence and learning						

The Wiradyuri are vitally important to the Australian and Indigenous cultures alike and their story is rich and vivid. The proposed "Wiradyuri Cultural and Education Centre" (WCEC) will be a unique facility that honours this legacy and will become the permanent home of a considerable amount of indigenous historical artefacts that are currently without a proper and safe place. Moreover, the centre will become a home and education facility for aboriginal youth to immerse in their culture and sporting pursuits. More details follow-

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Sheep Drome building will be converted to an Indigenous Museum and a flexible presentation space/auditorium/ theatre. This is the main facility for multi-media presen story of the "Bathurst Experience". The building will be The "Wiradyuri Theatre" - the large existing Cattle and tations, indigenous cultural displays, dancing and the enlarged to provide a secure archive facility, teaching this will be a replica of the many huts built on the site and contain important memorabilia related to the site history. The Aboriginal Learning Sites - a connected series of platforms where Indigenous stories will be told and teaching

- The Streams a long connected stream flowing from the dreamtime. The stream also provides an opportunity for teaching gold panning and yabby fishing in specially cresites to provide places for learning about food and the top of the site passing though the Aboriginal Learning
- the display and interaction with common 'large' Austra-The New Drome - a purpose built circular building for

Native Animal Enclosure - animals relevant to the Wira-The Farmyard - a display of small farmyard animals.

cated on the top of the site with sensational views of the night sky. (Note: this exiting facility is not included in this The Observatory - a profession quality observatory lo-

site school activities in the streams, the Cultural and Edudemand. The accommodation will be specifically for on-Wiradyuri Theatre building will be expanded in line with The Education Centre Accommodation - the existing bunkhouse style accommodation near the proposed

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	group of villas specifically con- structed for golf course and tourist resort paying guests. <b>Caravan Park and Mobile</b> <b>Home sites for lease.</b> – A range of individual site sizes (e.g. 160 -300m2) for permanent and non permanent transport- able homes. All connected to central site services. <b>The Golf Course , Clubhouse</b> <b>&amp; Academy</b> - construction of an 18 hole golf course and clubhouse facility that also in- corporates the Aboriginal Cul- tural & Sports Academy facili- ties.
11.	14.
	Let a be a
	Golf Clubhouse Academy

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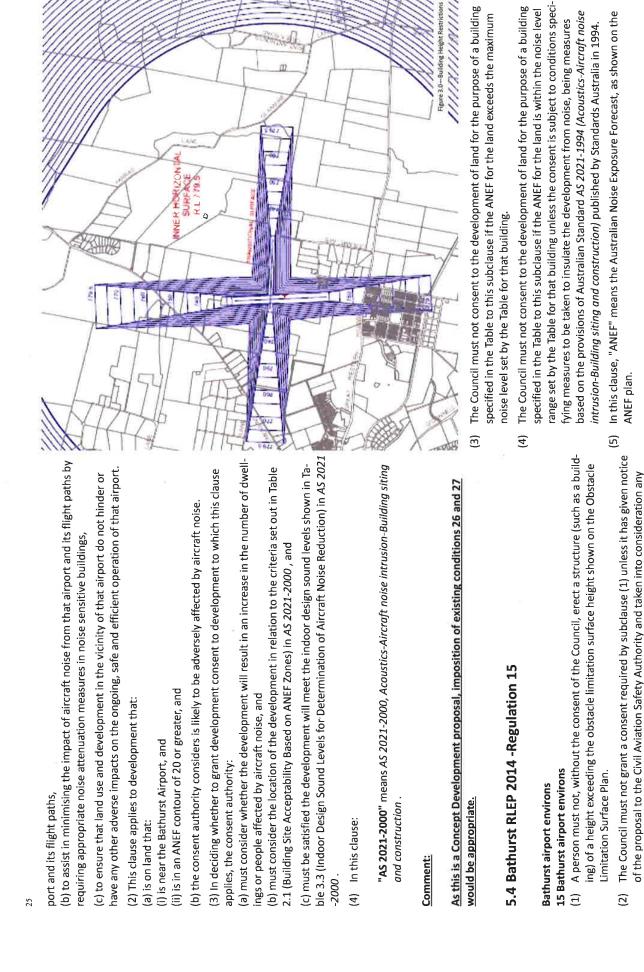
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Tt Planning       (c) light spill;         (d) impact on Bathurst Aerodrome;       (d) impact on Bathurst Aerodrome;         (e) access to external facilities and services; and       (f) impact on existing housing stock.	5.2 Bathurst RLEP 2014	Objectives of the Zone	Zone RU1 Primary Production	is provided where relevant. <b>Objectives of zone</b>	<ul> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul>	<ul> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adioining.</li> </ul>		Li	nd electricity services subject to <b>Comments:</b>	It is considered that the proposed developed will have the same or similar basic character- consent and could potentially be <u>istics of the development Council has already consented to on the land i.e. for a "resort</u> However, Council is firmly of the <u>style</u> " <u>development</u> . The <u>decision to use</u> "moveable <u>dwellings</u> " for the tourist accommoda- the application requires a new <u>tion component of the development will not change the appearance or character of the de-</u> velopment for the reasons set out later in the report. The proposal is therefore consistent		proposed.  Similar conditions as ast in relation to: 7.4 Development in areas subject to aircraft noise	/1) The entropy of the start of
5.0 Application of the Relevant Plan Controls	The relevant planning controls are -	Bathurst Regional Local Environmental Plan 2014     Community Title Development Act 2008	SEPP 21 –Caravan Parks	Each will be discussed in this section of the SEE and comments provided where relevant.	5.1 Environmental Planning & Assessment Act	As previously outlined under Section 83B of the Act, it appears a "Concept Approval" only re- quires assessment to the level of potential impacts that are likely to arise that cannot be dealt with by a later and more detailed development application.	This Concept Proposal is also to be assessed in the context that an approval that would have • very similar environmental outcomes has already been granted (2002), and it has been physi- • cally commenced. This approval confirms beyond further discussion that:	(1) The subject site is suitable for a major tourist development, in fact, it has been used this way for about 40 years. Therefore, the site has no prime agricultural significance;	(2) The site is capable of being serviced by water, sewer and electricity detailed design and costs;	<ul> <li>(3) The site can accommodate at least up to 390 tourist units;</li> <li>(4) Most of what is proposed is a refinement of the current consent and could potentially be dealt with as a Section 96 modification of that consent. However, Council is firmly of the opinion that at least the "Caravan Park" component of the application requires a new development application.</li> </ul>	An important question therefore, is what level of information is necessary to adequately support this Consent Proposal and in this regard, we consider that the proposal involves short term tourist accommodation and not the permanent occupation of any of its residential components and Council has already approved the same amount of short term accommodation	and in the same locations that are predominantly currently proposed. Si contained in the current consent should therefore apply at least in relation	(a) water and course consult.

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comments received from that Authority within 28 days after the notice was sent.

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The subject site is largely unaffected by the Airport height restrictions and the buildings are proposed that would contravene their requirements. Given this is a Concept Development proposal, imposition of existing conditions 28 and 29 would be appropriate.

# 5.5 State Environmental Planning Policy No 21 – Caravan Parks

Relevantly Under the BREP 2014 RU1 Zone caravan parks are a permissible use and under SEPP21 "caravan parks" and "moveable dwelling" are defined as follows: caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

moveable dwelling has the same meaning as it has in the Local Government Act 1993.

"Moveable dwellings" and "manufactured homes" are defined in the Local Government Act as follows:

## "Local Government Act – Definitions

"manufactured home" means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

(a) that comprises one or more major sections, and

that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997 (q)

and includes any associated structures that form part of the dwelling.

"manufactured home estate" means land on which manufactured homes are, or are to be erected

"moveable dwelling" means:

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition."

Rural Zone of Bathurst, but that caravan parks include "moveable dwellings" and rom the above, it can be seen that not only is a caravan park a permissible use in the Inner "manufactured homes".

Under Clauses 8-10 of SEPP 21, development consent is required for caravan parks and the matters for Council consideration are specified as follows:

## 8. Development consent required for caravan parks

- Development for the purposes of a caravan park may be carried out only with the development consent of the Council. (1)
- Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine: 5
- (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and
- (b) the number of sites (if any) within that land the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.
- poses of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that A Council must not grant development consent to the use of land for the purmay be used for long-term residence. (3)
- The holder of an approval under Part 1 of Chapter 7 of the Local Government within the development consent of the Council, allow a person to occupy a site Act 1993 to operate a caravan park or camping ground on land must not, within that land: (4)

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## Consideration (c)

Bathurst like most areas is in need of additional low cost housing but we are not aware of any plans by the Council to provide low cost housing in this locality or that would be adversely affected by this proposal. In any event, no permanent residential accommodation is proposed.

## Consideration (d)

Again, no permanent accommodation is proposed. However, the proposed development can provide a range of facilities and services including on site shops and restaurants , a club also a reliable private bus service into and from Kelso and the centre of Bathurst.

## Consideration (e)

The Director has not issued any guidelines.

## Consideration (f)

The proposal has been designed to comply with the regulations. Indeed, the concept plan for Lot 4 has been designed in this way i.e. so there is some certainty the final DA will comply with the relevant regulations and standards.



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It is considered that the proposal does not involve environmental consequences not already contemplated and assessed during DA 2002/0736, a consent that is very similar in its "built form" to the subject proposal.

When dealing with proposals under Section 83A & B of the EP&A Act, it is important to realise that most of the environmental consequences will be tested through the details in later development applications. Otherwise, Section 83 serves no useful purpose. Almost by definition, a S83 consent is one that provides "high level" consent conditions that defer detailed planning and environmental considerations to a later date.

This concept proposal has three (3) main components:

- A tourist <u>"Entertainment</u>" related development based around Aboriginal and European Settlement cultural and historic themes;
- An "<u>Education and Sports Facility</u>" also based around Aboriginal and European Settlement themes and dormitory style accommodation; and
- A "<u>Recreational Resort</u>" facility based around an 18 hole golf course and a range of sports facilities where short term accommodation is in the form of a caravan park with moveable dwellings, caravan sites and camping areas.

These three components are integrated in such a way to make the development financially viable and they only work as a group, i.e., not individually.

The level and type of impact of these proposals will have on this site and its surrounds does not significantly change from that already approved by Council. Having said this, several impacts and consequences have to be left to a later stage before being fully addressed. As a "tourist development", any issues related to permanent residency do not apply. These might include the following, but are for assessment later. That is, if any permanent occupancy is contemplated:

(a) impact on local low cost housing; and(b) access to community facilities and services.

The concept site planning shown for Precincts 2,3 and 4 are in our opion sufficiently detailed for Council to favourably determine this concept development application. In particular, what has been shown has been properly scaled and planned so Council can have confidence that subsequent DA's can and will resolve any residual concerns.

This is not a "bushfire prone" property and it is largely open undulating land with some scattered but attractive stands of mature trees so the impacts from tree removal will be minor. In fact, it is proposed to embark upon a substantial programme of bushland regeneration and landscape enhancement as part of the Aboriginal Cultural activity areas and the proposed golf course.

The implications of developing such a project close to Bathurst Airport are already well specified and addressed by appropriate conditions in DA 2002/0736. In reality, there is nothing that can be done at this concept stage to take these matters further because the relevant authorities will require a full DA for their assessment and impact. Having said this, the following observations can initially be made:

- In terms of building height, the proposal will not exceed the statutory LEP requirements;
- (2) In terms of potential light spill, there are standard conditions of consent to require a particular type of lighting, i.e., if needed;
- (3) In relation to bird strike, it is more likely that the proposed development of this land would have less potential impact than if it were used for intensive agriculture.

The site and development can be satisfactorily provided with water, sewer and electricity services but, at the same time, water recycling can be undertaken to support the future landscape proposals.

In summary, the proposed concept development clearly has many beneficial outcomes and on the basis of the analysis in this report, no significant or potential environmental consequences that could not be addressed by appropriate conditions of consent and during the required future development applications.

The proposal is capable of obtaining Council consent.

Bruce Goldsmith Consultant Town Planner BTP (Hons) LGTP RPIA FPIA BTG Planning March 2018

## LOT 4 – POSSIBLE DEVELOPMENT CONCEPTUAL SERVICES REPORT - HERITAGE HILLS, BATHURST -

## Proposed - Aboriginal Cultural Centre, Bathurst Experience, Caravan Park & Mobile Home Development

**DEVELOPMENT ADDRESS** 

624 Limekilns Road Forest Grove

LEGAL DESCRIPTION

## 270 DP861476, B1 DP403344, 1 DP126025, 34 DP1012860, 271 DP861476, 1 DP1047459

FOR

## Heritage Park Bathurst

ORIGINAL REPORT DATE
December 2017

Revision - Date P1 - 13/12/17

CALARE CIVIL REF: 2017.1323

Heritage Park Bathurst Proposed - Aboriginal Cultural Centre, Bathurst Experience, Caravan Park & Mobile Home Development Conceptual Services Report

## **Report Details**

Client:	Heritage Park Bathurst
Document Name:	CONCEPTUAL SERVICES REPORT
Site Address:	270 DP861476, B1 DP403344, 1 DP126025, 34 DP1012860, 271 DP 861476, 1 DP1047459 624 Limekilns Road Forest Grove
Job Number:	2017.1323
File Name:	171323-Services Report.docx
Author:	CALARE CIVIL PTY LTD

## **Document Control**

Issue	Rev	Author	Approved	Signature	Date	Distributed to:	Qty.
Original	P1	GBL	Garth Dean		13/12/17	Client	1

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SEWERAGE RETICULATION	4	
WATER SUPPLY	5	

#### **APPENDIX A**

GPH MODELS & PROTOTYPING PTY LTD SEWER TREATMENT PLANT PLANS

#### FIGURES

Overall Development Layout Plan Overall Layout Plan – Lot 4	
SERVICES LAYOUT PLANS	2017.1323-C03 & C04 2017.1323-C05

## INTRODUCTION

Developer	Heritage Park Bathurst
Address	624 Limekilns Road, Forest Grove
Local Authority	Bathurst City Council
Property Description	270 DP861476, B1 DP403344, 1 DP126025, 34 DP1012860, 271 DP861476, 1 DP1047459
Type of Development	Proposed Mobile Home & Camp Ground
Existing Land Use	Rural Agricultural
Adjacent Land Use	Rural Agricultural
Engineering Consultant	Calare Civil Pty Ltd
Purpose of Report	To ascertain the serviceability requirements for sewer disposal and water supply.

## SITE DESCRIPTION

#### Location

The subject site is a rural allotment that is described as 270 DP861476, B1 DP403344, 1 DP126025, 34 DP1012860, 271 DP861476, 1 DP1047459, 624 Limekilns Road, Forest Grove, which currently has an existing dwelling and associated infrastructure on the site. It is located on the eastern side of Limekilns Road approximately 2.7km north of Marsden Lane. Currently access to the site is off Limekilns Road.

#### **Description of Development**

The Heritage Park project is a proposed multistage development commencing with a subdivision of the subject allotments into 9 allotments and the possible first stage development of Lot 4. For the possible subdivision layout refer to Drawing C06 in the **Figures** section of this report.

The sites elevations range from 715m at Limekilns Road to a low of 705m at the existing dam on the northern boundary of Lot 270 DP861476 and a high point of 760m near the end of the south western boundary of Lot 34 DP1012860, refer to Drawing C05 for clarification.

### **SEWERAGE RETICULATION**

The site as it exists is not sewered.

All sewer disposal is to be via onsite treatment plant.

A preliminary investigation by GPH Models and prototyping has been undertaken and detailed on their plans 17-17-01 & 17-17-02.

Indications from this investigation anticipate that the loading for Lot 4 will be in the region of 157.5KI/day based on an EP of 630 for 194 sites.

An additional assessment for the future stages has also been undertaken giving a total loading of 250KI/day once fully developed. These final figures are based on a total EP of 1300.

The treatment plant will allow for future expansion of 1 additional MBR processing bay.

Once treated, the discharge will be used to irrigate Lot 8.

A possible sewer reticulation layout for Lot 4 has been assessed with provision for connection to Lot 8, each mobile home site, the ablution blocks associated with the camping area and the cultural centre.

It should be noted that the existing accommodation and facilities on site are excluded from the calculations.

Refer to drawings C03 & C04 for details.

### WATER SUPPLY

The site does not have a water service.

Councils reticulated supply ends just south of Marsden Lane some 3km south of the development.

There is an existing reservoir along Marsden Lane that feeds the existing residential area to the south, Councils advice is that this system can only provide a full pressure supply to a maximum elevation of 708m.

As the site entrance is at an elevation of 720m it is not possible to provide a full pressure system to the development.

Another restriction is a high point in Limekilns Road between the reservoir and the proposed development that appears, from Six Maps and Google Earth, to be at or above the level of the existing reservoir, if this is the case then a booster pump and non-return valve system would have to be installed at some point prior to this high point. In all likelihood this would require installation on private property and negotiations with the landholder would be required.

Whether this additional booster pump is required or not it is proposed to extend this line to the site as a low pressure supply main, with calculations to be provided by a suitably qualified hydraulic engineer to clarify the anticipated flow rate at the site entrance.

Immediately inside the entrance to the development a booster pump should be installed sized accordingly to ensure satisfactory transfer to a proposed reservoir.

This reservoir is to initially service the possible Lot 4 development but should be designed in such a way to allow for expansion should the other lots develop in the future.

With the reservoir located at an elevation of approximately 760m it is anticipated that the service to the Lot 4 development, which has an elevation of 740-750m, will have adequate pressure. If during the design phase it is found that this is not the case there is ample opportunity to provide a local booster pump for this development.

Anticipated loadings for Lot 4 have been calculated based on the Lot 4 development only which includes the following;

107 Mobile Home Sites43 Caravan Sites44 Camping SitesThe total area for the camping sites is 0.89Ha.

The estimated peak flow for this development has been calculated from WSAA-03 2002 Part 1 Table 2.1 (Sydney) with the assumption that the development be classified as High Density Residential for the mobile home sites and Commercial for the camping ablution blocks.

The network analysis for this development is as follows:

#### Peak Hourly Demand

Mobile Home Sites	107/100x3	= 3.21 l/s/hr
Camp sites	0.89x0.9	= 0.801 l/s/hr

All Pumping Stations and Reservoirs are to be sized in accordance with Water NSW requirements and/or WSAA-03-2002.

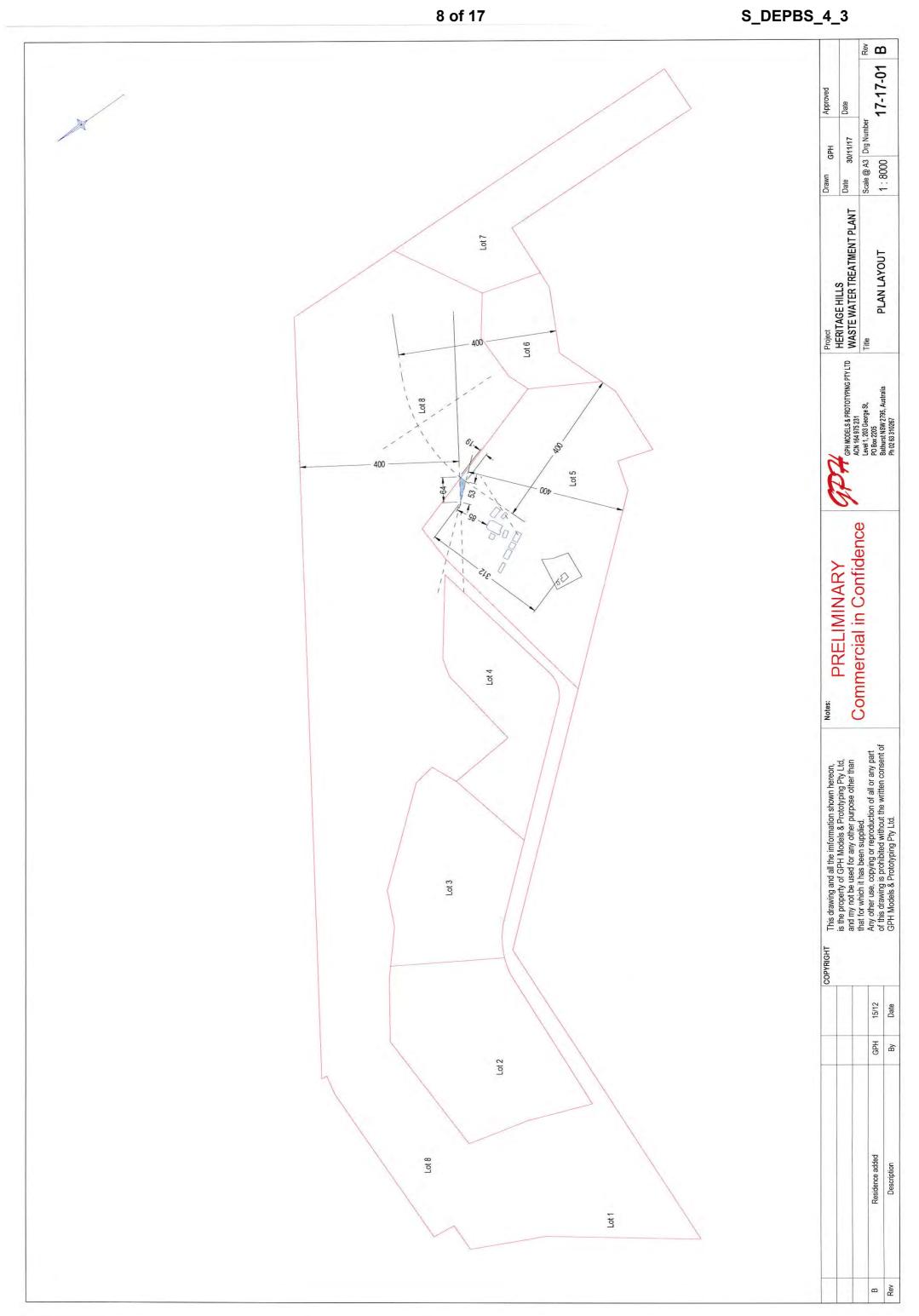
## **APPENDIX A**

#### **GPH Models & Prototyping Pty Ltd**

#### **Sewer Treatment Plant Plans**

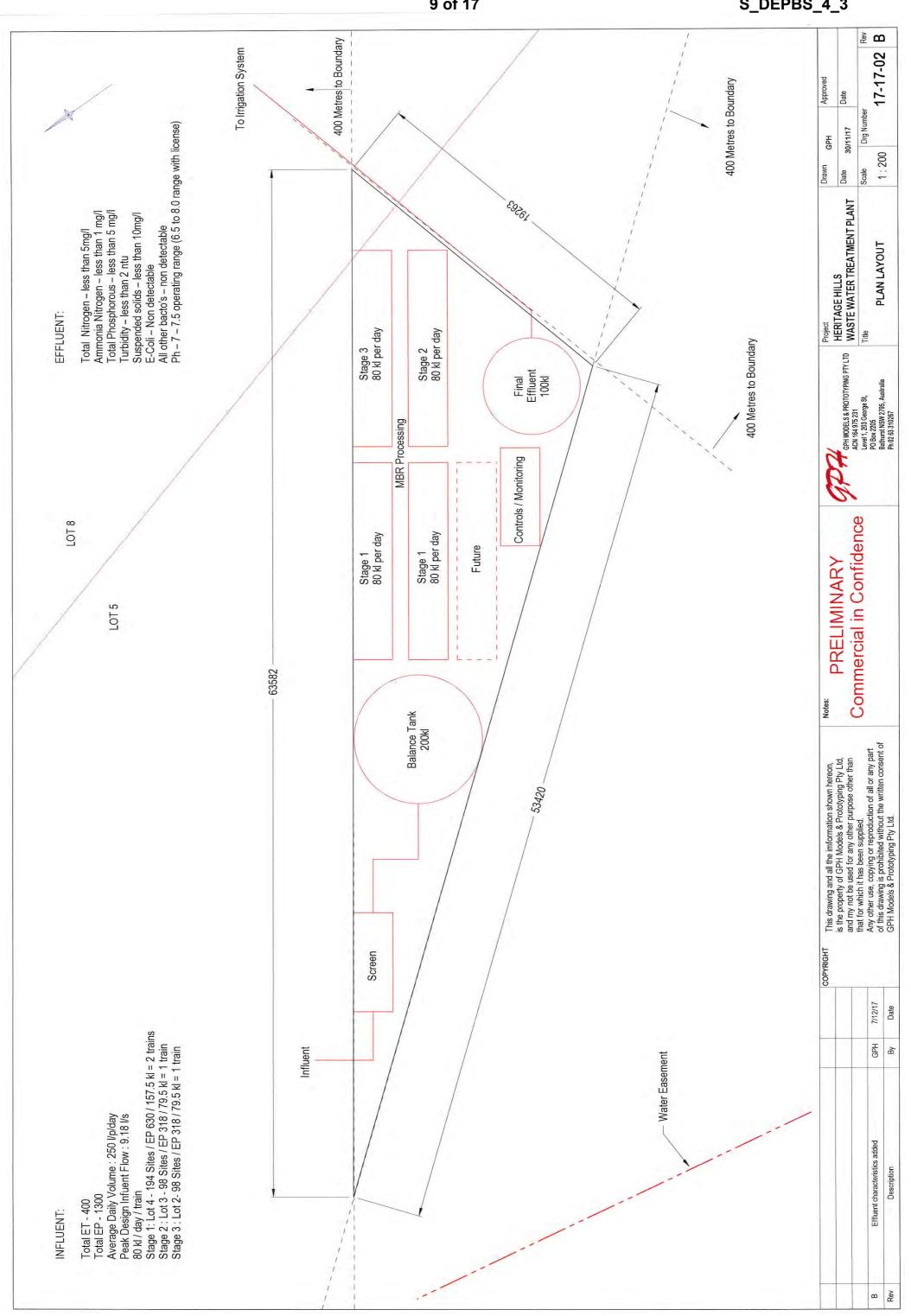
## **FIGURES**

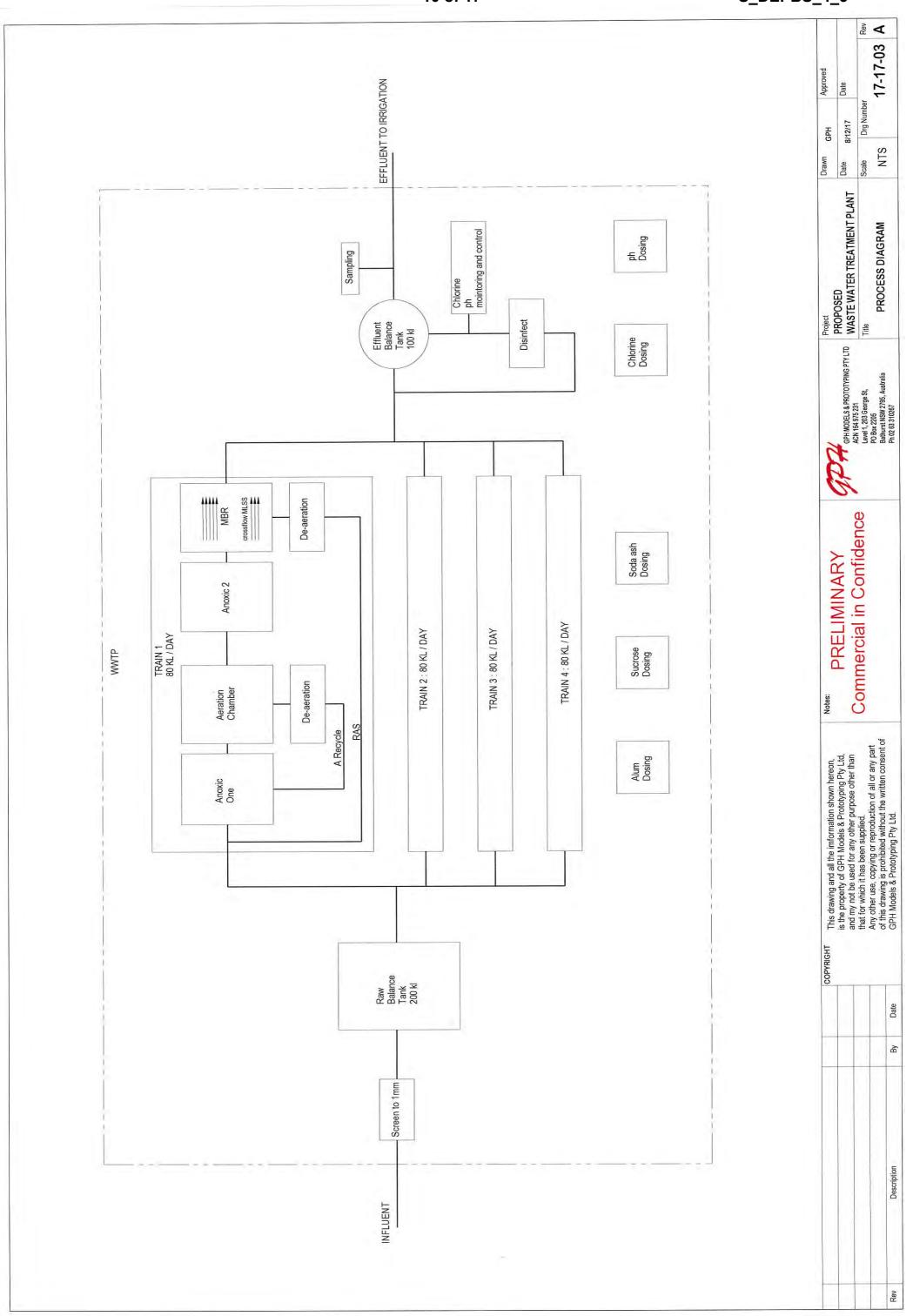
<b>Overall Development Layout Plan</b>	2017.1323-C01
Overall Layout Plan – Lot 4	2017.1323-C02
Services Layout Plans	2017.1323-C03 & C04
Existing Site Plan	2017.1323-C05
Possible Subdivision Layout Plan	2017.1323-C06



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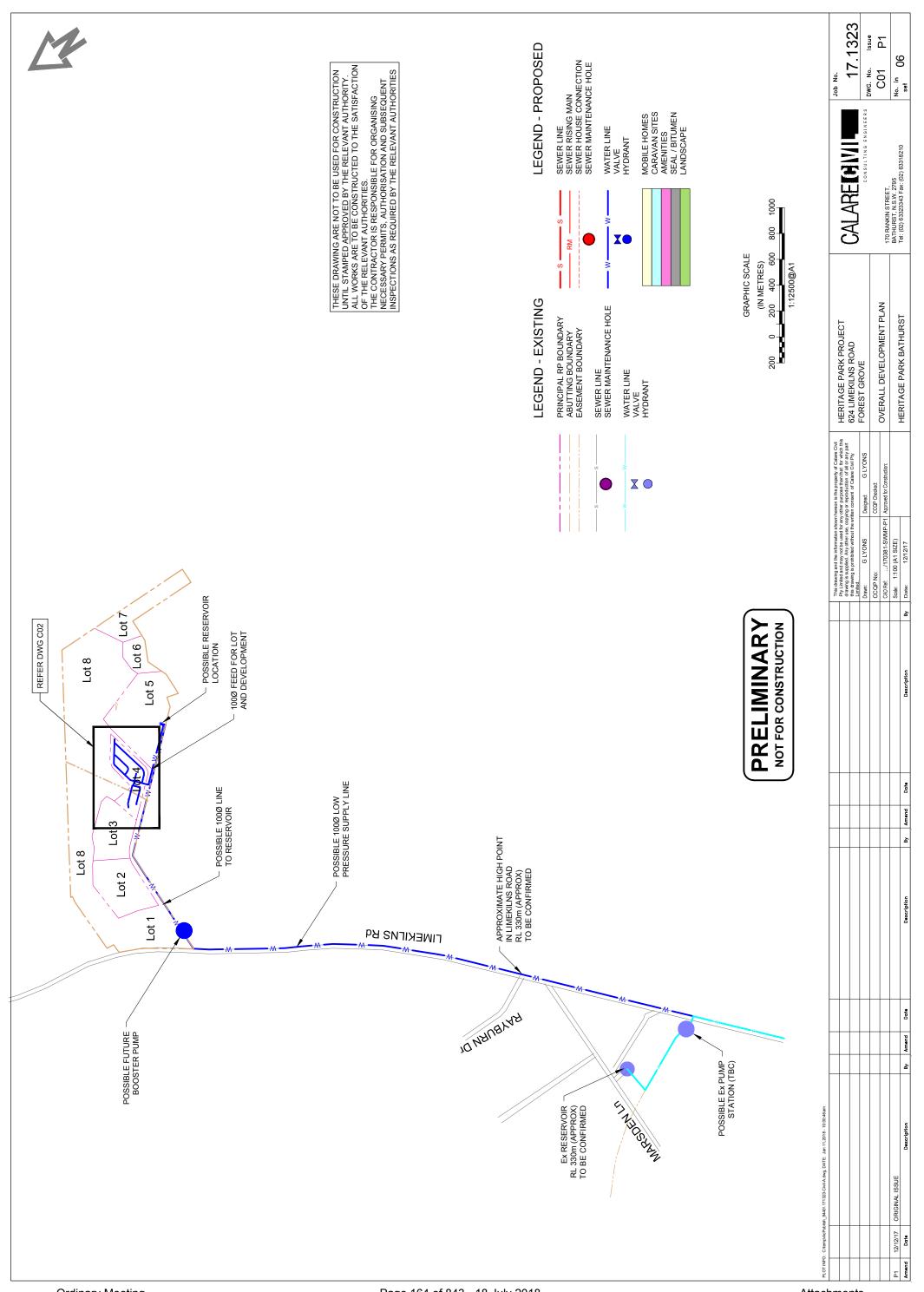




Heritage Park Bathurst Proposed Mobile Home & Camp Ground Conceptual Services Report

## FIGURES

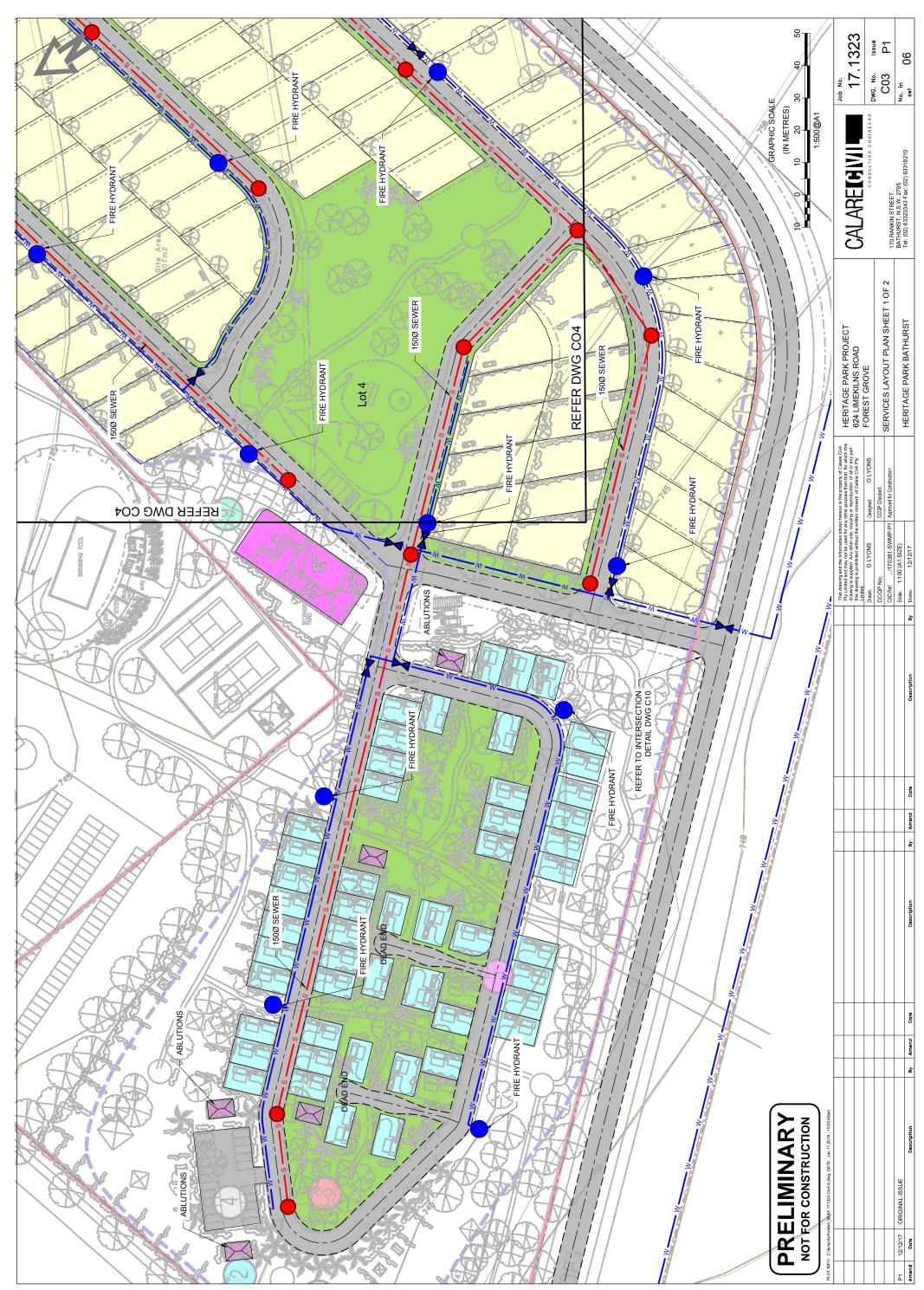
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Overall Layout Plan – Lot 4	2017.1323-C02
Services Layout Plans	2017.1323-C03 & C04
Existing Site Plan	2017.1323-C05
Possible Subdivision Layout Plan	2017.1323-C06

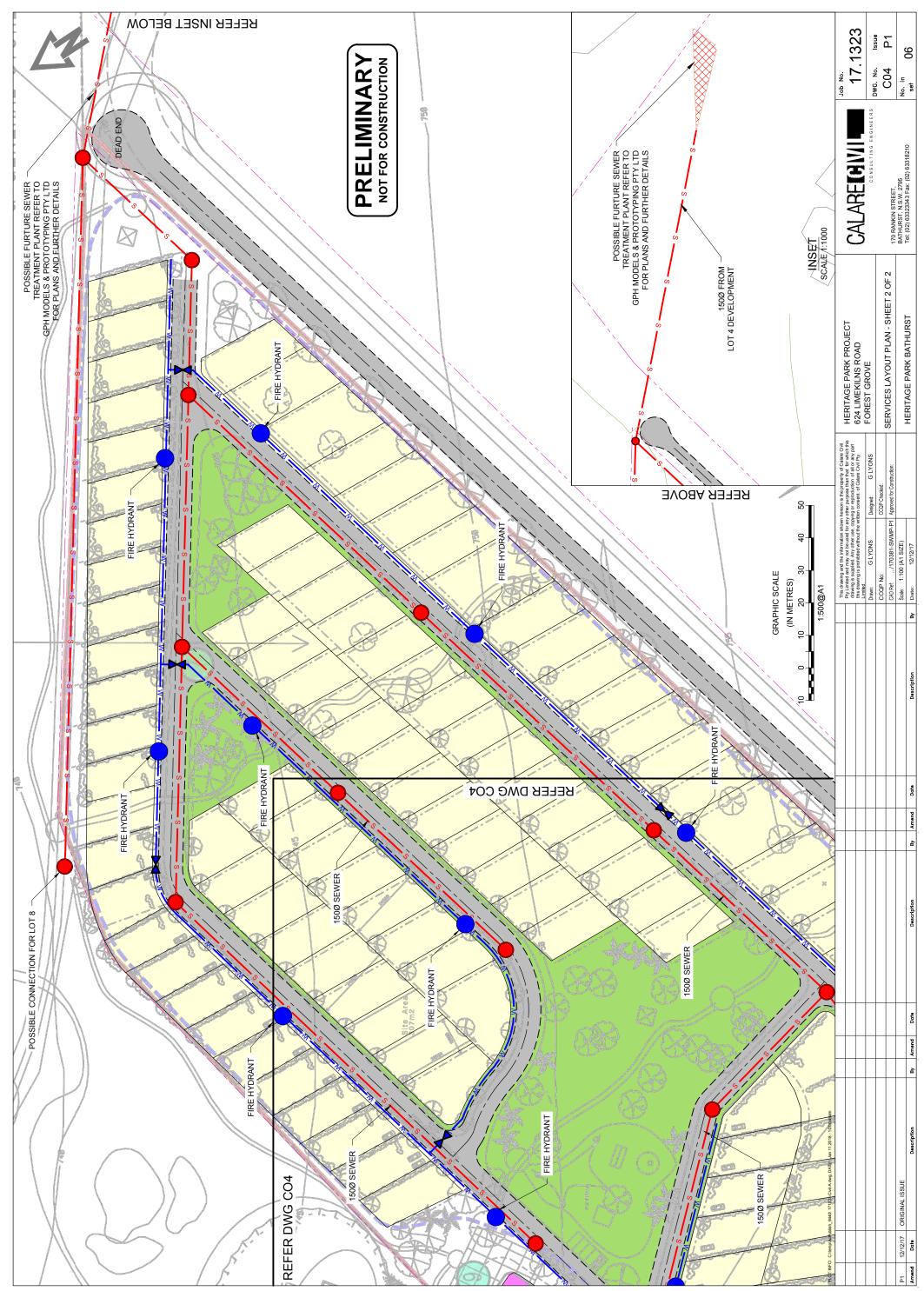




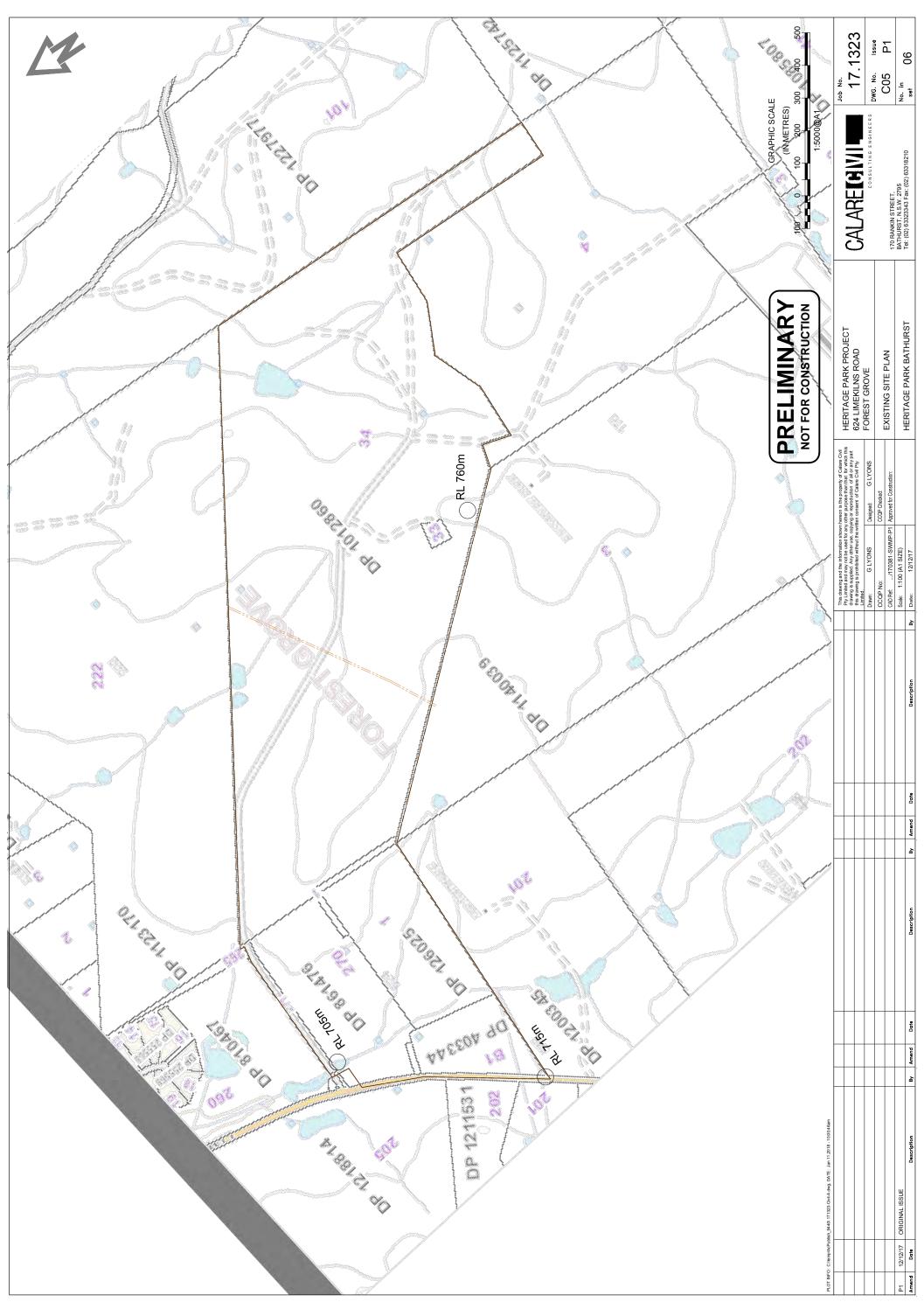
Ordinary Meeting

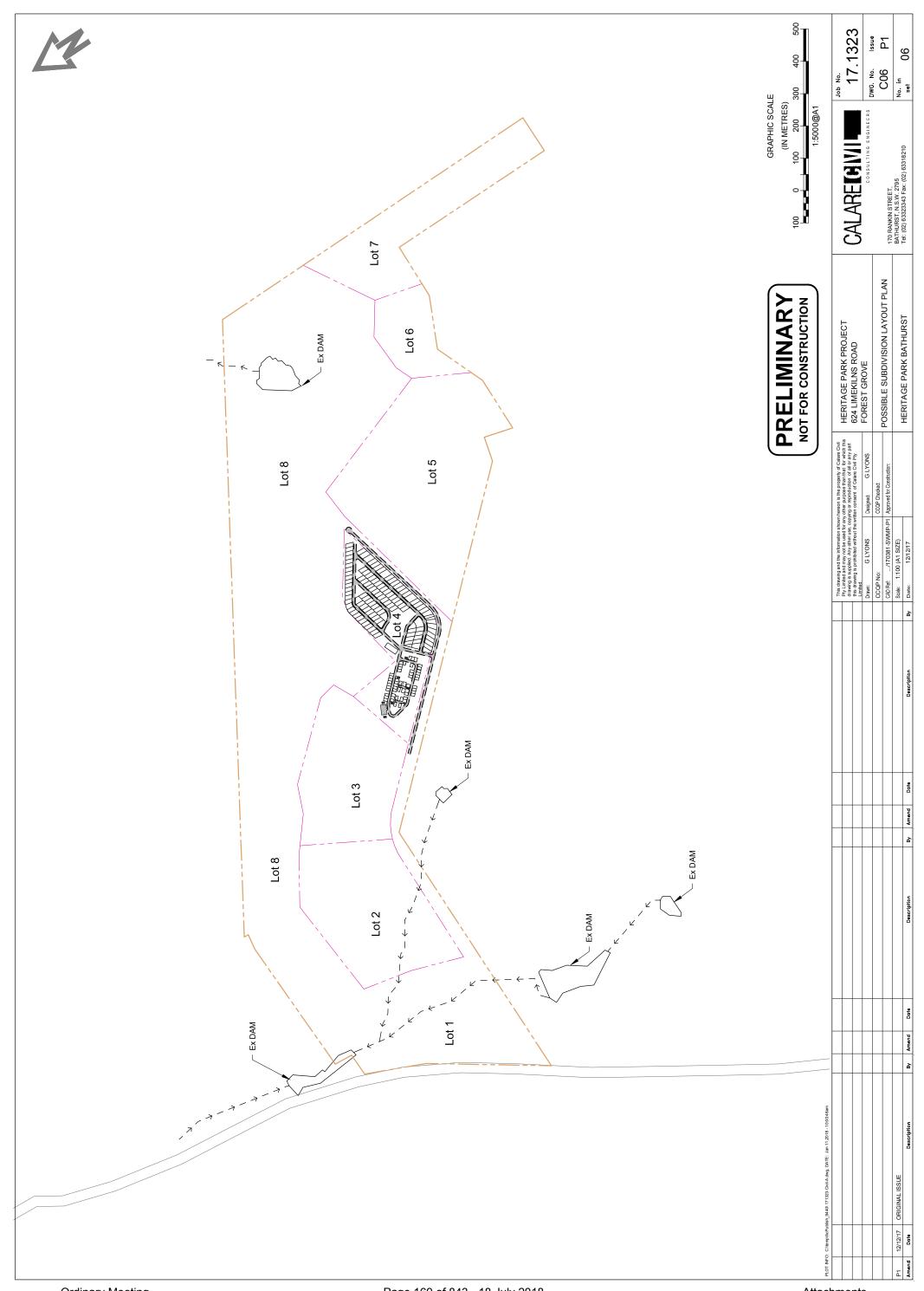
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Fw: DA No 2018/21 Lucie Barnett to: Bcc: Council-Out-Mail

23/04/2018 12:59 PM

File Number. External Ref. Full Name. Title.	2018/21 624 Limekilns Road Brad Cam
Organisation. Return To Me.	

Please reply to : council@bathurst.nsw.gov.au

	From: Brad Cam <brad.cam@midwestern.nsw.gov.au></brad.cam@midwestern.nsw.gov.au>
To:	"lucie.barnett@bathurst.nsw.gov.au" <lucie.barnett@bathurst.nsw.gov.au></lucie.barnett@bathurst.nsw.gov.au>
Date:	23/04/2018 12:40 PM
Subject:	DA No 2018/21

To: Bathurst Regional Council Russell Street Bathurst NSW 2795

Reference DA No 2018/21

Attention Lucie Barnett

I wish to raise our concerns of the above Development Application for 390 Caravan Park sites ,18 hole golf course, Information and Educational facility.

1. Traffic management will be an issue for the Limekilns road ,the road formation is not adequate for the volume of traffic that this DA will generate. The Limekilns Road will need to be upgraded to at least a 3.75metre lane plus shoulder widening including line marking with fog line from the beginning of the Limekilns road to the intersection into the development. The intersection will also need to be upgraded with left and right slip lanes making it safe for turning traffic.

2 The size of the development raises concerns of sewerage disposal and associated runoff into waterways

3 With the location having no water service available concerns are raised on the impact on water table and the aquifers. The volume of water required for the caravan park, an 18 hole golf course and all associated fire hydrants and hose reels that will be required will have significant impacts on ground water.

Thank you for considering our concerns with this development.

Your Sincerely Brad and Tracey Cam 25 Koonong Place Forest Grove Bathurst Sent from my iPad

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solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.

Click here to report this message as spam: https://console.mailguard.com.au/ras/1T8AF0vD2t/hQbrlTLrhf1ressvWYEZr/0

3 of 41 S\_DEPBS\_4\_4 2018/21/022 ----222 Yarras Lane, 19th April, 2018. Bathust Regional Council, Forest Grove. NSW 2795 158 Russell St. P.0 Box 491, Bathurst REGIONAL COUNCIL Bathust NSW 2795 20 APR 2018 2018/21/022 Dear Sir Imadam Thank you for your letter, in regards to Development Application No 2018/21 from Education Learning Pty Ltd, Heritage Park, 624 Linekilns Rd Forest Grove NSW 2795. I live at 222 Yarras Lane Forest Grove 2795 Lot 222 DP 1123170 and am an adjoining neighbour. I would like to express my objection to this DA with the following points. () This area is zoned for rural agriculture land, and currently a 200 or 100 hectare minimum size requirement, is needed in order to build a dwelling. This proposed DA would require resoning in order to proceed, and if it is approved then neighbouring properties could apply to subdivide into smaller life style blocks. Is this a local or state government computince regulation, therefore what consultation would be required with other state government departments as the regulations now stand. (2) The DA does not mention any costing or time frame for this project lould it be a case of having it approved in principal, and then on selling the property with the DA approval to

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Ordinary Meeting

(2)investor, with the view of making a considerable profit in the future. This is virtually a mini city or new suburb of Bathust. (3) Excessive noise is a concern with the number of extra people and vehicles on site during the day and night . Currently Heritage Park has school groups and other functions on site, and I hear music and loud speakes giving instructions to people, depending on the weather conditions and the still right air (+) Increased night time light will be generated, which is unpleasant in a rural farming area. (5) Extra traffic will be generated along the driverbay which adjoins 2 paddocts of mine. I have cattle in these paddocks, and at different times I have young and new cattle which are easily frightened, and run the risk of injury and have jumped fences in the past. (6) The Windburndale Pipeline, runs straight through Heritage Park, so will there be high water usage for both ground Maintenance and human consumption, which will affect other water user along the pipeline, with water pressure and the amount of water available. Currently we have a dry period and an 18 hole golf course would take

Ordinary Meeting

(3) a considerable amount of water. (7) Astand alone sewerage plant is indicated by Calare Civil, so is this going to be managed and maintained by a fully qualified expert, to avoid excess smell and any overflow issues that might occur. The windburndale Rwulet and neighbouring dams are close by so contamination of these water sources need to be considered. (8) The plan shows mobile homes caravan and camping sites to be incorporated at different stages of development. How will this be marraged and will there be long term residents. This is basically low cost housing and difficult todetermine how long people have stayd on site, currently a maximum of 42 days in a calendar year is allowed. (9) How many staff will be housed on site and do these employees count as permanent site residents. (10) Rubbish removal is currently undertaken with a regular garbage cottection at the Limekilns Rd entrance, will this be increased. In a paddock at the back of the property currently rubbish is being dumped and sometimes buried or burnt off, in the meantime rubbish blows into my paddocks. This is not acceptable, as my cattle do eat and chew on plastic etc. so I am regularly picking up this rubbish. I

(4) have included a map to indicate where this is located. (1) In the last 3 years a quarry has been established on the property, I am not sure if this is only for internal use or if granite is being taken off site. Bass this need a development application ? I have inducated on the map where it is located. (1) Is the current entrance to Heritage Park going to be used, as during the very wet season of 2016, the the bridge was badly damaged by flood water, and had to be repaired in order for anyone to leave the park This is a natural water course and takes the overflow to Forest Grove and then onto the Windburndale Rivulet. (13) The proximity to Bathust Auport is of consideration, as I can recall at least 3 light air plane crashes in the last 30 yeap. The most recent was in a paddock several hundred metres, from the entrance, in on the right hand side, where part of the Caravan park is proposed, when 4 people were killed on 7th November, 2008. (14) If this application and development proceeds, then the rural, agricultural and and life style, which is

7 of 41 (5)

much sought after, will impact on property balues. There are many unanswered questions for this project and the current use of Heritage fark has continually grown and changed over the years with expansion into new things. I am deeply concerned that the business activities that are taking place do not fulfill the zoning that it falls under which is agricultural and farming activities.

I would like the council to consider these points, when reviewing this DA from Bouce Hodson at Heritage Park

If you require any further information don't hesitate to contact me on 0438318179. I look forward to hearing about the outcome of other submissions and council meetings with this DA application.

Your faithfully,

Rosemary Carroll



58

Bathurst like most areas is in need of additional low cost housing but we are not aware of any plans by the Council to provide low cost housing in this locality or that would be adversely affected by this proposal. In any event, no permanent residential accommodation is proposed.

## Consideration (d)

Again, no permanent accommodation is proposed. However, the proposed development can provide a range of facilities and services including on site shops and restaurants , a club also a reliable private bus service into and from Kelso and the centre of Bathurst.

# Consideration (e)

The Director has not issued any guidelines.

## **Consideration (f)**

The proposal has been designed to comply with the regulations. Indeed, the concept plan for Lot 4 has been designed in this way i.e. so there is some certainty the final DA will comply with the relevant regulations and standards. 8 of 41

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Figure 4.0-Aerial View Of Site

19

17 April 2018 Mr R Denyer Bathurst regional council Dear Mr Denyer,

BATHURST REGIONAL COUNCIL

18 APR 2018

REF. 2018 21 019

I am objecting to development application no 2018/21. My wife and I moved to bathurst 10 years ago. 2 years later we spent most of our money to buy a 6 acre block zoned semi rural so as we could enjoy the rural views and have a taste of country life. We have now been informed by a neighbour that a proposed caravan site ( stage 1 194 sites, stage 2. 98 sites, stage 3. 98 sites ) is to be built on the former cattle dome site. Our rural view would now be a caravan park.

9 of 41

I would hope this proposed site would not get council approval.

Would you please advise on following questions

1 .would current site need to be rezoned for caravan park.

- We have 2 caravan parks in Bathurst that would struggle to have a high occupation level. Does Bathurst need another 390 caravan sites.
- 3. What percent of sites would be for permanent residents.
- 4. Limekilns road is a busy road in peak hours. With new housing development in limekilns rd, could this road handle the increased traffic ?It would be bad at the cattle dome area let alone at Kelso.
- 5. Would this site rely on bore water?
- 6. Who is proposing the development?
- 7. What hours would the educational centre operate?
- 8. What are the future expansions?

Thank you Max Culkin. Mob 0417404002 21 Koonong pl Forest Grove

DEPBS /

M Culking

18 APR 2018

BATHURST REGIONAL COUNCIL

Ordinary Meeting



Justin Edmunds and Susan Graham 569 White Rock Road

White Rock NSW 2795

BATHURST REGIONAL COUNCIL

0422 203 848

Thursday, 19 April 2018

Mr Richard Denyer

10

Manager Development Assessment

Bathurst Regional Council

Private Mail Bag 17

Bathurst NSW 2795

Dear Mr Denyer,

#### RE Development Application No 2018/21

We wish to object to the proposed development application No: 2018/21 at 624 Limekilns Road.

We have recently purchased and are currently building a new home at 555 Limekilns Road, across the road from this proposed development. We believe the development will negatively impact our property in the following areas:

- i. Views.
- ii. Privacy
- iii. Potential noise transmission to the surrounding land
- iv. The likely visual impact of the proposed building in relation to the streetscape.
- v. Other Issues. Traffic increase on Limekilns Road.

i Views. This stretch of the Limekilns Road is a rural area. There are vast rural views to the Blue Mountains in the East, towards which most homes built along Limekilns Road face, to appreciate. The impact of 390 caravan site on this vista will certainly be a negative one. I am unsure how many campers use Mt Panoramas facilities during the races but this is the outlook I am imagining we will see from our block as we look towards the mountains in the future.

ii Privacy. This will be affected by the increase in traffic flow along Limekilns Road.

2 0 APR 2018

BATHURST REGIONAL COUNCIL

iii Potential noise transmission to the surrounding land. Increased noise from a possible 390 motor vehicles from the caravan park, plus other vehicles using the tourist and visitor accommodation, plus golf course users and finally visitors to the education centre will liken Limekilns road to a major road. This extra noise pollution will be transmitted to all the residents along both sides of the road.

**iv The likely visual impact of the proposed building in relation to the streetscape**. The streetscape will be completely altered from a rural living to high density urban living. The conditions in our contract of sale were explicit in maintaining the streetscape and look of the dwellings from the road, including all other building on the land. These conditions were set to maintain a rural feel to the road in keeping with existing developments. We feel disadvantaged in that a new development can proceed without keeping to the existing streetscape.

iv Other Issues. Traffic increase on Limekilns Road. As mentioned previously, the development will result in a huge increase in traffic flow along Limekilns road from the Caravan Park, tourist accommodation, golf and sporting facilities and the education centre. This part of Limekilns road is in a 100km per hour zone and many parts with double lines. Presently there is no facility to pull over to turn into driveways and as Limekilns road is not very wide the increase in traffic will create dangerous situations.

Limekilns road is used for recreational pursuits including bike riding and horse riding. Both taking advantage of the quiet road and its scenery. We had planned to ride our horses down this road, as others enjoy, but we fear with the extra traffic and narrow conditions this will no longer be an option for us or other people along the road once the development takes place and during construction.

We thank council for taking our concerns into account when deciding on the outcome of this application. Please contact us should you want to discuss any issues raised.

Yours sincerely

Justin Edmunds and Susan Graham

S\_DEPBS\_4\_4

## 2018/21/017

Submission re DA 2018/21 - 624 Limekilns Road<br/>Katie Gunning to: council@bathurst.nsw.gov.auFrom:Katie Gunning <k-bromfield@hotmail.com>To:"council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>

17/04/2018 10:08 PM

Good Morning,

Please find attached our submission in relation to DA 2018/21 - 624 Limekilns Road Forest Grove.

Please note our request to be informed of further correspondence and developments relating to this application.

Can you please advise if you require anything further from us, to support our submission.

Kind regards

Katie Gunning



17 April 2018 Katie and Mark Gunning 587 Limekilns Road Forest Grove NSW 2795

#### RE: Development Application No 2018/21 – 624 Limekilns Road Forest Grove

Dear Sir/Madam,

I write in response to Development Application No 2018/21, of which we were notified by a neighbouring land holder on 17 April 2018. This DA was lodged 22 January 2018 and we were unaware of its existence until this date. We are writing to state our objection to the proposed development, in particular the establishment of a caravan park on what is currently rural acreage.

We made a decision in 2015 to purchase our property at 587 Limekilns Road Forest Grove, because we wanted to provide our children with the chance to grow up in a quiet rural setting, away from the traffic and noise associated with residential and commercial areas.

We chose this particular property and purchased it at a significant cost primarily due to its expansive views and the rural surrounds. We believed we were purchasing in an area that would continue to maintain its rural aspects. We subsequently designed our home encompassing these views, which primarily focus directly across the property known as "Heritage Park," the subject of this development application.

At this time, we were aware of the operation of the Heritage Park as a small-scale school based learning and accommodation centre. In reviewing this current DA it has become known to us that a previous DA 2002/0736 has been approved for an "Integrated Resort Style Tourist Accommodation."

The location of the existing accommodation and dwellings associated with the Heritage Park do not impact on our current position. The buildings are not in view of our property and noise is not an issue due to the proximity of them to our property and the current geographic features of the land.

Our concern lies primarily with the proposal for 390 moveable dwellings, or caravans located in direct view of our property. This impacts significantly with our outlook, as well as our privacy and will have a significant impact on the value of our property. Please refer to the attached photographs taken from the front of our property, directly across the property in question.

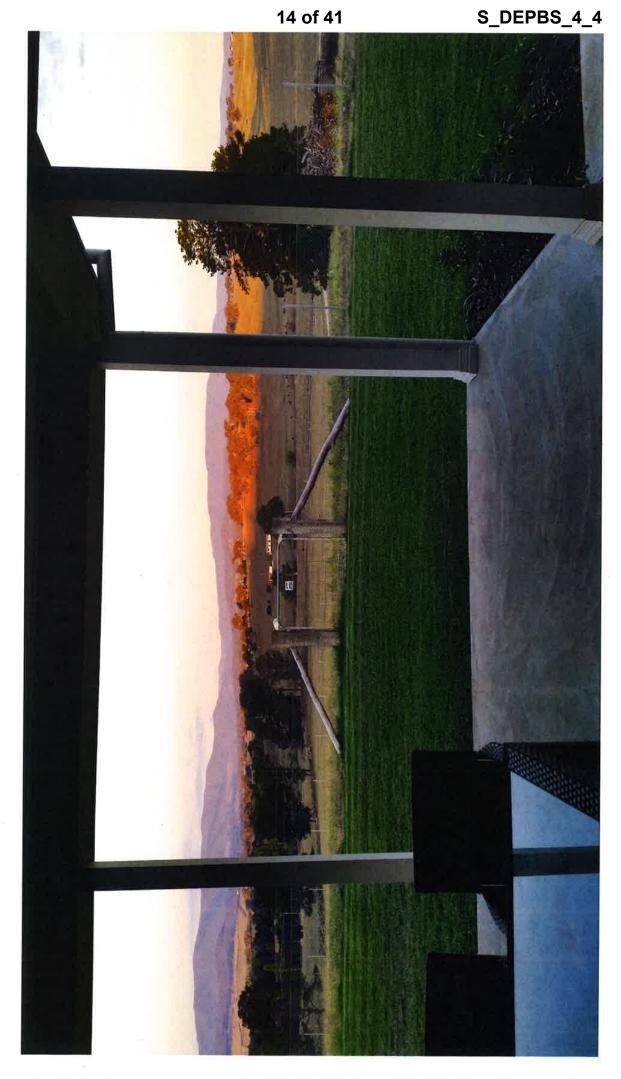
Limekilns Road is not fit to accommodate the increase in traffic that this proposal intends to generate. The upgrade and subsequent maintenance would incur a significant cost to local council. A 390 site caravan park would generate significant noise which would carry to a large number of neighbouring properties, thus impacting on the current rural setting.

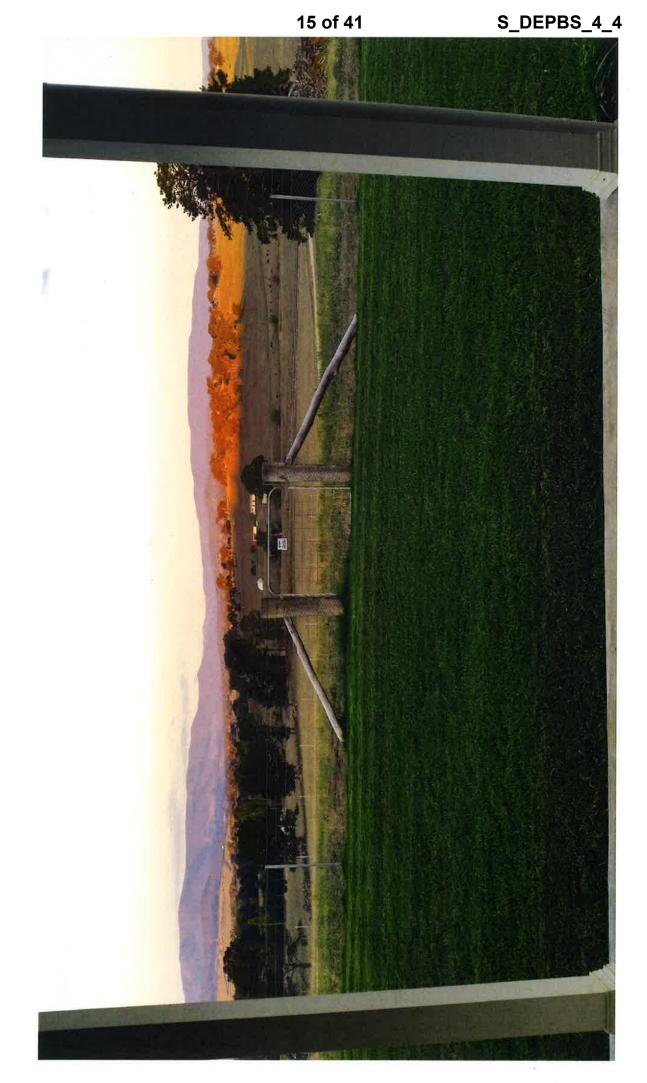
The current DA allows for an "Integrated resort style tourist development." This allows for Tourist Villas which denotes a higher quality of accommodation, attracting a higher rental return and subsequently a different clientele to that targeted by a caravan site, which can be used for budget accommodation for up to 3 months at a time.

We would like our objection to the current proposal noted and given this DA would directly affect our current living standards, request that we be included in any further correspondence relating to this application.

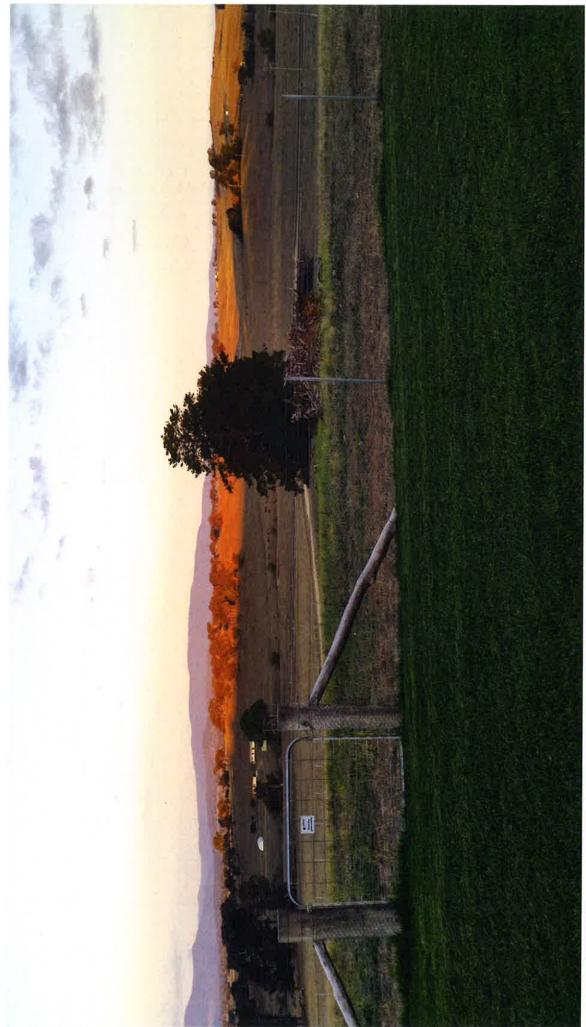
Yours sincerely Katie and Mark Gunning

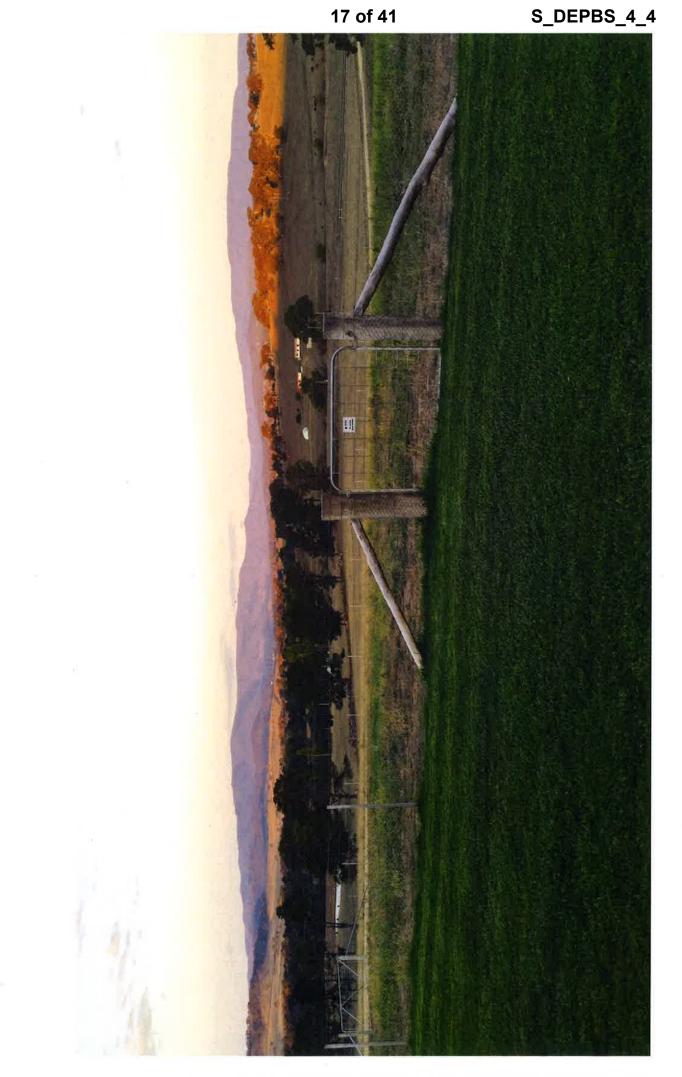
**Ordinary Meeting** 













To whom it may concern,

Please find attached our submission regarding the Development Application No 2018/21.

Kind Regards, M. Kong

#### Report this message as spam

- Submission Development Application No 2018\_21 Kong.pdf

Kate and Martin Kong 6 Wingeretta Close, Forest Grove, NSW 2795

Bathurst Regional Council Civic Centre 158 Russell St Bathurst, NSW 2795

To whom it may concern,

#### Re:

Development Application: 2018/21 - mixed use development

Premises: Lots 270, 271 DP861476, Lot 1 DP126025, Lot B1 DP403344, Lot 1 DP12047459 & Lot 34 DP1012860, 624 Limekilns Road, Forest Grove.

As residents of the Forest Grove community and affected neighbours, we would like to express our concerns regarding the proposed development of a mix purpose facility at Lots 270, 271 DP861476, Lot 1 DP126025, Lot B1 DP403344, Lot 1 DP12047459 & Lot 34 DP1012860, 624 Limekilns Road, Forest Grove.

We carefully considered the development application, and while we generally support aspects of it, such as the Bathurst Experience and Wiradyuri Aboriginal Cultural and Educational Centre, we object the development of an extensive 390 lot caravan park. Of particular concern, due to its vicinity to the Forest Grove residential area, are stage 2 and 3 of the caravan park in precincts 3 and 4. At full capacity the caravan park component of the proposal will likely have significant impact on neighbouring properties.

Following concerns are submitted to council for consideration:

- Traffic implications on Limekilns Road and Yarras Lane, in particular during event days (i.e. Mount Panorama races):
  - There will be an increase in traffic on Limekilns Rd and Yarras Lane, especially vehicles towing caravans. Yarras Lane will likely be the preferred access for all traffic coming from Sydney. Since our property is located at the intersection of Limekilns Rd and Yarras Lane we will be directly and adversely impacted by the increased traffic load. Yarras Lane is also rather narrow and windy in places, so road safety is a concern.
  - The proposed caravan park will likely be utilised during local events at Mount Panorama, which would greatly increase the number of vehicles traveling into town on Limekilns Rd (and then through town) for the event. We consider this problematic due to:
    - Limekilns Rd in part lacking basic safety measures such as line marking.
    - Limekilns Rd and Yarras Lane being popular cycling routes.
    - On event days we have concerns that the visitors staying in the caravan park and commuting into town or Mount Panorama may be less willing adhere to road rules (in particular in regard to alcohol restrictions).

- Noise impacts:
  - The proposed caravan park could potentially see well over 1000 people (estimate of 3 occupants per unit/campsite) in vicinity of the Forest Grove residential area. This could result in significant noise. Also, events at the various sports and entertainment facilities could have noise impacts too. Noise from a small boarding kennel approximately the same distance from our property as the proposed caravan park is clearly audible at our residence.
  - Of particular concern to us are noise impacts from events at night time.
- Potential impact on water quality:
  - A significant portion of the proposed facilities and the caravan park are located upstream in the same catchment as the Forest Grove residential area. Water from the catchment is utilized by the Forest Grove community. We have concerns that the water quality will be impacted by the development.
- Impact on the aesthetical value of the rural landscape:
  - While we can't speak for other residents in the area, we choose Forest Grove for its appeasing rural setting. We fear that in its final stages the development will transform the area essentially into a semi urban setting. This may also impact on the surrounding property values.

It is also noted:

- Section 5.5. 10(a): The Development Application suggests the current proposal is barely distinguishable from the previous approved proposal. While we did not have the opportunity to assess the 2001/6073 application in detail, the submitted maps suggest this is not the case. The current proposal seems to move facilities closer to residential buildings in the Forest Grove community.
- Section 6.0: An initial observation is made in relation to bird strike potential near Bathurst Airport that claims the proposed development of this land would have less potential impact than if it were used for intensive agriculture. We are doubtful of this observation as the proposed development seems diversify and improve bird habitat. Most notably are:
  - Several large water features as shown in the golf course map creating water bird habitat.
  - The commendable intent to regenerate bushland which can result in improved bird habitat and nesting opportunities.

The nature of the development in general will also likely attract synanthropic bird species.

• Section 6.0: It is claimed the property is a not a "bushfire prone" area. In our opinion this is a bold claim to make, even if the term is used in quotation marks. There is sufficient vegetation in this area to support the spread of a fire. We want to emphasize that a 390 site Caravan park will undoubtedly increase potential ignition sources for bushfires, posing a significant threat.

We appeal to the Bathurst Council to take above concerns into consideration. We would also welcome Council to facilitate a compromise in the interest of the residents and the developer. This may include, but is not limited to:

- Limitation on precinct development (most notable restrict development the Stage 2 and 3 Caravan Park in precinct 3 and 4).
- A Traffic Management Plan incl. road upgrades (i.e. road widening, line marking, changed speed limits).
- A Noise Management Plan (i.e. event curfews).

Sincerely,

Kate and Martin Kong

S\_DEPBS\_4\_4



bxcity 2.pdf Altech Air to: council@bathurst.nsw.gov.au

20/04/2018 10:23 AM

From:Altech Air <altechair@outlook.com>To:"council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>

Development Application No 2018/21 objection letter.

Lavelle Family

28 Koonong Place

FOREST GROVE NSW 2795

Sent from Mail for Windows 10

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- bxcity 2.pdf

**Ordinary Meeting** 

20/04/2018

Bathurst Regional Council

Re: Development Application 10-2018-21-1

We wish to object to the above DA as we believe this development will have a detrimental effect on our rural environment our livestock and our quality of living. We purchased our land 4 years ago to escape living in suburbia, and to have a quite rural outlook in which to live. This will be compromised if this development is approved.

There are several issues we would like to raise in objecting to this DA.

1: The land in this area is zoned RURAL and we wish it to stay that way. We purchased our land at considerable cost and have a beautiful outlook from our home. If this DA is approved, we will be looking straight at a caravan park. This will have a massive impact on what our land value will be worth.

A caravan park should be located on the city entrances on land appropriately zoned. Not in the middle of rural properties.

2: Access to the proposed DA site is via Limekilns Road which at best is a narrow poor-quality road for the amount of traffic that already uses it on a daily basis. Will it be the responsibility of the Bathurst council or the developer to bring this road up to a standard to make it safe to handle the increased traffic flow?

3: What consideration has been made to limit noise pollution from such a development. Many properties that will be directly affected by noise have expensive livestock that can be spooked or scared during very important lambing/calving and foaling seasons.

4: What considerations have been made for light pollution. The use artificial lighting in a development of this kind in a rural setting will disrupt our ecosystems and our livestock. As in point 3 lambing/calving and foaling are crucial times of year and artificial lighting will impact this.

5: Littering would also be a grave concern, as short-term residents will not care for the environment like we all do. Not only would litter be damaging to the environment but it will attract vermin. Our biggest concern is the potential to attract foxes, wild dogs and cats to the area which will impact on livestock and native wildlife.

6: Waste water and sewerage is also a big concern. Our dams and waterways are a very precious commodity on rural properties and a development of this size will produce considerable waste. What will be done to protect our water?

7: Potable water is also a big concern. A development of this size will require large amounts of water. The potential to use bore water could impact greatly on the water table and there for jeopardise the water we use to keep stock alive.

If water is supplied from the council reservoir to the development site as suggested in the application, then all properties in the area should have access to the town water supply.

In summary we are feeling let down by council as we were actually notified by a neighbour yesterday about this DA and this DA could have life changing effects on our standard of living, we are both 5<sup>th</sup> generation Bathurstians, we work hard for what we have and give so much back to our community we trust council to look out for us and not kill our dreams by approving this DA, we purchased this property so we can bring our kids up in a quiet, safe, rural setting. Approval of this DA will put us back into suburbia we believe a caravan park would be more suited at one of the entries to our city, an area that is ZONED appropriately

Regards Jeremy and Nicole Lavelle

28 Koonong Place

Forrest Grove



Good afternoon.

Re: Development Application 2018/21

I live at 42 Koonong Place Foresst Grove and from our front veranda we look straight on to the proposed site of the new Caravan Park.

We have lived at 42 Koonong Place for well over a decade. We chose this area because of the peaceful rural aspect and the picturesque countryside. We believe that this proposal will destroy the peaceful environment that we currently enjoy.

Not only will this development ruin our view but we also believe that the noise will transmit across the valley to our property. We regularly hear the barking of the dogs that are housed along Yarras Lane and this development is closer to us so we believe it will be even louder and it will possibly have a disruptive impact on the dogs encouraging them to bark more.

Limekilns Road is not a wide road and I do not believe that it will cope with the increased traffic flow. We are very aware when the police stay at the Sheep and Cattle Drome during the Car races as the traffic is much busier. We believe that this proposal will increase the traffic dramatically making it a more dangerous road than it is already. Cyclists ride along Limekilns Road everyday and I believe that the increased traffic will also place them at increased risk.

In our area we rely on rain water and bore water as we do not have town water. We are concerned that if this new development relies on bore water that the water table will be depleted and it will significantly impact on all residence in the area.

We would ask Council deny this development.

--• • •

Kind regards

Melissa McDonogh 42 Koonong Place Bathurst NSW 2795 0409 998 223

Report this message as spam

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BATHURST REGIONAL COUNCIL 2 0 APR 2018 RE-2018 21

41 Koonong Place

Forest Grove 2795

To whom it may concern,

Please accept this as an official objection to the proposed development at 624 Limekilns Road, Forest Grove.

We accidently found out about this proposed development and consider it to be unsuitable for the Forest Grove area.

We choose to live in a quiet rural area, on small rural blocks, and do not want that environment to be disturbed by the development as proposed. The development of a 390 site caravan park is way out of character and does not fit in with the conditions of the area. This area of proposed development has always been an educational area but the addition of a caravan park is unacceptable.

The following require careful consideration and appropriate answers:

1. Where does the water come from to service these sites? We have a water problem at times with a household of 2 people.

2. How do the developers propose to dispose of sewage? The clay soil will cause concerns for a septic system to service 390 camp sites. Will a septic system, of the size that I anticipate would be required, affect the subterraneous water which the residents of the area rely on?

3. Who will be responsible for the upgrade of Limekilns Road to support the extra traffic? I imagine that will be a cost to the developers. Limekilns Road will have to be upgraded to accommodate the size of some of today's caravans and I can't see Bathurst City ratepayers being prepared to meet the cost.

The addition of a caravan park will completely alter the amenity of the area.

Thank you for your consideration

John Murphy, on behalf of John and Betty Murphy Brad and Tracey Cam



BATHURST REGIONAL COUNCIL

DEPBS

**Ordinary Meeting** 

S\_DEPBS\_4\_4



Submission re concerns for DA 2018/21 Bathurst Observatory to: council

19/04/2018 04:57 PM

From:"Bathurst Observatory" <info@bathurstobservatory.com.au>To:<council@bathurst.nsw.gov.au>

Please find attached our thoughts on Concept plan 2018/21.

Ray and Cindy Pickard - Concept Submission final draft.docx

R&C Pickard 624 Limekilns Rd Forest Grove NSW 2795

Council Development Application Number 2018/21

#### Dear Council,

The concepts detailed in the concept plan 2018/21 certainly look exciting and have potential benefits for the owners. We think there are several things detailed that may also enhance our continued presence at the site as well. However, there may be a few oversights or suggestions, particularly in relation to location of precincts and activities that do affect and may harm the observatory and the dwelling on the same property.

We wish to submit the below concerns and suggested solutions regarding the concept proposal submitted by our neighbours Educational Learning. While we currently have our property for sale, at this stage the property remains a functioning observatory. We reserve the right to remove the property from sale and continue to operate the site as an observatory, thus we are seeking to ensure that all proposals submitted must consider the effects they will have on the current property.

Contrary to the points detailed in the plan, the observatory is not deleted but maintains its group tour functions at the site. As a result, impacts upon its operation need to be included and some precincts adjusted accordingly. As of our letter receipted by Bathurst Regional Council on the 22/5/2016, it was noted that an E.I.S is likely required for any development that would directly impact upon the observatory in relation to light spill and the Australian Standard.

We note that the plans submitted with the proposal remove our existing right of way, which is the only access to our property. We request this right of way to remain in place and unchanged. At this stage we do not approve any alteration to the current right of way as we have concerns over any conditions placed upon a new access, unrestricted access, lighting and proximity of any proposed change. We also wish to ensure that at no time is our access to and from the property interrupted in any way for us or our guests. There is also a concern that the proposed new road directs car lights for a considerable distance (along its alignment) towards our site. As a solution, perhaps the road could swing earlier across the ridge line to minimise the length of time and proximity of the car headlights towards our site. Alternatively it could enter at its new point and travel straight (east) until meeting the existing road.

We also note we have an easement for carparking along our southern boundary. This easement access and car parking need to remain in place for our visitors.

This proposal notes that it will comply with the current airport lighting restrictions. We note however that we are an observatory site and that lighting has significant effects on the operation of an observatory. This requires more stringent lighting controls than zoned for the airport. The

concept proposal would need to include a list of every light and its ANSI lumen value (not wattage), including diagrams of reflected light dome, forward and backscatter affects and shielding of every light. This can be included in the EIS mentioned earlier of affects to the observatory. In addition, the EIS should cover what activities are proposed that may generate particulate matter, as airborne particles can also reflect light and obscure vision of the sky, both light and particulate matter combine to affect conditions of operation of the observatory.

Dust during construction is a concern and may require a relocation and shut down of scopes during dust creating work. I am surprised that we were not notified of earthworks commenced in mid 2016 (that caused dust damage to a sensor on the telescope requiring a major repair and downtime) and were not notified of a D.A submitted or dust mitigation procedures due to its proximity to the observatory. Dust mitigation plans will have to be included to reduce or remove potential for more damage to the telescopes.

To prevent buildings and trees blocking our views of the sky, we request that all trees and buildings can impinge no more than 10° above our fence line but trees are required for noise and visual impact reduction. The trees themselves not being a total solution to lighting issues. To ensure that buildings do not interfere with viewing conditions we are requesting a (100m) buffer around our boundary where buildings, including temporary dwellings and caravans cannot be located. There should also be no building, tree or interference (via refection) to our line of sight access to the NBN tower to the north, north east (Stringybark Ridge Tower).

In reference to the caravan park, to reduce impacts upon us, it is suggested to be moved much further northward perhaps within a further precinct, with parklands acting as a buffer. There should however be no possibility of permanent or long-term residency as this would make the site more a low cost housing precinct rather than a tourism orientated site. As the owners cannot guarantee what lighting or spotlights will be on caravans (as movable items) and cannot impose controls on temporary vehicles, then all such sites need to be far enough away that they do not disturb the current observatory with lighting. The present proposed location would be too close.

The current observatory operates with a human guide explaining the wonders of the universe. We are requesting noise control so that the current peaceful nature of the tour is not disturbed.

We note that there is some plans regarding disposal of effluent. We wish to ensure that installation of either septic system or sewerage treatment systems are done in consideration of any odours that may drift over our property. Prevailing winds of an evening (our tour times) are summer, from the east, and winter west.

If services are being provided (such as the reticulated water and sewer proposed), we wish that no financial burden is placed upon our site to comply with compulsory connection. Nor is our site to be burdened financially for any changes to any easements, rights of way etc. We also need a continued guaranteed access to Winburndale water supply (boundary). We cannot see on the current plans, that this has been left in place. We seek to guarantee that we have this alternative access to water.

We also wish to note that we need to be notified by mail of any future lodgement of D.A variations, plans or concepts.

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Despite these concerns we do note we do not object wholesale to any concept plan, but only those that directly impact upon us and our operation. We feel we have offered suggestions of solutions and in the past we have supported some aspects of this plan for some time. We do wish them well, as we know some of these ideas have been around for almost 15 years and it would be good to see the site take the next step forward.

**Yours Sincerely** 

19/4/2018

Ray and Cindy Pickard



Planning & Building Dept : Application No: 2018/21 Wendy Pratley to: council

21/04/2018 02:04 PM

From:Wendy Pratley <wdpratley@gmail.com>To:council@bathurst.nsw.gov.au

Attached please find letter regarding Development Application No: 2018/21 from owner David Pratley 97 Yarras Lane Kelso. Regards David

Report this message as spam

- D Pratley objection caravan park.docx

D Pratley 97 Yarras Lane KELSO 2795

21<sup>ST</sup> April 2018 Bathurst Regional Council Planning & Building Department

I am writing in relation to Development Application No: 2018/21

As a landholder and Primary producer in the near vicinity of proposed D.A. I Object on the following grounds.

- 1. Effluent and garbage including litter could contaminate the nearby Winburndale Rivulet.
- Under stringent new guidelines set by Meat and Livestock Australia (M.L.A.) Any persons or stray livestock entering my property could endanger my Status as a registered livestock producer. The threat of noxious weeds and Livestock diseases is potentially hazardous to my livelihood.
- 3. Increased traffic on the Limekilns road associated with this development will detract from the rural atmosphere of the area. Limekilns Road would in my opinion need a major upgrade to cope with extra traffic.
- 4. M.L.A. guideline stipulate that any person entering my property should at first obtain my consent and be cleared of any potential threat of spreading noxious weeds or animal diseases. With increased tourism from the proposed caravan park the potential for trespass on my property "Yarras" which has Winburndale frontage would be greatly increased. The proposed animal agistment on Precinct & would endanger the health status of all surrounding properties.

Sincerely David Pratley 97 Yarras Lane Kelso

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548 Limekilns Road FOREST GROVE NSW 2795

P & B Siejka

18 April 2018

Bathurst Regional Council Planning & Building Department

BATHURST REGIONAL COUNCIL 2 0 APR 2018

We are writing to object to Development Application No 2018/21

As property owners bordering the proposed DA, we would be extremely disadvantaged if this DA were to be approved.

The Caravan Park as well as the Golf Facilities & Academy Stages 1,2 &3. Precincts 2,3,4 would be right on the border of our land and no more than 150 metres from our home.

We are terribly upset and concerned that this proposed development would completely change our quiet rural lifestyle and affect our existing Stock Horse Stud business.

It would impact on our privacy and possibly home security, it would block our rural views, the noise associated with a caravan park would be detrimental to our current lifestyle and horse business.

We have a successful stock horse stud and this Development would impact on the environment in which the horses are raised and trained. We have outside mares and foals adjisted here during breeding season to be bred with our stallions and we could not guarantee the owners complete safety of their horses should there be people from the caravan park trying to pat horses over the fence or feeding them, this could cause problems such as colic which can be fatal. Another problem we would face when training young horses is the noises from the caravan park that could spook young horses causing them to throw a rider or go over fences, ie: a car backfiring, any loud noises or car lights at night. Also, any plastic or rubbish that gets blown over the fence could be eaten by the horses again making them sick.

These are just a few problems that could arise from this development.

The traffic along Limekilns Road would increase, and after speaking to many Limekilns Road and Forest Grove estate residents, no one it is happy about this prospect, many people use this quiet road to ride their bikes and horses along, the extra traffic would make these activities no longer possible.

We have all worked hard to afford a rural lifestyle away from the noise that comes with living in town, we certainly do not deserve to have a caravan park destroying our country outlook and peace and quiet. Not to mention the fact that a caravan park next door would be disastrous to our property value, who would want to live next door to a Caravan Park.

#### **KEY POINTS OF CONCERN -**

- NEGATIVE IMPACT ON OUR EXISTING STOCK HORSE STUD BUSINESS, it would create dangers in regard to the wellbeing and safety of our horses as well as the safety of the trainers & handlers, which could result in our business losing clients.
- PRIVACY & HOME SECURITY With the proposed development having 390 caravan sites, 107 Mobile Homes and camping sites being within 150 to 250 meters of our home, stables & machinery sheds, could increase the chances of break-in's or theft.
- VIEW & QUIET RURAL OUTLOOK, the development would completely destroy our view's & rural outlook as well as the peace and quiet that comes with rural living.

**Ordinary Meeting** 

Page 201 of 843 - 18 July 2018

Attachments

# S\_DEPBS\_4\_4

P2

- INCREASED TRAFFIC- this would create problems for all residents living along Limekilns Road & Yarras Lane as well as dangers to cyclist, joggers & horse riders.
- NEGATIVE IMPACT ON SURROUNDING PROPERTY PRICES As a result of a Caravan Park/ Mobile Home development being approved. Bordering & surrounding residents & property owners would be sure to see a drop in the value of their property. Their country views will be no longer, as will the peace and quiet that comes with a rural lifestyle.
- SEWERAGE RETICULATION- With all sewer disposal to be via onsite treatment plant there would be a huge concern with the smell associated with the treatment plant to all residents surrounding the development including Forest Grove residents. The smell is bad enough on small septic tanks when the wind blows in certain directions.
- RUBBISH Heritage park already have a huge amount of garbage bins lined up along Limekilns Road on Garbage pick-up day, the rubbish collected from such a large development would be massive and there would be concerns that rubbish may not always be contained and blown on to bordering properties and the road.
- BOOSTER PUMP- The possible future booster pump seems to be located in close proximity to our front
  paddock that we keep our young weanling horses in, we have concerns any noises from the pump could
  cause harm to the horses should they get a fright.
- ZONING- As the area is classed as Agricultural and can not be subdivided if less than 200ha, it seems completely unfair to all other property owners if this proposed development is approved.
- PLANE CRASHES- In 2008 a plane crashed on the hill of proposed precinct 3, there have also been several
  plane crashes close to Bathurst airport over the years.
- WEED CONTROL The current owner/manager of Heritage Park does not control the weed situation on the
  property, the property is covered with various weeds and thistles, making it extremely difficult for all
  bordering land holders to keep weeds out of their pastures. This could reflect on the way the proposed
  development would be maintained.

Sincerely,

Peter & Belinda Siejka Eagle Stock Horses 548 Limekilns Road, Forest Grove 2795

Attachments



RE: Submission Development Application No : 2018/21 Belinda Siejka to: council

19/04/2018 06:08 PM

From:"Belinda Siejka" <bsiejka@bigpond.net.au>To:<council@bathurst.nsw.gov.au>

Please find attached submission letter regarding DA 2018/21.

Kind Regards,

Belinda Siejka - BRC letter re DA.docx

# S\_DEPBS\_4\_4

Ρ1

P & B Siejka

548 Limekilns Road

FOREST GROVE NSW 2795

18 April 2018

Bathurst Regional Council

Planning & Building Department

We are writing to object to Development Application No 2018/21

As property owners bordering the proposed DA, we would be extremely disadvantaged if this DA were to be approved.

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We are terribly upset and concerned that this proposed development would completely change our quiet rural lifestyle and affect our existing Stock Horse Stud business.

It would impact on our privacy and possibly home security, it would block our rural views, the noise associated with a caravan park would be detrimental to our current lifestyle and horse business.

We have a successful stock horse stud and this Development would impact on the environment in which the horses are raised and trained. We have outside mares and foals adjisted here during breeding season to be bred with our stallions and we could not guarantee the owners complete safety of their horses should there be people from the caravan park trying to pat horses over the fence or feeding them, this could cause problems such as colic which can be fatal. Another problem we would face when training young horses is the noises from the caravan park that could spook young horses causing them to throw a rider or go over fences, ie: a car backfiring, any loud noises or car lights at night. Also, any plastic or rubbish that gets blown over the fence could be eaten by the horses again making them sick.

These are just a few problems that could arise from this development.

The traffic along Limekilns Road would increase, and after speaking to many Limekilns Road and Forest Grove estate residents, no one it is happy about this prospect, many people use this quiet road to ride their bikes and horses along, the extra traffic would make these activities no longer possible.

We have all worked hard to afford a rural lifestyle away from the noise that comes with living in town, we certainly do not deserve to have a caravan park destroying our country outlook and peace and quiet. Not to mention the fact that a caravan park next door would be disastrous to our property value, who would want to live next door to a Caravan Park.

# **KEY POINTS OF CONCERN –**

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- VIEW & QUIET RURAL OUTLOOK, the development would completely destroy our view's & rural outlook as well as the peace and quiet that comes with rural living.

**Ordinary Meeting** 

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- ZONING- As the area is classed as Agricultural and can not be subdivided if less than 200ha, it seems completely unfair to all other property owners if this proposed development is approved.
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- WEED CONTROL The current owner/manager of Heritage Park does not control the weed situation on the property, the property is covered with various weeds and thistles, making it extremely difficult for all bordering land holders to keep weeds out of their pastures. This could reflect on the way the proposed development would be maintained.

Sincerely,

Peter & Belinda Siejka

Eagle Stock Horses

548 Limekilns Road, Forest Grove 2795

32

37 of 41

# Development Application NO 2018/21

BATHURST REGIONAL COUNCIL 2 4 APR 2018

Please accept this letter as an objection the Development Application NO 2018/21

While we welcome any proposed development to Bathurst promoting Tourism and Education Facilities we strongly oppose the development of a Caravan Park in Forest Grove.

We were only informed of this proposal late Friday afternoon by direct neighbour of the Proposed Development and we had not received any correspondence regarding the above.

As with other objections received our areas of Fundamental Concerns mirror surrounding land owners and nearby residence of Forest Grove.

# Concerns for Site Suitability

#### Visual Impacts

Council is obligated to consider the zone objectives in regard to the impact to rural views and visual aspect by the number manufactured movable homes and caravan sites. It is our belief that this will damage the panoramic character and rural charm of the area for present and well-established land owners.

#### Environmental – Economic Impacts

Many of the landowners have chosen this area and establish a Rural and Agricultural lifestyle. Businesses and hobby farms are based around livestock and animals. The introduction of domestic animals and their associated contagions should they stray, pose a direct conflict between the proposed land uses and vicinity of the site which potentially be disastrous for current rural landowners.

In summary we find we feel that developing of a Caravan Park in this area Would create an unreasonable impact on the area.

Glenn Starr

Tanya Nieuwendyk

104 Yarras Lane

Forest Grove 2795

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RECEIVED 2 4 APR 2018

**BATHURST REGIONAL COUNCIL** 



Attachments

S\_DEPBS\_4\_4

# 2018/21/018



# ENVIRONMENT, PLANNING & BUILDING SERVICES DEPARTMENT

Attention Richard Denyer

We do not consent to any future development without the owner or developer providing and maintaining a man proof fence along our boundary.

The only access consideration be for emergency vehicles and stock movement in the case of fire.

The barrier be erected of a standard to contain any person in the tourist park and from entering our property in the future.

Thank you for your attention to this matter,

Gwendoline Webster Rossmore Park 176 ceramic avenue Raglan NSW 2795

6337 3554

a2fvtol@live.com

	DA 2018-21 624 Limekilns Road Forest Grove Stanley Williams to: council@bathurst.nsw.gov.au Cc: Stan	20/04/2018 11:03 AM
From:	Stanley Williams <stanley.williams@one.ses.nsw.gov.au></stanley.williams@one.ses.nsw.gov.au>	
To:	"council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au></council@bathurst.nsw.gov.au>	
Cc:	Stan <fwdfun@bigpond.com></fwdfun@bigpond.com>	

To Whom it may concern,

Stan and Bethne Williams have some questions and concerns in relation to DA 2018-21 624 Limekilns Road Forest Grove NSW.

It would be appreciated if you review the attached document prior to approving the DA.

If you have any questions, we are happy to discuss.

Stan and Bethne Williams

0428 627 773

fwdfun@bigpond.com

626 Limekilns Road

Forest Grove NSW

2795

- DA 2018-21 624 Limekilns Road Forest Grove.docx

**Ordinary Meeting** 

19 April 2018

Stan and Bethne Williams 626 Limekilns Road Forest Grove NSW 2795 0428627773

Bathurst Council Private Mail Bag 17 158 Russell Street Bathurst NSW 2795 council@bathurst.nsw.gov.au

Dear Sir or Madam,

# Re: DA 2018/21 dated 22 January 2018

We wish to lodge a submission on the proposed Development Application not 2018/21 for the 634 Limekilns road proposal for a subdivision. The information in the application contains many gaps and confusing information that raises questions and does not provide answers. Items such as the crematorium and observatory are mentioned and shown on the maps, but elsewhere are described as deleted, which makes it very difficult to identify the full impacts of the proposal. There are no definitions within the proposal however many acronyms are used which we are unable to decipher without a list of definitions, for example, we don't know what the acronym "EP" stands for, and we don't understand what a 'community title' means in relation to the land status. Does this mean they wish to subdivide the caravan park sites into separate titles?

The maps are very difficult to read, fonts are unreadable and no amount of increasing the print size will clarify what they are showing. The maps don't show our neighbouring property boundary, which makes it difficult to identify the impacts on us. The maps on page 8 do not have contour lines and features are not identified. The existing entrance road from the army memorials, past our property entrance and to the main entrance of the facility is not shown on the maps. What will happen to our entrance road once the proposal's new road is installed, do we lose our entrance? Who will maintain the existing entrance road?

The land zoning appears to be agricultural, and this proposal does not seem to align with maintaining agricultural activities and will remove a large tract of land from agricultural use, which seems inconsistent with the zoning. Is this submission a request to rezone the land from zone 1? It is unclear to us what the intention is of the application.

There is no Environmental Impact Statement, we are unable to determine what the impacts may be, however we are concerned about subterranean water, ground water and the huge amount of effluent processing, arising from 196 caravan sites shower and toilet facilities, particularly as the

siting of effluent waste management facility is nowhere indicated in the submission and is not identified on the maps. We are also concerned at the unknown impact on our water supply and drainage to the billabongs near the army memorials, which provide habitat for native fauna, particularly the turtles which frequent the area.

One of the companies listed in the submission appear to be de-registered according to the Australian Securities and Investments commission (ASIC), Heritage Hills (Aust) Pty Ltd ACN088235526 is listed as deregistered on 19/9/2017. The application form is written in many different pen colours and may be completed by different persons.

The increase in traffic along limekilns road poses a safety concern, as well as the siting of the development in the flight path of the airport does not seem to be good management of safety of the public. The recent aircraft crash near the Essendon airport in Melbourne rightly raised many community concerns about council planning ensuring that the siting of major public facilities in close proximity to air traffic landing and take-off locations is avoided.

The property together with the current observatory is shown on the a map as being part of the business applying for the DA however it is believed this property is separate, privately owned and is cannot part of the application.

This application has many shortcomings and further investigations are recommended prior to consideration for approval.

We hope you can clarify the questions raised above as we feel that the information provided to date is not sufficient to allow a reasonable assessment of the impact.

Yours sincerely,

Bethne and Stan Williams

626 Limekilns road, Forest Grove 2795

**Ordinary Meeting** 

Meeting type:	POLICY COMMITTEE		
MeetingDate:	06/06/2018		
			_
Minute Section:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	Section Number	12
Minute Status	Released		
Minute Security:	Standard		
SubSection:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	SubSection Number:	12
Created By:	Stephanie Williamson/BathurstCC	Division Required:	
Subject:	DEVELOPMENT APPLICATION NO. 2018/21 - CONCEPT APPLI DEVELOPMENT INCLUDING EDUCATION ESTABLISHMENT, II FACILITY, TOURIST AND VISITOR ACCOMMODATION, RECRE CARAVAN PARK AT 624 LIMEKILNS ROAD, FOREST GROVE. / PTY LTD. OWNER: HERITAGE HILLS PTY LTD	NFORMATION AND E	EDUCATION (OUTDOOR
Item Number:	2		
File Number:	(DA/2018/21)		

Seconded By:

Nil

#### Moved By: Nil

53

Resolution: Discussion included:

#### M Coleman - resident - 21 Kooyong Place, Forest Grove

Against the proposal, will take away views, will reduce property values.

#### B Goldsmith – consultant

Minute Number:

Prepared the documentation for the DA. This is a concept document which is based on a prior 2002 DA and contains many of the prior concepts. Spoke to moving between transportable homes and tourist villas. There will be future DAs for all constructions. Noted Mr Pickards objections to the development. Conditions can be imposed to address his concerns, referred to prior report from Prof McKinnon. This is a joint project with Wiradyuri Traditional Owners.

#### Prof D McKinnon

Spoke on behalf of Wiradyuri Traditional Owners. Noted proposed educational facility and the meeting of school curriculum needs which will have a significant impact on education provision. The facility will become a major draw card. Lighting issues have previously been addressed in an earlier study.

#### <u>R Carroll</u> – owner of adjacent farming property

Objects to proposal, this is a rural farming precinct. This could lead to subdivision. DA does not contain any costings or timelines, this is a virtual mini-city. Raised noise concerns. There will be increased night time light. Traffic concerns with cattle. Winburndale pipeline, will there be increased use which will impact this service. Noted sewer plant concerns e.g. smell and water contamination. How will camper vans etc. be managed - will this lead to

permanent housing. Waste Management will possibly cause problems. What access will be used. Proximity to aerodrome needs to be considered. Property value concerns and non-compliance with zone.

# R Williams - resident - 626 Limekilns Road

Not sure of process with a concept application and how is this different to a normal DA. A lot of questions have arisen. Noted difficulty in getting information and that it is confusing, maps difficult to read, fonts unreadable. Noted effluent concerns, native animals impacts, access availability to their property, will property be rezoned, safety problems with aerodrome. One of the proponents is listed on ASIC database as de-registered. Also referred to PFAs concerns which is not yet resolved.

#### K Gunning - resident - 587 Limekilns Road

Opposes the development. There are issues with visual, noise, traffic, and valuation matters. Concern at caravan park operations and likely tenants. There is a possible increase in crime and anti-social behaviour. The proposal is not consistent with the neighbouring land use in the area. Raised concerns at costs for water, sewer and waste.

# T Hicks, on behalf of G Webster & R Webster

Main concerns are fence line is not substantial and people transgress into their properties. Would like something to happen so money can go to people who sold them the property. The golf course is already there, things have not happened as the owner has not been able to finance. Questions whether there is interest in the history/heritage of the location which was a migrant camp. The current business does not deal with local schools. The designated managers house - there are already two there on Heritage Park.

#### J Edmonds - resident - 555 Limekilns Road

Concern at additional traffic proposed, this is a safety issue. Do not want a satellite city built, it is not in keeping with area. Sewerage system and rubbish removal are a concern.

#### D Pratty - resident - Yarris Lane

Main concern is with biosecurity and animal welfare that will occur. Primary producers have to abide by a number of rules. These developments bring environmental issues e.g. contamination and dogs, given their size. Objection is to the caravan park and proposed agistment. Also weed control is a problem.

#### B Seike - resident - 148 Limekilns Road

The development is not suitable for the area. Worried about sewerage smells and impacts on precinct 4. Referred to proposed accommodation, which is extensive. Noted PFAs concerns. The proposed development will created noise issues, rubbish will be a problem, traffic matters, visual impacts, disease impacts, property prices, weeds.

#### C Pickard – Bathurst Observatory

Concerns include; have not been invited to be part of this. Caravan park is not where originally proposed. Spoke to noise, access to property, dust, smoke, lighting, access to Winburndale water and existing easement. There must be a dust mitigation strategy. The proposal for so many caravans and light that comes with this will impact observatory operations. A full lighting model needs to be done. Must ensure no wood fires and noise

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controls need to be put in place. Adequate buffer zones must be put in place and the telescope must be able to view the whole of the night sky. The access road needs to be relocated.

Precis:



Fw: Submission re DA 2018/21 - 624 Limekilns Road Katie Gunning to: council@bathurst.nsw.gov.au

1 of 3

04/07/2018 08:46 PM

 From:
 Katie Gunning <k-bromfield@hotmail.com>

 To:
 "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>

Good Morning,

Please find attached additional letter for proposed development at 624 Limekilns Road.

Can this please be included in considerations when council decide on the DA.

Kind regards

Katie and Mark Gunning

From: Katie Gunning <k-bromfield@hotmail.com>
Sent: Tuesday, 17 April 2018 10:06 PM
To: council@bathurst.nsw.gov.au
Subject: Submission re DA 2018/21 - 624 Limekilns Road

Good Morning,

Please find attached our submission in relation to DA 2018/21 - 624 Limekilns Road Forest Grove.

Please note our request to be informed of further correspondence and developments relating to this application.

Can you please advise if you require anything further from us, to support our submission.

Kind regards

Katie Gunning

0416 172 126 - We oppose he proposed development at 624 Limekilns Road DA2018.docx

**Ordinary Meeting** 

4 July 2018 Katie and Mark Gunning 587 Limekilns Road Forest Grove NSW 2795

#### RE: Development Application No 2018/21 – 624 Limekilns Road Forest Grove

#### Dear Sir/Madam,

We have previously written to inform Council of our objection to the Development Application at 624 Limekilns Road. We discussed our concerns at the Policy Meeting on 6 June and wish to submit this letter in support of our position.

2 of 3

We oppose the proposed development at 624 Limekilns Road DA2018/21.

Our property directly overlooks at a minimum, precincts 4 and 5 of the proposed development.

We have previously outlined our concerns regarding the personal and community impacts this development would have, including the visual impact from our property, the increased noise, increased traffic along Limekilns Road and the impact that this development may have on neighbouring land values.

In addition to this, we hold concerns regarding the use of caravan parks by marginal renters, being individuals who are incapable or unwilling to maintain rental agreements in either private or public housing, for various reasons, who then seek semi-permanent accommodation in Caravan Parks.

We refer to two publications by the Australian Housing and Urban Research Institute which draw associations between marginal renters and disruptive and demanding behaviour. It refers to State and local governments across Australia recognising the role caravan parks play in providing suitable low cost housing for retirees, itinerant workers and those seeking marginal rental housing. The second paper has been written to develop strategies to manage "demanding" or antisocial behaviour in groups who are vulnerable to tenancy failure, or marginal renters. It suggests a link between low cost housing and people who show tendencies towards anti-social behaviour, which ultimately disrupts the peaceful lifestyle of neighbouring tenants or homeowners. We believe the existence of low cost accommodation provides an attractive option for people to maintain an itinerant lifestyle, and with this often comes increased crime and anti-social behaviour. This alone would have a significant impact on existing residents, altering the quiet rural lifestyle that is currently experienced in the area.

(AHURI - A Sustaining Tenancies Approach to Maintaining Demanding Behaviour in Public Housing and AHURI - Marginal Rental Housing Australia).

The site of the DA is situated between rural properties currently used for grazing and the scale and density of this development is not in keeping with the rural surrounds that each of the neighbouring landholders have invested in. We have serious concerns regarding the impact that such a development would have on our land values. The owners of the Heritage Park property have already been provided a concession by having the initial 2002 DA approved in its current state. If they are unable to bring their plans to fruition within the bounds of the existing DA, we do not believe it is appropriate or fair to neighbouring land owners that the standards be lowered to accommodate a caravan park, when this will have a direct financial downfall on each and every land owner in the area.

Limekilns Road is not currently capable of sustaining the increase in traffic that this development would incur. There would obviously be considerable costs in upgrading the roads, establishing a water supply, sewerage and other associated utilities. This again would detract from the current rural setting we have now. We believe it would be inappropriate for the cost of these upgrades and subsequent maintenance of these services to be incurred by tax and rate payers.

We are aware that the site previously housed a number of dwellings which contained asbestos building materials. We also question how these dwellings were dismantled and disposed of. The suggestion that they were bulldozed and buried on the property raises serious safety concerns for future development and we ask that this be investigated fully.

Finally, we question the need for such a large development in the Bathurst area. The owners promote the site as an Educational Centre, in which it is currently run using dormitory style accommodation, appropriate for school camp use. Why is a caravan park necessary for the company to pursue their goals to run as an Educational Centre? It appears that the request for the DA to include a caravan park, is purely motivated by financial gain for the company and unconnected to the pursuit of an Educational Centre as outlined in the company's mission statement. Once again, to the detriment of all surrounding land owners.

We ask that council take into account all of our concerns when considering the impact that this development application will have.

Kind regards

Katie and Mark Gunning



Fw: Development Application 2018/21 mayor to: Group Records Sent by: Aimee Ford

1 of 17

14/06/2018 09:06 AM

Please register if you have not already received.

Thank you.

Aimee Ford Mayor's Assistant Bathurst Regional Council 158 Russell Street Bathurst 2795 Phone: 02 6333 6205 Fax: 02 6331 7211 www.bathurst.nsw.gov.au

----- Forwarded by Aimee Ford/BathurstCC on 14/06/2018 09:05 AM -----

From:	"Bruce Hodson" <bruce@hodsonandhodson.com.au></bruce@hodsonandhodson.com.au>
To:	<graeme.hanger@bathurst.nsw.gov.au></graeme.hanger@bathurst.nsw.gov.au>
Date:	13/06/2018 03:06 PM
Subject:	FW: Development Application 2018/21

From: Bruce Hodson <bruce@hodsonandhodson.com.au> Sent: Wednesday, 13 June 2018 3:01 PM To: 'Di Hodson' <di@hodsonandhodson.com.au> Cc: 'bobby.bourke@bathurst.nsw.gov.au' <bobby.bourke@bathurst.nsw.gov.au>; 'warren.aubin@bathurst.nsw.gov.au' <warren.aubin@bathurst.nsw.gov.au>; 'alex.christian@bathurst.nsw.gov.au' <alex.christian@bathurst.nsw.gov.au>; 'john.fry@bathurst.nsw.gov.au' <alex.christian@bathurst.nsw.gov.au>; 'john.fry@bathurst.nsw.gov.au' <john.fry@bathurst.nsw.gov.au>; 'joss.jennings@bathurst.nsw.gov.au' <jess.jennings@bathurst.nsw.gov.au>; 'monica.morse@bathurst.nsw.gov.au' <monica.morse@bathurst.nsw.gov.au>; 'ian.north@bathurst.nsw.gov.au' <ian.north@bathurst.nsw.gov.au>; 'jacqui.rudge@bathurst.nsw.gov.au' <jacqui.rudge@bathurst.nsw.gov.au> Subject: FW: Development Application 2018/21

From: Bruce Hodson <<u>bruce@hodsonandhodson.com.au</u>>
Sent: Wednesday, 13 June 2018 1:45 PM
To: council@bathurst.nsw.gov.au
Subject: Development Application 2018/21

#### Attention Graeme Hanger Mayor of Bathurst

Please find our attached response to council from the Discussion Forum Wednesday 6<sup>""</sup> June 2018 Should you require any further information, please don't hesitate to call.

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Kindest Regards, Bruce Hodson Director



#### Heritage Park Bathurst

Address: 624 Limekilns Road, Forest Grove NSW 2795 Mobile: 0403040388 Email: <u>bruce@hodsonandhodson.com.au</u> Website: <u>www.heritageparkbathurst.com.au</u>



The Bathurst Experience





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 bruce@btgplanning.com.au

13 June 2018

The General Manager Bathurst Regional Council

Dear Sir

#### DA for Concept Approval – 624 Limekilns Road, Forest Grove Heritage Park Bathurst NSW – Lot 35 DP 1012860, Lots 270 + 271 DP 861476, Lot B1 DP 403344, Lot 1 DP 1047459 and Lot 1 DP 126025

As you are aware, Mr Bruce Goldsmith of BTG Planning together with Professor David McKinnon attended a public Council meeting on Wednesday 6 June 2018 both to discuss the above project and to provide a brief (five-minute) statement on behalf of the applicants.

There were several members of the public who spoke against the proposal and we and the applicants were very disappointed to hear some of the objections and statements that were made concerning the applicants and the project. We therefore wish to set the record straight and respond to some of these criticisms as follows:

# 1. The Bathurst Observatory

The following statement was included in the Statement of Environmental Effects (SEE) prepared by BTG Planning and dated Version 2 – March 2018.

"It is also hoped to incorporate a new "**Bathurst Observatory**" based on the existing major telescope located on Lot 33 DP 101280 (currently owned and operated by others) into the joint venture but this cannot be confirmed at this stage. If this is not possible a new Observatory with additional moveable telescope positions around the hill behind the existing Drome building will be constructed. It should be noted the owner of Lot 33 is not currently part of the proposed joint venture of this DA and Lot 33 does not presently have formal access to Limekilns Road but a ROW over the property. However, the applicant is willing to agree to a condition of consent to construct and provide a suitable new road access from Lot 33 to the proposed new Lot 1 – Access Road."

We remarked at the public meeting that we were "not sure" why the Observatory owners did not wish to be part of the current DA, and that this was surprising considering the Observatory had been part of the development approvals for the property since 2002. The speaker, on behalf of the Observatory, said they had not been invited to be part of the DA but the applicant now wishes to put on record the following facts:

- 1. The real reasons they are not involved are that they intend to sell the property and to move the observatory to a new site. (Attachment 1 provides extracts from the local newspaper and the Observatory Facebook site concerning their intention to leave the subject site and their new site).
- 2. When approached, they would not commit to the project. In fact, they made derogatory statements concerning the participants in the proposed joint venture.

- 3. Council are further informed that the applicant made an offer to purchase the Observatory site but the offer was declined.
- 4. Council should also consider that the 2002 development concept for this site shows a much larger observatory site than just Lot 33. However, the current Observatory has the same new access road as now proposed and the same areas are proposed for development. We stress the applicant has not changed anything in relation to "potential light spill" and any impacts upon the Observatory business. Indeed, the protections agreed with the Observatory back in 2002 concerning light spill will be retained from the original design proposal, viz., dense barrier trees, full cut-off lamp fixtures and night time headlight controls along the access road. What has changed however is the potential for the Observatory site to expand and provide overflow car parking as this will no longer be an option for the current Observatory i.e. if it remains on this site and maintains its independence from the development. However, we also stress that if the current Observatory relocates, a new Observatory will be incorporated into the proposal and it will be one which merges the traditional Aboriginal sky story telling with modern astronomy.
- 5. More specifically in relation to light spill, it was explained that Professor McKinnon had prepared a set of controls for the 2002 approval and more generally for Bathurst. The intention was that these would be used to prepare a light spill site management plan for the development. A copy of the draft is included with this submission.
- 6. However, now that it is clear the existing Observatory does not want to be part of the development and intends to be relocated, we suggest the rules established by Professor McKinnon should be incorporated into the development consent conditions for this project but only for the period in which the current Bathurst Observatory remains on Lot 33. Importantly, it should be recognised that these rules do not apply now and should also apply to all the visitors who frequent the Observatory. In addition, the current Observatory owners are on record as saying that the main problem they have, and will continue to have, is light glare from existing and future residential development proposed by the Council. We suggest the following wording for a suitable condition:

# "Draft Condition (x)

Before any development proceeds, the applicant shall prepare a "Site Management Plan" approved by the Council which shall include appropriate measures to minimise "light glare" from all activities on the site that may affect the operation of the Bathurst Observatory while it is in use. Such a management plan to be prepared by a suitably qualified person and generally in accordance with the recommendations of Professor David McKinnon contained in his document – "Guidelines for Outdoor Lighting Proposed Development Control Plan for Bathurst City Council" (undated) and shall include measures to eliminate car headlight glare from the internal access roads on the site."

# 2. Visual Impact of the caravan park and increased traffic

There were numerous speakers on this issue and none recognised the fact that the same physical form of development has already been approved for this site, i.e., the 2002 consent. There does, however, appear to be some confusion about what constitutes a "Caravan Park" and what is being proposed.

The 2002 consent provides for 390 tourist accommodation villas for short term use. The new concept plan provides for 390 sites made up of 303 mobile home sites, 43 caravan sites and 44 camping sites, all for short term use. The number of actual "caravans", i.e., those being regularly driven on and off the site is, therefore, quite small. The traffic impacts are therefore very similar and will be further addressed in detail in future DA's.

Importantly the proposed mobile home sites will be developed with fixed transportable dwellings and these will look the same and have the same, or similar, visual impact to the proposed and approved 390 villas. This point is illustrated on Attachment 2, which is a comparison of the areas of tourist accommodation development in the 2002 consent and the current proposal.

# 3. Fencing

The development needs to be appropriately fenced. At the very least the applicant considers the entirety of the golf course has to be fenced to prevent both the intrusion of animals and potential vandals. However, the type and style of fencing should be the subject of future DAs, i.e., when the detailed designs are prepared and submitted to Council.

# 4. Access to Water and Sewer

The proposal involves bringing town water to the subject site and on-site quaternary sewerage treatment and disposal. Depending on what happens on Lot 33 (the Observatory), it will be possible for that lot to be connected to the internal water mains built for the site. However, the connection costs (i.e., from the mains to the Lot), should be borne by the owners of Lot 33. The current sewer arrangements on Lot 33 will remain the same as they are now. The fact that town water will be delivered to the site negates any arguments regarding the use of the Winburndale supply.

Yours faithfully,

**Bruce T. Goldsmith** BTP (Hons) RPIA (Fellow) LGTP Principal BTG Planning

On behalf of Educational Learning Pty Ltd and the Wiradjuri Traditional Owners Central West Aboriginal Corporation



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# **GUIDELINES FOR OUTDOOR LIGHTING**

PROPOSED DEVELOPMENT CONTROL PLAN

FOR

**BATHURST CITY COUNCIL** 

# **1.0 INTRODUCTION**

As a nation Australians have always placed a high value on our dark, starlit skies. The "Southern-Cross" is a national symbol and its visibility in our skies is a lasting reminder of our national identity.

In many densely populated areas the ability to see the stars is severely reduced by intrusive and sometimes unnecessary outdoor lighting. The cumulative effect of street lighting, sporting oval lights, security lights, upward pointing advertising lights and floodlights causes "sky glow", light spillage or direct glare which can impact on residents, nocturnal animals and astronomers. Poorly designated lighting is also a significant waste of non-renewable energy and a detraction to the overall appearance of the city environment.

# 2.0 WHY DO WE NEED A PLAN?

Bathurst City Council recognises the importance of maintaining the residential amenity of its community and is committed to environmentally sustainable development principles. The reduction of light spill and light wastage is part of this commitment. Additionally, the Council recognises the importance of retaining the dark sky to facilitate the continued operation of the Anglo-Australian Observatory located at Siding Springs, near Coonabarabran and the new Eye Observatory to be located close to Bathurst as well as a number of other smaller observatories located near to Bathurst that also undertake research, such as Grove Creek Observatory near Trunkey and Mt Tarana observatory at Walang.

The work carried out at these observatories, and others, involves complex observations of extremely faint objects in space that can be severely compromised by the sky glow from urban areas as close as Bathurst and as far away as Orange, Dubbo, Tamworth and Sydney. Additionally, enterprises such as the Cadia Mine near Orange, and the Boral Factory at Oberon add significantly to unnecessary sky glow.

This plan is a guide to property owners, developers and the wider community in relation to the standards and objectives that Council has adopted for outdoor lighting. The success of this plan relies on the consistent application of the development guidelines it contains, and a co-operative approach from developers, the community and Council. Those wishing to install outdoor lighting are strongly advised to discuss their proposals with Council's Development and Approvals Services Division before finalising their plans.

# 3.0 WHAT IS THE PLAN CALLED?

These Outdoor Lighting Guidelines, known as Bathurst Development Control Plan No ??, are a development control plan as provided for under Section 72 of the Environmental Planning and Assessment Act 1979. The Guidelines were approved by Bathurst City Council at its meeting on ? Month, ? Year and became effective from ? Month, ? Year.

#### 4.0 WHERE DOES THE PLAN APPLY?

The Plan applies to the installation of lighting in circumstances where development consent is required for such installation under Bathurst Local Environmental Plan 19??.

#### 5.0 PLANNING GUIDELINES

The primary objective of this plan is to introduce planning guidelines for the installation of lighting so as to prevent an increase in sky glow, and in the longer term to reduce sky glow, that threatens the continued viability of the Anglo-Australian Observatory at Siding Springs, Coonabarabran, New South Wales and the viability of the Eye Observatory near Bathurst which will be the largest educational astronomical observatory in the world providing data to primary and secondary school students around the globe as well as conducting scientific research of its own for publication.

The implementation of the primary objective, will contribute to the secondary objectives, being minimisation of the impacts of intrusive lighting in the community and the conservation of energy and minimisation of the unnecessary emission of greenhouse gases.

#### 6.0 WHAT TERMS ARE USED IN THESE GUIDELINES?

#### 6.1 Sky Glow

The brightening of the night sky by the cumulative impact of poorly directed, upward shining lights.

#### 6.2 Direct Glare

Direct glare is lighting that disturbs the vision of pedestrians, motorists, cyclists and residents. Glare occurs where the observer is in the direct line of sight from the light source or bulb.

#### 6.3 Light Spill

This occurs where illumination of neighbouring properties occurs from poorly directed or wasted light. This can cause reduction in privacy, disturbance of sleep and an increase in shadowing in the surrounding area.

#### 6.4 Outdoor Lighting

Outdoor lighting is any form of permanently installed exterior lighting, including lights attached to outdoor advertising signs, and interior lighting systems that emit light that impacts on the outdoor environment.

#### 7.0 HOW IS DEVELOPMENT CONSENT OBTAINED?

Details of any external lighting structures or schemes are required to be submitted for assessment by Council as part of development applications lodged for commercial, industrial, recreational, institutional or other nonresidential uses. When submitting the development application to Council a statement is to be provided which details the following:-

- (a) the intended purpose of the proposed lighting;
- (b) details of the area of the site intended to be lit, including any topographical or physical features (buildings, trees, etc,) that may restrict light spill;
- (c) the type of lighting fixtures proposed and measures such as shielding, intended to limit light spill and glare and to prevent light emitted above the horizontal plane. (see section 8.0, below); and
- (d) frequency of use and times of operation of lighting, including illuminated signs.

The following list provides examples of lighting proposals that are subject to the development application process.

#### 7.1 Lighting of Sporting Fields and Tennis Courts

The selected luminaries should have a light output distribution that is appropriate for the application and, when correctly located and aimed in accordance with the design, should not emit excessive light outside the boundaries of the property on which the installation is sited. The required locations for floodlights are often determined by the nature of the activity for which the lighting is provided.

When there is some flexibility as to where the illuminated area/activity can be placed, it should be located and orientated where it will have the least effect on existing or potential developments. Louvres, baffles or shield may be fitted to floodlights to control spill light but account should be taken of the effect of these devices on the performance of the lighting system.

When determining the mounting height of luminaries, consideration should be given to the following:

Higher mounting heights can often be more effective in controlling spill light because floodlights with a more controlled light distribution (i.e. Narrower beam such as those illumination the Carillion in King's Parade, Bathurst) may be used and the floodlights may be aimed in a more downward direction, making it easier to confine the light to the designed area (e.g., the new Bunnings Warehouse facility on the Sydney Road, Bathurst; and, Lower mounting heights may have the advantage of making the lighting installation less obtrusive by day but can accentuate its effect on the night time environment by increasing light spill beyond the property boundaries

#### 7.2 Outdoor Lighting for Commercial and Industrial Buildings

#### 7.2.1 Under awning lighting

In order to meet public security and safety objectives, the illumination levels for under awning lighting are to comply with the pedestrian lighting requirements detailed in the *Australian Standard AS/NZS 1158* 3.1: 1999 Pedestrian Area (Category P) Lighting. Under-awning lighting should be recessed, and/or integral to the awning's structure and form.

#### 7.2.2 Building façade lighting

External lighting of buildings is to have external light fixtures integrated with the architecture of the building. The intensity of lighting of individual buildings is to have regard to the ambient light conditions emanating from the building and in the surrounding precinct to ensure that the proposal is not counter-productive.

#### 7.2.3 Heritage buildings

Illumination of heritage buildings is to be carried out in such a way that only small sources of light are used to accentuate the architectural details of the buildings hence eliminating unwanted spill light. Building Facade lighting is to comply with the standards in the *Australian Standard AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

#### 7.3 Promotional and Effect Lighting

Sweeping lasers or searchlight beams, projected high into the sky and visible for many kilometres, are used to attract attention to commercial activities or community events. The function of such practices for attracting customers is dubious, since persons located at a distance from the lighting cannot generally identify where such light beams are originating.

The use of laser source light, searchlights or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is strictly prohibited. Search lights, laser source lights, or any similar high-intensity light shall **not be permitted**, except in emergencies by police and fire personnel or at their direction; or for meteorological data gathering purposes.

#### 7.4 Illuminated Advertisements

Illuminated signs are considered to be favourable to the liveliness of Bathurst during night hours. The signs are not to detract from the architecture of the host building throughout daylight hours.

It is encouraged that flashing or intermittently illuminated signs are generally not suitable for reasons of pedestrian and residential amenity and traffic safety.

#### 7.5 General Requirements

In carrying out its assessment, Council will be seeking to ensure that lighting is carefully sited, appropriately shielded, directed only onto the area where illumination is required, and designed at the minimum height and brightness to serve its purposes. Council may impose conditions to limit the hours of illumination.

Applicants are strongly advised to refer to Australian Standard "AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting".

For domestic lighting, where development consent is not required for external lighting installation, Council will provide guidelines for householders to increase awareness of unsuitable lighting and provide advice on minimising light pollution and increase energy efficiency in relation to lighting. Further advice can be sought from the Eye Observatory.

#### 7.6 Temporary Lighting

In lodging a development application, the applicant may submit a written application to the Council for an exemption from the guidelines of this Plan in the case of temporary outdoor lighting. Temporary lighting, for the purpose of these Guidelines, is considered to be lighting operated for a period not exceeding 28 days (whether the days within that period are consecutive or non-consecutive) in one calendar year.

The request for the exemption shall contain, as a minimum, the following information:-

- a) Type and use of outdoor fixtures and lights proposed;
- b) Specific exemption(s) requested
- c) Purpose of proposed lighting;
- d) Duration of proposed temporary lighting;
- e) Details of screening and aiming of lamps;

- f) Total wattage of lamp or lamps;
- g) Proposed location on premises of the proposed light fixtures;
- h) Such other data and information as required by Council.

#### 8.0 WHAT ARE THE DEVELOPMENT GUIDELINES?

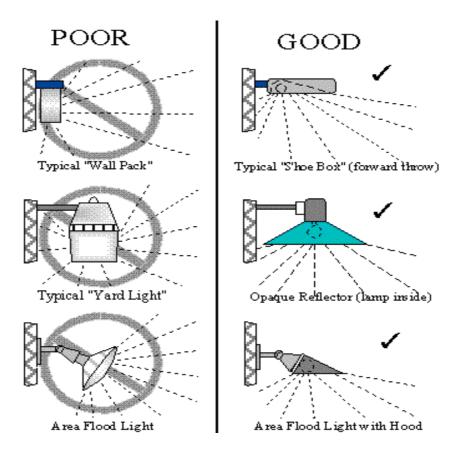
These guidelines for the control of outdoor lighting in Bathurst comprise a series of design elements that must be addressed in the submission of a development application. These design elements relate to the intended purpose of lighting, shielding of lighting, using the appropriate lighting fixtures, and energy efficiency.

#### 8.1 Lighting for the Intended Task

Brighter lights are not always better. Although it is difficult to always predict the correct amount of light for a specific purpose, Council will require that the lighting proposed is the minimum required for security and working purposes. For major lighting installations Council may require the development application to be accompanied by documentation that demonstrates compliance with the intensity limitations described in "AS 4282: 1997 Control of Obtrusive Effects of Outdoor Lighting".

#### 8.2 Use of Fully Shielded Fixtures

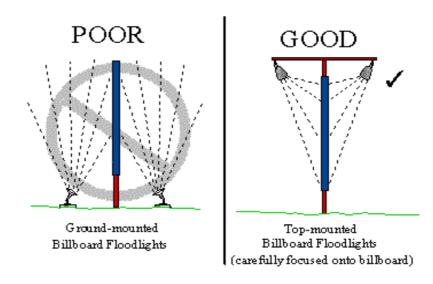
Light shining directly to the sky is wasted. The electricity used to produce the light is also wasted and represents a financial loss to the community. Property shielded fixtures mean that no light is emitted above the horizontal. This assists in minimising additional sky glow and reduces glare. Fully shielded fixtures are more effective and can actually increase safety because of the reduction in glare.



*Figure 1-Examples of shielded fixtures* 

Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All upward-directed sign lighting is considered to be inappropriate.

Figure 2 - Examples of poor and good quality lighting of outdoor advertising signs



#### 8.3 Energy Efficiency

The use of energy efficient lighting fixtures saves energy and reduces operating costs. High efficiency lamps, although often having a higher initial purchase cost, are less expensive to operate and have longer lasting lamps and fixtures.

Council recognises that the high efficiency lamps such as low pressure (LPS) or high pressure (HPS) sodium lamps may not be desirable in all applications due to the yellow light cast by these sources. Where a whiter light is required, compact fluorescent, metal halide or incandescent lighting may be more suitable. However, on most applications colour of light is not important and LPS or HPS lamps will be the most cost effective. Of these, the LPS is preferable because the yellow colour can be adequately filtered by instruments used in astronomical observatories.

Well directed and shielded lights can often be used at a lower wattage than unshielded lights and can also have the benefit of avoidance of glare and light spillage. Use of timers and dimmers are also a means of reducing operating costs for lighting as well as minimising conflict with adjoining land uses due to obtrusive lighting.

Illuminated advertising signs and decorative lighting is required to be switched off at 11.00 pm each night.

#### 8.4 Lighting and Crime Reduction

Well chosen and positioned lighting has a key role in crime prevention. Crime and fear reduction are specified as key objectives in Australian lighting standard AS1158 for public streets, car parks and pedestrian areas. Various relevant Standards should be consulted in order to choose the best lighting for the area type being assessed. Effective lighting contributes to public safety by reducing fear, increasing community activity, improving visibility and increasing the chance that offenders will be detected and apprehended.

The level of illumination ("brightness"), the colour of the light and location of the light are all important factors in designing lighting for crime reduction. Walking from bright places into dark places, or dark to light places can lessen a pedestrian's ability to see and recognise people, objects and colours. Transition lighting can help to reduce (night) vision impairment.

The cost effectiveness of low-pressure sodium lamps can make them an attractive proposition. Their colour draining (monochromatic) characteristics however, can make the identification of parked vehicles troublesome for owners. Similarly, witnesses can experience difficulty identifying crime scene characteristics or offenders under yellow/orange lamps.

It is recommended that special attention be paid to lighting along pedestrian pathways and movement predictors (to permit the facial recognition of approaching persons at 15 metres). Areas besides thoroughfares should also be evenly lit to avoid opportunities for concealment/ entrapment.

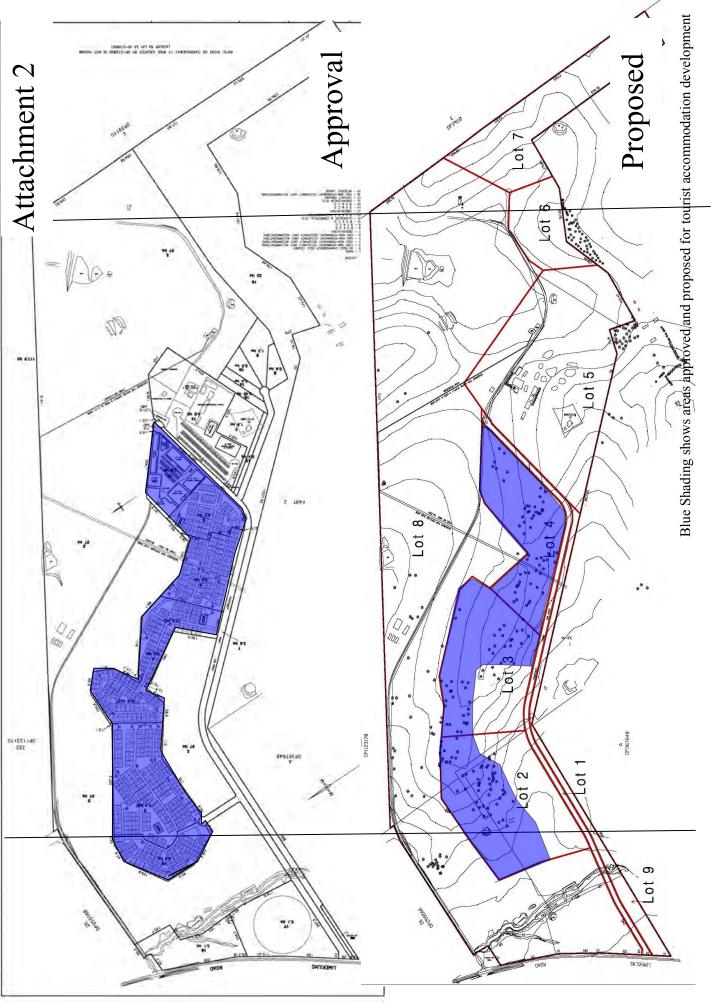
Lighting in public places should cater for likely pedestrian user groups. Although it is well recognised that the lighting of traffic roads reduces casualty accidents, vehicles have lights - people don't! Pedestrian scale lighting will attract people into areas and increase night supervision.

Security lighting should not illuminate observers or vantage points. As observers are likely to be 'inside' domestic buildings, light should be projected outwards towards pathways and gates - not towards windows and doors. In factories and commercial applications, observers are likely to be passing motorists and pedestrians on the outside of the building. In this case, lights should point inwards towards the area in need of protection.

#### 9.0 CONCLUSION/SUMMARY

A lighting policy will not only be of benefit to the astronomical community by ensuring the long term viability of the astronomical telescopes and projects, it will also aid in tourism as many Australian and overseas visitors come to the Central West to view the southern dark skies. In addition, by using energy efficient lighting there are long-term savings in power consumption. A number of other councils in NSW are implementing lighting plans with Coonabarabran, Tamworth and Botany councils as examples.

Unshielded pedestrian and traffic lighting in many areas of Bathurst are prime examples of how "not to do it". These lights contribute significantly both to glare and sky glow. The remedies are simple and straightforward to implement.



Ordinary Meeting



TIME TO MOVE: Bathurst Observatory's Ray Pickard holding a map of Bathurst and also a map showing light pollution around the region which is impacting the observatory. Photo: SUPPLIED 041117ray2



Bathurst Observatory Research Facility 5 April 2017 · @

#### Well here is the news ...

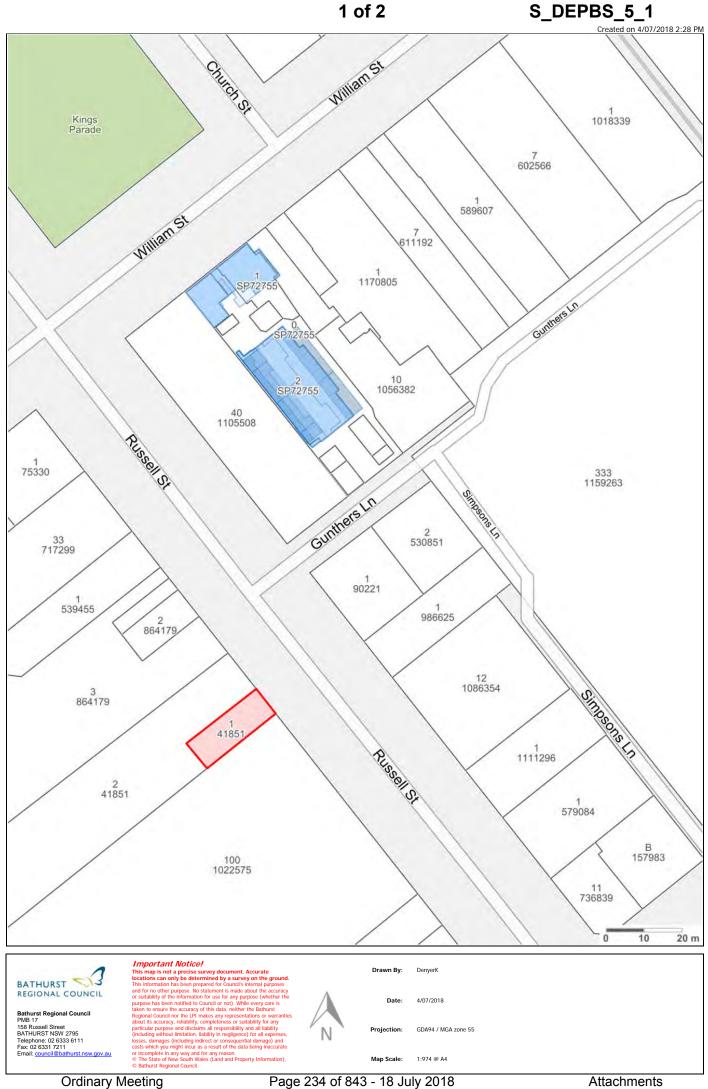
Bathurst Observatory is looking for a new dark site to call home. Bathurst City is expanding and within a year or so, suburbia and other large developments will be within 2km of the observatory. Though this is great news for the growth of Bathurst, the associated lights and glare, spells the end of the observatory at the current location. Therefore, I need to find a new site! I am hoping to find a place about 10-15km from town, with NBN access, to rebuild and relocate everything (including our home). This needs to be done soon, due to building timeframes. I am hoping that there is a farmer with a suitable block with building permission out there that can meet our needs. The observatory is privately owned so we are also seeking sponsorships or grants so we can complete the move without interrupting current operations. However, it is exciting, as we would be able to offer better images, research and much greater tourism potential. A few other exciting plans would also come to fruition. The Bathurst Regional Council have been extremely helpful and is assisting us, but at this stage the future is still a little bit uncertain. I thank you in advance for all your support and once I find a place, I look forward to sharing the sky into the future! The image shows a new reservoir to service about 4000 homes viewed from the observatory.

## Attachment 1





**Ordinary Meeting** 









Bathurst Regional Council PMB 17 158 Russell Street BATHURST NSW 2795 Telephone: 02 6333 6111 Fax: 02 6331 7211 Email: <u>council@bathurst.nsw.gov.au</u>

#### Important Notice!

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Drawn By: DenverK

> Date 4/07/2018

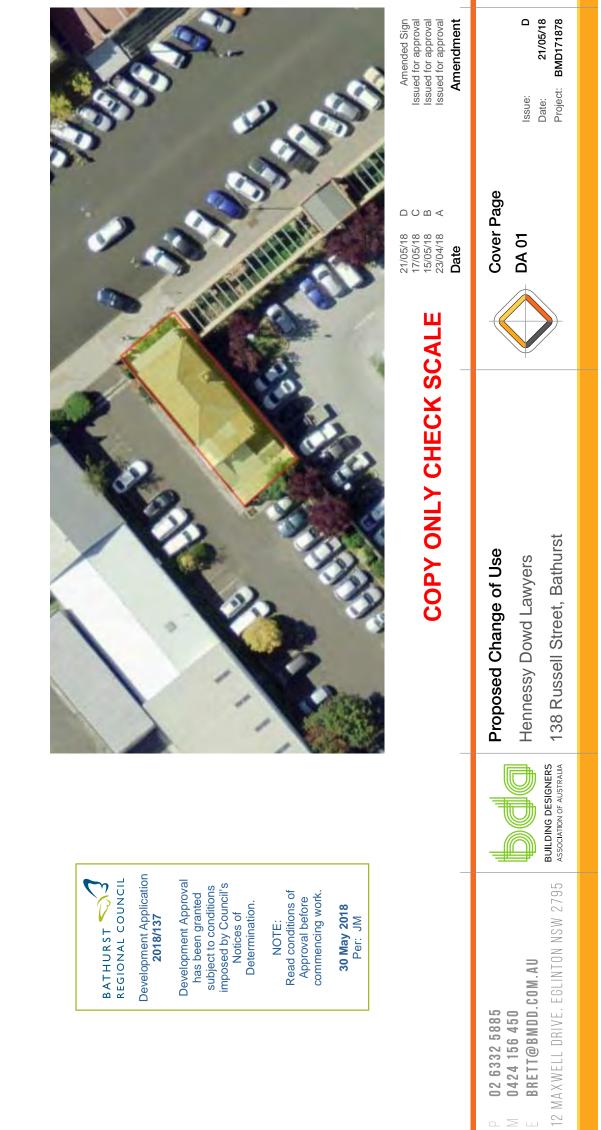
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**Ordinary Meeting** 

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Map Scale:



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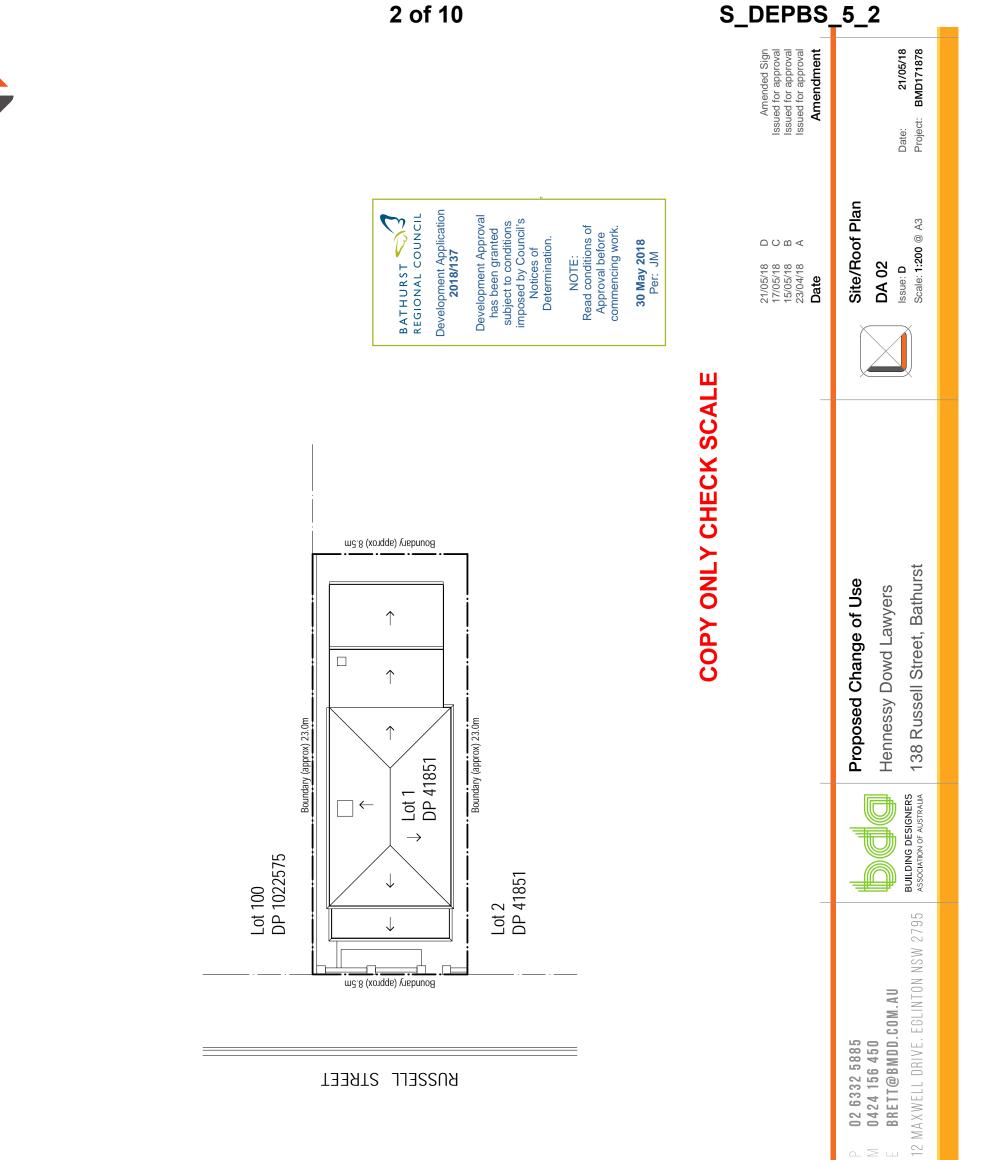


1 of 10

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Ordinary Meeting



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**Ordinary Meeting** 

12 MAXWELL DRIVE. EGLINTON NSW 2795

Attachments

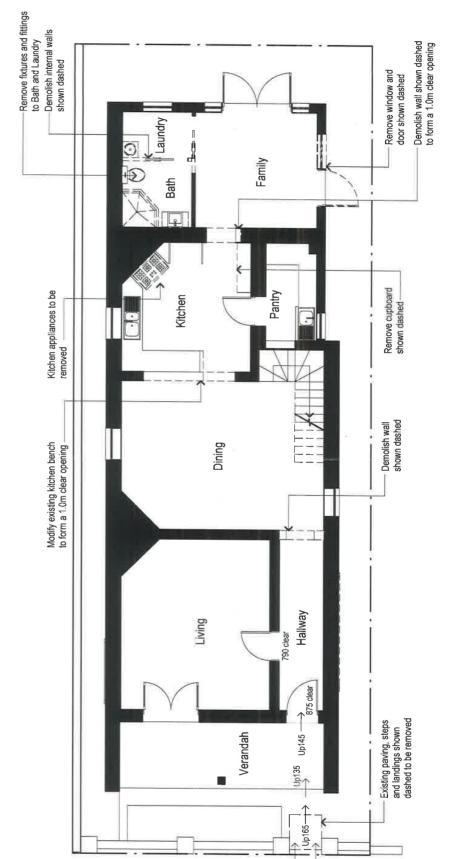
Area Schedule (Existing & Proposed)

96.7 m<sup>2</sup> 76.0 m<sup>2</sup>

Ground Floor First Floor

Total Building Area

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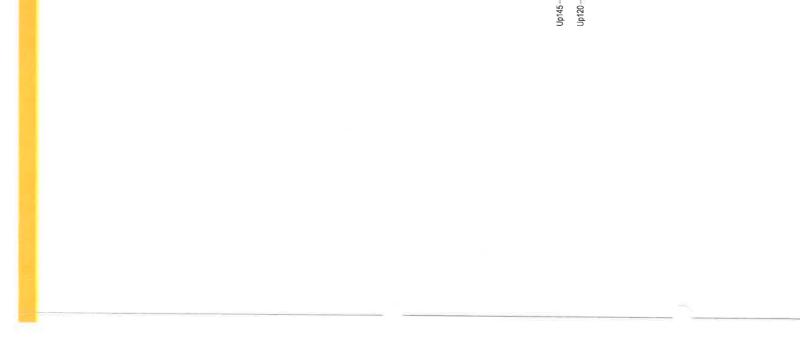
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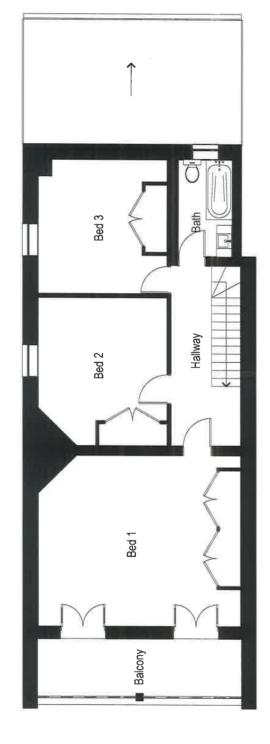
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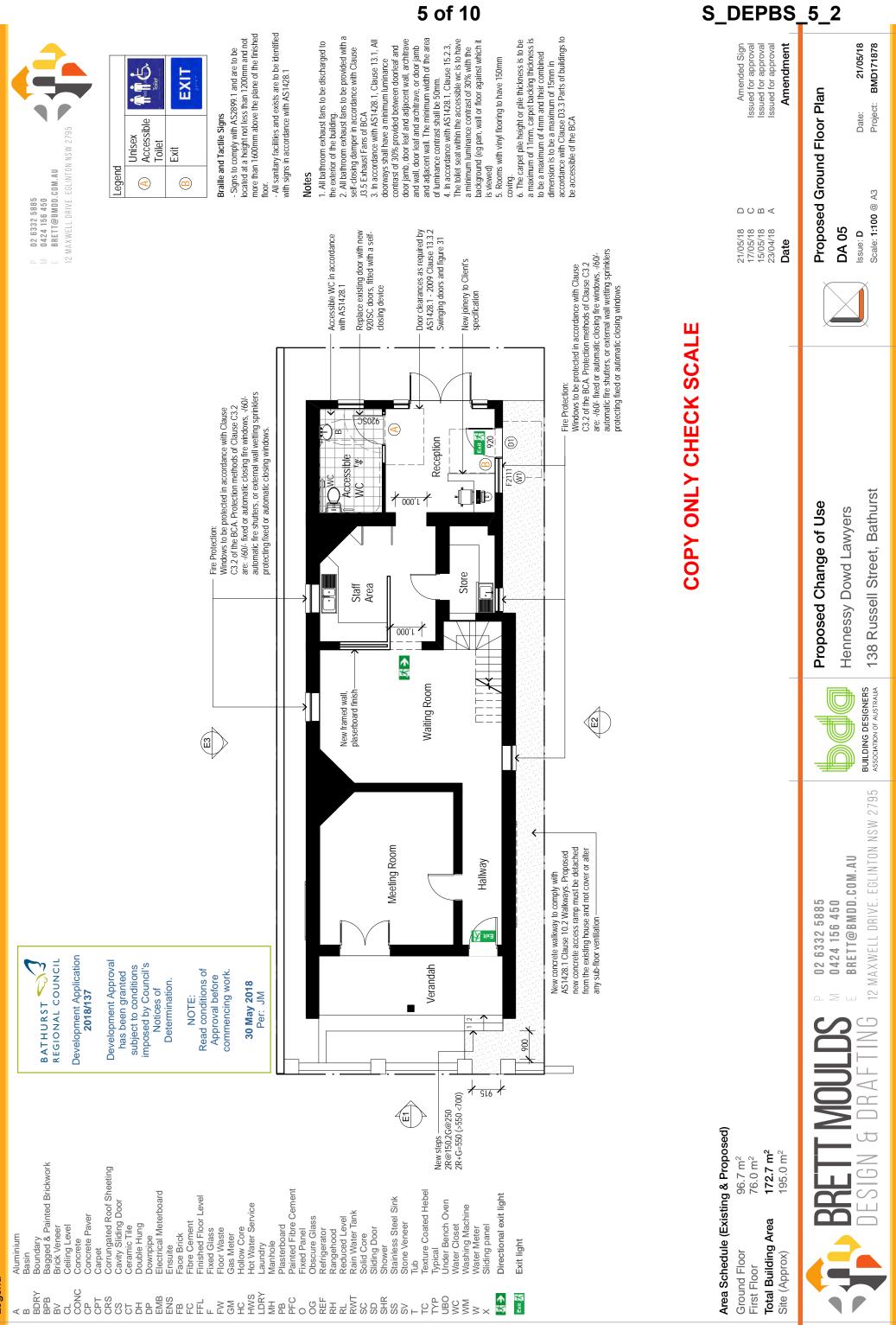
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Ordinary Meeting

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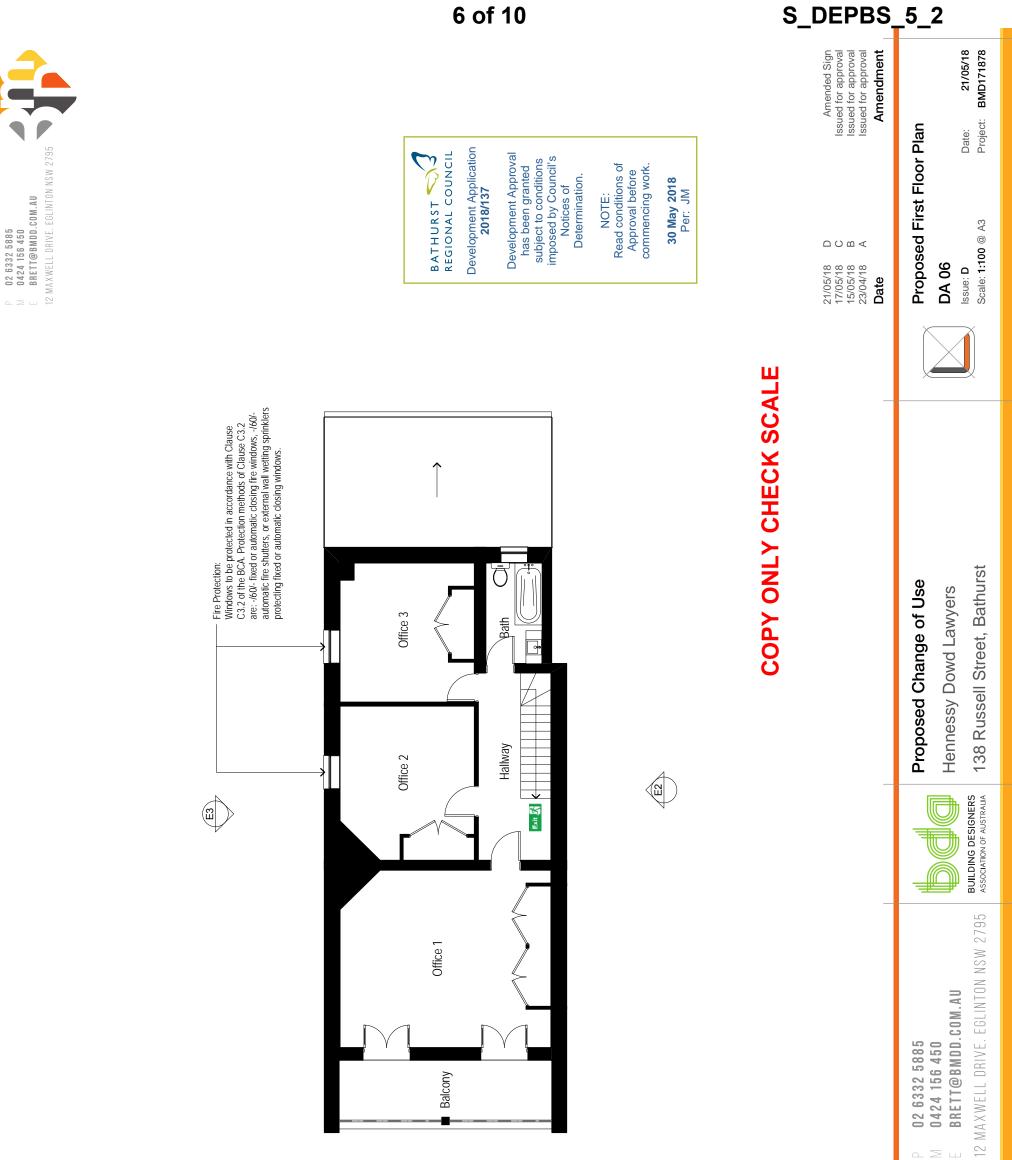




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**Ordinary Meeting** 

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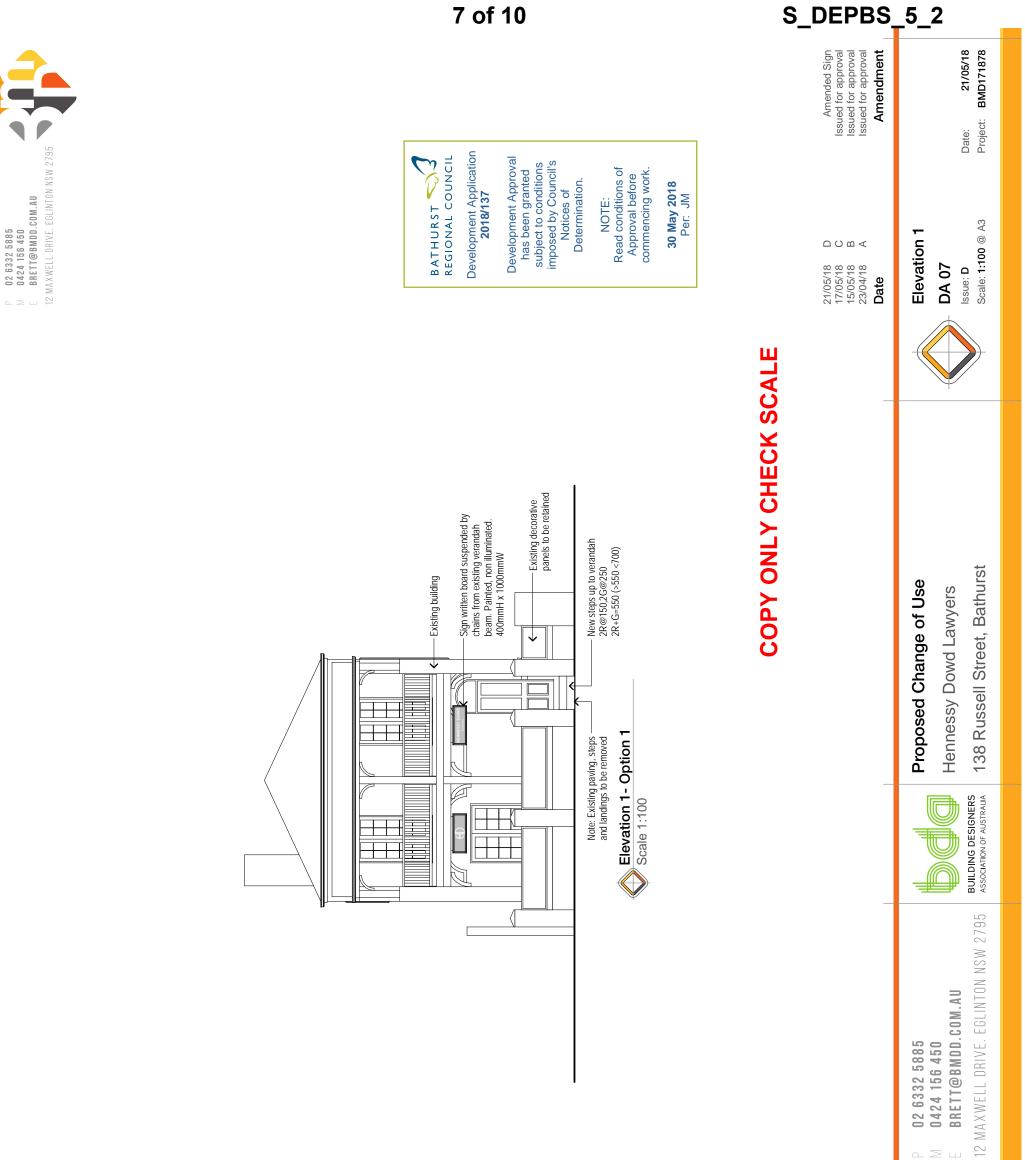
**Ordinary Meeting** 

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Attachments

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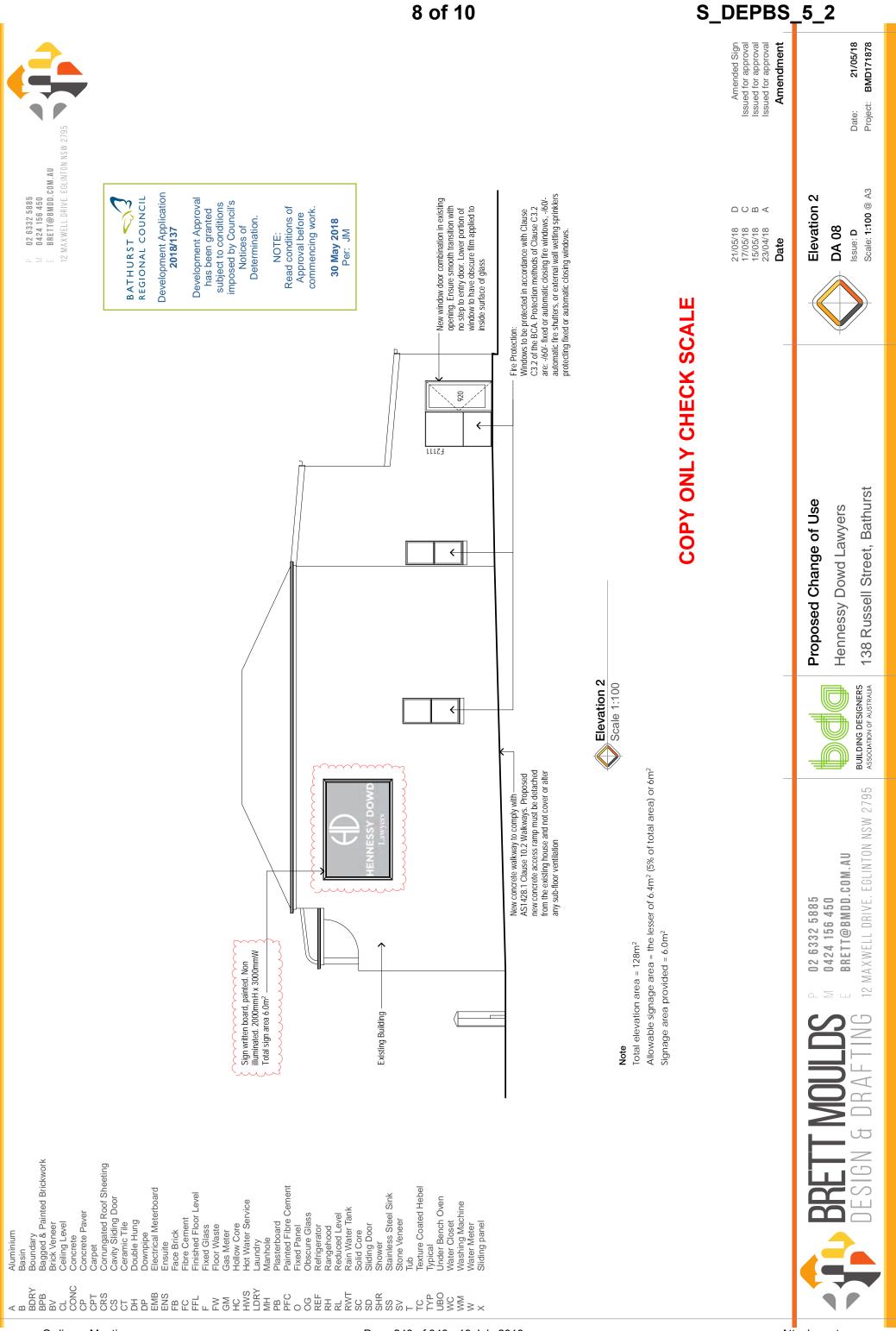
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**Ordinary Meeting** 

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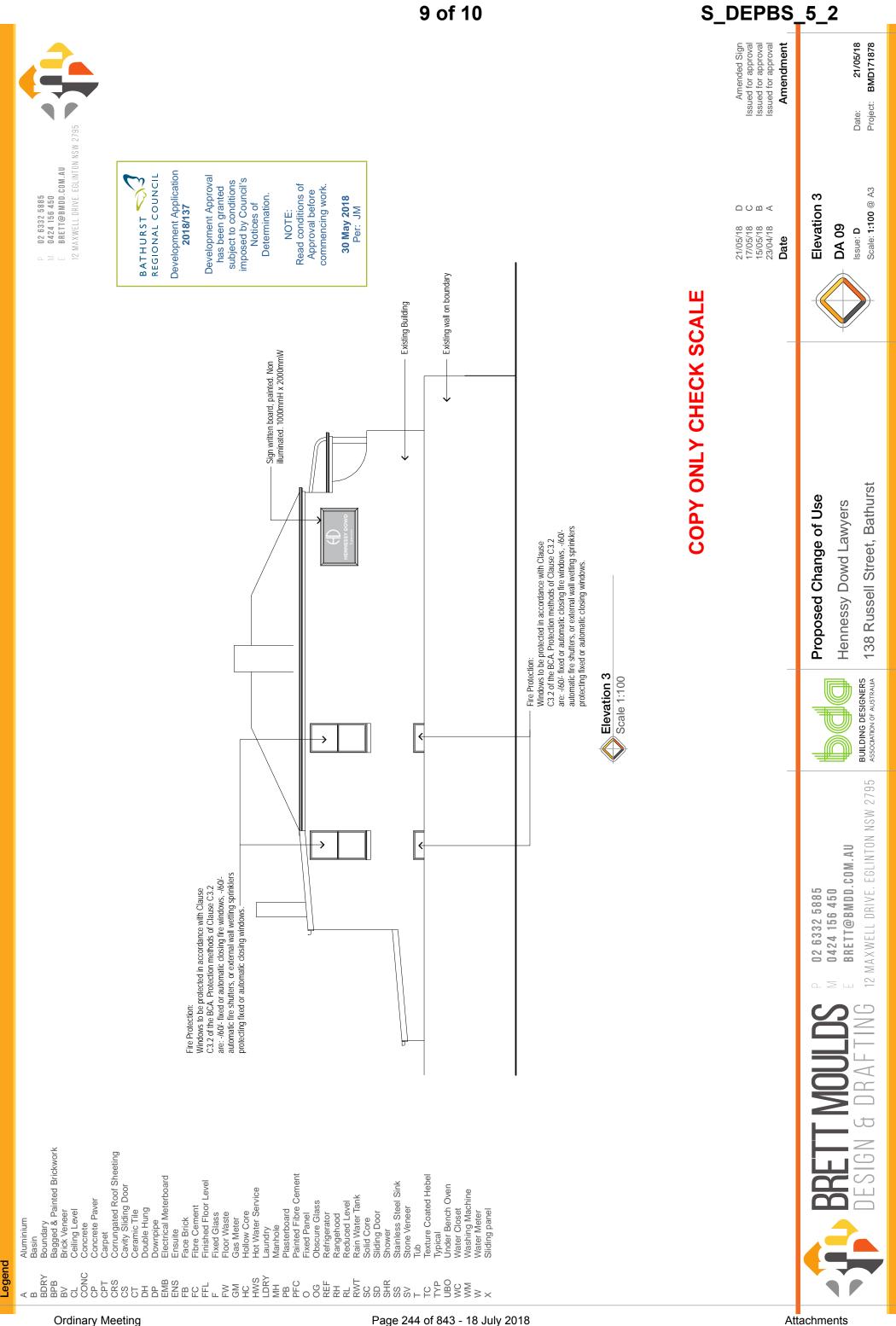


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**Ordinary Meeting** 

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**Ordinary Meeting** 

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## Specification General

- Design & Construct drawings prepared on the basis of DA approved draw
- Dimensions are in millimetres unless otherwise noted.
   All dimensions shall be verified on site by contractor prior to commencement of any works.
  - Figured dimensions take precedence over scaled.
    - not scale off drawings. - Do
- It is the responsibility of the builder to verify documents as to their accuracy and suitability.
  These plans are to be read in conjunction with Engineer's details.
  BCA refers to the Building Code of Australia Volume 2, Class 2 to 9 Buildings 2015
  All discrepancies are to be referred to designer for action.
  Ground levels shown are subject to preliminary survey only and as such final levels and confirmation of sar
- No liability will be accepted due to failuer to observe & implement any of the above. remains the contractors responsibility

# Requirements Statutory

by the local authority and the - All work to be carried out in accordance with the BCA conditions imposed commitments outlined in the relevant Part J Assessment.

- The builder is to comply with the requirements of all legally constituted authorities having jurisdiction over t building works.

porary toilet facilities for the use Prior to the commencement of building work, the builder shall provide tem subcontractors. On completion the builder shall remove the amenity.

# **BCA Requirements**

plumbing codes. • of all wet areas to BCA & Counc A compliance report is to be pr - All materials shall comply with Section B - Structure of the BCA.
 - All materials & assemblies aterials & structuremust comply with Specification C1.10 of the BCA.
 - All selected floor coverings to comply with Clause C1.10 of the BCA 2015. A compliance report n this Clause. to Council prior to granting of the Occupation Certificate in accordance with - All wet area floors are to be graded and drained to floor wastes to BCA &  $_{\rm F}$  - An approved impervious wall/floor joints is to be provided to the perimeter

be done so in accordance with B - The electricity supply system must comply with Clause C2.13 of the BCA. requirements.

 All services penetrating building elements required to have an FRL are to Clause C3.15 Openings for service installations. - All

construction joints, spaces and the like in and between building elements required to be protected are t done so in accordance with BCA Clause C3.16 Construction Joints

Exits must be constructed in accordance with Clause D1.10 of the BCA.
The unobstructed height of the exit path must not be less than 2m in accordance with BCA Clause D1.6a.
The unobstructed width of the exit path must not be less than 1m in accordance with BCA Clause D1.6bi.
The stair, handrails & balustrades shall comply with Part D2 'Construction of exits' of the BCA.
Doors & opperation of latches are to comply with Parts D2, 19, D2.20 & D2.21 of the BCA.

- All accessible doors shall have a luminance contrast in accordance with AS1428.1 Clause 13.1 Luminance contrast.

- Thresholds shall comply with Clause D2.15(d) of the BCA.
   Location of services & equipment must comply with Clause D2.7 (d) of the BCA.
   All full height glazing to have visual indicators in accordance with BCA Clause D3.12 Glazing on an access
- Disabled access is to comply with AS1428.1.
   Accessible facilities, services & features are to comply with Clause D3.6 of the BCA.
   Tactile indicators are to be provided to comply with Clause D3.8 of the BCA.
   Certificates relating to essential services (list to come from Council) shall be submitted pursuant to Sectior

the BCA

Exits are not to be locked at point of discharge

- An emergency lighting system is to be provided in accordance with AS 2293.1 and Clause E4.2 of the BC/ Exit signage must be supplied and operated in accorated with AS 2293.1 Clauses E4.5 & E4.8 of the BCA
  - Directional signage must be installed in accordance Clause E4.6 of the BCA.
- Fire precarding and any model of the under a secondance with section E, Clause E1.9 of the
   Wet area watteproofing shall be carried out in accordance with Clause F1.7 of the BCA.
   All damp-proofing to be carried out in accordance with Clauses F1.9 & F1.10 of the BCA.

- All wet area floors are to be graded and drained to floor wastes in accordance with Clause F1.11 of the BC - To comply with Clause F1.13 & Part J2 of the BCA window and door frame and glazing qualities are to be supplied in accordance with the Glazing calculator attached to the BCA Part J Assessment.

with Clause F2.3 Facilities in Class 3 to 9 buildings of the BCA. accordance

Disabled toilets & the fit out of the same are to comply with Part F2.4 of the BCA & AS1428.1.
 An accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf, or bench top and adequate means of disposal of sanitary towels in accordacne with Clause F2.4d Accessible sanitary facilities

 The circulation spaces, fixtures and fittings of all accessible sanitary facilities must comply with Clause F2 BCA

Accessible

sanitary facilities of the BCA and AS1428.1.

 - Artificial lighting must be provided in accordance with Clause F4.4a and b of Artificial lighting of the BCA.
 - The ventilation of each room is to comply with Clause F4.5 of the BCA. The proposed mechanical ventilation system is to

comply with AS 1688.2 and AS/NZS 3666.1.



Evan Dowd and Louisa Hennessy c/o Hennessy Dowd Lawyers PO Box 697 Bathurst NSW 2795

20 June 2018

Attn: Mr Neil Southorn Director Environmental Planning and Building Services Bathurst Regional Council

#### Via email: council@bathurst.nsw.gov.au

Dear Mr Southorn,

#### RE: 138 Russell Street Bathurst - Car Parking Contribution - Review of Decision - Exemption

1 of 3

#### Background

We refer to the DA Approval letter we received from Council dated 30 May 2018 in relation to the car parking fee of \$52,770.00 for this property.

We write to respectfully request a formal review pursuant to s 82 of the *Environmental Planning and Assessment* Act 1979, of this condition imposed by Council.

We set out below justification for our request in the form of written submissions in relation to usage of the premises.

#### Background

We have entered into an agreement to purchase the above property for the purposes of running our legal practice Hennessy Dowd Lawyers. Evan Dowd is Principal of our legal practice and Louisa Hennessy is his wife and Legal Practitioner.

The property has been unoccupied and on the market for around 12 months.

Contracts have now been exchanged between Louisa Hennessy and the current owner, with settlement to take place subject to a number of notations, including the extent of the costs associated with converting its current usage from that of residential, to that of commercial.

#### **Our business structure/staff**

We are a relatively new legal practice having opened our office in September 2015. At the date of commencement, the practice consisted of one full-time professional being Evan Dowd, and one part-time professional being Louisa Hennessy.

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In May 2016 we employed Ms Alannah Seymour as a full-time paralegal/receptionist.

In August 2017 we employed Ms Jane Pike, as a part-time solicitor.

Our business currently consists of four people, only two of whom are full-time.

Our practice has two part-time lawyers and we structure our work day/attendances such that at any given time in the week, there **are no more** than two lawyers in the office and one support staff. In other words, the two part-time solicitors, generally and wherever possible, work alternate days.

We do not anticipate increasing the number of individuals in our practice any further and we note that the building (138 Russell Street), will not allow for further expansion of our business in any event due to its size.

#### Conferencing / client attendance / use of parking

An initial conference with a new client will, in most cases, be in person.

Initial conferences tend to last no more than 1 hour.

Follow up conferences are conducted via telephone wherever possible.

Overall, most attendances with clients are by telephone and/or email communication, thereby preventing the requirement for individuals to *physically* attend the premises, more than once.

In summary:-

- (a) The Principal Evan Dowd will see on average, 1 2 clients <u>per day</u> in the office, for on average, 1 hour each per day.
- (b) The two other part-time lawyers in our office will see on average, 2 clients <u>per month</u>, for no longer than 1 hour at a time.

This low rate/infrequency in *physical* attendance is due to the type of work they carry out, which is primarily civil and commercial litigation.

#### Dual/ multiple usage

- 1. Evan Dowd's practice is approximately 30% criminal law. Most conferences with these clients take place at the Bathurst Court House in the legal profession rooms, rather than in our office premises. Of most criminal clients who attend the office, only 1 hour maximum would be spent attending Hennessy Dowd Lawyers office.
- 2. The premises adjoin Aldi supermarket at 128 Russell Street and is extremely convenient for people wanting to do their grocery shopping at the same time as attending for a conference. Many clients are likely to park at Aldi and do their shopping in that time also, in order to utilise their time effectively.

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**Ordinary Meeting** 

- 3. 138 Russell Street is very close to the new Bathurst City Centre carpark, which is obviously very large and has metered parking of 2-3 hours. It is highly anticipated that individuals would park in the centre, do their shopping in the centre and then walk across the road to our office, if required to attend our office.
- 4. These premises are opposite a coffee shop and very close to the Knickerbocker Hotel and other restaurants/bars on the main street of Bathurst, which people will most likely utilise if they attend a conference at our office.
- 5. It is one block from Bathurst Council offices which would be utilised by people required to attend Council in relation to property or other matters.
- 6. It is close to Kings Parade and Machattie Park and is very convenient for those who wish to use this beautiful and symbolic centre of Bathurst's CDB, to enjoy their coffee or lunch.

#### Costs of car parking

This is an historical building in Bathurst, which has been painstakingly restored to its current condition by the current owner. We intend to purchase the building, maintain it well and respectfully occupy and utilise the premises as it deserves, for many years to come.

As it currently stands this building has been unoccupied and on the market for over 12 months, with no real interest from purchasers to the zoning requirements, which make the costs associated with purchasing it prohibitive.

In order to proceed with the purchase of these premises, we have to attend to a vast number of structural changes to the building in order to convert its current usage from that of residential to commercial. This is very expensive as the costs associated with this work are substantial and will be in the region of 60,000 - 70,0000. We are happy to provide you with a breakdown of these costs if required.

If we are required to incur the *additional* costs of paying for car parking spaces in the sum of \$53,000.00, it would make the costs of buying the premises too high and would in fact regretfully prevent us proceeding with the purchase of the property.

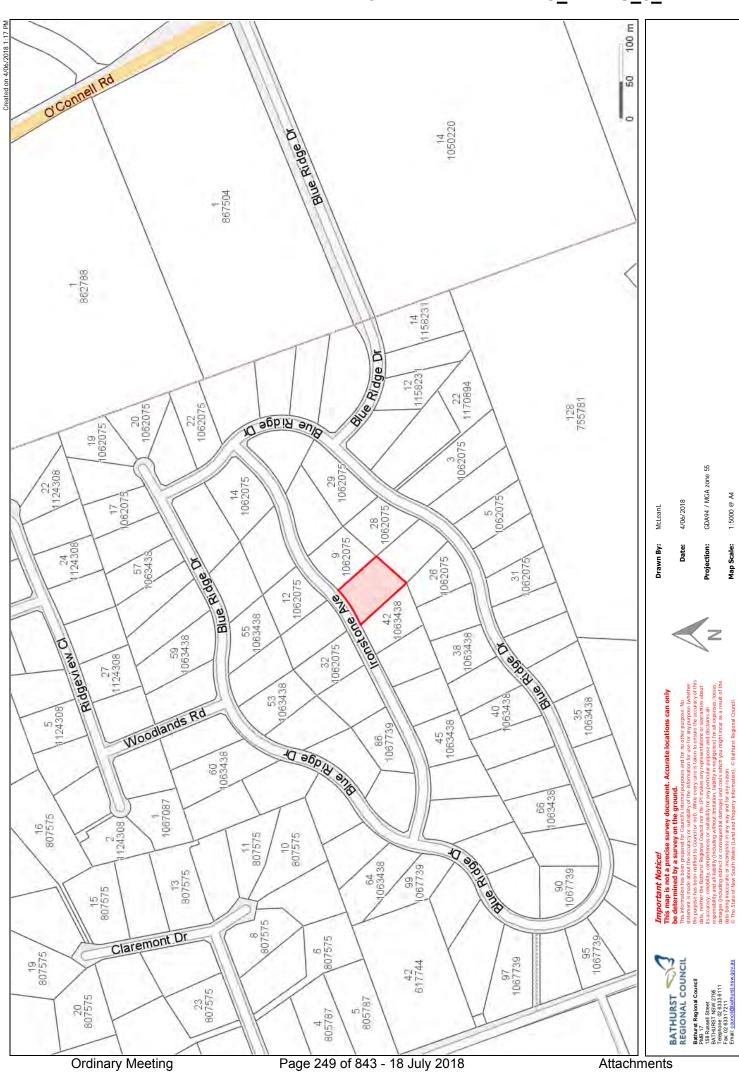
We respectfully request that Council allow an exemption in relation to the car parking condition/contribution, considering all of the circumstances.

Thank you for your assistance and please feel free to contact us if you require further information.

Yours faithfully,

Evan Dowd and Louisa Hennessy

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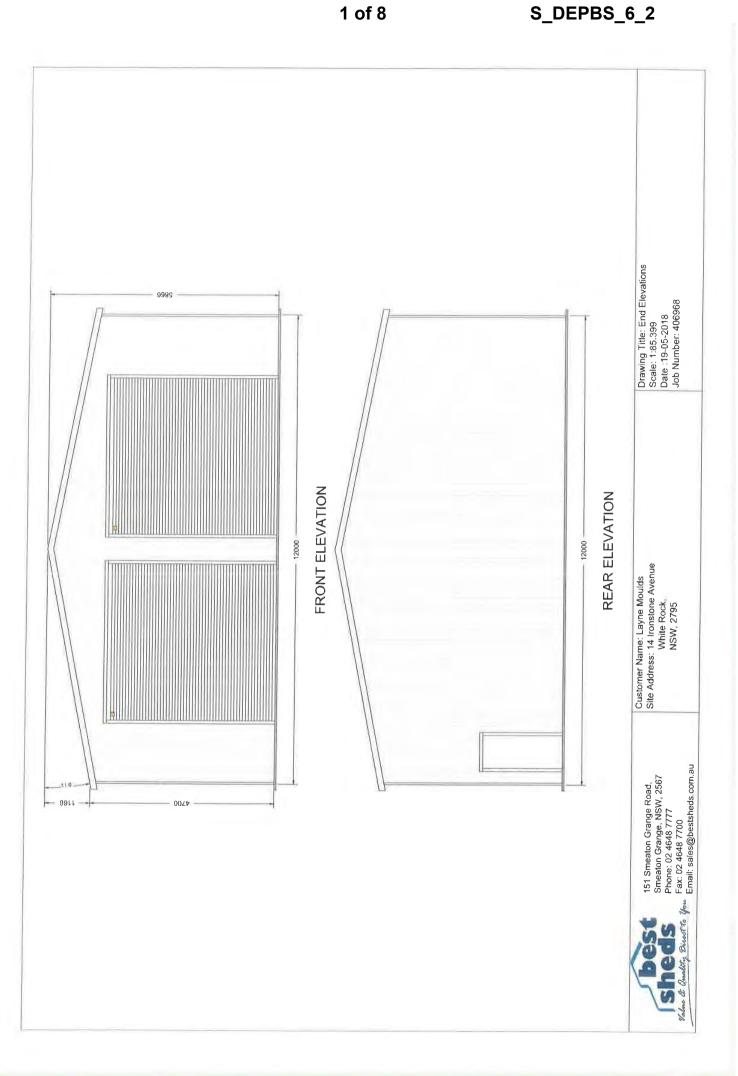


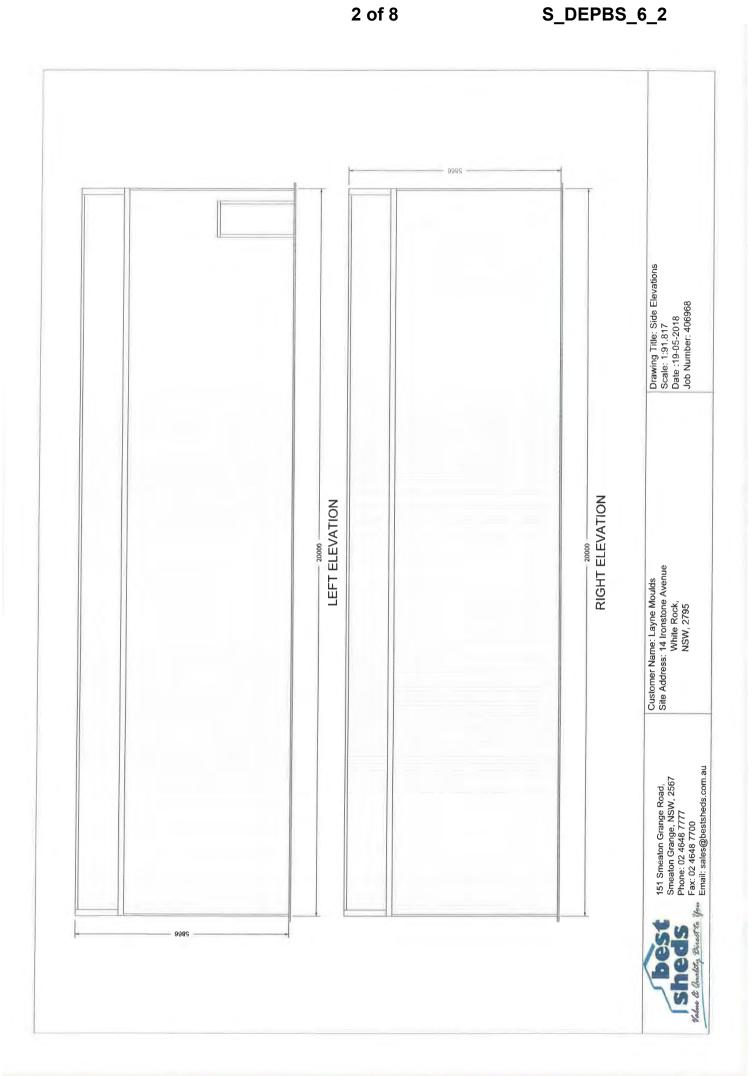
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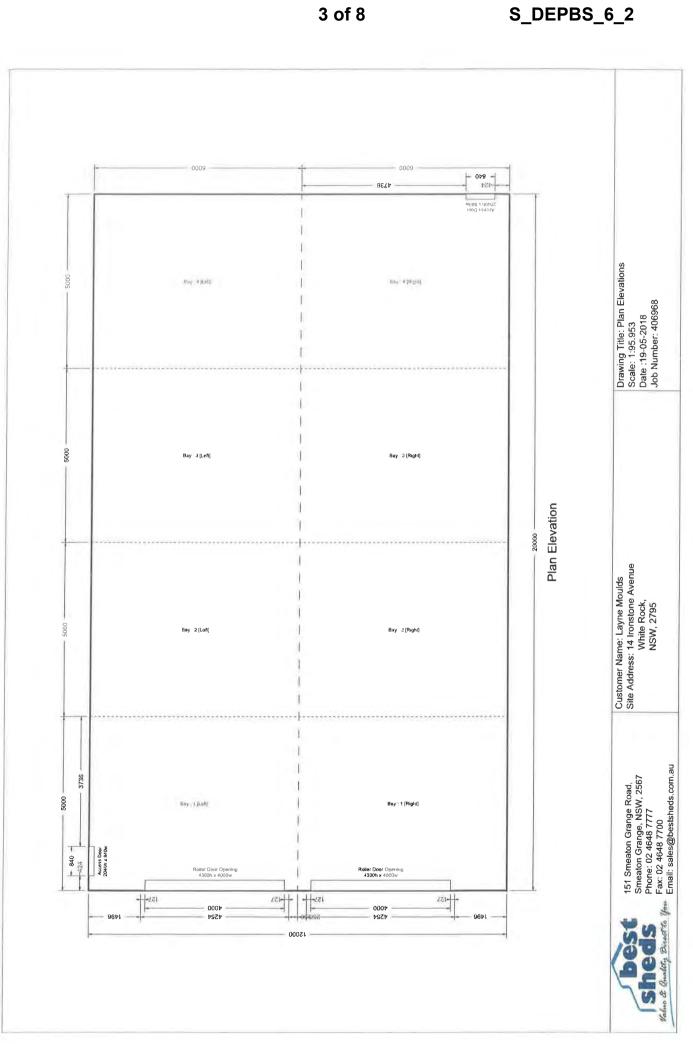
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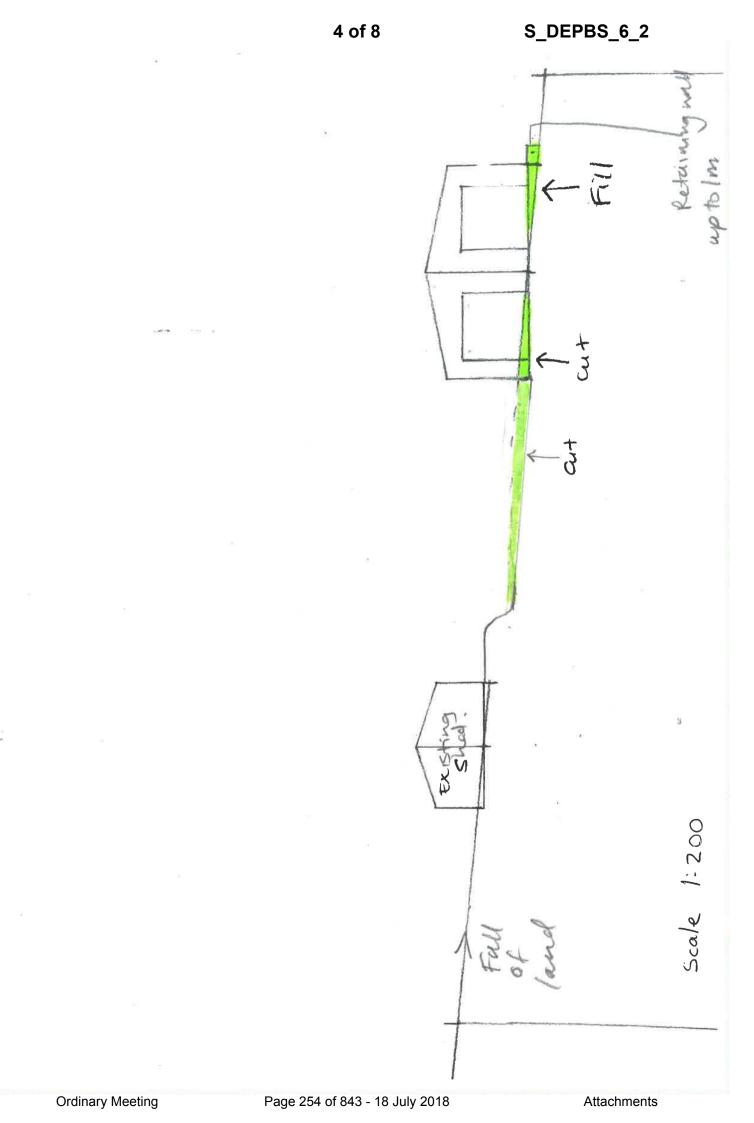
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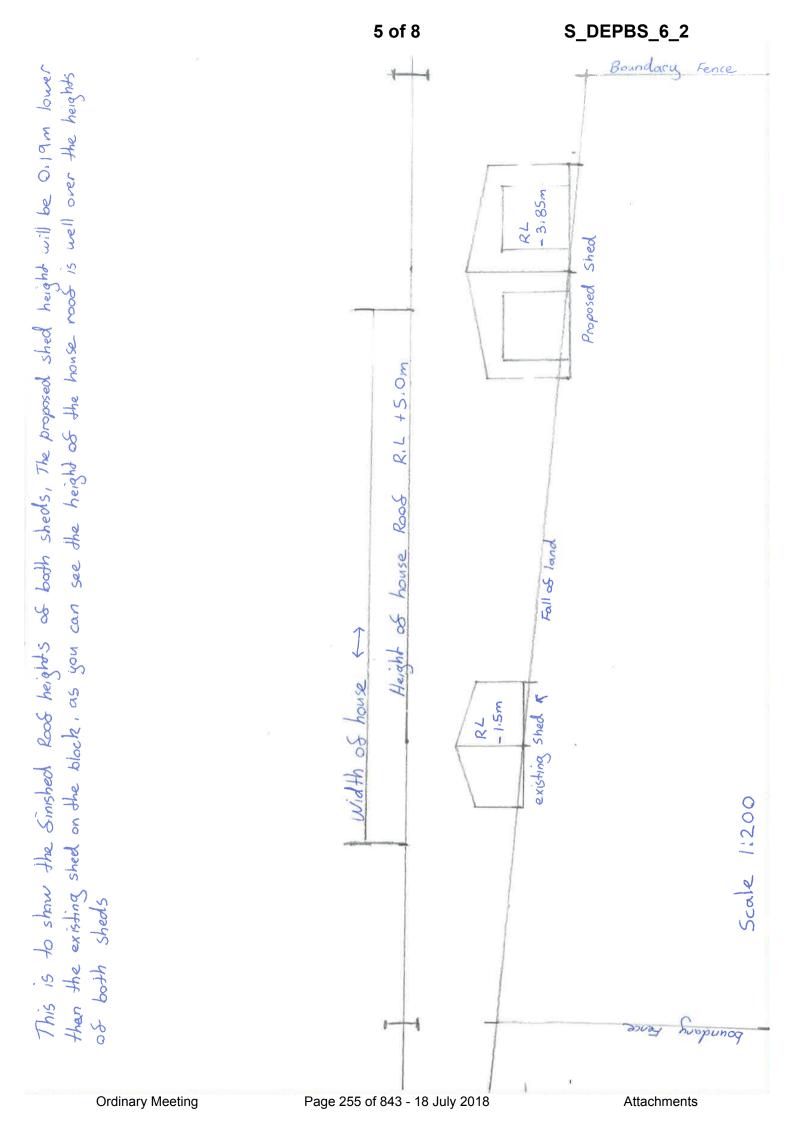
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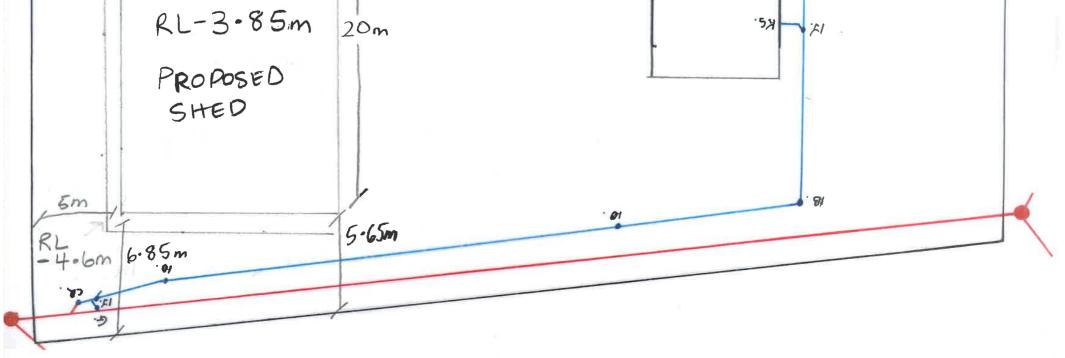


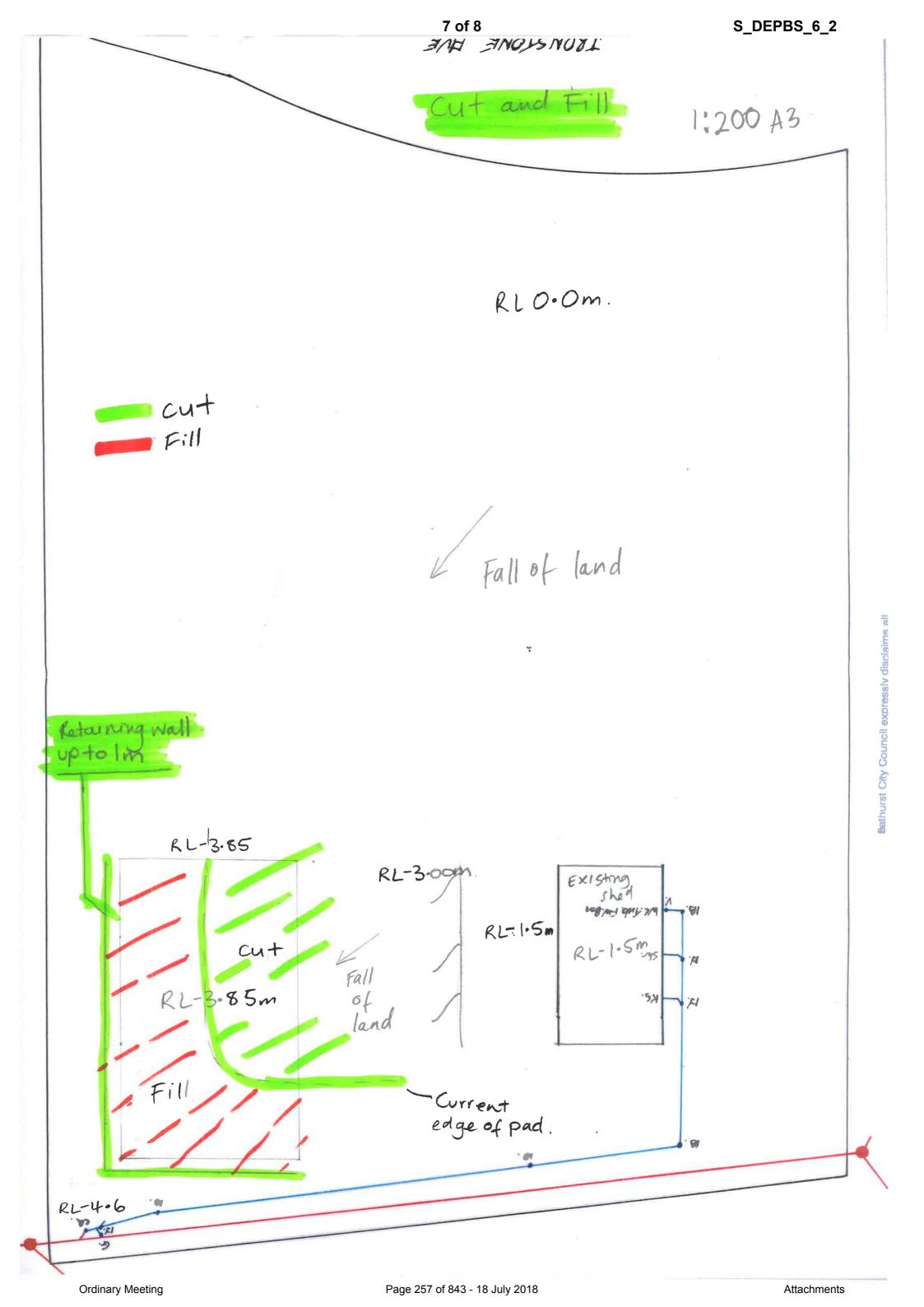




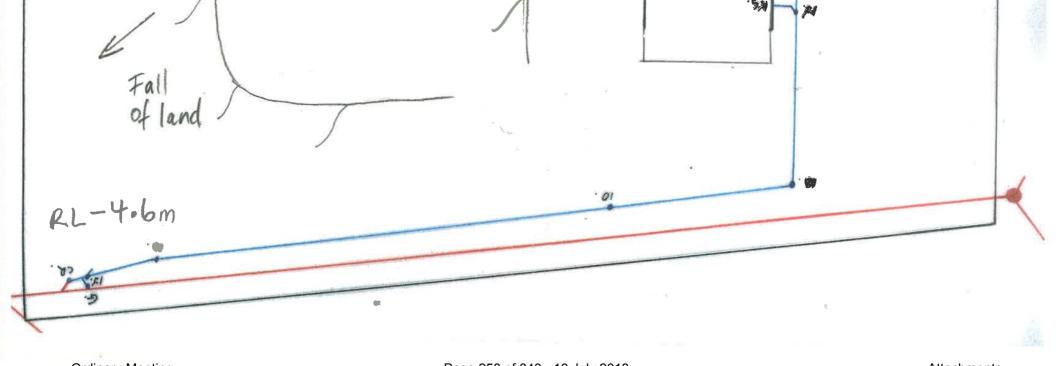


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Council en

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Paul Crennan BEc LLB Accredited Specialist Local Government & Planning Law

6 July 2018

Our Ref: PLC:ab:18031 Your Ref:

The General Manager Bathurst Regional Council Private Mail Bag 17 BATHURST, NSW 2795

#### BY EMAIL ONLY: richard.denyer@bathurst.nsw.gov.au

Dear Sir

#### **ADVICE ON DEVELOPMENT APPLICATION FOR 14 IRONSTONE** RE: **AVENUE, WHITE ROCK - LAYNE MOULDS**

We refer to Council's letter dated 22 June 2018 seeking advice on the:-

- 1. Permissibility of the development of the shed applied for under DA 2018/122 at 14 Ironstone Avenue, White Rock.
- 2. Council's capacity to vary the covenants on the land to enable the development to proceed.

#### 1. Background

- 1.1 Council has received a Development Application for the erection of a shed on the subject land with the use identified as "park a truck + trailer inside + private use- caravan- lawn mower, etc."
- 1.2 The subject land is located within the Blue Ridge Estate and is zoned R5 Large Lot Residential under Bathurst Regional Local Environmental Plan 2014.
- 1.3 The proposal is for the erection of a shed 12 metres wide, 20 metres long and approximately 6 metres high.
- 1.4 The only improvement on the subject land at present is an existing shed.



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Legal practitioners employed by Crennan Legal are members of the scheme.



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- 1.5 While there is no dwelling on the land at present, the owner has foreshadowed an intention to lodge a Development Application for a dwelling in the near future.
- 1.6 The development has met with objection from certain residents in the Blue Ridge Estate. Those objections have been supported by submissions made by McPhee Kelshaw solicitors dated 5 and 20 June 2018.
- 1.7 The Council Officer's report to the Council Meeting of 20 June 2018 recommended approval of the Development Application subject to conditions.
- 1.8 One of the conditions proposed in relation to the approval was that an Occupation Certificate for the shed not be issued until an Occupation Certificate for a dwelling on the same site has been issued.
- 1.9 The owner of the land is a truck driver who identifies that the proposed large shed is intended to house his semi-trailer along with personal items.
- 1.10 The Council officer's recommendation of approval is predicated upon the housing of the semi-trailer in the large shed being ancillary to use of the premises for a dwelling.
- 1.11 The condition relating to the issue of the Occupation Certificate for the shed is consistent with Council requiring assurance that the characterisation of the shed as being ancillary to the dwelling is made out.
- 1.12 Certain covenants have been imposed upon the title to the subject land which would have the effect of restricting the carrying out of the development for the proposed shed. Those covenants were imposed upon the land by the company which created the Blue Ridge Estate subdivision and were not covenants either imposed by the Council or that the Council "requires" to be imposed.

# 2. <u>Summary of Advice</u>

- 2.1 In our opinion, it is reasonable and appropriate to characterise the proposed development for the shed as ancillary to the use of the land as a dwelling.
- 2.2 To ensure that the development does not proceed otherwise than as being ancillary to a dwelling, the imposition of a condition requiring Occupation Certificate for the shed not to issue until an Occupation

Certificate for a dwelling of the same site will be issued is reasonable and appropriate.

2.3 Clause 1.9A of Bathurst Regional Local Environmental Plan 2014 operates to override the covenants on the land which would otherwise prevent the development for the shed proceeding.

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2.4 It is unnecessary for Council to take any step to release or modify those covenants, as it is by operation of law (BRLEP cl 1.9A) that the covenants do not apply to the extent necessary to enable the development to proceed. (Donald Crone and Associates v Bathurst City Council [1999] NSWLEC 73; Ludwig v Coshott (1994) 83 LEGRA 22, NSW Supreme Court, Court of Appeal).

## 3. Analysis

- 3.1 The Development Application is supported by a letter from the applicant dated 28 May 2018, explaining how the proposed use of the shed is to be in association with the use of the property for residential purposes.
- 3.2 The applicant describes the use as being for "a garaging address for my work vehicle". The applicant is a self-employed truck driver whose semi-trailer is to be housed in the shed. There are to be no other trucks or implements stored.
- 3.3 The Council officer's report identifies that the dwelling is to be the dominant use of the land with an ancillary use that is subordinate or subservient to the dominant purpose.
- 3.4 Reference is made to the Department of Planning circular on "How to Characterise Development (PS 13-001 issued 21 February 2013). The Council officer has formed the conclusion that the development is ancillary to the use of the property as a dwelling.
- 3.5 In the Court of Appeal in *Food Barn Pty Ltd v Solicitor General (1975)* 32 LGRA 157 it was held that, applying earlier decisions,

"It may be deduced that where a part of the premises is used for a purpose which is subordinate to the purpose which inspires the use of another part, it is legitimate to disregard the former and to treat the dominant purpose as that for which the whole is being used."

3.6 The consideration then occurred as to whether the uses were independent of one another. The Court held that:-

"If any one purpose operating in a way in which is independent and not really incidental to other purposes is prohibited, it is immaterial that it may be overshadowed by the others whether in terms of income generated, space occupied or ratio of staff engaged". (Foodbarn p. 161)

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3.7 In <u>Baulkham Hills Shire Council v O'Donnell</u> (1990) 69 LGRA 404, Meagher JA said at page 409:-

> "Notwithstanding the principles laid down in Foodbarn, it does not follow that a use which can be said to be ancillary to another use is thereby automatically precluded for it being an independent use of the land. It is a question of fact and degree in all the circumstances of the case whether such a result ensues or not".

- 3.8 It is necessary to look at the facts in their detail and to consider on the way to the characterisation finally assigned, whether, notwithstanding the existence of another "primary" use or development purpose, it may properly be said that an ancillary use or development purpose is involved.
- 3.9 In <u>Toner Design Pty Ltd v Newcastle City Council</u> (2013) 198 LGERA 203, Baston JA in the Court of Appeal said that:-

"The concept of "ancillary to" involves matters of size and scale. Thus, two developments each of which was of sufficient scale in its own right might not demonstrate the relevant relationship of one being dominant and the other being subservient thereto. Examples are not necessarily helpful because the factors to be taken into account will vary as to between cases. Broadly speaking, however, the factors to be taken into account will depend on planning considerations and not, for example, relative financial returns to the owner or occupier of the site."

- 3.10 A single truck is to be housed on the owner's land which is used for residential purposes. The land is of a size which is sufficient to accommodate the size of the truck comfortably.
- 3.11 In our opinion, the characterisation of the shed as being ancillary to the dwelling is reasonable and appropriate.

- 3.12 The Council officer then recommends that the shed would be approved but would not be issued with an Occupation Certificate until such time as an Occupation Certificate has been issued for the dwelling is entirely appropriate.
- 3.13 The second submission of McPhee Kelshaw dated 20 June 2018 notes the statements made by the Council Officer regarding the questions of "dominant purpose", "independent purpose" and "ancillary uses". It is put then by McPhee Kelshaw that in circumstances where there is the potential for uses which might be prohibited in the zone, that the Council is also aware that a use which may be "ancillary" to another use may also be an "independent use".
- 3.14 In our opinion, the Council Officer has by reference to the facts and circumstances of the proposed development reasonably identified that the use is one which is ancillary but not independent and is therefore permissible in the zone as an ancillary use to that of "dwelling". The condition proposed regarding the timing of the issue of Occupation Certificates remains an appropriate mechanism for providing assurance that the use of the shed could not be commenced independently of the use of the dwelling.

## 4. Covenants

- 4.1 Section 3.16 of the EPA Act specifically provides for the inclusion in a Local Environmental Plan of a clause which will overcome covenants and similar instruments or agreements where they may otherwise stand in the way of development proceedings.
- 4.2 Clause 1.9A is a clause of that type introduced into the standard instrument prescribed by s3.20 EPA Act.
- 4.3 The effect of clause 1.9A is that upon grant of development consent a covenant does not apply to the extent necessary to enable the Development to proceed.
- 4.4 This provision was first considered and approved by the Land and Environment Court in <u>Donald Crone and Associates v Bathurst City</u> <u>Council</u> [1998] NSW LEC 73 and has been consistently applied by the Courts including the New South Wales Supreme Court and the Court of Appeal in <u>Ludwig v Coshott</u> (1994) 83 LGERA 22.
- 4.5 It is asserted by McPhee Kelshaw in the submission dated 5 June 2018 that cl 1.9A does not apply to one of the covenants on the land because it

is a covenant which falls within cl 1.9A (2) as having been imposed by the Council or that the Council "requires" to be imposed.

- 4.6 The covenant in question is the identification on the plan of subdivision on land which is restricted within the lot from development. We note that the area identified as being restricted respects the requirements of the Council Development Control Plan for boundary setbacks from development. It appears that this was the response by the developer of the subdivision to respect the requirements of the DCP. It was not, however, a covenant imposed by Council or that the Council requires (or required) to be imposed.
- 4.7 In our opinion, cl 1.9A (2) simply does not apply to the subject development.
- 4.8 The instrument which sets out the terms of the covenants identifies the body empowered to release, vary or modify the covenants relevant to the subject Development Application. The original developer, while it remained registered as the owner of a lot benefitted by the covenant, and Bathurst City Council were so empowered. Thereafter, the Council was the body empowered to release, vary or modify the covenants.
- 4.9 It is unnecessary for Council to take any action pursuant to the power to release, vary or modify the covenants. The grant of Development Consent to the development by operation of cl 1.9A of the LEP overrides the covenant to the extent necessary to enable the development to proceed.

## 5. Comments on Conditions

- 5.1 We suggest that, to strengthen the conditions proposed by Council, the three dot points under recommendation (a)(i) be specified as individual conditions. Further, we recommend that Council imposes a condition that not more than one semi-trailer be housed on the site.
- 5.2 Condition (b)(v) identifies that certain noise is not to be heard from inside the neighbours residence. We note that significant noise reduction is achieved by the closing of windows. We recommend that the noise intrusion be specified to be with windows either open or closed.

We would be pleased to provide such further advice as Council may require upon receiving instructions.

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Yours faithfully CRENNAN LEGAL

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Paul Crennan Legal Practitioner Director Accredited Specialist Local Government & Planning Law

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## 4 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122)

## Recommendation:

That Council:

- (a) support the variation to the development standards prescribed in Bathurst Regional Development Control Plan 2014 Clause 6.2.4 Minimum Setbacks – Zone R5 – Large Lot Residential and Zone E4 Environmental Living;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No.2018/122, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended and including conditions to the effect that:
  - (i) The site is not be used as a "transport depot", "depot" or "truck depot" as defined in the Bathurst Regional Local Environmental Plan 2014 noting:
    - The shed is only to be used to park vehicles owned or used by the residents of the dwelling,
    - No employees or third parties are to utilise the vehicles parked on the premises, nor park additional heavy vehicles on the premises,
    - The shed and site is not be used for the unloading and/or storage of any business related goods.
  - (ii) An Occupation Certificate for the shed cannot be issued until an Occupation Certificate for a dwelling on the same site has been issued.
  - (iii) A turning circle is to be provided showing that a semi-trailer 19.0 metres in length can enter and leave the site in a forward direction, this being the largest vehicle to enter the premises.

A plan drawn to scale showing the manoeuvring area is to be submitted to Council for approval prior to the issuing of a Construction Certificate.

NOTE 1: All vehicle turning movements are to be based on the Austroads design vehicle.

- (iv) The paving (in concrete) of all vehicular manoeuvring areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- (v) Heavy vehicles, other than for the purposes of entering or leaving the site, and maintenance and cleaning of heavy vehicles, should not be heard from inside a neighbour's residence, between 8 pm and 8am on a Saturday, Sunday or public holiday or 8pm and 7am on any other day.
- (vi) The washing of heavy vehicles should not occur on site unless appropriate measures are put in place to prevent pollution of waterways;
- (vii) The applicant is to submit to Council, for endorsement, a landscape plan

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prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014. Council is to certify that the landscape plan is in accordance with Council's Development Control Plan and any other requirements prior to the issuing of a Construction Certificate. Landscaping is to be carried out and maintained in accordance with the certified landscape plan. The landscaping is to be completed prior to the occupation of the building.

- (c) notify those that made submissions of its decision; and
- (d) call a division.

## Report:

## Summary

This development application is for a large shed in a large lot residential area, to enable the land owners to park their semi-trailer on the premises, together with other vehicles and household items. The size of the shed, at 12m x 20m, and its use for parking such a large vehicle, have raised objection from several neighbours based not only on disruption to the amenity of the area but also challenging whether such a use is permissible in the R5 large lot residential zone.

A group of objectors has also submitted, albeit after the closing date for submissions, a letter from Mr Trevor Cork of McPhee Kelshaw Solicitors. This submission questions the permissibility of the proposal in the zone and its contradiction with certain covenants over the land. All submissions, including that of Mr Cork, are attached to this report.

In the opinion of Council staff, the use of the land as described by the applicant is permissible in the zone, and Council is not bound by the covenant over the land that relates to set backs from the boundaries and the size of the shed. Therefore the application could be approved with conditions if Council is inclined to do so, noting it may be preferable to allow the truck to be parked on site rather than it be illegally parked on the street. For Council to approve the application, it will need to be satisfied the use of the land in this way is permissible, specifically, that the parking of the truck is ancillary to the use of the land for a dwelling and it is not used as a truck depot. Council will also need to exercise its power to vary the covenant in relation to boundary setbacks given it has been assigned the power to vary the covenant by the developer.

Those conditions and the recommendation of Council staff that it be approved, are reliant on the statement of the applicant about how the truck will be used on site and the frequency of truck movements; the recommendation of Council staff may be different if those circumstances change. Further, the application itself was not accompanied by a Statement of Environmental Effects that comprehensively discusses how the impacts on neighbours will be mitigated, relying on post application comment at the request of Council staff. It is acknowledged the site is located in somewhat undulating terrain and the visual impact on neighbours is a relevant matter.

## The Site

Council has received a Development Application (DA) for a shed and earthworks, including a retaining wall, at 14 Ironstone Avenue, White Rock, described as Lot 10 DP 1062075. A location plan and aerial photo are provided at <u>attachment 1</u>.

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The site has an area of 4003 m<sup>2</sup>.

The site contains a 7 x 12 metre shed, which had approval to be used as a temporary dwelling. The consent for the temporary dwelling has lapsed and the shed is currently being used for storage purposes.

Council is also concurrently considering a Development Application for a dwelling on the property. The dwelling otherwise complies with Council's adopted standards and will be determined under delegated authority in the near future. Earthworks to create the building pad for the dwelling have been completed.

The adjoining properties contain dwellings and associated outbuildings with established landscaping. The site remains one of the few remaining lots in the Blue Ridge Estate which has not been substantially developed.

The site slopes generally from the front to the rear and from east to west.

## The proposal

The proposal involves the erection of a shed (see plan of proposed development at **attachment 2**).

The shed is proposed to be 12 metres x 20 metres. The eave height of the shed is 4.7 metres with a total height of 5.866 metres.

The site requires approximately 1 metre cut and 1 metre of fill for the development which will be retained with a 1 metre high retaining wall.

The shed will have a maximum height of approximately 6.9 metres from natural ground level.

The shed is proposed to be located 5 metres from the side boundary with 18 Ironstone Avenue and 5.65 m from the rear boundary with 86 and 90 Blue Ridge Drive.

It is noted that during the assessment process the applicant has reduced the size of the shed (originally 12 x 22 metres), the overall height of the building (from 6.67m to 5.86 m) and relocated it further from the rear boundary.

## Planning Context

## Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R5 Large Lot Residential Zone under the provisions of the *Bathurst Regional Local Environmental Plan 2014.* A shed (being ancillary to a dwelling) is permissible with consent in the R5 Large Lot Residential zone.

The objectives of the R5 Large Lot Residential Zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining

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zones.

The proposed development is considered generally consistent with the Zone objectives, however the use of the site has been raised in the public submissions. The applicant has advised that the shed is to be used to *"house my truck and trailer, 2 very rare classic cars, a caravan, boat, children's motorbikes, lawnmower, box trailer, yard equipment, tools, fridge, table and chairs, pushbikes, toys, play/work/storage etc"* 

The applicant has also provided a description on how he proposes to utilise the shed as it relates to the truck and trailer (see **<u>attachment 3</u>** and **<u>attachment 4</u>**). Below is a summary of the parameters of the use:

- The shed will only be used to park one truck which is owned by the resident.
- The truck parked in the shed will be operated by the resident of the dwelling.
- The business does not have employees.
- The truck will not be moved from the site on a daily basis as the work is seasonal.
- No unloading or storage of any business related goods will occur at the property.
- General maintenance, e.g. washing and minor maintenance of all the vehicles, will occur on site.

The Bathurst Regional Local Environmental Plan 2014 defines the following uses as:

"Truck Depot" means a building or place used for servicing or parking of trucks or earthmoving machinery and the like.

"Transport depot" means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport terminal.

"Depots" means a building or place used for storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use but does not include a farm building.

It should be noted that "Truck Depots", "Depots" and "Transport Depots" are prohibited land uses within zone R5 under the Bathurst Regional Local Environmental Plan 2014.

In order to satisfy itself that the development is permissible, Council must satisfy itself that the development is ancillary to the use of the property as a dwelling. The use of the premises may be considered to be a depot, truck depot or transport depot where it is considered to be either the dominant purpose or its own independent purpose. These concepts are usefully discussed in the Department of Planning's Circular on How to Characterise Development (PS13-001 Issued 21 February 2013) provided at <u>attachment 5</u>. Based on the Circular the following may be ascertained:

- Development is considered to be for a particular purpose if that purpose is the dominant purpose of the development.
- An ancillary use is a use that is subordinate or subservient to the dominant purpose.
- If a component serves the dominant purpose, it is ancillary to that dominant purpose.
- If a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right.

In this case the applicant has advised that the shed serves the function of storage of the owners own work vehicle (albeit in this case that is a truck) as well as a significant amount of other material and goods that would normally be associated with a dwelling.

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The use, storage and maintenance of commercial vehicles in residential and rural residential areas solely by the resident of the dwelling in conjunction with their employment would be considered to be ancillary to the residential use of the land. This scenario exists with many home based businesses where commercial vehicles are brought back to the dwelling. The fact that in this case that vehicle is a truck does not change this principle. It is for this reason that many of the larger blocks are attractive for those in the trades.

It should, however, be noted that the site does not currently contain a dwelling house although that approval is expected to be issued in the near future. In order for the shed to be properly considered to be ancillary to the dwelling, the dwelling should exist. A condition should therefore be imposed on the shed restricting it from having an Occupation Certificate issued until an Occupation Certificate for the dwelling has been issued. This will ensure the shed is not used to park vehicles on site without the resident living on site.

It should be noted that if the operational parameters described by the applicant were to change then this may alter the assessment and lead to a different conclusion.

Clause 1.9A Suspension of covenants, agreements and instruments.

Clause 1.9A of Bathurst Regional LEP 2014 enables Council to grant consent notwithstanding that it is inconsistent with any covenant or similar instrument which restricts the carrying out of that development.

The Clause does not apply to "a convenant imposed by the Council or that the Council requires to be imposed". In those cases additional processes need to be followed.

In this case the land is subject to a number of covenants and restrictions as to user including those relating to setbacks from the side and rear boundaries and the size of any shed or garage (maximum 120m<sup>2</sup>).

The Deposited Plan and accompanying Section 88B Instrument are provided at **attachment <u>6</u>**. As noted on the Deposited Plan, Lot 10 is subject to boundary offsets of 10 metres shown as (R). These are referred to in part 3 of the 88B Instrument. As noted in the 88B Instrument the benefitted parties are every other lot in the subdivision. Council is not a benefitted party. Likewise, the covenants relating to the size of sheds referred to in the 88B Instrument were not imposed or required by Council. This is consistent with the fact that Council's Planning Instruments of the time did not require setbacks to the side and rear boundaries nor the size of garages. In this context the restriction is not imposed or required by Council and can therefore be varied by Council.

The impact of the development relative to the setbacks and size are discussed in further detail below, however, Clause 1.9A has the effect of ensuring that developer imposed covenants do not alter the way in which Council deals with an application.

## 4.3 Height of Buildings

The objective of this clause is to establish a maximum height limit to which buildings may be erected in certain locations.

The height of buildings map specifies a height of 9 metres for the subject site. The proposed shed has a height from natural ground level of 6.866 metres. This includes the 1 metre of fill and a building height of 5.866 metres. Therefore the proposed shed complies with this planning standard.

Bathurst Regional Development Control Plan 2014

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# Chapter 6 Rural and Rural Lifestyle Development

## Clause 6.2

The objectives of clause 6.2 are:

- a) To prevent conflict between residential activities and primary industry.
- b) To ensure that development will not significantly adversely affect the use of adjoining land.
- c) To ensure that building sites do not impact on existing drainage patterns and water supplies.
- d) To protect the environmental qualities of the land.

6.2.4 Minimum setbacks – Zone R5 – Large Lot Residential and Zone E4 Environmental Living.

Clause 6.2.4 of the DCP provides that "Council must only grant consent to the erection of buildings within the building envelope, if shown on the deposited plan".

In the absence of an identified building envelope, the DCP provides for setbacks of 8 metres to the front, side and rear boundaries.

The Deposited Plan for 14 Ironstone Avenue shows a building envelope setback 10 metre from all boundaries. The shed is proposed to be 5 metres from the nearest side boundary with 18 Ironstone Avenue and 5.65 metres from the rear boundary.

The current 10 metre wide restriction as to user to the side and rear building offsets was imposed by the developer when the land was subdivided in 2003. The 10 metre wide boundary offsets were not imposed to satisfy any planning standards in the DCP of the time.

It is further noted that within the Blue Ridge Estate the width of the Restriction as to User has changed and are not consistent at 10 metres for the whole estate. The subject lot was part of an earlier stage of the Estate which generally required 10 metre setbacks to the side and rear. In latter stages the developer reduced the side and rear setback to 5 metres. For example the subject lot (14 Ironstone Avenue) has a 10 metre side and rear setback on the Deposited Plan whilst the adjoining lot (18 Ironstone Avenue), developed in a later stage, has a 5 metre side and rear setback. The net result of this is that there are numerous examples of sheds being located 5 metres off the side and rear boundaries throughout the Estate; e.g. 18 Ironstone Avenue, 86 Blue Ridge Drive and 13 Ironstone Avenue.

The Applicant has provided the following reasons to support the variation to Clause 6.2.4 of the Bathurst Regional DCP 2014:

- The site of the shed was chosen as it is on the lowest part of the site. Because of the natural slope of the site it will result in the finished floor level of the shed being 3.85 metres below the finished floor level than the approved dwelling on site.
- The subject shed will have a roof height that is 190mm below the existing shed on site.
- The position of the shed at 5 metres from the side boundary will allow for easy manoeuvring of the applicants vehicles into the shed.
- There are sheds within the estate including on the adjoining property at 5 metres.

The variation to Clause 6.2.4 can, in this case, be supported for the above reasons. It is further noted that increasing the setbacks to either 8 metres (as contemplated in the DCP) or

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10 metres (as contemplated on the Deposited Plan) would likely increase the visibility of the shed, have a greater impact on views because of the natural topography of the site and lead to a greater level of earthworks and retaining walls.

It is acknowledged if the shed were to be moved to either 8 or 10 metres from the side boundary it would be sited behind the dwelling and have reduced visibility to Ironstone Street but it would have a greater impact in relation to heights and views for adjoining neighbours.

## Public Notification

The Development Application was notified to adjoining property owners from 25 April 2018 to 7 May 2018. Following the advertising and notification period a total of 11 submissions were received (see submissions at <u>attachment 7</u>). The Applicant has provided a written response to the submissions see <u>attachment 4</u>).

It should be noted that the applicant has amended the DA plans after reviewing the submissions. The amended plans include:

- Increasing the setback from the rear boundary by 0.65 metres to a setback of 5.65 metres.
- The length of the shed has been reduced from 22 metres to 20 metres.
- The total height of the structure has been reduced by 1.02 metres to an overall height of 5.866 metres.
- The plans also include 1 metre of cut and fill and 1 metre high retaining wall.

A Public Discussion Forum was convened on 6 June 2018 (see minutes of discussion forum at **<u>attachment 8</u>**). Issues raised in the submissions and at the discussion forum included:

• The size of the shed is representative of an industrial shed or farm shed.

**Comment**: It is a characteristic of the Estate that many lots have sheds and, in some cases, these can be quite large. There are examples of large sheds in the vicinity including for example:

- 78 Blue Ridge Drive has a 16m x 13m shed;
- 26 Ironstone Avenue has a17.5m x 12m shed; and
- 119 Blue Ridge Drive has a 17.5m shed x 8m shed.

It is acknowledged that the scale and proportion of this shed is larger than others, however it is the overall impact of the shed that must be considered.

• The noise impact of a truck being stored on site.

**Comment**: The Environment Protection Authority (EPA) has published a *Guideline for Managing Vehicle Noise*. The Guideline suggests that vehicles on residential premises (other than for vehicles entering or leaving) should not be heard inside a neighbour's residence, between 8 pm and 8am in a Saturday, Sunday or public holiday or 8pm and 7am on any other day.

A condition can be imposed on the Development Application to ensure that heavy vehicles are not making excessive noise consistent with this Guideline.

It should be noted that the use of the site for parking of heavy vehicles has historically been raised by surrounding residents. The approach being taken to this application is consistent with the advice given to surrounding residents in the past.

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• Views to and from the site.

**Comment**: The visual impact of the shed can be softened by appropriate landscaping, and a condition of consent to that effect is proposed.

The development has the potential to impact most upon the views from those properties to the rear (most notably 94 and 98 Blue Ridge Drive).

94 Blue Ridge Drive would have views from the rear section of the dwelling, backyard and swimming pool over part of the site.

98 Blue Ridge Drive has similar views although there is more vegetation along the boundary of the property.

Whilst the shed will certainly be visible from these and other sites it is not considered that this impact will be "significant" as discussed below.

Council's DCP does not contain any numerical standards in relation to the protection or sharing of views.

The Land and Environment Court has established a number of principles in relation to view sharing. These principles are considered below, with a comment relevant to this application.

## Principles of view sharing: the impact on neighbours

(Reference: Roseth SC, Tenacity Consulting v Warringah [2004], NSWLEC 140)

25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

**Comment:** The views that may be potentially affected are views of land with no icons although partial views to Bathurst and South Bathurst would be considered to be highly valuable by residents.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

**Comment:** In this case the views are over the side and rear boundaries of the property. Due to the natural topography, the shed has been located on the lowest elevation on the site and will reduce the impact of the shed. The majority of the views from these rear

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properties will however be maintained.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

**Comment:** 94 Blue Ridge Drive shares its entire rear boundary with 14 Ironstone Avenue. The views from 94 Blue Ridge are over the rear boundary and the side boundary of the site and predominantly to the north and northwest. With a 5 metre setback to the rear and side boundary the shed is considered to have a minimal overall impact on the loss of views to Bathurst from this site. The majority of the broader views back to Bathurst and South Bathurst would be retained. Views from 98 Blue Ridge Drive (being located above the shed) would largely be retained.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

**Comment:** In the opinion of Council staff, the proposed shed is permissible, however it does not meet the requirements of the DCP in relation to the side and rear setbacks. The reasons for the non-compliance with the DCP are detailed in the report. The location chosen, however, will have the least impact on views due to the natural topography. Altering the development to comply would have the effect of increasing the height of the development with corresponding impacts including a greater impact upon views.

• Height of the shed.

**Comment**: The shed is lower than the height standards adopted in Council's LEP of 9 metres. It is further noted that the applicant has reduced the height of the shed during the assessment process.

• The proximity of the shed to the lot boundaries.

**Comment**: Refer to comments under Section 6.2.4 of the Development Control Plan 2014.

• Inconsistent with the R5 Large Lot Residential Zone objectives.

**Comment**: Refer to comments under Bathurst Regional Local Environmental Plan 2014 section of the report.

• The impact on the road network in the estate with heavy vehicle movements to the shed.

Comment: The heavy vehicle movements do not occur on a daily basis as described in

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the applicants response to the submissions. The roadways are adequate to cater for heavy vehicle movements.

A condition will be imposed on the Development Application to ensure that a prime mover and trailer can enter and leave the site in a forward direction. This will ensure all vehicle manoeuvring occurs on site and that vehicles will not be required to reverse into the site. This will limit any external impact on the road network.

• Overshadowing.

**Comment**: Whilst there are not adopted standards for sheds, the overshadowing standard usually applied to residential development in Council's Development Control Plan 2014 is two hours of sunlight to be maintained to the living areas and private open space on the 21 June. The proposed development is 5 metres from the closest boundary. The impact of the shed causing overshadowing to adjoining properties is considered minimal.

• The intended use of the shed is to operate a transport business.

**Comment**: Refer to comments regarding the permissibility of the development.

• The current use of the site is to operate a transport business.

**Comment**: Refer to comments regarding the permissibility of the development.

• Environmental impact of washing the vehicles on site.

**Comment**: Whilst washing of vehicles of any sort is something that occurs regularly on many residential lots it cannot occur in such a fashion that results in the pollution of waters. Were that to occur it would potentially be a breach of the Protection of the Environment Operations Act. A condition may be imposed which prohibits the washing of heavy vehicles on site unless it is done in a fashion that does not pollute waters. Further, the noise generated from washing trucks, such as the use of pressure washers, can be limited to certain hours.

• The plans do not include earthworks for the shed, which may alter the height of the shed from natural ground level.

**Comment**: The applicant has submitted amended plans which include additional earthworks and a retaining wall (<u>attachment 2</u>). The cut and fill on site is 1 metre.

• Devaluing property values.

**Comment**: Property values are not a planning consideration as they are not a matter prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979.

Council received a further submission on 5 June, after the formal notification period, from Trevor Cork of McPhee Kelshaw Solicitors representing a group of objectors (<u>attachment 9</u>). This submission attempts to cast doubt over the permissibility of the development in the zone by quoting Mr Cork's client's submission that the use of the land to park a commercial vehicle is prohibited in the LEP. The submission also argues that, irrespective of Council'[s powers to vary the terms of a restriction in the 88B Instrument, Council should not do so lightly. Council staff are of the view that the development is permissible if Council is satisfied it is ancillary to the use of the property as a dwelling. Council staff agree that any decision to

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alter a covenant, one which neighbours may have relied upon, should not be taken lightly.

## **Conclusion**

A Development Application has been lodged for a 20 metre x 12 metre shed within the locality of White Rock. The use of the shed is to store amongst other things the prime mover truck and trailer of the resident of the soon to be constructed dwelling. The resident is the owner and operator of the vehicle. Restrictions can be imposed to ensure that the use of the shed does not become a truck depot.

## **Financial Implications**

Nil.

# **Bathurst Community Strategic Plan - Objectives and Strategies**

• Objective 28: To plan for the growth of the region and the Strategy 28.8 protection of the region's environmental, economic, social and cultural assets.

# **Community Engagement**

Consult

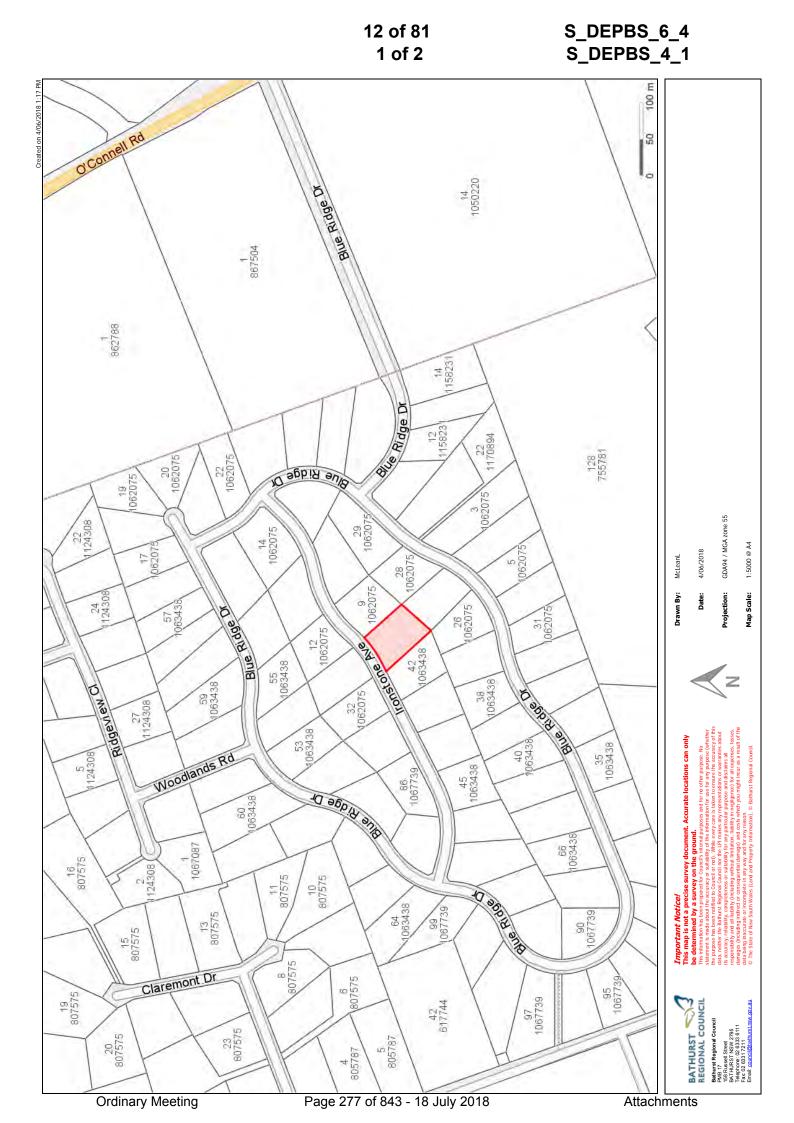
To obtain public feedback on alternatives and/or decisions

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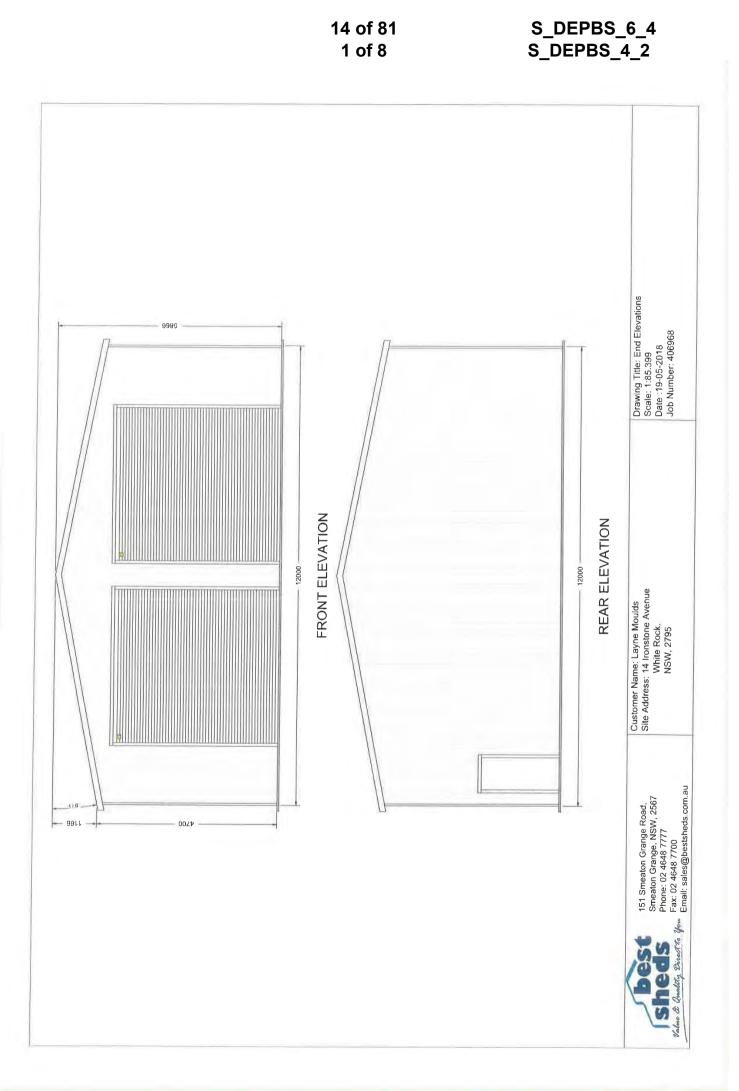


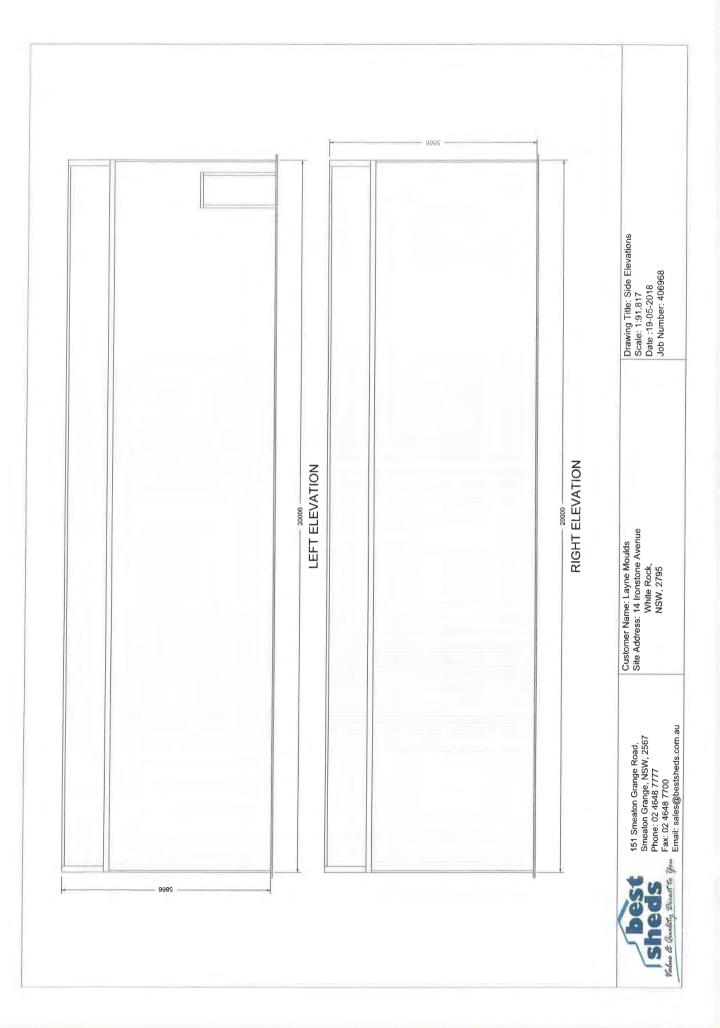


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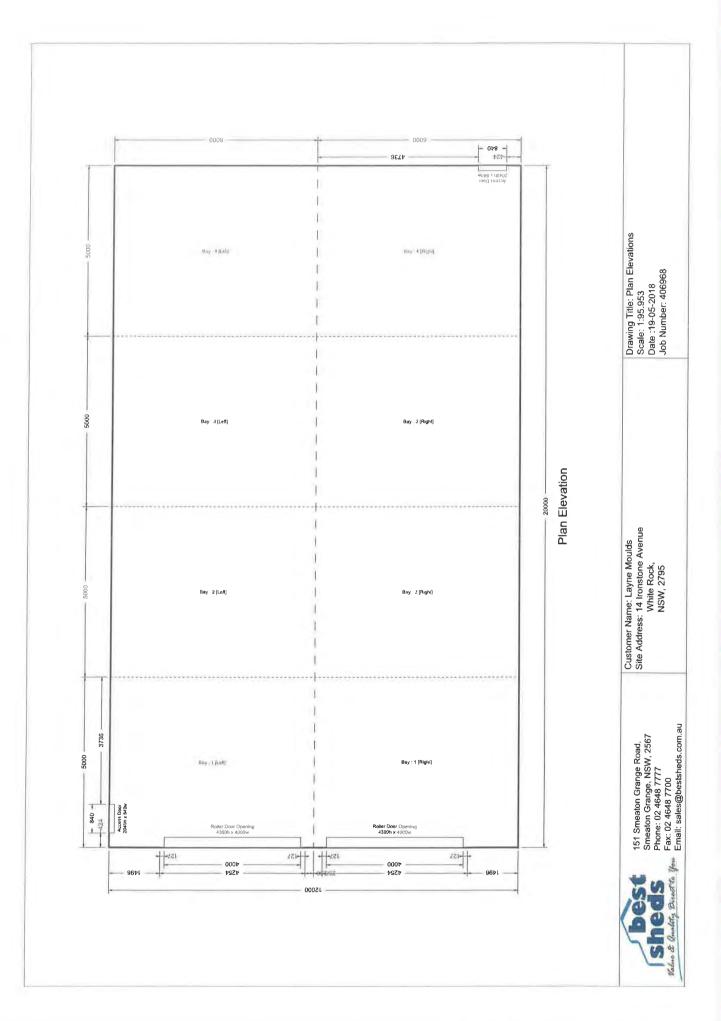
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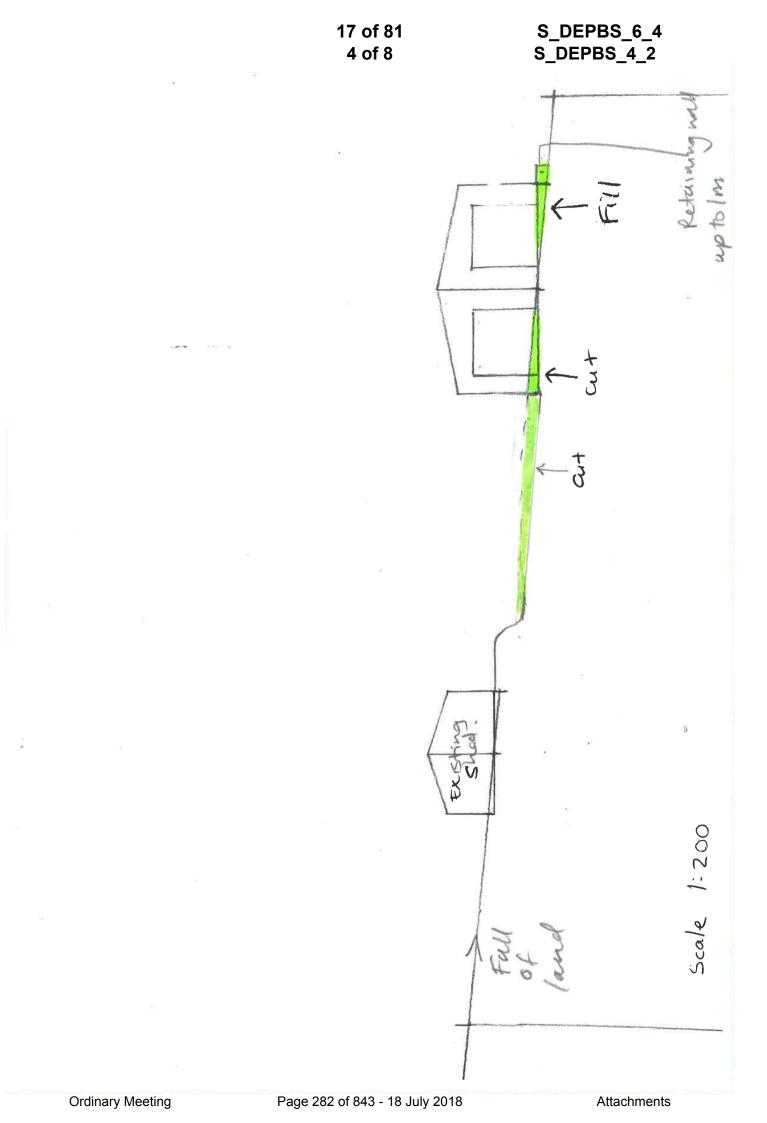
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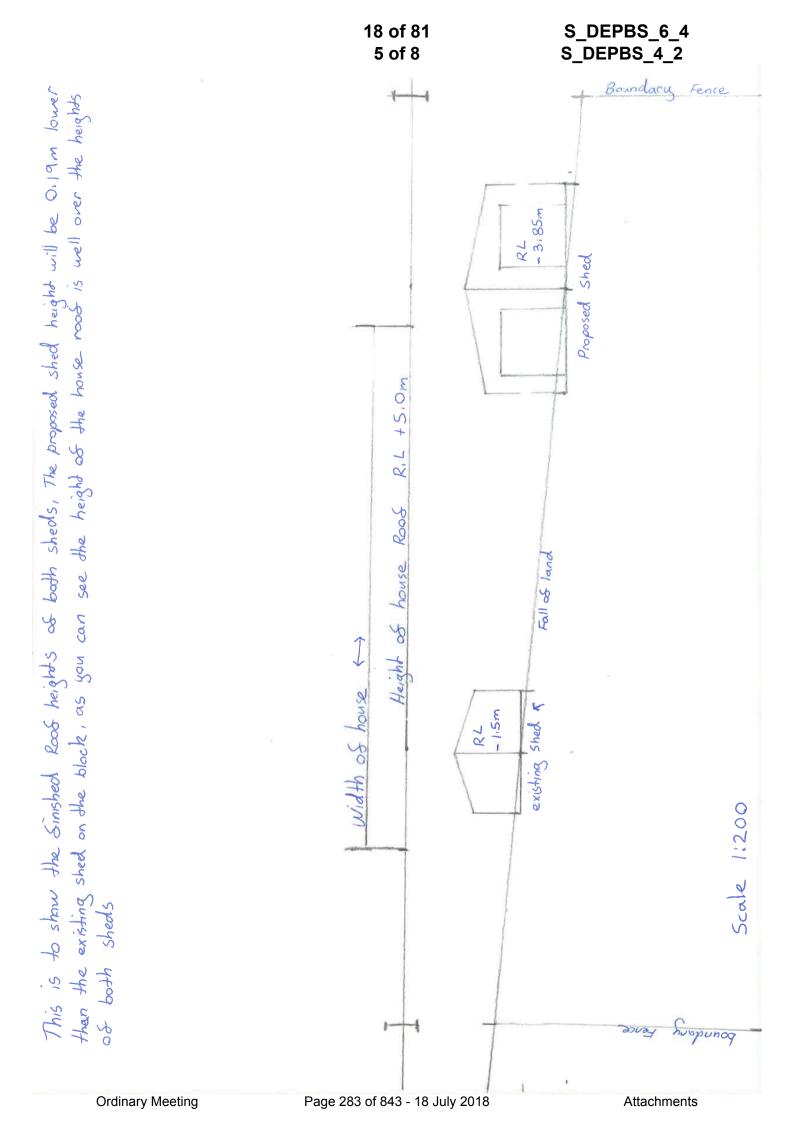
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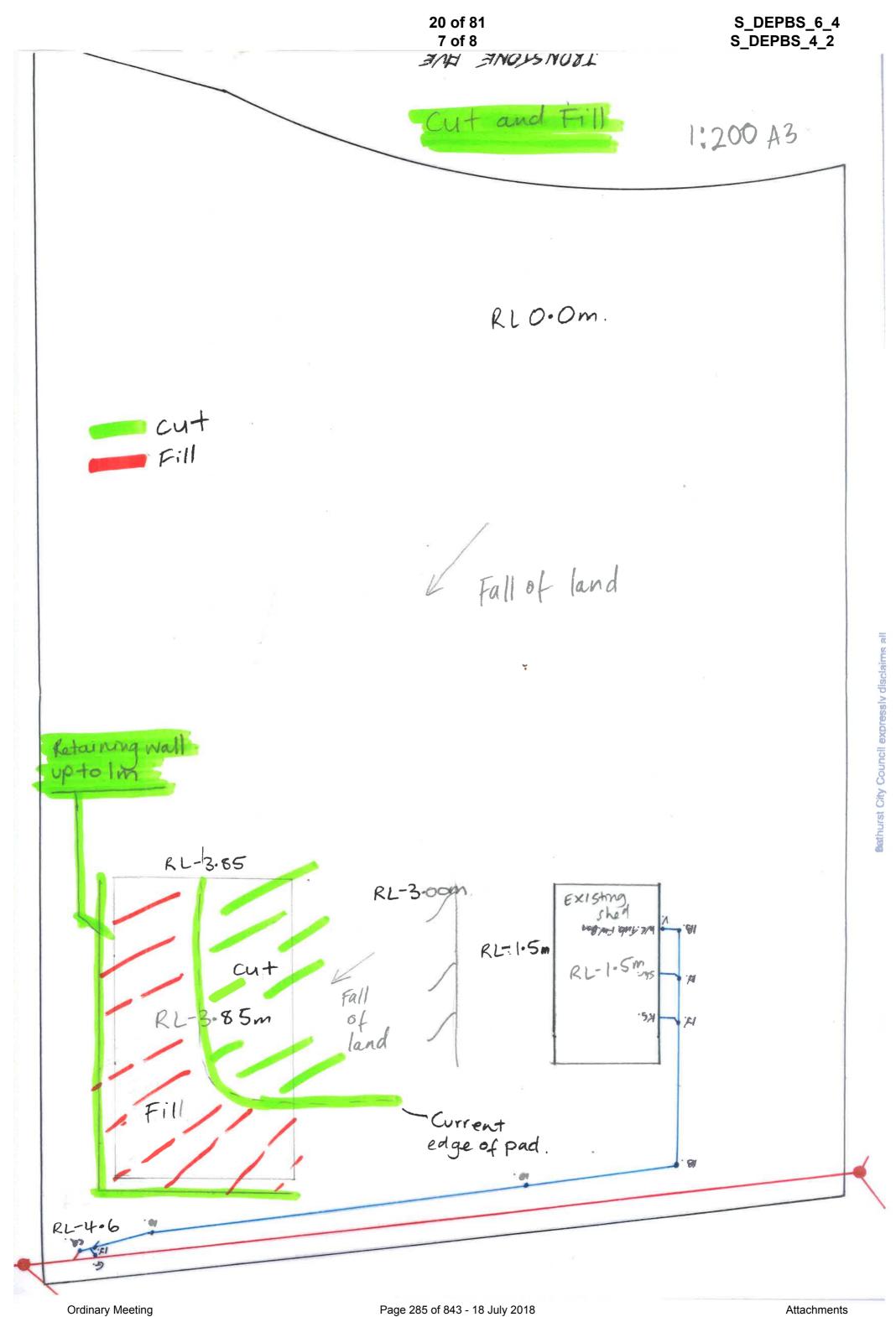
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S\_DEPBS\_6\_4 S\_DEPBS\_4\_2 21 of 81 8 of 8 SI WW 211 114 1 211 1001 Current RL'S RLO.OM. Fall of land ٣ Council expression EXisting shed current pad RL-3.0 RL=1.5 RL-1.5 ..... A



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Re: DA for Layne Moulds shed Lot 10. 14 Ironstone Ave White Rock

The size and location of this shed have been carefully considered as outlined below:

- The location in the bottom corner of the block is the lowest point of the property and sits below the surrounding properties. We have carefully considered other residents and believe it will not impact on anyone's view or enjoyment of their own property.
- The size of the shed has been chosen so that it can house my truck and trailer, caravan, boat, ute, and yard equipment etc. This is important to protect the equipment and ensure my property is kept tidy.
- We size and location will also ensure we do not store anything stacked up around the shed.

# S\_DEPBS\_4\_4

Layne Moulds 11 Claremont Dr White Rock NSW 2795

28.05.2018

# DA 2018/122 Lot 10 1062075, 14 Ironstone Ave, White Rock

# Re: Shed at 14 Ironstone Ave White Rock

This DA has been submitted for a shed but now I have been asked to explain myself and the use of the shed as there has been a lot of speculation in the submissions.

We have owned 14 Ironstone Ave for 10 years this September. I purchased it when my wife was my girlfriend and we began to build dreams around our very own house and a place to grow old together. But life happens, and it has taken us almost 10 years to be in the financial position to achieve what we have been dreaming of. We really aren't asking for much. An acre block to have room for our children to ride bikes, keep chickens, a playground, and to explore. I also bought this block because I am an owner driver. I thought I had struck gold, a place for my dream home, my family and somewhere that I can park my truck. And I thought I was right to be able to park my truck (my work) vehicle) on my property. I have letters from the council from 2010 saying what I am allowed to do and I have always complied with that. But now just as we are about to achieve all that we have worked so incredibly hard for and waited so long for. I am being forced to explain myself again, to read horrible, hurtful words and wild accusations written by my neighbours. When we go there and we see beer bottles thrown on the ground, golf balls rocks and rubbish. It makes you feel pretty ordinary. And now I am being told that the property that I bought almost 10 years ago, that I have a written letter permitting me to park my tuck on my property, that building a shed to garage trucks is prohibited. But I am not proposing to park trucks plural I am proposing to park one truck, my own truck, and park it in my own shed on my own property. Most people have hobbies of gardening or motorbikes or hot-rods but mine is my truck. It is not a job it is our lifestyle it is part of our family. It is why

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we can now finally afford to build our dream house on this block. It is a beautiful machine of the latest clean energy design. I enjoy looking after my truck and keeping it in top condition and I do not understand why I shouldn't be permitted to park it in my shed in order to do this. I do not come to the property loaded. I do not conduct any business on the property it is simply a garaging address for my work vehicle. There are already other sheds out there with trucks parked in them so I am a little confused as to why this is even an issue.

# My business:

We have a small owner operated family business that I run with my wife, there are NO employees except for myself and my wife, I drive our truck and my wife does the books from our office in the house, I have just ONE vehicle that I operate.

I transport liquid bitumen from Sydney to anywhere Australia wide. It is seasonal work from October to May. I leave for work usually on a Sunday afternoon and work away all week then come home on a Friday afternoon. If I cannot find a full weeks work I come home. From June to start of October my Vehicle is parked on my property and does not move unless the odd load might pop up. I do not come home loaded and cannot conduct any loading activities away from Sydney as that is where the bitumen comes from there are no bitumen loading facilities in Bathurst. I do not run my business from this address I simply park my owner driven work vehicle at my own address, my work does not begin until I load my vehicle from Sydney and then usually head off all week until Friday or Saturday. Sometimes there are bitumen crews that are working in or around Bathurst and I might get given a load to these crews, which sometimes I will go home for a night during the week but my tanker is always empty if I come home. There will be NO unloading or storage of any business related goods at this address, I will conduct general maintenance of my vehicle which will include greasing and engine scheduled servicing which will be maybe once a month and take around 2-3hours. This is not noisy work. I would not do any major overhauling of my vehicle, I would outsource this if my vehicle required it. My vehicle is not a loud old vehicle that would disturb the residents either, my vehicle is a brand new 2018 model Kenworth that has to comply with the latest noise and emissions laws by law and it is very **Ordinary Meeting** Page 289 of 843 - 18 July 2018

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quiet, even the airbrakes on these new trucks are silent unlike the older ones, I truly believe that I would not disturb anyone living in this estate. I will sometimes wash my vehicle at home and use no chemicals except biodegradable soap and tank water, usually I have my truck washed in Sydney before I come home but sometimes I like to do it myself. I have always tried not to arrive home too late in the night and I even pull up outside of Bathurst to sleep in my vehicle purely so I will not disturb any of the residents. I have no need to leave too early in the mornings. I'm sure some of the other neighbours can vouch for this. We are good hard working Australians trying to live our lives the best we can, we do not cause grief on anyone and if these neighbours would have taken the time to talk to us about this they would understand and many of the comments in the submissions could have been avoided.

In response to the submissions made and my understanding of the relevant issues and concerns. I am providing an amended set of plans showing reduced scale, bulk and impact. I have done this by reducing the shed size from 22x12m to 20x12m and the height has been reduced from 6.67m to 5.86m and moved from 5m to 5.65m from the rear boundary.

# SIZE:

- Council planning department advised me there is no limit to the size of a shed in the estate, so I have decided to apply for my ideal shed size.
- 20m long x 12m wide This size has been chosen because I like to have all of my belongings under cover and protected and have enough room to work on and enjoy them. The shed needs to house my truck and trailer, 2 very rare classic cars, a caravan, boat, children's motorbikes, lawnmower, box trailer, yard equipment, tools, fridge, table and chairs, pushbikes, toys, play/work/storage area etc. As you can see the space adds up. Surely putting these items inside a shed is preferable to having them sitting in the yard getting damaged and becoming visually unappealing with grass growing under and around them.
- If you look at the proposed site plan you will see that a 4003m2 block can easily accommodate a shed of 240m2 and leave ample room for everything else.

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# Location:

- This location has been chosen as it is the lowest position on the block. We have spent a great deal of time considering the lowest floor height possible for the shed. At 5m from the side boundary and 5.65m from the rear, I will be able to get the floor -3.85m below the floor level of the house. The roof of the house is 3m higher than the roof of the shed. This level allows the shed height to be much lower than the house. The house will dominate the property. We have also found that it will be at a lower roof height to the existing 12x7m shed by 0.19m.
- In order to easily reverse into the shed I need it to be 5 metres from the side boundary as the house is 13.338m from the side boundary, which gives me a clean line to reverse any vehicles into the shed. It will be much safer and easier to reverse in a straight line down to the shed. If I were to have the shed at the 10m boundary I would have to manoeuvre around the bottom corner of the house which will require a lot more manoeuvres of the vehicle. There would be no clean line of site and it will create more time and more noise.
- There is a neighbouring shed adjacent to my proposed shed approximately 5m from the fence line.

Regards,

Layne Moulds

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# **PLANNING** circular

## PLANNING SYSTEM

Local planr	ning
Circular	PS 13-001
Issued	21 February 2013
Related	PN 11-003

# How to characterise development

The purpose of this circular is to provide assistance in determining whether a particular development is permitted on land in a specific zone under a Standard Instrument Local Environmental Plan (SILEP). It may also assist in relation to development under non-Standard Instrument LEPs. This circular may be relevant when considering whether a rezoning is required for a particular development to be carried out and, if so, the nature of that rezoning. The explanatory material set out in this circular is for information purposes only and does not constitute legal advice.

## Introduction

The Standard Instrument for Principal Local Environmental Plans (LEPs) includes a Dictionary of standard definitions.

Definitions in the Standard Instrument Dictionary can be divided into:

- terms that describe land uses which can be included in the Land Use Table of a Standard Instrument LEP ('land use terms'), and
- other explanatory terms that are important for interpretation purposes.

Direction 5 of the Land Use Table exclusively lists all the land use terms that may be included in the Land Use Table, e.g. 'dwelling house', 'retail premises', and 'industry'.

The Land Use Table of a Standard Instrument LEP specifies for each zone:

- development that may be carried out without development consent, and
- development that may be carried out only with development consent, and
- development that is prohibited.

# Permitted and prohibited land uses in zones

All proposed development will fall into one of the three categories – permitted without consent, permitted with consent, or prohibited. Whether a development is permitted (with or without consent) or prohibited will depend on the purpose for which the development is being carried out.

A reference to a type of building or other thing in the Land Use Table is to be interpreted as a reference to

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development *for the purposes of* that type of building or other thing. For example, the listing of 'dwelling houses' under the heading "Permitted with consent" in Zone RU1 Primary Production means that development for the purposes of a dwelling house is permitted with consent in that zone.

The following terms are discussed in this circular:

- development for a purpose
- ancillary uses
- "principal purpose"

## Development for a purpose

Development is considered to be *for a particular purpose* if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the end to which the development serves.

To determine whether a development is (or will be) for a particular purpose, an enquiry into how that purpose will be achieved by the development is necessary. The assessment will vary depending on the facts of each case.

#### Example 1: Supermarket

In the Standard Instrument Dictionary:

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of *retail premises*—see the definition of that term in this Dictionary.

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Department of Planning & Infrastructure – Planning Circular PS 13-001

In the case of development for the purpose of a shop such as a supermarket, the development could involve the construction of:

- the building in which the supermarket and its associated stock room and loading dock is located
- a basement or adjoining car park for customers who wish to shop at the supermarket
- driveways providing vehicular access from the public road to the car park and passageways, travelators or pedestrian ramps providing pedestrian access between the public road, the car park and the supermarket, and
- a landscaped, supermarket forecourt area that provides passive recreation and access for customers.

All of the above development can be regarded as being for the one dominant purpose of a shop. The integral relationship between the various components means it is not appropriate to characterise each as being for the purpose of a 'car park', or 'roads', or 'recreational area'.

The fact there are different components or parts of varying nature comprising the development is not necessarily of importance. Obviously, the only part of the proposed development specifically intended for use as a supermarket is that part of the building which incorporates the supermarket. The other parts of the development such as the car park, driveways, access ways, and landscaped forecourt serve the purpose of enabling the supermarket to function on the land.

## Ancillary use

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.

To put it simply:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.

In the Standard Instrument Dictionary:

*mixed use development* means a building or place comprising 2 or more different land uses.

#### **Example 2: Industrial premises**

In the Standard Instrument Dictionary:

*general industry* means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

In the case of development for the purpose of general industry, such as a factory, the development could involve the construction of:

- the building in which the factory and its associated storehouse and loading dock is located
- an adjoining car park for employees
- driveways providing vehicular access from the public road to the car park and passageways
- fencing around the premises for security and safety, and
- a caretaker's residence for a full-time caretaker to manage and maintain the premises.

The integral relationship between the various components means it is appropriate to characterise the entire development as being for the dominant purpose of general industry, including the caretaker's residence, the built form of which could be considered to be a different, residential use of land. However, since the residence exists to serve the dominant purpose, it is properly characterised as an ancillary use and is therefore development for purposes of general industry.

However, if the proposed residence is not for a fulltime caretaker at all -- but is instead a house that could be rented out to anyone, fenced off away from the industrial premises with separate access and driveway from a road -- it should be characterised as development for the purposes of a dwelling house or residential accommodation. The proper characterisation of the residence will depend on the facts.

The characterisation of the residence has the following implications:

- If the entire development is for the purpose of general industry, 'general industry' must be permitted with consent on the land for consent to be granted
- If the development is mixed use, for the purpose of general industry and as well as a dwelling house, both 'general industry' and 'dwelling house' must be permitted with consent on the land for consent to be granted.

## Considerations for characterisation

A component of a development may have features that are both ancillary and independent. If this is the case, consider the following:

- Is the component going to serve the dominant purpose of the development or is it independent?
- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes?
   If the amount of land is relatively small, it is more likely to be ancillary.
- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.





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- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.
- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).
- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.
- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

#### **Example 3: Warehouse and distribution centre**

A development application is made for the development of land for the purpose of a warehouse and distribution centre. A retail component is proposed as part of the development. Development for the purposes of 'warehouse and distribution centre' is permitted with consent under the Land Use Table for the relevant zone, but 'retail premises' is prohibited.

In the Standard Instrument Dictionary:

warehouse and distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Development consent can only be granted to the development if the land is rezoned to permit 'retail premises'. The retail premises component cannot be characterised as being ancillary to the other purpose of the development ('warehouse and distribution centre'), however minor it may be in comparison, because the definition of 'warehouse and distribution centre' excludes any retail sales being made from the premises.

A non-Standard Instrument LEP may have a different definition of 'warehouse and distribution centre' that does not specifically exclude an on-site retail premises component. If that is the case, development consent may be granted to the development if the retail premises can be characterised as being ancillary to the dominant purpose of the development, being 'warehouse and distribution centre'. However, if both uses are substantial components of the development and neither serves the other, the retail premises cannot be considered to be ancillary – rather, both uses should be characterised as independent, dominant purposes. This is the case even if the operations are related.

# Changes to an ancillary use

If an ancillary use expands to the extent it is no longer subordinate or subservient to the dominant purpose,

development consent may be required for the change of use.

# Definitions that use the term "principal purpose"

There are eight land use terms in the Standard Instrument Dictionary that use the term "principal purpose" as part of their definition.

For example, in the Standard Instrument Dictionary:

*hardware and building supplies* means a building or place the principal purpose of which is the sale or hire of goods or materials such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

The use of the term "principal purpose" in such a context adds flexibility to what may be considered to be for the purpose of 'hardware and building supplies'.

A building or place that sells goods or materials relating to the construction and maintenance of buildings and related outdoor areas **and** also sells other goods or materials or provides related or unrelated services may still fall within the definition of 'hardware and building supplies', but only if those other goods, materials or services do not constitute a major component of the development.

The definition makes it clear that even if these other goods or materials are sold or services provided, the principal purpose of the building or place must remain "the sale or hire of goods or materials such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas".

## Example 4: Hardware and building supplies

A development application is made for the development of land for the purpose of hardware and building supplies. The sale of goods or materials used in the construction and maintenance of buildings and related outdoor areas is the main purpose of the development, but the sale of goods not necessarily for this purpose is also proposed on-site. Some of the goods that will be available for sale (whether or not of a kind used in the construction and maintenance of buildings and related outdoor areas) could be considered to be bulky goods.

Development for the purposes of 'hardware and building supplies' is permitted with consent under the Land Use Table for the relevant zone but 'bulky goods premises' is prohibited.

In such circumstances, development consent may be granted to the development so long the principal purpose of the development is still the sale of goods or material used in the construction and maintenance of buildings and adjacent outdoor areas. The land does not need to be rezoned to permit 'bulky goods premises' for development consent to be granted

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because the development when considered as a whole is not for the purpose of a 'bulky goods premises'.

# Consultation with council

If you have any concerns or questions as to whether a proposed development is permitted, or whether a rezoning is required, please contact your local council for assistance. Pre-DA meetings (a meeting held prior to the lodgement of any development application) with Council planning staff are available in all local government areas.

## **Further Information**

A copy of this planning circular, and other specific practice notes and planning circulars on the Standard Instrument LEP, can be accessed on the department's website at <u>http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars</u>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

#### Authorised by:

#### Sam Haddad Director-General

**Important note**: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

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DP1062075

Full name and address of the owner of the land:

Subdivision of Lot 41 in Deposited Plan 617744 and Lot 15 in Deposited Plan 1050220 covered by Subdivision Certificate No. 25/04 of 14/11/2003.

GICO PTY LIMITED ACN 001 321 839 (41/617744) AND EODO PTY LIMITED ACN 001 320 949 (15/1050220) both of "Airlie", BATHURST NSW 2795

#### PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Restriction on the Use of Land 20 wide (A)	1, 2, 3, 4, 5, 6, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30 and 31	Bathurst City Council
2.	Easement to Drain Water variable width (B)	8 13 26 27 29 32	29 and Bathurst City Council Bathurst City Council 27 and 28 and Bathurst City Council 28 and Bathurst City Council Bathurst City Council 11
3.	Restriction on the Use of Land (R)	Each and every Lot except 33 and 34	Each and every other Lot except 33 and 34
4.	Restrictions on the Use of Land (H)	1, 2, 3, 4, 5, 22, 23, 24, 25 and 30	Bathurst City Council
5.	Restrictions on the Use of Land	1 to 32 inclusive	Each and every other Lot except 33 and 34
6.	Easement for Electricity Substation 3 wide (E)	23	Country Energy
7.	Easement for Water Supply variable width (WS)	2	Bathurst City Council

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Ordinary Meeting

Attachments

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B **Conveyancing Act 1919** 

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# DP1062075

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Subdivision of Lot 41 in Deposited Plan 617744 and Lot 15 in Deposited Plan 1050220 covered by Subdivision Certificate No. 25/04 of 14/11/2003

### PART 2 (Terms)

#### Restriction on the Use of Land 20 wide (A) firstly referred to in the abovementioned Plan:

No buildings may be erected within the area on the Plan designated (A), it being an Agricultural Interface (A) non-building area.

#### Restriction on the Use of Land (R) thirdly referred to in the abovementioned Plan:

No buildings of any kind may be constructed within the area designated (R) on the subject Plan.

#### Restrictions on the Use of Land (H) fourthly referred to in the abovementioned Plan:

No buildings of any kind may be erected on any land which is at a height of 704 metres Australian Height Datum or greater.

#### Terms of Restrictions on the Use of land fifthly referred to in the abovementioned Plan:

- No main building shall be erected or be permitted to remain on any Lot burdened having external walls of (a) materials other than of brick and/or brick veneer and/or stone and/or concrete and/or glass and/or timber or any combination of the same provided that the proportion of brick and/or brick veneer and/or stone and/or concrete shall be no less than 25% of such external walls. Timber shall not be used in external walls except as infill panels in conjunction with all or any of the above materials and the proportion shall not exceed 25% thereof. Additionally, no main building can be constructed:-
  - Other than with materials naturally textured and coloured which are sympathetic to the natural (i) environment and are not reflective.
  - Of such a bulk and scale that would adversely impact on the visual amenity from neighbouring (ii) properties or the visual amenity from other significant locations in the city of Bathurst.
  - (iii) Of such a design as to be contrary to the rural character of the area.
  - Unless the design is energy efficient. (iv)
- No building shall be erected or permitted to remain on any Lot burdened with a roof of materials other than (b) tiles or slate or colourbond type metal roofing.

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# DP1062075

of Lot 41 in Deposited Plan 617744 and Lot

Subdivision of Lot 41 in Deposited Plan 617744 and Lot 15 in Deposited Plan 1050220 covered by Subdivision Certificate No. 25/04 of 14/11/2003

- (c) No building constructed on the land shall have a flat roof.
- (d) No main building shall be erected or permitted to remain on any Lot burdened having a floor area of less than 190 square metres inclusive of car accommodation if included under the roof of the main building but excluding verandahs, external courtyards, landings and patios.
- (e) No more than one main building shall be erected on any Lot burdened and such main building shall not be used or permitted to be used other than as a single private dwelling and no other building, structure, van, caravan, mobile home or other form of human accommodation shall either permanently or temporarily before or after construction of such main building be used as a dwelling. No such main building shall be other than of single storey construction.
- (f) No building erected on any Lot shall be used for any commercial, manufacturing, industrial or retail purpose and no offensive or noisy trade or activity, including the breeding and kennelling of dogs shall be carried out on any Lot burdened.

#### (g) No garage or shed shall:-

- (i) Be constructed on the Lot burdened between the front building line of the main building and the street alignment.
- (ii) Be constructed on the Lot burdened between the front building line and the rear building line of the main building unless it is constructed of the same materials as the main building.
- (iii) Be constructed to the rear of the main building unless the same is of similar design and of similar materials and colour to the main building or is constructed in colourbond metal material and if colourbond, the floor area shall not exceed 120 square metres but such restrictions shall not apply to the erection of any metal garden shed having a floor area of less than 18 square metres provided it is constructed of colourbond material or of similar materials to that in the main dwelling. No such structures are to be constructed unless adequately screened with vegetation. No such building shall be other than of single storey construction and the roof ridge height shall not exceed 4.5 metres.
- (h) No privy or other toilet facilities shall be erected or permitted to remain on any Lot burdened unless the same forms part of the main building or part of a cabana serving a swimming pool area provided that nothing herein contained shall prevent any temporary privy or toilet facility being erected or placed on any Lot burdened during construction thereof of the main building provided further that if any such temporary privy or toilet facility is visible from any road or any other Lot in the said Deposited Plan, the same shall be suitable screened from such vision and provided further that any such temporary privy or toilet facility is removed immediately upon occupation being taken of the main building aforesaid.
  - Except during the course of construction of buildings, no advertising hoarding or signs shall be displayed or erected on each Lot burdened.

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B **Conveyancing Act 1919** 

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# DP1062075

Subdivision of Lot 41 in Deposited Plan 617744 and Lot 15 in Deposited Plan 1050220 covered by Subdivision Certificate No. 25/04 of 14/11/2003

- Except during the course of construction of buildings on each Lot burdened, no shed or machinery, metal, (j) tiles, timber, bricks or any other building materials shall be placed on the land.
- No unregistered caravans or trailers or other vehicles shall be parked or placed on each Lot burdened unless (k) garaged.
- No fixed clothesline shall be erected or permitted to remain on any Lot burdened in a position where the (I) same is visible from any public street or road.
- No sand, gravel, soil, loan, stone or other earthen material shall be removed or excavated from any Lot (m) burdened except where such removal or excavation is necessary for the construction of a building, swimming pool or other structure.
- No fencing other than post and rail or post and wire fencing shall be erected on side or rear boundaries of (n) any Lot burdened and no colourbond fencing shall be permitted on any Lot burdened.
- Each Lot burdened shall not be further subdivided. (0)
- For the benefit of adjoining land but only during the ownership thereof by Gico Pty Limited ACN 001 321 (p) 839 their successors and assigns other than Purchasers on sale, no fence shall be erected of any Lot burdened to divided the same from such adjoining land without prior written consent of Gico Pty Limited ACN 001 321 839 but such consent shall not be withheld if such fence is erected without expense to Gico Pty Limited ACN 001 321 839 and in favour of any person dealing with the purchasers, such consent shall be deemed to have been given in respect of every such Lot for the time being given.

The name of the body empowered to release, vary or modify the Restrictions as User thirdly and fifthly referred to in the abovementioned Plan is Gico Pty Limited ACN 001 321 839 whilever it remains the Registered Proprietor of a Lot benefited but thereafter shall be the Council of the City of Bathurst and any such release, variation or modification at the request of the Registered Proprietor of a Lot burdened shall be at his expense.

### Terms of Easement sixthly referred to in the abovementioned Plan:

Easement for Electricity Substation 3 wide (E) - An easement for the transmission of electricity and for that purpose to install all necessary equipment (including transformers and underground transmission mains wires cables) together with the right to come and go for the purpose of inspection maintaining repairing replacing and/or removing such equipment and every person authorised by Country Energy to enter into and upon the said easement or any part thereof at all reasonable times and to remain there for any reasonable time with surveyors workmen vehicles things or persons and to bring and place and leave thereon or remove therefrom all necessary materials machinery implements and things

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# DP1062075

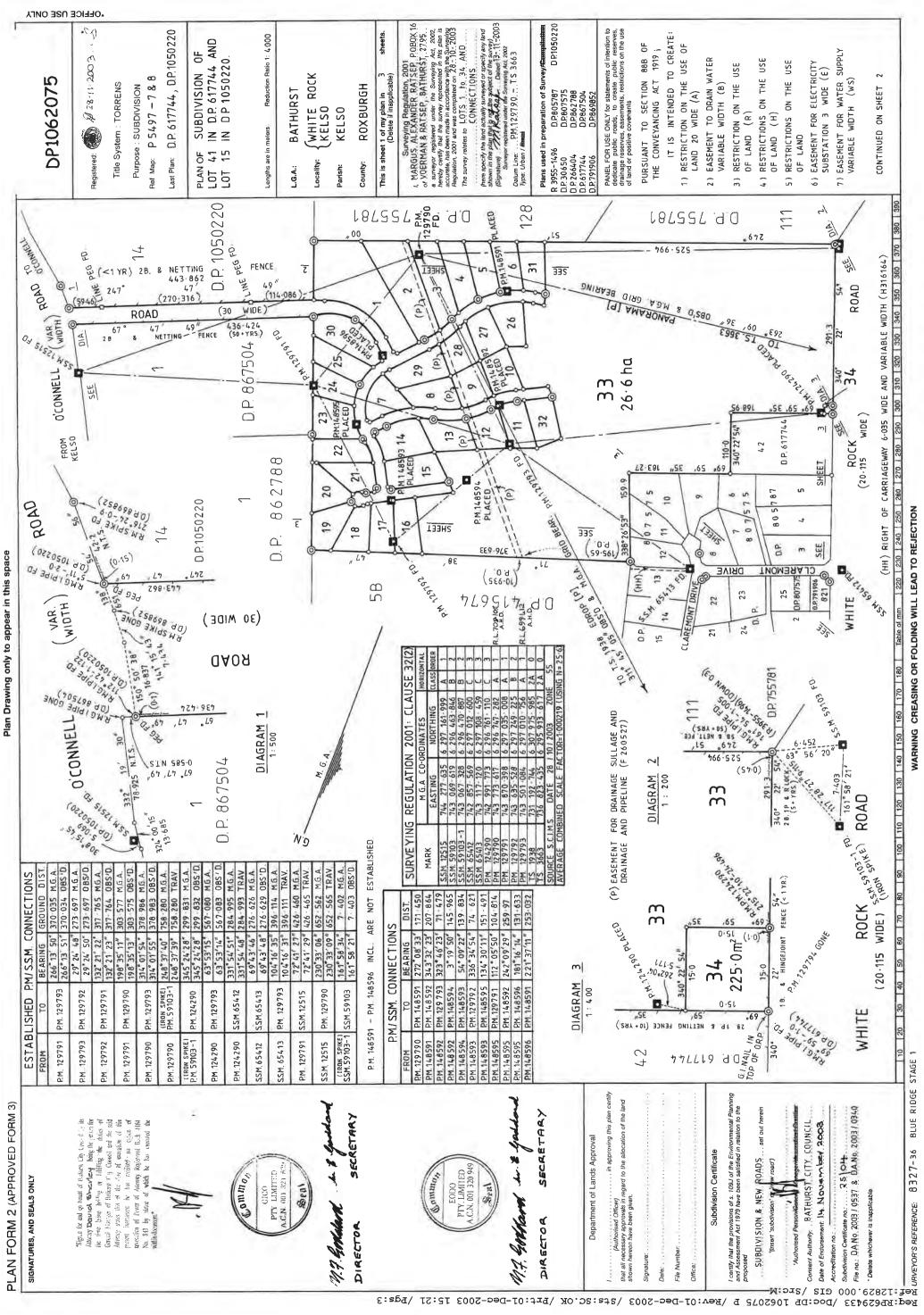
Subdivision of Lot 41 in Deposited Plan 617744 and Lot 15 in Deposited Plan 1050220 covered by Subdivision Certificate No. 25/04 of 14/11/2003

PROVIDED THAT Country Energy and the person authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the said easement and will restore that surface as nearly practicable to its original condition AND to cause or permit electricity to flow or be transmitted through and along the said transmission mains wires cables and ancillary works to enter into and upon the said easement or any part thereof at all reasonable times with surveyors workmen vehicles materials machinery or implements or with any other necessary things or persons and to place and leave thereon or remove therefrom all necessary materials machinery implements or things and the registered proprietor for the time being of the land hereby burdened shall not erect or permit to be erected any building or other erection of any kind or description on over or under the said easement or alter the surface level thereof or carry out any form of construction affecting the surface under the surface or sub-soil thereof without Country Energy's permission in writing first had and obtained **PROVIDED THAT** anything permitted by Country Energy under the forgoing covenant shall be executed in all respects in accordance with the reasonable requirements of Country Energy and to the reasonable satisfaction of the Engineer of Country Energy for the time being or such other nominated person authorised to do so.

<u>DATED</u> this 14th day of Novemb	er Two thousan	d and three.
	ommon	SIGNED by Bathurst City Council
	GICO TY. LIMITED N. 001 321 839	Authorised Person /General Manager
M.7. Godkard	Sorgilium	h. Eljoddard
NORMAN FARRINGTON GODDARD	Print Name	AGARET PLAINE CODDARD
DIRECTOR	Print Position	SECRETARY
is affixed in the presence of:	EODO PTY. LIMITED C.N. 001 320 949	h. E. Geddard
NORMAN FARRINGTON GODDARD	Print Name 🥂	ARGARET ELAINE GODYARD
DIRECTOR	Print Position	SECRETARY
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**Ordinary Meeting** 

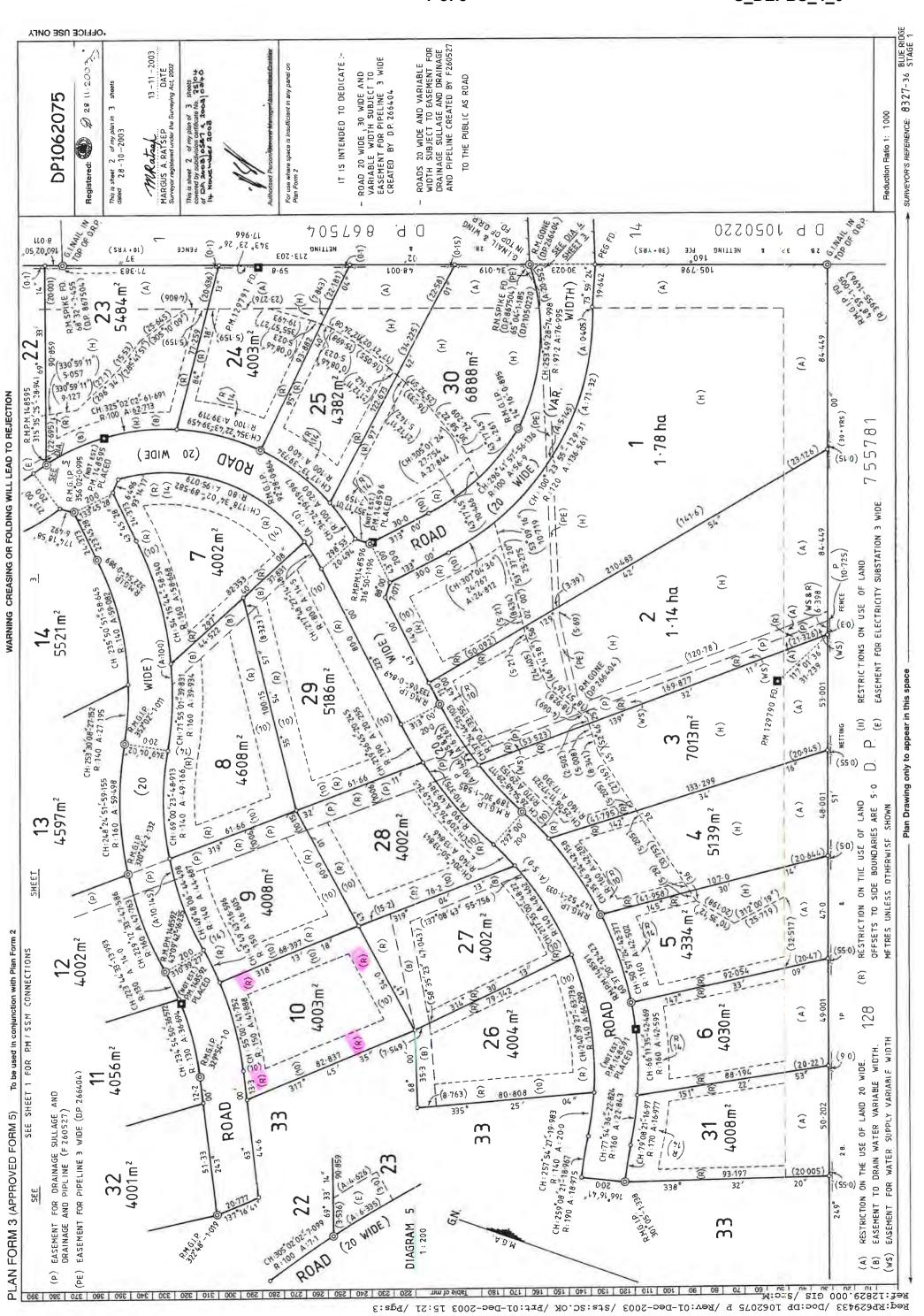
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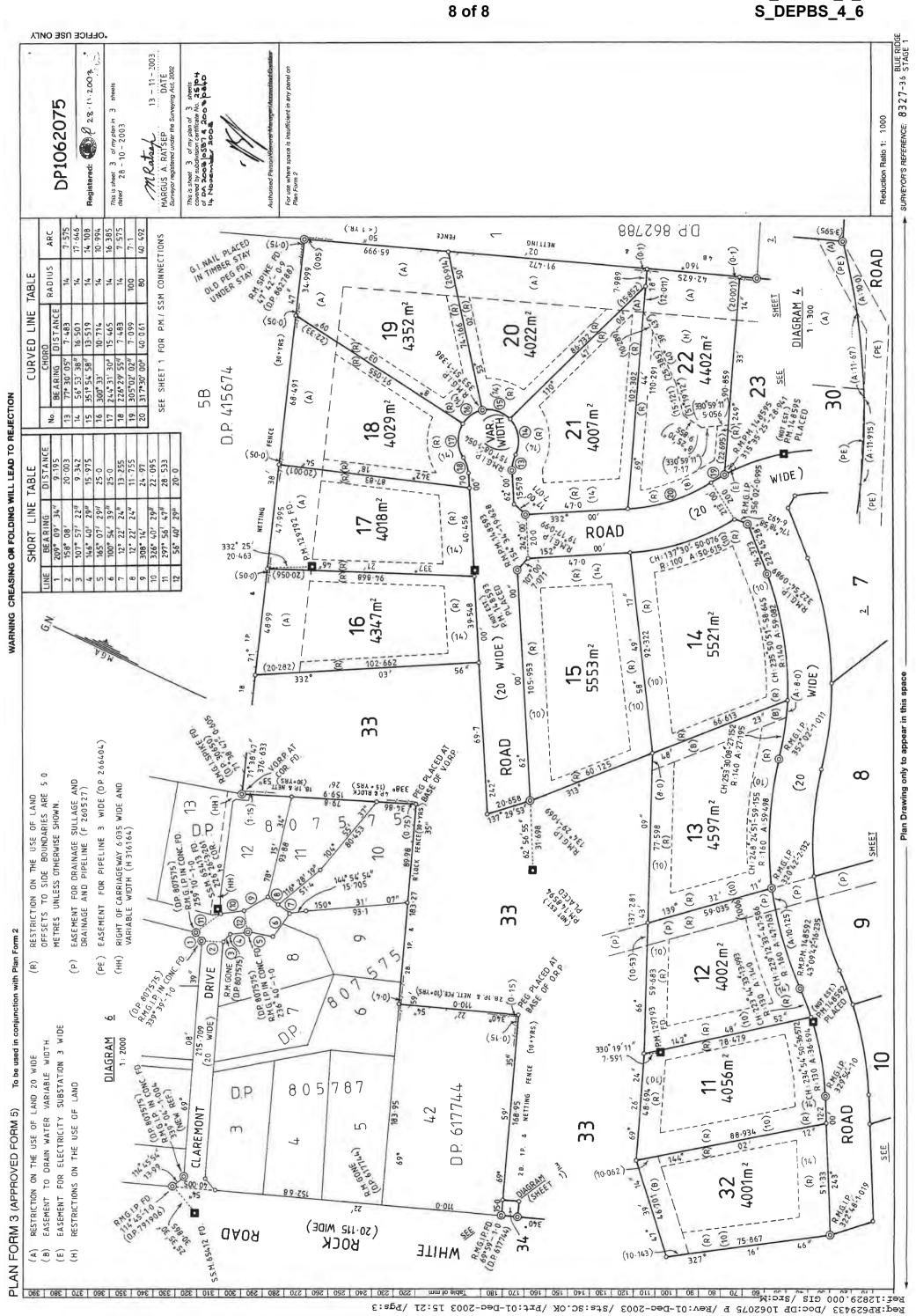


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**Ordinary Meeting** 

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BATHURST REGIONAL COUNCIL

15

30<sup>th</sup> April 2018 Bathurst Regional Council 158 Russell Street or PMB 17 Bathurst NSW 2795

-1 MAY 2018

REF 2018 122 015

Dear Sir/Madam

Attention Ms L M McLean

Reference: Development Application No 2018/122, Lot 10 DP1062075, 14 Ironstone Avenue, White Rock

We write in response to Bathurst Regional Council's letter of the 23<sup>rd</sup> April 2018 regarding DA 2018/122 requesting written submissions of objection to the proposed DA. We live on the adjoining property (low side) and will be significantly impacted should this DA proceed. The impact will be as follows:

**Potential overshadowing of surrounding land.** The proposed height and size and proximity of the shed (22m along the length of our common boundary) will result in significant overshadowing of our property including reduced winter sunlight and loss of the current borrowed landscape in keeping with the area

**Privacy of surrounding land.** The proposed size and proximity of the shed to our common boundary will result in decreased privacy due to the activities associated with the shed and the proposed business activity of a heavy haulage business including comings and goings of vehicles and drivers.

**Potential noise transmission to the surrounding land.** There will be a significant increase in noise levels due to the activity associated with the shed and the proposed business activity of a heavy haulage business including large commercial vehicle movements. There will be a significant adverse impact of large vehicle movements in a residential area potentially at unsociable hours (based on previous complaints to Council and the applicants stated intention to operate the heavy haulage business from the property).

The likely visual impact of the proposed shed in relation to the streetscape. The size of the shed at a height of 6.67 metres (double that of surrounding properties and similar in size to a two storey dwelling) and 22 metres in length is incompatible with the nature of current properties and buildings and will have a detrimental impact on the surrounding streetscape. For adjacent properties it will significantly decrease property values.

**Other relevant issues to the application.** The owner of the land currently operates an interstate heavy haulage business, Layanda Transport P/L from Claremont Drive adjacent to White Rock Road. This includes transport of bitumen. Mr Moulds intention, as stated to us, is to run his business from 14 Ironstone Avenue White Rock. The DA states under *Use of development* "park a truck, trailer and private use caravan, lawnmower etc". The business address is listed as 14 Ironstone Avenue White Rock (refer to attachment). Should this eventuate it will result in:

- 1. Large vehicle movements that are incompatible with pedestrian activity and children (noting there are no designated footpaths on the estate and residents including children frequently walk on the shoulder sections of the roads)
- 2. Should the shed be built and a commercial business operated from the property we understand it will be the neighbours responsibility to bring this to the attention of the Council. We do not wish that this situation arises given the potential for further ongoing neighbour disputation involving Council.

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BATHURST REGIONAL COUNCIL

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- 3. The plans do not show future internal road access to the shed. Given the proposed location of the shed it is reasonable to assume there will need to be entry and egress to the shed possibly including turning circles. Alternatively the public road will be used for heavy vehicular turning. This type of vehicular activity is incompatible with residential safety and amenity and as stated above will have significant adverse noise, privacy and visual impact on both ours and surrounding properties.
- 4. There have been prior episodes where tanker vehicles used for transporting bitumen for road paving have been parked on the vacant lot causing significant and pervasive odour to both outside and within our home buildings.

We respectfully raise these concerns with Council and request they be taken into account for this Development Application.

Yours sincerely

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Paul and Jenny Gorrick **18 Ironstone Avenue** White Rock

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Information available on the internet

Information available on the internet

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2018/122/00

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 DA2018/122

 Shevahn Telfser
 to: council

 From:
 Shevahn Telfser <shevahntelfser@gmail.com>

 To:
 council@bathurst.nsw.gov.au

Dear Bathurst Council Planning Dept,

I would like to lodge my concerns and objection to a development application that is currently being considered for approval. While I understand formal notification of this development application was sent to a small selected group of residents I believe the size of the proposed shed poses serious concerns for a more extended group.

My concerns are as follows

Size of the Shed : The shed is in no way a residential shed , there is no doubting that the size of the shed is more in line with industrial or farm use. While the zoning on this land is Rural residential the lot sizes and usage lean far more to the residential size rather than rural and as such it would be assumed that development would keep in mind the residential land use. It is comical that the resident justifies the size of the shed by explaining that it is required to store equipment - at this size it could store two semitrailers and still have room for a number of cars. I am seriously concerned with a shed this size it would diminish the residential ambiance of the location. Bathurst has ample industrial areas which are well below full occupancy so I cannot see the rationale of approving industrial sized sheds in a residential area.

Height of the Shed : The height of the shed is such normally associated with a double story house which will impact the view of not only those houses directly backing onto the development but all that have views in the direction of the shed. The shed is located in line of sight between our house and views to Mount Panorama and at the proposed height will sit above the height of houses around it. When the estate was planned I believe that this lot would have fallen in the zone that was authorised for single story dwellings only and so find it contrary to the intent of the estate that a shed the height of a two story dwelling could be considered. Those that have already built in this area have done so under the assumption that there will not be double story constructions to impede views. Allowing a shed that is constructed of corrugated iron with little to no aesthetic value to stand taller than all houses in the vicinity is insulting to residents in the location and against the original intent of the estate planning. The owner of this site has already placed a significant amount of fill on the block which would further elevate the roof line of the shed well above the height of the adjacent house.

Location of the shed : In the planning documents for the estate a 10 m clearance from the boundary for this lot, the plans for this shed have a 5m allowance. While I am sure those that have a common fence line with this site will express similar concerns a shed this size located so close to the boundary fence.

As indicated throughout this email the proposed industrial shed is against the intent of the residential area. Personally the height of the house, its construction, and overall size will impact our views and residential ambiance.

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Thank you I hope my concerns will be considered seriously.

Kind Regards

Shevahn Telfser 167Blue Ridge White Rock

Report this message as spam

**Ordinary Meeting** 

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S\_DEPBS\_6\_4

S\_DEPBS\_4\_7

# 2018/122/01



Attention: General Manager

Dear Sir,

As directed by your council staff please find attached our objection letter in regards to DA No: 2018/122

We look forward to your favorable response.

Kindest regards,

**Terry Phillips** 

Vice President & General Manager

International

PO Box 9299

Bathurst, 2795

New South Wales, Australia

 $M: \ + 61 \ 437 \ 088 \ 503$ 

- $M: \ +1\ 630\ 935\ 8271$
- E: tphillips@clarke.com

W: www.clarke.com Ordinary Meeting

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S\_DEPBS\_4\_7



Global Environmental Products and Services



**Ordinary Meeting** 

# 8 of 25 S\_DEPBS\_4\_7

Terry & Suellyn Phillips 98 Blue Ridge Drive White Rock NSW 2795 Ph: 0437 088 503 Ref: Objection to DA No: 2018/122 Proposed Development: Shed Premises: Lot:10DP: 1062075 14 Ironstone Avenue White Rock Applicant: Mr. LR Moulds

Dear General Manager,

I am writing to you in reference to the DA application stated above. We would like to put forth that we strenuously object to the approval of the construction of the above mentioned shed at 14 Ironstone Ave, White Rock.

Our property is at the rear of this block and will be unreasonably affected by the construction of this shed. Below I would like to address all the points listed that council takes into consideration when assessing such developments and how we are affected in relation to each.

- 1) The views to and the views from surrounding land
  - a) Our views of Bathurst will be totally cut off by the placement of the proposed shed; this is our only remaining view from our property. Please see below current views that will be cut off completely.
- 2) Potential overshadowing of surrounding land
  - a) Construction of the proposed shed will significantly affect the western sun in the afternoon and over shadow our property
- 3) Privacy to surrounding land
  - a) Construction of such a shed will become an eye saw and severely impact the privacy of our back yard
- 4) Potential noise transmission to the surrounding land
  - a) The application states that this shed is to be used to house a truck and trailer plus numerous other items. For years they have been parking semi-trailers on this block and have been coming and going at all hours of the day and night at different times. This is a residential area and this block is being used to house commercial equipment that when used creates high noise levels at various hours of the day and night.

5) The likely visual impact of the proposed building in relation to the streetscape

Ordinary Meeting

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a) Blue Ridge estate is a highly valuable area with properties exceeding value of over 1 million AUD. Sheds such as these being proposed present a detrimental impact on values of surrounding properties and are being used for commercial storage rather than residential usage. The reason families such as mine move to this estate and invest in the region are for privacy and to build equity in our family assets. This shed being proposed is to the detriment of not only us but all other homeowners in the Blue Ridge Estate.

In the application I have reviewed on line the owners have described that the location will not impact any of the neigbours views or enjoyment. This is not the case as our only view will be totally removed by the placement of this proposed shed and at no time have the owners approached us about such construction.

Using residential land to run a commercial enterprise such as this is a blatant breach of what estates such as Blue Ridge are designed for.

As mentioned before we strenuously object to this DA application and if it was to proceed we will definitely be seeking further action through our lawyers.

We look forward to receiving your favorable response on this matter.

Regards,

Terry & Suellyn Phillips

98 Blue Ridge Drive

White Rock NSW 2795

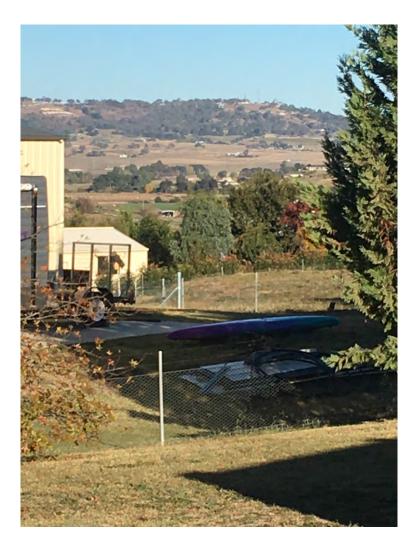
**Ordinary Meeting** 

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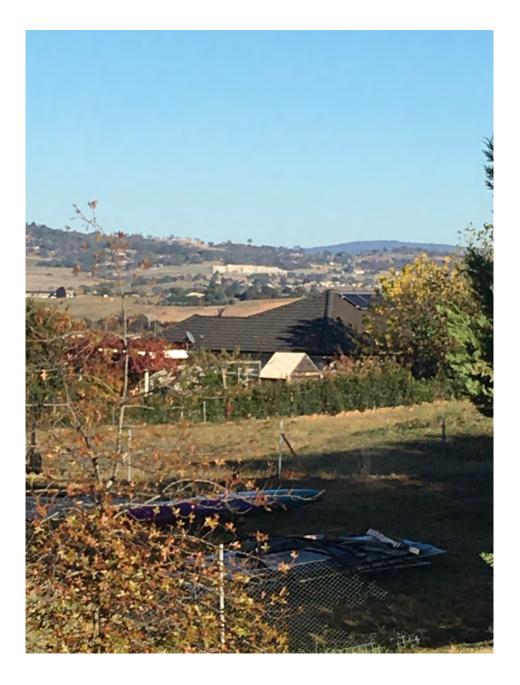
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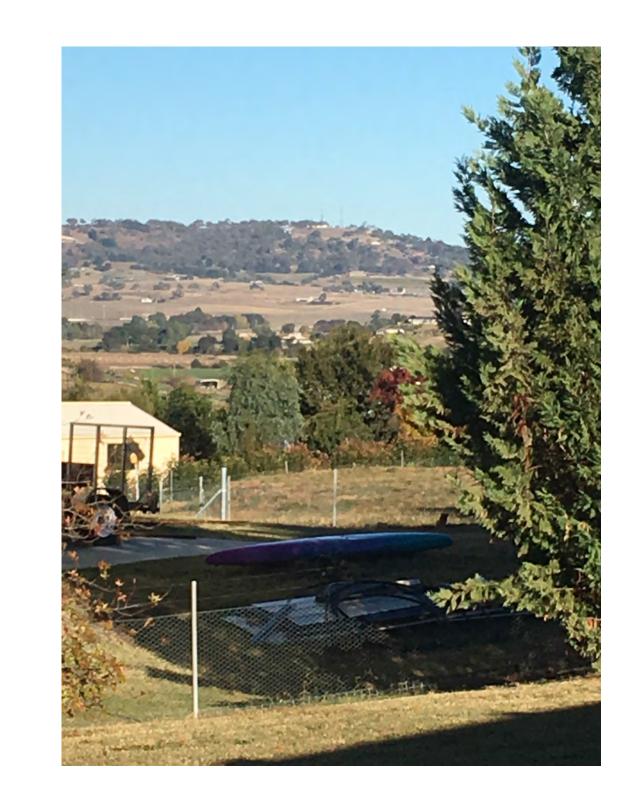
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# S\_DEPBS\_6\_4 S\_DEPBS\_4\_7

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K E & Y J THURTELL 22 Ironstone Ave WHITE ROCK 2795 30 April 2018

BATHURST REGIONAL COUNCIL 158 Russell St BATHURST 2795

BATHURST REGIONAL COUNCIL

30 APR 2018

REF 2018/122/010

Dear Sir

Re Development Application No 2018/122 L R MOULDS

We would like to make our objections to the proposed shed. This visual and noise impact on our estate would be like living and an industrial area, not residential. The enormous size seems to indicate that the applicant will be using it for commercial use. When the applicant was previously living is the small shed on the land, we were woken each morning at 5am by his truck being started, then left to idle. So will this be happening again but on a bigger scale. When the tanks are parked beside the shed this will take up an even bigger area. This would be very unsightly.

As council is aware there are homes in the estate with a value of up to one million dollars, I am sure this will effect the potential for future sales.

There are a large number of families, that will be impacted by the trucks leaving and entering the premises, we have no curb and guttering. This will cause the roads to break up. Children ride their bikes all around the estate, they walk to the bus stops. We have young mums pushing prams with young children following, as well as families walking dogs. There are numerous retired couples as well.

Yours Faithfully

I Thurtell

**KE&YJTHURTELL** 

RECEIVED 30 APR 2018

BATHURST REGIONAL COUNCIL

DEPBS-R

Ordinary Meeting

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# 2018/122/013



From:

DA No 2018/122 Attention Mr Dwyer addendum to letter dated 30/4/2018 Paul & Jenny to: council 30/04/2018 04:56 PM Cc: Paul Gorrick Paul & Jenny <pj\_gorrick@bigpond.com>

To: council@bathurst.nsw.gov.au

Cc: Paul Gorrick <pj\_gorrick@bigpond.com>

Dear Mr Dwyer

Please accept this addendum to our letter of the 30/4/18 re the above DA. In that letter we raised our concerns re shadowing from the proposed shed. We wish to add to those concerns. The shed specs indicate a height of 6.67 metres. What is not clear from the DA is the profile of the proposed location of the shed. Should the shed be built on a raised platform, this in part exists on the property, the shed would dominate our property by a further unspecified height. We estimate this could be a further 2 or more metres. This will cast a shadow over our property including an orchard and vegetable area, our clothes line and chidrens play area. While this will be evident in all seasons there will be an added impact in winter as the shed will block the northern morning sun resulting in prolonged areas of frost. It is difficult to gauge the impact of shadowing precisely however we believe it will be extensive. One of the main reasons we chose to move from Tamworth to Bathurst was the opportunity to enjoy an acre of land with associated gardens etc while still living in a neighbourhood. Should this development proceed this enjoyment and the amenity of the area will be largely negated. Paul and Jenny Gorrick 18 Ironstone Avenue

White Rock

Sent from my iPad

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**Ordinary Meeting** 

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### S\_DEPBS\_6\_4 S\_DEPBS\_4\_7

BATHURST REGIONAL COUNCIL

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30<sup>th</sup> April 2018 Bathurst Regional Council 158 Russell Street or PMB 17 Bathurst NSW 2795

-1 MAY 2018

REF 2018 122 015

Dear Sir/Madam

Attention Ms L M McLean

Reference: Development Application No 2018/122, Lot 10 DP1062075, 14 Ironstone Avenue, White Rock

We write in response to Bathurst Regional Council's letter of the 23<sup>rd</sup> April 2018 regarding DA 2018/122 requesting written submissions of objection to the proposed DA. We live on the adjoining property (low side) and will be significantly impacted should this DA proceed. The impact will be as follows:

**Potential overshadowing of surrounding land.** The proposed height and size and proximity of the shed (22m along the length of our common boundary) will result in significant overshadowing of our property including reduced winter sunlight and loss of the current borrowed landscape in keeping with the area

**Privacy of surrounding land.** The proposed size and proximity of the shed to our common boundary will result in decreased privacy due to the activities associated with the shed and the proposed business activity of a heavy haulage business including comings and goings of vehicles and drivers.

**Potential noise transmission to the surrounding land.** There will be a significant increase in noise levels due to the activity associated with the shed and the proposed business activity of a heavy haulage business including large commercial vehicle movements. There will be a significant adverse impact of large vehicle movements in a residential area potentially at unsociable hours (based on previous complaints to Council and the applicants stated intention to operate the heavy haulage business from the property).

The likely visual impact of the proposed shed in relation to the streetscape. The size of the shed at a height of 6.67 metres (double that of surrounding properties and similar in size to a two storey dwelling) and 22 metres in length is incompatible with the nature of current properties and buildings and will have a detrimental impact on the surrounding streetscape. For adjacent properties it will significantly decrease property values.

**Other relevant issues to the application.** The owner of the land currently operates an interstate heavy haulage business, Layanda Transport P/L from Claremont Drive adjacent to White Rock Road. This includes transport of bitumen. Mr Moulds intention, as stated to us, is to run his business from 14 Ironstone Avenue White Rock. The DA states under *Use of development* "park a truck, trailer and private use caravan, lawnmower etc". The business address is listed as 14 Ironstone Avenue White Rock (refer to attachment). Should this eventuate it will result in:

- 1. Large vehicle movements that are incompatible with pedestrian activity and children (noting there are no designated footpaths on the estate and residents including children frequently walk on the shoulder sections of the roads)
- 2. Should the shed be built and a commercial business operated from the property we understand it will be the neighbours responsibility to bring this to the attention of the Council. We do not wish that this situation arises given the potential for further ongoing neighbour disputation involving Council.

3 0 APR 2018

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- 3. The plans do not show future internal road access to the shed. Given the proposed location of the shed it is reasonable to assume there will need to be entry and egress to the shed possibly including turning circles. Alternatively the public road will be used for heavy vehicular turning. This type of vehicular activity is incompatible with residential safety and amenity and as stated above will have significant adverse noise, privacy and visual impact on both ours and surrounding properties.
- 4. There have been prior episodes where tanker vehicles used for transporting bitumen for road paving have been parked on the vacant lot causing significant and pervasive odour to both outside and within our home buildings.

We respectfully raise these concerns with Council and request they be taken into account for this Development Application.

Yours sincerely

1/ overch Thomas.

Paul and Jenny Gorrick **18 Ironstone Avenue** White Rock

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Information available on the internet

Information available on the internet

https://www.infobel.com/en/australia/layanda\_transport\_pty\_ltd/white\_rock/AU1003... 30/04/2018

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BATHURST REGIONAL COUNCIL

### - 1 MAY 2018

REF 2018/122/016

**Development Application: No 2018/122** 

Proposed Development: Shed

Premises: Lot 10 DP:1062075 – 14 Ironstone Avenue White Rock

Name Of applicant: Mr LR Moulds

#### To whom it may concern;

We Troy and Tracey Kearney of 10 Ironstone Avenue, White Rock are writing this letter to express our concern for the lodgement of the above Development Application.

Please see the reasons below.

We have had numerous conversations with Mr Layne Moulds in regards to his plans for his commercial size shed. We asked how he intended on running a transport business from the estate when the rules and regulations for the estate clearly state that you are not permitted to run or operate a business from the estate. Mr Moulds response was "I just don't care, a fine or two every week is still cheaper than renting a truck yard" we responded that's not real fair for the rest of us, there are lots of us that have businesses that live in the estate but we all need to find alternate places to run our businesses. He then stated he planned on bringing his prime mover and trailer home along with his spare trucks trailers, this is the reason for such a long and high clearance shed.

I am concerned for multiple reasons

- Environmental impact of Mr Moulds washing, cleaning and maintaining his heavy vehicles onsite which he clearly told me he will be doing.
- The impact on the road, I don't believe our road ways are rated for the constant truck and trailers entering and exiting multiple times on a daily basis our road breaks up in the warmer weather just with the cars coming and going.
- The commercial use of the property. In the 149 certificate our land is classed as large residential lots I don't believe a commercial sized industrial shed would fit into this category, considering it will be used to run a heavy vehicle operation

I am not opposed to Mr Moulds building a large shed for personal use only, I am opposed to Mr Moulds building a large commercial size shed for commercial use. The impact this will have on the entire estate is extremely detrimental. If Mr Moulds would like to be a business owner he should respect the rules like the rest of us. Run your business from an address where zoned to do so.

Troy & Tracey Kearney 0481844411 10 Ironstone Avenue, White Rock NSW 2795

3 0 APR 2018

BATHURST REGIONAL COUNCIL

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### S\_DEPBS\_6\_4 S\_DEPBS\_4\_7

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BATHURST REGIONAL COUNCIL

-1 MAY 2018

REF 2018/122/017

Development Application: No 2018/122 Proposed Development : Shed

Premises: Lot 10 DP: 1062075 - 14 ironstone Avenue White Rock

Name of Applicant; Mr LR Moulds

To Whom it may concern;

We Jeff and Annette Peak of 94 Blue Ridge Drive, white Rock are writing this letter as we have concerns about the proposed shed that is in the development application stage.

We do have concerns with the below points,

- The 10-meter exclusion building zone (proposed is 5m).
- Shadows and safety issues from the height of the shed (from the shadow of the shed the sunlight will not melt the Bathurst frost until late afternoons) The residents at 18 Ironstone have grandkids which could be a hazard for slips and falls.
- Is the ground going to be levelled, if so how high is the shed going to be above ground level (this could add and extra 2-3m to the total height of the shed)?
- Is there a 3D plan available with full drawings with heights and sizes for viewing?
- The rules of the estate states that you cannot build a two-storey house, so how can a shed with this height be approved.
- Our concern also is we do not want to look at an industrial shed from out back yard which could devalue our property.
- Is there a "Shade plan" available for viewing?
- There is an easement running along the back-fence line for the shed on 14 Ironstone and the house at 10 Ironstone. (which is not showing on the proposed application or council plans).

We do not have any objections with Layne building a shed that complies with the building code for the estate.

Regards

Jeff & Annette Peak 0447000444



BATHURST REGIONAL COUNCIL

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# 2018/122/01

Cecilia Hunt 25 Ironstone Avenue Blueridge Estate, White Rock NSW 2795

Bathurst Regional Council William Street Bathurst NSW 2795 council@bathurst.nsw.gov.au

1st May 2018

### ATTENTION: MR R DENYER – ACTING DIRECTOR - ENVIRONMENTAL, PLANNING & BUILDING SERVICES

### Re: Development Application No 2018/122: 10 Ironstone Avenue, White Rock

I am writing in response to your letter requesting written feedback to be submitted by close of business today, regarding the proposed development referenced above. I would like to bring to your attention a number of objections that I have with regard to the proposed development of the imposing shed. As a neighbour to the site of the proposed development, I am of the view that the proposed development will have a detrimental impact on my family's standard of living and the immediate neighbours surrounding the proposal. My specific objections are as follows:

### Size of shed

- The proposal does not reflect the neighbourhood appeal as the proposed design is intended to house heavy commercial equipment, we bought land and built in the estate with no anticipation that it would become an environment for heavy commercial vehicles. The proposal does not 'protect and conserve the scenic value' of the area (Zone No 1 c)
- Visual impact of the size of the shed to house commercial equipment is beyond reasonable residential necessity, ie. garden maintenance equipment and caravan etc. and will be an eyesore with the proposed dimensions

### Safety concerns regarding purpose of shed

- The proposed development would result in an unsafe environment for children who regularly walk and bike ride around the residential roads of Blueridge Estate, as heavy vehicles can cause obstruction and impeding vision. Families and children in the estate will be forced onto roads and motorists to the wrong side of the road in order to pass the heavy vehicle as it enters, exits and reverses
- The development of a shed to house a commercial truck/heavy vehicle poses multiple concerns, including the frequency of the heavy commercial vehicle entering and exiting the property and to the estate

**Ordinary Meeting** 

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- The original appeal for the Blueridge Estate for residents included the provision of a safe, secure and community living environment removed from high density living and commercial surroundings (including housing commercial heavy vehicles)
- Multiple developments are prohibited in the estate, including those with a commercial purpose, warehouses and depots. I believe that housing a commercial heavy vehicle for commercial/business purposes should also be carefully considered.

### Noise impact

- The proposed development would result in an excessive noise from starting the engine (especially in cold weather when it will be left idling to warm the engine), exhaust systems, horns, brakes and sound systems when the proposed vehicle leaves and returns to the property
- The associated activities that will be carried out on the property (eg. washing, maintenance or repairs)
- Related equipment to be stored at the property (eg. compressors)

Upon consultation with surrounding residents there is unanimous consent that development 2018/122 should not be allowed to proceed. I believe that the proposed development will devalue the entire estate and deter future residents from purchasing in the area.

I would appreciate consideration be given to the above objections, prior to Council approval of the Development 2018/122 application.

emilt

Sincerely, Cecilia Hunt

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	Letter re: DA No 2018/122 Hunt, Cecilia to: council@bathurst.nsw.gov.au	01/05/2018 03:28 PM
From:	"Hunt, Cecilia" <cehunt@csu.edu.au></cehunt@csu.edu.au>	
To:	"council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au></council@bathurst.nsw.gov.au>	

Attention: Mr R Denyer - Environmental, Planning & Building Services

### Please see attached a letter re Development Application No 2018/122: 10 Ironstone Avenue, White Rock

Regards

Cecilia

### **Cecilia Hunt**

Manager, Career Development | Division of Student Services

**Charles Sturt University** 

Panorama Avenue

Bathurst NSW 2795

Australia

Tel: +61 2 6338 6348

Fax: +61 2 6338 4306

Email: cehunt@csu.edu.au

www.csu.edu.au

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**Ordinary Meeting** 

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Consider the environment before printing this email.

- DA letter.pdf

62 of 81 S\_DEPBS\_6\_4 24 of 25 S DEPBS 4 7 19 **BATHURST REGIONAL COUNCIL** - 2 MAY 2018 Geoff & Vicki Evans Loretta McLean REF 2018 122 019 21 Tronstone Ave Councel Environment Planning & Building Service Dept White Rock NSW 2795 RECEIVED Monday, 30+ april, 2018 - 1 MAY 2018 BATHURST REGIONAL COUNCIL Dear Loretta We wish to oppose DA Nº 2018/122 for a shed on Lot 10 DP 1062075 14 gronstone Ave, white Rock. as the applicant will be using this address to conduct a transport trucking business. We believed it will cause a huge disruption for the neighboring properties. The applicant used this block in previous years with his trucks and created noise problems with early morning starts and take offs. So no doubt this well happen again Ironstone are is a relatively queet & narrow street with a large number of small children. It is also used by many local residents to walk pets texercise on a daily basis. We think that the safety of the local residents using this street as pedestrians and in vehicles is important and should be protected. We also believe that a shed the size of this one proposed would be an eye sore to all the surrounding properties, and The whole sub-divison as it would be better suited to a industrial estates Kind Regards Geoff d. Fran Evans Vicki Evans DEPR

Ordinary Meeting

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**15 Blue Ridge Drive** 

 WHITE ROCK
 NSW
 2795

 30<sup>TH</sup> April 2018
 2018
 2018

### **Environmental, Planning & Building Services Department**

### **Bathurst Regional Council**

BATHURST REGIONAL COUNCIL

**RE: Development Application No 2018/122** 

-2 MAY 2018

REF 2018/122/020

I would like to object to the above Development Application.

- 1. VISUAL IMPACT. I am concerned that the structure would be detrimental to the aesthetics of our estate. Once the shed is built it is there for a long time, even after the current owner has moved away. If the visual environment is deprecated, then the property values will be negatively affected for the whole estate.
- 2. **COMMERCIAL USE.** When my much smaller shed was approved it was clearly stated to me that I could not conduct any commercial activity in that shed and I do not. The enormous size of this shed, the stated desire to house a truck and trailer and the nature of the applicant's business would indicate that this shed will be used for commercial activity. Such a structure would be more appropriate in an industrial area.
- 3. **NEIGHBOURHOOD HARMONY.** If the shed is used in contravention to regulations, Council will rely on a complaint from neighbours to act and this usually results in conflict between neighbours which is not conducive to a harmonious neighbourhood.
- 4. **ADDITIONAL NOISE.** In practice, the haulage industry starts work early and I do not wish to be woken by a large truck and trailer driving past in the early hours. This is a residential estate and I am sure the majority of my fellow residents feel the same.
- 5. **ROAD DAMAGE.** The roads in this estate were not intended to carry large vehicles and a large truck and trailer would cause damage.
- 6. **CONSULTATION.** To my knowledge there has been no consultation with the immediate neighbours. Therefore, for the applicant to claim the shed has been positioned with consideration for the neighbours is totally incorrect. This raises the thought that there may be other statements that are incorrect.

Yours faithfully,

Gregory O Kemmis.

G. J. Jun



BATHURST REGIONAL COUNCIL

DEPB

# 1 of 2 S\_DEPBS\_4\_8

Meeting type:	POLICY COMMITTEE	
MeetingDate:	06/06/2018	
Minute Section:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	Section Number 12
Minute Status	Released	
Minute Security:	Standard	
SubSection:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	SubSection 12 Number:
Created By:	Stephanie Williamson/BathurstCC	Division Required:
Subject:	DEVELOPMENT APPLICATION 2018/122 - SHED AT 14 IRC APPLICANT - LAYNE MOULDS. OWNER - MR L R MOULDS	
Item Number:	1	
File Number:	(DA/2018/122)	
Minute Number:	52	
Moved By:	Nil Seconded By:	Nil

Resolution: Discussion included:

### L Moulds – proponent - 14 Ironstone Avenue

Spoke to the proposal before Council. Has owned the property for around 10 years. Is an owner/driver, does not operate business from the property. Noted works in Sydney and only comes home with the truck. Same as a plumber or a taxi driver bringing home vehicles, does not operate a depot.

Currently building a house and it makes sense to bring the truck home.

### P Gorrick – resident - 18 Ironstone Avenue

Have taken independent advice and have forwarded this to Council. Have retired to Bathurst and spoke to establishing their house in the location. The proposed shed size and location will have a significant detriment such as overshadowing, noise transmission, will cause conflict between neighbours, the shed is an eyesore and does not address correctly Council planning instruments such as the DCP. This is a commercial purpose. There is no screening of the garage and its location will not allow this to occur. No concessions should be allowed to Council standards.

### <u>C Hunt</u> – resident - 25 Ironstone Avenue

Raised concerns including; impact on standard of living including size of the shed, it is commercial, scenic values not preserved, the development is unlawful - a truck depot is not allowed, inconsistent with residential zone, safety concerns with heavy vehicles in the Blue Ridge Estate, noise impacts, devaluation of properties.

### T Phillips - resident - 98 Blue Ridge Drive

Has made a submission to Council. Main issues include size of the development, adverse Ordinary Meeting Page 329 of 843 - 18 July 2018 Attachments

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impact on amenity of adjoining properties, no Statement of Environmental Effects has been submitted, there is no information on screening. There is a need for a properly documented submission which includes details of impacts.

### Y Thurtell - resident - 22 Ironstone Avenue

The proposal is visually awful, this is an industrial development, the truck should not be parked here. Spoke to noise problems from the truck.

### F Telfser, on behalf of G Clements

Concerns about the development include; visual impact, commercial use that will occur with such a structure, neighbourhood harmony problems that will result, additional noise, road damage from large vehicles, lack of consultation with adjoining neighbours.

### J Stewart - resident - Blue Ridge Drive

Has a number of concerns with the development such as; noise from vehicles, safety issues from heavy vehicles, visual impact of a substantial building, reduction in setbacks proposed, roads within the estate are not made for heavy vehicles.

### J Peak - resident - 94 Blue Ridge Drive

Happy for shed that meets estate covenant, this does not. Spoke to setbacks required of covenant and this should be adhered to as well as DCP.

### <u>C Telfser</u>

Spoke to standards of the estate and the covenants imposed. The proposal is not consistent with the estate guidelines - covenants and the DCP. The shed is double the size allowable and is 1 metre higher than allowed. The setback proposal is a concern and there are visual impacts that are inappropriate. The neighbourhood has adhered to the rules, one person should not be allowed to change the standards. Also referred to heavy vehicle movements in residential areas.

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	DA 2018/122 (MPK 144419) Trevor Cork to: 'council@bathurst.nsw.gov.au' 0 Cc: Trevor Cork, Ramona Priestly	5/06/2018 04:14 PM
From: To:	Trevor Cork <trevorc@mcpheekelshaw.com.au> "'council@bathurst.nsw.gov.au'" <council@bathurst.nsw.gov.au></council@bathurst.nsw.gov.au></trevorc@mcpheekelshaw.com.au>	
Cc:	Trevor Cork <trevorc@mcpheekelshaw.com.au>, Ramona Priestly <ramonap@mcpheekelshaw.com.au></ramonap@mcpheekelshaw.com.au></trevorc@mcpheekelshaw.com.au>	

### DA 2018/122

5 June 2018

Our Ref: TC:RP144419

Your Ref: LMCL:LMW:DA/2018/122

Dear Mr Dwyer,

Our letter of today's date is **attached**.

Kind regards,

**Trevor Cork** 

McPhee Kelshaw Solicitors and Conveyancers

McPhee Kelshaw Email Header

McPhee Kelshaw Solicitors and Conveyancers

170 Macquarie Road Springwood NSW 2777

Telephone +61 2 4751 1055

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E-mail : <u>ramonap@mcpheekelshaw.com.au</u> Ordinary Meeting Page 331 of 843 - 18 July 2018 2 of 16

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Accredited Specialists Available In:- Local Government & Property Law Family Law Planning Law Business Law

TC:JB:144419 Our Ref:

LMCL:LMW:DA/2018/122 Your Ref: Ms Loretta McLean - 02 6333 6272

5 June 2018

Mr Daniel Dwyer Acting Director Acting Manager Development Assessment **Bathurst Regional Council** Private Mail Bag 17 **BATHURST NSW 2795** 

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PRINCIPALS

PAUL MCPHEE H.B., PUBLIC NOTARY Acc. Spac. (Property Law, Family Law) TREVOR CORK B.A., LL.M., Acc. Spec. (Business, Local Gev. & Planning Law STEVEN NICHOLSON B.A., LL.B. ASSOCIATES ANNE WOODWARD-BROWN DipLaw SAB GRAIG COCKBURN B.Com. II.B. ANN SCHRALE B.A., LL.B. Acc. Spec. (Family Law) AMANDA MALINOWSKY B.A., IL.S. Acc. Spec. (Family Law) SOLICITORS ANASTASIA DALITZ B.A., LL.B. (Hens)

Dear Mr Dwyer,

#### Development Application No 2018/122 (DA 122) **Proposed Development: Shed** Premises: Lot 10 DP 1062075 14 Ironstone Avenue White Rock

#### Introduction

- 1. We act for the residents of the precinct known as the "Blue Ridge Estate" whose names are set out in the Schedule to this letter.
- 2. We are instructed that our clients were notified by the Council of the submission of DA 122. The Council's letter invited submissions in response to the DA. A number of our clients made submissions.
- 3. We are instructed that some of our clients have recently received letters dated 28 May 2018 from the Council. Those letters advised our clients that DA 122 has been referred to the Council Discussion Forum to be held on 6 June 2018. Representatives of our clients will attend that forum.
- 4. Anticipating the Discussion Forum, we are instructed by our clients to make further submissions on their behalf to the Council concerning DA 122.

#### Background

- 5. The Council's letter dated 23 April 2018 referred our clients to the Council's DA tracking system. As suggested by the Council, our clients have reviewed the DA file within the Council's website,
- 6. Our clients have recently become aware (without further notification from the Council) that the Council (apparently) requested further information from the applicant in

MOPHEE KELSHAW PTY LTD TRADING AS MOPHEE KELSHAW THE OLD BAKERNOORQ4444197000400048004ARIE ROAD, SPRINGWOOD • TELEPHONE (02) 4751 1055 • FAX (02) 4751 5668 PO BOX 4, SPRINGWOOD NSW 2777 • DX 26729 SPRINGWOOD • EMAIL: info@mcpheekelshaw.com.au • ABN: 75 117 682 194



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relation to DA 122. That request for further information appears to have prompted the applicant to submit further material to the Council, including a Request for Variation of Development Control Plan Standard (Variation Request).

- 7. A letter dated 28 May 2018, from the applicant to the Council (applicant's letter), also appears on the Council's DA tracker site.
- 8. Annexure "A" to this letter is a copy of a page from the Council's DA tracking site, which identifies all of the documents which have been lodged by the applicant, and which comprise DA 122, including the material that has most recently been submitted by the applicant.

#### DA 122

- 9. Our clients understand that the Council has exercised its discretion under clause 55 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), and has permitted the applicant to amend DA 122. Our clients also understand that the amendment to DA 122 was made by the applicant in response to a request for further information, forwarded by the Council in accordance with clause 54 of the Regulation.
- 10. The documents available on the Council's DA tracking site confirm that the applicant did not (and has not to date) lodged a Statement of Environmental Effects (SEE) as part of DA 122. Notwithstanding the decisions of the Land and Environment Court on that issue, including the decision in *Cranky Rock Road Action Group Inc v Cowra Shire Council and ors.* [2005] NSW LEC674 (9 December 2005), it is the fact that the submission of such a Statement is an important step in the development assessment process. In that regard we note paragraph [79] and [80] of the *Cranky Rock Road* decision.
- 11. DA 122 (as amended) proposes the construction of a large garage, described by the applicant as a "shed". The amended DA 122 proposes a garage as follows:
  - Dimensions of 12m x 20m
  - Ridge height 5.86m
  - Setback from rear boundary of Lot 10: 5.65m
  - Setback from side boundary of Lot 10: 5m
- 12. The applicant's letter to the Council dated 28 May 2018 (applicant's letter) describes the purposes for which the garage will be used. Among those purposes are the following:
  - Parking of the applicant's Kenworth prime mover and bitumen tanker
  - Conduct of general maintenance work on those vehicles, including greasing and engine scheduled servicing
  - Parking/storage of two rare classic cars
  - Parking/storage of the applicant's caravan
  - Parking/storage of the applicant's boat
  - Accommodation of miscellaneous plant and equipment including lawn mower, box trailer, yard equipment and tools

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- Storage of personal effects including motorbikes, fridge, table and chairs, pushbikes, toys, play/work/storage area.
- 13. We are instructed that there is already located on the property a shed sized 12m x 7m. DA 122 makes no detailed reference to this shed or why that shed could not be used to store some of the items identified in the applicant's letter.
- 14. In relation to the existing 12m x 7m shed, we are instructed that the applicant and his family were for some time living in that shed. The shed may therefore be fitted out for accommodation.
- 15. This is an issue that should be addressed by the Council to determine whether the existing shed could be readily adapted to accommodate some of the vehicles and equipment identified by the applicant as the reason for proposing the construction of the new 20m x 12m garage. The adaptation of the existing shed for vehicle parking purposes would obviously reduce the need for a new very large garage of the dimensions proposed by the applicant.

#### Lot 10 DP 1062075

- 16. Lot 10 is located within the Blue Ridge Estate. Lot 10 is zoned R5 Large Lot Residential (R5) under Bathurst Regional Environmental Plan 2014 (LEP 2014).
- 17. The objectives of the R5 zone confirm that it is primarily a residential zone. The zone was established to regulate the provision of residential housing in a rural setting, on large residential lots.
- 18. The objectives of the zone are supported by the limited development purposes that are permissible within the zone. Many development purposes are prohibited. Among those prohibited purposes are the following:
  - Transport depots
  - Truck depots
  - Vehicle repair stations
- 19. Among the permissible uses are the following:
  - Dwelling houses
  - Home industries
  - Home businesses (without consent)
  - Home occupations (without consent)
- 20. The Blue Ridge subdivision was approved by the Council under development consent 2003/0537 (DC 0537). The approved plan of subdivision imposed a building envelope on each of the proposed 82 lots.
- 21. Ultimately, the development consent relating to lot 10 and adjoining and adjacent lots was implemented through the registration of DP 1062075, which relates to part of the overall Blue Ridge development.

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- 22. Lot 10, in common with all other lots registered under DP 1062075, is subject to the Council imposed building envelope. That building envelope accords with the approved plan of subdivision which forms part of DA 0537.
- 23. The building envelope supports a restriction on use of land, identified as the third restriction, in the instrument under s88B of the *Conveyancing Act, 1919* that was registered with DP 1062075 (third restriction).
- 24. The third restriction, which was imposed to satisfy the requirements of the Council, reads as follows:

<u>"Restriction on the Use of Land (R) thirdly referred to in the abovementioned</u> <u>Plan:</u>

No building of any kind may be constructed within the area designated (R) on the subject Plan."

- 25. A copy of DP 1062075 is **attached**. The area designated "(R)" on Lot 10 requires that no development take place within 10 metres of the boundaries of the lot. As already noted, the same restriction was imposed on all other lots created upon the registration of DP 1062075.
- 26. In our clients' submission, the third restriction, having been imposed to satisfy the requirements of the Council, cannot be ignored by the Council in the development assessment process. This is a matter to which we refer below.
- 27. The s88B instrument registered with DP 1062075 includes the following further restrictions on the use of land (fifth restriction), which regulate the proposed development:
  - (f) No building erected on any Lot shall be used for any commercial, manufacturing, industrial or retail purpose and no offensive or noisy trade or activity, including the breeding and kennelling of dogs shall be carried out on any Lot burdened.
  - (g) No garage or shed shall:
    - (i) .....
    - *(ii)* .....
    - (iii) Be constructed to the rear of the main building unless the same is of similar design and of similar materials and colour to the main building or is constructed in colourbond metal material and of colourbond, the floor area shall not exceed 120 square metres but such restrictions shall not apply to the erection of any metal garden shed having a floor area of less than 18 square metres provided it is constructed of colourbond material or of similar materials to that in the main dwelling. No such structures are to be constructed unless adequately screened with vegetation. No such building shall be

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**Ordinary Meeting** 

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other than of single storey construction and the roof ridge height shall not exceed 4.5 metres.

28. DA 122 proposes development for the purpose of a very substantial garage, to be used for commercial purposes. In particular, we note on behalf of our clients the following definitions which appear in the Dictionary to LEP 2014.

"transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking."

"truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like."

- 29. The size of the proposed garage is the inevitable result of the purpose for which the building is intended to be used. The applicant notes that he and his wife conduct a business which is described in the applicant's letter as follows:
  - "We have a small owner operated family business that I run with my wife, there are NO employees except for myself and my wife, I drive our truck and my wife does the books from our office in the house, I have just ONE vehicle that I operate."
  - "I transport liquid bitumen from Sydney to anywhere Australia wide. It is seasonal work from October to May."
  - "I do not run my business from this address. I simply park my owner driven work vehicle at my own address, my work does not begin until I load my vehicle from Sydney and then usually head off all week until Friday or Saturday."
  - "I will conduct general maintenance of my vehicle which will include greasing and engine scheduled services which will be maybe once a month and take around 2-3 hours. This is not noisy work. I would not do any major overhauling of my vehicle."
  - "My vehicle is a brand new 2018 model Kenworth that has to comply with the latest noise and emission laws."
  - "I will sometimes wash my vehicle at home and use no chemicals except biodegradable soap and tank water, usually I have my truck washed in Sydney before I come home but sometimes I like to do it myself."
  - "Council Planning Department advised me there is no limit to the size of a shed in the estate, so I have decided to apply for my ideal shed size."
  - "20m long x 12m wide this size has been chosen because I like to have all of my belongings under cover and protected and have enough room to work on and enjoy them. The shed needs to house my truck and trailer ..."

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- "In order to easily reverse into the shed I need it to be 5 metres from the side boundary as the house is 13.338m from the side boundary, which gives me a clean line to reverse any vehicles into the shed..."
- 30. In our clients' submission the garage proposed by the applicant will be used for a purpose that is prohibited in the R5 zone. It is clear that the garage is proposed to be of the size, and in the specific location, submitted by the applicant, to accommodate the applicant's Kenworth primer mover and bitumen tanker.
- 31. On the descriptions provided by the applicant, the shed will be used as both a *transport depot* and a *truck depot*. The shed will be a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business. The motor-powered vehicle will be the applicant's Kenworth primer mover. The motor drawn vehicle will be the applicant's bitumen tanker. The proposed building will fall within both definitions because, as the applicant has acknowledged, the buildings will be used for both the parking and the servicing of the applicant's vehicles.
- 32. Further, it is clear that the proposed location of the garage/shed, only 5 metres off the side boundary, is determined by the applicant's need for a straight reversing line, to allow him to manoeuvre the prime mover and tanker into the proposed garage. If the prime mover and the tanker were not to be accommodated in the building, then a shed/garage of much reduced size could be located on the lot, within the building envelope designated by the Council when the Blue Ridge subdivision was approved.
- 33. The Council is aware that where a development is proposed for a purpose which is both permissible (domestic use as a garage) and prohibited (use as a transport depot or a truck depot or both) then the development is prohibited.
- 34. In summary, our clients submit that a grant of consent for the proposed development, in the circumstances described, would be unlawful and would constitute a breach by the Council of the *Environmental Planning and Assessment Act*, 1979 (EP&A Act).

#### Bathurst Regional Development Control Plan 2014 (BRDCP 2014)

- 35. Lot 10 is located within the Blue Ridge Estate. That area is regulated (amongst other controls) by BRDCP 2014, and specifically by the controls relating to the R5 zone, including BRDCP Map No. 14 White Rock (WR Map).
- 36. On the WR Map Lot 10 is located within the shaded area (coloured yellow/ochre).
- 37. Within this area clause 6.93 of BRCDP 2014 provides that the Council may grant consent only to the developments listed in the Table. For present purposes, the relevant development is housing (whether single or double storey) "and other ancillary buildings".
- 38. The relevant controls within BRDCP 2014, applying to the areas specified on the WR Map (including Lot 10), indicate that the Council seeks (in substance) to restrict development on Lot 10 to housing and buildings ancillary to housing, and to

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#### 6.6.2 Development standards

(a) ....

- (b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.
- (c) ...
- (d) ...
- (e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section 6.2.4).
- 45. We have already noted that DA 122 does not address the impacts of the bulk and scale of the proposed garage. Similarly, DA 122 does not address the specific requirements of clause 6.6.2(e) in relation to screening the vegetation. As far our clients can ascertain, no screening is proposed.
- 46. Our clients submit that the Council should not uphold the proposed application for the variation of clause 6.2.4. The application for the variation is seriously deficient. The information available to Council does not allow it to fully and properly assess the variation application.
- 47. Further, the Council should insist, before determining DA 122 (other than by refusal) that the applicant submit a properly prepared and fully documented application.

#### DP 1062075 and LEP 2014

- 48. LEP 2014 includes clause 1.9A, with the title "Suspension of Covenants, Agreements and Instruments". Clause 1.9A is the standard clause included in standard template LEPs to take advantage of s28 of the EP&A Act.
- 49. Clause 1.9A(1) reads:
  - "1.9A Suspension of covenants, agreements and instruments
  - (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose."
- 50. However, the application of clause 1.9A(1) is limited by sub-clause (2). In particular, clause 1.9A does not apply:
  - "(a) to a covenant imposed by the Council or that the Council requires to be imposed, or ....."

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- 51. In our clients' submission, the building envelope designated by the Council under DC0537 is a covenant which falls within clause 1.9A(2). As a result, the Council is not empowered by clause 1.9A(1) to grant a development consent which breaches the third restriction (imposed by the s88B instrument registered with DP 1062075).
- 52. If the Council wishes to grant the development consent sought by the applicant (which, in our clients' submission, the Council should not) then the Council will be required to formally vary the third restriction. That variation can only be effected through a dealing prepared in prescribed form and registered at Land Registry Services.
- 53. In our clients' submission, such a formal variation, made in accordance with the provisions of the *Conveyancing Act, 1919*, is a very serious step for the Council to take. The building envelope imposed by the Council in relation to Lot 10 (and in relation to all other lots in the Blue Ridge Estate) was imposed to ensure that development was not carried out close to the boundaries of any lot.
- 54. The Council will note that the existing shed on Lot 10 (12m x 7m) was placed in a location that ensured a 10m setback to the side and rear boundaries of Lot 10. Any additional shed constructed on Lot 10 (assuming that the construction of such a shed was considered to be appropriate) should also be located to comply with the controls put in place by the Council when the subdivision was originally approved.
- 55. We note that the proposed shed will also breach clause 5(g)(iii) of the restriction imposed in the s88B instrument registered with DP 1062075. Again, that restriction (fifth restriction) can only be varied by the Council.
- 56. Our clients understand that the fifth restriction was also put in place with the knowledge and the consent of the Council. Whether or not the fifth restriction falls within clause 1.9A(2), it is the fact that the proposed shed will clearly breach that restriction.
- 57. In the public interest, the Council should not, in the current circumstances, approve a development that clearly breaches a restriction which benefits other lots within the Blue Ridge Estate. Such an approval, whatever the Council's powers may be, will inevitably set up a conflict between the owner of Lot 10 and the owners of other lots in the subdivision.
- 58. At the very least, the Council should decline, if the applicant so proposes, to formally vary paragraph 5(g)(iii) of the fifth restriction, pending consultation with all lot owners in the Blue Ridge Estate who would be adversely affected by any such variation.

#### Conclusion

- 59. In summary, our clients submit that the only appropriate determination of this application is that the application be refused.
- 60. The applicant has proposed an unlawful development. He has also proposed a development that does not comply with the Council's controls and that is seriously inadequate in the supporting information furnished with the application.

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61. DA 122 should be refused by the Council. The facts and circumstances surrounding the use and fit out of the existing 12m x 7m shed should be investigated.

Yours faithfully McPhee Kelshaw

Trevor Cork

#### SCHEDULE

- Paul and Jenny Gorrick
   18 Ironstone Avenue White Rock
- Kevin and Yvonne Thurtell
   Ironstone Avenue White Rock
- Cecelia Hunt
   Ironstone Avenue White Rock
- Terry and Suellyn Phillips
   98 Blue Ridge Drive White Rock
- 5. Greg Kemmis 15 Blue Ridge Drive White Rock
- Jeff and Annette Peak
   94 Blue Ridge Drive White Rock
- Jenny Stuart
   90 Blue Ridge Drive White Rock
- Shevahn and Frank Telfser
   167 Blue Ridge Drive White Rock

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Bathurst Council - DA Tracker

6/4/2018

BATHURST

# Application: Development Application (10 - 2018 - 122 - 1)

#### Detailed information related to the application:

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Details	· ·			· · · · · · · · · · · · · · · · · · ·
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Record Number	Description	Document Type	Size	View Link
2018/122/025	AMENDED DA/CC plans	PDF	447.00	View
	& specifications for a shed at Lot 10		KB	
١.	DP1062075, 14 Ironstone Avenue, White			
	Rock,			
2018/122/003	DA/CC application form	PDF	620.00	View
2.	for a shed at Lot 10 DP1062075, 14		KB	
۷.	Ironstone Avenue, White Rock.			
0040400/004				
2018/122/024	Request for variation of development control plan	PDF	164.00 KB	View
3.	standard for a shed at Lot 10 DP1062075, 14			
	Ironstone Avenue, White			
	Rock.			

http://masterview.bathurst.nsw.gov.au/Application/ApplicationDetails/010.2018.00000122.001/

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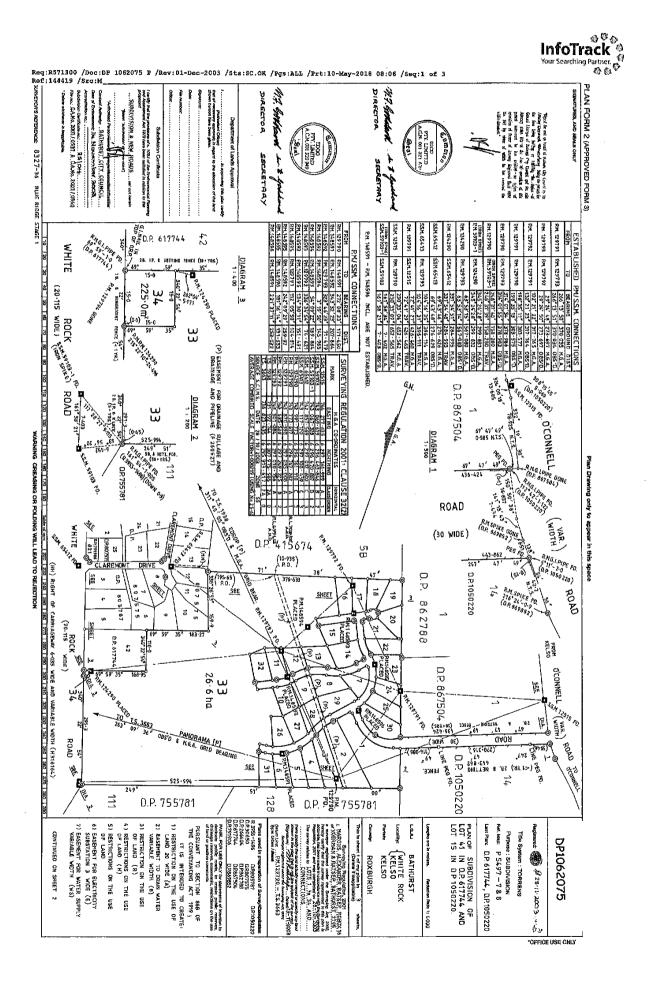
18			Bathurs	t Council - DA Tracker
Record Number	Description	Document Type	Size	View . Link
2018/122/005 4.	SUPERSEDED - DA/CC plans & specifications for a shed at Lot 10 DP1062075, 14 fronstone Avenue, White Rock.	PDF	319.00 KB	View
2018/122/026 S	Supporting documentation for a shed at Lot 10 DP1062075, 14 Ironstone Avenue, White Rock,	PDF	80.00 KB	View
2018/122/004 6 .	Supporting information for shed at Lot 10 DP1062075, 14 Ironstone Avenue, White Rock,	PDF	23,00 KB	View

Notified Addresses

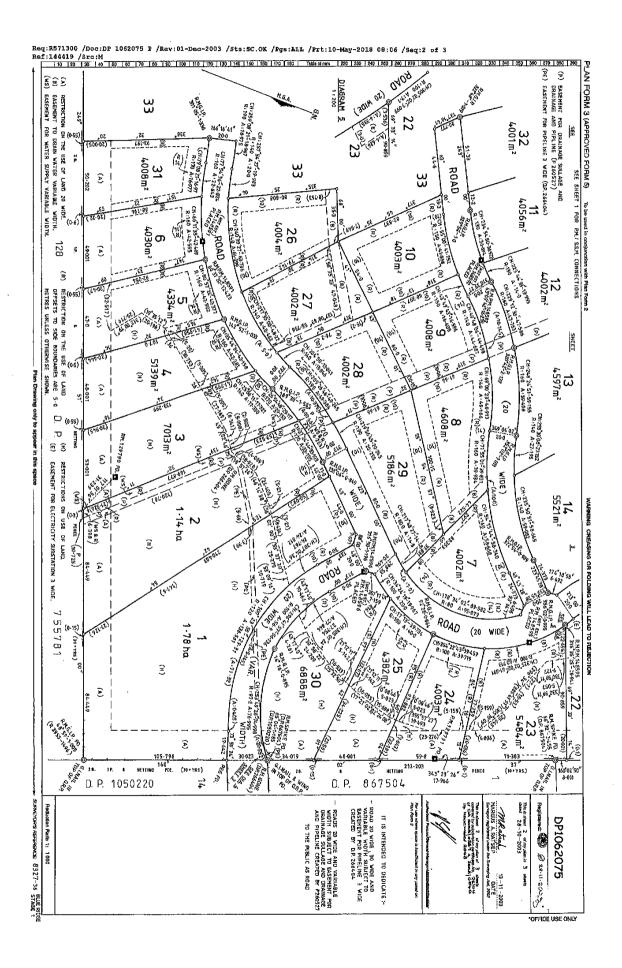
http://masterview.bathurst.nsw.gov.au/Application/ApplicationDetails/010.2018.00000122.001/

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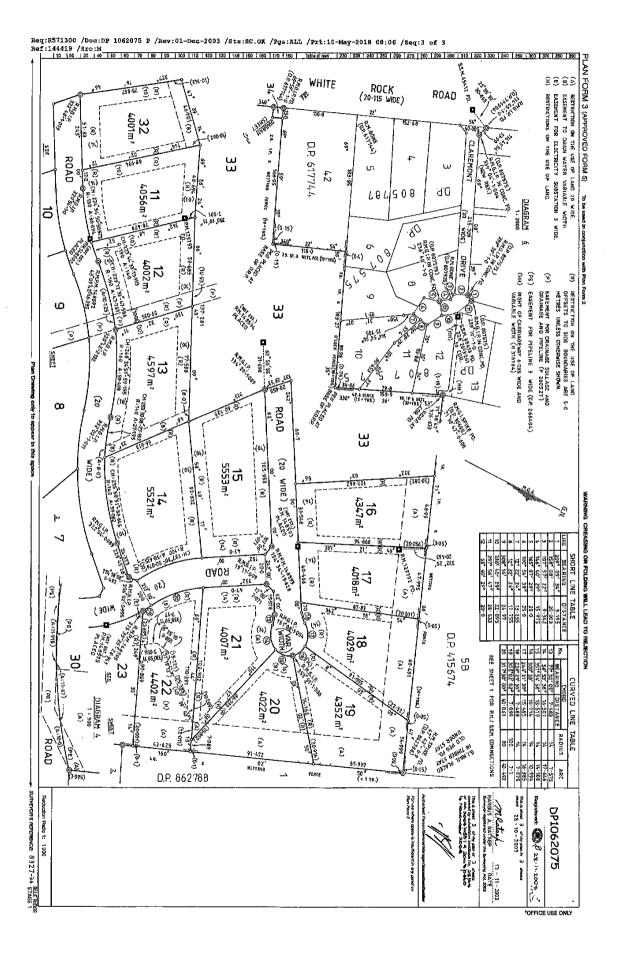


**Ordinary Meeting** 



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#### MINUTES OF THE BATHURST REGION HERITAGE REFERENCE GROUP MEETING HELD 4 JUNE 2018

#### MEETING COMMENCED AT 3.00pm

#### PRESENT

Councillor Graeme Hanger (Chair), Neil Southorn (Director Environment Planning and Building Services), Janet Bingham (Manager Strategic Planning), Lucie Barnett (Senior Heritage Planner), Fran White (Bathurst Heritage Website), Iain MacPherson (National Trust), Sandy Bathgate (Bathurst Heritage Action Network), Marion Perry (BDHS), Alicia Rennie (Bathurst Business Chamber), Jacqui Rudge (Councillor), Lucy White (Destination Development Manager), Pauline Barker (Rockley Mill and Stable Museum), Jenny Cheesman (Perthville Progress Association), Ken Webb (Sofala Progress Association), Gerada Mader (Accommodation Group), Jan Page (FHG and Napoleon Reef Progress Association).

#### **APOLOGIES**

Barbara Hickson (Bathurst Heritage Advisor), Jenner Plomley, (Town Square Group), Belinda Cobcroft (Yetholme Progress Association), Jasmin Hooper (Rockley Progress Association), Brett Kearnin (Hill End NPWS), Matt Burns (Hill End NPWS), Monica Morse (Councillor), Christopher Morgan (Tourism Reference Group).

#### **MINUTES**

**Recommendation:** That the Minutes of the Bathurst Region Heritage Reference Group held on 19 February 2018 be adopted.

Business arising from minutes:

- 1. Priority list for implementation of the Heritage Plan is still to be completed;
- 2. Heritage Reference Group moved that:
  - a. A list of buildings approved for demolition within the Heritage Conservation Areas be reported to the Heritage Reference Group at the end of each year; and
  - b. Statistics also be provided in relation to the number of Heritage Advisory visits which include requests for the demolition of a building.
- 3. Corrections were made in relation to the references to the Heritage Trades Trail and the spelling of Carillon.

#### RECEIVE AND DEAL WITH COUNCIL REPORTS

#### ITEM 1 2017-2020 HERITAGE PLAN UPDATE

**Recommendation:** That the report be noted.

It was further recommended that:

The Heritage Reference Group appreciates and endorses the retention of the \$3,000 and associated event costs, for the continuation of the Chifley Award as part of the National Trust Local Heritage Awards, by Council.

#### ITEM 2 GROUP CHARTER

#### **Recommendation:**

Ordinary Meeting

1

That the Bathurst Heritage Reference Group recommend to Council that the Reference Group Charter be:

- 1. Updated to include the Wiradjuri Elders Group; and
- 2. Reformatted so that Council Staff representatives are not listed as members of the group but rather as attendees on behalf of Council;

2 of 5

- 3. That the Friends of the Agricultural Research Station be included as a member of the Heritage Reference Group.
- 4. That memberships be updated to include:
  - a. Tourism Reference Group
  - b. All Rural Village and Rural Settlement Area and Progress Associations.

#### ITEM 3 SIGNAGE WITHIN THE BATHURST CBD

#### Discussion:

Discussion was held in relation to a range of matters including:

- Recognition/appreciation program, to be progressed by Chamber and National Trust representatives.
- Council to consult with signage companies
- An awareness and education program be established that includes signage requirements, controls with the intention of reducing signage clutter.
- Development Control Plan review of the Signage Chapter (Chapter 12).

**Recommendation:** That the report be noted.

It was further recommended that:

- 1. The HRG endorse the Signage Plan Focus Areas and Key Strategies submitted to the previous HRG meeting and attached at Appendix 3.
- 2. The Working Party on signage to continue to work with Council Staff in the framing of an implementation plan to support the Signage Plan. It is proposed that the following strategies be considered in the DCP Review:
  - a. Front of Awning Fascia Signs

To avoid any confusion regarding requirements, Front of Awning fascia signs in the Central Heritage Conservation Area maximum height to be limited to the height of the awning or 30cm whichever is the lesser. Where the awning is curved such that there is no front, the sign height must be no greater than 30cm. No additional hoardings or frames to be allowed on the front of awnings.

b. Signage on residential/former residential dwellings

No signage to be permitted on or in the grounds of residential dwellings or former residential dwellings above ground floor gutter height. Any signage on such buildings is not to exceed one square metre. Limit one sign per house, including teardrop signs.

c. Above Awning Height signage

All signs to be eliminated above awning height in the Central Heritage Conservation Area. The only exception to be those historic existing building and business identification signs over 50 years old, and those which are part of the fabric of the building where there is no awning, the notional awning height is ground floor ceiling height.

Note: Alternate strategies to be developed concerning large commercial shopping centres.

2

d. Flashing signs

No flashing signs to be permitted in any position.

e. Change of signage on change of business

To provide a final solution to address years of changing signage rules, and to minimise disruption to merchants, any existing signage not complying with the revised DCP or, whether approved or not, is to be removed on any change of business. Replacement signage must comply with the revised regulations.

- This will require a DCP change
- This may require a one time only DA to be lodged on all changes of business.
- This will require communication with and education of business and building owners.

The measures outlined may be addressed through one or more of the following approaches:

- All will require changes to the Development Control Plan.
- In regard to approved signs, or those with valid pre-existing rights, the Main Street Improvement Fund to be used to encourage replacement with compliant signage.
- Some may require Council to instruct owners/lessees to remove any **unapproved** signs, hoardings and frames.
- 3. Priority sites for consideration of the Main Street Improvement funding into the future include:
  - a. William Street between Durham and Howick;
  - b. William Street between Howick and Russell;
  - c. George Street between Howick and Russell;
  - d. Keppel Street between Bentinck and Seymour;
  - e. George Street between Durham and Howick; and
  - f. Russell Street between William and Bentinck.

The HRG endorses the actions of targeting the 40 properties for funding under the 2018/19 fund.

- 4. It is proposed that further consideration be given to the following commercial signage:
  - Signage along Sydney and Orange Roads
  - Freestanding signs and temporary signage e.g. teardrop signs.
- 5. In addition, consideration will need to be given to the establishment of procedures to ensure compliance with the Development Control Plan.

#### **RECEIVE AND DEAL WITH COMMUNITY REPORTS**

Pauline Barker (Rockley Mill and Stable Museum)

- A thanks and appreciation to Council for appointing consultants to update the Conservation Management Plan and a grant of \$10,000 for immediate remediation works.
- Part of this project included visits from Conservation Students, Kate and Grace, on Monday, 30 April.
- Mill currently closed for the short term as storage items are finalised and until winter passes.

- The 3<sup>rd</sup> floor museum display has been refurbished with a change of exhibits and new shelving highlighting a different section of the Collection.

4 of 5

Jan Page (Family History Group).

- Very successful tours were held during Autumn colours festival.
- Group is thinking of opportunities for Spring Tours.
- Cemetery headstone/plaque launch on Saturday, 2<sup>nd</sup> June for a young male migrant, originally an unmarked grave.
- Plaque also unveiled for approximately 80 children who died at the migrant camp.
- Fred Gerrings Grave will be next grave targeted for improvement.

#### Lucy White (Destination Development Manager)

- Heritage Trades Trail ticket sales increased 91%.
- Regional visitation increased 35%.
- Report to be presented to Council.
- \$40,000 grant from NSW Office of Environment and Heritage and Destination NSW assisted this year.
- Recognition of dry stone seat, built at the Agricultural Research Station.

#### Jasmin Hooper (Rockley Progress Association)

The Rockley and District Community Association Inc. will hold the inaugural *Gardens and Art in Rockley Village* on 10-11<sup>th</sup> November 2018. The event will show twelve gardens and six to eight artists showcased in School of Arts Hall. The event will include morning and afternoon tea. Several historic buildings will also be open including Rockley Mill and Stables Museum, Edward Gell Churches – St Peter's Anglican Church, and St. Patrick's Catholic Church.

#### Jenner Plomley, (Town Square Group)

- Been involved in the review of the Bathurst 2040 Community Strategic Plan. The Town Square Group is pleased to see the allocation of funding towards the TAFE and Headmaster's residence.
- Predicted increases in population by 2040 means it is essential to plan for underground parking in the CBD, for example under Kings Parade and the Town Square. Revenue from such parking would provide a significant income stream.
- Prior to the recent Public Art Policy consultation sessions, Pauline Barker and the newly appointed Art Gallery Director discussed possibilities for creative uses and art exhibitions at available public spaces.
- The Town Square group is also canvassing expressions of interest amongst dramatic and children's groups regarding potential events within the Square. The Council Events team has been approached for the lighting of windows around the Square during the Winter Festival.
- On May 8<sup>th</sup>, during Autumn Colours Festival, some 16 people went on the Town Square tour *Stories Carved in Stone*.
- Discussions have been held with Daniel Cove, Visitors Information Centre Manager, to discuss Town Square App.
- On 6<sup>th</sup> May the dedication of the plaque to the former Town Square Member, Margaret Glen, on The Pillars of Bathurst was of special significance. Margaret Glen was passionate about the Town Square, and of many other aspects of Bathurst heritage, over so many years – a 'Heritage Warrior'.

#### General Business

Neil Southorn (Manager Environmental Planning and Building Services) Development Application for next stage of Tremain's Mill expected to be lodged very soon. This is exciting for the continual restoration and adaption of the site.

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Meeting closed at 5:00pm. Next meeting to be held on 6 August 2018.



Adopted by Council 14/12/17

#### CHARTER BATHURST REGION HERITAGE REFERENCE GROUP

#### **Operational Context:**

The Bathurst Region Heritage Strategy is prepared by Council in response to the heritage related objectives of the Bathurst 2036 Community Strategic Plan. The most recent Strategy represents a joint Council and community vision for heritage management for the Bathurst Region. That Strategy, the Bathurst Region Heritage Strategy 2014 – 2017, was adopted by Council at its meeting held 21 May 2014 and is reviewed every 3 years.

The Strategy will:

- 1. Guide Council's heritage management program, which is managed by Council staff.
- 2. Provide reference and guidance to the general operation of Council.
- 3. Provide Bathurst residents with a statement of Council's heritage policies and management.
- 4. Satisfy the requirement of the NSW Office of Environment and Heritage for Council to prepare a three-year strategy under its local government heritage funding program.

#### **Organisational Status:**

A Community Reference Group convened and chaired by Bathurst Regional Council.

#### Membership:

As established by Council, and with members appointed on an ongoing needs basis, comprising:

One delegate from each of the following groups/organisations:

- National Parks and Wildlife (Hill End)
- Bathurst District Historical Society
- Bathurst Branch of the National Trust
- Bathurst Town Square Group
- Bathurst Heritage Network
- Bathurst Heritage Matters
- Local Aboriginal Land Council
- Bathurst Family History Group
- Greening Bathurst
- Each of the Progress Associations
- Bathurst Business Chamber
- Youth Council
- Bathurst Accommodation Group (representing tourism and the Destination Management Plan Reference Group).
- Amazing Bathurst Group (representing Bathurst accommodation, food and tourism businesses that operate from heritage buildings)
- Rockley Mill and Stable Museum

Council staff:

- Director Environmental Planning and Building Services
- Manager Strategic Planning
- Senior Heritage Planner
- Tourism Manager
- Curator and Collections Manager

**Ordinary Meeting** 

Page 352 of 843 - 18 July 2018



Adopted by Council 14/12/17

Council Heritage Advisor

Other contributors:

As appointed by the Mayor, and including persons with relevant skills and experience in heritage matters.

All Councillors are invited to attend.

#### Chair:

The Mayor or nominated delegate.

#### Role:

- 1. To provide a forum for constructive dialogue between community and Council to advance and develop heritage protection, enhancement, promotion and management in the Bathurst Region, and,
- 2. To provide community perspective, advice and guidance to Council in a collaborative and cooperative setting on:
  - the implementation of activities, programs and projects under the Bathurst Region Heritage Strategy,
  - the prioritisation of activities, programs and projects under the Bathurst Region Heritage Strategy,
  - community based activities, programs and projects that are being undertaken consistent with the Bathurst Region Heritage Strategy,
  - appropriate adjustments to the Bathurst Region Heritage Strategy and its implementation to ensure its vision is achieved,
  - the annual reporting of achievements (Council and community) and other outcomes under the Bathurst Region Heritage Strategy, and
  - any new Heritage Strategy for the Bathurst Region.

#### **Operational Protocols:**

- Each meeting to have as its primary focus the consideration of heritage issues at a strategic level.
- Reports will be circulated with business papers or by tabling at meetings, with consideration as determined by the meeting.
  - Receive and discuss written and verbal reports from Council on the progress of the Strategy implementation.
  - Representatives from member groups reports on heritage related activities and projects being undertaken by their members.
  - The March meeting each year will consider the draft annual report, plus review and prioritisation of projects for the next year.
  - Annual report on the implementation of the Bathurst Region Heritage Strategy to be reported to the Council, the Bathurst community and the NSW Office of Environment and Heritage (note this report has to be lodged with the State Government in May of each year).
- Convening to be by notice of the Chair.
- Meetings minutes to show decisions, recommendations and actions required.
- Agendas, minutes and business papers to be circulated at least two weeks before meetings by Council staff to members of the reference group.
- Meet four times a year with additional special purpose meetings as required
- Formulation of advice to Council, by way of discussion and consensus, will be expressed through a simple majority of those attending.
- Representatives from member groups to report outcomes from the reference group to their members.

Ordinary Meeting

Page 353 of 843 - 18 July 2018

DATE: 18 JULY 2018

#### <u>CHARTER</u>

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#### **BATHURST REGION HERITAGE REFERENCE GROUP**

#### **Operational Context:**

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The Plan will:

- 1. Guide Council's heritage management program, which is managed by Council staff.
- 2. Provide reference and guidance to the general operation of Council.
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- 4. Satisfy the requirement of the NSW Office of Environment and Heritage for Council to prepare a three-year strategy under its local government heritage funding program.

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- Bathurst Town Square Group
- Bathurst Heritage Network
- Bathurst Heritage Matters
- Bathurst Local Aboriginal Lands Council
- Wiradjuri Elders Group
- Bathurst Family History Group
- Greening Bathurst
- Each of the Rural Village and Rural Settlement Progress Associations
- Bathurst Business Chamber
- Youth Council
- Bathurst Accommodation Group
- Bathurst Region Tourism Reference Group
- Rockley Mill and Stable Museum
- The Friends of the Agricultural Research Station

All Councillors are invited to attend.

Other contributors: As appointed by the Mayor, and including persons with relevant skills and experience in heritage matters.

#### Council staff:

The Reference Group will be supported by the following Council staff

- Director Environmental Planning and Building Services
- Manager Strategic Planning
- Senior Heritage Planner

#### Chair:

The Mayor or nominated delegate.

#### Role:

- 1. To provide a forum for constructive dialogue between community and Council to advance and develop heritage protection, enhancement, promotion and management in the Bathurst Region, and,
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- Representatives from member groups to report outcomes from the reference group to their members.

### Local Heritage Fund 2017/18

Project Address	Project Description	Gra	nt Paid	al Paid by olicant	Toi Co:	al Project
8 Piper Street, Bathurst	Repair roof at Old Milltown Police Station	\$	1,000	\$ 3,295.50	\$	4,295.50
248 Russell Street, Bathurst	Reroof and repoint terracotta tiles and reline front verandah	\$	2,000	\$ 20,427.00	\$	22,427.00
319 Russell Street, Bathurst	Repaint timberwork on gables	\$	500	\$ 1,695.00	\$	2,195.00
Grantham' 1878 Trunkey Road, Georges Plains	Roof restoration	\$	1,500	\$ 10,500.00	\$	12,000.00
Former Peel School House	Repair internal walls and ceiling, ceiling insulation, bird proofing, internal painting and repair mantle	\$	1,200	\$ 5,964.98	\$	7,164.98
274 Russell Street, Bathurst	Replace gutters and downpipes	\$	500	\$ 1,791.00	\$	2,291.00
164 George Street, Bathurst	Repair and paint external cladding, Repair roof including eaves and fascia, repoint brickwork.	\$	1,500	\$ 8,778.00	\$	10,278.00
257 Russell Street, Bathurst	Replace gutters, eaves and downpipes and repair roof. Repair chimneys.	\$	2,000	\$ 21,545.00	\$	23,545.00
50 Vittoria Street, West Bathurst	Roof replacement	\$	1,500	\$ 14,923.00	\$	16,423.00
85 Piper Street	Roof replacement	\$	2,000	\$ 26,749.93	\$	28,749.93
272 Russell Street, Bathurst	Chimney repairs	\$	800	\$ 2,767.30	\$	3,567.30
281 Piper Street, Bathurst	Repair and paint gables.	\$	800	\$ 8,800.00	\$	9,600.00
1194 Lagoon Road, The Lagoon	Repair gables	\$	500	\$ 661.00	\$	1,161.00
84 Rocket Street, Bathurst	Sprinkler system	\$	200	\$ 357.00	\$	557.00
67 Sydney Road, Kelso	Repair timber windows and external wall	\$	800	\$ 4,650.00	\$	5,450.00
30 Havannah Street, Bathurst	Roof replacement	\$	800	\$ 3,787.00	\$	4,587.00
Rockley Cemetery	Grave Restoration	\$	2,000	\$ -	\$	2,000.00
Long Swamp Cemetery	Grave Restoration	\$	2,000	\$ -	\$	2,000.00
18 George Street, Bathurst	Repair and reconstruct verandah	\$	800	\$ 14,200.00	\$	15,000.00
2392 Limekilns Road, Limekilns	Replace corrugated watertank and repair wall	\$	500	\$ 593.00	\$	1,093.00
1080 Trunkey Road, Perthville	Roof replacement	\$	1,000	\$ 21,880.00	\$	22,880.00
128 Cow Flat Road, Georges Plains	Repair shed roof	\$	1,500	\$ 21,950.00	\$	23,450.00
344 Todds Road, Wisemans Creek	Repair General Store	\$	1,500	\$ 19,648.00	\$	21,148.00
86 Rocket Street, Bathurst	Underpinning of external walls	\$	1,000	\$ 11,000.00	\$	12,000.00
		-			•	

**Ordinary Meeting** 

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### Local Heritage Fund 2017/18

Project Address	Project Description	Gra	ant Paid		tal Paid by		tal Project
52 Bant Street, South	Replace verandah	\$	800	<u>Ар</u> \$	plicant 7,700.00	Co \$	st 8,500.00
Bathurst		Ť		Ŷ	.,	Ť	0,000.00
191 Rankin Street,	Repairs to gutter, windows	\$	500	\$	2,112.00	\$	2,612.00
Bathurst	and wall	Ť		Ŧ	_,	Ť	_,
211 Keppel Street,	Repainting	\$	300	\$	1,000.00	\$	1,300.00
Bathurst							
172 Lambert Street,	Roof replacement	\$	500	\$	2,700.00	\$	3,200.00
Bathurst							
69 Morrisset Street,	Roof, gutters and downpipes	\$	1,000	\$	24,000.00	\$	25,000.00
Bathurst	replacement						
195 Lambert Street,	Reinstate balustrade	\$	500	\$	8,404.00	\$	8,904.00
Bathurst					,		,
195 Lambert Street,	Repaint façade	\$	400	\$	1,250.00	\$	1,650.00
Bathurst							
74 Lambert Street,	Repair chimneys and render	\$	1,000	\$	6,994.00	\$	7,994.00
Bathurst	and brickwork						
52 Bentinck Street,	Repoint brickwork	\$	500	\$	1,000.00	\$	1,500.00
Bathurst							
34 Busby Street, South	Roof repairs	\$	1,000	\$	7,734.00	\$	8,734.00
Bathurst							
25 Morrisset Street,	Repair verandah and repoint	\$	800	\$	6,050.00	\$	6,850.00
Bathurst	brickwork						
249 Stewart Street,	Sub floor ventilation	\$	800	\$	2,846.50	\$	3,646.50
Bathurst				-		_	
206 Russell Street,	Ventilation	\$	400	\$	5,400.00	\$	5,800.00
Bathurst		<b></b>	500	<b>*</b>	10 500 00	<b>^</b>	47.000.00
206 Russell Street,	Roof replacement	\$	500	\$	16,500.00	\$	17,000.00
Bathurst	Deefreeeire	¢	500	\$	1 000 00	¢	2 400 00
206 Russell Street, Bathurst	Roof repairs	\$	500	φ	1,900.00	\$	2,400.00
42 Keppel Street,	Repair windows	\$	400	\$	1,303.00	\$	1,703.00
Bathurst		Ψ	400	Ψ	1,505.00	Ψ	1,705.00
15 Waterworks Lane,	Repainting	\$	400	\$	1,375.58	\$	1,775.58
Gormans Hill	(cpunting	Ψ	100	Ψ	1,070.00	Ψ	1,770.00
Bathurst Cemetery	Installation of plaques on	\$	2,000	\$	_	\$	2,000.00
	unmarked graves	Ť	_,	Ŧ		Ť	_,
255 George Street	Repair gables and stormwater	\$	800	\$	3,000.00	\$	3,800.00
J	1 5				,		,
204 Seymour Street	Repair cracking	\$	1,000	\$	4,927.90	\$	5,927.90
Rock Forest Station'	Stone Repointing	\$	800	\$	3,460.30	\$	4,260.30
1846 Ophir Road		L		L		L	
St Stephens Anglican	Repair 3 timber windows	\$	2,000	\$	4,699.00	\$	6,699.00
Church, Fitzgerald Valley							
287 Keppel Street,	Timber Work	\$	250	\$	3,111.30	\$	3,361.30
Bathurst							
287 Keppel Street,	Repainting	\$	250	\$	3,111.30	\$	3,361.30
Bathurst							
287 Keppel Street,	Gutter and drainage repairs	\$	500	\$	6,100.00	\$	6,600.00
Bathurst		<u> </u>				<u> </u>	
	TOTAL	\$	45,800	\$	352,641.59	\$	398,441.59

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## Main Street Fund 2017/18

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Project Address	Project Description	Gra	ant Paid	tal Paid by plicant	_	tal Project ost
225 George Street,	Repair gutters and					
Bathurst	downpipes	\$	1,000.00	\$ 3,240.00	\$	4,240.00
97 Keppel Street,	Roof replacement, gutters and downpipes.Chimney					
Bathurst	removal	\$	3,000.00	\$ 36,822.00	\$	39,822.00
60 Durham Street, Bathurst	Painting	\$	3,000.00	\$ 37,000.00	\$	40,000.00
181A George St, Bathurst	Installation of lift	\$	4,000.00	\$ 146,000.00	\$	150,000.00
75 Keppel Street, Bathurst	Removal of signage and external painting	\$	1,000.00	\$ 1,288.00	\$	2,288.00
116 William Street, Bathurst	Restore and repair 17 windows	\$	4,500.00	\$ 9,598.82	\$	14,098.82
46 George Street, Bathurst	Roof replacement with Bristile Curvado tiles	\$	5,000.00	\$ 10,000.00	\$	15,000.00
195 Russell Street, Bathurst	Repoint brickwork and chimneys, repair gables and paint	\$	3,000.00	\$ 7,000.00	\$	10,000.00
113 Keppel Street	Timber restoration and repainting to front and side walls.		\$2,000	\$11,418.50	\$	13,418.50
79 Keppel Street	Repaint roof and awning	\$	500.00	\$ 710.00	\$	1,210.00
	TOTAL	\$	27,000.00	\$ 263,077.32	\$	290,077.32

## Intrepretation Fund 2017/18

1 of 1

				To	tal Paid by	Tota	l Project
Project Address	Project Description	Gra	ant Paid	Ар	plicant	Cost	t - T
St Joseph's Convent, Perthville	Installation of signage on Heritage Centre and production update of DVD "Enriching Lives"	\$	1,000.00	\$	1,576.20	\$	2,576.20
3458 Hill End	Permanent exhibition at History Hill incorporating the Holtermann Collection photos and						
Road, Hill End	reference maps	\$	3,000.00	\$	2,000.00	\$	5,000.00
3458 Hill End Road, Hill End	Republication of 1000 copies Hill End Hearsay, 3rd Edition	\$	1,500.00	\$	15,847.00	\$	17,347.00
3458 Hill End Road, Hill End	Republication of 1000 copies of Hill End Gold, 3rd Edition	\$	1,500.00	\$	12,856.00	\$	14,356.00
Bathurst	Bathurst Artisans Trades Trail video production	\$	715.00	\$	785.00	\$	1,500.00
Bathurst	Building Bathurst Book	\$	2,000.00	\$	3,999.00	\$	5,999.00
White Rock Road, White Rock	Installation of a sign promoting information and history of White Rock	\$	2,000.00	\$	1,974.00	\$	3,974.00
Bathurst	First Ten Settlers	\$	1,500.00	\$	5,214.00	\$	6,714.00
Hill End & Tambaroora	Using Ground Penetrating Radar to locate remains in Tambaroora Cemeteries	Ť	.,	· ·	-,		,
Gathering Group.	and record information	\$	3,000.00	\$	20,160.00	\$	23,160.00
	TOTAL	\$	16,215.00	\$	64,411.20	\$	80,626.20

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# **Bathurst Regional Council**

# **Bathurst Regional**

# **Development Control Plan 2014**

Adopted: 16 December 2013

Effective: 19 November 2014

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Bathurst Regional Development Control Plan 2014

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# 1 PRELIMINARY

This Plan provides details and criteria for assessing Development Applications in the Bathurst Region. The Development Control Plan (DCP) should be read in conjunction with the Bathurst Regional Local Environmental Plan 2014 (LEP).

# 1.1 NAME OF PLAN

This Plan is called the Bathurst Regional Development Control Plan (DCP) 2014.

# **1.2 EFFECTIVE DATE**

This Plan shall take effect on 19 November 2014 by adoption of the Resolution of Council dated 16 December 2013.

This Plan has been amended as outlined in section **1.8**.

# **1.3** LAND TO WHICH THIS PLAN APPLIES

This Plan applies to all land in the Bathurst Regional Local Government Area (LGA).

# **1.4** RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This Plan controls development under the Bathurst Regional Local Environmental Plan 2014 (LEP).

# 1.5 AIMS/OBJECTIVES OF THIS PLAN

The aim of this Plan is to allow detailed provisions to be made to control and guide development and subdivision within the Bathurst Regional LGA. The objectives of this Plan relating to different types of development are included in the relevant sections of this Plan.

# 1.6 DEFINITIONS

This Plan adopts the definitions under the Bathurst Regional Local Environmental Plan 2014, those definitions listed in the various sections of this Plan and the definitions listed below.

**Development Control Plan (DCP) Map** means the series of maps listed in the table to section **1.10.1** of this Plan, held in the office of Council.

# 1.7 DEPARTURES

Council may give consideration to an application which departs from one or more requirements of this Plan.

Consent must not be granted unless Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- a) that compliance with the requirement(s) of this Plan is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient environmental planning grounds to justify the departure from this Plan.

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Consent must not be granted unless Council is satisfied that:

- a) the applicants written request has adequately addressed the matters outlined above, and
- b) the proposed development will be in the public interest because it is consistent with the relevant objectives of this Plan and the objectives for development within the zone under the LEP.

#### **1.8** SAVINGS PROVISION RELATING TO DEVELOPMENT APPLICATIONS

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

A reference to an application in the paragraph above is a reference to a development application, an application to modify a development consent or an application to review a determination of a development application or to review an application to modify a development consent.

#### **1.9 AMENDMENTS TO THIS PLAN**

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
1	17 September 2014	19 November 2014	Section 3.4.6 and Map No. 4	Identification of collector road network from the Kelso Traffic Access Study.
2	17 July 2015	18 July 2015	Section 2	Alterations to the advertising and notification of Development Applications.
3	18 March 2015	21 March 2015	Section 10.9 and Map No. 35	<ol> <li>New section 10.9.2 Bathurst Early Government Settlement (1815- 1840) Sensitive Lands</li> <li>New Map No 35 Bathurst Early Government Settlement (1815- 1840) Sensitive Lands Map.</li> <li>Update and renumber Section 10.9 Archaeological permits.</li> </ol>
4	18 March 2015	21 March 2015	Map No. 4 - Kelso	Removing the 'School' special use from Lot 45 DP 1172067
5				Alec Lamberton Field – Not adopted
6	20 April 2016	30 April 2016	Map No. 8 – Gateway Enterprise Park	Reducing the Riparian Corridor width from 30 metres to 20 metres along Raglan Creek.
7	21 September 2016	1 October 2016	Map No. 5 – Windradyne, Llanarth & Abercrombie	The amendment of the open space corridor on the eastern side of Sawpit Creek to match the new zone boundaries and to amend the

This Plan has been amended as outlined in the table below.

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Bathurst Regional Development Control Plan 2014						
Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:		
			Schedule 6 – Residential Precincts	Residential Precinct boundary to match the new residential zone boundary.		
8	20 July 2016	1 October 2016	Map No. 3 – Eglinton Schedule 6 – Residential Precincts	The amendment of the open space corridor to match the new zone boundaries and to amend the Residential Precinct boundary to match the new residential zone boundary.		
9	19 October 2016	2 December 2016	Section 3.5 Section 6.9 Section 6.14 Schedule 1 Map 14	Include development control provisions for the extended Blue Ridge Estate in terms of buffers, road access, building heights, access to services and protection of a heritage item.		
10	14 December 2016	17 December 2016	Chapter 15 Crime Prevention	Update the CPTED referrals as requested by the NSW Police.		
11	14 December 2016	17 December 2016	Chapter 4 Section 4.4.1 Section 4.4.2	Garages - dual occupancy and multi unit developments, include provisions to improve the streetscape presence of dual occupancy developments, particularly in new suburban locations.		
12	15 March 2017	15 March 2017	Chapter 4 Section 4.5	Update applicable precincts in Chapter 4.		
			Chapter 10 Section 10.11	Include provisions to link Councils Main Street Studies to the DCP. Reflect the waiving of application fees		
			Chapter 12 Section 12.2 Map No. 35 – Bathurst Early Government Settlement Map	for signage. Update Map 35 to include No. 20 George Street Bathurst.		
13	27 September 2017	30 September 2017	Map No. 22 – Hill End Archaeology	Update Map No. 22 to include the findings of the Archaeological Management Plan for privately owned land in Hill End.		
14	15 November 2017	18 November 2017	Section 5.11 Chapter 13 Map No. 8 – Gateway Enterprise Park & Adrienne Street Industrial Area	Update Map No. 8 to include additional land to the East. Introduce provisions relating to development and subdivision of the land. Include landscaping provisions relating to the additional land covered by the amended DCP Map.		

	Bathurst Regional Development Control Plan 2014						
Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:			
15	21 March 2018	13 April 2018	Map No. 3 – Eglinton Map No. 4 – Kelso	The amendment of open space, residential and rural areas on the DCP Maps to ensure the LEP and DCP maps are consistent with each other.			
			Map No. 5 – Windradyne, Llanarth & Abercrombie				
			Map No. 15 – Robin Hill				

The final lot layouts shown on any DCP Map under this Plan are indicative only and may change as part of a Development Application.

# 1.10 How to use this Development Control Plan

This Plan provides a layered approach – some parts are relevant to all development, some to specific types of development and some to specific land.

Section No.	Section Heading	What That Section Does?	Land to which Section applies
1	Preliminary	Sets out the administrative details and setting of the Plan.	All land.
2	Exhibition and Notification of Development Applications	Sets out the procedures for the exhibition and notification of Development Applications.	All land.
3	Subdivision of land	Sets out the objectives and development standards for the subdivision of land.	All land.

The following table provides a summary of each section of this Plan.

4

	Bathurst Regional Development Control Plan 2014				
Section No.	Section Heading	What That Section Does?	Land to which Section applies		
4	Residential Development	Sets out the objectives and development standards for different types of residential development.	Land within zones: <b>R1</b> - General Residential <b>R2</b> – Low Density Residential <b>B1</b> – Neighbourhood Centre <b>B3</b> - Commercial Core <b>RU5</b> - Village		
5	Business and Industrial Development	Sets out the objectives and development standards for business and industrial developments.	Land within zones: <b>B1</b> – Neighbourhood Centre <b>B3</b> – Commercial Core <b>B5</b> – Business Development <b>IN1</b> – General Industrial <b>R1</b> – General Residential <b>R2</b> – Low Density Residential <b>RU5</b> – Village		
6	Rural and Rural Lifestyle Development	Sets out the objectives and development standards for rural and rural lifestyle developments.	Land within zones: <b>RU1</b> – Primary Production <b>RU2</b> - Rural Landscape <b>RU4</b> – Primary Production Small Lots <b>R5</b> – Large Lot Residential <b>E4</b> – Environmental Living		
7	Rural Village Development	Sets out the objectives and development standards for rural village development.	Land within zones: <b>RU5</b> – Village		

	Bathurst Regional Development Control Plan 2014				
Section No.	Section Heading	What That Section Does?	Land to which Section applies		
8	Mount Panorama and Environs	Sets out the development standards and requirements for land in the Mount Panorama Precinct.	Mount Panorama – see DCP Map No. <b>28</b>		
9	Environmental Considerations	Sets out the objectives and environmental considerations for development, including standards and design principles relating to environmentally sensitive lands, flooding, bushfire prone land, sustainable building design, contaminated land and energy efficiency.	All land.		
10	Urban Design and Heritage	Sets out the urban design principles and heritage considerations for development.	All land, particularly lands within a heritage conservation area or land which contains a heritage item.		
11	Outdoor Lighting	Sets out the objectives and development standards for outdoor lighting for different types of developments.	All land.		
12	Signage and Colour Schemes	Sets out the objectives and development standards for advertising signage and colour schemes.	All land.		
13	Landscaping and Greening	Sets out landscaping and greening requirements for different types of development.	All land.		
14	Parking	Sets out the car and bicycle parking objectives and development standards for different types of developments.	All land.		
15	Crime Prevention	Sets out design principles to minimise the potential for crime for certain types of developments.	All land.		

Bathurst Regional Development Control Plan 2014			
Section No.	Section Heading	What That Section Does?	Land to which Section applies
16	Earthworks	Sets out standards relating to cut or fill of land.	All land.

# 1.10.1 DCP Maps

This Plan also includes the series of DCP Maps listed in the table below which illustrate controlled land use areas and land management areas as they relate to this Plan. The table below summarizes the name of each Map and the section of this Plan to which that Map applies.

Name of DCP Map	Section of DCP Where Referenced
Map No. <b>1</b> - Raglan	4. Residential Development
Map No. <b>2</b> – Perthville	4. Residential Development
Map No. <b>3</b> - Eglinton	4. Residential Development
Map No. <b>4</b> – Kelso	4. Residential Development
Map No. <b>5</b> – Windradyne, Llanarth and Abercrombie	4. Residential Development
Map No. <b>6</b> - Neighbourhood Shopping Centres	5. Business and Industrial Development
Map No. <b>7</b> – Section 10	5. Business and Industrial Development
Map No. 8 – Gateway Enterprise Park	5. Business and Industrial Development
Map No. 9 – Service Trade Centre	5. Business and Industrial Development
Map No. <b>10</b> – Stockland Drive	5. Business and Industrial Development
Map No. 11 – Sydney Road Precinct (North)	5. Business and Industrial Development
Map No. <b>12</b> – Hampden Park Road (East)	5. Business and Industrial Development
Map No. <b>13</b> – Esrom Street	5. Business and Industrial Development
Map No. <b>14</b> – White Rock	6. Rural and Rural Lifestyle Development
Map No. <b>15</b> –Robin Hill	<ol> <li>Rural and Rural Lifestyle Development</li> </ol>
Map No. <b>16</b> – Trunkey Creek	<ol> <li>Rural and Rural Lifestyle Development</li> </ol>
	7. Rural Village Development

Name of DCP Map	Se	ction of DCP Where Referenced
Map No. <b>17</b> – The Lagoon	6.	Rural and Rural Lifestyle Development
Map No. <b>18</b> – Wattle Flat	6.	Rural and Rural Lifestyle Development
	7.	Rural Village Development
Map No. <b>19</b> – Mount Rankin	6.	Rural and Rural Lifestyle Development
Map No. <b>20</b> – Mount Haven Estate	6.	Rural and Rural Lifestyle Development
Map No. <b>21</b> – Hill End	7.	Rural Village Development
Map No. 22 – Hill End Archaeology	7.	Rural Village Development
Map No. <b>23</b> – Sofala	7.	Rural Village Development
Map No. <b>24</b> – Rockley	7.	Rural Village Development
Map No. <b>25</b> – Georges Plains	7.	Rural Village Development
Map No. <b>26</b> – Peel	7.	Rural Village Development
Map No. 27 – Yetholme	7.	Rural Village Development
Map No. <b>28</b> – Mount Panorama	8.	Mount Panorama and Environs
Map No. 29 – Land Resources	9.	Environmental Considerations
Map No. 30 – Riparian land and Waterways	9.	Environmental Considerations
Map No. <b>31</b> – Biodiversity	9.	Environmental Considerations
Map No. 32A – Havannah Street Area	9.	Environmental Considerations
Map No. 32B – Morrissett Street Area	9.	Environmental Considerations
Map No. 32C – Kelso Industrial Area	9.	Environmental Considerations
Map No. 32D – Stockland Drive Area	9.	Environmental Considerations
Map No. 32E – Upfold Street Area	9.	Environmental Considerations
Map No. 32F – Gilmour Street Area	9.	Environmental Considerations
Map No. 32G – Carlingford Street Area	9.	Environmental Considerations
Map No. <b>33</b> – Chifley Memorial Housing Estate – West Bathurst	10.	Urban Design and Heritage
Map No. <b>34</b> – Central Business District (CBD)	14.	Parking

# Bathurst Regional Development Control Plan 2014

# 1.10.2 LEP Provisions

Reference should also be made to the LEP. In particular the following Clauses and associated LEP Maps may be relevant to a development proposal.

Clause No.	Clause Heading	What That Clause Does?
2.1	Land use zones	Sets out the different types of development that are permissible and prohibited in different zones.
2.6	Subdivision – consent requirements	Sets out consent provisions for subdivision.
2.7	Demolition Requires consent	Requires consent for the demolition of a building or work.
3.1	Exempt Development	Sets out, in conjunction with Schedule <b>2</b> of the LEP, when development may be considered exempt from the need to obtain development consent.
3.2	Complying Development	Sets out, in conjunction with Schedule <b>3</b> of the LEP, when development may be considered as complying development.
4.1	Minimum Subdivision Lot Size	Sets out the minimum lot size for the subdivision of land for the purposes of a dwelling house for various zones and localities.
		Note: This clause should be read in conjunction with the Lot Size Map.
4.1AA	Minimum subdivision lot size for community title schemes	Sets out the minimum lot size requirements for zones RU1, RU2, RU4 and R5 involving a community title subdivision.
4.1A	Minimum subdivision lot size for strata schemes in certain rural and residential zones	Sets out the minimum lot size requirements for zones RU1, RU2, RU4 and R5 involving a strata scheme subdivision.
4.1B	Minimum lot sizes for dual occupancy, multi dwelling houses and residential flat buildings	Sets out the minimum lot size requirements for dual occupancy, multi dwelling housing and residential flat buildings within zones R1 & R2.
4.2	Lot size exceptions for certain rural subdivisions	Provides flexibility in the application of standards for rural subdivision to allow land to be subdivided for the purposes of primary production.
4.2A	Rural subdivision for purposes other than agriculture or a dwelling house	Permits subdivision of land in the rural zones for uses (other than dwellings) permitted by a development consent.
4.2B	Erection of dwelling houses on land in certain rural zones	Sets out minimum lot size standards for the erection of dwelling houses in zones RU1, RU2 and RU4.
		<u>Note:</u> This clause should be read in conjunction with the Lot Size Map.

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Clause No.	Clause Heading	What That Clause Does?	
4.2C	Erection of rural workers' dwellings on land in Zone RU1	Sets out certain requirements for the erection of rural workers' dwellings in zone RU1.	
4.2C	Boundary changes between certain rural and environmental protection zones	Sets out circumstances whereby exceptions to development standards can be considered.	
4.3	Height of Buildings	Sets out the maximum height limits for buildings on certain locations. <u>Note:</u> This clause should be read in conjunction with the Height of Buildings Map.	
4.4	Floor Space Ratio	Sets out the maximum floor space ratios for business and industrial development. <u>Note:</u> This clause should be read in conjunction with the Floor Space Ratio Map.	
4.5	Calculation of floor space ratio and site area	Sets out the method for calculating the floor space ratios for business and industrial development.	
4.6	Exceptions to development standards	Sets out circumstances whereby exceptions to development standards can be considered.	
5.4	Controls relating to miscellaneous permissible uses	Sets out provisions relating to miscellaneous permissible uses, including the following uses: Bed and Breakfast Accommodation Home Businesses Home Industries Industrial Retail Outlets Farm Stay Accommodation Kiosks Neighbourhood Shops Roadside Stalls Secondary Dwellings	
5.9	Preservation of trees or vegetation	Sets out the provisions for the preservation of trees or vegetation.	
5.9AA	Trees or vegetation not prescribed by Development Control Plans	Permits the removal of trees and vegetation without consent that are not prescribed in this Development Control Plan or subject to Clause 5.10 of the LEP.	

Clause No.	Clause Heading	What That Clause Does?
5.10	Heritage conservation	Sets out the provisions for heritage conservation on certain lands and types of development, including heritage incentives and demolition of buildings. <u>Note:</u> This clause should be read in conjunction with the Heritage Map.
5.13	Eco-tourist facilities	Sets out the provisions for eco-tourist facilities on certain land.
7.1	Flood Planning	Sets out provisions in relation to land within the flood planning area. <u>Note:</u> This clause should be read in conjunction with the Flood Planning Map.
7.2	Bush fire prone land	Sets out provisions when development consent is required on bush fire prone land in zones RU1, RU2, RU4, RU5 and E4.
7.3	Airspace operations	Sets out provisions in relation to the height of buildings/structures on land in proximity to the Bathurst Airport. <u>Note:</u> This clause should be read in conjunction with the Obstacle Limitation
		Surface (OLS) and Procedures for Air Navigation Systems Operations Surfaces (PANS-OPS) Maps.
7.4	Development in areas subject to aircraft noise	Sets out provisions in relation to building requirements and airport noise. <u>Note:</u> This clause should be read in conjunction with the Noise Exposure Forecast Map.
7.5	Essential services	Sets out provisions for providing adequate water, electricity, sewage, storm water and road access on any land.
7.6	Mount Panorama Environs	Sets out provisions to ensure that new development at Mount Panorama accounts for potential noise and land use conflict with motor racing.
		<u>Note:</u> This clause should be read in conjunction with the Mount Panorama Environs Map.
7.7	Mount Panorama – Tourist and Visitor accommodation and Eco-tourist facilities	Sets out provisions for the permissibility of tourist and visitor accommodation and eco-tourist facilities in the form of a dwelling house in the Mount Panorama Precinct within zone RU2.
7.8	Mount Panorama – Commercial Motor Race Hosting	Defines and prohibits commercial motor race hosting except on land zoned SP3 Tourist.

# Bathurst Regional Development Control Plan 2014

Clause No.	Clause Heading	What That Clause Does?
7.9	Conservation Incentives – Heritage Conservation Areas	Sets out the provisions for heritage incentives in heritage conservation areas. <u>Note:</u> This clause should be read in conjunction with the Heritage Map.
7.10	Signage	Sets out the provisions for the placement and use of certain signage.
7.11	Subdivision of land in DP 270159, Mount Haven Estate, Meadow Flat	Sets out provisions for subdivision at the Mount Haven Estate.
7.12	Former Bathurst Gasworks Site	Sets out special provisions relating to the former Bathurst Gasworks site, being part Lot 8, Section 104, DP 758065.
7.13	Location of sex services premises	Sets out the siting limitations for Sex Services Premises to areas where children do not congregate.

# 1.11 ENQUIRES AND ADDITIONAL INFORMATION

There is a duty Town Planner and Health and Building Surveyor available at the Environmental Planning and Building Services Department of Council (in person and via telephone) between 8.30 am and 4.45 pm weekdays (public holidays excluded) for enquiries.

# ABBREVIATIONS

CC	Construction Certificate
CMP	Conservation Management Plan
CWCMA	Central West Catchment Management Authority
DA	Development Application
DCP	Bathurst Regional Development Control Plan 2014
EEC	Endangered Ecological Community
EP&A Act	Environmental Planning and Assessment Act 1979
FIA	Flood Impact Assessment
LEP	Bathurst Regional Local Environmental Plan 2014
LGA	Local Government Area
MHRDC	Maximum Harvestable Right Dam Capacity
NCC	National Construction Code (formerly the Building Code of Australia (BCA))
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Service (formerly the Roads and Traffic Authority)
SEPP	State Environmental Planning Policy
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
TSC Act	Threatened Species Conservation Act 1995

# 2 EXHIBITION AND NOTIFICATION OF DEVELOPMENT APPLICATIONS

## 2.1 PRELIMINARY

# 2.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

# 2.1.2 Objectives

- a) To define development that is either exhibited or notified development.
- b) To outline the procedures for exhibited and notified development.
- c) To outline other relevant procedures for development applications.

# 2.2 EXHIBITED DEVELOPMENT

# 2.2.1 What is Exhibited Development?

Development which is required to be exhibited upon receipt of an application is referred to as *Exhibited Development*.

Exhibited development includes the following:

- a) In respect of land within Zone **R1** General Residential, Zone **R2** Low Density Residential or Zone **RU5** Village, development for the purpose of:
  - i) Tourist and visitor accommodation (other than bed and breakfast or farm stay accommodation); or
  - ii) Correctional centres, or
  - iii) Home industries, or
  - iv) Making alterations or additions to a building the use of which is lawful only because it is an existing use, or
  - v) Registered clubs.
- b) In respect of **all land**, development for the purpose of:
  - i) Amusement centres, or
  - ii) Attached dwellings, or
  - iii) Boarding houses, or
  - iv) Cellar door premises, or
  - v) Home occupation (sex services), or
  - vi) Hostels, or
  - vii) Multi-dwelling housing, or

- viii) Pubs, or
- ix) Bottle shops, or
- x) Residential flat buildings, or
- xi) Restricted premises; or
- xii) Seniors housing, or
- xiii) Sex services premises, or
- xiv) Small bars
- xv) The demolition of a heritage item, or
- xvi) The demolition of a work, relic or place within a Heritage Conservation Area; or
- The use of a building or land referred to in Clause 5.10 (10) –
   Heritage Conservation or Clause 7.5 Conservation Incentives
   Heritage Conservation Areas of the LEP for a purpose that, but for those clauses, would have been prohibited under the LEP.

Development listed in xv) and xvi) above is not exhibited development if it involves the partial demolition of a heritage item or the demolition of a building or work within a Heritage Conservation Area if, in the opinion of Council, the partial demolition or demolition will be of a minor nature and will not adversely affect the environmental heritage of the Bathurst Region.

# 2.2.2 The public exhibition process

The Council must not determine an application for Exhibited Development described in section **2.2.1** above unless the application has undergone the public exhibition process as outlined below.

Before determining an application referred to in section **2.2.1**, the Council must:

- a) make the application publicly available for a period of at least 14 days (public holidays excluded) at the offices of the Council,
- b) give public notice of the exhibition at the commencement of the period referred to in paragraph a) in a newspaper circulating in the locality,
- c) give notice to owners of directly adjoining land of the Application identified in Council records as the owners, at the commencement of the period referred to in paragraph a). The notification will contain the following information:
  - i) the address of the development site,
  - ii) a description of the building work and/or its proposed use,
  - iii) the name of the applicant,
  - iv) where and when the plans can be inspected,

- v) the time period within which submissions may be made (14 days for exhibited development), and
- vi) that the substance of written submissions may be included in reports and be available for the applicant to consider, and
- d) take into consideration any submission lodged during that period in respect of the proposed development.

# 2.3 NOTIFIED DEVELOPMENT

# 2.3.1 What is Notified Development?

Public notification of development applications will occur in situations in addition to those provided in Section 2.2.

Development, other than Exhibited Development, which is required to be notified to one or more adjoining land owners is referred to as Notified Development.

#### 2.3.1.1 Development Applications that will be notified in the R1 General Residential and R2 Low Density Residential zones

In the **R1** General Residential and **R2** Low Density Residential, Council will give notice to owners of adjoining land of a Development Application for the following types of development:

- a) A dwelling house, dual occupancy, secondary dwelling or group home which contains a two storey component,
- b) Alterations and additions to an existing single storey dwelling, secondary dwelling or group home to create a second storey,
- c) Alterations and additions to the second storey of a dwelling, secondary dwelling or group home within 2 metres of the side or rear boundary,
- d) Shop top housing,
- e) Retaining walls greater than 1.2 metres in height <u>and</u> located within 1.2 metres of the side or rear boundary.
- f) Sheds and garages with a floor area greater than either:
  - i) 45 sqm in a Heritage Conservation Area or
  - ii) 60 sqm in all other R1 or R2 zoned land.
- g) Transportable dwellings in the Bathurst or West Bathurst heritage conservation area.
- h) Garages, sheds and carports, within the Bathurst and West Bathurst Heritage Conservation Areas, forward of the established front or side building alignment for the development site.
- i) New infill dwellings which address a street frontage within the Bathurst and West Bathurst Heritage Conservation Areas.

Heights are to be measured from ground level (existing) being the existing level of a site at any point prior to any work being undertaking.

Note:

A *storey* means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a) a space that contains only a lift shaft, stairway or meter room, or
- b) a mezzanine, or
- c) an attic.

#### 2.3.1.2 Development Applications that will NOT be notified in the R1 General Residential and R2 Low Density Residential zones

In the **R1** General Residential and **R2** Low Density Residential zones a development application for the following types of development will **NOT** be notified.

- Subdivision of land
- Single storey dwelling house, dual occupancy, secondary dwellings or group home
- Single storey additions to a dwelling house, dual occupancy, secondary dwelling or group home
- Swimming pools
- Ancillary structures including carports, garages/sheds (other than those noted in Section 2.3.1.1), outbuildings, rainwater tanks, fences and freestanding patios, pergolas, studios and the like.
- Retaining walls less than 1.2 metres in height.

Heights are to be measured from ground level (existing) being the existing level of a site at any point prior to any work being undertaking.

# Note: Where a development application includes elements which are both notified and non-notified, the whole of the application shall be notified development.

#### 2.3.1.3 Other Notified Development in all zones

A decision on whether a Development Application (other than for development of the kind referred to in Section 2.3.1.1 and 2.3.1.2) will be notified will be dependent on a number of factors which will require inspection of the plans relating to the development application.

Council will give notice to owners of adjoining land of such a Development Application where it considers that the development may have a material adverse impact upon:

a) the views to and the views from surrounding land,

- b) overshadowing of adjoining land,
- c) the privacy of surrounding land, or
- d) noise transmission to the surrounding land, or

e) the visual impact of the proposed development in relation to the streetscape.

Adjoining properties unlikely to be materially adversely affected by the proposed development will not be notified.

# 2.3.2 Who will be notified?

Except as noted below written notice of a notified Development Application will be given to the owners of land directly adjoining the land on which the development is intended to occur.

For the purposes of determining what is adjoining land, Council will generally exclude land which is separated by a road, pathway or other significant feature.

Notice under Section 2.3.1.3 will only be provided to those directly adjoining land considered to be materially adversely affected.

Notice to the owners of adjoining land means written advice of the making of a development application, including the time and location at which the documents may be inspected, forwarded by ordinary post to the owner of the adjoining property as identified in Council's property records at the time of lodgment of the development application.

<u>Note:</u> In the case of the adjoining land being part of a strata plan, notification will be given to the Body Corporate only.

# 2.3.2.1 Wider notification

Upon receipt of a Development Application, Council will consider a wider notification area if it considers the proposed development will likely have a wider zone of influence and it is likely that notification of the application will be in the public interest.

# 2.3.3 In what form will notification occur?

The notification will contain the following information:

- i) the address of the development site,
- ii) a description of the building work and/or its proposed use,
- iii) the name of the applicant,
- iv) where and when the plans can be inspected,
- v) the time period within which submissions may be made (10 days for notified development), and
- vi) that the substance of written submissions may be included in reports and be available for the applicant to consider.

# 2.3.4 Notification in the Village of Hill End

Notwithstanding Section 2.3.1.3 all Development Applications received for land within the Heritage Conservation Area of the Village of Hill End will be notified as follows:

a) to the Hill End and Tambaroora Progress Association and the Hill End National Parks and Wildlife Office in accordance with section 2.3.3 above.

# **2.4 AMENDED APPLICATIONS**

An amended application is an application where the applicant provides amended plans to Council <u>prior</u> to the determination of the Development Application.

# 2.4.1 Where an Application is amended before it is determined:

- a) The application will be re-exhibited or re-notified if it is considered that there will be additional or significantly altered likely environmental impact.
- b) If it is considered that, as a result of the amendment, the potential to increase the environmental impact is the same or reduced, the development application will not be re-exhibited or re-notified.
- c) The notification period may be reduced at the discretion of Council.
- 2.4.2 If an application is withdrawn and a subsequent application is made, the new application will be exhibited or notified in accordance with this DCP, as if the previous application had not been made.

# 2.5 APPLICATIONS FOR MODIFICATION OF A DEVELOPMENT CONSENT (SECTION 96 APPLICATIONS)

After development consent has been issued, the original applicant or anyone entitled to act on the applicants behalf can apply to Council for approval to modify the development consent. This is referred to as a modified application.

a) The following table outlines the notification requirements for modifications of development consents which, as development applications, were either exhibited or notified development.

Application type	Exhibition/Notification requirements
Section 96(1) Modifications involving minor error, mis-description or miscalculation.	Applications will not be notified.
Section 96(1A) Modifications involving minimal environmental impact.	Applications will generally not be notified. However if, in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, Council may notify the proposed modification in accordance with section <b>2.3</b> .

Application type	Exhibition/Notification requirements
Section 96(2) Other modifications, including applications which cause increased environmental impact.	Applications received under Section 96(2) of the EP&A Act will be exhibited and notified for a maximum of 14 days. All persons who made a submission to the previous Development Application will be notified in accordance with this Plan.
Section 96(AA) Modification by consent authorities of consents granted by the Court.	Applications received under Section 96(AA) of the EP&A Act in respect of a Development Application determined by the Land and Environment Court will be notified and exhibited as per the Section 96(1A) modifications above.

<u>Note</u>: The Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Act Regulation 2000 specify additional advertising and notification procedures for Section 96(2) Modification applications.

# 2.6 **REVIEW OF DETERMINED APPLICATIONS (SECTION 82A APPLICATIONS)**

Applications under Section 82A of the EP&A Act are to be re-notified to persons who previously made a submission where the Development Application is amended in a material way and Council considers that the development is likely to have the potential to increase the adverse impact than the development as it was previously considered.

# 2.7 SUBMISSIONS

Any submissions made in respect to either exhibited or notified development applications are to be in writing and should be addressed to the General Manager of Bathurst Regional Council.

All submissions must clearly indicate the name and address of the person making the submission and should relate directly to the work proposed and its possible impact on the surrounding property or locality.

All submissions are to be received by Council by the closing date otherwise such submissions may not be considered as part of Council's assessment of the development application.

Comments received from members of the public will be considered in conjunction with Council's legal responsibilities, the interests of the community at large and the reasonable expectations and rights of the applicant.

The making of any submission is entirely voluntary. Personal information provided in submissions may be disclosed to Councillors, Council staff, the developer and the public in order to assist the assessment of a Development Application. The submission including personal information may appear on Council's website.

Written submissions cannot remain confidential and may be:

a) referred to the applicant as they may be used to assist in negotiations with the owner/applicant of the proposal,

- b) the subject of Freedom of Information requests (under the Government Information (Public Access) Act 2009),
- c) included in Council business papers; and
- d) included in Council's publically available Development Application tracking system on its website.

Where a negative submission/s is received to an application, the applicant and those persons who have lodged submissions will be invited to attend a negotiation meeting with Council's Director, Environmental Planning and Building Services. Where a resolution cannot be reached with respect to an objection, the application may be referred to the next Council meeting for a determination by Council.

Where a significant number of negative submissions are received and/or the issues raised in submissions so warrant, the Director, Environmental Planning and Building Services may refer the matter to a Council Discussion Forum instead of a negotiation meeting. Such applications will be referred to the next Council meeting for a determination by Council.

#### **2.8 EXTERNAL REFERRALS**

# 2.8.1 National Trust

Development applications involving individual buildings listed in the National Trust Register will be referred to the Bathurst Branch of the National Trust for its immediate consideration (generally 14 days). In determining these applications, Council will give consideration to the comments made by the National Trust.

# 2.9 ADVERTISING OVER THE CHRISTMAS PERIOD

Where possible and with the written agreement of the applicant, exhibited development will not be placed on public exhibition the week (or part thereof) immediately before and after the Christmas/New Year period. Where this is not possible, the exhibition period will be extended to allow for a longer exhibition period as may be considered reasonable by Council.

# 2.10 DEVELOPMENTS EXCLUDED FROM THIS SECTION

This Plan does not relate to applications that fall within the following categories:

- a) Designated Development within the meaning of the Environmental Planning and Assessment Act 1979.
- b) Nominated Integrated Development within the meaning of the Environmental Planning and Assessment Regulation 2000.
- c) Development which is exempt development under the provisions of Clause
   3.1 Exempt Development of the LEP and or any applicable State
   Environmental Planning Policy.
- d) Development which is complying development under the provisions of Clause 3.2 Complying Development of the LEP and or any applicable State Environmental Planning Policy.
- e) State Significant Development within the meaning of the Environmental Planning and Assessment Act 1979.



f) Any development which requires public exhibition under a State Environmental Planning Policy (SEPP).

# 3 SUBDIVISION OF LAND

# 3.1 PRELIMINARY

# 3.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

# 3.1.2 Objectives

- a) To ensure that all essential services are provided to new allotments.
- b) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality.
- c) To ensure safe and efficient road and footpath environments are provided for motorists, public transport, cyclists and pedestrians.
- d) To minimise disturbance to the natural environment and to minimise damage from natural hazards.
- e) To ensure that lots created are environmentally sustainable.
- f) To provide specific development standards for different types of subdivision.

# 3.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed hereunder.

Medium Density Housing	Means development for the purpose of any of the following as defined in the LEP:				
	Dual occupancy,				
	Semi detached dwelling,				
	Attached dwelling,				
	Multi dwelling housing, or				
	Residential flat building.				
	Medium density housing does <b>not</b> include development for the purpose of a dwelling house or a secondary dwelling (granny flat).				

# 3.2 MINIMUM LOT SIZE – SUBDIVISION OF LAND FOR THE ERECTION OF A DWELLING HOUSE

# 3.2.1 Bathurst Regional Local Environmental Plan 2014

Clauses **4.1 Minimum Subdivision Lot Size** and **4.2 Rural Subdivision** of the LEP and the associated Lot Size Maps establish the minimum lot sizes for the purposes of a dwelling house on lands (but not necessarily all lands) within the following Zones:

- **RU1** Primary Production
- **RU2** Rural Landscape
- **RU4** Primary Production Small Lots
- **R1** General Residential
- **R2** Low Density Residential
- **R5** Large Lot Residential
- **E4** Environmental Living

Clause 7.11 - Subdivision of land in DP 270159, Mount Haven Estate, Meadow Flat of the LEP sets out requirements for subdivision and the associated erection of dwelling houses at the Mt Haven Estate – DP270159 (within zone E4 – Environmental Living).

For lands within Zone **RU5** – Village not identified in Clause **4.1 Minimum Subdivision Lot Size** of the LEP, minimum lot size requirements for the subdivision of land for the purposes of a dwelling house are identified in section **3.2.2** of this Plan below.

Notwithstanding the minimum lot size requirements of the LEP and this Plan, land management areas identified on the relevant DCP Maps must also be complied with in regard to the subdivision of all lands and may impact on the subdivision and development potential of land.

# 3.2.2 Land in Zone RU5 – Village

**Development Standard** 

- a) Council shall not consent to the subdivision of land for the purposes of a dwelling house within Zone RU5 - Village where reticulated water and sewer services are <u>not</u> available unless the area of the allotment is no less than the total allotment size required by the table below.
- b) Council shall not consent to the subdivision of land for the purposes of a dwelling house within Zone **RU5** Village at the Village of Yetholme other than that permitted in Section **3.6** of this Plan.

Cor	nponents of the minimum lot size required	Land Area Required		
(1)	On-site effluent treatment system and disposal area.	<ul> <li>(1) The area of land determined by geotechnical report prepared by suitably qualified engineer x 2.</li> <li>This area must not include lar shown on any relevant DCP ma as an Environmental Protection Area (EPA).</li> </ul>		
(2)	Buffer areas (e.g. to drainage lines and property boundaries).	2) In accordance current vers Environmental Guidelines (see	ion of the Health Protection	

Components of the minimum lot size required	Land Area Required			
(3) House and Associated Activites	(3) 1000 square metres per dwelling. This area must not include land shown on any relevant DCP map as an Environmental Protection Area (EPA).			
Total Allotmer	nt Size Required			
Zone <b>RU5</b> - Village	Minimum lot size required = $(1) + (2) + (3)$ above.			
Village of Hill End (Zone <b>RU5</b> – Village)	Minimum lot size required = (1) + (2) + (3) above, OR 800m <sup>2</sup> , if written advice is provided to Council from the NSW Office of Environment and Heritage that the proposed lot is to be connected to the Hill End common effluent system. Note: No subdivision of land is permitted within Development Area A shown on DCP Map No. <b>21</b> – Hill End.			

<u>Note:</u> Land management areas identified on the relevant DCP Maps must also be complied with and may impact on the subdivision potential of land.

Minimum Buffer Distances for On-site Systems (source: Environmental Health Protection Guidelines On-Site Management Per Single Households)

System	Recommended Buffer Distances		
All land application systems	• 100m to permanent surface waters (e.g. river, streams, lakes etc).		
	• 250m to a domestic groundwater well.		
	<ul> <li>40m to other waters (e.g. farm dams, intermittent waterways and drainage channels, etc).</li> </ul>		
Surface spray irrigation	6m if area up-gradient and 3m if area down-gradient of driveways and property boundaries.		
	• 15m to dwellings.		
	3m to paths and walkways.		
	6m to swimming pools.		
Surface drip and trickle irrigation and subsurface irrigation	6m if area up-gradient and 3m if area down-gradient of swimming pools, property boundaries, driveways and buildings.		

Bathurst Regional Development Control Plan 2014					
System	Recommended Buffer Distances				
Absorption system	• 12m if area up-gradient and 6m if area down-gradient of property boundary.				
	• 6m if area up-gradient and 3m if area down-gradient of swimming pools, driveways and buildings.				

# 3.3 SUBDIVISION REQUIREMENTS: ALL ZONES

# 3.3.1 Electricity and telephone services

#### **Development Standards**

- a) Underground electricity and telephone services are to be provided to all new allotments in the City of Bathurst and the urban villages of Eglinton, Raglan and Perthville to the satisfaction of the relevant electricity authority and the appropriate telecommunications authority. Aboveground servicing can be provided for infill lots in established areas where services are already established aboveground.
- b) Aboveground electricity and telephone services are to be provided to all new allotments in rural areas, the rural villages (within Zone RU5 Village) and rural lifestyle locations (within Zone R5 Large Lot Residential) to the satisfaction of the appropriate electricity and telecommunications authorities. Where land is zoned R5 Large Lot Residential, and the development is (or is proposed to be) serviced by reticulated water and/or sewer systems, underground electricity and telephone services are to be provided to all allotments.
- c) Street lighting is to be provided or upgraded in accordance with Australian Standard 1158 to the satisfaction of the appropriate electricity authority, (refer also to section 11 – *Outdoor Lighting* of this Plan which outlines standards for street lighting in respect of the protection of the Dark Night Sky).
- d) Documentary evidence is to be provided to Council from the relevant authority that satisfactory arrangements have been made in respect of electricity and telephone services prior to the release of the subdivision certificate.

# 3.3.2 Roads

Roadwork Hierarchy, Classifications and Standards

a) The following classes of road have been adopted for use in areas administered by Bathurst Regional Council.

Class of Road	Max. No. of Dwellings Served	Equivalent Standard Axles	Frontage Access	Design Speed Environment (km/h)	
Residential					
Local Distributor	500-700	$1.0 \times 10^{7}$	Limited	60 - 80	
Collector	300	$6.0  imes 10^5$	Yes	60	

Bathurst Regional Development Control Plan 2014						
Class of Road	Max. No. of Dwellings Served	Equivalent Standard Axles	Frontage Access	Design Speed Environment (km/h)		
Local Access	100	$2.0 \times 10^{5}$	Yes	50		
Local Access (Open Space)	20	2.0 × 10 <sup>5</sup>	Yes	50		
Minor Cul-de-sac	15	$5.0  imes 10^4$	Yes	30		
Industrial	n/a	$1.0 \times 10^{7}$	Yes	40 - 60		
Rural	n/a	$1.0 \times 10^{7}$	Yes	80 -100		
Rural Residential and Rural Village	n/a	1.0 × 10 <sup>7</sup>	Yes	60		

(\* Not applicable to the RMS controlled road network).

<u>Note</u>: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

b) The following table outlines the requirement for the different classes of road edge treatments (kerb and gutter) as shown on Council's *Standard Drawing No. EN 7876*.

Road Edge Treatment	Used For:
1.0m wide sealed shoulder	Rural residential/rural village roads
	Rural roads
150mm high integral kerb and gutter	Local distributor roads
	Collector roads
	<ul> <li>Adjacent to public reserves</li> </ul>
Rollover kerb and gutter	Local access roads
Semi-mountable kerb	Adjacent to medians, traffic islands and
	roundabouts

(\* Not applicable to the RMS controlled road network).

<u>Note</u>: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

c) The following table outlines standard road widths for different types of developments.

		I			I	I		I
Class of Road	Width of Road Reserve	Footway Width	-	Traffic Lanes	Parking Lanes	Seal Width	Formation Width	Shoulder Width
Residential								
Local Distributor/ Industrial	22m	2/4.5m	13.0m	2/3.5m	2/3.0m			
Collector	20m	2/4.5m	11.0m	2/3.0m	2/2.5m			
Local Access (including cul-de- sac)	17m	2/4.5m	8.0m	2/3.0m	1/2.0m			
Local Access (Open Space)	10.5m	1/4.5m	6m	2/3.0m	-			
Rural Residential/Rural Village	20m		6.5m			8.5m	10.5m	2/2m
Rural*	20m		7.0m			9.0m	10.5m	2/2m
Pedestrian Facilities								
Pathway	4m		1.2m					
Cycleway	4m		2.5m					

(\* Not applicable to the RMS controlled road network).

<u>Note</u>: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

#### **Development Standards**

- a) A road system shall comply with the road hierarchy and classification and standards set out in tables (a), (b) and (c) above.
- b) The design and construction of roads and drainage shall be in accordance with Council's *Guideline to Engineering Works*.

# 3.3.3 Drainage

#### **Development Standards**

- a) The design and construction of all drainage works shall be in accordance with Council's *Guideline to Engineering Works*.
- b) Council shall only grant consent to the subdivision of land where drainage facilities required by that subdivision are immediately available to the land.

<u>Note:</u> In new release areas this may preclude the development of certain lands in the short to medium term. Enquires should be made to Council's Engineering Department for specific information.

# 3.3.4 Reticulated water and sewer

#### Development Standards

- a) All allotments created in the urban areas of Bathurst and the urban villages of Eglinton, Raglan and Perthville shall have a separate and distinct connection to Council's reticulated water and sewerage systems.
- b) Council shall only grant consent to the subdivision of land in the urban areas of Bathurst and the urban villages of Eglinton, Raglan and Perthville where reticulated water and sewer services required by that subdivision are immediately available to the land.

<u>Note:</u> In new release areas this may preclude the development of certain lands in the short to medium term. Enquiries should be made to Council's Engineering Department for specific information.

# 3.3.5 Rural water supply

This section is only relevant where a reticulated water service is **not** available to land.

#### Development Standards

a) An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations **not** connected to a reticulated water system as specified below.

#### Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as study's, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. bath, WC, laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

#### Domestic Dwellings - Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above, a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings. See section 4.1.3 of the Planning for Bush Fire Protection Guidelines (2006).

Development type	Water requirement
Residential lots (<1,000m <sup>2</sup> )	5,000 l/lot
Rural-residential lots (1,000 - 10,000m <sup>2</sup> )	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m <sup>2</sup> )	20,000 l/lot
Dual Occupancy	2,500 l/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only static water storage within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the Inner Protection Area (IPA) and away from the structure. A 65mm Storz outlet with a gate or ball valve is to be provided.
- Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.
- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

<u>Note:</u> Where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

# 3.3.6 Soil and Water Management (including erosion and sediment control measures)

### **Development Standards**

- a) For subdivisions with a disturbance area of less than 2500m<sup>2</sup>, development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For subdivisions with a disturbance area of greater than 2500m<sup>2</sup>, development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m<sup>2</sup>, Council will require the submission of a soil and water management plan prior to the commencement of any subdivision or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of <u>any</u> construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works must be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while earthworks are being completed, and until such time that the site is revegetated.

# 3.3.7 Natural environment

**Development Standards** 

- a) Where land is within Zone **RU1** Primary Production and is identified as:
  - i) a *sensitive land area* on DCP Map No. **29** Land Resources, and/or
  - ii) **sensitive waterways** on DCP Map No. **30** Riparian Land and Waterways, and/or
  - high or moderate biodiversity sensitivity on DCP Map No. 31 -Biodiversity of this Plan,

an environmental assessment is to be provided in accordance with section **9** – *Environmental Considerations* of this Plan. For all other lands, the development standards listed in (b) to (g) below apply.

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- b) A development application for subdivision is to locate and show as a minimum, (where applicable), key existing natural environmental features such as:
  - i) all existing tree and landscape features,
  - ii) existing natural drainage lines,
  - iii) existing farm dams, and
  - iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridge or hilltops).
- Note: (i) Land should not be cleared of trees before any development application has been determined.
  - (ii) The natural level of the land should not be altered before the development application for subdivision has been determined.
- c) In urban and village locations, lots are to be designed to allow for the erection of buildings on the site with minimal or no disturbance to existing trees and landscape features.
- d) In rural and rural lifestyle locations, lots are to be designed to allow for the erection of buildings on the site with minimal or no disturbance to existing native trees and landscape features, existing natural drainage lines, existing farm dams and environmentally sensitive land features.
- e) Where land to be subdivided has been filled, or is to be filled, the subdivider is to meet any additional engineering requirements as may be determined by Council's Engineering Department.

# 3.3.8 Landscaping

### **Development Standards**

- a) Council may only grant consent to the subdivision of land in the following circumstances, where it has considered a landscape plan in accordance with section **13** *Landscaping and Greening* of this Plan:
  - Subdivision of land which incorporates Agricultural Interfaces, Land Use Buffers, Major Road Buffers, Open Space, Vegetation Restriction and Environmental Protection Areas as identified on any relevant DCP map.
  - ii) Subdivision of land which creates or adjoins an arterial or subarterial road for which direct access to private properties will <u>not</u> be granted. A landscape plan is required for the road reserve adjacent to the arterial or sub-arterial road.
  - iii) Subdivision of land which may negatively impact upon the natural environment or protected or threatened flora and fauna species in the area.

b) Council will not release the subdivision certificate until vegetation in accordance with the approved landscape plan is planted and fenced (if required) to the satisfaction of Council.

# 3.3.9 Land contamination

# General Development Standards

- a) Where land to be subdivided is identified as being potentially contaminated from previous uses, the subdivider will be required to carry out an investigation in accordance with any relevant guidelines made under the Contaminated Land Management Act 1997 (CLM Act).
- b) The investigation is to consider the previous land use history of the site and identify any land that may be contaminated. Soil testing may be required as part of the site investigations.
- c) If the land is identified as contaminated, Council shall not consent to the subdivision of land unless remediation works can be and are carried out, at full cost to the subdivider. Remediation is required to an acceptable level to allow the land to be used to the satisfaction of Council and the NSW Office of Environment and Heritage (OEH). Council will generally require the engagement of a site auditor accredited by the OEH to oversee the remediation works and certify that the site is suitable for the intended development.

### **Development Standards for specific lands**

The following development standards relate to land identified in **Schedule 1** of this Plan. (Note: **Schedule 1** should not be taken to imply that the land listed in that schedule is contaminated from previous land uses, only that investigations required by this section should be undertaken prior to Council considering approval of the land for residential purposes. Land in Schedule 1 includes lands at Mount Rankin and Kelso (east).

- a) An application for subdivision of land identified in Schedule 1 is to be accompanied by a Site Investigation Report from a suitably qualified professional providing soil testing results for the property based on the NSW OEH Guidelines.
- b) Where the report required by (a) above identifies land contamination on the property, the application for subdivision is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the NSW OEH guidelines.
- c) Where (b) applies, Council must not issue a subdivision certificate in relation to the subject land until it has received a Site Validation Report and Site Audit Statement which validates that the site can be used for the applicable land uses for the new zone.

Notes:

### Site Investigation Report

The detailed site investigation is to provide comprehensive information on:

- a) The soil testing results; and
- b) The type, extent and level of contamination (if identified) and assess:
  - i) contaminant dispersal in air, surface water, groundwater, soil and dust,
  - ii) the potential effects of contaminants on public health, the environment and building structures,
  - iii) off site impacts on soil, sediment and biota (where applicable), and
  - iv) the adequacy and completeness of all information available to be used in making decisions on remediation.

### Remediation Action Plan (RAP)

The RAP is to:

- a) Set remediation goals that ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment,
- b) Document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use,
- c) Establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, and
- d) Identify and include proof of the necessary approvals and licences required by regulatory authorities.

### Site Validation Report

The site validation report details the validation results of the remedial action undertaken on the site. Validation is required to confirm that the remediated site complies with the clean-up criteria set for the site as stated in the RAP. Confirmation that all NSW OEH and other regulatory authorities' license conditions and approvals have been met is to be included in the validation report, i.e. documentary evidence confirming that the off-site disposal is done in accordance with the RAP. Where targets have not been achieved, reasons must be stated and additional site work proposed to achieve the objectives stated in the RAP.

### Site Audit Statement

A site audit statement is an independent review of any or all stages of the site investigation process, conducted in accordance with the *Contaminated Land Management Act 1997 (*CLM Act). A site audit statement may review a preliminary site investigation, a detailed site investigation, a remedial action plan, or a validation

report. A site audit statement will lead to the provision of certification called a Site Audit Statement, stating for what use the land is suitable. Only site auditors accredited by OEH can issue a site audit statement.

# 3.3.10 Access via Crown Roads

# **Development Standards**

- a) Where it is intended to upgrade or construct a Crown road all costs and maintenance relating to that road will be the responsibility of the applicant or owner of the land the subject of the Development Application and the road will be constructed and maintained in accordance with Council's *Guideline to Engineering Works*.
- b) Where the NSW Department of Lands advises that dedication of a road is required, any costs or applications associated with such dedication will be the responsibility of the applicant or owner of the land of the subject Development Application.
- c) Where the road reserve is to be fenced, all such work, gates and grids will be erected at the expense of the applicant or owner of the land of the subject development application.
- d) The applicant is to provide the written consent of the NSW Department of Lands relating to the construction of the Crown Road prior to the commencement of Crown Road works.

# 3.4 SUBDIVISION REQUIREMENTS: ZONE R1 – GENERAL RESIDENTIAL AND R2 – LOW DENSITY RESIDENTIAL

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional development standards apply to the subdivision of land within Zone **R1** - General Residential and **R2** – Low Density Residential.

# 3.4.1 Objectives

- a) To ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.
- b) To provide requirements for the subdivision of medium density housing.

# 3.4.2 Allotment dimensions

Development Standards

a) The minimum standards in the table below, apply for the subdivision of residential land for the purposes of a dwelling house.

Location	Normal Lot	Battle-axe Lot
	Minimum frontage	Minimum width of access handle
Bathurst, Kelso, Llanarth and Windradyne	16.5 metres	3 – 4m
Urban villages of Eglinton, Raglan and Perthville	20 metres	3 – 4m
Bathurst and Kelso Heritage Conservation Areas.	Consistent with the frontage of adjoining properties.	3 - 4m

# 3.4.3 Road works

# Development Standards

- a) Road layouts are to generally be a traditional or modified grid pattern. Culde-sac roads should be limited in use and should generally serve not more than 15 dwellings.
- b) Road layouts are to be designed to ensure that maximum access to public open space areas is achieved. Where a subdivision incorporates public open space areas/corridors (including drainage lines which also have an access function), these areas/corridors are to immediately adjoin a public road to ensure maximum visibility and safety of the public open space area/corridor is achieved.
- c) Council will only accept residential allotments or other land uses adjoining public open space areas/corridors (including drainage lines which also have an access function) where it is satisfied that an appropriate standard of visibility and safety of those areas is achieved.
- d) Council will accept a road standard identified in table (c) of section **3.3.2** as local access (open space) for local roads adjoining open space areas/corridors, excluding local distributor or collector roads that adjoin open space areas/corridors.
- e) In respect of local access (open space) roads, a two vehicle parallel parking bay shall be provided for every three dwellings. The construction of parking bays within the open space corridor shall be permitted.
- f) Road layouts are to integrate closely with surrounding existing and planned future residential subdivisions.

# 3.4.4 Subdivision of dual occupancy, multi dwelling houses, residential flat buildings and shop top housing.

The standards below <u>also</u> apply to the subdivision of these development types within Zones **B1** – Neighbourhood Centre and **B3** - Commercial Core.

### Development Standards

Pursuant to Clause **4.1B Minimum Lot Sizes for dual occupancy, multi dwelling houses and residential flat buildings** of the LEP, medium density housing can be subdivided as follows:

- a) Multi dwelling housing, residential flat buildings, attached dwellings and shop top housing may be subdivided, with the consent of Council, as follows:
  - i) conventional subdivision creation of 3 or more lots (2 or more lots for shop top housing);
  - ii) strata subdivision creation of 3 or more lots with common property (2 or more lots for shop top housing); or
  - iii) community title subdivision creation of 3 or more lots and 1 or more shared lots (communal property) (2 or more lots for shop top housing);

but only where the multi-dwelling housing, residential flat building, attached dwelling or shop top housing already exists, or the application for subdivision is lodged in conjunction with the application for the development consent to erect the buildings.

- b) Dual occupancies and semi-detached dwelling developments may be subdivided, with the consent of Council as follows:
  - i) conventional subdivision creation of 2 lots;
  - ii) strata subdivision creation of 2 lots with common property; or
  - iii) community title subdivision creation of 2 lots and 1 shared lot (communal property);

but only where the dual occupancy or semi-detached dwelling already exists, or the application for subdivision is lodged in conjunction with the application for the development consent to erect the buildings.

- c) Council must not release the subdivision certificate for a subdivision referred to in (a) or (b) above unless the construction of each dwelling within the development has been physically commenced (i.e. the floor slab/footings have been poured).
- d) An allotment of land created because of the subdivision of a dual occupancy, semi detached dwelling or multi dwelling housing under this Plan or a building erected on any such allotment may not be subdivided again.
- e) Council will <u>NOT</u> consent to a conventional, strata title or community title subdivision which results in a secondary dwelling (granny flat) having a land title separate from that of the larger (principle) dwelling.

# 3.4.5 Subdivision of land in the village of Eglinton

a) Council may only grant consent to development on the land identified in the table below where the development complies with the requirements listed in the table for that land.

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	Bathurst Regional Development Control Plan 2014							
Lot / DP	Address	Development Standard						
Lot 1 DP 1047811	18 Hobson Close	The asbestos and concrete is to be removed to an approved landfill site. The applicant is to provide a validation report to Council proving that the land is suitable for the intended use prior to Council issuing a subdivision certificate.						
Lot 11 DP 115828	546 Eleven Mile Drive	An application for subdivision or dwelling is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the Office of Environment and Heritage's guidelines.						
		Prior to the release of a subdivision certificate or construction certificate, the land is to be remediated in accordance with the Remediation Action Plan and certification provided to Council that the land is suitable for the intended use.						
Lot 12 DP 1067214 and Lot 2 DP 759012	128 Duramana Road	An application for subdivision or dwelling is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the Office of Environment and Heritage's guidelines.						
		Prior to the release of a subdivision certificate or construction certificate, the land is to be remediated in accordance with the Remediation Action Plan and certification provided to Council that the land is suitable for the intended use.						

# 3.4.6 Subdivision of the land in Kelso

The standards below <u>also</u> apply to the subdivision of the land identified on DCP Map No. 4 -Kelso.

# **Development Standards**

a) The roads coloured purple on the DCP Map are to be designed and constructed as collector roads (refer section 3.3.2). The location of the purple collector roads should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of the collector roads.

- b) The intersections marked purple on the DCP Map are to be designed and constructed to cater for the collector and local road network in accordance with Council's Engineering Works and Civil Engineering Construction Guidelines. The location of the purple intersections should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of these intersection works.
- c) The roads and intersections coloured orange on the DCP Map have been separately identified in a Section 94 Developer Contribution Plan. Council will coordinate the construction of these roads and intersections under that Plan.
- d) Council encourages residential allotments or other land uses to front the identified collector roads.

# 3.5 SUBDIVISION REQUIREMENTS: RURAL AND RURAL LIFESTYLE DEVELOPMENT

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within Zones **RU1** - Primary Production, **RU2** - Rural Landscape, **RU4** - Primary Production Small Lots and **R5** - Large Lot Residential.

# 3.5.1 Driveway access

**Development Standards** 

- a) Vehicular access locations shall be sited to take into account the following factors:
  - i) Existing natural surface levels at the property boundary,
  - ii) Sight distances as required by the Roads and Maritime Service (RMS) *Road Design Guide*,
  - iii) Preventing ingress of road water into the property, and
  - iv) Location of existing utilities and services.
- b) The property access location/gate or stock grid shall be installed with a setback of 10m from the boundary of the land with the public road. The minimum width of the crossing shall be 4m and shall be two coat bitumen sealed from the edge of the road wearing surface to the entrance gate or stock grid where the road is sealed. The crossing can be gravel where the road is gravel.

<u>Note:</u> The bitumen seal shall conform to the RTA *Sprayed Sealing Guide*. Pavement design is to be in accordance with Section 2.4 "Pavement Design" of Council's *Guideline to Engineering Works*.

c) Based upon site conditions, either a 150mm thick, 6m wide dish drain, or a 450mm dia. (min) reinforced concrete pipe culvert with headwalls shall be constructed. See Drawing No *EN7881b* of Council's *Guideline to Engineering Works* for further details.

d) Rural driveways that will be used for commercial purposes will be required to have the gateway setback 20m from the boundary of the land. The minimum width of the driveway shall be determined by taking into consideration the manoeuvring area required for a 19m semi-trailer.

# 3.5.2 Fencing

### **Development Standards**

- a) Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, steel, timber, masonry or the like. Pre-coloured metal sheet fences are generally not permitted.
- b) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.
- c) Fencing is to be constructed so to consider the movement of fauna through the property.

# 3.5.3 Bushfire prone lands

### **Development Standards**

a) Council must not grant consent to the subdivision of land on land that is bushfire prone (refer to the Bushfire Prone Land Map held in the offices of Council) or other land which may be subject to bushfires unless the subdivision complies with the Rural Fire Service's *Planning for Bushfire Protection 2006*. For further information refer to section 9.7 – *Bushfire Prone Land* of this Plan.

# 3.5.4 White Rock

3.5.4.1 Land to which this Section applies

This Section applies to the following lots:

- Lot 14 DP 1050220, 3991 O'Connell Road, KELSO
- Lot 1 DP 867504, 4031 O'Connell Road, KELSO

### Development Standards

- a) Council must not grant consent to the subdivision of land unless appropriate building envelopes have been shown to be at or below the 708m AHD.
- b) Any application for subdivision is to indicate a building envelope at or below 708m AHD.
- c) A maximum of 1m cut is permitted to a maximum 709m AHD.

# 3.6 SUBDIVISION REQUIREMENTS: RURAL VILLAGE DEVELOPMENT

### Development Standards

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within Zone **RU5** - Village.

- a) Within the villages of Hill End, Peel, Rockley, Sofala, Trunkey Creek and Wattle Flat a new subdivision is to be in a traditional or modified grid pattern.
- b) Within the village of Yetholme no further subdivision is permitted other than:
  - i) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, or
  - ii) where an existing lot is divided by a formed road, Council may consider an application to subdivide the lot into 2 lots provided the size of each resultant lot meets the requirements of Section 3.2.2. of this Plan.
- c) Within the village of Wattle Flat, no further subdivision of land is permitted other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings on certain lands identified as "subdivision restriction" on DCP Map No **18** Wattle Flat.
- d) Within the village of Hill End, subdivision within the Development Area A shown on DCP Map No. **21** Hill End is not permitted.

# 3.7 SUBDIVISION REQUIREMENTS – HERITAGE CONSERVATION AREAS AND HERITAGE ITEMS

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within a heritage conservation area or that contains a heritage item.

**Development Standards** 

- a) Development Application plans are to identify:
  - i) an appropriate curtilage for any existing buildings affected by the subdivision, and
  - ii) existing landscape features, particularly significant trees, and
  - iii) a building envelope for each new lot to be created that considers (i) and (ii) above.
- b) Council shall not consent to the subdivision of land unless it has determined that each new lot created is of a sufficient size to ensure that:
  - i) a new building on that lot can achieve an appropriate bulk, scale and massing in relation to existing neighbouring buildings, and
  - ii) an appropriate curtilage around a new building is available to provide opportunities for new landscaping consistent with that of the locality.

In this regard a Statement of Heritage Impact (see section **10.2.3**) may be required to be submitted to Council with the application where Council is of the opinion that the proposed subdivision may impact upon the significance of the building or site or its streetscape or setting.

# 3.8 DEVELOPMENT CONTROL PLAN MAPS

Development Standards

- a) Notwithstanding any other provision of this Plan, Council may only consent to an application to subdivide land to which this Plan applies where the proposed subdivision is consistent with the provisions of the relevant DCP Map for that locality, where applicable.
- b) Where shown on any relevant DCP map, Council may grant consent to the subdivision of land where proposed roads and allotment boundaries are generally in accordance with those shown on the DCP Map.

# 4 **RESIDENTIAL DEVELOPMENT**

# 4.1 PRELIMINARY

# 4.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to the land and residential activity outlined in the table below.

Land	Activity
Zone R1 - General Residential	Medium density housing
	Residential accommodation
	Shop top housing
Zone <b>R2</b> – Low Density Residential	Residential accommodation
Zone B1 – Neighbourhood Centre	Medium density housing
	Shop top housing
Zone B3 - Commercial Core	Medium density housing
	Shop top housing
Zone <b>B5</b> – Business Development	Shop top housing
Zone <b>RU5</b> - Village	Shop top housing

Within Zones **B1** Neighbourhood Centre and **B3** Commercial Core, medium density housing is to comply with the relevant standards which apply to such development as if it were located within Zone **R1** General Residential and located in precinct 1 (see schedule 6).

Within all zones other than Zone **R1** - General Residential and Zone **R2** – Low Density Residential, secondary dwellings (granny flats) are to comply with any relevant standard which applies to such development, other than minimum lot size standards.

# 4.1.2 Strategic Priorities and Objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for residential development and growth for the Bathurst Region.

### Strategic Priorities:

- a) To determine the best locations for residential growth areas to cater for expected population growth.
- b) To determine the best means to provide housing choice and affordability through the provision of medium density housing.
- c) To determine the best way to protect and enhance residential amenity.
- d) To protect the low density character of the outer fringe areas.

#### Strategic Objectives:

- a) To provide adequate residential land (residential growth areas) to cater for current demand and cater for residential growth in the most appropriate locations to ensure protection from competing land uses and physical constraints to development.
- b) To provide additional opportunities for medium density housing within the City. This will ensure there is appropriate housing choice and affordability as the population ages.
- c) To provide development control provisions that seek to ensure appropriate form, building design, lot sizes, site density and siting of medium density development in order to better deal with community concerns associated with medium density development.
- d) To enhance and protect residential amenity particularly in relation to medium density forms of housing and competing land uses.
- e) To minimise the potential for landuse conflicts with rural lands and improve the rural/urban interface.

# 4.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed hereunder.

# *Medium Density Housing* Means development defined under the LEP for the purpose of any of the following:

- i) Dual occupancy (e.g. two dwellings attached or detached);
- ii) Semi detached dwelling (e.g. two dwellings attached);
- iii) Attached dwelling (e.g. three or more dwellings attached);
- iv) Multi dwelling housing (e.g. three or more dwellings - attached or detached with ground floor access); or
- v) Residential flat building (e.g. three or more dwellings usually with 2 or more storeys).

Medium density housing **does not** include development for the purpose of a **dwelling** house or a secondary dwelling (granny flat).

**Residential Units** Means development defined under the LEP as attached dwellings, multi-dwelling housing or residential flat buildings (i.e. 3 or more dwellings).

	Bathurst Regional Development Control Plan 2014
Dual Occupancy	Means development defined under the LEP as dual occupancy or semi-detached dwellings (i.e. 2 dwellings), whether attached or detached.

# 4.2 **RESIDENTIAL DENSITY**

# 4.2.1 Objectives

Clause **4.1 Minimum subdivision lot size** of the LEP establishes the minimum lot size for the purposes of a dwelling house in zones **R1** General Residential and **R2** Low Density Residential. Clause **4.1B Minimum lot sizes for dual occupancy, multi dwelling houses and residential flat buildings** of the LEP establishes the minimum lot size for the purposes of medium density housing developments in Zone **R1** General Residential. The relevant lot size varies throughout the zones so as to achieve the following objectives for different localities. For ease of reference these localities are shown as residential precincts on the figure to **Schedule 6** of this Plan.

### Precinct 1 – Medium Density

- a) To provide for a mixed residential character, with an emphasis on medium density housing.
- b) To enable a greater proportion of the population to live closer to the Bathurst CBD and the services and facilities located in the central area of the City.

### Precinct 2 – Low to Medium Density

- a) To provide appropriate forms of low and medium density housing that encourages housing choice and caters for an ageing population.
- b) To permit forms of medium density housing which are compatible with the single dwelling character of the suburbs and whose impact on the existing amenity of neighbourhoods is minimised.

### Precinct 3 – Urban Villages (Eglinton, Perthville & Raglan)

- a) To provide a village precinct that maintains a larger minimum lot size than the city locations to enhance the low density village character.
- b) To permit forms of medium density housing which are compatible with the single dwelling character of the villages and whose impact on the existing amenity of neighbourhoods is minimised.

# Precinct 4 – Low Density

- a) To minimise the effect of odour problems associated with the Bathurst Sewerage Treatment Plant by permitting low density residential housing only within 400 metres of the Bathurst Sewerage Treatment Plant.
- b) To minimise the effect of noise associated with the 50dBa Noise Contour Mount Panorama by permitting low density residential housing only within the noise contour.

# 4.2.2 Development standards

# Classes of Housing

a) The classes of housing which may be approved by Council in accordance with the objectives of the Zone R1 - General Residential or Zone R2 – Low Density Residential and pursuant to the LEP are shown in the table below. For ease of reference these localities are shown as precincts on the figure to Schedule 6 of this Plan.

		Zone R2			
Class of Housing		Pre	cinct		
	1	2	3	4	
Attached dwellings	~	~	~	×	
Boarding houses	~	~	~	~	
Dual occupancy	~	✓ *	✓ *	×	
Dwelling house	~	~	~	~	
Group homes	~	~	~	~	
Hostels	~	~	~	~	
Multi dwelling housing	~	✓ *	✓ *	×	
Residential Flat building	~	✓ *	✓ *	×	
Rural worker's dwellings	~	~	~	×	
Secondary dwelling (granny flat)	~	~	~	~	
Semi-detached dwelling	~	~	~	×	
Seniors housing	~ ~ ~ X				
Shop top housing	~	~	~	×	

Notes:

✓ Permissible

× Prohibited

✓ \*Permissible on normal lots only (i.e. not battle-axe allotments)

### Population density

For the purposes of establishing population densities, occupancy rates will be as follows:

One (1) bedroom dwelling	=	1.5 persons
Two (2) bedroom dwelling	=	2.2 persons
Three (3) bedroom dwelling	=	3.3 persons
Four (4) or more bedroom dwelling	=	3.6 persons

### Residential Units in Precinct 1

a) The residential density is to be no greater than 88 persons per site hectare on lots less than 4000 square metres.

b) The residential density is to be no greater than 93.5 persons per site hectare on lots greater than 4000 square metres.

<u>Note:</u> Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formulas will aid in the determination of the site density						
88 persons per siteArea of land x 88 = 10,000Number of person permissible on a site.						
93.5 persons hectare	per	site	<u>Area of land</u> x 93.5 = 10,000	Number of persons permissible on a site.		

### Residential Units in Precinct 2

a) The residential density is to be no greater than 60 persons per site hectare.

<u>Note:</u> Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formula will aid in the determination of the site density							
60 persons per hectare	site	<u>Area of land</u> x 60 = 10.000	Number of persons permissible on a site.				

### Residential units in Precinct 3

a) The residential density is to be no greater than 50 persons per site hectare.

<u>Note:</u> Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formula will aid in the determination of the site density							
50 pers hectare	ons per	site	<u>Area of land</u> x 50 10,000	=	Number permissible	of e on a	

# Dual Occupancy development Zone R1 General Residential

a) The total site coverage of both dwellings is not to exceed 50% of the site area.

<u>Note:</u> Site coverage means the total area of the footprint of each dwelling and includes the garages and/or carports of each dwelling, whether attached or detached.

### 4.3 MINIMUM LOT SIZE

# 4.3.1 Objectives

a) To ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.

b) To facilitate the provision of a variety of housing types in all residential areas throughout the City.

### 4.3.2 Development standards

- a) Council shall not grant consent to development for the purpose of a dwelling house unless the area of the allotment is no less than the minimum set in Clause **4.1 Minimum subdivision lot size** and on the Lot Size Map (LSZ), or Clause 4.1(3F) and 4.1(3G) of the LEP in the case of a battleaxe allotment, within the Bathurst Regional Local Environmental Plan 2014.
- b) Council shall not grant consent to development for the purpose of a dual occupancy unless the area of the allotment is no less than the minimum set in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings and on the Minimum Lot Size Dual Occupancy Map (LSD) within the Bathurst Regional Local Environmental Plan 2014.
- c) Council shall not grant consent to development for multi dwelling housing and residential flat buildings unless the area of the allotment is no less than the minimum set in Clause 4.1B Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings and on the Minimum Lot Size – Multi Dwelling Housing and Residential Flat Building Map (LSM) within the Bathurst Regional Local Environmental Plan 2014.
- Notwithstanding the minimum lot sizes established for the subdivision of land under Clause 4.1 of the LEP, medium density housing developments that have been approved by Council and physically commenced can be further subdivided (see section 3.4.4) to any size in accordance with Clause 4.1B(4) of the LEP.

<u>Note</u>: For the purpose of this Plan, physically commenced is when the floor slab has been inspected and approved by Council and poured.

Notes:

- i) Minimum lot sizes are absolute minimums only and all developments must also comply with <u>all</u> other development standards identified by this section.
- ii) For ease of reference, the following minimum lot sizes are relevant for each precinct locality shown on the figure in **Schedule 6** of this Plan. Please check the relevant LEP maps.

Class of housing		No	ormal L	ots		Battle	e-axe l	ots
	Zone R1 General Residential			Zone R2 Low Density Residential	Zone F Res	R1 Gen identia		Zone R2 Low Density Residential
Precinct	1	2	3	4	1 2 3		4	
Dwelling house	550	550	900	550	750	750	900	750
Secondary dwelling (granny flat)	550	550	900	550	750	750	900	750
Dual occupancy	600	850	900	х	800	х	х	х
Residential units	900	1300	2000	Х	1100	х	Х	Х

# 4.4 GENERAL SITING CONSIDERATIONS – ALL RESIDENTIAL DEVELOPMENT

### 4.4.1 Objectives

- a) To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- b) To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.

To reduce the visual dominance of garages, vehicle access, carports and parking spaces in the streetscape.

# 4.4.2 Development standards

### <u>General</u>

a) Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in **Chapter 16** of this DCP.

### Front Building Line Setback

a) Any part of the building must comply with the building line setbacks specified in the table below.

# Bathurst Regional Development Control Plan 2014

Location	Minimum Building Line
Within the Bathurst Heritage Conservation Area.	• Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Visibility must be maintained on corner allotments.
Outside the Bathurst Heritage Conservation Area	
Normal Allotments	<ul> <li>6 metres, unless the existing streetscape is already established at 8 metres.</li> </ul>
Corner Allotments	• The combined distance of the 2 building line setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres.

<u>Note:</u> Council may consider a variation to reduce the building lines but must consider the existing setbacks in the street.

### Garages for Dual Occupancy and Multi Unit Dwelling developments

a) Any part of the building must comply with the building line setbacks specified in the table below.

Location	Garage/Carport Location - Dual Occupancy and Multi Unit Dwellings
Garage doors forming part of the building line, or within 1 metre of the building line	<ul> <li>Garage door openings are to make up less than 50% of the dwelling's lineal façade fronting a public road.</li> </ul>
Garage doors located greater than 1 metre behind the entry/living façade, or not orientated towards the street	<ul> <li>Garage door openings are to make up less than 70% of the dwelling's lineal façade fronting a public road.</li> </ul>

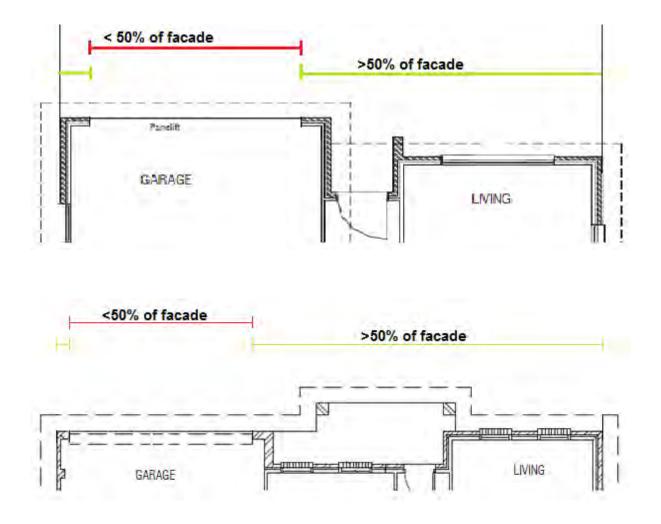
<u>Note:</u> In the case of a corner allotment, this standard applies to both primary and secondary street frontages.

<u>Note:</u> Council may consider a variation to reduce the building lines but must consider the existing setbacks in the street.

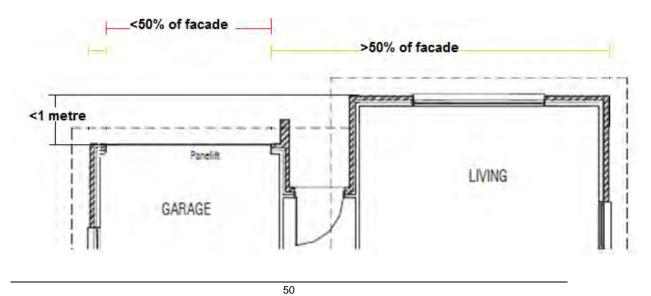
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# Bathurst Regional Development Control Plan 2014

Garage at the building line



Garage located just behind the building line

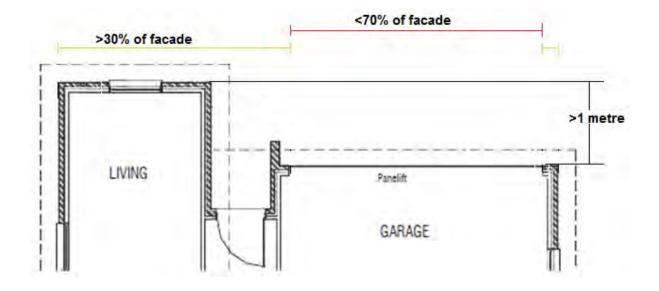


**Ordinary Meeting** 

Attachments

### Bathurst Regional Development Control Plan 2014

Garage located well behind the building line



### Side and Rear Building Line Setbacks

a) Any part of the building must comply with the side and rear building line setbacks specified in the table below.

Development Type and Wall Height	Continuous walls of less than 10 metres and non- continuous walls of any length	Continuous walls of more than 10 metres
Residential Units, boarding houses, seniors housing - <b>Single storey</b>	In accordance with the National Construction Code (NCC).	Staggered to include setbacks exceeding the minimum set by the NCC or broken into lengths of 10 metres or less and interspersed with open space.
Residential Units, boarding houses, seniors housing – <b>Two storey</b>	1.5m	Staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.
Dual occupancy, dwelling houses and secondary dwellings (granny flats), semi-detached dwellings – <b>Single or two storey</b>	In accordance with the NCC.	In accordance with the NCC.

- b) Notwithstanding the table above, where Council is of the opinion that such a setback will:
  - i) significantly overshadow neighbouring properties and/or,
  - ii) adversely impact upon the privacy of neighbouring properties,

then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.

- c) All applications for development (except single storey dwelling houses) must show the location of neighbouring buildings, neighbouring windows, balconies and outdoor living areas in relation to the proposed development.
- d) Applications for two storey development (including 2 storey additions) are to provide an assessment of overshadowing to all adjoining properties on the winter solstice in June.

### External Appearance – Dual Occupancies and Residential Units

All dual occupancy and residential unit developments

- a) All dual occupancy or residential unit developments that directly front a public road must be orientated toward that street by way of openings, verandah, awning and/or other similar articulation and detail. If a dwelling is proposed on a corner allotment, articulation, openings and detail in the building façade must also be provided for both street frontages.
- b) Any proposed dual occupancy must display relief in the roof form and articulation of the walls and front façade. For detached dual occupancies or residential units, there is to be variation in the detailing of the front façade between each dwelling of the dual occupancy or residential unit development. The change in detail is to be illustrated on the plans.

### Privacy- Residential Units and Dual Occupancy Developments

- a) Windows of habitable rooms facing side or rear boundaries are generally to be offset by at least 1.0m from the centre point of any opposite facing window.
- b) Where a proposed window will face directly onto adjoining *principle private open space*, the window should be screened or have obscure glazing.
- c) Windows and balconies at first floor level are generally to:
  - i) be screened by boundary landscaping that can be effective within 3 years, or
  - ii) be screened by permanently fixed structures made of durable materials.
- d) Long narrow windows, high level windows or roof lights should be used to provide natural light whilst maximising privacy along walls close to neighbouring dwellings/open space.

Overshadowing - Residential Units and Dual Occupancy Developments

- a) New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.
- b) The overshadowing diagrams should be provided in 1 hour intervals for the period 9.00am and 3.00pm on 21 June.

### Construction of footpaths – Residential Units and Dual Occupancy Developments

a) A footpath is to be constructed for the full frontage of the allotment in accordance with the DCP maps, the Bathurst Community Access and Cycling Plan 2011 and Council's *Guidelines for Engineering Works*.

### 4.5 SITING CONSIDERATIONS – RESIDENTIAL UNITS – PRECINCT 2 AND 3

Note: For ease of reference, Precinct locality 2 is shown on the figure to Schedule **6** of this Plan.

### 4.5.1 Objectives

a) To ensure residential units (i.e. attached dwellings, multi dwelling housing and residential flat building developments) generally within the suburban area are located so as to minimise their impact on the existing amenity of the area.

### 4.5.2 Development standards

- a) Not permitted on battle-axe allotments.
- b) Must be within a straight line distance of 500 metres of an open space area/corridor (note: drainage lines less than 50m wide are not considered an open space corridor).
- c) Must not be within a cul-de-sac, excluding corner allotments.
- d) Must have a lot frontage at the 6 metre building line of not less than 20 metres wide.
- e) Notwithstanding (c) and (d) above, Council may consent to developments on a road within a cul-de-sac and/or on a lot with a smaller frontage if the development is immediately adjacent to, adjoining or opposite an open space area/corridor (note: drainage lines less than 50m wide are not considered an open space corridor).
- f) Notwithstanding (b), (c) and (d) above, Council may consent to development on a road within a cul-de-sac, and/or on a lot with a smaller frontage, and/or on land that is not within 400m of an open space area/corridor if the development is located within 400m of a neighbourhood shopping centre (refer DCP map No. 6 – Neighbourhood Shopping Centres).

### 4.6 SITING CONSIDERATIONS – DUAL OCCUPANCY – PRECINCT 2 & 3

<u>Note</u>: For ease of reference, Precinct locality 2 is shown on the figure to **Schedule 6** of this Plan.

### 4.6.1 Objectives

a) To ensure dual occupancy developments (i.e. dual occupancy and semidetached dwelling developments) within Eglinton, Kelso, Llanarth, Perthville, Raglan and Windradyne are located so as to minimise their impact on the existing amenity of the area.

### 4.6.2 Development standards

- a) Not permitted on battle-axe allotments.
- b) Must have a lot frontage at the 6 metre building line of not less than 20 metres wide.
- c) Must be located either:
  - i) On a corner allotment; or
  - ii) No closer than 40 metres on the same side of the street to another dual occupancy (excluding a dual occupancy development located or approved on a corner allotment).

# 4.7 PRIVATE OPEN SPACE AND LANDSCAPING

### 4.7.1 Development to which this Section applies

This section applies to residential unit and dual occupancy developments.

### 4.7.2 Objectives

- a) To provide residents with an adequate and attractive outdoor living area.
- b) To provide residents with a functional private open space area.

### 4.7.3 Development standards

a) Private open space is to be provided per dwelling in accordance with the following table.

Dwelling Size	Minimum Private Open Space Required
1 Bedroom	20m <sup>2</sup>
2 Bedrooms	30m <sup>2</sup>
3 Bedrooms	40m <sup>2</sup>
4 or more Bedrooms	50m <sup>2</sup>

<u>Note:</u> Rooms, such as a study, sewing room, studio or the like of a similar size to a bedroom, will be included as a bedroom for the purposes of calculating the open space required.

- b) Private open space required by the above table is to be located behind the front building line.
- c) Land less than 4 metres in width or steeper than 1:10 gradient does not qualify as private open space.
- d) At least 20m<sup>2</sup> of the private open space required by the table above is to be located so as to adjoin a habitable living room at ground level.
- e) Where a dwelling is located on a second storey and does not have direct access to ground level, a 10m<sup>2</sup> balcony is to be provided that adjoins a habitable living area. The remaining private open space requirement per dwelling (as outlined in the table above) is to be provided as usable/functional communal open space (e.g. BBQ area), that is screened from public view.
- f) Private open space areas should generally be north facing.
- g) All parts of a site not built upon or used for private open space, driveways, etc. shall be provided as landscaped areas/communal open space. Communal open space is to be sited to enable passive and active recreation around buildings rather than just as remnants of space on a site.
- h) Private open space is to be clearly defined by walls, fencing or landscaping so as to provide a self contained space adjacent to each dwelling.
- For residential unit developments, Council will require a landscape plan to be submitted in accordance with section 13 – Landscaping and Greening of this Plan at the time of lodgment of the Development Application.
- j) The Private Open Space for each dwelling should generally not be overshadowed by the development to which it serves.

### 4.8 **HEIGHT OF BUILDINGS**

# 4.8.1 Objective

a) To ensure that new housing development is built at a height compatible with existing residential development in the city.

# 4.8.2 Development standards

<u>Note</u>: The Height of Buildings Map under clause **4.3 Height of Buildings** of the LEP limits the height of buildings within the **R1** - General Residential and **R2** Low Density Residential Zones to 9m, except in those circumstances outlined in (d) below.

- a) A building containing more than 2 floors shall not be erected on land within Zone **R1** General Residential or Zone **R2** Low Density Residential.
- b) Notwithstanding (a), allowance can be made for rooms within the roof line (e.g. attic rooms) or rooms/garages within a basement area generally below ground level where Council is satisfied that the privacy of adjoining properties is not adversely affected.
- c) Notwithstanding (a), allowance can be made for a building of more than 2 floors on heavily sloping land where Council is satisfied that the dwelling

height is consistent with the slope of the land and that the privacy of adjoining owners is not adversely affected.

- d) Notwithstanding (a), (b) and (c) above, a person may, with the consent of Council, rebuild or extend a building within the Bathurst Heritage Conservation Area to a height not exceeding the height of that building at 27 March 1987.
- e) Notwithstanding (a), (b), (c) and (d), where Council is of the opinion that such a height will:
  - i) significantly overshadow neighbouring properties and/or
  - ii) adversely impact upon the privacy of neighbouring properties,

then such building height must be reduced to the extent necessary to reduce the overshadowing or maintain the privacy of neighbouring properties.

# 4.9 PARKING, ACCESS AND MANOEUVRING AREAS

### 4.9.1 Objectives

- a) To provide for the safe and sufficient provision of car and bicycle parking onsite to meet the parking demands generated by residents and visitors of the development.
- b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.

# 4.9.2 Development Standards

- a) Car and bicycle parking is to be provided on site in accordance with section
   14 *Parking* of this Plan, and as repeated below.
- <u>Note</u>: The precinct localities referred to in the table below are shown on the figure to **Schedule 6** of this Plan.

Dwelling Type	Minimum Car Parking Required	Minimum Bicycle Parking Required (Visitor)
Single dwelling house	1 covered car parking space.	Nil
Secondary dwelling (granny flat)	1 car parking space (additional to the principle dwelling).	Nil

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Dwelling Type	Dwelling Type Minimum Car Parking Required	
Medium density housing (Precinct 1)	<ul> <li>Minimum car parking required:</li> <li>a) For 1 or 2 bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings (or part thereof)</li> <li>b) For 3 or more bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per dwelling and 1 visitors space per 2 dwellings (or part thereof)</li> </ul>	1 bicycle parking space per 10 dwellings or part thereof.
Medium density housing (Precinct 2 or 3)	<ul> <li>Minimum car parking required:</li> <li>a) For 1 or 2 bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings (or part thereof).</li> <li>b) For 3 or more bedroom dwellings – 1 covered car parking space per dwelling and 1 visitor's space per dwelling and 1 visitor's space per dwelling.</li> <li><u>Note:</u> The visitors car parking space can be located or attached to each dwelling rather than being provided as a communal space, where appropriate to the overall design of the development.</li> </ul>	1 bicycle parking space per 10 dwellings or part thereof.

- b) Parking spaces shall not form part of the vehicle manoeuvring areas.
- All car parking areas are to be at or behind the building line. Any visitor c) parking (other than stack parking) should be adequately screened by landscaping to reduce the effect of the development on the streetscape.
- Parking spaces must be sited as close as possible to the dwelling they are d) going to serve.
- e) Parking spaces, must comply with the minimum sizes outlined in the Australian Standard and Schedule 2 of this Plan.
- f) Visitor's parking spaces must be clearly designated and readily accessible.

- g) Within a heritage conservation area, roller doors should generally not be visible from the road. Where this is not possible, Council may consider accepting a roller door facing the street if it is located behind the front building line and is of a paneled design.
- h) Parking areas are to be paved, and where required, line marked.
- i) Where an allotment of land immediately adjoins a classified road, access to the land must be in accordance with any criteria specified by the NSW Roads and Maritime Service.
- j) For medium density development, manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Austroads Design Standards (see **Schedule 3** of this Plan).
- Adequate manoeuvering area is to be provided for vehicles entering and exiting car parking spaces in accordance with Austroad Design Standards (see Schedule 3 of this Plan).
- I) Access and driveway widths are to be provided for medium density development in accordance with the following table.

No. of dwellings	Driveway Type (Minimum Standard)	Access and Driveway Width (Minimum Standard)
Two dwellings	One lane	3m
Three to 5 dwellings	One lane with passing bays or continuous two lanes.	3 – 6m
6 or more dwellings	One lane with passing bays or continuous two lanes.	6m x 6m - driveway entrance. 3 – 6m - driveway

- m) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.
- n) For developments servicing 6 or more dwellings and developments involving an elongated access way, manoeuvring areas must allow larger vehicles, such as delivery vans and emergency vehicles, to safely enter and exit the site.
- o) Where possible access ways should be provided on the southern side of the site (i.e. using the shaded area of the lot).

# 4.10 SERVICES AND FACILITIES

### 4.10.1 Objectives

a) To ensure that all essential services and facilities are provided to new developments.

# 4.10.2 Development standards

### Fire Hydrants

Where the development involves the construction of more than one dwelling on a site, the provisions of the NSW Fire Brigades' *Policy on Dual Occupancy / Battleaxe / Private Residential Estates* applies to the development as follows.

- a) An onsite fire hydrant will be required if the street access to the site is more than 60m from the furthest dwelling.
- b) A booster facility at the street entry and an onsite fire hydrant will be required if:
  - i) the entry point to the furthest dwelling is more than 60m from the point of street access to the site; and
  - access for NSW Fire Brigade vehicles is not available to the site. (Brigade vehicles require a 4m width allowance and a 3.5m height allowance).
- c) Fire hydrants and booster facilities must comply with Australian Standard 2419.1 "Fire hydrant installations systems design, installation and commissioning."

#### Electricity and Telephone Services

- a) Underground electricity and telephone services are to be provided to new developments to the satisfaction of the electricity authority and an appropriate telecommunications authority respectively. Where required by Council, street lighting is also to be provided/upgraded to the satisfaction of the electricity authority.
- b) Any public lighting located within common property of a development is to be separately metered to the satisfaction of the electricity authority. All lighting associated with a development is to be designed and positioned so that at no time will any light be cast upward or cast upon any adjoining property.
- c) In most instances, Council will require documentary evidence from the relevant authority that satisfactory arrangements have been made in respect of electricity and telephone services.

### Water and Sewer

a) All new development shall be connected to Council's reticulated water and sewer systems. Consideration should be given to any likely future subdivision of the development as separate services will be required for each allotment created under a conventional subdivision.

<u>Note</u>: Specific requirements for construction works affecting water and sewer mains, including any necessary easements, should be discussed with Council's Engineering Department.

### Roof and Surface Water Disposal

- a) All roofed and paved areas shall be drained to the street, piped drainage system, or other approved drainage system to the satisfaction of Council.
- b) All storm water drainage lines are to be discharged to a legal point of discharge.
- c) Pump-out storm water drainage systems are **not** permitted as the sole method for storm water disposal.
- d) Developments with more than 50% impervious site area are to submit detailed engineering design plans of the proposed storm water drainage layout, including locations of grade inlet pits, size of pipes and modeling results for certain storm events.
- e) At no time, during or after construction, is any ponding of storm water to occur on adjoining land as a result of the new development.

### Footpath/kerbing & guttering

- a) The construction of the following works may be required:
  - i) a 1.2 metre wide concrete footpath along the frontage of the subject land;
  - ii) kerb and guttering along the front and side (if corner lot) of the subject land; and
  - iii) the full half width road shoulder where, for example, there is no road shoulder or where the road is currently unsealed.

### Garbage Disposal

a) For medium density developments, a suitable area is to be provided (paved and screened from the street) to accommodate two x 240 litre mobile garbage bins per dwelling. A cold water tap and associated drainage system is to be provided adjacent to this area to facilitate cleaning of the bins.

### **Clothes Drying Facilities**

- a) Provision shall be made for external clothes drying areas for each dwelling. A minimum of  $4.5m^2$  per dwelling is to be provided.
- b) Areas must be screened from street view and located in a secure and sunny position.

# 4.11 SOIL AND WATER MANAGEMENT

# 4.11.1 Objectives

a) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality.

# 4.11.2 Development standards

- a) For developments with a disturbance area of less than 2500m<sup>2</sup>, development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m<sup>2</sup>, development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m<sup>2</sup>, Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of <u>any</u> construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* and remain in place whileever earthworks are being completed, and until such time that the site is revegetated.

# 4.12 LAND ADJOINING A CLASSIFIED ROAD OR STATE HIGHWAY

# 4.12.1 Objectives

a) To provide noise mitigation measures to new residential development which adjoin a classified road or highway.

# 4.12.2 Development Standards

- a) Developments are to be designed and sited so as to reduce the likely existing traffic noise impacts by:
  - i) separating noisy activities and noise-sensitive areas through locating less noise-sensitive land uses (such as access ways or recreation areas) in high noise areas,
  - ii) incorporating intervening structures such as walls or fences to act as barriers to noise,
  - iii) designing buildings to locate less noise sensitive areas (such as kitchens and laundries) towards the noise source and minimizing the number and size of windows oriented towards the noise source, and
  - iv) incorporating construction techniques such as thicker window glass or double glazing and solid core doors.

<u>Note:</u> Further noise mitigating treatments are available with reference to NSW OEH's *NSW Road Noise Policy* and the RMS's *Environmental Noise Management Manual*.

# 4.13 SHOP TOP HOUSING

# 4.13.1 Land to which this Section applies

This section applies to land within Zones **B1** – Neighbourhood Centre, **B3** - Commercial Core, **B5** – Business Development, **R1** - General Residential, and **RU5** - Village.

# 4.13.2 Objectives

- a) To enable and promote residential activity to occur in a manner which is compatible with, and supports business and retail development in the Central Business District (CBD) and at neighbourhood shopping centres.
- b) To enable residential activity to occur in conjunction with business and retail activities that might be permitted in Zone R1 General Residential and Zone RU5 Village.

# 4.13.3 Development standards

Notwithstanding the previous sections, the following development standards apply to shop top housing or housing attached to shops.

a) The dwelling and the shop must be located on the same lot, whether physically attached or not.

### **Building Setbacks**

a) Any part of the building must comply with the building line setbacks specified in the table below:

Location	Minimum Building Line
Front building line setback	Must complement the existing setbacks of surrounding buildings in the vicinity.
Side and Rear building line setback	As specified by the National Construction Code (NCC)

Notwithstanding the table above, where Council is of the opinion that such a setback will:

- i) significantly overshadow neighbouring properties, and/or
- ii) adversely impact upon the privacy of neighbouring properties,

then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.

### Private Open Space

a) At least 10m<sup>2</sup> of private open space is to be located so as to adjoin a habitable living room at ground level.

b) Where a dwelling is located above ground level and does not have direct access to the ground level, a 10m<sup>2</sup> balcony is to be provided that adjoins a habitable living room. This may take the form of a verandah or balcony over the existing footpath and/or incorporate a stepped façade in keeping with the adjacent streetscape.

#### Car parking, Access and Manoeuvring Areas

- a) One (1) car parking space is to be provided per dwelling in addition to any spaces required for the commercial purpose.
- b) On-site car parking spaces shall not form part of the vehicle manoeuvring or loading/unloading areas.
- c) Car parking spaces are to be sited as close as possible to the dwelling they are going to serve.
- d) All parking areas are to be paved and line marked.
- e) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Austroad Design Standards (see **Schedule 3** of this Plan).
- f) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.

Garbage Disposal

a) A suitable area is to be provided to accommodate two x 240 litre mobile garbage bins per dwelling.

# 4.14 DEVELOPMENT CONTROL PLAN MAPS

# 4.14.1 Land to which this Section applies

This section applies to those lands as shown on the following DCP Maps.

- DCP Map No. **1** Raglan,
- DCP Map No. 2 Perthville,
- DCP Map No. **3** Eglinton,
- DCP Map No. 4 Kelso, and
- DCP Map No. **5** Windradyne, Llanarth and Abercrombie.

### 4.14.2 Objectives

- a) To control the subdivision of certain lands and the siting of development on those lands.
- b) To ensure that the natural features and environmentally sensitive areas of the land are not adversely affected by future development.
- c) To provide appropriate vegetated buffers between residential and agricultural areas to prevent land use conflict.

# 4.14.3 Use of land

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent.
Housing	The purposes permissible within Zone <b>R1</b> - General Residential or <b>R2</b> – Low Density Residential pursuant to the LEP.
Business	The purposes permissible within Zone <b>B1</b> - Neighbourhood Centres pursuant to the LEP.
Special Uses	The purposes implied by or associated with the use specified on the LEP or DCP Map.
Open Space	Drainage, roads, environmental protection works and cycleway or footpaths.
Industry	The purposes permissible within Zone <b>IN1</b> - General Industrial pursuant to the LEP.
Rural	The purposes permissible within Zone <b>RU1</b> Primary Production or Zone <b>RU4</b> Primary Production Small Lots, whichever applies pursuant to the LEP.
Rural Housing	The purposes permissible within Zone <b>R5</b> Large Lot Residential pursuant to the LEP.

# 4.14.4 Management of land

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Land Use Buffer	No dwellings may be erected. Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Road Closure	The road or part of the road is to be closed and used for the purpose shown.

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Land Management Area	Effect on Development
Flood Planning Area	Development must be consistent with the requirements of section <b>9.6</b> - <i>Flooding</i> of this Plan and Clause <b>7.1 – Flood Planning</b> of the LEP.
Strategic Access Route and/or Cycle Path	The access route or path, if off-road, is to be constructed, or if on-road is to be line marked.
Road Widening	The land shown on the DCP Map is to be dedicated to Council as public road.
Transmission Tower Buffer Zone	<ul> <li>No development or subdivision of the land is to occur until such time that Council is satisfied that either:</li> <li>a) the transmission towers have been removed, or</li> <li>b) the landowner(s) can demonstrate that the RF EME levels comply with the current ARPANSA Radiation Protection Standard "Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz"</li> </ul>
Major Road Buffer	<ul> <li>Roads, drainage, environmental protection works.</li> <li>No buildings may be erected.</li> <li>No works may be constructed other than post and wire fencing.</li> <li>Landscaping pursuant to section 13 – <i>Landscaping and Greening</i> of this Plan is required.</li> </ul>

### 4.14.5 Staging

a) Council may only grant consent to development located on land identified as "Stage 2" on the relevant DCP Map if all necessary services, particularly water, sewerage and drainage services, that will be required for use of the land after that subdivision will be available to the land immediately after the subdivision.

### 5 BUSINESS AND INDUSTRIAL DEVELOPMENT

### 5.1 PRELIMINARY

### 5.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to land within the following Zones under the Bathurst Regional Local Environmental Plan 2014 (LEP):

- Zone **B1** Neighbourhood Centre,
- Zone **B3** Commercial Core,
- Zone **B5** Business Development,
- Zone IN1 General Industrial and
- Zone R1 General Residential, R2 Low Density Residential and Zone RU5
   Village for the purposes of business premises, office premises and child care centres.

<u>Note</u>: Business or industrial development proposed within any other Zone under the LEP is to comply with the relevant standards which apply to such development as if it were located within Zone **B3** - Commercial Core (Business Development) or Zone **IN1** – General Industrial (Industrial Development) respectively.

### 5.1.2 Strategic priority and objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priority and strategic objectives for business and industrial development and growth for the Bathurst Region.

#### Strategic Priority

a) To determine the best locations for future retail/business and industrial growth and the most appropriate means to protect and enhance retail/business and industrial amenity.

#### Strategic Objectives

- a) To protect the CBD as the primary retail precinct within the City.
- b) To provide adequate business (service business and bulky goods) land to cater for current demand in the most appropriate locations that encourages consolidation of like businesses away from competing land uses.
- c) To provide adequate strategic industrial land to cater for industrial growth (job growth), as required in the most appropriate locations to ensure protection of competing land uses and physical constraints to development.
- d) To implement development controls and protect and enhance retail/business and industrial amenity.
- e) To provide local centres and convenience stores to serve residential areas.
- f) To limit the bulk and scale of business premises development within the residential zones.

- g) To reduce the visual dominance of business and industrial estates/sites on the City's gateways through the provision of adequate buffers, landscaping and appropriate building form and design.
- h) To plan for clean business and industry.

### 5.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed in the table below.

Definition	Description
Highway	Includes the Great Western Highway, Mitchell Highway and the Mid-Western Highway.
Major Road	Bradwardine Road, Corporation Avenue, Stockland Drive, Littlebourne Street, McDiarmid Street or Vale Road.
	Any new road on land within DCP Map No. 8 – Gateway Enterprise Park with a road reserve of 22 metres or more.
Minor Road	All other roads.

### 5.2 SITING CONSIDERATIONS

### 5.2.1 Objectives

a) To enhance streetscape qualities, provide opportunities for landscape screening and to restrict the spread of fire between buildings.

### 5.2.2 Development standards

#### **Building Setbacks**

a) Any part of the building must comply with the building line setbacks specified in the table below.

Location	Minimum Building Line
Zone <b>B1</b> Neighbourhood Centre and Zone <b>B3</b> Commercial Core.	Front Building Line Setback Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Side and Rear Building Line Setback As specified by the National Construction Code (NCC).

Location	Minimum Building Line
Zone <b>B5</b> Business Development	<ul> <li>Front Building Line Setback</li> <li>10m- to a highway or major road. (unless otherwise specified on a DCP map)</li> <li>5m to a minor road.</li> </ul>
	<ul> <li><u>Side and Rear Building Line Setback</u></li> <li>For corner lots, 5m (unless otherwise specified on a DCP Map) to a side street (major road).</li> <li>3m to a side street (minor road).</li> <li>As specified by the NCC to an adjoining property.</li> </ul>
Zone <b>IN1</b> General Industrial	<ul> <li>Front Building Line Setback</li> <li>10m</li> <li>Side and Rear Building Line Setback</li> <li>5m (unless otherwise specified on a DCP Map) to a side street.</li> <li>As specified by the NCC to an adjoining property.</li> </ul>

Notwithstanding the table above, development must comply with any relevant setback requirement (or buffer restrictions) that may apply to land as shown on any relevant DCP Map for that locality, where applicable.

#### 5.3 SOIL AND WATER MANAGEMENT

### 5.3.1 Objectives

a) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality.

### 5.3.2 Development standards

- a) For developments with a disturbance area of less than 2500m<sup>2</sup>, development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m<sup>2</sup>, development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m<sup>2</sup>, Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of <u>any</u> construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during

the construction period. All work is to be undertaken to the satisfaction of Council.

e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* <u>and</u> remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

#### 5.4 BUILDING DESIGN STANDARDS – ZONE B5 BUSINESS DEVELOPMENT

#### 5.4.1 Objectives

a) To encourage appropriate building design.

#### 5.4.2 Development standards

- a) Exterior walls visible to a street, including the visible return facades to at least 6 metres along the visible side walls, are to be masonry, concrete block or tilt up concrete. If concrete blocks or tilt up concrete are used, it is to be appropriately painted or rendered and include decorative detail and elements.
- b) Sheet metal exterior walls are only to be used on non-visible exterior walls, or as a design feature on facades visible to the street. High contrast, bright and reflective surfaces are not acceptable.
- c) All roofing materials are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction.

### 5.5 HEIGHT OF BUILDINGS – BATHURST CONSERVATION AREA – ZONE B3 – COMMERCIAL CORE

### 5.5.1 Objectives

a) To maintain the streetscape qualities of the CBD within the Bathurst Heritage Conservation Area.

### 5.5.2 Development standards

Note: The Height of Buildings Map under clause **4.3 Height of Buildings** of the LEP limits the height of buildings within Zone **B3** – Commercial Core (Bathurst Heritage Conservation Area) to 12m, except in those circumstances outlined in (a) below.

- A building containing more than 3 floors shall not be erected on land within Zone B3 – Commercial Core and located within the Bathurst Heritage Conservation Area unless, in the opinion of Council, the building:
  - i) does not detract from the existing streetscape and landscape, or
  - ii) is located behind the existing buildings within the streetscape such that its height does not detract from that streetscape or landscape, or
  - iii) is an extension of or constitutes the rebuilding of a building to a height not exceeding the height of the building at 27 March 1987.

#### 5.6 PARKING, ACCESS AND MANOEUVRING AREAS

### 5.6.1 Objectives

- a) To provide for the safe and sufficient provision of on-site vehicular and bicycle parking.
- b) To ensure that safe and functional vehicular access is provided to and within developments.

### 5.6.2 Development standards

- a) The number of car parking spaces and bicycle parking spaces and facilities are to be provided on-site in accordance with section **14** *Parking* of this Plan.
- b) On site car parking spaces and loading/unloading areas shall not form part of the vehicle manoeuvring areas.
- c) All car parking areas are to be located behind the building line or a minimum 3 metres from the front property boundary. Adequate landscape screening is to be provided within the 3 metre setback and Council must be satisfied that the proposed landscaping/screening will adequately reduce the effect of the parking area on the streetscape.
- d) All vehicular parking areas are to be paved and line marked.
- e) Car parking spaces must comply with the minimum sizes outlined in **Schedule 2** of this Plan.
- f) Where an allotment of land immediately adjoins a classified road, access to the land must be in accordance with any criteria specified by the NSW Road and Maritime Service.
- g) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with **Schedule 3** of this Plan. All manoeuvring areas are to be adequate for a truck 12.5 metres long.
- h) A minimum 6 metres access width is to be provided at the property boundary. Major traffic generating developments may require a greater access width, divided at the property boundary. Council may consider a lesser access width within Zone **B3** Commercial Core.
- i) The entrance to a site shall not be located in close proximity to an intersection. Generally a minimum distance of 30 metres should be provided between an entrance and an intersection with a highway or major road.
- j) Loading and unloading facilities should be in the form of a loading dock and are to be provided on-site such that service vehicles are located wholly within the site and do not create conflicts with parking areas or manoeuvring areas.
- k) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress.

### 5.7 CLEAN BUSINESS AND INDUSTRY

### 5.7.1 Objectives

a) To minimise the potential for pollution and soil erosion.

### 5.7.2 Development standards

#### Drainage and Stormwater Quality

- a) Development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- b) Council may require the submission of a soil and water management plan prior to the commencement of any new building work on-site and the erection and maintenance of control measures during the period of construction.

#### Trade Waste

Trade Waste means liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises, other than domestic sewage, storm water or unpolluted water.

Trade Waste will fall into one of two categories.

- *Category A* Includes all industries which produce large quantities of industrial waste, usually with discharges in excess of 2,000 kilolitres per year.
- *Category B* Includes all businesses/developments such as service stations, restaurants, fast food outlets, laboratories, plant/truck/car washes, mechanical repair workshops, schools, universities, hospitals, stables, bakeries, dairies, market places or other polluted premises where it is required to install pre-treatment apparatus such as grease arrestors, oil arrestors, neutralisers, dilution pits/tanks, etc. where the flow is usually less than 2,000 kilolitres per year.
- a) Any development that falls within one of the above categories, will be required to enter into a Trade Waste Agreement with Council by the submission of an Application to Discharge Liquid Trade Waste into Council's Sewer. The applicant should liaise with Council's Trade Waste Officer in relation to the fees and charges involved and the trade waste equipment required to be installed.

#### Air Quality

a) An air quality impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential for significant adverse impact on air quality, including odour.

#### <u>Noise</u>

- a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential to increase existing noise levels in a locality.
- b) The noise impact assessment must be prepared in accordance with the OEH Industrial Noise Policy.

### 5.8 **OPEN AREAS AND FENCING**

### 5.8.1 Land to which this Section applies

This section applies to all lands within Zones **B5** - Business Development and **IN1** - General Industrial. However, where determined by Council, any one or more of the standards listed below may be required for new development of land within Zones **B1** - Neighbourhood Centre and **B3** - Commercial Core.

### 5.8.2 Objectives

a) To minimise the visual impact of business and industrial development on the locality.

### 5.8.3 Development standards

- a) All loading/unloading, storage, garbage or open work areas are to be located behind the building alignment and are to be fully screened from the view of a public road.
- b) Fences/screen walls (including security fencing) are not to be located within 5 metres of the front property boundary and 3 metres of a property boundary adjoining a side or rear street, unless adequate landscape screening is provided.
- c) Details of proposed materials and the type of construction for (a) and (b) above should be included with the Development Application.

### 5.9 **NEIGHBOURHOOD SHOPPING CENTRES**

### 5.9.1 Land to which this Section Applies

This section applies to the neighbourhood shopping centres shown on DCP Map No. **6** – Neighbourhood Shopping Centres.

### 5.9.2 Objectives

a) To accommodate the establishment of retail, commercial and professional services in convenient locations within residential areas where the scale and type of development does not detract from the status and viability of the Central Business District (CBD) as the retail, commercial and administrative centre of the City of Bathurst.

### 5.9.3 Development standards

- a) Development is to be compatible with the amenity of the surrounding residential area, in terms of bulk, scale and building materials.
- b) Development is not to detract from the status and viability of the CBD as the retail, commercial and administrative centre of the City of Bathurst.

- c) Council shall not grant consent to individual shops within a neighbourhood shopping centre having a floor area exceeding 700m<sup>2</sup>, except as follows:
  - Council may consent to a supermarket within the Trinity Heights, Westpoint and Laffing Waters Neighborhood Shopping Centres, as shown on DCP Map No. 6, having a floor area not exceeding 2500m<sup>2</sup>.
  - ii) Council may consent to a supermarket within the Eglinton Neighborhood Shopping Centres, as shown on DCP Map No. 6, having a floor area not exceeding 1200m<sup>2</sup>.
- d) Neighbourhood Centres are to be generally designed as follows:
  - a strip development (linear or L-shaped) with all facilities facing a common external verandah which should focus on a common or small recreation/park area.
  - ii) Shops and facilities should be incorporated into the neighbourhood centre precinct and linked with a walkway and verandah system grouped around a common or small recreation/park area.
  - iii) The internal walkway should create a link to the existing or future pedestrian and cycle networks that extend to local residential areas.

# 5.10 SECTION 10 (BOUNDED BY BENTINCK, RUSSELL, SEYMOUR AND KEPPEL STREETS)

### 5.10.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **7** - Section 10. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

### 5.10.2 Objectives

a) To provide for public car parking areas within the CBD.

### 5.10.3 Development standards

a) Council may grant consent only to those developments listed in the table below within the land use areas specified by the table and shown on DCP Map No. **7** - Section 10.

Land Use Area	Development to which Council may grant consent
Car Parking & Access	Car Parking and vehicle or pedestrian access.
Business	The purposes permissible within Zone <b>B3</b> – Commercial Core pursuant to the LEP.

### 5.11 GATEWAY ENTERPRISE PARK – ZONE B5 BUSINESS DEVELOPMENT

### 5.11.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. 8 – Gateway Enterprise Park. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards below.

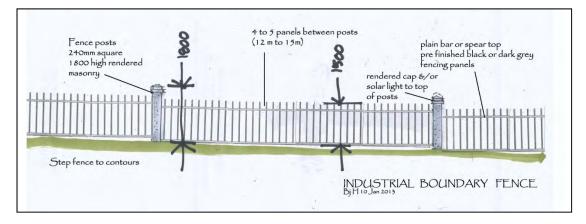
### 5.11.2 Objectives

- a) To control the subdivision layout and the use of certain lands at the Gateway Enterprise Park.
- b) To encourage high quality, interesting, modern building design, facades, external finishes and the like.
- c) To ensure sufficient visual relief is achieved on facades significantly exposed to view from major roads and adjoining sites.
- d) To ensure development addresses the road frontage that provides vehicular access where dual road frontage exists.
- e) To provide for the extension of Adrienne Street to service the industrial growth in the area and to ensure connectivity between the Gateway Enterprise Park and the Adrienne Street Industrial Area.
- f) To plan for the protection and enhancement of the Raglan Creek corridor and the City entrance gateways by requiring their rehabilitation and enhancement with appropriate landscaping.

### 5.11.3 Subdivision standards

- a) Road layouts are to integrate closely, and make provision for a connected road network, with the surrounding existing and future subdivisions on the adjoining lot being Lot 32 DP 870672. The road connection should generally be in the location shown on the DCP Map No 8 Gateway Enterprise Park. The road and service connections are to be constructed to the lot boundary.
- b) No direct vehicular access is permitted to the State Highway Network, other than the roundabout at the Ashworth Drive/Sydney Road intersection, the proposed intersection of a eastern access road to the Great Western Highway and the proposed intersection of a western access road to the Great Western Highway as shown on DCP Map No. 8 – Gateway Enterprise Park.

c) A fence is to be constructed and maintained at subdivision stage along the northern extent of the Major Road Buffer fronting Sydney Road as shown on the DCP Map No 8 – Gateway Enterprise Park. The fence is to be a consistent style and height, generally in accordance with the sketch below. Pre-coloured metal sheet fences are not permitted.



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- d) The Raglan Creek Open Space Corridor (shown blue and green on DCP Map **8** Gateway Enterprise Park) is to:
  - i) be dedicated to Council as part of the subdivision/development of land,
  - ii) be established (in terms of landscape planting and cycle way construction) prior to the issue of a subdivision certificate or occupation certificate or dedication to Council,
  - iii) be a variable width, at least the width shown on the DCP map,
  - iv) include a 2.5 metre wide cycleway, and
  - v) include landscaping in accordance with an approved landscape plan.
- e) A detailed landscape plan is to be submitted to Council with the Development Application for subdivision/development outlining all landscape and cycleway works proposed within the Raglan Creek Corridor.
- f) Water Sensitive Urban Design (WSUD) principles must be incorporated into the site development. Raingardens should be integrated into the carpark areas to protect and improve the receiving waters of Raglan Creek. The Statement of Environmental Effects is to detail the level of implementation of WSUD principles at the subdivision stage.
- g) Landscaping of the vegetation screen, major road buffer and landuse buffer is to be completed prior to the release of a subdivision certificate.
- h) A detailed landscape plan is to be submitted to Council in accordance with Section **13.3** of this Plan, for the vegetation screen, major road buffer and landuse buffer prior to any works commencing on the site.
- i) Landscaping maintenance requirements (see Section **13.3.4**) will apply to all of the landscaping required under this plan.

j) Landscaping should be designed in accordance with Section **13.3.7** of this Plan.

### 5.11.4 Development standards

#### Land Use Areas

 a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. 8 – Gateway Enterprise Park.

Land Use Area	Development to which Council may grant consent
Service Business	The purposes permissible within Zone <b>B5 Business Development</b> under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to the controls of this section is required.
Additional Uses	The purposes permissible within Zone <b>B5</b> Business Development and Schedule 1 – Additional Permitted Uses of the LEP.

#### Land Management Areas

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. **8** – Gateway Enterprise Park where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Access corridor	No buildings may be erected. Roads, drainage, cycleway, landscaping and environmental protection works permitted.
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Development Restriction	A building may not be located or constructed within the area shown on the DCP map.
Major Road Buffer (5 & 15 metres wide shown on the DCP map)	Roads, drainage, landscaping and environmental protection works permitted. No buildings may be erected. No works may be constructed other than fencing, roadways, footpaths or cycleways, or one directory board sign or structure Landscaping pursuant to the controls of Section 13 – Landscaping and Greening of this Plan is required to be planted and maintained.

Land Management Area	Effect on Development
Outer Riparian Corridor (15 metres wide)	No works may be carried out other than post and wire fencing or works allowed pursuant to the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.
Proposed roads (22m wide corridor)	The proposed roads are to be located generally in accordance with the alignment shown on DCP Map $8$ – Gateway Enterprise Park and Adrienne Street Industrial Area to ensure that the land is integrated with future subdivisions.
RMS Land Acquisition	No buildings may be erected. No works may be carried out other than post and wire fencing or works authorised by the RMS.
Strategic Access Route and/or Cycle Path	The access route or path is to be located generally in accordance with the alignment shown on DCP map ${\bf 8}$ – Gateway Enterprise Park.
Top of Raglan Creek Bank	Identifies the top of the bank of Raglan Creek in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.
Vegetation Screen (20 metres wide)	Roads, drainage, landscaping and environmental protection works permitted. No buildings may be erected. No works may be
	constructed other than post and wire fencing, roadways, footpaths or cycleways.
	Existing vegetation is to be protected and enhanced. Landscaping pursuant to the controls of Section 13 – Landscaping and Greening of this Plan is required to be planted and maintained.
Road Closure	Adrienne Street is to be closed generally in accordance with the road closure shown on DCP Map No 8 - Gateway Enterprise Park and Adrienne Street Industrial Area

#### <u>Urban design</u>

- a) Buildings are to be designed to incorporate different textures, materials and distinctive architectural features that add visual interest to any façade which is visible from any road.
- b) Buildings are to be designed to add scale and interest to the building facade by articulated massing to any façade which is visible from any road.
- c) Buildings with blank walls fronting Sydney Road are discouraged. Architectural features, enhanced materials, fenestration, planting, lighting, and signage may contribute to a more pedestrian friendly streetscape.
- d) Buildings should be designed so that they contribute to neighborhood safety by providing windows at the street level.

- e) Buildings, other than those used for warehousing or distribution centres or industrial purposes and located in the 'Additional Uses" land management area (as shown on DCP Map 8 Gateway Enterprise Park) are to be designed so that the exterior walls visible to the street, including the visible return facades to at least 6 metres along the visible side walls, are:
  - i) Constructed predominately of masonry, concrete blocks or tilt-up concrete panels. Sheet metal is permitted as a building feature only provided masonry, concrete blocks or tilt-up concrete panels is the dominant building material.
  - ii) Concrete blocks or tilt-up concrete panels shall be painted, clad or painted with a material and colour appropriate to the nature of the site.
- f) Any sheet metal building materials used on the exterior walls and roof of the building are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction. High contrast, white, bright and reflective surfaces are not acceptable due to the proximity of the site to the Bathurst Regional Airport.
- g) Buildings with more than one street frontage shall address each road/street frontage with an interesting architecturally designed façade.
- Buildings which have frontage to Sydney Road shall have a frontage designed to address Sydney Road, notwithstanding that direct access to Sydney Road will not be permitted. The maximum continuous wall frontage to Sydney Road is 50 metres.
- i) Site services, mechanical plant equipment including visually exposed air conditioning equipment, condenser units and cooling towers shall not be visible from Sydney Road or internal access roads.
- j) Rainwater tanks shall be integrated into the building design and screened from public view.

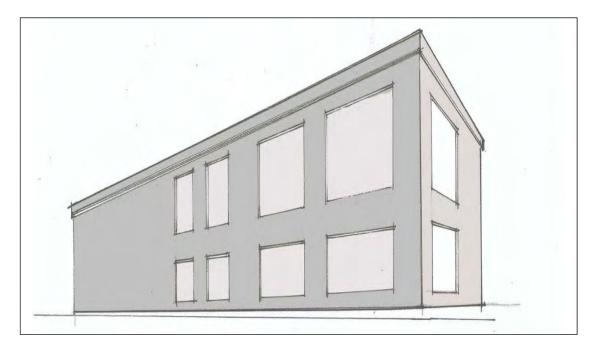
### Examples of acceptable building design

Recommended two storey building



Designed by Barbara Hickson

Not recommended two storey building



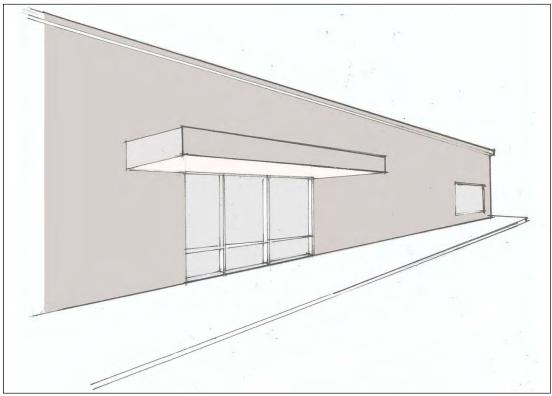
Designed by Barbara Hickson





Designed by Barbara Hickson

Not recommended single storey building



Designed by Barbara Hickson

Urban Design – IN1 General Industrial zoned land

- a) Exterior walls visible to a street, including the visible return facades to at least 6 metres along the visible side walls, are to be masonry, concrete block or tilt up concrete. If concrete blocks or tilt up concrete are used, it is to be appropriately painted or rendered and include decorative detail and elements.
- b) Sheet metal exterior walls are only to be used on non-visible exterior walls, or as a design feature on facades visible to the street. High contrast, bright and reflective surfaces are not acceptable.
- c) All roofing materials are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction.

#### Advertising signage

- a) Advertising signage shall be consistent with **Section 14** of this Plan and corporate colour schemes should not dominate the streetscape of either Sydney Road or internal access roads.
- b) No signs are to be located on or above roof level.
- c) One projecting wall sign per tenant is permitted.
- d) One pylon sign per building may be erected between the building line and Sydney Road (not within the major road buffer as shown on DCP Map No 8
   – Gateway Enterprise Park and Adrienne Street Industrial Area) that is consistent with Section 14 of this Plan.
- e) One directory board sign or structure may be erected within the Major Road Buffer (as shown on DCP Map No **8** – Gateway Enterprise Park and Adrienne Street Industrial Area) advertising the tenants of the Gateway Enterprise Park.

#### Access to the State Highway Network (Sydney Road)

 All access is to be via the future internal road network. Vehicular access directly from Sydney Road is prohibited other than as shown on the DCP Map No 8 – Gateway Enterprise Park.

#### Landscaping

- a) A detailed landscape plan is to be submitted with a Development Application for developments listed in Section **13.3.2** of this Plan.
- b) Landscaping maintenance requirements (see Section **13.3.4**) will apply to all landscaping required under this plan.
- c) Landscaping design should be generally in accordance with Sections **13.3.5** and **13.3.7** of this Plan.
- Landscape plans for the warehousing or distribution centres or industrial purposes and located in the 'Additional Uses" land management area (as shown on DCP Map 8 Gateway Enterprise Park) are to incorporate trees

with a mature height of between 20 to 30 metres to provide maximum screening of buildings and containers associated with the freight transport terminal.

**Note** that proposed landscape treatments, including plant species, locations and number of plants, are to be submitted for Council approval <u>prior</u> to the commencement of works on the site.

### 5.12 SERVICE TRADE CENTRE

### 5.12.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **9** - Service Trade Centre. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards below.

### 5.12.2 Objectives

a) To control the subdivision layout and the use of certain lands at the Service Trade Centre.

### 5.12.3 Development standards

#### Subdivision of Land

a) Council may grant consent to the subdivision of land only in accordance with the subdivision layout shown on DCP Map No. **9** - Service Trade Centre or where a subdivision proposal does not conflict with the aim of the layout shown on that Map.

#### Land Use Areas

 a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. 9 – Service Trade Centre.

Land Use Area	Development to which Council may grant consent
Business Development	The purposes permissible within Zone <b>B5</b> - Business Development under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.

#### Management of Land

 a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. 9 – Service Trade Centre where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Building Restrictions	Car parking and manoeuvring permitted. No buildings shall be erected on this land.

Bathurst Regional Development Control Plan 2014	
Land Management Area	Effect on Development
Road Widening	Land may be subject to road widening.
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.
Land Use Buffer	Roads, drainage, environmental protection works permitted. No buildings shall be erected on this land. Landscaping pursuant to section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.
Proposed roads	The proposed road is to be located generally in accordance with the alignment shown on DCP map $9$ – Service Trade Centre to ensure that the land is integrated with future subdivisions.
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.

#### Fencing

Fences on land adjoining the future alignment of McDiarmid Street (as a) shown on DCP Map No. 9 - Service Trade Centre) are to be timber, masonry or wire fencing with associated hedge screening. Pre-coloured metal sheet fences are not permitted.

#### 5.13 **STOCKLAND DRIVE**

#### 5.13.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. 10 - Stockland Drive.

#### 5.13.2 Objectives

To ensure a high standard of visual amenity, to maintain the historic a) character of the area and manage traffic flows.

#### 5.13.3 Development standards

**Building Height** 

a) Notwithstanding any other provision of this Plan, the height of a building within each "Area" shown on DCP Map No. 10 - Stockland Drive shall generally be in accordance with the table below.

Area	Height of Buildings
1	1 storey.
2	<ol> <li>storey (for buildings facing the Great Western Highway).</li> <li>storeys (for buildings at the rear of the site where separated from and located behind another building).</li> </ol>

	Bathurst Regional Development Control Plan 2014
Area	Height of Buildings
3	1 storey (for buildings facing the Great Western Highway). 2 storeys (for buildings at the rear of the site where separated from and located behind another building).
4	<ol> <li>storey (for buildings facing Lee Street)</li> <li>storeys (for buildings at the rear of the site where separated from and located behind another building or for buildings facing Stockland Drive).</li> </ol>

### Building Setbacks

 a) The building setback to the street frontage for each "Area" shown on DCP Map No.10 – Stockland Drive shall generally be in accordance with the table below.

Area	Setback
1	0 – 3 metres
2	6 – 8 metres
3	8 – 10 metres (from the Great Western Highway).
	10 metres (from Stockland Drive).
4	Consistent with the setback of neighbouring properties.

#### <u>Access</u>

a) Access for each "Area" shown on DCP Map No. **10** – Stockland Drive shall generally be in accordance with the table below.

Area	Access
1	Ingress only will be permitted from the Great Western Highway at a maximum access width of 4 metres located at the western extremity of the site. Egress is to be from Lee Street.
2	Ingress only will be permitted from the Great Western Highway. Egress is to be from the service road at the rear.
3	All access is to be via Stockland Drive.
4	All access is to be via Lee Street or Stockland Drive.

b) No vehicular access either to or from the Great Western Highway will be permitted in the area shown as "access restriction" on DCP Map No. **10** – Stockland Drive.

#### Building Design

- a) The built form is to be sympathetic with the historic character of the area.
- b) The design of new buildings facing Lee Street and the Great Western Highway are to relate to the existing buildings and are to be of a domestic

scale and character (see section **10.4** – *Infill Development* relating to infill development). They should generally incorporate:

- i) roofs with a pitch of greater than 28 degrees;
- ii) vertically proportioned windows;
- building materials generally in keeping with surrounding historic buildings (face brickwork is to be included in buildings facing Lee Street);
- iv) verandahs and post supports, where practical; and
- v) walls with windows facing the highway.

#### Land Use Areas

 a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. 10 – Stockland Drive.

Land Use Area	Development to which Council may grant consent
Business Development	The purposes permissible within Zone <b>B5</b> – Business Development under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.
Land Use Buffer	<ul> <li>Roads, drainage, environmental protection works permitted.</li> <li>No buildings shall be erected on this land.</li> <li>Landscaping pursuant to section <i>13 – Landscaping and Greening</i> of this Plan is required.</li> </ul>

#### Management of Land

 a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. 10 – Stockland Drive where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Road Widening	Land may be subject to road widening.

Bath	urst Regional Development Control Plan 2014
Land Management Area	Effect on Development
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.

### 5.14 SYDNEY ROAD PRECINCT (NORTH)

### 5.14.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **11** – Sydney Road Precinct (North).

Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

### 5.14.2 Objectives

a) To control the use of certain lands shown on DCP Map No. **11** – Sydney Road Precinct (North).

### 5.14.3 Development standards

#### Land Use Areas

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **11** – Sydney Road Precinct (North).

Land use areas	Development to which Council may grant consent
Business Development	The purposes permissible within Zone <b>B5</b> - Business Development under the LEP.
Open Space	Drainage, recreation and environmental protection works
Land Use Buffer	Roads, drainage, environmental protection works permitted. No buildings shall be erected on this land.
	Landscaping pursuant to section <b>13 – Landscaping and Greening</b> of this Plan is required.

### Management of Land

 a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. 11 – Sydney Road Precinct (North) where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
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Ва	athurst Regional Development Control Plan 2014
Land Management Area	Effect on Development
Waterway Area	No development other than environmental protection works.

### 5.15 HAMPDEN PARK ROAD (EAST)

### 5.15.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **12** – Hampden Park Road (East). Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

### 5.15.2 Objectives

- a) To limit the area of land to be used for industrial purposes;
- b) To provide for a visual buffer from adjoining lands; and
- c) To maintain the visual gateway to the City.

### 5.15.3 Development standards

#### Land Use Areas

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **12** – Hampden Park Road (East).

Land Use Area	Development to which Council may grant consent
Rural	The purposes permissible within Zone <b>RU1</b> - Primary Production under the LEP.
Industry	The purposes permissible within Zone <b>IN1</b> - General Industrial under the LEP.
Open Space	Landscaping and associated works to create a visual buffer, environmental protection works.

### Management of Land

 a) Council may grant consent only to development within the Land Management Areas listed in the table below and identified on the DCP Map No. 12 – Hampden Park Road (East) where the development complies with the requirements listed for that area.

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Bathurst Regional Development Control Plan 2014				
Land Management Area	Effect on Development			
Land Use Buffer	Roads, drainage, environmental protection works permitted.			
	No buildings shall be erected on this land. Landscaping pursuant to section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.			
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.			

#### <u>Noise</u>

- a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which the Council considers may have the potential for significant adverse noise impact at the Scots School.
- b) For the purpose of a noise impact assessment report:
  - i) the Scots School is to be considered a residential land use in a rural land use area;
  - ii) the existing background noise levels to be used are to be those measured at the Scots School immediately prior to the first development on the land to which this section applies; and,
  - iii) the acceptable background noise levels to be used are the Office of Environment and Heritage's (OEH's) acceptable background noise levels of 45dB(A) daytime and 35dB(A) night time.

#### Height and Form of Buildings

- a) Buildings generally should not exceed a height of 8 metres.
- b) Buildings may exceed a height of 8 metres only where the actual tree height of trees within the tree screen buffer (open space) exceed the building height and adequately screen the building when viewed from the front of the Scots School Administration Office (at elevation 682m).
- c) Wherever possible, buildings should be broken down into smaller units that step down to acknowledge the slope. This is particularly critical for buildings adjoining the southern edge of the Industrial Area, next to the "open space" shown on DCP Map No. **12** Hampden Park Road (East).

### 5.16 ESROM STREET

### 5.16.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. 13 – Esrom Street. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

### 5.16.2 Objectives

- a) To control the use of land for certain industrial purposes; and
- b) To provide for a visual buffer from adjoining lands.

### 5.16.3 Development standards

#### Land Use Areas

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **13** – Esrom Street.

Land Use Area	Development to which Council may grant consent			
Industry Type 1	Warehouse and Distribution Centres and Storage Premises.			
Industry Type 2	Extension to existing factory operations.			

#### Management of Land

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on DCP Map No.
 **13** – Esrom Street where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development		
Land Use Buffer	Drainage, recreation, environmental protection works permitted.		
	Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.		

### Height of Buildings

a) No part of the main structure of any building is to protrude above the plane projected from any point 3 metres above ground level on the southern alignment of West Street between the points A-B on DCP Map No. 13 – Esrom Street and the highest points of the existing factory marked X-Y on DCP Map No. 13 – Esrom Street.

### 5.17 BUSINESS PREMISES AND OFFICE PREMISES WITHIN ZONES R1 – RESIDENTIAL; R2 - LOW DENSITY RESIDENTIAL; AND RU5 - VILLAGE

### 5.17.1 Objectives

 To control the bulk and scale of business premises and office premises within Zones R1 General Residential, R2 Low Density Residential and RU5 Village.

### 5.17.2 Development standards

### Floor size

a) Buildings used or constructed for business or office premises must not exceed a gross floor area of 250m<sup>2</sup> per lot. Only one (1) building per lot may be used for business or office premises (Note: separate buildings may be erected on the lot for garaging and storage purposes).

#### <u>Height</u>

a) Buildings constructed for business or office premises must not exceed 2 storeys in height.

#### Building Form

a) Buildings constructed for business or office premises are to relate in scale and form with surrounding residential buildings (see section **10.4** – *Infill development*).

#### 5.18 CHILD CARE CENTRES

#### 5.18.1 Objectives

a) To ensure child care centres do not have a direct frontage to a classified road or highway in commercial, industrial, residential and village zones.

#### 5.18.2 Development standards

a) Council must not grant consent to a child care centre which has its primary entrance fronting a classified road or highway.

### 5.19 ACTIVE STREET FRONTAGES – KEPPEL STREET

### 5.19.1 Land to which this Section applies

This section applies to ground floor street frontages in Keppel Street (between Seymour and William streets).

#### 5.19.2 Objectives

a) To promote uses that attracts pedestrian traffic along ground floor street frontages in Keppel Street (between Seymour and William Streets).

#### 5.19.3 Development standards

- a) Development consent must not be granted to the erection of a building, or a change of use of a building, on land unless Council is satisfied that the building will have an active street frontage after its erection or change of use.
- b) An active street frontage is not required for any part of a building that is used for any of the following:
  - i) entrances and lobbies,
  - ii) access to fire services,

- iii) vehicle access.
- c) In respect of (a) and (b) above, a building has an active street frontage if all premises on the ground floor of the building facing the street:
  - i) are used for the purposes of commercial premises, community facilities, medical centres, or the like, and
  - ii) include windows and openings to the street to enhance the visibility of the premises to the footpath.

### 6 RURAL AND RURAL LIFESTYLE DEVELOPMENT

#### 6.1 **PRELIMINARY**

#### 6.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to lands within the following Zones under the Bathurst Regional Local Environmental Plan 2014 (LEP):

- Zone **RU1** Primary Production
- Zone **RU2** Rural Landscape
- Zone **RU4** Primary Production Small Lots
- Zone **R5** Large Lot Residential and
- Zone **E4** Environmental Living.

#### 6.1.2 Strategic priority and objectives

a) The Bathurst Region Rural Strategy 2008 establishes the following key priorities and objectives for rural land and rural lifestyle development and growth for the Bathurst Region.

#### Strategic Priorities

- a) To determine the best way to protect and enhance agricultural lands, the forestry industry and mining activities.
- b) To determine the best way to provide for rural lifestyle living opportunities that does not alienate primary industry activities.

#### Strategic Objectives

- a) To minimise the fragmentation of agricultural lands, protect highly valued agricultural lands and encourage the consolidation of small holdings.
- b) To minimise the alienation of rural lands from competing and conflicting land uses.
- c) To minimise the alienation of forestry and mining activities from competing and conflicting land uses and maximise opportunities to expand and access land resources for forestry and mining activities.
- d) To adopt a settlement strategy that includes the provision of rural lifestyle living at a level that meets the projected levels of demand.
- e) To supply rural lifestyle living in an appropriate form that will minimise its impacts on agriculture and maximise the concentration of population at existing village and settlement locations.
- f) To supply rural lifestyle living in appropriate locations that consider relevant planning constraints and constraints identified in the recommendations of the Bathurst Region Rural Strategy 2008.
- g) To provide an appropriate level of amenity for rural lifestyle living areas through the preparation and adoption of relevant development standards, particularly minimum lot sizes.

h) To provide for low-impact residential development in areas of special ecological, scientific or aesthetic value.

### 6.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed in the table below.

	Description		
Highway	Includes the Great Western Highway, Mitchell Highway and the Mid-Western Highway.		
Major Road	Any road with a road reserve width of 22m or more. A classified road, other than highways.		
Minor Road	Any road with a road reserve width of less than 22m.		
Crown Road	Any road owned by the Crown, other than a highway or a classified road.		

### 6.1.4 The Rural Living Handbook (Advisory only)

Council has developed The Rural Living Handbook which is intended to be a tool for new or existing land owners. There is a range of information about weed and pest management, water conservation, salinity and erosion control, native vegetation and wildlife, chemical use, farm safety and local planning information. Copies of the handbook are available from Council offices or from its website.

### 6.2 SITING

### 6.2.1 Objectives

- a) To prevent conflict between residential activities and primary industry.
- b) To ensure that development will not significantly adversely affect the use of adjoining land.
- c) To ensure that building sites do not impact on existing drainage patterns and water supplies.
- d) To protect the environmental qualities of the land.

### 6.2.2 General considerations

#### **Development Standards:**

- a) Where land is within Zone **RU1** Primary Production and is identified as:
  - i) a sensitive land area on DCP Map No. 29 Land Resources or
  - ii) a *sensitive waterways* on DCP Map No. **30** Riparian Land and Waterways and/or
  - a high or moderate biodiversity sensitivity on DCP Map No. 31 -Biodiversity of this Plan

an environmental assessment is to be provided in accordance with section **9** – *Environmental Considerations* of this Plan. For all other lands, the development standards listed in points (b) to (d) below apply to the siting of buildings.

- b) A Development Application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including:
  - i) existing natural drainage lines,
  - ii) existing farm dams,
  - iii) all existing tree and landscape features, and
  - iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and hilltops).
- c) Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and identify any trees proposed to be removed.
- d) Where applicable, dwellings and other buildings are to be sited within a designated building envelope if shown on the relevant deposited plan and outside any 'Land Management Areas' identified on a relevant DCP map.

### 6.2.3 Setbacks – Zones RU1 – Primary Production, RU2 – Rural Landscape and RU4 – Primary Production Small Lots

#### **Development Standards**

a) Council must only grant consent to development listed in the table below where the front, side and rear setbacks comply with the standards outlined in the table below.

<u>Note</u>: For the purposes of the table below adjoining land includes land that would otherwise adjoin a property boundary except for the fact that a road or river is located along that property boundary. In these circumstances the setback requirement can be reduced by the width of the road or river.

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Development Type	Front, Side and Rear Setback
Dwellings Tourist and Visitor Accommodation Caravan Parks Farm buildings	<ul> <li>20m for lots less than 20ha or 50m for lots greater than 20ha, or</li> <li>150m to adjoining land that contains an existing extractive industry, sawmills, road transport facility, an existing forestry operation or land owned by Forests NSW, or</li> <li>250m to adjoining land that contains an existing intensive animal husbandry activity, an abattoir or stock and sale yards, or</li> <li>250m to adjoining land that contains an existing intensive animal husbandry activity, an abattoir or stock and sale yards, or</li> </ul>
Rural Industry	o 50m
Extractive Industries Sawmills Road Transport Facility Forestry (excluding existing plantations authorised under the Plantations and Reafforestation Act 1999 or activities carried out under the Forestry Act 1916).	o 150m
Intensive Animal Husbandry Stock and Sale Yards Abattoirs Mines	o 250m

# 6.2.4 Minimum setbacks – Zone R5 – Large Lot Residential and Zone E4 Environmental Living

Development Standards:

- a) Council must only grant consent to the erection of buildings within the building envelope, if shown on the Deposited Plan for the lot, or
- b) Where no building envelope is shown on the Deposited Plan for the lot, Council must only grant consent to the erection of buildings where the front, side and rear setbacks comply with the standards outlined in the table below.

### Minimum Front Side and Rear Setbacks

- 8m to minor road or adjoining property boundary, or
- 40m to major road or highway.

### 6.3 ACCESS, ENTRANCES AND FENCING

### 6.3.1 Objectives

- a) To maintain a standard of fencing and entrances compatible with the rural landscape.
- b) To minimise the visual impact of rural lifestyle developments on major and minor roads including the gateway approaches to the City.
- c) To provide adequate access for Rural Fire Service resources.

### 6.3.2 Development standards

#### <u>Access</u>

- a) A vehicular access shall not be created or used to give access directly onto a classified road or highway, without the consent of the Roads and Maritime Service (RMS).
- b) A vehicular access shall not be created or used to give access onto a minor road closer than 20 metres to any intersection of that minor road with a major road or highway.
- c) A vehicular access shall not be created or used to give access onto a road specified by a relevant DCP Map as "access restriction".

#### Entrances

- a) Entrances are to be setback a minimum of 10m from the boundary of the subject land with the public road, in accordance with Council's *Guideline to Engineering Works*. Entrance setbacks to a highway or classified road must meet RMS standards.
- b) Entrances required to accommodate semi-trailers and heavy vehicles (e.g. to mines and intensive livestock activities etc.) are to be set back a minimum of 20m from the boundary of the subject land with the public road, in accordance with Council's *Guideline to Engineering Works*.
- c) Entrances are to have a 2 coat bitumen seal if the public road is sealed. Driveways are to otherwise be constructed to an all weather surface.
- d) Entrances are to be a minimum 4m wide to enable access by Rural Fire Service resources.

#### Fencing

- a) Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, wire, timber, masonry or the like. Pre-coloured metal sheet fencing is not permitted.
- b) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.

Driveways and property access roads

- a) Driveways and property access roads are to be constructed of an all weather surface.
- b) Driveways and property access roads are to be constructed to comply with Section 4.1.3 (2) of the Planning for Bushfire Protection Guidelines (2006).

#### 6.4 ON SITE EFFLUENT DISPOSAL

#### 6.4.1 Objectives

a) To ensure that adequate site area is provided to enable appropriate on-site sewerage management in rural and rural lifestyle locations that are <u>not</u> connected to a reticulated sewerage system.

#### 6.4.2 Development standards

- a) The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on-site waste water disposal, from a suitably qualified Geotechnical Engineer.
- b) The proposed method of effluent disposal and the associated waste water disposal area must comply with AS/NZS1547:2000 On-Site Domestic Wastewater Management and the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households.
- c) The effluent disposal system and associated disposal area is to be sited within the designated effluent disposal envelope if shown on the relevant deposited plan.
- d) Effluent disposal systems and associated disposal areas (including irrigation areas) are to be located so as to meet the buffer requirements in the most current version of the *Environmental Health Protection Guidelines On-site* Sewage Management for Single Households (refer section **3.2.2**).
- e) Council cannot consent to the installation of an on-site effluent disposal system on land identified wholly or partially as having a high or moderately high groundwater vulnerability on DCP Map No. 30 Riparian Land and Waterways (excluding those lands shown on DCP Map No.'s 14 White Rock and 15 Robin Hill) unless it has considered a report prepared in accordance with section 9.5 *Groundwater* of this Plan that considers the impact of on-site effluent disposal systems on groundwater.

### 6.5 WATER SUPPLY REQUIREMENTS

### 6.5.1 Objectives

a) To ensure that adequate water resources are supplied to new developments for domestic and fire fighting purposes in those locations where a reticulated water supply is <u>not</u> available.

### 6.5.2 Development standards

a) An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations **not** connected to a reticulated water system as specified below.

#### Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as study's, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. bath, WC, laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

#### Domestic Dwellings - Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

#### Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings. See section 4.1.3 of the Planning for Bush Fire Protection Guidelines (2006).

Development type	Water requirement
Residential lots (<1,000m <sup>2</sup> )	5,000 l/lot
Rural-residential lots (1,000 - 10,000m <sup>2</sup> )	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m <sup>2</sup> )	20,000 l/lot
Dual Occupancy	2,500 l/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only static water storage within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the Inner Protection Area (IPA) and away from the structure. A 65mm Storz outlet with a gate or Ball valve is to be provided.
- Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.
- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

Note: where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

### 6.6 BUILDING FORM AND DESIGN

### 6.6.1 Objectives

a) To ensure that the design of buildings and other structures are in keeping with and sympathetic to the rural character of the area.

### 6.6.2 Development standards

- a) The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.
- b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

- c) The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.
- d) The design of the building must be in keeping with the rural character of the area.
- e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section **6.2.4**).

### 6.7 SOIL AND WATER MANAGEMENT

### 6.7.1 Objectives

a) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality.

#### 6.7.2 Development standards

- a) For developments with a disturbance area of less than 2500m<sup>2</sup>, development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m<sup>2</sup>, development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m<sup>2</sup>, Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of <u>any</u> construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's Erosion and Sediment Control Guidelines for Building and Work Sites or Managing Urban Stormwater: Soils and Construction 2004 and remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

#### 6.8 TEMPORARY ACCOMMODATION AND SECONDHAND DWELLINGS

<u>Note:</u> Temporary Accommodation and Second Hand Dwellings proposed in any other zones are to comply with the relevant standards and requirements listed hereunder.

### 6.8.1 Objectives

a) To provide opportunities for temporary accommodation and the use of secondhand dwellings within rural and rural lifestyle localities.

# 6.8.2 Development standards

Temporary accommodation

a) Council may consider applications for temporary accommodation (including a shed or caravan) during construction of a permanent dwelling for 24 months only. Toilet facilities, a potable water supply, bathing and clothes washing facilities and waste water disposal are required for all temporary dwellings.

Note: BASIX need not apply to temporary accommodation.

#### Secondhand Dwellings

- a) Applications for the relocation of second hand dwellings are to be accompanied by:
  - i) photographs of all elevations of the buildings;
  - a letter from the relevant Local Authority verifying that the photographs are representative of the current condition of the building(s);
  - iii) a scaled floor plan;
  - iv) a "schedule of works" to be undertaken to refurbish the dwelling, including the materials that are proposed to be used to ensure compliance with the National Construction Code; and
  - v) elevations of the building as proposed following re-siting.

# 6.9 RURAL LIFESTYLE DEVELOPMENT – USE OF LAND

# 6.9.1 Land to which this Section applies

This section applies to land within Zone **R5** - Large Lot Residential under the LEP, as shown on the following DCP Maps:

- DCP Map No. 14 White Rock,
- DCP Map No. 15 Robin Hill;
- DCP Map No. **16** Trunkey Creek;
- DCP Map No. 17 The Lagoon;
- DCP Map No. **18** Wattle Flat; and
- DCP Map No. **19** Mount Rankin.

# 6.9.2 Objectives

- a) To control the subdivision of certain lands and the siting of dwellings on those lands.
- b) To ensure that the natural features and the environmentally sensitive areas of the land are not adversely affected by future development.
- c) To ensure protection and conservation of the scenic value and rural amenity of rural lifestyle land.

d) To provide appropriate vegetated buffers between rural lifestyle areas and agricultural areas to prevent land use conflict.

# 6.9.3 Use of land

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent	
Housing (single or double storey)	Single storey or double storey housing and other ancillary buildings.	
Housing (single storey) Single storey housing and other ancillary buildings.		
Open space	Drainage, recreation, environmental protection works, footpaths and cycleways.	

# 6.9.4 Management of land

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development	
Agricultural Interface	No dwellings may be erected. Outbuildings and ancillary structures will be considered on merit.	
	Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.	
Environmental Protection	Roads, drainage, environmental protection works permitted.	
Area (See Map legend for type)	No buildings may be erected. No works may be constructed other than post and wire fencing.	
	Existing vegetation is to be protected and enhanced.	
	Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.	
Subdivision Restriction	Other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, no further subdivision is permitted.	
Major Road Buffer	Roads, drainage, environmental protection works permitted. No buildings may be erected.	
	No works may be constructed other than post and wire fencing.	
	Landscaping pursuant to section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.	
Density Restriction	Refer to Clause 4.1 of the LEP.	
Utility Supply Easements and Infrastructure	No buildings may be erected. No works may be constructed other than post and wire fencing.	
	Construction of new vehicular access over any portion of land must be to the satisfaction of Council.	

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Land Management Area Effect on Development		
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.	
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.	
Cultural Heritage	No subdivision or building work may occur until an assessment under section <b>10.10</b> – <i>Aboriginal Heritage</i> of this Plan has been completed and Council is satisfied that the development will not adversely impact on any identified cultural heritage.	
Access permitted to Trunk Road 54	Access to the land is permitted to Trunk Road 54.	
Proposed roads	The proposed road is to be located generally in accordance with the alignment shown on the relevant DCP map to ensure that the land is integrated with future subdivisions.	
European Heritage Buffer	No dwellings or buildings may be erected. No works may be constructed other than driveways, drainage and fencing.	

#### 6.10 **MOUNT HAVEN ESTATE – USE OF LAND**

# 6.10.1 Land to which this Section applies

This section applies to land within Deposited Plan No. 270159 as shown on DCP Map No. 20 - Mount Haven Estate.

# 6.10.2 Objectives

To protect the environmental qualities of the Mount Haven Estate. a)

# 6.10.3 Use of the land

Council may grant consent only in accordance with Clause 7.11 of the LEP.

# 6.10.4 Management of land

Council may only grant consent to development within the Land a) Management Areas listed in the table below and identified on DCP Map No. 20 - Mount Haven Estate where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development	
Environmental	Drainage, environmental protection works permitted.	
Protection Areas - Waterways	No buildings may be erected. No works may be constructed other than post and wire fencing. Existing vegetation is to be protected and enhanced. Landscaping pursuant to section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.	

# 6.10.5 Development standards

Development Standards:

- a) Council must only grant consent to the erection of buildings within the building envelope, if shown on the Deposited Plan for the lot, or
- b) Where no building envelope is shown on the Deposited Plan for the lot, Council must only grant consent to the erection of buildings where the buildings are located at least 30 metres from all boundaries.

# 6.10.6 Development standards

- a) No building shall have any roof greater than 8m above the natural surface of the building site.
- b) Buildings are to be located where there will be minimal disturbance to the existing native fauna and flora. All Development Applications are to identify the number of trees to be removed and the extent of clearing to be undertaken.
- c) Alternative dwelling designs and materials compatible with the landscape and the environment are encouraged.
- d) No vegetation (except for exotic species or with the consent of Council) is to be cleared within 50 metres of Eusdale and Diamond Swamp Creeks.
- e) All domestic effluent is to be connected to the common effluent disposal system, unless an on-site system is approved by Council.
- f) A common effluent disposal system is to be constructed to service all allotments within the estate, unless Council has approved the use of an onsite system.
- g) The effluent from each dwelling is to pass into a septic tank then into a common dam (minimum capacity of 30 days retention), from which it will be spray irrigated onto the Brookfield farm, unless an on-site system is approved by Council.
- h) All common effluent disposal dams, pipes and irrigation areas are to be located on community/neighbourhood land or covered by easements, with an adequate area for access and maintenance purposes.
- i) No irrigation area is to be located within 50 metres of any waterway.
- j) The domestic garbage storage areas and recycling collection areas are to be fenced to ensure that garbage is not blown away from the site and animals are kept out of the area. The garbage storage areas are to be screened with appropriate landscaping.
- k) A perimeter fire trail is to be located around the north, west and southern side of the estate, with a minimum cleared width of 4 metres. The trail is to be physically connected to the community road system.
- I) A tank with a minimum raw water capacity of 20,000 litres, and continually maintained at that volume, with a suitable opening for fire fighting hoses, is

to be located in a central position to the overall development on community land and is to be accessible to fire fighting vehicles at all times.

m) A fire fighting tanker is to be provided to the Local Fire Fighting brigade when the number of dwellings in the subdivision reaches 40.

## 6.11 DEVELOPMENT ON LAND ADJOINING LAND OWNED OR OPERATED BY FORESTS NSW – SPECIAL PROVISIONS

# 6.11.1 Objectives

- a) To minimise the alienation of forestry activities from competing and conflicting land uses.
- b) To maximise opportunities to expand and access land resources for forestry activities.

## 6.11.2 Development standards

- a) New dwellings will be permitted only where safe all weather access can be provided that does not incorporate the use of forestry roads.
- b) Development Applications for dwellings and buildings located on land adjoining land owned or operated by Forests NSW are to be accompanied by electrical infrastructure plans to enable adequate assessment to be made to ensure such infrastructure will not impact on existing forestry operations.

#### 6.12 PURPLE COPPER BUTTERFLY HABITAT – SPECIAL PROVISIONS

# 6.12.1 Objectives

a) To protect and enhance the Purple Copper Butterfly habitat in the Yetholme locality.

# 6.12.2 Development standards

- a) New development is to be located away from areas of potential habitat of the Purple Copper Butterfly so that the extent and quality of that habitat is not affected by the development or by bushfire related asset protection zone requirements.
- b) Revegetation associated with development shall be implemented to comprise species and to achieve vegetation structure and densities as defined by the most current Office of Environment and Heritage advice for Purple Copper Butterfly habitat enhancement.

# 6.13 RESIDENTIAL ACCOMMODATION AND MINIMUM LOT SIZE – ZONE R5 LARGE LOT RESIDENTIAL

#### 6.13.1 Objectives

a) To ensure adequate site area is available for the erection of dwelling houses, secondary dwellings (granny flats) in zone R5 Large Lot Residential.

# 6.13.2 Development standards

a) Council shall not consent to development for the purposes of a dwelling house or secondary dwelling (granny flat) unless Council is satisfied that on-

site effluent disposal can be provided for each dwelling in accordance with Section **7.3 – Onsite Effluent Disposal** of this Plan.

# 6.14 WHITE ROCK

# 6.14.1 Land to which this Section applies

This Section applies to the land shown on DCP Map 14 – White Rock.

# 6.14.2 Objectives

To protect the heritage qualities of the property known as 'Littlebourne' and to ensure adequate water services are available to all new lots.

#### 6.14.3 Development Standards – Water Reticulation

- a) The finished floor level of any new dwelling is to be no greater than 708m AHD.
- b) The finished floor level of any new dwelling is to be shown on any plans submitted to Council for approval.

## 6.14.4 Development Standards - Littlebourne

This section applies to Lot 1 DP 867504, known as Littlebourne.

- a) All buildings should have a height no higher than 713m AHD or the height of the ridge of Littlebourne Homestead as measured from the finished ground level.
- b) Where visible from the street or adjoining Littlebourne Homestead, roof pitches are to be at least 30 degrees.
- c) Roofing materials are to generally be steel sheeting of a traditional corrugated profile and are to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the Littlebourne Homestead). The proposed colour is to be nominated on any plans submitted to Council for approval.
- d) Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions.
- e) Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted.
- f) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.
- g) Outbuildings are to be constructed of brick, timber or steel sheet metal of a traditional corrugated profile and are to include a roof pitch and colouring that complements the roof pitch and colouring of the surrounding dwellings. American barn style outbuildings will generally not be permitted.

# 7 RURAL VILLAGE DEVELOPMENT

# 7.1 PRELIMINARY

# 7.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to land within Zone **RU5** - Village under the Bathurst Regional Local Environmental Plan 2014 (LEP).

# 7.1.2 Strategic priority and objectives

a) The Bathurst Region Rural Strategy 2008 establishes the following key priority and objectives for rural village development and growth for the Bathurst Region.

#### Strategic Priority

To determine the best way to maintain and enhance the viability of the villages and key historic settlement areas.

#### Strategic Objectives

- a) To adopt a settlement strategy that includes the concentration of new living opportunities within and close to the existing villages, so as to improve the viability of these centres, minimise impacts on agricultural lands and enable concentrated service provision.
- b) To provide an appropriate level of village amenity through the preparation and adoption of development standards for each village location.
- c) To provide a strong and viable village system that includes housing choice, viable business and tourism opportunities, adequate transport systems and a concentration of community services.

#### 7.2 RESIDENTIAL ACCOMMODATION AND MINIMUM LOT SIZE

#### 7.2.1 Objectives

a) To ensure adequate site area is available for the erection of dwelling houses, secondary dwellings (granny flats), dual occupancies, semidetached dwellings and seniors housing.

#### 7.2.2 Development standards

- a) Council shall not consent to development for the purposes of a dwelling house or secondary dwelling (granny flat) unless:
  - the allotment is an allotment created for the purpose of a dwelling before gazettal of the Bathurst Regional Local Environmental Plan 2014 and Council is satisfied that on-site effluent disposal can be provided in accordance with section 7.3 On-site Effluent Disposal of this Plan, or
  - ii) the allotment meets the minimum lot size standards established for the **RU5** - Village zone as set out in section **3.2.2** of this Plan, or

- iii) The allotment is an allotment to which Clause 29 of the Bathurst Regional (Interim) LEP 2005 applied and on which a dwelling house could have been lawfully erected in accordance with that Colause.
- b) Council shall not consent to development for the purposes of a dual occupancy, semi-detached dwelling or seniors housing development unless:
  - the allotment meets the minimum lot size standards established for the RU5 - Village zone as set out in section 3.2.2 of this Plan for a single dwelling house, and
  - ii) Council is satisfied that on-site effluent disposal can be provided for each dwelling in accordance with section 7.3 – On-site Effluent Disposal of this Plan.

## 7.3 ON SITE EFFLUENT DISPOSAL

## 7.3.1 Objectives

a) To ensure that adequate site area is provided to enable appropriate on-site sewerage management in rural village locations that are not connected to a reticulated sewerage system.

# 7.3.2 Development standards

a) The proposed method of effluent disposal and the associated waste water disposal area for a dwelling must comply with AS/NZS1547 – On-Site Domestic Wastewater Management and the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households.

<u>Note</u>: Pump out systems are <u>not</u> considered appropriate.

- b) The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on-site waste water disposal, from a suitably qualified Geotechnical Engineer.
- c) The effluent disposal system and associated disposal area is to be sited within the designated effluent disposal envelope if shown on the relevant deposited plan.
- d) Effluent disposal systems and associated disposal areas are to be located so as to meet the buffer requirements set out in the most current version of the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households.* (refer section **3.2.2**).
- e) Council cannot consent to the installation of an on-site effluent disposal system on land identified wholly or partially as having a high or moderately high groundwater vulnerability on DCP Map No. 30 Riparian Land and Waterways, unless it has considered a report prepared in accordance with section 9.5 *Groundwater* of this Plan, that considers the impact of on-site effluent disposal systems on groundwater.
- f) In the Village of Hill End where the development is proposed to be connected to the Office of Environment and Heritage (OEH)'s sewerage system, the applicant is to furnish Council with evidence that OEH has

agreed that the proposal can be connected and that the system can cater with the additional demand.

# 7.4 WATER SUPPLY REQUIREMENTS

# 7.4.1 Objectives

a) To ensure that adequate water resources are supplied to new developments for domestic and fire fighting purposes in those locations where a reticulated water supply is not available.

# 7.4.2 Development standards

a) Water Supply is required to be provided for all dwellings, dwelling additions or alterations **not** connected to Council's reticulated water system or the Hill End water supply provided by OEH as specified below.

<u>Note</u>: The fire fighting water supply requirements still need to be met if the proposed development will be connected to the OEH's Hill End water supply for domestic purposes.

#### Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

# Domestic Dwellings – Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings:

Development type	Water requirement
Residential lots (<1,000m <sup>2</sup> )	5,000 I/lot
Rural-residential lots (1,000 - 10,000m <sup>2</sup> )	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m <sup>2</sup> )	20,000 l/lot
Dual Occupancy	2,500 I/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only water within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the IPA and away from the structure. A 65mm Storz outlet with a gate or Ball valve is to be provided.
- Gate or Ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.
- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

Note: where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

# 7.5 YETHOLME – PURPLE COPPER BUTTERFLY

# 7.5.1 Objectives

a) To protect and enhance Purple Copper Butterfly Habitat.

# 7.5.2 Development standards

- a) New development is to be located away from areas of potential habitat of the Purple Copper Butterfly so that the extent and quality of that habitat is not affected by the development or by bushfire related asset protection zone requirements.
- b) Revegetation associated with development shall be implemented to comprise species and to achieve vegetation structure and densities as defined by the most current Office of Environment and Heritage's advice for Purple Copper Butterfly habitat enhancement.

# 7.6 SOIL AND WATER MANAGEMENT

# 7.6.1 Objectives

a) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality.

# 7.6.2 Development standards

- a) For developments with a disturbance area of less than 2500m<sup>2</sup>, development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m<sup>2</sup>, development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m<sup>2</sup>, Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* <u>and</u> remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

# 7.7 HILL END – CONSENT AUTHORITY

a) The following table sets out the details of the consent authority responsible for the different areas of the Hill End Village listed hereunder and illustrated on DCP Map No. **21** - Hill End.

Bathurst Regional Development Control Plan 2014		
Area	Description	
Hill End Historic SiteThis area is listed on the NSW State Heritage Reg pursuant to the NSW Heritage Act 1977. This listing requires Council or OEH to refer Development Application to the NSW Heritage Branc approval under Section 60 of the Heritage Act 1977, w required.		
Development Area A - Land under the control of the NSW Office of Environment and Heritage (OEH)	A The OEH is the Consent Authority This area is owned/controlled by the OEH and subject to the provisions of the National Parks and Wildlife Act 1974. This development area includes properties which are	
Development Area B - Other	<ul> <li>B Council is the Consent Authority         All land is subject to the development standards set out in this Plan.         This development area includes properties which are located within the historic site area and that were freehold on 2 April 1999.     </li> </ul>	

<u>Note:</u> Should the OEH request comments from Council in relation to an application for development within Development Area A, Council will provide comment consistent with the development standards as set out in this Plan.

# 7.8 ARCHAEOLOGY

# 7.8.1 Hill End

- a) Council must not grant consent to any building or subdivision work on land identified as being of either high or moderate, or unknown archaeological significance on DCP Map No. 22 - Hill End Archaeology, unless it has considered an archaeological report which examines the likelihood of archaeological remains being located on the site.
- b) Council must not grant consent to any building or subdivision works within the Hill End Historic Site or on land identified as "archaeologically unknown" on DCP Map No 22 – Hill End Archaeology unless it imposes a condition of consent that requires the applicant to stop works immediately and notify the NSW Heritage Branch and Council if any archaeological remains or relics are discovered. If relics are discovered a Section 140 permit under the NSW Heritage Act will need to be obtained from the Heritage Branch (see also section 10.9 – Archaeological Permits) of this Plan.

# 7.8.2 Other villages

a) If archaeological remains or relics are likely to be located on a site, Council will impose the condition outlined in 7.8.1(b) above in relation to any building or subdivision work (see also section 10.9 – Archaeological Permits of this Plan).

# 7.9 DEVELOPMENT CONTROL PLAN MAPS

# 7.9.1 Land to which this Section applies

This section applies to land within Zone **RU5** - Village as shown on the following DCP Maps.

- DCP Map No. **16** Trunkey Creek
- DCP Map No. 18 Wattle Flat
- DCP Map No. 21 Hill End
- DCP Map No. 23 Sofala
- DCP Map No. 24 Rockley
- DCP Map No. 25 Georges Plains
- DCP Map No. 26 Peel
- DCP Map No. **27** Yetholme

# 7.9.2 Objectives

- a) To ensure that the natural features and the environmentally sensitive areas of the land are not adversely affected by future development.
- b) To ensure protection and conservation of the scenic value, rural amenity and heritage qualities of rural villages.
- c) To provide appropriate vegetated buffers between village areas and agricultural areas to prevent land use conflict.

# 7.9.3 Use of land

Development Standards

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent
Housing (single or double storey)	Single storey or double storey housing and other ancillary buildings.
Housing (single storey)	Single storey housing and other ancillary buildings.
Traditional Village Centre	Commercial development is restricted to this area only.

# 7.9.4 Management of land

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development	
Agricultural Interface	No dwellings may be erected. Outbuildings and ancillary structures will be considered on merit. Landscaping pursuant to Section <b>13</b> – <i>Landscaping and Greening</i> of this Plan is required.	
Major Road Buffer	No buildings may be erected. No works may be constructed other than post and wire fencing and environmental protection works. Landscaping pursuant to Section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.	
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.	
Development Restriction	A dwelling or effluent disposal area may not be located or constructed within the area shown on the DCP map.	
Environmental Protection Area (See Map legend for type)	No buildings may be erected. No works may be constructed other than post and wire fencing, roads, drainage, environmental protection works. Existing vegetation is to be protected and enhanced. Landscaping pursuant to Section <b>13</b> – <i>Landscaping and</i> <i>Greening</i> of this Plan is required.	
Flood Planning Area	Development must be consistent with the requirements of Section <b>9.6</b> - <i>Flooding</i> of this Plan and Clause <b>7.1</b> Flood <b>Planning</b> of the LEP.	
Subdivision restriction	Other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, no further subdivision is permitted.	
Access permitted to Trunk Road 54	Access to the land is permitted to Trunk Road 54.	
Vegetation restriction	Existing trees are to be protected and enhanced.	
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.	
Road Closure	The road or part of the road is to be closed and used for the purpose shown.	

# 7.10 BUILT ENVIRONMENT

# 7.10.1 Objectives

# All Villages

- a) To retain the present building forms and layout of the villages.
- b) To maintain and conserve the historic character of local streets and buildings.
- c) To control the form of new buildings to minimise the impact of development on the historic character of the villages.
- d) To control the type of building materials to minimise the impact of new development on rural vistas and on the historic character of the villages, and on the adjacent rural and natural areas.
- e) To ensure new development is compatible with the environmental qualities of the locality.

## <u>Hill End</u>

In addition to the objectives listed above, the following additional objectives apply to the village of Hill End.

- a) To retain the present building forms and layout of the village of Hill End which provide evidence of its history and evolution. This includes its planned and unplanned roads and subdivisions, its character and sense of remoteness, its peaceful isolation, and its ability to clearly convey a sense of the passage of time.
- b) To retain the sense of place established by the existing landscape of the approach roads and to ensure any built item or activity is appropriate for the village and will not detrimentally affect the street/landscape or aesthetics of the place, or the approaches to the village.
- c) To conserve pre 1940 timber, earth, stone, brick and iron buildings and their settings.
- d) As evidence of the past pattern of the town and its long history of struggle and economic decline, keep vacant allotments between the buildings, which have been caused by the gradual loss of early structures on the site.
- e) To preserve archaeological remains and relics, both above and below ground, including building foundation remains, kerbs and gutters, roads and retaining walls, fences and posts.
- f) To conserve the natural and man-made setting of Hill End its surrounding landscape of wooded hills; its nearer landscape of the Common; its mining landscape of eroded gullies; settling ponds; mullock heaps, mine shafts; and its man-made landscape of street plantings, fruit trees, gardens and fences.
- g) To control the form of new buildings to minimise the impact of development on the historical character of the village.

# 7.10.2 Statements of Significance

In determining a development application within the villages, Council is to give consideration to the Statement of Significance for that village as outlined in the table below.

Village	Statement of Significance
Hill End	Hill End is a place of national cultural significance due to its aesthetic, historic, scientific and social value to past, present and future generations of Australians. From the period of its settlement and principal development in the early 1870s, Hill End retains a unique collection of buildings, relics, artefacts, structures, archaeological sites and landscape elements which are, individually and collectively, of outstanding architectural, aesthetic and research value.
	The village is set along a gold bearing quartz seam within a tablelands landscape of rolling hills, accentuating the feelings of peaceful isolation. From the hectic gold rush era and subsequent years of decline, to the period of NPWS intervention, the village, buildings, vacant sites and gardens continue to reflect the social and economic forces which continue its survival.
	Many surviving cottages, small commercial buildings and their settings form part of the landscape of Hill End and are representative of the ongoing development of the town as a gold boom settlement and a subsistence mining area. They are also representative of the resilience of the community of Hill End, with its culturally diverse population, and of the life and works of prominent former Hill End residents such as Mayor Hugo Louis Beyers.
Sofala	Sofala began as a tent or canvas town in 1851. The site of the town, where the Mudgee-Bathurst road crossed the Turon River, was strategic and the town quickly became better equipped with more permanent buildings, although in 1855 it could still be described as 'a narrow street, lined on each side with shabby wooden and calico huts'.
	Sofala is one of Australia's best examples of a former gold-mining town. It is rich in history and probably retains more of its original character than any other early mining settlement. The layout is linear with buildings concentrated along the narrow main street, the charm of which is enhanced by the irregularity of setbacks and undefined road edges. The village enjoys a magnificent river and hillside setting. The main street runs beside the river and has a special visual and historic relationship with it.

Bathurst Regional Development Control Plan 2014		
Village	Statement of Significance	
Rockley	Rockley was created primarily by pastoral and grazing needs and only secondarily by mining. The landowners around Campbell's River and Pepper's Creek saw the need for a township to supply services for the rural community. A village reserve had already been marked out at the present Rockley by Surveyor Richards in 1833. In 1850, before gold was discovered, the landed proprietors petitioned the government to establish a township there. Rockley was gazetted in 1851. Rockley reached a population of around 3,000 and then declined but retained a stable population of some 200 into the present century. Rockley retains much of its historic character. It also enjoys a particularly fine hillside setting with Pepper's Creek running right next to the main street. It remains relatively unspoilt by modern development, with many outstanding historic buildings. The special relationship with the topography and the riverside parkland gives the town a special visual appeal.	
Trunkey Creek	Trunkey Creek was established during the gold rush in 1851 and was proclaimed a village in February 1873 (although it was known as "Arthur" until 1988 when it was changed to "Trunkey"). In 2004 it was renamed "Trunkey Creek" as this is what it was known as from the earliest days. In January 1939 a massive bushfire devastated the village. Many buildings were destroyed including the school. There are several places of historic significance in Trunkey Creek. The places identified in the Bathurst Region Heritage Study 2007 include several dwellings (c 1870 to 1900), Anglican Church's (c1924), General Store (c1879), Church (c1920, c1895), Police Station and Courthouse (c1880), former Post Office (c1875), Hotel ('Black Stump' c1908), sawmill (c1910) and former Hotel ('Golden Age' c1858).	
Georges Plains	Georges Plains is a small settlement that was established on the Georges Plains Creek to service the surrounding rural areas. There are several places of historic significance in Georges Plains. The places identified in the Bathurst Region Heritage Study 2007 include several dwellings (c1875 to 1895), the former school (c1870), and especially St John Anglican Church and Cemetery (c1868) and Railway Station (c1877).	
Wattle Flat	Wattle Flat is historically known as one of the first Gold Towns of Australia. However it was not recognised in the 1861 census as an independent settlement, even though it had seven 'dens of iniquity' and its own racecourse by 1858. It developed as both a gold mining settlement and as a transport service area for those travelers on their way to Sofala. It was at Wattle Flat in 1855 that a 'party of coloured Americans' set up the first horse-works to puddle alluvium in a pug-mill arrangement which became very common on the Tambaroora-Hill End field.	

Bathurst Regional Development Control Plan 2014		
Village	Statement of Significance	
Peel	Peel village is unique in that unlike other gold mining towns within the region, it saw both gold rushes of the 1850's and 1870's. The village had a cricket ground and two race courses. The original part of Peel was located to the east of the old remaining part, near where the Sofala Road crosses Clear Creek. Many of the original buildings in this section have been demolished. Peel also has a number of prominent people associated with its history including the Suttor family of Brucedale and Dr. Kerr.	
Yetholme	Yetholme was first known as Frying Pan, a name that is believed to have originated during the early 1800's when a frying pan was left hanging on a wall of a hut for use by anyone walking the road. The Parish of Yetholme was proclaimed on 27 <sup>th</sup> July 1896 and the area was a popular tourist resort during the 1800's and 1900's. Significant structures remaining in the village include Brookland Park (formerly Frying Pan Hut Inn), Macabee Cottage, St. Pauls Church and Cemetery and the old schoolhouse.	

# 7.10.3 Siting

## **Objectives**

- a) To enhance and/or maintain village streetscapes and character and to provide for landscaping in front of buildings.
- b) To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.

#### **Development Standards**

- a) A Development Application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including:
  - i) existing natural drainage lines
  - ii) existing farm dams
  - iii) all existing tree and landscape features
  - iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and hilltops).
- b) Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and the identification of any trees proposed to be removed. Development Applications are to show the location of any other relevant environmental constraints located near the proposed building works.
- c) Where applicable dwellings and other buildings are to be sited:

- i) within a designated building envelope if shown on the relevant deposited plan.
- ii) outside any land management areas identified on a DCP map.
- d) Any part of the building must comply with the front building line setbacks specified in the table below.

Location	Minimum Front Setback	Garage/Carport Location
WithinaHeritageConservation Area		
Normal Allotments	Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. For corner lots, sight distance must be maintained.	5 5
Outside a Heritage Conservation Area		
Normal Allotments	Must complement the existing setbacks of buildings located in the Village. For corner lots, sight distance must be maintained.	At or behind the building line.
Frontage to a highway or major road	10 metres	At or behind the building line.

e) Any part of the building must comply with the side and rear building line setbacks specified in the table below.

Development Type and Wall Height	Continuous walls of less than 10 metres	Continuous walls of more than 10 metres
Seniors housing and tourist and visitor accommodation (other than bed and breakfast accommodation) - <b>Single</b> <b>Storey</b>		Staggered to include setbacks exceeding the minimum set by the National Construction Code or broken into lengths of 10 metres or less and interspersed with open space.

Bath	urst Regional Development Con	trol Plan 2014
Development Type and Wall Height	Continuous walls of less than 10 metres	Continuous walls of more than 10 metres
Seniors housing and tourist and visitor accommodation (other than bed and breakfast accommodation) - <b>Two</b> <b>Storey</b>	1.5m	Staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.
Dual occupancy, dwelling houses and secondary dwellings (granny flats) – <b>Single or two storey</b>	In accordance with the BCA.	In accordance with the BCA.

- f) Notwithstanding the tables above, where Council is of the opinion that such a setback will significantly overshadow neighbouring properties and/or adversely impact upon the privacy of neighbouring properties, then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.
- g) Notwithstanding (d) above, Council can approve a variation to the standards listed in that table where an alternate setback can be shown to better fit within the traditional building pattern of the village.
- h) All applications for seniors housing and tourist and visitor accommodation must show the location of neighbouring buildings, neighbouring windows and verandahs in relation to the proposed development.
- i) Applications for two storey development are to provide an assessment of overshadowing to all adjoining properties on 21 June.

# 7.10.4 Height of buildings

# Development Standards

Note: The Height of Buildings Map under Clause **4.3 Height of Buildings** of the LEP limits the height of buildings within the **RU5** – Village zone to 9m.

- A building containing more than 2 floors shall not be erected on land within Zone RU5 Village (see also section 7.9.5 of this Plan in relation to Hill End and Sofala).
- b) Notwithstanding (a), allowance can be made for rooms within the roof line (e.g. attic rooms) or rooms/garages within a basement area (excluding Hill End and Sofala) generally below ground level where Council is satisfied that the privacy of adjoining properties is not adversely affected.

# 7.10.5 Building design

**Development Standards** 

New infill buildings must meet the requirements of section 10.4 - Infill Development of this Plan. a)

The table below outlines the development standards for building design that apply in each village. q

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	Georges Plains	>							
	Development Standards	New buildings are not to visually dominate or be larger in form or scale than existing buildings in their vicinity.	New buildings should have a similar floor-to-ground and upper wallplate-to-floor (and ground) heights of that of existing neighbouring buildings.	<ul><li>New building design and siting is to give consideration to:</li><li>The informal variation in street setback.</li></ul>	• The dominance of pitched iron roofs, in hipped or gabled forms, combined with skillion verandahs.	<ul> <li>The closeness of buildings to their neighbours.</li> </ul>	• The rough timber construction and simple posted verandahs with their floors at street level.	<ul> <li>The general absence of decorative detail.</li> </ul>	New building design and siting is to give consideration to:
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BUILT FORM	Development Standards	Georges Plains	bn∃ lliH	ləəq	κοςκιελ	slsto2	Trunkey Trunkey	Wattle Flat	9mlodî9Y
	<ul> <li>The closeness of buildings to their neighbours.</li> <li>The rough timber construction and simple posted verandahs with their floors at street level.</li> <li>The general absence of decorative detail.</li> </ul>								
	Large houses and buildings must be segmental and include multiplication of small room elements, each under its own roof.		>			>	>	>	
	New buildings are to be single storey only. Two storey developments will only be considered where adjacent or nearby buildings are of two or more storeys and where the ridge line of the proposed building is consistent with that of adjoining development.		>			>			
	New houses are not to be elevated with basement areas or garages beneath the main living area, but should be stepped segmentally with the land form.		>			>		~	
	New windows must be tall and upright (not squat and broad) if visible from the street.		>			>			
	New windows should be vertical in proportion or have regard to traditional or historical window proportions in the village where visible from a street.			>	>		>	>	
Extensions,	Extensions and additions to existing buildings must	>	>	>	>	>	>	>	>

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BUILT FORM	Development Standards	Georges Plains	bn∃ IIiH	ləəq	Ϗοϲϗϳͼλ	slsto2	Creek Trunkey	Wattle Flat	9mlodt9Y
additions and alterations	complement the original form and scale of the existing building.								
	The shape and proportions of the existing building should be altered as little as possible.		>	>	>	>	>	>	
	Attic levels are not to be introduced into existing houses where these would require alteration to the existing roof form.		>			>		>	
	Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.		>	~	~	>	~	>	
	Roller doors are not to be visible from the street frontage. Parking areas are to be located behind the building line.		>			~			
Garages/Carports	One roller door may be visible from the street frontage only where it is set back 1m from the front building line. All other parking areas are to be located behind the building line.			>	>		>	>	
	<ul><li>Outbuildings are to have the following characteristics:</li><li>Located at the rear of the site.</li></ul>		>						
Outbuildings	<ul> <li>Small scale or include multiplication of small room elements, each under its own roof.</li> </ul>								
	<ul> <li>Constructed of vernacular methods and materials and contribute to the built heritage of the village.</li> <li>Ereestanding with their own roof lines of a suitable pitch</li> </ul>								

Ordinary Meeting

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Recorders reconstruction       Prevelopment Standards         Recorders reconstruction       New buildings shall have roots that reflect the size, shape, pitch, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich, eaves and ridge heights of existing roots in the postich arcontagated profile of exister galvanized inon, included the colour is sympathetic to the area).       Preve       Preve       Preve         Preve       T       T       T       T       T       T       T       T         Preve       T       T       T       T       T       T       T       T         Preve       T       T       T       T       T       T       T       T       T       T         Preve       T       T       T       T       T       T				App	olies (✓)	to the	Applies ( $\checkmark$ ) to the following villages	ng villaç	ges	
New buildings shall have roots that reflect the size, shape, pitch, eaves and ridge heights of existing roots in the locality.<	ROOFS AND VERANDAHS	Development Standards		bn3 IliH	Peel	Коскіеу	elsto2			9mlodi9Y
Roof pitches are to be between 30-50 degrees. </th <td></td> <td>at reflect the size, of existing roofs</td> <td>&gt;</td> <td></td> <td>&gt;</td> <td>&gt;</td> <td>&gt;</td> <td>&gt;</td> <td>~</td> <td>&gt;</td>		at reflect the size, of existing roofs	>		>	>	>	>	~	>
Roof materials should be of steel sheeting in a traditional corrugated profile of either galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the area).<				ľ						
Roof materials should be of either steel sheeting in a traditional corrugated profile of either galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the historical character of the area) or concrete or terracottal character of the area) or concrete or the area) or concrete or the area) or concrete or terracottal character of the area) or concrete or the area) or concrete or teras or concrete or the area) or concrete or concrete or the area) or concrete or the area) or concrete or concrete or the area) or concrete or concrete or concrete or concrete or concrete or concrete area or concrete or concrete or concrete or concrete or concrete or trans the norter or the area or the area or terra skillion or shortImage: Concrete or te		n a tradition zincalume to the area		~			>		~	
·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·         ·       ·       ·	Roofs	ther steel sheeting either galvanized I the colour is sympa ie area) or concre	>		>	>		>		>
Jables are acceptable for		Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.		<	>	>	>	>	~	
are not permitted.		must be hipped, gables are		ľ	~	~	~	~	>	
		American 'barn' style roof profiles are not permitted.		>	~	~	>		>	>
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ROOFS AND VERANDAHS	Development Standards	Georges Plains	bn∃ IIiH	Peel	κοςκιελ	slsto2	Creek Trunkey	Wattle Flat	əmlodtəY
	Chimneys and/or metal fireplace flues are to be single profile only. Obstructive caps, pots or extractor tops are not permitted.		>						
	Skylight openings are only permitted on non-principle roofs and are to be of clear glass. Doomed-glazed and opaque glass is not permitted.		>			>			
	New verandahs should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.		>	>	>	>	>	>	
Verandahs	Verandahs and awnings are encouraged.	~	>	~	~	~	~	~	>
	Profiled verandah sheeting, including bullnose, reverse curve, or double curved profiles are not permitted. Straight profile iron is encouraged.		>						

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	Georges Plains					~			
	Development Standards	Window frames must be timber. Modern materials (including aluminium) will be permitted only where appropriately coloured and consistent with the design themes of the new building involved.	Plastic, fibrous-cement or metal wall cladding systems (other than galvanized iron) are not permitted.	Good quality second hand materials and local and vernacular materials are encouraged.	The colour of materials should be of muted tones and consistent with dominant streetscape colours and materials. Acrylic paint in a matt finish is best.	Colours and materials should be consistent with dominant streetscape colours and materials.	Smooth faced bricks are to be chosen to blend with surrounding developments. Textured or brick blends are not permitted.	Where there are a variety of styles, sizes and materials used in the locality, new developments shall maintain the style of nearby older buildings and not necessarily adjoining developments.	Timber framed and clad buildings are encouraged.
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ges	Wattle Flat		>		>	>
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olies (✓	Peel		>		>	>
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	Georges Plains			>	>	>
	Development Standards	Fences must be timber, either picket style, pallisade or rough timber paling. Colours must be either a natural timber finish or painted to match the general colour palette of the locality. Pre-coloured metal sheet fences and ranch style fences are not permitted. Existing historic picket style, pallisade or rough timber paling fences are not to be removed.	Fences must be timber, either picket or paling types, timber and wire, or post and rail. Pre-coloured metal sheet fences are not permitted.	Fences should generally be timber, either picket or paling types, timber and wire, or post and rail. Pre-coloured metal sheet fences are only permitted behind the front building line.	Fencing in all areas is to be constructed so that it does not prevent the natural flow of storm water drainage.	Fencing in flood liable areas should be designed and constructed so as not to impede or misdirect flood waters.
			FENCING			

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	Development Standards	Georges Plains	bn∃ lliH	Peel	Ϗοϲϗϳͼλ	slsto2	Creek Trunkey	Wattle Flat	əmlodiəY
MUVEABLE DWELLINGS	Caravans are not permitted unless located in camping grounds or caravan parks.		>						
	Demountable buildings (either permanent or temporary) are to comply with all development standards that apply to the village in which it is to be located.	>	>	>	>	>	>	>	>

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	Georges Plains		>
	Development Standards	UTILITY BERVICES Rein water tanks must be of an appropriate scale and of corrugated iron material. Multiple rain water tanks rather than larger tanks are preferred. Where more than two tanks are required, additional tanks should be adequately screened from view from the street. Colourbond tanks are not permitted.	Rain water tanks should be of an appropriate scale, if a plastic or colourbond tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather

			App	lies (⁄)	Applies ( $\checkmark$ ) to the following villages	followir	ng villaç	jes	
UTILITY SERVICES	Development Standards	Georges Plains	bn∃ IliH	Peel	Ϗοϲϗϳͼλ	slsto2	Creek Trunkey	Vattle Flat	9mlodî9Y
	than larger tanks are preferred.								
	Utility services should generally not be visible from the street. Exemption may be granted to rain water tanks and solar collector panels.	>	~	>	~	~	~	>	>

# 8 MOUNT PANORAMA AND ENVIRONS

# 8.1 PRELIMINARY

# 8.1.1 Land to which this Section applies

This section applies to that land shown on Development Control Plan (DCP) Map No. **28** – Mount Panorama.

# 8.1.2 Strategic objectives

a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key strategic objectives for the Mount Panorama precinct.

## **Objectives**

- a) To provide regional open space and recreation opportunities.
- b) To minimise the fragmentation of agricultural lands, protect highly valued agricultural lands and encourage the consolidation of small holdings.
- c) To minimise the alienation of rural lands from competing and conflicting land uses.

# 8.2 USE OF LAND

# 8.2.1 Objectives

- a) To encourage and promote development in the vicinity of Mount Panorama that is compatible with motor racing activities, and complementary to existing rural activities and the environmental characteristics of the locality.
- b) To discourage development that may prejudice Mount Panorama as an international motor racing circuit.
- c) To maintain the rural landscape character of the land.
- d) To provide for a range of compatible uses, including extensive agriculture.

# 8.2.2 Development standards

a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **28** - Mount Panorama.

Land Use Areas	Development to which Council may grant consent
Recreation Special Purpose	Developments implied by or associated with the use specified on DCP Map No. <b>28</b> - Mount Panorama.

Land Use Areas	Development to which Council may grant consent
Motor Racing and Associated Activities	Advertising structures, agriculture (other than grazing, cropping), camping areas, caravan parks, clubs, educational establishments, helipads (used in association with motor speed contests), home occupations, hotels, motels, motor repair stations (used in association with motor speed contests), museums, open space, recreational establishments, recreational facilities, refreshment rooms, taverns, tourist facilities, utility installations (other than gas or generating works).
Rural	The purposes permissible within Zones <b>RU1</b> - Primary Production or <b>RU2</b> - Rural Landscape pursuant to the LEP, whichever applies.
Open Space	Signage, drainage, helipads (used in association with motor speed contests), developments necessary for safety improvements to the motor racing circuit, spectator facilities.
Other Uses	Developments implied by or associated with the use specified on DCP Map No. <b>28</b> - Mount Panorama.

# 8.2.3 Management of land

a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.

# 8.3 SUBDIVISION OF LAND

# 8.3.1 Objectives

a) To enable minor subdivisions which do not detrimentally affect Mount Panorama and its environs or conflict with the objectives and development controls of this section.

# 8.3.2 Development standards

a) Council may only grant consent to the subdivision of land in accordance with the table below and shown on DCP No. **28** - Mount Panorama.

The provisions of this clause are not to be construed as imposing any restrictions on minor subdivisions which do not conflict with the aim of this Plan.

Bathurs	t Regional Development Control Plan 2014
Type of Subdivisions	Effect on Plan of Subdivision
Major Roads	A Public Road is to be created generally in accordance with this alignment.
Minor Roads	A Public Road is to be created generally in accordance with this alignment.

# 8.4 NOISE REFERENCE CONTOUR

# 8.4.1 Objectives

a) To prohibit permanent residential development in areas of high noise frequency.

## 8.4.2 Development standards

a) Council must not grant consent to the erection of a dwelling within the Noise Reference Contour shown on DCP Map No. **28** - Mount Panorama.

## 8.5 SPECIAL PROVISIONS

## 8.5.1 Objectives

a) To ensure development does not have a detrimental effect on the viability of Mount Panorama as an international Motor Racing Circuit.

# 8.5.2 Development standards

Notwithstanding any other provisions of this Plan Council, when considering Development Applications on any land to which DCP Map No. **28** – Mount Panorama applies, must have consideration for the following matters:

- a) the effect the development may have on the use of Mount Panorama as a regional recreational facility; and
- b) whether the development will place at risk the safety of any person/s when the circuit is being used for motor speed contests.

# 9 ENVIRONMENTAL CONSIDERATIONS

# 9.1 PRELIMINARY

# 9.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

# 9.1.2 Strategic priorities and objectives

The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives with respect to key environmental issues dealt with in this section.

## **Strategic Priorities**

- a) To protect and enhance biodiversity and encourage revegetation and better biodiversity management.
- b) To protect water quality, particularly the drinking water catchments.
- c) To minimise the impacts of flooding on human settlement patterns.
- d) To manage bushfire prone land.
- e) To minimise pollution hazards that may arise from the use of on-site effluent disposal systems.
- f) To identify opportunities to improve the environmental sustainability of building design.
- g) To minimise the impacts of climate change.

#### Strategic Objectives

- a) To protect, enhance and manage areas of high biodiversity conservation values and scenic quality.
- b) To manage areas of vegetation as a means to improve biodiversity connectivity and water quality, reduce erosion and sedimentation, nutrient flows and salinity.
- c) To promote the restoration of lost biodiversity.
- d) To minimise the impact of fire protection measures on the regions biodiversity.
- e) To minimise the impacts of flooding on human settlement patterns.
- f) To minimise the risk to property and the community from bushfire and ensure adequate bushfire protection is afforded to new lots.
- g) To make provision to minimise the impacts of climate change.
- h) To protect, maintain and improve the diversity and stability of landscapes, waterways and biodiversity.
- i) To protect vulnerable groundwater resources from contamination.

- j) To provide development opportunities and appropriate development controls for flood protected lands.
- k) To ensure bushfire protection can be afforded to existing settlement areas in a manner that does not limit future growth.
- I) To encourage environmentally sustainable building design and green power.

# 9.2 LAND RESOURCES

# 9.2.1 Land to which this Section applies

This section applies to land within Zone **RU1** Primary Production and identified wholly or partially as **Sensitive Land Areas** on DCP Map No. **29** – Land Resources.

## 9.2.2 Objectives

- a) To improve and maintain the diversity and stability of landscapes including:
  - i) restricting development on land that is unsuitable for development due to steep slopes or shallow soils or both,
  - ii) restricting development on land that is subject to soil salinity,
  - iii) restricting the removal of native vegetation,
  - iv) restricting development on land that is subject to permanent inundation, and
  - v) restricting development on land with a high proportion of rock outcropping.

# 9.2.3 Development standards

- a) Consent should generally not be granted to development on land identified as Land Capability Class 8 on DCP Map No. **29** Land Resources.
- b) Consent should generally not be granted to development on land identified as Karst Extent on DCP Map No. **29** Land Resources.
- c) Consent should generally not be granted to development on land identified as land subject to salting on DCP Map No. **29** Land Resources.
- d) Consent must not be granted to any development including any building, subdivision or work on land identified as **Sensitive Land Areas** on DCP Map No. **29** – Land Resources unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcome:
  - i) To improve and maintain the diversity and stability of the landscape.
- e) A Development Application lodged for any development on any lands identified in (d) above must be accompanied by the following environmental assessment:

# i) Site Plan (preferably using an aerial photograph)

The site plan must detail the following:

- The proposed development site including where all works and buildings are to be located.
- Extent of land proposed to be disturbed (including buildings, access, land clearing and effluent disposal, as applicable).
- Any land identified as land capability class 7 or 8 on DCP Map No.
   29 Land Resources.
- Any land identified as Karst Extent on DCP Map No. 29 Land Resources.
- Any land identified as subject to salting on DCP Map No. 29 Land Resources.
- Any land identified as subject to severe or extreme rill or sheet erosion on DCP Map No. **29** Land Resources.
- Any land subject to high rock content (greater than 50% of the surface area).
- Any land regularly inundated (including drainage lines).
- Steep or awkward slopes (gradient exceeding 18 degrees).
- Any other environmental constraints, including drainage lines and vegetation cover.

In regards to any **Sensitive Land Areas** identified on DCP Map No. 29 -Land Resources, the extent of that sensitivity is to be ground truthed and accurately mapped on the site plan.

# ii) Assessment

The assessment must consist of a written statement which explains how the proposed development achieves the outcome identified in (d) above, and should include the following information.

# a) Impact of the development on the site's land resources

A summary of the proposed development and how it will impact on existing constraints identified on the site plan. For example, amount of soil to be removed, cut and fill and vegetation removal.

<u>Note:</u> Where the site plan demonstrates no disruption to sensitive land areas all that is required is a statement that the proposed development achieves the required outcome.

# b) Proposed mitigation measures

This section should include details of proposed mitigation measures. For example, extent of erosion and sediment controls that will be used during and after construction, revegetation proposed and how soil disturbance will be minimised.

Note: The Central West Catchment Management Authority's *Best Management Guide – Land and Soil Capability*, may provide a useful reference.

# c) Summary

This section should summarise how the proposed development achieves the required outcome:

• that the diversity and stability of the landscape is maintained and improved.

# 9.3 RIPARIAN LAND AND WATERWAYS

# 9.3.1 Land to which this Section applies

This section applies to land within Zone **RU1** – Primary Production and identified wholly or partially as **Sensitive Waterways** on DCP Map No. **30** – Riparian Land and Waterways.

# 9.3.2 Objectives

a) To improve or maintain the integrity of identified riparian land and waterways.

# 9.3.3 Development standards

- a) Consent must not be granted to any development including any building, subdivision or work on land identified wholly or partially as Sensitive Waterways on DCP Map No. 30 Riparian Land and Waterways unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
  - i) Protect natural water flows.
  - ii) Protect water quality within waterways.
  - iii) Protect the stability of the bed and banks of waterways.
  - iv) Protect the hydrological and ecological functions of riparian lands and wetlands.

<u>Note:</u> For the purposes of this Plan, **Sensitive Waterways** includes land 40 metres either side of a waterway identified on DCP Map No. 30 – Riparian Land and Waterways.

<u>Note:</u> Certain development types and activities may be referred to the NSW Office of Water, and/or NSW Fisheries as an Integrated Development Application. Works within the waterway or riparian corridor may also require a Controlled Activity Permit to be issued. To determine whether further permits are required, please discuss your proposal with the NSW Office of Water or NSW Fisheries.

b) A Development Application lodged for any development on any lands identified above must be accompanied by the following environmental assessment:

# i) Site Plan (preferably using an aerial photograph)

The site plan must detail the following:

- The proposed development site including where all works and buildings are to be located (including any water crossings or bridges).
- Extent of land proposed to be disturbed (including buildings, access, crossings/bridges, land clearing and effluent disposal).
- Any existing visible stream or bank erosion.
- Any areas of significant habitat.
- Extent of existing vegetation (including riparian vegetation) and that vegetation proposed to be removed as part of the development.
- Any other environmental constraints, as applicable.

# ii) Assessment

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes listed in (a) above, and should include the following information.

#### a) Impact of development on sensitive waterway

This section should summarise the impact of the proposed development on the sensitive waterway. This should include how the development might impact on:

- i) The quality of natural water flows to receiving waters.
- ii) The water quality of receiving waters, including aquifers.
- iii) The waterways natural flow paths.
- iv) The stability of the waterway's bed, shore and/or bank.
- v) The hydrological and biological function of the waterway, riparian zone or wetland.

<u>Note:</u> Council may require additional information to be provided if it is possible that Threatened Species and Endangered Ecologically Communities (EEC) have previously been identified on or near the site. For further information contact Council's Environmental Section.

<u>Note</u>: Where the site plan demonstrates no disruption to the sensitive waterway area (i.e. the proposed development is wholly located more than 40 metres from the waterway and no bridges or water crossings are proposed) all that is required is a statement that the proposed development achieves the required outcomes.

# b) Proposed mitigation measures

This section should include details of proposed mitigation measures. For example: extent of erosion and sediment controls proposed to be used during and after construction and/or proposed revegetation (including maintenance details to ensure survival rate is maximised).

The design of the storm water discharge points to prevent erosion should be provided as part of the Development Application.

Note: The Salinity and Water Quality Alliance's *Stormwater to Smartwater Policy* may provide a useful reference particularly with respect to water sensitive urban design principles.

#### c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- Protect natural water flows.
- Protect water quality within waterways.
- Protect the stability of the bed and banks of waterways.
- Protect the hydrological and ecological functions of riparian lands and wetlands.

For example: Soil disturbance is minimised and no connectivity of habitat lost due to replanting.

# 9.4 **BIODIVERSITY**

# 9.4.1 Land to which this Section applies

This section applies to land within Zone **RU1** Primary Production and identified wholly or partially as *High or Moderate Biodiversity Sensitivity* on DCP Map No. **31** - Biodiversity.

# 9.4.2 Objectives

a) To improve or maintain the integrity of areas of biodiversity significance.

# 9.4.3 Development standards

- a) Consent must not be granted to any development including any building, subdivision or work on land identified as *High or Moderate Biodiversity Sensitivity* on DCP Map No. 31 Biodiversity unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
  - i) Protect biological diversity, native flora and fauna and their habitat.
  - ii) Protect the ecological processes necessary for ecosystem health.
  - iii) Encourage the recovery of threatened species, communities, populations and their habitats.

Note: Biodiversity includes plant and animal life.

<u>Note:</u> Council may require additional information to be provided if it is possible that Threatened Species and Endangered Ecologically Communities (EEC) have previously been identified on or near the site. For further information contact Council's Environmental Section. See also section **9.8** - *Flora and Fauna Surveys* of this Plan.

b) A Development Application lodged for any development on any lands identified above must be accompanied by the following environmental assessment.

# i) Site Plan (preferably using an aerial photograph)

The site plan must detail the following:

- The proposed development site including where all works (including fencing) and buildings are to be located.
- The extent of land proposed to be disturbed (including buildings, access, land clearing, fence lines and effluent disposal, as applicable).
- The extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- Any other environmental constraints, as applicable.

#### ii) Assessment

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes. In this regard it should include the following information, as a minimum.

#### a) Impact of development on biodiversity

This section should summarise how the proposed development will impact on existing biodiversity. This should include how the development might impact on:

- i) native terrestrial flora and fauna, their habitat, and their interrelationship with the environment,
- ii) native aquatic flora and fauna, their habitat, and their interrelationship with the environment, and
- iii) the physical and biological function of the ecosystem.

<u>Note:</u> Where the site plan demonstrates no disruption to existing vegetation or function of the ecosystem all that is required is a statement that the proposed development achieves the required outcome.

### b) Proposed mitigation measures

Impacts may also come in other ways eg through additional fencing, removal of dead and fallen timber or domestic pets.

This section should include details of how biodiversity loss will be mitigated, e.g. proposed re-vegetation (on or off the site) including maintenance details to ensure survival rate is maximised.

#### c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- *i)* Protect biological diversity, native flora and fauna and their habitat.
- *ii)* Protect the ecological processes necessary for ecosystem health.
- *iii)* Encourage the recovery of threatened species, communities, populations and their habitats.

#### 9.5 **G**ROUNDWATER

# 9.5.1 Land and development to which this Section applies

This section applies to land identified wholly or partially as having a *High or Moderately High Groundwater Vulnerability* on DCP Map No. **30** – Riparian Land and Waterways for the following development types:

- a) intensive livestock agriculture,
- b) liquid fuel depots,
- c) mines,
- d) livestock processing industries,
- e) service stations,
- f) sewerage systems,
- g) turf farming,
- h) waste disposal and resource recovery facilities,
- i) water supply systems, and
- j) on-site effluent disposal systems (excluding those relating to a single dwelling house – see sections 3.3.2 and 6.4).

# 9.5.2 Objectives

a) To protect and preserve groundwater sources.

# 9.5.3 Development standards

- a) Consent must not be granted to development listed in section 9.5.1 above on land identified on DCP Map No. 30 – Riparian Land and Waterways as having a *high or moderately high groundwater vulnerability* unless the consent authority has considered an environmental/geotechnical assessment that indicates how the development will achieve the following outcomes:
  - i) Protect existing groundwater sources.
  - ii) Protect the future extraction of groundwater sources for domestic and stock water supplies.
  - iii) Prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.
- b) A Development Application lodged for development on lands identified in section **9.5.1** above must be accompanied by the following environmental assessment.

# i) Site Plan (preferably using an aerial photograph).

The site plan must detail the following:

- The proposed development, including where all works and buildings are to be located.
- Any proposed effluent disposal site.
- Extent of land proposed to be disturbed.
- Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- Location of bores within 250 metres of the site.
- Any other environmental constraints, as applicable.

#### ii) Assessment

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes, and should include the following information.

#### a) Impact of development on groundwater sources

- Proposed method of effluent disposal.
- Soil and hydrological investigation. This section should investigate the soil and hydrological conditions of the area through on-site drilling to ascertain:
  - Soil lithology.
  - The depth of the shallowest groundwater aquifer.

- The flow gradient of the aquifer.
- The location of transmissive alluvial aquifers.
- Water quality of the aquifer.
- Potential interaction with the deeper aquifers.

## b) Proposed mitigation measures

This section should include details of proposed mitigation measures including:

- The type of on-site effluent disposal system proposed that addresses matters raised by soil and hydrological investigations.
- Installation of groundwater monitoring systems.
- Proposed remedial actions should contamination be detected.
- Understandings of groundwater recharge areas and potential impacts.

# c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- Protect existing groundwater sources.
- Protect the future extraction of groundwater sources for domestic and stock water supplies.
- Prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.

# 9.6 FLOODING

# 9.6.1 Land to which this Section applies

This section applies to all land to which Clause **7.1 Flood Planning** of the LEP applies and any land identified or known by Council as having the possibility of flooding.

# 9.6.2 Objectives

a) To minimise the impacts of flooding on human settlement patterns.

# 9.6.3 Definitions

This section adopts the definitions under the LEP and those definitions listed hereunder:

**Designated Flood**: means the flood planning area as defined by the following designated floods:

- a) 1% AEP flood level plus a free board of 0.5 metres as determined by the *Bathurst Computer Based Flood Model*, as amended, for the Macquarie River and the Queen Charlotte's Vale Creek.
- b) 1% AEP flood level plus a freeboard of 0.5 metres as determined by the Sofala *Floodplain Risk Management Study 2007* for the Turon River.
- c) 1% AEP flood Level plus a freeboard of 0.5 metres as determined by the *Georges Plains Floodplain Risk Management Study 2007* for the Georges Plains Creek.
- d) For areas beyond the flood model or studies, including natural creeks and drainage channels, the 1% AEP flood is as calculated by accepted engineering methods, or the highest known flood mark as stated on a statutory declaration by a resident of the immediate area for greater than 30 years, or the flood of August 1986.

<u>Note:</u> The criteria outlined in Appendix B of the *NSW Government Floodplain Development Manual* shall be used for the assessment of flood hazard of those properties which are affected by flooding from the Macquarie River and Queen Charlotte's Vale Creek, and are included in the study area of the computer based flood model, utilising the depth and velocity calculations generated by the Model.

*High Hazard Flood Areas:* means lands as defined by the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* and the *Georges Plains Floodplain Risk Management Study 2007*.

Low Hazard Flood Areas: means lands as defined by the Bathurst Floodplain Management Plan as amended, the Sofala Floodplain Risk Management Study 2007 and the Georges Plains Floodplain Risk Management Study 2007. For watercourses not included in the Bathurst Computer Based Flood Model, Council has resolved that low hazard flood areas are those areas affected by 0.5 metres of flood water or less.

**Development within areas to be protected by future levees:** means areas identified and described within the *Bathurst Floodplain Management Plan as amended* as benefiting from future levee protection, including:

i) Perthville

*Flood Protected Land:* means land shown to be protected by levees from the 1% AEP flood on the following DCP Maps:

- i) Map No. **32A** Havannah Street Area
- ii) Map No. 32B Morrissett Street Area
- iii) Map No. 32C Kelso Industrial Area
- iv) Map No. 32D Stockland Drive Area
- v) Map No. **32E** Upfold Street Area (partial)
- vi) Map No. 32F Gilmour Street Area
- vii) Map No **32G** Carlingford Street Area

**Lands affected by a Natural Watercourse:** means areas beyond the flood model or studies, including natural creeks and drainage channels, where the 1% AEP flood is as calculated by accepted engineering methods, or the highest known flood mark as stated on a statutory declaration by a resident of the immediate area for greater than 30 years, or the flood of August 1986.

# 9.6.4 Development within the designated flood area

# Development Standards

- a) All development within the designated flood area requires the consent of Council.
- b) All developments shall be generally assessed in accordance with the latest edition of the *NSW Floodplain Development Manual* as issued by the NSW Government.
- c) Development will not be permitted unless Council is satisfied that the proposed development will not increase the flood hazard rating or likely flood damage to any other property.

# 9.6.5 Development within high hazard flood areas

#### **Development Standards**

- a) No alteration in ground levels will be permitted, whether by excavation or filling, without the submission of a hydraulic study and prior development consent.
- b) The carrying out of any work or the erection of any structure, including fences, on land within the High Hazard Designated Flood Area will only be permitted if the land is outside the floodway, subject to low velocities, and is supported by a Flood Impact Assessment (FIA) showing that the works will have no adverse flooding affect on any other property.

# 9.6.6 Development within low hazard flood areas

# **Development Standards**

# Low Hazard – Floodway

a) No alteration in ground levels, whether by excavation or filling, will be permitted without the submission of a hydraulic study and prior development consent. Neither the carrying out of any work, nor the erection of any structure, including fences, will be permitted in Low Hazard Floodway areas.

Low Hazard – Flood Storage and Flood Fringe

a) Development consent is required to be obtained prior to any activity, work or building being carried out within the designated flood area. A hydraulic study may be required to be submitted with any Development Application.

#### New Development – not protected by a Levee Bank

a) The floor level of any structure is to be 0.5 metres above the designated flood level, supplied by Council.

Existing Development – Non-Residential

a) Extensions to existing non-residential buildings may be constructed at the same floor level as the existing building. The complete building is to be flood proofed to 0.5 metres above the designated flood level.

## Existing Development – Residential

- a) Extensions to existing residential buildings will be determined by Council on the application's merits, having regard to the following matters:
  - i) Where the area of the extension is less than 50% of the existing floor area and the floor level of the existing house is above the designated flood level, the floor level of the extension may be constructed to the same level. The extension is to be flood proofed to 0.5 metres above the designated flood level.
  - ii) Floor levels are to be a minimum 0.5 metres above the 1% AEP flood.

#### Carports and Open Sheds

a) Carports and open sheds must be constructed from flood compatible materials and may be constructed at existing floor levels.

# <u>All lands contiguous to the designated flood area less than 0.5 metres above the designated flood level</u>

a) All development is to comply with the standards outlined for Low Hazard – Flood Storage and Flood Fringe as outlined above.

# 9.6.7 Development within areas to be protected by future levees

# Development Standards

- a) Council may consent to the development of land provided that as a result of the development there is:
  - i) No encroachment on the possible alignment of the levees.
  - ii) No increased potential flood damage, prior to levee protection.
  - iii) No adverse effects on other properties.
  - iv) Floor levels are a minimum 0.5 metres above the 1% AEP flood.

# 9.6.8 Flood protected land

#### **Development Standards**

a) All development shall be considered in accordance with the Bathurst Regional LEP 2014.

# DCP Map No. 32C - Kelso Industrial Area

a) New building lots protected by the levee shall have a finished ground level not less than either the 1% AEP Flood Level (as identified by the 1987 Flood Study report),

or the 2% AEP Flood Level (as determined by the Computer Based Floodplain Model), whichever is the greater.

b) The floor level of any building shall be above the ground level specified above.

# 9.6.9 Development of lands affected by a natural watercourse

## **Development Standards**

- a) Council may only grant consent to development if it is satisfied that the proposed development will not increase the flood hazard rating or likely flood damage to any property.
- b) Council may only grant consent to development if it is satisfied that the development is <u>not</u> within:
  - i) the high hazard flood area, or
  - ii) the low hazard floodway.
- c) The floor level of any habitable structure is to be 0.5 metres above the designated flood.
- d) The development must not increase the rate of storm water run-off into the watercourse.

# 9.6.10 Flood mitigation works

Flood mitigation works do not need to comply with the standards outlined in this Plan provided that:

- a) The works are identified in the Bathurst Floodplain Management Plan as amended, the Sofala Floodplain Risk Management Study 2007 or the Georges Plains Floodplain Risk Management Study 2007.
- b) The works have fulfilled all the criteria established in the Bathurst Floodplain Management Plan as amended, the Sofala Floodplain Risk Management Study 2007 or the Georges Plains Floodplain Risk Management Study 2007.
- c) The works comprise the adopted actions to implement the Bathurst Floodplain Management Plan as amended, the Sofala Floodplain Risk Management Study 2007 or the Georges Plains Floodplain Risk Management Study 2007.

Notwithstanding that the works do not need to comply with the standards in this section, an approval from the NSW Office of Water may also be required.

# 9.6.11 Development Application requirements

A Development Application lodged for development within the designated flood is to be accompanied by:

a) A report from an accredited Consulting Engineer detailing any adverse effects of the proposed development on flood hazard rating and potential flood damage to the subject property and any other property. For land within the Computer Based Flood Model Study, such report can be undertaken by Council at full cost to the developer.

- b) An evacuation plan for the development accompanied by evidence that the local division of the State Emergency Service has been consulted in the formulation of the plan.
- c) Existing ground levels of the subject site certified by a registered surveyor.
- d) Flood levels, where available. Where Council holds records for flood levels, they can be obtained from Council at full cost to the developer.

# 9.7 BUSHFIRE PRONE LAND

# 9.7.1 Land to which this Section applies

This section applies to all land identified wholly or partly as Bushfire Prone on the Bushfire Prone Land Map held in the offices of Council.

# 9.7.2 Objectives

- a) To minimise the risk to property and the community from bushfire.
- b) To minimise the impact of fire protection measures on the regions biodiversity.
- c) To ensure bushfire protection is afforded to all new allotments and to minimise the impact of bushfires.
- d) To ensure bushfire protection can be afforded to existing settlement areas in a manner that does not limit future growth.

# 9.7.3 Development standards

- a) All development is to comply with the provisions of the Rural Fire Service's *Planning for Bushfire Protection 2006.* This document is available at <u>www.rfs.nsw.gov.au</u>
- b) The following provides a summary of the information required to be lodged with applications for development on bush fire prone lands within the region.

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	Bathurst Regional Development Control Plan 2014					
Development Type			Information required to be lodged at Development Application Stage			
Inte	grated	<u>l Development</u>				
	as identified by Section 100B of the Rural Fires Act, and specifically:					
(1)	land resic	ubdivision of bushfire prone that could lawfully be used for lential or rural residential oses, or				
<ul> <li>(2) Development of bushfire prone land for a special fire protection purpose, including:</li> </ul>		for a special fire protection				
	a.	a school,	A Bushfire Assessment Report that meets the			
	b.	a child care centre,	requirements of Planning for Bushfire Protection			
	C.	a hospital (including a hospital for the mentally ill or mentally disordered),	2006.			
		a hotel, motel or other tourist	Refer to Appendix 4 of <i>Planning for Bushfire</i> <i>Protection 2006</i> for further information.			
	e.	a building wholly or principally used as a home or other establishment for mentally incapacitated persons,	Development Applications for integrated development will be referred to the Rural Fire Service for comment, conditioning and approval as part of Council's assessment.			
	f.	seniors housing within the meaning of State Environmental Planning Policy – Seniors Housing,				
	g.	a group home within the meaning of the State Environmental Planning Policy No. 9 – Group Homes,				
	h.	a retirement village, or				
	any other purpose prescribed by the regulations.					

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Bathurst Regional Development Control Plan 2014					
Development Type	Information required to be lodged at Development Application Stage				
Infill developmentNew dwellings and additions to dwellings.Development that does not comply with the Planning for Bushfire Guidelines 2006 will be referred to the NSW Rural 	<ol> <li>A classification of vegetation on and surrounding the property (out to a distance of 140 metres from the proposed location of the dwelling) in accordance with the system described in the Planning for Bushfire Guidelines 2006.</li> <li>An assessment of the slope of the land on and surrounding the property in relation to the proposed location of the dwelling.</li> <li>Identification of any significant environmental features on the property (eg watercourses, steep land).</li> <li>Identification of any threatened species, population or ecological community under the <i>Threatened Species Conservation Act,</i> 1995.</li> <li>An assessment of the likely impact of clearing that may be required to establish the Asset Protection Zones.</li> <li>An assessment of the quality of the access routes from the proposed dwelling to the property boundary.</li> </ol>				

# 9.8 FLORA AND FAUNA SURVEYS

# 9.8.1 Objectives

- a) To establish minimum scientifically accepted standards for the quality, collection and reporting of biodiversity data.
- b) To promote planning decisions that reflect and incorporate the findings and recommendations of scientifically based flora and fauna surveys.
- c) To minimise the impact from development on the Region's biodiversity.
- d) To ensure compliance with the Office of Environment and Heritage's (OEH's)Threatened Species Assessment Guidelines.

# 9.8.2 What is a flora and fauna survey?

A flora and fauna survey is an ecological study of a specific area of land that:

- a) Documents the components of biodiversity confirmed to be present within the study area.
- b) Documents the components of biodiversity not confirmed, but likely to be present within the study area.

- c) Assesses the extent and nature of likely impacts of planning, land management or development proposals on the components of biodiversity referred to above, and specifically, any likely impacts on:
  - i) matters of national environmental significance;
  - ii) matters of state significance;
  - iii) matters of regional significance;
  - iv) matters of local significance.
- d) Makes recommendations as to how any planning, land management or development proposals relating to the study area and /or subject site should be dealt with or modified so as to avoid unacceptable impacts on biodiversity.

Components of biodiversity include species, habitats, ecological communities, genes, ecosystems and ecological processes.

# 9.8.3 When is a flora and fauna survey required?

A flora and fauna survey is to be undertaken prior to the lodgement of a Development Application where the following circumstances apply:

- a) the proposed development is likely to have an impact on matters of National environmental significance under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999; or
- the proposed development is likely to have an impact on threatened species, populations or ecological communities listed under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994, or their habitats; or
- c) the Council requests the applicant to provide supporting information to enable a determination as to whether the proposed development will have impacts referred to above; or
- d) the proposed development involves clearing of native vegetation, including wetlands and riparian vegetation; or
- e) the proposed development involves clearing of native vegetation for bushfire hazard reduction purposes; or
- f) ecological assessment of the proposed development is required under State Environmental Planning Policy No. 44 - Koala Habitat Protection; or
- g) a proposal may affect, either directly or indirectly, certain vegetation or habitat communities subject to special planning controls, including coastal wetlands, urban bushland, littoral rainforest and koala habitat.

The flora and fauna survey may be incorporated in the statement of environmental effects, biodiversity assessment, species impact statement or environmental impact statement accompanying the Development Application.

# 9.8.4 Minimum requirements of a flora and fauna survey

Development Standards

- a) A Flora and Fauna Survey must be prepared in accordance with industry best practice and in particular (where appropriate) in accordance with the following guidelines:
  - i) Bathurst Regional Council's Guidelines for Flora and Fauna Assessments.
  - ii) OEH's Threatened Species Assessment Guidelines.
  - iii) SEPP No. 44 Koala Habitat Protection.
  - iv) Department of Planning Circular B35 (1995) SEPP 44 Koala Habitat Protection.
- b) The study area is to include all of the site area the subject of the Development Application. It is also to include land beyond the site where this is necessary to assess off-site impacts, the extent of any adjoining habitat or population of threatened species or the role of the site as a habitat corridor.
- c) The survey must include as a minimum the following key tasks:
  - i) Research of known information and data prior to the on-site survey (e.g. Council's Threatened Species Database).
  - ii) Detailed survey design.
  - iii) Completion of an on-site survey and associated data collection.
  - iv) Analysis and interpretation of data.
  - v) Report preparation and recommendations.
- d) A digital copy of the completed Flora and Fauna Survey is to be lodged with the Development Application.

### 9.8.5 Conditions of consent

a) When Flora or Fauna habitat is identified through a report, a specific condition of consent will be imposed relating to the management, protection, or otherwise of the area or site.

#### 9.9 SUSTAINABLE BUILDING DESIGN AND ENERGY EFFICIENCY

#### 9.9.1 Objectives

- a) To encourage environmentally sustainable building design and energy efficient housing opportunities.
- b) To encourage planning for climate change and reductions in CO<sub>2</sub> emissions.

# 9.9.2 Development standards

a) All new residential development is to comply with BASIX requirements as required by the NSW Department of Planning and Infrastructure, where applicable.

- b) All new commercial development is to comply with Section J Energy Efficiency of the National Construction Code.
- c) If in the opinion of Council the proposed development should address sustainable building design principles, the statement of environmental effects lodged with Development Applications for buildings is to include a section which addresses how the sustainable building design principles (outlined in section **9.8.3** below) have been incorporated into the development.

# 9.9.3 Sustainable building design principles

The construction of buildings using good design principles can save energy, water and money, while creating a more enjoyable and comfortable place to live and work. The following design principles encourage sustainable building design.

Council will give consideration to the following principles in the assessment of development applications.

#### Solar Passive Design

#### Site Analysis

- a) A solar site analysis should be used to site buildings to achieve maximum solar access in winter. Site analysis should consider:
  - i) Site dimensions.
  - ii) True north point.
  - iii) Spot levels or contours.
  - iv) Shadows cast by trees and surrounding structures.

#### **Building Orientation**

- a) Building orientation should seek to maximise winter solar access and minimise summer heat, in particular:
  - i) The long axis of the building should face up to 30 degrees east and 20 degrees west of true north.
  - ii) Living spaces should face north, sleeping areas to the east or south and utility areas to the west and south.

#### Passive Solar Access

- a) Solar access should be maximised through the consideration of the following matters in the design process:
  - i) Existing winter shadows of trees/structures to the north, NE and NW of the site.
  - ii) Possible future developments to the north, NE and NW of the site.
  - iii) Appropriately placed windows, shading devices and roof overhangs.

- iv) Pergolas should face north.
- v) Use of sun porches or greenhouses.
- b) Solar access to medium density housing developments should be enhanced through:
  - i) Increased spacing between buildings.
  - ii) High level windows to the north in the case of attached dwellings.
  - iii) The use of skylights.

#### Shading Devices and Windows

- a) Main windows should be shaded in summer between 9am and 4pm.
- b) Shading elements should be integrated into the overall elevation design.
- c) Where winter solar access is not optimum, double-glazing or high performance glass should be used.
- d) Horizontal shading devices (including eaves, verandahs, pergolas, awnings and external horizontal blinds) allow low winter sun into the window whilst providing shade from high summer sun.
- e) Minimise the size of east and west facing windows due to the hot, low summer sun, or provide suitable shading or other solar control which avoids summer overheating. External vertical shading devices include vertical blinds, blade walls and thick vegetation.

#### **Insulation**

- a) Insulation should be incorporated into buildings to moderate temperature swings in both summer and winter.
- b) Insulation options include:
  - i) <u>Bulk insulation</u>: important for ceilings, walls and floors and includes insulation batts of fiberglass, sheep wool, cellulose etc. and straw bale and rammed earth construction.
  - ii) <u>Reflective insulation</u>: effective particularly in summer and includes reflective foil laminate.
  - iii) <u>Insulation to windows</u>: including double glazing, heavy curtains, and insulated panels.
- c) Insulate walls between living areas and garages.

#### Maximise ventilation in summer

a) Place windows to allow for cross ventilation. Windows to the south are good for cross-ventilation however their size is best restricted.

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- b) Fans, roof vents and high level windows should be installed.
- c) Consider evaporative cooling and/or wind stacks.
- d) Windows should be lockable in a partly open position.
- e) Exhaust fans to wet areas should be ducted outside.
- f) For medium density housing:
  - i) Ventilation should be considered early in the design stage.
  - ii) Consider prevailing breezes in relation to building orientation, window design and internal circulation as well as adjoining buildings.
  - iii) Consider spacing between buildings.
  - iv) Provide security screen doors at unit entries and windows.

#### Minimise air leakage

Infiltration is the filtering of cold or warm air through gaps in the construction of a dwelling. It is especially important to minimise draughts in winter.

- a) Consider air locks at entries and minimise air gaps.
- b) For medium density housing:
  - i) Incorporate door and window seals.
  - ii) Provide self-closing doors at unit entries at the main entry.
  - iii) Provide built in shutters to exhaust fans in wet areas.

#### Landscaping

- a) Tree species and height should be chosen and placed to maximise:
  - i) solar access in winter (to windows, solar collectors, drying areas etc.),
  - ii) shading in summer (to the building and to outdoor recreation areas), and
  - iii) solar access to neighbouring properties to the south, south-east and southwest.
- b) Evergreen trees are good shade trees to the east and west (especially thicker species) and good to the north if low enough to allow winter solar access.

<u>Note</u>: most Australian native trees are evergreen which usually require less maintenance.

- c) Use internal courtyards (with landscaping and/or water elements). Consider using a porus paving to increase the infiltration of rainfall and irrigation.
- d) Include deciduous vines on pergolas to the north.

- e) Water elements and rainforest gardens assist in cooling the surrounding air.
- f) Thick shrubs can protect against prevailing winter winds or channel summer breezes.
- g) Mulch garden beds to reduce watering needs.

# <u>Colours</u>

a) Light coloured surfaces should be used internally and externally.

# Notes:

The advantages of reflecting unwanted heat gain in summer usually override the advantages of absorbing heat with dark colours in winter.

Light colours reflect heat around a room in winter whilst simultaneously providing higher levels of natural light.

Take note of the type of paints used to reduce the use of chemicals in the living areas.

# Lighting

- a) Maximise the use of natural lighting.
- b) Design lighting fixtures to suit the purpose of specific rooms (e.g. task or effect lighting in study, general spread of lighting in the family room).
- c) Provide separate switches for special purpose lights.
- d) Incorporate energy-efficient lamps (light emitting diode (LED) and compact fluorescent lighting (CFL)), fittings (reflectors) and switches (dimmers, automatic, timed and sensor operated).
- e) Locate switches at exits to rooms/lobbies etc. to encourage switching off.
- f) Incorporate dimmers, motion detectors, and automatic turn off switches where appropriate.
- g) Take note of what is appropriate lighting type (halogen versus CFL) for each area to reduce energy requirements.
- h) Install exterior lighting only as needed for security and accessibility needs to reduce energy requirements.
- i) Install skylights to increase natural light and reduce lighting needs.
- j) For medium density housing:
  - i) Light switches in common areas are to be time switched.
  - ii) Incorporate fittings with high efficiency reflectors suitable for compact fluorescent lamps and fluorescent tubes.
  - iii) Motion detectors are to be used for unit entries, lobbies and outdoor security.

iv) Provide automatic turn-off or sunset timed switches for outdoor purposes.

# Water Saving

- a) Fit water efficient shower heads (at least 4 Star WELS rated).
- b) Install appropriate taps with aerators to reduce water needs. Mixer taps in showers can reduce the potential for scalding and save large quantities of hot water. Single lever flick mixer models of mixer taps over basins and sinks can waste hot water because they tend to be left in the middle position. Mixer taps with separate controls for hot and cold water are preferable in these locations.
- c) Install water efficient toilets (at least 4 Star WELS rated).
- d) Install water efficient washing machines (at least 4 Star WELS rated).

#### Rainwater Tanks

- a) Rainwater tanks may be connected to individual pipework to supply the toilet and/or washing machine and outside taps for garden irrigation.
- b) Any plumbing works must be undertaken by a licensed plumber in accordance with AS/NZS3500.
- c) All plumbing works connected to internal systems are subject to inspection by a Council Officer.
- d) All external taps supplied by the rainwater tank must be clearly labelled "not for drinking".
- e) Top-up from the reticulated supply will be limited to a trickle top up system which has a maximum flow rate of 2 litres per minute.

# **Grey Water Reuse**

- a) Grey water diversion does not require Council approval if the requirements of the *Plumbing code of Australia* and certain performance criteria are satisfied.
- b) Grey water treatment systems can receive an 'approval to operate' subject to inspection by Council Officers.
- c) All grey water use must be done in accordance with Council's *Greywater Reuse* (*Residential Households*) *Policy*.

# Renewable Energy and Energy Efficient Systems

Electricity accounts for around 50% of household energy use and around 80% of household greenhouse gas emissions because most electricity comes from non-renewable sources. Renewable sources include water, wind and solar, with the latter two types available to be installed on most households.

# Photovoltaic Cells (PV Cells or Solar Modules)

a) The installation of Solar Modules require approval from Council unless exempt under any relevant SEPP or Council's LEP.

# Notes:

Siting, angle and location are important and therefore expertise should be sought through accredited manufacturers and installers.

#### Wind Turbines

a) The erection of wind turbines may require approval from Council and may not be suitable for some land zones.

#### Notes:

There are several types of wind generators available. The most common type is the 'propeller' type on the horizontal plane, though new quieter designs that can take advantage of turbulent wind around buildings have the turbine on the vertical or upright plane.

Most turbines are set up as a stand-alone system and connected to a battery bank. Domestic systems range in size from 500W to 5kW but may be as large as 10-20kW.

It is important to take into account the surrounding infrastructure and vegetation, the height of the unit and the household requirements when purchasing a wind turbine.

Due to the varying nature of wind across building sites, it is important to consult with experienced installers and manufacturers before choosing a particular turbine for your location.

#### Hot Water Systems

#### Solar Hot Water Systems

a) Installation of solar hot water systems require approval from Council unless they are exempt under any relevant SEPP or Council's LEP.

#### Notes:

Heating water accounts for 25% of household energy use and around 20% of household greenhouse gas emissions. Using solar systems to boost your water heating can dramatically reduce household reliance on fossil fuels and provide up to 90% of hot water needs.

The two main types are flat-plate solar collectors and evacuated tube solar collectors.

Flat-plate systems can either have the water tank on the roof or a separate tank on the ground. These systems are most efficient in summer and on clear days.

Evacuated tube systems are ideal for cooler climates, and when maintained properly, will outlast the storage tank.

Siting, angle and location are important and therefore expertise should be sought through accredited manufacturers and installers.

Solar hot water systems are often operated in conjunction with gas or electric instant hot water systems to ensure that the house has continual supply.

#### Heat Pump Hot Water Systems

Heat pump systems operate by extracting the heat from the surrounding environment to heat water. They work in the opposite way as a fridge does to cool items.

#### Natural Gas Water Systems

Natural Gas systems can be either stored or instant and are more efficient than electric systems.

Natural Gas systems can reheat water more quickly than electric allowing for smaller tanks, making it easier for internal installation.

#### Electric Storage Hot Water Systems

These systems use an element inside a tank much like a kettle. They are the most inefficient system to use and are responsible for the most greenhouse gas emissions and are therefore not recommended.

Smaller units usually operate all the time and are expensive to run. Larger units usually run at off peak times but are overheated to maintain the heat during the day.

These systems are cheaper to buy but are more expensive to run.

#### <u>Waste</u>

The construction of dwellings results in a great deal of waste produced during the construction stage. The design of smaller houses and more effective use of resources will help to reduce the creation of waste. Talk to your designer and builder about maximising the use of materials, reducing building waste (which you pay for) and designing for end of life and reuse of building materials.

# 10 URBAN DESIGN & HERITAGE CONSERVATION

#### **10.1 PRELIMINARY**

## **10.1.1** Land to which this Section applies

This section applies to all land within the Bathurst Regional Local Government Area (LGA), and in particular all urban zones and lands within a heritage conservation area or which contain a heritage item.

# **10.1.2** Strategic priorities and objectives

a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Heritage Study 2007 establish the following key priorities and objectives relevant to urban design and heritage conservation.

#### Strategic Priorities

- a) To determine the best ways to protect and enhance the Bathurst Region's built, natural and indigenous heritage and history.
- b) To determine the best way to protect and enhance residential amenity.
- c) To determine the best way to manage and conserve heritage items and places and conserve their significance to support the community's sense of place.

#### Strategic Objectives

- a) To protect the Bathurst Region's built heritage and history.
- b) To protect the Bathurst Region's Indigenous heritage and history and significant streetscape and landscape features.
- c) To protect and enhance the community's sense of identity and place.
- d) To protect and manage heritage items and places.

#### **10.2** HERITAGE IMPACT

#### 10.2.1 Objectives

To ensure adequate information is submitted with a Development Application (DA) to determine the heritage impact of development by means of either a:

- Conservation Management Plan (CMP)
- Statement of Heritage Impact (SoHI)

#### **10.2.2 Conservation Management Plans**

Under Clause 5.10(5) Heritage Assessment, Clause 5.10(6) Heritage Conservation Management Plans and Clause 7.9 Conservation Incentives Heritage Conservation Areas of the LEP, Council may require a Conservation Management Plan (CMP) to be lodged with a DA.

# What is a Conservation Management Plan?

A Conservation Management Plan (CMP) is a document prepared in accordance with the guidelines prepared by the NSW Heritage Branch which documents the heritage significance of an item, place or conservation area and identifies the conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

# When is a Conservation Management Plan Required?

A CMP may be required to accompany an application for a development associated with a building:

- a) Listed on the State Heritage Register, (SHR), under the Heritage Act 1977.
- b) Listed on **Schedule 5 Heritage Items** of the LEP, where:
  - i) The proposal consists of a major redevelopment involving land which contains a heritage item.
  - ii) The proposal will significantly impact upon the Statement of Significance of a heritage item.
  - iii) The proposal will impact upon the curtilage and/or elevations of a heritage item.
  - iv) The proposal will significantly materially affect a heritage item.

#### c) Where development is proposed under Clause 5.10(10) Conservation Incentives and/or Clause 7.9 Conservation Incentives Heritage Conservation Areas of the LEP.

A CMP may also be useful to support an application for site specific exemptions from Heritage Act approvals for items listed on the State Heritage Register. Site specific exemptions can be developed in addition to the standard exemptions automatically granted to all State listed heritage items.

A CMP may be useful as a framework for an agreed management approach to a heritage item, particularly where the item is managed by several different managers or there are complex relationships between elements of various degrees of significance.

# What needs to be included in a Conservation Management Plan?

The CMP should provide information to help assess the application, including a statement of significance for the item, identification of the constraints and opportunities that affect the item (including the owner's needs), and policies as to which fabric, or elements, of the item need to be conserved. It should also outline what can be changed, if and where any new development occurs, and the parameters for such development or the degree of change that is permissible.

A CMP consists of three main parts:

- a) Investigation,
- b) Assessment, and
- c) Management policies.

The preparation of a CMP needs to be guided by the model brief, available on the Heritage Branch website, <u>www.environment.nsw.gov.au/heritage</u>

# **10.2.3 Statement of Heritage Impact**

Under Clause **5.10(5)** Heritage Assessment of the LEP, Council may require a Statement of Heritage Impact (SoHI) to be lodged with a Development Application.

#### What is a Statement of Heritage Impact?

A SoHI is a document that contains:

- a) A statement demonstrating the heritage significance of a heritage item, or a place or site within a heritage conservation area.
- b) An assessment of the impact that the proposed development will have on that significance.
- c) Proposals for measures to minimise that impact.

The process aims to assist identify the significant heritage matters that need to be addressed and inform the design of the development proposal. The preparation of the statement should be an integral part of the design stage in the development of a site, not completed after a design has been settled upon.

#### When is a Statement of Heritage Impact Required?

A SoHI is required for changes proposed to:

- a) a heritage item listed on the Local Environmental Plan (LEP);
- b) places located within a heritage conservation area;
- c) places nearby to a heritage item or older buildings in a heritage conservation area;
- d) unlisted properties that are over 50 years of age and considered to be of heritage significance; or
- e) demolish a building which contributes to the heritage significance of the Bathurst Region,

where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting.

The SoHI will be required to assess the extent to which the carrying out of the proposal would affect the heritage significance of the property concerned.

What needs to be included in a Statement of Heritage Impact?

By 'impact' the report covers any effect that may alter the historic significance of a place. It can be a visual or physical effect. It can be a small or large effect. Having an 'impact' does not mean that such a proposal cannot proceed. The description of the impact enables council staff to determine whether the impact is acceptable and/or has been sufficiently mitigated.

In the assessment of impact the statement must demonstrate that alternatives have been considered and why there were discounted. Both positive and negative impacts must be described as well as the steps that have been taken to minimise the negative impacts. The statement must demonstrate why the development as proposed is the only viable solution and explain why other alternatives are not appropriate.

Refer to Council's website (<u>www.bathurst.nsw.gov.au</u>) for a template guide for the preparation of a Statement of Heritage Impact. Refer also to the NSW Heritage Branch website for guidelines for the preparation of Statement of Heritage Impacts (<u>www.environment.nsw.gov.au/heritage</u>).

# **10.3 DEMOLITION OF BUILDINGS**

# **10.3.1** Land to which this Section applies

This section applies to buildings that are:

- a) within a heritage conservation area,
- b) listed as a heritage item under the LEP,
- c) included in the Bathurst Region Heritage Study, or
- d) over 50 years of age for which demolition is not exempt development.

# 10.3.2 Objectives

- a) To ensure that the structural integrity and social history of a building are considered in determining a DA for the demolition of a building.
- b) To ensure the heritage significance and heritage contribution of a building are considered in determining a Development Application for the demolition of a building.

# **10.3.3 Statement of Heritage Impact**

A Development Application proposing the demolition of a building which, in the opinion of Council, contributes to the heritage significance of the Bathurst Region must be accompanied by a Statement of Heritage Impact (SoHI), refer section **10.2.3** of this Plan.

A SoHI involving the demolition of a building which contributes to the heritage significance of the Bathurst Region must be prepared in accordance with section **10.2.3** of this Plan and specifically include the following components:

a) Structural Engineers Assessment – the preparation of a structural assessment to determine the structural soundness of the building and an estimated schedule of costs to render the building structurally safe.

- b) Historical assessment a thorough research of historical material to identify the heritage significance of the subject building and its site,
- c) An examination of development options that includes as a minimum:
  - Retaining the contributory building(s) into the development of the site (no demolition);
  - ii) Retaining key elements of the contributory building(s) into the development of the site (partial demolition);
  - iii) Full demolition of the contributory building(s), if proposed.

The SoHI must clearly demonstrate why retention or partial demolition is not viable solutions if full demolition is proposed.

d) An infill development form where demolition and a new infill building to the street is proposed. The SoHI is to include a thorough assessment as to how the replacement building is of such quality and design that it will fit into the streetscape and its setting within the heritage conservation area.

The statement must demonstrate why the development as proposed is the only viable solution and explain why other alternatives are not appropriate. The preparation of the statement must, therefore, be an integral part of the design of the development of a site, not completed after a design has been settled upon.

#### What is a Historical Assessment?

A Historical Assessment will include the following areas of research in relation to the building and its site:

- a) Address
- b) Main purpose / use (past and current)
- c) Construction date / evidence of this date
- d) Builder, designer and architect
- e) Original drawings, plans or records
- f) Historical photographs
- g) Extracts from books or other printed references relevant to the building
- h) Alterations /additions
- i) Association with notable people or events
- j) Examples of similar styles within the Bathurst region
- k) Heritage listings

The Bathurst District Historical Society holds Council's old rates books and provides a very good source of information to assist in the historical assessment of a building and its site, particularly within the Bathurst City area.

In addition to the Bathurst District Historical Society, the following organisations may be able to assist with historical information:

- a) Environmental, Planning and Building Services Department, Bathurst Regional Council
- b) Bathurst City Library
- c) Family History Group of Bathurst Inc
- d) National Trust (Bathurst)

References for additional sources can also be found under the Heritage Organisations and Websites within NSW and Australia section of Council's Heritage Trades, Services and Supplies Directory.

#### What is a Structural Assessment?

A structural assessment must be included in the SoHI to ascertain the structural and constructional integrity of the building with a view to determining the extent and cost of remedial work that is considered either essential or desirable if the building is retained.

**Essential** means any work required to make the building structurally sound and safe and reverse any adverse deterioration. **Desirable** means other work required to make the structure more habitable and comfortable.

The following basic elements of the fabric of the building, as a minimum, are to be considered:

- a) footings and substructure, including sub-floor ventilation,
- b) walls and cladding,
- c) openings in the structure including windows and doors,
- d) storm water disposal and collection, and
- e) roof structure and cladding.

The assessment is to be objective and must avoid subjective or judgmental language. It is to clearly state the extent of any problems and is not to generalise a problem. For example, if only one window requires immediate attention the assessment is not to state that all windows require replacement.

The assessment is to include an estimate of the "Order of Cost" of the remedial work required on the building, again dividing between **essential** and **desirable** components.

Photographic images are to be included as well as any other supporting evidence. The assessment is to indicate the source of any facts, e.g. date of construction of the building, which can not be corroborated by the images or inspection.

The assessment should also indicate who attended the inspection and when the site visit occurred.

A structural engineer will need to undertake the assessment. A list of structural engineers can be found in Council's Heritage Trades, Services and Supplies Directory.

Infill Development of a Demolished Site

A Development Application for the demolition of a building to enable new infill development is to include plans for the new infill development (refer section **10.4** of this Plan). The SoHI is to include an assessment of the impact of the Infill Development on the heritage significance of the existing streetscape and its setting within a Heritage Conservation Area. In this regard Council's Infill Development form must also be submitted with the DA (refer Schedule **4** of this Plan).

The SoHI and the accompanying infill form must address the following matters:

- a) Character All built environments have their own special character. The proposal is to ensure that the harmony and unity of the area is maintained.
- b) Scale The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.
- c) Form The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.
- d) Siting New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.
- e) Material and Colours Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.
- f) Detailing Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place.

Street photographs of the site and adjoining buildings to each side including the following dimensions of both the proposed building and its immediate neighbours:

- a) building height (ground level to under eaves)
- b) building width,
- c) height of roof,

must be included in the SoHI.

A photomontage of the streetscape is also to be included to demonstrate how the proposal will relate to the adjoining buildings.

# **10.3.4 Bathurst Conservation Area Management Strategy**

**Development Standard** 

a) Council must determine (where not already completed) and consider the Bathurst Conservation Area Management Strategy (BCAMS) rating of a building in any proposal for demolition of a building facing a street within the Bathurst Heritage Conservation Area.

# **Explanation**

The principle objective of BCAMS is to provide clear and concise information on the overall value of every building to a streetscape within the Bathurst Heritage Conservation Area. The rating ranges from 10, being the most significant buildings, down to 0, being the least significant buildings. The rating is based on the buildings integrity, its streetscape rating and its heritage significance. The rating system is summarised in the table below.

CATEGORY	RATING
Integrity	
Substantially intact	3
Altered sympathetically	2
Altered unsympathetically - reversible	1
Altered unsympathetically – non-reversible	0
Building is intrusive under streetscape rating	0
Streetscape Rating	
Contributory	3
Neutral	1
Intrusive	0
Heritage Significance	
Historically significant in a regional context	4
Historically significant in a local context	3
Significant in a local context	2
Not significant	0

# **10.4** INFILL DEVELOPMENT

# 10.4.1 Objectives

- a) To ensure new development is designed to respect neighbouring buildings and the character of the area or streetscape.
- b) To ensure new development enhances and complements the existing urban character.
- c) To ensure that the form and external appearance of the new development improves the quality and amenity of the public domain and contributes positively to the historic character of the area and streetscape.

# **10.4.2 What is infill development?**

Infill development is development proposed for vacant land which has direct street frontage. Such development also includes the development of land which has been subdivided from existing properties or where a proposal includes demolition of an existing building and replacement with a new building.

Council requires applicants to consider the scale, massing, setbacks, colours and materials for proposed infill development in respect to neighbouring buildings.

# 10.4.3 When is an infill form required?

An Infill form is required to be lodged with a DA where a proposal includes new infill development on vacant land or replacement buildings within all Heritage Conservation Areas under the LEP.

Schedule 4 of this Plan provides the relevant form.

# 10.4.4 What needs to be included in an infill form?

- a) The infill form needs to be completed including an explanation of the following matters.
  - i) Character All built environments have their own special character. The proposal is to ensure that the harmony and unity of the area is maintained.
  - ii) Scale The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.
  - iii) Form The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.
  - iv) Siting New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.
  - v) Material and Colours Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.
  - vi) Detailing Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place.
- b) Street photographs of the proposed site and adjoining buildings to each side including the following dimensions of both the proposed building and its immediate neighbours:
  - i) building height (ground level to under eaves),
  - ii) building width,

iii) height of roof,

must be provided.

A photomontage of the streetscape is also to be included to demonstrate how the proposal will relate to the adjoining buildings.

# **10.5** DEVELOPMENT WITHIN THE BATHURST AND KELSO HERITAGE CONSERVATION AREAS

# 10.5.1 Objectives

- a) To ensure new development is designed to respect the heritage character of the area or streetscape.
- b) To ensure new development enhances and complements the historic precinct and special character of existing buildings.

# **10.5.2 Statements of Significance**

a) In determining a Development Application (DA) within the Bathurst and Kelso Heritage Conservation Areas, Council is to give consideration to the Statement of Significance for that area as outlined in the table below.

Heritage Conservation Area	Statement of Significance
	The conservation area of Bathurst City is historically significant because it includes the commercial and civic heart of Bathurst and reflects the nineteenth century development of this important NSW provincial centre. Bathurst was the first town founded west of the Blue Mountains, and it was a place that developed a high level of prosperity during the latter half of the nineteenth century, particularly as a consequence of the gold rushes of the central west region as well as the pastoral and other industries of the Bathurst district. Additionally, much of the conservation area is of integral social importance for the community because of its lengthy association with various themes in Bathurst's history.
Bathurst	Incorporating a wide range of building forms, types and styles, the area has a richness of cultural features. It includes a number of excellent examples of particular architectural styles from the Victorian and Federation eras, and these include Classical, Gothic and Romanesque styles among others.
	With its historic character, the cohesiveness created by the red brick used in many of the buildings, the landmark qualities of the spires, domes, massing and other attributes of a number of the buildings, the inherent qualities of the architectural styles represented, and the fine parks and streets, the conservation area is a part of Bathurst that has strong streetscape and other aesthetic qualities.

	Bathurst Regional Development Control Plan 2014					
Heritage Conservation Area	Statement of Significance					
Kelso	The conservation area of Kelso is historically significant because it reflects the nineteenth century development of this important NSW provincial centre. Bathurst was the first town founded west of the Blue Mountains and Kelso was the first 'free' settlement section of that town. It was a place that developed a high level of prosperity during the latter half of the nineteenth century, particularly as a consequence of the gold rushes of the central west region as well as the pastoral and other industries of the Bathurst district.					

# 10.5.3 Residential development

# **Building Design**

# Development Standards

- a) New infill buildings must meet the requirements of section **10.4** *Infill Development* of this Plan.
- b) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.
- c) Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street. New or replaced windows visible from the street should generally be timber.
- d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- e) Where an addition is proposed to the rear of an existing building and will be visible from the street, brick parapet walls for the addition, running parallel to the side wall of the building are encouraged. Hound's tooth brickwork is encouraged within the parapet component of the wall. Skillion roofs are to be hidden behind the parapet wall and are to run across the back of the existing building wall, instead of sloping away from the wall.
- f) Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.
- g) Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.
- Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.
- i) Good quality second hand materials and local and vernacular materials are encouraged.
- j) Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally <u>not</u> acceptable.

k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.

#### Garages and Outbuildings

#### **Development Standards**

- Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.
- b) Garages and outbuildings are to complement the design and character of the main buildings on the site and other garages/outbuildings within the street.
- c) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.
- d) Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the area).

#### Front Fences

#### **Development Standards**

- a) Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted in front of the building line or where it is visible from the street.
- b) Fence heights are to generally be in accordance with the following table.

Type of Fence	Maximum Fence Height
Solid masonry	900 mm
Open or partially transparent styles (eg, palisade or picket fences)	1200 mm with posts/piers no higher than 1500mm
Side and rear fences in front of building line/visible from street	1800 mm

- c) Council may give consideration to a solid fence exceeding the heights shown in the table above where:
  - i) it can be shown that the fence is required to reduce street noise to a residence, and
  - ii) sufficient decorative detail has been incorporated within the fence design to minimise its impact of the streetscape.
- d) Front fences are to follow the front boundary and be of a design that is appropriate to the style and architectural period of the building. The table below provides some guidance on the type of fence that may be suitable.

Era	Fence Type
1930s to 1950s	Low brick walls and piers and pipe rails.
Federation, Victorian and Georgian	Timber and metal pickets palisade and Victorian wire, brick walls within featured panels and piers.

#### Utility Services

#### Development Standards

- a) Utility services should generally not be visible from the street. Exemption may be granted to solar collection panels.
- b) Rainwater tanks should be of an appropriate scale. If a plastic or coloured tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather than larger tanks are preferred.

# 10.5.4 Commercial/Industrial development

#### **Building Design**

#### **Development Standards**

- a) New infill buildings must meet the requirements of section **10.4** *Infill* **Development** of this Plan. Buildings should make their own contemporary architectural statement rather than mimic buildings around it.
- b) New or upgraded shop fronts should be based on the characteristic elements of traditional shop fronts located within the vicinity including:
  - i) awning or verandah height,
  - ii) fascia lines,
  - iii) window proportions,
  - iv) common horizontal lines (eg, ridges, gutters, window heads), and
  - v) architectural features/decorations (eg, mouldings, parapets).
- c) Part of the front façade of new buildings, including the visible return facades to at least 6 metres along the visible side walls, are to include smooth faced unpainted and unrendered brickwork. Concrete can be used on other areas of the building façade (including the visible returns) where it is appropriately painted or rendered and includes decorative detail and elements.
- d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- e) Alterations are to have minimal disturbance to original wall materials, windows, doors and verandahs.
- f) Monotonous facades with little relief or detail must be avoided.

- g) Weather protection of the footpath is to be provided. Verandahs and balconies are encouraged.
- h) Under awning lighting (whiteway lighting) is to be provided.
- i) Buildings should be designed to provide passive surveillance to streets or public spaces.
- j) Any steel sheeting is to be of a traditional corrugated profile and is to be used generally only behind the front building façade or for outbuildings.
- k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.
- I) Development Application Plans submitted to Council are to include accurately detailed and appropriate coloured impressions or images of all building facades of the proposed development with particular regard to the building features, detailing, colouring and materials used.

#### Landmark Sites within the CBD

Landmark sites within the CBD include:

- a) corner sites,
- b) buildings listed as a heritage item in the LEP, and
- c) other buildings or sites which, in the opinion of Council, contribute to the heritage significance and special character of the Heritage Conservation Area.

In addition to the standards listed above, the development of landmark sites must also meet the following standards.

- a) Provide a positive contribution to the City's architectural landscape.
- b) Preserve identified significant heritage features.
- c) Provide reference points for users of the CBD.
- d) Incorporate a landmark "feature(s)" that is appropriate to create interest and provide the building with a recognizable identity.
- e) In respect of corner sites, include design feature(s) that address the corner.

#### **Utility Services**

a) Utility services should generally not be visible from the street. Council may consider utility services on roof tops or awnings only where adequate and complementary screening can be provided (refer to section **10.5.4(k)** above).

# **10.6** DEVELOPMENT WITHIN THE PERTHVILLE HERITAGE CONSERVATION AREA

# 10.6.1 Objectives

a) To ensure new development enhances and complements the historic character of the Perthville Heritage Conservation Area.

# **10.6.2 Statement of Significance**

a) Council is to consider the following Statement of Significance in the assessment of applications in the Perthville Heritage Conservation Area.

Perthville is a small settlement that grew up along the Queen Charlottes Creek originally known as Vale. With Georges Plains it serviced the surrounding rural areas and became an important place of settlement for religious persons. The Village retains some of its rural village ambience. Among the built items, there are a number of significant blue stone houses, a blue stone hotel, two churches, a convent and a significant bridge.

# 10.6.3 Development standards

- a) New infill buildings must meet the requirements of section **10.4** *Infill Development* of this Plan.
- b) New buildings are not to visually dominate or be larger in form or scale than existing buildings in their vicinity.
- c) New windows should be vertical in proportion or have regard to traditional or historical window proportions in the village where visible from a passing street. New or replaced windows visible from the street should generally be timber.
- d) Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.
- e) Extensions and additions to existing buildings must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- f) One roller door may be visible from the street frontage only where it is set back 1 metre from the front building line. All other parking areas are to be located behind the building line.
- g) Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.
- h) Larger roofs must be hipped; gables are acceptable for smaller roofs. American 'barn' style roof profiles are generally <u>not</u> acceptable.
- i) Verandahs and awnings are encouraged. New verandahs should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.
- j) Good quality second hand materials and local and vernacular materials are encouraged. Smooth faced bricks are to be chosen to blend with surrounding developments. Textured or brick blends are not permitted.
- k) Colours and materials should be consistent with dominant streetscape colours and materials.
- I) Demountable buildings (either permanent or temporary) are to comply with all development standards that apply to the village in which it is to be located.

- m) Rain water tanks should be of an appropriate scale, if a plastic or colourbond tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather than larger tanks are preferred.
- n) Utility services should generally not be visible from the street. Exemption may be granted to rain water tanks and solar collection panels.
- o) Outbuildings constructed of steel sheeting are to be of a traditional corrugated profile.

# 10.7 CHIFLEY MEMORIAL HOUSING ESTATE (BATHURST HERITAGE CONSERVATION AREA)

# **10.7.1** Land to which this Section applies

This section applies to that land shown on Map No.  $\mathbf{33}$  – Chifley Memorial Housing Estate - West Bathurst.

# 10.7.2 Objectives

a) To ensure new infill development complements the style and materials used in the existing housing stock in the Chifley Memorial Housing Estate.

# 10.7.4 Building design

#### Development Standards

- a) New infill buildings must meet the requirements of section **10.4** Infill Development of this Plan.
- b) New housing development should adopt the following characteristics:
  - i) simple floor plans with double or triple front return and front porch,
  - ii) red smooth faced bricks in stretcher bond with small features in stack or header bond for sites facing Howick St, Kelly Crescent or Commonwealth Street,
  - iii) fibre cement or timber cladding or the like for sites facing McKenzie Place, Russell Street or Daly Street,
  - iv) expressed face brick chimney,
  - v) hipped roof shape,
  - vi) tiled roof cladding with 25<sup>°</sup> or greater roof pitch, and
  - vii) timber framed double hung windows in the 'golden mean' proportion, usually in pairs across the front façade.

# **10.8 WEST BATHURST HERITAGE CONSERVATION AREA**

# **10.8.1** Land to which this Section applies

This section applies to that land within the West Bathurst Heritage Conservation Area.

# 10.8.2 Objectives

a) To ensure new infill development complements the small scale housing of the former duration cottages.

# **10.8.3 Statement of Significance**

b) Council is to consider the following Statement of Significance in the assessment of applications in the West Bathurst Heritage Conservation Area.

The West Bathurst Heritage Conservation Area is historically significant because this area was developed on the edge of the city during WWII primarily to provide housing for munitions factory workers that worked in the Australian Defence Industry (ADI) munitions factory located on Stewart St. Approximately 100 cottages were constructed within this area to cater for the influx of workers in 1942-43. They were constructed as temporary accommodation for the duration of the war hence the name 'duration cottages'. The houses are modest, single storey, square houses constructed mostly of light weight materials including FC sheet and weatherboard cladding with a mix of concrete tiles or sheet corrugated iron roofs. The houses are located close to the street with small and few front fences.

The simple, unpretentious design and built form of the houses in this area provide an excellent example of housing stock constructed to meet the housing aspirations of a wartime workforce. They have special social significance for their association with Ben Chifley and for the period of growth and investment that was brought to Bathurst and the region during the war, by the establishment of new industries and new employment opportunities outside of the agricultural industry.

# 10.8.4 Building design

# Development Standards

- a) New infill buildings must meet the requirements of section **10.4** *Infill Development* of this Plan.
- b) New development should adopt the following characteristics:
  - i) houses built close to front boundaries,
  - ii) small unpretentious houses,
  - iii) light weight wall materials, timber stud framing, FC sheet cladding and weatherboard cladding (sometimes colourful finishes),
  - iv) simple plan shapes of single return fronts or rectangular shape,
  - v) hipped and gabled roof, simple in form with a mix of concrete tiles or sheet corrugated iron, and
  - vi) minimal fencing.

# **10.9** ARCHAEOLOGICAL PERMITS

# 10.9.1 General

If the applicant or Council knows of former historical uses on a site, such as former mining sites, buildings which have been demolished or former uses, then it may be likely that relics will be on the site.

A *relic* is any deposit, artifact, object or material evidence that:

- a) relates to the settlement of the area of the Bathurst Regional LGA, not being Aboriginal settlement, and
- b) is of State or local heritage significance.

#### **Development Standards**

- a) If Council is of the opinion that a site is highly likely to contain archaeological relics, it must not grant consent to any building or subdivision work on land unless it has considered an archaeological report which examines the likelihood of archaeological remains being located on the site. In granting consent Council may require an excavation permit be obtained from the NSW Heritage Division, Office of Environment and Heritage.
- b) If Council is of the opinion that it is likely that a site might contain archaeological relics, it must include a condition of the consent as follows:
  - i) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

<u>Note</u>: A Section 140 permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the NSW Heritage Division, Office of Environment and Heritage, prior to the disturbance of the archaeological relics.

- ii) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
  - 1. Mitigation measures in relation to the likely archaeology onsite;
  - 2. The proposed monitoring that will be in place for any archaeological relics uncovered;
  - 3. Training, resources and consultation for staff on the site during excavation;
  - 4. Incident management protocol; and
  - 5. Methods dealing with unexpected finds during works.

# 10.9.2 Bathurst Early Government Settlement (1815-1840) Sensitive Lands

# Land to which this Section applies

This section applies to the land within the Bathurst Heritage Conservation Area as identified on Map 35 - Bathurst Early Government Settlement (1815-1840) Sensitive Lands Map.

#### **Objectives**

- b) to identify the potential for archaeological remains from the Bathurst Early Government Settlement period (1815 to 1840), and
- c) to minimise the potential for the disturbance of archaeological relics likely to be located on the site.

#### Statement of significance

The history of the Government Settlement at Bathurst (1815-1840) and associated sites incorporates three significant elements in the course, or pattern, of NSW's cultural history, particularly in the context of inland settlement: a) Town settlements; b) Penal settlements; and c) Provision of law and order.

#### a) <u>Town settlements</u>

The settlement precinct provides unique evidence of Governor Macquarie's policy of establishing new planned townships separate from the colony's penal settlements, as exemplified by better known Macquarie towns such as Windsor and Richmond. The significant site of Bathurst town's proclamation in May 1815, the Flag Staff, lies within the precinct, as do the sites of the buildings erected, under Macquarie's direction, in support of his proposed new town. The surviving 1815 town plan (SR Map 1293 & Map 1294) shows a further direct connection with the Government Settlement. Although unforeseen events prevented the fulfilment of Macquarie's plans for Bathurst, the precinct offers archaeological evidence of those plans, allowing for comparison with other Macquarie-era towns. Further, the archaeological evidence provides support of the acknowledged claim that Bathurst is Australia's oldest inland European settlement.

# b) <u>Penal settlements</u>

Although not established as such, the Bathurst Settlement came to be recognised and administered as a penal settlement in the final years of Macquarie's tenure and more exactly so under Governor Brisbane from the early 1820s. Until 1827, the Bathurst Penal Settlement functioned primarily as an Agricultural Establishment, with the additional purpose of providing a suitable place of servitude for "Gentlemen Convicts". After 1827, although no longer a penal settlement, a convict presence continued, which included the Female Factory (1833- 1844), the only one established in inland Australia.

#### c) <u>Provision of Law and order</u>

An important pattern in inland NSW history is the progressive development of law and order in support of pastoral settlement, particularly in the suppression of bushranging and, in early years, the policing of convict behaviour. Bathurst played

an essential part in this development, with all of the key institutions involved being located initially within the Government Settlement.

Although none of the buildings in the settlement survives above ground, the archaeological sites of all the important structures are likely to survive with partial disturbance. The site is also likely to be of significance to the Wiradjuri people for its documented links with their history, which include some of the earliest interactions between Aborigines and Europeans and, later, important events in the life of Windradyne.

#### **Development standards**

 A development application for works on the sites identified on Map 35 - Bathurst Early Government Settlement (1815-1840) Sensitive Lands Map of the DCP is to be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage consultant which outlines the likelihood of relics being onsite, the likelihood of development disturbing the relics and how the disturbance of the relics is to be minimised.

<u>Note:</u> It is recommended that where appropriate, sites should be filled rather than excavated in order to minimise the potential disturbance of any archaeological relics on the site.

- Where land is identified as having <u>moderate</u> archaeological potential on DCP Map 35, Council must not grant consent unless it imposes the following conditions of consent:
  - a) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
    - i) Mitigation measures in relation to the likely archaeology onsite;
    - ii) The proposed monitoring that will be in place for any archaeological relics uncovered;
    - iii) Training, resources and consultation for staff on the site during excavation;
    - iv) Incident management protocol; and
    - v) Methods dealing with unexpected finds during works.
  - b) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.
  - c) Where land is identified as having <u>high</u> archaeological potential on DCP Map 35, Council must not grant consent unless it imposes the following conditions of consent:
    - i) An excavation permit must be obtained from the NSW Heritage Division, Office of Environment and Heritage. The excavation

permit is to be supported by a site specific Archaeological Assessment Report prepared by a specialist heritage archaeologist. A copy of the Archaeological Assessment Report and the excavation permit are to be provided to Council prior to the issue of a Construction Certificate.

- ii) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan which addresses the following:
  - 1. The recommendations of the Archaeological Assessment Report and any requirements of the excavation permit;
  - 2. Mitigation measures that will be in relation to the likely archaeology onsite;
  - 3. The proposed monitoring in place for any archaeological relics uncovered;
  - 4. Training, resources and consultation for staff on the site during excavation;
  - 5. Incident management protocol; and
  - 6. Methods dealing with unexpected finds during works.
- iii) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

Note: Refer to the following research completed by Council

- Edward Higginbotham and Associates, 2013, The Government Settlement at Bathurst, NSW (1815-1840), Archaeological Management Plan
- Dr Robin McLachlan, 2013, A Delightful Spot, A brief history of the Government settlement at Bathurst, NSW (1815-1840)
- Edward Higginbotham and Associates, 2011, Bathurst Regional Council Archaeological Management Plan

# **10.10 A**BORIGINAL HERITAGE

An Aboriginal object means any deposit, object or other material evidence (not being handicraft made for sale) relating to the Aboriginal habitation of the Bathurst Regional LGA, being habitation before or concurrent with (or both) the occupation of the area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

If Council is of the opinion that it is likely that a site will contain an Aboriginal place or object, Council will request the applicant to prepare an Aboriginal Site and Foot Survey to determine whether the proposal will have any affect upon the significance of the site and how the site should be protected.

The survey must:

- a) be prepared by a qualified and approved professional (advice can be sought from the Bathurst Aboriginal Land Council and the Office of Environment and Heritage),
- b) include historical research, field survey, Aboriginal community endorsement, documentation of the site and recommendations including whether an application for an Aboriginal Heritage Impact permit is required,
- c) be prepared in accordance with the Office of Environment and Heritage Guidelines, Preparation of Aboriginal Heritage Reports by Aboriginal Consultants and,
- d) be prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

The survey will be referred to the Office of Environment and Heritage for comment.

# **10.11 BATHURST CBD MAIN STREET STUDIES**

# **10.11.1 Land to which this Section Applies**

This section applies to land zoned B3 Commercial Core and identified in the William and George Street Study (1994), Keppel Street Main Street Study (1993) and the Bathurst CBD Main Street Study Review (2016), to be known as the Bathurst Main Street Studies.

# 10.11.2 Objectives

To improve, maintain, update and conserve the external appearance of building facades, streetscapes and historical features as identified by the Bathurst Main Street Studies.

# **10.11.3 Development Controls**

In determining a development application for any external works such as signage, painting or the upgrading of buildings within land to which this section applies, Council is to give conservation to the Statement of Significance and Building Recommendations identified in the Bathurst Main Street Studies.

# 11 OUTDOOR LIGHTING

# 11.1 PRELIMINARY

# 11.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

# 11.1.2 Strategic objectives

a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establishes the following key priority and objectives to protect the Dark night sky within the Bathurst Region for the purposes of tourism, education and research.

# Strategic Priority

To determine the best way to protect the dark night sky.

#### Strategic Objectives:

- a) To minimise the loss of the dark night sky by ensuring that light is not emitted above the horizontal plane.
- b) To promote the upgrading of existing outdoor lighting to meet the requirements of Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting.*
- c) To protect the dark night sky of the Bathurst Region by ensuring that all external lighting is installed in a manner that:
  - i) uses the right amount of light to ensure adequate safety and security,
  - ii) directs the light where it is needed and avoids upwards spill,
  - iii) does not create glare, and
  - iv) does not waste energy.

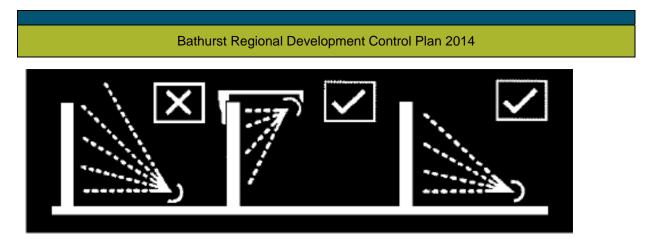
# **11.2 GOOD AND BAD LIGHTING**

Poorly designed lighting leads to sky glow (the cumulative impact of poorly directed upwards shining lights), light spillage (the illumination of neighbouring properties from poorly directed and wasted lighting) and direct glare (lighting that disturbs the vision of pedestrians, motorists and so on). Poor lighting also is a significant waste of non-renewable energy and detracts from the City environment and its rural hinterland.

Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* provides best practice standards to protect the dark night sky through the installation of properly shielded fixtures so that no light is emitted above the horizontal plane. Such fixtures produce more focused illumination in the area required to be lit and mean that less powerful globes are required to be lit as less light is lost.

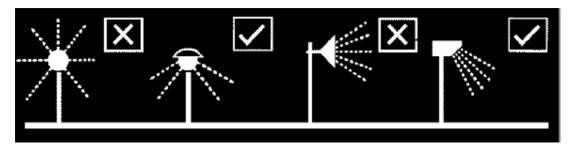
# 11.2.1 Development standards

a) Light is to be directed downwards, not upwards, to illuminate the target area. If there is no alternative to up-lighting, then shields and baffles must be used to reduce spill light to a minimum.



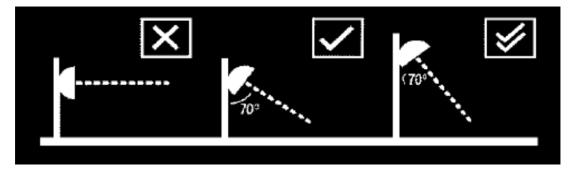
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

b) Specifically designed lighting equipment is to be used that, once installed, minimises the spread of light near to, or above, the horizontal.



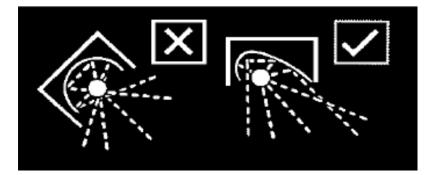
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

c) Do not 'over' light. Provide adequate lighting to achieve the desired effect. To keep glare to a minimum, the main beam angle of all lights directed towards any potential observer is to be kept below 70 degrees. It should be noted that the higher the mounting height, the lower can be the main beam angle. In places with low ambient light, glare can be very obtrusive and extra care should be taken in positioning and aiming light.



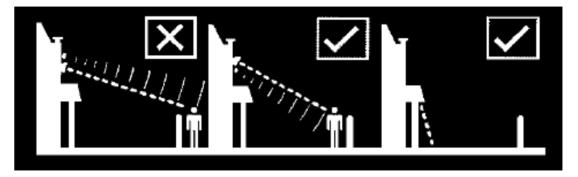
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

d) Floodlights with asymmetric beams are to be used that permit the front glazing to be kept at or near parallel to the surface being lit.



Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

- e) For domestic and small scale security lighting of business premises, the following solutions should be applied:
  - i) Passive infra-red detectors can be used to good effect, if correctly aligned and installed. A 150W (2000 lm) tungsten halogen lamp is more than adequate. Lamps of 300W/500 W create too much light, more glare and darker shadows.
  - All-night lighting at low brightness, is equally acceptable. For an entry light, a
     9 W (600 lm) compact fluorescent lamp is more than adequate in most locations.



Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

# **11.3** LIGHTING REQUIREMENTS

# 11.3.1 Development standards

# **General Standards**

- a) All fittings must have fully shielded fittings to reduce light spill onto adjoining properties.
- b) For the purposes of Table 2 of Australian Standard (AS) 4282 Control of the Obtrusive Effects of Outdoor Lighting, "curfewed hours" are taken to be those hours between 10pm and 7am on the following day.

# Street Lighting

- All new streetlights are to have either high pressure sodium lamps or for minor roads compact fluorescent lamps, except where it is important for safety to see colours. In this case, Council may approve the use of metal halide lamps.
- b) The lighting is to be designed to the principles and guidelines of the Public Lighting Standard "Lighting for Roads and Public Spaces" AS 1158 and a Crime Risk Assessment.

#### Other Public Lighting (including Parks, Gardens and Car Parks)

a) The lighting is to be designed to the principles and guidelines of the Public Lighting Standard "Lighting for Roads and Public Spaces" AS 1158 and a Crime Risk Assessment.

#### **Recreation Areas (including Sports Fields and Tennis Courts)**

- a) The lighting is to be designed to the principles and guidelines of the Australian Standard "Sports Lighting" AS 2560, and any specific parts of the Standard.
- b) There must be no light spill to adjacent properties.

# **Security Lighting**

a) Security lighting of unattended premises must use a motion detector sensor switch.

#### **Business and Industrial Developments**

- a) Under awning (whiteway) lighting must be recessed or integrated with the awning.
- b) Building façade lighting must aim downwards.

# Advertising Signage

a) Up-lighting of advertising signage is <u>not</u> permitted.

#### Other Development (including major developments in rural areas)

- a) Artificial lighting associated with the operation of the development is directed and shielded in such a manner as not to exceed the "recommended maximum values of light technical parameters for the control of obtrusive light" given in Table 2.1 of Australian Standard AS 4282 Control of Obtrusive Effects of Outdoor Lighting.
- b) There must be no light spill to adjacent properties.

#### **Residential Unit Development**

a) All lights in common areas must be less than 200W.

#### Lighting in the vicinity of Aerodromes

a) All lights must be shielded above the horizontal to reduce distraction or glare for pilots using the Bathurst Regional Airport.

# 12 SIGNAGE AND COLOUR SCHEMES

# 12.1 PRELIMINARY

# 12.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

# 12.1.2 Strategic priority and objectives

a) Council acknowledges the commercial and visual importance of the contribution of signage and directional signage to the life of the City and Region. Equally, Council recognises that signs individually or collectively, can have detrimental effects. The priority of this section is to provide a mechanism for Council to encourage good outdoor advertisements, directional signs and use of appropriate colours, whilst avoiding bad and inappropriate signs and colour schemes. This section adopts the following key priority and objectives for outdoor advertising for the Bathurst Region.

#### Strategic Priority

To control the type and location of signage and the colour of buildings to ensure that they contribute in a positive way to the City and the Region.

#### Strategic Objectives

- a) To balance the need of commercial enterprises to advertise their products, services and facilities.
- b) To ensure advertising makes a positive contribution to the general environment of the City, villages and to the streetscapes.
- c) To acknowledge that outdoor advertising, as a means of visual communication will be subject to different, and sometimes competing, aesthetic values.
- d) To avoid the proliferation of advertising and directional signs, which will compete for driver's attention within road reserves.
- e) To encourage advertising that contributes to the viability of a business centre.
- f) To permit signage and colour schemes of a type, scale and location that will enhance the heritage elements of an historic setting, without detracting from its significance, particularly with respect to the Bathurst CBD and within heritage conservation areas.
- g) To treat Mount Panorama and its associated activities as a special precinct. Applications for signage on Mount Panorama will be considered in terms of the economic benefits to motor racing, scenic impact and tourism.
- h) To treat Sofala and Hill End as special precincts. Applications for signage in these villages will be considered in terms of the heritage significance of each location.

# **12.2 ADVERTISING SIGNAGE**

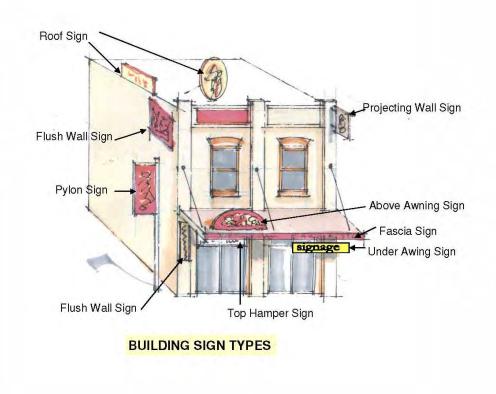
# 12.2.1 Definitions

This Plan adopts the definitions under the LEP and those definitions for different types of signage as outlined in the table below and illustrated in the following figure.

Sign Type	Definition			
Above awning sign	Means a sign attached to the topside of an awning (other than the fascia, return end or under the awning).			
Blade sign	Means a freestanding advertising structure with moulded advertising face panels which is independent of any building o other structure.			
Building identification sign	Means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.			
Business identification sign	Means a sign:			
Sigii	<ul> <li>that indicates the name of the person or business, and the nature of the business carried on by the person at the premises or place at which the sign is displayed, and</li> </ul>			
	<ul> <li>that may include the address of the premises or place and a logo or other symbol that identifies the business,</li> </ul>			
	but that does not include any advertising relating to a person who does not carry on business at the premises or place.			
Directional sign	Means a sign erected within or adjacent to a road reserve to provide drivers with directions to specified establishments or locations.			
Directory board sign	Means a sign that displays a business identification sign for 2 or more businesses.			
Electronic Sign	Means a sign which is able to produce static or moving words or images.			
Fascia sign	Means a sign attached to the fascia or return end of an awning.			
Floodlit sign	Means a sign illuminated by an external source of artificial light.			
Flush wall sign	Means a sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 0.3m from the wall.			
Illuminated sign	Means a sign illuminated by an internal source of artificial light.			
Projecting wall sign	Means a sign that is attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3m from the wall.			
Public notice sign	Means a sign displayed by a public authority and giving information or directions about the services provided by the public authority.			
Pole or Pylon sign	Means an advertisement erected on a pole or pylon which is independent of any building or structure.			

Bathurst Regional Development Control Plan 2014				
Sign Type	Definition			
Real estate sign	Means a sign which advertises premises or land for sale or lease and that is not displayed for more than 14 days after letting or completion of the sale.			
Roof sign	Means a sign erected on or above the roof, parapet or eaves of a building.			
Temporary sign	Means a sign of a temporary nature that:			
	<ul> <li>announces any local event of a religious, educational cultural, political, social, sporting or recreational character relates to any temporary matter in connection with such a event, and</li> </ul>			
	• does not include advertising of a commercial nature (except for the name of an event's sponsor), and			
	• is not displayed for more than 28 days before or 7 days after the event.			
Top hamper sign	Means a sign attached to the transom of a doorway or display window of a building.			
Under awning sign	Means a sign attached to the underside of an awning (other than the fascia or return end).			

A proposed sign may fit into one or more definitions listed in the table above. In such circumstances the sign must meet all relevant development criteria for each definition category.



# 12.2.2 Exempt Development

a) **Schedule 2** – *Exempt Development* of the LEP outlines those circumstances where building and business identification signs, real estate signs and temporary signs may be considered exempt development.

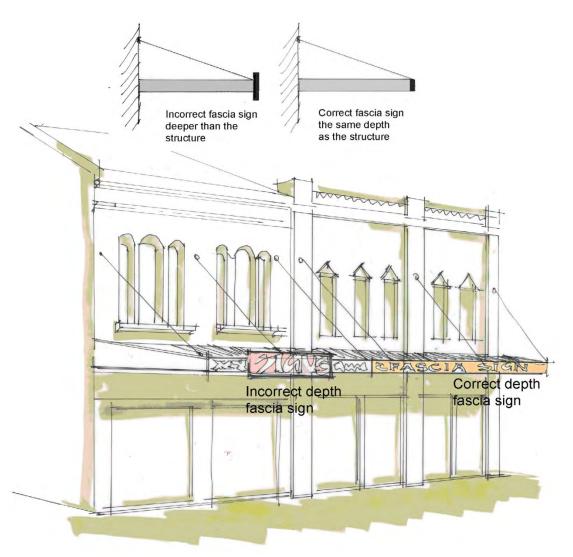
**<u>Note:</u>** State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may also contain exemptions for signage.

# 12.2.3 Fascia signs

A fascia sign means an advertising structure attached to the fascia or return of an awning. Fascia signs must not extend beyond the depth of the existing fascia on the awning of the building.

Development consent is not required if the fascia sign:

- Is erected in zones B3 Commercial Core, B5 Business Development or IN1 Industrial; and
- Obes not extend beyond the depth of the existing fascia on the awning of the building.



# **12.2.4** Locational requirements

This section applies to the erection of signage within the Bathurst Regional local government area except for land within Zone **SP3** - Tourist at Mount Panorama and land within Zone **RU5** - Village at Hill End and Sofala.

a) Council must <u>not</u> grant consent to the erection of signage in those locations outlined in the table below.

Sign Type	Locational requirements where Council must <u>not</u> grant consent to the erection of signage.	
Above awning sign	Within a heritage conservation area.	
	On a heritage item.	
Blade, Pole or Pylon sign	<ul> <li>Within Zone R1 - General Residential, Zone R2 Low Density Residential or RU5 - Village and another pylon sign is already located on the land.</li> </ul>	
	• On land that contains a heritage item and another pylon sign is already located on the land.	
	• Where the sign is visible from a State Highway or major road and another pylon sign/projecting wall sign is already located on the land and is visible from a State Highway or major road.	
Electronic Sign	• Within Zones <b>R1</b> - General Residential or <b>R2</b> Low Density Residential.	
	Attached to a Heritage Item or located above awning level.	
	• Within a Heritage Conservation Area, where located above awning level.	
Floodlit sign	Where the sign is to be up- lit.	
	• Within Zones <b>R1</b> - General Residential or <b>R2</b> Low Density Residential.	
Illuminated sign	• Within Zones <b>R1</b> -General Residential or <b>R2</b> Low Density Residential.	
	On a heritage item.	
Projecting wall sign	• Within a heritage conservation area, where located above awning level.	
	On a heritage item, where located above awning level.	
	<ul> <li>Where the sign is visible from a State Highway or major roa and another projecting wall sign/pylon sign is already locate on the land and is visible from a State Highway or major road.</li> </ul>	
Real estate sign	• Where the sign is to be located on or above the roof, parapet or eaves of a building.	
	• Where the sign is located above awning level and projects outwards from a wall.	
Roof sign	• Where the sign is located on the ridge of the building's roof.	

# 12.2.5 General development standards

Council must not grant consent to the erection of signage (excluding land located within Zone **SP3** - Tourist at Mount Panorama) unless the signage complies with the development standards listed below.

- a) Council may only grant consent to signage (other than directional signs and directory board signs) where they are used in conjunction with a permissible use and situated on the land on which that use is conducted. (refer to Clause **7.10** Signage of the LEP for exceptions to this requirement).
- b) The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents/design are in proportion to the building.
- c) Signs must not visually dominate the area of building walls. No more than 5% of the front and return elevations of a building, or any other building elevation that is visible to a public place, is to be covered by signage (excluding the fascia signage). The total number of signs must not detract from the overall aesthetic character of the building.
- d) Council must not grant consent to the erection of signage outlined in the table below unless the signage complies with the development standards listed in the table below.

NOTE:	Development	Application	fees	for	the	erection	of	signage	within	Zone	B3	—
	Commercial C	ore are waiv	ed pu	rsua	nt to	Council F	Polic	у				

Sign Type	Development Standards			
Above awning sign	• The height of the sign must not exceed the eave height of the building to which it relates.			
	• The size of the sign panel must not exceed 4 square metres.			
	• The sign must not obscure windows and architectural features of the building.			
Blade sign	• The height of the sign must not exceed the roof height of the building to which it relates.			
	• The size of each face of the blade sign must not exceed 10 square metres.			
	• The width of the sign must not exceed 2.4 metres.			
	• The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.			

Bath	urst Regional Development Control Plan 2014
Sign Type	Development Standards
Building identification sign	<ul> <li>Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.</li> <li>If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.</li> </ul>
Business sign       identification         Signs       identification         sign       Signs are to be placed in an appropriately or designed space on new buildings or within historic signage space on an existing building.         If backing boards are used, their shape and size the right proportions for the allocated space on so that signage does not cover the architectural full building.	
Directional sign	• The sign must not interfere with sight lines for drivers.
Directory Board sign	<ul> <li>The height of the sign must not exceed 5 metres, or the roof heights of the building to which the directory board relates, whichever is the lesser.</li> <li>The sign must not interfere with site lines for drivers.</li> </ul>
Electronic Sign	<ul> <li>The sign must not obscure windows and architectural features of the building.</li> <li>The speed limit of the road must not be greater than 70 kilometres per hour.</li> <li>The time to change the display must not be greater than 1 second.</li> <li>The display must be completely static from its first appearance to the commencement of a change to another display.</li> <li>The level of illumination must adjust according to ambient light levels.</li> <li>The sign must not contain any scrolling messages (i.e. displayed text or graphics which moves up, down or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge).</li> </ul>
Fascia sign	<ul> <li>The size of the sign must not extend beyond the depth of the existing fascia.</li> </ul>
Floodlit sign	Floodlights must point downwards.

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Sign Type	Development Standards					
Flush wall sign	<ul> <li>Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.</li> <li>If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.</li> <li>Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the sign is fixed whichever is the lesser.</li> </ul>					
Public notice sign	The sign must not interfere with sight lines for drivers.					
Projecting wall sign	<ul> <li>Signs must not exceed 4 square metres in area.</li> <li>The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.</li> </ul>					
Pole or Pylon sign	<ul> <li>The height of the sign must not exceed the roof height of the building to which it relates.</li> <li>The size of the sign panel must not exceed 5 square metres.</li> <li>The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.</li> </ul>					
Real estate sign	• The sign must be located wholly within private property.					
Roof sign	• The height of the sign must be below the ridge height of the building.					
Temporary sign	The sign must not interfere with sight lines for drivers.					

# 12.2.6 Signage in Heritage Conservation Areas

Notwithstanding section **12.2.5** of this Plan, Council must not grant consent to the erection of signage in a Heritage Conservation Area or on a building which is a Heritage Item unless the signage also complies with the development standards listed below.

- a) Signs must not visually dominate the area of building walls. The total number of signs must not detract from the overall aesthetic character of the building.
- b) Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.
- c) If backing boards are used, their shape and size is to be of the right proportions for the allocated space on the building so that signage does not cover the architectural features or obscure windows of a building. In this regard signs painted directly on the building fabric are preferred (except on fabric that has not been previously painted).
- d) Signs must take into account the shape and proportion of the space they will fill and be in sympathy with that space.

- e) The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents are in proportion to the building.
- f) Colours used on signs are to include those outlined in section 12.3.3 below. Corporate colours should be modified to match the traditional colour range or be used only as trim on the sign.
- g) The lettering/numbers/symbols used on the sign should generally reflect the designs that would have been historically used during the era when the building was constructed (refer to historical photos for design guidance those photos should be lodged with the Development Application).

# 12.2.7 Signage at Hill End and Sofala

Notwithstanding sections **12.2.5** and **12.2.6** of this Plan, Council must not grant consent to the erection of signage in the Villages of Hill End and Sofala (within Zone **RU5** Village) unless the signage also complies with the development standards listed below.

- a) Signage must relate to the historical location of signage on the building and within the streetscape (refer to historical photos for design guidance these photos should be lodged with the Development Application).
- b) Signs must be placed within the original historic signage space on an existing building. If the building has no such locations, signage will not be permitted.
- c) The size of the sign and its contents/design (letters, number and symbols) must be discreet and complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents are in proportion to the building.
- d) The lettering/numbers/symbols used on the sign must reflect the designs that would have been historically used during the era when the building was constructed (refer to historical photos for design guidance these photos should be lodged with the Development Application).
- e) Signage must include perimeter boarders of a dark tone appropriate to the colour scheme of the building.
- f) The use of corporate colour schemes on a building or within signage that contains primary colours or colours that are not within an acceptable colour spectrum will <u>not</u> be permitted.
- g) Permanent signs on shop windows must not cover more than 25% of the window area. Lettering should be dark coloured on the glass with a white translucent stipple background (gold and silver edging is optional).
- h) Fascia signs must have a maximum height of 175mm. Lettering is to be to a maximum height of 150mm.
- i) Painted wall signs (except on fabric previously not painted) are encouraged where they reinstate an historic sign on the same location on a building.

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- j) Signs must not be illuminated, except for small neon signs inside of shop windows.
- k) Under awning signs and pylon signs are generally not permitted.

# 12.2.8 Signage at Mount Panorama (Zone SP3 – Tourist)

Council may grant consent to signage at Mount Panorama which:

- a) Supports the economic benefits of motor racing.
- b) Complements the existing scenic quality of the area, both rural and motor racing.
- c) Encourages and promotes the development of Mount Panorama as a regional recreation facility and as an international motor racing circuit.

#### 12.3 COLOUR SCHEMES FOR BUILDINGS

# 12.3.1 Land to which this Section applies

This section applies to land within a Heritage Conservation Area or land that contains a heritage item.

# 12.3.2 Development standards

a) The consent of Council is required for the rendering and/or painting of buildings within a Heritage Conservation Area or which are listed as a heritage item under **Schedule 5** – *Environmental Heritage* of the LEP.

<u>Note:</u> Development Application fees for the painting of buildings within Zone **B3** - Commercial Core are waived pursuant to Council policy.

<u>Note:</u> Under certain circumstances the repainting of buildings in residential areas is exempt development under the LEP.

- b) Council must not grant consent to the painting, repainting or rendering of a building or structure within a heritage conservation area or on a building or structure which is a heritage item unless the colour scheme complies with the following standards.
  - Painting or rendering of face brickwork not previously painted or rendered is not permitted unless Council is of the opinion that the painting or rendering will not adversely impact on the aesthetic appearance and physical health of the building.
  - ii) Painting of buildings is to be within those colour ranges on traditional colour charts, and generally in accordance with those listed in section **12.3.3** below.
  - iii) Corporate colours are to be modified to match the traditional colour range and so be less restricted in the extent used. For example, 'Indian Red' can be supplemented for Primary Red and 'Gull Grey' or 'Teal' for Primary Blue.
  - iv) Corporate colours that contain primary colours or colours that are not within an acceptable colour spectrum will <u>not</u> be permitted. Council may only consider the use of corporate colours for the building trim where they complement the traditional colours used on the rest of the building.

# 12.3.3 Colour palettes

The painting of buildings is generally to be in accordance with the colour ranges outlined in the tables below.

# Colonial to Early Victorian 1840-1860

Colour	Dulux Master Colour Palette Reference no.	Example
1. Pale (Light) stone	40YY 64/152	
2. Cream	18YY 67/243	1 2 3
3. Pink	13YR 52/153	+
4. Buff	10YY 24/317	5
5. Terracotta	64YR 19/246	6
6. Middle Brown	76YY 07/298	7
7. Earth	07YY 19/137	9
8. Purple Brown	96RR 02/196	
9. Deep Brunswick Green	80GY 03/153	

# Mid Victorian 1860-1890

To the colonial colours many half tones were added to make 'light' versions. New colours added to the pallet included the following.

	Colour	Dulux Master Colour Palette Reference no.	Example
1.	Regency White	20YY 65/124	
2.	Warm Grey	45YY 47/116	
3.	Beige	18YY 40/207	
4.	Sandstone	28YY 39/299	
5.	Grey Green	98YY 47/09	2 3 4 3
6.	Eau-de-nil	94/GY 38/179	7
7.	Pea Green	22GY 35/344	
8.	Naval Grey	60YY 26/064	°
9.	Mid Brunswick Green	89GY 04/238	10
10.	Indian Red	18YR 03/312	
11.	Dark Crimson	08YR 02/246	
12.	Leaf Brown	76YR 16/379	
13.	Dark Drab	99YY 08/124	
14.	Deep Bronze Green	41GY 03/103	

# Late Victorian 1890s

Again, keeping the previous colours but adding the following to the pallet.

	Colour	Dulux Master Colour Palette Reference no.	Example
1.	Lime White	35YY 82/073	
2.	Ice (Pale) Blue	00BB 65/036	~ ~ ~
3.	Golden Bronze	42YY 21/354	*
4.	Egyptian Red	28YR 20/300	3
5.	Pale Purple	13YR 19/169	6
6.	Sienna	05YY 19/375	2 7
7.	Red Oxide	37YR 07/284	8
8.	Bungalow or Brown	61YR 02/097	
9.	Lead	37GG 11/010	

## Federation and the Twenties 1900-1930

In the Federation years houses were often face brick with tiled roofs, and paint colours limited to trims. Two predominant colour schemes in that period were shades of cream to buff, or shades of green. Again many shades were already in use, and some were toned down or made darker.

However as time passed more variety was added to the colours including the following.

	Colour	Dulux Master Colour Palette Reference no.	Example
1.	Pale Pink	72YR 66/121	
2.	Mauve Pink	75RR 55/098	
3.	Straw	14YY 61/477	2 3 +
4.	Pale Vellum	96YY 59/091	5
5.	Light Straw	47YY 58/243	
6.	Sea Green	38GG62/155	6
7.	Mauve Grey	18BB 41/075	7
8.	Sapphire Blue	32BB 32/171	8
9.	Violet	61BB 36/179	12 9
10.	Bath Stone	43YY 41/161	11 10
11.	Olive Drab	44YY 22/191	
12.	Apple Green	04GY 17/308	

The colours above are not exhaustive. Light or pale versions can be made by reducing the colours strength to half tones etc. Most propriety paint companies offer their own colour templates for heritage periods.

#### SOURCE: Dulux Master Palette and

Evans, Lucus and Stapleton 'Colour Schemes for Old Australian Houses'. 1993.

Refer also to: <u>www.heritage.vic.gov.au/Heritage-places-objects/What-house-is-</u> that/index\_over.html

For the Dulux Master Colour Palette reference visit:

http://www.dulux.com.au/specifier/colour/colour-atlas

# 13 LANDSCAPING AND GREENING

# 13.1 PRELIMINARY

# 13.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

# **13.1.2** Strategic priorities and objectives

a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives that relate to biodiversity and to the 'greening' of the Bathurst region.

# Strategic Priorities

- a) To determine the best way to protect and enhance biodiversity and encourage revegetation and better biodiversity management.
- b) To determine the best way to encourage ecologically sustainable development and the protection of urban biodiversity and vegetation resources.

#### Strategic Objectives

- a) To protect, enhance and adequately manage areas of high terrestrial and aquatic biodiversity conservation value.
- b) To promote the restoration of lost biodiversity.
- c) To plan for the protection and enhancement of the Sawpit Creek and Raglan Creek corridors by requiring their rehabilitation and enhancement.

# **13.2 REMOVAL OF TREES**

This section outlines those lands and trees to which **Clause 5.9 Preservation of trees or vegetation** and **Clause 5.10 Heritage Conservation** of the LEP apply. Council's LEP and DCP provide the legislative tools for the protection of trees within Heritage Conservation Areas or Heritage Items within the Bathurst region.

# 13.2.1 Land/Trees to which this Section applies

This section applies to the following lands:

- a) Any land within a Heritage Conservation Area identified by Schedule 5 Environmental Heritage of the LEP.
- b) Any land identified as a Heritage Item by Schedule 5 Environmental Heritage of the LEP.

This section applies to trees located on lands identified above to which the Bathurst Regional Council Tree Preservation and Management Policy applies.

# 13.2.2 Objectives

The objectives of the protection, preservation and management of trees or vegetation forms are to:

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- a) Protect trees and other vegetation within the Heritage Conservation Areas contained within the Bathurst Regional LGA or on land which contains a Heritage Item.
- b) Protect and enhance native vegetation, habitat for native fauna and biodiversity.
- c) Conserve trees and other vegetation of ecological, heritage, aesthetic and cultural significance.
- d) Define Council's responsibilities and requirements with respect to the protection, retention and enhancement of trees and native vegetation.
- e) Ensure that consideration is given to trees and native vegetation in planning, designing and constructing development.
- f) Identify trees and other vegetation that may be pruned or removed without a permit or development consent.

#### 13.2.3 Development standards

a) A person must not ringbark, cut down, remove, or wilfully destroy any tree referred to in section **13.2.1** above without first making application to Council on the prescribed Application form or under a development application in accordance with Council's Tree Preservation and Management Policy.

#### **13.3 LANDSCAPE PLANS**

#### 13.3.1 Objectives

- a) To improve the visual amenity and to ensure that developments do not dominate their surroundings.
- b) To provide an environment which enhances the streetscape and the surrounding neighbourhood.
- c) To provide an attractive outdoor living area.
- d) To provide landscaped buffers to reduce the potential for conflict between land uses.

# 13.3.2 When is a landscape plan required to be lodged with Council?

- a) A Landscape Plan is required to be lodged with a Development Application for the following types of development:
  - i) Medium Density Housing.
  - ii) Business Development (excluding land zoned **B3** Commercial Core).
  - iii) Industrial Development.
  - iv) Subdivision of land which incorporates Agricultural Interfaces, Land Use buffers, Major Road buffers, Open Space, Environmental Protection Areas and/or Vegetation Screens as identified on any relevant DCP Map.
  - v) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will <u>not</u> be granted. (Note: the

landscape plan is to relate to the land between the lots created and the arterial or sub-arterial road/s – see section **13.3.9**).

- vi) Subdivision of land which adjoins or encloses a designated waterway or water body.
- vii) Subdivision of land which may impact upon the natural movements of protected or threatened flora and fauna species in the area.
- viii) Any other development that, in the opinion of Council, should be accompanied by a Landscape Plan.

# 13.3.3 Requirements of a landscape plan

- a) The following information must be shown on a Landscape Plan.
  - i) Plans are to be drawn to a suitable scale (preferably 1:100 1:200).
  - ii) North point.
  - iii) Position of existing and proposed main structures on the site (including buildings, carparks, fencing, retaining walls and surface materials).
  - iv) Position, height, width and species name of existing trees (including those proposed to be removed) and other natural features. All plantings are to be drawn to scale.
  - v) The provision of a table identifying botanical and common plant names, the number of proposed plants to be planted, their mature growing height for Bathurst, the pot size of plants to be installed, and a key that identifies the location of each plant species to be planted.
  - vi) The number of proposed plants and their mature height for Bathurst.
  - vii) Planting details (staking, mulching, soil depths, drainage, etc).
  - viii) Locations, functions and dimensions of physical landscape structures such as paving, fencing, walls, screens and grassed areas.
  - ix) Irrigation details.
  - x) Edging details to planting beds.
- b) For examples of the type of landscape plans required by Council refer to **Schedule 5** of this Plan.

# 13.3.4 Landscape maintenance

#### Maintenance Principles

The following maintenance principles are to be incorporated into all landscape plans.

a) Tree and lawn species should be chosen to suit variations in soil, climate and insect attack.

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- b) Garden beds are to incorporate weed control mats, mowing edges and are to be mulched to a minimum depth of 80mm.
- c) An automated drip or trickle irrigation system is to be installed in preference to manual or spray watering systems.
- d) The use of advanced trees and shrubs, as well as the use of turf rather than grass seed is recommended.
- e) Maintenance of landscaping to ensure survival of plants will be a continuing requirement of any development consent.

#### Maintenance Conditions of Consent

- a) This section applies to the following types of development:
  - i) Residential Units, involving more than 10 dwellings.
  - ii) Business Development for sites which adjoin a major road or highway.
  - iii) Industrial Development for sites which adjoin a major road or highway.
  - iv) Subdivision of land which incorporates any of the following land management areas: Agricultural Interface Areas, Land Use buffers, Major Road buffers, Open space, Environmental Protection Areas, Outer riparian corridor, Top of Raglan Creek bank and Vegetation Screens as identified on any relevant DCP map.
  - v) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will <u>not</u> be granted.
  - vi) Subdivision of land which adjoins or encloses a designated waterway or water body.
  - vii) Subdivision of land which may impact upon the natural movements of protected or threatened flora and fauna species in the area.
  - viii) Any other development that in the opinion of Council requires specific ongoing monitoring of landscape maintenance.
- b) Council must not issue a development consent under this section unless it imposes conditions of consent to ensure landscape plans are implemented and maintained. This should include, as a minimum, conditions relating to the following matters.
  - i) The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
  - ii) The requirements necessary to ensure protection of any existing vegetation during and after construction.
  - iii) The submission of a report from a suitably qualified landscape architect 2 years after the issue of the occupation or subdivision certificate that certifies that the landscaping implemented under the landscape plan has been adequately retained and maintained. Where vegetation has died or been significantly damaged, it is to be replaced.

# 13.3.5 Design principles

The following general design principles are to be incorporated into all landscape plans.

- a) Designs should be simple, yet effective and easy to maintain.
- b) Trees should be the major element in the landscape, followed by shrubs and supplemented by ground cover plants and grasses.
- c) Tree species selection must be in scale with the size of the proposed building (e.g. 2 storey buildings must include trees with an achievable mature height of 8 metres).
- d) Hard elements, such as paving, walls, fencing etc. should not be considered as substitutes for soft elements such as trees, shrubs, ground cover and grasses.
- e) The Bathurst Vegetation Management Plan is to be considered in relation to landscape design and plant species, particularly where land adjoins or is adjacent to public lands.
- f) Existing trees, shrubs, groundcovers and grasses should be retained as far as possible and incorporated into new development.
- g) Massed groups of a few species are more effective than large numbers of different species.
- h) Group planting should be in accordance with their shape and particular function.
- i) Noxious plants or invasive species are not to be used.
- j) Plantings should be located sufficiently distant from buildings and services to minimise disturbance and future maintenance.
- k) Plant species are to suit the Bathurst Region Climate.
- I) The landscape design must incorporate sufficient planting densities to achieve the intent of the design (i.e. mass ground cover, screening, hedging and specimen planting). In addition, planting densities are to be commensurate with the extent of area of the development.
- m) Landscaping should optimize the use of permeable surfaces; storm water treatment and onsite water reuse where appropriate (refer to the Salinity and Water Quality Aliance Stormwater to Smartwater (S<sub>2</sub>S) Policy).

# 13.3.6 Design principles – Residential units

The following additional design principles are to be incorporated into a Landscape Plan for residential unit developments.

- a) Low maintenance gardens are to be provided in communal open space areas.
- b) Mature trees and shrubs should be retained as shade and character where practicable.
- c) Tree plantings can be used to provide privacy between different open space areas.

- d) When siting trees consider the possible damage that might be caused by falling trees or branches and root penetration into foundations and/or drains.
- e) The front setback areas are to be landscaped with trees and shrubs in scale with the building and which complement the streetscape.
- f) All landscaped areas are to be separated from vehicular areas by the use of a 150mm high kerb or similar physical barrier.
- g) At a minimum, the following vegetation is to be provided **per dwelling**.

Development Standard per Dwelling/Unit	Minimum Mature Height
1 medium tree, and	6 metres for single storey buildings or 8 metres for multi storey buildings.
2 small trees, and	4 metres.
6 shrubs per dwelling/unit.	1 metre.

# 13.3.7 Design principles – Business and industrial development

The following additional design principles are to be incorporated into a Landscape Plan for business and industrial developments.

#### <u>General</u>

- a) Landscaping is to be provided between the property boundaries and the buildings, screen walls, fences, open work areas and vehicular movement areas.
- b) Landscaping must consist of:
  - i) suitable sized trees for shade or as a visual barrier,
  - ii) shrubs and ground cover,
  - iii) earth shaping and mounding, where appropriate, and
  - iv) special features (e.g. rockeries), where appropriate.
- c) Screen planting, to a height of at least 4 metres, is to be included in the landscape treatment of developments facing a highway, a major road, the Scots school or a nearby residential area.
- d) All landscaped and grassed areas are to be separated from all vehicle manoeuvring and parking areas by the use of a 150 mm high fixed barrier or kerb.
- e) All cut scars, fill barriers and retaining walls are to be fully vegetated with shrubs, trees and ground covers.
- f) Adequate fixed underground watering equipment is to be installed in all landscaped areas.

# Parking Areas

- a) Parking areas shall contain tree planting to provide shade for vehicles and to soften the visual impact of parking facilities.
- b) For every sixth car parking space, landscaping bays (2.0m x 5.5m in area) are to be provided and appropriately sited trees planted within each bay.
- c) Where parking areas are provided in front of the building line, a landscape screen is to be provided along the front and side property boundaries to soften the visual impact of the parking area on the streetscape.

# **13.3.8 Design principles – Development Control Plan Maps**

The following additional design principles are to be incorporated into a Landscape Plan for land areas shown on the relevant DCP Maps listed in the table below.

Council must not issue a subdivision certificate for the subdivision of land or a final occupation certificate for the occupation of a building (whichever applies) unless vegetation and other works required by a landscape plan as outlined in the table below is planted and fenced to the satisfaction of Council.

Bathurst Regional Development Control Plan 2014	e Development Dimensions and Species Type/ Planting Planting Density Planting of Characteristics Characteristics	.4 - Kelso.e Buffer width: variouse Native trees ande Trees are to bee Prior to.9 - Service(refer DCP Mapshrubs.e Trees are to bee Prior to.12 - Hampdenewidth of plantings: toexceed the heightwhich will effectivelyoccupation.13 - Esrombuffer13 - Esromertificate.properties.	.15 - Robin Hill.       • Buffer width: minimum       • Native trees and the planted in the planted is to exceed 10m.       • Trees to be planted in the planted in the planted in the planted is to exceed 10m.       • Trees to be placed 4 - the planted in the planted in the planted is to exceed 10m.       • Width of tree planted in the planted in the planted in the planted is to exceed 10m.       • Width of tree planted in the planted in the planted in the planted is to exceed 10m.       • Width of tree planted in the plan	• • •
Bathurst Rec	Applicable Development Dimensio Control Plan Map characte	<ul> <li>Map No. 4 - Kelso.</li> <li>Map No. 9 - Service (refer DCP Trade Centre.</li> <li>Map No. 12 - Hampden Park (East).</li> <li>Map No. 13 - Esrom buffer.</li> </ul>	o. <b>15</b> - Robin Hill.	<ul> <li>Map No. 24 - Rockley.</li> <li>Map No. 25 - Georges</li> <li>Ho metres.</li> <li>Width of tre plantings: m 20m.</li> <li>Area of 10m of plantings of plantings clear of veg other flamm material.</li> </ul>
	Landuse Control shown on the DCP Map	Landuse Buffer	Major Road Buffer	Agricultural Interface

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		Bathurst Regional Development Control Plan 2014	ment Control Plan 2014		
Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Agricultural Interface	<ul> <li>Map No. 14 - White Rock.</li> </ul>	<ul> <li>Buffer width: various (refer DCP map).</li> <li>Width of tree/shrub plantings: minimum 10m.</li> <li>Area of 5m either side of plantings to be kept clear of vegetation and other flammable material.</li> </ul>	<ul> <li>Native trees and shrubs.</li> <li>Species with long and thin rough foliage.</li> <li>Species that are fast growing and hardy.</li> <li>Species indigenous to the area, at natural densities.</li> </ul>	<ul> <li>Areas of planting should contain random plantings of a variety of tree and shrub species of differing growth habits.</li> <li>Trees to be placed 4 - 5m apart.</li> </ul>	<ul> <li>Prior to issue of subdivision certificate.</li> </ul>
Open Space	<ul> <li>Map No. 1 - Raglan.</li> <li>Map No. 2 - Perthville.</li> <li>Map No. 3 - Eglinton.</li> <li>Map No. 4 - Kelso.</li> <li>Map No. 4 - Kelso.</li> <li>Map No. 5 - Service</li> <li>Map No. 9 - Service</li> <li>Trade Centre.</li> <li>Map No. 11 - Sydney</li> <li>Road Precinct (North).</li> <li>Map No. 12 - Hampden Park (East).</li> <li>Map No. 28 - Mt</li> </ul>	<ul> <li>Dimensions: various (refer DCP Maps)</li> <li>Sawpit Creek Corridor (DCP Map No. 6), minimum width: 50m</li> </ul>	<ul> <li>Retain existing native trees and shrubs.</li> <li>Re-vegetate where appropriate with same species and/or in accordance with the requirements of the Bathurst Vegetation Management Plan where relevant.</li> </ul>	<ul> <li>Areas of plantings should contain random plantings of appropriate species.</li> </ul>	Prior to issue of subdivision certificate.

		Bathurst Regional Development Control Plan 2014	ment Control Plan 2014		
Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Environmental Protection Areas	<ul> <li>Map No. 14 - White Rock</li> <li>Map No. 15 - Robin Hill</li> <li>Map No. 20 - Mt Haven Estate.</li> <li>Map No. 21 - Hill End</li> <li>Map No. 16 - Trunkey Creek</li> <li>Map No. 23 - Sofala</li> <li>Map No. 24 - Rockley</li> </ul>	<ul> <li>Dimensions - various (refer DCP Maps)</li> </ul>	<ul> <li>Retain existing native trees and shrubs.</li> <li>Re-vegetate where appropriate with same species.</li> </ul>	<ul> <li>Areas of plantings should contain random plantings of appropriate species.</li> </ul>	<ul> <li>Prior to issue of subdivision certificate.</li> </ul>
Major Road Buffer	<ul> <li>Map No. 8 – Gateway Enterprise Park.</li> </ul>	<ul> <li>Buffer width: minimum</li> <li>5 to15 metres.</li> <li>Width of tree plantings: minimum 5 to 10m.</li> </ul>	<ul> <li>Plant a mix of Native and Exotic trees.</li> <li>Shrubs and multi- stemmed trees are not permitted.</li> </ul>	<ul> <li>Species should be planted in groups rather than in formal avenues.</li> </ul>	<ul> <li>Prior to issue of subdivision certificate.</li> </ul>

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	Timing of Planting	Prior to issue of subdivision certificate.	Prior to issue of subdivision certificate.
		• Eo .	
	Planting Density	<ul> <li>Areas of plantings should contain random plantings of appropriate species.</li> </ul>	<ul> <li>Trees to be planted in minimum of 3 rows.</li> <li>Trees to be placed 4 - 5m apart.</li> </ul>
ent Control Plan 2014	Species Type/ Planting Characteristics	<ul> <li>Re-vegetate where appropriate with same species and/or in accordance with the requirements of the Bathurst Vegetation Management Plan where relevant.</li> <li>The mature buffer is to contain a shrubby understory.</li> <li>The buffer is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres.</li> </ul>	<ul> <li>Native trees.</li> <li>Mature height of trees is to exceed 15m.</li> <li>Existing mature trees to be retained where possible.</li> <li>Planting is within the Vegetation Screen should include a mix of shrubs, medium and large trees</li> </ul>
Bathurst Regional Development Control Plan 2014		go	un
	Dimensions and characteristics	Raglan Creek Corridor (DCP Map No. <b>8</b> )	Screen width: minimum 20 metres. Width of plantings: minimum 15m.
		•	• •
	Applicable Development Control Plan Map	Map No. 8 – Gateway Enterprise Park.	<ul> <li>Map No. 8 – Gateway</li> <li>Enterprise Park.</li> </ul>
	Landuse Control shown on the DCP Map	Open Space and Outer Riparian Corridor	Vegetation screen

# 13.3.9 Design principles – Arterial or sub-arterial roads

The following additional design principles are to be incorporated into a landscape plan for the subdivision of land that creates an arterial or sub-arterial road for which direct access will not be provided to individual lots.

- a) The road reserve is to include landscaping and associated mounding so that fencing is generally screened from view. Landscaping is to include low level ground covers and dense shrubs to a minimum height of 2 metres. Trees to a mature height of at least 8m are to be incorporated into the road reserve.
- b) Council must not issue a subdivision certificate for the subdivision of land unless vegetation and other works required by a Landscape Plan are planted and fenced to the satisfaction of Council.

### **13.4** STREET TREES

### 13.4.1 Objectives

a) To improve the visual quality and amenity of new subdivisions.

#### **13.4.2** Development standards

- a) A developer is required to make a contribution for street tree planting, or plant the required number of advanced trees of reasonable size (ie minimum of 45 litre pot with a minimum height of 1.8 2.0m).
- b) Council will not issue a subdivision certificate until vegetation in accordance with the approved Landscape Plan is planted and fenced.

# 14 PARKING

### 14.1 PRELIMINARY

# 14.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

# 14.1.2 Strategic priority and objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for car and bicycle parking within the Bathurst Region.

#### Strategic Priorities

- a) To ensure adequate car parking areas are available to service new development and the community in general.
- b) To encourage a comprehensive cycling environment.

#### Strategic Objectives

- a) To provide for the safe and sufficient provision of parking on-site to meet the parking demands generated by development.
- b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.
- c) To provide bicycle parking facilities.

### 14.2 **DEFINITIONS**

This section adopts the definitions under the LEP and those definitions listed hereunder. The definition for Gross Floor Area is repeated from the LEP.

**Gross Floor Area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- a) the area of a mezzanine; and
- b) habitable rooms in a basement or an attic; and
- c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- a) any area for common vertical circulation, such as lifts and stairs, and
- b) any basement:
  - i) storage; and
  - ii) vehicular access, loading areas, garbage and services; and

- c) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting; and
- d) car parking to meet any requirements of the consent authority (including access to that car parking); and
- e) any space used for the loading or unloading of goods (including access to it); and
- f) terraces and balconies with outer walls less than 1.4 metres high; and
- g) voids above a floor at the level of a storey or storey above.

*Medium Density Housing* means development for the purpose of any of the following:

- a) Dual occupancy,
- b) Semi detached dwelling,
- c) Attached dwelling,
- d) Multi dwelling housing, or
- e) Residential flat building.

Medium Density Housing does not include development for the purpose of a dwelling house or a secondary dwelling (granny flat).

**CBD** means that land within Zone **B3** - Commercial Core and shown on DCP Map No. **34** - Central Business District (CBD).

### 14.3 CAR PARKING

### Development standards

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.
- b) With respect to extensions or alterations to existing buildings, the off-street car parking requirement will be calculated on the additional or altered floor space provided.
- c) All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.
- d) Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.
- e) Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.
- f) Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.

#### Contributions in lieu

- a) Council may consider a cash contribution, in lieu of on-site parking provision where:
  - i) as many car parking spaces as possible have been provided on-site, and
  - ii) the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and
  - iii) the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.

#### Engineering and building standards

- a) On site car parking spaces shall not form part of vehicle manoeuvring areas or loading/unloading areas.
- b) All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape (see section **13** *Landscaping and Greening* of this Plan).
- c) Car parking spaces and manoeuvring areas must comply with the minimum sizes outlined in **Schedules 1** and **2** of this Plan.
- d) Visitors parking and disability parking spaces must be clearly designated and readily accessible.
- e) All parking areas are to be paved and line marked in accordance with Council's Engineering Standards.
- f) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.
- g) For residential development, where possible, access ways and parking areas should be provided on the southern side of the site (i.e. using the shaded area of the lot).
- h) Where car parking is provided at the rear of the site, the building is to provide a secondary entrance to integrate access between the building and the car park.
- i) Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.

#### <u>Lighting</u>

a) Car parking areas are to be lit. All lights must have fully shielded fittings and security lighting of unattended premises must use a motion detector sensor switch.

#### Number of car parking spaces

a) Car parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

<u>Note</u>: For development comprising multiple uses parking requirements should be calculated on the area of each of those uses.

Development	Minimum Standard
Single dwelling house	1 covered car parking space.
Granny flat	1 car parking space (additional to the principle dwelling).
Medium density housing – Precinct 1 (refer to Schedule 6 of this Plan)	For 1 or 2 bedroom units: 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings or part thereof.
	For 3 or more bedroom units: 1 covered car parking space per dwelling and 1 visitors car space per 2 dwellings or part thereof.
Medium density housing – Precinct 2 & 3 (refer to Schedule 6 of this Plan)	For 1 or 2 bedroom units: 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings or part thereof.
	For 3 or more bedroom units: 1 covered car parking space per dwelling and 1 visitor's space per dwelling.
	<u>Note</u> : The visitors car parking space can be located or attached to each dwelling rather than being provided as a "communal space", where appropriate to the overall design of the development.
Backpackers accommodation Boarding house Hostel	1 space per 3 beds and 1 space per 3 employees.
Bed and breakfast accommodation Farm stay accommodation	1 space per bedroom and 1 space for residents.
Amusement centres Business premises Office premises Industrial retail outlets Restricted premises Public administration buildings Community facilities Public facility or building	1 space per 50m <sup>2</sup> . <u>Note</u> : Council may consider stack parking for development within a residential zone.

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Development	Minimum	Standard	
Landscape materials Rural supplies Timber yards Plant nurseries Garden centres	1 space per 100m <sup>2</sup> . <u>Note:</u> Council may consider 1 space per 50 m <sup>2</sup> for plant nurseries and garden centres.		
Caravan park	1 space per site, plus 7 visitors.	1 space per 10 sites for	
Cellar door premises	1 space per 50m <sup>2</sup> plus 1	bus parking space.	
Child Care Centre	1 space per 10 child dedicated drop-off/pick-u	lren with an additional up point.	
Entertainment facility Place of public worship Funeral chapel Crematorium Funeral home Function centre	1 space per 10 seats whichever is greater.	or 1 space per 10m <sup>2</sup> ,	
Educational establishment	1 space per 2 employees plus 1 space per 30 students in years 11 and 12 for high schools and 1 space per 5 students for tertiary institutions.		
Restaurant or cafe	Outside CBD 1 space per 10m <sup>2</sup> or 1 space per 3 seats whichever is greater.	Inside CBD or within neighbourhood centre (DCP Map No. 6) 1 space per 35m <sup>2</sup> .	
Group home	1 space per employee.		
Highway service centre Service station		plus, 5 spaces per 100m <sup>2</sup> per 100m <sup>2</sup> of restaurant whichever is greater.	
Home business Home industry	1 space per employee and 1 space for customers in addition to dwelling requirement.		
Hospital	1 space per 4 beds, employees.	plus 1 space per 2	
Hotel or motel accommodation Serviced apartments	1 space per unit plus 1 s	pace per 2 employees.	
Industry	1 space per 100m <sup>2</sup> or 1 whichever is greater.	space per 2 employees	
Market	2.5 spaces per stall.		

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Bathurst Regional Development Control Plan 2014				
Development	r	Minimum Standard		
Medical centre Veterinary hospital Health consulting rooms	1 space per 50m <sup>2</sup> .			
Shops (except supermarkets)	ets) 1 space per 35m <sup>2</sup> .			
Housing attached to shops	1 space per dw	velling.		
Supermarket	1 space per 20	1 space per 20m <sup>2</sup> .		
Small bars Pubs Nightclubs Registered club <u>Note</u> : see also restaurant and cafes and hotel/motel accommodation where applicable	Outside CBD 1 space per 10m <sup>2</sup> of licensed floor area.	Withinaneighbourhoodcentre(DCP Map No.6)11space35m² of licensedfloor area.	Inside CBD 1 space per 30m <sup>2</sup> of licensed floor area.	
Recreation facility or area (Indoor)	7.5 spaces per 100m <sup>2</sup> .			
Residential care facilities	1 space per 10 beds, plus 1 space per employee, plus 1 ambulance bay.			
Self contained seniors housing	1 space per dwelling, plus 1 visitor's space per 5 dwellings.			
Roadside Stall	4 spaces.			
Takeaway food and drink premises: No seating or drive-through Seating but no drive-through Seating and drive-through	<ul> <li>12 spaces per 100m<sup>2</sup>.</li> <li>Whichever is the greater: <ul> <li>12 spaces per 100m<sup>2</sup>, or</li> <li>1 space per 5 seats (internal and external) or</li> <li>1 space per 2 seats (internal)</li> </ul> </li> <li>Whichever is the greater: <ul> <li>1 space per 2 seats (internal seats only) or</li> <li>1 space per 3 seats (internal and external seats).</li> </ul> </li> <li>In addition to this an exclusive area for queuing</li> </ul>			
	of cars for a d	rive through facility	y is required in	

Development	Minimum Standard	
Transport depot Truck depot Depot	1 space per employee plus truck parking as required.	
Vehicle body repair workshops Vehicle repair stations Vehicle sales or hire premises Boat building or repair facilities	1 space per 95m <sup>2</sup> of display area, plus 1 space per employee, plus 6 spaces per work bay.	
Warehouse or distribution centre Wholesale supplies	1 space per 300m <sup>2</sup> .	

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#### 14.4 BICYCLE PARKING

#### **Development Standards**

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.
- b) Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.
- c) Bicycle parking is to be provided on-site, in a secure location with adequate surveillance. The siting of facilities is to consider the likely principle user (e.g. employees or customers; residents or visitors). Council may approve the provision of bike parking on the street where considered appropriate.

#### Number of Bicycle Parking Spaces

a) Bicycle parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

Development	Employee/Resident Standard	Customer/Visitor/Student Standard	
Amusement centres	None.	2 plus 1 per 50m <sup>2</sup> .	
Educational establishment other than those specified elsewhere in this table	1 per 20 employees.	1 per 20 full-time students.	
Hospital	1 per 15 beds.	1 per 30 beds.	
Registered clubs Small bars Pubs	1 per 25m <sup>2</sup> of bar area available to the public, plus 1 per 100m <sup>2</sup> of lounge area available to the public.	1 per $25m^2$ of bar area available to the public, plus 1 per $100m^2$ of lounge area available to the public.	

Bathurst Regional Development Control Plan 2014					
Development	Employee/Resident Standard	Customer/Visitor/Student Standard			
Industry Bulky goods premises Landscape materials supplies Rural supplies Timber yards Hardware and building supplies Plant nurseries Garden centres	1 per 1000m <sup>2</sup> .	None.			
Community building	1 per 500m <sup>2</sup> .	4 plus 2 per 200m <sup>2</sup> .			
Recreation facilities (Major)	1 per 1500 spectator places.	1 per 250 spectator places.			
Market	1 per 50 stalls.	1 per 10 stalls.			
Medical centre	1 per 8 practitioners.	1 per 4 practitioners.			
Recreation facility or area (Indoor and Outdoor)	1 per 4 employees.	1 per 200m <sup>2</sup> .			
Hotel or motel accommodation Serviced apartments Backpackers accommodation Boarding house	1 per 40 rooms.	None.			
Residential care facilities	1 per 7 beds.	1 per 60 beds.			
Business premises Office premises Public facility or building Public administration buildings Community facilities Industrial retail outlets	1 per 300m <sup>2</sup> if the floor area exceeds 1000m <sup>2</sup> .	1 per 1000m <sup>2</sup> if the floor area exceeds 1000m <sup>2</sup> .			
Entertainment facilities Places of public worship	1 per 1500m <sup>2</sup> .	2 plus 1 per 1500m <sup>2</sup> .			
Primary schools	1 per 20 employees.	1 per 5 pupils over year 4.			
Restaurants or cafes	1 per 100m <sup>2</sup> .	2 plus 1 per 200m <sup>2</sup> of area available to the public.			
Shops	1 per 600m <sup>2</sup> if the floor area exceeds 1000m <sup>2</sup> .	1 per 500m <sup>2</sup> if the floor area exceeds 1000 square metres.			
Takeaway food and drink premises Neighbourhood shops	1 per 100m².	1 per 50m².			

#### Additional Facilities Required

a) In addition to the above the following facilities are also to be provided for development in accordance with the following table.

#### Shower Facilities

If 5 or more employee bicycle spaces are required, 1 shower facility for the first 5 employee bicycle spaces is to be provided, plus 1 for each 10 employee bicycle spaces thereafter.

### Change Rooms

1 change room or direct access to a communal change room is to be provided for each shower. The change room may be a combined shower and change room.

# 15 CRIME PREVENTION

# 15.1 PRELIMINARY

# 15.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

# 15.1.2 Strategic priorities and objectives

a) The Bathurst Region Urban Strategy 2007 establishes the following key priority and objectives for crime prevention within the Bathurst Region.

### Strategic Priority

a) To determine the best way to protect and enhance residential amenity.

### Strategic Objectives

- a) To identify management options and development control provisions which protect and enhance residential amenity.
- b) To ensure new housing development is constructed in ways that minimise opportunities that promote crime.

# 15.2 **DEFINITIONS**

This section adopts the definitions under the LEP.

### 15.3 **OBJECTIVES**

a) To ensure major building developments are designed and constructed to minimise opportunities for crime through appropriate environmental design.

### **15.4 DEVELOPMENT STANDARDS**

a) The following development types will be referred to the NSW Police Service under Council's *Crime Prevention Through Environmental Design (CPTED)* protocol.

Land use	Referral standard
Educational establishments	
School	1. All new educational establishments, or
	2. New buildings, or
TAFE/universities	3. Alterations to educational establishments
Health Services Facility	
Hospitals	1. All new health service facilities.
Medical centres	
Health consulting rooms	

	Bathurst Regional Development Control Plan 2014				
	Land use		Referral standard		
Inf	rastructure				
•	Transport depots Passenger transport facilities	1.	New facilities/depots including but not limited to new railway stations, bus stops, transport interchanges, taxi rank or		
•	Car park	2.	External alterations to facilities, or		
		3.	Public car parks not fronting a public road, or		
		4.	Public car parks containing 50 or more spaces.		
Re	creational facilities				
•	Indoor recreational facilities	1.	All new recreational facilities, or		
•	Outdoor recreational facilities	2.	Significant alterations and additions to recreational facilities.		
•	Major recreational facilities				
Re	sidential development	<u> </u>			
•	Attached dwellings	1.	Residential accommodation with 8 or more dwellings, or		
•	Boarding houses Group homes Multi dwelling units	2.	Alterations to accommodation development that will increase the capacity of the development to 8 or more rooms, or		
•	Residential flat buildings	3.	All new seniors housing, or		
•	Seniors housing	4.	Group homes for more than 8 people, or		
•	Shop top housing				
То	urist and Visitor Accommodation				
•	Backpacker accommodation	1.	Accommodation with 8 or more separate rooms, or		
•	Hotel or motel accommodation	2.	Alterations to accommodation facilities		
•	Serviced apartments		that will increase the capacity of the business to 8 or more rooms, or		
•	Campgrounds or caravan parks	3.	All new campground and caravan parks (excluding those located within the Mount Panorama Environs being that land shown on Development Control Plan Map No. <b>28-</b> Mount Panorama)		

	Bathurst Regional Development Control Plan 2014				
	Land use		Referral standard		
Re	tail premises				
•	Bulky goods premises	1.	New retail premises with a floor space of 1000m <sup>2</sup> or greater, or		
•	Cellar door premises	2.	Alterations to retail premises which will create a floor space of 1000m <sup>2</sup> , or		
•	Shops Neighbourhood shops		greater.		
Fo	od and drink premises	<u> </u>			
•	Hotels and clubs	1.	New clubs and hotels or,		
		2.	Change of use or alterations to clubs or hotels, or		
		3.	Change of hours of operation to hotels or clubs.		
Ot	ner premises				
•	Amusement centres	1.	New premises, or		
•	Entertainment facilities	2.	Alterations and additions to premises.		
•	Function centres				
•	Highway service centres				
•	Home occupation (sex services)				
•	Restricted premises				
•	Service stations				
•	Sex service premises/ brothels				
•	Tattoo parlours				

- b) For development types listed in (a) above, and in the opinion of Council, a Crime Risk Assessment is to be prepared addressing the matters listed in (c) below.
- c) The development types referred to in (a) above are to demonstrate in design, layout and configuration, the incorporation of the principles of crime prevention outlined in the table below.

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Bathurst Regional Development Control Plan 2014				
Element of Crime Prevention	Crime Principles of Design			
Surveillance	<ul> <li>Clear, unobtrusive line of sight between public and private places.</li> <li>Avoidance of dark corners, alcoves, hidden recesses and narrow pedestrian walkways.</li> <li>Effective lighting of public places.</li> <li>Landscaping that does not provide offenders with a place to hide or</li> </ul>			
	<ul> <li>entrap victims.</li> <li>Landscaping along fence lines to prevent graffiti.</li> <li>Use of materials that enable observation to public areas (e.g. open wrought iron fencing, glass paneling to building foyers).</li> </ul>			
Access Control	<ul> <li>Avoid numerous entry points to multi-occupancy buildings.</li> <li>Prevent short cuts across lands designated for other uses.</li> <li>Ensure security grills can be opened from the inside.</li> </ul>			
Territorial Reinforcement (Community ownership of Public Space)	<ul> <li>Maintain building setback to maximise perception of semi-private areas.</li> <li>Ensure site entrances are clearly marked.</li> <li>Avoid flat or porous wall finishes in public areas to minimise graffiti.</li> </ul>			
Activity and Space Management	<ul> <li>Design opportunities for people to use public spaces.</li> <li>Incorporating opportunities for casual surveillance or activating the space through activities will discourage the proliferation of crime.</li> <li>Closely linked to territorial reinforcement</li> </ul>			
Areas requiring additional consideration	• Overall, are there any areas of the building or space which may require specific attention or treatments to limit crime opportunities.			

# 15.5 WHAT INFORMATION IS TO BE INCLUDED IN A CRIME RISK ASSESSMENT

# 15.5.1 Introduction

What is the proposed development?

### 15.5.2 Site analysis

Describe the physical surrounds of the proposed development (eg what is to the north – residential houses, industrial area etc – the east, west, south). Is it enclosed by bush, on the side of a steep embankment, open fields etc?

# **15.5.3 Crime opportunity**

Is the proposed development susceptible to certain crimes?

Is there existing evidence of crimes or anti-social behaviour (eg vandalism, graffiti, litter – beer bottles)?

# 15.5.4 Crime Prevention Through Environmental Design (CPTED)

CPTED reduces crime opportunities by increasing the risk to offenders, increasing the effort required to commit crime, reducing opportunities for excuse making (eg spatial ambiguity is commonly used by burglars to justify trespassing) and reducing the likely rewards of criminal behaviour.

There are four broad principles of CPTED. The Crime Risk Assessment needs to address each of these principles, providing information as to how the aspects of the design or proposed management practices will help to reduce the risk of crime. The principles are:

- a) <u>Surveillance</u>
  - People feel safe in areas when they can see and interact with others. There are three types of surveillance. Natural surveillance focuses on the orientation of buildings and the strategic use of windows and entrances, street design, landscaping, building layout, optical permeable fencing and natural lighting. Organised surveillance is often used to enhance the capability of on-site or nearby guardians (eg security guards). Technical surveillance is achieved through mechanical/electrical measures such as CCTV, mirrored building panels and lighting.
  - Are there natural surveillance opportunities (eg from houses across the street, from passing traffic etc)?
  - What strategies have you employed to aid surveillance?
  - What opportunities are there for surveillance into and around the centre?
  - How does the landscaping aid or inhibit the surveillance? What strategies are in place to address this?
  - Is there any organised surveillance planned?
  - Are you using any technical surveillance strategies (eg lighting around the building, car park) will this enable surveillance from the street and surrounding areas?

#### b) <u>Access Control</u>

Access control uses physical and symbolic barriers to restrict, encourage, and channel pedestrian and vehicle movements. They minimise the opportunities for crime and increase the effort required to commit crime. By making it clear where people can and cannot go, it becomes difficult for criminals to reach potential victims and targets (reduces excuse-making opportunities eg "I was just trying to find the entry to the building") Access control measure include garden strips, ground markings, fences, walls, boom-gates, and target hardening measures such as locks and alarms.

- What measures are in place to make it obvious as to what areas are "outof-bounds"?
- Are the building entries obvious and clearly identifiable?

- Are the access routes to the entrances obvious (eg from the car park to the building)?
- What measures are in place to discourage access to the building after hours (locks, alarms, security patrols, window grills)?

#### c) <u>Territorial Reinforcement</u>

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed, and revisited. People are more likely to be protective of places with which they feel some connection or affinity.

• Highlight why locating your service will increase territorial reinforcement of this site.

#### d) Activity and space management

Space management is linked to the principle of territorial reinforcement. It ensures that space is well used and maintained, and involves the formal supervision, control, and care of urban space. Space management strategies are an important means of generating and maintaining activity, surveillance, and natural community control. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the refurbishment of decayed physical elements.

- What management practices will be put into place to ensure that the site is maintained?
- How will vandalism and graffiti be addressed?

#### e) <u>Areas requiring additional consideration</u>

Some areas of the proposed development may be particularly susceptible to crime eg entrances, car park, behind the building etc. In considering these areas, particular attention should be made to any crimes that the development may be particularly susceptible to.

- Are there any areas that will require special consideration (eg entry areas, car parks)?
- What design elements or management practices are to be employed to address crime concerns in these areas?
- How will the proposal address the particular crimes.
- f) <u>Conclusion</u>

Briefly outline whether the proposed development will have an impact on crime (negative or positive) and reasons as to why.

# 16 EARTHWORKS

### 16.1 PRELIMINARY

# 16.1.1 Land to which this Section applies

This section applies to all land within the Bathurst Regional Local Government Area (LGA).

### **16.2** CHANGING THE LEVEL OF LAND DURING SUBDIVISION

# 16.2.1 Objectives

- a) To ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land.
- b) To ensure that inappropriate filling or cutting of land is reduced.

# 16.2.2 Development standards

a) The developer is to ensure that there is no more than 1 metre change in level (either by filling or cutting) within a 45<sup>°</sup> angle to the boundary.

# 16.3 CHANGING THE LEVEL OF LAND (PREPARING TO BUILD, DURING OR POST CONSTRUCTION)

### 16.3.1 Objectives

- a) To ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land.
- b) To reduce streetscapes dominated by retaining walls and fences.

### 16.3.2 Development standards

- a) The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by filling or cutting).
- b) Where cut and/or fill in excess of 1 metre is proposed, any change in level (in excess of 1 metre) is to be stepped away from the boundary at a minimum of 45°.
- c) Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in **Chapter 16** of this DCP.
- d) Outside of the building footprint cut and fill to 1.0m is permissible to achieve flatter backyards, outdoor living areas, BBQ areas, clothes drying areas and the like. Consideration will be given to greater cut and fill thresholds subject to:
  - i) Justification of the proposal and design intent through a site analysis including consideration of the likely streetscape impacts and compatibility with existing streetscape character.
  - ii) Demonstration of a structural system of the house appropriate to the site and slope.

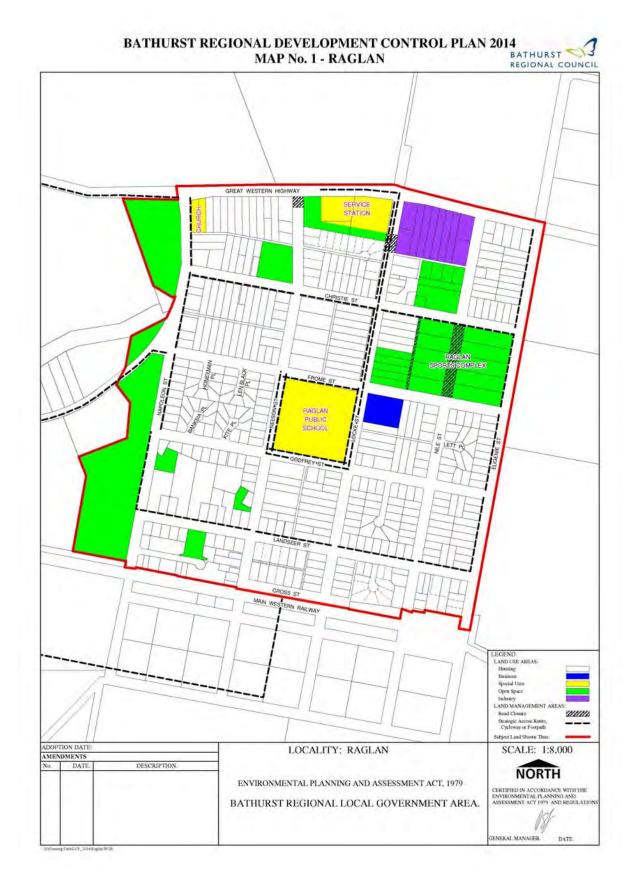
- iii) Justification and documentation of full site sections showing all existing and proposed levels and proposed retaining walls and batters.
- iv) Consideration of the likely amenity impacts including overlooking, overshadowing, drainage and structural issues.
- v) Limiting multiple retaining walls to 1.0m encouraging terracing rather than one large wall.
- vi) Suitable storm water and drainage management.
- e) Excavations and fill in excess of 1 metre <u>may</u> be permitted to allow for compliant driveways and basement garages providing the excavations are adequately retained and drained in accordance with engineering requirements.
- f) Where a property is burdened by storm water or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.
- g) Where more than one retaining wall is required, this should be in the form of terracing with landscaped areas between level changes to soften the visual impact of the retaining wall.
- Retaining walls, unless constructed for the sole purpose of landscaping, should be constructed of a material such as concrete, masonry, rock or other permanent type material. Timber retaining walls are not acceptable for walls that support side boundaries or structures.
- i) Cut and fill batters shall not:
  - i) exceed a slope of 1:4 (v:h) unless geotechnical reports result in Council being satisfied with the site stability. All batters are to be provided with both short term and long term stabilization to prevent soil erosion.
  - ii) be located where they will impact on the privacy of neighbours.
  - iii) shall not extend onto Council's road reserve.

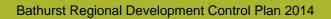
DCP MAPS

# S\_DEPBS\_13\_1

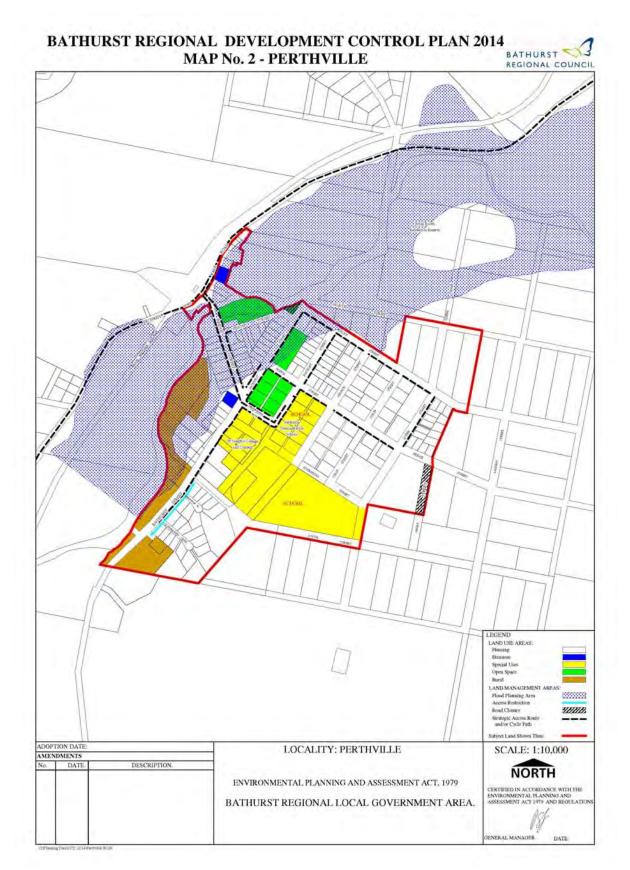
### Bathurst Regional Development Control Plan 2014

# MAP NO 1 – RAGLAN





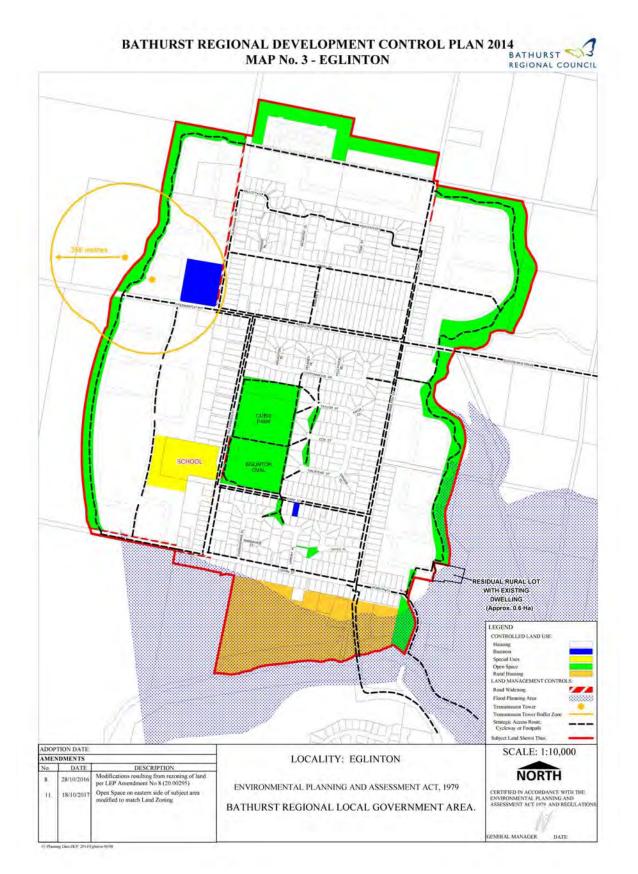
MAP NO 2 – PERTHVILLE



# S\_DEPBS\_13\_1

#### Bathurst Regional Development Control Plan 2014

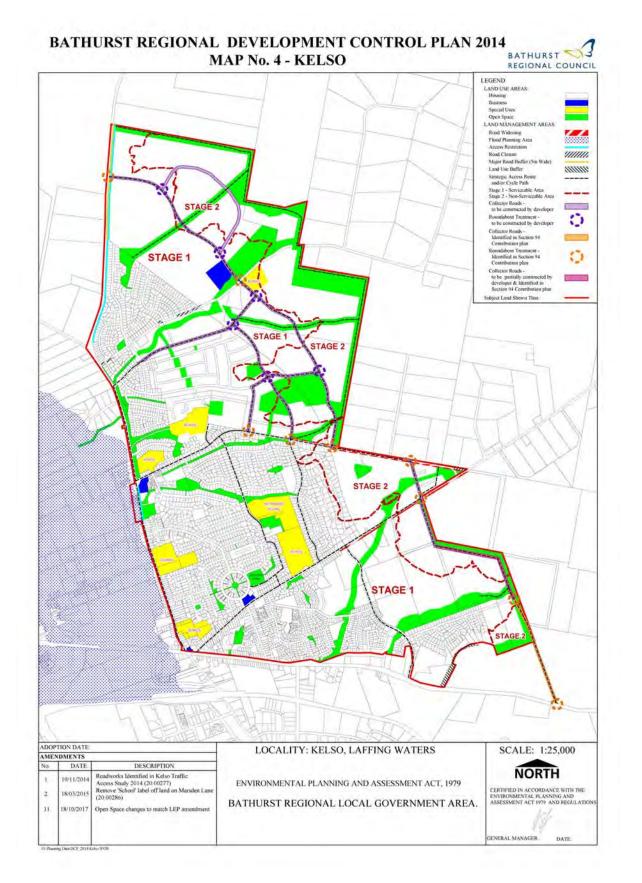
### MAP NO 3 – EGLINTON



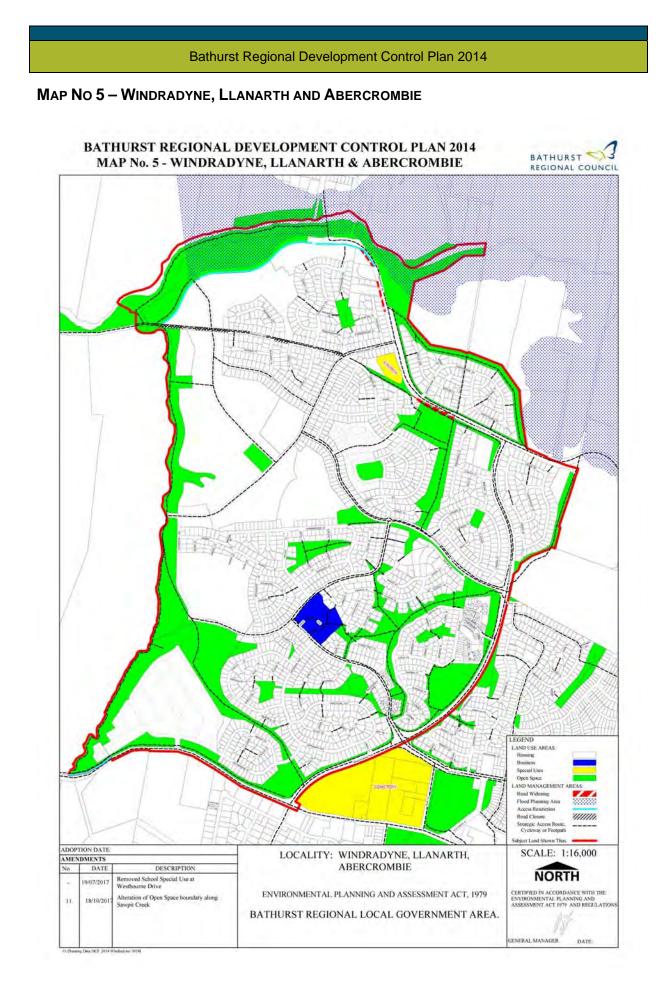
# S\_DEPBS\_13\_1

#### Bathurst Regional Development Control Plan 2014

#### MAP NO 4 – KELSO



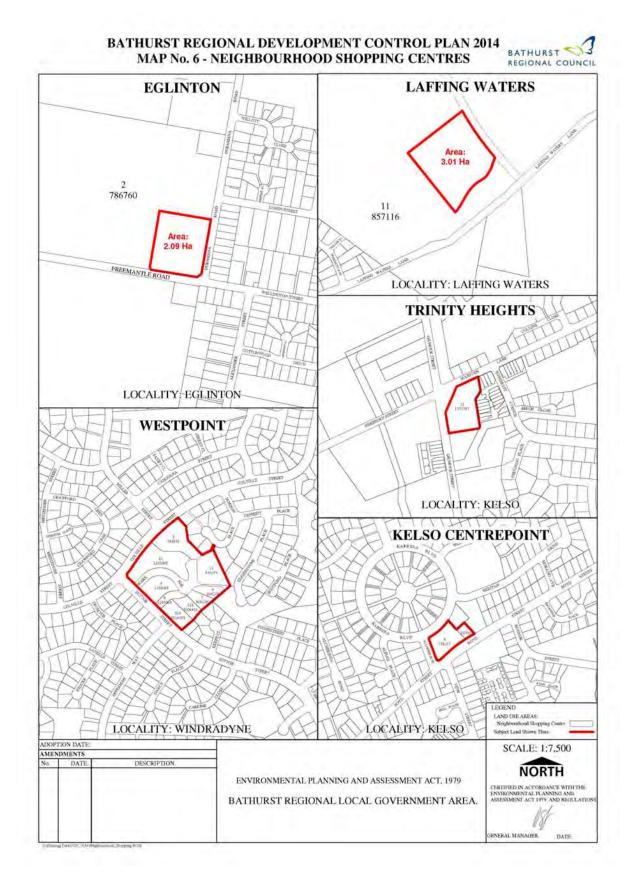
S\_DEPBS\_13\_1



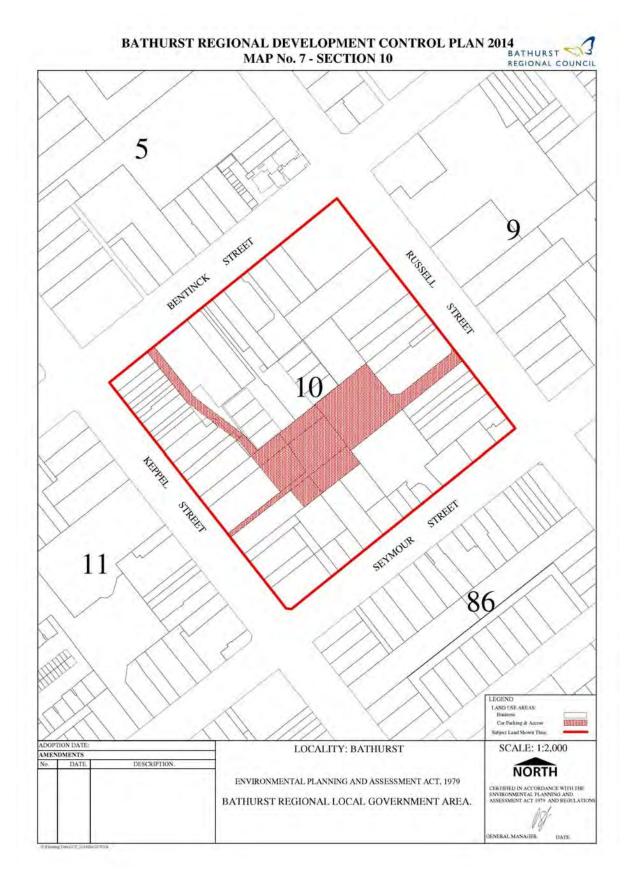
# S\_DEPBS\_13\_1



# MAP NO 6 - NEIGHBOURHOOD SHOPPING CENTRES

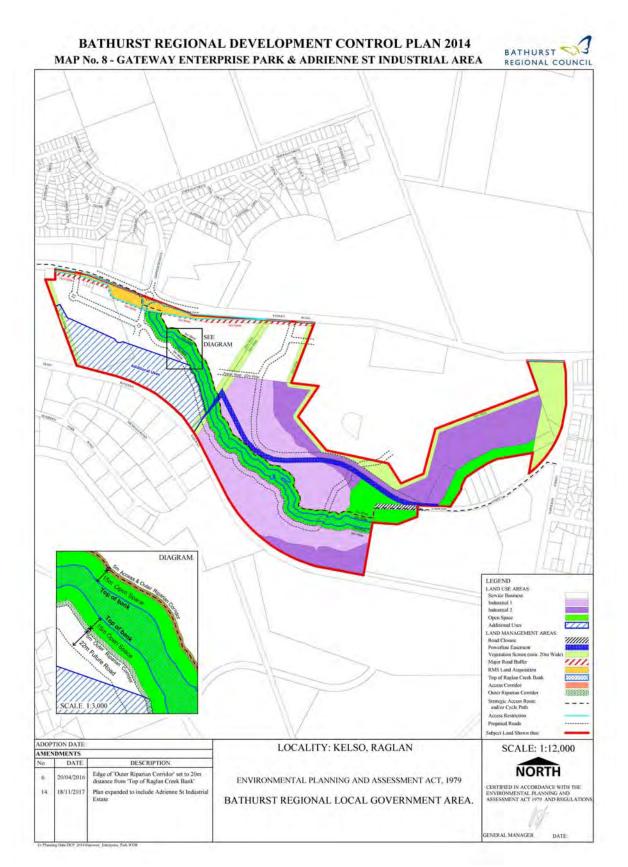


# MAP NO 7 – SECTION 10



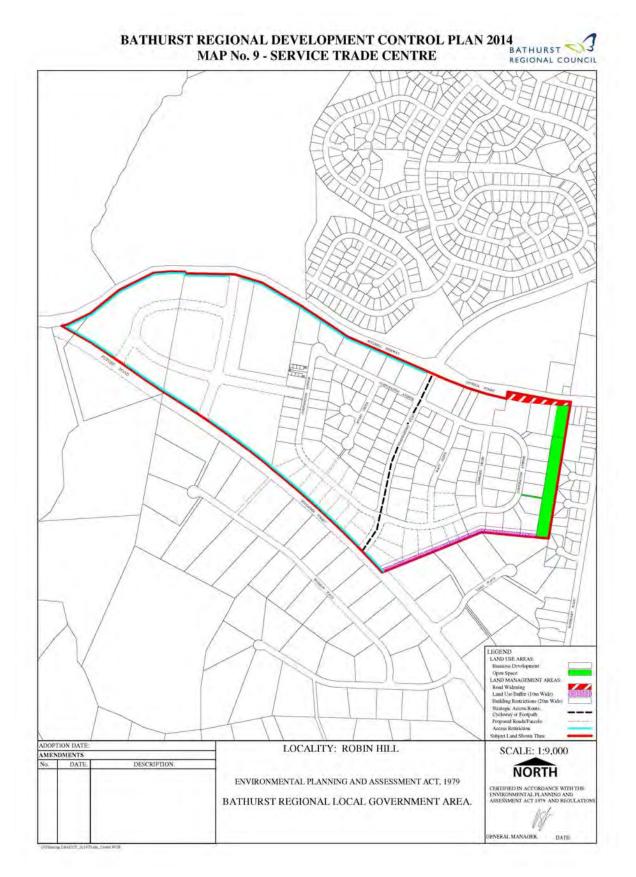


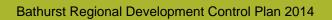




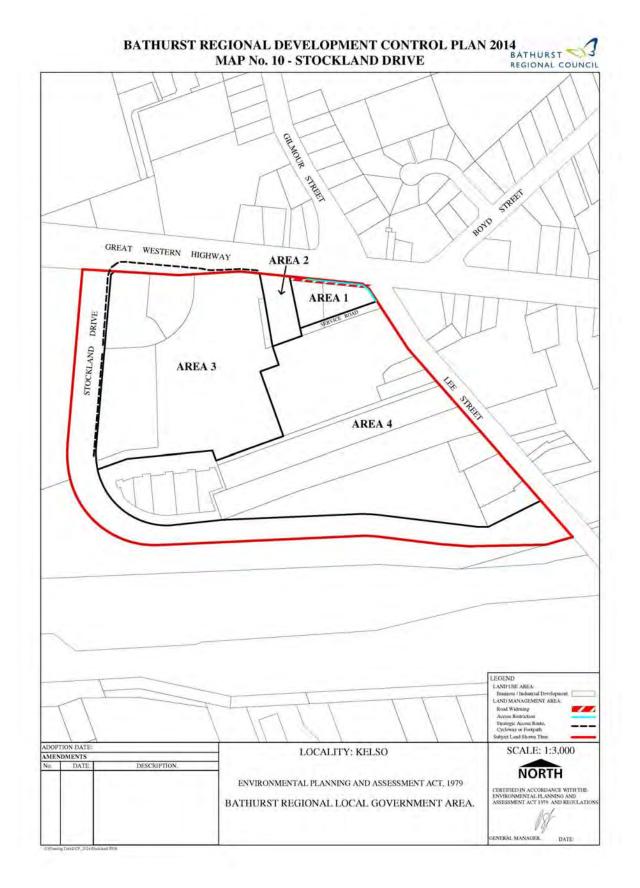
### Bathurst Regional Development Control Plan 2014

# MAP NO 9 - SERVICE TRADE CENTRE



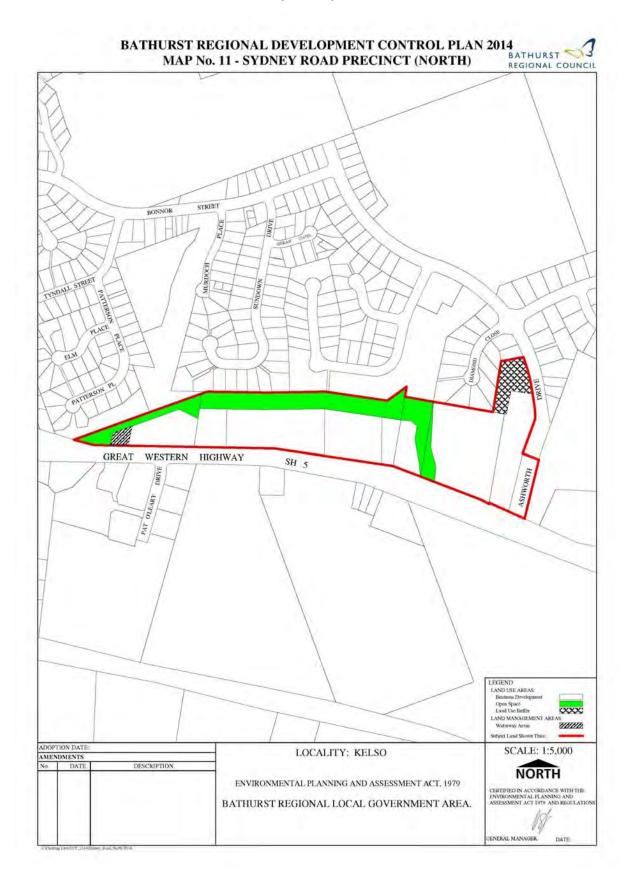


# MAP NO 10 - STOCKLAND DRIVE



### Bathurst Regional Development Control Plan 2014

### MAP No 11 - SYDNEY ROAD PRECINCT (NORTH)

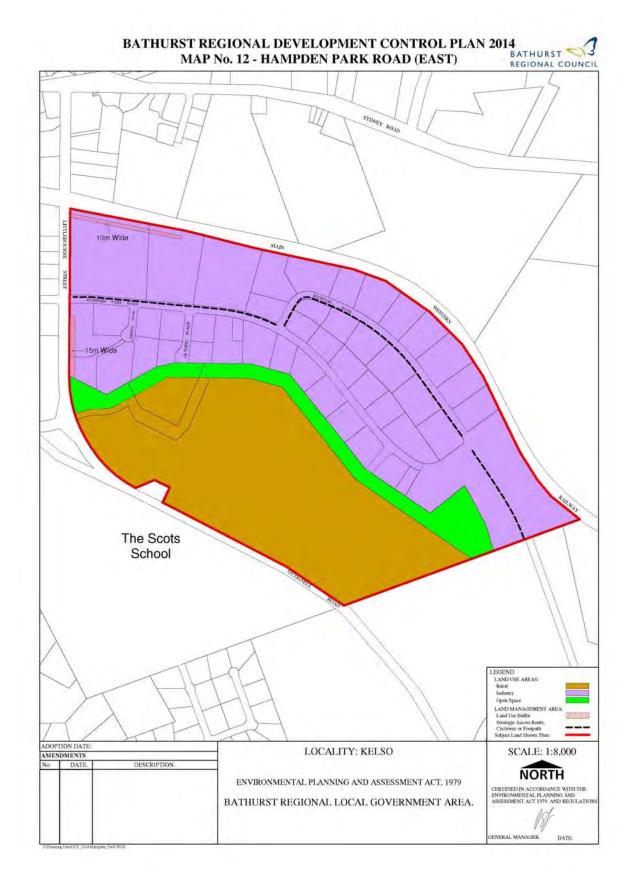


# S\_DEPBS\_13\_1

# 257 of 301

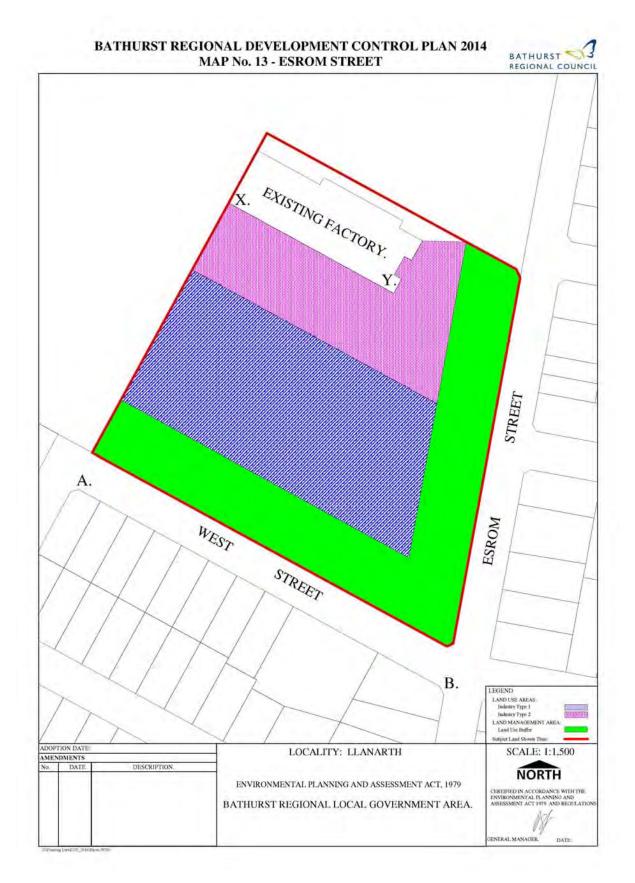
### Bathurst Regional Development Control Plan 2014

# MAP NO 12 - HAMPDEN PARK ROAD (EAST)

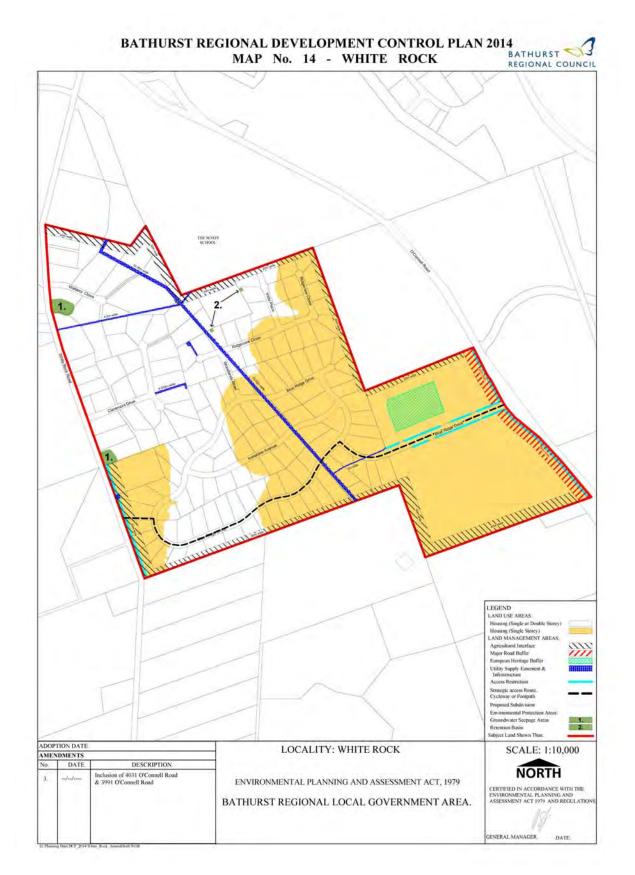


# S\_DEPBS\_13\_1



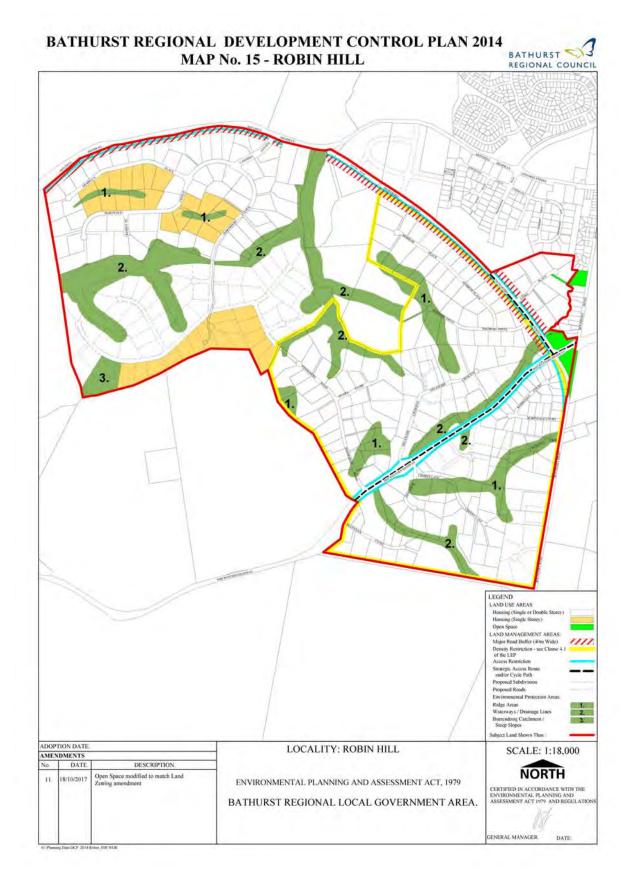


# MAP NO 14 – WHITE ROCK

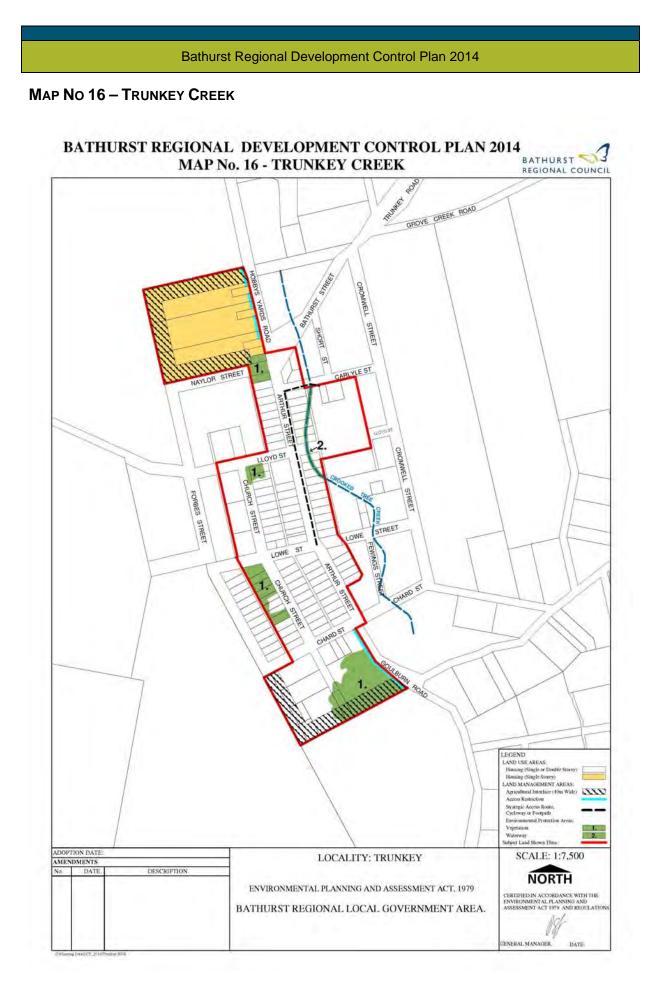


#### Bathurst Regional Development Control Plan 2014

MAP NO 15 – ROBIN HILL



### S\_DEPBS\_13\_1



### S\_DEPBS\_13\_1



DESCRIPTION.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT. 1979
BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:10,000

CERTIFIED IN ACCORDANCE WITH THE
ENVIRONMENTAL FLANNING AND
ASSESSMENT ACT. 1979
BATHURST REGIONAL LOCAL GOVERNMENT AREA.

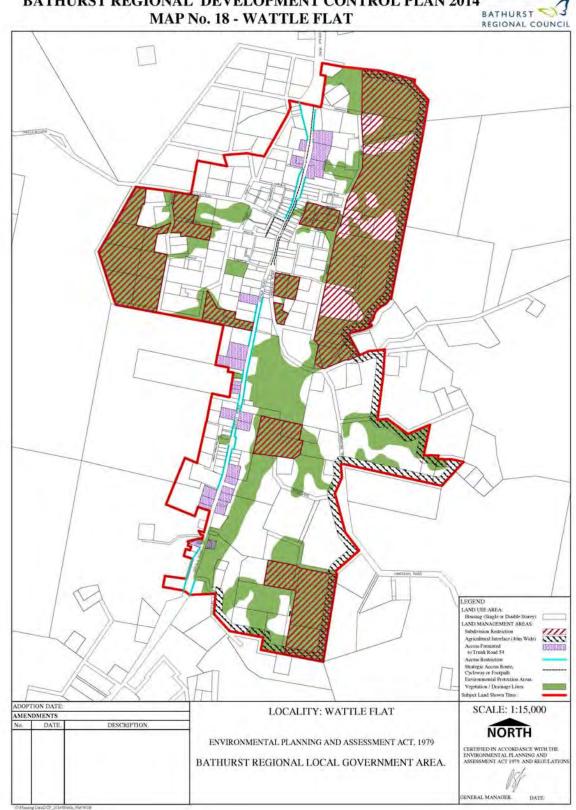
DOPTION DATE

AMENDMENTS No. DATE

DATE

ENERAL MANAGER

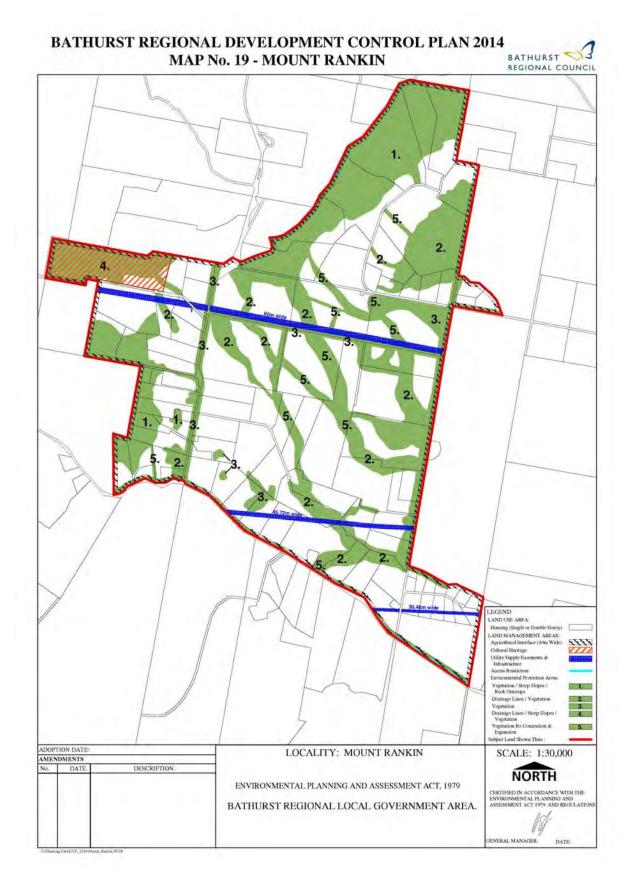




### S\_DEPBS\_13\_1

#### Bathurst Regional Development Control Plan 2014

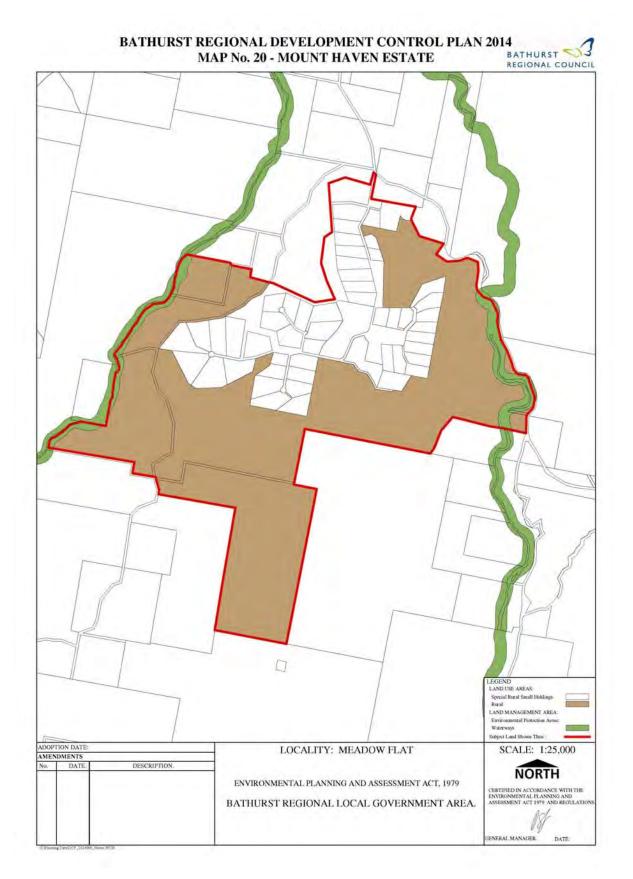
#### MAP NO 19 – MOUNT RANKIN



# S\_DEPBS\_13\_1

#### Bathurst Regional Development Control Plan 2014

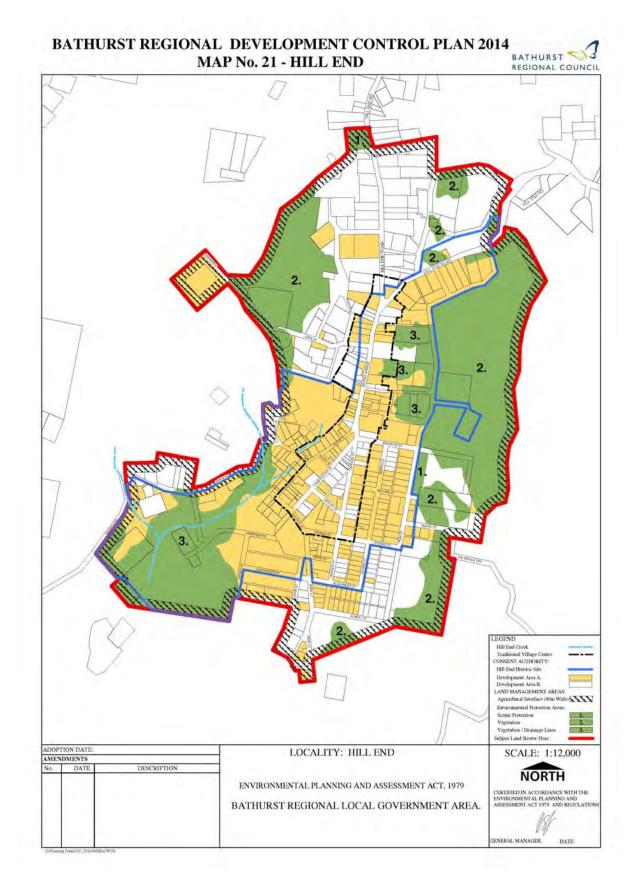
#### MAP NO 20 - MOUNT HAVEN ESTATE



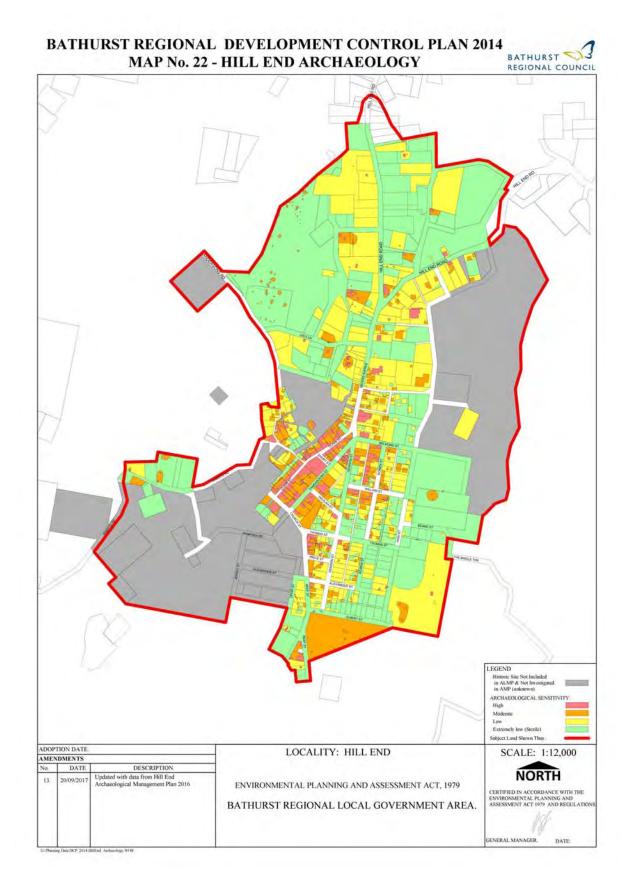
### S\_DEPBS\_13\_1

Bathurst Regional Development Control Plan 2014

MAP NO 21 – HILL END

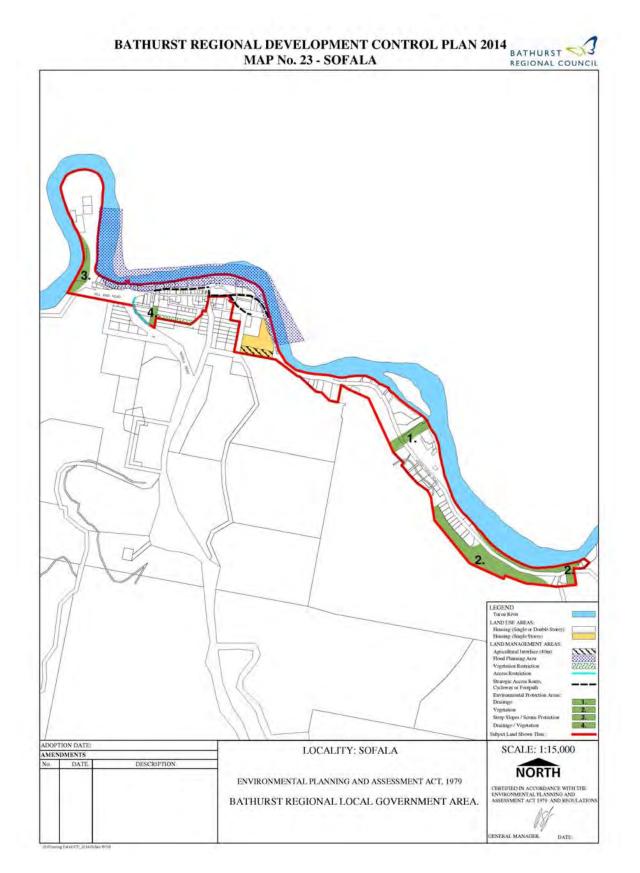


MAP NO 22 - HILL END ARCHAEOLOGY



#### Bathurst Regional Development Control Plan 2014

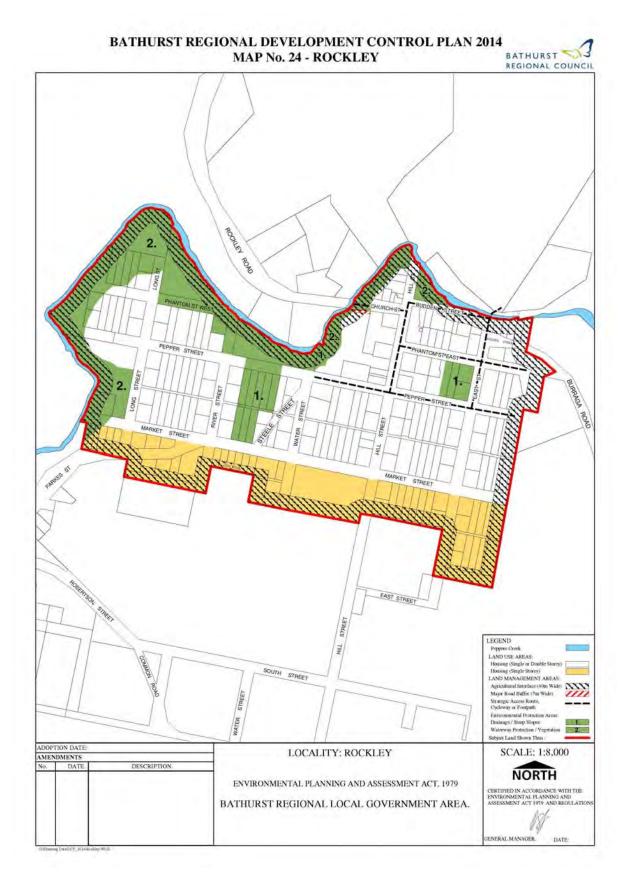
MAP NO 23 – SOFALA



### S\_DEPBS\_13\_1

Bathurst Regional Development Control Plan 2014

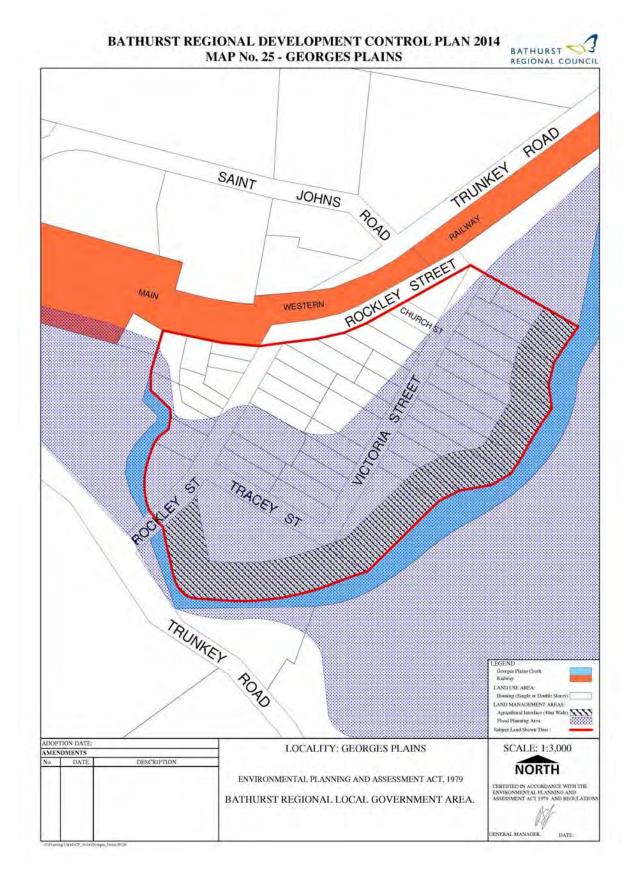
MAP NO 24 – ROCKLEY



### S\_DEPBS\_13\_1



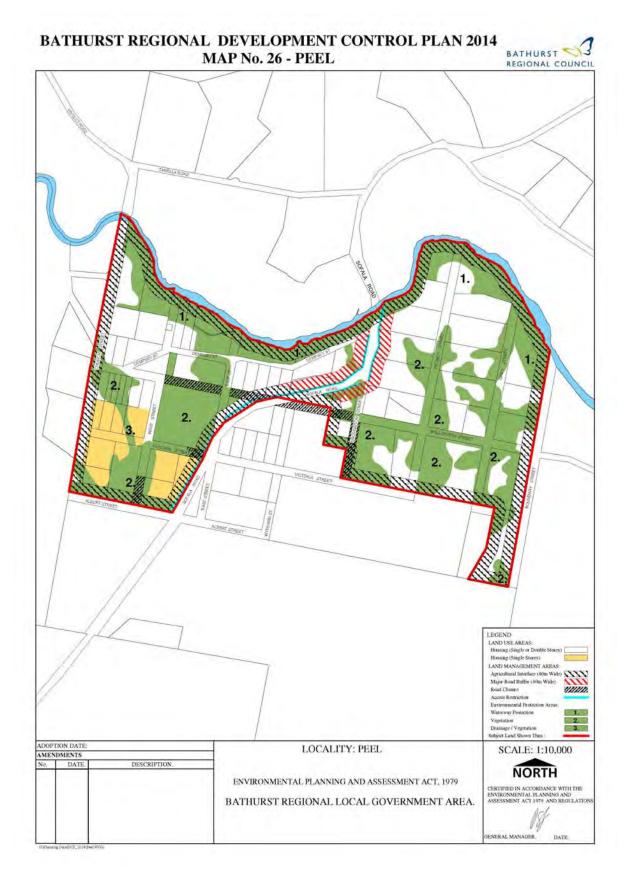
### MAP NO 25 – GEORGES PLAINS



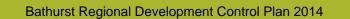
### S\_DEPBS\_13\_1

Bathurst Regional Development Control Plan 2014

MAP NO 26 – PEEL



### S\_DEPBS\_13\_1



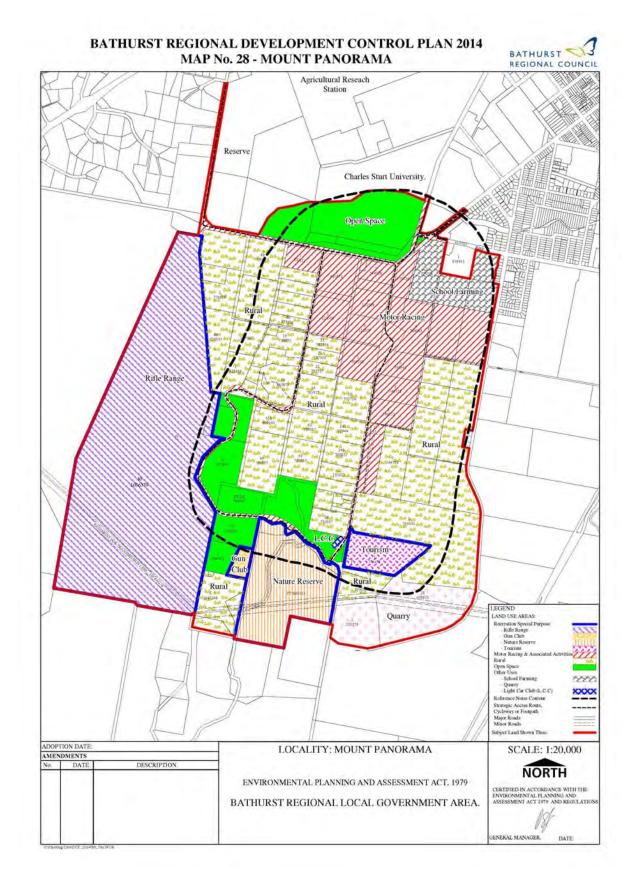
MAP NO 27 – YETHOLME



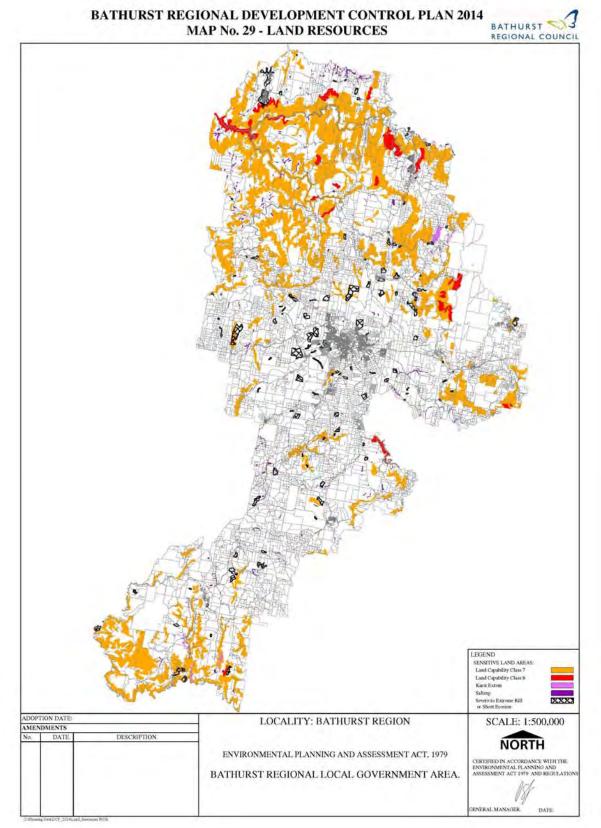
### S\_DEPBS\_13\_1



#### MAP NO 28 – MOUNT PANORAMA

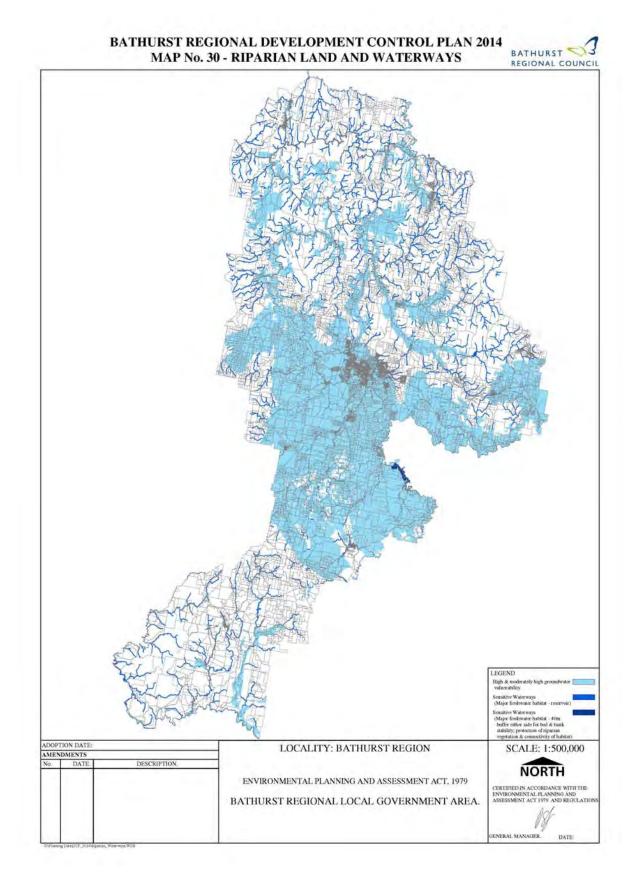






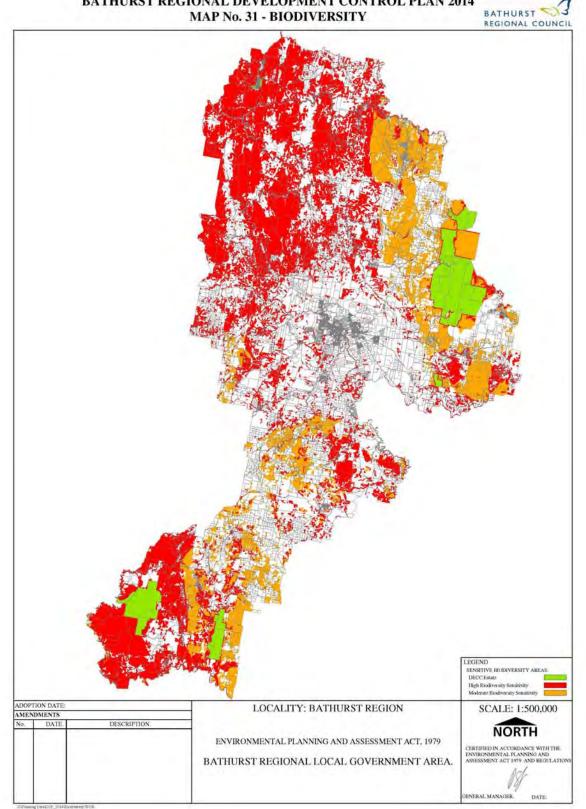


### MAP NO 30 - RIPARIAN LAND AND WATERWAYS

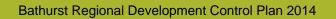


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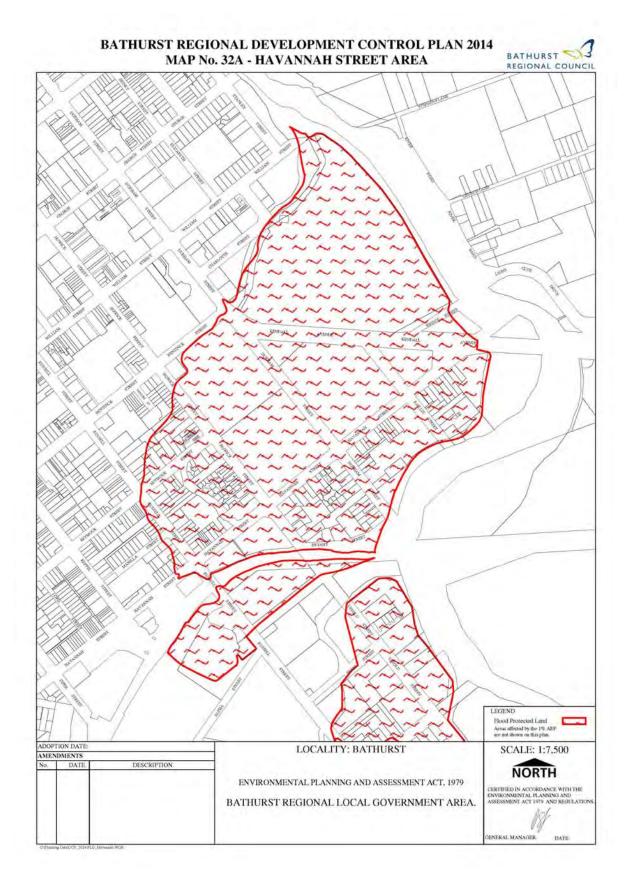




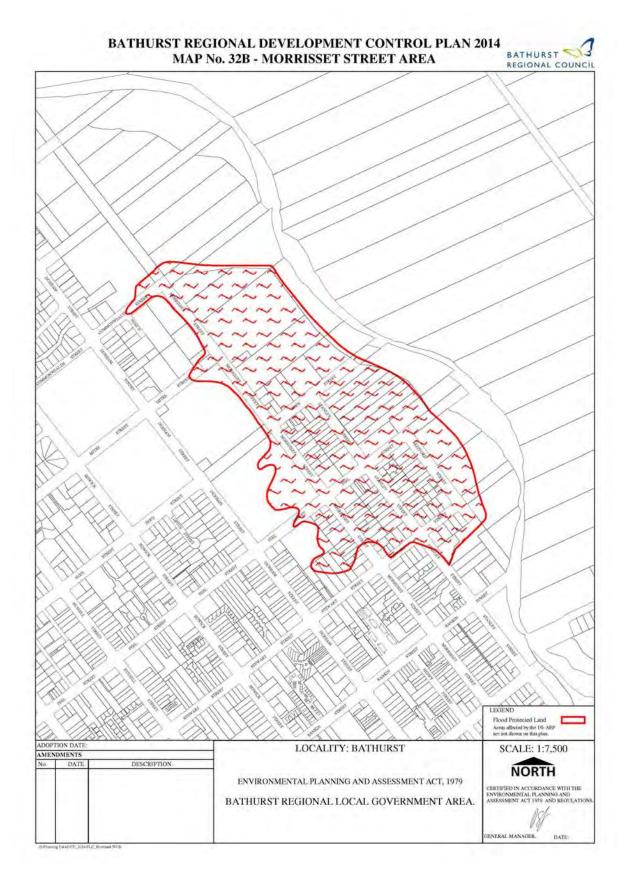
### S\_DEPBS\_13\_1



#### MAP NO 32A – HAVANNAH STREET AREA

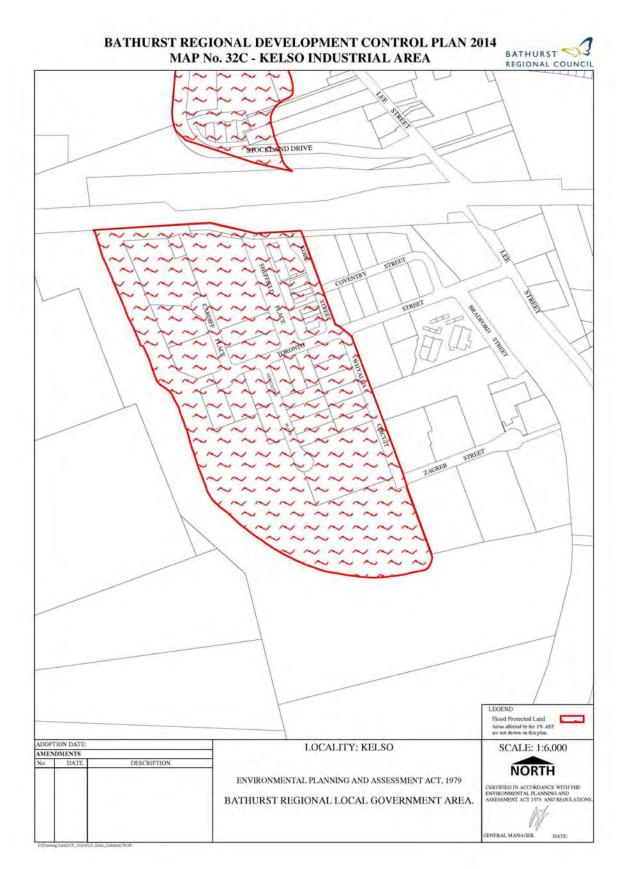


#### MAP NO 32B - MORRISSETT STREET AREA



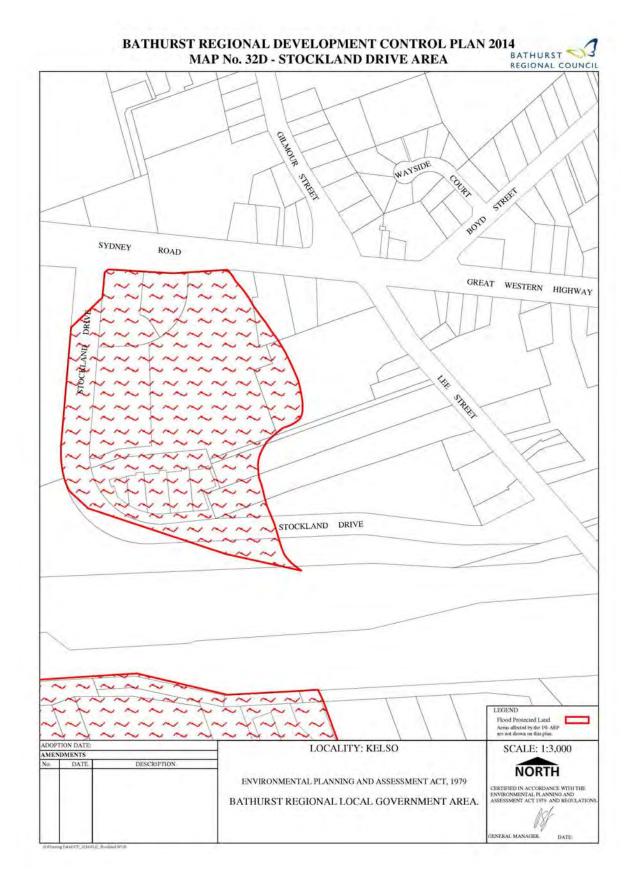


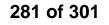
### MAP NO 32C - KELSO INDUSTRIAL AREA



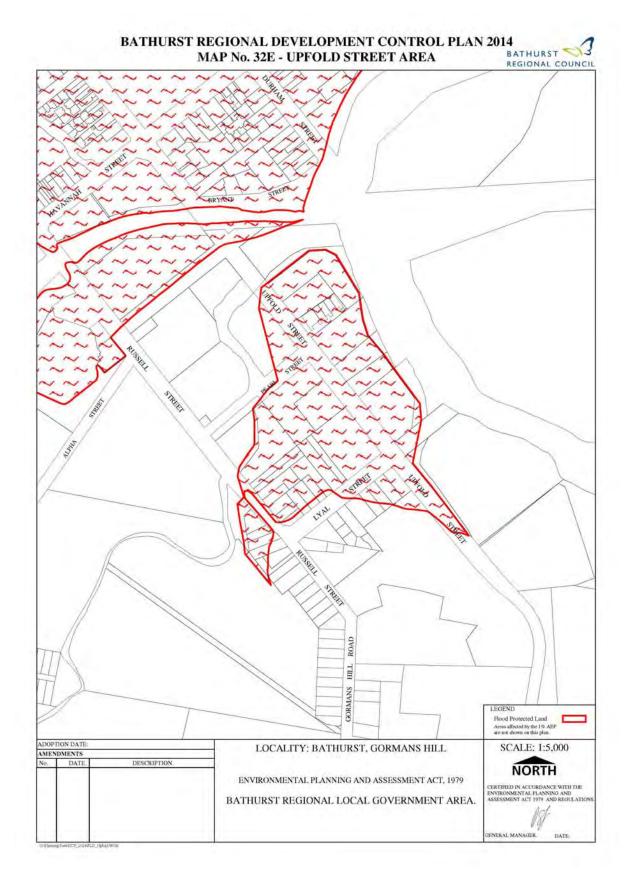
#### Bathurst Regional Development Control Plan 2014

#### MAP NO 32D - STOCKLAND DRIVE AREA





#### MAP NO 32E – UPFOLD STREET AREA

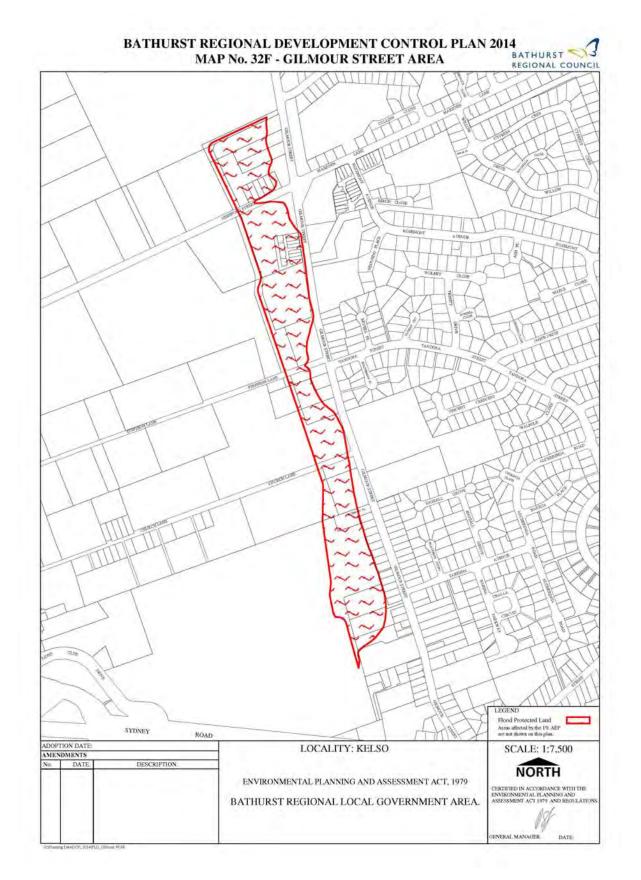


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### Bathurst Regional Development Control Plan 2014

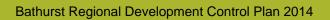
#### MAP NO 32F - GILMOUR STREET



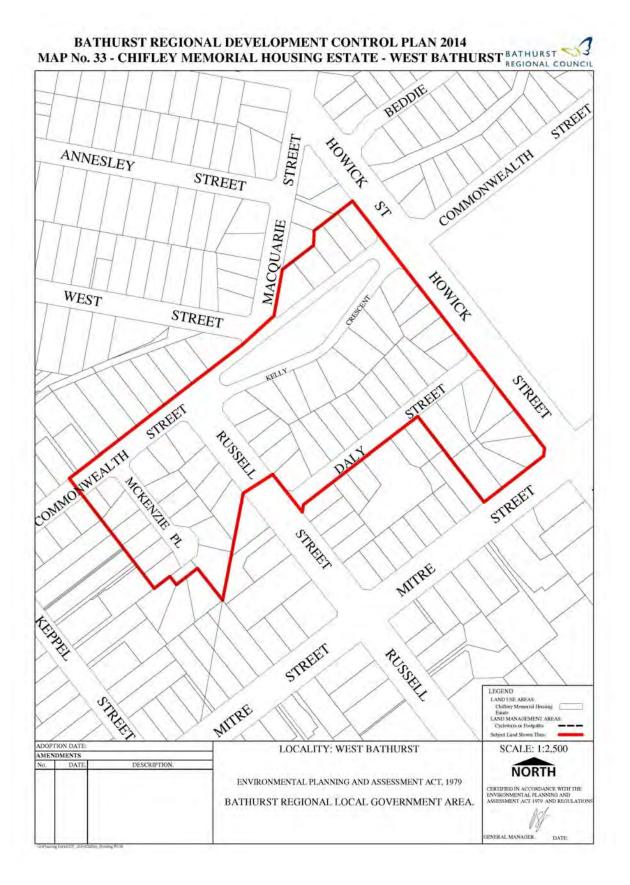
#### Bathurst Regional Development Control Plan 2014

#### MAP NO 32G - CARLINGFORD STREET AREA



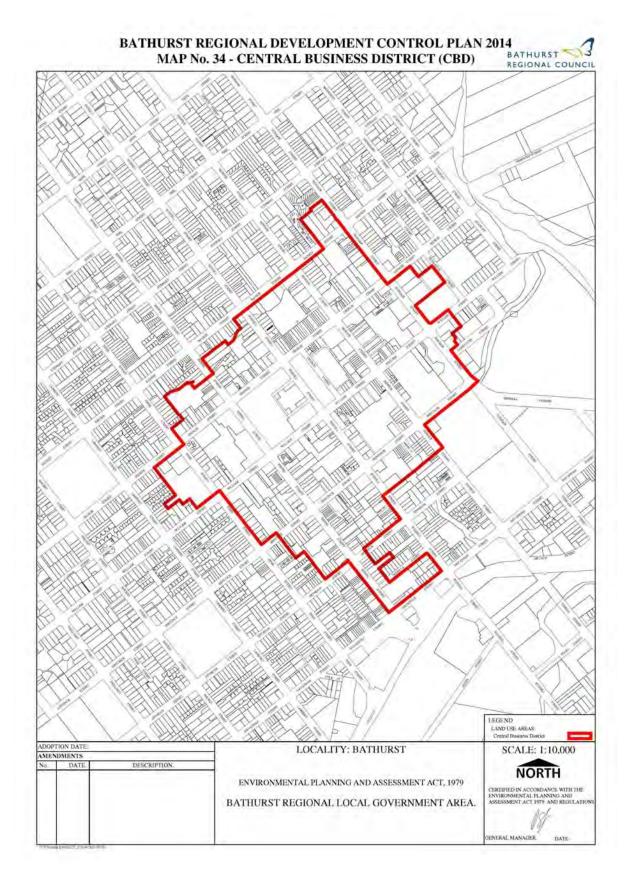


### MAP NO 33 - CHIFLEY MEMORIAL HOUSING ESTATE - WEST BATHURST

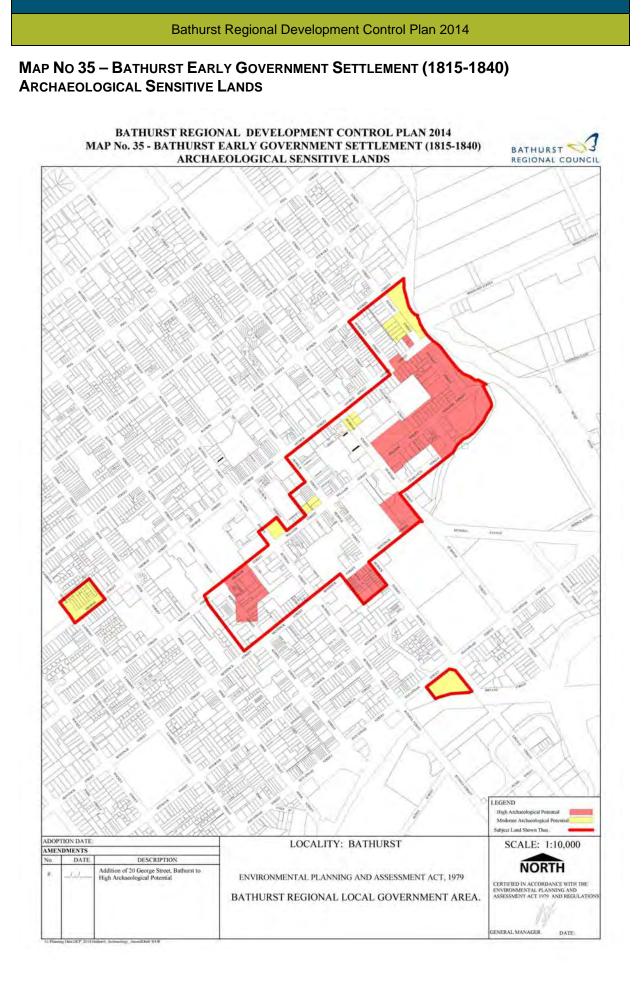


#### Bathurst Regional Development Control Plan 2014

### MAP No 34 - CENTRAL BUSINESS DISTRICT (CBD)



### S\_DEPBS\_13\_1



SCHEDULES

### SCHEDULE 1

List of land subject to further investigation prior to subdivision.

Locality	Lot	DP	Property Address
	Lot 1	DP 176203	240 Limekilns Road, KELSO
	Lot 1	DP 224395	Sydney Road, KELSO
	Lot 2	DP 224395	Bonnor Street, KELSO
	Lot 351	DP 1104676	270 Marsden Lane, KELSO
	Lot 1	DP 1126786	240 Limekilns Road, KELSO
East of Kelso	Lot 2	DP 772047	Limekilns Road, KELSO
110100	Lot 9	DP 785332	330 Laffing Waters Lane, LAFFING WATERS
	Lot 6	DP 788492	Laffing Waters Lane, LAFFING WATERS
	Lot 5	DP 847225	197 Limekilns Road, KELSO
	Lot 12	DP 857116	183 Laffing Waters Lane, LAFFING WATERS

Locality	Lot	DP	Property Address
Morrisset Street	Lot 14	DP 789511 Section 49	81 Stanley Street, Bathurst

Locality	Lot	DP	Property Address
	Lot 12	DP 249032	98 Spring Close, MOUNT RANKIN
	Lot 22	DP 1037768	115 Willow Tree Lane, MOUNT RANKIN
	Lot 100	DP 1033819	297 Howards Drive, MOUNT RANKIN
	Lot 5	DP 1066379	268 Howards Drive, MOUNT RANKIN
	Lot 4	DP 1078828	151 Willow Tree Lane, MOUNT RANKIN
	Lot 7	DP 1078828	54 Wylchris Lane, MOUNT RANKIN
Mount Rankin	Lot 8	DP 1078828	61 Wylchris Lane, MOUNT RANKIN
	Lot 1	DP 1092262	105 Willow Tree Lane, MOUNT RANKIN
	Lot 2	DP 1092262	97 Willow Tree Lane, MOUNT RANKIN
	Lot 3	DP 1080388	95 Willow Tree Lane, MOUNT RANKIN
	Lot 2	DP 243813	87 Willow Tree Lane, MOUNT RANKIN
	Lot 8	DP 249032	458 Freemantle Road, MOUNT RANKIN
	Lot 3	DP 249032	16 Spring Close, MOUNT RANKIN

Locality	Lot	DP	Property Address
	Lots 31 & 32	DP 838545	75 Willow Tree Lane, MOUNT RANKIN
	Lots 1, 2 & 3	DP 833452	46 Willow Tree Lane, MOUNT RANKIN
	Lot 18	DP 258387	189 Mount Rankin Road, MOUNT RANKIN
	Lot 17	DP 249032	133 Spring Close, MOUNT RANKIN
	Lot 13	DP 755779	357 Mount Rankin Road, MOUNT RANKIN
	Lot 3	DP 263393	34 Woodside Drive, MOUNT RANKIN
	Lot 21	DP 852712	141 Mount Rankin Road, MOUNT RANKIN

Locality	Lot	DP	Property Address
	Lot 1	DP 818375	40 Dempsey Street, PEEL
Deel	Lot 1	DP 734018	20 Dempsey Street, PEEL
Peel	Lot 2	DP 195398	1610 Sofala Road, PEEL
	Lot 2	DP 879402	29 Wellington Street, PEEL

Locality	Lot	DP	Property Address
Rockley	Lots 1, 2, 3, 4 & 20	DP 758884 Section 20	Market Street, ROCKLEY

Locality	Lot	DP	Property Address
	Lot 1	DP 530650	5475 Great Western Highway, Raglan
	Lot 1	DP 536591	5415 Great Western Highway, Raglan
	Lot 32	DP 870672	Great Western Highway, Raglan
Sydney Road	Lot 2	DP 1079829	
Road	Lots 21 & 22	DP 137352	207-213 Sydney Road, Kelso
	Pt 29	DP 755781	
	Lot 1	DP 1079829	193 Sydney Road, Kelso

Locality	Lot	DP	Property Address
The Lagoon	Lot 16	DP 1100726	14 George Thomas Close, THE LAGOON

# S\_DEPBS\_13\_1

	Bathurst Regional Development Control Plan 2014				
Locality Lot DP Property Address					
	Lot 3	DP 1046017	52 Samuel Way, THE LOGOON		
	Lot 8	DP 1058252	78 Samuel Way, THE LAGOON		

Locality	Lot	DP	Property Address
	Lot 142	DP 753049	15 Hobby Yards Road, TRUNKEY CREEK
	Lot 10	DP 758998 Section 10	
	Lot 2	DP 758998 Section 10	1 Hobby Yards Road, TRUNKEY CREEK
Trunkey Creek	Lot 144	DP 753049	
	Lot 143	DP 753049	7 Hobby Yards Road, TRUNKEY CREEK
	Lot 7	DP 758998 Section 10	
	Lot 116	DP 753049	9 Chard Street, TRUNKEY CREEK

Locality	Lot	DP	Property Address
	Lot 137	DP 755803	Solitary Lane, WATTLE FLAT
	Lot 125	DP 755790	21 Short Street, WATTLE FLAT
	Lot 5	DP 759061 Section 1	20 Thompson Street, WATTLE FLAT
	Lot 8	DP 820934	20 Thompson Street, WATTLE FLAT
	Lot 186	DP 755790	Short Street, WATTLE FLAT
	Part Lot 181	DP 755790	Short Street, WATTLE FLAT
Wattle Flat	Lot 141 Lot 161 Lot 163 Lot 406 Lot 407	DP 755790	Limekilns Road, WATTLE FLAT
	Lot 329	DP 755803	35 Brae Lane, WATTLE FLAT
	Lot 142 Lot 173 Lot 228 Lot 235 Lot 472 Lot 473 Lot 84 Lot 88	DP 755790	Batterham Lane, WATTLE FLAT

### Ordinary Meeting

	Bathurst Regional Development Control Plan 2014				
Locality	Lot	DP	Property Address		
	Lot 549	DP 755790 Crown Lease 165559	Batterham Lane, WATTLE FLAT		
	Lot 351 Lot 352	DP 823407	3649 Sofala Road, WATTLE FLAT		
	Lot 52				
	Lot 53	DP 755803	3649 Sofala Road, WATTLE FLAT		
	Lot 54				
	Lot 464 Lot 465 Lot 466 Lot 83	DP 755790	23 Riley Lane, WATTLE FLAT		
	Lot 165 Lot 345 Lot 167 Lot 233 Lot 244 Lot 297 Lot 339 Lot 344	DP 755803	54 Kneale Street, WATTLE FLAT		
	Lot 129	DP 755803 Special Lease 105608			
	Lot 166 Lot 168	DP 755803 Special Lease 1970/7			
	Lot 507	DP 755790	24 Crawford Lane, WATTLE FLAT		
	Lot 165	DP 755790	3788 Limekilns Road, WATTLE FLAT		
	Lot 338 Lot 63				
	Lot 64	DP 755803	3730 Limekilns Road, WATTLE FLAT		
	Lot 65				
	Lot 40		Short Street, WATTLE FLAT		
	Lot 41	DP 755790			

# S\_DEPBS\_13\_1

Bathurst	Regional	Development	Control	Plan 2014
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Locality	Lot	DP	Property Address
	Lot 139 Lot 148 Lot 307 Lot 40 Lot 41 Lot 42	DP 755803	3715 Sofala Road, WATTLE FLAT
	Lot 236, Lot 237	DP 755803 Crown Licence 191661	
	Lot 126	DP 755803	79 Thompson Street, WATTLE FLAT

Locality	Lot	DP	Property Address
	Lot 21	DP 264145	3941 O'Connell Road, KELSO
	Lot 1	DP 592193	45 Frys Lane, WHITE ROCK
	Lot 111	DP 755781	199 White Rock Road, WHITE ROCK
	Lot 112	DP 755781	205 White Rock Road, WHITE ROCK
	Lot 113	DP 755781	221 White Rock Road, WHITE ROCK
	Lot 116	DP 755781	245 White Rock Road, WHITE ROCK
	Lot 118	DP 755781	White Rock Road, WHITE ROCK
	Lot 128 Lot 132	DP 755781	47 Frys Lane, WHITE ROCK
White Rock	Lot 201	DP 791124	289 White Rock Road, WHITE ROCK
	Lot 202	DP 791124	39 Frys Lane, WHITE ROCK
	Lot 6	DP 846870	97 Frys Lane, WHITE ROCK
	Lot 7	DP 846870	51 Frys Lane, WHITE ROCK
	Lot 1	DP 862788	4095 O'Connell Road, KELSO
	Lot 1	DP 867504	4031 O'Connell Road, KELSO
	Lot 14	DP 1050220	3991 O'Connell Road, KELSO
	Lot 114	DP 1123746	223 White Rock Road, WHITE ROCK
	Lot 115	DP 1123746	237 White Rock Road, WHITE ROCK
	1 - 4	<b>D</b> D	Duo nontre A debuser
Locality	Lot	DP	Property Address

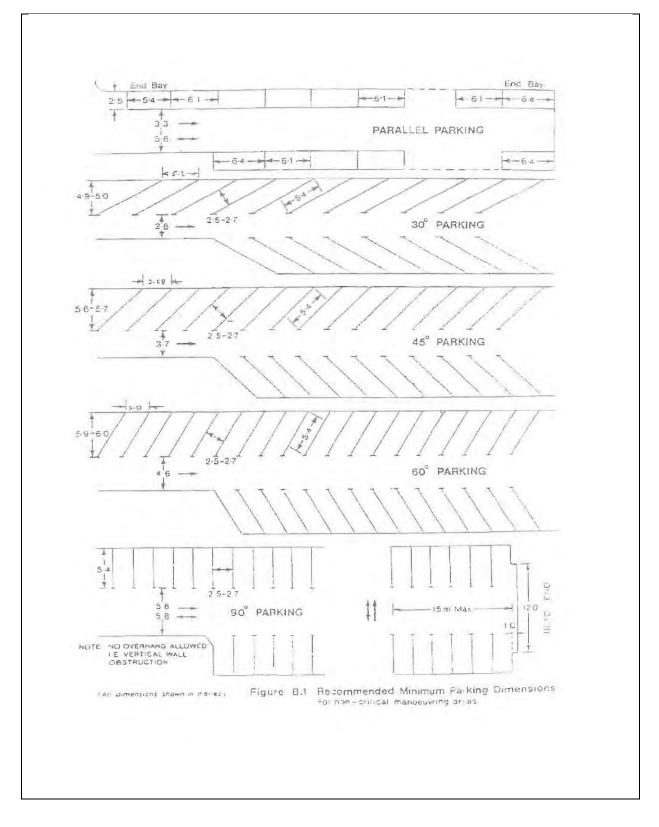
Locality	Lot	DP	Property Address	
	Lot 1	DP 1044470		
	Lot 20		343 Yetholme Drive, YETHOLME	
	Lot 21	DP 1118252		
	Lot 1	DP 1124105	10 Macabees Road, YETHOLME	
	Lot 241			
	Lot 242	DP 755805	318 Yetholme Drive, YETHOLME	
Yetholme	Lot 2	DP 1040687	345 Yetholme Drive, YETHOLME	
	Lot 235			
	Lot 4	DP 755805	4 Porters Lane, YETHOLME	
	Lot 2			
	Lot 21	DP 555967		
	Lot 33			
	Lot 32	DP 633270	380 Yetholme Drive, YETHOLME	
Kelso	14	1050220	3991 O'Connell Road, KELSO	
	1	867504	4031 O'Connell Road, KELSO	

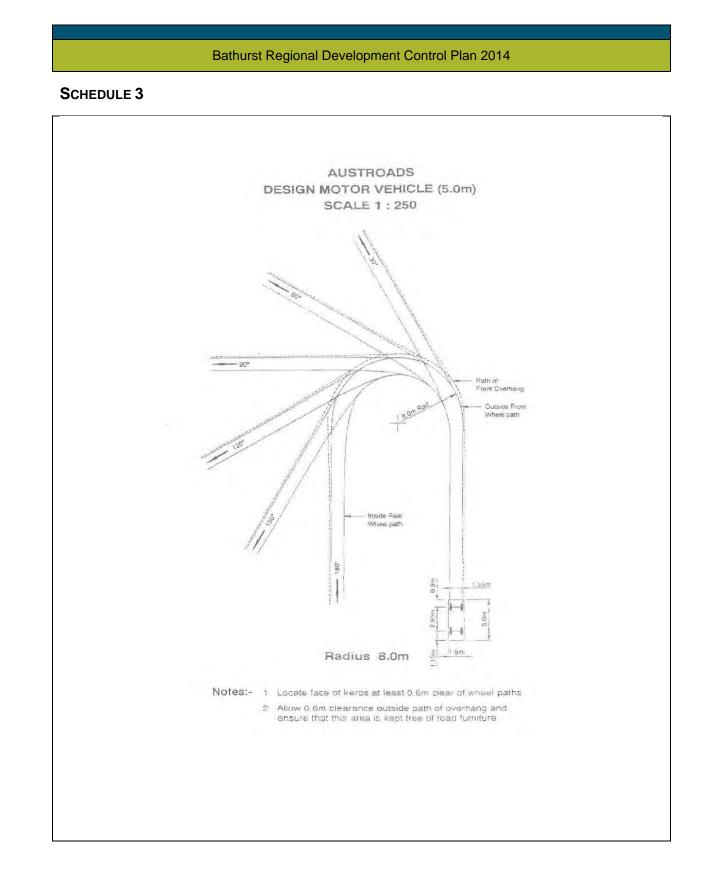
### Bathurst Regional Development Control Plan 2014

# S\_DEPBS\_13\_1

#### Bathurst Regional Development Control Plan 2014

#### SCHEDULE 2





#### SCHEDULE 4

**Residential and Commercial Infill Applications** 

BATHURST S REGIONAL COU	NCIL	Telephone 02 6333 6111 Facsimile 02 6331 7211 795 council@bathurst.nsw.gov.a www.bathurst.nsw.gov.au www.bathurstregion.com.au	
DA No:	COMMERCIAL IN	FILL APPLICATION	
Section 1 Applicant d	A COMPANY AND A		
Contact Name Contact Nos. Mobile		/ork	
Section 2 Property de	tails		
No: Street	1	Suburb:	
Section 3 Infill details			
	Nearest left hand side building	Nearest right hand side building	How does your proposal relate to its neighbours?
Scale (the height and width, or si	ze of the building)		
Number of storeys			
Approx. overall height – A	metres	metres	
Approx. width of building - B	metres	metres	
Approx. height to awning - C	metres	metres	
Massing (The arrangement of th	e parts. The proportions of the parts	within the whole, and the spacing betwe	een items)
Roof pitch	Low Medium	Low Medium	
Roof style	Hip Parapet	☐ Hip ☐ Parapet ☐ Skillion ☐ Gable	
Window shape & type	Vertical Horizontal	Vertical 🔲 Horizontal	
Verandah or awning	Yes No	🗆 Yes 🔲 No	
Other elements (such as parapet details etc)			
Setback (from front boundary/s)	T		
Materials	metres	metres	
Walls			
Roof			
Other			
Colours			2
Walls			
Roof			
Other			

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Review Date

issue Dale

Ref 02.000160

11

### Bathurst Regional Development Control Plan 2014

### COMMERCIAL INFILL POLICY

This form is to be filled out and submitted with a Development Application where the proposal includes new infill development on vacant land, or is a proposed replacement commercial building within any of the conservation areas within the Bathurst Regional Council Local Government Area.

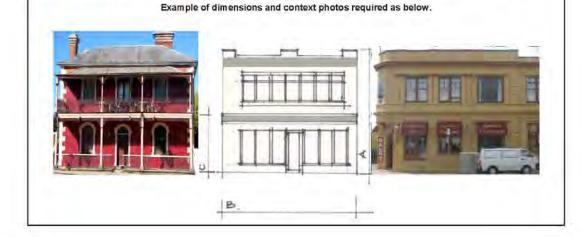
Within the Conservation Areas of Bathurst, Kelso and within the historic villages of the region, infill development must complement and enhance the local character by relating to the predominant:

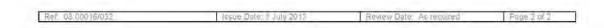
### SCALE, MASSING, SETBACKS, COLOURS AND MATERIALS

of the area. This does not mean a developer must mimic the buildings nearby. It is acceptable to relate to the above factors, yet produce a contemporary design. To demonstrate that this Policy has been complied with, an application for commercial 'infill' must be accompanied by the following:

- Street photographs showing the proposed site and adjoining developments to each side, and include the dimensions A, B, C and roof pitch as indicated in the illustration below.
- A completed commercial infill application form containing an explanation of your selection of scale, massing, setbacks, colours and materials.

It is recommended that intending infill designers or builders should discuss their proposal at an early stage with Council's planning staff. Assistance will be given, if required, with completing the infill application.





### S\_DEPBS\_13\_1

### Bathurst Regional Development Control Plan 2014

	RESIDENTIAL IN	FILL APPLICATION	
DA No:	111001111.01101111000001111000000+C		
Section 1 Applicant d	letails		
Contact Name	e: W	/ork	Home
Section 2 Property de	etails		
No: Street	t	Suburb:	
Section 3 Infill details			
	Nearest left hand side residence	Nearest right hand side residence	How does your proposal relate to its neighbours?
Scale (the height and width, or s	The second se		т
Number of storeys			
Approx. height to eaves - A	metres	metres	
Approx. width of building - B	metres	metres	
Approx. height or roof – C	metres	metres	
Massing (The arrangement of the	he parts. The proportions of the parts w	within the whole, and the spacing bet	ween items)
Roof pitch	Flat Low Medium High	Flat Low	1
Roof style	Hip Gable	Hip Gable	
Window shape & type	Vertical 🗌 Horizontal	Vertical 🗍 Horizontal	
Verandah or awning	Yes No	Yes No	
Other elements (e.g. chimney, balustrade etc)			1
Setback (from front boundary/s)			1
	metres	metres	
Materials	r		1
Walls			
Roof			
Other			
Colours	1		1
Walls			
Roof			
Other			-

**Ordinary Meeting** 

### S\_DEPBS\_13\_1

### Bathurst Regional Development Control Plan 2014

### **RESIDENTIAL INFILL POLICY**

This form is to be filled out and submitted with a Development Application where the proposal includes new infill development on vacant land, or is a proposed replacement residential building within any of the conservation areas within the Bathurst Regional Council Local Government Area.

Within the Conservation Areas of Bathurst, Kelso and within the historic villages of the region, infill development must complement and enhance the local character by relating to the predominant.

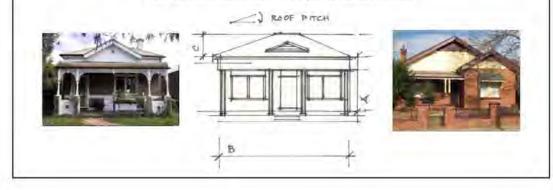
### SCALE, MASSING, SETBACKS, COLOURS AND MATERIALS

of the area. This does not mean a developer must mimic the buildings nearby. It is acceptable to relate to the above factors, yet produce a contemporary design. To demonstrate that this Policy has been complied with, an application for residential 'infill' must be accompanied by the following:

- Street photographs showing the proposed site and adjoining developments to each side, and include the dimensions A, B, C and roof pitch as indicated in the illustration below.
- A completed infill application form containing an explanation of your selection of scale, massing, setbacks, colours and materials.

It is recommended that intending infill designers or builders should discuss their proposal at an early stage with Council's planning staff. Assistance will be given, if required, with completing the infill application.

### Example of dimensions and context photos required as below.



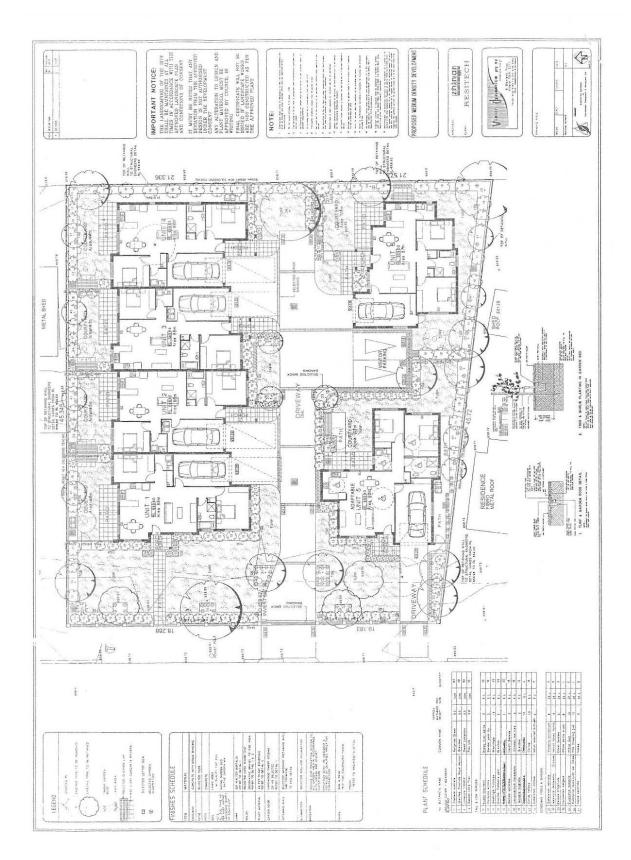
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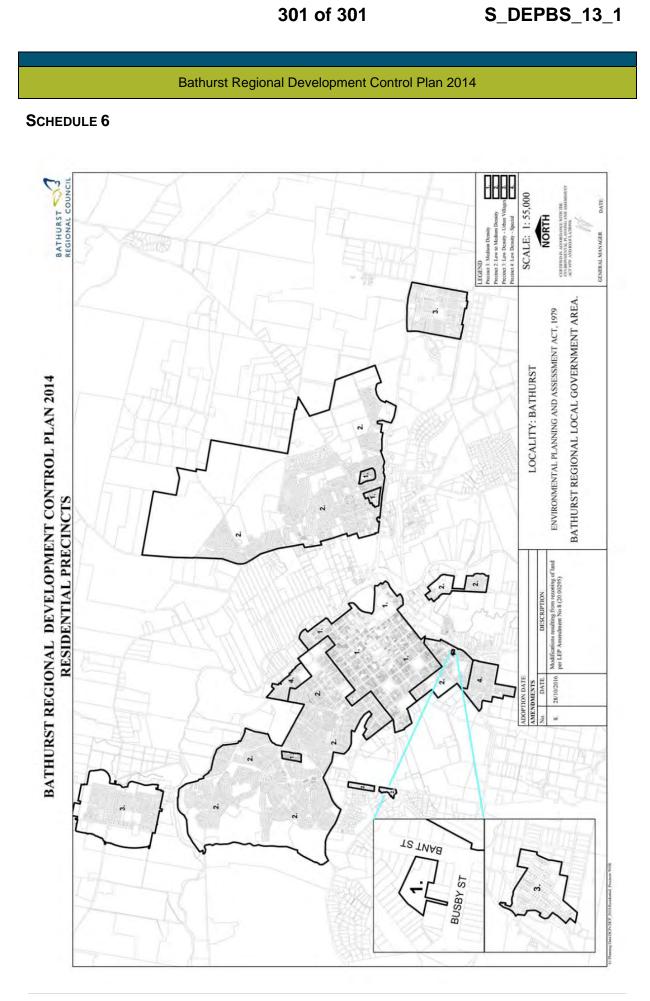
### S\_DEPBS\_13\_1

### Bathurst Regional Development Control Plan 2014

### SCHEDULE 5



Ordinary Meeting



### DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT - ATTACHMENTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

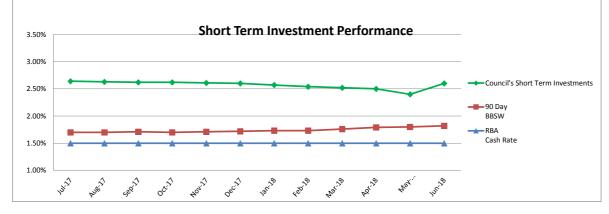
18 JULY 2018

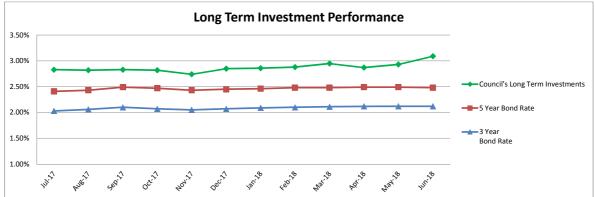
### Benchmark 1 - The performance of the portfolio shall be against the industry standard 90 Day Bank Bill Index or the official RBA Cash Rate

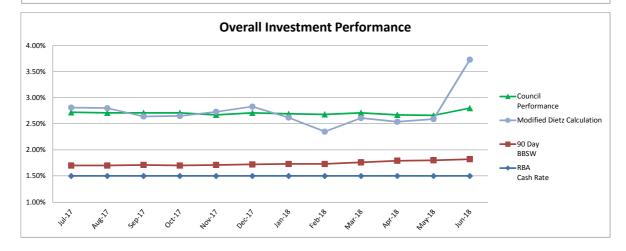
Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

Reserve Bank of Australia - Cash Rate	1.50%
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid	1.82%
Three Year Swap Rate - Commonwealth	2.12%
Five Year Swap Rate - Commonwealth	2.48%
Modified Dietz Calculation	3.73%

	Short Term				Long Term			<b>Overall Performance</b>	
						Council's Long	Modified		
	RBA	90 Day	Council's Short	3 Year	5 Year	Term	Dietz	Council	
	Cash Rate	BBSW	Term Investments	Bond Rate	Bond Rate	Investments	Calculation	Performance	
Jul-17	1.50%	1.70%	2.64%	2.03%	2.41%	2.83%	2.81%	2.72%	
Aug-17	1.50%	1.70%	2.63%	2.06%	2.43%	2.82%	2.80%	2.71%	
Sep-17	1.50%	1.71%	2.62%	2.10%	2.49%	2.83%	2.64%	2.71%	
Oct-17	1.50%	1.70%	2.62%	2.07%	2.47%	2.82%	2.65%	2.71%	
Nov-17	1.50%	1.71%	2.61%	2.05%	2.43%	2.74%	2.73%	2.67%	
Dec-17	1.50%	1.72%	2.60%	2.07%	2.45%	2.85%	2.83%	2.71%	
Jan-18	1.50%	1.73%	2.57%	2.09%	2.46%	2.86%	2.62%	2.69%	
Feb-18	1.50%	1.73%	2.54%	2.10%	2.48%	2.88%	2.35%	2.68%	
Mar-18	1.50%	1.76%	2.52%	2.11%	2.48%	2.95%	2.61%	2.71%	
Apr-18	1.50%	1.79%	2.50%	2.12%	2.49%	2.87%	2.54%	2.67%	
May-18	1.50%	1.80%	2.40%	2.12%	2.49%	2.93%	2.59%	2.66%	
Jun-18	1.50%	1.82%	2.60%	2.12%	2.48%	3.09%	3.73%	2.80%	







### BATHURST REGIONAL COUNCIL **INVESTMENT PERFORMANCE** Benchmark 2 - Credit and Maturity Benchmarks

### 2a - Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating, Council has successfully met this criteria.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
	A1+	100	52%	Complies
	A1	80	0%	Complies
	A2	60	33%	Complies
	A3	40	3%	Complies
	ADI	20	12%	Complies
			100%	
Long Term				
	AAA	100	0%	Complies
	AA+ AA AA-	80	38%	Complies
	A+ A A-	60	17%	Complies
	BBB+ BBB BBB-	40	40%	Complies
	ADI	20	5%	Complies
			100%	

### 2b - Institutional Credit Framework

To limit single entity exposure each individual institution will be limited by their credit rating, Council has successfully met this criteria.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
CBA	A1+	45	4%	Complies
National Australia Bank Limited	A1+	45	14%	Complies
Bankwest	A1+	45	9%	Complies
Westpac	A1+	45	4%	Complies
Bank of Queensland Limited	A2	30	13%	Complies
Maritime, Mining & Power Credit Unior	A2	30	5%	Complies
People's Choice Credit Union	A2	30	5%	Complies
IMB	A2	30	2%	Complies
Auswide Bank	A3	20	2%	Complies
Railways Credit Union Limited	ADI	15	2%	Complies
Long Term				
Commonwealth Bank	AA-	35	8%	Complies
Westpac	AA-	35	8%	Complies
Suncorp Metway	A+	30	1%	Complies
Rabobank	A+	30	1%	Complies
AMP	Α	30	3%	Complies
Macquarie Bank Limited	А	30	1%	Complies
Bendigo & Adelaide Bank	BBB+	20	2%	Complies
Bank of Queensland	BBB+	20	3%	Complies
Police Bank Ltd	BBB	20	1%	Complies
Newcastle Permanent	BBB	20	4%	Complies
Members Equity Bank	BBB	20	1%	Complies
Greater Building Society	BBB	20	4%	Complies
Credit Union Australia	BBB	20	1%	Complies
Maritime Mining & Power Credit Union	ADI	15	2%	Complies
			100%	

2c - Maturity Profile The Investment Portfolio is to be invested within the following maturity constraints, Council has successfully met this criteria.

	Short Term	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	49,500,000	0	0	5,800,000	40	100	66%	Complies
One to three years	0	6,500,000	3,000,000	9,750,000	0	60	23%	Complies
Three to Five Years	0	4,500,000	0	3,000,000	0	30	9%	Complies
Over Five Years	0	1,830,000	0	0	0	15	2%	Complies

49,500,000	12,830,000	3,000,000	18,550,000
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Recommendation: That the report be noted.

**Responsible Accounting Officer** 

Aaron Jones

Director Corporate Services & Finance

Prepared By Lesley Guy

5-Jul-18

..... Reviewed By Tony Burgoyne 100%

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Review as at 30<sup>th</sup> June 2018

Council's Vision:

opportunities, planning for sustainable growth, protecting and enhancing our assets, and encouraging a supportive and inclusive community. A A vibrant regional centre that enjoys a rural lifestyle, the Bathurst Region achieves health and well-being through strengthening economic Region full of community spirit and shared prosperity.

### **Directions:**

The Directions to achieve this vision are the objectives of this Plan as outlined below.

## Economic Prosperity

- To attract employment, generate investment, strengthen and attract new economic development opportunities.
- To encourage, promote and protect the region's primary resources.

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- To protect a vibrant CBD and support and grow retail diversity.
- To market Bathurst as a great place to live, work, study, invest and play.
- To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research.
- To support infrastructure development necessary to enhance Bathurst's lifestyle and industry development.
- To support integrated transport infrastructure development.

## Environmental Sustainability

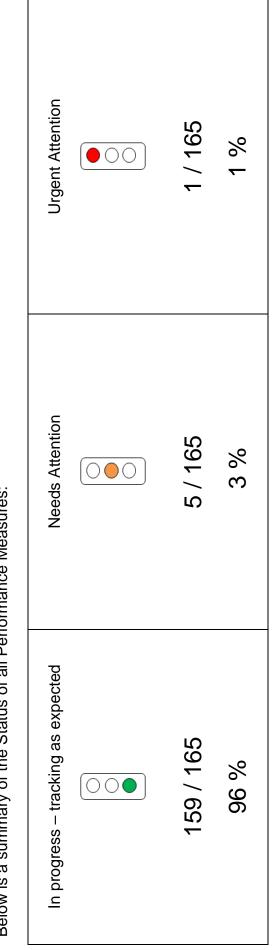
- To promote sustainable and energy efficient growth.
- To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River.
- To protect and enhance the region's biodiversity
- To protect the region's unique heritage and history.
  - To protect a unique identity.
- To protect and enhance water quality and riparian ecology.
  - To minimise the City's environmental footprint
    - To encourage less car dependency

•	To secure a sustainable water supply and raise awareness on water issues.
•	To encourage sustainable waste management practices, including opportunities for energy generation.
•	To encourage living, vibrant and growing villages and rural settlements.
•	To encourage sustainable housing choice and quality design that engenders a sense of place.
•	To improve equity of access to all members of the community in public and private domains.
•	To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community.
•	To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole.
•	To improve community safety.
•	To encourage a supportive and inclusive community.
•	To provide and support the provision of accessible, affordable and well planned transport systems.
•	To support the provision of high quality medical care that meets the needs of the Bathurst community.
•	To encourage and support the provision of a range of opportunities for life long education across the Bathurst community.
•	To encourage youth engagement, participation and achievement across all areas of the Bathurst community.
So	Sound Leadership
•	to plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets.
•	To guide the construction of new infrastructure, facilities and services and the management and upgrading of existing assets and service levels.
•	To identify the needs of the community and encourage and support communication, interaction and support within the community.
•	To maintain local public ownership of water and sewer assets.
-	To ensure Council is supported by an adequate workforce and appropriate governance procedures.
_	To be and develop good leaders.

Ordinary Meeting

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.





**Engineering Services** 

demand. With a budget in excess of \$80m council's Engineering Services Department has the responsibility to ensure the current needs of the community are met and the capacity exists to cater for future growth. A clean and safe water supply, a quality local road network, and environmentally responsible The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with waste management systems are all high priorities for engineering the future of the Bathurst Region.

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Status	$\bigcirc \bigcirc \bullet \bigcirc$	$\bigcirc \bigcirc \bullet$		$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	200m Rankin St (Durham to Morrisett) 200m Stewart St (Durham to Morrisett) 200m Seymour St (Bentinck to Lambert) 200m Morrisset St (Rankin to George) 600m Bradwardine Rd (Suttor to Hwy)	43 complaints received for 2017/18.	Tarana Rd Shoulders – complete Hen & Chicken Lane Underway – 80% complete. Minor gravel and seal remaining. 2km Freemantle Rd widen, stabilise and seal – 100% complete. 800m Wambool Rd reconstruct and seal – 100% complete. Dunkeld Rd reconstruction complete. Widen and seal Colleen Hagney Lane 2km 100% complete Widen and Seal 1km section of Lachlan Rd (complete)	Ridge Rd, Wambool Rd
Responsible Officer	Manager Bathurst Works	Manager Bathurst Works	Manager Bathurst Works	Manager Bathurst Works
Performance Measure	600 lineal metres of footpath and or cycleway completed.	Less than 50 public requests regarding trip defects on paved footpaths.	Reconstruction and resealing works as per major capital works and routine maintenance programs. Completion of Roads to Recovery Program.	Unsealed Roads Gravel Resheeting program complete.
Operational Plan Tasks 2017/2018	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	Monitor condition of footpaths.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Progressive renewal of gravel road surface throughout the network.
CSP 2036 Delivery Program Objective Actions 2017-2021 Reference	Improve pedestrian access within the urban area.		Maintain and improve the existing road infrastructure consistently throughout the network.	
CSP 2036 Objective Reference	3, 6 13, 14 19 28		6, 7 8 22, 24 29	

Status		$\bigcirc \bigcirc \bullet \bigcirc$
Action Year to Date	Latest ratings in June 2018 were 69.7% rated either 1, 2 or 3. Final figures not available until financial report completed.	At practical completion.
Responsible Officer	Manager Bathurst Works	Manager Technical Services
Performance Measure	Greater than 90% of the urban road network remains in condition index 1, 2 or 3.	Construction of Perthville Levee, Stage 1.
Operational Plan Tasks 2017/2018	Undertake maintenance program in accordance with allocated budget.	Continue the planning for construction of flood mitigation works as outlined in the Bathurst Flood Management Plan.
Delivery Program Actions 2017-2021		Protection of urban areas on the Bathurst Floodplain
CSP 2036 Objective Reference		6, 7 9 28 28

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	Status		$\bigcirc \bigcirc \blacklozenge$		$\bigcirc \bigcirc \bigcirc \bigcirc$
	Action Year to Date	Contract for construction of 2 x rugby league fields awarded to Central West Civil. Due to contractual issues with timing and quality of works, Council has taken works out of contractor's hands to complete the construction of the 2 sports fields to a usable condition by end of March 2018. Turf grass has been installed to the 2 fields. Fields were ready for season use by St Pats, however a full remediation to field No. 2 will not be able to proceed until after the Rugby League season in October 2018. Tender awarded to Nick Harvey Constructions for the building of the Rugby League Clubhouse. Building works completed.	Funding not provided for in 2017/18. Council to commence preparation of design brief document in preparation of 2019/20 financial year funding.	Tender for reconstruction of 3 fields closed in July 2017. Contract awarded to Renworx Pty Ltd. Works have reached practical completion. The first games on the finished fields were held on 15 June 2018. Defects and final stages of the sand infill drainage system is to be implemented after the football season.	Works have been completed on the complete reconstruction of the George Park No. 2 turf cricket wicket. The wicket table area was increased from a 3 pitch table to a 4 pitch table. Works were completed in time for the 2018 AFL season use of George Park.
	Responsible Officer	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation
	Performance Measure	Construction of additional 2 rugby league / union fields Hereford Street	Carrington Park Grandstand redevelopment / extension	Reconstruction of 3 turf football fields – Proctor Park	Restoration of Cricket Wicket Table George Park No 2
	Operational Plan Tasks 2017/2018	Construct additional facilities as per budgets	Update sporting venues, including associated infrastructure as per budgets adopted in Annual Operational Plan.		
on Services	Delivery Program Actions 2017-2021	Plan for increasing population and ageing population in the provision of suitable recreational projects			
Recreation	CSP 2036 Objective Reference	4, 6, 8, 9, 10 17, 20, 21 28, 29	4, 6, 8, 9, 10 17, 20, 21 28, 29		

Status  $\bigcirc \bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc$  $\bigcirc \bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc \bigcirc \bigcirc$ school planting events have been held since the Sand slit drainage has been installed to the No.1 Community consultation completed in Jan 2018, Ecological field assessments completed in Nov December. Delays in completing the synthetic Anticipate completion of works in August 2018, Contract awarded to L-Don Sporting Areas Pty Contract for court resurface works awarded to included Councillor workshop, online survey, 11 x community tree planting events and 6 x trenching. This work will provide a better allcourt resurfacing experienced as a result of weather playing surface and improve grass Norks completed for 2017/18 financial year rugby union field, inclusive of sub surface additional sub surface stabilisation being Works completed. Noxious weeds were Tuff Turf. On site works commenced in drainage collection lines and sand filled controlled across 40 Council managed properties from Dec 2017 - May 2018. commencement of the financial year. **Action Year to Date** Works completed December 2017. Works completed on 23 Feb 2018. Work completed end March 2018 and community workshop. as programmed. required. health. 2017. Ltd. Responsible Manager Recreation Manager Recreation Recreation Officer Recreation Recreation Recreation Manager Manager Manager Manager program by December 2017 & complete by April 2018. Restoration of 4 netball courts Arrange for 16 Tree Planting tennis court surfaces - John Field drainage installation to Performance Measure and volunteer engagement Replacement 2 x synthetic Develop 2017/18 spraying **Matthews Tennis Centre** field No1 Ashwood Park John Matthews netball Review and update the Bathurst Vegetation Management Plan activities. complex Meet the obligations to contain Environmental Management Plans for the Bathurst Region Vegetation Management Plan (VMP) to the Macquarie River within Council controlled land provide long term strategies To ensure that appropriate and control noxious weeds Operational Plan Tasks 2017/2018 are current, relevant and identified in the Bathurst maintenance works as and other areas, upon environmental and Continue ongoing for the Region programs identified within the Bathurst Vegetation Continue environmental Delivery Program Actions 2017-2021 **Management Plan** Objective Reference **CSP 2036** 

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Status	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$			$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	The contract to revegetate a section of the Macquarie River awarded to New Era. Works Complete. Planting works completed Nov 2017 and summer maintenance program completed in May 2018.	Council has been awarded a grant of \$27,142.50 from the Local Land Services for an environmental project at the Inner Track Reserve, Mount Panorama. Planting and weed control completed. Follow up weed control programmed for Spring 2018. Council applied for a NSW Environmental Trust grant of \$77,370 for revegetation and weed control along the Macquarie River. Grant is still in assessment stage. Council applied for a Public Reserves Management Fund Grant of \$4,800 for weed	control at Trunkey Sportsground and Mulgunnia Recreational Reserve. Grant is still in assessment stage. Ongoing. Maintenance contracts have been awarded to water and weed recently completed vegetation projects, including Apex Jubilee Park and various sites alond the Macquarie River.	Playground installation completed in Sep 2017. Works including the installation of general playground equipment, such as swings, rockets and climbing equipment in addition to tree planting, path installation and vehicle control fencing to the property boundary.	Works completed. Works included replacement of selected worn out equipment and installation of fresh soft fall material.
Responsible Officer	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation	Manager Recreation
Performance Measure	Revegetation of a section of the Macquarie River adjacent to Kefford Street	Apply for grants to assist completion of VMP program.	Undertake maintenance of previously completed vegetation projects.	Installation of new playground at Jarrah Park	Upgrade existing play equipment at Motor Racing Museum Playspace
Operational Plan Tasks 2017/2018	availability of resources			Plan for the construction of new playgrounds in expanding residential areas in conjunction with Annual Operational Plan	Continue to upgrade existing playgrounds as funding resources become available
Delivery Program Actions 2017-2021				Continue construction of new playgrounds in expanding residential areas and upgrade existing playgrounds and passive recreation areas.	
CSP 2036 Objective Reference				4, 21,23 28,29,30	4, 9, 29,30,

Attachments

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Status	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$			$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	Works completed. Minor repainting works to be placed in Works Section Program, to be completed prior to end of financial year.	Consultancy for the design of Freeman Park awarded to dsb Landscape Architects. Final design completed and adopted by Council in December 2017. Full design drawings and Specification documents being prepared.	Anticipated costs for works have come in higher than \$300,000 budget. Council is applying for a grant to assist in the construction costs of the Park. Funding approved in the 2018/19 Management Plan to provide sufficient funds to construct the park. Anticipate tenders to be called in July 2018 for	Ongoing as part of adopted maintenance service levels and funding provisions.
Responsible Officer	Manager Recreation	Manager Recreation		Manager Recreation
Performance Measure	Upgrade to existing playground equipment, College Road Park	Construction of Freeman Circuit Park in accordance with Iandscape design. Park completed by June 2018.		Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels.
Operational Plan Tasks 2017/2018		Plan for and construct passive recreation areas as resources become available.		Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities.
Delivery Program Actions 2017-2021				Maintain existing and future recreational areas.
CSP 2036 Objective Reference		4, 8,9,10,13 22 28,		4, 8,11,12, 17,20,22, 26 30,33

Attachments

	Status	$\bigcirc \bigcirc \bullet$								
	Action Year to Date	Water Filtration Plant daily operations are ongoing, with maintenance and repairs conducted as required. The treatment processes are constantly monitored through a SCADA system and reviewed daily by staff.	Samples taken, testing completed and reports provided. Results are compliant with Australian Drinking Water Guidelines (ADWG) Council's Drinking Water Management System (DWMS) and licence and are posted on Council's website.	This financial year, 735 samples have been tested against the ADWG chemical requirements, with 2 minor exceptions (over 99% compliance). For microbiology 1267 samples have been tested, with 67 minor exceptions (95% compliance).	A 2017 Annual Report on the Drinking Water Management System has been submitted to NSW Health and an EPA Annual Return lodged as required.	A complete review of the Drinking Water Management System risk management has been conducted with internal and external stakeholders.	A sanitary survey was recently completed of the drinking water catchment within Bathurst Regional Council Local Government area. A report has been reviewed.	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required.	Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst.	With 13 key reservoirs, a total of 171 issues were identified. 114 of these have been addressed (67%). A further 27 issues are underway but not yet complete (will bring work to 83% completed). 28 issues are vet to be commenced.
	Responsible Officer	Manager Water and Waste								
	Performance Measure	Meet the Australian Drinking Water Standards 99% of the time.								
	Operating Plan Tasks 2017/2018	Operate, maintain, repair and upgrade Water Filtration Plant.	Provide compliance reports to NSW Health as required					Operate, maintain, repair and upgrade water distribution		
	Delivery Program Actions 2017-2021	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.	· 							
	CSP 2036 Objective Reference	6 8, 12, 15 22 28, 29, 31								
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Bathurst Regional Council Annual Operating Plan 2016/2017

Status					$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	Complaints regarding discoloured water have been actioned within the required timeframe.	The number of discoloured water complaints for the financial year for discoloured water was 68.	A Drinking Water Management System (DWMS) document has been completed and is in effect. Details on addressing the actions to ensure continuous improvement are being documented. A weekly internal review takes place, along with an external check of our water quality results through the NSW Health laboratory.	No breaches of the DWMS critical limits have occurred in 2017/18.	Tenders have been called, assessed and reported to Council. Contractors (EODO) are well advanced, with work over 99% complete. Work on the reservoir pump station and rising and delivery mains are all part of the project. So far over 59 800 hours of contract work has taken place on the project and over 1400m <sup>3</sup> of concrete has been poured. The reservoir and water mains have been hydraulically tested and disinfected. Commissioning of the new system has commenced and it is anticipated to be on line by the end of July 2018.	In order to cater for the doubling in size of Eglinton, a number of new water and sewer trunk mains were required. So far, for East Eglinton 70% of the required new trunk mains for water and sewer are in place. For West Eglinton, 100% of the required new trunk mains for water and sewer are in place, with commissioning yet to take place.	Project scoping was undertaken to identify what updating is required, and what approach should be taken to complete the work. Have selected the Drought Contingency and Water Supply Emergency Management Plan and the Demand Management Plan. A Consultant was appointed and work is complete. Reports have been presented to Council on the revised documents, which are on Council's website.
Responsible Officer			Manager Water and Waste		Manager Water and Waste	Manager Water and Waste	Manager Water and Waste
Performance Measure			Australian Drinking Water Guidelines compliance.		Project is underway	Project advances	Best Practice Guidelines compliance.
Operating Plan Tasks 2017/2018	Respond effectively to discoloured water complaints within four hours.		Review, update and adhere to Drinking Water Management System.		Kelso Water Infrastructure Project	Eglinton Village expansion	Review and update plans as required.
Delivery Program Actions 2017-2021							
CSP 2036 Objective Reference	Drdipor	y Meeti	6 12, 15 22 28, 29, 31	Do	ge 674 of 843 - 18 July 2	018	Attachmer

Status  $\bigcirc \bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc \bigcirc \bigcirc$ weather events. Gauges have recently been removed, and a draft report has been received. Recommendations are being DPI Water advises the outcomes of their proposed review of June 2018 there are 325 approvals in place, with 349 active To date at the end of June 2018 DPI Water is yet to release The water model has previously been reviewed some years during and after summer 2017/2018. The network has been gauges at 6 main reservoirs installed to allow for calibration Trade Waste Policy is current, has been approved by NSW ago, with several projects put into effect. The sewer model has been updated to include the expansion of Eglinton and during late 2016, to enable data to be collected for various Water modelling improvements have been completed with Offlice of Water, and adopted by Council. As at the end of Grant funding is being sought through the NSW Safe and The review of further initiatives will be commenced, once monitored and logged during peak flows in February and underway. Temporary (hired) flow gauging was installed Secure Water Program. An initial EOI resulted in Council March 2018. Calibration has taken place and the water Work on comparing options to service the growth is well Works during September 2017, and closed with 4 offers Subsequent to this, tenders were called through Public The existing level of compliance with the Best Practice Upgrade to call Expressions of Interest, and this is now Funds were available for the Winburndale Dam Safety their issues paper, and monitoring of this continues. complete. The EOI closed on 6 December 2016. model has been updated and reports provided. Guidelines is 100% for both Water and Sewer Action Year to Date eceived. These are being assessed. businesses (93%). the guidelines. developed Kelso. Responsible Officer Water and Water and Manager Manager Waste Waste Review outcomes and opportunities from the models and reports. Performance NSW Dam Safety water and sewer Measure requirements Committee addressed. Prepare plans and estimates for Prepare reports and studies for Winburndale Dam and Chifley undertake further initiatives in the Best Practice Guidelines Continue implementation of **Fasks 2017/2018 Operating Plan** works highlighted in the Investigate, review and Trade Waste Policy. computer models. Dam. Delivery Program Actions 2017-2021 Objective Reference **CSP 2036** 22, 29, 31 29, 31 2 S 80

**Ordinary Meeting** 

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Operating         Delivery being being being being         Delivery being	sn										
Delivery Program Delivery Delive	Stat										
Deficers beformance Reference Actions 2017/2021 Performance Measure Mea	Action Year to Date	being requested to submit a detailed business case, and this has now been submitted. Feedback from the Safe and Secure Water Program has been received and on request Council has supplied further details for assessment. A decision is expected by mid-July 2018.	A tender report should be available at a future 2018 Council meeting.	The Chifley Dam Secure Yield Study (base case) has been completed, with the Climate Change (future scenario) study also now complete. This report is being reviewed.	The Chifley Dam Dambreak Study has been completed and forwarded to the NSW Dam Safety Committee.	The Chifley Dam Safety Emergency Plan is complete and in effect.	The annual surveillance report has been completed and recommendations are being actioned.	Work is continuing, through meetings and projects. Alliance Business Plan has been developed and adopted. Bi- monthly meetings attended, with other projects and correspondence dealt with as required.	Waste Water Treatment Works operations are ongoing, with maintenance and repairs conducted as required. Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plants performance are continuing, with internal and external testing performed.	An Annual Return is completed following the end of the licence year (1 April). Over 95% of samples tested met the licence requirements, with only 3 minor breaches of the licence conditions in 2017/18 licence year.	Next report is due end of May 2019.
Contractions 2017-2021 Tasks 2017/2018 Reference Actions 2017-2021 Tasks 2017/2018 Actions 2017-2018 Tasks 2017/2018 Unit item to the temperature of temperature of temperature of the temperature of temper	Responsible Officer							Manager Water and Waste	Manager Water and Waste		
Objective Actions 2017-2021 Reference Actions 2017-2021	Performance Measure							Collaboration conducted.	Operation of Waste Water Treatment Works in accordance with licence.		
Objective Reference	Operating Plan Tasks 2017/2018							Work with CENTROC on Water Utilities Alliance goals	bair and omply S.		
	Delivery Program Actions 2017-2021										

Bathurst Regional Council Annual Operating Plan 2016/2017

Status  $\bigcirc \bigcirc \bigcirc \bigcirc$  $\bigcirc \bigcirc$  $\bigcirc \bigcirc$  $\bigcirc \bigcirc$  $\bigcirc$  $\bigcirc$  $\bigcirc \bigcirc \bigcirc$ being completed in 2011/2012. An audit has been conducted Any issues found are scheduled for repair or replacement as and recommendations are being put into effect. Planning is independent consultant. The final report has been received The aim is to ensure services are relocated prior to RMS or Close to 30,000 new recycling and food and garden waste bins have been delivered to Bathurst properties during Identification of appropriate locations for CCTV is ongoing Household Chemical Cleanout, Waste 2 Art and collection The roll out of information and education has commenced This project recommenced in 2014/2015, after previously started in April 2016, with delivery of bins in March 2016. Liaison with Technical Services staff to obtain advice on presented to Council in October 2014. The new service assessed as they arise. All options available to Bathurst through customer issues, staff advice and development Several ongoing projects are supported, with bi-monthly Examples include recycling of waste tyres, mattresses, meetings attended. New projects or opportunities are The new recycling and organics collection tender was Regional Council through NetWaste are supported. by EPA staff. A review has been conducted by an road projects and / or developments is continuing. BRC projects commencing, such as roundabouts. The waste collection vehicle fleet is up to date. underway to conduct a future aerial survey. Action Year to Date and will continue throughout 2018/19. The contract is proceeding smoothly. and recycling of scrap metal. March 2016. proposals. required Responsible Officer Water and Water and Water and Water and Water and Water and Manager Manager Vanager Manager Manager Manager Waste Waste Waste Waste Waste Waste to road works or large developments. sewer mains adjacent air space and identify Promote recycling to maximise collection Vehicle fleet is up to adequately cater for Monitor the existing Performance Renew water and date and able to Measure Maintain sewer requirements. Collaboration city's needs. future land conducted volumes. mains. Work with NetWaste on waste as necessary steps to ensure the optimum long term strategy is determined and enacted. Identify, plan and undertake Review Waste Management Replace waste collection vehicles on a 4 yearly cycle. collection and reprocessing Continue program of sewer projects and opportunities. **Fasks 2017/2018** Food and Garden Waste promotion of appropriate **Operating Plan** per Contract. Council to continue education and Contractor to undertake Centre fill plans & take main CCTV and lining construction works. behaviours. Reduce waste to landfill. Maintain and upgrade Delivery Program Actions 2017-2021 infrastructure to meet existing waste equirements. stakeholder Reference Objective **CSP 2036** 28. 29. 31 22 22 22 ശ

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Status						$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet ]$
Action Year to Date	7,668 tonnes of food and garden waste have been sent for composting in the first 25 months (April 2016 to April 2018). The new service has been well received.	Recycling collection is continuing, with the contractor JR Richards providing the recycling collection service and transporting to the Orange MRF for sorting and further processing at Visy in Sydney. Over 5,445 tonnes has been sent in the first 25 months of the new contract (April 2016 to April 2018).	Combined totals show a diversion from landfill of over 13,114 tonnes, or 13.1 million kilograms.	Wastewise education works are continuing, and the recycling contract education strategies are also underway.	In February 2018 a cost increase was incurred for recycling due to overseas recyclers increasing prices. Since then Council in conjunction with Net Waste is in the process of developing a Recycling Strategy and is applying for an assistance package from NSW EPA.	Numerous diversions are already in place, and working well. Further opportunities will be identified and assessed and implemented if appropriate to do so. New organics collection introduced.	Monitoring of the operations throughout the year is continuing as required. Discussions occur with staff from Central West Care to assist with ideas for improving diversion and re-use of items before they are brought to the WMC for landfill.
Responsible Officer		Manager Water and Waste				Manager Water and Waste	Manager Water and Waste
Performance Measure		Promote recycling to maximise collection volumes.				Opportunities considered.	Monitor the operations of the Reuse and Recovery Centre.
Operating Plan Tasks 2017/2018		Recycling Contractor to undertake collection and reprocessing as per Contract. Council to continue education and promotion of appropriate behaviours.				Identify, assess and implement appropriate diversion opportunities.	Work with Central West Care.
Delivery Program Actions 2017-2021							
CSP 2036 Objective Reference	Drdinary Meeti				3 of 843 - 18		

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Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs around 370 staff in 20 locations and attracting and keeping good people is our priority. For the fourth year in succession, in the annual Employee Opinion Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

# Human Resources & Risk Management

Status	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$
Action Year to Date	Random Drug and Alcohol testing occurred throughout the year with the following number of staff being tested - Sep quarter 5.09% of staff tested. Mar quarter 5.13% of staff tested. June quarter 5.00% of staff tested.	The 2018 – 2022 Workforce Plan is currently being drafted.	Staff training plans developed for 2017 - 2018 Staff from OLG and Training Services NSW met with HR staff to discuss training funding specifically for local goverment staff. This funding is designed to develop existing staff's skills, increasing apprentice and trainee numbers and developing work ready skills. Discussions held with Tafe regarding potential training and funding opportunities.
Responsible Officer	Manager Human Resources	Manager Human Resources	Manager Human Resources
Performance Measure	5% of permanent staff tested quarterly.	Collect workforce data quarterly and employee opinion surveys bi-annually to monitor trends.	Staff training plans developed annually. Government funding accessed where eligible. Staff Education Assistance Scheme utilised.
Operational Plan Tasks 2017/2018	Manage random drug and alcohol testing across Council's operations.	Review and update Workforce Plan to reflect current workforce profile and priorities.	Develop partnerships with key education providers to assist with resourcing the educational and training needs of the workforce
Delivery Program Actions 2017-2021	Manage Council's Health and Safety and support ageing workforce initiatives.		Provision of a range of education and training opportunities for Council's workforce.
CSP 2036 Objective Reference	25 32, 33	32, 33	2 <mark>2</mark>

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Regular meetings with Skillset, including a morning tea with Skillset staff and Council's apprentices, to further enhance the relationship between the two organisations.	Recruitment for two apprenticeships, Greenkeeper and Heavy Vehicle Mechanic, were undertaken and commenced with Council in early 2018.	A new traineeship was established and recruited through Skillset for a Water Industry Operations trainee. Currently reviewing opportunities for the creation of a further water trainee.	Review of current trainee and apprentice positions on the organisational structure to determine recruitment opportunities for 2018.
Manager Human Resources			
Deliver and/or distribute information a minimum of 4 occasions per year.			
Actively promote trainee / apprenticeship and work experience opportunities to the youth of the region.			
Develop opportunities for apprentices, trainees and work experience within all areas of Council's			
26 5			

Status						)
Action Year to Date	Council is currently developing residential land stock at Sunny Bright estate and Windradyne 1100 estate, being a total of 455 lots.	Windradyne 1100 - Design, layout & construction by mid- 2019 for 180 residential lot development.	Sunny Bright - Design, layout & construction by end- 2018 for 275 residential lot development. First stage of 150 lots due Dec 2018.	Laffing Waters - Master Plan for overall 158 ha site. Tendered in 2018/2019. Construction by 2022.	Kelso Industrial land – YTD 2017/2018 sale of 5 lots. 9 lots still available. <u>Bathurst Trade - Watt Drive</u> - 17 lot development now due end - 2018. Exchanged on 5 lots as of June 2018.	
Responsible Officer	Property Manager	Eng. Dept	Eng. Dept	Planning. Dept	Property Manager	
Performance Measure	Provision of land stock for residential needs.				Provision of available land to meet demands. Council has a stock of developed land and undeveloped land for	trade & industrial use.
Operating Plan Tasks 2017/2018	Complete development of residential land in accordance with Council plans.				Development in Bathurst Trade Centre and Kelso Industrial Park as required.	
Delivery Program Actions 2017-2021	Manage the development of new residential land releases to ensure appropriate level of supply available.				Manage the development of new commercial and industrial land releases as required to meet the needs of new businesses.	
CSP 2036 Objective Reference	1, 6 28				1, 6 28	

Status	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	Long Term Financial Plan completed for 2017/18. Council did not apply for a special rate variation for 2018/19 Operating/Delivery Plan.	As per 2016/17 Financial Statements achieved 5.68% (2015/16 5.85%). (2013/15 6.63%). (2013/14 8.19%).	As per 2016/17 Financial Statements achieved 4.12% (2015/16 3.95%). (2013/15 4.10%). (2013/14 3.33%).	<ul> <li>At 30 June 2018:</li> <li>Current year average earnings – 2.80%</li> <li>90 day Bank Bill Swap Rate – 1.82% (2016/17 average 1.77%)</li> </ul>
Responsible Officer	Manager Financial Services	Manager Financial Services	Manager Financial Services	Manager Financial Services
Performance Measure	Long Term Financial Plan complete and adopted by Council.	Rates and Charges Outstanding Ratio less than 10%.	Debt service ratio less than 10%.	Outperform monthly 90 day bank bill swap rate.
Operational Plan Tasks 2017/2018	Review need for special variation in rate income.	Improve Council's cash flows.	Ensure Council's level of debt is manageable.	Maximise invested funds within prudential guidelines.
Delivery Program Actions 2017-2021	Ensure Council's long term financial sustainability.			
CSP 2036 Objective Reference	28, 29, 33	28, 29, 33	28, 29, 33	28, 29, 33

**Financial Services** 

Status	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \blacklozenge$		
Action Year to Date	Business Papers provided one week prior to meetings.	Documents are available on website and updated regularly.	Compilation of 2016/17 Annual Report has been completed. Annual Report submitted 28 November 2017.	Manual monitored regularly and updated as required. Last update issued 11 January 2018. No changes required up to 30 June 2018.	Register is updated after each Council meeting.	21 applications received. 17 applications completed.		
Responsible Officer	Manager Corporate Governance	Manager Corporate Governance	Manager Corporate Governance	Manager Corporate Governance	Manager Corporate Governance	Manager Corporate Governance		
Performance Measure	Three days before each meeting	Review of documents on website	Completion by statutory deadline (30 November)	Individual Policies reviewed for relevance and compliance with statutory requirements	Register updated monthly.	Information requests (formal and informal) responded to in accordance with statutory guidelines.		
Operational Plan Tasks 2017/2018	Provide Council Business Papers on a timely basis.	Provide access to Council documents on website.	Complete Annual Report to the community.	Monitor Policy Manual.	Provision of Contract Register on Council's website.	Respond to requests for information under GIPA Act in timely manner.		
Delivery Program Actions 2017-2021	Provide Councillors, staff and the community with timely and accurate information to facilitate open and accountable	government.		Ensure Council policies reflect community needs and organisational requirements.	Implementation of the Government Information Public Access Act (GIPA Act)			
CSP 2036 Objective Reference								

Governance

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Status	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bigcirc \bigcirc$		$\bigcirc \bigcirc \blacklozenge$		
Action Year to Date	Complete. New CIS server installed with additional space and increased processing capacity.	Planning for replacement unit.	Links to Scallywags and Australian Fossil & Mineral Museum were upgraded during the year.	7 spare Laptops in place and being utilised. HR has 10 dedicated training Laptops. Training ongoing.	Software identified, Purchase Order raised. System is being installed during June/July.	Pilot for Office 365 being planned.
Responsible Officer	SIM	SIM	SIM	SIM	SIM	SIM
Performance Measure	Ability to store additional GIS data	Less down time	Reduced complaints from users	Improved Training	Reduced telephone calls	Less requests to IT for assistance
Operational Plan Tasks 2017/2018	Data Storage Upgrade	UPS Backup Power Supply	Upgrade links to smaller sites	Spare Laptops	Improved ability to log requests	Improved network data sharing
Delivery Program Actions 2017-2021	Improve long-term viability and availability of electronic data for both the current and long term.		Improve Communication between staff and between staff and residents independent of their physical location			
CSP 2036 Objectives Reference	<mark>4, 5, 6</mark> 17, 19, 20, 21, 23, 26, 27 28, 30		<mark>4, 5, 6</mark> 17, 19, 20, 21, 23, 26, 27 28, 30			

Information Services

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Status	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	Improvements have been made at Scallywags, Little Scallywags and Evans Shire building to improve WiFi.	Network has been installed between: - Post Office to Scallywags - BMEC to Water Filtration Plant - Water Filtration Plant to Family Day Care
Responsible Officer	SIM	SIM
Performance Measure	More sites accessible	Better WiFi access
Operational Plan Tasks 2017/2018	Ongoing WiFi Improvement	Ongoing WiFi installations
Delivery Program Actions 2017-2021	Provide secure mobile device access to network	Provide network/internet access via WiFi to all locations between Council locations
CSP 2036 Objectives Reference	4, 5, 6 17, 19, 20, 21, 23, 26, 27 28, 30	4, 5, 6 17, 19, 20, 21, 23, 26, 27 28, 30

**Cultural & Community Services** 

Bathurst Regional Council supports a vibrant culture and community. Lifestyle in the Bathurst Region is enriched by providing a diverse range of cultural facilities and programs and by promoting cultural diversity. Community well-being is promoted through social planning, community development and ensuring access to community services.

## **CULTURAL SERVICES**

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	Delivery Program Actions 2017-2021	Operational Plan Tasks 2017/2018	Performance Measure	Responsible Officer	Action Year to Date	Status
	To provide professional management, advice and quality facilities to ensure Council's collections are effectively managed	Continue to progress the proposal for an archival and collection facility for the Bathurst Region.	Continue liaison with identified partners.	Collections Manager	<ul> <li>The following liaison occurred during 2017/2018:</li> <li>Letters of support from partners and stakeholders received.</li> <li>Meeting held with Alex Bowen, Director Statewide Strategy and Planning, Department of Planning and Environment.</li> <li>Meeting held to commence engagement with Indigenous groups with letter of support from Bathurst Land Council.</li> </ul>	$\bigcirc \bigcirc \bullet$
			Visit other relevant locations where successful facilities have been built in regional areas to understand lessons learned.		<ul> <li>The following visits occurred during 2017/2018:</li> <li>Visit to Museum Discovery Centre, Castle Hill.</li> <li>Collection Manager visit to Grimwade Centre, Melbourne University – looking at conservation workshop needs for new facility.</li> </ul>	
			Seek funding sources and partners.		Application submitted to the NSW Regional Fund submitted on 1 September 2017 for the construction of a Central Tablelands Collection Facility. Notification received in December that application had progressed to next stage.	
					Final preparation and submission of application to NSW Regional Fund submitted 28 March 2018. Advice received 22 June 2018 that application was declined. Plan to submit in Round 2.	
		Removal and installation of exhibitions	Assist in preparation, installation and removal of exhibitions.	Collections Manager	There were 51 major activities around the preparation, installation, take down and transport of collections and display material in Council's	

Status		$\bigcirc \bigcirc \bullet$
Action Year to Date	Cuttural facilities during 2017/2018. June included the following: <b>BRAG:</b> • Installation of <i>Rachel Ellis</i> and <i>Steel</i> exhibitions. • Collection of 4 BRAG works from Orange exhibitions. • Collection of 4 BRAG works from Orange Regional Gallery • Collection of 4 BRAG works from Orange Regional Gallery • Reshuffle motorbike display • Reshuffle motorbike display • Reshuffle motorbike display • Resturn of John Cass Harley Davison • Return of And formula 1 • Emptying of storeroom in the development of the Museum. • Emptying of storeroom in preparation for AFMM exhibition on the development of the Museum. • Emptying of storeroom in preparation for AFMM exhibition on the development of the Museum. • Emptying of storeroom in preparation for AFMM exhibition on the development of the Museum. • Emptying of storeroom in preparation for a storeroom of Rockley Mill Conservation f Rockley Mill Museum. • Rockley Mill Museum.	<ul> <li>There were 17 significant external requests for advice or assistance with collection, display or heritage issues processed in 2017/2018 specifically related to the development of the Bathurst Rail Museum including:</li> <li>Working with Freeman Ryan Design (content developers) and local groups, including Bathurst District Historical Society, to provide information and images.</li> <li>Assist in developing oral histories.</li> </ul>
Responsible Officer		Collections Manager
Performance Measure		Advice and assistance provided in a timely manner.
Operational Plan Tasks 2017/2018		Responding to external requests for professional advice and assistance in development of Bathurst Railway Museum
Delivery Program Actions 2017-2021		
CSP 2036 Strategy & Objective Reference		

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Status		$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	
Action Year to Date	<ul> <li>Providing information to the Office of Environment and Heritage regarding the Railway Institute Building for approvals.</li> <li>June 2018 included the following:</li> <li>Preparation for selection and cataloguing of items from Sydney trains.</li> <li>Site visit to Pymble to evaluate digital controls for Railway layout.</li> <li>Meeting with Integrated Design Group to confirm storage requirements for the Bathurst Rail Museum site</li> <li>Preparation for receipt and processing of Heritage NSW material.</li> <li>Preparation for Bathurst Rail Museum community stories day.</li> </ul>	There were eight significant collections conservation projects undertaken in 2017/2018 working with the Grimwade Centre, Melbourne University students on conservation workshops, student placements at Chifley Home, display at the Bathurst Sustainability Expo and object assessments for the Carillon and Tremain's Mill.	<ul> <li>The following funding has been sourced in 2017/2018:</li> <li>2017/2018:</li> <li>Application to the NSW Regional Fund submitted for the construction of a Central Tablelands Collection Facility. Advice received unsuccessful on 22 June.</li> <li>Charles Sturt University Community-University Partnerships Rural and Regional Arts and Culture Grants Program. (\$15,000) for AFMM.</li> </ul>	<ul> <li>Art Gallery</li> <li>Balnaves Foundation - \$50,000 for Unflinching Gaze – unsuccessful</li> <li>Multicultural NSW - \$4,970 for Unflinching Gaze symposia costs – unsuccessful</li> <li>Sally Breen – up to \$30,000 for catalogue &amp; symposia costs for Unflinching Gaze –</li> </ul>
Responsible Officer		Collections Manager	All Cultural and Community Services Staff	
Performance Measure		Undertake and complete identified collections conservation projects	Source and apply for external funding.	Review operations for cost effectiveness.
Operational Plan Tasks 2017/2018		Further develop object conservation partnership with Grimwade Centre, University of Melbourne	Develop strategies to fund Bathurst Regional Council cultural facilities	
Delivery Program Actions 2017-2021		Ensure the efficient and effective management of Council's cultural facilities		
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CSP 2036 Strategy & Objective Reference

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Status	
Action Year to Date	<ul> <li>Dr Dick Quan &amp; Holdsworth House Medical Practice - up to \$30,000 for catalogue &amp; symposia costs for Unflinching Gaze - unsuccessful</li> <li>Adam Mickiewitz Institute (Poland) - AUD\$4,000 to bring Pawel Leskowicz to Australia for Unflinching Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>British Council - \$4,000 to bring Gaze symposia - unsuccessful</li> <li>US Embassy - USD\$5,800 to bring Branden Walters to Australia for Unflinching Gaze symposia - unsuccessful</li> <li>Dobell Grant acquittal completed for The Unflinching Gaze symposia</li> <li>MGNSW Engaging Art Program acquittal completed (\$5,000).</li> <li>MGNSW Engaging Art Program acquittal completed (\$5,000).</li> <li>MGNSW Engaging Art Program acquittal completed (\$5,000).</li> <li>MGNSW Engaging Art Program Garthurst Regional Art Gallery (2016-2018) Year 3 (\$88,000) - successful</li> <li>Dobell Grant acquittal completed for The Unflinching Gaze (\$20,000).</li> <li>MGNSW For a Mentorship Program Grant for Julian Woods (\$3,000) - successful</li> <li>Australia Council for the Arts Projects - \$41,975 for The Climbing Tree (October 2017) - unsuccessful</li> <li>Australia Council for the Arts Projects - \$19,801 for The Climbing Tree (June 2018) - unsuccessful</li> <li>Australia Council for the Arts Projects - \$19,801 for The Climbing Tree (June 2018) - unsuccessful</li> <li>Australia Council for the Arts Projects - \$19,801 for The Climbing Tree (June 2018) - unsuccessful</li> </ul>
Responsible Officer	
Performance Measure	
Operational Plan Tasks 2017/2018	
Delivery Program Actions 2017-2021	
CSP 2036 Strategy & Objective Reference	

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Action Year to Date	Regional Arts Fund - \$14,630 for Bathurst     Writers & Readers Festival – unsuccessful	<ul> <li>Country Arts Support Program - \$2,459 for Central West Plays Residency Mentoring Program - successful</li> </ul>	Create NSW Creative Koori - \$24,392 for employment of Indigenous trainee –	Create NSW Capitol Infrastructure Grant -     \$79,254 for City Hall infrastructure -	<ul> <li>Festivals Australia - \$30,000 for Catapult</li> <li>Festival - unsuccessful</li> </ul>	Library Application to the State Library of NSW Public Library Funding Strategy 2017/2018: subsidy (\$79,698) and subsidy adjustment for Local Priority Grants Project/s (\$53,893).
Responsible Officer						
Performance Measure						
Operational Plan Tasks 2017/2018						
Delivery Program Actions 2017-2021						
CSP 2036 Strategy & Objective Reference						

	Status		$\bigcirc \bigcirc \blacklozenge$
	Action Year to Date	<ul> <li>The following exhibitions with education / outreach programs occurred during 2017/2018:</li> <li>1. Soft Core (9 June - 30 July 2017)</li> <li>Ed program attendance: 154</li> <li>2. The Unflinching Gaze (14 October 2017 - 3 December 2017)</li> <li>Ed program attendance: 767</li> <li>3. Montages: Tracey Moffatt &amp; Gary Hillberg (6 October - 3 December 2017)</li> <li>Ed program attendance: 242</li> <li>4. Harrie Fasher: the Last Charge (2 February 2018 - 2 April 2018):</li> <li>Ed program attendance: 139</li> <li>5. David Serisier: White Dogs, Hoarfrost, Silver &amp; Gold (6 April - 3 June 2018)</li> <li>Ed program attendance: 204</li> <li>6. Postcards to the End Sacred Heart Church, Hill End (21 &amp; 22 April 2018)</li> <li>Cutreach program participants: 2,100</li> <li>The following Art in a Suitcase outreach occurred during 2017/2018:</li> <li>3. Zig-Zag Public School: 60 students</li> <li>4. Oberon Hospital</li> <li>6. Oberon Daycare</li> </ul>	<ul> <li>The following exhibitions occurred during 2017/2018:</li> <li>BRAGS Art Fair (28 September – 2 October 2017)</li> <li>Visitation: 2,213</li> <li>Postcards to the End Sacred Heart Church, Hill End (21 &amp; 22 April 2018)</li> <li>Visitation: 2,100</li> <li>Martin Shaw: 3 Well Known Australians (6 April – 3 June 2018)</li> <li>Visitation: 3,112</li> </ul>
Doctor	Kesponsible Officer	Art Gallery Director	Art Gallery Director
	Performance Measure	Staging of six (6) exhibitions with education and/or outreach programs. At least 150 attendees to each of the six (6) education and outreach programs. At least 4 schools, community groups and organisations accessing the <i>Art in a Suitcase</i> program.	Staging of three (3) exhibitions At least 3,000 attendees.
	Operational Plan Tasks 2017/2018	Develop education and outreach programs at the gallery.	Develop community access and inclusion in the Gallery's exhibition program through the development of a series of community focused exhibition.
Bathurst Regional Art Gallery	Delivery Program Actions 2017-2021	Provide a focus on the visual arts for the community by providing education and public programs, that challenge thinking and stimulate creativity, and to promote cultural enrichment through the development and care of the permanent collection, temporary exhibitions and research facilities.	
Bathurst CSP 2036	Strategy & Objective Reference	st state N	20.1, 20.6 28.1, 20.6 26.4, 27.9 26.4, 27.9 Attachments

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Action Year to Date	<ul> <li>The following occurred during 2017/2018:</li> <li>1. Bathurst Art Fair (28 September 2017 - 2 October 2017).</li> <li>Visitation: 2,213</li> <li>2. Harrie Fasher: The Last Charge (9 Feb - 2 April 2018) Visitation: 3,510</li> <li>3. David Serisier: White Dogs, Hoarfrost, Silver + Gold (6 April - 3 June 2018)</li> <li>Visitation: 3,112</li> <li>Catalogue production: 1</li> <li>June:</li> <li>4. Rachel Ellis: Sustaining Light (8 June - 5 August 2018)</li> </ul>	Total visitation for June: 1,840 Catalogue production: 1	The following exhibitions occurred during 2017/2018: 1. Mark Dober & Elizabeth Nelson: Edge of the Studio (6 April – 3 June 2018) Visitation: 3112	<ol> <li>Noelene Lucas: Gracious Adaptation (6 April – 3 June 2018) Visitation: 3112</li> <li>Cathe Stack: Landscape as the shaping force (6 April – 3 June 2018) Visitation: 3112</li> <li>Postcards to the End (21 &amp; 22 April 2018) Visitation: 3,500</li> </ol>	<ul> <li>The following exhibitions occurred during 2017/2018:</li> <li>Soft Core (9 June – 30 July 2017) Visitation: 3,175.</li> <li>The Unflinching Gaze: photo media and the male figure (14 October – 3 December 2017) Visitation: 3,643</li> <li>Montages: The Full Cut, 1999-2015 Tracey Moffatt &amp; Gary Hilberg (8 December 2017 – 28 January 2018) Visitation: 2,533</li> <li>Derek Kreckler: Accident &amp; Process (9 Feb – 2 April 2018) Attendance: 3,510 June:</li> </ul>
Responsible Officer	Art Gallery Director		Art Gallery Director		Art Gallery Director
Performance Measure	Production of one (1) exhibition catalogues. At least 3,000 attendees.		Staging of four (4) Hill End Artists in Residency exhibitions At least 3.000 attendees.		Staging of four (4) community access exhibitions. At least 3,000 attendees.
Operational Plan Tasks 2017/2018	Provide opportunities for the professional development of locally based and locally connected artists through an exhibition.		Develop community understanding of the achievements of the Hill End Artists in Residency Program throuch exhibitions by artists	who have participated.	Provide community access to exhibitions of contemporary art that have a wide community appeal.
Delivery Program Actions 2017-2021					
CSP 2036 Strategy & Objective Reference	20.1, 20.6, 23.3, 26.1, 26.3, 26.4		17.5, 17.6, 17.9 20.1, 20.6, 26.1, 26.3		20.1, 20.6, 23.3, 23.5

Ordinary Meeting

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Action Year to Date	<ol> <li>STEEL: art architecture design (8 June – 5 August) Attendance for June: 1,840</li> </ol>	The following exhibitions occurred during 2017/2018: 1. Foyer: Ceramics from the permanent collection. Attendance: 12,812 (library/foyer figures) 2. Foyer: Silver & Gold from the permanent collection. Attendance: 23,300 (library/foyer figures) 3. Postcards to the End (featuring works from the permanent collection) curated for The End Festival, Hill End (21 & 22 April) Attendance: 3,500 June: 4. Foyer: Steeling the Show: sculpture from the permanent collection. Attendance for June: 12,073 (library/foyer figures)	<ul> <li>The following occurred during 2017/2018: TOURING EXHIBITIONS:</li> <li>1. Mandy Martin: Homeground tour: Orange Regional Gallery (17 September to 12 November 2017), Total Visitation: 3,453.</li> <li>2. Mandy Martin: Homeground tour: Cowra Regional Art Gallery (10 February to 18 March 2018)</li> <li>3. Postcards to the End (featuring works from the permanent collection) curated for The End Festival, Hill End (21 &amp; 22 April): Total visitation: 3,500</li> <li>1. ANNE ZAHALKA, Scenic Skyway on loan to Casula Powerhouse for inclusion in <i>Cultural Landscapes</i> (10 Feb 2018 - 18 March 2018) Total attendance = 7,046</li> <li>2. WENDY SHARPE, <i>Dinner at Hill End</i> 1997, Orange Regional Gallery <i>Interiors</i> (April 7 - 24 June 2018).</li> </ul>
Responsible Officer		Art Gallery Director	Art Gallery Director
Performance Measure		Staging of two (2) permanent collection exhibitions. At least 3,000 attendees.	Staging four (4) touring exhibitions Number of visitations. Number of works loaned to other galleries. Number of visitations.
Operational Plan Tasks 2017/2018		Develop community access to the permanent collection by the development of two (2) exhibitions.	Develop touring exhibitions of significant local artists on an as needs basis and/or based on the permanent collection. Works from the permanent collection loaned to other galleries on an as needs basis
Delivery Program Actions 2017-2021			
CSP 2036 Strategy & Objective Reference		20.1,20.6, 23.3, 26.1, 26.3	20.1,20.6, 23.3, 26.1, 26.3

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Actions 2017-2021	Operational Plan Tasks 2017/2018	Performance Measure	Responsible Officer	Action Year to Date	Status
				<ol> <li>KUSEMARY VALADUN, Ine Upen Door 2004 Orange Regional Gallery Interiors (April 7 – 24 June 2018). Total visitation: 4,692</li> </ol>	
Commitment to the ongoing maintenance of the Bathurst Regional Gallery facility. Gallery facility.	Bathurst Regional Art Gallery general maintenance and facility upgrades.	The completion of identified general maintenance and facility upgrade requirements.	Art Gallery Director	<ul> <li>The following occurred during 2017/2018:</li> <li>Capital works at gallery to reline, insulate gallery walls and ceiling and repolish the gallery floors completed.</li> <li>Identification of capital works to be completed: <ul> <li>Ceiling capping and replacement of fire doors due to warping.</li> <li>Identification of need to upgrade kitchen to meet basic Council food safety compliance.</li> </ul> </li> <li>June: <ul> <li>Bathurst Library Car Park Restoration Works completed</li> <li>Installation of drinking fountain and new seating in Gallery/Library forecourt commenced</li> <li>Rees room wall lining completed</li> </ul> </li> </ul>	$\bigcirc \bigcirc \bullet$

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	Action Year to Date	18 Annual Season productions were presented in 2017/2018 attended by 7,184 patrons. In line with the BMEC programming policy the Season included drama, music, dance, circus & physical theatre and theatre for young people and families. Workshops were conducted in association with seven productions: four workshops were in schools, three coincided with the Catapult Festival, one was a master class with Mitchell Conservatorium students, two were dance workshops (one contemporary and one classical).	Council assisted with the costs associated with the employment of the Local Stages Creative Producer. This amounted to a contribution to on costs with the salary covered by Multi-year Annual Program funding from Create NSW. Council also supported the Local Stages program with \$15,000 for venue hire and \$15,000 for technical labour. Over 2017/2018 the Local Stages Program assisted over 25 projects and 266 regional artists in the development of local performing arts practice. Activities covered dance, drama, music, playwriting, stage and production management, Aboriginal arts and theatre for	<ul> <li>young people.</li> <li>In 2017/2018 there were: <ul> <li>Four performances for Young People and families attended by a total of 3072 people.</li> <li>There were five workshops/associated activities.</li> <li>The Inland Sea of Sound festival included 68 regional musicians and 39 musicians from outside the region. The event was attended by 2,200 people</li> </ul> </li> </ul>
	Responsible Officer	Manager BMEC	Manager BMEC	Manager BMEC
	Performance Measure	Successful staging of programmed shows including attendance numbers, engagement activities and support for the development of local performing arts practice.	Provision of Council support to the program to assist in the costs associated with the employment of the Local Stages Creative Producer, venue hire and technical labour. Development of local and regional programs which offer participatory opportunities for local and regional performing artists.	Type and number of programs, performances, workshops and associated activities including attendance numbers.
ment Centre	Operating Plan Tasks 2017/2018	The presentation of a diverse and high quality <i>Annual</i> <i>Season</i> including connections to the development of local engagement and participation.	Support of the Local Stages Program that assists and develops local artists across the performing arts.	<ul> <li>The provision of other programs including:</li> <li>Program for Young People &amp; Families and the Creative Learning Project</li> <li>Inland Sea of Sound Festival</li> </ul>
Bathurst Memorial Entertainment Centre	Delivery Program Actions 2017-2020	Provide access to high quality performing arts activities and events for the community as audiences and/or active participants through BMEC Programs. Utilise these programs to: challenge thinking; stimulate creativity; develop skills; strengthen networks; encourage engagement with the performing afts by vound	people and encourage their retained engagement into adulthood and old age; encourage familiarity with and fluency in performing arts genres; and to generally encourage a clear sense of community cultural identity.	
	CSP 2036 Strategy & Objective Reference	1, 3, 4 20, 23, 26, 30, 33 30, 33	95 of 843 - 18 July 2018	Attachments

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Action Year to Date	<ul> <li>There were three Aboriginal productions presented covering storytelling, dance and drama attended by 798 people</li> <li>The local Wiradyuri people presented the Welcome performance at the Inland sea of Sound with 12 performers. In exit surveys this was a highlight of the event.</li> </ul>	<ul> <li>In 2017/2018 there were:</li> <li>Four performances for Primary schools attended by a total of 2,086 students and teachers. There were five workshops/associated activities</li> <li>One production specifically targeted High School students with 153 students attending and one associated workshop.</li> <li>There was a creative writing workshop for Secondary students associated with the Bathurst Writers' &amp; Readers' Festival. 8 schools and 52 students were involved.</li> <li>CSU students continued strong engagement with BMEC through technical and other placements, attending performances and with internships for the lnland Sea of Sound and Catapult festivals.</li> </ul>	BMEC continues a strong relationship with the local Aboriginal Community. This was particularly evidenced this year through the Aboriginal involvement in the Inland Sea of Sound festival. Three touring Aboriginal performances were presented.	The relationship with CSU continues to be regular, in depth and sustained. Contact points exist across all BMEC programs. \$500 grant received from Head of Campus Grants programs for Bathurst Writers' & Readers' Festival which was held at CSU 4-6 May 2018. CSU also donated the use of venues for the festival.
Responsible Officer				
Performance Measure		Development of relationship with local Primary and High Schools and the Tertiary sector.	Development of relationship with the local, regional and national Aboriginal and Torres Strait Islander communities as it relates to local community identity and performing arts development.	Sustained relationships with regional partners such as CSU, Mitchell Conservatorium, and others.
Operating Plan Tasks 2017/2018	Aboriginal Performing Arts Program			
Delivery Program Actions 2017-2020				
CSP 2036 Strategy & Objective Reference	nary Meeting	Page 696 of 843 - 18 July 20	10	Attachments

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Action Year to Date	<ul> <li>Planning continues with the Mitchell Conservatorium about a joint production programmed and confirmed for the 2018 Season.</li> <li>In 2017/2018 the Manager BMEC participated as: The Chair of Regional Arts NSW The Deputy Chair of the NSW &amp; ACT Performing Arts Centres Association A Committee Member of Theatre Network NSW</li> <li>A Regional Touring Panel member for the Helpmann Awards</li> <li>BMEC is also:</li> <li>A member of Performing Arts Connections Australia.</li> <li>A Satellite partner with Patch Theatre in Adelaide</li> <li>Pursuing connections with China and Australian Aboriginal artists in association with Performing Lines</li> <li>Developing connections with international agents in the USA</li> </ul>	<ul> <li>The following maintenance and facility upgrades have occurred during 2017/2018:</li> <li>Air conditioning repairs required on compressors.</li> <li>Foyer lift repairs.</li> <li>Replacement of all incandescent Theatre lighting.</li> <li>Roof leaks identified and addressed.</li> </ul>	All maintenance issues identified were successfully addressed over the year.
Responsible Officer		Manager BMEC	
Performance Measure	Key state, national and international connections	The identification of general maintenance and facility upgrade requirements.	The completion of identified general maintenance and facility upgrade requirements
Operating Plan Tasks 2017/2018		BMEC general maintenance and facility upgrades	
Delivery Program Actions 2017-2020		Utilise the BMEC 5/10/20 Year Masterplan as a basis to plan for building maintenance, upgrades and the integration of BMEC into the broader BRC Cultural Plan.	
CSP 2036 Strategy & Objective Reference		6 20, 22 29	
Ordin	ary Meeting Page 697 of 843 - 18 July 2018	Att	achments

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	Delivery Program Actions 2017-2020	Operating Plan Tasks 2017/2018	Performance Measure	Responsible Officer	Action Year to Date	Status
L	Utilise the BMEC 5/10/20	Jtilise the BMEC 5/10/20 Commence reviewing of the	Position paper developed.	Manager BMEC	Review framework commenced with funds being	(
_	Year Masterplan as a	long term options of BMEC		)	allocated in the 2018/2019 budget to employ a	C
_	basis to plan for building				consultant to map the path to the Next Stage	С
_	maintenance, upgrades				Performing Arts Centre and a brief for the	
_	and the integration of				consultancy is being developed with external	
_	BMEC into the broader				assistance.	
_	BRC Cultural Plan.					

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	Action Year to Date	<ul> <li>The following occurred during 2017/2018:</li> <li>A total of 136,924 visitations, with 240,235 tiems borrowed.</li> <li>In June, 12,613 visitations and 20,733 items borrowed.</li> <li>A total of 212 programs and events held, with 8,683 attendees.</li> <li>In June, 19 programs and events held with 702 attendees.</li> <li>A total of 497 promotional activities occurred in June, 21 media activities occurred including 4 newspaper columns, 2 radio shows, 12 Facebook posts, 3 Twitter posits.</li> <li>A number of groups utilised the Library regularly including:</li> <li>Dathurst Knitting Group</li> <li>Uab.</li> </ul>	Worlday to December 2017 to Suriday 20 January 2018. Pop-up libraries operated the during library closure. Refurbishment completed in 2017/2018. The Library reopened on Monday 29 January 2018. An official launch was held on Wednesday 14 February 2018 with State Library of NSW and Library Council representatives in attendance. The new library features a CEW Bean Memorial Wall.	The Library information team undertook audit of Local Studies resources during 2017/2018 and continue to curate and grow the local studies vertical files collection and conduct local history research. Planning for the future of the library Local Studies direction is underway. During 2017/2018, 26 training sessions, relating
	Responsible Officer	Manager Library Services	Manager Library Services	Manager Library Services
	Performance Measure	Number of visitations: >15,000 per month > 180,000 per year > 12 per month > 144 per year Promotional activities: > 20 per month > 240 per year Number of interest groups using the Library.	Refurbishment complete.	Audit of Local Studies resources undertaken. Number of staff and type of training undertaken. (numbers will vary depending on training availability)
	Operational Plan Tasks 2017/2018	Continuing to promote and operate the Bathurst Library as a free and accessible space that services the community.	Implement refurbishment of the internal library public space.	Provision of relevant Local Studies resources. Provide training to staff in relation to location and access to Local History resources.
Library	Delivery Program Actions 2017-2021	Provision of a public library space and related services that meets the needs of the community.		Improve access to Local History resources.
	Strategy & Objective Reference	20:1, 23.7, 26.6, 20.1, 26.6, 20.1, 26.6, 20.1, 26.6, 20.1, 26.6, 20.1, 26.7, 20.1, 20.2,		11.5 26.1, 26.6

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Delivery Program Actions 2017-2021	Operational Plan Tasks 2017/2018	Performance Measure	Responsible Officer	Action Year to Date	Status
				to Local History and Research, were attended by 14 Bathurst Library Staff.	
				In June 2018, 1 staff member attended training in Collection Management and Significance for Local Studies.	
Provide outreach Library Service to the broader	Provision of a range of outreach services that target	Number of visits to rural villages: 7 villages visited	Manager Library Services	The following visits were undertaken during the 2017/2018:	
contraction.	ine rurar viriages, isoriated individuals and educational facilities.	over a p week periou. Number of visits to isolated		48 visits to Villages and 40 visits to schools. In June, 5 Villages visited.	$\bigcirc$
		individuals: 10 visits per month 120 visits per year		146 visits to isolated individuals. In June, 16 visits to isolated individuals.	)
		Number of visits to schools and other educational facilities: 6 schools visited		40 schools and educational facilities. In June, 5 schools visited	
		over a 6 week period			

Status		$\bigcirc \bigcirc \blacklozenge$	
Action Year to Date	Reporting formats have been developed. Museum Coordinators have been appointed to implement reporting.	The following maintenance and facility upgrade has been undertaken during 2017/2018: • Replacement of failing lights • Regular building maintenance • Fire alarm maintenance	<ul> <li>June:</li> <li>Restoration work of gutters and guttering structures.</li> <li>Ground maintenance.</li> <li>Pest management for rodent control.</li> <li>Air conditioning maintenance.</li> <li>Cleaning and tidying of store area.</li> </ul>
Responsible Officer		Manager Museums	
Performance Measure	museums.	The completion of identified general maintenance and facility upgrade requirements.	
Operational Plan Tasks 2017/2018		AFMM general maintenance and facility upgrades.	
Delivery Program Actions 2017-2021		Commitment to the ongoing maintenance of the facility.	
CSP 2036 Strategy & Objective Reference		6.3 20.1, 22.1 29.1, 29.7, 29.8	

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	Action Year to Date	<ul> <li>The following promotional mechanisms have been undertaken during 2017/2018:</li> <li>Quarterly e-newsletter.</li> <li>Advertising in Bathurst 1000 and Liqui Moly 12 Hour programs.</li> <li>Ongoing joint advertising with AFMM billboard on Great Western Highway Lithgow to Bathurst.</li> <li>Ongoing Facebook posting.</li> <li>Joint advertising in Discovery magazine.</li> <li>Ongoing Facebook posting.</li> <li>Advertising in Old Bike Australasia.</li> <li>Participation in Historic Winton 2018 event with the George Reed Special, editorial coverage in event program and on-track commentary.</li> <li>New NMRM flyer had been designed and distributed to BVIC as well as Cootamundra, Young and Cowra Visitor Centres.</li> <li>June:</li> <li>Advertising in SupercarXtra magazine issues 106/107 and event programs for Sydney, The Bend, Sandown, Bathurst, Gold Coast and Auckland Supercars Rounds.</li> <li>Ongoing Facebook posting</li> <li>Rounds.</li> <li>Ongoing Facebook posting</li> <li>Regular 2BS radio interview with Museum Coordinator – May and June interview scompleted.</li> <li>The July issue of Matters of the Mount has been written.</li> </ul>
	Kesponsible Officer	Museums
	Performance Measure	Undertake a range of promotional mechanisms to promote the NMRM including but not limited to: • Quarterly e-newsletter • Advertisement in race programs and industry publications • Joint advertising with other museums including Lithgow/Bathurst billboard and at least 3 other joint advertising in targeted tourism publications Undertake annual snapshot survey of 100 visitors to gauge the effectiveness of the promotion undertaken
	Operational Plan Tasks 2017/2018	Investigate and undertake a range of promotional mechanisms for NMRM
National Motor Racing Museum	Delivery Program Actions 2017-2021	Development of broader visitor market to the Nuseum. Museum.
National CSP 2036	Strategy & Objective Reference	4.1 20.1, 20.2, 23.3, 23.5, 26.1

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Status		$\bigcirc \bigcirc \bullet ]$
Action Year to Date	<ul> <li>The following public programs have been undertaken during 2017/2018:</li> <li>Father's Day event took place on Sunday 3 September 2017. 500 people attended the event with rides in the replica cars offered on the day.</li> <li>Museum Self Day took place on Wednesday 17 January 2018. Over 600 people attended the National Motor Racing Museum on the day.</li> <li>The following loans have taken place during 2017/2018:</li> <li>1977 XC Falcon #2 driven by Colin Bond and Alan Hamilton.</li> <li>1977 XC Falcon #4 driven to victory at Bathurst in 1998 by Jason Bright and Steven Richards for Stone Brothers racing.</li> <li>2001 AU Falcon (Marcus Ambrose).</li> <li>2001 AU Falcon (Marcus Ambrose).</li> <li>2000 VT Holden Commodore driven by Russell Ingall, Perkins Engineering No. "PE-036".</li> <li>Gregg Hansford 5 Kawasaki motorbikes and trophies.</li> <li>1972 Kawasaki H2 Superbike.</li> <li>Gregg Hansford 5 Kawasaki motorbikes and trophies.</li> <li>1972 Kawasaki H2 Superbike.</li> <li>Gregg Hansford 5 Kawasaki motorbikes and trophies.</li> <li>1972 Kawasaki H2 Superbike.</li> <li>Gregg Hansford 5 Kawasaki motorbikes and trophies.</li> <li>1972 Kawasaki H2 Superbike.</li> <li>1988 Brock/Moffat VK Commodore Group A.</li> <li>1986 Brock/Moffat VK Com</li></ul>	Identification and completion of general maintenance and facility upgrades have been carried out throughout 2017/2018 including: Installation of windows in conference room. Removal of wall in office space.
Responsible Officer	Museums	Manager Museums
Performance Measure	Undertake specific public programs at NMRM including Father's Day and International Museum Selfie Day to encourage local visitation and engagement Work with external partners to loan 8 significant objects to the museum annually to change the museums content and encourage visitation	The completion of the identified general maintenance and facility upgrades
Operational Plan Tasks 2017/2018	Provide a range of public programs/activities and exhibits that encourage increased visitation to the museum	NMRM general maintenance and facility upgrades
Delivery Program Actions 2017-2021	Promote use of museum by wider range of visitor groups.	Commitment to the ongoing maintenance of the facility.
CSP 2036 Strategy & Objective Reference	4.1, 5.1, 11.9 20.1, 26.4,	6.3 20.1, 22.1 29.1, 29.7, 29.8

Status		
Action Year to Date	damage, painting, etc.	<ul> <li>June:</li> <li>Completion of plastering, painting and electrical works for immersive theatre room.</li> <li>Installation of data projector, speaker and screen in conference room.</li> </ul>
Responsible Officer		
Performance Measure		
Operational Plan Tasks 2017/2018		
Delivery Program Actions 2017-2021		
CSP 2036 Strategy & Objective Reference		

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Action Year to Date	Continue to review and develop new action plan. Actions identified and work completed.	<ul> <li>The following conservation activities have occurred during 2017/2018:</li> <li>Collections Manager visited Grimwade Centre, Melbourne University in October 2017 to deliver objects for student conservation including objects from Chifley Home where hose and conditioning reporting on the house fabric.</li> <li>Flan and undertake joint Council and Grimwade Conservation Assistance alongside the Conservation.</li> <li>Two students connenced their three week placement with Council Museum Conservation.</li> <li>Two students commenced their three week placement with Council Museum Conservation.</li> <li>Two students commenced their three week placement will include Bathurst Diacement will and the Carillon reported on and repaired the Yuan Chinese scroll, repaired a timber dining chair and the Carillon Conservation.</li> </ul>	<ul> <li>The following public programs have occurred during 2017/2018:</li> <li>Museum Selfie Day took place on Wednesday 17 January 2018. Over 150 people attended Chifley Home on the day.</li> <li>Heritage Trades Trail exhibition and open</li> </ul>
Responsible Officer	Manager Museums	Museums	Manager Museums
Performance Measure	The development of an action plan. Work completed in line with action plan and related timelines.	Undertake preservation and conservation planning in partnership with the Grimwade Centre for Cultural Materials Conservation, University of Melbourne.	To undertake specific public programs at Chifley Home including International Museum Selfie Day and Heritage Week activities to encourage local visitation
Operational Plan Tasks 2017/2018	Strategic Management Plan reviewed, actions prioritised and costed.	Identify and Implement preventative conservation activities.	Provide a range of temporary exhibitions and public programs
Delivery Program Actions 2017-2021	Implement recommendations in Chifley Home & Education Centre Strategic Management Plan.	Maintain heritage significance of Chifley Home.	Continue public engagement activities to encourage new and returning visitors.
Str S Str S	6.3 11.6, 11.9 20.1, 20.2, 20.6, 23.3, 23.5 23.5	90, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 1, 25, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20	4.1, 5.1 11.5, 11.6 20.1, 20.2, 20.6

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Action Year to Date	day too place in May with over 250 people in attendance over the weekend.	T T	I wo temporary exnibitions were displayed in the Education Centre during 2017/2018:	Bathurst Heritage Trades Trail <i>"Feeding the Family"</i> a walk through food production	from a woman's perspective, and	<ul> <li>"The Great Strike of 1917".</li> </ul>	June:	On-going planning with Kate Bagot-Hiller	regarding "Love, Life & Light" exhibition to	be held in September 2018.
Responsible Officer										
Performance Measure	and engagement	Develop and undertake 2	temporary exhibitions in the Education Centre							
Operational Plan Tasks 2017/2018										
Delivery Program Actions 2017-2021										
CSP 2036 Strategy & Objective Reference										

	Status		
	Action Year to Date	In 2017/2018, Children Services' Staff participated in 48 professional development opportunities. 50% of professional development completed relative to National Quality Standards including Quality Area 1, 2, 6, 7. June: <b>Family Day Care:</b> Two staff member complete CCS Subsidy training, and one attend Domestic Violence Response Training. <b>Scallywags:</b> Three webinars were completed by one Coordinator regarding Transition to Child Care Subsidy and Effective Staff Appraisals and one staff member attended Yarnin' Circle <b>Little Scallywags:</b> One staff member completed two webinars provided by Early Childhood Australia, one attended Fire Warden training.	In 2017/2018, 50% of service policies have been reviewed reflective of changes to the National Regulations and Law. Six National Quality areas reviewed through the year. June: <b>Scallywags/Family Day Care and Little</b> <b>Scallywags:</b> Jointly reviewed the following policies; Administration of First Aid, Arrival and Departure, Child Enrolment, Code of Conduct and Responsible Persons policies <b>Vacation Care:</b> Family Enrolment policies reviewed and changes made to reflect implementation of Child Care Subsidy.
	Responsible Officer	Manager Community Services	Manager Community Services
	Performance Measure	No of staff completing training. 50% of training opportunities attended, to be related to the National Quality Standards.	50% of policies reviewed. 4 National Quality areas to be reviewed.
	Operational Plan Tasks 2017/2018	Provide ongoing opportunities for professional development of Children's Services staff.	Update policies and procedures to ensure alignment with: 1. Education and Care Services National Quality Standards. 2. Education and Care Services National Regulations and Law 3. The Early Years Learning Framework Continue to develop and review Service Quality Improvement Plans (QIP).
<b>VITY SERVICES</b>	Delivery Program Actions 2017-2021	Provision of a range of Children/s Services that include: 1. Long Day Care (Scallywags and Little Scallywags Child Care services) 2. Family Day Care 3. Vacation Care	
COMMUNITY	CSP 2036 Strategy & Objective Reference	Meeting Page 708 of 843 - 18 July 201	Attachments

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Action Year to Date	In 2017/2018, staff continue to review service provision at all child care services and update resourcing, where appropriate. 60% of resources purchased related to Quality Area 1 of the National Quality Standards to enhance the learning environments. 15% related to Quality Area 2 and 7.	June: Scallywags: No resources purchased Family Day Care: No resources purchased Little Scallywags: A climbing frame purchased from fundraising monies – Quality Area 2 Vacation Care: No resources purchased	In 2017/2018, 12 promotional strategies have been used for Children's Services including; Facebook, fundraising events, radio and newspaper advertising, community engagement, promotion day and advertising through local schools.	June: Scallywags: Fundraising carried out for Child's Cancer Project and Farmers Western NSW. Children attended Ulumba Retirement Village. Family Day Care: An Educator won the 2018 Excellence in Family Day Care and promoted via Facebook Little Scallywags: Centre hosted Pyjama Day and Pirate Days to raise funds for Cancer Council and Asthma Foundation.	Promotion through local schools newsletters. In 2017/2018, seven Bathurst Regional Safety	Committee meetings were held. June: Community Safety Committee held 14 June 2018.	In 2017/2018, the <i>Don't Invite Crime</i> initiative launched two campaigns including the development of information brochures and direct
Responsible Officer	Manager Community Services		Manager Community Services		Manager	Community Services	
Performance Measure	75% of resources obtained to reflect the requirements of the National Quality Standards		3 promotional mechanisms developed and implemented for each child care service.		4 meetings with	administration support provided to the Bathurst Regional Community Safety Committee.	2 campaigns developed and implemented as per actions identified in the Bathurst Community Safety Plan
Operational Plan Tasks 2017/2018	Provision of appropriate resources and learning environments that reflect the National Quality Standards.		Promotion of Children's Services.		Undertake the actions	Identified in the Bathurst Community Safety Plan in partnership with the Bathurst Community Safety Committee.	
Delivery Program Actions 2017-2021					Work in partnership with	key stakenolders to develop administer and deliver community planning that reflects the strengths and needs of	specific sectors and the community as a whole.
CSP 2036 Strategy & Objective Reference					22.1, 22.2,	22.3 30.5, 30.6	

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Action Year to Date	information stalls at local shopping centres. Planning for the development of Bathurst Community Safety Plan 2019-2023 commenced in December 2017 and continued through to June 2018.	In 2017/2018 the annual review and evaluation of actions was completed and circulated to all Council Departments for reporting. DIAP is available on Council's website with an E-reader facility. Also, an Easy Read version for individuals with limited literacy was developed. Regular updates requested from Council Departments in regards to the progress of relevant actions within the plan, for example, inclusion of accessibility at Winter Festival.	In 2017/2018, three stakeholder meetings occurred. In 2017/2018, four reports were presented to Council.	<ul> <li>In 2017/2018, a 29% increase in utilisation by external services occurred providing targeted programs as follows:</li> <li>A total of 539 individual users of the Hub by one off, repeat services and programs.</li> <li>Galloping Gumnuts provided a play group from the Hub. The group held 40 sessions.</li> <li>Relationships Australia provided a woman's group that gave woman an opportunity to meet, support each other and undertake activities. The group held 40 sessions.</li> <li>Challenge Disability provided a service where people with disabilities had a place they can participate in activities and just relax in a comfortable and safe environment. The group met eight times.</li> <li>Young Life mentoring for teenagers and young adults facilitated 38 sessions.</li> </ul>
Responsible Officer		Manager Community Services	Manager Community Services	Manager Community Services
Performance Measure	2015-2019.	Undertake annual review and evaluation of actions. Ensure continuing public awareness raising and promotion of DIAP. Identification of relevance and effectiveness of actions.	Facilitate 2 meetings with Kelso Community Hub stakeholders. 3 Kelso Community Hub update reports to Council.	10% increase on 2016/2017 utilisation by external services and programs. services and programs.
Operational Plan Tasks 2017/2018		Implementation of the strategies and actions identified in the Disability Inclusion Action Plan (DIAP) that address each of the four focus areas of the plan 2017- 2021.	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.	Encourage and facilitate the use of the Kelso Community Hub by outside service providers to meet the needs of the community.
Delivery Program Actions 2017-2021			The provision of the Kelso Community Centre as a safe community hub and venue for outreach service provision that meet the needs of the	community.
CSP 2036 Strategy & Objective Reference			21.1, 21.2, 21.3, 23.7, 23.8, 25.1, 26.3, 26.4, 26.5, 26.7 33.4,	33.5

Status						$\bigcirc \bigcirc \bigcirc \bigcirc$			
Action Year to Date	<ul> <li>Family Health) held 45 sessions.</li> <li>Birrang/Wattle Tree House operated living skills workshops for community members at the Hub and delivered 10 workshops.</li> <li>Marathon Health provided the Indigenous Chronic Disease Clinic for 46 sessions.</li> <li>C3 Church hired the Hub for a total of 40 sessions.</li> <li>OAMS Medical services operated from the Hub a total of 16 sessions.</li> </ul>	June: A total of 67 individuals attended the Hub for one-off and repeat services and/or programs.	<ul> <li>The following external providers hired the Kelso Community Hub on a casual basis:</li> <li>Brothers for Recovery with FACS</li> <li>Kelso Public School</li> <li>Police assisted with our Walk in Wednesday programs</li> </ul>	<ul> <li>Police assisted with one breakfast a week</li> <li>Centacare Bathurst</li> <li>Creative Community Concepts and Country Rugby League</li> <li>Bushrangers AFL</li> </ul>	<ul> <li>TAFE attended Monday Women's group</li> <li>Centrelink</li> <li>Aboriginal Education Officer from St Stanislaus College</li> <li>Legal Aid and Marathon Health</li> </ul>	The following programs, activities and celebrations were held at Kelso Community Hub throughout 2017/2018:	<ul> <li>School kids breakfast program operated for 130 days year to date with an average attendance of 22 students each day.</li> </ul>	2,556 young people accessed breakfast program.	<ul> <li>1,400 young people attended atten school programs.</li> </ul>
Responsible Officer						Manager Community Services			
Performance Measure						<ul> <li>20 children per day accessing the breakfast program</li> <li>5% increase of volume</li> </ul>		• 5% increase of young people accessing holiday	<ul> <li>activities.</li> <li>4 Community celebrations</li> </ul>
Operational Plan Tasks 2017/2018						Develop and provide programs and activities that meet the identified needs of the community.			
Delivery Program Actions 2017-2021									
CSP 2036 Strategy & Objective Reference									

Status		
Action Year to Date	<ul> <li>Young people accessing afterschool programs has increased by 4% per session</li> <li>School holiday activities were held during all school holidays catering to young people and families. There were 25 school holiday activities held in total with an average of 897 young people attended school holiday programs.</li> <li>Young people attended school holiday programs.</li> <li>Young people accessing holiday activities have increased by 4.1% per session.</li> <li>Six community events with 758 community members attending have been held at the Hub.</li> <li>A total of 9,788 people were serviced through the Hub.</li> <li>June:</li> <li>292 young people attended the breakfast program, average 24 per day.</li> <li>1,083 people attended the Hub.</li> </ul>	Five Youth Council meetings have been held during 2017/2018 with the following attendance numbers: July 2017: 19 September 2017: 19 November 2017: 15 March 2018: 8 Due to recruitment for the new Youth Council for 2018/2019 a regular meeting was not held in May 2018. The Youth Council partnered with TAFE to deliver "How to Adult" workshops in November 2017. The Youth Council also held a Christmas Raffle to raise money for Veritas House, with \$977.35 being donated to this organisation.
Responsible Officer		Manager Community Services
Performance Measure	per year.	Facilitation of 6 Bathurst Regional Youth Council meetings, including attendance numbers. Undertaking of 2 youth initiatives, activities, programs and events including attendance numbers.
Operational Plan Tasks 2017/2018		Providing support for the Bathurst Regional Youth Council and their related activities, programs and events
Delivery Program Actions 2017-2021		Value and support opportunities for young people to participate in local government decision making.
CSP 2036 Strategy & Objective Reference		27.1, 27.3, 27.4, 27.5, 27.6, 27.7, 27.9 30.2, 33.2, 33.3

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Attachments

Status		
Action Year to Date	<ul> <li>Advertising and editorial undertaken in the following media in 2017/2018:</li> <li>Blue Mountains iMag</li> <li>Fishing Monthly Magazine</li> <li>Elaravanning Australia</li> <li>Earavanning Australia</li> <li>Discover Central West magazine</li> <li>Go55</li> <li>NSW AVIC Visitors Guide</li> <li>Central West Lifestyle magazine</li> <li>Blue Mountains Life</li> <li>2BS and Brock FM.</li> <li>Weekly 'What's On' every Thursday</li> <li>afternoon, 2BS Gold.</li> <li>"What's On" distributed electronically to 650 subscribers. Average of 500 additional monthly copies distributed</li> <li>817 posts promoting Bathurst events/tourism partners posted on Instagram.</li> <li>Twitter account. 127 Tweets sent.</li> <li>ABC Sydney</li> <li>Social media; 65 Facebook posts, 7 Instagram images. 32 tweets.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>\$38,181.32 in tourism partnership fees received.</li> <li>Commitment from National Trust and Mayfield Garden to invest in new Regional App. (\$20K+)</li> <li>Consumer eDM database 64 new subscribers plus 808 gained through Leonards Advertising</li> <li>Visitor Guide commissioned from agency (Nisdom)</li> <li>Member of CENTROC Tourism Managers' group and 'Unearth' marketing campaigns submission, category 9, Regional Tourism Awards</li> <li>June:</li> </ul>
Responsible Officer	BVIC Manager	BVIC Manager
Performance Measure	Type and number of placements promoting Bathurst Region including digital, social, print and public relations. Minimum of one ad placement each month across at least one media channel	Cash Investment by industry. One co-operative marketing campaign per annum has industry buy-in Council facilities promoted in visitor guide, online and in wonthly eDMs State-wide distribution strategy of guides is developed & evidence of guides being sent is recorded.
Operational Plan Tasks 2017/2018	Promotion of the Bathurst Region via channels as outlined in the 18month-three year marketing plan (refer Destination Management Plan)	Includes but not limited to working with other Council facilities and departments, other councils, other Bathurst businesses and regional organisations.
Delivery Program Actions 2017-2021	Effectively promote and market the Bathurst Region as a key destination	
Tourism CSP 2036 Objective Reference	4.1, 4.3, 4.4, 4.6, 4.7, 4.8, 20.2	

Status				$\bigcirc \bigcirc \bigcirc \bigcirc$
Action Year to Date	Hosted and attended CENTROC Regional Tourism Managers' meeting 6 June.	<ul> <li>The following occurred during 2017/2018:</li> <li>Recruitment of Assistant Language Teacher <ul> <li>Ohkuma.</li> <li>Hosted and coordinated Japanese student visits - 4 tours totalling 346 students.</li> <li>A total of \$9,125 revenue from Japanese group bookings was received.</li> <li>Working with Bookeasy and Bedigital on implementation of online booking engine for BVIC and Visitbathurst site took place.</li> <li>Coordinated Bathurst Heritage trades Trail, 12-13 May. 1145 tickets sold, 91% increase over 2017.</li> <li>BVIC prepared 1200 packs for 8 specialist groups with events in Bathurst</li> </ul> </li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>Monthly "What's On" fully reviewed and rebranded for 2017/2018 editions.</li> <li>Facebook Page Likes increased 81.7% to 6,910.</li> <li>Instagram followers increased 31.3% to 1,707.</li> <li>Twitter feed achieved 17,500 impressions and 320 engagements</li> <li>Review and updated 32 different Information sheets.</li> <li>Review and updated 'Attractions and Activities' booklet.</li> <li>Review and updated 'Event Planner' booklet.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>Events calendar had 552 events at average of 46 per month.</li> <li>Autumn Colour tours average tour attendance increased by 86.3%</li> <li>Weekly 'What's On' every Thursday afternoon, 2BS Gold.</li> <li>Bathurst Heritage trades Trail 91% increase over 2017.</li> <li>Total number of events increased by 34%.</li> </ul>
Responsible Officer		BVIC Manager	BVIC Manager	BVIC Manager
Performance Measure		Number of groups hosted. In 2017, 4 Japanese groups were hosted. (129 host families / 327 students) 2018 target is 142/ 359. Repeat bookings taken. Bookings are recorded and estimated economic benefit is calculated.	Development of and distribution of combined and promotional collateral (visitor guide) consistent with destination brand Review of promotional collateral to ensure brand consistency	Currency of information. Calendar is updated weekly. Number of events increases. Increase number of events listed by 10%
Operational Plan Tasks 2017/2018		Promotion of the Bathurst Region to niche and specialist markets (eg education market – Japanese students) or as identified in the Destination Management Plan (DMP).	Provide a diverse range of current and relevant publications and information that highlights and promotes the facilities, events and activities of the region.	Support local event organisers through the access and inclusion of annual online calendar of events.
Delivery Program Actions 2017-2021			Provide visitors and prospective visitors to the area with quality information and services.	
CSP 2036 Objective Reference			4.1, 4.4, 4.6, 4.7 20.2	

## S\_DCSF\_2\_1

Ordinary Meeting

Status		$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$
Action Year to Date	<ul> <li>Coordinate final construction of new Bathurst tourism website</li> <li>June:</li> <li>What's On' had 45 events, distributed to 461 online subscribers and 191 postal recipients</li> <li>Final meeting for 2018 Bathurst Heritage Trades Trail Committee held 4 June. All reporting for event complete.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>51,320 visitors to BVIC being an increase of 1.07%.</li> <li>7,058 phone enquiries being an increase of 23.2%.</li> <li>9,803 VisitBathurst page views being an increase of over16%.</li> <li>\$79,919 retail revenue for 2017/18, 14% decrease on 2017.</li> <li>201720/18 events calendar had 552 events at average of 46 per month.</li> <li>201720/18 events calendar had 552 events at average of 46 per month.</li> <li>Staff attendance at seven courses, seminars and conferences.</li> <li>June:</li> <li>Bookeasy booking engine added.</li> <li>Staff attended Bookeasy training (on site) 25-29 June.</li> <li>Inception meeting for 30kW solar array 18 June.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>140 tourism partners, consisting of 19 Associate, 96 individual, 23 multiple and 2 Platinum. Includes 19 new partners.</li> <li>76 meetings between BVIC Manager and current/prospective partners.</li> <li>Assisted partners regarding Tourism Awards submissions</li> <li>Partner networking meetings introduced and held in February and April 2018.</li> <li>44 famils of partners' establishments by BVIC staff</li> <li>Meeting with Rockley historical Society on</li> </ul>
Responsible Officer		BVIC Manager	BVIC Manager
Performance Measure		Presentation of high quality services. Retail sales increase by 10% annually. In 2017, \$ 186,529 sales were recorded (YTD April). 2018 target is \$188,394. Monthly 'What's On' published online and print. Staff development program. All staff attend 3 professional development including relevant conferences annually.	Number of tourism partners. Partners increase by 10% annually. In 2017, 130 partners. 2018 target is 143. Provision of support is provided to local operators. Quarterly partner meetings
Operational Plan Tasks 2017/2018		Develop the number and quality of services and facilities provided through the visitor information centre.	Working with local operators in the provision of visitor services.
Delivery Program Actions 2017-2021			
CSP 2036 Objective Reference	dinary Meeting	Page 715 of 843 - 18 July 2018	Attachments

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Status		
Action Year to Date	cross promotion during Artstate - November June:	<ul> <li>Operator training provided for Bookeasy platform 26-28 June</li> <li>Attended BAG Meeting 21 June</li> </ul>
Responsible Officer		
Performance Measure	are held. Staff conduct quarterly familiarisation programme.	
Operational Plan Tasks 2017/2018		
Delivery Program Actions 2017-2021		
CSP 2036 Objective Reference	Pa	age 716

	Status		$\bigcirc \bigcirc \bigcirc \bigcirc$
	Action Year to Date	<ul> <li>The following occurred during 2017/2018:</li> <li>Brand Workshops:</li> <li>Mayor, General Manager, DCCS, Manager Economic Development – July.</li> <li>Councillor Working Party – September and October.</li> <li>Four industry presentations – November.</li> <li>Four Brand adopted by Council – December.</li> <li>Final Brand activated – January/February.</li> <li>Development of Public Relations, Photographic and Signage brief.</li> <li>Appointment Public Relations agency – April.</li> <li>Appointment Public Relations agency – April.</li> <li>Continuation of specialist Public Relations is generating positive results are being recorded including placements for Bathurst Winter Festival in Sunday Telegraph I audience of 378,449 and \$30,068 Equivalent Advertising Value.</li> <li>Website development.</li> <li>Staff training in new CMS has been booked.</li> <li>BVIC upgrade – a specialist consultant has been appointed following a Request for Quotes process to refurbish the VIC and provide retail &amp; merchandise strategy to align with the new destination brand and to drive an increase in sales.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>Matrix of proposed marketing and communications activities prepared.</li> <li>Draft three-year marketing plan drafted including priorities, activities and timelines.</li> <li>The following actions occurred during June:</li> <li>A marketing plan and marketing action sheet</li> </ul>
	Responsible Officer	Destination Development Manager	
	Performance Measure	Brand workshop. Adoption by Council. Brand activation.	Adoption by Council.
	Operational Plan Tasks 2017/2018	Develop, adopt and implement a recognised destination brand.	Develop and implement 18 month-three year marketing plan.
<b>Destination Management</b>	Delivery Program Actions 2017-2021	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	
Destinatio	CSP 2036 Objective Reference	4.1, 4.3, 4.4, 4.6, 4.7, 5.1 20.2	

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Status							$\bigcirc \bigcirc$							
Action Year to Date	<ul> <li>has been prepared and a budget allocated to ensure promotional activity can occur in new FY.</li> <li>Actions are aligned to the 2015 Destination Management Plan and the Bathurst Brand Strategy.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>60 new images commissioned from promotional use and incorporation into new website.</li> <li>Social media competition during 2017 Winter Festival for guality images.</li> </ul>	<ul> <li>Images commissioned using brand strategy prepared.</li> <li>Photo Shoot for specific images, locations and talent – April.</li> </ul>	The following actions occurred during June:	<ul> <li>Imagery is being used for new website and in PR materials, social media channels and general promotional materials</li> </ul>	<ul> <li>The marketing action plan has an allocated budget for the ongoing commissioning of quality imagery (still and video)</li> </ul>	The following occurred during 2017/2018:      Tourism Reference Group met 17 times with     an average of 80% attendance.     Tachical marketing activities were	New Comparison of the Uncertainty of the Uncertainty of the Uncertainty of the Uncertify marketing Campaign including 3 media visits to	Bathurst which involved support and buy-in by industry.	Support for 2018 Heritage Trades Trail was provided at a marketing level and assisted	by funds from a successful funding application (\$20,000) from Destination NSW.	A further \$25,000 was received for the Heritage Trades Trail from an application	with Office of Environment and Heritage.	The following actions occurred during June:
Responsible Officer							Destination Development Manager							
Performance Measure		Incorporated in refreshed consumer focused website.					Conduct monthly Tourism Reference Group meetings.	Attendance at meetings averages 80%	Positive feedback from stakeholders (Council,	media, industry).	Comments, print and online stories are	registered.	Greater industry buy-in to tactical marketing activities	(current benchmark is 0)
Operational Plan Tasks 2017/2018		Publish image library for industry to access.					Improved collaboration between industry groups and Council							
Delivery Program Actions 2017-2021							Establish a Tourism Reference Group, which consists of a cross section of the industry							
CSP 2036 Objective Reference	dinary Meeting		Page 718	of 84	3 - 18		8 4.1, 4.4, 4.6, 4.7 20.2			Δ	ttac	nmer	nts	

Status			
Action Year to Date	<ul> <li>Tourism Reference Group meeting held 4 June May</li> <li>Attendance 80%</li> <li>Australian Regional Tourism – active participation in organisation of 2018 Convention as subcommittee member.</li> <li>Attendance teleconferences on same.</li> <li>Positive PR (print and online) for Bathurst Winter Festival in Sunday Telegraph which has an audience of 378,449 and \$30,068 Equivalent Advertising Value.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>Attendance at My Travel Research Marketing – September.</li> <li>BVIC workshops/networking event – February.</li> <li>Regional Tourism Awards – capacity building workshop – February/March.</li> <li>BVIC workshop/ network event – April.</li> <li>June:</li> <li>Professional development program industry for second half of 2018 been planned &amp; included in the marketing action plan and budget.</li> </ul>	<ul> <li>The following occurred during 2017/2018:</li> <li>No funds provided in 2017/2018.</li> <li>An allocation to include a relevant industry report has been included in the 2018/2019 budget and marketing plan.</li> <li>Collaborative project with WRI and CENTROC has been discussed.</li> <li>Development of methodology and collection is being developed for use in business planning, submissions and funding applications.</li> <li>Meeting held with CSU staff with experience in research and tourism to further the project and its scope and the potential of a customised research piece for Bathurst.</li> </ul>
Responsible Officer		Destination Development Manager	Destination Development Manager
Performance Measure		Delivery of workshops. 4 workshops annually Minimum 10 attendees + positive feedback in surveys	Number of surveys conducted 4 per year with Economic Development Officer and Bathurst Business Chamber.
Operational Plan Tasks 2017/2018		Provide training and professional development for industry. Host ongoing tourism forums annually.	Publish annual market intelligence report to strengthen knowledge and guide investment.
Delivery Program Actions 2017-2021		Connect with industry	Set and measure benchmarks
CSP 2036 Objective Reference		4.1, 4.3, 4.4, 4.6, 4.7, 4.8, 5.1 20.2	4.1, 4.3, 4.4, 4.6, 4.7, 5.1 20.2

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Environmental, Planning & Building Services

Council has prepared and adopted interim Planning controls for the local government area and continues to prepare a new comprehensive Local Environmental Plan and Development Control Plan. These plans will be based on the adopted Bathurst Region Urban and Rural Strategies. Council is still awaiting the endorsement of the Rural Strategy by the NSW Government.

## **Strategic Planning**

Status	0	0•)						00				
Action Year to Date	LEP/DCP – Housekeeping – various matters, planning proposal being prepared.	LEP/DCP – Open Space Housekeeping Amendment – rezone various parcels of land to open space. Adopted by Council. Gazetted.	LEP – Moveable and Monumental heritage – planning proposal being prepared.	LEP/DCP – Limekilns Road – Adjust R1, RE1 and RU1 zone boundaries – planning proposal prepared. Gateway determination received. On public exhibition.	DCP – Reservation of land adjacent to Eglinton School – School expansion to open space. Council resolved not to amend the DCP.	DCP – Implement recommendations of the Hill End Archaeological Management Plan. Adopted by Council.	DCP – Gateway Enterprise Park and Adrienne Street Industrial area – Amend Map No. 8 to provide for connectivity between the Gateway Enterprise Park and Adrienne Street. Adopted by Council.	<ul> <li>Bathurst Housing Strategy 2036 – adopted by Council</li> <li>Cultural heritage assessments of Mount Panorama Wahluu. Go Kart Track and anthropological draft reports received. Campground completed. 2<sup>nd</sup> circuit – investigations underway. Field work completed.</li> <li>Durham/Stewart Street Intersection Treatment Option Study – Investigate options to upgrade the intersection medium-long term. Consultants appointed. Study underway. Draft report.</li> <li>Bathurst 2040 Open Space Strategy – Provision of open space within the Bathurst Urban Area – Consultants appointed. Study underway. Visioning consultation completed. Preliminary draft report received.</li> </ul>				
Responsible Officer	Manager Strategic						Manager Strategic Planning					
Performance Measure	Planning proposals	Department of Planning &	Environment for gazettal					Studies/plans considered and adopted by Council				
Operational Plan Tasks 2017/2018	Prepare draft LEP and							Prepare studies and plans.				
Delivery Program Actions 2017-2021	to to tate. trland sues sues											
CSP 2036 Objective Reference	1,2,3	8,9,10,11,1 2,13	17,18,21,24	07				1,3	8,9,10,12,1 3 18,21,24	28		

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Stormwater Management Plans – Underway. Consultants appointed.	Eglinton Open Space & Drainage – include land adjoining Eglinton School – Council resolved not to amend plan.	Bathurst Region Open Space – Review land values and contribution rates. Valuation report received.	Statistics collated – July 2017 to date: 1. Total site visits – 133 2. Heritage/Urban Design advice – 51 3. Pre DA advice – 47 4. DA assessment advice – 35	Local Heritage Fund – 49 projects completed.	Interpretation Fund – 9 projects completed.	Main Street Fund – 10 projects completed.	Kings Parade Interpretation – brochure on Kings Parade and the Carillon produced.	Pillars of Bathurst 2018 – 2018 nominations finalised. Nine new "Pillars" launched 6 May 2018.	Aboriginal Interpretation Strategy – awaiting finalisation of Mt Panorama investigation.	Bathurst Main Street Review – William, George, Howick & Keppel Streets completed. Residual CBD drafted. Awaiting photography and collation. Funding application for signage strategy lodged with NSW OEH.
Manager Strategic	guinnar	<u>.</u>	Manager Strategic Planning	Manager Strategic Local He Planning Interpret Main Str			Manager Strategic Ki Planning pr Pi At At			Manager Strategic Planning
Draft plans considered	and adopted by Council		Heritage Advisor available for on-site visits once a fortnight.	Adequate funding is				avallable.	Studies/plans considered and adopted by Council.	
Revise existing or prepare	new sut Plans.	Provide a Heritage Advisory Service.	Provide heritage incentive	protect, maintain, enhance	heritage assets.	Prepare and implement projects for the	interpretation and display of cultural heritage and history information.		Prepare research/studies into the regions heritage values	
Review and update Council's section 94 plans. Implement the Bathurst Regional Heritage Strategy 2014-2017.										
9	28,29		11							

1,2,3,6,7Ensure the assessment8,9,10,11,of development and other2,13,13,14,applications, inaccordance with planning			Responsible Officer	Action Year to Date	Status
15, 16instruments,Planning and17, 18, 19,development controlAct 1979.822occurs within appropriate28,29timeframes.	oment ss set lental ssment	Reduce number of Development applications exceeding 40 days.	Manager Development Assessment	Figures for 1 July 2017 to 30 June 2018740-No of applications (DA/CDC/MOD) received656-No of applications determined185-No of determinations (gross) over 40 days (26.62%)30.62-Average approval time38.19-	$\bigcirc \bigcirc \bigcirc \bigcirc$

	Status		$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$		$\bigcirc \bigcirc \bullet$
	Action Year to Date		Programs completed 20 November 2017 to 1 December 2017 and 4 to 15 June 2018 with a total of 230 animals desexed.	Event held on Saturday 14 April 2018. Dr Joanne Righetti, a respected animal behaviourist, was the keyrote speaker. Eight local businesses were also in attendance; free sausage sizzle was very popular as was the face painting for children.	Weekly radio interviews conducted by Senior Ranger.	Contractor engaged to complete the works for the financial year. An irrigation system was installed in June 2018 in the small dogs off leash area.	97% responded to within corporate standards.	Modifications to existing building completed in July including new staff hand washing facilities. A new transportable office was installed to provide improved staff amenities and additional work space.	Ongoing.		Monitoring undertaken daily. One Parking Ranger position was vacant for approximately nine months until March 2018 which impacted the frequency of monitoring.
	Responsible Officer		Manager Environment / Senior Ranger	Manager Environment / Senior Ranger	Manager Environment / Senior Ranger	Manager Environment / Rangers	Manager Environment / Rangers	Manager Erivronment / Senior Ranger	Manager Environment / Senior Ranger		Manager Environment/ Parking Rangers
	Performance Measure		Community Pet Desexing program conducted twice annually	Dog Expo completed by June 2018.	Responsible pet ownership education campaign completed by June 2018.	Maintain the Kefford St Off-leash area to current standards.	Number of complaints and enquiries responded to within adopted corporate standard (95%).	Continue maintenance and progressive upgrade of security during 2017/2018	Maintain the stock impounding facilities and meet requirements of stock handling, transport and disposal.		Adequate tumover in CBD parking.
	Operational Plan Tasks 2017/2018		Complete Responsible Pet Ownership education programs.			Maintain and enhance areas for off-leash recreation of dogs.	Investigate animal related complaints, including after-hours matters and operate the animal pound.	Maintenance of Small Animal Pound Facilities and improve security of impounding facilities.	Maintenance of Stock Impounding Facilities.		Continue to monitor and enforce parking regulations and educate the community in relation to Parking Control.
ent	Delivery Program Actions 2017-2021		Meet Council's Responsibilities under the Companion Animals Act (1998) by continuing	to provide education and community opportunities with regards to responsible pet ownership.			Meet Council's Meet Council's Responsibilities under the Companion Animals Act (1998) and the Impounding Act (1993) by reducing the corcurrence of stray companion animals and livestock; the holding of impounded animals and continuing to upgrade the Small Animal Pound to meet current and upcoming standards.				Meet Council's responsibilities under Road Rules (2008) and the Fines Act (1996) and reduce the amount of contestable penalty notices being issued.
Environment	CSP 2036 Objective	Reference	21, 22, 23 30				22 30 31 32 34 34 34 34 34 34 34 34 34 34 34 34 34			Parking Control	3 22 29, 30

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Status		$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bullet \bigcirc$	$\bigcirc \bigcirc \bullet$	
Action Year to Date		July 2017 to June 2018 – 97% responded to within corporate standards.	A variety of small projects completed during the year such as water quality analysis and management of evidence for compliance matters.	Enviromentors program completed over a two week period in August 2017 with presentations at 10 schools.	2018 event held on 24 March featuring "Sticks and Wombat" to highlight a sustainable theme building. 3600 people attended, with performances by Shoalhaven "Zoo to You" and "Junkyard Beats" also very popular 2 awards received for 2017 event.	2017 program was completed in August 2017 and newsletter was distributed in early December 2017. Projects awarded in May 2018 to 14 schools for the 2018 program.	Regular communication through the @Sustainable Bathurst page. Features in Bathurst City Life to promote events and educational programs have also been printed. Articles on programs have been included in Council's quarterly newsletters.	Negotiations to utilise a very successful program developed by City of Wollongong have not been finalised. An educational event for builders was planned in March 2018, but unfortunately was cancelled due to a lack of attendees.	Report is complete and was presented to Council at its ordinary meeting in November 2017. Report is available on Council's website.	
Responsible Officer		Manager Environment/ Environmental Officers	Manager Environment	Manager Environment / Environmental Officers	Manager Environment/ Environmental Officer	Manager Environment / Environmental Officer	Manager Environment/ Environmental Officer	Manager Environment / Environmental Officer	Manager Environment / Sustainability Strategy Officer	
Performance Measure		Respond to enquiries and complaints within adopted corporate standard (95%).	Minor environmental projects completed by June 2018.						Complete the Bathurst 2017 State of Environment Report	
Operational Plan Tasks 2017/2018		Respond to enquiries and complaints.	Identify and conduct minor environmental projects.	Conduct community environmental education programs.	Conduct the annual Sustainable Living Expo.	Conduct the annual Bathurst Region schools 'Sustainable Schools' program.	Communicate environmental messages via a range of on-line and traditional media sources.	Coordinate a targeted education program for builders and Council Staff	Conduct appropriate research and data collection to complete State of the Environment	
Delivery Program Actions 2017-2021	Environmental Management	Meet Council's responsibilities under the Protection of the Environment Operations Act and Local Government Act in relation to environmental protection.	Continue to improve the community's awareness and capacity with regards							
CSP 2036 Objective Reference	Environment	6 8, 9, 10,12 13, 16 18, 22, 27 28, 29, 30, 33	5, 6 8, 9, 10,12 13, 14, 15	16 16 27, 29 28, 29, 30,	Ř				8, 9, 10, 12, 13, 16 30,	

Status	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bigcirc \bigcirc$		$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bullet ]$	$\bigcirc \bigcirc \blacklozenge$
Action Year to Date	Report is complete and was presented to Council at its 13 December 2017 Ordinary Meeting. Report is available on Council's website.	Investigative works for a project in Sawpit Creek completed in August 2017. Report received in December 2017. Maintenance works undertaken at Sawpit Creek site and Hawthornden Creek and Blayney Road Common in February, March and May 2018.	Financial support granted for 2017/18, meetings attended by staff. Various activities completed throughout the year.	Final draft was presented to Council at its 13 December 2017 Ordinary Meeting. Four submissions were received during the public exhibition period. The final report was adopted by Council at it's Ordinary Meeting in April 2018. The updated maps are now available on Council's website.	Ongoing CBD pigeon control program occurring. Estimated 575 pigeons removed in 2017/2018.	<ul> <li>Biodiversity Community document has been graphically designed, awaiting images to be finalised.</li> <li>Activities in 2017/18 included: <ul> <li>Weed control Sawpit Creek</li> <li>RVMP adopted April 2018</li> <li>Brick Pits study.</li> </ul> </li> <li>Implementation of overall plan ongoing.</li> </ul>	Request for quotation sent to five companies for the installation of a 35kW solar array with battery storage at the Bathurst Visitor Information Centre. Project awarded to Epho in April 2018. Design approved in June 2018, installation scheduled for July 2018. Council Energy Consumption for 2016/17 was 1.77GJ per resident. 2017/18 figures will not be available until late August 2018.
Responsible Officer	Manager Environment / Sustainability Strategy Officer	Manager Environment/ Sustainability Strategy Officer	Manager Environment	Manager Environment/ Sustainability Strategy Officer	Manager Environment/ Environmental Officer	Manager Environment/ Sustainability Strategy Officer	Manager Environment / Sustainability Strategy Officer
Performance Measure	Complete the 2017 Regional State of Environment by 30 November 2017.	Implement priority project/s identified in the Urban Waterways Management Plan by June 2018.	Support the Central West Environment and Waterways Alliance Project Support Officer in 2017/2018.	Roadside Vegetation Management Plan completed by June 2017. Council's Roadside Vegetation Management Guidelines updated by June 2018	Implement priority project/s identified in the Pest Bird Management Plan by June 2018.	Implement priority project/s identified in the Biodiversity Management Plan by June 2018.	Implement Revolving Energy Fund projects in 2017/2018. Council Energy Consumption per resident reduced
Operational Plan Tasks 2017/2018	Reports.	Implement the Urban Waterways Management Plan.	Support the Central West Environment and Waterways Alliance Project.	Improve the management of Bathurst Region road reserves by preparing a Roadside Vegetation Management Plan and updating Council's Roadside Vegetation Management Guidelines.	Implement the Pest Bird Management Plan.	Implement the Biodiversity Management Plan.	Support the continuation of the Revolving Energy Fund.
Delivery Program Actions 2017-2021		Meet Council's obligations under the Local Government Act (1993) and community expectations to manage,	develop, restore, enhance and conserve the environment.				
CSP 2036 Objective Reference		9, 10, 12, 13, 14, 15 22 30					

Ordinary Meeting

Status	$\bigcirc \bigcirc \bullet$		$\bigcirc \bigcirc \bullet$	$\bigcirc \bigcirc \bigcirc \bigcirc$	$\bigcirc \bigcirc \bullet \bigcirc$	$\bigcirc \bigcirc \blacklozenge$	$\bigcirc \bigcirc \bigcirc \bigcirc$				
Action Year to Date	New ceiling and roof have been installed at Bathurst Airport terminal, which will result in a considerable reduction in energy consumption. Lighting upgrades have occurred in Post Office building, Council Chambers and bathrooms on 1 <sup>st</sup> floor of Civic Centre.		Regional Food Group meetings attended throughout 2017/18. Food newsletter sent in October 2017.	3 of 16 public swimming pools and spas inspected in 2017/18. One EHO position was vacant for 7 months, with a new EHO commencing in January 2018.	July 2017 to June 2018 – 97% responded to within corporate standards.	Not currently funded.	Food inspections conducted daily. 1033 inspections were completed in 2017/18 (including temporary events and reinspection of permanent outlets). Skin penetration inspections undertaken in January, February, March and May 2018. 39 of 73 premises were inspected. On site sewerage management systems inspections conducted weekly.				
Responsible Officer	Manager Environment / Sustainability Strategy Officer.		Manager Environment / Environmental Health Officer	Manager Environment / Environmental Health Officer	Manager Environment/ Environmental Officers	Manager Environment.	Manager Environment/ Health Officer				
Performance Measure	Conduct energy audits at priority Council facilities and implement identified energy efficiency measures in 2017/2018.		Develop and distribute Environmental Health Fact Sheets. Attend Environmental Health Seminars.	Conduct monitoring of all Bathurst Region public swimming pools and spa pools by June 2018.	Respond to enquiries and complaints within adopted corporate standard (95%).	Implement an Environmental Health Secondment program by June 2018.	Conduct a program of inspections of food premises etc during 2017/2018.				
Operational Plan Tasks 2017/2018	Support the continuation of Energy Audits of Council facilities and implement simple and cost effective energy efficiency measures		Continue to improve Council and community knowledge with regards to food health, public bathing areas and domestic	wastewater disposal.	Respond to enquiries and complaints.	Ensure Council's ability to meet the obligations as required under NSW Legislation.	Continue to conduct a program of inspections of Food premises, B&B's, Home-based food premises, domestic waste water disposal units, and skin penetration premises to ensure compliance with regulations and educate the community about relevant regulations.				
Delivery Program Actions 2017-2021	Continue to evaluate, report and reduce energy demand and greenhouse gas emissions in Council operated facilities.	Environmental Health Management	Meet Council's obligations as part of the Food Regulation Partnership, the Food Standards and the Public Health (Swimming Pools and Spa Pools) Regulation (2000).								
CSP 2036 Objective Reference	8, 13	Environment	22, 25, 26 30, 31								

Ordinary Meeting

Status	$\bigcirc \bigcirc \bullet$											$\bigcirc \bigcirc \bullet$
Action Year to Date	July – June business eNewsletters sent. Business Hub website regularly updated.	Partnership with the Business Chamber, BEC and CSU for BizMonth campaign.	BizMonth sponsored by Commonwealth Bank, Verto and Rydges Mt Panorama.	Jobs Expo sponsored by TAFE NSW and CSU.	989 jobs uploaded year to date.	Jobs Expo held 9 August with 2,000 attendees.	4,972 Buy Local Gift Cards purchased - \$312,399 loaded.	BizMonth held in September 2017.	Bizmonth Business Lunch held 15 September 2017 – 200 attendees. Business Chamber Christmas party hosted at BVIC, 12 December 2017. Welcome Wagons held 8 November 2017 and 11 April 2018. Business Leaders lunch held 21 June 2018 – 70 attended.	934 businesses on Council's database. Online promotion of Jobs Expo and BizMonth.	1,548 followers on the Business Hub Facebook page.	Bathurst received 2 funded base stations in Round 1 and 1 funded base station in Round 2, mobile black spots program. CBD Wi-Fi grant application successful, Federal Smart Cities Fund. Formation of Council's Smart City Project Group
Responsible Officer	Manager Economic Development	Manager Economic Development			Manager Economic Development				Manager Economic Development	Manager Economic Development		Manager Economic Development
Performance Measure	Continued development of Business Management Workshops. Promote training through Bathurst Business Hub website, Business eNewsletters etc. Continued support and partnerships with the Business Chamber, AusIndustry, BEC, CSU, RDA and NSW Department of Industry.			Work with employment agencies and business groups to grow Evojobs and the Jobs Expo. Grow BizWeek & Bathurst Buy Local Campaign.			BizWeek & Bathurst Buy Local Campaign.	Host Business Lunches, Welcome Wagons, Business Chamber and other Mayoral business events.	Foster local business growth through the online promotion of	relevant opportunities, growth of Councils business database and social media engagement.	Facilitate the availability of high speed internet and mobile telecommunications	
Operational Plan Tasks 2017/2018	Ensure appropriate training is identified, developed where necessary and information disseminated to relevant industry sectors.	Facilitate contact between industry, developers, government, new business, relocators, training bodies and community groups where appropriate			Actively foster and support small, micro and home based business				Host regular Mayoral functions	Promote new and innovative practices within industry sectors		Facilitate the development of infrastructure to support & attract knowledge, innovation & research.
Delivery Program Actions 2017-2021	Implementation of the Economic Development Strategy 2017-2020 and associated programs and actions.											
dinary Meeting Page 727 of 843 - 18 July 2018 Attachments												

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	Agreement from Council to participate in the "Upstairs" Start-up Hub, including financial support. MOU in place.	Prospectus prepared for the Qantas Pilot Training Academy. Prospectus prepared for Protected Cropping project	226 enquiries responded year to date. Ops meetings attended 23 August, 22 November 2017 and 21 March 2018. Steering Committee meetings attended 24 August, 23 November 2017 and 22 March 2018.
	Manager Economic Development		Manager Economic Development
infrastructure. Support the development of economic precincts.	Prepare Relocation Prospectus' where necessary. Support the	development of business Incubators to launch business start- ups.	Evocities meetings attended and all enquiries replied to. Bathurst Region website updated on a monthly basis.
	Encourage business start- up, investment, business relocation and respond to all enquiries.		Leverage key marketing programs that have the potential to attract investment.

#### 2017-2018 Section 356 Donations Report as at 30 June 2018

Details	Reference	Date	Standard Annual Donations \$	Specific Donations \$	Sundry Donations ¢	Mt Pan Fee Waived \$	BMEC Donations	TOTAL
Annual Budget			<del>ه</del> 63,020.00	<u>م</u> 60,514.00	<u>\$</u> 24,193.00	<del>م</del> 36,083.00	<u></u> 72,751.00	<del>ہ</del> 256,561.00
Spent to date:								
2BS Junior Sports Awards	Operation Plan	21/07/2017	-5,000.00					-5,000.00
Macquarie Philharmonia - Platinum Donation	Operation Plan	21/07/2017	-2,500.00					-2,500.00
Sofala & District AH&P Association	Operation Plan	21/07/2017	-350.00					-350.00
Sofala Progress Association	Operation Plan	21/07/2017	-2,000.00					-2,000.00
Bathurst Information and Neighbourhood Centre	Operation Plan	21/07/2017	-800.00					-800.00
Bathurst City & RSL Band Association Inc	Operation Plan	21/07/2017	-5,000.00					-5,000.00
Evans Arts Council	Operation Plan	21/07/2017	-2,770.00					-2,770.00
3rd Bathurst (All Saints Cathedral) Scout Group	Operation Plan	21/07/2017		-490.00				-490.00
Bathurst Refugee Support Group Inc	Operation Plan	21/07/2017		-3,000.00				-3,000.00
Bathurst Gardener's Club Inc.	Operation Plan	21/07/2017		-1,600.00				-1,600.00
Bathurst Early Childhood Intervention Service Inc. National Serviceman's Association of Australia	Operation Plan	21/07/2017		-2,683.64				-2,683.64
(NSAA)	Operation Plan	21/07/2017		-1,420.00				-1,420.00
The Allegri Singers	Operation Plan	21/07/2017		-2,000.00				-2,000.00
Quota International of Bathurst - QuoCKa reading	Operation Plan	21/07/2017		-1,000.00				-1,000.00
Miss Trail's House & Garden	Operation Plan	21/07/2017		-2,000.00				-2,000.00
Peel Residents Association Incorporated	Operation Plan	21/07/2017		-450.00				-450.00
Bathurst Seymour Centre Inc	Operation Plan	21/07/2017		-2,500.00				-2,500.00
Glenray Industries Bathurst & District Poultry Society Inc	Operation Plan Operation Plan	21/07/2017 21/07/2017		-1,500.00 -3,000.00				-1,500.00 -3,000.00
Holy Trinity Church - Parish of Kelso	Operation Plan	21/07/2017		-2,000.00				-2,000.00
Bathurst Arts Trail - Spring Spectacular	Operation Plan	21/07/2017		-1,000.00				-1,000.00
Hill End & Tambaroora Gathering Group	Operation Plan	21/07/2017		-400.00				-400.00
Bathurst Young Mob	Operation Plan	21/07/2017		-1,000.00				-1,000.00
Turon Art Group Sofala	Operation Plan	21/07/2017		-1,000.00				-1,000.00
Monkey Hill UHF Repeater	Operation Plan	21/07/2017	-800.00					-800.00
Bathurst Edgell Jog	Operation Plan	21/07/2017		-6,000.00				-6,000.00
Central Tablelands Woodcraft (CAOS)	DCS&F 19/07/17 Item 5	26/07/2017			-500.00			-500.00
WRAS Annual Subscription/donation	Operation Plan	31/07/2017	-2,255.00					-2,255.00
Denison College - Student Information Night	S356 Policy	1/08/2017					-555.82	-555.82
BMEC - CPSA July Meeting	Operation Plan	1/08/2017					-878.64	-878.64
School Maths Program	S356 Policy	1/08/2017					-237.55	-237.55
Challenge Community Services	DCS&F 19/07/17 Item 8	1/08/2017			-576.00			-576.00
City Colts Water Account	Operation Plan	23/08/2017	-1,357.04					-1,357.04
City Colts Rates	Operation Plan	23/08/2017	-2,605.44					-2,605.44
Bathurst Public School - Mid Year Concert	S356 Policy	31/08/2017					-1,779.18	-1,779.18
Mitchell Conservatorium Winter Showcase	Operation Plan	7/09/2017					-1,063.36	-1,063.36
BMEC - CPSA Aug Meeting	Operation Plan	7/09/2017	70.07				-1,082.05	-1,082.05
Home Modification Tip Fees	Operation Plan	5/10/2017	-76.27		1 000 00			-76.27
2018 District Probus Friendship Day BMEC - Bathurst Eisteddfod	DCS&F 18/10/17 Item 6 Operation Plan	26/10/2017 26/10/2017			-1,000.00		-30,000.00	-1,000.00
BMEC - Arts out West - Jimmy Little Gathering	S356 Policy	26/10/2017					-30,000.00	-30,000.00 -312.82
BMEC - CPSA Aug Meeting	Operation Plan	26/10/2017					-606.36	-606.36
Home Modification Tip Fees	Operation Plan	7/11/2017	-188.00				-000.30	-188.00
BMEC - CPSA Oct Meeting	Operation Plan	15/11/2017	-188.00				-925.91	-925.91
BMEC - CPSA Nov Meeting BMEC - CPSA Nov Meeting	Operation Plan	15/11/2017					-925.91	-925.00
Mitchell Conservatorium - Band workshops	Operation Plan	15/11/2017					-288.36	-288.36
Meadow Flat Public School - presentation night	S356 Policy	15/11/2017			-60.00		-200.00	-60.00
Bathurst West Public School - presentation night	S356 Policy	15/11/2017			-60.00			-60.00
Rockley Public School - presentation day	S356 Policy	15/11/2017			-60.00			-60.00
Accessible Living Options - International Day of	DCS&F 16/11/17 Item 8	29/11/2017			-1,485.00			-1,485.00
People with Disability (IDPWD)								-
Bathurst City Mens Bowling Club - Carillon Fours Panorama Long Track Committee - 2017	DCS&F 16/11/17 Item 7	29/11/2017			-1,000.00			-1,000.00
Australian Long Track Masters	DCS&F 18/10/17 Item 5f	30/11/2017			-3,000.00			-3,000.00
2017 Brock Commodore Owner's Association of Australia National Event	DCS&F 17/05/17 Item 5	30/11/2017				-1,749.00		-1,749.00
2017 Brock Commodore Owner's Association of Australia National Event	DCS&F 17/05/17 Item 5	30/11/2017				-902.73		-902.73
Home Modification Tip Fees	Operation Plan	7/12/2017	-22.00					-22.00
Mitchell Conservatorium - Band workshops	Operation Plan	7/12/2017	22.00				-432.55	-432.55
Eglinton Country Fair	DCS&F 13/12/17 Item 8	20/12/2017			-500.00			-500.00
Mitchell Conservatorium - LED screen for Carols	Operation Plan	20/12/2017					-3,300.00	-3,300.00
by Candlelight								
The Scots School - Blue, Black & Gold ball	S356 Policy	1/01/2018					-140.36	-140.36
BMEC - CPSA Dec Meeting	Operation Plan	1/01/2018					-1,061.82	-1,061.82
Bathurst Public School - presentation day	S356 Policy	1/01/2018					-193.64	-193.64
Carenne School - presentation day	S356 Policy	1/01/2018					-204.64	-204.64
The Scots School - presentation day	S356 Policy	1/01/2018					-433.45	-433.45
Bathurst Arts Council - Showcase Concert for the Youth Arts Awards	Operation Plan	1/01/2018					-1,090.91	-1,090.91
Home Modification Tip Fees	Operation Plan	17/01/2018	-63.64					-63.64
Home Modification Tip Fees	Operation Plan	14/02/2018	-28.64					-28.64
			20.01					
Eglinton Public School - EOY Concert	Operation Plan	1/02/2018					-757.64	-757.64

Ordinary Meeting

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## 2017-2018 Section 356 Donations Report as at 30 June 2018

Details	Reference	Date	Standard Annual Donations	Specific Donations	Sundry Donations	Mt Pan Fee Waived	BMEC Donations	TOTAL
			\$	\$	\$	\$	\$	\$
Sporting Assoc Grant	Operation Plan	1/03/2018	-20,000.00					-20,000.00
Rebellion on the Turon	DCS&F 19/07/17 Item 6	14/03/2018			-500.00			-500.00
CSU/All Saints Cathedral - Commemoration for	DCS&F 07/02/18 Item 6	21/03/2018			-400.00			-400.00
Nurses	On continue Disc		475.00					175 00
City Colts Water Account	Operation Plan	28/03/2018	-475.80				1 000 15	-475.80
BMEC - CPSA Mar Meeting	Operation Plan	28/03/2018			-300.00		-1,000.45	-1,000.45 -300.00
CWA Public Speaking Competition 2018 Home Modification Tip Fees	DCS&F 21/03/18 Item 7 Operation Plan	31/03/2018 11/04/2018	-57.27		-300.00			-300.00
Bathurst AH&P Association 150th commemoration	•	11/04/2018	-57.27		-9,090.91			-9,090.91
Rotary Club of East Bathurst - RYDA	Operation Plan	30/04/2018			-3,030.31	-4,333.00		-4,333.00
Lifeline CW - Soar Ride & Shine (in-kind support)	DCS&F 18/10/17 Item 5c	30/04/2018			-10.000.00	1,000.00		-10.000.00
Lifeline CW - Soar Ride & Shine (traffic mgt)	DCS&F 18/10/17 Item 5c	30/04/2018			-7,500.00			-7,500.00
Bathurst War Memorial Carillon Public Trust Fund	DCS&F 21/03/18 Item 8	30/04/2018			-1,987.00			-1,987.00
BMEC - Bathurst Eisteddfod	Operation Plan	30/04/2018					-7,856.91	-7,856.91
Austin Healey National Rally	DCS&F 15/03/17 Item 6	30/04/2018			-1,500.00			-1,500.00
Home Modification Tip Fees	Operation Plan	16/05/2018	-25.45					-25.45
Cancer Council - Stars of Bathurst Dance	DCS&F 21/02/18 Item 5	31/05/2018					-909.09	-909.09
State Wind Orchestra & Bathurst RSL Band	S356 Policy	31/05/2018					-227.27	-227.27
Saint Ignatius College Education Seminar	S356 Policy	31/05/2018					-50.73	-50.73
Conservation in Action Conference	DCS&F 21/03/18 Item 5	31/05/2018					-4,545.45	-4,545.45
BMEC - Bathurst District Historical Society wedding dress exhibition	Operation Plan	31/05/2018					-11,215.00	-11,215.00
BMEC - CPSA Apr Meeting	Operation Plan	31/05/2018					-1,064.09	-1,064.09
Bathurst BMX Club - NSW State Series	DCS&F memo 26/03/18	31/05/2018			-2,036.36			-2,036.36
Home Modification Tip Fees	Operation Plan	13/06/2018	-38.18					-38.18
Bathurst Street & Custom Motorcycle Show	Operation Plan	15/06/2018		-13,970.00				-13,970.00
Bathurst AH&P Association	Operation Plan		-5,454.55					-5,454.55
CSU Foundation Trust (Gordon Bullock Scholarship)	Operation Plan	20/06/2018	-3,000.00					-3,000.00
CSU Foundation Trust	Operation Plan	20/06/2018	-5,000.00					-5,000.00
Bathurst Community Op Shop Inc	DCS&F 20/06/18 Item 12	27/06/2018			-111.15			-111.15
GRIP Leadership	DCS&F 18/10/17 Item 5d	29/06/2018					-301.45	-301.45
BMEC - CPSA June Meeting	Operation Plan	29/06/2018					-1,031.14	-1,031.14
Amount Spent		-	-59,867.28	-47,013.64	-41,666.42	-6,984.73	-75,545.73	-231,077.80
Available Balance before commitments			3,152.72	13,500.36	-17,473.42	29,098.27	-2,794.73	25,483.20
Committed: NAB B2B Cyclo Sportif	Operation Plan			-8,500.00				-8,500.00
Bathurst Remembers / AVAMS / Communications								
and Resources Project	Operation Plan		2 061 72	-5,000.00				-5,000.00
City Colts Water Account Operation Plan Mitchell Conservatorium - BMEC Concerts Operation Plan		-2,061.72				-1,915.73	-2,061.72 -1,915.73	
BMEC - Bathurst Youth Council Operation Plan						-2,000.00	-1,915.73	
BMEC - CPSA Monthly Meetings	Operation Plan						-1,350.45	-2,000.00
Home Modification Tip Fees	Operation Plan		-500.55				1,000.40	-500.55
Amount Committed		-	-2,562.27	-13,500.00	0.00	0.00	-5,266.18	-21,328.45
Adjustment between Funds			-590.45	-0.36	17,473.42	-24,943.52	8,060.91	
Available Balance			0.00	0.00	0.00	4,154.75	-0.00	4,154.75

Summary Remaining Budget	\$		
Standard Annual Donations	0.00		
Specified Donations	0.00	Summary	\$
Sundry Donations	0.00	Total Budget	256,561.00
Mt Pan Fee Waived	4,154.75	Less: Amount Spent	-231,077.80
BMEC Donations	-0.00	Less: Amount Committed	-21,328.45
Total Remaining	4,154.75	Total Remaining	4,154.75

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## Bathurst Agricultural Horticultural & Pastoral Association Inc.

Incorporating

The King's Plains Agricultural Association and The O'Connell and Macquarie Plains, Campbell and Fish River Agricultural Association

**SINCE 1858.** 

 ABN 85 953 115 197

 PHONE (02) 6331 3175
 PO BOX 92, BATHURST NSW 2795
 FAX (02) 6332 2652

 www.bathurstshow.com.au
 admin@bathurstshow.com.au
 www.bahpa.org.au

Thursday, 1 March 2018

BATHURST REGIONAL COUNCIL

-7 MAR 2018

REF. 18.00108-03/109

#### Re: Royal Bathurst Show - Extension of Council Support

**Bathurst Regional Council** 

**BATHURST NSW 2795** 

Mr. David Sherley General Manager

**Russell Street** 

Dear David,

Further to our recent community meeting with Council please again accept our thanks for the opportunity to address Council & senior staff on our continuing objectives, plans and needs.

The continuing & increasingly close relationship between our association and Council over the past years only serves to assist us in continuing the great tradition of 160 years of promoting our region through the largest and longest running community event, and helps us to develop new ways to benefit our members, our community and the region.

As we discussed it remains extremely difficult for our association to achieve the successful conduct of a Show of the scale that the Royal Bathurst Show has become. The support we receive from Council has gone a considerable way to helping us deliver what is seen as, even in the worst of weather, a great regional Show, if not the best outside of Sydney, then very close. Our opportunity for the future is very exciting; but also daunting.

It's daunting because, we have been for some years simply not able to generate the same levels of sponsorship that other regional centre's and Shows of our size attract. It is improving but to ensure the long term viability of the Show we simply need to attract more financial support. It has been made somewhat easier due in no small part to the support provided by Council since 2012 with the 3 year and then subsequent 4 year commitments.

We therefore invite Council to continue as a Royal Bathurst Show Major Sponsor for another 4 years (to include support up to and including the 2022 Show). This would include:

- A Commitment of support of the Association to the 2022 Royal Bathurst Show including;
  - Sponsorship of the Royal Bathurst Show Supreme Exhibits awards (2) A cash prize of \$500 to each recipient.
  - Naming Rights Major Sponsorship of the Community Stage to the value of \$6,000 at the annual Royal Bathurst Show.
- The guarantee of the erection of the annual Show Banner in William Street for a minimum of 2 weeks prior to the Show and the waiving of fees for the erection of Banner for this period.
- The use of the Bathurst Sports Ground for the purpose of parking & Camping of amusement ride operators and commercial exhibitors (non-public),
- The use of Moore Park for the purpose of public car parking and the examination of other alternate wet weather parking options.
- Acceptance of the Mayor as one of our two Patron's appointed annually.
- The continued allocation of a Duty Councilor to the Association.

DOSF-R

• A commitment to work together mutually to promote our region and to include our event in Bathurst Regional Council Tourism and Event promotions.

Reliance Bank ROYAL BATHURST SHOW

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Attachments

We would also like to confirm our intention to use the River Bank area adjacent to the Showground boundary formally part of the Showground and traditionally used since the inception of the Showground for overflow competitor parking and camping for that purpose used for the conduct of the Show.

2 of 2

I would also take this opportunity to inform you of our intention to host the 151<sup>st</sup> Royal Bathurst Shows on 3-5 May 2019.

As you know, this event cannot survive and our association could not continue the work it has done since 1858 without the strong support of the Bathurst Regional Council, Councilors and Staff.

In addition we seek further support for the 2015 Royal Bathurst Show in the

If you require any further information please do not hesitate to contact me at your convenience.

Yours sincerely,

Brett KenworthyExecutive SecretaryBathurst Agriculture, Horticulture & Pastoral Association Inc. SINCE 1858.The Royal Bathurst ShowPhone02 6331 3175Mobile0419 238 611secretary@bathurstshow.com.au

cc. EC

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**Ordinary Meeting** 

2

Wednesday 31<sup>st</sup> January 2018

Aaron Jones Director – Corporate Services & Finance Bathurst Regional Council

#### Dear Mr Jones

I am writing to you as we are seeking assistance from Council in relation to the following;

- A discount on General Rates and Water for 2018/2019

Please find enclosed our 2016-2017 Financial Report.

The most significant differences between last year and this year are;

- We were able to reduce our wages by \$66,000.00
- We were able to reduce our operating expenses by \$10,000.00
- Our utilities expenses increased by \$12,000.00
- Our insurance increased by \$5,000.00

The BCCC has been working tirelessly to increase our income by;

- The introduction of our outdoor Beer Garden has provided an additional space for function hire and was booked out throughout the Christmas Season by various businesses in our community.

1 of 2

- Our Wedding & Event Directory for Rural NSW Hidden Gems Wedding & Event Directory has been well received by small and large businesses within the central west region.
- Increasing our service offering by providing Themed Children's parties, Hen's & Bucks parties, Themed Baby Showers and providing space for local musicians to showcase their talents.
- Expanding our catering menu's to provide our customers with more choice.
- We are also currently looking into some new activities which we are hoping to have implemented in the second half of this year.

In an effort to reduce our expenditure we have;

- We continue to use our implemented excel spreadsheet which allows us to closely monitor our employee expenses and ensure that they don't exceed the budget. As a result we managed to decrease our employment expenses by \$66,000.00.
- Continue to utilise volunteers and Work for the Dole Participants in maintenance of surrounding grounds and greens.
- We continue to provide volunteer experiences for young individuals wanting bar and hospitality experience and over the past year we have had over 5 individuals go through our training program and go on to find paid employment.
- Provide more cost effective ways to promote the club and its activities.

S\_DCSF\_5\_2

We continue to maintain our presence in the broader community by;

- Running our Food Bank Program each week which currently has over 1000 families registered for the program.

2 of 2

- Continuing to run our Seniors Kiosk
- Providing venue space for over 20 local community groups
- Host Organisation for the Work For The Dole Program
- Providing food hampers to a local charity that assists farmers in need.
- Providing food to Kelso Community Centre's Breakfast Program, Kelso Public School Breakfast Program, Bathurst Public School Breakfast Program as well as the Women's and Men's refuge.
- Introduction of our 'Hampers For the Forgotten' Christmas Appeal
- Showcasing local documentaries that shine light on current issues within our community

If you require further information, please don't hesitate to contact me.

Yours sincerely,

Rebecca Mathie Club Manager

52



Bathurst Arts Council Inc.

info@bathurstartscouncil.org.au www.bathurstartscouncil.org.au

Bathurst NSW 2795

ABN 36 758 973 800

PO Box 414

### BATHURST REGIONAL COUNCIL

1 1 APR 2018

6 April 2018

REF 18.00195-32 052

Mr David Sherley General Manager Bathurst Regional Council Bathurst NSW 2795

**Dear Mr Sherley** 

Bathurst Arts Council thanks Bathurst Regional Council for the use of BMEC for the annual Youth Arts Awards Concert in 2017, as the City Hall is an excellent venue to showcase the young performers nominated for these awards. The awards are in their 12 th year, and are highly regarded by the community.

The three Youth Arts Awards finalists, selected at the Concert, being the best of the best, are invited to perform at the Bathurst Citizen of the Year ceremony, and again at the Australia Day celebrations. They add value, culture and movement to one of the major community events of the Bathurst calendar, and receive outstanding media support.

As the Arts Council is very much a voluntary run organization, we acknowledge the ongoing support of the Council, and ask that BRC again waive the hire fees for BMEC for the concert at the end of the year. This support is very much appreciated.

Yours sincerely

hibby hone agan

Libby Loneragan Honorary Secretary.



Ordinary Meeting

Bathurst Arts Council Inc. PO Box 414 Bathurst NSW 2795

29 June 2018

Mr Aaron Jones Director Financial Services Bathurst Regional Council.

Dear Mr Jones

In the past, BRC has supported the Arts Council by waiving the fees for the hire of BMEC for the annual YAA Showcase Concert, this is very much appreciated.

2 of 2

The concert is to be held this year on Monday 26 November, and we again request the support of BRC by waiving those fees ( please see attached letter of 6 April 2018 ) Incidentally, we have never received the letter I believe is sent to organisations each year re the 356 funding, so may we be included in that in future.

The YAA are now well recognised for acknowledging the talents of the youth of Bathurst and district in any of the cultural areas.

The awards are also supported by Radio 2BS with their sponsorship of the annual \$1000 scholarship, presented at the BRC Australia Day ceremony.

Bathurst Arts Council is a small voluntary run organisation which supports the arts in many ways for the Bathurst community.

We hereby request that BRC supports this with further funding of \$1000 to cover the \$100 for each of the 10 nominees selected to perform at the Showcase Concert.

Thank you for your consideration of this request

Libby Loneragan

President, Bathurst Arts Council. 62 Morrisset Street, Bathurst 2795 0409 312 768

(3)	20th Anniversary National Cool Climate Wine Show
	info
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-	Bathurst Regional Council
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3 Attachments



2018 Sponsor's Pledge.pdf 2018 Sponsor Levels.pdf image004.png

Dear Mr. Jones,

The National Cool Climate Wine Show is celebrating 20 years of cool climate wines in Bathurst this year, an incredible milestone for an event, not only in Bathurst, also within the Australian Wine Industry. We are asking for Council support as a Silver Sponsor for our non for profit event.

The NCCWS highlights the cultural side of our race town, which brings the community together over a few glasses of the best cool climate wine in Australia, in which great ideas are hatched and connections are solidified. Our event is only made possible with the ongoing assistance of our sponsors and event shapers. This year our aim to is give our sponsors more flow on benefits for their customers.

We would love to have your endorsement again. Please find information attached on how we can best promote your support.

Kind Regards



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(See attached file: image004.png)(See attached file: 2018 Sponsor Levels.pdf)(See attached file: 2018 Sponsor's Pledge.pdf)

25

# CENTRAL TABLELANDS WOODCRAFT inc

ABN 81 846 796 761



4th June 2018

David Sherley General Manager Bathurst Regional Council E: council@bathurst.nsw.gov.au

BATHURST REGIONAL COUNCIL 5 JUN 2018

RE-18-00195-32/055

#### re: Woodies' Application to Build Two Street Libraries for Bathurst Community Use

Dear David,

Our group would like to request \$700 from the Council's Section 356 fund to pay for the materials only for building two (2) Street Libraries to be donated to the local Bathurst community. We expect materials to cost \$300-350 per Street Library.

While we are happy to make them, we will leave it to the Council and its officers to decide on the locations to best benefit Bathurst residents.

Some examples of existing Street Libraries can be seen on the following website, and we note that Sofala is the closest known example to Bathurst.

https://streetlibrary.org.au

Should you or Council have any questions, please do not hesitate to contact me.

Yours sincerely,

odinhun

**Paul Rodenhuis** 

Secretary

DCSFR

Hon. Secretary, PO Box 301 Bathurst NSW 2795 Ph:02 6332 6215 Email: woodies1990@gmail.com www.woodies.org.au

POLICY:	SEWER BLOCKS – REVIEW OF PAYMENT TO PRIVATE PERSONS FOR SEWER BLOCKS IN COUNCIL MAINS
DATE ADOPTED:	Director Corporate Services & Finance's Report #1 Policy 5 December 2012 Council 6 February 2013 Minute Book No. 11477
ORIGINAL ADOPTION:	Director Corporate Services Report #1 Policy 1 December 2004, Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)
FILE REFERENCE:	26.00002
OBJECTIVE:	To provide for reimbursement of private property owners for reasonable costs incurred for drainage of sewer blocks

- 1. Council will reimburse property owners for reasonable costs involved in their engagement of a Private Plumber to clear sewerage blockage which is established to be in Council's sewer mains.
- 2. Such reimbursement will be limited to a payment for up to two man hours work at the current rate listed in Council's Revenue Policy.
- 3. Reimbursement means that the property owner must have already paid the Plumber's Account.
- 4. Reimbursement will depend on the confirmation, to Council's satisfaction, that the blockage was in fact in Council's sewer main at the stated date. This will be carried out by checking in Maintenance Request Records and/or with Sewer Maintenance Staff.
- 5. Council's responsibility for maintenance of the sewerage service ends at either (i) the collar of the 150 mm diameter junction on the sewer main itself, of (ii) the collar of the 150 mm riser piper which has been brought up from the sewer main to within 1.8 metres of the ground surface.

**Ordinary Meeting** 

## **DIRECTOR ENGINEERING SERVICES' REPORT - ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018



1 of 1



Flying-fox Camp Management Plan

# Machattie Park and Kings Parade, Bathurst

1 of 87

# **Camp Management Plan**

June 2018 Bathurst Regional Council

## 2 of 87

### DOCUMENT TRACKING

Item	Detail
Project Name	Machattie Park and Kings Parade - Flying-fox Camp Management Plan
Project Number	18MUD-9599
	Cheryl O'Dwyer
Project Manager	(02) 4302 1236
	Level 1, 79 Market St, Mudgee NSW 2850
Prepared by	Cheryl O'Dwyer, Tomas Kelly and Cassandra Holt
Reviewed by	Beth Medway
Approved by	Beth Medway
Status	FINAL
Version Number	3
Last saved on	15 June 2018

This report should be cited as 'Eco Logical Australia 2018. *Machattie Park and Kings Parade, Bathurst - Flying-fox Camp Management Plan*. Prepared for Bathurst Regional Council.'

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Template 29/9/2015

## Acknowledgements

This Flying-fox Camp Management Plan has been developed by Eco Logical Australia in consultation with Bathurst Regional Council, with input from the community of Bathurst. We acknowledge input by the NSW Office of Environment and Heritage, and consultants Ecosure, in developing the template on which this Camp Management Plan was based. Peggy Eby also provided advice which was included in the template.

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# Acronyms and abbreviations

ABLV	Australian bat lyssavirus					
BC Act	Biodiversity Conservation Act 2016 (NSW)					
BRC	Bathurst Regional Council					
DoE	Commonwealth Department of the Environment					
DPI	Department of Primary Industries (NSW)					
EP&A Act	Environmental Planning and Assessment Act 1979 (NSW)					
EPA	Environment Protection Authority (NSW)					
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act</i> 1999 (Commonwealth)					
GHFF	Grey-headed Flying-fox ( <i>Pteropus poliocephalus</i> )					
the Guideline	Referral guideline for management actions in grey-headed and spectacled flying- fox camps 2015 (Commonwealth)					
HeV	Hendra virus					
LGA	local government area					
LGNSW	Local Government NSW					
LRFF	Little Red Flying-fox ( <i>Pteropus scapulatus</i> )					
MNES	matters of national environmental significance					
NPW Act	National Parks and Wildlife Act 1974 (NSW)					
NPWS	National Parks and Wildlife Service (NSW)					
OEH	Office of Environment and Heritage (NSW)					
PEPs	protection of the environment policies					
the Plan	Camp Management Plan					
POEO Act	Protection of the Environment Operations Act 1997 (NSW)					
the Policy	Flying-fox Camp Management Policy 2015 (NSW)					
SEPPs	State Environmental Planning Policies					
SIS	species impact statement					
TEC	threatened ecological community					
TSC Act	Threatened Species Conservation Act 1995 (NSW)					

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# **Executive Summary**

The Grey-headed Flying-fox (*Pteropus poliocephalus*; GHFF) is a nomadic mammal that moves in response to fluctuations in food availability. Due to a wide range of ongoing threats to the species survival, including habitat loss and degradation and conflict with humans the population has declined by up to 30%. GHFF are listed as a vulnerable species under the NSW *Biodiversity Conservation Act 2016* and the Federal *Environment Protection Biodiversity Conservation* Act 1999.

It is not known how long flying-foxes have been visiting Bathurst, however, due to the Bathurst climate, GHFF within Machattie Park are believed to be only temporary residents, residing over summer and moving on in the cooler months. GHFF were first formally recorded in 2009 roosting in Willows along the Macquarie River west of the Waste Water Treatment Plant, approximately 3 km from the central business district. Although some residents have observed flying-fox camps much earlier than this. In 2009 the camp was estimated to be about 2000 individuals. The following year, GHFF and Little Red Flying-foxes (*Pteropus scapulatus*; LRFF) returned, with population estimates peaking at over 20,000 individual GHFF and up to 50,000 LRFF. In 2011, flying-foxes returned but were located 700 m downstream of the original location. Flying-fox activity was not observed again until November 2017 with GHFF and LRFF residing in Machattie Park (Lot 1, Section 6, DP758065) in the centre of Bathurst CBD.

Machattie Park (2.7 ha; located on Keppel and George St) and Kings Parade (1 ha; located on Russell St and George St) are both heritage listed 19<sup>th</sup> Century Victorian country town parks located in the middle of Bathurst. Machattie Park was formally opened in 1890 upon the site of the old Bathurst Gaol and is a valuable collection of mature and majestic non-native trees, such as Elms, Oaks, Cedars, Beeches Weeping Cherries and Pines. Whilst flying-foxes are not currently occupying Kings Parade, this area is also included in this Management Plan due to its close proximity to Machattie Park (less than 30 m) and its similar habitat. Both areas are used by the community for local events, are popular places for weddings and memorials.

In January 2018 the population of Flying-foxes within Machattie Park was estimated to be between 800 and 2000 individuals (Dr David Goldney, January 2018) residing in approximately a third of the park with the majority of species being GHFF. Whilst there are currently signs of canopy decline there is concern that the trees within the Park will be greatly affected if the population of flying-foxes were to reach the population size of that observed in 2010. An increase in numbers could result in the BRC closing the Park increasing negative sentiment towards flying-foxes. A population of approximately 3000 individuals is the threshold that the Park is likely to sustain before irreversible damage is done to the trees within Machattie Park.

Bathurst Regional Council (BRC) commissioned Eco Logical Australia (ELA) to prepare this Management Plan and to facilitate the associated community consultation. The Management Plan has been prepared using the NSW Office of the Environment and Heritage (OEH) template and developed under guidance of the NSW Flying-Fox Camp Management policy (OEH 2015).

ELA Ecologists visited Machattie Park and Kings Parade on the 28<sup>th</sup> March 2018 and potential relocation sites were also inspected. Community consultation was undertaken as part of the development of this Management Plan, to gain an understanding of the history of the camp and flying-fox activity in the region, to understand community concerns and to develop appropriate management strategies. Community consultation activities targeted both stakeholders and the wider community. Outcomes identified a range of community issues with the camp, including:

- Damage to the trees within the heritage listed park
- Concern the population will multiple over time
- Urine and faecal material falling onto park users

- Council workers spending too much time undertaking additional maintenance activities within the park
- Flying-fox odours
- Disease and health concerns
- Park becoming unusable

Management actions were developed to address the community response to the camp based on strategies approved by OEH consistent with the NSW Flying-fox Camp Management Policy (OEH 2015). The Flying-fox Camp Management policy encourages a hierarchy management approach beginning with Level 1 actions (lowest form of intervention) through to Level 3 (disturbance and dispersal). BRC are already implementing Level 1 actions such as signage, community awareness and cleaning the Park. There is more opportunity for BRC to expand the education program to reduce the fear surrounding Flying-foxes.

The recommended management actions include:

- Level 1 ongoing community education highlighting the ecological value of flying-foxes and alleviating fears. Continue cleaning park grounds, paths and infrastructure. Ongoing consultation prior to, during and following implementation of management actions with residents and WIRES. Rehabilitation, restoration and protection of flyingfox habitat in suitable locations across the LGA particularly along the Macquarie River. BRC have already implemented many of these actions identified as Level 1 and the issues within the Park have not been resolved.
- Level 2 installation of passive deterrents (such as canopy sprinklers, inflatable men, lights etc) within trees in Machattie Park and Kings Parade prior to the bats returning in November 2018. This action is to prevent the flying-foxes re-establishing a camp within the Machattie Park or establishing in Kings Parade. This action may require approval by OEH. It is recommended that BRC plan for this action as the next step in the management of flying-foxes in Machattie Park.
- Level 3 active dispersal from Machattie Park. Level 3 actions will commence if Level 2 actions are not successful and the population establishes within the Park. Responding earlier to undertake a dispersal action is more desirable than a "wait and see" option as moving a small population of flying-foxes is likely to be more successful and less stressful on the flying-foxes. If this action is implemented, then it is likely that it should be scheduled to avoid sensitive periods in the life cycle. This action will require approval by OEH. An Ecologist will need to assess the population for pregnant females and pups and determine if dispersal should proceed or not. These actions should only be considered if Level 1 and Level 2 actions are unsuccessful and undertaken with care to avoid harm to animals. Please note that there is no guarantee of where the flying-foxes will disperse to and they may relocate to less desirable areas. It is essential that BRC clearly communicate to the community the possible outcomes of this action.

The impact of the above planned management actions on flying-foxes and other ecological values are identified; and detailed protocols for work in and around flying fox camps to ensure the safety of workers, neighbouring residents and flying foxes have been included. The Plan also includes a flow-chart to assist Council to identify when specific management options should be considered based on the measure of success of management actions and includes triggers for further community or agency consultation. It is suggested that this Management Plan is an adaptive document to be reviewed and updated by Council as situations change or further research improves the understanding of flying-foxes and effective management options.

## 1. Overview

Bathurst Regional Council (BRC) commissioned Eco Logical Australia (ELA) to prepare this Management Plan in response to the presence of a flying-fox camp located within the heritage listed Machattie Park in Bathurst. Whilst no flying-foxes were observed in Kings Parade, this area is also included in the Plan due to the similar composition of the vegetation and its close proximity to Machattie Park.

## 1.1 Objectives

The objectives of this Camp Management Plan (the Plan) are to:

- minimise impacts to the community, while conserving flying-foxes and their habitat
- provide a reasonable level of amenity for the surrounding community
- manage public health and safety risks
- clearly define roles and responsibilities
- enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes
- effectively communicate with stakeholders during planning and implementation of management activities
- enable long-term conservation of flying-foxes in appropriate locations
- ensure management is sympathetic to flying-fox behaviours and requirements
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- ensure flying-fox welfare is a priority during all works
- ensure camp management is consistent with broader conservation management strategies that may be developed to protect threatened species/communities
- ensure camp management does not contribute to loss of biodiversity or increase threats to threatened species/communities
- clearly outline the camp management actions that have been approved and will be utilised at the camp
- ensure management activities are consistent with the NSW Flying-fox Camp Management Policy (OEH 2015b)
- implement an adaptive management approach to camp management based on evidence collected.

## 2. Context

## 2.1 Camp area

The Machattie Park camp is located on the corner of George Street and Keppel Street, in the central business district of Bathurst (Figure 1). The camp was first observed in December 2017 and surveyed in January 2018 by Dr David Goldney (Wildlife Ecologist). At this time, the camp was occupying less than one third of the park with mostly the same trees being used regularly. Ecologists from ELA visited the park on 28 March 2018 and whilst the population was smaller than in January (Stevie Armstrong, pers comm 2018), the same trees were being used as roost habitat.

The camp currently covers 2794  $m^2$  (0.28 ha), with approximately 2.4 ha of contiguous potential habitat remaining.

Whilst flying-foxes have not been recorded at Kings Parade (Figure 1), this location is included within the management plan as both Machattie Park and Kings Parade are heritage listed, have similar habitat and are close to each other.

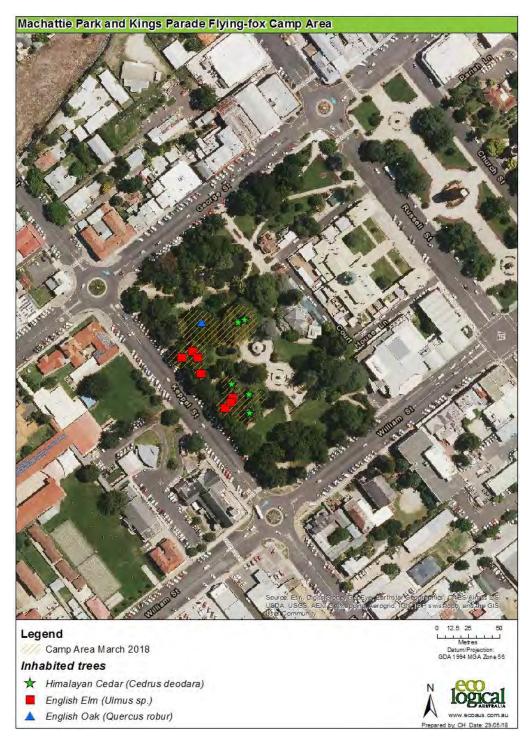


Figure 1: Location of Bathurst flying-fox camp (March 2018)

## 2.1.1 History of the camp

Flying-fox activity was first noted in Bathurst in 2009 when a visiting population of Grey-headed Flying-foxes (*Pteropus poliocephalus*; GHFF) and Little Red Flying-foxes (*P. scapulatus*; LRFF) was observed in residing in Willows along the Macquarie River west of the waste water treatment plant, 3 km from the central business district. The population was estimated to be about 2000 individuals and the population moved on during the cooler months. In 2010 flying-foxes arrived in larger numbers with counts reaching 70,000 individuals; 20,000 being GHFF with the remainder being LRFF.

The Bathurst climate is seasonally variable with frosts common during cooler months. As such, the camps are unlikely to be used year-round with flying-foxes generally first observed in the area in December and usually departing by the following April.

An online comment made by a local resident of Bathurst suggests that flying-foxes have been in and around Bathurst (including Machattie Park) since the late 1950s.

"The flying foxes have been a part of and a problem for Bathurst for as long as I can remember. They were hunted around the local orchards and spotlighted in the cathedral tower and Machattie Park from the late 1950s well into the 1960s as there were thousands of them." Anon.

A Willow tree removal program along the Macquarie River was implemented in 2011 which resulted in the removal of many of the roosting trees that were occupied by GHFF and LRFF in 2009 and 2010 (S. Armstrong. pers comm 2018). Willow removal programs are an adopted weed control strategy for BRC to protect the various environmental concerns that willows present to riverine ecosystems. A 500 m stretch of willows was retained which was occupied by GHFF in 2011, 700 m downstream of the original location. No estimates of population size were recorded in 2011. Flying-foxes were not noted in Bathurst again until November 2017 when the camp was observed in Machattie Park in the centre of Bathurst. In March 2018 ELA Ecologists visited the camp locations and it was noted that the Willows along this section of river were in poor health possibly due to insect activity.

Machattie Park and Kings Parade are both 19<sup>th</sup> Century Victorian parks that are planted with a variety of English ornamental plants including avenues of Elms, hedges, Cedars, Pines, Beeches and English Oaks. The parks are also conservation areas, preserving the oldest settlement west of the Blue Mountains, and are often used for ceremonies and community gatherings.

The population of flying-foxes at Machattie Park was independently assessed over 5 successive days in January 2018 by Dr David Goldney (Wildlife Ecologist). The population was estimated to be between 800-2000, with the majority being GHFF. Representatives from WIRES did not note the presence of LRFF in Machattie Park and have only observed GHFF (P. Dury WIRES pers comm April 2018).

The population currently occupies approximately one third of the park, roosting in Himalayan Cedars, English Elms and English Oak. They have also been observed roosting in the Bunyan Pine particularly on extremely hot days. Dr David Goldney noted that the GHFF, when disturbed, spread over a greater area of the park but returned to their core area utilising about 18.5% of the available taller trees. A few of the roosting trees are showing signs of canopy damage, particularly the Elms, and there is concern that these trees may be significantly affected if the camp continues to use the park or if the flying-foxes return in large numbers.

There are currently no other records of locations or camps in the Bathurst region either permanently or seasonally occupied by Flying-foxes in recent times. Additionally, there are no records of flying-foxes roosting in the Bathurst LGA recorded on the National Flying-fox Monitoring Program (NFFMP) web viewer. The closest recorded camp is at Portland, approximately 45 km east of Bathurst, however, surveys in 2017 did not locate any individuals

(Figure 2). GHFF have also been recorded at Cooks Park, Orange (47 km NE from Bathurst), Cowra Golf course (97 km SE from Bathurst) and along the Cudgegong River in Mudgee (90 km north of Bathurst). It is possible that there are other locations within the Central West.

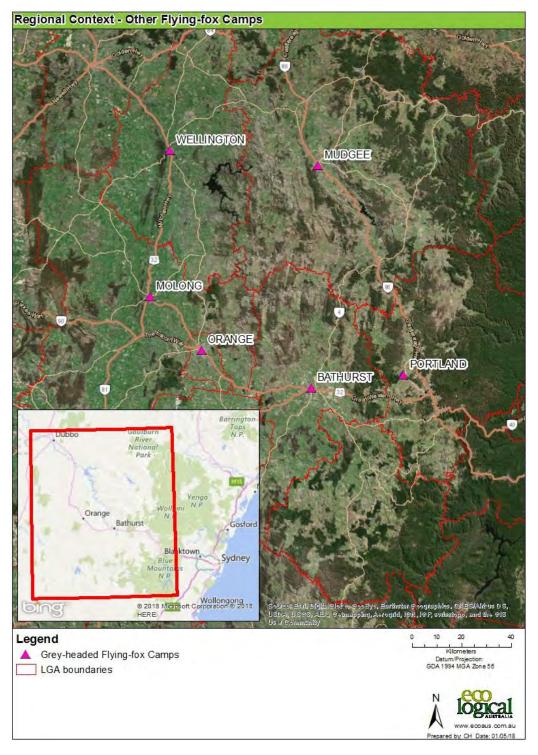


Figure 2: Known populations of flying-fox camps in the Central West

## 2.2 Land tenure

Machattie Park and Kings Parade are located on Crown Land and managed by BRC as the reserve trust. Both are in the central business district surrounded by retail shops, churches, a school, the Bathurst Court House and Bathurst Regional Council offices (Figure 3). Machattie Park and Kings Parade are separated by Russel St.

The Cathedral Catholic Primary School is located on George Street, within 85 m of the camp. It is a privately-operated K-6 school with a large outdoor play area with few trees. It joins St Michaels Cathedral along its southern boundary. There are a few trees in the carpark and given the lack of suitable habitat, it is unlikely that these centres would be affected by flying-foxes. There have been no reported incidents regarding flying-foxes at the school or within Church grounds.

Both William and George Streets are occupied by local businesses with cafes and food premises located directly opposite the camp. There are no trees or overhanging branches along these areas. There is a possibility that these businesses may be affected by flying-foxes noise and odour, however, it is not known if complaints were received as the public were advised to call OEH environmental hotline for advice.

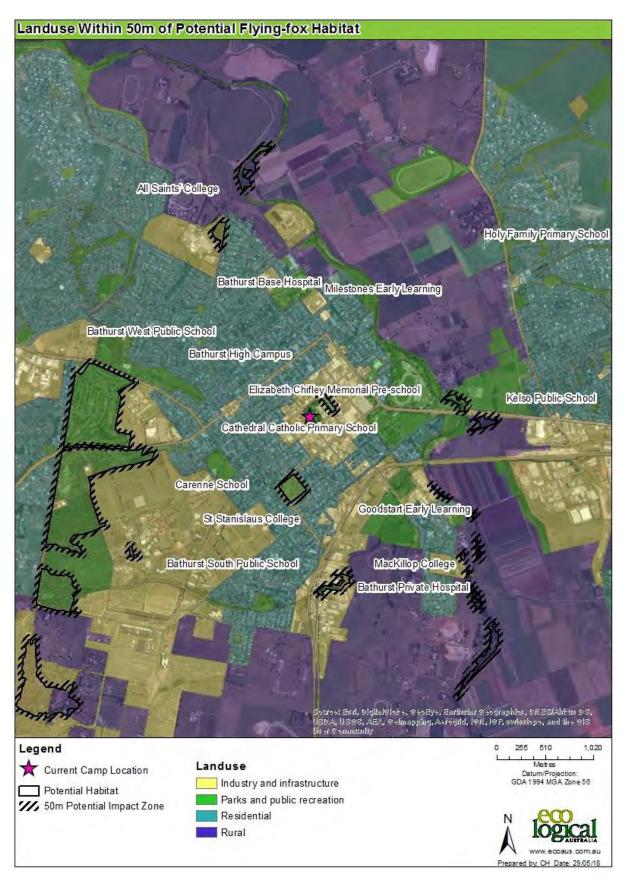


Figure 3: Landuse within 50 m of potential flying-fox habitat

## 2.3 Reported issues related to the camp

Concerns were raised by community members, Council's park maintenance staff, and Councillors in December 2017 when flying-foxes began roosting in Machattie Park.

The following list is a collation of the issues related to the camp that have been reported by the community. The list has been compiled from information collected via a range of reporting and consultation methods. Further discussion about community engagement efforts and outcomes can be found in Section 3.

Reported negative issues include:

- damage to vegetation and canopy dieback
- faecal and urine drop on park users
- size of future populations and probable impacts on the vegetation
- flying-fox odours
- fear of disease
- reduced general amenity.

Most issues related to the camp were recorded around December and January, coinciding with summer holiday activities and ceremonies that usually occur within the park. The 2018 Australia Day ceremony was relocated to another location as the area was deemed unsuitable due to the presence of GHFF.

A total of 127 responses have been captured by the "Your Say" online survey. Of these, 56 respondents don't like the GHFF occupying the Park, 52 respondents enjoy the camp, 30 think Council should do more to protect flying-foxes, and 40 respondents think Council should create alternative flying-fox habitat.

Positive feedback stems from people who:

- recognise the landscape-scale benefits flying-foxes provide through seed dispersal and pollination
- acknowledge the need to conserve flying-foxes as an important native species
- enjoy watching flying-foxes at the camp and/or flying out or in
- appreciate the intrinsic value of the camp
- see the value of the camp as a tourism opportunity/attraction
- appreciate the natural values of the camp and habitat
- feel the camp does not negatively impact on their lifestyle
- value the opportunity the camp provides for them and their family to get close to nature
- recognise the need for people and wildlife to live together.

## 2.4 Management response to date

BRC has implemented management actions to ensure visitor amenity and safety are maintained and the park is able to be utilised by the community, including:

- Council applied and was awarded a grant from Local Government NSW to assist with additional maintenance and cleaning to reduce the impact the flying-foxes were having on the usability of Machattie Park. The aim was to reduce negative sentiment towards the flying-foxes and ensure that the park remained open to demonstrate and educate the community that there is a possibility for cohabitation with the flying-fox colony. The funding was used to engage contractors to carry out the following:
  - Clean urine and faecal material off the park seats on a twice weekly basis.
  - Rake up and remove leaves and canopy debris from the lawns and paths on a weekly basis.
- Tables and chairs that were located under roosting trees were relocated to other sections of the park.
- Lawns are watered to wash away faecal material
- Signs installed at the main entrance to the park highlighting the presence of bats
- Information was placed on Council's website, social media, local papers, and brochures were distributed to educate the community about flying-foxes and Council's management activities.

Given the historical nature of the parks, vegetation removal and / or trimming has not been considered a viable option.

# 3. Community engagement

## 3.1 Stakeholders

There are a range of stakeholders who are directly or indirectly affected by the flying-fox camp, or who are interested in its management. Stakeholders include those shown in Table 1.

Table 1: Stakeholders in the camp and Plan

Stakeholder	Interest/reported impacts
Residents	<ul> <li>Residents of properties located in direct proximity to Machattie Park or Kings Parade</li> </ul>
	<ul> <li>Community members utilising Machattie Park or parking adjacent to the park</li> </ul>
	<ul> <li>Wider community noting Flying-fox foraging on or near their properties</li> </ul>
Business owners	Including food premises along George Street
Schools	Cathedral Catholic Primary School, Bathurst Catholic Church and Catholic Diocese of Bathurst are all neighbouring properties – less than 85 m from the colony.
Hospitals <ul> <li>Bathurst Base Hospital</li> <li>Bathurst Private Hospital</li> </ul>	Bathurst Base Hospital is located 1.6 km Northwest of Machattie Park and Bathurst Private Hospital is 2 km southeast. Interests include health / wellbeing / disease, noise from foraging animals. The hospital grounds also have a few large trees.
<ul><li>Airports</li><li>Bathurst Regional Airport</li></ul>	Airport managers have a responsibility to reduce the risk of wildlife- aircraft strike. Bathurst regional airport is located just over 7 km east of Machattie Park. Reported impacts / interest specific to airports include bat strike, bat detection, hazard communication and landscaping management.
Equine facilities and vets <ul> <li>Harness Racing Club</li> <li>Thoroughbred Racing Club</li> <li>Stables</li> </ul>	Bathurst Harness Racing facility is located 3.5 km south of Machattie Park. Stabling on a permanent or casual basis is provided at the Bathurst Show Grounds (1 km east of Machattie Park) which is also home to the Thoroughbred racing club. Equine facility managers and local vets should be aware of Hendra virus risk and appropriate mitigation measures. Where feasible, all horse owners within 20 km of the camp should be included in such communications.
Orchardists and fruit growers	Fruit growers may be impacted by flying-foxes raiding orchards. There have been government programs and subsidies provided to this industry to protect crops in the form of netting since 2011. There is no overarching body for fruit growers in Bathurst. However, reported impacts / interests specific to fruit growers include crop protection, bat conservation, noise, smell, faecal drop and property devaluation.
Other/adjoining landholders; these may include government departments such as Crown Lands, Transport for NSW / Roads and Maritime Services, or neighbouring councils	Currently the camp resides on Council owned / managed land. Adjoining landholders include private citizens and local business whose concerns have already been addressed. Simplot, a private agricultural company NNW of the site, has some large trees.

Stakeholder	Interest/reported impacts
<ul> <li>Civic leaders and influencers (including local, state and federal politicians)</li> <li>Paul Toole State Member for Parliament</li> <li>Hon John Cobb Federal Member for Parliament</li> <li>9 regional councillors</li> </ul>	Resident concerns and complaints include bat conservation, health / wellbeing / fear of disease, noise, smell, faecal drop, and tree damage.
Local Government <ul> <li>Bathurst Regional Council</li> </ul>	Local government has responsibilities to the community and environment of the area for which it is responsible in accordance with the <i>Local Government Act</i> 1993. Council is also responsible for administering local laws, plans and policies, and appropriately managing assets (including land) for which it is responsible.
Local Government NSW (LGNSW)	LGNSW is an industry association that represents the interests of councils in NSW.
NSW Office of Environment and Heritage (OEH) • NSW National Parks and Wildlife Services (NPWS)	OEH is responsible for administering legislation relating to (among other matters) the conservation and management of native plants and animals, including threatened species and ecological communities. NPWS manage over 850 NSW national parks and reserves and are committed to the conservation of NSW biodiversity and cultural heritage. Interests include bat conservation and preservation of native bushland and waterways.
Commonwealth Department of the Environment (DoE) (relevant to camps with grey-headed flying-foxes or other matters of national environmental significance)	DoE is responsible for administering federal legislation relating to matters of national environmental significance, such as the Greyheaded Flying-fox and any other federally-listed values of the camp site.
<ul> <li>Wildlife carers and conservation organisations</li> <li>NSE Wildlife Information Rescue and Education Service (WIRES)</li> <li>Bathurst Community Climate Action Network</li> </ul>	Wildlife carers and conservation organisations have an interest in flying-fox welfare and conservation of flying-foxes and their habitat.
Researchers/universities/CSIRO <ul> <li>Charles Sturt University</li> </ul>	Researchers have an interest in flying-fox behaviour, biology and conservation.

## 3.2 Engagement methods

Effort has been made to engage with the community regarding the flying-fox camp to:

- understand the issues directly and indirectly affecting the community
- raise awareness within the community about flying-foxes
- correct misinformation and allay fears
- share information and invite feedback about management responses to date
- seek ideas and feedback about future management options

The types of engagement that have been undertaken include:

• promotion of contact details of responsible officers

- telephone conversations to record issues and complaints
- face-to-face meetings and telephone calls with adjacent residents
- media (print, social media)
- brochures and other educational material provided by OEH
- website pages and links
- direct contact with adjacent residents via letter or via emails
- on-site signage
- feedback from public meeting / workshop
- online surveys.

It is strongly recommended that Council post regular statements regarding progress against the Plan online and via the mailing list. Posts could include actions undertaken to secure funding for the implementation of ongoing management, notifications to the community of planned actions and the completion of planned actions at Machattie Park, articles of interest regarding flying foxes, notifications of quarterly counts and links to the NFFMP web viewer. BRC are also encouraged to use media if anything occurs, publish a feature article in local paper, radio interviews, and use traditional and social media to allay fears and increase understanding.

### 3.3 Community feedback – management options

A community consultation session was held on the 23<sup>rd</sup> April 2018 by BRC and ELA at the Rotunda in Machattie Park. An information table was set up and over the three hours, ELA and BRC representatives spoke with 17 community members and representatives from stakeholders including WIRES and Animal Justice Party.

An online survey was developed consisting of 13 questions ranging from how often people use the park to ranking how important a list of proposed management actions to manage the GHFF camp in Machattie Park and their concerns (Appendix 8). The survey went live on the 15 April and closed on the 30 April.

A summary of the main feedback received is as follows:

- 127 submissions were made on BRC 'Your Say" online survey
- 17 submissions were verbally made to ELA representatives during the community session held at Machattie Park.
- 1 written submission from the Bathurst Community Climate Action Network

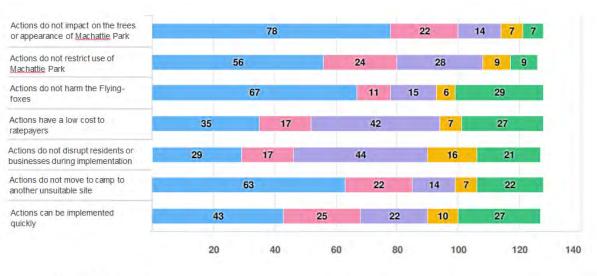
The overall feedback from the community received via engagement favoured flying-fox camp management measures that:

- do not harm the Flying-foxes
- do not impact on the trees or appearance of Machattie Park
- do not move the camp to another unsuitable site
- ensure the risk of transmission of flying-fox pathogens, viruses and disease remains low
- reduce the impact of noise and odour on nearby residents and businesses

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### Bathurst Flying-fox Camp Management Plan

- reduce the impact of flying-fox excrement
- would not/would be unlikely to disrupt residents and businesses during implementation
- would not restrict recreational opportunities currently undertaken at the site.

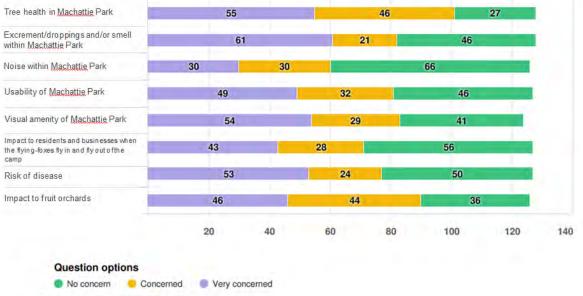


### Actions to manage flying-foxes



Optional question (129 responses, 0 skipped)

### Do you have any concerns?



Optional question (129 responses, 0 skipped)

#### Figure 4: Results of actions and concerns from community survey

Examples of community comments are as follows:

*"Please don't harm them. They are extremely important to the environment and we should try our best to protect them"* Anon

"I have seen first hand the long term devastation to the trees in Singleton. They said that the bats here in Bathurst would go when it got cold, March, April at the latest and yet here we are. They got rid of them effectively in the Botanic Gardens in Sydney. We must do more to protect our beautiful park!" Anon

"With a reduction in other areas for the foxes to feed and camp it is not surprising they have taken up camp in Machattie Park. Council should use influence with local land care and others to establish more sites where they can camp. This is a long-term amelioration. I see the foxes as similar to homeless people if you keep moving them on that doesn't solve the basic issue. Education is also important. I am a member of Charlotte Vale Landcare" SEFA Partnerships.

"Create more habitat closest to the CBD" Anon

"They're disgusting, get rid of them". Anon

"I think it's really important that we protect threatened species. And also try & help shift people's thinking into caring for the natural / native species, rather than just our here & now needs & wants; I think this is important for not only now, but future generations. I realise this is complex, and where my house is located, I am relatively unaffected, however I think overall we need to become more mindful of our natural environment & its needs". Anon

# 4. Legislation and policy

Legislation and policies that are applicable to flying-fox management is provided below.

# 4.1 State

## 4.1.1 Flying-fox Camp Management Policy 2015

The Flying-fox Camp Management Policy 2015 (the Policy) has been developed to empower land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which OEH will make regulatory decisions. In particular, the Policy strongly encourages local councils and other land managers to prepare Camp Management Plans for sites where the local community is affected.

## 4.1.2 Biodiversity Conservation Act 2016

The objects of the *Biodiversity Conservation Act 2016* (BC Act) include to conserve biological diversity and protect the critical habitat of threatened species, populations and ecological communities. The GHFF is listed as threatened under the BC Act (see also <u>Why the Greyheaded Flying-fox is listed as a threatened species</u>).

Part 2 of the BC Act provides for the application of licences if the proposed action is likely to result in:

- a. harm to an animal that is a threatened species or part of an ecological community
- b. picking a plant that is a threatened species or part of an ecological community
- c. damage to a habitat of a threatened species or ecological community
- d. damage to a declared area of outstanding biodiversity conservation value

The BC Act lists factors to assess whether a proposed action is likely to have a significant effect on any threatened species or their habitats, population or ecological community (note, this is therefore not just applicable to flying-foxes). If a significant effect is likely, OEH may require a <u>species impact statement</u> (SIS) to be prepared and publicly exhibited. Depending on the outcome of the assessment, OEH could grant a Threatened Species Conservation licence under Part 2 of the BC Act, with or without conditions, or OEH could refuse the application

## 4.1.3 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides for the conservation of nature, objects, places or features of cultural value and the management of land reserved under this Act. All native animals and many species of native plants are protected under the NPW Act. All native fauna, including flying-foxes, are specifically protected under section 98.

Under this Act, licences can be issued for actions such as harming or obtaining any protected fauna for specified purposes, picking protected plants or damaging habitat of a threatened species, population or ecological community. Note that the definition of 'harm' includes to *hunt, shoot, poison, net, snare, spear, pursue, capture, trap, injure or kill.* The definition of 'pick' includes to *gather, pluck, cut, pull up, destroy, poison, take, dig up, crush, trample, remove or injure the plant or any part of the plant.* 

## 4.1.4 *Prevention of Cruelty to Animals Act* 1979

It may be an offence under this Act if there is evidence of unreasonable/unnecessary torment associated with management activities. Adhering to welfare and conservation measures provided in Section 10.3 will ensure compliance with this Act.

## 4.1.5 Environmental Planning and Assessment Act 1979

The objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) are to encourage proper management, development and conservation of resources, for the purpose of the social and economic welfare of the community and a better environment. It also aims to share responsibility for environmental planning between different levels of government and promote public participation in environmental planning and assessment.

The EP&A Act is administered by the NSW Department of Planning and Environment.

Development control plans under the Act should consider flying-fox camps so that planning, design and construction of future developments is appropriate to avoid future conflict.

Development under Part 4 of the Act does not require licensing under the BC Act.

Where public authorities such as local councils undertake development under Part 5 of the EP&A Act (known as 'development without consent' or 'activity'), assessment and licensing under the BC Act may not be required. However a full consideration of the development's potential impacts on threatened species will be required in all cases.

Where flying-fox camps occur on private land, land owners are not eligible to apply for development under Part 5 of the EP&A Act. Private land owners should contact Council to explore management options for camps that occur on private land.

## 4.2 Commonwealth

## 4.2.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for the environment, specifically matters of national environmental significance (MNES). A referral to the Commonwealth DoE is required under the EPBC Act for any action that is likely to significantly impact on an MNES.

MNES under the EPBC Act that relate to flying-foxes include:

- world heritage sites (where those sites contain flying-fox camps or foraging habitat)
- wetlands of international importance (where those wetlands contain flying-fox camps or foraging habitat)
- nationally threatened species and ecological communities.

The GHFF is listed as a vulnerable species under the EPBC Act, meaning it is an MNES. It is also considered to have a single national population. DoE has developed the <u>Referral guideline</u> for management actions in <u>GHFF</u> and <u>SFF<sup>1</sup></u> camps (DoE 2015) (the Guideline) to guide whether referral is required for actions pertaining to the GHFF.

The Guideline defines a nationally important GHFF camp as one that has either:

- contained ≥10,000 GHFF in more than one year in the last 10 years, or
- been occupied by more than 2500 GHFF permanently or seasonally every year for the last 10 years.

<sup>&</sup>lt;sup>1</sup> spectacled flying-fox (*P. conspicillatus*)

Provided that management at nationally important camps follows the mitigation standards below, DoE has determined that a significant impact to the population is unlikely, and referral is not likely to be required.

Referral will be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in the Plan. Self-assessable criteria are available in the <u>Significant Impact Guidelines 1.1</u> (DoE 2013) to assist in determining whether a significant impact is likely; otherwise consultation with DoE will be required.

#### **Mitigation standards**

- The action must not occur if the camp contains females that are in the late stages of pregnancy or have dependent young that cannot fly on their own.
- The action must not occur during or immediately after climatic extremes (heat stress event<sup>2</sup>, cyclone event<sup>3</sup>), or during a period of significant food stress<sup>4</sup>.
- Disturbance must be carried out using non-lethal means, such as acoustic, visual and/or physical disturbance or use of smoke.
- Disturbance activities must be limited to a maximum of 2.5 hours in any 12 hour period, preferably at or before sunrise or at sunset.
- Trees are not felled, lopped or have large branches removed when flying-foxes are in or near to a tree and likely to be harmed.
- The action must be supervised by a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of climatic extremes and food stress events. This person must make an assessment of the relevant conditions and advise the proponent whether the activity can go ahead consistent with these standards.
- The action must not involve the clearing of all vegetation supporting a nationallyimportant flying-fox camp. Sufficient vegetation must be retained to support the maximum number of flying-foxes ever recorded in the camp of interest.

These standards have been incorporated into mitigation measures detailed in Section 11.3. If actions cannot comply with these mitigation measures, referral for activities at nationally important camps is likely to be required.

<sup>&</sup>lt;sup>2</sup> A 'heat stress event' is defined for the purposes of the Australian Government's <u>Referral guideline for management actions in</u> <u>GHFF and SFF camps</u> as a day on which the maximum temperature does (or is predicted to) meet or exceed 38°C.

<sup>&</sup>lt;sup>3</sup> A 'cyclone event' is defined as a cyclone that is identified by the Australian Bureau of Meteorology (<u>www.bom.gov.au/cyclone/index.shtml</u>).

<sup>&</sup>lt;sup>4</sup> Food stress events may be apparent if large numbers of low body weight animals are being reported by wildlife carers in the region.

# 5. Other ecological values of the site

Vegetation in Machattie Park and Kings Parade was inspected by ELA in March 2018.

Machattie Park and Kings Parade are an example of a 19<sup>th</sup> Century Victorian park, featuring plants typical of the Victorian period in form and layout. Plants at this site include English Elms, English Oaks and a variety of Cedar trees with hedges and roses creating a formal garden. Infrastructure includes the Bandstand, Caretakers cottage, Crago Fountain, a Fernery, Lake Spencer (small duck pond) and the Munro Drinking Fountain. There are very few native tree species occurring on site.

A BioNet Atlas search and an EPBC Act Protected Matters Search identified 16 fauna, five flora and two threatened ecological communities recorded within a 10 km radius of Machattie Park. A list of threatened species known to occur within 10 km of the site is provided in Table 2, including the likelihood of each occurring on site.

Species name	Common name	Status	Likelihood of occurring
Fauna			
Litoria aurea	Green and Golden Bell Frog	V*	Unlikely. No habitat within Machattie Park or Kings Parade
Litoria booroolongensis	Booroolong Frog	E*	Unlikely. No habitat within Machattie Park or Kings Parade
Litoria castanea	Yellow-spotted Tree Frog	E	Unlikely. No habitat within Machattie Park or Kings Parade
Anseranas semipalmata	Magpie Goose	V	Unlikely. No habitat within Machattie Park or Kings Parade
Phaethon rubricauda	Red-tailed Tropicbird	V	Unlikely. No habitat within Machattie Park or Kings Parade
Falco subniger	Black Falcon	V	Unlikely. No habitat within Machattie Park or Kings Parade
Callocephalon fimbriatum	Gang-gang Cockatoo	V	Unlikely. No habitat within Machattie Park or Kings Parade
Ninox connivens	Barking Owl	V	Unlikely. No habitat within Machattie Park or Kings Parade
Climacteris picumnus victoriae	Brown Treecreeper	V	Unlikely. No habitat within Machattie Park or Kings Parade
Anthochaera phrygia	Regent Honeyeater	E	Unlikely. No habitat within Machattie Park or Kings Parade
Melithreptus gularis gularis	Black-chinned Honeyeater	E	Unlikely. No habitat within Machattie Park or Kings Parade
Artamus cyanopterus cyanopterus	Dusky Woodswallow	V	Unlikely. No habitat within Machattie Park or Kings Parade
Stagonopleura guttata	Diamond Firetail	V	Unlikely. No habitat within Machattie Park or Kings Parade
Dasyurus maculatus	Spotted-tailed Quoll	V	Unlikely. No habitat within Machattie Park or Kings Parade
Phascolarctos cinereus	Koala	V	Unlikely. No habitat within Machattie Park or Kings Parade

#### Table 2: Threatened species and ecological communities that may occur at the site

Species name	Common name	Status	Likelihood of occurring
Pteropus poliocephalus	Grey-headed Flying-fox	V	Present on site roosting in English Elms, English Oaks and Himalayan Cedars.
Flora			
Lepidium hyssopifolium	Aromatic Peppercress	E	Unlikely. No habitat within Machattie Park or Kings Parade
Swainsona sericea	Silky Swainson-pea	V	Unlikely. No habitat within Machattie Park or Kings Parade
Eucalyptus aggregata	Black Gum	V	Unlikely. No habitat within Machattie Park or Kings Parade
Eucalyptus pulverulenta	Silver-leafed Gum	V	Unlikely. No habitat within Machattie Park or Kings Parade
Euphrasia scabra	Rough Eyebright	E	Unlikely. No habitat within Machattie Park or Kings Parade
Threatened ecological of	communities		
Natural temperate grassland of the south eastern highlands		CE*	No. Exotic manicured lawn occurs throughout the site
White Box-Yellow Box- Blakely's Red Gum grassy woodland and derived native grassland		CE	No. Exotic dominated vegetation with only one Eucalyptus tree, ( <i>Eucalyptus</i> sp) recorded on site on the northern boundary

\*V = vulnerable, E = Endangered and CE = Critically Endangered.

Areas within 6 km of the current camp location were also investigated to determine the likelihood of potential locations and to identify other areas where flying-foxes may relocate (Figure 5). A habitat potential rating was determined based on size of vegetation and its suitability to be used by flying foxes as a camp site. There are large patches of remnant vegetation to the west of the current location. There are also smaller patches to the north (Simplot agricultural property). Whilst these have high suitability ratings these areas are not identified as preferred locations. It is not possible to predict where replacement camps will form.

A patch of mature Casuarinas (*Casuarina cunninghamii*) exists along the Macquarie River behind the Quarry, 2.7 km south east of the current camp location. This area has also been identified by BRC as an area proposed for restoration and rehabilitation. It is not known if GHFF would utilise Casuarina trees but given that they roosted within Cedars and Pines at Machattie Park, they could possibly use the area as a camp. GHFF prefer locations with water, humidity and large shade trees which this area could provide. GHFF have been observed roosting in Casuarina trees at many other camps across NSW.



Figure 5: Sites that could potentially be utilized by flying-foxes based on available habitat (these areas have not been identified as preferred locations)

# 6. Flying-fox ecology and behaviour

## 6.1 Ecological role

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton et al. 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016a).

It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton et al. 2004).

Grey-headed flying-foxes may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey et al. 2012), and have been recorded travelling over 500 km in two days between camps (Roberts et al. 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than one kilometre (Zurbuchen et al. 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott et al. 2008; McConkey et al. 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts et al. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augee 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

# 6.2 Flying-foxes in urban areas

Flying-foxes appear to be roosting and foraging in urban areas more frequently. There are many possible drivers for this, as summarised by Tait et al. (2014):

- loss of native habitat and urban expansion
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban roosts or orchards
- urban effects on local climate
- refuge from predation
- movement advantages, e.g. ease of manoeuvring in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

It is likely that the population of flying-foxes at Machattie Park has expanded their feeding range due to the prolific Eucalypt flowering resulting from the spring rains and will depart for warmer climates once the nights cool and frosts arrive.

## 6.3 Under threat

Flying-foxes roosting and foraging in urban areas more frequently can give the impression that their populations are increasing; however, the Grey-headed Flying-fox is in decline across its range and in 2001 was listed as vulnerable by the NSW Government through the TSC Act (now the BC Act).

At the time of listing, the species was considered eligible for listing as vulnerable as counts of flying-foxes over the previous decade suggested that the national population may have declined by up to 30%. It was also estimated that the population would continue to decrease by at least 20% in the next three generations given the continuation of the current rate of habitat loss and culling.

The main threat to Grey-headed Flying-foxes in NSW is clearing or modification of native vegetation. This threatening process removes appropriate roosting and breeding sites and limits the availability of natural food resources, particularly winter–spring feeding habitat in north-eastern NSW. The urbanisation of the coastal plains of south-eastern Queensland and northern NSW has seen the removal of annually-reliable winter feeding sites, and this threatening process continues.

There is a wide range of ongoing threats to the survival of the GHFF, including:

- habitat loss and degradation
- conflict with humans (including culling at orchards)
- infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.)
- predation by native and introduced animals
- exposure to extreme natural events such as cyclones, drought and heat waves.

Flying-foxes have limited capacity to respond to these threats and recover from large population losses due to their slow sexual maturation, small litter size, long gestation and extended maternal dependence (McIlwee & Martin 2002).

## 6.4 Camp characteristics

All flying-foxes are nocturnal, roosting during the day in communal camps. These camps may range in number from a few to hundreds of thousands, with individual animals frequently moving between camps within their range. Typically, the abundance of resources within a 20–50 m radius of a camp site will be a key determinant of the size of a camp (SEQ Catchments 2012). Therefore, flying-fox camps are generally temporary and seasonal, tightly tied to the flowering of their preferred food trees. However, understanding the availability of feeding resources is difficult because flowering and fruiting are not reliable every year, and can vary between localities (SEQ Catchments 2012). These are important aspects of camp preference and movement between camps, and have implications for long-term management strategies.

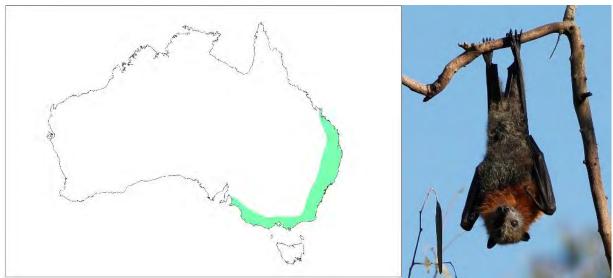
Little is known about flying-fox camp preferences; however, research indicates that apart from being in close proximity to food sources, flying-foxes choose to roost in vegetation with at least some of the following general characteristics (SEQ Catchments 2012):

- closed canopy >5 m high
- dense vegetation with complex structure (upper, mid- and understorey layers)
- within 500 m of permanent water source

- within 50 km of the coastline or at an elevation <65 metres above sea level
- level topography (<5° incline)
- greater than one hectare to accommodate and sustain large numbers of flying-foxes.

Optimal vegetation available for flying-foxes must allow movement between preferred areas of the camp. Specifically, it is recommended that the size of a patch be approximately three times the area occupied by flying-foxes at any one time (SEQ Catchments 2012). Many of these characteristics are present at Machattie Park. The area is particularly cool due to regular irrigation.

## 6.5 Species profiles



## 6.5.1 Grey-headed Flying-fox (Pteropus poliocephalus)

Figure 6: Grey-headed Flying-fox indicative species distribution, adapted from OEH 2015a

The Grey-headed Flying-fox (GHFF) (Figure 6) is found throughout eastern Australia, generally within 200 kilometres of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016a). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the GHFF in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). GHFF may travel up to 100 kilometres in a single night with a foraging radius of up to 50 kilometres from their camp (McConkey et al. 2012). They have been recorded travelling over 500 kilometres over 48 hours when moving from one camp to another (Roberts et al. 2012). GHFF generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

The GHFF population has a generally annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). This results in

large fluctuations in the number of GHFF in NSW, ranging from as few as 20% of the total population in winter up to around 75% of the total population in summer (Eby 2000). They are widespread throughout their range during summer, but in spring and winter are uncommon in the south. In autumn they occupy primarily coastal lowland camps and are uncommon inland and on the south coast of NSW (DECCW 2009).

There is evidence the GHFF population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011a). There is a wide range of ongoing threats to the survival of the GHFF, including habitat loss and degradation, deliberate destruction associated with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.) and competition and hybridisation with the BFF (DECCW 2009). For these reasons it is listed as vulnerable to extinction under NSW and federal legislation (see Section 4).



## 6.5.2 Little Red Flying-fox (*Pteropus scapulatus*)

Figure 7: Little Red Flying-fox indicative species distribution, adapted from OEH 2015a

The Little Red flying-fox (LRFF) (Figure 7) is widely distributed throughout northern and eastern Australia, with populations occurring across northern Australia and down the east coast into Victoria.

The LRFF forages almost exclusively on nectar and pollen, although will eat fruit at times and occasionally raids orchards (Australian Museum 2010). LRFF often move sub-continental distances in search of sporadic food supplies. The LRFF has the most nomadic distribution, strongly influenced by availability of food resources (predominantly the flowering of eucalypt species) (Churchill 2008), which means the duration of their stay in any one place is generally very short.

Habitat preferences of this species are quite diverse and range from semi-arid areas to tropical and temperate areas, and can include sclerophyll woodland, melaleuca swamplands, bamboo, mangroves and occasionally orchards (IUCN 2015). LRFF are frequently associated with other *Pteropus* species. In some colonies, LRFF individuals can number many hundreds of thousands and they are unique among *Pteropus* species in their habit of clustering in dense bunches on a single branch. As a result, the weight of roosting individuals can break large branches and cause significant structural damage to roost trees, in addition to elevating soil nutrient levels through faecal material (SEQ Catchments 2012).

Throughout its range, populations within an area or occupying a camp can fluctuate widely. There is a general migration pattern in LRFF, whereby large congregations of over one million individuals can be found in northern camp sites (e.g. Northern Territory, North Queensland) during key breeding periods (Vardon & Tidemann 1999). LRFF travel south to visit the coastal areas of south-east Queensland and NSW during the summer months. Outside these periods LRFF undertake regular movements from north to south during winter–spring (July–October) (Milne & Pavey 2011).

## 6.5.3 Reproduction

### **Grey-headed Flying-fox**

Males initiate contact with females in January with peak conception occurring around March to April/May; this mating season represents the period of peak camp occupancy (Markus 2002). Young (usually a single pup) are born six months later from September to November (Churchill 2008). The birth season becomes progressively earlier, albeit by a few weeks, in more northerly populations (McGuckin & Blackshaw 1991), however out of season breeding is common with births occurring later in the year.

Young are highly dependent on their mother for food and thermoregulation. Young are suckled and carried by the mother until approximately four weeks of age (Markus & Blackshaw 2002). At this time they are left at the camp during the night in a crèche until they begin foraging with their mother in January and February (Churchill 2008) and are usually weaned by six months of age around March. Sexual maturity is reached at two years of age with a life expectancy up to 20 years in the wild (Pierson & Rainey 1992).

As such, the critical reproductive period for GHFF is generally from August (when females are in final trimester) to the end of peak conception around April. Dependent pups are usually present from September to March (see Figure 8). It was noted by representative of WIRES that GHFF arrived in Machattie Park either with young pups or were heavily pregnant (P. Dury, WIRES, pers comm April 2018).

## Little Red Flying-fox

The LRFF breeds approximately six months out of phase with the other flying-foxes. Peak conception occurs around October to November, with young born between March and June (McGuckin & Blackshaw 1991; Churchill 2008) (Figure 8). Young are carried by their mother for approximately one month then left at the camp while she forages (Churchill 2008). Suckling occurs for several months while young are learning how to forage. LRFF generally birth and rear young in temperate areas (rarely in NSW). The breeding season of all species is variable between years and location, and expert assessment is required to accurately determine phases in the breeding cycle and inform appropriate management timing.

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## Bathurst Flying-fox Camp Management Plan

	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec
GHFF												
LRFF												
	Final trir Peak bir Crèchin∢ ∟actatio	thing g (young n	g left at i	ŗ	uctive c	vcle.						

# 7. Human and animal health

Flying-foxes, like all animals, carry pathogens that may pose human health risks. Many of these are viruses which cause only asymptomatic infections in flying-foxes themselves but may cause significant disease in other animals that are exposed. In Australia the most well-defined of these include Australian bat lyssavirus (ABLV), Hendra virus (HeV) and Menangle virus. Specific information on these viruses is provided in Appendix 5.

Outside of an occupational cohort, including wildlife carers and vets, human exposure to these viruses is extremely rare and similarly transmission rates and incidence of human infection are very low. In addition, HeV infection in humans apparently requires transfer from an infected intermediate equine host and direct transmission from bats to humans has not been reported. Thus, despite the fact that human infection with these agents can be fatal, the probability of infection is extremely low and the overall public health risk is judged to be low (Qld Health 2016).

# 7.1 Disease and flying-fox management

A recent study at several camps before, during and after disturbance (Edson et al. 2015) showed no statistical association between HeV prevalence and flying-fox disturbance. However, the consequences of chronic or ongoing disturbance and harassment and its effect on HeV infection were not within the scope of the study and are therefore unknown.

The effects of stress are linked to increased susceptibility and expression of disease in both humans (AIHW 2012) and animals (Henry & Stephens-Larson 1985; Aich et. al. 2009), including reduced immunity to disease.

Therefore it can be assumed that management actions which may cause stress (e.g. dispersal), particularly over a prolonged period or at times where other stressors are increased (e.g. food shortages, habitat fragmentation, etc.), are likely to increase the susceptibility and prevalence of disease within the flying-fox population, and consequently the risk of transfer to humans.

Furthermore, management actions or natural environmental changes may increase disease risk by:

- forcing flying-foxes into closer proximity to one another, increasing the probability of disease transfer between individuals and within the population
- resulting in abortions and/or dropped young if inappropriate methods are used during critical periods of the breeding cycle. This will increase the likelihood of direct interaction between flying-foxes and the public, and potential for disease exposure
- adoption of inhumane methods with potential to cause injury which would increase the likelihood of the community coming into contact with injured/dying flying-foxes.

The potential to increase disease risk should be carefully considered as part of a full risk assessment when determining the appropriate level of management and the associated mitigation measures required.

# 8. Camp management options

Section 8 provides an overview of commonly used management options that are considered. They are categorised as Level 1, 2 or 3 in accordance with the Policy. BRC have already implemented many of the actions listed as Level 1 and due to the historical nature and heritage listing of Machattie Park and Kings Parade, Level 2 actions that result in vegetation removal or thinning are not recommended.

Given the recent conflicts, small size of the existing camp population and the identification of potential habitat less than 3 km from Machattie Park, Level 3 actions have been reviewed in the options below.

## 8.1 Level 1 actions: routine camp management

### 8.1.1 Education and awareness programs

Whilst BRC have implemented a community awareness program to provide accurate information to the local community about flying-foxes, there is opportunity to expand the education program. Previously held information sessions have been poorly attended and attendees are often well-informed members of environmental groups. It is recommended that BRC incorporate information about GHFF in the rate-payers newsletter to ensure information is getting to all community members to raise awareness and alleviate concerns about health and safety issues associated with flying-foxes.

Signage has already been installed at strategic vantage points around the flying-fox camp, including the entrances to the Park. It is recommended that the signage is upgraded to incorporate the value and importance of GHFF and how the community can live with them.



Figure 9: Possible components of an education program

Residents should also be made aware that faecal drop and noise at night is mainly associated with plants that provide food, independent of camp location. Staged removal of foraging species such as exotic palms from residential yards, or management of fruit (e.g. bagging, pruning) will greatly assist in mitigating this issue.

Collecting and providing information should always be the first response to community concerns in an attempt to alleviate issues without the need to actively manage flying-foxes or their habitat. Where it is determined that management is required, education should similarly be a key component of any approach. See also Section 3 and incorporate an education and awareness program into any community engagement plan. An education program may include components shown in Figure 9.

The likelihood of improving community understanding of flying-fox issues is high. However, the extent to which that understanding will help alleviate conflict issues is probably less so. Extensive education for decision-makers, the media and the broader community may be required to overcome negative attitudes towards flying-foxes.

It should be stressed that a long-term solution to the issue resides with better understanding flying-fox ecology and applying that understanding to careful urban planning and development. It has been noted that the fear and loathing from the community in Orange has greatly abated overtime (Goldney 2018).

### 8.1.2 Routine camp maintenance and operational activities

Examples of routine camp management actions are provided in the Policy. These include:

- removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist
- weed removal, including removal of listed weeds under the *Biosecurity Act 2015*, or species listed as undesirable by a council
- trimming of understorey vegetation or the planting of vegetation
- minor habitat augmentation for the benefit of the roosting animals
- mowing of grass and similar grounds-keeping actions that will not create a major disturbance to roosting flying-foxes
- application of mulch or removal of leaf litter or other material on the ground.

Given the historical and heritage value of Machattie Park and Kings Parade removing vegetation or trimming the canopy is not a feasible option to manage the camp and is not a recommendation of the Plan. The Park is maintained as an English style garden with lawns regularly mowed, garden plants trimmed, and weeds removed.

Protocols should be developed for carrying out operations that may disturb flying-foxes, which can result in excess camp noise. Such protocols could include limiting the use of disturbing activities to certain days or certain times of day in the areas adjacent to the camp, and advising adjacent residents of activity days. Such activities could include using chainsaws, using generators and testing alarms or sirens. However, if public safety is a concern or an issue, matters will be attended to immediately. General maintenance activities such as lawn mowing and brushcutting will continue as required as they did not appear to disturb the flying-foxes.

### 8.1.3 Revegetation and land management to create alternative habitat

This management option involves revegetating and managing land to create alternative flyingfox roosting habitat through improving and extending existing low-conflict camps or developing new roosting habitat in areas away from human settlement.

Selecting new sites and attempting to attract flying-foxes to them has had limited success in the past, and ideally habitat at known camp sites would be dedicated as a flying-fox reserve. However, if a staged and long-term approach is used to make unsuitable current camps less attractive, whilst concurrently improving appropriate sites, it is a viable option (particularly for the transient and less selective LRFF). Supporting further research into flying-fox camp preferences may improve the potential to create new flying-fox habitat.

When improving a site for a designated flying-fox camp, preferred habitat characteristics detailed in Section 6.4 should be considered.

Foraging trees planted amongst and surrounding roost trees (excluding in/near horse paddocks) may help to attract flying-foxes to a desired site. They will also assist with reducing foraging impacts in residential areas. Eby and Law (2008) suggested that a priority or core diet tree for flying-foxes should have one or more of the following traits:

- a tree that has the potential to be highly productive
- a tree that is annually reliable regarding its productivity (which reduces the effort used during searching behaviour, need for migration and the likelihood of being impacted upon by a food shortage)
- a tree that is productive for lengthy periods (most plants produce blossom for one to three months).

Law et al. (2002) recommended that the species to be planted for foraging habitat should match the local site conditions. Some species to be considered are plants from genera Angophora, Banksia, Corymbia, Eucalyptus, Grevillea and Melaleuca.

The location of camps is highly variable but are commonly located in closed forests, Melaleuca swamps or stands of Casuarina and generally found near rivers or creeks. Depending on the site, the potential negative impacts to a natural area will need to be considered if introducing non-indigenous plant species.

The presence of a water source is likely to increase the attractiveness of an alternative camp location. Supply of an artificial water source should be considered if unavailable naturally, however this may be cost-prohibitive.

Potential habitat mapping using camp preferences (see Section 6.4) and suitable land tenure can assist in initial alternative site selection. A feasibility study would then be required prior to site designation to assess likelihood of success and determine the warranted level of resource allocated to habitat improvement.

Two sites have been identified as potential areas for future camps (Map 4). Site 1 is located approximately 2.6 km NNW of the current camp and consists of willow trees growing along the edge of the Macquarie River near the original camp of 2011. Site 2 is located upstream from the original location and is 2.1 km SE or the current camp. This area is a stand of mature and juvenile casuarina trees and is proposed for a revegetation program by BRC.

## 8.1.4 Provision of artificial roosting habitat

This management option involves constructing artificial structures to augment roosting habitat in current camp sites or to provide new roosting habitat. Whilst this is not recommended for Machattie Park this could be incorporated into alternative sites along the Macquarie River to increase the amount of roosting habitat. Trials using suspended ropes have been of limited success as flying-foxes only used the structures that were very close to the available natural roosting habitat. It is thought that the structure of the vegetation below and around the ropes is important.

## 8.1.5 **Protocols to manage incidents**

This management option involves implementing protocols for managing incidents or situations specific to particular camps. Incidents relevant to BRC include heat stress, canopy damage and airstrikes. Such protocols may include 'bat watch' patrols at sites that host vulnerable people, management of pets at sites popular for walking dogs or heat stress incidents (when the camp is subjected to extremely high temperatures leading to flying-foxes changing their behaviour and/or dying).

## 8.1.6 Participation in research

This management option involves participating in research to improve knowledge of flying-fox ecology to address the large gaps in our knowledge about flying-fox habits and behaviours and why they choose certain sites for roosting. Further research and knowledge sharing at local, regional and national levels will enhance our understanding and management of flying-fox camps. BRC currently participate in the Australian Government Flying-fox Monitoring Program.

## 8.1.7 Appropriate land-use planning

Land-use planning instruments may be able to be used to ensure adequate distances are maintained between future residential developments and existing or historical flying-fox camps. While this management option will not assist in the resolution of existing land-use conflict, it may prevent issues for future residents. This action should be considered if an alternative camp is established along the Macquarie River as these areas should be isolated from human habitation by management zones greater than 300 m wide and comprise habitat unsuitable for roosting such as cleared land, low shrubs or isolated trees. Residential development, schools and other structures that might lead to conflict should be excluded. Potential habitat along the Macquarie River is Flood Zone and is unlikely to be developed.

## 8.1.8 Do nothing

The management option to 'do nothing' involves not undertaking any management actions in relation to the flying-fox camp and leaving the situation and site in its current state. However, the camp currently resides in a heritage listed park with high amenity value and some of the roosting trees are being affected. Although it is probable, given the current population size of the camp, the current level of damage is minimal, and the trees will recover. However, if the population size increases, potential exists for significant damage to occur. It has been assessed that the population threshold at Machattie Park is approximately 3000 individuals. Populations above 3000 are likely to result in irreparable damage to the trees. It is recognised that Machattie Park is not an ideal camp location and a 'do-nothing' approach is not recommended in the Plan.

## 8.2 Level 2 actions: in-situ management

## 8.2.1 Buffers

This Plan does not recommend the creation of new buffers through vegetation removal from within the current Flying-fox camp habitat. Machattie Park is a heritage listed park dominated by English trees to represent a typical 19<sup>th</sup> Century Park and is of high amenity value.

### Buffers without vegetation removal - Passive Deterrents

Permanent or semi-permanent deterrents can be used to make buffer areas unattractive to flying-foxes for roosting, without the need for vegetation removal. This is often an attractive option where vegetation has high ecological or amenity value.

GHFF are seasonal visitors to Bathurst and it is possible to trial passive deterrents prior to their arrival in November. While many deterrents have been trialled in the past with limited success, there are some options worthy of further investigation:

- Visual deterrents Visual deterrents such as plastic bags, Flood lights, plastic hawks, fluoro vests (GeoLINK 2012) and balloons (Ecosure 2016, pers. comm.) in roost trees have shown to have localised effects, with flying-foxes deterred from roosting within 1–10 metres of the deterrents. The type and placement of visual deterrents would need to be varied regularly to avoid habituation.
- Noise emitters on timers Loud noise (e.g. LRAD or Long Range Acoustic Device) needs to be random, varied and unexpected to avoid flying-foxes habituating. As such these emitters would need to be portable, on varying timers and a diverse array of noises would be required. It is likely to require some level of additional disturbance to maintain its effectiveness, and ways to avoid disturbing flying-foxes from desirable areas would need to be identified. This is also likely to be disruptive to nearby residents.
- Smell deterrents For example, bagged python excrement hung in trees has previously had a localised effect (GeoLINK 2012). The smell of certain deterrents may also impact nearby residents, and there is potential for flying-foxes to habituate.
- Canopy-mounted water sprinklers This method has been effective in deterring flying-foxes during dispersals (Ecosure personal experience), and a current trial in Queensland is showing promise for keeping flying-foxes out of designated buffer zones. This option can be logistically difficult (installation and water sourcing) and may be cost-prohibitive. Design and use of sprinklers need to be considerate of animal welfare and features of the site. For example, misting may increase humidity and exacerbate heat stress events, and overuse may impact other environmental values of the site.

Note that any deterrent with a high risk of causing inadvertent dispersal may be considered a Level 3 action, particularly if the GHFF have arrived and settled in the Park.

The use of visual deterrents, in the absence of effective maintenance, could potentially lead to an increase in rubbish in the natural environment (ie balloons and plastic bags).

## 8.3 Level 3 actions: disturbance or dispersal

## 8.3.1 Nudging

Noise and other low intensity active disturbance restricted to certain areas of the camp can be used to encourage flying-foxes away from high conflict areas. This technique aims to actively 'nudge' flying-foxes from one area to another, while allowing them to remain at the camp site.

Unless the area of the camp is very large, nudging should not be done early in the morning as this may lead to inadvertent dispersal of flying-foxes from the entire camp site. Disturbance during the day should be limited in frequency and duration (e.g. up to four times per day for up to 10 minutes each) to avoid welfare impacts. As with dispersal, it is also critical to avoid periods when dependent young are present (during Nov – Feb or as identified by a flying-fox expert).

Nudging is not recommended as an action in the Plan as Machattie Park is not significantly large enough to reduce the impacts throughout the site. It was also observed that when the GHFF were disturbed by noise they spread out through the Park but eventually returned to their previous core area (Goldney 2018).

## 8.3.2 Dispersal

Dispersal aims to encourage a camp to move to another location, through either disturbance or habitat modification.

There is a range of potential risks, costs and legal implications that are greatly increased with dispersal (compared with in-situ management as above). See Appendix 6 for more details. These include:

- impact on animal welfare and flying-fox conservation
- splintering the camp into other locations that are equally or more problematic
- shifting the issue to another area
- impact on habitat value
- effects on the flying-fox population, including disease status and associated public health risk
- impacts to nearby residents associated with ongoing dispersal attempts
- excessive initial and/or ongoing capacity and financial investment
- negative public perception and backlash
- increased aircraft strike risk associated with changed flying-fox movement patterns
- unsuccessful management requiring multiple attempts, which may exacerbate all of the above.

Despite these risks, there are some situations where camp dispersal may be considered. Dispersal can broadly be categorised as 'passive' or 'active' as detailed below.

#### Passive dispersal

The Plan does not recommend Passive dispersal as it involves removing vegetation in a staged manner so that the habitat becomes less attractive overtime so that flying-foxes will disperse of their own accord with little stress (rather than being more forcefully moved with noise, smoke, etc.). Whilst this is less stressful to flying-foxes, and greatly reduces the risk of splinter colonies forming in other locations, the vegetation at Machattie Park cannot be modified.

Whilst there is also potential to make a camp site unattractive by removing access to water sources, this too is not recommended in the Plan due to the high-water requirements of the trees located within Machattie Park.

#### Active dispersal through disturbance

Dispersal is more effective when a wide range of tools, such as noise, spotlights, smoke and sprinklers are used on a randomised schedule with animals less likely to habituate (Ecosure pers. obs. 1997–2015). Each dispersal team member should have at least one visual and one aural tool that can be used at different locations on different days (and preferably swapped regularly for alternate tools). Exact location of these and positioning of personnel will need to be determined on a daily basis in response to flying-fox movement and behaviour, as well as prevailing weather conditions (e.g. wind direction for smoke drums).

Active dispersal will be disruptive for nearby residents given the timing and nature of activities, (early morning), and this needs to be considered during planning and community consultation.

If dispersal is successful, it is often recommended that some level of habitat modification should be considered to reduce the likelihood of flying-foxes attempting to re-establish the camp and the need for follow-up dispersal as a result. However, given the status of Machattie Park, habitat modification is not recommended.

#### Early dispersal before a camp is established at a new location

This management option involves monitoring local vegetation for signs of flying-foxes roosting in the daylight hours and then undertaking active or passive dispersal options to discourage the animals from establishing a new camp and an undesirable location. Even though there may only be a few animals initially using the site, this option is still treated as a dispersal activity, however it may be simpler to achieve dispersal at these new sites than it would in an established camp. It may also avoid considerable issues and management effort required should the camp be allowed to establish in an inappropriate location.

It is important that flying-foxes feeding overnight in vegetation are not mistaken for animals establishing a camp.

#### Maintenance dispersal

Maintenance dispersal refers to active disturbance following a successful dispersal to prevent the camp from re-establishing. It differs from initial dispersal by aiming to discourage occasional over-flying individuals from returning, rather than attempting to actively disperse animals that have been recently roosting at the site. As such, maintenance dispersal may have fewer timing restrictions than initial dispersal, provided that appropriate mitigation measures are in place (see Section 10).

## 8.4 Unlawful activities

### 8.4.1 Culling

Culling is addressed here as it is often raised by community members as a preferred management method; however, culling is contrary to the objects of the TSC Act and will not be permitted as a method to manage flying-fox camps.

## 8.5 Site-specific analysis of camp management options

An analysis of management options and their advantages and disadvantages are shown in Table 3 below.

Table 3: Analysis of management options; definitions and description of each management option are provided in Section 9

Management option	Relevant impacts	Cost	Advantages	Disadvantages
Level 1 actions				
Education and awareness programs	<ul> <li>Fear of disease</li> <li>Noise</li> <li>Smell</li> <li>Faecal drop</li> </ul>	θ	Low cost, promotes conservation of FFs, contributes to attitude change which may reduce general need for camp intervention, increasing awareness and providing options for landholders to reduce impacts can be an effective long-term solution, can be undertaken quickly, will not impact on ecological or amenity value of the site.	Education and advice itself will not mitigate all issues and maybe seen as not doing enough. BRC have already placed signs around Machattie Park and updated their website with information on Flying-foxes.
Property modification	Noise Smell Faecal drop Health/wellbeing	<del>ያ</del> ት	Property modification is one of the most effective ways to reduce amenity impacts of a camp without dispersal (and associated risks), relatively low cost, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, may add value to the property.	May be cost-prohibitive for private landholders, unlikely to fully mitigate amenity issues in outdoor areas. BRC have already moved seating and tables from under roosting trees. Grant funding was sourced to assist with washing amenities and cleaning paths and raking vegetation from under roost trees.
Service subsidies including rate rebates	<ul> <li>Noise</li> <li>Smell</li> <li>Faecal drop</li> <li>Health/wellbeing</li> <li>Property devaluation</li> <li>Lost rental return</li> </ul>	\$-\$\$	May encourage tolerance of living near a camp, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, would reduce the need for property modification.	May be costly across multiple properties and would incur ongoing costs, may set unrealistic community expectations for other community issues, effort required to determine who would receive subsidies.
Routine camp management	Health/wellbeing	\$	Will allow property maintenance, likely to improve habitat, could improve public perception of the site, will ensure safety risks of a public site can be managed. Weed removal has the potential to reduce roost availability and reduce numbers of roosting FFs. To avoid this, weed removal should be staged and alternative roost habitat planted, otherwise activities may constitute a Level 3 action.	Will not generally mitigate amenity impacts for nearby landholders. Machattie Park is maintained for high valued amenity. BRC has engaged contractors to wash and rak areas around roosting trees to ensure public safety, amenity and to ensure the park remains open for community use.
Alternative habitat creation	AII	\$\$ <del>-</del> \$\$	If successful in attracting FFs away from high conflict areas, dedicated habitat in low conflict areas will mitigate all impacts, promotes FF conservation. Rehabilitation of degraded habitat that is likely to be suitable for FF use could be a more practical and faster approach than habitat creation.	Generally costly, long-term approach so cannot be undertaken quickly, previous attempts to attract FFs to a new site have not been known to succeed. BRC are already implementing revegetation plans along the Macquarie River which has been identified as preferred location.

Management option	Relevant impacts	Cost	Advantages	Disadvantages
Provision of artificial roosting habitat	All	\$-\$\$	If successful in attracting FFs away from high conflict areas, artificial roosting habitat in low conflict areas will assist in mitigating all impacts, generally low cost, can be undertaken quickly, promotes FF conservation.	Would need to be combined with other measures (e.g. buffers/alternative habitat creation) to mitigate impacts, previous attempts have had limited success.
Protocols to manage incidents	Health/wellbeing	θ	Low cost, will reduce actual risk of negative human/pet- FF interactions, promotes conservation of FFs, can be undertaken quickly, will not impact the site.	Will not generally mitigate amenity impacts.
Research	All	θ	Supporting research to improve understanding may contribute to more effectively mitigating all impacts, promotes FF conservation.	Generally, cannot be undertaken quickly, management trials may require further cost input.
Appropriate land-use planning	All	÷	Likely to reduce future conflict, promotes FF conservation. Identification of degraded sites that may be suitable for long-term rehabilitation for FFs could facilitate offset strategies should clearing be required under Level 2 actions.	Will not generally mitigate current impacts, land-use restrictions may impact the landholder.
Property acquisition	All for specific property owners Nil for broader community	\$\$\$	Will reduce future conflict with the owners of acquired property.	Owners may not want to move, only improves amenity for those who fit criteria for acquisition, very expensive. Whilst this option is not relevant to the Machattie Park site this may need to be considered if the camp is relocated to another location.
Do nothing	Nil	Ī	No resource expenditure.	Will not mitigate impacts and unlikely to be considered acceptable by the community.
Level 2 actions				
Buffers through vegetation removal	Noise Smell Health/wellbeing Property devaluation Lost rental return	\$ \$ 9	Will reduce impacts, promotes FF conservation, can be undertaken quickly, limited maintenance costs.	Will impact the site, will not generally eliminate impacts, vegetation removal may not be favoured by the community. Vegetation removal cannot be undertaken at Machattie Park.
Buffers without vegetation removal – passive deterrents	Noise Smell Health/wellbeing Damage to vegetation Property devaluation Lost rental return	\$\$	Successful creation of a buffer will reduce impacts, promotes FF conservation, can be undertaken quickly, options without vegetation removal may be preferred by the community.	May impact the visual impact of the site for the short term, buffers will not generally eliminate impacts, maintenance costs may be significant, often logistically difficult, limited trials so likely effectiveness unknown.

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Management option	option	Relevant impacts	Cost	Advantages	Disadvantages
Noise at fencing	attenuation	Noise Smell Health/wellbeing Property devaluation Lost rental return	<del>හ</del>	Will eliminate/significantly reduce noise impacts, will reduce other impacts, limited maintenance costs.	Costly, likely to impact visual amenity of the site, will not eliminate all impacts, may impact other wildlife at the site. This option is not suitable for Machattie Park as it is a heritage listed park in the centre of the CDB.
Level 3 actions	S				
Nudging		All	\$\$\$ <sup>-</sup> \$\$	If nudging is successful this may mitigate all impacts.	Costly. FFs will continue attempting to recolonise the area unless combined with habitat modification/ deterrents. Machattie Park is too small to move FF into other areas of the Park.
Passive through management	dispersal vegetation	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$\$-\$\$	If successful can mitigate all impacts at that site, compared with active dispersal: less stress on FFs, less ongoing cost, less restrictive in timing with ability for evening vegetation removal.	Costly, will impact site, risk of removing habitat before outcome known, potential to splinter the camp creating problems at other locations (although less than active dispersal), potential welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 7.1), potential to impact on aircraft safety. Machattie Park is a heritage listed park and vegetation removal is not an option for this camp.
Passive through management	dispersal water	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$\$ <sup>-</sup> \$\$	Potential advantages as per with passive dispersal through vegetation removal, however likelihood of success unknown.	Potential disadvantages as per passive dispersal through vegetation removal, however likelihood of success unknown. Machattie Park is a heritage listed park and requires regular watering. Reducing water on site is not an option for this camp.
Active dispersal	-	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$\$\$\$	If successful can mitigate all impacts at that site, often stated as the preferred method for impacted community members.	May be very costly, often unsuccessful, ongoing dispersal generally required unless combined with habitat modification, potential to splinter the camp creating problems in other locations, potential for significant animal welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 7.1), potential to impact on aircraft safety.

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Management option	Relevant impacts	Cost	Cost Advantages	Disadvantages
Early dispersal before a All at that site camp is established at a new location	All at that site	\$\$\$- \$\$	\$\$-\$\$\$ Potential advantages as per other dispersal methods, but more likely to be successful than dispersal of a historic camp. Potential disadvantages as per other dispersal methods, but possibly less costly and slightly lower risk than dispersing a historic camp. Potential to increase pressure on FFs that may have relocated from another dispersed camp, which may exacerbate impacts on these individuals.	ntial advantages as per other dispersal methods, Potential disadvantages as per other dispersal more likely to be successful than dispersal of a methods, but possibly less costly and slightly lower risk than dispersing a historic camp. Potential to increase pressure on FFs that may have relocated from another dispersed camp, which may exacerbate impacts on these individuals.

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Attachments

# 9. Planned management approach

## 9.1 Level 1 Actions

It is acknowledged that Machattie Park is not an ideal location for a flying-fox camp, given the heritage value and high community use of the park. BRC have already implemented many of the Level 1 actions identified above to manage the 2017/2018 camp at Machattie Park.

Community education as outlined in Section 8.1.1 is to be ongoing and implemented over the life of the plan. However, there is opportunity for BRC to expand the existing education program to educate the local community about why the flying-foxes are in the area and how residents could live with the colony. It is recommended that BRC install an information board containing factual information, particularly highlighting the ecological importance of GHFF and send out information in rate-payers newsletters to abate negative attitudes associated with flying-foxes.

It is recommended that BRC revegetate and manage land along the Macquarie River to create alternative flying-fox roosting habitat away from human settlement as per Section 8.1.3. Two potential sites along the Macquarie River have been identified as suitable for future camps. Species planted should provide foraging and roosting habitat for the flying foxes and match the local site conditions. Provision of artificial roosting habitat, such as provision of ropes, may also be trialled within these river sites.

# 9.2 Level 2 Actions

Given the heritage status of the vegetation within Machattie Park and neighbouring Kings Parade, the Level 2 option of vegetation removal creating a buffer are not considered appropriate management actions. Strategies that may deter GHFF from utilising Machattie Park in the future may mitigate some of the impacts caused by the GHFF.

It is recommended that an Action Plan be prepared to provide a detailed methodology to carry out the Level 2 Actions. The use of passive deterrents may encourage the flying-foxes to find another location to establish a camp. Deterrents could be installed prior to their usual arrival in November. Deterrents may include any of those described within Section 8.2 including:

• Visual deterrents such as plastic bags, flood lights, plastic hawks, fluoro vests, and balloons in roost trees.

• Noise emitters on timers to provide loud, random, varied and unexpected noise to avoid flying-foxes habituating

- Smell deterrents such as bagged python excrement hung in trees.
- Canopy-mounted water sprinklers within roost trees

The aim of Level 2 Actions are to deter the flying-foxes from initially using the trees within Machattie Park so that they instead establish a camp in a more preferred location such as habitat along the Macquarie River (as identified within Section 8.1.3). However, the camp may relocate to a less suitable area (ie Simplot property, hospital grounds, remnant areas to the East of the city centre (Mount Panorama) or on private property). The success of using deterrents is not known and it is possible that the camp may return in subsequent years.

# 9.3 Level 3 Actions

If Level 2 deterrents are unsuccessful and flying-foxes begin to establish a camp at Machattie Park or within Kings Parade then active, early dispersal may be actioned to reduce this possibility or the population increasing to an unsustainable size within Machattie Park. Responding earlier to move smaller numbers of flying-foxes will increase the likelihood of successful relocation and reduce the impacts on the individual animals. The aim of the Level

3 Actions is to prevent the flying-foxes from establishing within the Machattie Park or Kings Parade.

A licence must be approved and issued by OEH prior to undertaking any dispersal actions. An Ecologist will also need to assess the reproductive status of adults and their general wellbeing prior to undertaking any dispersal activities.

It is recommended that an Action Plan be prepared to provide a detailed methodology to carry out the Level 3 Actions. It is important that any dispersal activity is well planned and managed with involvement /supervision of an experienced ecologist. Deterrents may include any of those described within Section 8.3 including noise, spotlights, smoke and sprinklers used on a randomised schedule. If a camp appears to be establishing in a new undesirable location, early active or passive dispersal options are to be carried out in the new location. If the camp has been successfully dispersed to a more appropriate location, maintenance dispersal may be required to prevent the camp re-establishing within Machattie Park in future years.

Active dispersal activities can be extremely costly and are often unsuccessful. There is no guarantee where the Flying-foxes will disperse to and they may relocate to less desirable areas within the town. It is strongly recommended that BRC clearly communicate these factors to the community.

Table 4: Management approach overview

0.100	Monoccom	Example success measures	Management actions to be considered		
2000		(recommend one measure only per aim)	Level 1 actions	Level 2 actions	Level 3 actions
Noise	Mitigate noise impacts.	Reduce average noise to within legislated thresholds (seasonal sampling required). Reduce complaints/complainants by 70%. Reasonable level of amenity achieved based on independent assessment.	Revegetate and manage land to create alternative habitat. BRC have plans in place to revegetate areas along the Macquarie River.	Passive deterrents could encourage the GHFF to find alternative camp locations	Level 3 actions will not be considered to mitigate this issue.
Faecal drop	Mitigate impacts of faecal drop.	Reduce faecal drop by 50%. Reduction in complaints / complainants on the impacts of faecal drop	Education and awareness (e.g. managing foraging attractants and tips to reduce impacts / fear of disease). Protocols to manage incidents (e.g. cleaning prior to young children using the park, sectioning off areas under roosting trees). Support research to understand site-specific movements / trials to influence fly-out/in.	Passive deterrents could encourage the GHFF to find alternative camp locations. No tree removal or additional trimming is to be undertaken at Machattie Park or Kings Parade	Level 3 actions will not be considered to mitigate this issue.
Smell	Mitigate impacts of smell.	Reduce odour by 70% (seasonal odour sampling required to quantify). Reduce complaints/complainants by 70%. Reasonable level of amenity achieved based on independent assessment.	Education and awareness programs (e.g. ensuring community understand not associated with uncleanliness). Revegetate / rehabilitate selected suitable sites away from current location to create alternative habitat. In progress by BRC. Provision of artificial roosting habitat away from conflict areas. Support research to determine odour masking techniques.	Passive deterrents could encourage the GHFF to find alternative camp locations. No additional trimming is to be undertaken at Machattie Park or Kings Parade	Dispersal.

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		Example success measures	Management actions to be considered		
Issue	Management aim	nd one measure or	Level 1 actions	Level 2 actions	Level 3 actions
Fear of disease	Promote awareness of actual low disease risk. Reassure community	All concerned community members have received and have access to factual information on disease. Surrounding community is no longer concerned about disease (poll may be required). Reduction in complaints about disease risk.	Education and awareness programs (e.g. ensuring community understand actual low risk of disease transfer and simple mitigation measures). Protocols to prevent incidents (eg heat stress events) in partnership with WIRES.	Passive deterrents could encourage the GHFF to find alternative camp locations. No tree removal or additional trimming is to be undertaken at Machattie Park or Kings Parade	Level 3 actions will not be considered to mitigate this issue.
Health wellbeing impacts	Mitigate health and wellbeing impacts.	Health and wellbeing impacts are not being created by the camp as assessed by an independent professional. Reduce complaints/complainants by 70%. No negative human/flying-fox interactions.	Education and awareness programs. Protocols to prevent incidents (eg heat stress events) in partnership with WIRES. Routine management actions to improve the site. BRC have implemented a cleaning program. Revegetate land to create alternative habitat in progress.	Passive deterrents could encourage the GHFF to find alternative camp locations. No additional trimming is to be undertaken at Machattie Park or Kings Parade	Level 3 actions will not be considered to mitigate this issue.
Damage to vegetation	Mitigate impacts to vegetation.	Long-term viability of vegetation not at risk / can be rehabilitated (need to assess cost/benefit of impacts associated with damage to vegetation against environmental services provided by flying-foxes and risks of other impacts if camp is dispersed).	Routine management actions to improve the site. Revegetate land to create alternative habitat. Prioritise adjacent and alternative sites for revegetation / rehabilitation away from sensitive receivers to create alternative flying fox habitat, relieving pressure on existing habitat.	Roosting trees in the park are showing signs of canopy damage. Using deterrents to prevent GHFF from using select trees (e.g. netting, wires, sprinklers, etc.) (may constitute a Level 3 action). Consideration must be given to the types of deterrents used so that these don't impact the trees.	Dispersal. Due to the heritage listing of the vegetation within Machattie Park. Trees are showing signs of damaged and this issue is unable to be mitigated any other way.

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### Bathurst Flying-fox Camp Management Plan

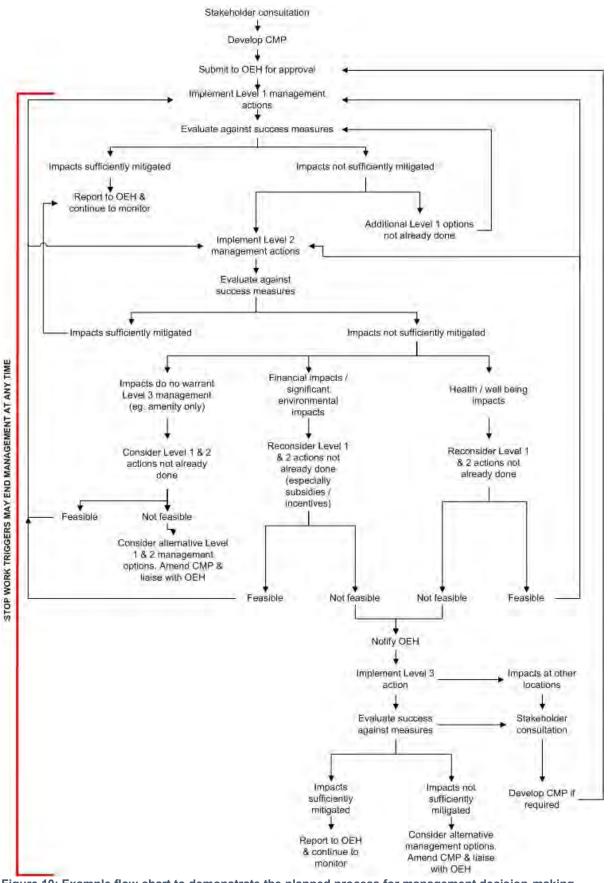


Figure 10: Example flow chart to demonstrate the planned process for management decision-making

## 9.4 Stop work triggers

The management program will cease and will not recommence or progress to subsequent levels without consulting OEH if:

- any of the animal welfare triggers occur on more than two days during the program, such as unacceptable levels of stress (see Table 5)
- there is a flying-fox injury or death that appears to be related to the dispersal (as determined by the Supervising Ecologist)
- two or more camps appear to be establishing
- impacts are created or exacerbated at other locations
- there appears to be potential for conservation impacts (e.g. reduction in breeding success identified through independent monitoring)
- standard measures to avoid impacts (detailed in Section 10.3) cannot be met.
- allocated resources are exhausted or there are unacceptable personal safety risks

Management may also be terminated at any time if:

- unintended impacts are created for the community around the camp
- allocated resources are exhausted.

Dispersal will cease if:

- in the opinion of the land manager or OEH, there is ongoing proliferation of splinter colonies in unsuitable locations (as determined by the land manager or OEH)
- splinter camps become established in inappropriate locations and for ecological, social or other reasons, a dispersal at the splinter location is not appropriate (as determined by the land manager or OEH).

If a dispersal program is stopped it may be permanently abandoned and other strategies considered, or reassessed and resumed in consultation with OEH.

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### Bathurst Flying-fox Camp Management Plan

Table 5: Planned action for potential impacts during management. (A person with experience in flying-fox behaviour, as per Appendix 1, will monitor for welfare triggers and direct works in accordance with the criteria below).

Welfare trigger	Signs	Action
Unacceptable levels of stress	<ul> <li>If any individual is observed:</li> <li>panting</li> <li>saliva spreading</li> <li>located on or within 2 m of the ground</li> </ul>	Works to cease for the day.
Fatigue	<ul> <li>In-situ management</li> <li>more than 30% of the camp takes flight</li> <li>individuals are in flight for more than 5 minutes</li> <li>flying-foxes appear to be leaving the camp</li> </ul>	In-situ management Works to cease and recommence only when flying-foxes have settled* / move to alternative locations at least 50 m from roosting animals.
	Dispersal <ul> <li>low flying</li> <li>laboured flight</li> <li>settling despite dispersal efforts</li> </ul>	Dispersal Works to cease for the day.
Injury/death	<ul> <li>a flying-fox appears to have been injured/killed on site (including aborted foetuses)</li> <li>any flying-fox death is reported within 1 km of the dispersal site that appears to be related to the dispersal</li> <li>females in final trimester</li> <li>dependent/crèching young present</li> <li>loss of condition evident</li> </ul>	Works to cease immediately and OEH notified AND rescheduled OR adapted sufficiently so that significant impacts (e.g. death/injury) are highly unlikely to occur, as confirmed by an independent expert (see Appendix 1) OR stopped indefinitely and alternative management options investigated.

\*maximum of two unsuccessful attempts to recommence work before ceasing for the day.

# 9.5 Protocols to manage incidents

## Heat stress

Any flying fox camp within Bathurst LGA is susceptible to heat stress and is likely to become increasingly so with the increased temperatures and extreme weather events predicted as a result of climate change (Welbergen, et al, 2008). Council should check the Flying fox Heat Stress forecaster <u>http://www.animalecologylab.org/ff-heat-stress-forecaster.html</u> (Welbergen, 2017a) prior to predicted heat waves where local temperatures are likely to exceed 37°C. This website provides mapping of camps across Australia likely to be affected by heat stress at any time up to 72 hours in the future. Council should also close public access to camps on the advice of WIRES immediately prior to, during and following such events to allow flying foxes

to recover and to reduce the risk of members of the public coming into contact with dead/injured flying foxes.

### Roost Collapse and Abortion Storm / Abandonment of Young

All flying fox camps are susceptible to roost collapse, abortion storm / abandonment of dependent young. Council is required to close public access to camps on the advice of WIRES following such events. Access should not be permitted for a suitable period to allow flying foxes to recover and to reduce the risk of members of the public coming into contact with dead/injured flying foxes.

# 10. Assessment of impacts to flying-foxes

Standard measures to avoid impacting flying-foxes at the camp during management are provided in Section 11.3 and will be adhered to by Council during all management actions.

BRC have already implemented and are continuing Level 1 actions which are not impacting upon the Flying-foxes. Level 2 actions involving vegetation removal is not considered an appropriate management action due to the heritage value of Machattie Park. Deterring GHFF from establishing a camp in late 2018 / 2019 and/or active dispersal may mitigate the issues within Machattie Park.

# 10.1 Regional context

With no significant removal of vegetation recommended in the Plan, there are not expected to be any impacts upon individual flying foxes or any of the camps in the region.

# 10.2 Flying-fox habitat to be affected

Machattie Park (2.7 ha) and Kings Parade (1 ha) are historically significant examples of a late 19<sup>th</sup> Century Victorian Park containing a mix of European trees and shrubs. There are a few native but not locally indigenous trees planted within the park such as bottlebrushes and banksias. Flying-foxes are currently roosting in Himalayan Cedars, English Oaks and English Elms with reports of them also using the Willows lining Lake Spencer (small duck pond) and Bunya Pines particularly on hot days.

# 10.3 Standard measures to avoid impacts

The following mitigation measures will be complied with at all times during Plan implementation, along with any pre-existing measures to avoid impacts to other ecological values.

Timing has been set around GHFF breeding, as LRFF rarely birth and rear young in NSW. However, if LRFF are present during their normal birthing and rearing period (i.e. March – October) or are identified as being in final trimester / with dependent young, you will need to consult with OEH to determine appropriate management timing. The following mitigation measures will be complied with at all times during Plan implementation.

## 10.3.1 All management activities

Further information on management activities is provided in the following OEH factsheets:

Routine camp management (Level 1) actions

Creation of buffers (Level 2) actions

Camp disturbance or dispersal (Level 3) actions.

- All personnel will be appropriately experienced, trained and inducted. Induction will include each person's responsibilities under this Plan.
- All personnel will be briefed prior to the action commencing each day and debriefed at the end of the day.
- Works will cease and OEH consulted in accordance with the 'stop work triggers' section of the Plan.

- Large crews will be avoided where possible.
- The use of loud machinery and equipment that produces sudden impacts/noise will be limited. Where loud equipment (e.g. chainsaws) is required they will be started away from the camp and allowed to run for a short time to allow flying-foxes to adjust.
- Activities that may disturb flying-foxes at any time during the year will begin as far from the camp as possible, working towards the camp gradually to allow flying-foxes to habituate.
- Any activity likely to disturb flying-foxes so that they take flight will be avoided during the day during the sensitive GHFF birthing period (i.e. when females are in final trimester or the majority are carrying pups, generally August – December) and avoided altogether during crèching (generally November/December to February). Where works cannot be done at night after fly-out during these periods, it is preferable they are undertaken in the late afternoon close to or at fly-out. If this is also not possible, a person experienced in flying-fox behaviour will monitor the camp for at least the first two scheduled actions (or as otherwise deemed to be required by that person) to ensure impacts are not excessive and advise on the most appropriate methods (e.g. required buffer distances, approach, etc.).
- OEH will be immediately contacted if LRFF are present between March and October, or are identified as being in final trimester / with dependent young. LRFF are not normally present in NSW during this time.
- Non-critical maintenance activities will ideally be scheduled when the camp is naturally empty. Where this is not possible (e.g. at permanently occupied camps) they will be scheduled for the best period for that camp (e.g. when the camp is seasonally lower in numbers and breeding will not be interrupted, or during the non-breeding season, generally May to July). Normal maintenance activities within Machattie Park, such as lawnmowing and brushcutting are allowed to continue.
- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress (e.g. food bottlenecks). Wildlife carers will be consulted to determine whether the population appears to be under stress.
- Dispersal works will be postponed when temperatures exceed 35°C, and if overnight temperatures exceed 30°C. Dispersal activities will be conducted in the early morning (pre-dawn) before temperatures reach the daily maximum and avoided during the heat of the day. The condition of the animals in the camp will need to be assessed by an Ecologist every day to determine if individuals are stressed. If an actual heat stress event has been recorded at the camp or at nearby camps, a rest period of several weeks will be scheduled to allow affected flying-foxes to fully recover. See the OEH fact sheet on <u>Responding to heat stress</u> in flying-fox camps.
- If impacts at other sites are considered, in OEH's opinion, to be a result of management actions under this Plan, assistance will be provided by the proponent to the relevant land manager to ameliorate impacts. Details of this assistance are to be developed in consultation with OEH.
- Any proposed variations to works detailed in the Plan will be approved, in writing, by OEH before any new works occur.
- OEH may require changes to methods or cessation of management activities at any time.
- Ensure management actions and results are recorded to inform future planning. See the OEH fact sheet on <u>Monitoring, evaluating and reporting</u>.

It is the responsibility of the land manager and contractors to conduct a risk assessment and determine workplace health and safety requirements; however, minimum requirements are provided below.

#### Human safety

- All personnel to wear protective clothing including long sleeves and pants; additional items such as eye protection and a hat are also recommended. People working under the camp should wash their clothes daily. Appropriate hygiene practices will be adopted such as washing hands with soap and water before eating/smoking.
- All personnel who may come into contact with flying-foxes during dispersal and have the potential to be bitten or scratched will be vaccinated against Australian bat lyssavirus with current titre. Park staff who handle bats outside of the dispersal period (including the removal of injured or dead bats) should also be vaccinated.
- A wash station will be available on site during works along with an anti-viral antiseptic (e.g. Betadine) should someone be bitten or scratched.
- Details of the nearest hospital or doctor who can provide post-exposure prophylaxis will be kept on site.

#### **Post-works**

- Reports for Level 2 and 3 actions will be submitted to OEH one month after commencement of works and then quarterly for the life of the Plan (up to five years) (for all Level 3 actions and in periods where works have occurred for Level 2 actions). Each Level 3 report is to include:
  - o results of pre- and post-work population monitoring
  - $\circ$   $\,$  any information on new camps that have formed in the area
  - impacts at other locations that may have resulted from management, and suggested amelioration measures
  - an assessment of how the flying-foxes reacted to the works, with particular detail on the most extreme response and average response, outlining any recommendations for what aspects of the works went well and what aspects did not work well
  - o further management actions planned including a schedule of works
  - an assessment⁵ of how the community responded to the works, including details on the number and nature of complaints before and after the works
  - o detail on any compensatory plantings undertaken or required
  - expenditure (financial and in-kind costs)
  - Plan evaluation and review (see Section 12).

### 10.3.2 All Level 2 and 3 actions

#### Prior to works

• Residents adjacent to the camp will be individually notified one week prior to onground works commencing. This will include information on what to do if an injured or orphaned flying-fox is observed, a reminder not to participate in or interfere with the program, and details on how to report unusual flying-fox

<sup>&</sup>lt;sup>5</sup> A similar approach should be taken to pre-management engagement (see Section 3) to allow direct comparison, and responses should be assessed against success measures (Section 9) to evaluate success.

behaviour/daytime sightings. Relevant contact details will be provided (e.g. Program Coordinator). Resident requests for retention of vegetation and other concerns relating to the program will be taken into consideration.

- Where the Plan is being implemented by Council, information will be placed on Council's website along with contact information.
- OEH will be notified at least 48 hours before works commence.
- A protocol, in accordance with the <u>NSW Code of Practice for Injured, Sick and</u> <u>Orphaned Flying-foxes</u> (OEH 2012), for flying-fox rescue will be developed including contact details of rescue and rehabilitation organisations. This protocol will be made available to all relevant staff, residents and volunteers prior to the action commencing. See Appendix 8 for an example protocol.
- A licensed wildlife carer will be notified prior to beginning works in the event that rescue/care is required.

#### Monitoring

- A flying-fox expert (identified Appendix 1) will undertake an on-site population assessment prior to, during and after Level 3 dispersal works have been completed, including:
  - o number of each species
  - o ratio of females in final trimester
  - approximate age of any pups present including whether they are attached or likely to be crèched
  - o visual health assessment
  - o mortalities.
  - Counts will be done at least:
    - o once immediately prior to works
    - o daily during works
    - o immediately following completion
    - o one month following completion
    - 12 months following completion.

#### **During works**

- A flying-fox expert (Appendix 1) will attend the site as often as OEH considers necessary to monitor flying-fox behaviour and ensure compliance with the Plan and the Policy whilst undertaking Level 3 actions. They must also be able to identify pregnant females, flightless young, individuals in poor health and be aware of climatic extremes and food stress events. This person will make an assessment of the relevant conditions and advise the supervisor/proponent whether the activity can go ahead.
- Deterrents in buffer areas will be assessed by a flying-fox expert so those that may cause inadvertent dispersal (e.g. canopy-mounted sprinklers) are not used during flyin.
- At least one flying-fox rest day with no active management will be scheduled fortnightly, preferably weekly. Static deterrents (e.g. canopy-mounted sprinklers) may still be used on rest days.

#### 10.3.3 Bush regeneration

It is recommended that Council supports ongoing bush regeneration works program along the Macquarie River.

- All works will be carried out by suitably qualified and experienced bush regenerators, with at least one supervisor knowledgeable about flying-fox habitat requirements (and how to retain them for Level 1 and 2 actions) and trained in working under a camp.
- Vegetation modification, including weed removal, will not alter the conditions of the site such that it becomes unsuitable flying-fox habitat for Level 1 and 2 actions.
- Weed removal should follow a mosaic pattern, maintaining refuges in the mid- and lower storeys at all times.
- Weed control in the core habitat area will be undertaken using hand tools only (or in the evening after fly-out while crèching young are not present).
- Species selected for revegetation will be consistent with the habitat on site, and in buffer areas or conflict areas should be restricted to small shrubs/understorey species to reduce the need for further roost tree management in the future.

#### 10.3.4 Additional measures for Level 3 actions

#### Prior to dispersal

- Prepare a communications plan in relation to the program and provide a copy to OEH.
- Councils that manage camps within 50 kilometres, and airports within 50 kilometres, will be informed of the intended start date and likely duration, and encouraged to report any change in flying-fox movements.
- Council will liaise with the Environment Protection Authority (EPA) in regard to management of noise issues.

#### Monitoring

Additional monitoring requirements for dispersal actions (including maintenance dispersal and splinter camp dispersal):

- potential flying-fox habitat within three kilometres of the site monitored within two weeks of works commencing and at the completion of works
- daily checks of 'potential flying-fox habitat' within 600 metres, twice weekly checks of 'potential flying-fox habitat' within three kilometres and weekly checks of known camps within 20 kilometres of the site
- where weekly counts are already being undertaken by flying-fox experts at other camps within 20 kilometres, counts at these camps are not required, provided there is an agreement with these experts to access these data.

A count is also required at any known camp site within a 25 kilometres radius once within two weeks of works commencing and again at the completion of works.

#### During dispersal

• At least one person experienced in dispersal, vaccinated against ABLV and able to rescue flying-foxes if required, is to be present at all times. For maintenance dispersals only, this person may be on-call rather than on site, however maintenance dispersal personnel will still have suitable experience in flying-fox behaviour and monitoring.

- Dispersal of an occupied camp will only occur when females are not in final trimester and dependent young are not present (generally May and July). If flying-foxes in the region are recorded as being visibly pregnant dispersal will cease.
- Dispersal methods will not have the potential to harm flying-foxes and may include only noise, spotlights, laser pointers, smoke from contained fires, canopy-mounted sprinklers, and visual deterrents such as balloons.
- Dispersal may continue for up to a total of 2.5 hours in a 12-hour period, early morning and/or in the evening. Morning dispersal will not continue past sunrise. Evening dispersal will not begin before sunset. If flying-foxes are showing signs of distress or are tiring, dispersal will cease for the day as per 'stop work triggers' in the Plan.
- The duration of dispersal each day will be minimised as much as possible.
- A section of the camp will be designated as a rest area for flying-foxes during dispersal, to be progressively reduced in size over time, unless the nominated flying-fox expert justifies a reason not to do so.
- During any dispersal action, liaison with wildlife carers is required to monitor whether there is an increase in the number of flying-foxes being taken into care or showing signs of stress. If increases are apparent, OEH will be consulted before continuing the action.
- Maintenance dispersal activities (i.e. deterring flying-foxes from recolonising a dispersed or otherwise empty camp) may be undertaken. During November to February it is essential that camps are checked to ensure there are no crèched young in the camp or individuals in visibly poor health, as determined by a suitably qualified expert. While females are likely to be in final trimester or carrying young (generally August to January), maintenance dispersal will be implemented at a reduced intensity using smoke, lights, continuous noise (no sudden noises) and passive deterrents (e.g. canopy mounted sprinklers turned on prior to possible fly-in, visual deterrents, etc.).
- Residents will be notified of a maintenance action, within a timeframe as agreed to by the residents.
- Splinter camp dispersals are subject to the conditions above. Adequate consultation will be undertaken with neighbouring landowners and land managers.
- No actions are to be undertaken at any splinter camps without consulting OEH.

# 11. Assessment of impacts to other threatened species or communities

No management actions are proposed which would result in potential impacts to other threatened species at the site of the camp. If the situation changes and further actions are required, any developments/actions likely to affect other threatened species, populations or ecological communities (identified in Section 6), may require a species impact statement (SIS).

## 12. Evaluation and review

The Plan will have a scheduled review annually, which will include evaluation of management actions against measures shown in Table 4 and outlined in Section 10.

The following will trigger a reactive review of the Plan:

- completion of a management activity
- changes to relevant policy/legislation
- new management techniques becoming available
- outcomes of research that may influence the Plan
- incidents associated with the camp.

Results of each review will be included in reports to OEH (as per reporting timing outlined in Section 11.3.1).

If the Plan is to remain current, a full review including stakeholder consultation and expert input will be undertaken in the final year (May 2023) of the Plan's life prior to being re-submitted to OEH.

## 13. Plan administration

### 13.1 Monitoring of the camp

The camp was surveyed by Dr David Goldney (Wildlife Ecologist) in January and February 2018 and again by ELA Ecologists in March 2018. In January, numbers were estimated at between 800-2000 individuals, the majority of which were GHFF, with LRFF also present. Representative from WIRES did not observed any LRFF at Machattie Park. In March, whilst population size was not determined it is believed that the population was less than the 2000 individuals noted at its peak. It is unlikely that flying-foxes will remain year-round due to the cold winters with heavy frosts experienced in Bathurst.

Ongoing monitoring is required by BRC staff to determine date of departure and again in late November-December 2018 to assess the arrival of flying-foxes. If passive deterrents are to be considered these need to be installed prior to the arrival of flying-foxes in November 2018. In addition to recording flying fox numbers and species present, any changes to roosting location, area or size of the camp should be noted and recorded in Councils flying-fox database.

Increases in the camp size or number of flying foxes present could be an early warning sign of potential conflict issues. This is a particular issue for Machattie Park as at the current population size (less than 2000 individuals), there are already signs of limited vegetation damage. If the population size increases in future years then Council should seek the advice of a flying-fox expert, and other members of the OEH flying-fox forum to determine whether a wider phenomenon is occurring. Council should consider placing a news article about flying-foxes on traditional and social media platforms, discussing the role of flying-foxes and their movements in response to food availability, particularly in early spring when camps often increase in size prior to birthing of young and in autumn when mating occurs (GHFF) and noise levels are highest. Reference should be made to relevant events such as heavy flowering/blossom of locally preferred foraging species, maternity season, dispersal of nearby camps (within 100 km), or heat stress.

Each time a management action is planned to occur, Council should notify neighbouring camp residents via email, traditional or other social media platforms. Council should also inform the community in this way, once actions or works are complete.

Any reports of new camps or previously unknown roosting locations should be followed up immediately by Council staff to investigate whether flying-foxes are present, the status of the roost in terms of species mix and reproductive status of individuals. Where required, Council should seek input from WIRES, OEH, and local flying-fox experts in the development of an initial response to enquiries from the community regarding any newly established flying-fox camps. If camps are located within 300 m of sensitive receivers, further consultation with the sensitive receiver, and with OEH and local flying-fox experts should be sought. Reference to this Plan, particularly Level 1 actions, will assist in highlighting the initial steps that can be taken to minimise conflict between sensitive receivers and any newly established flying-fox roost. Progression to any Level 2 or 3 action at a newly established camp will require licences and approvals from OEH prior to implementation. Level 2 and 3 actions at any new camps are only likely to proceed if the location of the camp is deemed to be unsuitable by Council in consultation with OEH and local flying-fox experts.

### 13.2 Reporting

Council will report on the progress of the Plan annually as set out in Section 11.3.1 and update the Plan if new information or changes to management are required. Level 3 management

actions proposed in the Plan will require consultation and approval from OEH. There may also be additional licensing requirements prior to undertaking these higher level actions.

#### 13.3 Management structure and responsibilities

**Table 6** identifies who is responsible for each action, including specific types of contractors and experts planned to be involved in management implementation. Where specific contractors are not provided in the Plan, Council will need to detail them in relevant licence applications for OEH approval.

Council and contractors are required to develop a project health and safety plan that includes all relevant contact details prior to implementing actions in the Plan, for team reference.

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Table 6: Roles and responsibilities

Role	Name	Required experience/approvals	Responsibilities/authority	Communication lines
Program Coordinator	Manager Recreation BRC	Project management Human resource management Community engagement Reporting	Inform and consult with stakeholders and interested parties Community engagement Evaluate program Submit reports to OEH/DoE Ensure all landowners have have been notified prior to works	Reports to: BRC Direct reports: Project Manager
Project Manager	Environmental Programs Coordinator	Project management Team leadership and coordination Data management	Coordinate field teams and ensure all personnel are appropriately experienced and trained for their roles Induct all personnel to the program Collect and collate data Liaise with OEH and DoE Liaise with wildlife carers/veterinarians (for orphaned/injured wildlife only)	Reports to: Program Coordinator Direct reports: Supervisor, Contractor
Supervisor	Senior Ecologist	Knowledgeable in flying-fox biology, behaviour and camp management (see Appendix 1 for detail) ABLV-vaccinated and trained in flying- fox rescue Team training, leadership and supervision	Pre- and post-management monitoring during Level 3 actions Surrounding camp monitoring Coordinate daily site briefings Coordinate daily activities Monitor flying-fox behaviour Rescue flying-foxes if required (and no carer/vet on site) Determine daily works end point Participate in management activities	Reports to: Project Manager Direct reports: Team members, Observers/support
Team member	BRC	Recommended ABLV-vaccinated (employer to assess risk) Ideally all team knowledgeable in flying- fox biology, behaviour and camp management however not required	Attend daily site briefings Participate in relevant management activities	Reports to: Supervisor Direct reports: Nil
Observer/support	WIRES, Volunteers	Approval to access site	Provide care of injured/orphaned wildlife (under licence) if required	Reports to: Supervisor Direct reports: Nil
Flying-fox expert	To be determined	See Appendix 1	On-site population assessment, monitor flying-fox behaviour and ensure compliance with the Plan.	Reports to: Supervisor Direct reports: Nil

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#### 13.4 Adaptive management

The annual review of the Plan will allow for adaptive management to occur whereby the success of management actions implemented throughout the previous year can be evaluated against objectives. Solutions to any issues will be discussed with affected parties and should also involve relevant stakeholders. Changes to the approach or implementation of management actions can then be incorporated into the updated Plan.

### 13.5 Funding commitment

BRC applied and were granted funding of \$22,000 under the Local Government NSW Flyingfox grant program to assist with cleaning and maintenance works, and \$27,000 to assist with the development of the Flying-fox Camp Management Plan.

This Plan strongly recommends BRC seek to secure ongoing funding for:

- Community education
- Passive deterrents
- Dispersal Actions
- Monitoring of population size and habitat assessment
- Revegetation activities

The Plan has not provided costs of the above actions, as detailed estimates are better provided following completion of a site-specific action plan. For information, community education programs including signage, media releases and events could cost between \$2000 - \$3000. Revegetation activities often cost in the range of \$10,000 to \$30,000. Deterrents and dispersal actions are extremely expensive and can range upwards of \$150,000 to \$1 million with ongoing costs.

A review of 17 recent camp dispersal attempts (Roberts and Eby 2013) found that dispersal did not reduce the number of flying-foxes, dispersed animals did not move far, repeat dispersal was generally required and in all cases, it was not possible to predict where replacement camps would form. Examples of the costs and success rates from the attempts to disperse similar sized flying fox camps are provided within Table 7. The remaining dispersal attempts had higher camp populations and/or extensive vegetation removal was used as a dispersal approach (which is not appropriate for Machattie Park). See Appendix 6 for a copy of the review.

Location	Royal Botanic Gardens Sydney	Singleton, NSW	Charters Towers QLD
Species	Grey-headed flying fox	Grey-headed flying fox & Little Red flying-fox	Little-red flying fox, Black flying-fox
Population size at time of dispersal	3000	500	Variable
Method	Lights, noise, physical deterrent, odour, water	Lights, noise, ultrasonic sound, water	Helicopter, lights, noise, physical deterrent, odour, water
Did the animals leave the area?	No	No	No
Did the local populations reduce in size?	No	No	No
How far did they move?	4km	<900m	200m
Were new camps formed?	No	No (returned to original site)	No (returned to original site)
Number of separate actions	Ongoing daily actions for 12 months	>3	Repeated since 2000
Cost	>\$1million and ongoing	\$117,000 and ongoing	>\$500,000
Was conflict resolved at original site?	Yes	No	No
Was conflict resolved for the community?	Yes	No	No

#### Table 7: Summary of known documented attempts to disperse Australian flying-fox camps

## 14. References and additional resources

Aich, P, Potter, AA and Griebel, PJ 2009, 'Modern approaches to understanding stress and disease susceptibility: A review with special emphasis on respiratory disease', *International Journal of General Medicine*, vol. 2, pp. 19–32.

AIHW 2012, *Risk factors contributing to chronic disease*, Cat no. PHE 157, Australian Institute of Health and Welfare, viewed 12 January 2016, www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737421546.

Atlas of Living Australia 2015, viewed 12 January 2016, www.ala.org.au.

Australasian Bat Society 2013, viewed 12 January 2016, ausbats.org.au/.

Australian Museum 2010, *Little Red Flying-fox*, viewed 12 January 2016, <u>australianmuseum.net.au/little-red-flying-fox</u>.

AVA 2015, *Hendra virus*, Australian Veterinary Association, viewed 12 January 2016, <u>www.ava.com.au/hendra-virus.</u>

<u>Birt, P 2000,</u> 'Summary information on the status of the Grey-headed (*Pteropus poliocephalus*) and Black (*P. alecto*) Flying-Fox in New South Wales,' Proceedings of workshop to assess the status of the grey-headed flying-fox in New South Wales. University of Sydney, Sydney, New South Wales, Australia, pp. 78-86.

CDC 2014, *Hendra virus disease (HeV): Transmission,* Centers for Disease Control and Prevention, updated 17 March 2014, viewed 12 January 2016, <u>www.cdc.gov/vhf/hendra/transmission/index.html.</u>

Churchill, S 2008, Australian Bats, Allen & Unwin, Crows Nest, NSW.

DAF 2012, *Zoonoses are diseases that can spread from animals to people*, Queensland Department of Agriculture and Fisheries, updated 31 January 2012, viewed 12 January 2016, <u>www.daf.qld.gov.au/animal-industries/animal-health-and-diseases/zoonoses.</u>

DECC 2007, *Threatened species assessment guidelines: the assessment of significance*, Department of Environment and Climate Change NSW, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf.

DECC 2008, *Best practice guidelines for the grey-headed flying-fox*, Department of Environment and Climate Change NSW, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/threatenedspecies/08540tsdsflyingfoxbpg.pdf.

DECCW 2009, *Draft National Recovery Plan for the Grey-headed Flying-fox* Pteropus poliocephalus, prepared by Dr Peggy Eby for Department of Environment, Climate Change and Water NSW, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/threatenedspecies/08214dnrpflyingfox.pdf.

Den Exter, K, Roberts, B, Underwood, A and Martin, L 2011, *A discussion paper on flying foxes and the implications for bush regeneration at their camp sites*, Big Scrub Landcare, posted 28 March 2011, viewed 12 January 2016, <u>bigscrubrainforest.org.au/?p=129</u>.

DoE 2013, *Matters of National Environmental Significance: Significant Impact Guidelines 1.1*, Environment Protection and Biodiversity Conservation Act 1999, Australian Government Department of the Environment, <u>www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-</u> <u>48679a3aba58/files/nes-guidelines 1.pdf.</u>

DoE 2014, *How can flying-foxes be managed in accordance with national environmental law*? Australian Government Department of the Environment, Canberra, viewed 12 January 2016, <u>www.environment.gov.au/biodiversity/threatened/species/flying-fox-law.</u>

DoE 2015, *Referral guideline for management actions in grey-headed and spectacled flying-fox camps*, Australian Government Department of the Environment, Canberra, viewed 12 January 2016, <u>www.environment.gov.au/system/files/resources/6d4f8ebc-f6a0-49e6-a6b6-</u>82e9c8d55768/files/referral-guideline-flying-fox-camps.pdf.

DoE 2016a, *Pteropus poliocephalus in Species Profile and Threats Database*, Australian Government Department of the Environment, Canberra, viewed 12 January 2016, <u>www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\_id=186</u>.

DoE 2016b, *Monitoring Flying-fox Populations*, Australian Government Department of the Environment, Canberra, viewed 12 January, <u>www.environment.gov.au/biodiversity/threatened/species/flying-fox-monitoring.</u>

DPI 2013, Australian bat lyssavirus, June 2013 Primefact 1291 2<sup>nd</sup> edition, Department of Primary<br/>Industries,NSW,viewed12January2016,www.dpi.nsw.gov.au/data/assets/pdffile/0011/461873/Australian-Bat-lyssavirus.pdf.data/assets/pdffile/0011/461873/Australian-Bat-lyssavirus.pdf.

DPI 2014, *Hendra virus*, June 2014 Primefact 970 9<sup>th</sup> edition, Department of Primary Industries, NSW, viewed 12 January 2016, www.dpi.nsw.gov.au/ data/assets/pdf file/0019/310492/hendra virus primefact 970.pdf.

DPI 2015a, *Hendra virus*, Department of Primary Industries, NSW, viewed 12 January 2016, <u>www.dpi.nsw.gov.au/agriculture/livestock/horses/health/general/hendra-virus.</u>

DPI 2015b, *Lyssavirus and other bat health risks*, Department of Primary Industries, Primary Industry Biosecurity, NSW, viewed 12 January 2016, <u>www.dpi.nsw.gov.au/biosecurity/animal/humans/bathealth-risks</u>.

DSDIP 2014, *Queensland State Planning Policy July 2014*, Department of State Development, Infrastructure and Planning, Brisbane.

Eby, P 1991, 'Seasonal movements of Grey-headed Flying-foxes, *Pteropus poliocephalus* (Chiroptera: Pteropodidae) from two maternity roosts in northern New South Wales', *Wildlife Research*, vol. 18, pp. 547–59.

Eby, P 1995, *The biology and management of flying-foxes in NSW*, Species management report number 18, Llewellyn, L. (ed.), National Parks and Wildlife Service, Hurstville.

Eby, P 2000, 'The results of four synchronous assessments of relative distribution and abundance of Grey-headed Flying-fox *Pteropus poliocephalus*', Proceedings from workshop to assess the status of the Grey-headed Flying-fox in New South Wales, pp. 66–77.

Eby, P 2006, 'Site Management Plan for the Grey-headed Flying-fox camp at the Sydney Desalination Plant Site', report to Sydney Water Corporation, Sydney.

Eby, P and Lunney, D 2002, *Managing the Grey-headed Flying–fox as a threatened species in NSW*, Royal Society of New South Wales, Darlington, NSW.

Ecosure 2011, 'Hendra Virus Risk Assessment for the Gold Coast Equine Precinct: Residual Risk Report', unpublished report to City of Gold Coast.

Ecosure 2014, *Cannes Reserve flying-fox management strategy*, Ecosure Pty Ltd, report to Pittwater Council, Sydney.

Ecosure 2014, 'Outcomes of a new flying-fox management framework: Review of management actions 2013–2014', unpublished data collected in collaboration with Griffith University (Industry Affiliates Program).

Edson, D, Field, H, McMichael, L, Jordan, D, Kung, N, Mayer, D and Smith, C 2015, 'Flying-fox Roost Disturbance and Hendra Virus Spillover Risk', *PLoS ONE,* vol. 10, no. 5, viewed 12 January 2016, www.ncbi.nlm.nih.gov/pmc/articles/PMC4446312/pdf/pone.0125881.pdf.

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#### Bathurst Flying-fox Camp Management Plan

EHP 2012, *Living with Wildlife – Flying-foxes*, Department of Environment and Heritage Protection, Queensland, updated 14 May 2012, viewed 12 January 2016, www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/importance.html.

EHP 2013a, Code of Practice – Ecologically sustainable management of flying-fox roosts, Department of Environment and Heritage Protection, Queensland, viewed 12 January 2016, www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html.

EHP 2013b, Code of Practice – Low impact activities affecting flying-fox roosts, Department of Environment and Heritage Protection, Queensland, viewed 12 January 2016, www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html.

EHP 2013c, *Flying-fox roost management guideline*, Department of Environment and Heritage Protection, Queensland, viewed 12 January 2016, www.ehp.gld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html.

ELW&P 2015, Flying-foxes, Department of Environment, Land, Water and Planning, State of Victoria.

EPA 2013, Noise Guide for Local Government, Environment Protection Authority, Sydney.

Fujita, MS 1991, 'Flying-fox (*Chiroptera: Pteropodidae*) pollination, seed dispersal, and economic importance: a tabular summary of current knowledge', *Resource Publication No. 2*, Bat Conservation International.

GeoLINK 2010, *Maclean Flying-fox Management Strategy*, report prepared for Clarence Valley Council on behalf of the Maclean Flying-Fox Working Group.

GeoLINK 2012, Lorn Flying-fox management strategy, report prepared for Maitland City Council.

Goldney, D. 2018. Letter to Mayor of Bathurst, Graeme Hanger. Dated 19<sup>th</sup> Feb 2018. Wildlife Ecologist, Charles Sturt University.

Hall, L and Richards, G 2000, Flying foxes: fruit and blossom bats of Australia, UNSW Press, Sydney.

Henry, JP and Stephens-Larson, P 1985, 'Specific effects of stress on disease processes' in Moberg, GP (ed.), *Animal Stress*, American Physiological Society, pp.161–175.

IUCN 2015, Little red flying-fox, International Union for the Conservation of Nature, www.iucnredlist.org.

Ku-ring-gai Council 2013, *Ku-ring-gai Flying-fox Reserve Management Plan*, Ku-ring-gai Council, Gordon, NSW.

Lunney, D, Richards, G and Dickman, C 2008, *Pteropus poliocephalus*, The IUCN Red List of Threatened Species 2008: e.T18751A8554062, dx.doi.org/10.2305/IUCN.UK.2008.RLTS.T18751A8554062.en.

Lunney, D, Richards, G and Dickman, C 2008, *Pteropus poliocephalus*, in IUCN 2011, *IUCN Red List of Threatened Species*, Version 2011.2, viewed 12 January 2016, <u>www.iucnredlist.org</u>.

Markus, N 2002, 'Behaviour of the Black Flying-fox *Pteropus alecto*: 2. Territoriality and courtship', *Acta Chiropterologica*, vol. 4, no. 2, pp.153–166.

Markus, N and Blackshaw, JK 2002, 'Behaviour of the Black Flying-fox *Pteropus alecto*: 1. An ethogram of behaviour, and preliminary characterisation of mother-infant interactions', *Acta Chiropterologica*, vol. 4, no. 2, pp. 137–152.

Markus, N and Hall, L 2004, 'Foraging behaviour of the black flying-fox (*Pteropus alecto*) in the urban landscape of Brisbane, Queensland', *Wildlife Research*, vol. 31, no. 3, pp. 345-355.

McCall, BJ, Field, H, Smith, GA, Storie, GJ and Harrower, BJ 2005, 'Defining the risk of human exposure to Australian bat lyssavirus through potential non-bat animal infection', *CDI*, vol. 29, no. 2, pp. 200–203, www.health.gov.au/internet/main/publishing.nsf/content/cda-cdi2902-pdf-cnt.htm/\$FILE/cdi2902k.pdf.

McConkey, KR, Prasad, S, Corlett, RT, Campos-Arceiz, A, Brodie, JF, Rogers, H and Santamaria, L 2012, 'Seed dispersal in changing landscapes', *Biological Conservation*, vol. 146, pp. 1–13, doi:10.1016/j.biocon.2011.09.018.

McGuckin, MA and Blackshaw, AW 1991, 'Seasonal changes in testicular size, plasma testosterone concentration and body weight in captive flying-foxes (*Pteropus poliocephalus* and *P. scapulatus*)', *Journal of Reproduction and Fertility*, vol. 92, pp. 339–346.

McIlwee, AP and Martin, IL 2002, 'On the intrinsic capacity for increase of Australian flying-foxes', *Australian Zoologist*, vol. 32, no. 1.

Milne, DJ and Pavey, CR 2011, 'The status and conservation of bats in the Northern Territory', in Law, B, Eby, P, Lunney, D and Lumsden, L (eds), *The Biology and Conservation of Australasian Bats*, Royal Zoological Society of NSW, Mosman, NSW, pp. 208–225.

NSW Health 2012, *Flying foxes and health*, NSW Health, North Sydney, viewed 12 January 2016, <u>www.health.nsw.gov.au/environment/factsheets/Pages/flying-foxes.aspx.</u>

NSW Health 2013, *Rabies and Australian Bat Lyssavirus Infection*, NSW Health, North Sydney, viewed 12 January 2016, <u>www.health.nsw.gov.au/Infectious/factsheets/Pages/Rabies-Australian-Bat-Lyssavirus-Infection.aspx.</u>

OEH 2011a, Grey-headed Flying-fox vulnerable species listing: NSW Scientific Committee final determination, Office of Environment and Heritage, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/determinations/GreyheadedFlyingFoxVulSpListing.htm.

OEH 2011b, *NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/wildlifelicences/110004FaunaRehab.pdf.

OEH 2012, *NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/wildlifelicences/120026flyingfoxcode.pdf.

OEH 2014, *BioBanking Assessment Methodology 2014*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, <u>www.environment.nsw.gov.au/resources/biobanking/140661BBAM.pdf</u>.

OEH 2015a, *Flying-foxes* (including fact sheets), Office of Environment and Heritage, Sydney, viewed 12 January 2016, <u>www.environment.nsw.gov.au/animals/flyingfoxes.htm</u>.

OEH 2015b, *Flying-fox Camp Management Policy 2015*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, <u>www.environment.nsw.gov.au/resources/threatenedspecies/150070-flyingfoxcamp-policy.pdf</u>.

OEH 2015c, *Flying-fox Camp Management Plan Template 2015*, Office of Environment & Heritage, Sydney, viewed 12 January 2016, <u>www.environment.nsw.gov.au/resources/threatenedspecies/150102-flyingfoxcamp-template.pdf</u>.

OEH 2015d, *GHFF threatened species profile*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, <u>www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10697</u>

OEH 2015e, *Policy and procedural guidelines for the mitigation of commercial crop damage by flying-foxes*, Office of Environment and Heritage, Sydney, viewed 12 January 2016, www.environment.nsw.gov.au/resources/wildlifelicences/140480FlyfoxPol.pdf

Parry-Jones, KA and Augee, ML 1992, 'Movements of the Grey-headed Flying Foxes (*Pteropus poliocephalus*) to and from a colony site on the central coast of New South Wales', *Wildlife Research*, vol. 19, pp. 331–40.

Parry-Jones, K and Augee, M 2001 'Factors affecting the occupation of a colony site in Sydney, New South Wales by the Grey-headed Flying-fox *Pteropus poliocephalus* (Pteropodidae)', *Austral Ecology*, vol. 26, pp. 47–55.

Pierson, ED and Rainey, WE 1992, 'The biology of flying foxes of the genus Pteropus: A Review', in: Wilson, DE and GL Graham (eds), *Pacific Island Flying Foxes: Proceedings of an International Conservation Conference*, US Department of the Interior – Biological Report no. 90, pp. 1–17.

Qld Health 2016, *Bats and Human Health*, Queensland Health, viewed 12 January 2016, www.health.gld.gov.au/communicablediseases/hendra.asp

Ratcliffe, F 1932, 'Notes on the Fruit Bats (Pteropus spp.) of Australia', *Journal of Animal Ecology*, vol. 1, no. 1, pp. 32–57.

Roberts, B 2005, 'Habitat characteristics of flying-fox camps in south-east Queensland', BSc. Honours Thesis, Griffith University, Brisbane.

Roberts, BJ 2006, *Management of Urban Flying-fox Roosts: Issues of Relevance to Roosts in the Lower Clarence, NSW*, Valley Watch Inc, Maclean.

Roberts, B and Eby, P 2013, Review of past flying-fox dispersal actions between 1990–2013, publisher unknown, viewed 12 January 2016, <u>www.environment.nsw.gov.au/resources/animals/flying-fox-2014-subs/flyingfoxsub-jenny-beatson-part2.pdf</u>.

Roberts, BJ, Catterall, CP, Eby, P and Kanowski, J 2012, 'Long-Distance and Frequent Movements of the Flying-Fox *Pteropus poliocephalus*: Implications for Management', *PLoS ONE*, vol. 7, no. 8, e42532.

Roberts, BJ, Eby, P, Catterall, CP, Kanowski, J and Bennett, G 2012, 'The outcomes and costs of relocating flying-fox camps: insights from the case of Maclean, Australia', in Law, B, Eby, P, Lunney, D and Lumsden, L (eds), *The Biology and Conservation of Australasian Bats*, Royal Zoological Society of NSW, Mosman, NSW, viewed 12 January 2016, www.griffith.edu.au/ data/assets/pdf file/0006/358440/Roberts-et-al.pdf.

Roberts, B, Kanowski, J and Catterall, C 2006, *Ecology and Management of Flying-fox Camps in an Urbanising Region*, Rainforest CRC Tropical Forest Landscapes, Issue 5, viewed 12 January 2016, <u>www.rainforest-crc.jcu.edu.au/issues/ITFL\_flyingfox.pdf</u>.

SEQ Catchments 2012, *Management and Restoration of flying-fox Roosts: Guidelines and Recommendations*, SEQ Catchments Ltd funded by the Australian Government's Caring for Our Country, viewed 12 January 2016, <u>www.environment.nsw.gov.au/resources/animals/flying-fox-2014-subs/flyingfoxsub-jenny-beatson-part3.pdf</u>.

Shinwari, MW, Annand, EJ, Driver, L, Warrilow, D, Harrower, B, Allcock, RJN, Pukallus, D, Harper J, Bingham, J, Kung, N and Diallo, IS 2014, 'Australian bat lyssavirus infection in two horses', *Veterinary Microbiology*, vol. 173, pp. 224–231.

Southerton, SG, Birt, P, Porter, J and Ford, HA 2004, 'Review of gene movement by bats and birds and its potential significance for eucalypt plantation forestry', *Australian Forestry*, vol. 67, no. 1, pp. 45–54.

Stanvic, S, McDonald, V and Collins, L 2013, *Managing heat stress in flying-foxes colonies*, viewed 12 January 2016, <u>www.fourthcrossingwildlife.com/HeatStress-StanvicMcDonaldCollins.pdf</u>.

Tait, J, Perotto-Baldivieso, HL, McKeown, A and Westcott, DA 2014, 'Are Flying-Foxes Coming to Town? Urbanisation of the Spectacled Flying-Fox (*Pteropus conspicillatus*) in Australia', *PLoS ONE*, vol. 9, no. 10, e109810, doi:10.1371/journal.pone.0109810.

Tidemann, C, Eby, P, Parry-Jones, K and Vardon, M 1999, *The Action Plan for Australian Bats: Greyheaded Flying-fox*, Environment Australia, <u>www.environment.gov.au/node/14622</u>.

Tolga Bat Hospital, *Wildlife Friendly Fencing Project*, Tolga Bat Hospital partly funded by grants from WWF and Australian Government Caring for Our Country, viewed 12 January, 2016, <u>www.wildlifefriendlyfencing.com/WFF/Home.html</u>.

Vardon, MJ and Tidemann, CR 1999, 'Flying-foxes (*Pteropus alecto* and *P. scapulatus*) in the Darwin region, north Australia: patterns in camp size and structure', *Australian Journal of Zoology*, vol. 47, pp. 411–423.

Vardon, MJ, Brocklehurst, PS, Woinarski, JCZ, Cunningham, RB, Donnelly, CF and Tidemann, CR 2001, 'Seasonal habitat use by flying-foxes, *Pteropus alecto* and *P. Scapulatus* (Megachiroptera), in monsoonal Australia', *Journal of Zoology* London, vol. 253, pp. 523–535.

Webb, N and Tidemann, C 1995, 'Hybridisation between black (*Pteropus alecto*) and grey-headed (*P. poliocephalus*) flying-foxes (Megachiroptera: Pteropodidae)', *Australian Mammalogy*, vol. 18, pp. 19–26.

Webb, NJ and Tidemann, CR 1996, 'Mobility of Australian flying-foxes, *Pteropus* spp. (Megachiroptera): evidence from genetic variation', *Proceedings of the Royal Society London Series B*, vol. 263, pp. 497–502.

Welbergen, JA 2014, 'Canaries in the coalmine: flying-foxes and extreme heat events in a warming climate', presentation at the Griffith Climate Change Seminar, July 2014, www.griffith.edu.au/research/research-excellence/griffith-climate-change-response-program/program/?a=628188.

Welbergen, JA, Klose, SM, Markus, N and Eby, P 2008, 'Climate change and the effects of temperature extremes on Australian flying-foxes', *Proceedings of the Royal Society of London B: Biological Sciences*, vol. 275, no. 1633, pp.419–425, viewed 12 January 2016, rspb.royalsocietypublishing.org/content/275/1633/419.short.

Westcott, DA, Dennis, AJ, Bradford, MG, McKeown, A and Harrington, GN 2008, 'Seed dispersal processes in Australia's Wet Tropics rainforests', in Stork, N and Turton, S, *Living in a dynamic tropical forest landscape*, Blackwells Publishing, Malden, pp. 210–223.

Westcott, DA, McKeown, A, Murphy, HT and Fletcher, CS 2011, *A monitoring method for the Grey-headed Flying-fox*, Pteropus poliocephalus, CSIRO, Queensland, viewed 12 January 2016, www.environment.gov.au/biodiversity/threatened/species/pubs/310112-monitoring-methodology.pdf.

Zurbuchen, A, Landert, L, Klaiber, J, Muller, A, Hein, S and Dorn, S 2010, 'Maximum foraging ranges in solitary bees: only few individuals have the capability to cover long-foraging distances', *Biological Conservation*, vol. 142, no. 3, pp. 669–676.

## Appendix 1: Expert assessment requirements

The Plan template identifies where expert input is required. The following are the minimum required skills and experience which must be demonstrated by each expert.

#### Flying-fox expert

#### Essential

- Knowledge of flying-fox habitat requirements.
- Knowledge and experience in flying-fox camp management.
- Knowledge of flying-fox behaviour, including ability to identify signs of flying-fox stress.
- Ability to differentiate between breeding and non-breeding females.
- Ability to identify females in final trimester.
- Ability to estimate age of juveniles.
- Experienced in flying-fox population monitoring including static and fly-out counts, demographics and visual health assessments.

#### Desirable

- It is strongly recommended that the expert is independent of the Plan owner to ensure transparency and objectivity. OEH may be able to provide assistance with flying-fox experts.
- ABLV-vaccinated (N.B. This is often an essential requirement during management implementation as detailed within the template).
- Trained in flying-fox rescue (N.B. This is often an essential requirement during management implementation as detailed within the template).
- Local knowledge and experience.

#### Ecologist

#### Essential

- At least five years demonstrated experience in ecological surveys, including identifying fauna and flora to species level, fauna habitat and ecological communities.
- The ability to identify flora and fauna, including ground-truthing of vegetation mapping.
- Formal training in ecology or similar, specifically flora and fauna identification.

#### Desirable

- Tertiary qualification in ecology or similar.
- Local knowledge and experience.
- Accredited Biobanking Assessor under the *Biodiversity Conservation Act 2016*.
- Practising member of the Ecological Consultants Association of NSW.

Depending on the site, for example when vegetation management is proposed for an endangered ecological community or an area with a high likelihood of containing other threatened flora and fauna species, a specialist in that field (e.g. specialist botanist) may be required.

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## Appendix 2: Additional maps



# Appendix 3: Summary of other key legislation likely to apply at some camps

#### Local government legislation

Local government is required to prepare planning schemes (including Environmental Planning Instruments and Development Control Plans) consistent with provisions under the *Environmental Planning and Assessment Act 1979* (EP&A Act; see Section 4.1.5 of the template).

Local Environment Plans are environmental planning instruments that are legal documents and that relate to a local government area. Other environmental planning instruments, such as State Environmental Planning Policies (SEPPs), may relate to the whole or part of the state. A development control plan provides detailed planning and design guidelines to support the planning controls in a Local Environment Plan, but they are not legal documents.

Planning schemes enable a local government authority to manage growth and change in their local government area (LGA) through land use and administrative definitions, zones, overlays, infrastructure planning provisions, assessment codes and other administrative provisions. A planning scheme identifies the kind of development requiring approval, as well as zoning all areas within the LGA based on the environmental values and development requirements of that land. Planning schemes could potentially include a flying-fox habitat overlay, and may designate some habitat as flying-fox conservation areas.

#### State legislation

#### Rural Fires Act 1997

The objects of this Act are to prevent, mitigate and suppress bushfires and coordinate bush firefighting, while protecting persons from injury or death, and reduce property damage from fire. A permit is generally required from the Rural Fire Service for any fires in the open that are lit during the local Bush Fire Danger Period as determined each year. This may be relevant for fires used to disperse flying-foxes, or for any burning associated with vegetation management.

#### Protection of the Environment Operations Act 1997

The main object of the *Protection of the Environment Operations Act 1997* (POEO Act) is to set out explicit protection of the environment polices (PEPs) and adopt more innovative approaches to reducing pollution.

The use of smoke as a dispersal mechanism may constitute 'chemical production' under Schedule 1, clause 8 of the POEO Act, so this type of dispersal activity may require a licence under Chapter 3 of the Act.

The POEO Act also regulates noise including 'offensive noise'. The Protection of the Environment Operations (Noise Control) Regulation 2008 (Part 4, Division 2) provides information on the types of noise that can be 'offensive' and for which the Environment Protection Authority (EPA) can issue fines. This may include noise generated as a part of dispersal activities. It is best to discuss the types of noise makers and the sound levels and times these will be generated, along with identified noise receptors, with Council prior to any dispersal. Detailed advice and guidance on noise regulation can be found in the EPA's *Noise guide for local government* (EPA 2013).

#### Crown Lands Act 1989

The principles of Crown land management include the observance of environmental protection principles and the conservation of its natural resources, including water, soil, flora, fauna and scenic quality. Any works on land that is held or reserved under the Crown Lands Act 1989 (including vegetation management and dispersal activities) are an offence under the Act without prior authorisation obtained through the Department of Primary Industries (Lands).

#### Local Government Act 1993

The primary purpose of this Act is to provide the legal framework for an effective, efficient and environmentally responsible, open system of local government. Most relevant to flying-fox management is that it also provides encouragement for the effective participation of local communities in the affairs of local government and sets out guidance on the use and management of community land which may be applicable to land which requires management of flying-foxes.

## Appendix 4: Desktop ecological assessment guideline

#### Buffer

Desktop assessments should include the camp and a suitable buffer area. The suggested buffer for ecological assessments is 10 km, however this may be reviewed on a case by case basis.

#### Sources of information for database searches

Depending on the location and extent of the project, the following databases may provide information on flora and fauna species and ecological communities for the site and surrounds.

#### Sources of ecological information

Source	Description	Links
Atlas of Living Australia	Biodiversity knowledge contributed by Australia's academic, scientific, environmental and general communities	www.ala.org.au, page provides a link to a mapping and analysis page where you can view records within an area of interest
Protected Matters Search Tool	Used to generate a list of matters of national environment significance within an area of interest	www.environment.gov.au/epbc/protecte d-matters-search-tool
NSW BioNet	Contains government-held information about plants and animals in NSW. The following organisations provide data: Office of Environment and Heritage; National Parks and Wildlife Service; Royal Botanic Gardens and Domain Trust; Department of Primary Industries; Forests NSW; Australian Museum. Users can register for a log- in version which provides additional detail and functionality.	<u>www.bionet.nsw.gov.au/</u>
Critical Habitat Register – Office of Environment and Heritage	Declarations of critical habitat and maps of these sites for species listed under the TSC Act	www.environment.nsw.gov.au/criticalha bitat/criticalhabitatprotectionbydoctype.h tm
Vegetation Information System: Maps	Statewide regional scale vegetation map, and for some areas, a local fine-scale map	www.environment.nsw.gov.au/research/ PlantCommunityIDsoftware.htm
OEH – Spatial data portal	Spatial datasets available for download, supplied in GDA	data.nsw.gov.au/data/dataset/nsw-oeh- spatial-data-portal
SIX maps	Provides maps showing cadastral and topographic information	six.nsw.gov.au/wps/portal/
Threatened Species Profile Database	Provides a search tool for NSW threatened species including a description and indicative distribution	www.environment.nsw.gov.au/threatene dspecies/
SEPPs 14 & 26	Available on the OEH spatial data portal	data.nsw.gov.au/data/dataset/nsw-oeh- spatial-data-portal

#### Other sources of data

Depending on the type of project and location, the local council, or National Parks and Wildlife Service may hold more detailed vegetation mapping than publicly available. The relevant authority should be contacted to confirm if the most detailed mapping and data records have been obtained.

# Appendix 5: Additional human and animal health information

#### Australian bat lyssavirus

ABLV is a rabies-like virus that may be found in all flying-fox species on mainland Australia. It has also been found in an insectivorous microbat and it is assumed it may be carried by any bat species. The probability of human infection with ABLV is very low with less than 1% of the flying-fox population being affected (DPI 2013) and transmission requiring direct contact with an infected animal that is secreting the virus. In Australia three people have died from ABLV infection since the virus was identified in 1996 (NSW Health 2013).

Domestic animals are also at risk if exposed to ABLV. In 2013, ABLV infections were identified in two horses (Shinwari et al. 2014). There have been no confirmed cases of ABLV in dogs in Australia; however, transmission is possible (McCall et al. 2005) and consultation with a veterinarian should be sought if exposure is suspected.

Transmission of the virus from bats to humans is through a bite or scratch, but may have potential to be transferred if bat saliva directly contacts the eyes, nose, mouth or broken skin. ABLV is unlikely to survive in the environment for more than a few hours, especially in dry environments that are exposed to sunlight (NSW Health 2013).

Transmission of closely related viruses suggests that contact or exposure to bat faeces, urine or blood does not pose a risk of exposure to ABLV, nor does living, playing or walking near bat roosting areas (NSW Health 2013).

The incubation period in humans is assumed similar to rabies and variable between two weeks and several years. Similarly the disease in humans presents essentially the same clinical picture as classical rabies. Once clinical signs have developed the infection is invariably fatal. However, infection can easily be prevented by avoiding direct contact with bats (i.e. handling). Pre-exposure vaccination provides reliable protection from the disease for people who are likely to have direct contact with bats, and it is generally a mandatory workplace health and safety requirement that all persons working with bats receive pre-vaccination and have their level of protection regularly assessed. Like classical rabies, ABLV infection in humans also appears to be effectively treated using post-exposure vaccination and so any person who suspects they have been exposed should seek immediate medical treatment. Post-exposure vaccination is usually ineffective once clinical manifestations of the disease have commenced.

If a person is bitten or scratched by a bat they should:

- wash the wound with soap and water for at least five minutes (do not scrub)
- contact their doctor immediately to arrange for post-exposure vaccinations.

If bat saliva contacts the eyes, nose, mouth or an open wound, flush thoroughly with water and seek immediate medical advice.

#### Hendra virus

Flying-foxes are the natural host for Hendra virus (HeV), which can be transmitted from flyingfoxes to horses. Infected horses sometimes amplify the virus and can then transmit it to other horses, humans and on two occasions, dogs (DPI 2014). There is no evidence that the virus can be passed directly from flying-foxes to humans or to dogs (AVA 2015). Clinical studies have shown cats, pigs, ferrets and guinea pigs can carry the infection (DPI 2015a).

Although the virus is periodically present in flying-fox populations across Australia, the likelihood of horses becoming infected is low and consequently human infection is extremely rare. Horses are thought to contract the disease after ingesting forage or water contaminated primarily with flying-fox urine (CDC 2014).

Humans may contract the disease after close contact with an infected horse. HeV infection in humans presents as a serious and often fatal respiratory and/or neurological disease and there is currently no effective post-exposure treatment or vaccine available for people. The mortality rate in horses is greater than 70% (DPI 2014). Since 1994, 81 horses have died and four of the seven people infected with HeV have lost their lives (DPI 2014).

Previous studies have shown that HeV spillover events have been associated with foraging flying-foxes rather than camp locations. Therefore risk is considered similar at any location within the range of flying-fox species and all horse owners should be vigilant. Vaccination of horses can protect horses and subsequently humans from infection (DPI 2014), as can appropriate horse husbandry (e.g. covering food and water troughs, fencing flying-fox foraging trees in paddocks, etc.).

Although all human cases of HeV to date have been contracted from infected horses and direct transmission from bats to humans has not yet been reported, particular care should be taken by select occupational groups that could be uniquely exposed. For example, persons who may be exposed to high levels of HeV via aerosol of heavily contaminated substrate should consider additional PPE (e.g. respiratory filters), and potentially dampening down dry dusty substrate.

#### Menangle virus

Menangle virus (also known as bat paramyxovirus no. 2) was first isolated from stillborn piglets from a NSW piggery in 1997. Little is known about the epidemiology of this virus, except that it has been recorded in flying-foxes, pigs and humans (AVA 2015). The virus caused reproductive failure in pigs and severe febrile (flu-like) illness in two piggery workers employed at the same Menangle piggery where the virus was recorded (AVA 2015). The virus is thought to have been transmitted to the pigs from flying-foxes via an oral–faecal matter route (AVA 2015). Flying-foxes had been recorded flying over the pig yards prior to the occurrence of disease symptoms. The two infected piggery workers made a full recovery and this has been the only case of Menangle virus recorded in Australia.

#### General health considerations

Flying-foxes, like all animals, carry bacteria and other microorganisms in their guts, some of which are potentially pathogenic to other species. Direct contact with faecal material should be avoided and general hygiene measures taken to reduce the low risk of gastrointestinal and other disease.

Contamination of water supplies by any animal excreta (birds, amphibians and mammals such as flying-foxes) poses a health risk to humans. Household tanks should be designed to minimise potential contamination, such as using first flush diverters to divert contaminants before they enter water tanks. Trimming vegetation overhanging the catchment area (e.g. the roof of a house) will also reduce wildlife activity and associated potential contamination. Tanks should also be appropriately maintained and flushed, and catchment areas regularly cleaned to remove potential contaminants.

Public water supplies are regularly monitored for harmful microorganisms, and are filtered and disinfected before being distributed. Management plans for community supplies should consider whether any large congregation of animals, including flying-foxes, occurs near the supply or catchment area. Where they do occur, increased frequency of monitoring should be considered to ensure early detection and management of contaminants.

## Appendix 6: Dispersal results summary

Roberts and Eby (2013) summarised 17 known flying-fox dispersals between 1990 and 2013, and made the following conclusions:

- 1. In all cases, dispersed animals did not abandon the local area<sup>6</sup>.
- 2. In 16 of the 17 cases, dispersals did not reduce the number of flying-foxes in the local area.
- 3. Dispersed animals did not move far (in approx. 63% of cases the animals only moved <600 m from the original site, contingent on the distribution of available vegetation). In 85% of cases, new camps were established nearby.
- 4. In all cases, it was not possible to predict where replacement camps would form.
- 5. Conflict was often not resolved. In 71% of cases conflict was still being reported either at the original site or within the local area years after the initial dispersal actions.
- 6. Repeat dispersal actions were generally required (all cases except where extensive vegetation removal occurred).
- 7. The financial costs of all dispersal attempts were high, ranging from tens of thousands of dollars for vegetation removal to hundreds of thousands for active dispersals (e.g. using noise, smoke, etc.).

Ecosure, in collaboration with a Griffith University Industry Affiliates Program student, researched outcomes of management in Queensland between November 2013 and November 2014 (the first year since the current Queensland state flying-fox management framework was adopted on 29 November 2013). An overview of findings<sup>7</sup> is summarised below.

- There were attempts to disperse 25 separate roosts in Queensland (compared with nine roosts between 1990 and June 2013 analysed in Roberts and Eby (2013)). Compared with the historical average (less than 0.4 roosts/year) the number of roosts dispersed in the year since the Code was introduced has increased by 6250%.
- Dispersal methods included fog<sup>8</sup>, birdfrite, lights, noise, physical deterrents, smoke, extensive vegetation modification, water (including cannons), paintball guns and helicopters.
- The most common dispersal methods were extensive vegetation modification alone and extensive vegetation modification combined with other methods.
- In nine of the 24 roosts dispersed, dispersal actions did not reduce the number of flying-foxes in the LGA.
- In all cases it was not possible to predict where new roosts would form.
- When flying-foxes were dispersed, they did not move further than 6 km away.
- As at November 2014 repeat actions had already been required in 18 cases.
- Conflict for the council and community was resolved in 60% of cases, but with many councils stating that they feel this resolution is only temporary.
- The financial costs of all dispersal attempts, regardless of methods used were considerable, ranging from \$7500 to more than \$400,000 (with costs ongoing).

<sup>&</sup>lt;sup>6</sup> Local area is defined as the area within a 20 km radius of the original site = typical feeding area of a flying-fox.

<sup>&</sup>lt;sup>7</sup> This was based on responses to questionnaires sent to councils; some did not respond and some omitted responses to some questions.

<sup>&</sup>lt;sup>8</sup> Fog refers to artificial smoke or vapours generated by smoke/fog machines. Many chemical substances used to generate smoke/fog in these machines are considered toxic.

## Appendix 7: Example flying-fox rescue protocol

#### Reference documents:

OEH 2012, <u>NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes</u>, Office of Environment and Heritage, Sydney.

OEH 2011, <u>NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna</u>, Office of Environment and Heritage, Sydney.

#### Purpose

These work instructions are intended for Australian bat lyssavirus (ABLV)-vaccinated fauna spotter catchers (FSCs) or wildlife rescue personnel on site during dispersal activities to monitor, capture or provide first aid treatment for sick or injured flying-foxes that may require human intervention for their survival. Flying-fox rescue must only be attempted by personnel trained and experienced in flying-fox rescue and handling.

This work instruction provides rescuers with information regarding capture and first aid until a flying-fox is in the specialist care of a veterinarian or person qualified in wildlife rehabilitation.

#### Requirements

FSC and wildlife rescue personnel involved in flying-fox rescue must:

- be trained and experienced in rescue and handling
- be vaccinated against ABLV (titre levels checked at least once every two years)
- be aware of the hazards and risks of coming into contact with all bats
- utilise appropriate PPE and equipment for capture, transport and treatment of flying-foxes
- undertake a risk assessment before carrying out a rescue do not endanger yourself or others during a rescue
- have the contact details for a local veterinarian or bat carer who will accept the sick or injured flying-fox.

#### Human first aid

All bats in Australia should be viewed as potentially infected with ABLV. If bitten or scratched by a bat, immediately wash the wound with soap and water (do not scrub) and continue for at least five minutes, followed by application of an antiseptic with anti-viral action (e.g. Betadine), and immediate medical attention (post-exposure vaccinations may be required). Similarly medical attention should be immediately sought if exposed to an animal's saliva or excreta through the eyes, nose or mouth.

#### Equipment

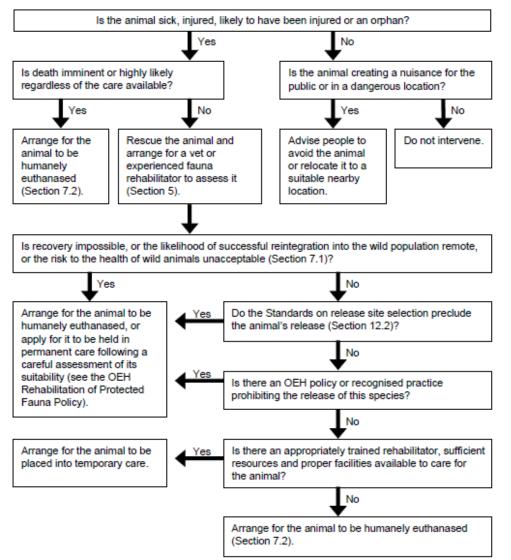
- lidded plastic carry basket or 'pet-pack' with bedding (juveniles) / transport container with hanging perch, tall enough for bat to hang without hitting its head (in accordance with Section 5.1 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012))
- warm water bottle / cold brick
- wraps /towels
- teats for small bottle
- extension pole or broom

• bat first aid kit – juice drink/glucose powder, syringes, cloths for wounds, Betadine/saline, dummy for baby bats. FFs only to be offered liquids under advice from a licensed wildlife carer.

#### Work instructions

#### Case assessment

Observe, assess and then determine if/what intervention is required using the decision tree in the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna (OEH 2011), included below.



Personnel should approach stressed flying-foxes cautiously. If flying-foxes panic or fly this will waste energy; retreat and continue to monitor behaviour.

- 1. Dehydration: Eyes dull or depressed in skull, change to skin elasticity, skin stays pinched, animal cold, wing membranes dry, mouth dry.
- 2. Heat stress: wing fanning, shade seeking, clustering/clumping, salivating, panting, roosting at the base of trees, on the ground, falling from tree.
- 3. Obvious injury: bleeding, broken bones.

#### **Rescue instructions**

As per Section 4 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012):

- i. The objective is to rescue a flying-fox while minimising further stress and injury to the animal.
- ii. Before a rescue attempt, rescuers must assess the risks to the flying-fox from environmental hazards and from capture.
- iii. Rescuers must employ the correct rescue equipment for the condition and location of the flying-fox, and be trained in its use.

#### Example scenarios

- 1. Bat low in tree:
- quickly place towel around bat before it can move away
- grab hold of feet, toes may curl over rescuers fingers
- place in carry basket / transport container.
- 2. Bat high in tree:
- place pole wrapped in towel in front of bat
- coax bat onto towel
- once on towel, quickly move away from branches and lower to ground
- once on ground, cover with towel and place into carry basket / transport container.
- 3. A bat caught on barbed wire fence:
  - two people only one to restrain with towel, while the other untangles
  - put towels on the wire strands under or around to avoid further entanglement
  - if the membrane has dried onto wire, syringe or spray water onto wing
  - use pliers or wire cutter if necessary.

#### Animal first aid

Physical assessment: Keep animal wrapped and head covered, only expose one part at a time. Examine head. Unwrap one wing and extend. Wrap and extend other wing. Check legs. Examine front and back of body.

Dehydration: Offer water/juice (low acid juice only, e.g. apple/mango) orally with syringe (under supervision/advice from licensed wildlife carer ONLY).

Heat stress: Reduce temperature in heat exhausted bats by spraying wings with tepid water.

Hypothermia: May be seen in pups separated from mother – keep head covered and warm core body temperature slowly by placing near (not on) warm water bottle covered by towel.

Bleeding: Clean wounds with room temperature saline or diluted Betadine.

#### Transport to veterinarian / wildlife carer

See Section 5 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) summarised below.

#### Objective

To transport a flying-fox so as to minimise further stress and injury to the animal.

#### Standards

- a. The transport container must be tall enough for the flying-fox to hang by its feet without hitting its head on the floor.
- b. The container must be designed, set up and secured to prevent injuries to the flyingfox. The sides of the container must prevent the flying-fox from poking its head or wings out.
- c. The container must be designed to prevent the flying-fox from escaping.
- d. The flying-fox must be allowed to hang by its feet from the top of the container or if it is unable to hang, wrapped in material (e.g. sheet or flannel) and placed in a sling so its feet are higher than its head.
- e. The container must be kept at a temperature which is appropriate for the age and condition of the flying-fox. A range of 25–27°C is appropriate for an adult. A temperature of 28°C is appropriate for an orphan. A cool or warm water bottle may be required.
- f. The container must be ventilated so air can circulate around the flying-fox.
- g. The container must minimise light, noise and vibrations and prevent contact with young children and pets.
- h. During transport, a container holding a flying-fox must have a clearly visible warning label that says 'Warning live bat'.
- i. A flying-fox must not be transported in the back of an uncovered utility vehicle or a car boot that is separate from the main cabin.

#### Guidelines

- Flying-fox transport should be the sole purpose of the trip and undertaken in the shortest possible time.
- The fauna rehabilitation group's contact details should be written on the transport container in case of an emergency.

# Appendix 8: Community questionnaire on BRC "Your Say" website.

Please see attached pdf file.

## DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT - ATTACHMENTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

**PRESENT:** Cr Graeme Hanger OAM, Mark Renzaglia, Shawn Pyne, Gerarda Mader, Ray Pickard, Fran White, Tony McBurney, Fiona McWillliam

**IN ATTENDANCE:** Alan Cattermole, Lucy White, Dan Cove

#### 1. APOLOGIES

**<u>RESOLVED</u>**: that the apologies from Christine Le Fevre, Hannah Madden and Christopher Morgan be received.

MOVED:	Shawn Pyne	SECONDED:	Mark Renzaglia

#### 2. PREVIOUS MINUTES

**<u>RESOLVED</u>**: that the minutes from the previous meeting held on Monday 7 May 2018 are a true record of the meeting.

MOVED: Gerarda Mader <u>SECONDED</u>: Mark Renzaglia

#### 3. DECLARATIONS OF INTEREST

**RESOLVED:** that there were no declarations of interest tabled at the meeting.

MOVED: Fran White SECONDED: Shawn Pine

#### 4. WEBSITE STATUS UPDATE

The updated site was viewed and reviewed at the meeting with the following broad issues raised:

• There needs to be clearer indication about 'events' and a differentiation between 'What's On' and a general 'Events Calendar' to address the issues of people needing information about immediate /upcoming events, and a general calendar that can allow longer term planning.

#### RESOLVED:

The new website will be finalised by 20 June 2018 for publishing live in time to promote and maximise the interest in the Winter Festival.

MOVED: Gerarda Mader <u>SECONDED</u>: Mark Renzaglia

#### 5. DESTINATION NETWORK COUNTRY & OUTBACK NEW DMP

The newly released Destination Management Plan contains some great opportunities for Bathurst businesses and products including access to funded projects and professional development. Operators are encouraged to access the online version and work collaboratively to maximise the opportunities. The Fossil Trail is a project which will be pursued at a local level and in collaboration with other LGAs.

#### 6. ARTSTATE 2018 IN BATHURST

An overview of the event was described and discussed. Tony McBurney advised that a new art related product 'Atelier Dairy Creative' has been launched and will be a great

addition to the suite of artistic and creative offerings in the local region. https://dairycreative.com.au.

#### 7. BATHURST VISITOR INFORMATION CENTRE MANAGER'S REPORT

<u>Website Development</u>: Homepage design reviewed and redesigned in consultation with sub-committee of TRG. Request for business listing information and images sent to industry, 40+ responses have been received to date.

<u>Online Booking Engine</u>: Major information fields completed and SecurePay setup complete. Terms and conditions, cancellation policy and operator engagement communications complete. BVIC staff training scheduled for week June 25-29. <u>Tours and Trails App</u>: Framework of three initial tours is complete. Final script complete for Mt Panorama lap with Craig Lowndes booked to complete narration 8 June. Mayfield Garden draft script (English version) completed. Town Square tour currently being written. <u>Regional Conferencing</u>: Pitched Bathurst to committee of Australian Jazz Convention for 2019/2020 conventions to be held 26-31 December, with up to 1000 attendees. The convention committee was very enthusiastic regarding Bathurst as potential venue. <u>Tourism Awards</u>: Completed and submitted submission for BVIC under Category 9, Visitor Information Services to Regional Awards.

<u>Advertising</u>: Promotion of Bathurst region and events in May in Blue Mountains iMag, 2BS/BRock (Bathurst Autumn and BHTT campaigns). @VisitBathurst Facebook page followers increased 4.9% to 6,591, Instagram following increased 2.5% to 1,671. New @Visit\_Bathurst Twitter feed achieved 3,746 impressions and 87 engagements.

<u>Tourism Partners</u>: BVIC currently has 140 tourism partners including 19 new partners joining in this financial year. Target is 150 by 30 June.

<u>Sister City</u>: Organising recruitment of new Assistant Language Teacher for Ohkuma. Applications have now closed.

<u>Autumn Colours</u>: Final number of attendees for 2018 were 353 across 14 specialist heritage tours offered, an increase of 86.3% on average tour size from 2017. No tours were cancelled due to poor or zero attendance (eight tours were in 2017).Excellent public and volunteer feedback received. Thank you function to be held on Friday 8 June 2018 at Two Heads Brewery.

<u>Heritage Trades Trail</u>: 1145 tickets sold representing increase of 91.8% from 2017 result. Postcode data indicates a significant rise in attendees from outside 2795 postcode from 36% to 48% of total.

<u>Facility</u>: Replacement complete for Courtyard roof. Work has commenced on new accessible sliding door to amenities facilities to be completed mid-June. *EPHO* the successful company quoting for installation of solar panel/battery storage system. Inception meeting set for 15 June. Work to commence mid-July.

**RESOLVED:** That the report be noted.

MOVED: Gerarda Mader <u>SECONDED</u>: Mark Renzaglia

#### 8. DESTINATION DEVELOPMENT MANAGER'S REPORT

#### Visitor Centre refurbishment & retail review

This project involves the refurbishment of the Bathurst Visitor Information Centre and a review of its retail offering. The objective of the refurbishment is to bring to life the 'Step Beyond' destination brand across all aspects of the Visitor Centre experience. This includes but is not limited to the look and feel of the centre, use of colour palette, staff uniforms, the selection and display of merchandise, the ability of the staff to provide an optimal customer experience and to tell the stories about the product offer, and ultimately

to drive sales. A brief has been distributed to engage a suitably qualified consultant with experience in visual merchandising and retail strategy to assist in the delivery of the project.

#### Content strategy

Identified as a priority need within our marketing plan, a quote to produce a comprehensive Content Strategy has been received. The purpose of this is to ensure our marketing activities are reaching our specified audiences. It's about 'why' we create and publish any of our marketing materials, and it's about getting the right customers and driving sales. Our content plan needs to be very tactical, and outlines how we will execute the strategy, and who on the team will be handling each task. Think of it as a marketing plan that specifically relates to content and which includes key topic areas, what content we create, when and how to share the content, and specific calls to action.

A successful content strategy also accounts for content distribution and measurement. Creating clearly defined marketing objectives that map to specific KPIs can inform the types of measurement that is most important to reach content goals. The data gleaned from these metrics then shapes future content strategy and distribution.

#### Bathurst Region Heritage Reference Group

Collaboration between the TRG and this group has been encouraged. A meeting was held today, 4 June 2018, from 3pm – 5pm.

#### Bathurst Heritage Trail 2018

The 2018 Bathurst Heritage Trades Trail was held 12 - 14 May and was a big success. This view is based on the visitor feedback, the publicity generated and the ticket sales which showed 91.8% increase against the inaugural event in 2017. A total of 1145 tickets were sold, with an additional 268 FOC passes issued for under 16s and volunteers, bringing total attendance to 1413 over the two days.

This result is pleasing given our target was to increase visitors from outside the region from 37% in 2017. The total outside the region visitation was 47.9% - an increase of 33%.

As stipulated in the funding agreement with Destination NSW, we used the additional \$20,000 funds to increase the reach of our marketing activities and a focus on niche markets and online activity. Funds were exclusively used to more successfully market the event. A tactical approach was taken across the following channels:

- online advertising including SEO boosted posts on social media channels
- social media relevant scheduled posts to reach target audiences
- direct marketing eDMs to industry databases
- purchase of Roy Morgan research (Central NSW Intender profile report) to analyse consumer insights
- commissioned imagery still and videography for promotional uses pre and post the event
- specialised outsourced Public Relations activity to generate publicity and hosted media visits pre and during the event

#### Public Art Policy working group

Council has engaged Richard Brecknock Consulting to prepare a Public Art Policy and a working group, comprising BRAG, Planning, BMEC, Museums and Destination Development staff has been convened. To date 8 community consultation sessions were

conducted, with 70 participants representing the local Indigenous community, arts organisations and practitioners, heritage groups, Charles Sturt University, developers, Councillors and Council staff. Members

#### Launch of DNCO DMP in Dubbo and Zoo exhibits

Member for Dubbo Troy Grant with the Minister for Tourism and Major Events Adam Marshall launched Destination Country and Outback's Destination Management Plan on Monday 21 May 2018 at the Old Dubbo Gaol. The event was attended by Mayor Hanger OAM and Destination Development Manager.

#### Artstate Launch and overview

Council has partnered with Regional Arts NSW to present Artstate Bathurst, 1 - 4 November 2018 and this event was launched on Monday 21 May 2018 with Mayor Hanger, Paul Toole (NSW Member for Bathurst) and Regional Arts NSW CEO Elizabeth Rogers at BMEC.

Artstate will provide considerable investment into the local economy. Recent research from Tourism Research Australia confirms that cultural and heritage visitors stay longer and spend more than other visitors.

In the year ending December 2016, NSW received 12.3 million cultural and heritage visitors who stayed 78.6 million nights and spent \$12.0 billion in the State (TRA NVS 2016)

They spend 51% more and stay 35% longer than other visitors:

- Expenditure = \$1027 vs 679
- Length of stay 5 nights vs 3.7 nights

The Artstate event provides an opportunity for Bathurst to leverage this high yield market, and industry members are encouraged to create packages and incentive based offers to attract and lengthen the event attendees stay.

#### Central NSW visitation increase

According to statistics provided by Destination NSW for the year ended December 2017, Central NSW received over 2.5 million domestic overnight visitors which was a 21.2% increase from the previous year - nearly 3.1 million domestic daytrip visitors (up 6.4%) and 38,700 international overnight visitors.

statistics indicate the domestic daytrip visitors spent \$408m in the region, reflecting a 31.7% increase in spend from the previous year and domestic overnight visitors spent \$970m in the region (up by 17% on YE Dec 16).

#### The End Festival - Hill End

The  $3^{rd}$  annual 'The End' Festival was presented by National Parks and Wildlife Services (NPWS) in Hill End 20 – 22 April 2018. Financial support of \$10,000 was provided by Council to meet a key action of the 2015 DMP and to expose Hill End to a wider and more targeted audience and drive visitation to the Bathurst Region.

#### 9. GENERAL BUSINESS

- (a) <u>Bathurst Visitor Information Centre</u> graffiti applied to the building and train carriage has been removed.
- (b) <u>NSW Combined High Schools Football comp</u> 150 boys in the region for 3 days 5 7 June for the state wide competition.
- (c) <u>BRAG exhibition</u> the next exhibition of paintings and sculpture will be opened by Tony McBurney on Friday 7 June.

#### 10. NEXT MEETING

The next meeting of the Tourism Reference Group will be 5.30pm on Monday 2 July at the Bathurst Visitor Information Centre.

There being no further business the meeting was closed at 6.35pm

#### **ACTION SHEET**

ACTION	DUE DATE	RESPONSIBILITY	STATUS
Create list the 19 new BVIC members	ASAP	Dan	
Distribute list to TRG members	ASAP	Dan	
Circulate Bathurst Heritage Trades Trail PR report to TRG	ASAP	Lucy	
Circulate DNCO DMP to TRG	ASAP	Lucy	
Circulate the Leonard's Bathurst Heritage Trades Trail media report to TRG	ASAP	Lucy	

### **COUNCILLORS/ DELEGATES REPORTS - ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

- **PRESENT:** Taylor Kessey, Faith Shean, Reagan Haysom, Matthew Bignell, Lydia Nichols, Elliza Bolton, Matilda Whittaker, Natalia Burgess, Angus Cooke, Jack Lynch, Madeline Siemsen, Gabrielle Boshier, Lucinda Begg, Taylah Muller.
- IN ATTENDANCE: Erin Trevor-Jones (Community Development Officer Youth, Bathurst Regional Council), Megan Bargwanna (Manager Community Services, Bathurst Regional Council), Kim Grant (Clinical Nurse Consultant for Sexual Health and HIV, Western NSW Local Health District).

#### <u>GUEST SPEAKER: KIM GRANT – CLINICAL NURSE CONSULTANT FOR SEXUAL</u> <u>HEALTH AND HIV, WESTERN NSW LOCAL HEALTH DISTRICT.</u>

- Confidential service.
- Main clinic in Orange outreach to Bathurst. Based at Bathurst Hospital.
- Would like to be involved in Youth Week next year possibly partner with the Youth Council to hold an activity/event.
- Kim can be contacted on 6330 5935 to provide further information.

#### 1. APOLOGIES

Nil apologies.

#### 2. ADOPTION OF PREVIOUS MINUTES

**RESOLVED** that the minutes of the meeting held 8 May 2018 be accepted.

**Moved:** Gabrielle Boshier **Seconded:** Matilda Whittaker

#### 3. YOUTH COUNCIL STRUCTURE

**RESOLVED** That the following structure apply for 2018/2019:

Youth Mayor (1 position) Youth Deputy Mayor (1 position) Youth Secretary (2 positions)

(b) The positions at item (a) above will be elected by all Youth Councillors at the first meeting of the full Youth Council.

Manager Community Services arrived at meeting.

#### 4. ELECTION OF YOUTH MAYOR AND DEPUTY MAYOR

<u>**RESOLVED</u>** that, by process of secret ballot, Youth Councillor Gabrielle Boshier be elected as Youth Mayor of Bathurst for 2018/2019 <u>and further</u> that Youth Councillor Lydia Nichols be elected as Youth Deputy Mayor of Bathurst for 2018/2019.</u>

Manager Community Services left meeting.

#### 5. **ELECTION OF SECRETARIES**

RESOLVED that, by process of determination through secret ballot, the following representatives hold the following positions on the Bathurst Regional Youth Council for 2018/2019:

Youth Council Secretary – Jack Lynch

Youth Council Secretary – Faith Shean

#### ADOPTION OF YOUTH COUNCIL MEMBERSHIP 6.

**RESOLVED** that the Youth Council request Bathurst Regional Council to adopt the membership for the Bathurst Regional Youth Council for 2018/2019.

#### **YOUTH COUNCIL MEETINGS FOR 2018** 7.

Main Youth Council Meetings:

- Tuesday 4 September 2018
- Tuesday 13 November 2018

#### Working Party Meetings:

- Monday 23 July 2018 •
- Monday 13 August 2018 •
- Monday 24 September 2018 •
- Monday 15 October 2018 •
- Monday 5 November 2018 •
- Monday 26 November 2018 •

No meetings in December 2018 and January 2019. Youth Council Working Party Meetings will recommence on Monday 4 February 2019.

#### YOUTH COUNCIL PROJECTS 8.

How to Adult workshops

- Dates confirmed:
  - Friday 2 November 2018 St Stanislaus College and MacKillop College.
  - Friday 9 November 2018 Denison College, Bathurst and Kelso Campuses.
- Youth Council agreed to continue with the same name as last year.
- CDO asked for suggestions in regards to content which could be covered in the • session delivered by Nursing Section. Responses included:
  - First response skills, such as first aid and snake bites
  - -Sexual health – if teachers are able to incorporate some fun. Youth Councillors agreed that the topic is awkward when delivered at school.
- Job interview skills Youth Council would like this included if the session could be • kept practical.

- Overall the day needs to be practical and fun, so it is not similar to a normal day at school.
- Take home information from each session is important.

#### Other potential Youth Council projects

- Colour run Youth Council would like to hold another colour run, similar to that which was held a few years ago. Preference is Saturday morning in conjunction with Bathurst parkrun or late Sunday morning. The Youth Council decided that October would be the most suitable time of year, as it is in between sport seasons and the weather will be warmer. The event would be open to anyone in the community, with both a competitive section and fun section.
- Centenary of Armistice 2018 the Youth Council would like to incorporate a youth aspect into this celebration, which will be held in November 2018.
- Mud Run similar to one which was held in Dubbo recently. The Youth Council were unsure where this event could be held but felt it would be a great initiative for the community.
- Charity BBQ Youth Councillors would like to hold a BBQ, at a venue such as Bunnings, and then donate money raised to a charity of their choosing.

Youth Councillors to consider other potential Youth Council projects over the coming weeks. These will be discussed at the first Working Party Meeting.

#### 9. YJAM WINTER

YJAM Groove & Grill will be held on Sunday 15 July 2018 from 11am-4pm, as part of the Bathurst Winter Festival. 10 young, local musicians will be performing at the event. There will also be food stalls in attendance.

#### Distribution of promotional posters

Youth Councillors were allocated locations to distribute posters throughout the community. Posters were given out accordingly. CDO to email confirmation of where each Youth Councillor has agreed to display posters.

#### MC for YJAM

CDO informed the Youth Council that MC's are needed for YJAM Groove & Grill. Their role will be to introduce the event and each performer as they go on stage, and to thank the performers and the audience at the conclusion of the event.

A number of Youth Councillors indicated that they would like to MC the event. CDO requested that each Youth Councillor confirm this interest by sending an email to the CDO. A decision will then be made.

All Youth Councillors were encouraged to attend YJAM Groove & Grill to represent the Youth Council and support the local performing artists.

#### 10. GENERAL BUSINESS

#### 10.1 Announcement by the NSW Premier

All Youth Councillors have been invited to attend an announcement from The Hon Gladys Berejiklian MP at 4:30pm today. This will be held in the Wattle Foyer at the Bathurst Memorial Entertainment Centre. CDO will be accompanying those attending.

#### 11. NEXT MEETING – TUESDAY 4 SEPTEMBER 2018

The next meeting will be held Tuesday 4 September 2018 at 11:15am.

#### 12. MEETING CLOSE

There being no further business, the meeting closed at 2:15pm.



#### MEMBERS PRESENT:

Stephen Harper (Bathurst Business Chamber), Liam O'Hara (Bathurst Liquor Accord), Robert Taylor (Bathurst Liquor Accord), David Bull (community member), Emma Colvin (Charles Sturt University), Rachael Eldridge (TAFE NSW).

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**IN ATTENDANCE:** Erin Trevor-Jones (Community Development Officer – Safety).

1. <u>APOLOGIES</u>: Cr Rudge, Sue Sturgeon (Community Mental Health), Joanne Stapleton (Bathurst Community Corrections), Graham Wright (FACS Housing).

#### 2. MINUTES FROM THE PREVIOUS MEETING HELD ON 17 MAY 2018.

**RESOLVED** that the minutes of the meeting held 17 May 2018 be accepted.

**MOVED:** Emma Colvin **SECONDED:** Robert Taylor

#### 3. OUTSTANDING ACTIONS FROM PREVIOUS MEETING

Item	Action to date	Further action required	Person responsible
Election of Chairperson to be held	Nominations are	Committee	Committee
over until 12 July 2018 meeting to	now open.	members to	members.
allow potential new members to be		forward	
involved in this process. Applications		nominations to	
will open one month prior to this.		CDO via email.	
		Nominations	
		can also be out	
		forward at 12	
		July meeting.	
Jean to determine whether data can	Jean was not	Obtain update	Jean Fell
be sourced in relation to legal clinics	present to	from Jean at	
facilitated by Legal Aid NSW.	provide update.	next meeting.	
Emma to investigate the availability	Emma reported	Nil.	Nil.
of court system data.	that the data		
	was difficult to		
Emma has made some initial	access and it		
enquiries. The Committee	was not		
considered whether this data would	possible to drill		
be of benefit, as it was highlighted	down on the		
that data relating to dismissed	data. A decision		
matters cannot be released. It was	was made not to		
agreed that any additional data that	pursue this data		
can be obtained may help to provide	source.		

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CHAIRPERSON



a clearer picture in regards to overall crime statistics.			
Arrange purchase of a pull-up banner which will be used throughout development and implementation of 2019-2023 Community Safety Plan.	Design is currently being finalised.	Pull-up banner will be ordered when design is finalised.	CDO
CDO to update draft survey to include Committee's suggestions.	Complete. Survey questions have now been finalised.	Nil.	Nil.
CDO to email new Terms of Reference to all Committee members.	Complete.	Nil.	Nil.

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Megan Bargwanna (Manager Community Services, Bathurst Regional Council) and Jean Fell (Neighbourhood Centre) arrived 11:50am.

#### 4. NEW COMMITTEE MEMBERS

CDO reported that Council have recently held meetings with the following key stakeholders who have now joined the Committee:

FACS Housing – Graham Wright, Team Leader TAFE NSW – Rachael Eldridge, TAFE Services Coordinator Community Mental Health Drug and Alcohol Service – Sue Sturgeon, Nurse Unit Manager Bathurst Community Corrections – Joanne Stapleton, Manager Headspace – Nicki Halliwell, Program Manager

#### 5. CONSULTATION METHODOLOGY

#### (i) <u>COMMITTEE INVOLVEMENT IN COMMUNITY SURVEY DISTRIBUTION</u>

It is anticipated that the survey will be distributed from next week. Currently waiting on promotional material design to be finalised. It will then be sent to NSW Police to obtain approval for their insignia to be included on the design.

CDO to advise all Committee members when survey is launched. They will assist with distribution from this time.

Committee members agreed to distribute the survey through their networks. Stalls will be held in shopping centres. CDO to develop roster and Committee members will assist when available.

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CHAIRPERSON

SECRETARY



Contact will be made with media when survey is being launched to increase promotion.

3 of 4

Committee provided feedback in relation to specific groups where surveys will be distributed.

Committee were given a copy of the updated Draft survey. Questions were raised in relation to the privacy of participants who provide their details for the purpose of the prize draw. CDO to confirm correct procedure prior to the survey being finalised and distributed.

Item	Action	Person responsible
Launch of survey	Email Committee when survey is launched.	CDO
Shopping centre stalls	Develop roster and send to Committee to confirm availability.	CDO
Survey participant privacy	Confirm procedure for ensuring privacy of participants is protected.	CDO

#### (ii) <u>FOCUS GROUPS</u>

Focus groups will be facilitated by Council throughout July and August. Committee member attendance is welcomed.

The way focus groups are delivered will depend on the size of each individual group. The sessions will be delivered either as a whole group or participants will be divided into small groups.

Emma suggested holding focus groups at CSU to capture data from students.

A suggestion was made to offer prizes for focus groups, similar to those being offered to survey participants. Request to be taken to DCCS.

Inclusion of a QR Code on the promotional material was suggested. CDO to follow up.

The Committee discussed the importance of emphasising that crime is not necessarily an issue in Bathurst – ensure focus group participants are aware that the region is well positioned in comparison to other LGAs in the state.

Item	Action	Person responsible
Focus groups prize	Discuss request with DCCS.	CDO
QR Code	Ascertain process for inclusion of QR Code on promotional material	CDO

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CHAIRPERSON

SECRETARY



#### 6. NOMINATIONS OPEN FOR CHAIRPERSON

Nominations are now open. Committee members can send nominations to CDO via email prior to the 12 July 2018 Committee meeting. Nominations can also be tabled at the meeting.

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#### **GENERAL BUSINESS**

New Terms of Reference have been endorsed and are now operational. Moving forward, the Committee must support the requirements of this document. The Terms of Reference stipulates one representative per organisation in attendance at Committee meetings (Police and Council are an exception to this). This must be managed by individual organisations, such as alternating between representatives in regards to attending meetings. CDO highlighted that Bathurst Liquor Accord are currently represented by two members. David Bull reported that he is now a community member rather than a representative of CSU.

#### 7. <u>NEXT MEETING</u>

The next meeting will be held Thursday 12 July 2018 at 11:30am at Committee Room (Civic Centre).

There being no further business, the meeting closed at 12:21pm.

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CHAIRPERSON

SECRETARY