

27 March 2019

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 3 April 2019

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 3 April 2019 commencing at approximately 6.30 pm (or immediately following the conclusion of the Discussion Forum).



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 3 APRIL 2019

1. 6:30 PM - MEETING COMMENCES

2. APOLOGIES

3. 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.

4. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

5. MEETING CLOSE

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
REPORT**

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

3 APRIL 2019

1 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014

AMENDMENT – VEGETATION MANAGEMENT AND BIODIVERSITY (20.00334)

Recommendation: That Council:

- (a) place the draft DCP amendment - Vegetation Management and Biodiversity on public exhibition for 28 days in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (b) call a division.

Report: On 25 February 2018, new land management and biodiversity conservation reforms by the NSW Government commenced in NSW. These reforms introduced some significant changes to the way biodiversity is protected in NSW, how development activities are regulated on land and how the impacts of these activities on the natural environment are managed. The reforms included significant changes to the way impacts on biodiversity are measured, managed and offset.

The *Biodiversity Conservation Act 2016*, together with the *Biodiversity Conservation Regulation 2017*, outline the new framework for assessment and approval of biodiversity impacts associated with developments that require consent under the *Environmental Planning and Assessment Act 1979*.

Where clearing does not otherwise require development consent, the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) now regulates clearing of vegetation in urban and environmental zones across the State. The clearing of vegetation regulated under the Vegetation SEPP is to be specified in a Development Control Plan (DCP).

This amendment to the Bathurst Regional Council DCP specifies vegetation which is proposed to be protected in non-rural zones and heritage conservation zones and provides protection to trees listed as heritage items. The amendment constitutes a new part in Chapter 9 of the existing DCP.

The draft DCP amendment proposes to declare the following vegetation in non-rural areas to be specified vegetation to which Part 3 of the Vegetation SEPP applies:

- i. All native trees and native vegetation on land in the following zones under the Bathurst Regional Council Local Environmental Plan 2014.
 - E2 - Environmental Conservation
 - E4 - Environmental Living
 - SP2 - Infrastructure
 - SP3 - Tourist
 - RE1 - Public Recreation
 - R5 - Large Lot Residential
 - RU5 - Village
 - W2 - Recreational Waterways
- ii. Native trees in non-rural areas which are verified and mapped by Council as supporting a threatened ecological community.
- iii. Vegetation within areas identified on a DCP Map (**attachment 1**) as an environmental protection area.

The draft DCP amendment also declares specified vegetation for heritage conservation

purposes as:

- i. Trees and other vegetation that are a heritage item (i.e. individually listed) or within the curtilage of a Heritage Item;
- ii. Trees located within a heritage conservation area that are greater than 9 metres tall.

The draft DCP will be placed on public exhibition for a period of 28 days. A further report will then be presented to Council for consideration.

In addition to formal exhibition, it is intended to conduct a wider notification process by way of letter-box drop, ratepayer newsletter and Yoursay.

A copy of the proposal to be incorporated into the DCP is included at **attachment 2**. The complexity of the draft DCP provisions is a direct result of the complexity of the biodiversity conservation reforms and the Vegetation SEPP. Council staff have prepared a flow chart to simplify the process, which is contained on page 5 of the draft DCP at **attachment 2**.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.5
- Objective 3: Environmental stewardship Strategy 3.1, 3.4, 3.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.4

Community Engagement

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

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES