

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

12 August 2020

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council – Wednesday 19 August 2020

I have to advise that an Ordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 19 August 2020 commencing at 6:00 pm.



D J Sherley
GENERAL MANAGER

**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON WEDNESDAY 19 AUGUST 2020**

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1 RECORDING OF MEETINGS

1.1 RECORDING OF MEETING - GENERAL MANAGER TO READ

2 MEETING COMMENCES

MINUTE

Meeting commenced at 6.00pm.

Present: 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

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the apology of Cr Aubin for the late arrival to the meeting be accepted.

5 MINUTES

5.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 15 JULY 2020

File No: 11.00005

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 July 2020 be adopted.

REPORT:

The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 July 2020 are **attached**.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Minutes of the Ordinary Meeting of Bathurst Regional Council held 15 July 2020
[5.1.1 - 18 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-222

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 July 2020 be adopted

6 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-186

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

Cr. Hanger declared a non-pecuniary interest in item 9 of the DCSF Report.

Cr. Fry declared a non-pecuniary interest in item 8 of the DEPBS Report.

Cr. Rudge declared a non-pecuniary interest in 5 of the DCSF Report.

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

GENERAL MANAGER'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to be 'DJS', written in a cursive style.

D J Sherley
GENERAL MANAGER

**7.1.1 LOCAL GOVERNMENT NSW ANNUAL
CONFERENCE 2020 (LOVEDALE, HUNTER
VALLEY)**

File No: 18.00289-02

RECOMMENDATION:

That Council:

1. Nominate its delegates and observers for the Local Government NSW Annual Conference 2020.
 2. Delegate the authority to the Mayor and the General Manager to nominate substitute delegates for:
 - i. Motions
 - ii. Board Elections
-

REPORT:

The Local Government NSW Annual Conference 2020 will take place from Sunday 22 November to Tuesday 24 November 2020 in Lovedale, Hunter Valley. Registration opened Friday, 17 July 2020 and Council will be required to advise the names of the voting delegates.

Council is entitled to three voting delegates and whatever number of observers it wishes to send. It would be appropriate for Council to advise its voting delegates at this time. The voting delegate will need to be nominated for both voting on motions and voting for Board positions. If the Mayor should attend, then he will be one of the three voting delegates.

It is recommended that Council nominate its delegates and observers for the Local Government Conference 2020.

Further, it is recommended that the Mayor and General Manager be delegated the authority to appoint a substitute delegate(s) where required for both voting on motions and the voting for Board positions.

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.3 Advocate for our community.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-187

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council:

1. Nominate as its delegates the Mayor, Cr Fry and Cr Jennings, for the Local Government NSW Annual Conference 2020.
2. Delegate the authority to the Mayor and the General Manager to nominate substitute delegates for:
 - i. Motions
 - ii. Board Elections

DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Southorn', followed by a small dot.

Neil Southorn

**DIRECTOR
ENVIRONMENTAL, PLANNING AND BUILDING SERVICES**

7.2.1 **SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

File No: **03.00053**

RECOMMENDATION:

That the information be noted.

REPORT:

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.

- (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 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-188

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.2.2 GENERAL REPORT

File No: 03.00053

RECOMMENDATION:

That the information be noted.

REPORT:

The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during July 2020 (**attachment 1**).
- (b) Applications refused during July 2020 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under Clause 4.6 of Bathurst Regional LEP 2014 approved in July 2020 (**attachment 5**).
- (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:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. DAs approved [7.2.2.1 - 2 pages]
2. DAs refused [7.2.2.2 - 1 page]
3. DAs pending [7.2.2.3 - 3 pages]
4. Over 40 days [7.2.2.4 - 2 pages]
5. Clause 4.6 [7.2.2.5 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-189

MOVED: Cr J Jennings SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

7.2.3

MODIFICATION - DEVELOPMENT APPLICATION 2019/133 - DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST, APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS

File No: 2019/133

RECOMMENDATION:

That Council:

- (a) not support the application for modification of Development Consent No 2019/133 to delete condition No 22 relating to the payment of Section 7.11 developer contributions.
 - (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/133, for the following reasons:
 - The adopted Contribution Plan applies to the land.
 - The development is development to which the Contribution Plan applies.
 - The Contribution Plan establishes a nexus between the development type and the provision of community facilities and services.
 - Residents of the development will require access to the facilities and services proposed under the Plan.
 - The proposal is not a Works In Kind arrangement as contemplated in the Contribution Plan.
 - (c) call a division.
-

SUMMARY:

An application for modification was lodged by Housing Plus seeking the deletion of condition No. 22, which requires the payment of Section 7.11 developer contributions in the amount of \$109,169.34 for Community Facilities. The contribution has been levied in accordance with Council's adopted Contributions Plan Bathurst Regional Community Facilities.

REPORT:

Development Application No 2019/133 was considered by Council at its August 2019 meeting, resulting in approval subject to conditions. The conditions of consent included at condition No. 22 the requirement to pay monetary contributions to Council for Community Facilities pursuant to its adopted Section 94 Plan prior to the issue of a Construction Certificate.

An application has been lodged by Housing Plus seeking modification of Development Approval No 2019/133 to delete condition No. 22.

Condition No. 22 of the development approval issued on 6th September 2019 states:

22. ***The payment to Council of \$109,169.34 for the provision of community facilities in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst Regional Community Facilities".***

All monetary conditions are to be paid prior 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 applicant has to date paid the total contribution relative to the entire 38 units proposed in order to facilitate the release of Construction Certification and has proceeded with stages one and two of the development comprising the first 20 units.

The Consent sought

The application, as lodged and considered by Council, was based on the development being for the purposes of a multi dwelling housing or residential units.

The Statement of Environmental Effects does acknowledge that the development "*is being carried out by Community Housing Provider, Housing Plus, as part of the NSW Governments 'Social and Affordable Housing Fund' (SAHF), a key initiative under the 'Future Directions for Social Housing in NSW' strategy. SAHF Phase 2, of which this development is part of, aims to prioritise housing for older women and for regional areas*".

However, the Applicant's preferred option for assessing the application, and the approval granted, was on the basis of multi dwelling or residential units; i.e. there is nothing in the consent or consideration to date that requires the development to be used for affordable housing.

Accordingly, there is no requirement for a restriction on title and use of the land under section 88E of the *Conveyancing Act 1919* as contemplated by Clause 38 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, to ensure the ongoing use as affordable housing for 10 years from the date of the issue of the occupation certificate:

- (i) *at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and*
- (ii) *all the accommodation that is used for affordable housing will be managed by a registered community housing provider.*

This effectively permits Housing Plus to administer the site as they see fit.

Whether or not the development is undertaken by Housing Plus as affordable housing does not impact upon the current request, i.e. the recommendation not to waive the

requirement would not change even if the development were to be approved as affordable housing.

The site development has progressed by the completion of associated civil works to support the development and the completion, but for issue of Occupation Certificate, of Stage one of the Building construction comprising 20 units fronting Havannah and Baillie Streets.

Deletion of Condition No. 22 would necessitate a refund of the contribution already paid.

Councils adopted Section 94 or 7.11 Plan

Changes in the Environmental Planning and Assessment Act altered the Section numbers in the Act. What was historically been known as Section 94 is now known as Section 7.11. These terms are interchangeable.

Council's adopted Section 94 Contributions Plan Community Facilities came into effect on 19 November 2014

In accordance with Part 1.3 the Plan applies to any new residential development type in any zone to which BRLEP 2014 applies as outlined in Part 1.6.

Part 1.6(b) applies in the case of dual occupancy, secondary dwelling (granny flat), medium density housing, residential units, second rural dwelling, but not including alterations and additions to an existing dwelling house.

In applying the provisions of the Contributions Plan Council assessed the relationship of the development to the community and considered the associated nexus.

The Development Contribution Plan provides at section 3.1:

3.1 NEXUS

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a community facility that is caused by the development.

There are three aspects to nexus:

- *Causal nexus – (what) demonstrates that proposed development will or is likely to create an additional demand for recreation and community facilities within the Bathurst Region;*
- *Spatial or physical nexus – (where) demonstrates the recreation and community facilities are to be provided within reasonable proximity to the contributing development to cater for the needs of those that created the demand for it;*
- *Temporal nexus – (when) demonstrates that recreation and community facilities may be provided within a reasonable timeframe.*

The growth expected in the LGA is going to result in a considerable increase in the population using existing community facilities, and also in the need to construct new facilities to accommodate anticipated increased population.

In this particular case, as residential development occurs and the population increases, so too does the demand for facilities provided by Council for which funding is obtained under the Plan. There is no suggestion in the request that there is no nexus between the development and facilities and services identified in the Plan. As noted above the nexus remains whether it is traditional residential dwellings or affordable housing.

The 38 residential units comprising 17 one bedroom and 21 two bedroom units is the equivalent of 72 persons on site. This has the potential to place additional demand upon the community facilities provided by Council under the Development Contributions Plan, which includes:

- Community Buildings;
- Footpaths and cycleways;
- Art Gallery and Library;
- Recreation spaces and Playgrounds;
- Community Centre;
- Botanic Gardens;
- Music Conservatorium
- Sporting facilities;
- Bus Shelters; and
- Public car parking.

The waiving of the contributions levied under the Development Approval granted would therefore place additional cost burden on Council for the provision, maintenance, embellishment and upkeep of community facilities to the detriment of the broader community and other projects and is considered not to be in the public interest.

Reasons put forward in support

In support of the application for modification, correspondence prepared by Premise Australia Pty Ltd on behalf of the Applicant (**attachment 1**) justifies the request on the basis that firstly, Housing Plus are a not for profit social housing provider and there is a need within the community for this type of housing, and secondly, that Council's Contributions Plan states at Clause 2.8;

(b) Development provided by or on behalf of State Government or the Council:

- ...
- *that provide not-for-profit community facilities, such as sportsgrounds, parks, community centres, emergency services; and*
- *that in the opinion of Council does not increase the demand for the categories of community infrastructure addressed by this Plan.*

As to the second point, the Community Facilities Development Contribution Plan (**attachment 2**) contains no such provision. It is also acknowledged that Housing Plus does not undertake this development by or on behalf of the State Government although it is registered and receives support from them.

Whilst it is accepted that Housing Plus is a registered community housing provider it is also acknowledged:

- The application is premised on the development being for residential units.
- The applicant's advice is that the proposal forms part of the NSW Governments 'Social and Affordable Housing Fund '(SAHF); i.e. the development is already

- receiving delivery support from other levels of Government.
- Affordable housing is not a service for which funding is collected under the Section 94 Plan; i.e. this is not a “Works in Kind” arrangement as contemplated by Part 1.9 of the Plan (where the developer completes part or all works identified in the Plan)

Granting exemptions

Clause 1.12 of the Plan ‘Exemptions’ provides that:

Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

It is recommended in this case an exemption should not be granted on the following basis:

- The adopted Contribution Plan applies to the land.
- The development being for residential units is a development to which the Contribution Plan applies.
- The Contribution Plan establishes a nexus between the development type and the provision of community facilities and services.
- There is no suggestion made that residents of the development will not require access to the facilities and services.
- The proposal is already receiving unquantified delivery support from other Government agencies.
- The proposal does not fall within the ambit of a Works In Kind arrangement as contemplated in the Contribution Plan.

CONCLUSION:

The application for modification of Development Consent No. 2019/133, by the deletion of condition No. 22, relating to the requirement for payment to Council of \$109,164.34 toward the provision of community facilities in accordance with Council’s Development Contributions Plan “Bathurst Regional Community Facilities”, should not be supported in the public interest. The ultimate beneficiaries (residents) of the development will by direct nexus inevitably utilise the facilities for which the contributions are claimed.

The proposed modification is not consistent with the provisions of the *Environmental Planning and Assessment Act 1979* (as amended) specifically sections 4.15 (1)(a)(iii), (b) and (e).

FINANCIAL IMPLICATIONS:

Should Council support the request, Council will forego a significant contribution toward the cost of public infrastructure.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Justification [7.2.3.1 - 3 pages]
2. Contribution Plan - Community Facilities [7.2.3.2 - 24 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-191

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:

- (a) not support the application for modification of Development Consent No 2019/133 to delete condition No 22 relating to the payment of Section 7.11 developer contributions.
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/133, for the following reasons:
 - The adopted Contribution Plan applies to the land.
 - The development is development to which the Contribution Plan applies.
 - The Contribution Plan establishes a nexus between the development type and the provision of community facilities and services.
 - Residents of the development will require access to the facilities and services proposed under the Plan.
 - The proposal is not a Works In Kind arrangement as contemplated in the Contribution Plan.
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

7.2.4 DA2020/9 - DEMOLITION OF EXISTING MAINTENANCE DEPOT, CONSTRUCTION OF REPLACEMENT MAINTENANCE DEPOT AND WASH BAY AND INSTALLATION OF ROOF MOUNTED SOLAR SYSTEM - LOT 92 DP 820990 - 42 DURHAM STREET BATHURST NSW 2795

File No: 2020/9

RECOMMENDATION:

That Council:

- (a) support Development Application No. 2020/9 pending further negotiation with Essential Energy;
 - (b) note that subject to these negotiations the Development Application will be determined under delegated authority;
 - (c) notify those that made a submission and NSW Department of Planning, Industry and Environment – Crown Lands of its decision; and
 - (d) call a division.
-

REPORT:

Consent Authority

Bathurst Regional Council is both the applicant (through Council's Engineering Services Directorate) and the consent authority (this assessment report prepared by Council's Environment, Planning and Building Services Directorate) for this Development Application. The Capital Investment Value of the development, at \$240,000, does not meet the threshold for referral of the application to the Joint Regional Planning Panel for determination.

The land is Crown land and the application carries the concurrence of NSW Crown Lands within the NSW Department of Planning, Industry and Environment.

Site

Lot 92 DP 820990 (approximately 4.105 hectares) currently contains an existing multi-purpose sporting oval, cricket nets, canteen and change facilities, grandstand, storage sheds and a maintenance depot known as "The Sportsground".

The land is relatively flat and contains scattered vegetation. Vehicular access to the land is existing over the Eastern corner from Howick Street, the Southern corner from Havannah Street and the Northern corner from Durham Street (see locality plan in **attachment 1**).

The existing maintenance depot (approximately 217.4m²) located on the Southern corner of the land (see **attachment 2**) is currently used by Council's Recreation Works Team for the storage of products and equipment associated with the ongoing maintenance and management of local parks and recreation areas.

Proposed development

The proposed development includes the demolition of the existing maintenance depot and the construction of a replacement maintenance depot (approximately 570m²), which includes:

- Ground Floor: Vehicle store room, caged store room, kitchen, meals room and unisex bathrooms.
- Mezzanine Floor: Storage area.

The replacement maintenance depot is intended to be used as a workspace for Council's Recreation Team and for the associated storage of products, equipment, vehicles and machinery used for the maintenance and management of local parks and recreation areas.

A solar panel system (10kW) is also proposed to be installed on the roof of the maintenance depot and a vehicle/machinery wash bay (approximately 58.1m²) is proposed to be constructed adjacent to the depot.

A copy of plans for the proposed development are provided in **attachment 3**.

Summary of Attachments

Attachment No.	Description
1	Locality plan of Lot 92 DP 820990 and surrounding area
2	Map of existing maintenance depot and development site
3	Amended plans of proposed development
4	Public submission received
5	Minutes of Discussion Forum

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

Division 5, Subdivision 2 – Development likely to affect an electricity transmission or distribution network

The proposal is located within close proximity to overhead powerlines. The application has been referred to Essential Energy for comment. To date the advice received from Essential Energy is that the shed is located too close to the existing powerlines. Essential Energy has advised that the shed would need to be no closer than 7.5 metres from the centerline of any powerline.

In order to comply with these requirements the shed will either need to be reduced in size or relocated slightly to accommodate the required setbacks. The appropriate response is still being considered by the applicant. These alterations are not likely to materially impact upon the development application being considered.

The recommendation to Council is therefore to allow these alterations to be made and allow Council to deal with the issues raised in the public submissions discussed below.

Division 12 Parks and other public reserves

The proposed development is permissible under Clause 65(3) of *SEPP (Infrastructure) 2007*, which states:

65 Development permitted without consent

- (3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council—
- (a) development for any of the following purposes—
 - (viii) maintenance depots,
 - (c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

Note. The term **building** is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.

Lot 92 DP 820990 (approximately 4.105 hectares) is identified as a Public Reserve which is owned by Crown Lands and is under the control of Council. The Department of Planning, Industry and Environment has provided its consent to the application as owner of the land.

Whilst the development of a maintenance depot is permitted without consent, the proposal also involves the demolition of an existing building on land located within a Heritage Conservation Area. Accordingly, a Development Application was lodged for consideration.

Bathurst Local Environmental Plan 2014

Zone

The land is zoned RE1 Public Recreation under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014).

Objectives

The objectives of the RE1 Public Recreation zone under LEP 2014, are listed and discussed in the table below.

Objectives of Zone	Comments
To enable land to be used for public open space or recreational purposes.	The proposed maintenance depot will enable the subject land and surrounding local parks to continue to be used, maintained and managed for the purposes of public open space or recreation.
To provide a range of recreational settings and activities and compatible land uses.	The proposed maintenance depot is compatible with the current recreational use of the land and will be used to service a range of local recreational settings and activities.
To protect and enhance the natural environment for recreational purposes.	The proposed maintenance depot will facilitate the protection and enhancement of the natural environment for recreational purposes.
To protect and conserve the historical and scenic quality of Bathurst's open space areas.	The proposed maintenance depot will facilitate the protection and conservation of the historical and scenic quality of Bathurst's open space areas. The design of the development will be appropriate for the surrounding heritage conservation area.
To provide a network of	The proposed maintenance depot will contribute to the ongoing

open space that encourages walking and cycling.	provision and maintenance of the local network of open spaces that can encourage walking and cycling.
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Permissibility

Whilst the proposed development could be considered ancillary to the permissible uses of *Recreation and Recreation Facility (Outdoor)*, a *Depot* is prohibited on land zoned RE1 Public Recreation under BRLEP 2014. However, as previously discussed, the proposed development as a *Depot* is permissible under Clause 65(3) of SEPP (Infrastructure) 2007.

Special Provisions

Clause 4.3 Height of Buildings

The maximum building height applicable to the land is 9 metres. The proposed development includes a maximum height of 6.4 metres and therefore, complies with the requirements of Clause 4.3 of LEP 2014.

Clause 5.10 Heritage Conservation

Part of the land is identified as a Local Heritage Item, being “Bathurst Sportsground Grandstand, Gates and Memorial”, and the whole of the land is located within the Bathurst Heritage Conservation Area (see **Figure 1**). The site is identified on the NSW Office of Environment and Heritage’s (OEH) State Heritage Inventory Database (Item No: 10807 43) and is not listed the National Trust Register.

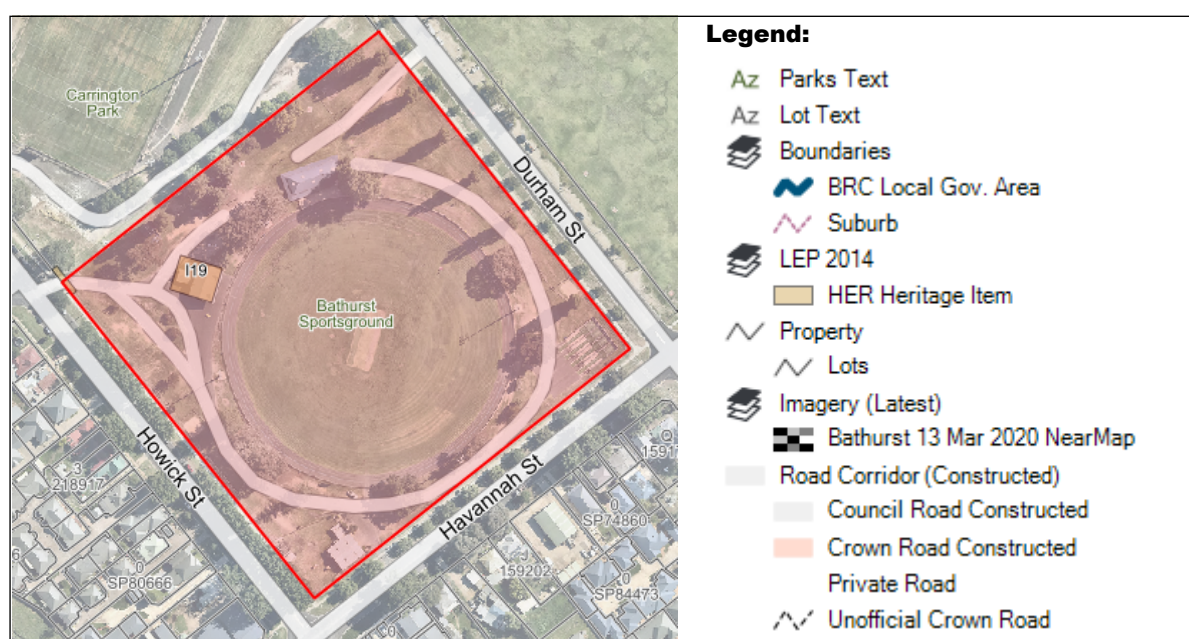


Figure 1 – Lot 92 DP 820990 – Contains Local Heritage Item – “Bathurst Sportsground Grandstand, Gates and Memorial”

During the assessment process a number of design issues were identified which resulted in amended plans being submitted which improved the design of the development and its impacts on the surrounding Heritage Conservation Area. Notably, the Southern and Western Elevations (Havannah Street) now have an aluminum framed false window with a crime safe screen. This has broken the façade from a large monotonous colourbond wall.

Local Heritage Item – “Bathurst Sportsground Grandstand, Gates and Memorial”

The site is large and has multiple structures erected on it. The part of the site that is listed as Local Heritage Item, including the grandstand, memorial and gates, will not be impacted as part of this Development Application.

Demolition of Shed

The existing shed to be demolished is a large metal shed with low heritage significance.

Replacement Maintenance Depot – Location, Design and Landscaping

The amended plans of the maintenance depot have improved the appearance of the development from the surrounding streets. The maintenance depot is a large building in a highly visible corner on the fringe of the CBD, is located within the Bathurst Heritage Conservation Area and in proximity to a Local Heritage Item.

The proposed replacement maintenance depot is in a similar location to the existing shed and there is adequate area for landscaping to screen the structure. Additional landscaping should be provided on site, including established and fast-growing vegetation, to screen the maintenance depot and surrounding compound from the adjoining streets and residences.

Ideally, the landscape screening would be located around all sides of the proposed development. However, during the Discussion Forum held on Monday 29 June, the applicant detailed the following operational and safety issues associated with establishing landscaping around all sides of the development site:

- Heavy machinery will be frequently entering and exiting the proposed machinery depot and it is important that sufficient sight distances be maintained between the development site and the broader public space of the sportsground which is frequently used by the community (including children) for a number of recreational and community purposes.
- The land has previously been subject to vandalism and maintaining some degree of passive surveillance from public areas could reduce safety and security issues and may discourage criminal behaviour.
- The portion of land located on the South-Western side of the proposed maintenance depot and the Howick Street boundary is required for the storage of turf plots and soil bins.

With these concerns in mind, should Council approve the development, it is recommended that:

- The landscaping currently proposed along the South-Eastern boundary be extended further to the North-East alongside Havannah Street (as shown in Red in **Figure 2**). This will increase the amount of screening to the street whilst allowing internal site distances to be maintained.
- Landscaping be established along the South-Western boundary (as shown in Red in **Figure 2**). It is considered that with some slim planting, there will still be a sufficient area remaining on site for the turf plots and soil bins.

- The boundary landscaping not consist of hedges or other vegetation that effectively act as walls that provide concealment.
- Each tree established along the boundaries be located at least 1.5 to 2 metres apart. This will enable some passive surveillance of the site to continue from surrounding public spaces, whilst softening the appearance of the development on the streetscape and providing some partial screening.
- The boundary vegetation be non-deciduous, dense, fast-growing and have a minimum maturity height of at least 4 metres.
- A Landscaping Plan be submitted to Council for endorsement prior to the commencement of any works.
- The planting be carried out prior to the issuing of an Occupation Certificate for the maintenance depot.

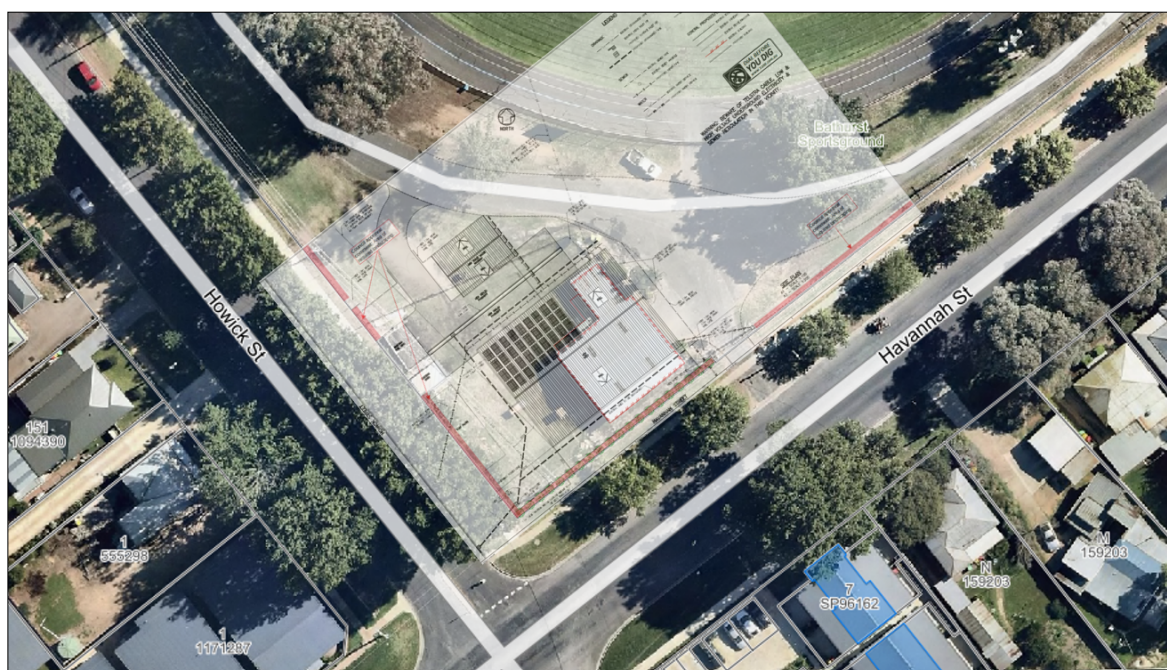


Figure 2 – Site Overlay Plan – Location of Required Landscaping Shown Red

Additionally, it is noted that the existing onsite landscaping and surrounding street planting will also provide an additional layer of softening to the development, particularly during summer.

Fencing

The proposed internal fencing is not considered appropriate to be constructed in a prominent location within Bathurst. To prevent the fence from detracting from the streetscape, it is recommended that the fencing type remain the same but that the colour be changed to black. This will draw the eye away from the fencing and enable the viewer to look through it.

Colour

The use of woodland grey on the exterior of the maintenance depot is considered

appropriate and is consistent with other structures on the site (such as toilet blocks) which utilise woodland grey within their colour schemes.

Wash bay

The wash bay is a smaller shed-like structure separate from the larger maintenance depot. This building is considered appropriate as the scale is smaller than the main depot building and appears to be partially opened.

Solar Panels

The use of Solar panels on the roof of the building is appropriate given that it is a modern building with a low pitch roof, and they will have limited visibility.

Roofing

The use of Trim Deck on the roof of the two structures is not appropriate. A condition is recommended that requires the roof to be of a traditional corrugated profile.

Conditions

Should Council approve the development, the following conditions are recommended:

1. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

2. The cladding on the roof of the proposed maintenance depot and wash bay structure are to be of traditional corrugated profile.
3. The applicant is to submit to Council, for endorsement, a Landscape Plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014 and the following requirements:
 - a) The landscaping proposed along the South-Eastern boundary must be extended further to the North-East alongside Havannah Street, as amended in Red by Council on the approved Site Plan (Dwg No. EN 11770, Revision C, prepared by Bathurst Regional Council, dated 11 May 2020).
 - b) Landscaping must be established along the South-Western boundary alongside Howick Street, as amended in Red by Council on the approved Site Plan (Dwg No. EN 11770, Revision C, prepared by Bathurst Regional Council, dated 11 May 2020).
 - c) All boundary landscaping must not consist of hedges or other vegetation that effectively act as walls that provide concealment.
 - d) Each tree established along the boundaries must be located at least 1.5 to 2 metres apart. This is to enable some passive surveillance of the site to

continue from surrounding public spaces, whilst softening the appearance of the development on the streetscape and providing some partial screening.

- e) The boundary vegetation must be non-deciduous, dense, fast-growing and have a minimum maturity height of at least 4 metres.

Council is to certify that the landscape plan is in accordance with Council's Development Control Plan and the above listed requirements, prior to any work occurring on the site.

4. Landscaping is to be carried out and maintained in perpetuity in accordance with the certified landscape plan. Modification to the certified landscape plan shall only be after receiving written approval from Council.

NOTE 1: The landscaping is to be completed prior to the occupation of the building and maintained in perpetuity.

5. The chain mail fence must not exceed a height of 1800mm and is to be in the colour black.

Clause 7.1 Flood Planning

The land is identified as "Flood Planning Area" on the Flood Planning Map. However, Lot 92 DP 820990 is protected by Havannah Street flood mitigation infrastructure. Accordingly, it is considered that the proposed development will:

- Be compatible with the flood hazard of the land.
- Not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.
- Incorporate appropriate measures to manage risk to life from flood.
- Not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- Not result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed development complies with the requirements of Clause 7.1 of LEP 2014.

Clause 7.3 Airspace Operations

The obstacle limitation surface of the land is identified as "870-879.5 AHD". The natural ground level of the land is approximately 652 AHD and the maximum roof level of the proposed development is approximately 658.4 AHD. Therefore, the proposed development will not impede operations of the Bathurst Airport.

Clause 7.5 Essential Services

The land currently retains connections to electricity and Council's water supply, stormwater and sewerage reticulation networks. The existing points of vehicular access are suitable for the proposed development.

Bathurst Development Control Plan 2014

Chapter 5 – Business and industrial development

The land is zoned RE1 Public Recreation under LEP 2014 and none of the standards prescribed by Chapter 5 of DCP 2014 are explicitly applicable to maintenance depots or the like.

It should be noted that a trade waste system will be installed in association with the proposed wash bay.

Chapter 9 – Environmental considerations

Flooding

The land is identified as Flood Protected on DCP Map No. 32A – Havannah Street Area. Accordingly, it is considered that the development will comply with the requirements of Clause 7.1 of LEP 2014.

Flora and Fauna / Vegetation Management and Biodiversity

No tree removal has been proposed as part of this application.

Sustainable Building Design and Energy Efficiency

The proposed development includes the installation of a 10kW roof mounted solar system to service the development. The renewable energy system will increase the sustainability of the development.

All Solar Panels are proposed to face North-West internally towards the remainder of the sportsground. Council's Environmental Officer has recommended that 50% of the Solar Panels face North-East to maximise solar access for the period of the day that the building will be used. However, the development will be located on a prominent corner on the fringe of the CBD and the currently proposed orientation of the solar panels reduces their visibility on the heritage streetscape (particularly from Havannah Street). Therefore, it is recommended that the solar panels be installed in their currently proposed location. The roof pitch of the maintenance depot is low (only 7 degrees) and therefore it is only likely to be during a small period of the morning that the solar panels will not receive substantial sun exposure.

Chapter 10 – Urban design and heritage conservation

Demolition of Buildings

The proposed development involves the demolition of an existing shed which has a low heritage significance, which can be supported.

Front Fences

An 1800mm high internal chain mail fence has been proposed around the back of the proposed buildings, alongside the existing internal driveway. The proposed fencing will be appropriate for the development, subject to conditions requiring that it is in the colour black.

Commercial / Industrial Development

The design of the proposed maintenance depot is industrial in nature and it is considered to be an industrial-type building for the purposes of Chapter 10.

Amended plans were submitted which improved the design of the development and its impacts on the surrounding Heritage Conservation Area. The Southern and Western Elevations (Havannah Street) now have an aluminium framed false window with a crime safe screen. This has broken the façade from a large colourbond wall.

The proposed replacement maintenance depot is in a similar location to the existing. No issue is raised in relation to the location of the development as there is a sufficient area available around the proposed structures for the establishment of landscaping which is to screen and soften the appearance of the development on surrounding streetscapes.

Conditions of consent will be implemented to ensure that a suitable Landscaping Plan is submitted to Council for endorsement prior to the commencement of any works and to ensure that the roof cladding of the proposed maintenance depot and washbay is of a traditional corrugated profile.

Aboriginal Heritage

The land is identified as having a low Aboriginal heritage sensitivity. Given that the propose development will replace an existing shed and that the land has been subject to previous disturbance, it is considered that the proposed development will not have any adverse impact on Aboriginal cultural heritage.

Chapter 11 – Outdoor lighting

It is recommended that the following condition of consent be implemented to control any proposed outdoor lighting:

1. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE 1: Compliance with Australian Standard AS4282 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

It should be noted that no changes to the existing large sporting field light towers have been proposed as part of this application.

Chapter 12 – Signage and colour schemes

No signage has been proposed as part of this application. The proposed maintenance depot and wash bay will be in the colour “Woodland Grey”. The use of woodland grey on the exterior of the maintenance depot and washbay is considered appropriate as the dark colour will blend the building into the distance. Other structures on the site (such as toilet blocks) utilises woodland grey within their colour schemes.

Chapter 13 – Landscaping and greening

As previously discussed, conditions of consent can be implemented to ensure that a Landscaping Plan prepared in accordance with Chapter 13 is submitted to Council for endorsement, prior to the commencement of any works.

Chapter 14 – Parking

The proposed maintenance depot will provide additional covered parking for the storage of machinery and equipment on site. It is considered that there is a sufficient area

available on site for the parking of any associated worker's vehicles. All new vehicle manoeuvring areas are proposed to be sealed.

Public Consultation

Exhibition Period

The application was placed on public exhibition for a period of fourteen (14) days between 1 June 2020 and 16 June 2020. One (1) public submission was received during this time which is provided at **attachment 4**.

Discussion Meeting

A Discussion Meeting was held on 29 June 2020 between Council's Planning staff (assessing officers), Council's Engineering and Recreation staff (the applicant) and the person that made a public submission. It should be noted that due to COVID-19 restrictions there was some minor delay in time between closure of the exhibition period and the holding of a Discussion Meeting.

Objections to the application remained unresolved at the conclusion of the Discussion Meeting. Accordingly, the application is required to be referred to Council for determination under CPP 2019. Minutes of the Discussion Meeting are provided in **attachment 5**.

Issues

Issues raised in the public submission are outlined below:

- A two story, industrial Colourbond shed would look out of place and is not historically sensitive to the buildings in the surrounding area.
- Due to their historical significance, the appearance of surrounding dwellings are unable to be changed by residents.
- Residents have renovated and conscientiously preserved their 140 year old cottages. The façades of the cottages are a benchmark for other new developments in the area (including the newer residential units). New residential developments must: be single-storey, have a low front fence and have an overall design that is sympathetic to the historical buildings of the area.
- "Viola Cottage" at 118 Howick Street, is a Victorian era house located adjacent to the current council workshop. Ms D. Fogarty was very proud of the historical preservations that she had made to her home. The house was owned by the Fogarty Family for at least 60 years until 2012.
- The proposed large two-storey colourbond shed will occupy the entire corner of Howick and Havannah Streets and will look like a factory. The proposed shed will occupy the whole sportsground area and there is no reason that the proposed development could not be relocated onto either the cricket practice pitch or behind the toilet block.
- In relation to the proposed development, Council's attitude towards preserving the historical ambience of lower Howick Street is duplicitous.

Other Issues

Internal referrals

The application was referred to the following Council Officers for comment and no objections were raised subject to conditions of consent:

- Trade Waste Assistant.
- Environmental Officer.
- Heritage Planner.
- Plumbing and Drainage Inspector.
- Health and Building Surveyor.

CONCLUSION:

The proposed maintenance depot will replace an existing maintenance depot located on the land. The development is permissible under Division 12 of SEPP (Infrastructure) 2007 and is consistent with the objectives of the RE1 Public Recreation zone under LEP 2014.

Subject to conditions of consent (particularly relating to landscaping and colour), it is considered that the proposal will not place any adverse impact on the Bathurst Heritage Conservation Area or Local Heritage Item.

Continued efforts will be made to ensure that the proposal is consistent with the requirements of Essential Energy in accordance with Division 5, Subdivision 2 of SEPP (Infrastructure) 2007. Any changes to the development plans will also be referred to the NSW Department of Planning Industry and Environment – Crown Lands for approval.

The proposal is not inconsistent with any relevant published Commonwealth, State or local government policy, plan, guideline, study or strategy and is considered to be in the Public Interest.

It is recommended that Council support the proposed development and concur that the application be determined under staff delegation.

FINANCIAL IMPLICATIONS:

Nil at this stage.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- | | |
|--------------|---|
| Strategy 1.2 | Protect, enhance and promote the region's European heritage assets and character. |
| Strategy 1.4 | Protect and improve the region's landscapes, views, vistas and open space. |
| Strategy 1.5 | Promote good design in the built environment. |

Objective 3: Environmental stewardship.

Strategy 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely.

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 5: Community health, safety and well being.

Strategy 5.4 Make our public places safe and welcoming.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Locality plan of Lot 92 DP 820990 and surrounding area [7.2.4.1 - 1 page]
2. Map of existing maintenance depot and development site [7.2.4.2 - 1 page]
3. Amended plans of proposed development [7.2.4.3 - 10 pages]
4. Public submission received [7.2.4.4 - 5 pages]
5. Discussion Forum minutes [7.2.4.5 - 7 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-192

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) support Development Application No. 2020/9 pending further negotiation with Essential Energy;
- (b) note that subject to these negotiations the Development Application will be determined under delegated authority;
- (c) notify those that made a submission and NSW Department of Planning, Industry and Environment – Crown Lands of its decision; and
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

7.2.5

**DEVELOPMENT APPLICATION NO. 2020/107 –
RURAL DWELLING AND CLAUSE 4.6 VARIATION TO
MINIMUM LOT SIZE AT LOT 15, DP 700460, TARANA
ROAD, BREWONGLE. APPLICANT: MR P & MRS V
HENNESSY. OWNER: MR P & MRS V HENNESSY**

File No: 2020/107

RECOMMENDATION:

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 LEP for Lot 15 DP 700460;
 - (b) refer the proposal to the Department of Planning Industry and Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 of the LEP;
 - (c) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation; and
 - (d) call a division.
-

SUMMARY:

The property has been the subject of several Development Applications over the years. These applications have resulted in both approvals and refusals.

Given this history, Council engaged the services of an independent consultant Town Planner to undertake an assessment of the development application and prepare an assessment report for Council's consideration.

The Consultant Town Planner chosen was Mr Lindsay Fletcher. A brief Curriculum Vitae is provided at **attachment 1**.

The consultant's assessment report is provided at **attachment 2**, with the consultant's conclusion and recommendations (section 8 of the report) provided here:

"8 CONCLUSION & RECOMMENDATION

8.1 Conclusion

The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory subject to conditions.

The application seeks development consent for construction of a single storey dwelling house with attached double garage at 708 Tarana Road, Brewongle. The proposal is permissible with consent under Council's LEP and, except for the minimum Lot area development standard, complies with the relevant provisions of Council's LEP and DCP.

As the subject allotment has an area of 18.3ha it is well under the 100ha minimum allotment size required for the erection of a dwelling house under Council's LEP. Accordingly, the application includes a request to vary this development standard pursuant to clause 4.6 of the LEP.

There are two key issues identified in the assessment of this development application. They are firstly, whether the applicants' request under clause 4.6 of the LEP satisfies the relevant tests under that clause to enable a variation of the minimum Lot area development standard. The second and related issue is whether upholding of the applicants' request will create an undesirable precedent.

These issues have been discussed in detail in Section 7 of this report. In summary, the assessment has concluded that the proposed development is either consistent with, or not antipathetic to, any of the relevant objectives of clause 4.2B or the objectives of the RU1 Primary Production zone and is therefore considered to be in the public interest.

The issue of potential for precedent must be considered more broadly than simply the extent of variation. Whilst the number of allotments of a similar size that do not currently contain a dwelling is one consideration, the other circumstances of each particular case must also be considered. It is only in the most unlikely event that another application was able to match all the same circumstances identified in this case that a precedent would arise. The reasonable likelihood of further applications of this nature for precedent to be an overriding concern is considered to be negligible, if any.

The proposed development otherwise complies with Council's objectives and controls for the site and the locality. The site is suitable for the development proposed which will generally have acceptable environmental and amenity impacts subject to appropriate conditions of development consent. Accordingly, it is concluded that the applicants' request for exception from the development standard should be supported by Council and the necessary concurrence of the Department of Planning, Industry & Environment be sought to enable conditional consent to be granted.

8.2 Recommendation

That Council, as the consent authority:

- 1) 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 LEP 2014 for Lot 15 DP 700460.*
- 2) refer the proposal to the Department of Planning, Industry & Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 the LEP.*
- 3) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the*

application by way of approval with appropriate conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation.”

The consultant's assessment and recommendations are presented to Council for consideration. However, there are matters in that assessment which bear commenting upon. As is the case where matters of opinion are expressed, it is appropriate those opinions be scrutinised.

General background

Summary of attachments

Attachment No.	Description
1	Consultants Curriculum Vitae
2	Consultants assessment report
3	Location plan and aerial image
4	Plans of proposed development
5	Statement of Environmental Effects
6	Department of Planning correspondence - DA 2018-207

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 **attachment 3**.

The plans for the proposed development are at **attachment 4** and the Statement of Environmental Effects is at **attachment 5**.

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

The site has an area of 18.3 hectares.

Whilst dwellings are permissible in the zone, the land area is 18.3 ha and the minimum lot size is 100ha. The 100ha minimum lot size is well established, having been in place for decades and has been part of a number of Planning Instruments. The application includes a request to depart from the minimum lot size under Clause 4.6 of BRC LEP 2014.

Application History of the Site

The following chronology of the land has been derived from Council's files.

1988

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.

1994

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 Council 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 Evans Shire Council 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 Evans Shire Council to the owners in May 2001 was that the 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.*

2018

In 2018 a Development Application was lodged with Bathurst Regional Council for a “New Dwelling” on the subject lot. The application was accompanied by a clause 4.6 request for variation to development standard.

That application was the subject of a report by Council’s Director Environment Planning and Building Services to the Council Meeting on 18 July 2018 which recommended that Council not support the variation of the development standard and refuse the development application for the following reasons:

- *The proposal is not consistent the objectives of the RU1 Primary Production Zone;*

- *The proposal is not consistent with the objectives of clause 4.2B Erection of dwelling houses on land in certain zones.*

Council resolved to support the development application in principle and refer the application to the NSW Department of Planning and Environment seeking the Secretary's concurrence to the clause 4.6 variation request so that Council would be able to grant consent to the proposed development. The resolution of Council was as follows:

- (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.*

The NSW Department of Planning and Environment determined not to grant concurrence for the following reasons (refer **attachment 6**):

- The proposal involves a proposed dwelling house located on land that has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land - this is significant to regional planning;
- the development standard of 100ha is long-standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case; and
- relaxing the development standard in this case will result in a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small Lots.

The Department's letter also contained the following comment:

"It is suggested that Council review its rural strategy (and any other strategies that are at least 5-10 years old) and clarify the provision of rural-residential land in the Bathurst Regional Council local government area including this locality."

Given the Secretary's non concurrence, Council was obliged to refuse the development application.

The Development Application 2018/207 was refused under delegation for the following reasons:

1. *The Secretary's concurrence, as required under Clause 4.6 of the Bathurst LEP 2014, has been refused for the following reason.*

- i. *The development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case;*
- ii. *The proposal involves a proposed dwelling house located on land that has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land – this is significant to regional planning and*
- iii. *Relaxing the development standard in this case will result in a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small lots.*

Planning Provisions

The principal issues surrounding this application relate to Clause 4.2B *Erection of dwelling houses on land in certain rural zones* and Clause 4.6 *Exceptions to development standards*. The other planning matters are dealt with in the independent consultant's assessment and raise no planning issues that would suggest refusal.

The relevant parts of these provisions are as follows

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)
 - (c) *.*
- (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)
 - (c)
 - (d)
 - (e)
- (4) *.*

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—*
 - (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 Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6)
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.*

General approach to Clause 4.6 variations

The general approach to considering Clause 4.6 variations has been dealt with on many occasions in the Land and Environment Court. The Department of Planning Varying Development Standards Guidelines 2011 summarises the matters to consider when

assessing an application to vary a standard to determine whether the objection is well founded as:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own action in granting consents departing from the standard.
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the parcel of land. That is, the particular parcel of land should not have been included in the zone.

These approaches are based on those summarised in *Wehbe vs Pittwater*.

“Unreasonable and unnecessary in the circumstances”

As noted in the independent consultant's assessment the applicant's claim that compliance is unreasonable or unnecessary relies essentially on three circumstances.

Firstly, the site is physically isolated by the railway and Tarana Road so amalgamation of the allotment with other properties so as to achieve the required minimum allotment size is impossible. Additionally, even without legal consolidation of allotments, the use of the allotment within adjoining properties for agricultural purposes is not practicable given constraints imposed by the railway and the public road.

The applicants do not dispute Council's claim that there are many other existing allotments of similar area to the subject site. However it is not clear from either Council's report on previous development application or the applicants submission how many, if any, of these similar allotments are physically isolated and therefore incapable of amalgamation in order to achieve the required minimum Lot Size. In their report on the previous development application Council officers acknowledged that this was a main and “potentially unique” feature of this land.

It is this physical isolation that the applicants rely upon as circumstances of this case for justification of the variation and to differentiate this case from other similar sized allotments in order to avoid creation of an undesirable precedent.

Secondly, the applicant relies upon the site not being viable for agricultural purposes given its small area, physical isolation and poor soil capability. This circumstance is not disputed by Council officers who, in the report on previous development application, agreed that the land is of “limited agricultural capability”

The subject land is classed as Class 5 in the NSW Land and Soil Capability system which is regarded as having “severe limitations”, and together with Class 4 lands is described as land not being capable of being regularly cultivated but suitable for grazing with occasional cultivation.

The construction of a dwelling on the allotment would not reduce its viability for productive agricultural use. Indeed, it may be argued that the provision of a dwelling may facilitate some limited agricultural uses of the property.

Finally, the applicants rely upon the lengthy history of previous approvals on this site as a circumstances that justifies variation of the standard in this case and differentiates this case from the numerous other undersized allotments in the zone.

As detailed in Section 3 of this report, the relevant consent authority at the time has on four separate occasions either granted consent, extended consent or modified consent for the erection of a dwelling house on this land. In each instance the required minimum allotment size for a dwelling house was 100ha, being the same minimum area as required today.

The DA approval in January 1993 necessitated concurrence from the then Department of Planning to a SEPP 1 objection to that same 100ha minimum allotment area development standard. That necessary concurrence was granted by the Department of Planning.

It is this history of approvals on the site that the applicants rely upon as a unique circumstance of this case for justification of the variation and, importantly, to differentiate this case from other similar sized allotments in order to avoid creation of an undesirable precedent.

Director's comment

Physical separation

The physical isolation of the land as a result of the location of Tarana Road and the Great Western Railway is given considerable weight in the applicant's request and the independent consultant's assessment as grounds for support.

Given the meandering nature of the Great Western Highway and Tarana Road there are other allotments of land and indeed larger holdings which are both isolated and traverse one or both. In a general sense it would not be uncommon for barriers in the rural areas to represent impediments to agricultural use. This could take the form of roads, rail, rivers and watercourses.

Advice provided to Council by the Department of Planning dealing specifically with appropriate and inappropriate uses of SEPP 1 (being the forerunner to the current Clause 4.6 variations) concludes that Rural SEPP 1 applications requiring the concurrence of the Director General are generally not justified when the proposal *"is based solely on the case of a "natural" subdivision, where the property is divided by a road or a watercourse"*.

Viability

The issue of viability of agricultural land is often raised as an issue when dealing with applications. Whilst the issue of viability is not specifically mentioned in the zone objectives, the issue of viability or economic viability has previously been addressed by the Land and Environment Court in *Ratsep v Bathurst Regional Council* [2007] NSWLEC 115 (9 March 2007).

The Ratsep decision draws the conclusion that "viability refers to being practicable and workable" and "that the viability of agricultural development is not coincident with the economic viability of agricultural enterprise". In this context the fact that land is too small to undertake "viable" agricultural pursuits, has poor soil characteristics or is isolated does not assist in determining whether the 100 ha development standard is unreasonable or unnecessary. Agricultural viability is a highly variable notion compared to a single value numerical standard; that a parcel of land is not agriculturally viable does not in itself justify a dwelling entitlement.

Previous approvals

The history of previous approvals is outlined above.

It is noted that of those approvals granted:

- The 1988 approval was on the basis that the land formed part of a large compliant holding.
- The 1992 approval was based on a SEPP 1 objection to the Minimum Lot Size supported by both the Council of the day and the Department of Planning.
- The subsequent modification in 1994 of the 1992 consent was based on it being “substantially the same” as opposed to it being a re-consideration of the minimum lot size.

Further it should be of equal importance that the more recent consideration of dwellings on the land has resulted in 3 refusals. The more recent decisions have been based on more recent planning instruments and with the benefit of underlying Strategies such as Council’s 2008 Rural Strategy.

It is also noted that the allotment was at times held under the same ownership as adjoining land. This was the case when the original application was approved in 1988 and more recently when the land was purchased by the current applicants who also owned land to the east of the allotment (being Lot 95 DP755784 comprising 24.69 ha and containing an existing dwelling).

Consistency with objectives

As is acknowledged in the consultant’s assessment report, the principal applicable objective of Clause 4.2B *Erection of dwelling houses on land in certain rural zones* in this context is to “minimise unplanned rural residential development”

The independent consultant makes the following observations on this issue;

Objective (a) aims to “minimise” unplanned rural residential development, not prohibit it entirely. It is considered that to exclude rural residential development entirely based on this objective would be a misinterpretation of the objective and be inconsistent with the flexibility sought and permitted through the inclusion of clause 4.6 of the LEP.

It must be recognised that clause 4.6 is there for a purpose and has work to do. Its purpose, as set out in subclause (1) objectives, is to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The term “unplanned” is not defined in the LEP but has been interpreted to mean development that is not identified either in Council’s statutory planning documents or strategic planning documents as intended for particular land.

Both Council officers and the Department of Planning in respect of the previous application have relied heavily on the subject property not being identified as an appropriate location for rural residential development in the 2008 Bathurst Region Rural Strategy. That strategy was part of the framework for the formulation of the

current LEP.

However, it is now almost 12 years old and it is relevant to note that in withholding concurrence to the previous application in 2018, the Department of Planning and Environment included the following comment:

It is suggested that Council review its rural strategy (and any other strategies that are at least 5-10 years old) and clarify the provision of rural residential land in the Bathurst Regional Council local government area including this locality.

It is questionable whether the rejection of a clause 4.6 variation on the basis of the land not being identified in the Rural Strategy should be relied upon given that if the land were identified in the Strategy, no doubt a smaller Lot size would apply, rendering a clause 4.6 variation unnecessary. As previously indicated, clause 4.6 is there for a purpose and has work to do. It is considered an appropriate and intended use of clause 4.6 to deal with applications that vary a development standard in particular circumstances where strict compliance is unreasonable or unnecessary. To reject any proposal because it had not been identified in a strategic planning document would deny the flexibility in clause 4.6.

In any event, the subject development application does not propose broadscale release of land for rural residential development. Rather, it is an application for a single dwelling house on an existing parcel of land in a rural zone in which dwelling houses are a permissible land use. In their report on the previous application, for essentially the same dwelling in the same location, Council officers acknowledged, more than once, that a single dwelling on this particularly lot, which has received development approval in the past, is in isolation unlikely to cause significant impact.

Similarly, in their previous report Council staff have agreed that the provision of a dwelling on this allotment will not hinder primary production use of surrounding land or the subject land. Despite these acknowledgements, Council officers felt unable to support variation of the minimum lot area development standard because of the "amount of the variation" and their concern about the "precedent that might be set for a very large number of vacant lots below the current minimum lot size"

The issue of precedent is discussed below in Section 7.2 of this report. In relation to the concern about the amount of the variation it must be noted that the extent of the discretion is not afforded by subclause 4.6(2) is not numerically limited. That is, the extent of variation does not matter providing the proposed development satisfies the relevant tests under clause 4.6 and the normal heads of consideration under s.4.15 of the Act. If a proposed development satisfies those tests, the only real relevance of the extent of variation is in relation to the ability of Council to assume concurrence. In effect, it elevates the consideration of the variation request to the regional and State level if Council resolves that a variation should be supported.

For all of the above reasons, it is considered that the proposal, when dealt with on its individual merits, does not represent "unplanned rural residential development" and is therefore not antipathetic to objective (a) on the development standard.

Director's comment

As is noted above, the primary objective of the development standard is to minimise unplanned rural residential development, which in this context is taken to mean development that is not identified either in the statutory planning documents or strategic planning documents.

The consultant's assessment notes the previous reliance upon the 2008 Bathurst Region Rural Strategy. The Strategy underlies the 2014 LEP under which this application is considered. The 2008 Rural Strategy specifically examined the Brewongle area for the purposes of rural residential development or Village purposes. The investigation specifically included this particular property. The recommendation for this area (inclusive of this property) was 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.

Given the importance that both Council and the Department place on Strategy to underwrites its planning standards it is unsurprising that previous decisions have noted the importance of revision in favour of ad hoc decisions.

The observation is made in the consultant's assessment that *it is questionable whether the rejection of a clause 4.6 variation on the basis of the land not being identified in the Rural Strategy should be relied upon given that if the land were identified in the Strategy, no doubt a smaller Lot size would apply* does however warrant further discussion.

As with any strategic review it is unreasonable to make any assumptions as to its outcomes. Increasing planned densities and reductions in the Minimum Lot Size within the rural zones is subject to Local Planning Directions (made under Section 9.1 of the Act) aimed at protecting the agricultural production value of land. For example Direction 1.2 Rural Zones outlines that a planning proposal must "not contain provisions that will increase the permissible density of land within a rural zone" (other than land within an existing town or village)" Similarly Planning Direction 1.5 Rural Lands provides limitations and considerations governing changes to the minimum lot size on land within a rural or environmental protection zone.

It would be premature to assume that a review of the Rural Strategy, when that occurs, would recommend changes to the zonings around Brewongle. It would be further premature to make assumptions as to what those standards may be.

It is also acknowledged that the Council has recently adopted its Local Strategic Planning Statement (LSPS). The LSPS will form the basis for many landuse decisions as the region grows over the next 20 years.

The LSPS notes that agricultural lands remain under pressure from a number of factors including rural lifestyle development and ongoing pressures to subdivide rural land for housing and lifestyle lots. The LSPS has foreshadowed a review of many issues including the minimum lot size and the ongoing relevance or and demand for rural lifestyle housing.

There is an inherent danger in making assumptions as to the outcomes in the strategic planning process. As noted in Wehbe, SEPP 1 (being the predecessor to Clause 4.6) *"does not permit a general inquiry into the appropriateness of the development standard for the zoning" and "the dispensing power under SEPP 1 also is not a general planning power to be used as an alternative to the plan making power under Part 3 to change existing planning provisions. An objection cannot be used as a means to effect planning changes throughout a local government area"*.

Whilst it is acknowledged that Clause 4.6 does not provide any limitation on the extent of

variation to the development standard (in this case 72%) it is not unreasonable to suggest that the greater the variation the more difficult is to demonstrate that the development is consistent with the objectives. This notes that the usual way of demonstrating compliance with the zone objectives is by achieving the Minimum Lot size. It must also form part of the consideration that the standard itself has been in place for many years and has been reviewed and retained through successive planning schemes.

Precedent

As noted in the consultant's assessment report "*it is proper for a consent authority to be concerned about creating a precedent for variations from development standards that may lead to a proliferation of similar applications, thereby undermining the purpose of the development standard and proper land use planning*".

The consultant's assessment report notes that the circumstances that arise in this case and distinguish it from other similar sized allotments, are as follows:

- The property is physically isolated by public roads or railways and cannot be physically amalgamated with adjoining land to achieve to conforming lot area;
- The surrounding public infrastructure precludes practical use of the land in conjunction with adjacent land to achieve sustainable and viable agricultural land uses;
- The proposed dwelling house is unlikely to have any significant adverse impacts on the environment or the character of the locality;
- The isolation of the site and the location of the proposed dwelling is unlikely to have any adverse impacts on surrounding agricultural lands or cause any significant land use conflicts;
- On 4 previous occasions the relevant consent authority has either granted consent, extended consent or modified consent for the erection of a dwelling house on this land, despite non-compliance with the required minimum allotment size; and
- On one of those occasions, the then NSW Department of Planning concurred to upholding a SEPP 1 objection to that same 100ha minimum allotment area development standard.

Director's comment

The consultant's approach to the issue of precedent contrasts with the position taken by the Land and Environment Court in *Thorncraft v Anor* and *Bathurst Regional Council* where it was found:

*It is clear that there are many lots within a two kilometer radius of the site which are considerably less than 100 hectares in area. Those lots in most cases comprise part of a larger, but there is no reason why they could not be separately sold and become the subject of similar applications to the present. Under these circumstances the Council is of the view that the precedent is another factor which should be taken into account. As was noted in *Goldin v Minister for Transport* (20020 121 LGERA 101 at 110, if there is an application for development which is both objectionable in itself, and where there is 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.*

This stands as a further reason for refusing the present development application. As I have said what is proposed here is a hobby farm. It could lead to other hobby farms on other allotments which are less than 100 hectares in area in the vicinity.

As noted in the consultant's assessment report there are 95 vacant lots within a 4 km radius of the subject land.

OPTIONS

Council's options in relation to the application are therefore

Option 1 - to support

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 LEP for Lot 15 DP 700460;
- (b) refer the proposal to the Department of Planning Industry and Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 of the LEP;
- (c) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation; and
- (d) call a division.

Option 2 - not to support

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 2020/107, for the following reasons:
 - *The proposal is not consistent the objectives of the RU1 Primary Production Zone;*
 - *The proposal is not consistent with the objectives of clause 4.2B Erection of dwelling houses on land in certain zones.*
- (b) call a division

CONCLUSION:

Council has received a Development Application for a dwelling house on Lot 15 DP700460 on Tarana Road. The subject property is approximately 18ha whereas the Council adopted development standard is 100ha.

Due the long history of applications Council engaged Consultant Town Planner, Mr Lindsay Fletcher, to undertake an assessment of the application. The consultant's

assessment is of the opinion that the application is supportable and it is the consultant's recommendation which is presented for Council's consideration. However, there are matters raised in the report which are capable of being challenged and Council is not obliged to accept the consultant's opinion.

Should Council resolve to support the application it will require the concurrence from the Secretary of the Department of Planning and Environment to enable consent to be granted.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

- Strategy 6.4 Meet legislative and compliance requirements.
- Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Consultants CV [7.2.5.1 - 3 pages]
2. Consultants assessment report [7.2.5.2 - 41 pages]
3. Location plan and aerial image [7.2.5.3 - 1 page]
4. Plans of proposed development [7.2.5.4 - 9 pages]
5. Statement of Environmental Effects [7.2.5.5 - 115 pages]
6. Department of Planning correspondence - DA 2018-207 [7.2.5.6 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-193

MOVED: Cr J Jennings SECONDED: Cr J Rudge

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 LEP for Lot 15 DP 700460;

- (b) refer the proposal to the Department of Planning Industry and Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 of the LEP;
- (c) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation; and
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

**7.2.6 DEVELOPMENT APPLICATION NO. 2020/143 –
SHED AT 25 MEAGHER STREET, LLANARTH.
APPLICANT: MR C WARRY. OWNER: MR C
WARRY & MRS M WARRY**

File No: 2020/143

RECOMMENDATION:

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. 2020/143, 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 shed is not to be used for commercial or industrial purposes
 - (ii) The shed is not to be used for human occupation under any circumstances
 - (b) notify those that made submissions of its decision; and
 - (c) call a division.
-

REPORT:

The Site

Council has received a Development Application (DA) for the construction of a shed with a bathroom at 25 Meagher Street, Llanarth, described as Lot 220, DP 1263050.

A location plan and aerial photo are provided at **attachment 1**.

The subject site is currently vacant. Adjoining and surrounding properties contain dwellings in various stages of construction.

The site has an area of 749.1m².

At this stage there has been no applications lodged for any dwelling on the property.

The proposal

The proposal involves the construction of a 16 metre long, 6 metre wide and 4.212 metre high shed with a bathroom. This creates a floor area of 96 square metres.

Plans of the proposed development are at **attachment 2**.

The proposed shed will be 1 metre from the common boundary with 67 Westbourne

Drive, 1.935 metres from the common boundary with 23 Meagher Street, 2 metres from the front boundary with Westbourne Drive and 18.715 metres from the boundary with Meagher Street.

During the assessment process the applicant submitted amended plans to increase the setback from Westbourne Drive from 1 metre to 2 metres. A second bathroom was deleted from the initial plans. The applicant was also requested to provide a site plan showing the proposed future dwelling on the land (see plan at **attachment 3**).

The application does not propose commercial or habitable use of the shed. Conditions to this effect will be imposed on the development.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the Bathurst Regional Local Environmental Plan 2014. A shed is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The Height of Buildings Map indicated that the maximum building height for the subject property is 9 metres. The proposed shed will have an overall height of 4.212 metres. The development therefore complies with Clause 4.3 Height of buildings.

Bathurst Regional Development Control Plan 2014

Development Standard	Permissible	Proposed	Complies
Front building line setback	Combined distance of 8m, provided neither less than 2m	2m from Westbourne Drive, 18.715m from Meagher St.	Yes
Side setback	As per NCC	1 metre	Yes
Rear setback	As per NCC	1.935 metres	Yes

Clause 4.4 – General Siting Considerations

Section 4.4.1 of the DCP outlines the general siting considerations for all residential development. The objectives outlined in Section 4.4.1 include:

- To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- 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 streetscape.

The DCP does not contain any specific provisions in relation to the overall height (beyond the general height of buildings limitations, i.e. 9m) and size for residential sheds.

For comparative purposes sheds of up to 60 square metres may be considered exempt development (i.e. development not requiring a development application) with maximum height of 4.5 metres (the proposal is 4.212 metres) and a maximum wall height of 3.3 metres (the proposal being 3 metres).

As there is currently no dwelling on the site and no fencing, the proposal will be highly visible within the local surrounds. It will be prominent when viewed from Westbourne Drive and the surrounding residential premises, noting it is ultimately a matter of opinion as to the significance of this visual prominence.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was notified to adjoining property owners from 18 May 2020 to 28 May 2020. Following the advertising and notification period a total of seven submissions were received (see submissions at **attachment 4**).

A discussion meeting was convened by the Director Environmental Planning & Building Services on 29 June 2020 (see minutes of discussion meeting at **attachment 5**). Issues raised in the submissions and at the discussion meeting included:

- The overall size of the shed in a residential area;
- The appearance of the shed;
- The minimal front setback on Westbourne Drive; and
- Negative impact on property values.

Following the discussion meeting, the applicant provided further information in response to the issues raised (**attachment 6**).

The matters surrounding the size and appearance of the shed are dealt with above. The shed as proposed otherwise complies with the standards adopted in the DCP in relation to the front setback. To a certain extent, the visibility of the shed from the surrounding streets is influenced by there being no dwelling constructed on the site.

The impact of the development on property values is not typically a matter for consideration under planning legislation.

CONCLUSION:

Council has received a Development Application for the construction of a 16-metre x 6-metre shed with an overall height of 4.212 metres at 25 Meagher Street, Llanarth. The proposal was notified in accordance with Community Participation Plan 2019 given the shed is over 60 square metres on land within the R1 zone. The proposal is consistent with the objectives of the zone and the relevant development control standards. It is therefore recommended the Development Application be approved.

FINANCIAL IMPLICATIONS:

Nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Location Plan [7.2.6.1 - 1 page]
2. Plans [7.2.6.2 - 11 pages]
3. Site plan [7.2.6.3 - 1 page]
4. Submissions [7.2.6.4 - 13 pages]
5. Discussion forum minutes [7.2.6.5 - 3 pages]
6. Applicant response to issues raised [7.2.6.6 - 8 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-194

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) As the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/143 for the following reasons:
 - i) The proposed shed will have an adverse impact on the streetscape due to its size and location.
- (b) Advise the applicant that any shed or shipping container would not be considered as exempt development under Bathurst Regional Local Environmental Plan 2014 until such time as the building lines are established on the site by way of approval of the main dwelling on the property.
- (c) Advise the applicant that the shed may be reconsidered (via new Development Application or by a Review under Division 8.2 of the Act) when approval is granted for a dwelling on the property.
- (d) Notify those that made submissions of its decision; and
- (e) Call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

7.2.7

DEVELOPMENT APPLICATION NO. 2020/127 – NINE TWO-STOREY RESIDENTIAL UNITS, FRONT FENCES, TREE REMOVAL AND NINE LOT STRATA SUBDIVISION AT 20 GRIFFIN STREET, MITCHELL. APPLICANT: NEMCO DESIGN PTY LTD. OWNER: BOULANGERIE MENAI PTY LTD

File No: 2020/127

RECOMMENDATION:

That Council:

- (a) support the variation to the residential density and front building line setback 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. 2020/127, 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) Prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties).
 - b) Noise.
 - c) Soil and water management
 - d) Waste management
 - e) Stabilisation and monitoring of adjoining buildings.
 - f) Vibration.
 - g) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.
 - (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 nine two-storey residential units, front fences and a nine lot strata subdivision at 20 Griffin Street, Mitchell, described as Lot 25, DP 264179.

See location plan and aerial photo at attachment 1.

The subject site is currently vacant except for concrete footpaths connecting Griffin Street, Ross Place and Crago Way and an electrical substation in the southern corner.

The subject site has frontage to Griffin Street and Ross Place.

Ross Place is not currently a public road. The 70 metres or so at the end Griffin Street is similarly not currently a public road. Instead, these roads are under the care and control of NSW Land and Housing Corporation. The NSW Land and Housing Corporation undertook much of the development in the vicinity of the land. Crago Way to the west of the site is privately owned land. The owners of 20 Griffin Street have entered into an agreement with NSW Land and Housing Corporation to provide legal access to the site until such time as Griffin Street and Ross Place are dedicated to Council. It should be noted that Council has not yet agreed to dedication of these roads. Transferring the roads to Council will be a separate process independent of this Development Application.

The adjoining and adjacent properties comprise:

- 84-90 Havenhand Way – two storey semi-detached residential units.
- 92-102 Havenhand Way – single storey detached residential units.
- 15 Ross Place – detached single storey dwelling.
- 12 Crago Way – single storey semi-detached residential units.
- 16 Crago Way – detached single storey dwelling.
- 31 Griffin Street – three storey residential apartment buildings.

Summary of attachments

Attachment No.	Description
1	Location plan and aerial photo
2	Plans of proposed development
3	Statement of Environmental Effects
4	Request to Vary Density Development Standard
5	Request to Vary Front Setback Development Standard
6	Shadow diagrams
7	Crime Risk Assessment Report
8	Submissions
9	Applicants response

History of the Site

Until recently the subject site was owned and maintained by NSW Land and Housing Corporation. The subject site was used as a public thoroughfare and open space corridor linking Griffin Street, Ross Place and Crago Way. The site was recently sold by NSW Land and Housing Corporation into private ownership.

Despite its use as a public thoroughfare and open space corridor, the land has historically been and is currently zoned for residential purposes.

The proposal

The proposal involves:

- Construction of nine two storey residential units (7 x two-bedroom units and 2 x three-bedroom units) with attached single carports;
- Brick/timber slat front fences to Griffin Street and Ross Place;
- Removal of three trees; and
- Nine lot strata subdivision.

Plans of the proposed development are at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

The following table outlines the configuration of the proposed units.

Unit	Number of Bedrooms
1	2
2	2
3	2
4	2
5	3
6	2
7	2
8	2
9	3

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The proposal is defined as *multi dwelling housing*. Multi dwelling housing is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

- (1) *The objectives of this clause are as follows—*
 - (a) *to achieve planned residential density,*
 - (b) *to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,*
 - (c) *to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.*
- (2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size—Dual Occupancy Map for that lot.*
- (3) *Development consent must not be granted to development for the purposes of multi dwelling houses or residential flat buildings on a lot unless the lot is at*

- least the minimum lot size shown on the Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map for that lot.*
- (4) *Despite any other provision of this Plan, development consent may be granted for the subdivision of a dual occupancy, multi dwelling housing or a residential flat building development into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.*

The *Minimum Lot Size – Multi Dwelling Housing & Residential Flat Buildings Map* for this locality indicates a minimum lot size of 900m². The subject site has an area of 2056m² and therefore multi dwelling housing is permissible.

Clause 4.3 Height of buildings

- (1) *The objectives of this clause are as follows—*
- (a) *to establish the maximum height limit to which buildings may be erected in certain locations.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The Height of Buildings Map for this locality indicates a maximum height limit of 9 metres. The proposed buildings will have a maximum overall height of approximately 6.5 metres.

Clause 7.5 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Water

Water mains are located within the subject site.

Electricity

Electricity infrastructure is located within the subject site.

Sewage

Sewer mains are located within the vicinity of the subject site. A sewer main extension will be required, at the developer's cost.

Stormwater

Stormwater will be conveyed to Griffin Street and Ross Place.

Access

The subject site has frontage to both Griffin Street and Ross Place. Griffin Street and

Ross Place are not currently public roads and are instead under the care and control of NSW Land and Housing Corporation. The owners of 20 Griffin Street have entered into an agreement with NSW Land and Housing Corporation to provide legal access to the site until such time as Griffin Street and Ross Place are dedicated to Council.

Bathurst Regional Development Control Plan 2014

Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Multi dwelling housing (residential units) are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units with the exception of those noted below:

Development Standard	Permissible	Proposed	Compliance
Minimum lot size	900m ²	2056m ²	Yes
Density	88 persons per site hectare (site equivalent 18.09 persons)	107 persons per site hectare (site equivalent 22 persons)	No ¹
Height	Two- storey maximum	Two-storey with maximum overall height of approx. 6.5 metres	Yes
Setback – Front	6 metres	Griffin Street front setback – 5 metres for front porch of Units 1 and 9 Ross Place front setback – 5 metres for carport of Unit 5	No ²
Setback – Side (two storey units)	1.5 metres	Minimum 1.5 metres	Yes
Car parking – Resident	1 space per dwelling	Single carport for each unit	Yes
Car parking - Visitor	For 1 or 2 bedroom dwellings 1 visitors space per 4 dwellings (or part thereof) – 2 spaces required For 3 or more bedroom dwellings 1 visitors space per 2 dwellings (or part thereof) – 1 space required	3 visitor parking spaces provided	Yes
Accessway Width	3-6m wide	6 metres	Yes
Open space area	30m ² for 2 bedroom dwellings 40m ² for 3 bedroom dwellings	Unit 1 (2 bed) – 30m ² Unit 2 (2 bed) – 30m ² Unit 3 (2 bed) – >30m ² Unit 4 (2 bed) – >30m ² Unit 5 (3 bed) – 40m ² Unit 6 (2 bed) – 30m ² Unit 7 (2 bed) – 30m ² Unit 8 (2 bed) – >30m ² Unit 9 (3 bed) – >40m ²	Yes
Open space width	4m wide	Unit 1 – 4 metres Unit 2 – 4 metres Unit 3 – >4 metres Unit 4 – >4 metres Unit 5 – >4 metres	Yes

		Unit 6 – 4 metres Unit 7 – 4 metres Unit 8 – >4 metres Unit 9 – >4 metres	
<p>¹ DCP Variation – Density</p> <p>The subject site is within Residential Precinct 1 where a maximum density of 88 persons per site hectare applies. The equivalent maximum density permitted for the site is 18.09 persons. The density proposed is 107 persons per site hectare, the site equivalent being 22 persons. A more compliant development could be achieved by deletion of one three-bedroom unit (equivalent to 3.3 persons) which would mean the development is closer to but still marginally in exceedance of the maximum density.</p> <p>The applicant has submitted a request to vary the density development standard (see <u>attachment 4</u>). The justification for the variation provided by the applicant is summarised as follows:</p> <ul style="list-style-type: none"> • The site is big with an area of 2056m²; • The site has two access points; • There will be big common landscaped areas and landscaped private open space areas; • The actual site coverage is low with a Floor Space Ratio of 0.38:1; • Privacy is achieved; • The DCP & LEP Objectives are met; and • Neighbouring properties will not be burdened by the higher density. <p>It is considered that the variation to the density development standard can be supported for the following key reasons:</p> <ul style="list-style-type: none"> • The suburb of Mitchell is already characterised by one storey, two storey and three storey residential unit complexes; • The Floor Space Ratio is 0.38:1; • The total site coverage is 55.4% meaning that 44.6% of the site will be open space and landscaping; • Minimum 1.5 metre side setback to the side boundaries is met or exceeded for all units; • The proposal is consistent with the Objectives of the Residential Density development standard for Precinct 1 which read as follows: <ul style="list-style-type: none"> - <i>To provide for a mixed residential character, with an emphasis on medium density housing.</i> - <i>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.</i> 			
<p>² DCP Variation – 6 metre front setback</p> <p>The minimum front setback for new residential development is 6 metres. Front setbacks proposed are as follows:</p> <ul style="list-style-type: none"> • Unit 1 – 5.399 metres to front porch – a variation of 0.601 metres • Unit 9 – 5.014 metres to front porch – a variation of 0.986 metres • Unit 5 – 5.069 metres to carport – a variation of 0.931 metres <p>The applicant has submitted a request to vary the front setback development standard (see <u>attachment 5</u>). The justification for the variation provided by the applicant is summarised as follows:</p> <ul style="list-style-type: none"> • The lot is an irregular shape; • The encroachments are minor; • The encroachments are to articulation zones (porches & carport) not to main walls of dwelling; • The non-compliances will not cause negative impact on solar access or visual privacy; and • All other setback standards are met. <p>It is considered that the variation to the density development standard can be supported for the</p>			

following reasons:

- The variation is very minor and therefore is not discernible from a compliant setback;
- The encroachments are at cul-de-sac heads where setbacks are already staggered and inconsistent;
- The encroachment is by open structures (porches & carport) and not by solid walls.

Council's attention is drawn to Subsection 4.15(3A) of the Environmental Planning and Assessment Act 1979, as amended, which provides that:

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—

- 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*
- 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***
- may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, **standards** include performance criteria.*

Overshadowing

The Bathurst Regional Development Control Plan 2014 provides that:

- 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.*
- The overshadowing diagrams should be provided in 1-hour intervals for the period 9.00am and 3.00pm on 21 June.*

Shadow diagrams have been submitted at one-hour intervals between 9.00am and 3.00pm on 21 June. See shadow diagrams at **attachment 6**.

Properties at 90 Havenhand Way through to 102 Havenhand Way will be impacted by overshadowing on 21 June to varying degrees. The following table outlines the anticipated impacts.

Property	Description of Overshadowing
90 Havenhand Way	Minor overshadowing of open space area up until 12.00pm, no overshadowing from 1.00pm onwards.
92 Havenhand Way	Minor overshadowing of open space area up until 1.00pm. Shadows likely to reach building at 2.00pm.
94 Havenhand Way	Minor overshadowing of open space area up until 1.00pm. Shadows reach building at 9.00am and start to cover from 1.00pm.
96 Havenhand Way	Minor overshadowing of open space area up until 1.00pm. Shadows likely to reach building at 2.00pm.

98 Havenhand Way	Minor overshadowing of open space area up until 1.00pm. Shadows reach building at 12.00pm and start to cover from 1.00pm onwards.
100 Havenhand Way	Minor overshadowing of open space from 2.00pm. Shadows likely to reach building at 3.00pm
102 Havenhand Way	Minor overshadowing of open space from 2.00pm. Shadows reach building at 3.00pm.

Adjoining properties in Crago Way, Ross Place and at 84-88 Havenhand Way will not be impacted by overshadowing at any time on 21 June.

With the north-east/south-west orientation of the site and the narrowness of the site, it would be very difficult to develop without having some shadowing impact on neighbouring properties.

Adjoining properties at 90-102 Havenhand Way will achieve the minimum 2 hours sunlight on 21 June as required by the DCP.

Crime Prevention Through Environmental Design (CPTED)

A Crime Risk Assessment Report submitted with the application can be found at **attachment 7**.

In accordance with the agreed protocol, the Development Application was referred to NSW Police Service for consideration under the principles of *Crime Prevention Through Environmental Design (CPTED)*. NSW Police Service have provided the following comments and recommendations:

*After conducting a Safer by Design Evaluation for this development application the crime risk rating has been identified on a sliding scale of low, moderate and high. The rating for this development is overall **Moderate Crime Risk**.*

If the treatments and risk control measures as per the Crime Prevention through Environmental Design (CPTED) are implemented as per the following recommendations, then the risk would be significantly reduced.

Recommendations

Due to the nature of the development, identified crime risks and issues, NSWPF recommend the following:

1. Lighting/Surveillance/Technical – No lighting plan submitted. - High Risk

Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access.

The following treatments are recommended:

- *Sensor lighting to all vestibule and walkways including outdoor areas.*
- *Sensor lights should be vandal resistant and projected away from buildings towards pathways – not towards windows and doors.*
- *Adequate street lighting at Griffin St and Ross Place.*

Surveillance/Technical Supervision – No CCTV plan included.

Consideration should be given to the installation of a CCTV network and the following treatments are recommended:

- Installation of CCTV cameras at the front and rear of each premise.
- Installation of back to base alarm systems in each Unit.

2. Territorial Reinforcement- Moderate Risk - No reference to signage included.

Access points should be clear, legible and useful. Signage is best located at (or prior to) junctions requiring people to make decisions for example driveways and footpaths.

It is noted that reference is made to building entries, ensure that each Unit is clearly marked with Unit number. This will enhance way finding and assists emergency services identify a location if required.

The applicant has referenced that all residents be vigilant and proactive in reducing crime but does not expand on how this will be achieved. As the area has a moderate level of crime, in comparison to other Bathurst areas it will be appropriate to implement measures that are more permanent in respect to security.

Signage:

- All ingress and egress points to be well defined and clearly marked with signage.
- Trespassers will be prosecuted signage clearly visible around entrance/exit points.
- Premises monitored by CCTV.
- Visitor car park signage clearly visible
- Erect shared driveway signage and 10kph signage
- Install speed humps to slow down traffic.

The plans depict that each Unit will have a carport space. It is recommended for the security of motor vehicles that each Unit has a lockable garage to reduce the risk of steal from motor vehicle, motor vehicle theft and malicious damage. Item 5. Of the Crime Risk Assessment report states that if no vehicle under a carport then "neighbours will be keeping an eye on the Unit if the owner is not there". We would argue that the increase of break and enters occur when residents are out. Whilst NSWHP encourage neighbours to look out for each other, this should be used in conjunction with other known crime prevention methodologies.

3. Environmental Maintenance – Moderate Risk

Area image can impact feelings of safety and danger: Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities vandalism. However, landscaping can provide concealment and entrapment areas for people involved in criminal activities. Plants that block natural sight lines lessen natural surveillance.

From the plans there appears to be a considerable amount of landscaping and shrubbery surrounding the Units.

Recommend the following treatments

- Shrubs should on average not be above 900mm in height. Consider pruning the shrubs/trees in the front yard to reduce concealment.
- When selecting and maintaining vegetation, consideration should be given to the

possibility of areas becoming overgrown and concealment opportunities on the maturity of the vegetation.

- A safety convention is to have 3- 5 metres of cleared space on either side of paths.*
- Develop a maintenance plan as clean, well maintained areas often exhibit strong territorial cues.*

Reference is made to the planting of blackthorn with a mature size of 1 metre, which falls into line with the basic recommendations for landscaping. Consideration should be given to an alternate species to replace the Myall Wattle as this tree is outside the guidelines from a crime prevention perspective.

4. Access Control – Low Risk

Barriers help to restrict, channel and encourage the movement of people and vehicles into and out of designated areas.

Recommend the following treatments

- Electronic communications/entry system to each Unit.*
- Security screen doors to all entry/exit points.*
- Polycarbonates and impact resistant glass/glazing to all windows.*
- Key operated to all windows.*
- The main entry/exit doors to all buildings should be fitted with single cylinder locksets (Australian Standards) which comply with the building code of Australia.*
- Each letterbox to be designed so that each one can be locked by the owner.*
- Reference is made to the 1.8m boundary fencing, ensure that the entire property is full fenced.*
- Consider the access driveway from Ross Place as an alternate to Griffin Street.*
- Consider security gating to the entrance for residents only and accompany intercom for visitors.*
- Consider only one entrance /exit points not two. The alternate to be fully fenced off.*

Key crime prevention elements from the above recommendations have been identified on the plans for the proposed development including:

- Each unit must have CCTV camera footage at the front and rear of each premise.
- Each unit must have a back to base alarm system fitted to each premise.
- All ingress and egress points to be well defined by signage.
- Trespasser signage to be clearly shown at all ingress and egress points.
- Common CCTV footage around the premise to be monitored.
- Visitor car spaces to have visible signage.
- Shared driveway signage and a maximum of 10kph speed limit on the premise.
- 3 speed humps to be installed throughout the shared driveway with signage to indicate the speed humps.
- All carports to have a lockable swing garage door.
- When a neighbour is not at home then the neighbours should keep an eye on the unit.
- Shrubs to be no higher than 900mm.
- Electronic intercom system to each unit.
- Automated security screen gates and doors to ingress and egress premises.
- Impact resistant glazing to all windows.
- Key operated windows and doors.
- All entry doors to be single cylinder locksets.

- Letter boxes to have a lock and key.

The NSW Police Service recommendation that there be only one entry/exit point has not been incorporated as the provision of fences and gates at both street frontages is considered adequate to deter unauthorised access to the complex. The recommendation for fully enclosed garages as opposed to carports has been partially adopted with the applicant proposing lockable garage doors to the front of each carport.

Tree Removal

Three native trees on the site will require removal – a *Casuarina cunninghamiana* approx 5m in height, a *Brachychiton populensus* approximately 4 metres in height, and a *Callitris columellaris* approx 7 metres in height. Vegetation onsite is classified as Urban Grassy Box Woodland, however removal of three young trees will not cause significant impact to urban habitat. There were no hollows or nests observed in the trees during the site inspection however an inspection should be completed prior to felling to ensure fauna are not present or impacted.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was advertised and notified to adjoining property owners from 11 May 2020 to 25 May 2020. During the advertising and notification period a total of two (2) submissions were received (see submissions at **attachment 8**).

In accordance with Council's adopted COVID-19 procedure, the submissions were referred to the applicant for consideration and provision of a response to the matters raised.

The table below summarises the issues raised, and the responses provided by the applicant.

Summary of submission from Mr G Bryson

- The overall height of the proposed buildings will be imposing and oppressive to adjoining single storey residences.
- Overshadowing is extensive and will shadow adjoining properties from Autumn to Spring. Further, shadow diagrams do not show complete footprint of adjoining buildings.
- The proposed development is over the prescribed maximum density.
- As pedestrian access will no longer be available through the site pedestrians are likely to seek alternative routes through private property.
- There are on-going issues with crime in the area.
- The proposal is creating anxiety amongst adjoining and surrounding residents.
- The proposal will diminish the appeal of the adjoining units which will mean lesser quality tenants.
- There is no sense of community in the suburb of Mitchell because there is no community space.
- Construction impacts, such as dust, will be difficult to manage given the slope of the site.
- The proposed buildings lack architectural merit.

Summary of submission from Ms S van Steensel

- The overall height of the proposed buildings will be imposing and oppressive to adjoining single storey residences.

- Overshadowing is extensive and will shadow adjoining properties from Autumn to Spring. Further, shadow diagrams do not show complete footprint of adjoining buildings.
- The properties adjoining the site are all single storey, so the proposed development is not in keeping with adjoining properties.
- The proposed development is over the prescribed maximum density.
- There are on-going issues with crime in the area. The proposed development will reduce passive surveillance to and from Havenhand Way and will provide new concealment areas for criminals.
- The proposed development will add to the existing noise issues from residents and vehicles.
- Adjoining and surrounding properties will become less desirable and therefore attract less desirable tenants.

Applicant's Response to Submissions

- The LEP prescribes a maximum overall building height of 9 metres and the buildings proposed are less than 9 metres.
- The proposal results in overshadowing of the adjoining properties to the north-east but not to the extent that results in non-compliance with Council's Development Control Plan.
- The design of the proposed development is similar and sympathetic to the adjacent single storey dwellings and the adjacent two and three storey multi dwelling complexes.
- All crime prevention measures recommended by NSW Police will be implemented.

See applicant's full response at **attachment 9**

Council's Response to key items in submissions

Design & Scale

While the design of the proposed units is modern, the use of a variety of external materials and the use of different window styles provides architectural interest and good articulation. The overall height and scale of the proposed units is consistent with that of the adjoining two storey residential units at 84-90 Havenhand Way and the adjacent three storey residential apartment buildings at 31 Griffin Street. The proposed units do not exceed the 9-metre maximum overall building height prescribed in the LEP.

Overshadowing

See discussion on overshadowing above.

Density

See discussion on density above.

Construction Impacts

A condition will be imposed to ensure that a detailed Construction Management Plan is submitted prior to the issue of the Construction Certificate and this will ensure that procedures are implemented to minimise impact on adjoining and adjacent properties during construction.

Crime

Agency Referrals

Essential Energy

As there is electricity infrastructure on the subject site, including a substation and underground power lines, the proposal was referred to Essential Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Essential Energy raised no objections to the proposed development and did not raise any concerns with potential safety risks arising from the proposed development but did make the following comments:

1. *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
2. *As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer to Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.*
3. *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with, noting that all proposed improvements must be outside of all easements.*
4. *Essential Energy has an existing 11kV / LV pad-mount substation located on this property. In addition to any easement, minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, retaining walls or other development must be maintained at all times. Refer to Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried out in this location.*
5. *Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.*
6. *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*

7. *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
8. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

CONCLUSION:

Council has received a Development Application (DA) for nine two-storey residential units, front fences and a nine lot strata subdivision at 20 Griffin Street, Mitchell. The subject site has frontage to both Griffin Street and Ross Place. Griffin Street and Ross Place are not currently public roads and are instead under the care and control of NSW Land and Housing Corporation. The owners of 20 Griffin Street have entered into an agreement with NSW Land and Housing Corporation to provide legal access to the site until such time as Griffin Street and Ross Place are dedicated to Council. As the proposal comprises two storey residential units, it was advertised and notified to adjoining property owners. Two submissions were received. Issues raised in the submissions have been addressed in this report. Non-compliances with DCP standards relating to density and front setbacks have been addressed in this report. It is recommended that the Development Application be approved.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Location Plan and aerial [7.2.7.1 - 2 pages]
2. Plans of proposed development [7.2.7.2 - 16 pages]
3. Statement of Environmental Effects [7.2.7.3 - 9 pages]
4. Request to Vary Density Development Standard [7.2.7.4 - 3 pages]
5. Request to Vary Front Setback Development Standard [7.2.7.5 - 4 pages]
6. Shadow Diagrams [7.2.7.6 - 1 page]
7. Crime Risk Assessment Report [7.2.7.7 - 5 pages]
8. Submissions [7.2.7.8 - 4 pages]
9. Applicants response [7.2.7.9 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-195

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) Not support the variation to the variation to the residential density prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) Request that the applicant submit amended plans with a compliant density and reduced overshadowing;
- (c) The matter be further considered by Council upon receipt of updated plans from the applicant;
- (d) Notify those that made submissions of its decision;
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

**7.2.8 MODIFICATION DEVELOPMENT APPLICATION
2019/367 – DEMOLITION AND CONSTRUCTION
OF FAST FOOD RESTAURANT (TACO BELL) AT
103 & 105 STEWART STREET, BATHURST.
APPLICANT: McDUCK PROPERTIES . OWNER
JB GULLIFER**

File No: 2019/367

RECOMMENDATION:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
 - (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/367, for the following reason:
 - The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
 - (c) call a division.
-

REPORT:

An application for modification has been lodged by McDuck Properties seeking the deletion of condition 5 relating to the Howick Street access for DA2019/367 (Taco Bell).

A copy of the request for modification and supporting information from the applicant's traffic engineer is provided at **attachment 1**.

The Development Application was considered by Council at its meeting held 17 June 2020. Council determined to approve the application subject to *"the access on Howick is to be designed, constructed and used for entry only. All vehicles exiting the site must do so from Stewart Street only"*.

Consistent with Council's resolution, development consent was issued with Condition 5 as follows:

- 5. *The access on Howick Street is to be designed and constructed and used for entry only. All vehicles exiting the site must do so from Stewart Street only.*

There are no other modifications currently being sought.

The effect of deletion of the condition would be to return the traffic movements to those as

proposed in the application considered by Council; i.e. ingress and egress to the site on Howick Street and egress only onto Stewart Street.

The plans provided at **attachment 2** include illustration of ingress and egress arrangements.

SEPP (Infrastructure)

As the property has frontage to a classified road, Council must consider Clause 101 of SEPP (Infrastructure).

101 Development with frontage to classified road

- (1) *The objectives of this clause are—*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Accordingly Council has obligations to:

- ensure that the development does not compromise the effective and ongoing operation and function of classified roads (Stewart Street); and
- be satisfied the safety, efficiency and ongoing operation of Stewart Street will not be adversely affected by the development as a result of the nature, volume or frequency of vehicles using the classified road to gain access to the land

In terms of the second point, Council's consent is contingent upon it being satisfied that safety, efficiency and ongoing operation of Stewart Street and in this case the intersection with Howick Street will not be adversely affected.

TfNSW advice

The TfNSW (formerly the RMS) originally provided advice to Council on the Development Application. That advice is at **attachment 3**.

Whilst the TfNSW did not require the alterations as outlined in condition 5, it did however provide the following comments relevant to the issue:

- *The current provision for right turn movement via Howick Street onto Stewart Street with an intensification of traffic movements resulting from this proposal, particularly during peak hours may have potential road safety impacts. Making a right turn across a number of travel lanes in Stewart Street from Howick Street is currently allowable, however by way of intensifying this traffic movements as a result of this proposal in conjunction with a relatively high traffic background flow during peak hours has potential road safety outcomes.*
- *In this regard, the consent authority should be satisfied that the intensification of traffic movements resulting from this proposal will not cause a road safety risk by drivers crossing a number of traffic lanes particularly during peak times of travel. Other such manoeuvres have been negated along various intersections along Stewart Street, it is assumed to provide road safety benefit in preventing this right turn movement.*
- *This is further evidenced via TfNSW crash data along Stewart Street which indicated such cross traffic movements have caused road safety issues and subsequently required treatments or measures to negate or address this vehicle movement.*

Traffic Generation

The original Traffic Impact Assessment is at **attachment 4**.

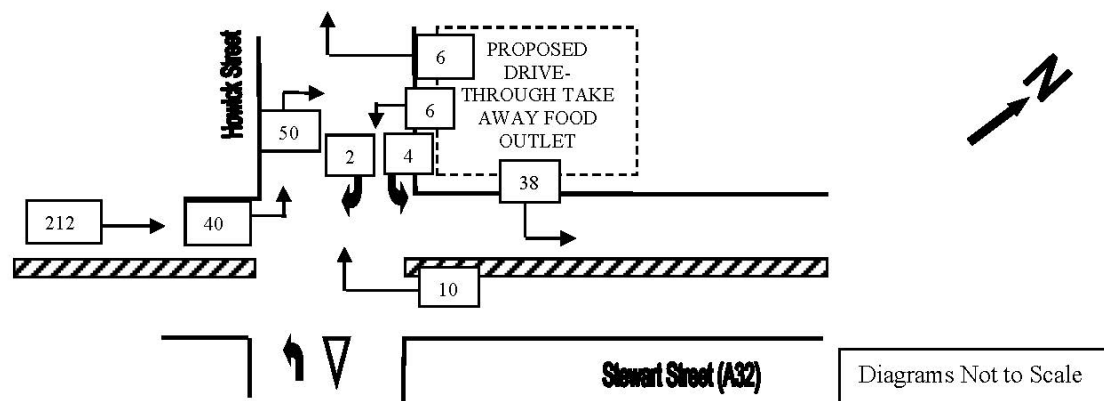
The traffic generation expected by the development during the PM peak is estimated to be 100 vehicles, i.e. 50 vehicles in and 50 vehicles out (refer to Part 4.2 of the Traffic Impact Assessment).

Of those vehicles exiting the site within the PM peak it is estimated that 38 will use the Stewart Street exit and 12 will use the Howick Street exit.

Of those 12 using the Howick Street exit, 6 are estimated to turn right and head west on Howick Street. The remaining 6 would turn left to the intersection of Howick and Stewart, of which 4 are assumed to turn left onto Stewart Street and 2 are assumed to turn right.

These estimates are illustrated in the following diagram.

PM Peak = 100 Trips (50 from Passing Traffic)



There is no data provided in the Traffic Impact Assessment as to the traffic levels in

Howick Street nor the current turning movements from Howick Street. The relative impact of the additional movements attributable to the site (6 in the PM peak) is therefore difficult to quantify.

Part 5.1.2 of the Traffic Impact Assessment makes the following observations in relation to “potential right turn conflicts” relative to the issue at hand.

- Motorists undertaking right turns into Howick Street from Stewart Street will be able to do so from a dedicated right turn with good sight distances along Stewart Street that enables drivers to see approaching traffic and judge safe gaps. The existing right turn storage bay on the Great Western Highway can easily accommodate the small volume of additional right turn movements that the proposed development is likely to generate. The signalised intersection of Stewart Street and Keppel approximately 450 metres west of Stewart Street provides regular gaps in the eastbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street.
- Motorists undertaking right turns out of the proposed development into Howick Street will be able to do so with good sight distance to the right along Howick Street that enables drivers to see approaching traffic and judge gaps. Traffic turning left or right into Howick from Stewart would generally be doing so at relatively low speeds and drivers would have enough time to observe vehicles exiting the Howick Street driveway.
- Motorists turning right into Stewart Street from Howick Street will have enough sight distances to see approaching traffic and judge safe gaps. The signalised intersections of Stewart Street/Keppel also Stewart Street/Durham Street, approximately 450 metres west of Howick Street and 200 metres east Howick Street respectively, provides regular gaps in the eastbound and westbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street. Local patrons wishing to travel further west along the Great Western Highway may wish to travel along Peel Street to access the signalised intersection with Keppel Street in peak periods.

Matters raised in the request

The applicants request and supporting documentation is provided within **attachment 1**.

Issue	Comment
Proper consideration by Council	<p>As noted above the impact of the traffic on the operation of the intersection of Howick and Stewart is clearly a matter to which Council in determining the application must have regard under SEPP(Infrastructure).</p> <p>The fact that Council's position was not recommended by staff or the TfNSW falls well short of the applicant's comment that Council “gave no real consideration to the advice of its own professional officers or Transport for NSW (TfNSW)”.</p> <p>The safety aspects of the development and the potential impacts of additional traffic on the operation of the intersection were raised in both the public submissions and the TfNSW response.</p>

	<p>Condition 5 of the consent represents Council's position having given the matter proper and genuine consideration.</p> <p>The applicant is well within their rights to disagree with the conclusion however the inference is rejected.</p> <p>Ultimately Council in its consideration of an issue is not bound to accept the recommendations of staff.</p>
Impact on patrons from the west and north west	<p>It is noted that patrons wishing to exit onto Howick (estimated to be 12 during the PM peak) will have to instead exit the site onto Stewart under condition 5 of the consent.</p> <p>Whilst this will reduce the "convenience" for those wishing to exit via Howick Street, Council is bound to consider those matters outlined in SEPP (Infrastructure).</p> <p>The effective and ongoing operation and function of the classified roads and the safety, efficiency and ongoing operation of the classified road would prevail over the inconvenience caused by additional travel distances by patrons.</p>
Impact on internal queuing and congestion on site	<p>The impact that all 50 vehicles exiting via Stewart Street may or may not have on the internal movements has not been quantified.</p> <p>As noted in the original assessment the drive through component of the development has been provided with queue lengths consistent with the RMS Guidelines.</p>
Additional traffic directed towards intersection of Stewart and Durham.	<p>The data provided in the Traffic Impact Assessment would suggest that this would be an additional 12 vehicles over the course of an hour during the PM peak at the intersection of Stewart and Durham.</p>
Other site arrangements and service stations	<p>It is noted that other sites have different arrangements however direct comparison is of limited value to the current issue.</p>
Additional parking demand in Howick Street	<p>Whilst it is always difficult to predict driver behavior, and there may be additional parking demand in Howick Street as a consequence of the limitation on egress from the site, the development is provided with a compliant number of on-site parking spaces for patrons. Drivers will need to make a personal decision as to whether they use the convenience of the on-site parking or park and walk.</p>

Other issues

Additional traffic exiting into Howick Street does have the potential to impact the amenity of the residential area being those properties in Howick Street. Whilst the number of vehicles predicted to exit the site to Howick Street and travel west is limited, it is nonetheless an impact on these residential properties which is reduced by the effect of condition 5.

The overall traffic generation figures used in the Traffic Impact Assessment predicted for the PM peak are based on assumptions about patronage. As noted in the Traffic Impact Assessment, "Taco Bell operation advised that their outlets are less well known and not as established in Australia as either McDonalds or KFC outlets, and are therefore likely to generate traffic generation rates less than KFC. It is assumed that the traffic generation

from the proposed development is more likely to be less than 80% of the traffic generation rates for KFC outlets which they also operate.” It would not be an unreasonable assumption that having vehicles attempting to exit onto Howick Street has the potential to impact on the functionality of the entrance with potential flow on effects into Howick Street and the intersection beyond. For example, having multiple vehicles waiting to turn right out of the site has the potential to block vehicles from fully entering the site. Given these uncertainties, Council has taken a precautionary approach to the issue which is not unreasonable under the circumstances.

CONCLUSION:

Council has received an application to modify the consent granted by it to the Taco Bell proposal on the intersection of Howick and Stewart Streets. The modification deletion of a condition of consent that there be no egress from the site onto Howick Street.

The requirements of SEPP (Infrastructure) provide an obligation on Council to consider the impact of the development on the surrounding road network and in particular the classified road (Stewart Street).

The initial consultation with the RMS raised the issue of the impact of additional traffic on the safety of the intersection of Howick and Stewart Streets. The condition as imposed represents a considered and reasonable response to that issue. It is ultimately a matter for the Council to consider if any of the issues raised by the applicant would change that response.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Modification request [7.2.8.1 - 5 pages]
2. Approved plans [7.2.8.2 - 13 pages]
3. Original RMS advice [7.2.8.3 - 4 pages]
4. Original Traffic Impact Advice [7.2.8.4 - 30 pages]

Cr Fry declared Non- Pecuniary interest in this item and remained in the chamber.

Reason: A cousin of the Councillor owns a property opposite the proposal.

MINUTE

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr A Christian SECONDED: Cr I North

That Council:

- (a) Grant consent pursuant to Section 4.16 of the Environmental Planning and assessment Act 1979 to the modification of Development Application No 2019/367 to delete condition No 5 relating to access onto Howick Street.
- (b) Call a division

On being **PUT** to the **VOTE** the **MOTION** was **LOST**

The result of the division was:

In favour of the motion - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North

Against the Motion - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr J Rudge

Absent - nil

Abstain - Nil

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) not support the application for modification of Development Consent No 2019/367 to delete condition No 5 relating to access onto Howick Street and,
- (b) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to the modification of Development Application No. 2019/367, for the following reason:
 - The development has the potential to impact on the safety, efficiency and effective and ongoing operation and function of the intersection of Howick and Stewart Streets.
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr J Rudge

Against the Motion - Cr B Bourke, Cr A Christian, Cr M Morse , Cr I North

Absent - nil

Abstain - Nil

**7.2.9 DA2019/140 – REQUEST FOR WORKS IN KIND
ARRANGEMENT - 17 LOT RESIDENTIAL
SUBDIVISION – LIMEKILNS ROAD, KELSO. OWNER:
Mrs E H & MR G E CUTLER; APPLICANT: Mrs E H &
MR G E CUTLER.**

File No: 2019/140

RECOMMENDATION:

That Council:

- (a) enter into a works in kind arrangement with the developers of Lot 2, 3 and 4 in DP1233661 to construct a roundabout at the intersection of Limekilns Road and Lawrence Drive.
 - (b) waive the contributions payable under Condition 3 of the consent equivalent to \$56,732.00.
 - (c) contribute up to \$892,193.00 towards the construction costs from the Section 94 Plan for New Residential Subdivisions.
 - (d) notify the developer of its decision; and
 - (e) call a division
-

REPORT:

The above subdivision application was determined by way of conditional approval on 30 July 2019.

The subdivision consists of 17 new lots, 13 of which are for residential purposes and a new road intersecting with Limekilns Road. The new road is known as Lawrence Drive. Lawrence Drive represents a major collector road which will eventually connect from the Great Western Highway through the subject land to Limekilns Road and then further north through Council's Sunnybright residential area to Marsden Lane.

A location plan and aerial photo are provided at **attachment 1**.

The approved plans are provided at **attachment 2**.

A further Development Application (2020/120) proposing an additional 198 new residential lots and new road to the south of this proposal is currently under consideration by Council. This further subdivision will also use this intersection.

Council has not yet lodged an application for the remainder of the Sunnybright Estate however planning is currently well advanced for this area.

The intersection proposed under this application between Limekilns Road and Lawrence

Drive will represent a significant intersection in the future.

This relationship is shown on the Development Control Plan map (**attachment 3**).

Conditions imposed on this Development Application relevant to this issue require the following:

Condition 3 the payment to Council of contributions under its Section 94 Plan for the upgrading of roads in the Windradyne, Llanarth, Abercrombie, Eglinton and Kelso.

Condition 20 reconstruction of the intersection of Limekilns Road and Lawrence Drive including the construction of a roundabout and street lighting.

Council's Section 7.11 (formerly Section 94) Development Contributions Plan, Roadworks – New Residential Subdivisions (**attachment 4**) identifies the roundabout required by Condition 20 of the consent. This means funds are progressively collected from developers with the funds then being available to fund the roundabout.

In accordance with the consent, the current Section 94 Plan contribution required by Condition 3 for the 13 new residential lots is \$56,732.00 (based on 13 lots at \$4,364.00 per lot).

Consistent with the Works in Kind provisions of the Section 94 Plan, the developer has provided an estimate of the construction costs associated with the construction of the roundabout. That estimate has been reviewed by Council's Engineering staff.

The estimated construction work associated with the roundabout and has provided a cost schedule totaling \$894,566.00 (**attachment 5**) comprising:

• Road works	\$805,993.00
• Stormwater reticulation	\$63,210.00
• Extras	\$79,722.00

The proposed roundabout is an item specifically included for funding in the Contributions Plan. It is appropriate that funding derived from the Contributions Plan now be allocated to facilitate the necessary construction works. The current subdivision development works have by necessity provided an opportunity for the normal road works program to be accelerated in the locality to provide the roundabout. The alternative would be for a temporary "T" intersection that will be redundant with the foreshadowed development of the land to both the south (by the owners of this land) and to the north (by Council).

As a result of previous residential subdivision works to which the Section 7.11 (formerly Section 94) Development Contributions Plan, Roadworks – New Residential Subdivisions applies there is approximately \$4.6 million in the contributions fund able to be utilised for works identified.

It is therefore recommended that Council allocate the necessary Section 7.11 funds - not exceeding the finalised cost estimate - to the construction of the Limekilns Road roundabout.

This will be achieved by

1. waiving the requirement for payment of \$56,732.00 being the contribution payable

- under Condition 3; and
2. paying to the developer an amount up to \$892,193.00 from Council's Section 94 Plan for New Residential Subdivision.

CONCLUSION:

That Council act in accordance with the Director Environmental, Planning & Building Services report.

FINANCIAL IMPLICATIONS:

Should Council support the recommendation, the required funds are held by Council for this purpose and there are no other financial implications to Council.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.
- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.
- Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

- Strategy 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.
- Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Location Plan and aerial photo [7.2.9.1 - 1 page]
2. Approved plans [7.2.9.2 - 11 pages]
3. DCP map [7.2.9.3 - 1 page]
4. Development Contribution Plan [7.2.9.4 - 30 pages]
5. Cost schedule [7.2.9.5 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-197

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with the developers of Lot 2, 3 and 4 in DP1233661 to construct a roundabout at the intersection of Limekilns Road and Lawrence Drive.
- (b) waive the contributions payable under Condition 3 of the consent equivalent to \$56,732.00.
- (c) contribute up to \$892,193.00 towards the construction costs from the Section 94 Plan for New Residential Subdivisions.
- (d) notify the developer of its decision; and
- (e) call a division

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

7.2.10

BATHURST REGIONAL URBAN RELEASE AREA – KELSO CERTIFICATION

File No: 20.00143

RECOMMENDATION:

That Council:

- (a) note that an unrestricted certification has been received from the NSW Department of Planning, Industry and Environment for the Kelso Urban Release Area; and
- (b) call a division.

REPORT:

Upon gazettal of the Bathurst Regional LEP in November 2014, Council was required to seek certification from the NSW Government for the identified Urban Release Areas (URAs) to determine whether a monetary contribution was required from new development for the provision of State Public Infrastructure. If so, this would be in addition to local infrastructure contributions.

Council received initial notification on 22 May 2015 that the Director General of the Department of Planning and Environment had certified the urban release areas of:

- Zone B5 Service Business land at Sydney Road and the Service Trade Centre; and
- The additional Zone R5 large lot residential land at Mount Rankin, The Lagoon, Trunkey Creek and Warabindi Orchard.

For these areas listed above no contribution was required for State Public Infrastructure.

The Kelso Urban Release Area later received certification which was time limited to 30 June 2018. The certification was further extended until 30 June 2020. No contribution was required for State Public Infrastructure as part of either certification issued by the NSW Department of Planning, Industry and Environment.

The Kelso Urban Release Area is identified in **attachment 1**.

Council received notification on 7 July 2020 that an unrestricted (i.e. not time limited) certification for the Kelso Urban Release Area has now been issued and maintains that no contribution is required for State Public Infrastructure. A copy of the certification is provided at **attachment 2**. The certification has been issued with respect to development which is permissible under the currently applicable planning controls. Should those planning controls change into the future enabling more intensified development within the Kelso Urban Release Area, Council is required to seek clarification from the NSW Department of Planning, Industry and Environment whether the certification remains valid.

CONCLUSION:

Council has received notification from the NSW Department of Planning, Industry and Environment that the Director General has re-certified the urban release area for Kelso

and maintained that no contribution is required for State Public Infrastructure at this time. The certification has been issued with no time limit restrictions imposed whilst current planning controls are in place.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Kelso URA Map [7.2.10.1 - 1 page]
2. Certification [7.2.10.2 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-198

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) note that an unrestricted certification has been received from the NSW Department of Planning, Industry and Environment for the Kelso Urban Release Area; and
- (b) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

7.2.11

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 - MANOR HOUSES

File No: 02.00018

RECOMMENDATION:

That the information be noted.

REPORT:

In July 2018 the NSW Government introduced amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to allow for the fast track approval (complying development pathway) of one and two-storey dual occupancies, manor houses and terraces as complying development in the R1(General Residential), R2 (Low Density Residential), R3 (Medium Density Residential) and RU5 (Village) zones, where medium density development is already permitted under Council's Local Environmental Plan (LEP). The SEPP is supported by a design guide which includes design principles to ensure that these development types fit into the local character of the area.

Importantly, the introduction of these provisions allowed some medium density developments to be approved by either Council or private certifiers as complying development without any public consultation taking place, which otherwise may have occurred under Council's LEP requirements. Additionally, for those developments approved by a private certifier, Council will have no forewarning or knowledge of their approval.

Development types

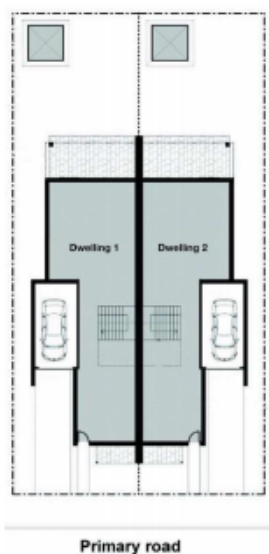
The Low Rise Medium Density Housing Code provides for the construction of the following development types as Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

Housing types under the Code

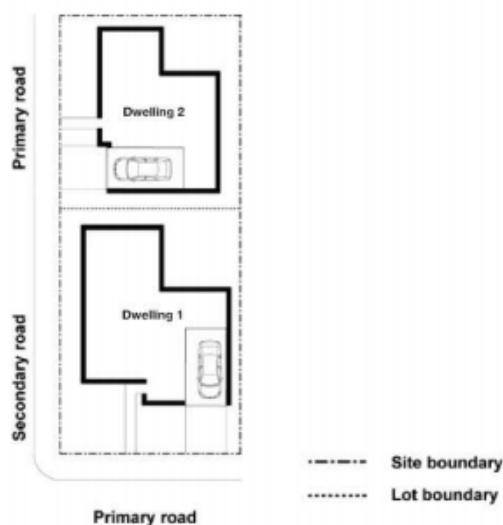


Dual Occupancy

Dual occupancies are two dwellings on one lot and can be detached or attached.



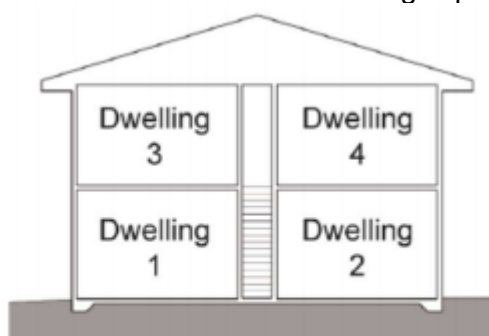
Example of a Dual Occupancy (attached)



Example of a Dual Occupancy (detached)

Manor Houses

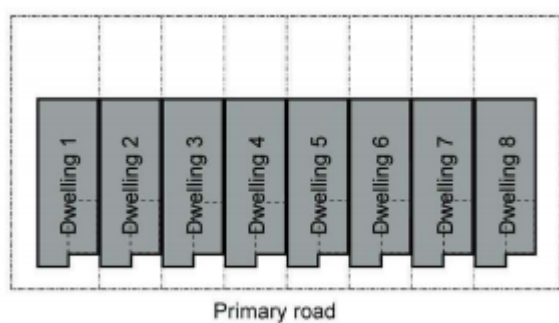
A manor house is a building containing 3-4 dwellings on one lot of land and can be up to two storeys in height (excluding any basement). Each dwelling is attached by a common wall or floor and at least one dwelling is partially located above another dwelling.



Example of a Manor House

Multi Dwelling Housing (Terrace)

Multi dwelling housing (terraces) is three or more dwellings on one lot. Each dwelling fronts a public road and there are no other dwellings located above or below.



Multi dwelling housing (terraces) on a standard lot

Temporary Deferral

Council sought a deferral to the application of the SEPP to the Bathurst Region citing:

- the Bathurst Regional Housing Strategy was being finalised;
- subdivision master planning had commenced in areas such as Laffing Waters which sought to determine appropriate forms of medium density housing; and
- there was no development pressures to fast track the delivery of these types of housing as a Complying Development (CDCs).

A deferral from the Low Rise Medium Density Housing Code was granted on 13 July 2018 until 1 July 2019 for the Bathurst Region. A total of 50 Councils were granted a deferral as part of the first round.

Following further consultations with Councils, an additional deferral was granted to Bathurst Regional Council until 1 July 2020. From 1 July 2020, the Low Rise Medium Density Housing Code now applies to the Bathurst Region.

Independent Review

In July 2019 the Minister announced an Independent Review to assess progress on the Code to date, identify impediments to the Code's delivery in deferred areas, and make recommendations on the appropriate pathway forward to finalise the Code's implementation. Bathurst Regional Council, along with 26 other Councils, participated in the independent review and provided feedback as part of an interview.

The independent review made several recommendations to the Government for its consideration.

Council position

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply to Heritage Conservation Areas insofar as enabling complying development certificates (non-merit based assessment). This means that medium density development types in Heritage Conservation Areas will still undergo the rigor of development assessment and public consultation processes as is currently the case.

The Low Rise Medium Density Housing Code will, however, apply to the suburbs of Bathurst, including the urban villages of Eglinton, Perthville and Raglan.

Council's current planning instruments provide for medium density development opportunities, including dual occupancies, terrace housing and unit developments within Bathurst and its suburbs subject to specific lot size requirements to qualify for that development type.

Under the Low Rise Medium Density Housing Code, dual occupancy or terrace development is required to meet the minimum lot size for the construction of a dual occupancy or terrace development as set out in Council's LEP.

The Low Rise Medium Density Housing Code, in its original form, did not require manor house developments to meet a Council standard minimum lot size. Instead the Code permitted Manor houses on lots as small as 600sqm. By way of comparison, a dual occupancy in the suburbs would require a lot of at least 850sqm (900sqm for an urban village) and for a unit development, at least 1300sqm (2000sqm for an urban village).

The lots that are currently being created as part of greenfield subdivisions are approximately 750sqm, which would permit manor house developments on the majority of new lots within Bathurst and its suburbs without development consent and the constraints that Council has implemented to reduce their impacts. Council officers were concerned with the proposed changes and hence made repeated requests for exclusion from the SEPP.

2020 SEPP Amendments

On 26 June 2020 the Minister made an amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which incorporated a variety of amendments to how the SEPP operated as well as making consequential amendments to five Local Environmental Plans including Bathurst Regional, Manly, Mid-Western Regional, Sutherland and Woollahra Councils establishing a minimum lot size for manor houses.

With respect of the Bathurst Regional Local Environmental Plan 2014:

- Manor Houses are now defined within the LEP;
- Clause 4.1B has been amended to include Manor Houses in the clause; and
- The Minimum Lot Size—Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map has been amended to include a reference to Manor Houses.

Thus, the minimum lot size that applies to residential unit developments under Council's LEP now applies to manor houses for the purposes of both local development (requiring a development application) or for development under the Codes SEPP (requiring a complying development certificate).

The amendment that came into force on 26 June 2020 represents a significant improvement for controlling development within the Bathurst Region, and whilst it is not a wholesale exclusion from the SEPP, it reduces the opportunities for dual occupancies, manor houses and terrace developments in the suburbs to be approved as Complying Development contrary to the minimum lot size standards outlined in Council's LEP.

CONCLUSION:

In July 2018 the NSW Government introduced amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to allow for the fast track approval of one and two-storey dual occupancies, manor houses and terraces as complying development in the R1(General Residential), R2 (Low Density Residential), R3 (Medium Density Residential) and RU5 (Village) zones under the Low Rise Medium Density Housing Code.

The SEPP was deferred on two occasions from application within the Bathurst region as a result of repeated representations made by Council to the NSW Department of Planning, Industry and Environment.

Following continued discussions with the Department, an amendment was made to the Bathurst Regional LEP on 26 June 2020 to establish a minimum lot size for manor houses.

Whilst Council has been unable to secure a wholesale exclusion from the SEPP, medium density development considered under the SEPP will have to meet minimum lot size standards as outlined in the Bathurst Regional Local Environmental Plan 2014.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.5 Promote good design in the built environment.

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 5: Community health, safety and well being.

Strategy 5.5 Plan and respond to demographic changes in the community.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.3 Advocate for our community.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-199

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

7.2.12

BUY LOCAL GIFT CARD COVID-19 COMPETITION

File No: 20.00313

RECOMMENDATION:

That the information be noted.

REPORT:

The Bathurst Buy Local Program has been operating since 2015. Since that time \$594,148 has been loaded onto cards. The Bathurst Buy Local Gift Card works like any other gift card or voucher-based system; the only difference is that the money can only be spent in Bathurst at participating stores.

To encourage “buy local” and to continue to promote the Bathurst Buy Local Program, a Buy Local 2020 Campaign was recently conducted by Council in the form of a competition with prizes.

The Buy Local 2020 Campaign required gift card holders to spend in the program’s participating stores in order to receive an entry. The minimum spend was \$20.

The competition was conducted over ten weeks commencing 1 May 2020, with a weekly prize of a \$200 buy local gift card for the first eight weeks. The last two weeks offered three x \$200 gift cards each week.

The competition was very well received by businesses participating in the Buy Local Program.

There were 4,902 entries submitted. With each person needing to spend a minimum of \$20 to enter, the competition has potentially encouraged additional spending of more than \$98,000 in the economy (at a minimum). The competition also resulted in four additional business becoming part of the Gift Card program boosting the total number of businesses involved to 134.

The Facebook posts had a total reach of 13,120, all promoting and reinforcing the buy local message to local Facebook users.

A full report is of the program is provided at [attachment 1](#).

CONCLUSION:

The competition objectives of reinforcing buy local, providing support to small business and to promote and enhance the Bathurst Buy Local program were all achieved.

FINANCIAL IMPLICATIONS:

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 Support local business and industry.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 2020 Gift Card Competition Report [7.2.12.1 - 8 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-200

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That the information be noted.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', enclosed within a large, hand-drawn oval.

A Jones
**DIRECTOR
CORPORATE SERVICES AND FINANCE**

7.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

RECOMMENDATION:

That the information be noted.

REPORT:

\$70,430,000 was invested at 31 July 2020 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:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A-1+	\$17,000,000.00	1.14%
Macquarie Bank Limited	A-1	\$3,000,000.00	1.39%
AMP	A2	\$1,500,000.00	1.35%
Bank of Queensland Limited	A2	\$5,000,000.00	1.18%
IMB	A2	\$1,500,000.00	0.95%
Auswide Bank*	A2	\$3,000,000.00	1.81%
Members Equity Bank	A2	\$3,000,000.00	1.29%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$7,500,000.00</u>	<u>1.51%</u>
*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S&P shown		\$41,500,000.00	1.29%

Long Term > 365 Days
(comprising Commercial Bills, Term Deposits, Debentures and Bonds):

**Floating Rate
Term Deposits**

CBA Deposit Plus (10/9/2020)	AA-	\$1,500,000.00	0.90%
CBA Deposit Plus 1 (3/12/2020)	AA-	\$1,500,000.00	1.05%
CBA Deposit Plus 2 (9/5/2021)	AA-	\$1,500,000.00	1.18%
Westpac Coupon Select (9/11/2020)	AA-	\$2,000,000.00	1.12%
Westpac Coupon Select 1 (3/3/2022)	AA-	\$3,000,000.00	1.35%
Westpac Coupon Select 2 (6/9/2022)	AA-	\$1,500,000.00	1.10%
Westpac Green Tailored Deposit (19/6/2020)	AA-	\$1,500,000.00	0.87%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,230,000.00</u>	<u>0.40%</u>
-	-	\$13,730,000.00	1.05%

**Fixed, Negotiable
& Tradeable
Certificates of
Deposits**

Sumitomo Mitsui Banking Corp (5/6/2025)	A	\$1,000,000.00	2.15%
AMP Fixed Rate (7/12/2020)	BBB+	\$1,000,000.00	2.99%
-	-	\$2,000,000.00	2.57%

**Floating Rate
Notes**

CBA Climate Bond (31/3/2022)	AA-	\$1,000,000.00	1.02%
Commonwealth Bank of Australia 2 (16/08/2023)	AA-	\$500,000.00	1.03%
National Australia Bank (19/6/2024)	AA-	\$700,000.00	1.03%
HSBC Sydney (27/9/2024)	AA-	\$1,500,000.00	0.93%
Suncorp Metway (20/10/2020)	A+	\$1,000,000.00	1.35%
Rabobank (4/3/2021)	A+	\$1,000,000.00	2.50%
Macquarie Bank (21/6/2022)	A+	\$1,000,000.00	0.85%
UBS AG Australian (31/7/2025)	A+	\$650,000.00	0.97%
AMP (30/3/2022)	BBB+	\$1,000,000.00	1.15%
AMP (24/5/2021)	BBB+	\$1,000,000.00	2.34%

AMP (10/09/2021)	BBB+	\$1,100,000.00	1.18%
Bendigo & Adelaide Bank 3 (18/8/2020)	BBB+	\$1,000,000.00	1.20%
Members Equity 3 (9/11/2020)	BBB	\$750,000.00	1.35%
Newcastle Permanent 3 (24/1/2022)	BBB	<u>\$1,000,000.00</u>	<u>1.75%</u>
		\$13,200,000.00	1.34%
Total Investments		<u>\$70,430,000.00</u>	<u>1.29%</u>

<u>Total Interest Revenue to 31 July 2020</u>		<u>\$78,092.18</u>	<u>1.29%</u>
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A Jones
Responsible Accounting Officer

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Investments 2020-07-31 pre-accrual [7.3.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-201

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That the information be noted.

7.3.2

MONTHLY REVIEW - 2020/2024 DELIVERY PLAN AND OPERATIONAL PLAN 2020/2021

File No: 16.00167

RECOMMENDATION:

That the information be noted.

REPORT:

Bathurst Regional Council has in place the Bathurst 2040 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 the Community Strategic Plan which was adopted by Council on 16 May 2018. 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 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2020-2024 Delivery Plan and the Annual Operational Plan 2020-2021.

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 Transport for NSW 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 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 2020/2021 Annual Operational Plan 31 July 2020 [7.3.2.1 - 50 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-202

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED:

That the information be noted.

7.3.3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY

File No: 18.00004

RECOMMENDATION:

That the information be noted and any additional expenditure be voted.

REPORT:

At **attachment 1** 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 31 July 2020 including a report on annual Rental Subsidies granted by Council.

FINANCIAL IMPLICATIONS:

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:	\$ 59,957.00 **
BMEC Community use:	\$ 10,000.00
Mount Panorama:	\$ 30,000.00

** The above amount includes donations already committed but not yet paid. After allowing for the committed donations the remaining balance is nil.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well being.

Strategy 5.3 Help build resilient, inclusive communities.

Objective 6: Community leadership and collaboration.

Strategy 6.5 Be open and fair in our decisions and our dealings with people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-203

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That the information be noted and any additional expenditure be voted.

7.3.4 POWER OF ATTORNEY

File No: 11.00007

RECOMMENDATION:

That the information be noted.

REPORT:

That the General Manager's action in affixing the Power of Attorney to the following be noted.

- CP Zamparo – 42 Sunbright Road – Lot 25 DP1253021 – Sales Contract
- Vodafone Network Pty Ltd – 230 Howick Street – Lot 1 DP774489 – Commercial Lease
- S Cambey & A King – 7 Driscoll Close – Lot 103 DP1253021 – Sales Contract
- JA & DA Caballero – 7 Bolton Street – Lot 59 DP1253021 – Sales Contract
- Sandema Pty Ltd – 13 Lee Street – Lots 2 & 3 DP1186691 – Commercial Lease
- S & U Jeyakumas – 68 Sunbright Road – Lot 35 DP1253021 – Sales Contract
- D Morgan – 12 Whiteman Place – Lot 127 DP249576 - Lease

General Items

- Nil

Linen Plan Release

- Mr WO Beattie – 2 lot residential subdivision – Lot B DP356335 – 158 Rankin Street, Bathurst
- Ms JL Osborne & Ms CJ Litchfield – 2 lot subdivision – Lot 12 DP743825 – 47 Fitzroy Street, Peel
- Mr AJ & Mrs FR Bolam – 2 lot rural subdivision – Lot 282 DP1022369 – 164 Eusdale Road, Yetholme

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-204

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.3.5 REQUEST FOR FINANCIAL ASSISTANCE - THIS IS MY BRAVE AUSTRALIA

File No: 18.00195

RECOMMENDATION:

That Council not provide financial assistance to This Is My Brave Australia Inc as Council is already providing financial assistance to a number of local organisations who are servicing the local mental health and well being needs of our community.

REPORT:

Council is in receipt of a request for financial assistance from This Is My Brave Australia Inc for their "This Is My Brave The Show Bathurst" which is scheduled to be held at the Bathurst Memorial Entertainment Centre (BMEC) on 22 October 2020.

This Is My Brave Australia Inc. is seeking Council to contribute \$9,000 as the major sponsor for the event, with the \$9,000 being made up of the waiving of all BMEC charges and the balance paid as a cash contribution to the event. BMEC have advised that their charges for this event are estimated to be \$3,1851.50 excluding ticketing and catering charges.

A copy of the application for assistance from This is My Brave Australia Inc. together with additional supporting information is provided at **attachment 1**. A letter of support from The Neighbourhood Centre is provided at **attachment 2**.

The organisers describe their event as "...a live story telling theatre event where cast members tell their stories of living, managing and recovering from their mental health issues in front of a local audience. The cast members tell their stories through poetry, spoken word, song, comedy and even dance live on stage for one night".

Council staff have reviewed the application and supporting documentation and acknowledge that mental health is certainly an area of concern within our community. Generally, any awareness raising of this can be seen as a positive.

As part of Council's annual Section 356 Donations program, Council resolved to provide donations to Lifeline (\$5,000) and the Central West Women's Health Centre Inc (\$2,000). Both of these local organisations are having an active involvement in servicing the mental health and wellbeing needs of our community. Accordingly, it is recommended that Council not provide financial assistance to This Is My Brave Australia as Council is already supporting local organisations who are servicing the same need.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 [7.3.5.1 - 12 pages]
2. Attachment 2 [7.3.5.2 - 1 page]

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

Reason: Cr Rudge will be speaking at the Event hosted by This is My Brave Australia.

MINUTE

RESOLUTION NUMBER: ORD2020-205

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That Council waive BMEC hire fees (not including ticketing and catering) for the This is My Brave Australia event at the BMEC, up to a value of \$3,181.50

7.3.6

BATHURST WINTER FESTIVAL 2020

File No: 23.00152

RECOMMENDATION:

That the information be noted.

REPORT:

The Bathurst Winter Festival has become a marquee event and a popular shared experience for many Bathurst locals. It has established itself as a must do event with friends and family and breaks up a long winter in our city. The Bathurst Winter Festival was held 4 – 19 July 2020. Due to the Coronavirus outbreak a vast majority of events were cancelled across Australia. Planning for the festival continued behind the scenes and as restrictions started to ease in NSW, the festival started taking shape however looking a bit different.

Key information:

- 28 movies shown at the Drive in
- 6 illumination spots
- 35 businesses participate in Online Markets from around the state
- 24 businesses participate in Bring winter into your business
- 8 Homes officially enter the Brighten up Bathurst competition
- 20 Businesses participated in the treasure Hunt
- 13 Businesses participate in Bite Night – Every Friday
- More than 20 Musicians participate in the Bowman Dental Groove in Grill and Saturday Live Music
- 9 Weekends of Live music in Bathurst Eateries
- Kids Day 8 July
- LiveBetter Accessibility Day 10 July
- Pet Day 17 July sponsored by MARS Petcare, almost 100 entries for the competition
- 1,082 free craft packs distributed to the homes of Bathurst

Illuminations:

The final year of the 3 year contract with ESEM productions saw a pivot in how illuminations were traditionally carried out at the Festival. The Court House remained the centre piece of the event and new sites were found on George and Keppel Streets, extending the footprint of the festival.

Due to COVID restrictions the illuminations were pitched as an ‘in car experience’ with matching soundtracks for each site found on FM radio stations. The music for each site was composed by local musicians from, Mitchel Conservatorium, Bathurst Academy of Music and other musicians.

Drive In Cinema:

The Drive in was brought as a safe way to bring people together during COVID. Held at Mount Panorama it was hugely successful with almost 4,000 people attending.

- Total tickets sold: 1,515
- 60% of tickets were sold
- 28% of tickets sold were outside 2795 resulting in approximately \$50,000 economic benefit to the region
- McDonalds Bathurst were major sponsor for \$10,000
- Dirty Dancing, Jumanji (1995) and Cloudy with a Chance of Meatballs the most popular movies and sold out

Brighten Up Bathurst Region:

Brought into the festival to extend the illumination 'in car experience' by encouraging people of Bathurst to dress their homes in lights.

- 8 homes participated
- \$2,000 worth of prizes
- Bunnings sponsor of event

Key event days:

- Kids Day 8 July
- LiveBetter Accessibility Day 10 July
- Pet Day 17 July sponsored by MARS Petcare, almost 100 entries for the competition
- 1,082 free craft packs distributed to the homes of Bathurst

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

Strategy 2.6 Promote our City and Villages as a tourist destination.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-206

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

7.3.7 REQUEST FOR FINANCIAL ASSISTANCE - PACKARD RALLY

File No: 23.00015-09

RECOMMENDATION:

That Council:

- i. Host a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packard Rally, Bathurst.
- ii. Waive the charges associated with the closure of Russell Street for their Car Show Day.

REPORT:

Council has received a request from Mr Robert Stone, Rally Director of the Packard Automobile Club of Australia Inc seeking Council's support for their 19th National Packard Rally which is scheduled to be held in Bathurst on 18 to 24 April 2021. A copy of the request, together with other associated documentation is provided at **Attachment 1**.

The Club are hoping to bring at least 100 of their members Packards to this National Rally which has been held every second year since 1965.

As part of their weeklong activities, the Club are seeking support from Council with:

- i. The Mayor to open proceedings at a welcome function on the Sunday evening; and
- ii. Assistance with the charges associated with the closure of Russell Street for their Car Show Day (date yet to be confirmed).

An assessment of Council's involvement in this event has been undertaken through Council's Event Framework, with the outcome (being presented in the table below) that Council "support" this event.

Requested categorisation of event	Strong		Medium		Low
Rating with					
Strategic plan alignment	5	4	3	2	1
Demographic fit	5	4	3	2	1
Cultural composition fit	5	4	3	2	1
Community support	5	4	3	2	1
Local business/region benefit	5	4	3	2	1
Risk	5	4	3	2	1
Access and equity	5	4	3	2	1
Event organiser proficiency	5	4	3	2	1
Ongoing support from Council	5	4	3	2	1
Recommended categorization of event	Own	Partner	Support	Approve	

On previous occasions where the Mayor has been invited to welcome functions for events

similar to this proposal, Council has resolved to host a Mayoral Welcome Reception at one of the Council Museums. As the club are largely going to be based in around Mount Panorama, it is proposed that the Mayoral Welcome Reception be held at the National Motor Racing Museum.

Accordingly, it is recommended that Council:

- i. Host a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packcard Rally, Bathurst.
- ii. Waive the charges associated with the closure of Russell Street for their Car Show Day.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendation of this report there is adequate funding within Council's Civic Receptions budget to fund the Mayoral Welcome Reception (estimate cost \$1,500) and the Russell Street Road Closure (estimated cost \$2,500) from the closure of Russell Street allocation.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.6 Promote our City and Villages as a tourist destination.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-207

MOVED: Cr M Morse SECONDED: Cr J Rudge

That Council:

- i. Hosts a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packcard Rally, Bathurst.

On being **PUT** to the **VOTE** the **MOTION** was **LOST**

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council:

- i. Hosts a Mayoral Welcome Reception at the National Motor Racing Museum for the participants at the 19th National Packcard Rally, Bathurst.
- ii. Waives the charges associated with the closure of Russell Street for their Car Show Day.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

7.3.8 ACQUISITION OF PART LOT 404 DP1241250, PJ MOODIE DRIVE, RAGLAN

File No: 21.00079

RECOMMENDATION:

That Council:

- i. Accepts the offer from Transport for NSW to acquire Part Lot 404 DP1241250, PJ Moodie Drive, Raglan for the purchase price of \$107,250.00 inclusive of GST in full satisfaction of all claims arising from the subject acquisition pursuant to the provisions of Section 55 of the Land Acquisition (Just Terms Compensation) Act 1999 as detailed within this report; and
- ii. Delegate the authority to the General Manager to execute the contracts and associated documents relevant to this transfer.

REPORT:

Council would be aware that as part of the planned upgrade of the Great Western Highway at Raglan, Transport for NSW (TfNSW) are required to acquire some additional land which is currently occupied by the Bathurst Regional Airport.

As identified in the Plan provided at **Attachment 1**, TfNSW are seeking to acquire approximately 12,800m² has on existing development approval.

Council's appointed Valuers, have negotiated with the valuer representing TfNSW and have agreed on the following valuation:

- Approved existing development area 2870m² @ \$27/m² = \$77,490
- Land area not subject to development 9930m² @ \$1.75/m² = \$17,378
- Total \$94,868 rounded to \$95,000 (excl GST)

TfNSW have also agreed to contribute \$2,500 (excl GST) towards Council's legal costs in this matter, hence TfNSW full offer is \$107,250 (inclusive of GST).

In addition to the acceptance of the purchase price the following terms and conditions are being placed on the transfer:

- i. Vacant possession to be given on completion.
- ii. TfNSW and its contractors to have the right to enter the land being purchased from date of contract exchange, for purposes of road construction and associated works.
- iii. TfNSW and/or its agents shall undertake (at no cost to the vendor) prior to or during roadwork the following;

- a) Adjustment of any existing services and public utilities to suit the new road alignment.
 - b) Construct man proof fencing of similar style to suit the new road boundaries in accordance with Bathurst Regional Council specifications.
 - c) Two 3 metre wide by 2.2 metre high man proof gates topped with 3 barbed wires to be moved to a point in P J Moodie Memorial Drive opposite the northern boundary of Lot 1 in DP240328.
 - d) Recess fencing into the airport property to match the existing configuration and remove and replace 5 advertising signposts. See the attached hand drawn sketch plan dated 4/02/2020.
- iv. For the purpose of the performance of the above condition a) and b), TfNSW and/or its agents may at any time after the date of contract exchange with or without plant, enter the land being acquired and adjoining land of the vendors and no claims against TfNSW shall be made by the vendors by reason of such act of entry provided that TfNSW shall restore or otherwise make good any damage caused to such adjoining land.

Council staff have reviewed the terms and conditions as proposed and believe that they are appropriate and acceptable for this property transfer.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendations of this report, Council will receive \$95,000 (excl GST) in land sale income.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

- Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.
- Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 6: Community leadership and collaboration.

- Strategy 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.
- Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 - Plan of area to be acquired [7.3.8.1 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-208

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council:

- i. Accepts the offer from Transport for NSW to acquire Part Lot 404 DP1241250, PJ Moodie Drive, Raglan for the purchase price of \$107,250.00 inclusive of GST in full satisfaction of all claims arising from the subject acquisition pursuant to the provisions of Section 55 of the Land Acquisition (Just Terms Compensation) Act 1999 as detailed within this report; and
- ii. Delegate the authority to the General Manager to execute the contracts and associated documents relevant to this transfer.

7.3.9 REQUEST FOR FINANCIAL ASSISTANCE - MOUNT PANORAMA PUNISH

File No: 23.00026-21

RECOMMENDATION:

That Council:

- (i) Support the hosting of the Mount Panorama Punish and promote the event through the regular Council media channels; and
 - (ii) Waive the Mt Panorama hire charges associated with the event
-

REPORT:

Council has received a request from the organisers of the Mount Panorama Punish, seeking financial and other assistance with delivering the 2020 event. A copy of their request, together with some additional information is provided at **attachment 1**.

In brief, the organisers are seeking assistance with:

- (i) Council to support in hosting the event;
- (ii) Council to co-ordinate all appropriate traffic management controls as has been provided in previous years;
- (iii) Council to allow access to the Harris Park complex for pre and post race activities, food vendors and over flow car parking (if required); and
- (iv) Council to promote the event through regular outlets and media.

The 2020 event will be the fourth year of this event, and Council has had an active involvement in the planning of the initial event, and the running of all events to date. During the planning discussions of the initial event, Council staff encouraged the event organisers to develop a model for the event which enabled the event to be paying for itself within 3 to 5 years.

A copy of the 2019 financials together with the proposed budget for the 2020 event has been obtained, and provided to Councilors under a separate confidential memorandum.

For the 2019 event, Council covered the following expenses:

- Traffic Management Control (external contractor)	\$2,040.00
- Post clean of Amenities and Venue (external contractor)	\$312.00
- Provision of Events Staff member on Event day	\$377.24
- Waiving of Venue Hire charges	\$1,541.00
- Full circuit hire	\$900.00
- Harris Park	\$276.00
- Harris Park amenities	\$365.00
	<u>\$4,270.24</u>

Should Council maintain the same level of support for the 2020 event, it is estimated that the cost to Council would be:

- Traffic Management Control (external contractor)	\$2,150
- Post clean of Amenities and Venue (external contractor)	\$330.00
- Provision of Events staff member on Event Day	\$400.00
- Waiving of Venue Hire charges	\$1,619.00
- Full circuit hire	\$495.00
- Harris Park	\$290.00
- Harris Park amenities	\$384.00
	<u>\$4,499.00</u>

The organisers of this event have developed the event to the extent that the event returned a profit in its third (2019) year, which has enabled the event to donate almost \$10,000 to local charities and causes and other community group sponsorships over the past three years.

To continue to encourage the event organisers to plan and run the event in such a way that it covers its own costs, it is proposed that the Council's financial support be limited to only the waiving of the Mount Panorama venue hire charges for the event. The promotion of the event through Council's social media channels can be undertaken at no additional cost to Council.

FINANCIAL IMPLICATIONS:

Should Council resolve in accordance with the recommendations of this report the waiving of \$1,619.00 in Mount Panorama Venue hire fees can be funded from Council's Section 356 - Mount Panorama Fee subsidy allocation.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 2: A smart and vibrant economy.

Strategy 2.5 Support Mount Panorama as a premier motor sport and event precinct.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Mount Panorama Punish - Attachments pdf [7.3.9.1 - 10 pages]

Cr Hanger declared non-pecuniary interest in this item and left the Chamber.

Reason: Daughter is an Event Organiser for the Mount Panorama Punish.

MINUTE

RESOLUTION NUMBER: ORD2020-209

MOVED: Cr A Christian SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (i) Support the hosting of the Mount Panorama Punish and promote the event through the regular Council media channels; and
- (ii) Waive the Mt Panorama hire charges associated with the event

7.3.10 REQUEST FOR FINANCIAL ASSISTANCE - HOUSING PLUS DA2019/133

File No: 2019/133-09

RECOMMENDATION:

That Council does not approve the request for financial assistance from Housing Plus for the development costs associated with DA2019/133.

REPORT:

Council has received a request from Housing Plus seeking Council to make a financial contribution to works which are required to be completed as part of their approved development application (DA2019/133) at 48 Havannah Street, Bathurst.

Housing Plus are seeking a financial contribution of \$152,290 from Council. Housing Plus are also seeking a waiver of the Section 7.11 contributions which are applicable to this development, which is being considered under a separate report to Council. A copy of the request submitted by Housing Plus is provided at **Attachment 1**.

As detailed in their request, Housing Plus are seeking a contribution to cover the cost of works to satisfy “the DA conditions of consent that only relate to community infrastructure and are outside the site”. Housing Plus are claiming that these costs, together with other costs associated which satisfy other DA conditions “could not have” been budgeted for at the time of securing the site.

Whilst this maybe their situation, the responsibility of undertaking a due diligence and cost assessment of any proposed development application rests with the applicant and not Council. Similarly, the costs to comply with an approved development application also rest with the applicant and not Council.

Should Council resolve to provide any financial contributions to this request will create an untenable precedent for Council as it will create an expectation that equivalent support will be provided to future development applications requiring similar works.

Accordingly, it is recommended that Council not approve the request for financial assistance from Housing Plus for the development costs associated with DA2019/133.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.6 Manage our money and our assets to be sustainable now and into the future.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 - Request from Housing Plus [7.3.10.1 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-210

MOVED: Cr J Fry SECONDED: Cr J Rudge

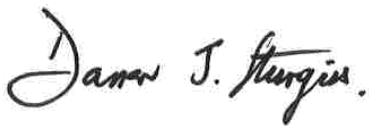
RESOLVED:

That Council does not approve the request for financial assistance from Housing Plus for the development costs associated with DA2019/133.

DIRECTOR ENGINEERING SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully

A handwritten signature in black ink, reading "Darren J. Sturgiss". The signature is written in a cursive, flowing style.

Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**

7.4.1 WATER SECURITY UPDATE

File No: 32.00017

RECOMMENDATION:

That the information be noted.

REPORT:

The previous report to Council regarding water security was at Council's ordinary meeting of 15 July 2020. A compilation of the various water security related Council reports is available from: <https://www.bathurst.nsw.gov.au/water-restrictions-council.html#article-id-3338>

Current storage in Chifley Dam, Council's main water supply storage is 48.4% as at 4 August 2020. At this time last year storage was 44.0%.

Water Demand

Water demand on the Town Water Supply continues to average 9.3ML/day. This is an excellent result from the Bathurst community. Residential consumption for the last month has averaged 129 L/person/day, which is well below the 2014 Drought Management Plan expectations of 183 L/p/d for Level 4; this consumption is well below Level 5 (159) and is at Level 6 (129) requirements.

Compliance

The media and information campaign continue to provide details regarding the current extreme water restrictions that apply, with full details available on the Council website. Enforcement and compliance measures remain in place, with the appointment of a full time Water Inspector supported by administration staff who take all calls through the newly established water hotline, and the water restrictions email. To the end of July 2020, 2 new complaints were raised with Council and are being actioned, bringing the overall total to 357. New cases (1) required a courtesy letter to be sent, bringing the total to 214 and this resulted in changes and compliance. There were no caution letters sent, no further penalty infringement notice (fine) issued, keeping those totals to 15 and 4 respectively. In some cases, complaints appeared to have been vexatious, as no evidence of non-compliance could be found on inspection of the relevant property.

As at the end of July 2020, there had been 148 pool top up permits issued in total, 332 residential exemptions approved with conditions in total, and a total of 105 business exemptions approved with conditions.

Chifley Dam weekly updates

Each Tuesday afternoon Council's website is updated with the latest statistics and figures relating to Chifley Dam, and the Bathurst Water Supply. Details are available here: www.bathurst.nsw.gov.au/chifleydam

The three key graphs included at **attachment 1** show the monthly Chifley Dam volume in

percent, from 11 November 2002 to 4 August 2020, the yearly comparison of Chifley Dam from 2015 to 2020, and the estimated residential water usage in litres per person per day, along with the anticipated demand forecast in the 2014 Drought Management Plan. Again, current level of Chifley Dam is 48.4%; Winburndale Dam is 88.7%.

Environmental flows only continue to be released from Chifley Dam, with Bathurst Town water supply for the last 25 weeks being sourced from the Fish River.

Short Term Water Supply Improvements

Council has recently received an additional \$10M from the NSW State Government to progress the Winburndale Dam pipeline augmentation. This brings the total funding from the NSW State Government for critical water projects to \$22M including \$2M for design and investigation and \$20M for capital works.

Council is preparing its application for authorisation for the Water Harvesting Project, responding to requirements from the NSW Government.

Given recent pleasing rainfall, the Zero flow Day Zero water supply estimate has extended to October 2021. Council has nearly finalised assessment of a more cost-effective route for the water harvesting pipeline along the Macquarie River Levee,

Council had also proposed that the Winburndale Dam Pipeline Augmentation project to be listed on the relevant Schedules of the Water Supply (Critical Needs) Act 2019. There is clear justification as to the project need in this regard.

At this stage the detailed design for both projects are continuing, the environmental assessment is being completed and will be provided to the NSW State Government as soon as possible. It is expected that the full environmental assessment documentation will be provided to the NSW Government in October 2020. At this stage all assessment is complete except a portion of the route that is subject to aboriginal cultural heritage assessment.

Application to the Natural Resource Access Regulator had been made for approval for reduction in environmental flows from Winburndale Dam, to extend the remaining storage in circumstances of critical water shortages in Bathurst. The NSW State Government has requested further information.

Council had also sought approval from the NSW State Government to reduce environmental release from Chifley Dam, from a maximum of 4.35ML/day or part thereof of Dam inflows; to 1.0ML/day in circumstances of critical water shortages in Bathurst. This matter is yet to be finalised, with request by NSW State Government for further environmental assessment information to be provided, again this is currently being collated for submission. Additional data required has included environmental investigation and survey of the Booroolong Frog which has been identified in the Macquarie and Fish River. This survey work has completed.

In relation to irrigation allocation, Council had advised the NSW Government that it was of the view, given the critical water shortage that the 2020/21 water year allocation for irrigation from the Macquarie, Campbell's and Fish Rivers serving the Bathurst City Water Supply ought be zero. This submission was made in early April, prior to recent rainfall. The NSW government has advised temporary 20% allocation for irrigators for the 2020/21 year. A review is to be carried out by the Natural Resource Access Regulator in September 2020 regarding this position.

Work Completed to Date

Council has engaged a contractor to carry out strengthening works to Winburndale Dam. Cost of this project is approximately \$9.7M, with \$2.225M provided by the NSW Government's Safe and Secure Water Program. Work on this has commenced, with to date approximately \$5.5M expended. Work will be completed in 2020/2021.

Councillors would also be aware of the \$2M provided by the State Government to investigate short term water supply needs, including: -

- (a) Stormwater harvesting
- (b) Winburndale pipeline improvement works
- (c) Groundwater / bore investigation

The above activities involve up to 16 individual consultancies which are being managed by Council for this investigation work, with the bulk of the \$2M committed. It is expected that this funding will be largely expended by late 2020.

More detailed progress of work is shown as below:-

WATER INFRASTRUCTURE PROJECTS – PROGRESS	
Project	Status
Project Legal Framework	
Legal assessment of suitability of Water Supply (Critical Needs) Act 2019.	Completed
Listing of Water Harvesting project on Water Supply (Critical Needs) Act 2019	Completed
Listing of Winburndale Dam pipeline augmentation project on Water Supply (Critical Needs) Act 2019	Underway. Finalisation of Environmental assessment required as part of submission
Legal Assessment of procurement process, subsequently resolved Ordinary Council Meeting, 11 December 2019.	Completed
Water Harvesting	
Preliminary Yield Analysis	Complete
Detailed Yield Analysis	Complete
Project management framework including legal advice for preparation of GC21 Design and Construct Contract	Complete
Option 1 Route Analysis – Through Levee	
Survey	Complete
Design	Complete
Costing	Complete
Geotechnical Investigation	Complete
Environmental Assessment	Complete
Option 2 Route Analysis - Through public road network	
Survey / Design	Complete
Geotechnical Investigation	Complete
Aboriginal Cultural Heritage Assessment	Complete

European Cultural Assessment	Complete
Crown Road Licence Agreement for formalization of Easements	Complete
Permission from TfNSW for Great Western Highway underbore	Commenced
Permission from John Holland Rail for Great Western Railway underbore	Commenced
Environmental Assessment	Completed
Electrical Assessment	Commenced
<u>Option 3 Route Analysis – Underbore Macquarie River</u>	
Survey / Design	100% complete
Geotechnical Investigation	90% complete
Aboriginal Cultural Heritage Assessment	Commenced, ACHA required for portion of route. Due Diligence Report Completed. Discussions with DPIE regarding shortened ACHA process utilising Critical Needs legislation.
European Cultural Assessment	Completed
Permission from TfNSW for Great Western Highway, for trenching under bridge.	Commenced
Permission from John Holland Rail for Great Western Railway underbore	Commenced
Technical Assessment of route by Public Works Advisory	Completed
Environmental Assessment	Completed
Costing	Preliminary costing completed. Detailed costing substantially completed
<u>Stormwater Ponds – Next to Proctor Park - Stage 1b</u>	
Design	Complete
Geotechnical Investigation	Complete
Aboriginal Cultural Heritage Assessment	Complete
Flood Impact Assessment	Substantially completed
Costing	On hold
<u>Winburndale Dam Pipeline Augmentation</u>	
Feasibility Assessment	Completed
Route Assessment	Completed
Pipeline Sizing	Completed
Electrical Needs Assessment	Completed
Legal opinion regarding existing easement access	Completed
Survey and Design	Commenced
Environmental Assessment	80% complete
Discussions with affected landowner along route	Commenced
Costing	To commence following design completion

<u>Winburndale Dam Water into Water Filtration Plan using existing pipeline</u>	
Water Chemistry Analysis	Completed
Compliance / Risk assessment with Australian Drinking Water Guidelines	Completed
Design for inlet works	Completed
Construction of inlet works	Completed
Commissioning / testing / monitoring of water quality	Completed
<u>Water Filtration Plant Mixing Lagoon</u> – To provide balance tank prior to inlet into Water Filtration Plant	
Water Quality / Risk Assessment	Completed
Survey and Design	Completed
Costing	Completed
<u>Irrigation Allocations</u>	
Discussions with Local Irrigators regarding Council's request to NSW State Government for Section 324 instrument to restrict allocations for 2019/2020 water year	Completed
Provision of detailed assessment to NSW State Government requesting irrigation restriction for 2019/2020 water year, to 20% allocation	Completed
Request to NSW Government requesting consideration of 0% allocation for irrigation allocation for 2020/2021 water year	Completed
State Government announcement that water allocation for local irrigators to be set at 20% for 2020/21 water year.	Completed.
<u>Chifley Dam Environmental Release</u>	
Environmental Assessment for reduction in Environmental release submitted to NSW Government	Completed
Booroolong Frog Survey to Campbells River	Completed
Investigation for additional River Gauging (Level) Stations to Campbells and Fish River, to assist environmental monitoring	Commenced
Preparation of additional detail regarding environmental release conditions	Commenced
<u>Winburndale Dam Environmental Release</u>	
Application for reduction in Environmental release submitted to NSW Government	Completed
<u>Groundwater Assessment</u>	
Desktop investigation of groundwater sources	Completed
Seismic testing of most beneficial areas identified in desktop investigation	Completed
Collation of licenced bores within Bathurst LGA	Completed
Water quality testing of water sourced from sample of existing bores	Completed
Drilling of investigative boreholes	Completed

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 3: Environmental stewardship.

Strategy 3.2 Protect the City's water supply.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Attachment 1 August Water Security Report [7.4.1.1 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-211

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.4.2 ROADSIDE WEED CONTROL PROGRAM - UPPER MACQUARIE COUNTY COUNCIL

File No: 18.00172-17

RECOMMENDATION:

That Council:-

- (a) engage the Upper Macquarie County Council (UMCC) for Roadside Weed Management for roads in Bathurst Regional Council control
 - (b) agree to the request of UMCC to vary Council's Roadside Vegetation Management Plan, for the purposes of the roadside weed control program only.
-

REPORT:

The Upper Macquarie County Council (UMCC) has been managing roadside weeds on behalf of Bathurst Regional Council for several years. The UMCC has put to Bathurst Regional Council a proposal for the current financial year and has requested that BRC allow a minor change to the Roadside Vegetation Management Plan (RVMP), that was adopted in April 2018.

The plan covers all non-urban roadsides in the Bathurst Regional Local Government Area (LGA). The RVMP replaces and builds upon the 2007 *Roadside Vegetation Management Guidelines*.

The purpose of the plan is to promote good management of roadside vegetation particularly in relation to environmental values. The plan defines the strategic framework and management principles which will guide actions within the road reserves to achieve good management.

The request from UMCC for the current proposal is provided at **attachment 1**. It is considered that the request to modify the Roadside Vegetation Management Plan is reasonable given the scale of works to be carried out and work methods employed.

FINANCIAL IMPLICATIONS:

Funding is available in Council's Annual Operating Plan for this work.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.4 Protect and improve the region's landscapes, views, vistas and open space.

Objective 3: Environmental stewardship.

Strategy 3.4 Protect and improve the region's biodiversity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Letter BRC UMCC Roadsides Weed Control Program 2020 2021 Offer [7.4.2.1 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-212

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:-

- a) engage the Upper Macquarie County Council (UMCC) for Roadside Weed Management for roads in Bathurst Regional Council control
- b) agree to the request of UMCC to vary Council's Roadside Vegetation Management Plan, for the purposes of the roadside weed control program only.

7.4.3 PARTICIPATION IN A REGIONAL CONTRACT FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS

File No: 07.00017-29

RECOMMENDATION:

That Council agree to participate in a regional contract for the supply and delivery of road signs and to provide CNSWJO with advice accordingly.

REPORT:

Précis

This report seeks Council's resolve to participate in a regional purchase of road signs through Central NSW Joint Organisation (CNSWJO).

Council has participated in regional contracts for the purchase of road signs for the past 14 years through Centroc and Council's continued support is requested for the next contract which will commence 1 January 2021.

The following report provides more background advice regarding both CNSWJO's Inter-Council Co-Operation Priority and the regional purchase of road signs.

Background on the CNSWJO Inter-Council Co-Operation Priority

Central NSW Joint Organisation (CNSWJO) represents over 157,000 people covering an area of more than 47,000sq kms comprising Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Oberon, Orange, Parkes, and Weddin Councils and Central Tablelands Water.

The Central NSW Joint Organisation provides strong cohesive leadership that aligns all tiers of government to deliver our region's community derived strategic priorities. The Joint Organisation has the following principal functions:

- to establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those strategic regional priorities
- to provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities
- to identify and take up opportunities for inter-governmental co-operation on matters relating to the joint organisation area.

Please go to the CNSWJO website for more advice on CNSWJO's activities – www.centraljo.nsw.gov.au

To support member operations, the Inter-Council Co-Operation Priority aims to deliver cost savings and other value to member councils through aggregated procurement.

In addition to road signs, there are currently regional supply contracts for bitumen

emulsion, coldmix asphalt, bulk fuel and linemarking services, and CNSWJO members are continuously looking at ways that purchasing regionally can benefit the members and save money.

In conjunction with three neighbouring Joint Organisation, CNSWJO is currently working on a project titled the Best Practice in Aggregated Procurement which aims to find further efficiencies and opportunities for the Joint Organisation and its member councils.

Background on Developing a Regional Road Signs Contract

The Supply Management Group first decided to conduct a procurement process for a regional contract for road signs in 2004 which culminated in a three year regional contract in 2005 with the process repeated at the completion of that contract in 2008, and again in 2011, 2014 and 2018. The latest contract has also been extended for 12 months and is due to conclude on 31 December 2020. As the conclusion of the current contract nears, CNSWJO seeks to repeat the procurement process on behalf of its members.

The annual spend by CNSWJO members procuring under this arrangement from 1 July 2018 to 30 June 2020 is as follows:

<u>SPEND</u>	2018/2019 total	2019/2020 total	Total
Bathurst	\$48,537	\$39,439	\$87,977
Blayney	\$76,500	\$51,294	\$127,793
Cabonne	\$47,776	\$90,342	\$138,118
Central Tablelands Water	\$0	\$0	\$0
Cowra	\$56,796	\$28,521	\$85,317
Forbes	\$32,543	\$31,730	\$64,273
Lachlan	\$40,158	\$103,451	\$143,609
Oberon	\$18,371	\$31,366	\$49,737
Orange	\$48,470	\$14,400	\$62,870
Parkes	\$41,884	\$40,887	\$82,772
Weddin	\$29,690	\$21,912	\$51,602
Total	\$440,726	\$453,342	\$894,068

At its meeting on 4 June 2020, the CNSWJO Board resolved to commence a new procurement process in 2019 with the intent for a new contract to commence on 1 January 2021.

The current regional road signs contract was based on a basket of signs provided by CNSWJO members as commonly used by all participating councils. Work will take place with the evaluation panel to determine whether this basket of signs is still relevant or needs updating.

Should Council agree to participate in a regional procurement process, CNSWJO will issue a Request for Quotation (RFQ) on behalf of member councils, with the intention of forming a panel arrangement contract.

Advice regarding service and pricing under a regional contract will be provided to members.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination and
- income stream to CNSWJO from the Service Provider/s with a view to reducing fees

Member councils have the opportunity to be involved in the procurement process, where the Evaluation Committee consists of representatives from member councils, with CNSWJO staff acting as the procurement facilitator.

Council Contribution

CNSWJO manages the procurement process including all costs of advertising and response assessment and takes a contract management fee. At its 4 June meeting the CNSWJO Board resolved to include a 2% contract management fee to be recouped from the Service Provider on a quarterly basis on the value of spend by each participating council.

Through the Best Practice in Aggregated Procurement Program, CNSWJO and the other participating JOs are reviewing ways to generate income for the JO conducting aggregated procurement. Outcomes of this review will be provided to CNSWJO member councils in due course.

Recommendation

Council agree to participate in a regional contract for the supply and delivery of road signs and to provide CNSWJO with advice accordingly.

FINANCIAL IMPLICATIONS:

Funding for this item is contained within existing budgets

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-213

MOVED: Cr J Rudge SECONDED: Cr G Hanger

RESOLVED:

That Council agree to participate in a regional contract for the supply and delivery of road signs and to provide CNSWJO with advice accordingly.

DIRECTOR CULTURAL AND COMMUNITY SERVICE'S REPORT

The following reports are presented for Council's consideration.

Yours faithfully



A Cattermole

**DIRECTOR
CULTURAL AND COMMUNITY SERVICE'S**

7.5.1

ARTS OUTWEST 2019 ANNUAL REPORT

File No: 18.00036

RECOMMENDATION:

That Council note the Arts OutWest Annual Report for 2019.

REPORT:

Council has received a copy of Arts OutWest Annual Report for 2019. Copies of the report can be viewed on Arts OutWest website, link: https://artsoutwest.org.au/wp-content/uploads/AOW-2019-annual-report_web.pdf.

Council, in its Annual Operating Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilities and advocates for arts and cultural development for the communities of Central West NSW.

Arts OutWest has provided support to the Bathurst community during 2019 with a variety of initiatives, the highlights of Bathurst activities are included in **attachment 1**. The Annual Report estimated the value of services provided to the Bathurst community at \$94,156.

Arts OutWest will continue to provide Council with updates on their program and benefits to the Bathurst community. It is recommended Council continue to be a financial member of Arts OutWest with the other ten Local Government Areas.

FINANCIAL IMPLICATIONS:

Council has provided \$26,791 in the 2020/2021 Annual Operating Plan for Community Arts and this contribution is made directly to Arts OutWest as per the 2018-2022 Memorandum of Understanding rate of 65 cents per head of population, which is levied at the same rate for each of the eleven (11) Council areas.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.3 Enhance the cultural vitality of the region.

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

Strategy 2.6 Promote our City and Villages as a tourist destination.

Objective 5: Community health, safety and well being.

Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

Strategy 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently.

Strategy 6.7 Invest in our people.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 19 Aug 20 Arts Out West Bathurst Pages [7.5.1.1 - 2 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-214

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED:

That Council note the Arts OutWest Annual Report for 2019.

7.5.2

JULY 2020 - SCHOOL HOLIDAY ACTIVITY

File No: 21.00039, 21.00060, 21.00041, 21.00054,
21.00144

RECOMMENDATION:

That the information be noted.

INTRODUCTION

The impact of the Victorian boarder closure, as a result of COVID-19, did naturally result in a decline in visitor numbers from this area, however this was more than offset by the visitor increase, particularly from the Sydney metropolitan region with 58.1% of visitors to the AFMM and 61.3% to the NMRM respectively were from this region, while the percentage of visitors to BVIC from Sydney increased from 25% to 59%.

All facilities are operating with COVIDSafe plans, with the safety of staff and visitors a priority, and are accredited as COVIDSafe businesses. The majority of visitors demonstrated appropriate behaviour and adhered to social distancing and hygiene guidelines.

BATHURST MUSEUMS

During the NSW School Holiday period in July, Bathurst experienced extremely strong visitation to BVIC and Bathurst's Museums as indicated in the table below:

Facility	2020 Visitation	2019 Visitation	% Increase
BVIC	2627	2259	16.3%
NMRM	3485	2033	71.4%
AFMM	4286	2498	71.6%
Rail Museum	3192	N/A	N/A

BATHURST VISITOR INFORMATION CENTRE

Maintaining and developing the strong brand position of the Bathurst region has been a key priority of the Bathurst Visitor Information Centre (BVIC) throughout the COVID-19 outbreak. A number of creative projects have been undertaken in collaboration with the Museums Unit including creation of promotional videos, and three marketing campaigns have been implemented to ensure that the Bathurst region remained a destination of choice in the minds of potential travellers.

Consumer engagement with BVIC remained consistent during the closure period from 25

March to 3 June. Pageviews of the Destination website increased by 31.2% to 25,352 in the month of June against 2019, increasing to a rise of 51.1% over the extended school holiday period from 27 June to 19 July 2020.

The strong visitation figures were also consistent with those reported to BVIC by other attractions operating over this period within the Bathurst region, with operators such as Abercrombie House and History Hill Museum at Hill End reporting that the 2020 July school holiday period was their best on record. Outdoor activities, farm stays, heritage and cultural attractions were particularly strong, a trend also reflected in the most viewed areas of the destination website www.bathurstregion.com.au

Although the ongoing COVID-19 outbreak continues to present enormous challenges to the tourism industry and to the visitor economy of all regions, the success of the Bathurst region in attracting visitors over the recent peak periods demonstrates the underlying strength of the destination. It also validates the marketing strategy adopted by BVIC and the Museums Unit in recognising the opportunity presented by the virtual cessation of international travel and appeal of regional travel, with messaging targeted to Bathurst's regional appeal and to the short stay/road trip segments.

The next marketing campaign currently planned focusses on the theme of 'locals experiencing local' and will operate until the next school holiday period. Bathurst has also been accepted as a partner in the "Now's the time to love NSW" campaign being run by Destination NSW and is continuing to work on collaborative campaigns with the fellow Councils of the CNSWJO. BVIC continues to work with the tourism partnership network to increase opportunities for promotion and build industry capacity, whilst being responsive to the changing situation regarding restrictions on movement and activities as necessitated by COVID-19.

BATHURST REGIONAL ART GALLERY

Bathurst Regional Art Gallery did not present its traditional School Holiday Activities Program in July 2020 due to lack of capacity to deliver quality digital programs. However, adaptive programming included:

- Development and promotion of the Bathurst Young Archies Competition presented by ANZ and the Art Gallery of NSW through its online platforms and local media channels;
- Development and promotion of the Pictures of You community exhibition project through its online platforms and local media channels;
- Working with Esem Projects to commission local artists Sonny Day and Biddy Maroney to create a site-specific public artwork for display during the 2020 Bathurst Winter Festival.

BATHURST LIBRARY

This winter the Library School Holiday Program was held all online with a mixture of craft activities, live activity workshops and challenges for all ages to get involved with throughout the two weeks.

The program included partnerships with community organisations and members to deliver fun and engaging online content. These partnerships included working with Emma Livissianis from Centred Yoga Central for a kid's yoga class and Jenny Webber Nutrition

to present a Little Bites Online food and nutrition program with fun and educational food experiments and lessons.

A main feature of the winter program also included an online 'Liquid Nitrogen Show' presented by Sydney based and STEM focused, Fizzics Education group. This was the only program where bookings were required.

A family fun 'Other Cover Challenge' proved inspiring with adults and children both, participating and re-creating book covers in their own unique way. Entries can be viewed on [Bathurst Library Facebook](#) page.

Links to craft activities for teens and primary aged kids were included to provide easy, at home ideas to get the kids crafting these holidays.

Program Name	Date Held	Views/Participation/Attendance
Online Kids Yoga	6/07/2020	143 views to date
Little Bites Online	7/07/2020	598 views to date
Other Cover Challenge	6/07/2020 – 19/07/2020	5 entries
Liquid Nitrogen Show	14/07/2020	15 bookings
Pyjama Storytime	15/07/2020	281 views to date
Anytime interactive games		n/a
Anytime craft ideas		n/a

BATHURST MEMORIAL ENTERTAINMENT CENTRE

Cabaret Kite in your Kitchen – 10 June 2020

In June Bathurst Memorial Entertainment Centre (BMEC) Local Stages presented Cabaret Kite in Your Kitchen, this was an online event on facebook and BMEC website. Guest artists were filmed at other cultural sites.

Artists were paid by BMEC using Reliance Bank Sponsorship funds. Donations accepted from online audience to support further work by Local Stages.

Hosted by Rusty Nails (Kate Smith) with musician Gabbi Bolt. Guest artists included:

- Smith & Jones - Bathurst Rail Museum
- Rob Shannon – Australian Fossil and Mineral Museum
- Michelle Griffin – Bathurst Regional Art Gallery
- Drew Fairley – in his home.

The video remains on BMEC Bathurst facebook page and has had 1501 engagements and 2400 views and has been shared 27 times.

Drama Workshops

Primary school drama workshops returned to BMEC in term 3, July 2020.

BMEC Local Stages is currently working on Nicoles Fancy Party – an intimate, immersive theatrical experience with an audience of 20 people per night. Four local artists are

devising this work.

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 1.3 Enhance the cultural vitality of the region.

Objective 2: A smart and vibrant economy.

Strategy 2.1 Support local business and industry.

Strategy 2.6 Promote our City and Villages as a tourist destination.

Objective 5: Community health, safety and well being.

Strategy 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life.

Strategy 5.3 Help build resilient, inclusive communities.

Strategy 5.4 Make our public places safe and welcoming.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-216

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

8 REPORTS OF OTHER COMMITTEES

8.1 TRAFFIC COMMITTEE REPORT - 7 July 2020

File No: 07.00006

RECOMMENDATION:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 July 2020 be adopted.

REPORT:

The Minutes of the Traffic Committee Meeting of Bathurst Regional Council held on 7 July 2020 are attached.

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Traffic Committee Meeting of 7 July 2020 [8.1.1 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-217

MOVED: Cr W Aubin **SECONDED:** Cr J Rudge

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 July 2020 be adopted.

8.2

TRAFFIC COMMITTEE REPORT - 4 August 2020

File No: 07.00006

RECOMMENDATION:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 4 August 2020 be adopted.

REPORT:

The Minutes of the Traffic Committee Meeting of Bathurst Regional Council held on 4 August 2020 are attached.

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Traffic Committee Meeting 4 August 2020 Minutes [**8.2.1** - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-218

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 4 August 2020 be adopted.

9 NOTICES OF MOTION

10 RESCISSION MOTIONS

11 COUNCILLORS / DELEGATES REPORTS

11.1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/WORKING PARTIES HELD 12 JULY 2020

File No: 11.00019

RECOMMENDATION:

That the information be noted.

REPORT:

Present: Cllr Aubin, Cllr Bourke (Chair), Cllr Christian, Cllr Fry, Cllr Jennings, Cllr North,

Apologies: Cllr Hanger, Cllr Morse and Cllr Rudge

1. Transport for NSW – 25.00018

Luke McDermott, Alistair Lunn (Director West Transport for NSW), Craig Matthews and Amy Walker

Great Western Hwy Upgrade - Kelso to Raglan

Spoke about the Kelso to Raglan upgrade
Provided a visualisation of the project
Gave an overview of the concept design advising:-

- Dual lanes eastward and westward from Ashworth Drive to start of Raglan.
- Eastbound two lanes continue to existing dual lanes near Ceramic Avenue
- Single lane westbound through Raglan.

Provided information on the proposed landscaping
Most of the poplars will be replaced with Pin Oaks and Common Ash trees
Outlined construction process. Transport for NSW will be project manager and will employ contractors (many of whom will be local tradespeople).
Work will be staged and aiming for minimal disruption to existing traffic flows
Hoping preliminary works may commence by the end of 2020
Expect 2.5 year construction time

Safety Improvements works on the Mitchell Highway between Bathurst and Orange

\$50 million in improvements to be spent on road
Identified as needing improvement due to number of deaths in recent years
Several sections of road will be improved over the next 2 years
Significant amount of center median barrier will be installed to limit accidents where

vehicles cross to the incorrect side of the road

Improvements will include:-

- Wide centerlines (aim to separate oncoming traffic)
- Flexible safety barriers - will be installed along most of the road between Bathurst and Orange
- Curve improvements - to improve hazardous curves
- Rumble strips - these alert drivers if they are starting to leave the travel lane

2. Neoen Group (Solar Farm) – 22.02.2025

Garth Heron (Head of Development), Lisa Stiebel (Community Relations Manager) Sales Contract and Anne Frederic (Head NSW Development) attended the meeting to discuss the proposed solar farm at Eglinton

- Neoen is a developer, owner and lifetime operator
- Community focused

Currently have several farms totaling 319MW in NSW

Bathurst has good HV Transmission lines which is good for electricity transmission

Would ultimately like to have a battery located in this region

Projects are designed for 30-year life batteries

Proposed location has good features for a solar farm project, will generate 250MW

Proposed construction commencement date 2022

Currently in community engagement phase

Happy to facilitate a site visit to another Neoen solar farm for council

Aim to create local employment and use local suppliers

Have had several concerns raised including property devaluation, use of Thomas Drive, biodiversity concerns

Can have sheep grazing under the panels which helps to control fuel loading

Website: Windradynesolarfarm.com.au

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 6: Community leadership and collaboration.

Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

Nil

MINUTE

RESOLUTION NUMBER: ORD2020-219

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

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

12.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

MOVED: Cr I North SECONDED: Cr J Fry

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.

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.

12.1 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICE'S REPORT

12.1.1 PROPOSED HEADS OF AGREEMENT FOR PART LOT 23 DP1169512 KNOWN AS 366 PANORAMA AVENUE, BATHURST

Reason: 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.

This item relates to the proposal to enter into the Heads of Agreement in relation to a commercial lease agreement for part Lot 23 DP1169512 known as 366 Panorama Avenue, Bathurst

MINUTE

RESOLUTION NUMBER: CONF2020-58

MOVED: Cr J Jennings SECONDED: Cr M Morse

RESOLVED:

That Council enter the Heads of Agreement proposed by Leading Edge Data Centre Pty Ltd in relation to a commercial lease agreement for part Lot 23 DP1169512 known as 366 Panorama Avenue, Bathurst as detailed in the report.

12.2 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

12.2.1 SUNNYBRIGHT ESTATE STAGE A RELEASE HOUSEKEEPING

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the consideration of the sale price of Lot 66 DP1253021 known as 4 Wallace Way, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2020-59

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council adopt the price reduction for Lot 66 DP1253021 known as 4 Wallace Way, KELSO as detailed in the report.

12.2.2 RENEWAL OF COMMERCIAL LEASE AGREEMENT AGR-13339 WITH JOHN HOLLAND FOR PART LOT 3815 DP1101839 AND PART LOT 3814 DP1101839 KNOWN AS RFS PERTHVILLE SHED

Reason: 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.

This item relates to the proposal to renew the commercial lease agreement AGR-13339 with John Holland for part Lot 3815 DP1101839 and part Lot 3814 DP1101839 located in Perthville Village, which is the site of the Rural Fire Service Perthville Brigade station.

MINUTE

RESOLUTION NUMBER: CONF2020-60

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That Council approve the renewal of the commercial lease agreement AGR-13339 with John Holland for part Lot 3815 DP1101839 and part Lot 3814 DP1101839 located in Perthville Village, which is the site of the Rural Fire Service Perthville Brigade station, as detailed in the report.

12.2.3 VARIATION TO BATHURST INTERNATIONAL MOTOR RACING EVENT AGREEMENT DUE TO COVID-19

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the proposal to vary the Bathurst International motor racing event Agreement as detailed within this report.

MINUTE

RESOLUTION NUMBER: CONF2020-61

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- i) Vary the Bathurst International Agreement as detailed within this report; and
- ii) Delegate authority to the General Manager to execute relevant documents to bring the variation to effect.

12.3 DIRECTOR ENGINEERING SERVICE'S REPORT

12.3.1 PROPOSED EASEMENT FOR WATER SUPPLY AFFECTING LOTS 11, 12 & 13 IN DP1089380 BATHURST AND LOTS 2, 3 & 4 IN DP6444 KELSO

Reason: 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.

This item relates to the proposal to approve the proposed easement.

MINUTE

RESOLUTION NUMBER: CONF2020-62

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

- (a) approve the proposed Easement for Water Supply 3 wide on Lots 11, 12 and 13 in DP1089380 at Bathurst and Lots 2, 3 and 4 in DP6444 at Kelso.
- (b) approve the terms proposed as detailed in the Director Engineering Services' report.

12.3.2 CONTRACT FOR CONSTRUCTION OF STAGE 2 OF PERTHVILLE FLOOD MITIGATION WORKS (36.00715)

Reason: 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.

This item relates to the proposal to accept a variation to Contract 36.00715.

MINUTE

RESOLUTION NUMBER: CONF2020-63

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council accepts the variation to Contract 36.00715 in the amount of \$418,705.24 (Ex. GST) subject to provisional items and variations.

12.3.3 WINBURNDALE DAM OPERATING CONDITIONS

Reason: 10A (2) (g) Contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This item relates to the update on the operation of Winburndale Dam.

MINUTE

RESOLUTION NUMBER: CONF2020-64

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That the update on the operation of Winburndale Dam information be noted.

13 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2020-220

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED: That Council resume open Council.

14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2020-221

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2020-58 to Conf2020-64 be adopted.

15 MEETING CLOSE

MINUTE

The Meeting closed at 9.05.

CHAIR:

Ordinary Meeting of Council Agenda - 19 August 2020 Attachments

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**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON Wednesday 15 July 2020**

1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 6.00pm.

Present: 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

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

Nil

5 MINUTES

**5.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL HELD 17 JUNE 2020**

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2020-160

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 June 2020 be adopted.

6 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-161

MOVED: Cr J Fry SECONDED: Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

Cr. North declared a pecuniary interest in item 2 of the DCSF Confidential Report.

Cr. Jennings declared a non-pecuniary interest in item 1 of the DCCS Report.

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

7.1.1 CENTROC/JO BOARD MEETING 4 JUNE 2020 (VIA ZOOM)

File No: 07.00017

MINUTE

RESOLUTION NUMBER: ORD2020-162

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the report on the CENTROC and Central NSW Joint Organisation Meetings held on 4 June 2020 be noted.

7.1.2 ABORIGINAL CULTURAL HERITAGE

File No: 20.00311, 23.00010, 09.00031

MINUTE

RESOLUTION NUMBER: ORD2020-163

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

**7.2.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2020-164

MOVED: Cr J Jennings SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

7.2.2 GENERAL REPORT

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2020-165

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED:

That the information be noted.

**7.2.3 DEVELOPMENT APPLICATION 2020/161 –
DEMOLITION OF EXISTING DWELLING, TREE
REMOVAL AND CONSTRUCTION OF SINGLE
STOREY REPLACEMENT DWELLING AND
SEPARATE GARAGE AT 206 WILLIAM STREET,
BATHURST. APPLICANT AND OWNER: 206
WILLIAM PTY LTD**

File No: 2018/161

MINUTE

RESOLUTION NUMBER: ORD2020-167

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

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. 2020/161, 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. Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;
 - ii. Bricks from the existing building are to be used in the front and side walls of the front section of the proposed building;
 - iii. The brickwork is to be laid in the same bond as the existing building;
 - iv. The mortar in the brickwork is to be of a depth and colour appropriate for the age of the current building;
 - v. Windows in the brick front wall and side brick walls are to be timber framed; and
 - vi. The developer is to prepare dilapidation reports for the adjoining properties at 202-204 William Street and 208 William Street.

- b. Notify those that made submissions; and
- c. call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

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

Against the Motion - nil

Absent - nil

Abstain - Nil

**7.2.4 VISION BATHURST 2040 - BATHURST
REGIONAL LOCAL STRATEGIC PLANNING
STATEMENT**

File No: 20.00335

MINUTE

RESOLUTION NUMBER: ORD2020-168

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council:

- (a) adopt Bathurst Vision 2040: Bathurst Region Local Strategic Planning Statement; inclusive of:
 - a. an alteration to action 14.2 to read: "To maintain an up-to-date Renewable Energy Action Plan for Council's operations and for the Bathurst Region";
 - b. appropriate actions and amendments to figure 3 of the LSPS to investigate the suitability of the Gilmour Street corridor for new urban purposes and/or urban intensification;
- (b) note that a further report will be presented to Council on establishing a renewable energy and associated industries corridor along the four East West transmission lines through the Bathurst Region;
- (c) notify those who lodged submissions of Council's decision;

- (d) forward a copy of Bathurst Vision 2040: Bathurst Region Local Strategic Planning Statement to the NSW Department of Planning, Industry and Environment; and
- (e) call a division

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

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

Against the Motion - Cr G Hanger, Cr M Morse

Absent - nil

Abstain - Nil

7.2.5 NSW GOVERNMENT'S 16 CITIES PROGRAM

File No: 28.00009

MINUTE

RESOLUTION NUMBER: ORD2020-169

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That the information be noted.

7.2.6 2019/2020 BATHURST REGION HERITAGE ASSISTANCE FUNDS AND HERITAGE ADVISORY SERVICE

File No: 10.00004, 16.00168, 16.00169, 13.00091

MINUTE

RESOLUTION NUMBER: ORD2020-170

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That the information be noted.

7.2.7 BATHURST BACKYARD BIRD COUNT - RESULTS OF 2019 PROGRAM

File No: 13.00081

MINUTE

RESOLUTION NUMBER: ORD2020-171

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED:

That Council note the results of the 2019 Bathurst Backyard Bird Count and support ongoing participation in the Aussie Backyard Bird count.

7.2.8 VARIATION TO FEES IN REVENUE POLICY

File No: 16.00175

MINUTE

RESOLUTION NUMBER: ORD2020-172

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED:

That Council:

- (a) place the amendment to the Revenue Policy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the amended Revenue Policy;
- (c) if submissions are received, prepare a further report to Council

7.3.1 STATEMENT OF INVESTMENTS

File No: 16.00001

MINUTE

RESOLUTION NUMBER: ORD2020-173

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That the information be noted.

**7.3.2 MONTHLY REVIEW - 2019/2023
DELIVERY PLAN AND
OPERATIONAL PLAN 2019/2020**

File No: 16.00167

MINUTE

RESOLUTION NUMBER: ORD2020-174

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

7.3.3 POWER OF ATTORNEY

File No: 11.00007

MINUTE

RESOLUTION NUMBER: ORD2020-175

MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED:

That the information be noted.

**7.4.1 RESTRICTION ON THE USE OF LAND - LOT 6 IN
DP1184118 AT PERTHVILLE**

File No: 31.00008

MINUTE

RESOLUTION NUMBER: ORD2020-176

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED:

That Council authorise the General Manager to execute the necessary documentation, allowing the restriction to be registered on the title of Lot 6 in DP1184118.

7.4.2 WATER SECURITY UPDATE

File No: 32.00017

MINUTE

RESOLUTION NUMBER: ORD2020-177

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

**7.4.3 UPDATE NO SMOKING POLICY FOR PLAYGROUNDS
AND SPORTING VENUES**

File No: 18.00021 and 04.00034

MINUTE

RESOLUTION NUMBER: ORD2020-178

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That Council adopt the proposed amendments to the No Smoking Policy for Playgrounds and Sporting Venues and update the Policy Manual.

7.4.4 UPDATE SPORTING FIELDS - TEMPORARY GOAL POSTS ON COUNCIL PLAYING FIELDS

File No: 04.00034

MINUTE

RESOLUTION NUMBER: ORD2020-179

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council endorse its existing "Sporting Fields – Temporary Goal Posts on Council Playing Fields" Policy

7.4.5 PESTICIDE NOTIFICATION PLAN

File No: 02.00010

MINUTE

RESOLUTION NUMBER: ORD2020-180

MOVED: Cr A Christian SECONDED: Cr G Hanger

RESOLVED:

That Council endorse the revised Pesticide Use Notification Plan.

7.5.1 BATHURST PUBLIC ART COMMUNITY PEERS REGISTER

File No: 21.00152

Cr Jennings declared a non-pecuniary interest in this item and remained in the room.

Reason: married to Doctor Smith who is mentioned in the report.

MINUTE

RESOLUTION NUMBER: ORD2020-181

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That Council endorse the membership of three Public Art Community Peers to the Bathurst Public Art Program Committee as outlined in the report.

7.5.2 TOURISM INDUSTRY ENGAGEMENT FRAMEWORK

File No: 20.00299

MINUTE

RESOLUTION NUMBER: ORD2020-182

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That Council note the expanded approach to tourism industry engagement.

8 NOTICES OF MOTION

9 RESCISSION MOTIONS

10 COUNCILLORS / DELEGATES REPORTS

**10.1 MINUTES - BATHURST COMMUNITY SAFETY
COMMITTEE - 18 JUNE 2020**

File No: 07.00107

MINUTE

RESOLUTION NUMBER: ORD2020-183

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED:

That the information be noted.

**10.2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 9
JUNE 2020**

File No: 11.00020

MINUTE

RESOLUTION NUMBER: ORD2020-184

MOVED: Cr M Morse SECONDED: Cr A Christian

RESOLVED:

That the information be noted.

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

11.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

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.

MINUTE

RESOLUTION NUMBER:

MOVED: Cr I North SECONDED: Cr J Fry

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

There were no representation 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.

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.

11.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

11.1.1 SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE

Reason: 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.

This item relates to the proposed agreement with Mars Petcare for a sign on the pedestrian bridge at Murrays Corner, Mount Panorama.

MINUTE

RESOLUTION NUMBER: CONF2020-51

MOVED: Cr J Jennings SECONDED: Cr G Hanger

RESOLVED:

That Council endorse the General Manager's action in executing the Lease Agreement, under Power of Attorney, as per the terms detailed in this report.

11.1.2 REQUEST FOR FINANCIAL ASSISTANCE - HARVEST CAFE

Reason: 10A (2) (b) Contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

This item relates to the request for additional financial assistance received from Harvest Café.

Cr North declared a pecuniary interest in item 2 of the DSCF Report and left the room.

Reason: occasionally employed by an employee of Harvest Cafe.

MINUTE

RESOLUTION NUMBER: CONF2020-52

MOVED: Cr G Hanger SECONDED: Cr J Fry

RESOLVED:

That Council delegate the authority to the General Manager to finalise the request for financial assistance - Harvest Cafe, subject to a report coming back to Council for final approval.

11.1.3 FINANCIAL STATEMENTS - 2020 BATHURST 12 HOUR

Reason: 10A (2) (c) Contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and Commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, (ii) confer a commercial advantage on a competitor of the Council.

This item relates to the financial statements for the 2020 Bathurst 12 Hour event held in January/February 2020.

MINUTE

RESOLUTION NUMBER: CONF2020-53

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That the information be noted.

11.2 DIRECTOR ENGINEERING SERVICE'S REPORT

11.2.1 PROPOSED EASEMENT FOR WATER SUPPLY - LOT 11 IN DP1159190 AT GORMANS HILL

Reason: 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.

MINUTE

RESOLUTION NUMBER: CONF2020-54

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

That Council:

- (a) approve the proposed Easement for Water Supply 3 wide on Lot 11 in DP1159190 at Gormans Hill Road, Gormans Hill.
- (b) approve the terms proposed as detailed in the Director Engineering Services' report.

11.2.2 VARIATION TO RECYCLING CONTRACT

Reason: 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.

This item relates to the proposed variation to the recycling contract.

MINUTE

RESOLUTION NUMBER: CONF2020-55

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) Note the actions outlined in the Director Engineering Services' Report, and
- (b) endorse the General Manager's actions in accepting the variation and completing and forwarding the necessary documentation.

11.2.3 ANNUAL TENDERS - STORMWATER DRAINAGE PIPES

Reason: 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.

This item relates to the proposal to terminate the contract and call fresh tenders.

MINUTE

RESOLUTION NUMBER: CONF2020-56

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That –

- (a) the tender from Rocla Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels (Contract No. 36.00687), be terminated by mutual agreement between Council and ROCLA, without prejudice, effective immediately.
- (b) Council calls fresh tenders immediately.

12 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: CONF2020-57

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council resume open Council.

13 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2020-185

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2020-51 to Conf2020-56 be adopted.

14 MEETING CLOSE

MINUTE

The Meeting closed at 7.30pm.

CHAIR:

Printed: 4/08/2020 12:54:48PM

Type	Year	No.	Value	Description	Address	Date Determine
10	2019	270	\$0	Five lot large lot residential subdivision - boundary adjustment	597 Mitchell Highway ROBIN HILL	9/07/2020
10	2019	367	\$0	1. Demolition of all buildings at 105 Stewart 2. Partial demolition of	105 Stewart Street BATHURST	7/07/2020
10	2020	47	\$175,000	Partial demolition, additions and alterations to existing dwelling and	169 Rankin Street BATHURST	6/07/2020
10	2020	48	\$800,000	storage units	37 Esrom Street LLANARTH	8/07/2020
10	2020	83	\$0	Change of use of part of building to a training facility	227 Howick Street BATHURST	3/07/2020
10	2020	112	\$750,000	Centre-based child care facility and removal of three trees	353 Panorama Avenue MITCHELL	14/07/2020
10	2020	114	\$400,000	Construction of a warehouse	4 Toronto Street KELSO	17/07/2020
10	2020	118	\$386,000	Single storey dwelling, boundary adjustment and retaining wall	14 Brennan Drive KELSO	2/07/2020
10	2020	137	\$190,000	Single storey dwelling and alter existing septic tank	3725 Sofala Road WATTLE FLAT	6/07/2020
10	2020	150	\$0	Seven (7) lot strata subdivision	11 Corporation Avenue ROBIN HILL	15/07/2020
10	2020	155	\$0	Five lot residential subdivision	117 Samuel Way THE LAGOON	23/07/2020
10	2020	157	\$125,000	Change of use from place of public worship to office premises	233 Stewart Street BATHURST	13/07/2020
10	2020	159	\$55,000	Demolition carport/garage, new garage/workshop, fence	215 Hope Street BATHURST	2/07/2020
10	2020	161	\$0		206 William Street BATHURST	20/07/2020
10	2020	164	\$50,000	Seperate Dwelling - New	125 Billywillinga Road BILLYWILLINGA	9/07/2020
10	2020	168	\$5,000	Construction of shed for use as temporary dwelling	567 Ophir Road DUNKELD	6/07/2020
10	2020	171	\$1,500	Partial enclosure of carport	28 Simmons Place KELSO	16/07/2020
10	2020	173	\$18,000	Machinery shed	7 Strathmore Drive FOREST GROVE	23/07/2020
10	2020	174	\$750,000	Single storey dwelling and detached carport	3603 Limekilns Road WATTLE FLAT	30/07/2020
10	2020	175	\$15,000	Alterations to dwelling - enclose existing alfresco area	9 Maxwell Drive EGLINTON	15/07/2020
10	2020	177	\$19,500	Construction of a shed	21 Queen Street PERTHVILLE	14/07/2020
10	2020	178	\$400,000	Two storey additions to dwelling	106 Hope Street BATHURST	17/07/2020
10	2020	179	\$520,000	Dual occupancy and two lot residential subdivision	40 Sunbriht Road KELSO	7/07/2020
10	2020	181	\$31,615	Shed	34 Cherry Lane ROBIN HILL	7/07/2020
10	2020	192	\$170,000	External alterations and new signage	80-82 William Street BATHURST	17/07/2020
10	2020	195	\$19,750	Garage/Shed	42 Country Way ABERCROMBIE	28/07/2020
10	2020	196	\$35,000	Change of use from garage to granny flat	5 View Street KELSO	30/07/2020
10	2020	197	\$155,000	Additions and alterations to existing dwelling	1730 Limekilns Road CLEAR CREEK	2/07/2020
10	2018	37	\$675,000	Alterations and additions to existing dwelling, erection of a separat	449 Conrod Straight MOUNT PANORAMA	30/07/2020
10	2020	198	\$30,000	Roof over existing deck and viewing deck	107 Mountain Straight MOUNT PANORAMA	8/07/2020
10	2020	203	\$30,000	Construction of a shed	8 Fraser Drive EGLINTON	28/07/2020
10	2020	185	\$300,000	Change of use for specialist retail, internal alterations and signage	3 Pat O'Leary Drive KELSO	1/07/2020
18	2020	96	\$393,737	Single storey dwelling with attached garage	4 Fairleigh Place KELSO	1/07/2020
18	2020	97	\$300,000	Single storey dwelling with attached garage	10 Keystone Rise KELSO	1/07/2020
18	2020	99	\$290,000	Single storey dwelling with attached garage	6 Burlington Rise KELSO	1/07/2020
10	2020	209	\$17,500	Shed	1395 Tarana Road LOCKSLEY	27/07/2020
10	2020	210	\$380,000	Additions and alterations to dwelling	2 Patna Street WEST BATHURST	31/07/2020
18	2020	101	\$1,500	Aboveground swimming pool and fence	32 McBrien Drive KELSO	2/07/2020
10	2020	214	\$33,000	Shed	149 Howards Drive MOUNT RANKIN	15/07/2020
10	2020	215	\$120,000	Detached habitable rooms and detached garage	192 Gestingthorpe Road PERTHVILLE	29/07/2020
18	2020	102	\$36,000	Construction of an inground swimming pool and fence	359 Eleven Mile Drive EGLINTON	6/07/2020
10	2020	216	\$15,800	Shed	449 Conrod Straight MOUNT PANORAMA	20/07/2020
10	2019	371	\$80,000	Granny Flat - New (Free Standing)	103 Bant Street SOUTH BATHURST	16/07/2020
18	2020	103	\$294,637	Construction of a single storey dwelling with attached garage	42 Duramana Road EGLINTON	7/07/2020
10	2020	219	\$39,000	Shed	31 Federation Drive KELSO	28/07/2020
18	2020	106	\$250,000	Single storey dwelling with attached garage	3 Newlands Crescent KELSO	8/07/2020

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Type	Year	No.	Value	Description	Address	Date Determine
18	2020	108	\$81,000	Inground swimming pool and fence	201 Hartwood Avenue ROBIN HILL	9/07/2020
10	2020	222	\$5,600	Patio cover	46 Mendel Drive KELSO	23/07/2020
18	2020	109	\$445,910	Single storey dwelling with attached garage	5 Dovey Drive KELSO	10/07/2020
18	2020	110	\$270,000	Construction of a single storey dwelling with attached garage	47 Maxwell Drive EGLINTON	10/07/2020
18	2020	111	\$12,250	Construction of additions to a dwelling	98 Blue Ridge Drive WHITE ROCK	10/07/2020
10	2020	225	\$42,000	Shed	189 Blue Ridge Drive KELSO	24/07/2020
18	2020	112	\$299,707	Single storey dwelling with attached garage	9 Keystone Rise KELSO	14/07/2020
10	2020	166	\$100,000	Change of use to a business premises, building alterations, carpark	96 Bentinck Street BATHURST	23/07/2020
18	2020	114	\$424,855	Construction of a single storey dwelling with attached garage	95 Graham Drive KELSO	27/07/2020
18	2020	115	\$46,900	Inground swimming pool and fence	5 Alluvial Place KELSO	21/07/2020
10	2019	148	\$70,000	Alterations/additions to existing dwelling, demolition of shed	228 Durham Street BATHURST	30/07/2020
10	2020	44	\$265,915	MOD - dual occupancy (2nd dwelling) and two lot residential subdivisio	43 Stewart Street BATHURST	30/07/2020
18	2020	117	\$328,373	Single storey dwelling with attached garage	1 Fairleigh Place KELSO	27/07/2020
18	2020	118	\$350,980	Single storey dwelling and attached garage	21 Meagher Street LLANARTH	28/07/2020
18	2020	119	\$249,938	Single storey dwelling with attached garage	42 Meagher Street LLANARTH	28/07/2020
18	2020	120	\$294,000	Single storey dwelling with attached garage	14 Keystone Rise KELSO	29/07/2020
18	2020	121	\$337,062	Single storey dwelling and attached garage	9 Hyacinth Way LLANARTH	29/07/2020

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Type	Year	No.	Value	Description	Address	Date Determine
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Type	Year	No.	Value	Description	Address
18	2007	249	\$30,000	Installation of an Inground Swimming Pool and Safety Fence	29 Prince Street PERTHVILLE
10	2017	214	\$75,000	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN
10	2018	395	\$0	204 lot residential subdivision	Colville Street WINDRADYNE
18	2019	11	\$292,000	Single storey dwelling with attached garage	31 Darling Street EGLINTON
10	2017	142	\$0	MOD Internal and external alterations to existing commercial building	205 Howick Street BATHURST
10	2019	146	\$0	10 Lot industrial subdivision	Havannah Street BATHURST
18	2019	96	\$850,909	Alterations to commercial building	39 William Street BATHURST
18	2019	137	\$329,000	Single storey dwelling and attached secondary dwelling	13 Wallace Way KELSO
18	2019	141	\$55,980	In ground swimming pool	194 Gestingthorpe Road PERTHVILLE
18	2019	149	\$46,379	Inground swimming pool with safety barrier	18 McGillan Drive KELSO
18	2019	151	\$4,260	Garage conversion to a habitable space and pergola	194 Gestingthorpe Road PERTHVILLE
18	2019	152	\$16,480	cabana	194 Gestingthorpe Road PERTHVILLE
18	2019	153	\$56,791	Inground fibreglass swimming pool and safety barrier	29 Coolabah Close KELSO
18	2019	160	\$80,000	Commercial - Fitout of shop (barber shop)	210 Howick Street BATHURST
10	2019	328	\$50,000	Additions and alterations to church	36A Bant Street BATHURST
18	2019	165	\$290,000	single storey dwelling with attached garage	14 Burlington Rise KELSO
10	2019	352	\$1,380,000	Seven(7) group homes within five(5) separate buildings, five (5) carpo	10 Collins Close KELSO
10	2019	361	\$815,000	Demolition, Subdivision & two single storey dwellings	15 Boyd Street KELSO
10	2020	9	\$0	Demolition of existing workshop and construction of new workshop	42 Durham Street BATHURST
10	2020	31	\$420,000	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL
10	2020	32	\$1,700,000	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL
10	2020	45	\$580,000	Change of use to transitional group home and business premises	61 Boyd Street KELSO
10	2020	60	\$8,000,000	Motel, garden centre, storage/warehouse and 3 lot subdivision	61 Sydney Road RAGLAN
10	2020	87	\$4,900,000	Caltex highway service station and restuarant	214 Sydney Road KELSO
10	2020	92	\$2,815,000	New service station, fast food outlet and 3 lot subdivision	5350 Great Western Highway RAGLAN
10	2020	95	\$1,250,000	Additions and alterations to an existing hotel	170 William Street BATHURST
10	2020	103	\$700,000	Demolition of existing dwelling house and commercial building	113 Durham Street BATHURST
10	2020	107	\$375,000	Rural dwelling	Tarana Road BREWONGLE
10	2020	110	\$0	38 lot industrial subdivision with new roads	4040 O'Connell Road KELSO
10	2020	111	\$450,000	Multiple dwellings - three and four lot residential subdivision	121 William Street BATHURST
10	2020	117	\$100,000	Additions and alterations to dwelling	37 Reef Street HILL END
10	2018	198	\$0	MOD - Alterations and additions to commercial building	7 Keppel Street BATHURST
10	2017	111	\$0	25 Lot Subdivision	3991 O'Connell Road KELSO
10	2017	111	\$0	Subdivision - Residential	3991 O'Connell Road KELSO
10	2020	126	\$2,880	Alterations to dwelling - replace window	31 Havannah Street BATHURST
10	2020	127	\$1,500,000	Nine two storey units	20 Griffin Street MITCHELL
10	2020	133	\$0	8 lot consolidation and two lot subdivision	1 High Street HILL END
10	2020	136	\$7,800	Shed with attached carport	163 Upper Turon Road SOFALA
10	2020	143	\$20,000	Garage/Shed	25 Meagher Street LLANARTH
18	2020	66	\$402,500	Proposed principal and attached secondary dwelling	49 Sunbright Road KELSO
10	2020	146	\$49,900	Reclamation project - sunny corner mine	83 Dark Corner Road SUNNY CORNER
10	2020	153	\$220,000	Dual occupancy (second dwelling) and two lot residential subdivision	37 George Street BATHURST
10	2020	154	\$10,000	Shop 3 - fitout of existing unit for use as motor dealership	11 Corporation Avenue ROBIN HILL
10	2020	156	\$30,000	Shop 1 - fitout of existing unit for use as cafe	11 Corporation Avenue ROBIN HILL
10	2020	165	\$4,471	New brick piers for front fence	102 Mitre Street BATHURST
10	2020	167	\$250,000	Alterations and additions to existing commercial premises	250 Stewart Street BATHURST
10	2020	169	\$11,000	Construction of farm shed	1588 Trunkay Road GEORGES PLAINS
10	2020	172	\$12,000	Use of existing conversion of shed to dwelling and additions	3821 Limekilns Road WATTLE FLAT
10	2018	341	\$0	Construction of safety fence and amendment to pylon sign	16 Ingersole Drive KELSO
10	2019	133	\$8,500,000	38 Housing development, demolish 2 houses	19 Durham Street BATHURST
10	2020	180	\$0	198 lot residential subdivision and new roads	Limekilns Road KELSO
10	2020	183	\$40,000	Construction of colorbond shed	78 Gilmour Street KELSO
10	2020	186	\$325,000	Single storey dwelling and alterations to existing outbuilding	280 Redbank Road TRIANGLE FLAT
10	2020	187	\$900,000	Construction of an industrial building	26 Bradwardine Road ROBIN HILL

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Type	Year	No.	Value	Description	Address
10	2020	188	\$36,430	In ground swimming pool and safety barrier	143 Seymour Street BATHURST
10	2020	189	\$40,000	Use of existing premise as function centre	3249 O'Connell Road BREWONGLE
10	2020	190	\$0	Three lot rural subdivision	1078 Lachlan Road CALOOLA
10	2020	193	\$350,000	Industrial warehouse shed	35 Vale Road SOUTH BATHURST
10	2020	194	\$160,000	Demolition of part Dudley Hotel and construct carpark	250 Stewart Street BATHURST
10	2019	236	\$87,378	MOD - Additions to dwelling	302 Howick Street BATHURST
10	2020	199	\$8,500	Use of existing alterations to unit development	4 Keppel Street BATHURST
10	2020	200	\$7,000	Use of existing alterations - internal timber staircase	4 Keppel Street BATHURST
10	2020	201	\$9,500	use of existing alterations to unit development	4 Keppel Street BATHURST
10	2020	202	\$6,500	Use of existing masonry fence	2A Keppel Street BATHURST
10	2020	204	\$550,000	Change of use to existing shearers quarters to rural workers dwelling	289 Lachlan Road ROCKLEY
10	2020	205	\$425,714	Rural dwelling and shed	67 Woodside Drive MOUNT RANKIN
10	2020	207	\$23,100	Enclosed glass room	11 McGillan Drive KELSO
10	2020	211	\$5,000	Retaining wall	6 Gell Place ABERCROMBIE
10	2020	212	\$637,925	Two storey dwelling with attached garage	7 Cain Drive KELSO
10	2020	213	\$18,900	Retaining wall	11 Dovey Drive KELSO
10	2020	217	\$176,937	Installation of two light towers in existing recreation area	189A Browning Street BATHURST
10	2020	218	\$7,450	Carport	10 Lister Crescent KELSO
18	2020	105	\$397,000	Single storey dwelling and attached garage	7 Lyon Close KELSO
10	2020	220	\$19,800	Garage	6 Ironbark Close KELSO
10	2020	221	\$130,000	Transportable dwelling, carport and septic	3832 Sofala Road WATTLE FLAT
10	2020	223	\$16,280	Glass enclosed room	16 Vine Street SOUTH BATHURST
10	2020	224	\$110,000	Additions and alterations to dwelling and partial demolition	36 Durham Street BATHURST
10	2020	226	\$602,500	Single storey dwelling with attached garage	191 Blue Ridge Drive KELSO
10	2020	227	\$18,700	Garage additions to detached habitable area	246 Eleven Mile Drive EGLINTON
10	2018	77	\$70,000	MOD - Part demolition, additions & alterations to two storey dwelling	103 Havannah Street BATHURST
10	2020	228	\$250,000	Alterations and additions to an existing dwelling	28 The Bridle Track DURAMANA
18	2020	113	\$364,926	Construction of a single storey dwelling with attached garage	38 Meagher Street LLANARTH
10	2016	280	\$300,000	MOD - Single storey dwelling with attached garage	396 Eusdale Road YETHOLME
10	2020	229	\$150,000	Demolish existing shed and construct tennis clubhouse	Alexander Street EGLINTON
10	2016	131	\$2,000,000	Flats - One or Two Storeys - New and Subdivision - Residential and Sep	136 Peel Street BATHURST
10	2020	230	\$104,000	Construction of truck shed	2 Toronto Street KELSO
10	2020	231	\$136,515	Second rural transportable dwelling	13 Paling Yards Road WATTLE FLAT
10	2020	232	\$0	Use of existing for functions and events	34 Busby Street SOUTH BATHURST
10	2020	233	\$17,835	Retaining wall and earth works	5 Driscoll Close KELSO
10	2020	234	\$433,131	Single storey dwelling	2210 Turondale Road TURONDALE
10	2020	235	\$2,000	Change of use from nursing home to offices	50 Busby Street SOUTH BATHURST
10	2020	236	\$440,000	Additions and alterations to existing dwelling	123 Rankin Street BATHURST
10	2020	237	\$11,000	Construction of a garage	10 Cain Drive KELSO
10	2020	238	\$49,000	Additions to dwelling	201 Hartwood Avenue ROBIN HILL
10	2020	239	\$115,352	Internal fitout and commercial signage	5 Watt Drive ROBIN HILL
10	2020	240	\$220,000	Additions to existing dwelling	125 Keppel Street BATHURST
10	2016	392	\$160,000	Additions and alterations to dwelling and pool pump building	353 Laffing Waters Lane LAFFING WATERS
10	2020	241	\$9,200	Non-habitable to habitable area	59 Hamilton Street EGLINTON
10	2020	242	\$220,000	Additions and alterations to existing dwelling install septic	246 Eleven Mile Drive EGLINTON
10	2020	243	\$447,458	Single storey dwelling with attached garage	36 Queen Street PERTHVILLE
10	2020	244	\$320,000	Additions and alterations to existing dwelling	5 Reef Street HILL END
10	2019	58	\$495,000	MOD - Dual occupancy and two lot residential subdivision	49 Emerald Drive KELSO
10	2020	245	\$30,040	Retaining wall	417 Conrod Straight MOUNT PANORAMA
10	2020	246	\$60,000	Two storey rural dwelling	3782 Limekilns Road WATTLE FLAT
10	2015	171	\$0	MOD - Eleven lot residential subdivision and roads	38 Gilmour Street KELSO
10	2020	247	\$49,800	In ground swimming pool and safety barrier	483 Ryans Road ROCKLEY MOUNT
10	2020	248	\$120,000	Additions / alterations to existing dwelling	317 Lambert Street BATHURST
10	2020	249	\$185,000	Dual Occupancy (2nd dwelling) and 2 lot subdivision	33 Stewart Street BATHURST
10	2020	250	\$17,000	Shed	19 Nelson Street RAGLAN
10	2020	251	\$0	Two lot residential subdivision	19 Nelson Street RAGLAN
10	2020	252	\$35,000	Additions to existing shed	42 Claremont Drive WHITE ROCK
10	2020	253	\$475,000	Dual occupancy and two lot residential subdivision	64 Wentworth Drive KELSO

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Type	Year	No.	Value	Description	Address
10	2020	254	\$13,000	Shed	14 Oakes Street BATHURST
10	2020	255	\$19,200	Garage	13 Apsley Street PERTHVILLE
10	2019	367	\$0	Commercial - Demolition and Shop - New (Flat Attached)	105 Stewart Street BATHURST
10	2018	367	\$600,000	MOD Separate Dwelling - Additions and Swimming Pool and Garage/Shed	277 Howick Street BATHURST
18	2020	124	\$150,000	Fit out of a commercial premise	210 Howick Street BATHURST
10	2020	257	\$4,100	Retaining wall	5 Dovey Drive KELSO
10	2020	258	\$0	Three lot residential subdivision	64 Osborne Avenue WEST BATHURST
10	2020	259	\$0	Art Gallery and Tourist Information Centre	90 Market Street MUDGEE
10	2020	260	\$130,000	Hangar	167 Freemantle Road EGLINTON
10	2020	261	\$5,000	Commercial - Signs	1 Wark Parade WINDRADYNE
18	2020	125	\$529,000	Single storey dwelling and attached garage	28 Meagher Street LLANARTH
10	2020	262	\$30,415	Garage/Shed	1 Davidson Street ABERCROMBIE
18	2020	126	\$260,000	Single storey dwelling and attached garage	14 Bolton Street KELSO
10	2020	263	\$65,000	Additions to shed	14 Wembley Place KELSO
10	2020	264	\$152,000	Separate Dwelling - Additions	41 Houses Lane THE ROCKS
10	2020	265	\$50,000	Construction of a truck canopy	16 Adrienne Street RAGLAN
10	2020	266	\$0	46 lot residential subdivision including one open space	Basalt Way KELSO
10	2020	267	\$10,000	Above ground swimming pool and safety barrier	23 Silver Street SUNNY CORNER
10	2020	268	\$200,000	Watermain installation	Basalt Way KELSO

App	Year	Number	Description	Address	Application Date	Days Open	Stop Days	Reason
10	2017	111	25 Lot Subdivision	3991 O'Connell Road KELSO	23/04/2020	104		Waiting on comments from TfNSW
10	2017	111	Subdivision - Residential	3991 O'Connell Road KELSO	24/04/2020	103		Waiting on comments from TfNSW
10	2017	142	Internal and external alterations to existing	205 Howick Street BATHURST	28/02/2019	524	504	Amended plans and documentation requested
10	2017	214	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN	16/06/2017	1,146	1,100	Additional information requested
10	2018	198	Alterations and additions to commercial building	7 Keppel Street BATHURST	17/04/2020	110	98	Awaiting additional information
10	2018	341	Construction of safety fence and amendment to pylon sign	16 Ingersole Drive KELSO	4/06/2020	62		Awaiting additional information
10	2018	395	204 lot residential subdivision	Colville Street WINDRADYNE	18/10/2018	657	628	Awaiting additional information
10	2019	133	38 Housing development, demolish 2 houses	19 Durham Street BATHURST	4/06/2020	62		Report to August Council meeting
10	2019	146	10 lot industrial subdivision	Havannah Street BATHURST	14/05/2019	449	36	Waiting further information
10	2019	236	Additions to dwelling	302 Howick Street BATHURST	24/06/2020	42		Waiting further information
10	2019	328	Additions and alterations to church	36A Bant Street BATHURST	18/10/2019	292	274	Waiting further information
10	2019	352	7 group homes in 5 buildings, carports and carpark	10 Collins Close KELSO	8/11/2019	271		Waiting comments from Essential Energy
10	2019	361	Demolition, subdivision & two single storey dwellings	15 Boyd Street KELSO	19/11/2019	260	230	Under notification and assessment
10	2020	9	Demolition of existing workshop and construction of new	42 Durham Street BATHURST	15/01/2020	203		Report to August Council meeting
10	2020	31	Bakery and cafe and two lot subdivision	369 Stewart Street MITCHELL	4/02/2020	183	139	Additional information requested
10	2020	32	Motel and two lot commercial subdivision	369 Stewart Street MITCHELL	4/02/2020	183	139	Additional information requested
10	2020	45	Change of use to transitional group home and business premises	61 Boyd Street KELSO	12/02/2020	175	158	Under assessment
10	2020	60	Motel, garden centre, storage/warehouse and 3 lot subdivision	61 Sydney Road RAGLAN	26/02/2020	161	120	Awaiting additional information
10	2020	87	Caltex highway service station and restaurant	214 Sydney Road KELSO	17/03/2020	141		Awaiting additional information
10	2020	92	New service station, fast food outlet and 3 lot subdivision	5350 Great Western Highway RAGLAN	18/03/2020	140	124	Additional information requested
10	2020	95	Additions and alterations to an existing hotel	170 William Street BATHURST	20/03/2020	138		Awaiting additional information
10	2020	103	Demolition of existing dwelling house and commercial building	113 Durham Street BATHURST	31/03/2020	127	105	Waiting on TfNSW comments
10	2020	107	Rural dwelling	Tarana Road BREWONGLE	2/04/2020	125		Report to August Council meeting
10	2020	110	38 lot industrial subdivision with new roads	4040 O'Connell Road KELSO	2/04/2020	125	90	Under assessment.
10	2020	111	Multiple dwellings - three and four lot residential subdivision	121 William Street BATHURST	7/04/2020	120	117	Additional information requested
10	2020	117	Additions and alterations to dwelling	37 Reef Street HILL END	15/04/2020	112		Waiting for bushfire assessment and plans
10	2020	126	Alterations to dwelling - replace window	31 Havannah Street BATHURST	24/04/2020	103	91	Waiting for additional plans
10	2020	127	Nine two storey units	20 Griffin Street MITCHELL	27/04/2020	100	64	Report to August Council Meeting
10	2020	133	8 lot consolidation and two lot subdivision	1 High Street HILL END	4/05/2020	93		Additional information requested
10	2020	136	Shed with attached carport	163 Upper Turon Road SOFALA	5/05/2020	92		Under assessment
10	2020	143	Garage/Shed	25 Meagher Street LLANARTH	11/05/2020	86		Report to August Council meeting
10	2020	146	Reclamation project - sunny corner mine	83 Dark Corner Road SUNNY CORNER	13/05/2020	84	77	Awaiting additional information
10	2020	153	Dual occupancy and two lot residential subdivision	37 George Street BATHURST	20/05/2020	77	49	Under Assessment

10	2020	154	Shop 3 - fitout of existing unit for use as motor dealership	11 Corporation Avenue ROBIN HILL	19/05/2020	78		Under assessment
10	2020	156	Shop 1 - fitout of existing unit for use as cafe	11 Corporation Avenue ROBIN HILL	19/05/2020	78		Under assessment
10	2020	165	New brick piers for front fence	102 Mitre Street BATHURST	26/05/2020	71	68	Under assessment
10	2020	167	Alterations and additions to existing commercial premises	250 Stewart Street BATHURST	27/05/2020	70		Awaiting additional information
10	2020	169	Construction of farm shed	1588 Trunkey Road GEORGES PLAINS	1/06/2020	65	54	Under Assessment
10	2020	172	Use of existing conversion of shed to dwelling and additions	3821 Limekilns Road WATTLE FLAT	2/06/2020	64		Waiting on further information
10	2020	180	198 lot residential subdivision and new roads	Limekilns Road KELSO	5/06/2020	61		Under assessment
10	2020	183	Construction of colorbond shed	78 Gilmour Street KELSO	9/06/2020	57		Under assessment
10	2020	186	Single storey dwelling and alterations to existing	280 Redbank Road TRIANGLE FLAT	10/06/2020	56	43	Additional information requested
10	2020	187	Construction of an industrial building	26 Bradwardine Road ROBIN HILL	10/06/2020	56		Under assessment
10	2020	189	Use of existing premise as function centre	3249 O'Connell Road BREWONGLE	10/06/2020	56	46	Awaiting additional information
10	2020	190	Three lot rural subdivision	1078 Lachlan Road CALOOLA	12/06/2020	54		Awaiting RFS comments
10	2020	193	Industrial warehouse shed	35 Vale Road SOUTH BATHURST	17/06/2020	49		Waiting further information
10	2020	194	Demolition of part Dudley Hotel and construct carpark	250 Stewart Street BATHURST	17/06/2020	49		Under assessment
10	2020	199	Use of existing alterations to unit development	4 Keppel Street BATHURST	24/06/2020	42		Awaiting further information
10	2020	200	Use of existing alterations - internal timber staircase	4 Keppel Street BATHURST	24/06/2020	42		Awaiting further information
10	2020	201	Use of existing alterations to unit development	4 Keppel Street BATHURST	24/06/2020	42		Awaiting further information
10	2020	202	Use of existing masonry fence	2A Keppel Street BATHURST	24/06/2020	42		Awaiting further information

1/7/2020 - 31/7/2020

Council DA	Lot	DP	Street No	Street Name	Suburb	Postcode	Category	Environmental Planning Instrument	Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
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NIL



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Our Ref: 220128_LET_001B.docx

20 March 2020

The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Attention: Mr W MacDonald

Dear Mr MacDonald

PROPOSED MODIFICATION OF DA 2019/133 - DEVELOPMENT APPLICATION FOR MULTI-DWELLING AFFORDABLE HOUSING – 48 HAVANNAH STREET AND 19 DURHAM STREET, BATHURST (LOT 100 DP1082124 & LOT 5 DP595438)

On behalf of Housing Plus, please accept this letter in support of an development application modification in relation to DA 2019/133, dated 6 September 2019. DA 2019/133 relates to the demolition of two dwellings and associated infrastructure, and the development of 38 residential units at 48 Havannah Street and 19 Durham Street, Bathurst (Lot 100 DP1082124 & LOT 5 DP595438).

This modification seeks to delete condition 22 requiring the payment of section 7.11 (formerly Section 94) contributions.

Section 7.11 of the EP&A Act provides the mechanism for local Council's to impose conditions of consent requiring the payment of contributions towards the provision of essential public amenities or public services within an area or to facilitate the carrying out of development in the area [s.7.11(3)]. By reference to Section 7.11(5), Council may accept either:

- (a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or*
- (b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3)*

In order for a condition to be imposed requiring payment of a contribution a local Council must have an adopted contributions plan in place [s.7.13(1)].

The *Bathurst Regional Council Section 94 Contributions Plan Bathurst Regional Community Facilities* (Plan) applies to development within the Bathurst Regional Local Government Area.

The Plan identifies that Section 94 contributions are payable in relation to the provision of local community facilities infrastructure to service the Bathurst region that will be required as a consequence of development in the LGA or that has been provided in anticipation of or to facilitate such development.

Clause 1.12 of the Plan confirms that exemptions to contributions may only be given as a result of an express resolution of Council.

Clause 2.8 of the Plan confirms that certain development types are not affected, including:



(b) Development provided by or on behalf of State Government or the Council:

...

- that provide not-for-profit community facilities, such as sportsgrounds, parks, community centres, emergency services; and
- that in the opinion of Council does not increase the demand for the categories of community infrastructure addressed by this Plan.

The development the subject of this modification application provides affordable housing to the community and is proposed and to be operated and managed by Housing Plus, a not for profit social housing provider.

Levels of housing stress in NSW are rising. Housing stress is defined as expenditure of an amount equal to or greater than 30% of gross household income on housing costs. ABS data suggests that 11.5% of renters in the Bathurst LGA (SA3) are facing housing stress. For the Bathurst SA2 statistical region (within which the subject development is located) this rises to 14.5% of renters.

Housing stress detracts from quality of life and reduces the capacity of families to spend money in other areas of their lives, including groceries, school fees and holidays. These pressures result in a poor quality of life for those affected.

Ensuring adequate provision of a sufficient supply of affordable housing eases the pressure on the rental market. The delivery of affordable housing into areas of high housing stress as a means of alleviating the stress is therefore considered to be in the public interest. The delivery of affordable housing represents a material public benefit by placing downward pressure on rental prices.

The deletion of condition 22 is sought on the above basis.

This modification is sought pursuant to Section 4.55(1A) of the EP&A Act. Section 4.55(1A) states *inter alia*:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

In determining a modification application the courts have consistently defined the process as being 'beneficial and facultative'. "It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision" (see *North Sydney Council v Michael Standley & Associates Pty Limited [1998]*).

The modification as proposed would result in a development that is substantially the same as the originally approved development on the basis that no change to the physical aspects of the development are proposed;



the modification purely seeks to delete the obligation for payment of contributions on the basis that the development provides a community benefit. It is our submission that contributions are not warranted.

The further test that is to be satisfied in relation to Section 4.55(1A) is that the proposed modification must not result in anything other than minor environmental impacts. As no physical changes to the development are proposed, no physical environmental impacts would occur. The modification seeks to delete condition 22 and remove the obligation to pay contributions in relation to the development. This has a potential social impact due to a reduction in available contributions for public infrastructure projects, however this is more than offset by the significant positive social benefits associated with provision of affordable housing, a form of housing that is in high demand in the community.

Also of relevance to the application assessment is subclause of (3) of Section 4.55 of the Act, which states:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the modified development against the relevant provisions of Section 4.15 (1) of the EP&A Act identifies limited social impacts associated with the proposed development. These are discussed above.

In consideration of the comments above, the overall development is considered to remain essentially and materially the same as the approved development and involves no more than minor environmental impacts. On this basis, the development is able to be positively determined in accordance with Section 4.55(1A).

A digital copy of all documents is provided by email one hard copy following by post.

Please contact Justin Cantelo at Housing Plus on 0497 072 915 to arrangement payment of the applicable DA modification fee.

We understand the applicable contributions have been paid by the contractor on behalf of Housing Plus in order to enable construction to commence. Housing Plus seek either refund of the paid contributions or the holding of these funds as credit for future developments.

Please contact the undersigned in the event any additional information is required.

Yours faithfully

Premise Australia Pty Ltd

A handwritten signature in black ink, appearing to read "D Walker".

DAVID WALKER

Senior Town Planner

No. of Attachments – 1: Completed modification form



Section 94 Development Contributions Plan

Bathurst Regional Community Facilities

AMENDMENT 1

Adopted:	17 September 2014
Effective Date:	19 November 2014

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Part A: Summary Schedules

Schedule 1 Schedule of works

Project Number	Description	Total Cost	Population applied to	Cost per person	Cost for the plan	Other contribution (i.e. Council or grant funding)	Completion rate
1	Community buildings	\$7,500,000	51,500	\$145.63	\$1,674,757	\$5,825,243	Not commenced
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68	\$3,572,816	\$12,427,184	Not commenced
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96	\$781,553	\$2,718,447	Not commenced
5	Community arts centre	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
6	Museum development and expansion	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
8	Archives collection repository	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
9	Music conservatorium	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
10	Botanic gardens	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
11	Local recreation equipment	\$1,400,000	11,500	\$121.74	\$1,400,000	\$0	Not commenced
12	Bus shelters	\$500,000	11,500	\$43.48	\$500,000	\$0	Not commenced
13	Public Carparking	\$3,112,580	11,500	\$270.66	\$3,112,580	\$0	Not Commenced
	Totals	\$97,012,580		\$2,222.29	\$25,556,269	\$71,456,311	

Part B: Administration and operation of the plan

1.0 Administration

1.1 Name of the Plan

This development contributions plan is called the “Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities”.

The plan will be reviewed as required and any amendments will be recorded in the following table:

Plan Title	Amendments	Adoption Date	Version Number
Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities	New Plan	19 November 2014	0
Section 94 Developer Contributions Plan - Bathurst Regional Community Facilities	Insertion of Section 1.16, 4.5 & 5.1 relating to the Plan Management and Administration.	14 December 2016	2

1.2 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. The Plan was adopted by Council at its meeting held 17 September 2014 and takes effect from the date on which the Bathurst Regional Local Environmental Plan 2014 is gazetted, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 19 November 2014.

1.3 Land to which the plan applies

The Plan applies to all subdivisions that create an additional lot upon which a dwelling may lawfully be erected in zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscapes, RU4 Primary Production Small Lots, RU5 Village, E4 Environmental Living and any new residential development type in any zone to which the Bathurst Regional Local Environmental Plan 2014 applies as outlined in Section 1.6 of this Plan.

1.4 Purpose of the Plan

This Contributions Plan outlines Council's policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of local community facilities infrastructure to service the

Bathurst region that will be required as a consequence of development in the LGA or that has been provided in anticipation of or to facilitate such development.

Section 94 of the Act permits Council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated through their developments.

Other purposes of this Plan are to:

- (i) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions for community facilities on an equitable basis throughout the Region;
- (ii) Provide a comprehensive works schedule for the provision of community facilities, including the extension or embellishment of existing community facilities as well as those which have been completed and those which are likely to be required by the anticipated population;
- (iii) Ensure an appropriate provision and distribution of community facilities throughout the area to meet the increased demand for community facilities generated by development commensurate with the needs of that population and general community expectations;
- (iv) Enable the Council to recoup the cost of providing community facilities which have been provided in anticipation of development where such development will benefit from the provision of those community facilities;
- (v) Ensure that the existing community is not burdened by the provision of community facilities required as a result of future development.
- (vi) Provide a comprehensive works schedule for the provision of public car parking that reflects the true cost of providing car parking facilities within the Bathurst CBD to maintain the current level of vacant car parking spaces.

1.5 Relationship to Other Plans and Policies

The Plan should be read in conjunction with the Bathurst Regional Local Environmental Plan 2014, as amended and the Bathurst Regional Development Control Plan 2014, as amended.

All contributions collected under previous version(s) of this Plan are to be pooled and used for the purposes outlined in this Plan.

1.6 When Contributions are to be paid

Council will impose conditions of consent requiring payment of contributions:

- a) In the case of subdivision where future additional dwellings are permissible with consent – prior to the release of the final linen plan, or a linen plan for any development stage.
- b) In the case of dual occupancy, secondary dwelling (granny flat), medium density housing, residential units, second rural dwelling, shop top housing or rural workers dwelling, but not including alterations and additions to an existing dwelling house - prior to the release of a Construction Certificate.
- c) In the case of land zoned RU1 Primary Production, RU2 Rural Landscapes, RU4 Primary Production Small Lots, RU5 Village or E4 Environmental Living for the purpose of a dwelling where a dwelling is permissible pursuant to the Bathurst Regional Local Environmental Plan 2014, as amended - prior to the release of a Construction Certificate.

Note: Where a developer contribution has been made for a residential lot under the Bathurst Community Facilities & Services Developer Contribution Plan (repealed), a credit will be given equivalent to 1 x residential allotment.

1.7 Construction Certificates and Complying Development Certificates and the Obligations of Accredited Certifiers

Construction certificates

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a **construction certificate** for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation 2000. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

Complying Development Certificates

In accordance with Section 94EC(1) of the Environmental Planning and Assessment Act accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan for applicable development types.

The condition imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

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Bathurst Regional Community Facilities

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1.8 Council's Policy on periodic payments

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis adjusted to the applicable rate, in accordance with Section 1.11 of this Plan.

1.9 Council's Policy on the acceptance of material public benefits (including works in kind)

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) or through the dedication of land identified in this Plan in lieu of all or part of a monetary contribution required under this plan.

An offer to provide WIK or land dedication is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What WIK or land dedication is proposed;
- The value of the WIK or land dedication proposed;
- The timing of the provision of the WIK or land dedication; and
- What monetary contributions it is proposed to offset.

Council is under no obligation of accept the WIK or land dedication, however may consider doing so in the following circumstances:

- where the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- where the standard of the works is to Council's full satisfaction.

1.10 Council's acceptance of Works in Kind (WIK) for the provision of ground level or multi level car park facilities and enhancement of public carparks in the Bathurst CBD

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) in lieu of all or part of a cash contribution required under this plan.

An offer to provide WIK is to be made in writing to Council and should clearly state:

- What WIK is proposed (ie the number of car parking spaces proposed to be provided in addition to the applicable DCP standard);
- What cash contributions it is proposed to offset.

Council is under no obligation to accept the provision of additional car parking spaces in lieu of a monetary contribution.

Council is under no obligation of accept the WIK, however may consider doing so in the following circumstances:

- where the applicant proposes 20 or more spaces in addition to the applicable DCP rate and an easement and/or covenant is entered into benefiting Bathurst Regional Council for the additional spaces;
- the additional car parking spaces will be located in a carpark associated with a major development and an easement and/or covenant is entered into benefiting Bathurst Regional Council for the additional spaces;
- where the standard of the works is to Council's satisfaction.

1.11 Review of Contribution Rates

The contribution rates will be indexed annually in accordance with the Consumer Price Index (CPI) or equivalent relevant indices.

The contributions stated in a development consent are calculated on the basis of the Section 94 contribution rates calculated in accordance with this Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment and adjusted by the Consumer Price Index as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

The contribution rate will also be reviewed after the publication of each subsequent census in relation to the ABS census result for average persons per dwelling.

The contribution rates for the current financial year are published by Council in its annual Management Plan and are available from Council offices.

1.12 Exemptions

Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

1.13 Planning Agreements

Council may in certain circumstances accept an offer by the applicant to negotiate a planning agreement for developments in accordance with s93F of the EP&A Act in lieu of all or part of a cash contribution required under this plan.

An offer to negotiate a planning agreement is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What works or facilities are proposed;
- The value of the works or facilities proposed;
- The timing of the provision of the works or facilities; and
- What cash contributions it is proposed to offset.

Council is under no obligation to accept a planning agreement.

1.14 Pooling of Contributions

This plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

1.15 Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of lodgement of the application.

1.16 ADMINISTRATION OF THE PLAN

1.16.1 MANAGEMENT COSTS OF THE PLAN

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly, costs associated with the ongoing administration and management of the contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the contributions schedule and the method of calculation is described in Section 5A.2 of this Plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the agreement and supervision work undertaken.

NSW Planning and Environment released a revised Local Development Contributions Practice Note - for the assessment of Local Contributions Plans by IPART, February 2014 (pp 9-10).

Section 3.4.2.3 of the Practice Note identifies that:

Plan administration costs may include:

- background studies, concept plans and cost estimates that are required to prepare the plan, and/or
- project management costs for preparing and implementing the plan (e.g., the employment of someone to co-ordinate the plan).

Note: Plan administration costs include only those costs that relate directly and solely to the preparation and implementation of the Section 94 Plan and do not include costs that would otherwise be considered part of Council's key responsibilities such as core strategic planning responsibilities.

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 Urban Characteristics

2.1 Area

Bathurst Regional Local Government Area (LGA) covers an area of approximately 3,821 square kilometres and is located in the Central West region of New South Wales.

2.2 Population

The table below represents the estimated populations for the Bathurst Regional LGA and indicates the average people per dwelling, based on the 2011 Census. (ABS, 2012)

	Existing number of dwellings	Estimated current population (2011 census)	Average people per dwelling
Bathurst Regional Local Government Area	15,835	38,519	2.5

(ABS, 2012)

2.3 Meeting Needs of the population

It is estimated that the incoming population will be primarily distributed in the existing and future residential release areas of the City, with some distribution to the rural villages and rural areas of the LGA. The additional population will create increased demand for a range of community facilities and administration of this section 94 Plan.

Council's modelling has indicated that over the life of this Plan, the overall population forecast within the Bathurst Regional LGA will be increased as identified in the table below:

	Forecast Years					Change between 2011 & 2031	
	2011	2016	2021	2026	2031	Number	Average annual change (%)
Bathurst Regional Local Government Area	39,915	42,561	45,413	48,434	51,482	11,567	1.12

(.id.com.au, 2011)

Council acknowledges that there is a difference between the 2011 Census population and the forecast population. This is attributable to statistical errors, assumptions made and the accuracy of the base year data. Notwithstanding the differences in

the 2011 data, the outcome that population of the Bathurst Region will increase over the next 20 years still remains.

2.4 Retail floor area

The Bathurst CBD & Bulky Goods Development Strategy 2011 identified that Bathurst could support a further 11,000m² Gross Leasable Area (GLA) (retail) and 6,140m² GLA (office) within the Bathurst CBD up to the year 2025. The additional floor space will create an additional demand for car parking. The Bathurst CBD Car Parking Strategy 2013 identifies that to support the retail floor space within the Bathurst CBD an additional **190** car parking spaces will need to be provided (92 restricted and 98 unrestricted) to maintain the current level of service (i.e. to maintain the current vacancy level).

The CBD Car Parking Strategy identified that the **92** restricted car parking spaces should be associated with a future shopping centre located at the George Street (RSL) carpark with the balance of **98** spaces to be provided at existing or new public carparks. This is in addition to the car parking spaces required to be provided as part of any new development in accordance with the relevant DCP rate.

3.0 Plan Objectives

The community facilities identified within this Plan are required to service the new population within the LGA.

This Plan identifies:

- the demand for the facilities likely to be required as a result of new development and re-development in the subject area;
- provide a mechanism whereby Council can levy monetary contributions to fund the additional car parking spaces in the Bathurst CBD Car Parking Strategy to meet future floor space demands at the current level of service;
- the community facilities which will be required to meet those demands (for which development contributions could reasonably be charged); and
- the reasonable contribution which should be levied on new development to meet those demands.

Contributions are rounded to the nearest dollar. Note that the range of community facilities which will be required have also been identified through the Bathurst 2036 Community Strategic Plan (20 February 2013).

This Plan supports the following objectives of the Bathurst 2036 Community Strategic Plan:

Objective No.	Description
6	To support infrastructure development necessary to enhance Bathurst's lifestyle and industry development.
7	To support Integrated Transport Infrastructure Development.
24	To provide and support the provision of accessible, affordable and well planned transport systems.
28	To plan for the growth of the region and the protection of the

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	region's environmental, economic, social and cultural assets.
29	To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels.

Council staff have also identified other projects which have been raised by the Community over a number of years, and they have been included in the Plan.

3.1 Nexus

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a community facility that is caused by the development.

There are three aspects to nexus:

- Causal nexus – (what) demonstrates that proposed development will or is likely to create an additional demand for recreation and community facilities within the Bathurst Region;
- Spatial or physical nexus – (where) demonstrates the recreation and community facilities are to be provided within reasonable proximity to the contributing development to cater for the needs of those that created the demand for it;
- Temporal nexus – (when) demonstrates that recreation and community facilities may be provided within a reasonable timeframe.

The growth expected in the LGA is going to result in a considerable increase in the population using existing community facilities, and also in the need to construct new facilities to accommodate anticipated increased population.

3.2 Apportionment

Apportionment is the “fairness” principle. It means that new development only pays the full cost of a facility if it can be shown that it exclusively causes the increased demand. Where the facility proposed will benefit both the existing and new population, the cost of provision of that facility is apportioned between the existing development being the Council's contribution, and new development.

3.3 Reasonableness

Reasonableness embraces the concept of fairness and equity. Legal precedent from case law decisions in NSW has established that Section 94 contributions must:

- relate to a clear planning purpose;
- relate to the subject development, which must derive some benefit from open space, recreation and community facilities provided; and
- be reasonable such that a planning authority can properly impose it.
- be used to provide facilities in a reasonable timeframe taking into account the nature of the development and the type of facility.

Section 94 (2) (b) of the Act contains principles of reasonableness. Imposing excessive or unreasonable contribution rates could adversely affect housing affordability and economic viability of projects. In such cases it is important to balance these factors to meet the needs of existing and future residents of the Bathurst Region.

3.4 Accountability

The Council needs to be able to demonstrate that it is accountable for all contributions made under the provisions of section 94 and be transparent in the allocation of those funds in accordance with the Schedule of Works identified in this plan. Development and subsequent population growth rates will be monitored to ensure that the Plan remains relevant and delivery of services and facilities occurs in accordance with the Plan.

3.5 Population Increase

Recently the Bathurst Regional LGA has experienced, on average, an annual population growth of approximately 1%. As outlined in Section 2.3 above, the population of the Bathurst Region is expected to reach approximately 51,500 by 2031.

3.6 Meeting Needs of the Population

The incoming population will be primarily distributed:

- 1) on the fringe of the village of Eglinton with some penetration within the existing village
- 2) within the newer suburban areas of Kelso, Llanarth and Windradynne
- 3) as infill development in the older areas of the city of Bathurst
- 4) as infill development in the other urban and rural villages and
- 5) scattered development throughout the rural areas.

3.7 Bathurst CBD and Bulky Goods Business Development Strategy 2011

The Bathurst CBD and Bulky Goods Business Development Strategy identifies an additional 11,000m² GLA in the CBD to satisfy core retail floorspace requirements in the CBD to 2025 (refer Section 7.4, page 233, Bathurst CBD & Bulky Goods Business Development Strategy 2011). This will provide for:

- the new IGA Supermarket in Rankin Street;
- the proposed redevelopment of the ANZ Bank site along Pedrottas Lane;
- a new regional level shopping centre on the George Street (RSL) car park incorporating a medium sized discount department store and specialty stores; and
- a small supermarket in Keppel Street.

The Strategy also estimates the requirement for additional office floor space for the City by 2036 to be between 6,140m² and 10,510m² GLA (Table 5.13, page 179, Bathurst CBD & Bulky Goods Business Development Strategy 2011). For the purposes of this Plan, the GLA of 6,140m² has been used, recognising that not all of the office floorspace will be located within the Bathurst CBD.

3.8 Bathurst CBD Car Parking Strategy 2013

The Bathurst CBD Car Parking Strategy 2013 was prepared to examine the current supply of, and future demand for, car parking in the Bathurst Central Business District (CBD).

The Strategy was prepared using the following data sources;

- A survey of the nine primary off-street public car parks approximately once a month over a twelve month period (2009/2010);
- A survey of on-street car parks approximately once a month over a twelve month period (2009/2010);
- Council's Engineering Services Department register of on-street car park configuration and time restriction designation;
- The *Bathurst CBD & Bulky Goods Business Development Strategy 2011*;
- The findings and recommendations of the *Bathurst CBD Car Parking Strategy 2001*.

The car park surveys for the Strategy were undertaken in 2009 and throughout 2010. Preparation of the Strategy was delayed until 2011/2012 pending the completion of the Bathurst CBD & Bulky Goods Business Development Strategy.

Additional surveys were undertaken in 2012 to ensure earlier recorded data remained valid. Updated data was included in the Strategy for Rankin Street (between Durham and Howick Streets), in Russell Street (between George and Rankin Streets) and the Rankin Street/IGA car park where land use change had occurred since 2009/2010 and where the earlier results were no longer valid.

The strategy identified the need for the provision of additional car parking spaces to be provided in the Bathurst CBD to satisfy future floor space demands beyond the current rate of provision required by the DCP to maintain the current level of service (ie to maintain the current vacancy level). Council has not increased the DCP rate of provision so additional spaces will need to be funded under this Plan.

4.0 Community facilities projects

4.1 Community facilities projects - Projects 1 to 10 of Schedule 1

This section applies to the construction of projects numbered 1 to 10 in schedule 1.

4.1.1 Nexus between Development and Demand

Causal Nexus

Additional residential development will increase the demand for community facilities. The construction of community facilities and buildings will meet the demands of the growing population.

Physical Nexus

The Bathurst Region has a growing population and its community has requested that Council provide a number of community facilities to serve the community. Projects 1 to 10 include facilities which service the whole community as opposed to the new

population only. As a result, the cost of providing the community facilities is attributable to the entire population of Bathurst.

Therefore, it is justified that both the existing and new residents contribute towards the costs of additional community facilities.

Temporal Nexus

Due to the scale of the projects to be completed, it is expected that the timing of the works will be ad-hoc. The timetable for the completion of the works is subject to change and is dependent on the rate of subdivision of land.

4.1.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

Community facilities projects - Projects 1 to 10

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EMBED Equation.3

C_{pax1} = the contribution rate per person
 TC = the estimated total cost to Bathurst Regional Council (less any grants or reserves monies)
 POP_f = the total estimated population of the Bathurst Region in 2031 (ie 51,500 people)

4.2 Community facilities projects - Projects 11 and 12 of Schedule 1

This section applies to the construction of projects numbered 11 and 12 in schedule 1.

4.2.1 Nexus between Development and Demand **Causal Nexus**

Additional residential development will increase the demand for community facilities. The construction of new local recreation equipment and bus shelters will meet the demands of the growing population.

Physical Nexus

The existing local recreation equipment and bus shelters are adequate for the existing population of Bathurst. Additional development within the Region will place additional demand on the existing facilities, requiring additional facilities to be constructed for the new population, therefore meeting the demand. Therefore, it is justified that only the new residents contribute towards the costs of additional local recreation equipment and bus shelters.

Temporal Nexus

Due to the scale of the projects to be completed, it is expected that the timing of the works will be ad-hoc. The timetable for the completion of the works is subject to change and is dependent on the rate of development of the land.

4.2.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

Community facilities projects - Projects 11 and 12

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EMBED Equation.3

C_{pax2} = the contribution rate per person

TC = the estimated total cost to Bathurst Regional Council (less any grants or reserves monies)

POP_n = the total estimated new population of the Bathurst Region in 2031 (ie 11,500 people)

4.3 Project 13 - Provision of ground level or multi level car park facilities and enhancement of public carparks in the Bathurst CBD to meet future demand

Continued retail and commercial growth in the Bathurst CBD will increase usage of the existing public car parks and create demand for additional car parking within the Bathurst CBD. The provision of additional car parking spaces has been determined on the continued growth of the retail and office space within the Bathurst CBD, based on the estimated deficit of 190 car parking spaces in addition to the car parking provided in accordance with the relevant DCP rate.

4.3.1 Nexus between Development and Demand

Causal Nexus

The development of additional retail and commercial floor space in the Bathurst CBD will increase demand for car parking in close proximity to the CBD core. Additional car parking will need to be located in the Bathurst CBD, either at existing car park locations as a multi level carpark, or within the CBD as ground level spaces. The contribution rate represents the construction cost of a multi level carpark at an existing location, or the purchase of additional land within the CBD at ground level and the enhancements and preparation of the carpark. This portion of the contribution will provide for an additional 190 car parking spaces, as was recommended by the Bathurst Car Parking Strategy 2012.

Physical Nexus

Council owns a number of public car parks within and in close proximity to the Bathurst CBD. Some of these existing carparks require further upgrades or land

acquisitions to realise their full potential and meet the future demand. To meet the needs of the growing Bathurst CBD, the required works will improve the availability and safety of the carparks. The contribution will be used to either construct a multi-level carpark at an existing car park location. Alternatively, the contribution will provide for the purchase of land and the provision of car parking at a new location, either within, or in close proximity to the Bathurst CBD.

It is justified that only the new residents contribute towards the costs of additional car parking spaces.

Temporal Nexus

The timing of works will be in accordance with the priorities as outlined in the schedule of works. However, the timetable for the completion of the works is subject to change dependent on the rate of development of retail and commercial development in the CBD.

4.3.2 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

$$C_{pax3} = \frac{Spaces \times ConstCost}{AdditionalPop}$$

$$C_{pax3} = \frac{190 \times \$16,382}{11500}$$

$$C_{pax3} = \$270.66$$

Symbol	Description
C_{space}	the contribution rate per space
Spaces	The estimated additional spaces to be provided based on the recommendations on the Bathurst CBD Car Parking Strategy
ConstCost	the estimated cost of construction works based on Rawlinsons 2012
AdditionalPop	the total estimated additional population expected from growth.

The construction cost is based on the following calculation:

Component	Calculation	Contribution/space
Multi level carpark (Ground + 1 level) (Rawlinsons, 2012)	\$13,200/space	\$13,200
Add fire protection sprinklers (Rawlinsons, 2012)	\$81/m ² 29m ² per space (includes parking and circulation space)	\$2,349
Add hydrants, hose reels etc (Rawlinsons, 2012)	\$10,000/190	\$53
Country loading (Rawlinsons, 2012)	5%	\$780
TOTAL		\$16,382

Section 94 Development Contributions Plan

Bathurst Regional Community Facilities

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4.4 Total Contribution required

$$C_{Total} = C_{pax1} + C_{pax2} + C_{pax3}$$

$$C_{Total} = \$1,786.40 + \$165.22 + \$270.66$$

$$C_{Total} = \$2,222.29 /person$$

4.5 PLAN MANAGEMENT AND ADMINISTRATION

NEXUS

Council employs staff to coordinate the implementation of the Plan and associated works, as well as the financial accounting of contributions received. In addition, consultant studies may be commissioned in order to determine design and costing of works and to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering this Section 94 Plan are an integral and essential component of the efficient provision of facilities demanded by development throughout the Bathurst Regional LGA. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 1.0% of all development contributions payable over the life of the Plan is a reasonable contribution towards Plan Management and Administration functions.

CONTRIBUTION CATCHMENT

Plan administration and management is based upon the catchment of the Plan and contributions have therefore been applied on this basis.

FACILITIES STRATEGY

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning, engineering, traffic, legal and valuation specialists) to carry out studies or to assist with the preparation of the Plan.

5.0 Schedule of works

Project Number	Description	Total Cost	Population applied to	Cost per person	Cost for the plan	Other contribution (i.e. Council or grant funding)	Completion rate
1	Community buildings	\$7,500,000	51,500	\$145.63	\$1,674,757	\$5,825,243	Not commenced
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68	\$3,572,816	\$12,427,184	Not commenced
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96	\$781,553	\$2,718,447	Not commenced
5	Community arts centre	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
6	Museum development and expansion	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26	\$3,349,515	\$11,650,485	Not commenced
8	Archives collection repository	\$10,000,000	51,500	\$194.17	\$2,233,010	\$7,766,990	Not commenced
9	Music conservatorium	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
10	Botanic gardens	\$5,000,000	51,500	\$97.09	\$1,116,505	\$3,883,495	Not commenced
11	Local recreation equipment	\$1,400,000	11,500	\$121.74	\$1,400,000	\$0	Not commenced
12	Bus shelters	\$500,000	11,500	\$43.48	\$500,000	\$0	Not commenced
13	Public carparking	\$3,112,580	11,500	\$270.66	\$3,112,580	\$0	Not commenced
14	Plan administration ^	\$970,125.80	51,500	\$18.84	\$970,125.80	\$0	Not commenced
	Totals	\$97,012,580		\$2,222.28	\$25,556,269	\$71,456,311	

^ Plan administration is included in the estimated cost of works of projects 1-13.

5.1 Plan administration and management

Studies undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Estimate 1% of all development contributions payable.

At the commencement of the Plan, it is estimated that the maximum contribution from the Plan towards administration and management costs is \$255,562.69.

6.0 Contribution Rate

The table below provides the total cost of works identified within this Plan and the contribution rate per person.

Project Number	Description	Total Cost	Population applied to	Cost per person
1	Community buildings	\$7,500,000	51,500	\$145.63
2	Footpaths and cycleways	\$16,000,000	51,500	\$310.68
3	Art gallery and library expansion	\$15,000,000	51,500	\$291.26
4	Regional level recreation playground	\$3,500,000	51,500	\$67.96
5	Community arts centre	\$5,000,000	51,500	\$97.09
6	Museum development and expansion	\$10,000,000	51,500	\$194.17
7	Regional level sporting facilities	\$15,000,000	51,500	\$291.26
8	Archives collection repository	\$10,000,000	51,500	\$194.17
9	Music conservatorium	\$5,000,000	51,500	\$97.09
10	Botanic gardens	\$5,000,000	51,500	\$97.09
11	Local recreation equipment	\$1,400,000	11,500	\$121.74

Attachment 7.2.3.2

12	Bus shelters	\$500,000	11,500	\$43.48
13	Public carparking	\$3,112,580	11,500	\$270.66
	Totals	\$97,012,580		\$2,222.28 Per person

The table below provides the contribution rate per lot.

Cost Per Lot
\$5,556

Note: The cost per lot = Cost per person x 2.5 (average people per dwelling)

For granny flats, dual occupancies, residential units / multi dwelling housing, rural workers dwellings, rural and rural village dwellings the apportioned rate applies in accordance with the table below.

	1 Bedroom	2 Bedroom	3 Bedroom	4 or more Bedroom
Apportionment of the Lot rate	40%	60%	80%	100%
Cost per dwelling type	\$2,222.40	\$3,333.60	\$4,444.80	\$5,556

The rates in the above tables will be adjusted on 1 July annually in accordance with Section 1.11 of this Plan.

7.0 Definitions

Capital Costs means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

Catchment means a geographic or other defined area to which a contributions plan applies.

Commercial means a building or place used as an office, place of business or other commercial purpose from which an income is derived.

Community Infrastructure means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged persons facilities.

Contributions Plan means a public document prepared by Council pursuant to s94EA of the Environmental Planning and Assessment Act.

Development means:

- The erection of a building on that land
- The carrying out of a work in, on, over or under that land
- The use of that land or of a building or work on that land
- The subdivision of that land.

Developer contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

Material Public Benefit does not include the payment of a monetary contribution or the dedication of land free of cost.

Nexus means the relationship between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Planning agreement means a voluntary agreed referred to in s93F of the Environmental Planning and Assessment Act.

Planning authority means:

- A council, or
- The Minister, or
- The corporation, or
- A development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

Planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.

Planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

Public includes a section of the public.

Section 94 Development Contributions Plan

Bathurst Regional Community Facilities

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Public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

Public facilities means public infrastructure, facilities, amenities and services.

Public purpose is defined in s93F(2) of the Environmental Planning and Assessment Act to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in s93C), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Recurrent costs mean any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.

Region means the Bathurst Regional Council Local Government Area.

Thresholds means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for provision of a facility.

Utility service means basic engineering services such as power, water, sewerage and telecommunications.

Works-in-Kind means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan.

8.0 References

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"http://forecast2.id.com.au/Default.aspx?id=361&pg=5180" } Last accessed 11 January 2013.

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"http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/LGA10470?opendocument&navpos=220" } Last accessed 11 January 2013.

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Bathurst CBD Car Parking Strategy, 2013. { HYPERLINK

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Rawlinsons, 2012. Rawlinsons Australian Construction Handbook. Edition 30 2012. Perth, Western Australia.



Legend:

- Az Parks Text
- Az Lot Text
- Boundaries
- BRC Local Gov. Area
- Suburb
- Watercourse
- Named Watercourse
- Unnamed Watercourse
- Contours
- 100m
- 50m
- 10m
- 2m
- Property
- Lots
- Imagery (Latest)
- Bathurst 13 Mar 2020 NearMap
- Water Corridor



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Drawn By: Fern-Alice Finn

Date: 14/07/2020

Projection: GDA94 / MGA zone 55

Map Scale: 1:2712 @ A4



Legend:

- Az Parks Text
- Az Lot Text
- Boundaries
- BRC Local Gov. Area
- Suburb
- Watercourse
- Named Watercourse
- Unnamed Watercourse
- Contours
- 100m
- 50m
- 10m
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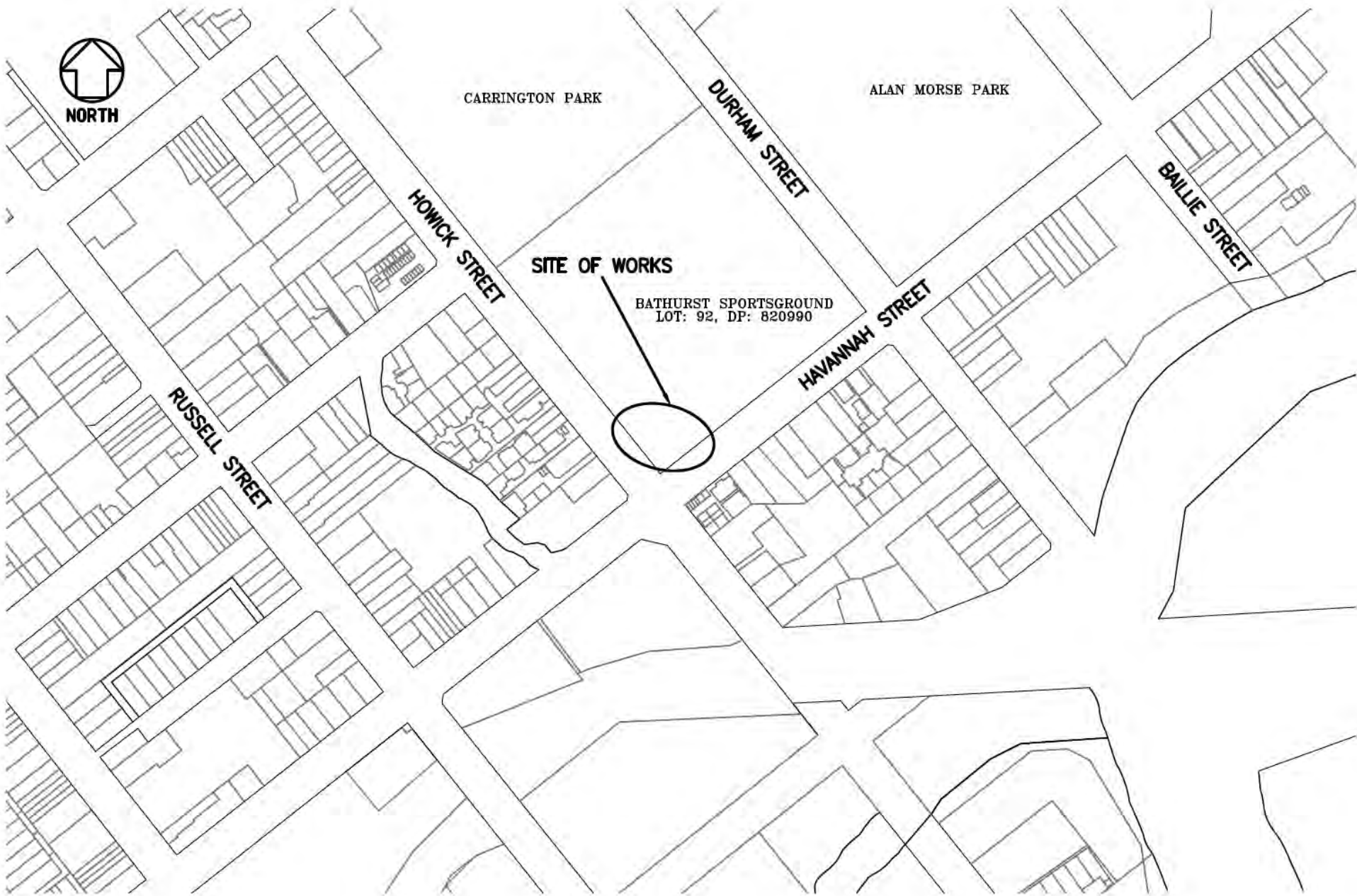
Drawn By: Fern-Alice Finn

Date: 14/07/2020










Projection: GDA94 / MGA zone 55

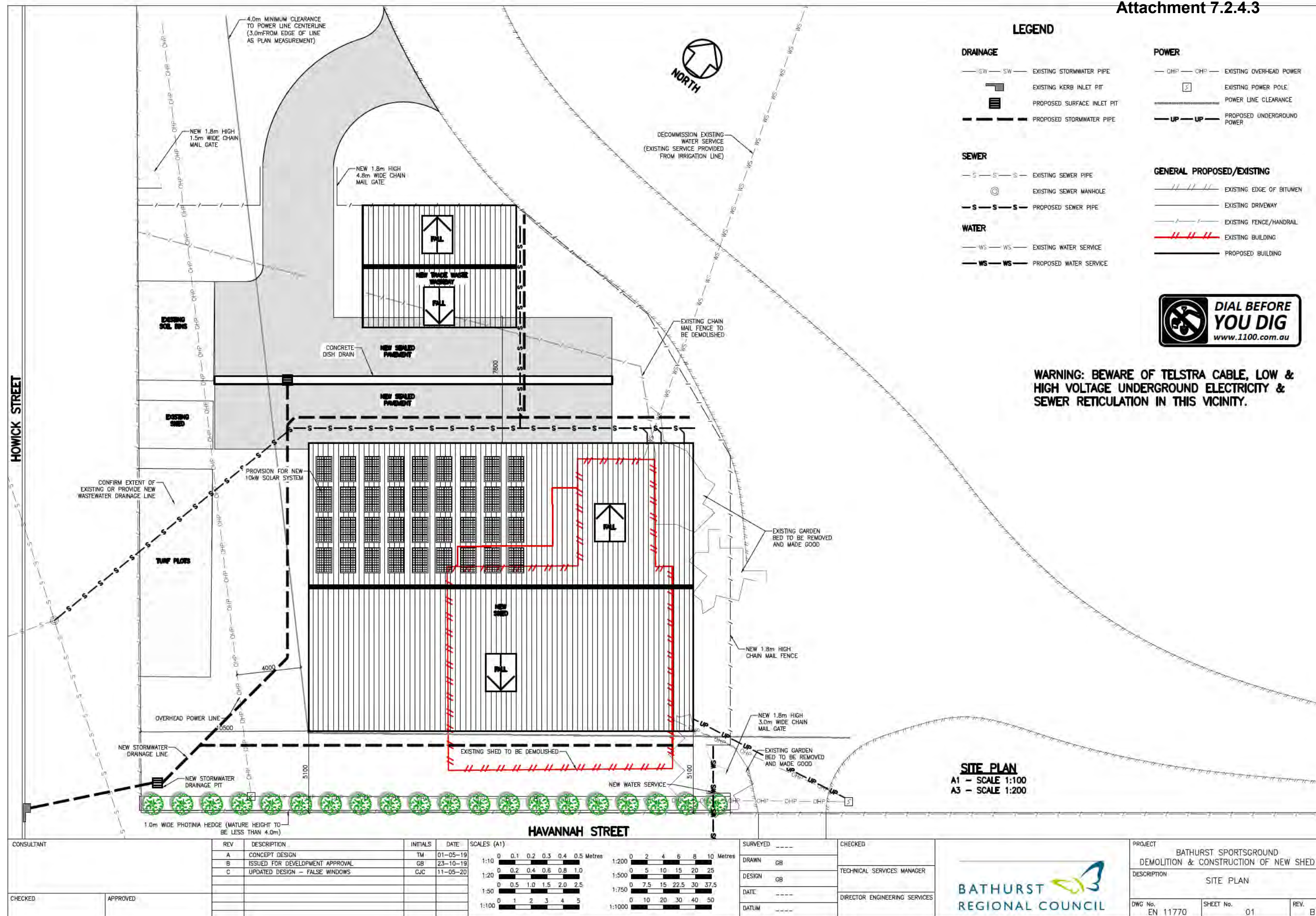
Map Scale: 1:1111 @ A4

BATHURST SPORTSGROUND
COUNCIL SHED PROPOSAL
BATHURST REGIONAL COUNCIL



DRAWING INDEX	
SHEET	DESCRIPTION
00	COVER SHEET
01	SITE PLAN
02	GROUND FLOOR PLAN & NOTES
03	FIRST FLOOR PLAN & GENERAL NOTATIONS
04	SHED ELEVATIONS SHEET 1
05	SHED ELEVATIONS SHEET 2
06	SHED SECTIONS
07	WASHBAY & CHEMICAL COLLECTION FLOOR PLAN, ELEVATIONS AND DRAINAGE GENERAL ARRANGEMENT
08	WASHBAY SECTIONS AND TRADEWASTE GENERAL ARRANGEMENT
09	SOIL & WATER MANAGEMENT PLAN

CONSULTANT		REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)				SURVEYED	CHECKED	<div></div> <div>PROJECT BATHURST SPORTSGROUND DEMOLITION & CONSTRUCTION OF NEW SHED</div> <div>DESCRIPTION COVERSHEET</div> <div>DWG No. EN 11770</div> <div>SHEET No. 00</div> <div>REV. B</div>
		A	CONCEPT DESIGN	TM	01-05-19	1:10		1:200		DRAWN	TECHNICAL SERVICES MANAGER	
		B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:20		1:500		DESIGN		
		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50		1:750		DATE	DIRECTOR ENGINEERING SERVICES	
CHECKED	APPROVED					1:100		1:1000		DATUM		



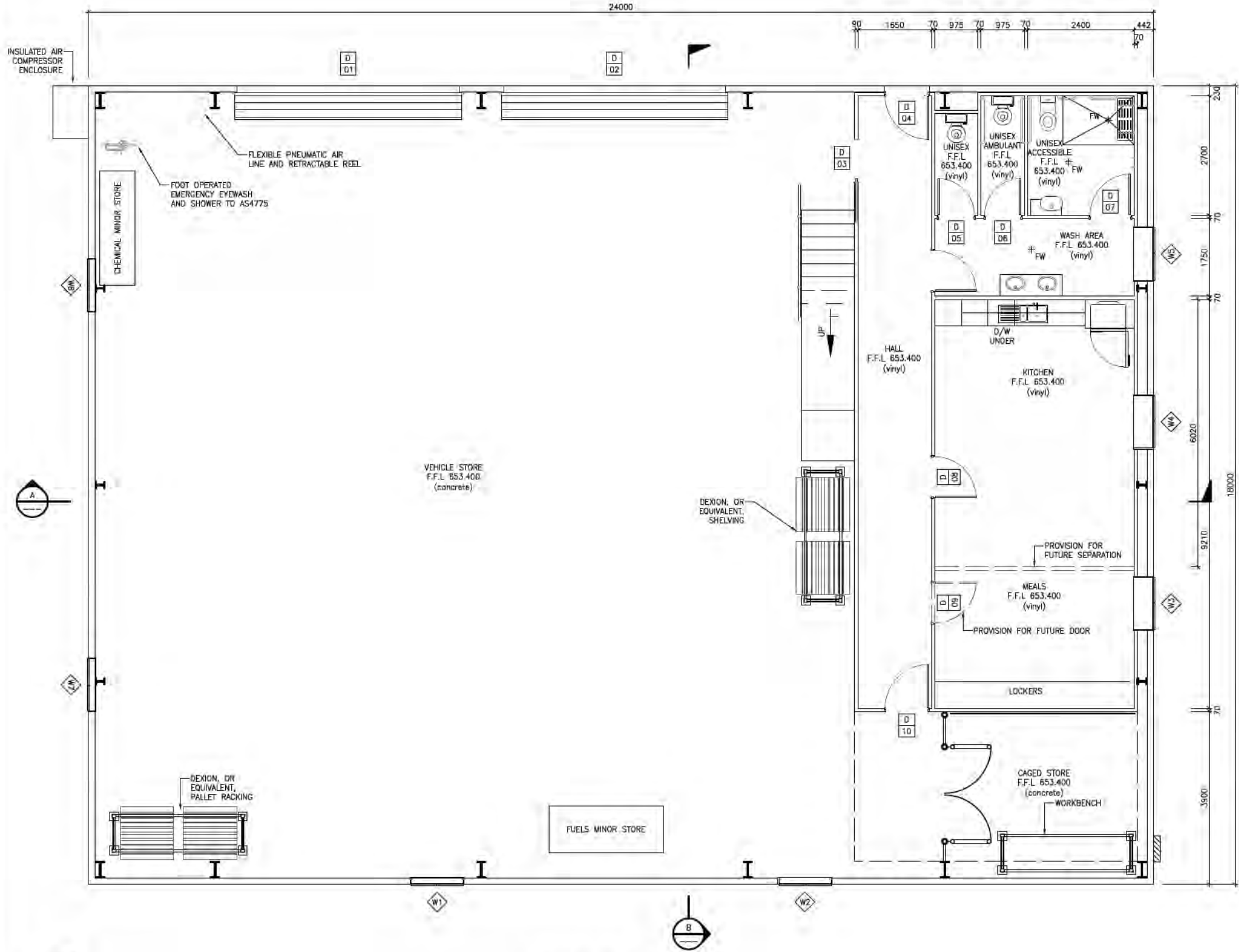
LEGEND

- + FW FLOOR WASTES.
- ===== ELECTRICAL SWITCHBOARD.

NOTES:

FITOUT/FINISHES:

1. GLAZED TILE TO BE PROVIDED 1200 HIGH ABOVE HANDBASINS.
2. GLAZED TILE PROVIDED MINIMUM 2100 HIGH IN SHOWER AREAS.
3. LIQUID SOAP DISPENSER TO BE PROVIDED TO EACH HANDBASIN.
4. TWO BIFOLD PAPER HAND TOWEL DISPENSER IN WASH AREA.
5. TOILET PAPER DISPENSERS TO BE INSTALLED - SUPPLIED BY COUNCIL.
6. MIRRORS TO BE PROVIDED TO BATHROOM HANDBASINS.
7. ALL INTERNAL WALL SURFACES OTHER THAN TILED AREAS AND AND SERVICE DUCTS TO BE PAINTED WITH APPROVED LIGHT COLOURED WASHABLE PAINT.
8. FLOOR COVERINGS IN WET AREAS TO BE P3 RATED SLIP RESISTANT VINYL.
9. FLOOR COVERINGS IN HALL, KITCHEN, MEALS AND UPPER STORE TO BE P2 RATED SLIP RESISTANT VINYL.
10. VEHICLE STORE TO BE SEALED STEEL TROWELLED FINISH, AND ACHIEVE A MINIMUM R10 RATED SLIP RESISTANCE.




FLOOR PLAN
A1 - SCALE 1:50
A3 - SCALE 1:100

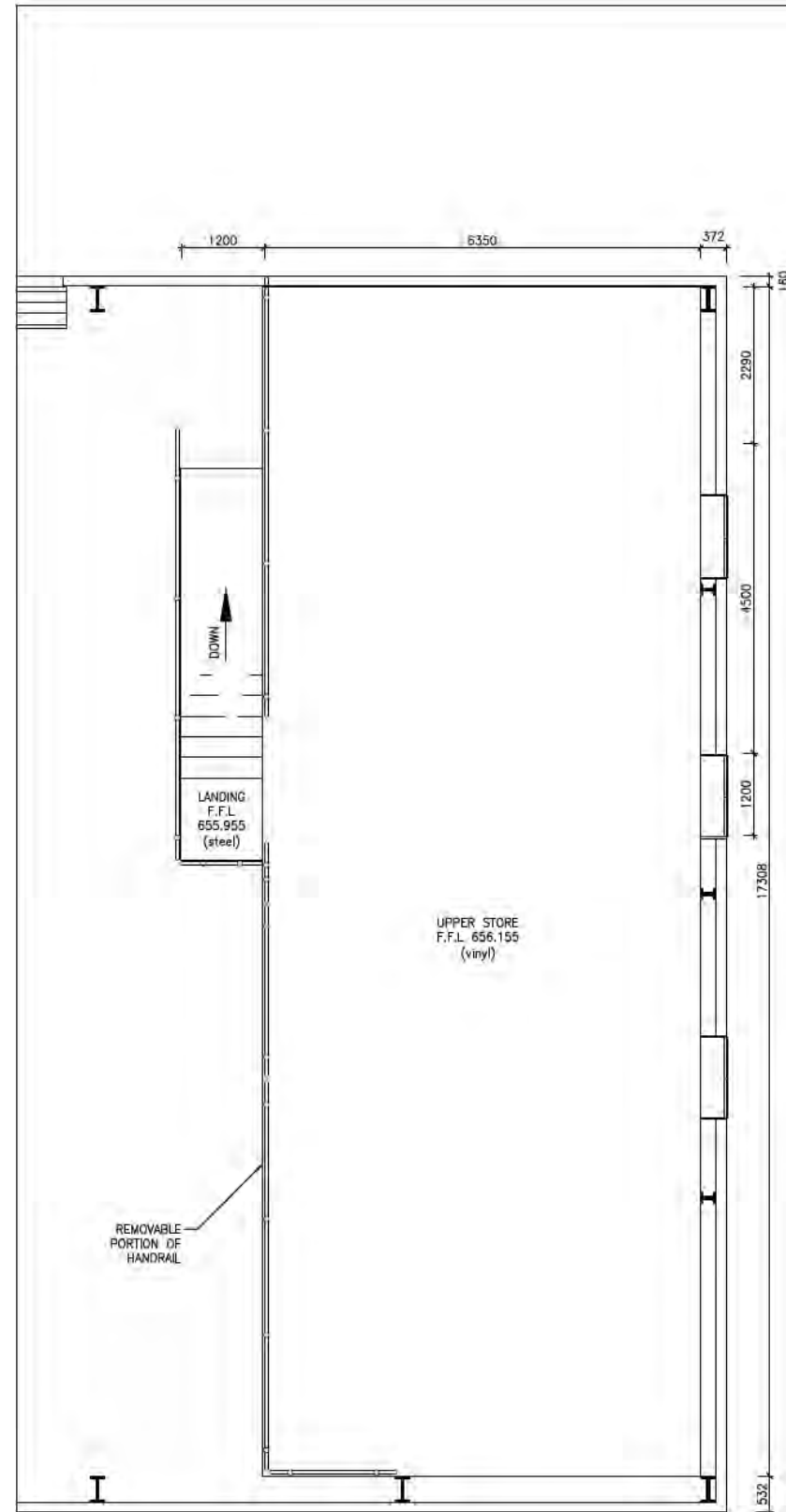
WINDOW SCHEDULE		
WINDOW	NOMINAL SIZE (HxW)	WINDOW TYPE
W1	1200x1200	FALSE ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT
W2	1200x1200	FALSE ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT
W3	1200x1200	SLIDING ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT, CLEAR GLASS
W4	1200x1200	SLIDING ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT, CLEAR GLASS
W5	1200x1200	SLIDING ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT, CLEAR GLASS
W6	1200x1200	FALSE ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT
W7	1200x1200	FALSE ALUMINIUM, FITTED WITH CRIMSAFE SECURITY SCREEN OR EQUIVALENT

DOOR SCHEDULE				
DOOR	NOMINAL SIZE (HxW)	DOOR TYPE	FRAME TYPE /FINISH	NOTES
D01	4500x5000	STEEL ROLLER SHUTTER	STEEL/COLORBOND	1
D02	4500x5000	STEEL ROLLER SHUTTER	STEEL/COLORBOND	1
D03	2040x970	40mm SOLID CORE	CAVITY SLIDER/PAINT	6
D04	2040x970	40mm SOLID CORE	STEEL/PAINT	2
D05	2040x970	35mm SOLID CORE	TIMBER/PAINT	3
D06	2040x970	35mm SOLID CORE	TIMBER/PAINT	3 & 4
D07	2040x970	35mm SOLID CORE	TIMBER/PAINT	3 & 5
D08	2040x970	35mm SOLID CORE	TIMBER/PAINT	3
D09	2040x970	35mm SOLID CORE	TIMBER/PAINT	3
D10	2040x970	35mm SOLID CORE	TIMBER/PAINT	3

DOOR NOTES:

1. PROVIDE MECHANICAL DOOR OPENER PLUS MANUAL CHAIN OPERATION PROVISION.
2. PROVIDE DOOR LOCK, CLOSERS, PUSH PLATE AND PULL HANDLE.
3. PROVIDE PULL HANDLE, PUSH PLATE AND CLOSER.
4. PROVIDE AMBULANT ACCESSORIES & SIGNAGE
5. PROVIDE ACCESSIBLE ACCESSORIES & SIGNAGE
6. PROVIDE PULL HANDLE

CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES: (A1)	SURVEYED: ----	CHECKED: ----	PROJECT BATHURST SPORTSGROUND DEMOLITION & CONSTRUCTION OF NEW SHED
	A	CONCEPT DESIGN	TM	01-05-19				
	B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19				
	C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20				
CHECKED					DRAWN: GB	DESIGN: GB	TECHNICAL SERVICES MANAGER	DESCRIPTION GROUND FLOOR PLAN & NOTES
APPROVED					DATE: ----	DATUM: ----	DIRECTOR ENGINEERING SERVICES	DWG No. EN 11770
								SHEET No. 02
								REV. C

**FIRST FLOOR PLAN**

A1 - SCALE 1:50
A3 - SCALE 1:100

NOTES:**GENERAL:**

1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH "WORK HEALTH AND SAFETY ACT" 2011.
2. ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION. ALL DIMENSIONS IN MILLIMETRES. PLANS NOT TO BE USED FOR SCALING DISTANCES.
3. ALL EXISTING ONSITE SERVICES TO BE LOCATED AND DEPTHEDED PRIOR TO COMMENCEMENT OF ANY WORKS ONSITE.
4. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE, COUNCIL REQUIREMENTS & RELEVANT AUSTRALIAN STANDARDS.
5. SOIL AND WATER CONTROL MEASURES TO BE IN PLACE PRIOR TO CONSTRUCTION.
6. SIGNAGE AS PER AS1742.3 TO BE IN PLACE AT ALL TIMES DURING CONSTRUCTION.
7. SITE TO BE FENCED AND SIGN POSTED DURING CONSTRUCTION.
8. ALL BUILDING MATERIALS TO COMPLY WITH SPECIFICATION C1.10-5 OF NCC SUITABLE FOR A CLASS 10A BUILDING. LATCHES OF EXIT DOORS TO COMPLY WITH CLAUSE D2.21 OF NCC. VENTILATION SYSTEM TO BE PROVIDED TO ALL ROOMS IN ACCORDANCE WITH F4.5 OF NCC.
9. ACCESSIBLE BATHROOMS TO BE FITTED OUT IN ACCORDANCE WITH THE NCC AND AS1428.1-2009.
10. AMBULANT WATER CLOSETS TO BE FITTED OUT IN ACCORDANCE WITH THE NCC AND AS1428.1-2009.
11. ALL OPENINGS FOR SERVICE INSTALLATIONS TO BE PROTECTED IN ACCORDANCE WITH CLAUSE 3.15 OF THE NCC.
12. BRAILLE AND TACTILE SIGNS TO IDENTIFY ALL SANITARY COMPARTMENTS AS PER CLAUSE D3.6 OF THE NCC.
13. SANITARY COMPARTMENT CONSTRUCTION TO COMPLY WITH F2.5 OF THE NCC.
14. PROVIDE TOPSOIL AND SEED/TURF TO ALL DISTURBED AREAS.
15. ALL WET OR UNSUITABLE MATERIAL TO BE REMOVED FROM SITE.
16. IF IN DOUBT..... PLEASE ASK.

PLUMBING:

1. FLOORWASTES TO BE PROVIDED WHERE SHOWN.
2. TOILET BOWLS TO BE COMMERCIAL GRADE VITREOUS CHINA.
3. HANDBASINS TO BE COMMERCIAL GRADE VITREOUS CHINA.
4. TAPWARE TO BE CHROME PLATED BRASS COMBINATION SETS.
5. ACCESSIBLE BATHROOM TO BE FITTED OUT IN ACCORDANCE WITH THE NCC AND AS1428.1-2009.
6. ALL PIPEWORK TO BE CONCEALED.

CONCRETE:

1. ALL WORKMANSHIP AND MATERIALS TO COMPLY WITH THE REQUIREMENTS OF AS2870, AS3600 AND THE ACSE CONCRETE SPECIFICATION.
2. WHERE LEVELS DICTATE, CONTROLLED FILL, COMPRISING SAND WELL COMPACTED IN LAYERS NOT EXCEEDING 200 THICK SHALL BE PLACED IN ACCORDANCE WITH AS3798.
3. FORTECON WATERPROOF MEMBRANE OR EQUIVALENT TO BE PLACED BENEATH SLAB.
4. PREPARE SLAB FOR FINISHING USING MECHANICAL STEEL FLOAT FINISH.

WATER & HOT WATER:

1. CONTRACTOR TO DESIGN & INSTALL HOT WATER SYSTEM TO SUIT BUILDING REQUIREMENTS AS SPECIFIED. ALL STORAGE AND CONTROL EQUIPMENT TO BE PLACED IN CAGED STORE AREA.

STRUCTURAL DESIGN:

1. ALL BUILDING ELEMENTS TO CONFORM WITH NCC AND AUSTRALIAN STANDARD LOADING AND DESIGN CODES.
2. OFFICE AREA TO HAVE FLOOR LOADINGS OF MINIMUM 3.0kPa DISTRIBUTED AND 2.7kN POINT LOAD FOR OFFICE FLOOR LOADINGS.
3. UPPER STORE TO SUPPORT STORAGE OF MINIMUM 2.0m IN HEIGHT (4.0kPa PER METER OF HEIGHT, DISTRIBUTED LOAD) & 9.0kN POINT LOAD FOR STORAGE TO AS1170.1.
4. VEHICLE STORE FLOOR LOADING TO BE MINIMUM MEDIUM VEHICLE TRAFFIC AREA, VEHICLES NOT EXCEEDING 10,000kg, 5.0kPa DISTRIBUTED LOAD & 31kN POINT LOAD.
5. ROOF TO HAVE PROVISION FOR 0.2kPa SOLAR PANEL LOAD.

NOTES:**ELECTRICAL:**

1. ALL ELECTRICAL WIRING AND INSTALLATION TO COMPLY WITH AS3000 (SAA WIRING RULES).
2. EXTERNAL LIGHTING TO BE CONTROLLED VIA SUNSET SWITCH. CONTROL SWITCHES TO BE LOCATED IN SWITCHBOARD IN SERVICE/CLEANERS ROOM ADJACENT TO WOMEN'S BATHROOM.
3. PROVIDE ELECTRICAL SWITCHBOARD CABINET IN CAGED STORE AREA.
4. FILL TRENCHES WITH SAND AND COMPACT IN 150 LAYERS, FINISHED WITH TOPSOIL AND SEED.
5. CONTRACTOR TO LOCATE ALL SERVICES IN THE AREA.

SEWER/WASTEWATER:

1. ALL WASTE WATER DESIGN TO AS3500 TO MEET DEMAND OF DA DESIGN DRAWINGS.

FIRE PROTECTION:

1. INSTALL FIRE EXTINGUISHERS, WHERE REQUIRED, IN ACCORDANCE WITH THE NCC.
2. INSTALL FIRE HOSE REELS, WHERE REQUIRED, IN ACCORDANCE WITH THE NCC.
3. INSTALL EMERGENCY EXIT SIGNS, WHERE REQUIRED, IN ACCORDANCE WITH THE NCC.

HEATING, COOLING & VENTILATION:

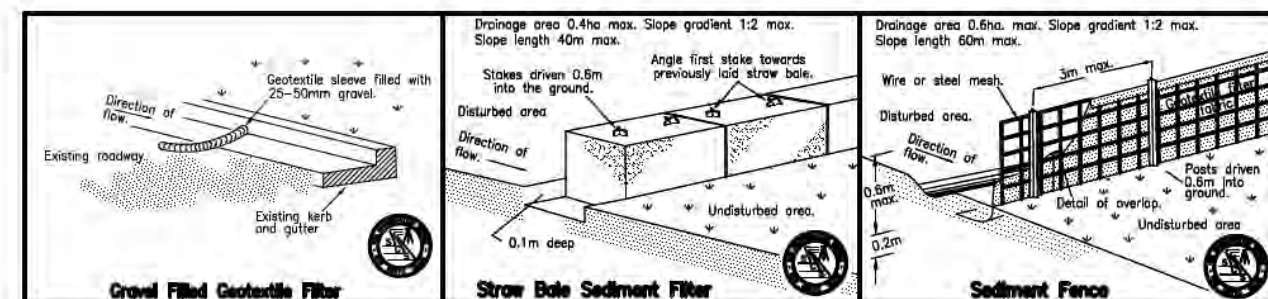
1. INSTALL REVERSE CYCLE SPLIT SYSTEM AIR CONDITIONING TO SERVICE KITCHEN.
2. INSTALL MECHANICAL VENTILATION AS REQUIRED TO MEET NCC REQUIREMENTS.


TRENCH SHIELDING:

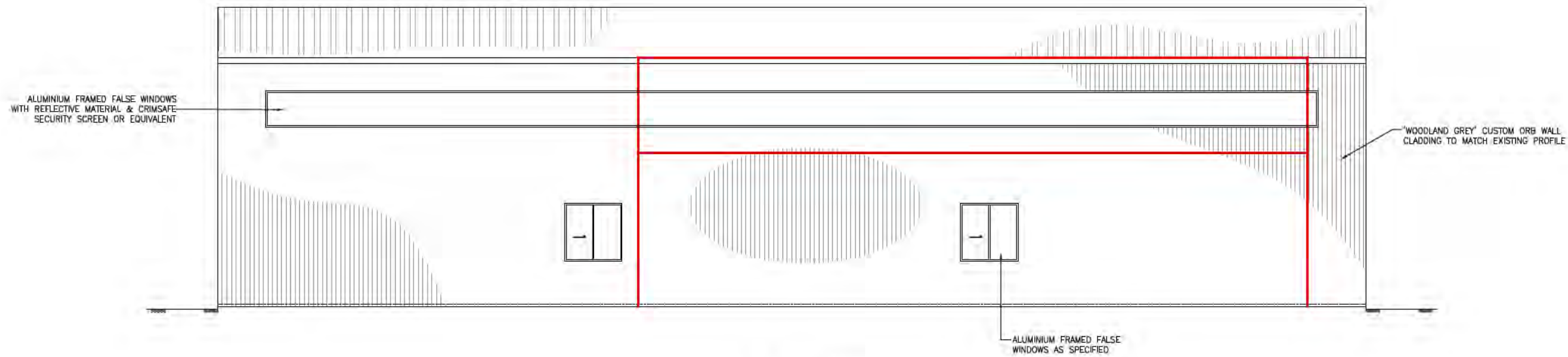
1. WORKCOVER SPECIFICATIONS TO BE CONSULTED PRIOR TO THE COMMENCEMENT OF ANY WORK WHERE BENCHING IS TO TAKE PLACE.
2. ALL DETAILS SHOWN ON THIS PLAN ARE TO BE APPROVED BY WORKCOVER PRIOR TO COMMENCING ANY WORK.
3. FOR TRENCH DEPTH GREATER THAN 3700mm ADDITIONAL SHIELDING MAY BE REQUIRED OR INCREASED BENCHING UNDERTAKEN. ALL PROPOSALS WILL BE SUBJECT TO GROUND CONDITIONS AND WORKCOVER APPROVAL.
4. TRENCH SHIELD TO BE USED FOR ALL TRENCHES GREATER THAN 2500mm DEEP.
5. HEIGHT OF BENCH NOT TO EXCEED WIDTH OF BENCH.
6. EXCAVATIONS TO BE BACKFILLED BEHIND SHIELD.
7. EXCAVATIONS TO BE FULLY BRACED IN LOCATIONS SUBJECT TO VIBRATION AND GROUND WATER FLOW.
8. EXCAVATIONS LEFT OPEN FOR AN EXTENDED PERIOD TO BE BRACED ALSO.
9. EXCAVATIONS TO BE FENCED WITH PARRAWEBBING AT ALL TIMES.
10. EXCAVATED MATERIAL OR ANY OTHER OBJECT NOT TO BE PLACED WITHIN 1m OF EDGE OF EXCAVATION.
11. ACCESS LADDERS SHALL BE PROVIDED IN TRENCHES DEEPER THAN 1200mm.

SOIL & WATER CONTROL MEASURES:

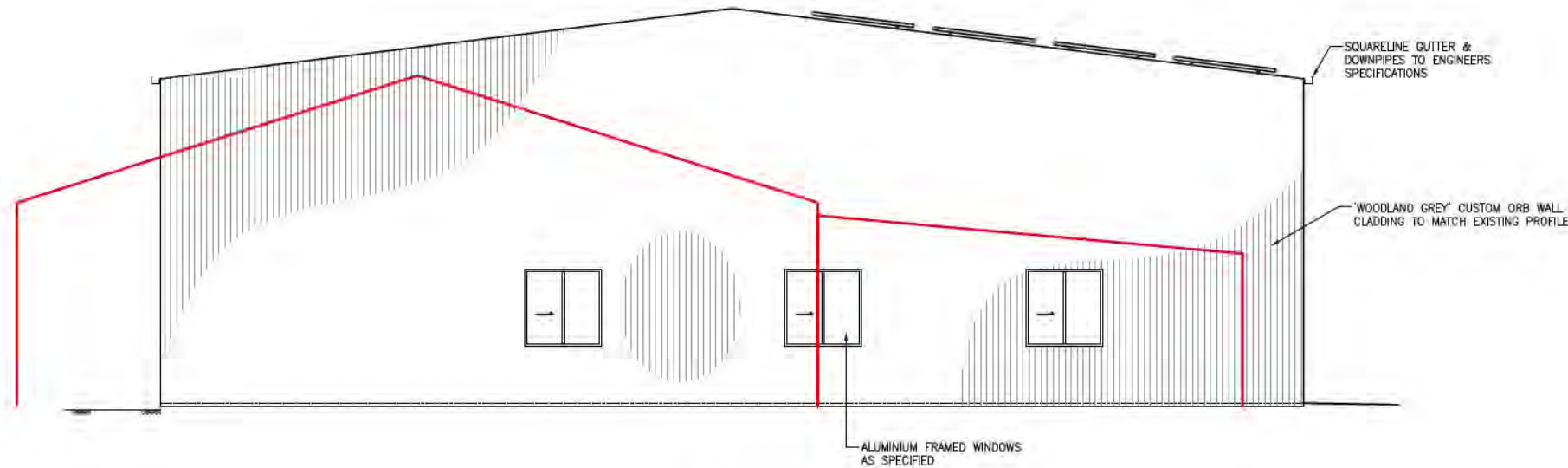
1. EROSION CONTROL MEASURES TO BE IN PLACE PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION WORK. MEASURES ARE TO BE APPLIED TO PROTECT ADJOINING PROPERTIES FROM EROSION AND SILT DAMAGE.
2. BARRIER AND SILT FENCES SHALL BE LOCATED AS CLOSE AS PRACTICAL TO ANY ESSENTIAL CONSTRUCTION ACTIVITY SHOWN.
3. SITE SHOULD NOT BE DISTURBED BEYOND 5m FROM THE EDGE OF WORKS.
4. STOCKPILES SHALL BE CONFINED TO ONE CENTRAL AREA WHERE POSSIBLE.
5. SEDIMENT FENCES AND STRAWBALE SEDIMENT FILTERS TO BE ERECTED ONSITE AT DISCRETION OF DEVELOPER.
6. PLACED GRAVEL FILLED GEOTEXTILE FILTERS ALONG KERB AT ADEQUATE SPACINGS UPSTREAM OF STORMWATER PITS DURING AND AFTER EXCAVATION.
7. PIPED DRAINAGE NETWORKS SHOULD BE INSTALLED AND CONNECTED AS EARLY AS POSSIBLE.
8. UPON COMPLETION OF CONSTRUCTION, ALL DENUDED AREAS SHALL BE STABILISED WITH ANNUAL VEGETATION.
9. A PROGRAM OF PROGRESSIVE REHABILITATION SHOULD BE IMPLEMENTED TO MINIMISE EROSION.
10. EROSION CONTROL MEASURES NOT BE REMOVED UNTIL CONSTRUCTION IS COMPLETED AND SITE HAS BEEN REHABILITATED.
11. REHABILITATION INCLUDES COMPLETION OF ALL CONSTRUCTION WORK AND LANDSCAPING, SEEDING OR TUFFING OF ALL BATTERS AND FILL AREAS.
12. WHERE SITE REGRADING OR FILLING IS BEING UNDERTAKEN, ENSURE NO WATER PONDS ON ANY LOT.
13. ALL AREAS NOT SUBJECT TO CONSTRUCTION WORKS SHALL BE RETAINED FREE FROM DISTURBANCE OR DAMAGE DURING THE CURRENCY OF THE CONTRACT. SHOULD THESE AREAS BECOME DISTURBED OR DAMAGED, THEY SHALL BE REINSTATED BY THE CONTRACTOR AT NO COST TO THE PRINCIPAL.
14. THIS PLAN HAS BEEN DEVELOPED IN ACCORDANCE WITH THE NSW LANDCOM "BLUE BOOK" SOILS AND CONSTRUCTION AND ALL DETAILS RELATE TO THIS TEXT.



CONSULTANT		REV	DESCRIPTION	INITIALS	DATE	SCALES: (A1)		SURVEYED: ----	CHECKED	<div></div>	PROJECT BATHURST SPORTSGROUND DEMOLITION & CONSTRUCTION OF NEW SHED			
		A	CONCEPT DESIGN	TM	01-05-19	1:10	0 0.1 0.2 0.3 0.4 0.5 Metres	1:200			0 2 4 6 8 10 Metres	DRAWN: GB	TECHNICAL SERVICES MANAGER	DESCRIPTION FIRST FLOOR PLAN & GENERAL NOTATIONS
		B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:20	0 0.2 0.4 0.6 0.8 1.0	1:500	0 5 10 15 20 25		DESIGN: GB			
		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50	0 0.5 1.0 1.5 2.0 2.5	1:750	0 7.5 15 22.5 30 37.5		DATE: ----	DIRECTOR ENGINEERING SERVICES		
CHECKED	APPROVED					1:100	0 1 2 3 4 5	1:1000	0 10 20 30 40 50		DATUM: ----		DWG No. EN 11770	SHEET No. 03

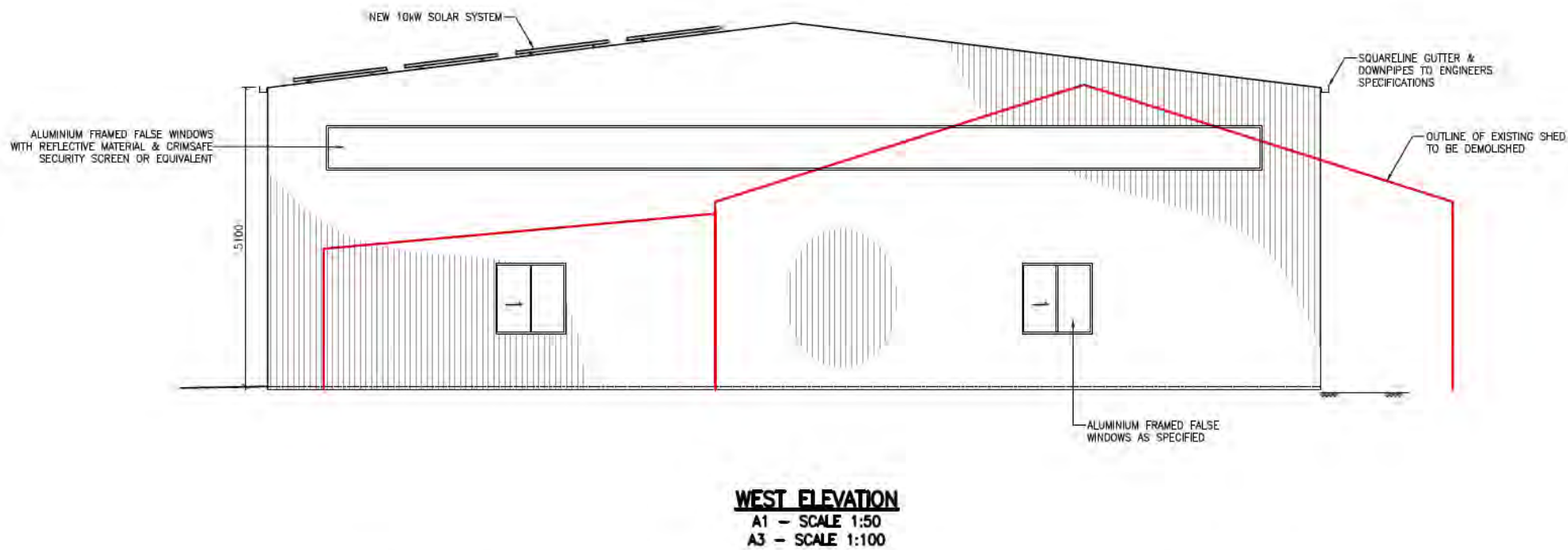
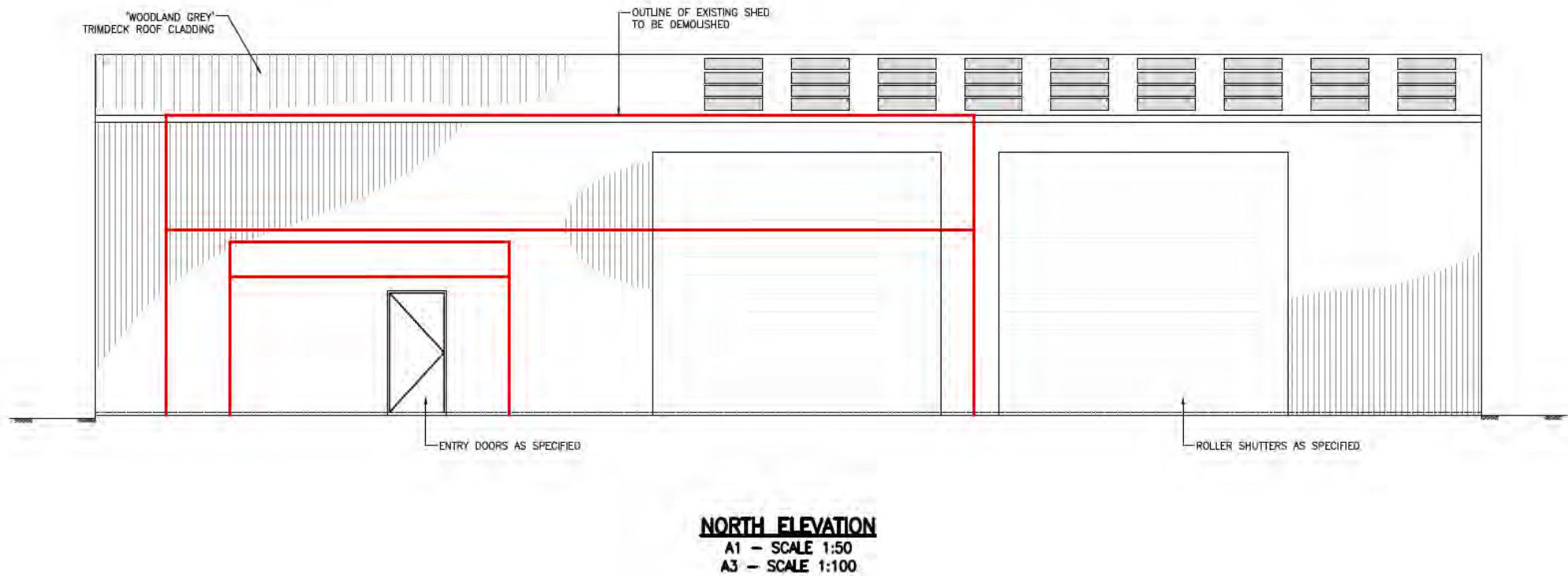


SOUTH ELEVATION
A1 – SCALE 1:50
A3 – SCALE 1:100

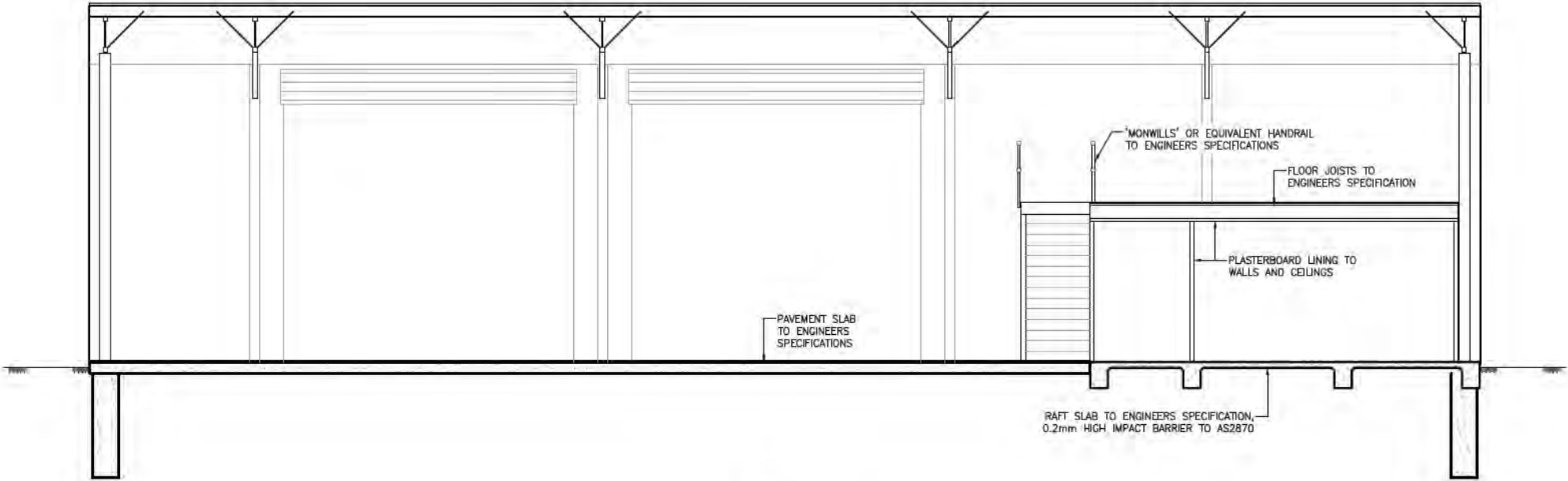


EAST ELEVATION
A1 – SCALE 1:50
A3 – SCALE 1:100

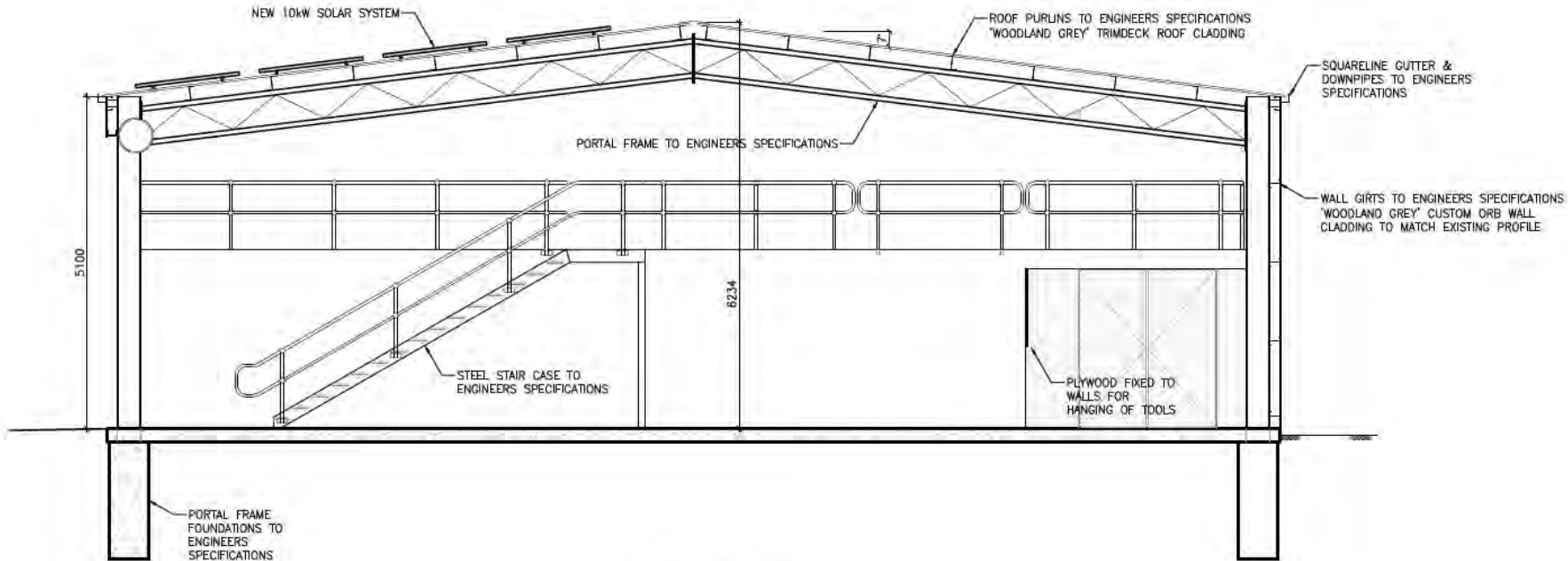
CONSULTANT		REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)		SURVEYED		CHECKED	<div><div></div><div>BATHURST REGIONAL COUNCIL</div></div>	PROJECT BATHURST SPORTSGROUND DEMOLITION & CONSTRUCTION OF NEW SHED		
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		B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:20 0 0.2 0.4 0.6 0.8 1.0	1:500 0 5 10 15 20 25	DESIGN	GB					
		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50 0 0.5 1.0 1.5 2.0 2.5	1:750 0 7.5 15 22.5 30 37.5	DATE	----	DIRECTOR ENGINEERING SERVICES				
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CONSULTANT		REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)		SURVEYED	CHECKED	<div><div></div><div>BATHURST REGIONAL COUNCIL</div></div>			PROJECT		
		A	CONCEPT DESIGN	TM	01-05-19	1:10	0 0.1 0.2 0.3 0.4 0.5 Metres	1:200	0 2 4 6 8 10 Metres				BATHURST SPORTSGROUND		
		B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:20	0 0.2 0.4 0.6 0.8 1.0	1:500	0 5 10 15 20 25				DEMOLITION & CONSTRUCTION OF NEW SHED		
		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50	0 0.5 1.0 1.5 2.0 2.5	1:750	0 7.5 15 22.5 30 37.5				SHED ELEVATIONS SHEET 2		
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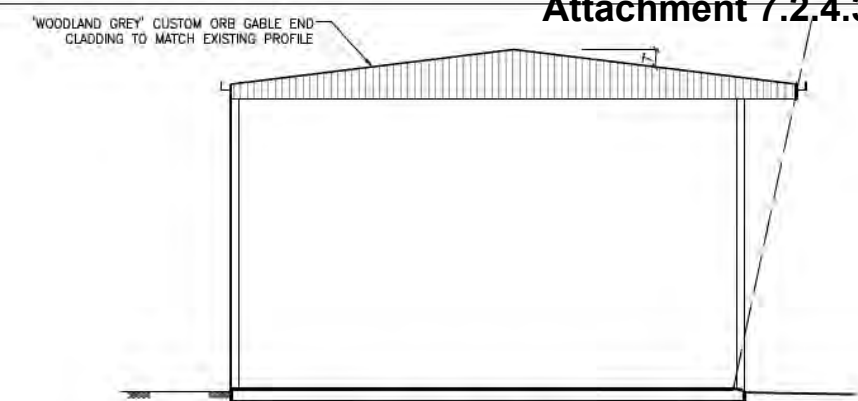
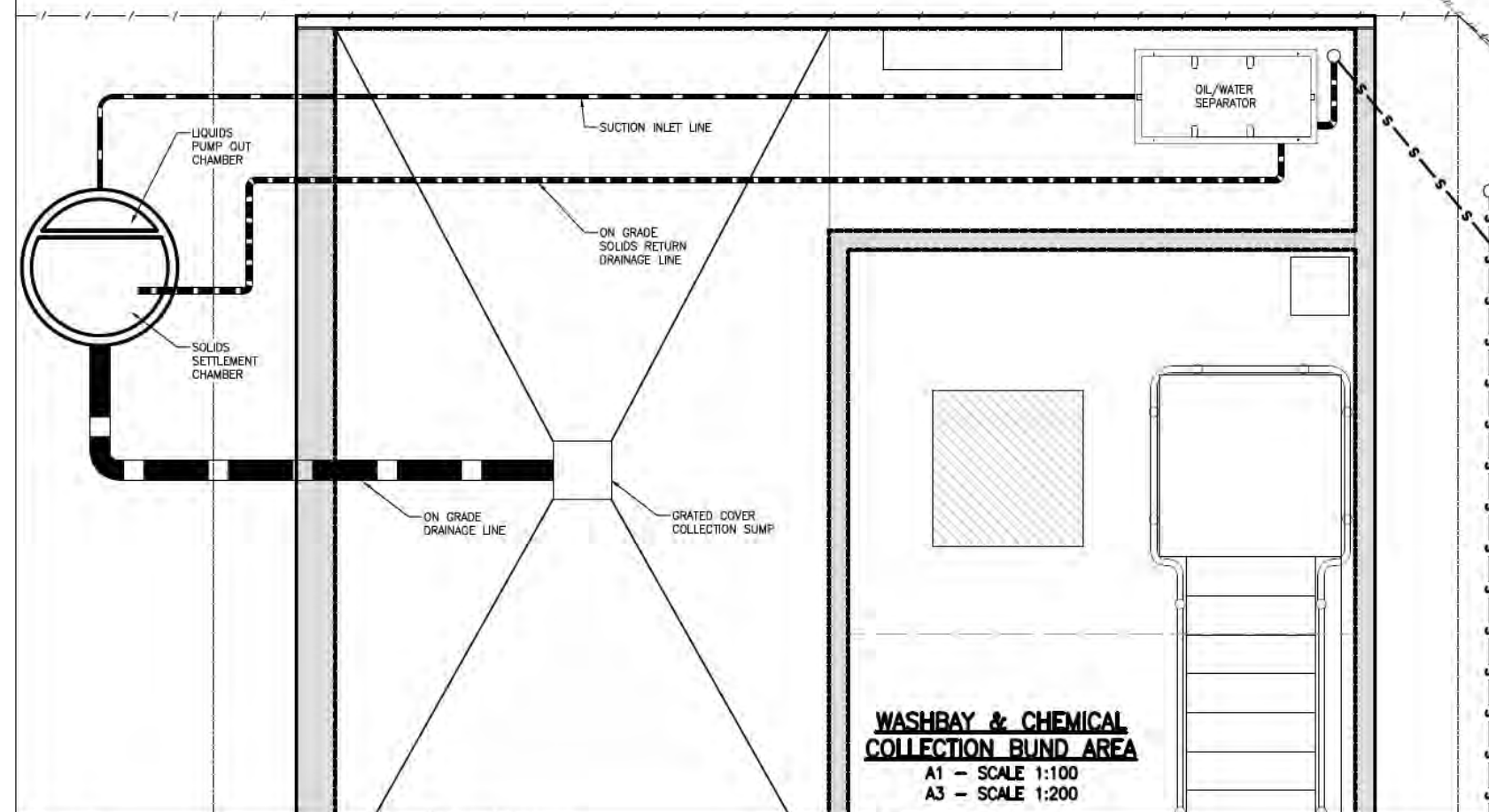
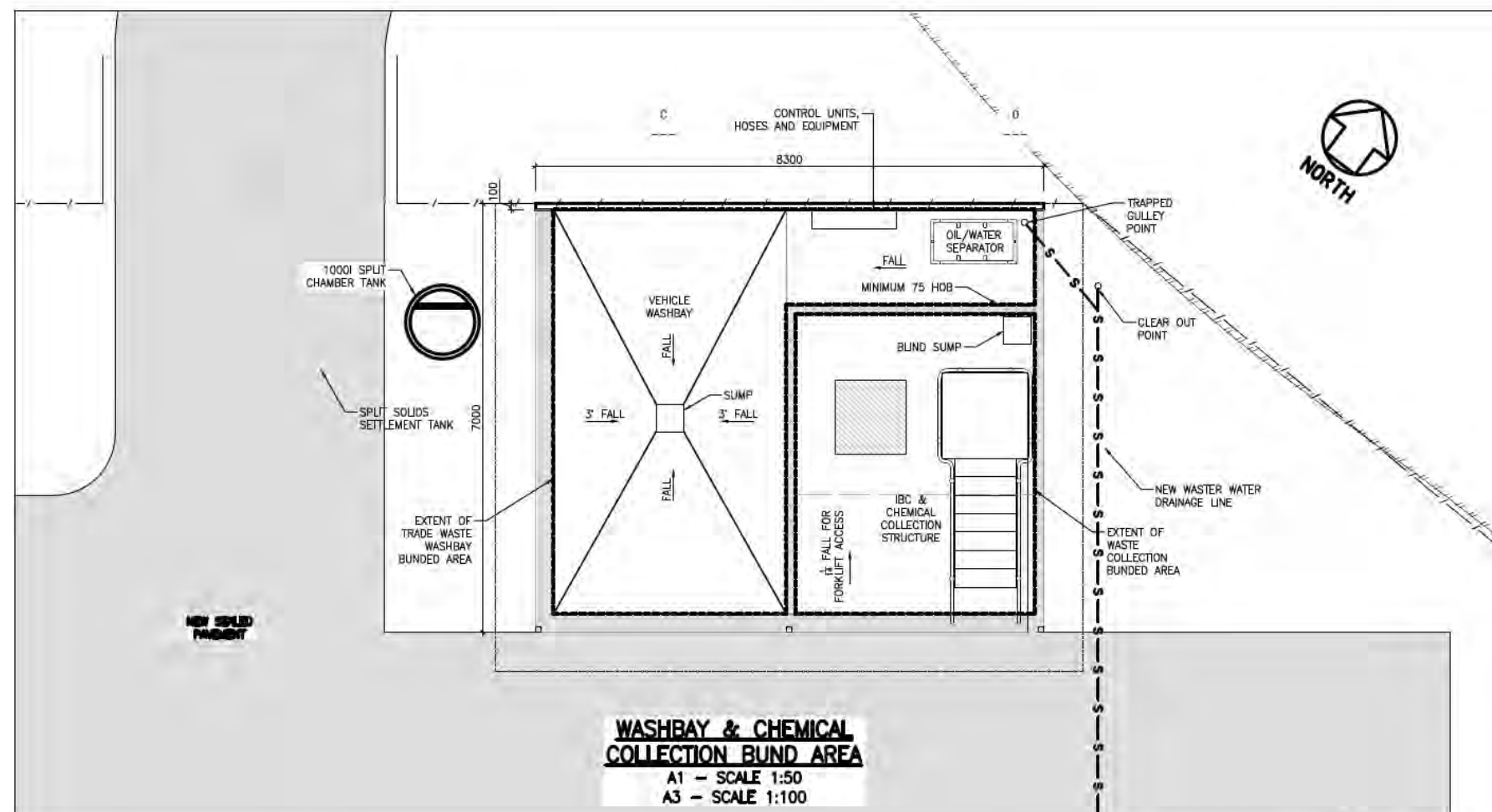


SECTION A
A1 – SCALE 1:50
A3 – SCALE 1:100

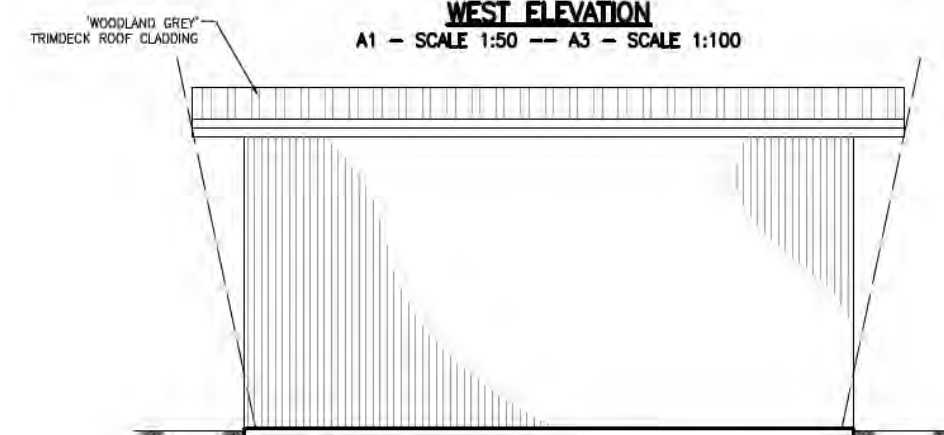


SECTION B
A1 – SCALE 1:50
A3 – SCALE 1:100

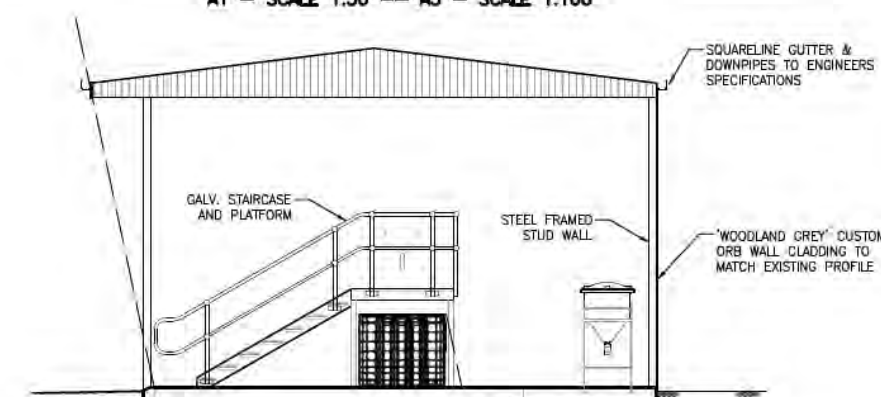
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		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50	0 0.5 1.0 1.5 2.0 2.5	1:750	0 7.5 15 22.5 30 37.5	DATE	----		SHEET No. 06		
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APPROVED												68 of 540			

**WEST ELEVATION**

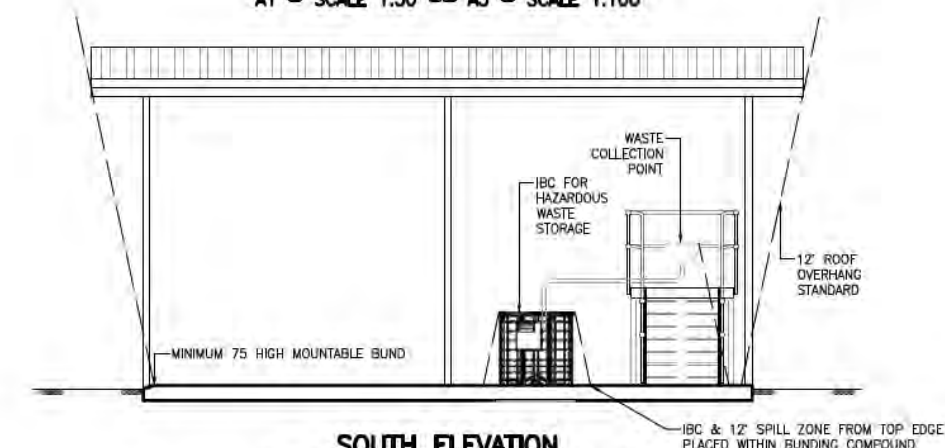
A1 - SCALE 1:50 -- A3 - SCALE 1:100

**NORTH ELEVATION**

A1 - SCALE 1:50 -- A3 - SCALE 1:100

**EAST ELEVATION**

A1 - SCALE 1:50 -- A3 - SCALE 1:100

**SOUTH ELEVATION**

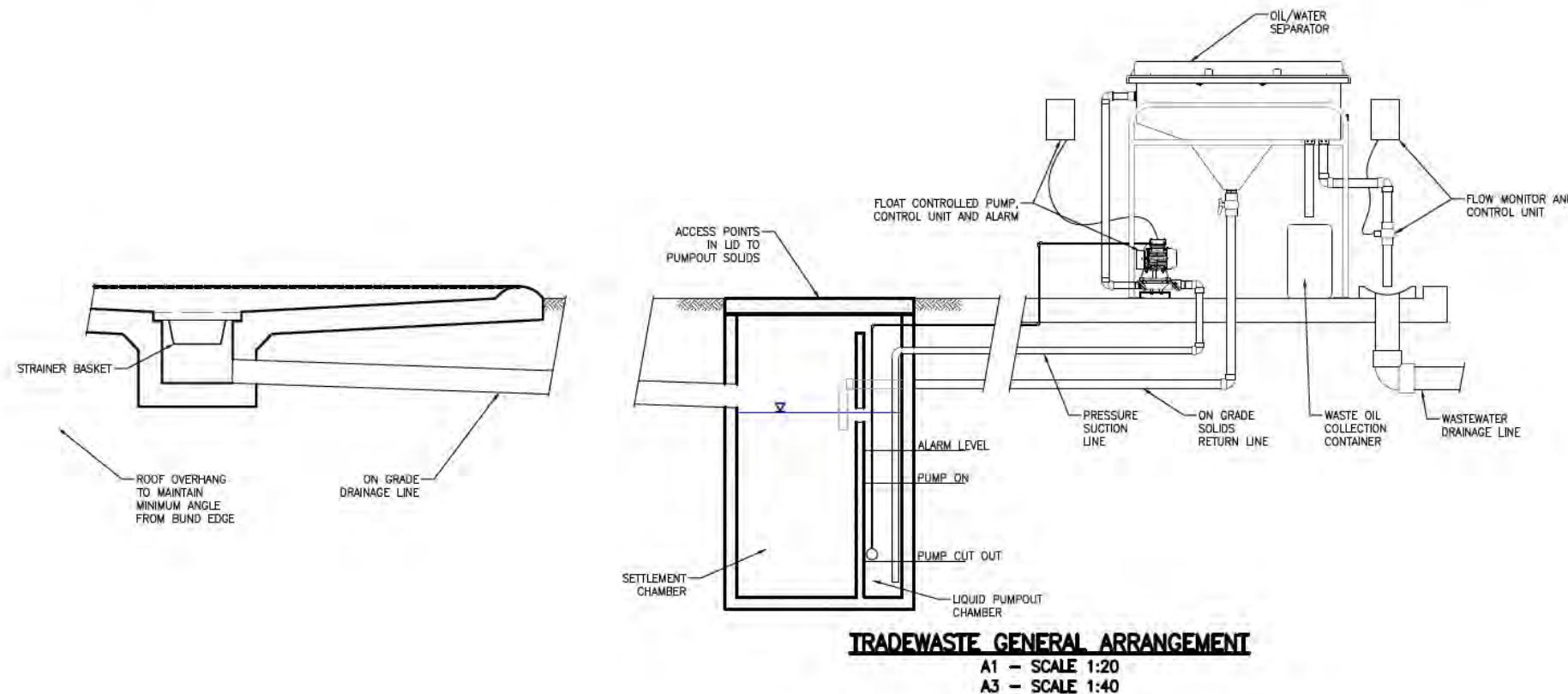
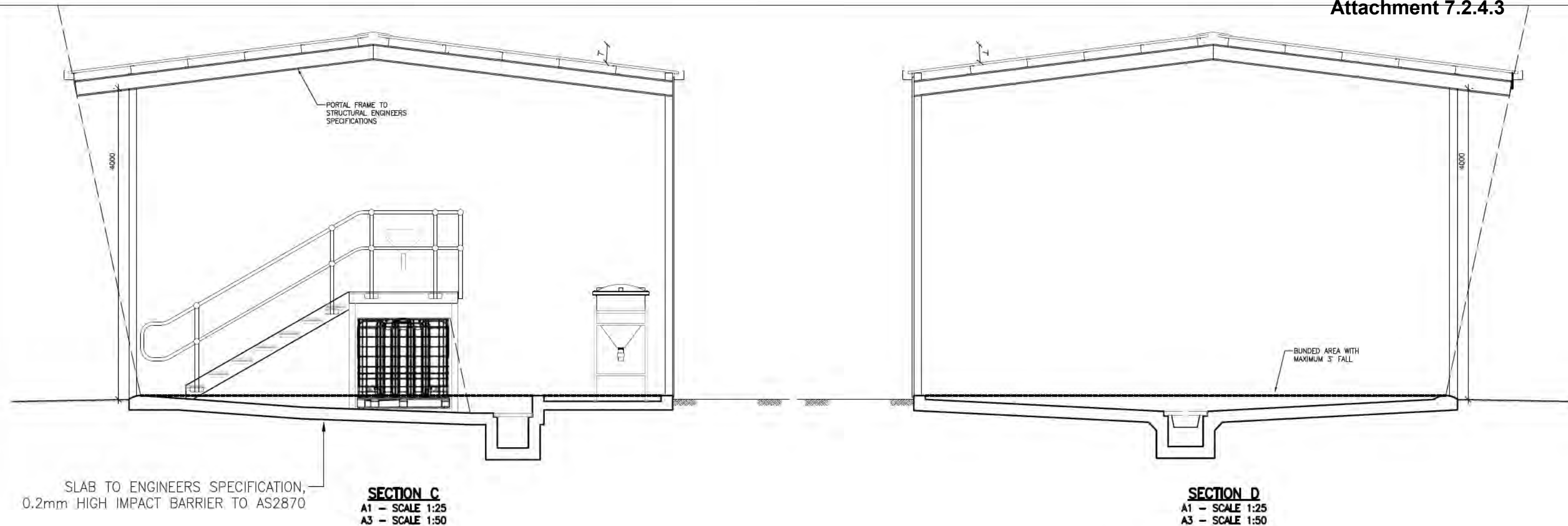
A1 - SCALE 1:50 -- A3 - SCALE 1:100

CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)
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	B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:200 0 2 4 6 8 10 Metres
	C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:500 0 5 10 15 20 25
					1:750 0 7.5 15 22.5 30 37.5
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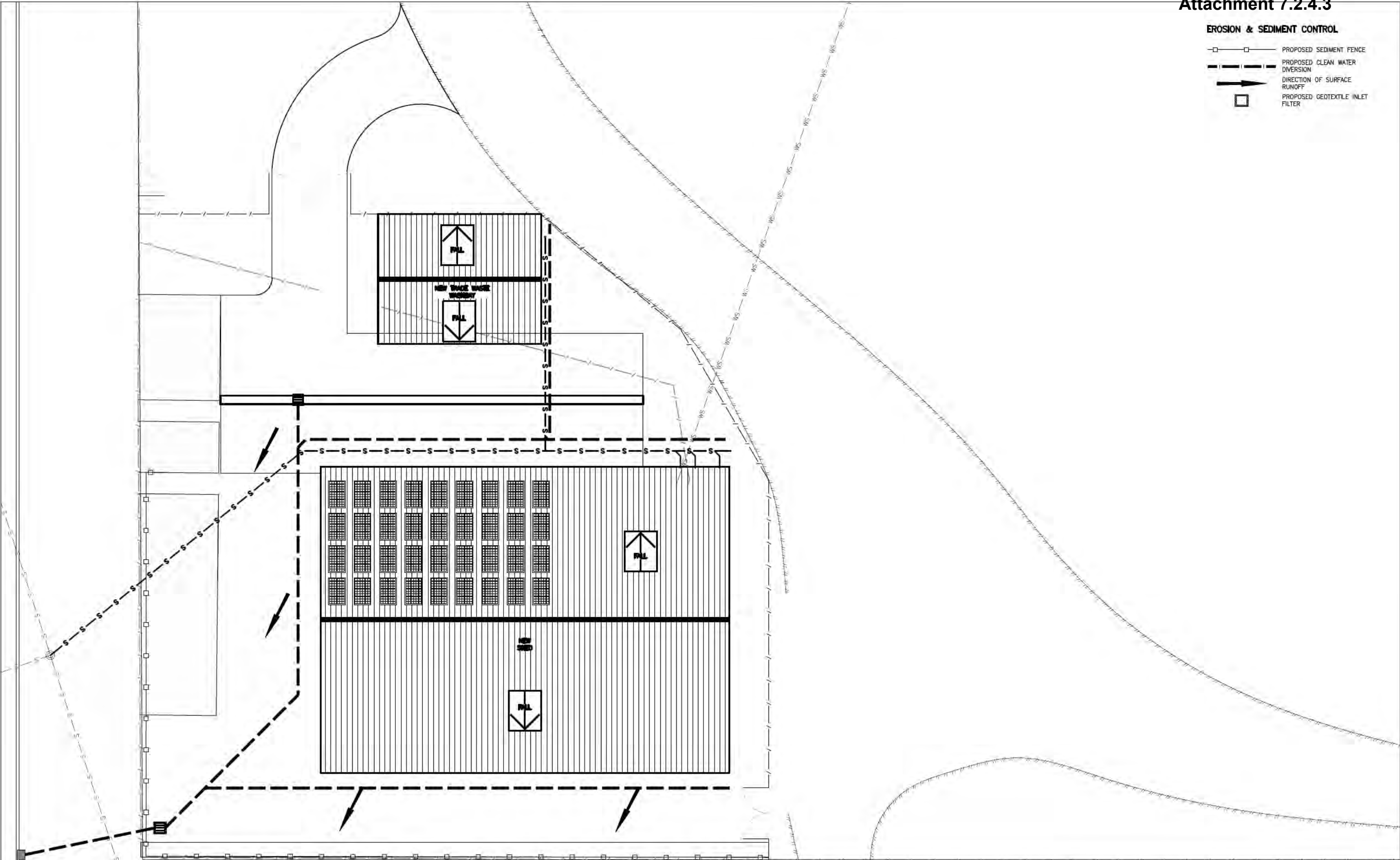
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DRAWN GB	TECHNICAL SERVICES MANAGER
DESIGN GB	DIRECTOR ENGINEERING SERVICES
DATE	
DATUM	

BATHURST REGIONAL COUNCIL

PROJECT	DESCRIPTION	DWG No.	SHEET No.	REV.
BATHURST SPORTSGROUND DEMOLITION & CONSTRUCTION OF NEW SHED	WASHBAY FLOOR PLAN, ELEVATIONS AND DRAINAGE GENERAL ARRANGEMENT	EN 11770	07	B

[illegible]

- EROSION & SEDIMENT CONTROL
- PROPOSED SEDIMENT FENCE
 - PROPOSED CLEAN WATER DIVERSION
 - DIRECTION OF SURFACE RUNOFF
 - PROPOSED GEOTEXTILE INLET FILTER



SOIL & WATER MANAGEMENT PLAN
A1 - SCALE 1:100 A3 - SCALE 1:200

CONSULTANT		REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)		SURVEYED	CHECKED	PROJECT		
		A	CONCEPT DESIGN	TM	01-05-19	1:10 0 0.1 0.2 0.3 0.4 0.5 Metres		DRAWN	GB	BATHURST SPORTSGROUND		
		B	ISSUED FOR DEVELOPMENT APPROVAL	GB	23-10-19	1:20 0 0.2 0.4 0.6 0.8 1.0		DESIGN		DEMOLITION & CONSTRUCTION OF NEW SHED		
		C	UPDATED DESIGN - FALSE WINDOWS	CJC	11-05-20	1:50 0 0.5 1.0 1.5 2.0 2.5		DATE	GB	SOIL & WATER MANAGEMENT PLAN		
						1:100 0 1 2 3 4 5		DATUM				
						1:200 0 2 4 6 8 10 Metres						
						1:500 0 5 10 15 20 25						
						1:750 0 7.5 15 22.5 30 37.5						
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CHECKED		APPROVED								DWG No.	SHEET No.	REV.
										EN 11770	09	B



2020/9/019

From: Barbara Bentley <barbentley15@gmail.com>
Sent: Tuesday, 16 June 2020 3:58 PM
To: Council
Subject: Proposed development: construction of replacement workshop Lot: 92 DP: 820990 42 Durham Street, Bathurst
Attachments: Cottages one story high to Havana Street.jpg; Dorothy's house, 118 Howick.jpg; Current council shed.jpg

Barbara Bentley
136 Howick Street
barbentley15@gmail.com

Mr David Sherley
General Manager,
Bathurst Regional Council

Proposed development: Demolition of workshop &: construction of replacement workshop
Premises: Lot: 92 DP: 820990 42 Durham Street, Bathurst
Name of applicants; Bathurst Regional Council

Dear Mr Sherley,

I write with consternation that the Bathurst Council is planning to build a large two-story Colorbond shed on the corner of Havana & Howick streets. To build a two story, industrial Colorbond shed would look out of place and certainly not be historically sensitive to the buildings in the area.

I have lived in my Victorian, semi-detached 1880s' Cottage for 18 years and, due to its historical significance, I'm unable to change the appearance of the house; including the height of the fence. I have renovated and conscientiously preserved my home, as would be expected with owning a 140 year-old historically significant cottage. Also, the façade of my cottage is a benchmark for other new developments i.e. villas being constructed in this area. Many new units have been built, in the past 17 years, in Howick Street and the villas can only be one storey in height, and have a low front fence-line and the overall design be sympathetic to the historical buildings of the area.

"*Viola Cottage*" at 118 Howick Street, is a beautiful Victorian house just across the street from the current council workshop. Dorothy Fogarty was very proud of the historical preservations that she had made to her home. The house was owned by the Fogarty Family for at least 60 years until 2012. I have included photos of Howick Street views; including Dorothy's house, 118 Howick Street.

Having recently viewed the proposed council developments the large two storey shed will take up the whole site on the corner of Howick & Havana Streets; the Colorbond building will look like a factory. As the proposed shed is at 42 Durham Street, being the whole sportsground area, I can't see why the proposed development couldn't have been located either on the cricket-practice-pitch or behind the toilet block?

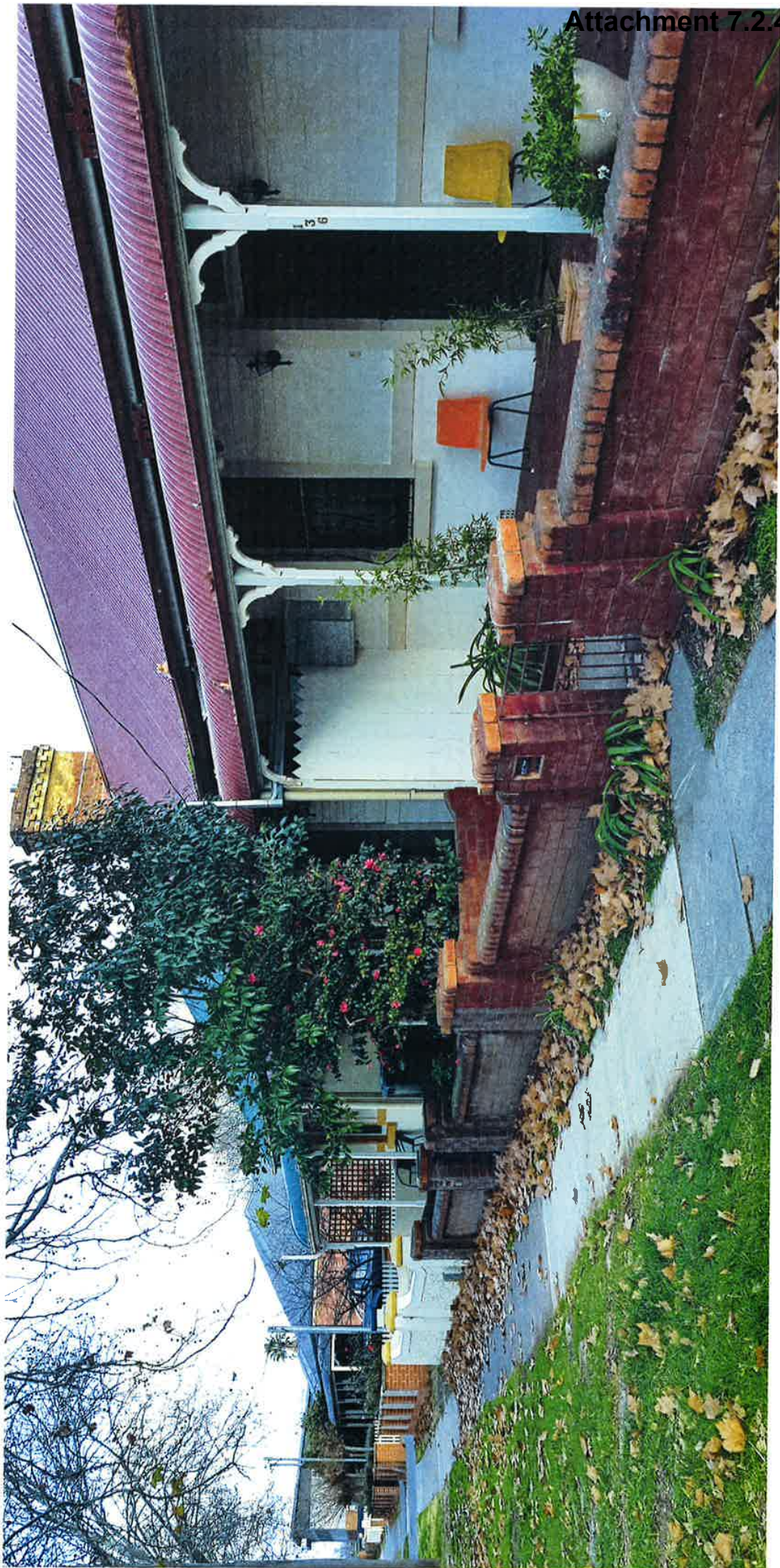
Attachment 7.2.4.4

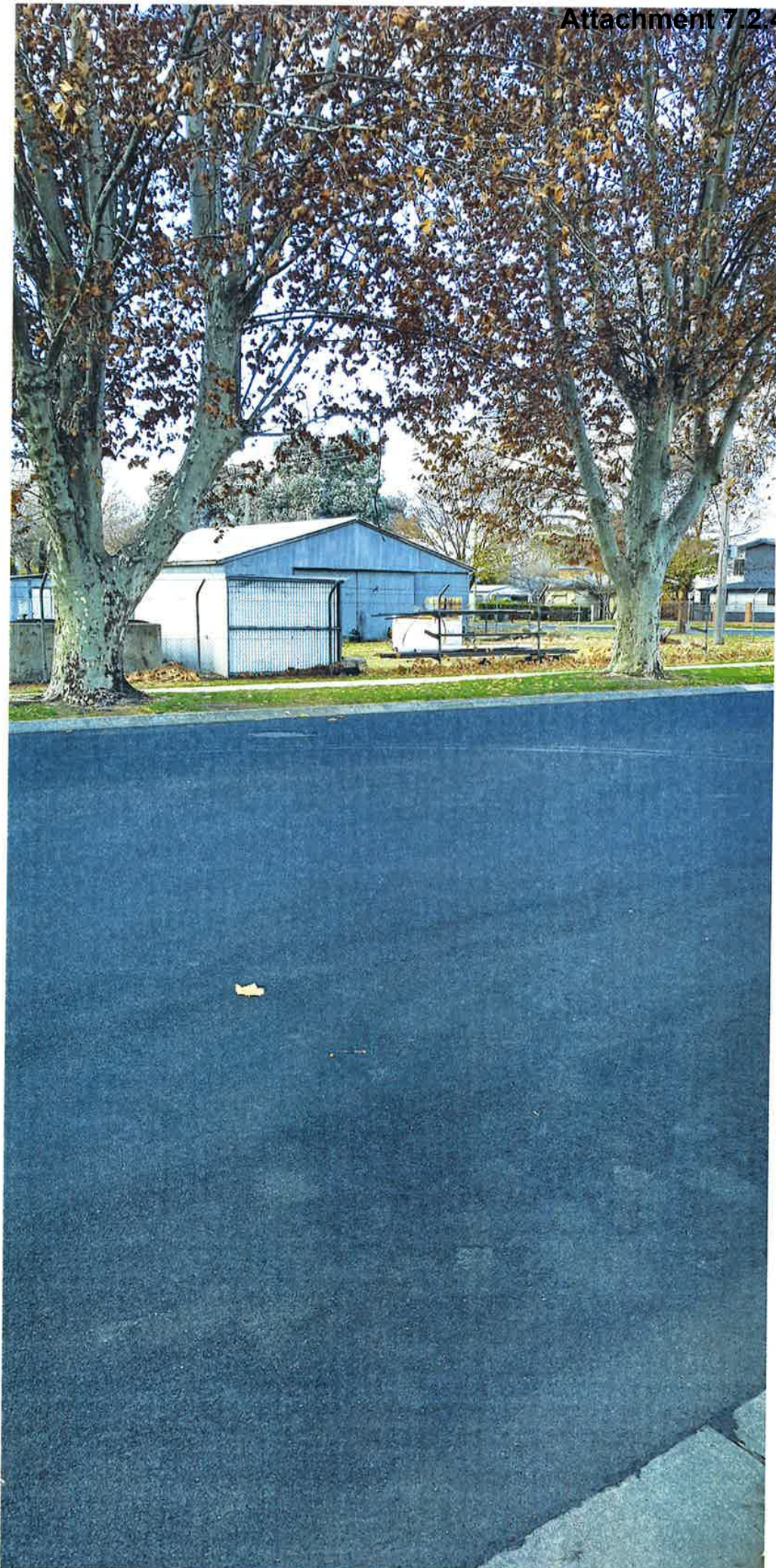
In regards to the above proposed development I consider the Council as being duplicitous in its attitude to preserving the historical ambience of lower Howick Street.

Yours sincerely,

Barbara Bentley

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DISCUSSION FORUM

DETAILS: PROPOSED DEMOLITION OF EXISTING WORKSHOP AND CONSTRUCTION OF REPLACEMENT WORKSHOP

DATE: 14 JULY 2020

PRESENT: **BARBARA BENTLEY, MARK KIMBEL, BERNARD DRUM, NEIL SOUTHORN AND FERN-ALICE FINN**

FILE: 2020/9

Meeting Opened: 12:00pm

N Southorn: Welcomed everyone to the meeting. Explained its purpose as a formal part of the assessment process and an opportunity to discuss concerns. Advised that if matters cannot be resolved today, the application will be referred to Council for determination. Advised that only one public submission was received from Ms Bentley and that the submission has been read by Council assessment staff and the applicant. Asked Ms Bentley to discuss her concerns.

B Bentley: Advised she has lived in the same house for eighteen years and has seen a lot of changes in the area. The paddock behind the house was previously used for corn growing and the nurses cottage has been restored. Ms Dorothy Fogarty had been a resident of 118 Howick Street and her family were the founders of Wattle Flat. Dorothy had moved to Bathurst with her father in the 20th Century and in the 1940s her mother brought the house. Renovations were undertaken at the back of the property and were required to be in keeping with heritage guidelines. The proposed two-storey shed is not in keeping with the heritage area and will look like a factory.

N Southorn: Asked the applicant to explain the development that is proposed.

M Kimbel: Advised that the proposed shed does not include any office space, but will be used for the ongoing maintenance and operations of the sportsground.

B Drum: Explained that the shed is required to be high to allow for the storage of tractors for maintenance purposes. Advised that the proposed shed will be roughly similar in height to the existing shed and that amendments have been made to the plans to better address the visual amenity of the area.

N Southorn:	Explained that the amended plans were those that were notified to the public.
F Finn:	Added that the original plans submitted to Council were not considered to be suitable for notification and that only the amended plans were notified.
B Bentley:	Asked about the proposed setbacks and location of the development footprint on the land.
F Finn / B Drum:	A copy of the amended plans and a locality map were provided to Ms Bentley for viewing in order to indicate the location of the proposed development on the land.
B Drum:	Advised that the amended plans addressed concerns in relation to heritage and impacts on the streetscape. Explained that the design was amended to ensure that the shed looks less like a farm building.
B Bentley:	Stated that the units across the street are two-storey and that the plans indicating the height of the proposal are ok. Asked whether any other softening or floral landscaping has been proposed.
N Southorn:	Explained that the original proposed external storage area has been moved and that landscaping has been proposed between the shed and the site boundary adjoining Havannah Street.
M Kimbel:	Explained that currently there is a lot of external storage carried out around the existing workshop and that the new facility will enable them to store a lot of products, equipment and machinery inside the building. Added that the new development will look less like a depot than the current workshop.
N Southorn:	Advised that Council can implement conditions of consent requiring that all landscaping is appropriately established and continually maintained.
B Bentley:	Asked what the external area on the South-Western side of the shed will be used for and what the colour of the proposed shed will be.
B Drum:	Explained that this area will be used for the additional external storage of soil, concrete and pipes. The final colours to be adopted on the shed will be based on Heritage advice, which could be galvanised like the existing shed.
B Bentley:	Explained that it is a new shed and colour should be softened. Asked whether the shed could be located elsewhere.
M Kimbel:	Explained that the proposed location of the shed on the sportsground is strategic as it will be used to service all other parks in Bathurst. The central location is ideal for Council's recreational services and operations. The sportsground is

frequently used by a large proportion of the community. Utilising another site outside of the town centre would mean that the development would be located too far from parks located in the CBD, which would make the proposal unviable.

- B Bentley: Explained that the grandstand is a historical building which is well preserved and that the shed should tie in with the colours of grandstand.
- M Kimbel: Explained that the grandstand is a brown and cream colour. The colour of the building does not effect their operations and so the colour of the building will meet heritage requirements.
- B Bentley: Explained that it is a very new shed which will stand out in the heritage area. The colour is just one idea to reduce the impacts of the proposal.
- N Southorn: Advised that Council's Development Assessment Team will continue to discuss the appropriateness of colour and landscaping with Council's Heritage Advisor, including whether or not the colours of the grandstand would be suitable. It is Council's responsibility to ensure that the colours are sympathetic to the heritage context.
- B Bentley: Advised that the development should blend with the same piece of land. Suggested that a fence could assist with this.
- M Kimbel: Explained that a chain wire fence is required for security.
- F Finn: Advised that Council's Heritage Planner has recommended that the fence be black in colour to reduce its prominence in the heritage conservation area.
- B Bentley: Advised that there is a property near a beach in Sydney where the picket fence ties in with the heritage area. Appreciated the opportunity to ask whether the shed could be relocated.
- N Southorn: Explained that the proposed development will replace an existing operational shed. Asked Ms Bentley what her current position is in relation to the proposal, in light of these discussions.
- B Bentley: Explained shed is not overjoyed about the proposal. Explained that everyone in the area has had to follow heritage guidelines in terms of what is acceptable development.
- N Southorn: Advised that Council staff could continue to discuss the proposal and concerns raised with Council's Heritage Advisor and move forward in assessing and determining the development application, if Ms Bentley is willing to place trust in Council's Development Assessment Team based on today's discussions.
- B Bentley: Explained she would like to sustain her objection and that the matter be referred to a Council Meeting for determination.

Advised she would like the opportunity to be presented to Councillors. Asked whether Councillors have had any input into the development so far.

N Southorn: No, Councillors have not had any input at this stage. Explained that under current COVID-19 restrictions, there is not an opportunity to speak at the Council Meeting.

B Bentley: Understood that there is currently no opportunity for a public forum at the Council Meeting. Advised that she would appreciate if a copy of her submission could be referred to Councillors.

N Southorn: Advised that a copy of Ms Bentley's submission would be attached to the Council Report.

B Bentley: Asked whether she could suggest some alternate locations for the shed.

N Southorn: Explained that Ms Bentley is permitted to offer suggestions.

B Bentley: Suggested that the shed could be relocated to the corner of Havannah and Durham Streets in Morse Park.

N Southorn: Advised that the location suggested is at a major entrance to the city and is not recommended.

B Bentley: Added that the shed would be more suitably located opposite of the cricket pitch.

M Kimbel: Explained the current location does not interrupt sports. Locating the shed in the suggested location at Morse Park would disturb sport infrastructure including shot put, football and cricket.

B Bentley: Suggested that the shed could be placed in the current location but with the doors facing towards the sportsground. A row of hedges could then be established at the back where the security fence will be.

M Kimbel: Advised that this layout has been considered, however, it will reduce sight distances into the precinct which is frequently used by the public. Explained that workers need to be able to see sufficiently into the public space of the park, with tractors coming in and out of the shed. Added that there are also security issues with facing the shed internally into the sportsground, as landscaping would create blind spots for activities such as vandalism.

B Bentley: Asked about the distance of the development from the security fence.

M Kimbel: Explained that the proposed building comes closer to the fence than the existing, but with long jump and the track located in

- the immediate surrounding, staff coming out with heavy equipment need to be able to see the public area.
- B Bentley: Asked whether the grey vehicular access marked on the plans will be concreted.
- M Kimbel: Advised the internal driveway will be bitumen and will join up with the internal access road. Added that area around the gates onto Havannah Street needs to be clear of machinery coming in and out of the area.
- B Bentley: Advised the development will cover more of an area than she had originally thought. Asked whether the applicant has considered putting hedges along the inside of the fenceline along Howick Street.
- M Kimbel: Advised that landscaping in this location would restrict their ability to move and hold soil bays.
- B Bentley: Asked what the proposed truck wash bay will look like.
- B Drum: Advised the bay will include a carwash type access point to wash down trucks/machinery. Showed Ms Bentley a copy of the plans for the wash bay. Explained that it will be partially closed and partially open.
- B Bentley: Acknowledged that the development includes a shed with other structures around it and explained that she had not originally realised the large scale of the proposal. Added that it is an industrial development in a heritage area.
- N Southorn: Explained that the development is not classified as an industrial use. Asked Ms Bentley to clarify whether she had meant that the development looks industrial.
- B Bentley: Explained that the development looks industrial. Asked how many pieces of machinery are proposed.
- M Kimbel: Advised that the proposed development will be used for operations and the storage of tractors and mowing equipment in a similar manner to the existing shed. Explained that currently, equipment is stored out the front of the shed and taken to the Council depot site in Peel Street in the afternoon. The new proposal will allow equipment to stay in the shed rather than outside.
- B Bentley: Suggested that the proposal includes moving operations from the Peel Street depot to the subject site.
- M Kimbel: Advised that operations will not change but that they will no longer need to return large machinery to the depot each day.
- B Drum: Advised that tractors are currently driven back to the depot using the highway.

- B Bentley: Reiterated that the proposal could be better located elsewhere and that she does not approve of the current location. Explained that the development is going to affect a lot of people and that when the application is put up to Council, others will see the issues. Questioned why the need to move machinery between one park or another should determine the location of the proposal. Explained that if the new depot was located next to the Tesla charging station the machinery could still be accommodated without needing to return it to Peel Street. The gates into the sportsground and Carrington Park are still not located as far away from the Tesla site as Peel Street.
- B Drum: Explained that the space next to the Information Centre is not likely to be a feasible location, however, it could be looked into. If the development were located here it would occupy a substantial amount of the sports playing field.
- B Drum: Advised that the space next to the Information Centre is not a feasible location, however, it could be looked into. The development would require occupy a substantial amount of the sports playing field if were placed in this location.
-
- B Bentley: Suggested that if the development is less likely to be subject to security issues and vandalism in a location where residents live opposite the site, then security concerns would be reduced if the shed was placed within reasonable proximity to the Tesla station.
-
- N Southorn: Explained the concept of passive surveillance which is achieved by passing traffic or residents located out the front of their houses.
-
- B Bentley: Explained that surveillance should not be reliant on passing traffic and the people living opposite of the development who have retained their heritage houses in accordance with guidelines. Security can include a number of different measures including CCTV and sensor lights. Added that a massive shed with other attributes is not right in the currently proposed location. Asked when the matter would be referred to a Council Meeting.
- N Southorn: Advised that there are currently a number of Development Applications in the assessment queue. The application will not make the July meeting and the August Meeting cannot be promised. Notice will be given to those who make submission, usually on the Friday the week before the meeting. Noted that no other submissions have been received from the Heritage Network or National Trust.
-
- Meeting Closed: 1:00pm



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

CURRICULUM VITAE – LINDSAY FLETCHER

Name: LINDSAY MILES FLETCHER

Address: 12/6 Walton Crescent
ABBOTSFORD NSW 2046

Professional Qualifications:

Master of Environmental Planning Degree
Macquarie University; 1985

Ordinance 4 Certificate as Town & Country Planner
Interim Certificate 1976 – Full Certificate 1981 (No. 540)

Senior Management Course in the Australian Centre for Local Government Studies
University of Canberra; 1991

Membership of Institutions & Associations:



Fellow of the Planning Institute of Australia (PIA).

Member of the Executive Committee 1992 to 2000;
Vice-President 1996 – 1997;
Honorary Treasurer 1992 – 1996;
Member and Honorary Treasurer of the joint Royal Australian Planning Institute and Local Government Planners Association 1990 National Conference Organising Committee.

Co-convenor of 1985 Annual Conference;
Member of the Executive Committee 1985 – 1992;
Honorary Treasurer 1986 – 1992;

Member of Australian Local Government Association's Urban Affairs Reference Group 1992 – 1994.

Chairman of Western Sydney Regional Organisation of Councils (WSROC) Chief Town Planners Committee 1991 – 1993.

Member of Department of Planning Local Government Liaison Committee – Director General's nominee 2000 to 2008.

Member Environment and Planning Law Association (NSW) Inc.
Committee Member May 2008 to October 2012.

Member Holroyd Independent Hearing and Assessment Panel (IHAP) from January 2014 to May 2016.

Experience – Positions Held and Significant Responsibilities:

2018 to date - Local Planning Panels

State appointed Alternate Chair of Blacktown and Randwick Local Planning Panels and Expert Member of the Local Planning Panels for the Councils of Blacktown, Burwood, Cumberland, Liverpool and Parramatta since March 2018.

2016 to 2019 - Sydney Planning Panels

State Member (alternate) of all Sydney Planning Panels since November 2016.

2009 to 2019 – Regional Planning Panels

State Member (alternate) of all Regional Planning Panels since July 2009.

2001 to 2014 – Managing Director, Planning Ingenuity Pty Ltd

Established a new environmental planning consultancy firm serving private and public sector clients covering a wide range of planning & development issues including: strategic and statutory planning; LEPs, DCPs & Section 94 Plans; Masterplans; development advice; and expert planning evidence in several jurisdictions. This includes numerous direct appointments by the Land & Environment Court as the Court's Town Planning expert.

1994 to 2000 Director, Gary Shiels and Associates Pty Ltd

Environmental, Strategic, Statutory and Social Planning; Review of Section 94 Plans; Development Advice; Residential Strategy Plans; Expert Evidence Supreme Court & Land and Environment Court.

1991 – 1994 Director of Environmental Services Fairfield City Council

Responsible through the General Manager to Council for overall management of the Environmental Services Department which comprised more than 140 staff with an annual budget of \$10.6 million operational expenditure, \$5.8 million capital expenditure and \$12.4 million income. Responsibilities included:

- Development and implementation of planning strategies;
- Assessment of Development & Building Applications;
- Health promotion through immunisation, food shop inspections, investigation of nuisance complaints and legionella control;
- Safety and Environment control through noise, air and water quality monitoring;
- Pool and building safety inspections and investigations; and
- Control of State Emergency Services and Bush Fire Brigade.

1989 – 1991 City Planner Fairfield City Council

Responsible through the Town Clerk/Chief Officer to the Council for:

- Development and implementation of planning strategies;
- Assessment of Development Applications;
- Enforcement of Planning laws and decisions as well as defense of Development and Planning Appeals; and
- Preparation of Fairfield City Strategic Plan.

1977 – 1989 Town Planner - Deputy Chief Town Planner – Chief Town Planner Kogarah Municipal Council

Initially responsible to the Municipal Engineer for the establishment of a Town Planning capability in Council, the position and responsibilities evolved to the creation of a separate Town Planning Department. As Chief Town Planner, responsible through the Town Clerk to Council for all facets of town planning for the Municipality.

1974 – 1977 Area Planning Officer Woollahra Council

Research; surveys; strategic planning; development control; public participation.

1972 – 1974 Trainee Town Planner Warringah Shire Council

Professional Papers:

"PACs, IHAPs, JRPPs & Mishaps". Joint paper with Marcus Ray & Paul Stein AM delivered to EPLA Conference, Kiama October 2010.

"Getting DAs through Councils & the Land & Environment Court". Joint paper with Trevor Bly & Jodie Wauchope delivered to RAlA Sydney East Group, Sydney June 2010.

"Evolution of Expert Evidence in the Land & Environment Court" delivered to CLE Seminar, Sydney February 2005.

"Changes to Expert Evidence in the Land & Environment Court" delivered to Continuing Legal Education Seminar, Sydney November 2004.

"Seniors Living Policy – The new SEPP" delivered to Australian Nursing Homes and Extended Care Association Seminar, Sydney June 2004.

"Demystifying the Land & Environment Court – The Role of Town Planning Experts" delivered to Planning Institute of Australia Young Planners Seminar, Sydney May 2004.

"Environmental Planning & Assessment Act – Recent & Proposed Changes" delivered to Australian Construction Law Discussion Group, Law Society of NSW, May 2001.

"New Initiatives under the Environmental Planning & Assessment Act" delivered to Local Government Day Seminar, Law Society of NSW - College of Law, February 2001.

"From a Consultant's Perspective" delivered to a Review of Integrated Development Assessment Practice Seminar, University of Sydney, October 1998.

"An Overview of Performance Standards" delivered to Australian Institute of Building Surveyors and Royal Australian Planning Institute Seminar, University of Sydney, May 1996.

"Section 94 Plans – Past, Present and Future" delivered to Urban Development Institute of Australia (NSW Division) Weekend Seminar, Toukley, August 1995.

"Planning Approvals: The Regulatory Maze" delivered to Australian Chamber of Manufacturers Seminar, Sydney, June 1993.

"Single Approval Process: The Fairfield Experience" delivered to IMM Meeting, Fairfield, March 1993.

"Award Restructuring & Local Approvals Review Program" delivered to LSRP Short Course, University of NSW, April 1992.

"Creating a Framework for Effective Medium Density Controls" delivered jointly with Mr Donald Proctor to an RAPI/LGPA Continuing Professional Development Seminar, Sydney, July 1991.

"Urban Design: Fairfield Council's Achievements and Plans" delivered to WSROC Seminar, Liverpool, March 1991.

"Consolidating for People: Fairfield City's Response" delivered to WSROC Seminar, Merrylands, November 1990.

"Town Centres: A Case Study of the Kogarah Business Centre" delivered to the Annual Conference of the LGPA and RAPI, February, 1987.

Lindsay Fletcher
Consultant Town Planner

**Development Application No.2020/107
Assessment Report**

**Proposed dwelling house including clause 4.6
variation associated with minimum lot size**

**Lot 15 DP 700460
708 Tarana Road, Brewongle**

Client: Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

Project Ref: 201001
Date: July 18, 2020

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1 INTRODUCTION

This Development Application assessment report has been prepared for Bathurst Regional Council, the 'consent authority' for determination of the application. The site has been the subject of a number of previous development applications in recent years, the determinations of which proved contentious.

In view of the previous history with development applications on the site, Council has commissioned an independent consultant Town Planner to undertake assessment of the development application and prepare an assessment report for Council's consideration. Notwithstanding the above, Council officers undertook and provided advice in relation to the assessment of the health, engineering and Building Code of Australia (BCA) aspects of the proposal.

The application seeks development consent for construction of a single storey dwelling house with attached double garage at 708 Tarana Road, Brewongle. As the subject allotment has an area of 18.3ha it is well under the 100ha minimum allotment size required for the erection of a dwelling house under Bathurst Regional Local Environmental Plan (LEP) 2014. Accordingly, the application includes a request to vary this development standard pursuant to clause 4.6 of the LEP.

The details of the proposal are described in a Statement of Environmental Effects and architectural drawings that accompany and form part of the application.

The purpose of this report is to assess the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of s.4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This report is divided into eight sections. The remaining sections include a locality and site description; the background, a description of the proposal; a summary of external and internal technical referrals, the environmental planning assessment; discussion of the key issues, a conclusion and a recommendation.

2 THE SITE & LOCALITY

2.1 The Site

The site of the proposed development is located to the south-east of Bathurst in the settlement of Brewongle. The subject property is located on the south-western side of Tarana Road which forms its northern and eastern boundaries whilst the Main Western Railway line forms the western and southern boundaries of the allotment. Accordingly, the subject site is isolated from any adjoining properties by either the railway or Tarana Road.

The site comprises one allotment being Lot 15 in DP 700460 and is known as No.708 Tarana Road, Brewongle. The Deposited Plan that appears to have created the subject allotment dates from a subdivision in 1983. The site has an irregular frontage to Tarana Road of approximately 1.058 kilometres, a frontage to the railway of approximately 1.015 kilometres and a total site area of 18.3ha. At the northern and southern corners of the site are road bridges that traverse the rail line.



Fig 1: Location Map

The site has a moderate slope to the south-west down from Tarana Road towards the rail line which is in a cutting between the two rail bridges for the entire frontage of the site. The property contains some scattered mature eucalypts but is otherwise largely devoid of trees or shrubs.

The site is located within a drinking water catchment and contains two mapped ephemeral drainage lines and three dams. The site is vacant apart from fencing but contains a previously levelled building pad and electricity has also been connected to the Lot.

2.2 Character of the Locality

As indicated, the site is located to the south-east of Bathurst. The village of Brewongle is approximately 1.2km to the north. The surrounding area is characterised by scattered dwellings within an agricultural landscape. Within the village of Brewongle there are a number of dwellings on small Lots of 1ha or less

in size. Outside the village Lot sizes vary but there are a number of allotments of similar size to the subject Lot that contain dwelling houses.

The applicants' Statement of Environmental Effects states that within a 4 km radius of the site there are 187 individual Lots containing 92 residential dwellings. The average Lot size within this 4 km radius is 33.7ha and the median Lot size is 8.8ha. Of the 187 surrounding Lots, only 21 satisfy the LEP's minimum Lot size of 100ha.

2.3 Surrounding Development

The immediately surrounding development is rural in nature and primarily used for grazing. To the south and west of the Lot, on the opposite side of the rail line, is a large rural Lot of 99.8ha in area that does not contain a dwelling. To the north of the site, on the opposite side of Torana Road, is an allotment of 21.8ha in area that also does not contain a dwelling. To the east of the site are two allotments, each of approximately 24ha in area and each contains a dwelling house.

3 BACKGROUND

3.1 *History of Previous Applications*

The following chronology of the land has been derived from Council's files largely through the Officer's report on the previous Development Application in 2018 (DA/2018/207).

1988

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 Hennessys lodged a Development Application with the then 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 the allotment located to the south of the subject land on the opposite side of the Main Western Railway line. Lot 12 by itself is 99.57 hectares in area.

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 would then 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 these 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. That Development Application was, by necessity, supported by a *State Environmental Planning Policy No. 1 - Development Standards* (SEPP 1) objection noting that a dwelling was not permissible on the subject land as it was less than the minimum area required of 100ha, but citing the previous approval that existed on the land.

At its meeting held 23 October 1992, Evans Shire Council 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. The concurrence advice included 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 valid for a period of 2 years (i.e. until 22 January 1995).

1994

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

In December 1994 Evans Shire Council 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.

Legislative changes to the EP&A Act led to Evans Shire Council forming the opinion that development consent (as modified) was to remain current for 5 years from the date of modification (i.e. until 22 December 1999).

1995

In February 1995 the Irelands 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.

1997

In 1997 Evans Shire Council 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 Evans Shire Council received enquiries from 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 Evans Shire Council to the owners in May 2001 was that the 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 (DA-2009/0435) was lodged for a “single storey dwelling with attached double garage” on the subject Lot.

This Development Application was lodged with a SEPP1 Objection to the 100ha 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 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 100ha 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.*

2018

In 2018 a development application (DA/2018/207) was lodged by the owners for a single storey dwelling on the Lot and was supported by a request pursuant to clause 4.6 of Bathurst Regional LEP 2014 for a variation of the 100ha minimum Lot size development standard for the erection of a dwelling that is imposed by clause 4.2B of that LEP.

That application was the subject of a report by Council's Director Environment Planning and Building Services to the Council Meeting on 18 July 2018 which recommended that Council not support the variation of the development standard and refuse the development application for the following reasons:

- a. *The proposal is not consistent 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 zones.*

However, contrary to the recommendation of Council staff, Bathurst Regional Council resolved unanimously to support the development application in principle and refer the application to the NSW Department of Planning and Environment seeking the Secretary's concurrence to the clause 4.6 variation request so that Council would be able to grant consent to the proposed development.

By letter dated 6 November 2018, the NSW Department of Planning and Environment determined not to grant concurrence for the following reasons:

- The proposal involves a proposed dwelling house located on land that has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land - this is significant to regional planning;
- the development standard of 100ha is long-standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case; and

- relaxing the development standard in this case will result in a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small Lots.

The Department's letter also contained the following comment:

"It is suggested that Council review its rural strategy (and any other strategies that are at least 5-10 years old) and clarify the provision of rural-residential land in the Bathurst Regional Council local government area including this locality."

Given the Secretary's refusal to concur, Council had no alternative other than to refuse the development application. Accordingly, DA/2018/207 was subsequently formally refused under delegated authority.

3.2 Physical commencement of previous Development Application

In accordance with Section 4.53 of the EP&A 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".

Indeed, if the applicants were able to prove physical commencement had occurred within 5 years of approval then the previous Development Application would still be valid and the applicants would be entitled to act upon that consent.

In their report on the previous development application in 2018, Council officers commented on this issue in the following terms, inter-alia:

"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)."

However, in section 1.2 of the applicants' SEE dealing with the history of the site, the applicants' planning consultant claims that the electrical connection and clearing associated with the DA/120/92 consent, which did not require explicit Council approval at the time, are each in their own right sufficient to discharge the test of physical commencement.

In any event, as previously noted, if the applicants' claim that they have "physical commencement" is correct, they do not need a further development consent. In particular, they do not need a variation of the minimum Lot size development standard. There are avenues available to the applicants through the Land and Environment Court to test their claim. Accordingly, it is not necessary to determine that question in the assessment of the current development application.

4 DESCRIPTION OF DEVELOPMENT

4.1 Proposed Development

The proposed development involves the construction of a single storey dwelling house with attached double garage. Details are shown on architectural plans prepared by Scully Plans that form part of the development application.

The proposed dwelling house will contain three bedrooms, one with an ensuite bathroom, a study, an open plan kitchen, living and dining room, a main bathroom and a laundry. The dwelling is to be constructed of brick veneer walls of face brick and zincalume corrugated sheet roof. The specific colour of materials has not been nominated although the Statement of Environmental Effects indicates that “external materials have been selected to ensure the proposed dwelling effectively integrates with the rural environment.”

The proposed dwelling is to be located on the existing levelled building pad located a minimum of 40m from the Tarana Road frontage. An 80,000ltr above ground tank is to be installed on the site to utilise rainwater as a potable water supply and for bushfire fighting purposes. Effluent would be disposed of on-site through an appropriately sized system as detailed in the Effluent Management Report, prepared by Calare Civil – Consulting Engineers, contained as Appendix D of the applicants’ Statement of Environmental Effects. The existing electricity supply is to be augmented to facilitate the new development.

4.2 Landscaping

The architectural plans include a basic landscape plan that indicates a proposal to plant 13 deciduous trees and one specimen tree along the northern frontage of the proposed dwelling between the dwelling and Tarana Road. Additionally, it is proposed to create a 1m wide garden for low water use planting that extends around the entire perimeter of the proposed dwelling, other than the driveway apron entrance to the garage.

4.3 Parking & Vehicular Access

Vehicle access from Tarana Road is to be via a proposed access gate located at a distance of 15m east of the existing power pole on the Tarana Road frontage with a new 4m wide internal driveway connecting this gate to the existing pad and proposed garage. The gate is to be set back a minimum of 10m from the edge of the bitumen, or a greater distance if required to satisfy Council’s engineering requirements.

5 TECHNICAL REFERRALS & RESPONSES**5.1 External Agency Referrals**

The proposed development does not constitute “integrated development” and accordingly the development application and accompanying documentation did not need to be referred to any external government agencies for review and comment. Therefore, no external referrals have been undertaken.

5.2 Internal Referrals

As previously indicated, Council officers undertook and provided advice in relation to the assessment of the health and engineering aspects of the proposal and also the Building Code of Australia (BCA) requirements.

5.2.1 Health Comments

Council officers with the requisite expertise have reviewed plans and details of the proposal and have advised that they raise no objection to the proposal subject to appropriate conditions that will be incorporated in any consent if the development application is approved.

5.2.2 Engineering Comments

Similarly, Council officers with the requisite engineering expertise have reviewed plans and details of the proposal and have advised that they raise no objection to the proposal subject to appropriate conditions that will be incorporated in any consent if the development application is approved.

5.2.3 Building Code of Australia Assessment

Again, Council officers with the requisite expertise have reviewed plans and details of the proposal and have advised that they raise no objection to the proposal subject to appropriate conditions that will be incorporated in any consent if the development application is approved..

5.3 Community Participation

In accordance with the provisions of Council’s *Community Participation Plan 2019* the proposed development does not require either public exhibition or public notification. Therefore, surrounding property owners were not notified of the proposed development.

6 **ENVIRONMENTAL PLANNING ASSESSMENT**

6.1 **Preamble**

This section of the report provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

6.2 **Statutory and Policy Compliance**

The relevant matters for consideration under Section 4.15 of the EP&A Act, 1979, are identified in the following Table:

TABLE 1: SECTION 4.15 MATTERS FOR CONSIDERATION				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
s.4.15(1)(a)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP (Primary Production and Rural Development) 2019	✓	✓	
"	Bathurst Regional LEP 2014	✓	✓	
"	Other relevant EPIs			✓
"	Draft instruments			✓
"	Bathurst Regional DCP 2014	✓	✓	
"	Any other prescribed matter under the Regulations:-			✓

The matters identified in the above Table as requiring specific comment are discussed below. The main statutory document that relates to the subject site and the proposed development is *Bathurst Regional Local Environmental Plan (LEP) 2014*. The most relevant non-statutory plan is the *Bathurst Regional Development Control Plan (DCP) 2014*. The relevant provisions of these documents are summarized below and the proposal's compliance with them assessed.

6.2.1 **SEPP No.55 – Remediation of Land**

This *State Environmental Planning Policy (SEPP)* was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

It is considered that there is no serious reason to suspect that this property has been subject to any contamination as it is in an agricultural area and has historically been used for grazing. There is no evidence of any other previous uses on the site that may have led to contamination. Accordingly, no further investigation is warranted.

6.2.2 SEPP (Primary Production and Rural Development) 2019

This SEPPs came into force on 28 February 2019 and applies to NSW. It therefore applies to the subject site. The SEPP repealed previous SEPPs including SEPP (Rural Lands) 2008 that applied to previous DAs on this land. The aims of the SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

The SEPP comprises five parts and five schedules. The following Table summarises the relevant provisions and comments on their application to the current development proposal:

TABLE 2: SEPP Primary Production & Rural Development	
Provision	Comment
Part 1 - Preliminary	Sets out the aims of the policy and that the policy applies to land in NSW except where excluded.
Part 2 - State significant agricultural land	Applies to land listed in schedule 1. No land is currently listed and accordingly this part is not applicable.
Part 3 - Farm dams etc.	Not applicable as no farm dams are proposed in this DA.
Part 4 - Livestock industries	Not applicable as no livestock industries are proposed in this DA.
Part 5 - Sustainable aquaculture	Not applicable as aquaculture is not proposed in this DA.
Schedule 1 - State significant agricultural land	No land is listed and accordingly is not applicable to this DA.
Schedule 2 - Marine waters aquaculture	This DA does not involve marine waters aquaculture
Schedule 3 - Designated consent authorities	This schedule is blank and therefore not applicable.
Schedule 4 – Applies standard provisions to non-standard LEPs	Not applicable as Bathurst Regional LEP is not a non-standard LEP and is not listed in the schedule.
Schedule 5 – Rural land sharing communities	Not applicable as proposal does not involve a rural land sharing community and Bathurst Regional LEP is not listed in this schedule.

6.2.3 Bathurst Regional LEP 2014

Bathurst Regional LEP 2014 came into force upon its publication on 19 November 2014 and has been amended on a number of occasions since that time. Under the LEP the subject property is within *Zone RU1 Primary Production*.

Part 2 of the LEP contains a Land Use Table that sets out the objectives of each zone and the permissible and prohibited land uses. The relevant provisions for *Zone RU1 Primary Production* are as follows:

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.
- 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.

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

Aquaculture; Artisan food and drink industries; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Food and drink premises; Funeral homes; Garden centres; High technology industries; Home industries; Hostels; Intensive livestock agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Open cut mining; Plant nurseries; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4.

4 Prohibited

Amusement centres; Commercial premises; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Home occupations (sex services); Industries; Public administration buildings; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies.

The proposed development is for a dwelling house which is a form of development permissible with consent. However, the provisions of the Land Use Table are also subject to the other provisions of the LEP (clause 2.3(4)).

Pursuant to clause 2.3(2) of the LEP, the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Clause 4.2 the LEP deals with Rural Subdivision and whilst the proposed development does not involve subdivision, clause 4.2B is particularly relevant to the subject application. That clause, except in certain specific circumstances that do not apply in this instance, requires a minimum Lot size of 100ha for the erection of a dwelling house in *Zone RU1 Primary Production*.

Clause 4.6 of the LEP deals with exceptions to development standards. The proposal's non-compliance with the minimum Lot size of 100ha required under clause 4.2B and the applicants' request for exception to that standard is a key issue in the evaluation and determination of this application. Therefore, they are dealt with in detail in Section 7 of this report.

Clause 5.16 the LEP contains provisions aimed at minimising potential land use conflicts between developments. That clause provides as follows:

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

- (1) *The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *...*
- (3) *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*
 - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (4) *The following matters are to be taken into account—*
 - (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) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The existing and approved uses adjacent to and in the vicinity of the subject site were described in Sections 2.2 & 2.3 above. They predominantly consists of dwelling houses on similar sized rural Lots to the north and east of the site and traditional primary production activities on much larger Lots to the south and south-west of the site on the opposite side of the railway line.

The subject site is an isolated parcel as it is separated from any adjacent properties by either the railway line or Tarana Road. Additionally, the proposed dwelling house is to be setback a minimum of 40m from the nearest property boundary and accordingly this mitigation measure is considered to provide an adequate buffer to any traditional primary production land holdings that is sufficient to ensure there are no negative impacts on the ability to continue primary production activities on these nearby land holdings.

There are no other provisions of the LEP that are relevant to the determination of the current development application.

6.2.4 Bathurst Regional DCP 2014

s.4.15 (3A) of the Act provides:

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.

The Bathurst Regional DCP is divided into 16 sections as follows:

1. Preliminary;
2. Exhibition and Notification of Development Applications;
3. Subdivision of Land;
4. Residential Development;
5. Business and Industrial Development;
6. Rural and Rural Lifestyle Development;
7. Rural Village Development;
8. Mount Panorama environs;
9. Environmental Considerations;
10. Urban Design and Heritage Conservation;
11. Outdoor Lighting;
12. Signage and Colour Schemes;
13. Landscaping and Greening;
14. Parking;
15. Crime Prevention; and
16. Earthworks.

Only Sections 6, 9, 14 & 16 are of any relevance to assessment of the current development application. A detailed assessment of the proposed development's compliance with the relevant DCP provisions has been undertaken as detailed in **Annexure A** of this report. In essence, the proposed development complies fully with the provisions of the DCP or, where necessary, relevant matters can be addressed by appropriate conditions of consent if Council determines to approve the development application.

6.3 Likely Impacts of the Development on Natural & Built Environments

6.3.1 Topography & Scenic Impacts

The proposed dwelling house is to be constructed on an existing earth pad and involves no significant impacts on the topography of the site. The construction of the access driveway will no doubt involve some minor earthworks in order to achieve appropriate gradients. However, any such changes will be minor and can be readily addressed by appropriate conditions of development consent.

The proposed dwelling is single storey in height and of a design that is typical of contemporary rural dwellings. It is to be constructed of face brickwork with aluminium framed windows and corrugated zincalume roofing. Colours have not been nominated in the application but this can be addressed by appropriate conditions of consent.

The proposal does not involve the removal of any trees and the dwelling, being sited on the existing earth pad that is partially excavated on the Tarana Road side, means that the proposed building will be partially obscured when viewed from the road and will be below the ridgeline when viewed from the south or west.

Accordingly, the impacts of the development on the topography and its scenic impacts are considered acceptable and compatible with the character of the locality.

6.3.2 Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

6.3.3 Water & Air Quality Impacts

As detailed in **Annexure A**, the proposed development is fully compliant with the provisions of Council's DCP including the provisions relating to on-site effluent disposal, water supply, soil and water management, groundwater, energy efficiency and sustainable building design.

Additionally, in the event that consent is issued, conditions will be included to ensure that all construction work is undertaken in accordance with Council's normal requirements. Therefore, the proposed development will have no significant adverse impact on air or water quality in the locality.

6.3.4 Flora & Fauna Impacts

The proposed development will have no significant impact on existing flora or fauna as all proposed works are located on sections of the land that contain no trees and the proposed dwelling house itself is to be located on the existing earth pad so it is an area already disturbed.

6.3.5 External Appearance & Design

As previously stated, the proposed dwelling is single storey in height and of a design that is typical of contemporary rural dwellings. It is to be constructed of face brickwork with aluminium framed windows and corrugated zincalume roofing. Colours have not been nominated in the application but this can be addressed by appropriate conditions of consent.

Therefore, the external appearance and design of the proposal is considered to be acceptable and compatible with the character of the locality.

6.3.6 Social & Economic Impacts

The proposal will have no significant adverse economic or social impacts. Construction of the proposed dwelling house will have some short-term positive economic impacts through direct and indirect employment generation.

6.3.7 Relationship to Neighbouring Properties

The location of the proposed dwelling house provides for boundary setbacks well in excess of the DCP requirements and the topography of the site means that the building will be partly excavated into the site when viewed from the nearest neighbouring properties on the opposite side of Tarana Road.

Accordingly, the proposed development will have no adverse impacts on neighbouring properties in terms of solar access, aural privacy or visual privacy. Additionally, it is considered that the proposal will have only minimal and acceptable impacts on views from any neighbouring properties or the public domain.

6.4 The Suitability of the Site

The site is suitable for development of a dwelling house and for development ordinarily incidental and ancillary thereto.

6.5 Any Submissions made in accordance with the Act or Regulations

As previously noted, the proposed development did not require any external referrals or public advertising or public notification in accordance with relevant provisions of the Act, the Regulations or Council's *Community Participation Plan*.

6.6 The Public Interest

The proposed development does not raise issues of general public interest, other than the public interest of maintaining the development standard which is dealt with in the following section.

7 **KEY ISSUES**

There are two key issues identified in the assessment of this development application. They are firstly, whether the applicants' request under clause 4.6 of the LEP satisfies the relevant tests under that clause to enable a variation of the minimum Lot area development standard?

The second issue is whether upholding of the applicants' request will create an undesirable precedent that should be avoided?

7.1 ***Request for variation under clause 4.6***

Clause 4.2 the LEP deals with Rural Subdivision and whilst the proposed development does not involve subdivision, clause 4.2B is particularly relevant to the subject application. That clause provides as follows, inter alia:

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,*
 - (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*
 - (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.*
- (4) *Despite subclause (3), development consent may be granted for the erection of an additional dwelling house on land in Zone RU1 Primary Production if there is already a lawfully erected dwelling house on the land, but only if the additional dwelling house is located on the same lot or parcel of land as the existing lawfully erected dwelling house.*
- (5) *Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the consent authority imposes a condition of consent that the existing dwelling house must be demolished or altered so that the dwelling house can no longer be used as a dwelling.*
- (6) *In this clause—*

existing holding means—

 - (a) *a lot, portion or other parcel as it was at the relevant date, or*

- (b) *if, at the relevant date, a person owned 2 or more adjacent lots, portions or parcels—the aggregation of the area of those lots, portions or parcels as they were at the relevant date.*

relevant date means—

- (a) *in relation to land within the former local government area of the City of Bathurst—27 March 1987, or*
- (b) *in relation to land within the former local government area of Evans Shire to which Interim Development Order No 1—Shire of Turon applied—19 April 1968, or*
- (c) *in relation to land within the former local government area of Evans Shire to which Interim Development Order No 2—Shire of Abercrombie applied—31 March 1967.*

The Lot Size Map of the LEP specifies a minimum Lot area of 100ha for the subject site. As the subject allotment is only 18.3ha in area it is well short of the minimum Lot area required. None of the exceptions to this development standard identified in clause 4.2B apply to the subject site.

However, clause 4.6 of the LEP enables exceptions to be made to development standards contained in the LEP or other environmental planning instruments. The proposal's non-compliance with clause 4.2B would be fatal to the application unless a written request from the applicant seeking exception from the development standard is upheld by Council. The applicants have submitted a written request pursuant to clause 4.6, a copy of which can be found in Appendix C of the applicants' SEE.

Clause 4.6 the LEP provides as follows:

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—*
 - (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 Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

-
- (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.

Before addressing the relevant tests under clause 4.6, it is appropriate to note that the Land and Environment Court has, in the case of *Randwick City Council v Micaul Holdings Pty Ltd [2016]*, observed that a consent authority does not have to be satisfied directly, but rather need only be indirectly satisfied that the applicants' request has adequately addressed the requirements of clause 4.6(3)(a). The relevant passage of the judgement from the Chief Judge states, inter-alia:

“ the Commissioner did not have to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary”.

In essence, in order to uphold a request for variation of a development standard Council needs to be satisfied on three tests:

- i. that the applicants' written request justifies that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the zone in which the development is proposed to be carried out; and
- iii. that the applicants' written request identifies sufficient environmental planning grounds to justify contravening the development standard.

Additionally, clause 4.6(4)(b) requires the concurrence of the Planning Secretary to be obtained prior to the granting of consent unless concurrence from the Planning Secretary to vary the standard has been granted to Council. In this regard, concurrence has not been granted in respect of variation of minimum Lot

standards in certain zones, including Zone RU1 Primary Production, unless the variation is not greater than 10%.

This is the same situation as applied to the previous development application for this site. That is, even if Council supports the applicants' written request to vary the development standard, the concurrence of the Planning Secretary must be obtained before development consent can be granted.

As previously noted, the applicants have submitted a written request pursuant to clause 4.6, a copy of which can be found in Appendix C of the applicants' SEE. The necessary tests of which Council must be satisfied are discussed in the following subsections.

7.1.1 Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Leaving aside for the moment the issue of whether the proposal complies with the objectives of the standard and the zone objectives, the basis of the applicants' claim that compliance with the standard is unreasonable or unnecessary relies essentially upon three circumstances.

Firstly, the site is physically isolated by the railway and Tarana Road so amalgamation of the allotment with other properties so as to achieve the required minimum allotment size is impossible. Additionally, even without legal consolidation of allotments, the use of the allotment with adjoining properties for agricultural purposes is not practicable given the constraints imposed by the railway and the public road.

The applicants do not dispute Council's claim that there are many other existing allotments of similar area to the subject site. However, it is not clear from either Council's report on the previous development application or the applicants' submission how many, if any, of these similar allotments are physically isolated and therefore incapable of amalgamation in order to achieve the required minimum Lot size. In their report on the previous development application Council officers acknowledged that this was a main "and potentially unique" feature of this land.

It is this physical isolation that the applicants rely upon as a circumstance of this case for justification of the variation and to differentiate this case from other similar sized allotments in order to avoid creation of an undesirable precedent.

Secondly, the applicants rely upon the site not being viable for agricultural purposes given its small area, physical isolation and poor soil capability. This circumstance is not disputed by Council officers who, in the report on previous development application, agreed that the land is of "limited agricultural capability".

The subject land is classed as Class 5 in the NSW Land & Soil Capability system which is regarded as having "severe limitations", and together with Class 4 lands is described as *land not capable of being regularly cultivated but suitable for grazing with occasional cultivation*.

The construction of a dwelling on the allotment would not reduce its viability for productive agricultural use. Indeed, it may be argued that provision of a dwelling may facilitate some limited agricultural use of the property.

Finally, the applicants rely upon the lengthy history of previous approvals on this site as a circumstance that justifies variation of the standard in this case and differentiates this case from the numerous other undersized allotments in the zone.

As detailed in Section 3 of this report, the relevant consent authority at the time has on four separate occasions either granted consent, extended consent or modified consent for the erection of a dwelling house on this land. In each instance the required minimum allotment size for a dwelling house was 100ha, being the same minimum area as required today.

The DA approval in January 1993 necessitated concurrence from the then Department of Planning to a SEPP 1 objection to that same 100ha minimum allotment area development standard. That necessary concurrence was granted by the Department of Planning.

It is this history of approvals on the site that the applicants rely upon as a unique circumstance of this case for justification of the variation and, importantly, to differentiate this case from other similar sized allotments in order to avoid creation of an undesirable precedent.

7.1.2 Whether the proposed development is consistent with the objectives of the particular standard and the zone objectives and approval is therefore in the public interest.

Although clause 4.6 differs somewhat from the wording of its predecessor, SEPP 1, it is nevertheless helpful to consider the tests identified in *Wehbe v Pittwater Council* as to whether the objectives of the standard are achieved.

In *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out 5 different ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

“ *An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*”

The judgement goes on to state that:

“ *The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the*

standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

The applicants' submission relies upon this first method identified in *Wehbe v Pittwater Council* and accordingly it is not necessary or appropriate to consider the other ways identified by the Chief Judge.

There are two objectives of clause 4.2B, namely:

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

Objective (a) aims to 'minimise' unplanned rural residential development, not prohibit it entirely. It is considered that to exclude rural residential development entirely based on this objective would be a misinterpretation of the objective and be inconsistent with the flexibility sought and permitted through the inclusion of clause 4.6 in the LEP.

It must be recognised that clause 4.6 is there for a purpose and has work to do. Its purpose, as set out in the subclause (1) objectives, is to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The term "unplanned" is not defined in the LEP but has been interpreted to mean development that is not identified either in Council's statutory planning documents or strategic planning documents as intended for particular land.

Both Council officers and the Department of Planning in respect of the previous application have relied heavily on the subject property not being identified as an appropriate location for rural residential development in the 2008 Bathurst Region Rural Strategy. That strategy was part of the framework for the formulation of the current LEP.

However, it is now almost 12 years old and it is relevant to note that in withholding concurrence to the previous development application in 2018, the Department of Planning and Environment included the following comment:

" *It is suggested that Council review its rural strategy (and any other strategies that are at least 5-10 years old) and clarify the provision of rural-residential land in the Bathurst Regional Council local government area including this locality.*"

It is questionable whether the rejection of a clause 4.6 variation on the basis of the land not being identified in the Rural Strategy should be relied upon given that if the land were identified in that Strategy, no doubt a smaller Lot size would apply, rendering a clause 4.6 variation unnecessary. As previously indicated, clause 4.6 is there for a purpose and has work to do. It is considered an appropriate and intended use of clause 4.6 to deal with applications that vary from a development standard in particular circumstances where strict compliance is unreasonable or unnecessary. To reject any proposal because it had not been identified in a strategic planning document would be to deny the flexibility intended by clause 4.6.

In any event, the subject development application does not propose the broadscale release of land for rural residential development. Rather, it is an application for a single dwelling house on an existing parcel of land in a rural zone in which dwelling houses are a permissible land use. In their report on the previous development application, for essentially the same dwelling in the same location, Council officers acknowledged, more than once, that “a single dwelling on this particular Lot, which has received development approval in the past, is in isolation unlikely to cause significant impact.”

Similarly, in their previous report Council staff have agreed that the provision of a dwelling on this allotment will not hinder primary production use of surrounding land or the subject site. Despite these acknowledgements, Council officers felt unable to support variation of the minimum Lot area development standard because of “the amount of the variation” and their concern about “the precedent that might be set for a very large number of vacant Lots below the current minimum lot size”.

The issue of precedent is discussed below in Section 7.2 of this report. In relation to the concern about the amount of the variation it must be noted that the extent of the discretion afforded by subclause 4.6(2) is not numerically limited. That is, the extent of variation does not matter providing the proposed development satisfies the relevant tests under clause 4.6 and the normal heads of consideration under s.4.15 of the Act. If a proposed development satisfies those tests, the only real relevance of the extent of variation is in relation to the ability of Council to assume concurrence. In effect, it elevates the consideration of the variation request to the regional and State level if Council resolves that a variation should be supported.

For all of the above reasons, it is considered that the proposal, when dealt with on its individual merits, does not represent “unplanned rural residential development” and is therefore not antipathetic to objective (a) of the development standard.

Objective (b) is not relevant in this case as there is no existing dwelling house on the land. Nevertheless, the proposal is not antipathetic to this objective of the development standard.

In order to address the requirements of subclause 4.6(4)(a)(ii), each of the six zone objectives are addressed below:

- (a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.**

For the reasons previously outlined, the subject site is considered to be too small and too constrained to enable effective and sustainable use for primary production purposes. This was not disputed by Council officers in their report on the previous development application.

The land is not currently, and has not for some time been, used for any viable agricultural purposes. Its isolation by public infrastructure means it is not physically possible to amalgamate the site with any surrounding allotments in order to achieve the minimum Lot area requirement and it is impracticable to use the site

for primary production purposes in conjunction with surrounding sites because of the physical barriers provided by the railway and Tarana Road.

Whilst the applicants do not rely upon it to satisfy this objective, it may be argued that the construction of a dwelling on the allotment might facilitate some limited agricultural use of the property. Certainly, it would not reduce its viability for sustainable productive agricultural use.

For the above reasons, the proposal is considered to not be antipathetic to this objective.

(b) To encourage diversity in primary industry enterprises and systems appropriate for the area.

The term “primary industry” or “primary industry enterprises” is not defined in the dictionary to the LEP. Agricultural produce industry is a type of rural industry and those terms are defined in the LEP dictionary as follows:

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

The development application does not propose either an agricultural produce industry or a rural industry on the site. Rather, it is proposed to construct a dwelling house on the land which, in itself, is a permissible land use, albeit a non-primary production land use.

For this reason, this objective is not considered to be relevant to the current development application, but that the proposal is not antipathetic to this objective.

(c) To minimise the fragmentation and alienation of resource lands.

Again, the term “resource lands” is not defined in the LEP. The LEP does include a map identifying drinking water catchments. Council’s DCP includes a number of maps that identify, amongst other things, land resources (Map 29), riparian land & waterways (Map 30) and biodiversity lands (Map 31). To the extent that these may be regarded as “resource lands”, the proposed dwelling house and its access driveway are not located on any such land identified in these DCP maps.

If the term resource lands is intended to include productive agricultural land, the site is an isolated Lot bounded entirely by the Main Western Railway line and

Tarana Road. It is therefore already physically alienated from other rural lands. It cannot practicably be amalgamated with or used with any adjoining rural land and it is accepted that the site is not of sufficient size to be viable as an agricultural holding. In any event, the proposal does not involve further subdivision and will not therefore cause fragmentation or alienation of any resource lands.

Accordingly, notwithstanding the minimum Lot area non-compliance, the proposed development satisfies zone objective (c).

(d) To minimise conflict between land uses within this zone and land uses within adjoining zones.

The site is not on or near a zone boundary and accordingly will not cause any conflict with land uses within any adjoining zones. In relation to minimising conflict within the RU1 Primary Production zone, the immediately surrounding development is rural in nature and primarily used for grazing. The proposed dwelling is located a minimum of 40m from any of its property boundaries. To this must be added the additional physical separation provided by the railway or the road that adjoins each boundary. This easily exceeds the requirements under Council's DCP and is considered to provide an adequate separation buffer between the proposed dwelling and any grazing of stock on adjacent land so as to minimise any land use conflict.

Again, there appears to be no disagreement between the applicants and Council staff on this issue as the report on the previous development application included the following comment:

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

Accordingly, notwithstanding the minimum Lot area non-compliance, the proposed development satisfies zone objective (d).

(e) To maintain the rural and scenic character of the land.

The site is located to the south-east of Bathurst in a rural area characterised by scattered dwellings within an agricultural landscape where the primary agricultural use is grazing. The landscape is one of rolling hills containing predominantly grassland vegetation and scattered trees. It is approximately 1.2km south of the village of Brewongle where there are a number of dwellings on small lots of 1ha or less in size. Outside the village Lot sizes vary but there are a number of allotments of similar size to the subject Lot that contain dwelling houses.

The proposed dwelling is to be located on an existing building pad that has been cut into the slope of the land and will thereby reduce visibility of the dwelling from Tarana Road. As the railway is in a cutting for the entire length of its frontage to this property it is unlikely that the dwelling would be visible from passing trains.

It is considered that the siting and design of the proposed dwelling, subject to conditions to ensure appropriate colours of building materials, will be compatible with the existing rural and scenic character of this locality.

Accordingly, despite the minimum Lot area non-compliance, the proposed development satisfies zone objective (e).

- (f) 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.

As noted in the planning principle on “compatibility in the urban environment”, there are many dictionary definitions of *compatible*. The most apposite meaning in a land use or design context is *capable of existing together in harmony*. *Compatibility* is thus different from *sameness*. In regard to building design, it is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. (*Project Venture Developments v Pittwater Council* [2005] NSWLEC 191)

The proposed dwelling house is considered to be a compatible land use that is in keeping with the existing rural character of this locality. Dwellings scattered in a rural landscape are not uncommon and indeed form part of the character of this locality. The provision of one additional dwelling, located as proposed, will have no significant impact on that existing character.

The location, height and bulk of the proposal is compatible with existing similar land uses and buildings in the locality and is, as previously mentioned, sited to provide adequate buffers in order to minimise potential for land use conflicts and to minimise impacts on the environmental qualities of the site.

The proposal will not necessarily convert rural land resources to a non-agricultural land use partly because the land is not currently used for such purposes and partly because provision of a dwelling on the land may arguably facilitate some limited agricultural use of the property. Certainly, it would not reduce its viability for sustainable productive agricultural use.

Accordingly, notwithstanding the minimum Lot area non-compliance, the proposed development satisfies zone objective (f).

In summary, the above analysis has shown that the proposed development is either consistent with, or not antipathetic to, any of the relevant objectives of clause 4.2B or the objectives of the RU1 Primary Production zone. Accordingly, for all of the above reasons, and consistent with clause 4.6(4)(a)(ii), the proposed development is considered to 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.

7.1.3 Whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicants' submission to demonstrate sufficient environmental planning grounds justifying the variation relies upon the first test in *Wehbe v Pittwater*

Council (2007) NSW LEC 827 i.e. that the objectives of the standard are achieved notwithstanding non-compliance with the standard. This has been addressed in Section 7.1.2 above with the conclusion that the proposal is not antipathetic to the relevant objective of the clause 4.2B development standard in the particular circumstances of this case.

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is also appropriate to refer to the objects of the *EP&A Act* to identify matters that constitute “environmental planning grounds”.

The relevant objects of the Act are as follows, inter alia:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *...,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *...,*
- (g) *to promote good design and amenity of the built environment,*
- (h) *...,*

The location of the proposed dwelling house is considered unlikely to have any significant adverse impact on the environment and approval of the development would not threaten conservation of the State's natural and other resources.

It is not in dispute that the subject site is not currently a viable agricultural holding. It is also clear that the physical constraints of surrounding public infrastructure that totally isolates the site prevent its consolidation with any surrounding agricultural land to create a site with sufficient area to be viable for primary production purposes. Nevertheless, it may be argued that the construction of a dwelling on the allotment might facilitate some limited agricultural use of the property. On that basis, the proposal is considered to represent an economic use and development of the land.

The proposed dwelling house is considered to be compatible and in keeping with the existing rural character of this locality. The provision of one additional dwelling, located as proposed, will have no significant impact on that existing character. The location, height and bulk of the proposal is compatible with existing similar rural dwellings in the locality and will provide appropriate amenity and an acceptable impact on the built environment.

Therefore, on balance, the proposal is considered to achieve a planning purpose of allowing the economic use and development of this otherwise unviable agricultural landholding, whilst achieving good design and acceptable environmental impacts.

Allowing flexibility in the particular, and possibly unique, circumstances of this case will achieve “a better outcome for and from development”. On this basis, Council can be satisfied that the proposal meets objective 1(b) of clause 4.6 of the LEP.

7.2 Precedent

It seems clear from their report on the previous development application for this site that Council officers primary concern with the proposed development was that to approve the extent of variation of the minimum Lot area development standard sought in the application would create a precedent that was likely to encourage development of dwelling houses on other small rural allotments.

It is proper for a consent authority to be concerned about creating a precedent for variations from development standards that may lead to a proliferation of similar applications, thereby undermining the purpose of the development standard and proper land use planning.

That previous report included the following Table, extracted from the 2008 Rural Strategy, which highlighted the number of existing rural holdings which were below the required 100ha minimum standard.

TABLE 3: RURAL STRATEGY EXTRACT		
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

It is evident from this data that little more than 25% of existing holdings within the RU1 Primary Production Zone satisfy the minimum Lot area requirement and that 50% of the holdings are less than 20ha in area. It should be noted that these figures relate to "holdings" rather than "allotments". As many holdings comprise multiple Lots, the number of undersized allotments is likely to be even greater.

Based on this analysis Council officers came to the view that, inter-alia:

" 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.

...

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.”

If the assessment of applications involving a clause 4.6 variation of the minimum Lot area development standard is confined to the size of the particular allotment, and therefore the extent of variation, this concern about creating an undesirable precedent, and ultimately undermining the planning objectives of the zone and the controls, is well justified.

However, the problem with such an analysis is that the considerations in assessing a clause 4.6 variation is not limited to the numeric extent of variation. If it were, it would make it almost impossible for any exceptions to ever be approved, except perhaps if the variation was very minor. That is contrary to the objectives and provisions of clause 4.6, subclause (2) of which provides that the discretion to allow variations is not limited by the numeric extent of the variation.

Clause 4.6 is there for a purpose and has work to do. As noted by the Chief Judge in *Wehbe v Pittwater Council (2007) NSW LEC 827*, development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If a proposed development achieves the objectives, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

It is considered that the issue of potential for precedent must be considered more broadly than simply the extent of variation. Whilst the number of allotments of a similar size that do not currently contain a dwelling is one consideration, the other circumstances of each particular case must also be considered. It is only if another application was able to match all of the same circumstances that a precedent would arise that might be relied upon.

The particular circumstances that arise in this case and distinguish it from other similar sized allotments, are as follows:

- the property is physically isolated by public roads or railways and cannot physically be amalgamated with adjoining land to achieve a conforming Lot area;
- the surrounding public infrastructure precludes practical use of the land in conjunction with adjacent land to achieve sustainable and viable agricultural land uses;
- the proposed dwelling house is unlikely to have any significant adverse impacts on the environment or the character of the locality;
- the isolation of the site and the location of the proposed dwelling is unlikely to have any adverse impacts on surrounding agricultural lands or cause any significant land use conflicts;
- on 4 previous occasions the relevant consent authority has either granted consent, extended consent or modified consent for the erection of a dwelling house on this land, despite non-compliance with the required minimum allotment size; and
- on one of those occasions, the then NSW Department of Planning concurred to upholding a SEPP 1 objection to that same 100ha minimum allotment area development standard.

It is only in the event that another application were able to not only satisfy all the tests under clause 4.6, but also replicate the particular circumstances of the current case as outlined above, then an argument for precedent is likely to arise. There needs to be a reasonable likelihood of further applications of this nature for precedent to be an overriding concern. It is considered that in that unlikely event, a variation under clause 4.6 is probably also equally appropriate.

8 CONCLUSION & RECOMMENDATION

8.1 Conclusion

The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory subject to conditions.

The application seeks development consent for construction of a single storey dwelling house with attached double garage at 708 Tarana Road, Brewongle. The proposal is permissible with consent under Council's LEP and, except for the minimum Lot area development standard, complies with the relevant provisions of Council's LEP and DCP.

As the subject allotment has an area of 18.3ha it is well under the 100ha minimum allotment size required for the erection of a dwelling house under Council's LEP. Accordingly, the application includes a request to vary this development standard pursuant to clause 4.6 of the LEP.

There are two key issues identified in the assessment of this development application. They are firstly, whether the applicants' request under clause 4.6 of the LEP satisfies the relevant tests under that clause to enable a variation of the minimum Lot area development standard. The second and related issue is whether upholding of the applicants' request will create an undesirable precedent.

These issues have been discussed in detail in Section 7 of this report. In summary, the assessment has concluded that the proposed development is either consistent with, or not antipathetic to, any of the relevant objectives of clause 4.2B or the objectives of the RU1 Primary Production zone and is therefore considered to be in the public interest.

The issue of potential for precedent must be considered more broadly than simply the extent of variation. Whilst the number of allotments of a similar size that do not currently contain a dwelling is one consideration, the other circumstances of each particular case must also be considered. It is only in the most unlikely event that another application was able to match all the same circumstances identified in this case that a precedent would arise. The reasonable likelihood of further applications of this nature for precedent to be an overriding concern is considered to be negligible, if any.

The proposed development otherwise complies with Council's objectives and controls for the site and the locality. The site is suitable for the development proposed which will generally have acceptable environmental and amenity impacts subject to appropriate conditions of development consent. Accordingly, it is concluded that the applicants' request for exception from the development standard should be supported by Council and the necessary concurrence of the Department of Planning, Industry & Environment be sought to enable conditional consent to be granted.

8.2 Recommendation

That Council, as the consent authority:

- 1) 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 LEP 2014 for Lot 15 DP 700460.
- 2) refer the proposal to the Department of Planning, Industry & Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 the LEP.
- 3) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with appropriate conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation.

ANNEXURE A

Bathurst Regional DCP Compliance Table

BATHURST REGIONAL DCP 2014 – COMPLIANCE TABLE		
SECTION 6 – Rural & Rural Lifestyle Development		
Relevant DCP Provisions	Comment	Compliance
Cl.6.2.3 – Setbacks Front, side and rear setbacks to be a minimum of 20m for Lots less than 20ha.	The proposed development is setback a minimum of 40m from Tarana Road and 195m from the railway at its rear boundary. The side setbacks exceed 200m.	Yes
Cl.6.3.2 – Entrances 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. 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. Entrances are to be a minimum 4m wide to enable access by Rural Fire Service resources.	The proposed entrance gates are to be setback 10m. 2 coat bitumen seal proposed and can be addressed by conditions. 4m width proposed and can be addressed by conditions.	Yes Yes Yes
Cl.6.4 – On-site Effluent Disposal The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for onsite waste water disposal, from a suitably qualified Geotechnical Engineer. 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.	An Effluent Management Report has been submitted and the review by Council's staff raised no objection to the proposal subject to conditions of consent. The site has high to moderately high groundwater. An Effluent Management Report has been submitted and the review by Council's staff raised no objection to the proposal subject to conditions of consent.	Yes Yes
Cl.6.5 – Water Supply Requirements An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations not connected to a reticulated water system. In this instance, a total of 60,000L of potable and household water is required. In addition to the above a water supply is to be available for firefighting purposes. For large Rural/Lifestyle lots (>10,000m ²) = 20,000 l/lot	The dwelling contains three bedrooms and one study, thus four bedrooms for the purpose of this clause. A minimum 80,000L rainwater tank is proposed of which 20,000L is protected for fire fighting purposes.	Yes

BATHURST REGIONAL DCP 2014 – COMPLIANCE TABLE		
Cl.6.6 – Building Form & Design <p>The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.</p>	<p>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.</p>	Yes
<p>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.</p>	<p>The proposed dwelling house is of modest bulk and scale and being set below street level will not detract from the visual amenity of the locality.</p>	Yes
<p>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 ridgelines.</p>	<p>The building is single storey in height and will be below the ridgeline.</p>	Yes
<p>The design of the building must be in keeping with the rural character of the area.</p>	<p>The building design is consistent with contemporary rural dwellings.</p>	Yes
<p>Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.</p>	<p>No outbuildings are proposed.</p>	Yes
Cl.6.7 – Soil & Water Management <p>For developments with a disturbance area of less than 2500m², development must comply with Council's Erosion and Sediment Control Guidelines for Building and Work Sites.</p>	<p>Conditions of consent will require an erosion and sediment control plan to be provided prior to the issue of a CC.</p>	Yes
SECTION 9 – ENVIRONMENTAL CONSIDERATIONS		
Cl.9.4 Biodiversity <p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Land mapped as High or Moderate Biodiversity Sensitivity would not be impacted by the proposed dwelling and access driveway.</p> <p>Assessment of impacts on biodiversity have been provided in the SEE and reviewed by Council staff who have raised no objection to the development and have recommended conditions of consent.</p>	Yes
SECTION 14 – PARKING		
Cl.14.3 Car Parking <p>Development Minimum Standard Single dwelling house 1 covered car parking space</p>	<p>A double garage is proposed.</p>	Yes

BATHURST REGIONAL DCP 2014 – COMPLIANCE TABLE		
SECTION 16 – EARTHWORKS		
16.3 Changing the Level of Land (Preparing to Build, During or Post Construction) 16.3.2 Development Standards The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by filling or cutting).	The existing earthen pad would be used as the siting of the proposed dwelling. No additional cut and fill is proposed.	Yes



Bathurst Regional Council
 PMB 17
 158 Russel Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
 Fax: 02 6331 7211
 Email: council@bathurst.nsw.gov.au

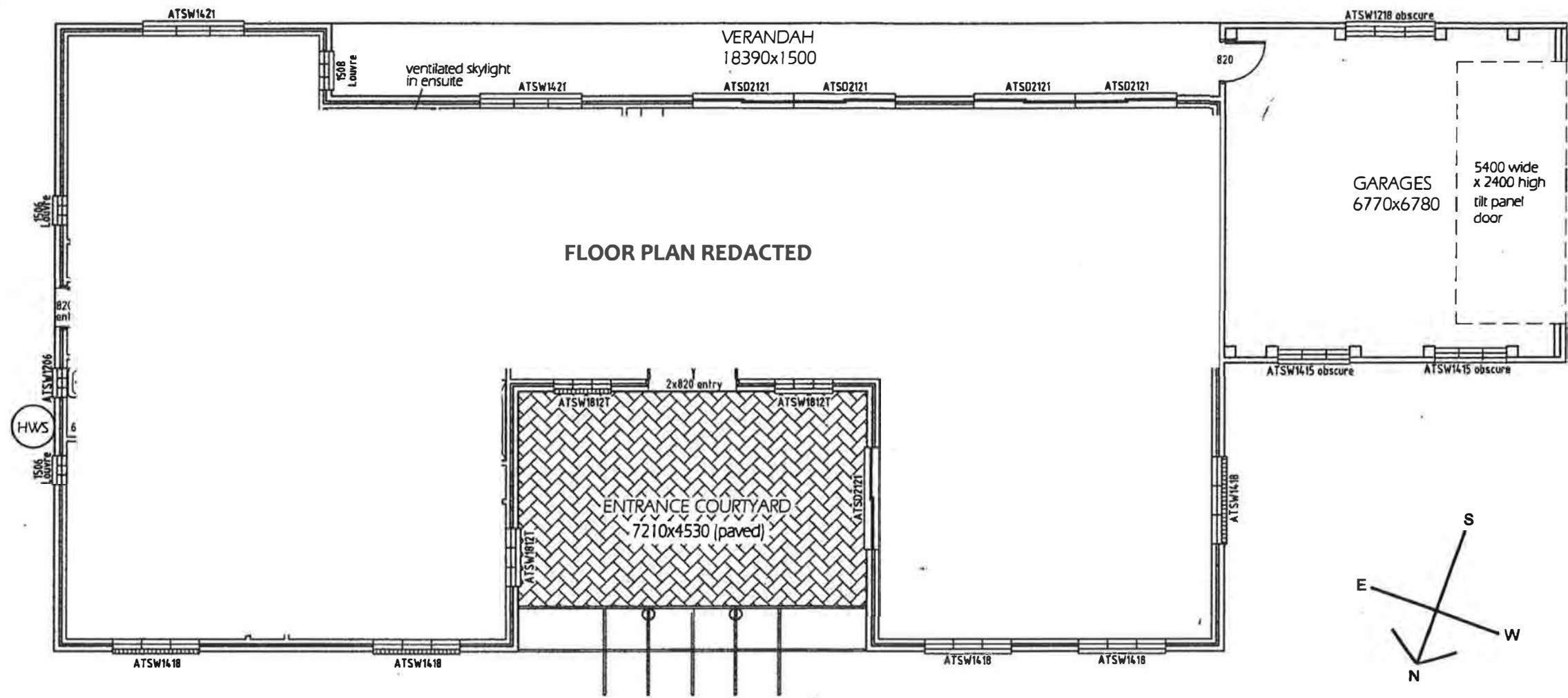
Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Bathurst Regional Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Drawn By: Wayne McDonald
Date: 14/07/2020
Projection: GDA94 / MGA zone 55
Map Scale: 1:10000 @ A4



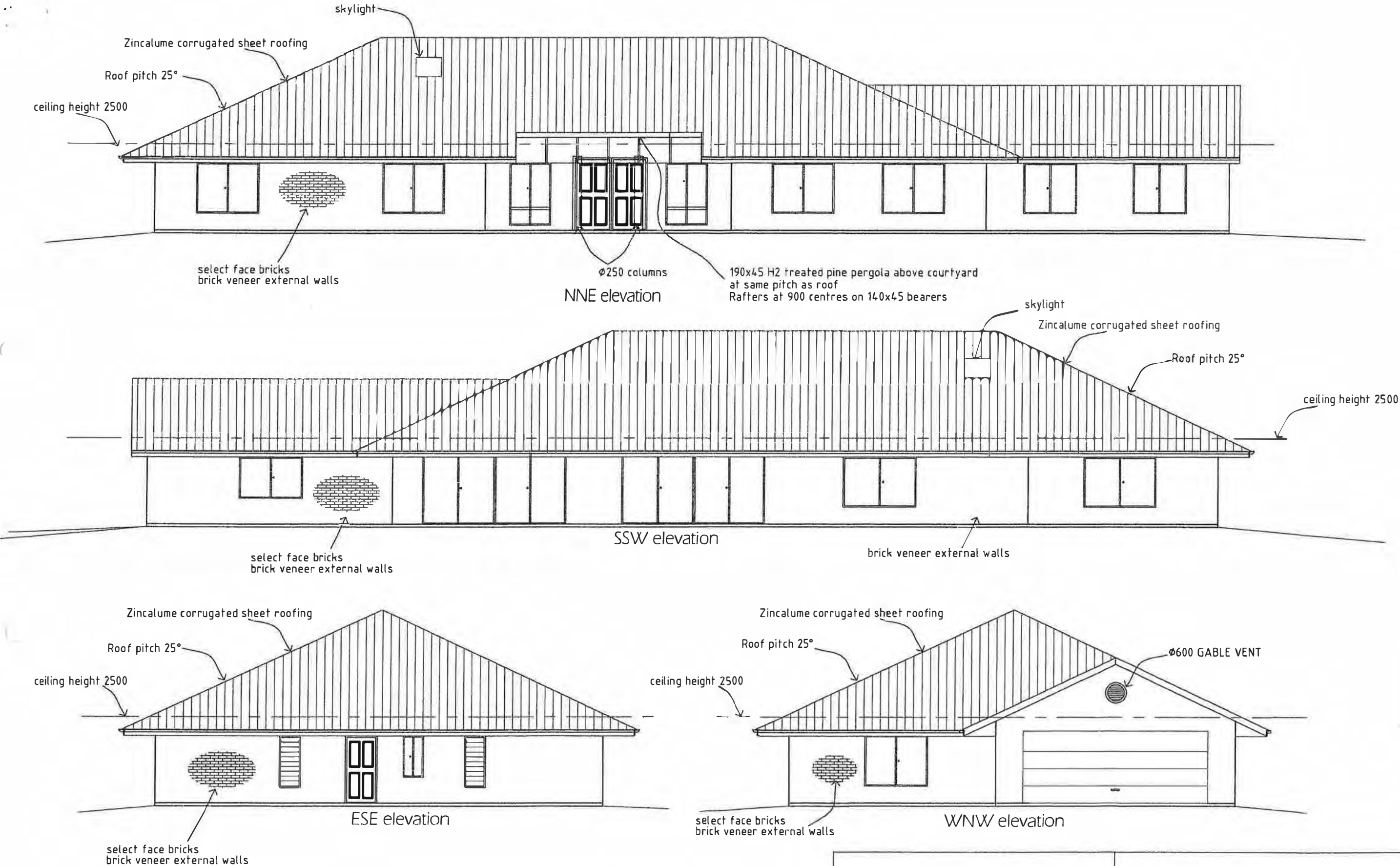
AREAS

AREA (LIVING)	=	243.6m ²	(26.22 squares)
AREA (GARAGE)	=	49.77m ²	(7.2 squares)
AREA (SOUTH VERANDAH)	=	27.58m ²	(2.97 squares)
AREA (NORTH COURTYARD)	=	38.79m ²	(4.2squares)

4A. FLOOR PLAN for electrical layout etc

L.G.A.: BATHURST REGIONAL LOCALITY: BREWONGLE PARISH: MELROSE COUNTY: ROXBURGH LOT 15 in DP700460	PROPOSED NEW DWELLING for P. & V. HENNESSY 708 Tarana Road BREWONGLE 2795
---	--

4A

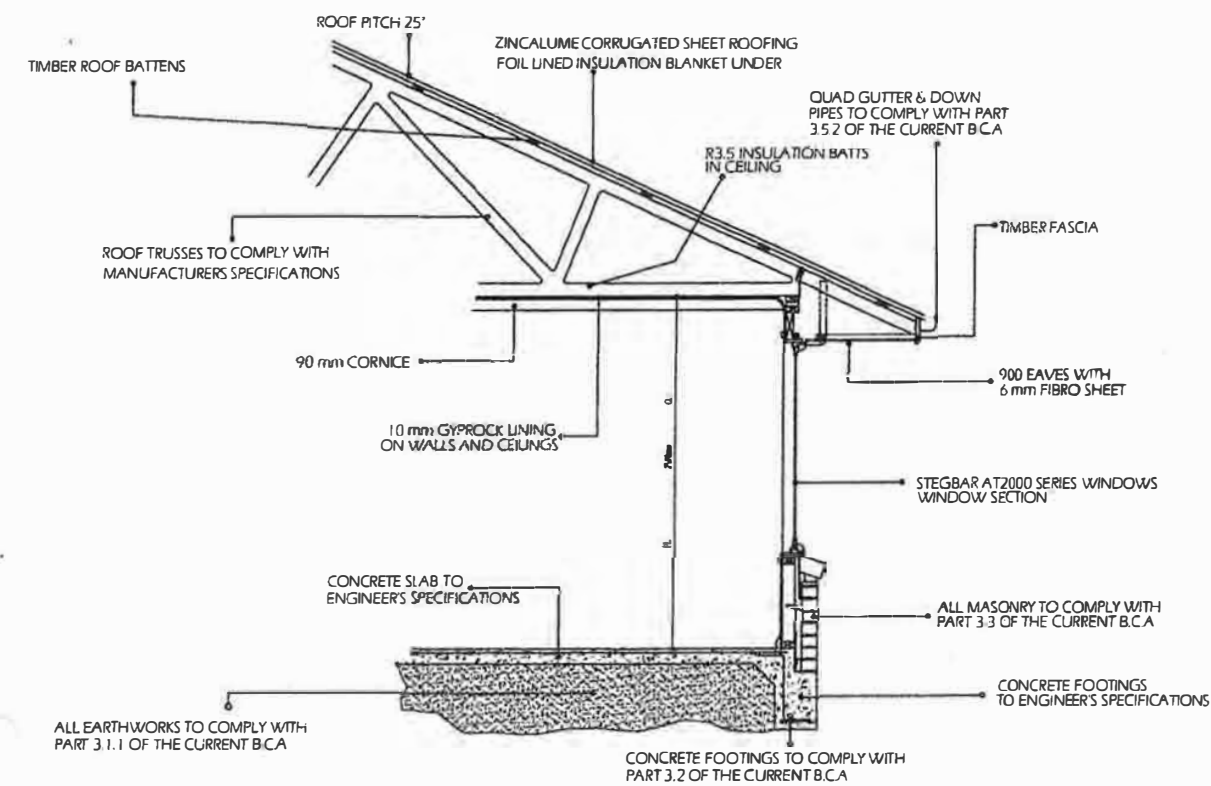


SCALE 1:100 @ A3

5. ELEVATIONS

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795



NOTES

ALL MEASUREMENTS ARE DRAWN IN millimetres (mm) UNLESS OTHERWISE STATED

- ALL WORK IS TO COMPLY WITH THE RELEVANT AUSTRALIAN BUILDING STANDARDS AND THE CURRENT BUILDING CODE OF AUSTRALIA

- THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION BOOKLET SUPPLIED BY BUILDER

- ALL MEASUREMENTS TAKE PREFERENCE OVER SCALE AT ALL TIMES

- IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DOCUMENTS OF THIS PLAN AS TO THE ACCURACY AND SUITABILITY

- ALL MEASUREMENTS MUST BE CHECKED ON SITE BEFORE ANY CONSTRUCTION IS TO BE STARTED

- ALL CONSTRUCTION TO BE APPROVED AND BUILT ACCORDING TO ENGINEER'S DETAIL AND PLAN

- GROUND LEVELS TO BE TAKEN ON SITE

APPROX. SCALE 1:50
ALL dimensions in millimetres
TYPICAL CROSS-SECTION A-A

Proposed residence for -
P. and Mrs. V. HENNESSY
708 TARANA ROAD
BREWONGLE

LOT No. 15 in DP No. 700640
Parish of MELROSE
County of ROXBURGH

TYPICAL CROSS-SECTION A-A

SCALE 1:100 @ A3

PROPOSED NEW DWELLING
for P. & V. HENNESSY
Tarana Road
BREWONGLE 2795

** GENERAL SPECIFICATIONS **

ROOF:- ZINCALUME CORRUGATED SHEET METAL ROOFING PITCHED AT 25°

38mm x 75 ROOF BATTENS

PRE- FABRICATED ROOF TRUSSES TO TIMBER FRAMING CODE AND MANUFACTURER'S SPECS
INSTALL SARKING UNDER ALL METAL ROOFS WITH CEILINGS

METAL CAPPING AND VALLEYS TO MATCH ROOF

COLORBOND QUAD GUTTERING AND DOWNPIPES

R3.5 CEILING INSULATION

QUAD GUTTERING FIXED TO 200mm x 38mm DRESSED & GROOVED
TIMBER FASCIA

ALL GLASS & GLAZING TO COMPLY TO AS1288 & AMENDMENTS. ALL WINDOWS & SLIDING
DOORS TO COMPLY TO AS2047-1999 & AMENDMENTS.

R1.5 INSULATION BATTs TO EXTERNAL WALLS WITH DOUBLE SIDED SISALATION FIXED TO
OUTSIDE OF STUDS

25mm x 1.2mm B/W TIES NAILED TO STUDS AT 600 CTS

DAMP PROOF COURSE AT BASE OF WALL

REINFORCED CONCRETE SLAB TO ENGINEER'S DETAIL

TREAT SOIL FOR TERMITES AS PER A.S. 3660

10mm PLASTERBOARD TO WALLS & CEILING TO MANUFACTURER'S DETAILS

0.02mm VAPOUR BARRIER. TAPE BARRIER AROUND ALL PLUMBING PENETRATIONS

WALL FRAMING - BUILDER TO USE 90 x 35 MGP12 STUDS AT 600mm CTS MAXIMUM. WITH 2/45
x 70 MGP12 TOP & BOTTOM PLATES, & JAMB STUDS.

BRACE WALLS WITH APPROVED SHEET BRACES.

ALL WALL FRAMING SHALL COMPLY TO A.S. 1684

STEGBAR AT2000 SERIES SLIDING WINDOWS

VELUX SKYLIGHTS

BUILDER TO NOTE --

DO NOT SCALE FROM DRAWING
IF IN DOUBT, ASK

THE BUILDER MUST VERIFY ALL
BOUNDARIES, LEVELS, LOCATIONS OF ANY
EASEMENTS AND ON SITE SERVICES PRIOR
TO SETOUT AND ENSURE ALL WORKS
COMPLY WITH THE REQUIREMENTS OF
THE BUILDING CODE OF AUSTRALIA AND
ALL CODES REFERRED TO THEREIN.
FOOTINGS, SLABS, AND BEAMS SHALL BE
CONSTRUCTED IN ACCORDANCE WITH
SOILS REPORT/ STRUCTURAL ENGINEERS
DETAILS AND BCA.

** DOOR SIZES SHOWN ON
PLAN NOT FRAME OPENINGS **

GENERAL NOTES -

INFORMATION ON THESE DRAWINGS -

All dimensions and levels are to be
verified on site prior to putting work in
hand. Ground levels and any site
information shown on these drawings is
based on limited information as supplied
by the client (or where such information
is not supplied an assumed surface level
is indicated) as such the client is fully
responsible for any problems arising from
any variations to the actual ground levels.
Should any discrepancies be found
between these drawings and any other
supporting documentation by others, it is
the responsibility of the client to rectify
these discrepancies.

These drawings are to be read in
conjunction with the following
documentation:-

Specifications:-

- Structural Engineers details (where
necessary)
- Civil Engineers details.

ADDITIONAL DOCUMENTATION BY OTHERS

The owner shall be responsible to provide
additional documentation as may be
required by the local Authorities. This may
include, but not be limited to:-

Soils report, Structural Engineers details
for footings, slabs, frame bracing, and
tiedown where required.

Site plan showing contours, all external
works, downpipe locations, sewerage and
storm water drainage, fences, driveways,
retaining walls etc.

Details of termite risk management,
procedures to be undertaken in
accordance with BCA part 3.1.3

GENERALLY -

All brickwork shall comply with BCA part
3.3

All roofing and wall cladding shall comply
with BCA part 3.5

All glazing shall comply with BCA part 3.6
Install smoke alarms in accordance with
BCA part 3.7.2

WET AREAS -

All wet areas within this building must
comply with the BCA 1&10 part 3.8.1

WET AREAS, or meet performance
requirements in P 2.4.1

If they are waterproofed in accordance
with AS 3740 they meet the requirements
of P 2.4.1

Provide lift off hinges to doors of
enclosed sanitary compartments in
accordance with BCA Part 3.8.3.3

If the building is located in a designated
BUSHFIRE PRONE AREA, the client shall be
responsible to upgrade the works and
install all necessary protections required
by the BCA Part 3.7.4

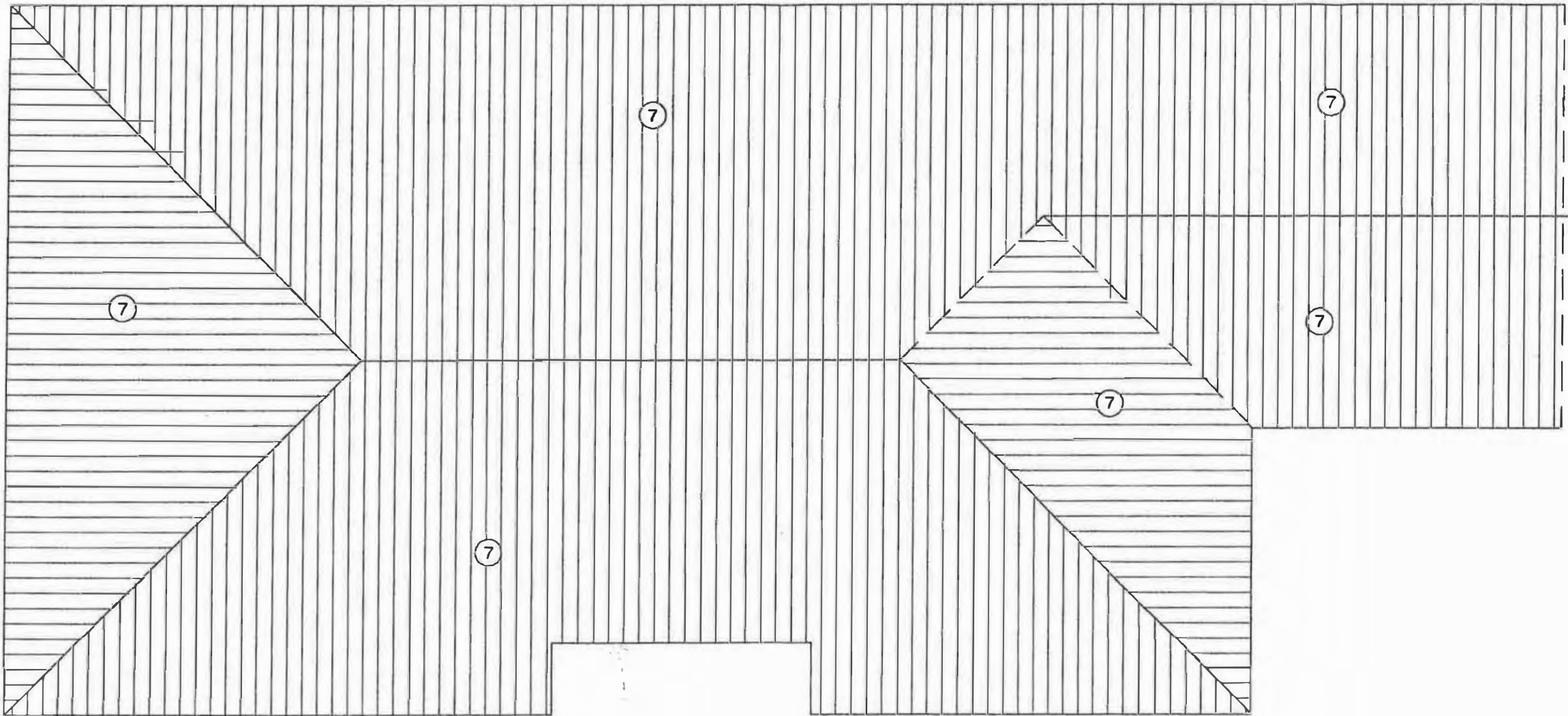
It is the builders responsibility to supply
and install all flashings, OPC's, weepholes,
membranes etc. that are required by the
BCA or may be required to make the
works watertight

6. CROSS-SECTION, GENERAL SPECIFICATIONS and NOTES

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

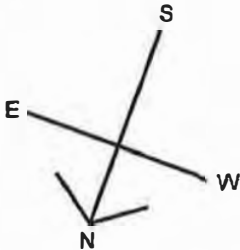
PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795

6



7. ROOF CATCHMENT PLAN

AREA ROOF CATCHMENT = 432.23sq.m. (in plan view)



LEGEND
NUMBER 7 REFERS TO BASIX
COMMITMENTS SCHEDULE ATTACHED TO
PLAN

PLAN PRESENTATION BY -
SULLY
22-06-2001 E. & O.E.

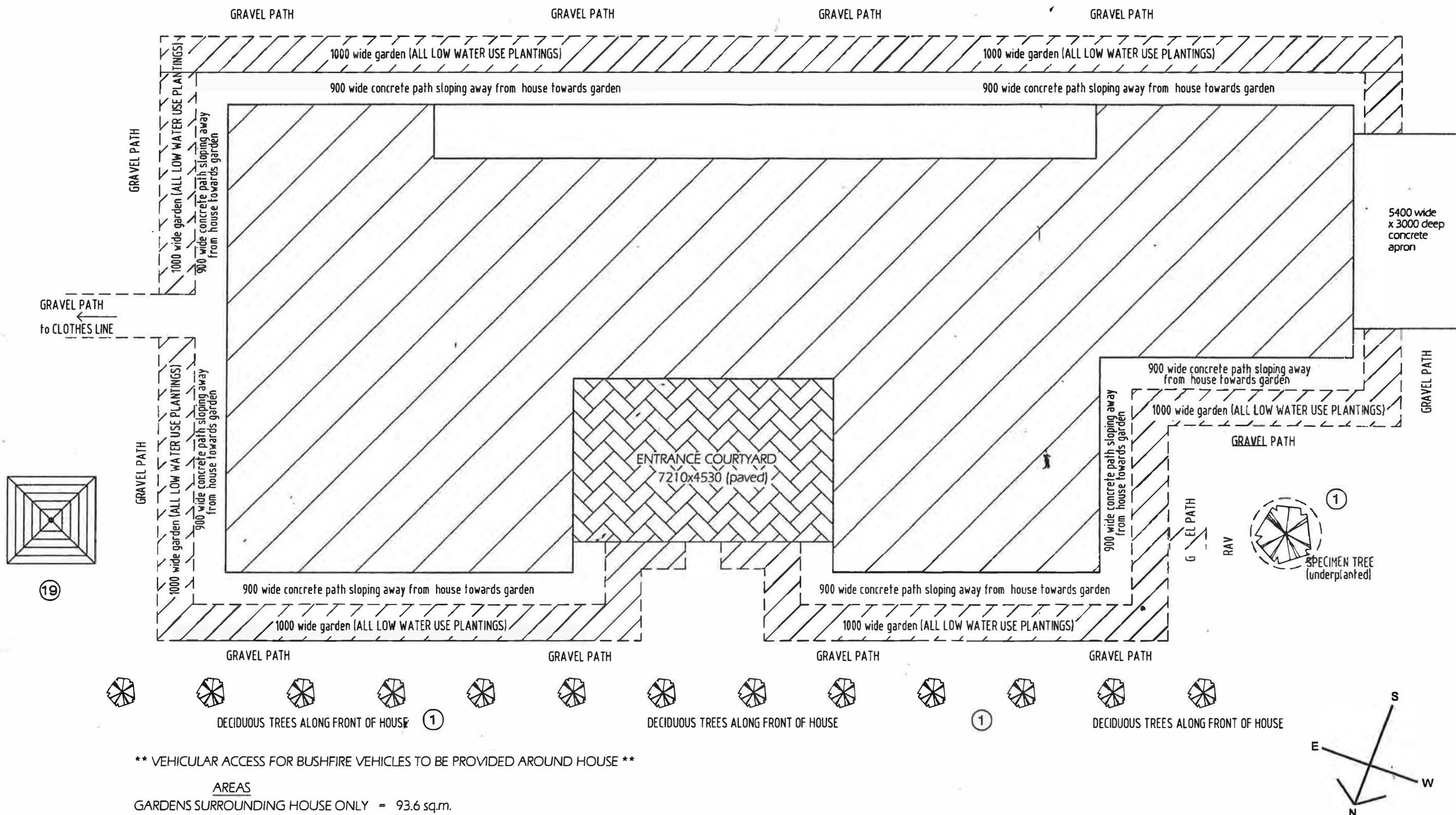
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L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795

7



8. LANDSCAPE PLAN - HOUSE ENVIRONS

LEGEND
NUMBERS ① and ⑱ REFER TO BASIX
COMMITMENTS SCHEDULE ATTACHED TO
PLAN

PLAN PRESENTATION BY -
SULLY
Plans 22-06-2007 E & OE

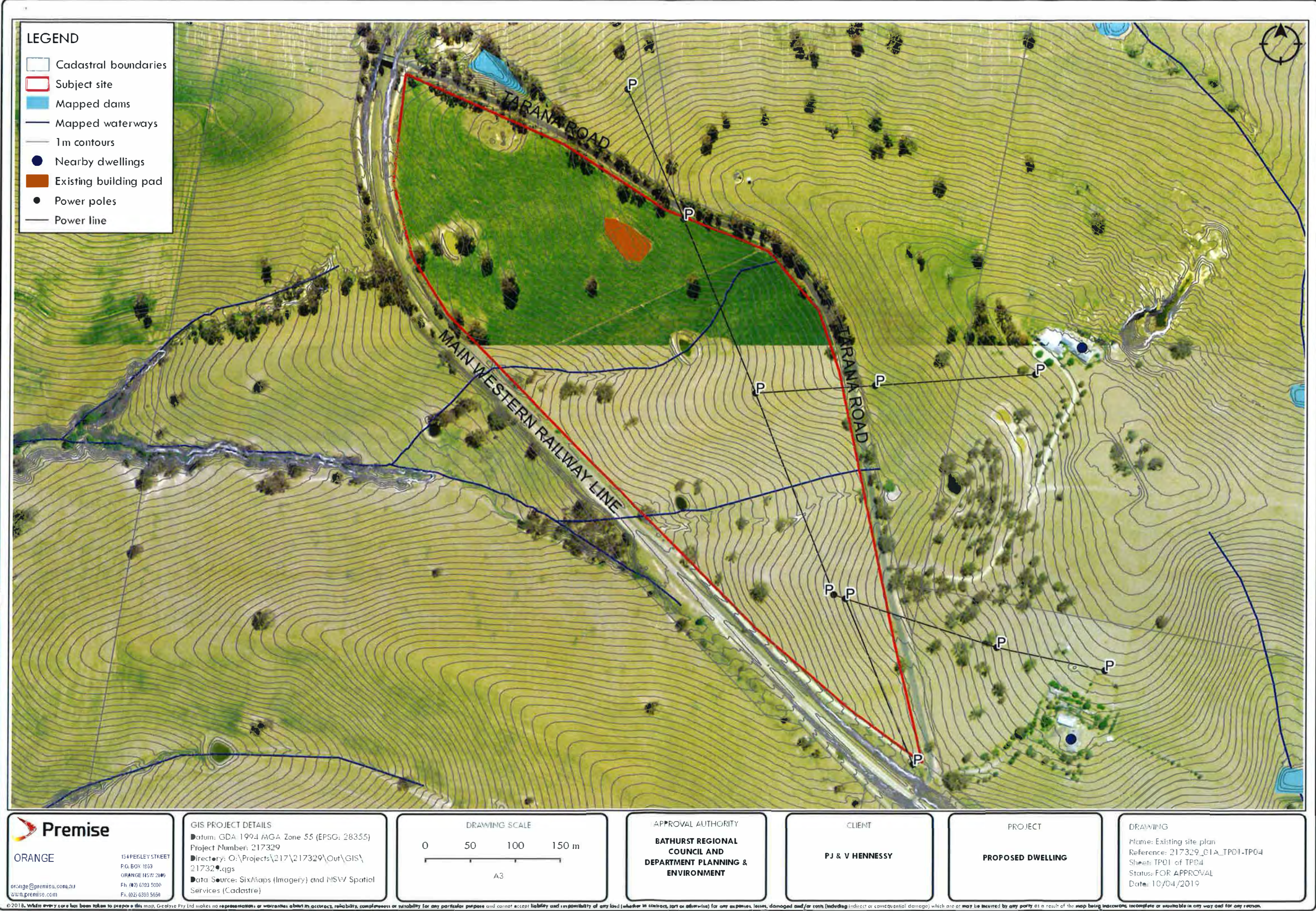
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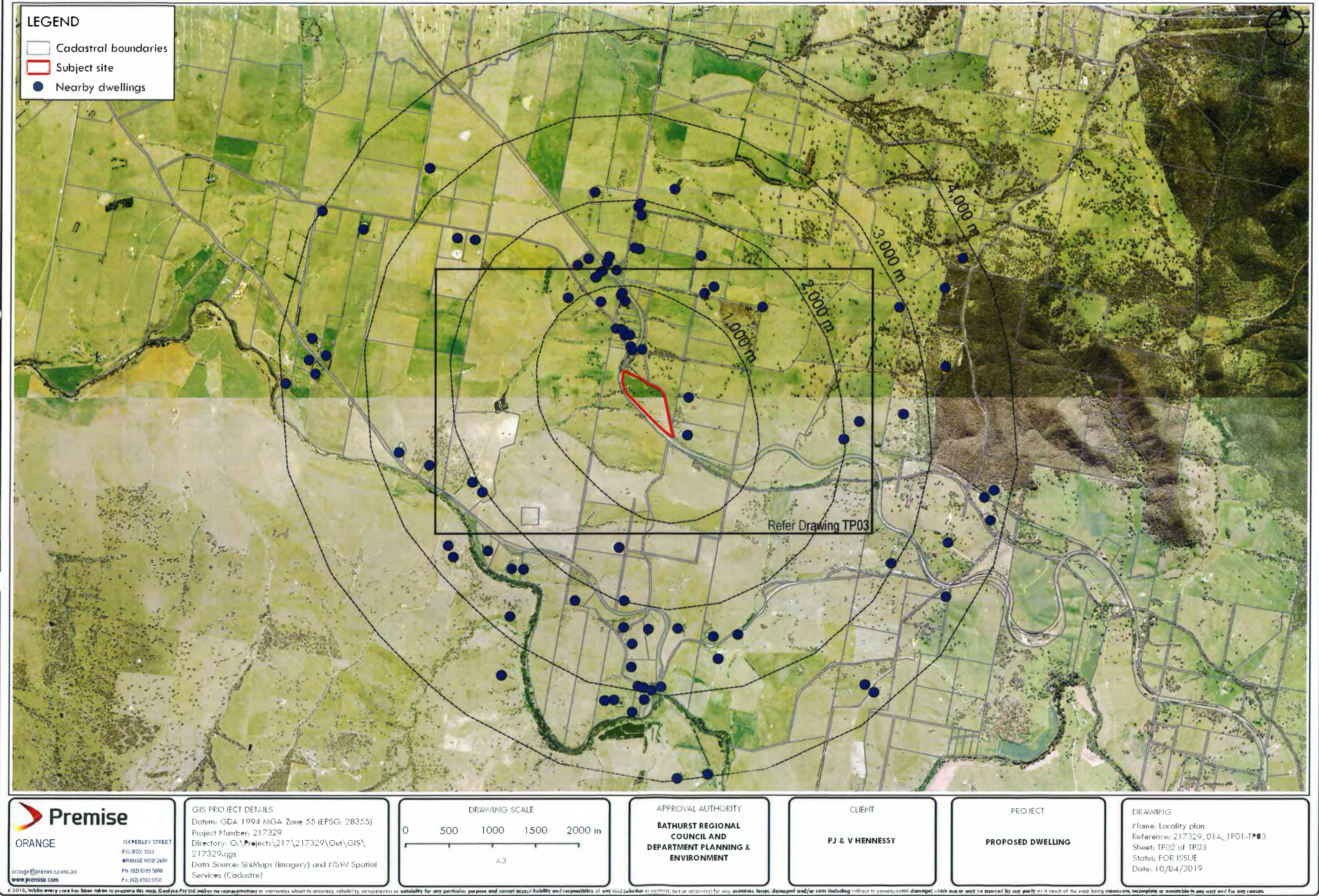
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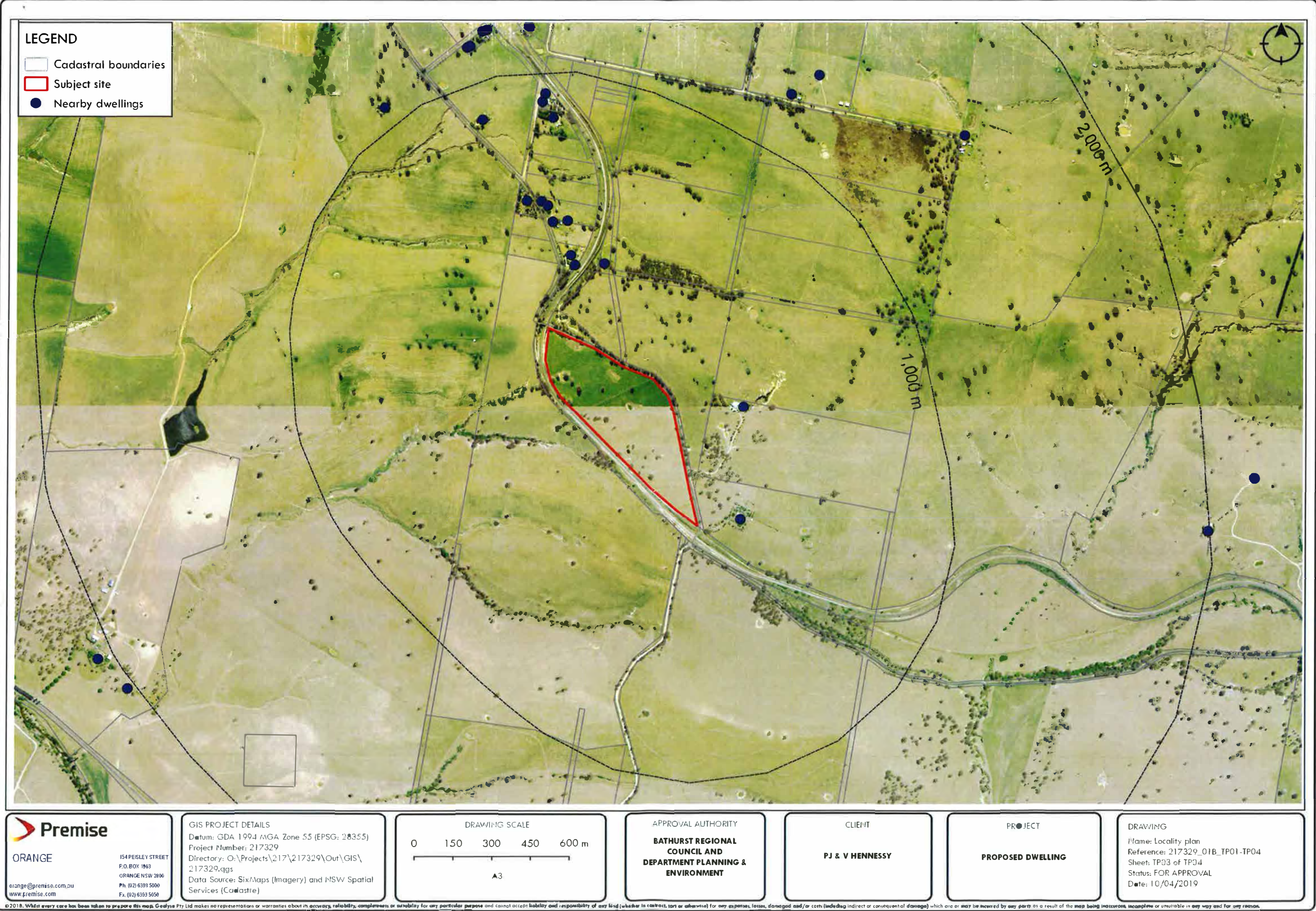
L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

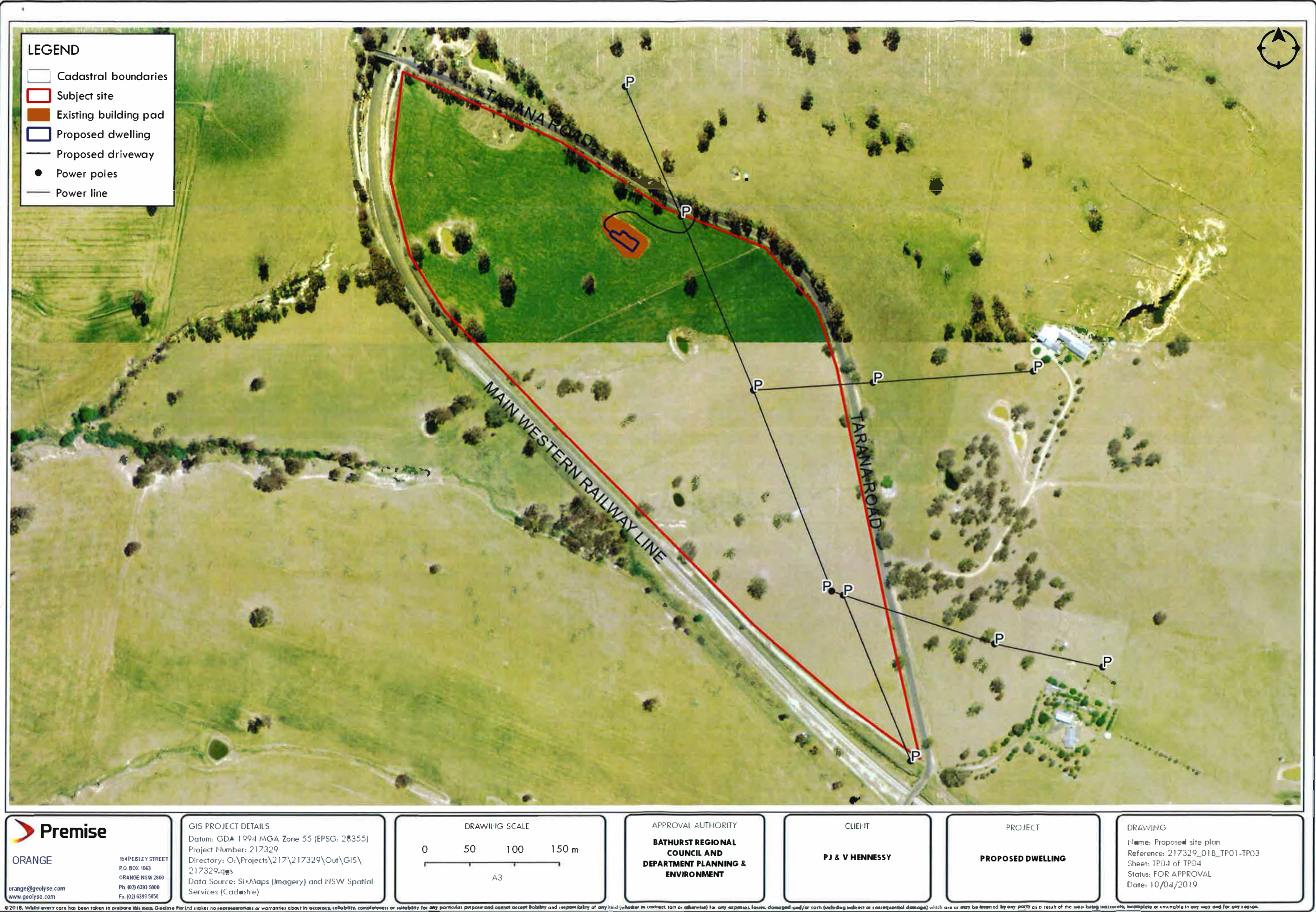
PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795

8









STATEMENT OF ENVIRONMENTAL EFFECTS

IN SUPPORT OF A DEVELOPMENT APPLICATION

PROPOSED SINGLE DWELLING TO BE LOCATED AT
LOT 15 DP700460, 708 TARANA ROAD, BREWONGLE



PREPARED FOR:

PAUL & BONNY HENNESSY

MARCH 2020



ENGINEERING ENVIRONMENT AGRICULTURE WATER

**Statement of Environment Effects
In Support of a Development Application
Paul & Bonny Hennessy**



Report Title:	<i>Statement of Environmental Effects</i>
Project:	<i>In Support of a Development Application</i>
Client:	<i>Paul & Bonny Hennessy</i>
Report Ref.:	<i>217329_SEE_001F.docx</i>
Status:	<i>Final</i>
Issued:	<i>16 March 2020</i>

Premise Australia Pty Ltd (**Premise**) and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans, and cadastral information contained within this report are prepared for the exclusive use of Paul & Bonny Hennessy to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Premise accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

EXECUTIVE SUMMARY

This application seeks consent for the erection of a dwelling on Lot 15 DP700460, 708 Tarana Road, Brewongle.

The site has a complex history, and has been the subject of a number of applications, approvals and refusals over the years.

Approval is sought via this application for consent to erect a dwelling on the site. Reliance is placed on the provisions of clause 4.6 variation to provide the necessary flexibility in relation to clause 4.2B of the *Bathurst Regional Local Environmental Plan 2014*. It is important to understand that this application does nothing more than seek consent for a permissible land use and does so by adopting the flexible provisions provided by clause 4.6. Clause 4.6, in replacing the former SEPP1, provides a legitimate mechanism for seeking to vary a development standard, to achieve a better outcome for and from development than is achieved by a strict application of the standards. The application of clause 4.6 favours a true merits based assessment that discards the one size fits all minimum lot size approach and acknowledges that the specific circumstances of a case are the appropriate factors for consideration.

Following (then) Department Planning and Environments (DPE) decision not to grant concurrence, and the decision to refuse by Bathurst Regional Council (BRC), to refuse consent in relation to the most recent application relating to the site (DA/2018/207), the applicant made direct representations to Council staff and officers of DPE.

In presenting this application we provide a range of additional evidence in support of the application over and above the matters provided in support of DA/2018/207.

The substance of that additional evidence revolves around, in the view of Premise, five compelling factors that weigh in favour of approval for this application. These are discussed briefly under the following bold headings and in additional detail within the body of this statement of environmental effects as referenced.

Pattern of settlement in the vicinity

The character of the Brewongle area is overwhelmingly residential in nature, with low speed limits and a village feel. This has been acknowledged by Transport for NSW, who have recently erected signage on and near the boundary of the subject property to warn motorists of the residential nature of the area and to caution motorists to slow down.

That the subject site is grouped with other small lots in use for quasi-large lot residential purposes provides support for the uniqueness of the lot and further supports the contentions of the clause 4.6 variation. The likelihood of this particular set of specific characteristics emerging elsewhere is low and supports our contention that approving this development would not set an undesirable precedent.

There are 187 lots within 4 kilometres of the subject site; of which 92 (49%) contain dwellings and 127 (68%) have a size of 18.3 hectares or less; consistent with the subject site. Of the 187 lots, only 21 satisfy the minimum lot size.

It is therefore very clear that the lot arrangement in the immediate locality of the site is highly fragmented and for this reason its viability for use for agricultural purposes is significantly degraded. The majority of the lots in the locality who still have sufficient size for use for traditional primary production purposes, are located to the south and south-west of the site, on the other side of the railway line. The railway line provides a logical and natural buffer between the two distinct land use types.

**Statement of Environment Effects
In Support of a Development Application
Paul & Bonny Hennessy**



Uniqueness of the block

The subject site is unique in size, shape and locality in that it is geographically separated from adjacent lands by road and rail corridors. It is of sufficient size to ensure that adequate buffers, in accordance with adopted guidelines, can be provided between the subject site and nearby primary production land uses.

Inability to support viable agriculture

The small size of the site means that it is unsuited to traditional forms of primary production use, as these would not provide a viable means of supporting future occupants.

Namely, the site lacks any facilities to allow for the safe loading or unloading of stock and its constrained location and proximity to the railway line mean cropping activities cannot be easily or readily pursued without the potential for impact on the operations of the railway.

Like many of the smaller lots in the locality and across the LGA, it may be unviable in its own right for primary production uses, but unlike many other lots, it cannot be reasonably amalgamated or linked with nearby lots to create a viable holding.

In short, while the character of the areas is quasi-rural residential in nature, and while the land holdings are highly fragmented and therefore unviable for economic primary production use, it is the specific site characteristics that render this lot inappropriate for primary production use; this conclusion does not solely rely on the small size of the lot.

Council support for the recent application at the same site

The uniqueness of the site, whilst not given a great deal of weight by the Council officers or DPE assessment in relation to DA/2018/207, was recognised by Councillors, who unanimously (8-0) voted in favour of supporting the application.

The unique site attributes recognised by the Councillors, and discussed throughout this report, would not be easily repeated and therefore the concern of setting an undesirable precedent is unwarranted.

Rock Forest decision (DA/2018/112)

Premise have had the opportunity, subsequent to the determination of DA/2018/207, to review the Council and DPE determination in relation to DA/2018/112, 32 Pine Ridge Road, Rock Forest. Similarly to the application the subject this report, DA/2018/112 was supported by a clause 4.6 variation to seek a variation to clause 4.2B in relation to the minimum lot size.

Council staff, in assessing the application, agreed with the applicants contention, that,

...denying approval for a dwelling is unreasonable, can be supported by Council because no further subdivision is proposed and the underlying principle of protecting primary production resources will be not compromised in this particular case.

In the above regard, DA/2018/112 is analogous with the current DA before Council, and it is far and transparent that the key reasons consideration in relation to that DA should also form the foundation of this assessment. These reasons are highly relevant finding to the assessment of this matter. This is further discussed in **Section 1.2**.

Also of relevance, a favourable determination of this application is unlikely to lead to an undesirable precedent, due to the uniqueness of the site, as discussed in more detail in **Section 6.2.2**.

**Statement of Environment Effects
In Support of a Development Application
Paul & Bonny Hennessy**



Summary

The site is well suited to a residential purpose, is serviceable and capable of independence. The site can accommodate an on-site effluent management system, and modelling shows that the size of the dwelling roof is sufficient to generate sufficient roof capture for 93% of potable water needs in a standard year (based on historic Bathurst weather data, installation of an 80,000 litre rainwater tank and use by a standard family unit). If a 100,000 litre tank were used, this increases to 94%. One top up from an external water carting firm per year would be sufficient to deliver 100% of the dwellings water needs. A small household (say, 2.5 persons, in line with the Bathurst census average household data for 2016), would reduce household demand levels, and the 80,000 litre tank would be sufficient without the need for top up. Equally, additional capture from future permissible outbuildings and/or use of existing farm dams for external water needs would further enhance the water security of the site.

Following refusal of DA/2018/207, as a result of a failure to gain concurrence from the Department Planning and Environment, direct discussions were held between the applicant and officers of the Western Region DPE. A range of additional evidence and justifications were provided to the DPE officers who, on assessment and reflection, agreed that the most appropriate course of action was to re-submit the application to Council for re-consideration by Council and re-assessment by DPE.

This application satisfies that requirement.

The application is supported by a separate clause 4.6 variation request, which has been prepared with full recognition of the range of tests set down through the variety of guidelines, circulars and Land and Environment Court judgements that shape the decision making framework with respect to clause 4.6 applications. We contend that this application adequately and sufficiently meets the legal requirements of clause 4.6 and provides sufficient justification to enable the concurrence of the (now) Department Planning, Industry and Environment, and permission be granted by Bathurst Regional Council.

The application is also supported by a document prepared by the applicant to highlight the range of reasons supporting the application – provided as **Appendix E**.

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Premise

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APPENDICES

APPENDIX A

Deposited Plan

APPENDIX B

AHIMS Search Result

APPENDIX C

Clause 4.6 Variation Request

APPENDIX D

Effluent Management Report

APPENDIX E

Applicants statement

APPENDIX F

Deus rainwater model

1 INTRODUCTION

1.1 BACKGROUND

Premise Australia Pty Ltd has been commissioned by PJ & V Hennessy to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a single storey dwelling with attached garage at 708 Tarana Road, Brewongle (Lot 15 DP700460).

Due to a requested variation to Clause 4.2B of the *Bathurst Regional Local Environmental Plan 2014* this statement is supported by a written clause 4.6 variation request at **Appendix C**.

The applicant has provided a detailed statement at **Appendix E** outlining the reasons why they believe the application is justified and consistent with proper planning.

1.2 HISTORY

The site has a detailed planning history.

The earliest relevant planning decision relating to the site is a development approval granted by the then Evans Shire Council for a dwelling. The application related to the subject site together with adjacent Lot 12 DP629257), then hold in the same ownership (DA/141/88).

Following the sale of the subject land in 1992, an application was lodged with and approved by Evans Shire Council for a dwelling and relating solely to the subject site (DA/120/92, dated 22 January 1992). DA/120/92 was supported by a variation request made under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP1) and was granted with the concurrence of the then Department of Planning.

DA/120/92 was modified by the then land owner via a modification approval issued by Council on the 22 December 1994.

It is understood that connection of an electrical service, minor vegetation clearing and earthworks were completed by the owners under this consent however no evidence of a building consent for the earthworks has been able to be located in Council's files. As building, engineering or construction works cannot be proven to have lawfully commenced within the life of the consent, Council has formed the view that this consent lapsed. Premise form the view that the electrical connection and clearing associated with the consent, which did not require explicit Council approval at the time, are each in their own right sufficient to discharge the test of physical commencement.

A development application supported by a SEPP1 variation request was lodged with Bathurst Regional Council on 13 March 2007 (DA/2007/0463) but was refused. The reasons given for refusal were:

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);

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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.

A development application supported by a SEPP1 variation request was lodged with Bathurst Regional Council on 20 March 2009 (DA/2009/0435) but was refused. The reasons given for refusal were:

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.

A development application (DA/2018/207) accompanied by a clause 4.6 variation proposing a single dwelling was lodged with Council on the 19 June 2018 and refused for the following reasons:

1. The Secretary's concurrence, as required under Clause 4.6 of the Bathurst LEP 2014, has been refused for the following reason.

i. The development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case;

ii. The proposal involves a dwelling house located on land has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land – this is significant to regional planning and

iii. Relaxing the development standard in this case will result in a variation of greater than 80% in area that has been cleared identified by Council as not to support further dwelling houses on small lots.

In issuing the decision to refused DA/2018/2017, the following reasons were provided:

1. The development is not permissible with consent as the land does not meet the minimum development standard for RU1 zoned land

2. The development is not consistent with the applicable LEP provisions

3. The development requires a substantial clause 4.6 variation to a development standard

4. Concurrence to the clause 4.6 variation has not been issued by the Department of Planning and Environment

5. The development does not require public consultation as part of the assessment process

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Notably, the Council assessment of the application recommended refusal however the decision by a meeting of full Council to approved the application met with unanimous Councillor support (8-0). However, due to concurrence of DPE not being granted, the application was refused under delegated authority. The officers recommended reasons for refusal were:

(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.

In assessing the application, Council's assessment report notes (our emphasis added):

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 notion that the proposal would, if approved, set an undesirable precedent appears to be a reoccurring theme in Council's deliberations. It is interpreted by Premise that this relates to a public interest argument and the inference that the public interest is best served by upholding adopted strategy. This is discussed in further detail in **Section 6.2.2**.

In considering the recommended reasons for refusal contained within the Council officers report the following is noted:

Table 1.1 – Response to officer's reasons for recommendation of refusal (DA2018/207)

Reason	Response
<i>a. The proposal is not consistent with the objectives of the RU1 Primary Production Zone;</i>	<p>a. As outlined in Section 4.2.1.3, it is strongly contended that the application is justified in the context of the RU1 zone objectives. As noted, consistency is not the test that must be satisfied with respect to zone objectives. Clause 2.3(2) of the LEP requires a consent authority to have <i>regard to the objectives</i> in relation to any development application in a zone. To require or expect consistency with the objectives applies an incorrect test in planning law.</p> <p>As the assessment provided at Section 4.2.1.3 demonstrates that the application is not inconsistent with the objectives of the RU1 zone, we dispute this reason.</p>

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Table 1.1 – Response to officer's reasons for recommendation of refusal (DA2018/207)

Reason	Response
<i>b. The proposal is not consistent with the objectives of Clause 4.2B Erection of dwelling houses on land in certain rural zones; and</i>	b. As outlined in Section 4.2.1.4 , it is strongly contended that the proposed development demonstrates consistency with the objectives of Clause 4.2B.

In considering the finally adopted reasons for refusal outlined in Council's decision notice the following is noted:

Table 1.2 – Response to reasons for refusal (DA2018/207)

Reason	Response
<i>The Secretary's concurrence, as required under Clause 4.6 of the Bathurst LEP 2014, has been refused for the following reason.</i>	
<i>The development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case;</i>	As outlined in Appendix C , there is sufficient justification to argue that the objectives of the standard in this case are achieved notwithstanding non-compliance with the standard. On this basis, the clause 4.6 variation is justified and the application should be supported. The public interest argument is presumably focused on a perceived need to apply the LEP and strategy in all situations. With respect to the LEP, such an approach ignores the intended flexibility which clause 4.6 provides and ignores the uniqueness of the subject site. Another site with similar attribute is sufficiently unlikely that the decision to approve this application would not prejudice the public benefit.
<i>The proposal involves a dwelling house located on land has <u>not</u> been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land – this is significant to regional planning and</i>	Clause 4.6 provides appropriate flexibility to ensure that the objectives of a clause can be achieved so as to achieve better outcomes for and from development. This is a legitimate pathway and, in our view, the justification for the variation request (Appendix C) is well founded and justified. This inferred significance to regional planning is assumed to relate the Council's view that adherence to strategy takes precedence over the merits of a specific development. This view is at odds with other recent decisions of Council in allowing clause 4.6 variations for reduction in the minimum lot size for dwelling development, most notably the recent approval at Rock Forest (DA/112/2018).
<i>Relaxing the development standard in this case will result in a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small lots.</i>	The merit for the proposal is outlined in this report and further justified by the attached Clause 4.6 variation request (Appendix C). In our view the request is well founded and justified by this application and should be supported.

In relation to the stated reasons for the decision, the following is noted:

Table 1.3 – Response to reasons for decision (DA2018/207)

Reason	Response
<i>The development is not permissible with consent as the land does not meet the minimum development standard for RU1 zoned land</i>	We strongly contend that the Council's negative determination of the clause 4.6 variation request does not render the development as 'not permissible with consent' as stated. Permissibility is governed by the content of the Land Use Table as, in the case, relating to the RU1 zone. The provisions of clause 4.2B are an additional development standard that must be satisfied unless otherwise justified by a clause 4.6 variation. This takes a very strict approach to the interpretation of clause 4.2B which is at odds with the clear and express purpose of clause 4.6, which is to provide for flexibility in applying development standards so as 'to achieve better outcomes for and from development'. The development is permissible with consent.

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Table 1.3 – Response to reasons for decision (DA2018/207)

Reason	Response
<i>The development is not consistent with the applicable LEP provisions</i>	No specific details are given as to which LEP provisions the development is not consistent with. Presumably this relates to clause 4.2B. This matter is addressed in Section 4.2.1.4 and a robust justification for the variation to this standard is provided in Appendix C .
<i>The development requires a substantial clause 4.6 variation to a development standard</i>	A clause 4.6 variation was provided in the above case and is also provided now. The substantiality of the variation is not at question but rather whether the particular tests set down in relation to clause 4.6 are satisfied. We contend that these are suitably and fully addressed at Appendix C .
<i>Concurrence to the clause 4.6 variation has not been issued by the Department of Planning and Environment</i>	We accept that concurrence was not granted in relation to the former application, however ongoing discussions with the Western Region DPE staff suggest a more favourable view of the matter is now held, following the direct submission of additional information by the applicant to DPE post release of their decision in this matter. We understand, to ensure procedural fairness, it is the intention of DPE to refer any further application in this matter to another regional DPE office for an independent review. We welcome this approach.
The development does not require public consultation as part of the assessment process	We do not disagree with this statement, except to the extent that it does not seem a logical reason to justify a decision of refusal.

In determining the request for concurrence, the Department of Planning and Environment provided an assessment report and recommendation that concurrence not be granted.

In issuing their decision in the matter, DPE identified a range of reasons for withholding concurrence. These are discussed in the following table.

Table 1.4 – DPE reasons for not granting concurrence

Reason	Response
<i>The proposal involves a dwelling house located on lands which have not been strategically identified for future rural residential development in a plan which specifically looked at this locality and allotment.</i>	The relevance of the Strategy is addressed in Section 6.2.1.1 of this SEE. The Rural Strategy notes that Brewongle has a high potential for growth but flags limitations relating to the loss of agricultural land and the limitations of the railway crossing. The Strategy further notes (at page 190) that the absence of growth in Brewongle is likely to be related to the prevailing planning restrictions. The justification provided within the Strategy for not supporting further large lot residential development in the Brewongle locality on the basis of the potential for conflict with agricultural activities and further recommends against a lifestyle zoning due to <i>'the lack of existing fragmentation of holdings'</i> . It is evidenced throughout this report that the locality of Brewongle is in fact highly fragmented with the majority of the lots within 4 km of the site being of a size that is consistent with the subject site or smaller. Only 21 of the 187 lots within the locality achieve the minimum lot size. On the basis of the above, it is argued that the Strategy conclusions are inconsistent with the situation as exists in this locality. In any event, the objective of clause 4.2B is to <i>'minimise'</i> unplanned rural residential dwelling, not exclude it entirely. To exclude it entirely on the basis of the clause objective would be inconsistent with the both the objective itself and with the inherent flexibility sought via the adoption and inclusion of clause 4.6 in the standard instrument LEP (on which the Bathurst LEP is based). The planning system provides for flexibility and a rigid application of standards at the cost of flexibility is a poor planning outcome.
<i>Relaxing the development standard in this case would result in dwellings on small lots greater than 80% under the minimum lot size and more than 15 kilometre from a major centre seeking approval.</i>	The proposed dwelling is located close to the village of Brewongle and within the heart of a small community of dwellings in this locality. As evidenced later in this report, 92 dwellings are located on the 187 lots found within 4 km of the site. This is representative of the community that exists in this locality. It is accepted by this community that amenities are not located on their doorstep and this is part of the appeal of living in this area. Essential services are provided to the site (roads, waste, electricity, telecommunications) and water

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Reason	Response
	<p>and sewer services can be adequately managed on site. The size of the variation (ie, greater than 80%) is largely meaningless where the specific tests set down at clause 4.6 can be satisfied, which we believe they are.</p> <p>Finally, the proposed dwelling site is stated to be more than 15km from a major centre. The site is 17.3 km from the Bathurst CBD, 14.3km to Kelso and 9.6km to the village of O'Connell. 15km is an arbitrary standard to adopt and the difference between 15km and 17.3km is largely meaningless in the context of connectivity. To the person making the connection (ie, driving from the site to the Bathurst CBD) this minor difference is negligible. The site is within 15km of the outskirts of Kelso and could be easily said to satisfy this requirement on a pragmatic reading.</p>
<p><i>The proposal is located on land adjoining a major transport corridor (main western railway) and the long-term viability of regional transport corridors is paramount.</i></p>	<p>This reason appears to imply that the development of a dwelling will impact on the operation of the rail corridor. The <i>State Environmental Planning Policy (Infrastructure) 2007</i> contains a range of situations that may be applicable when developing adjacent to a rail corridor, and in which case, referral of the DA to the relevant rail infrastructure manager on behalf of the rail authority is required. By reference to clause 85 of the ISEPP, these scenarios include:</p> <ul style="list-style-type: none"> a) <i>is likely to have an adverse effect on rail safety, or</i> b) <i>involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</i> c) <i>involves the use of a crane in air space above any rail corridor, or</i> d) <i>is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</i> <p>The proposed dwelling, sited at a distance of over 190 metres from the rail corridor, is unlikely to lead to any of the above impacts and therefore referral to the rail authority is not required.</p> <p>For the avoidance of doubt, the application does not entail any excavation within 25 metres of the rail corridor and therefore clause 86 of the ISEPP is also not applicable.</p> <p>Clause 87 of the ISEPP relates to impacts of rail or vibration on non rail development. Supporting clause 87 is the Department of Planning <i>Development near rail corridors and busy roads – interim guideline</i>.</p> <p>The Guideline recommends that dwellings proposed within 40 metres of a rail corridor must be accompanied by a noise assessment and dwellings proposed within 80 metres must feature architectural attenuation to mitigate noise impacts. These measures are designed around protecting the amenity of future dwelling occupants from the detrimental impacts of rail noise. In any event, the dwelling is setback greater than 80 metres (190 metres at the closest point to the boundary) and as such there are no pertinent recommendations from those guidelines. It therefore follows that a dwelling with a sufficient setback from a rail corridor is unlikely to be detrimentally impacted by rail noise.</p> <p>On the basis of the above it is difficult to draw any conclusion to suggest the proposed dwelling would have any detrimental impact on the operation of the rail corridor. In fact, arguably, a large lot residential use of the property, with limited agricultural activity, is likely to have a lower potential impact than a primary production use, on the basis that there is a reduced risk of animals straying on to the line, and reduced risk of dust or spray impacts to the corridor, both of which could potentially impact on rail safety. On balance, the proposed dwelling is considered likely to have a lesser impact than a traditional or (permissible) intensive primary production use.</p>
<p><i>There are insufficient environmental planning grounds to justify the variation of the development standard</i></p>	<p>We contend that the justification provided via this SEE and the accompanying clause 4.6 variation are sufficient to justify the relaxation of the standard.</p> <p>We further point out that the test as to satisfaction of the requirements of clause 4.6, as evidenced in the recent Land and Environment Court case <i>Randwick City Council v Micaul Holdings Pty Ltd [2016]</i>, is that the consent authority need only be indirectly satisfied that the applicants request has adequately addressed the matters outlined in clause 4.6(3)(a). It was stated in that judgment by Preston CJ:</p>

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Reason	Response
	<p><i>"the Commissioner did not have to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary."</i></p> <p>The matters outlined in relation to clause 4.6(3)(a) are addressed in the attached clause 4.6 variation and further justification is not required.</p>

We also note the DPE assessment report identifies the site as being located within the Sydney Drinking Water Catchment. While mapped as being located within a drinking water catchment, we note that the applicable catchment is not the Sydney Drinking Water catchment. As such, and for the avoidance of doubt, the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* does not apply to the application and a neutral or beneficial impact on water quality is not required to be demonstrated.

Finally, of relevance to this application is assessment is the recent decision DA/2018/207. Premise have had the opportunity, subsequent to the determination of DA/2018/207, to review the Council and DPE determination in relation to DA/2018/112, 32 Pine Ridge Road, Rock Forest. Similarly to the application the subject this report, DA/2018/112 was supported by a clause 4.6 variation to seek a variation to clause 4.2B in relation to the minimum lot size.

Council staff, in assessing the application, agreed with the applicants contention, that,

...denying approval for a dwelling is unreasonable, can be supported by Council because no further subdivision is proposed and the underlying principle of protecting primary production resources will be not compromised in this particular case.

In the above regard, DA/2018/112 is analogous with the current DA before Council, on the basis that the proposal would not compromise the primary production resources and would not result in further subdivision. This is a highly relevant finding to the assessment of this matter.

In determining DA/2018/112, Council officers report noted a number of other key matters that were considered sufficient to support determination of that application, including:

1. There is no further subdivision proposed;
2. The proposal will not further fragment or conflict with primary industry production;
3. The subdivision that created this lot was made with the concurrence of the Department of Planning at the time;
4. There are numerous other dwellings on similar sized lots in close proximity even though Council's current planning instrument no longer supports those lot sizes in the zone;
5. The former Evans Shire Council approved a dwelling on the land (but without the express concurrence of the Department);
6. The proposal has the potential to meet the requirements of Council's Development Control Plan.

The above matters are arguably all relevant matters in considering any application for a clause 4.6 variation with respect to minimum lot size. Whilst situations and constraints applying to sites will vary, to ensure consistency of decision making, the starting point for any assessment must be consistent. Therefore, it is logical to assume that the fundamental principles beyond the above six findings must be equally considered in relation to this development application.

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By reference to points discussed elsewhere in this assessment, it is apparent that points 1 and 2 are equally applicable to this application.

Point 3 is not applicable as this land has existed for many years as a separate lot.

Point 4 is consistent with the subject application.

In relation to point 5, and as outlined earlier in this section, Evan's Shire Council twice approved development of a dwelling on the land (Evans Shire Council approvals DA/141/88 and DA/120/92, the first without a SEPP1 objection and the second with).

As reflected by this statement, the application is capable of satisfying the requirements of Council's Development Control Plan.

Given the above points of support apply equally to the two projects, it is logical to assume a similar outcome can be expected for the subject application.

In addition to the above points, and as evidenced throughout this report, the unique characteristics of the subject site are an additional point of justification that must be considered by Council and DPIE as supporting this project.

1.3 SCOPE OF THIS REPORT

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2 THE SITE & ITS LOCALITY

2.1 THE SITE

The subject site is located at 708 Tarana Road, also known as Lot 15 DP700460.

The site is located on the southern side of Tarana Road and has a frontage to Tarana Road of approximately 1 kilometre. The site has an area of approximately 18.3 hectares. The site is bounded to the south by the Main Western Rail Line. At the northern and southern points of the site are road bridges that traverse the rail line.

The site slopes generally to the south west, away from Tarana Road, with a fall of approximately 30 metres over the site. The site contains two drainage lines and three dams. The site is largely devoid of vegetation, with some mature eucalypts scattered over it. The site contains a previously levelled building pad, electricity connection and established vehicle access.

By review of available mapped it is noted that the site is located within a drinking water catchment and has two mapped ephemeral drainage channels on site.

The site is unique in the immediate locality, and likely across, the LGA, by virtue of the constraints imposed by the railway line to the western boundary and Tarana Road to the eastern boundary. The site has limited capacity to enable amalgamated use with other primary production lots (noting the small size of those lots adjacent to the east and north) and therefore has limited viability for agricultural purposes, either economically or in a practical or workable sense. It lacks any facilities to enable straightforward grazing use and its proximity to the railway line makes cropping risky, due to the consequential dust and spray impacts on the operation of the railway line.

The subject site is depicted in **Figure 1**.

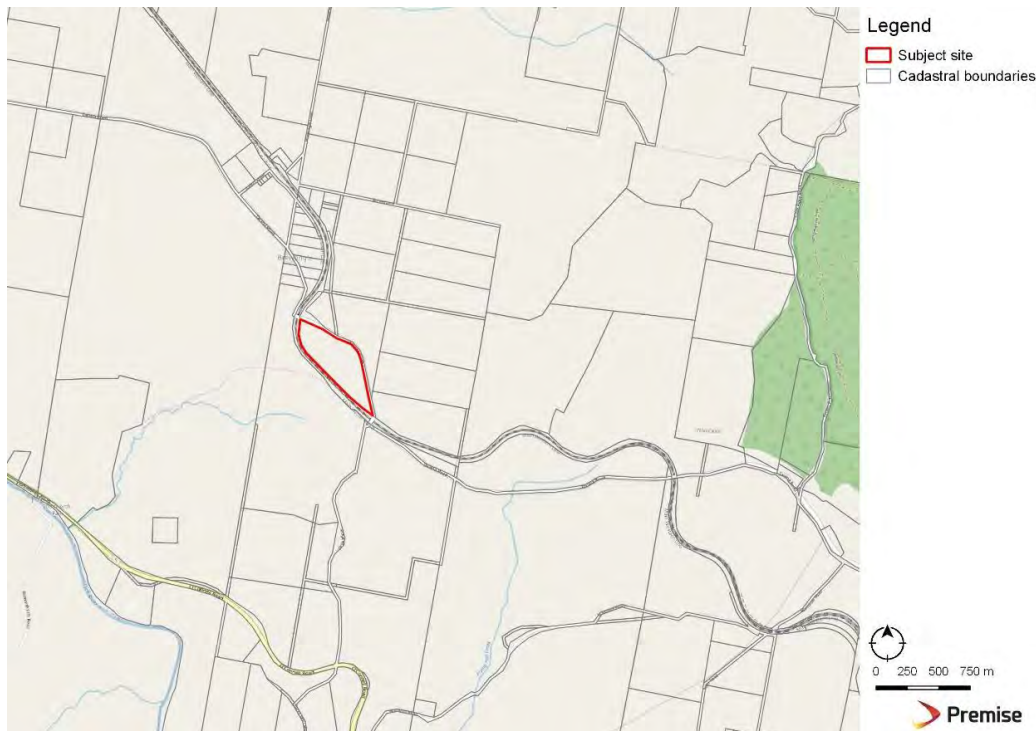


Figure 1: The subject site

2.2 THE LOCALITY

The site is located within the Bathurst Local Government Area, approximately 18km southeast of Bathurst. The village of Brewongle is approximately 1.2km to the north featuring a number of historically established dwellings on small lots (less than 1 hectare in size).

The surrounding areas are zoned RU 1 – Primary Production and are characterised by scattered dwellings within an agricultural landscape, many of which are on similar sized lots to the subject site, or smaller – refer **Figure 2**. Within a radius of 4 km of the subject site it is noted that there are 187 individual lots, containing 92 residential dwellings (a development ratio of approximately 49%) – refer **Drawing TP02**. At least 13 of these dwellings are within 1 kilometre of the subject site – refer **Drawing TP03**.

The average lot size within this area is 33.7 ha and the median lot size is 8.8 ha.

Of the 187 lots within 4 kilometres, 127 of them are of a size of 18.3 hectares or less; consistent with the subject site.

Of the 187 surrounding lots, only 21 satisfy the minimum lot size.

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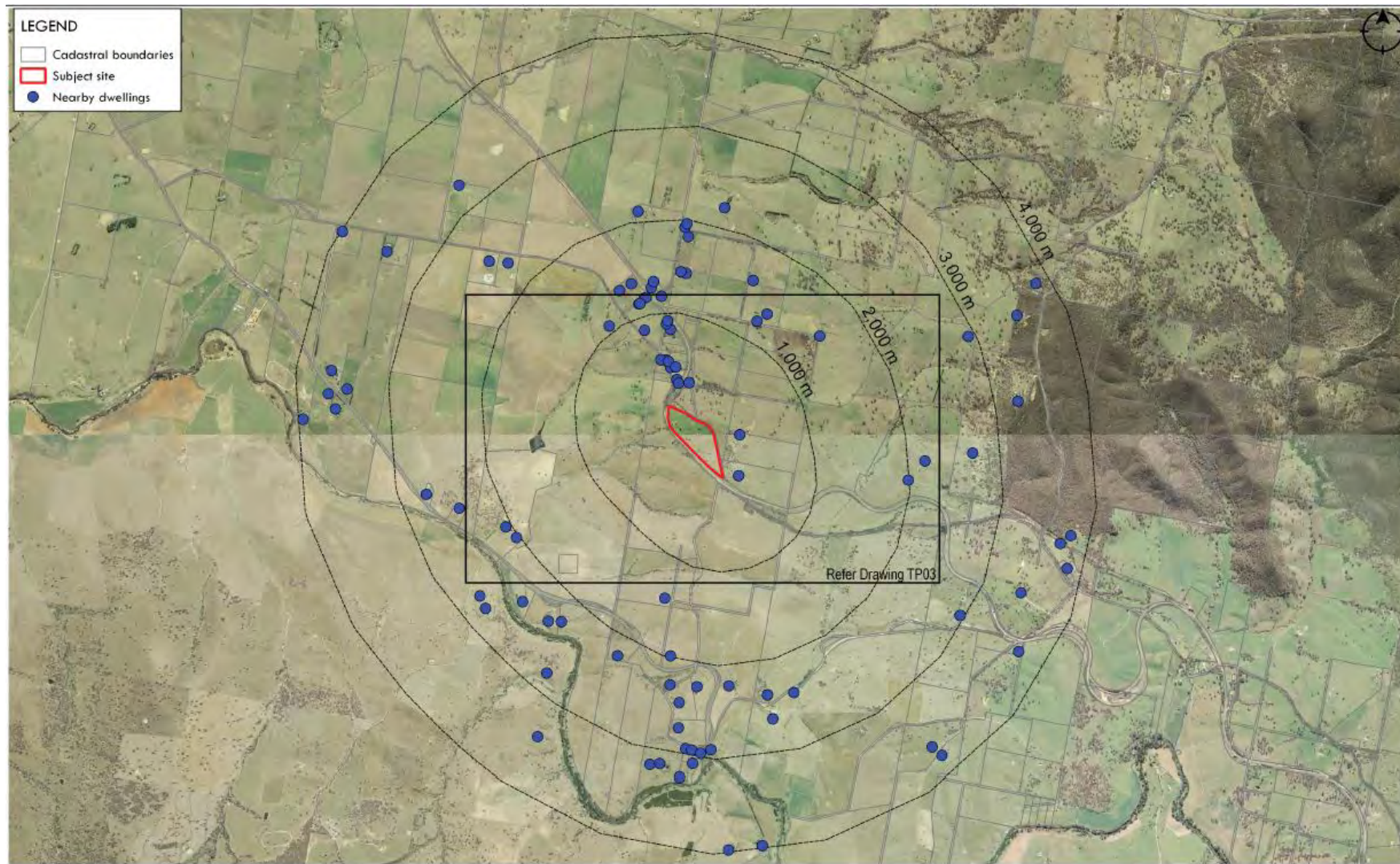


Figure 2: Surrounding locality including dwellings within 4km

3 THE DEVELOPMENT

3.1 DEVELOPMENT DESCRIPTION

The proposed development involves the erection of a single storey dwelling house with attached garage as depicted in the attached drawings prepared by Scully Designs. The dwelling is to be located on the existing levelled building pad.

The proposed dwelling would be located 40 m from the Tarana Road frontage. The dwelling would contain three bedrooms and be brick veneer construction with corrugated sheet roofing.

The established electricity supply would be augmented to facilitate the new development. An 80,000 L above ground tank would be installed onsite to use rainwater as a potable water supply and for bushfire fighting protection. Effluent would be disposed of onsite through an appropriately sized system as outlined in **Appendix D**.

Vehicle access from the road would be via a proposed access point located at a distance of 15 metres east of the existing power pole located on Tarana Road (refer **Drawing TP04**) together with a new 4-metre-wide internal driveway connecting the access to the existing pad. A gate would be provided setback a minimum of 10 metres from the edge of bitumen or such greater distance as required to satisfy Council's engineering requirements.

External materials have been selected to ensure the proposed dwelling effectively integrates with the rural environment.

4 STATUTORY PLANNING FRAMEWORK

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1.1 AIMS & OBJECTIVES

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*

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(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is not considered to be antipathetic to the above objects.

4.1.2 SECTION 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances:

Table 4.1 – Section 1.7

Test	Assessment
<i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	An assessment of the site confirms that there are no threatened species or ecological communities located on the site.
<i>(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</i>	As the site has a land area of between 1 and 40 hectares, the relevant clearing area for the site is 0.5 hectares. The existing cleared building pad would be utilised and therefore no significant native vegetation clearing is proposed; the threshold is not exceeded and a biodiversity assessment report is not required.
<i>(c) it is carried out in a declared area of outstanding biodiversity value</i>	The site is not a declared area of outstanding biodiversity value.

Source: Environmental Planning and Assessment Act 1979

4.1.3 INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development. The proposed development is not classified as Integrated Development on the basis that no other approvals or consents are required.

4.1.4 SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *State Environmental Planning Policy No 1—Development Standards*
- *State Environmental Planning Policy No 44—Koala Habitat Protection*
- *State Environmental Planning Policy No 55—Remediation of Land*

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- *State Environmental Planning Policy (Primary Production and Rural Development) 2019*
- *Bathurst Regional Local Environmental Plan 2014;* and
- Bathurst Regional Development Control Plan 2014.

The requirements of these are discussed in the following sections.

4.2 ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

4.2.1.1 Introduction

The *Bathurst Regional Local Environmental Plans 2014* (LEP) applies to the site.

The aims of the LEP pursuant of clause 1.2 are:

- (1) This Plan aims to make local environmental planning provisions for land in the Bathurst Regional local government area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) The particular aims of this Plan are as follows:*
 - (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,*
 - (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,*
 - (l) 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.*

The proposed development is not considered to be antipathetic to the above aims.

4.2.1.2 Mapping

A review of the subject site has been conducted against available LEP constraint mapping and the results summarised in the following table:

Table 4.2 – Relevant LEP mapping

LEP Maps	Site Relevance
Land Use Zoning	The site is zoned RU1 – Primary Production – refer discussion at Section 4.2.1.3
Lot Size Map	The mapped minimum lot size applying to the is 100 hectares – refer discussion at Section 4.2.1.4.
Drinking Water Catchment map	The site is located within a drinking water catchment – refer discussion at Section 4.2.1.6
Heritage	Bridges located on the Tarana Road adjacent to the site are mapped as local heritage items. These bridges are not on the subject site and are well removed from the proposed dwelling location. No impact to these bridges is predicted and further discussion is not required.
Flood planning	The site is not mapped as being within a flood planning area. Further discussion on this matter is not required.
Bushfire prone land	The land is not mapped via Rural Fire Service mapping as containing bushfire prone land. Further discussion on this matter is not required.

The above matters, together with other relevant LEP matters, are discussed in the following section where relevant.

4.2.1.3 Land Use Zoning

The subject site is zoned RU1 – Primary Production. The objectives of the RU1 zone together with specific discussion of each objective in the context of the proposed development are provided below.

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

As discussed elsewhere, the land is considered to be too small and too constrained to allow for effective and sustainable use for primary production purposes. The land is not currently used in any viable fashion and the proposal to develop a dwelling on this would not impact on this current situation. The land is too constrained to allow for it to be amalgamated with adjoining lands to enable its viable use. The proximity to the railway line provides a further barrier to cropping or intensive uses due to the risks associated with dust or spray drift.

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

As a permissible, non primary production activity, this objective is not considered relevant. The development is not antipathetic to this objective.

- *To minimise the fragmentation and alienation of resource lands.*

The subject site is a discrete portion of land, bound by Tarana Road to the north and the Main Western Railway Line to the south. It is physically disconnected from other parcels of land by these features. 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.

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Due to the disconnected nature of the lot, it is not considered that the future dwelling would alienate any resource lands.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The character of the area is strongly influenced by the proliferation of dwellings in the immediate locality and the highly fragmented nature of the land holdings. Within a 4 km radius, there are 92 dwellings on 187 lots, with an average lot size of 33.6 ha. The median lot size is 8.8 ha. These lot sizes reflect the fragmented nature of the lot pattern in the locality.

Retained primary production land uses in the locality primarily consist of grazing activities with some improved pasture harvesting. The location of the proposed 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.

In their most recent assessment report in relation to DA/207/2018 Council staff stated:

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

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 zoned area characterised by scattered dwellings and low impact primary production activities (such as grazing). The locality is characterised by rolling hills, featuring predominantly grassland vegetation with scattered remnant trees. The site is located on the outskirts of the village of Brewongle. The existing earth pad on site provides for the dwelling to be 'cut into' the slope which substantially reduces its visibility from Tarana Road and its 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. The external materials selected would be of muted, non-reflective tones to ensure effective integration with the character of the locality.

- *To maintain the rural and scenic character of the land.*

A Land Environment Court planning principle provides a useful clarification for measuring the compatibility. At paragraph 22 of *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* it is stated:

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

In furthering this comment, the Department of Planning and Environment outline in planning circular 18-001 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 and quasi-large lot residential character of the locality as it is consistent with the existing scale of development in the locality and it is

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sited to avoid any land use conflicts with surrounding rural activities. An appropriate buffer of 50m is identified between dwellings and low impact primary production activities (such as grazing and any associated rural activity) in line with the recommendations of adopted NSW policy.

- *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 provides for a range of land uses including dwellings interspersed with agricultural and related activities. The scattered dwellings within the locality assist in establishing the rural character. Dwellings have always supported agricultural land uses and their existence in the rural zone is not, alone, an indicator of likely conflict. Through proper design and siting, and adoption of appropriate buffers, dwellings can be accommodated within the rural landscape without disrupting existing function.

As noted elsewhere, the unique attributes of the lot together with the fragmented nature of the surrounding lot pattern ensure that there is limited likelihood of conflicts. Council staff agree comments reflect their agreement with this via the most recent DA assessment at the site.

The evidence provided above shows that the proposed dwelling would not be antipathetic to the zone objectives.

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.

On the basis of the above, the proposal is not considered antipathetic to the zone objectives.

Dwelling Houses are permitted within the RU1 zone subject to the provisions of clause 4.2B – refer **Section 4.2.1.4**.

4.2.1.4 Erection of Dwelling Houses on Land in Certain Rural Zones

Clause 4.2B applies to RU1 zoned land, among other rural zones, and therefore is applicable to the proposed development.

The objectives of this clause are: inter alia

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

The subclause 3 declares that:

- (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,*

The LEP Lot Size Map indicates that the minimum lot size for the subject site is 100 hectares. This is a numerical development standard.

As the land is less than 100 hectares, compliance with clause 4.2B cannot be achieved and therefore a variation of the development standard is sought under clause 4.6 of the LEP – refer **Section 4.2.1.5**.

On the basis of the conclusions of **Appendix C** it is considered that the variation of clause 4.2B is justified.

4.2.1.5 Exceptions to Development Standards

Clause 4.6 – Exceptions to Development Standards allows for the variation of development standards of an LEP. The clause objectives 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.*

The variation request is attached as **Appendix C**, and discusses:

- That in this case, compliance with the development standard is unnecessary and unreasonable,
- The proposed development is consistent with the objectives of clause 4.2B of the LEP,
- The proposed development is consistent with the objectives of the RU1 zone,
- There are sufficient environmental planning grounds to justify the variation.

With the evidence submitted in the clause 4.6 variation in **Appendix C**, there are sufficient grounds for the proposed development to be supported.

4.2.1.6 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

LEP clause 5.16 aims to:

...minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses)

The applies to, among others, the RU1 zone and is therefore relevant in the consideration of this application.

Clause 5.16(3) and (4) state:

- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) erection of a dwelling.*
- (4) The following matters are to be taken into account—*
 - (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) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

As a dwelling is proposed to be erected via this application, pursuant sub-clause 5.16(3)(b), the provisions of 5.16(4) apply. In relation to the provisions of 5.16(4), the following is noted:

- (a) Existing and approved uses in the locality predominantly consist of residential dwellings on small lots, with traditional primary production activities to the south and south-west on the other side of the railway line;

- (b) This statement provides a comprehensive summary of the surrounding locality including the character of the area at **Section 5.2**. The area to the north of the railway line is quasi-large lot residential in nature, with a large number of dwellings being located on lots of a similar size to the subject lot, many within 1-2 km. The subject site provides buffers to nearby traditional primary production land holdings sufficient ensure that negative impacts to future dwelling occupants, or a reduction in the right to farm of these nearby land holders, is unlikely;
- (c) Noting the primary production zoning, and the character of the land holdings in the immediate vicinity, this assessment concludes that the proposed development is compatible with the land uses discussed in (a) and (b);
- (d) The buffer distances provided by the application, together with the separation provided by the railway line means that further mitigation measures are not required.

4.2.1.7 Drinking Water Catchments

An assessment of the LEP Drinking Water Catchment Map indicated the subject site is located within the catchment area. As the site is located within the Drinking Water Catchment, clause 7.14 is applicable. The objective of clause 7.14 is to:

...protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

Subclause 3 goes on to discuss what is to be considered by the consent authority when a proposed development is located within a catchment area.

(3) In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:

(i) the distance between the development and any waterway that feeds into the drinking water storage,

(ii) the on-site use, storage and disposal of any chemicals on the land,

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

There are three farm dams located onsite, with two drainage channels that both flow towards the southwest. One dam is located to the west of the proposed development, while the other two dams and the two drainage channels are located to the south.

The proposed development is a suitable distance from any waterway that feeds the Drinking Water Catchment. The drainage channels lead into the Fish River, which is approximately 2.5 km from the proposed development, and the closest of the drainage channels is approximately 100 m from the development – refer **Drawing TP01**.

An appropriate effluent management system would be provided to support the development, managing household waste, as outlined in **Appendix D**. As the development is residential in nature, small quantities of household chemicals may be present on site; these would be stored and disposed of correctly, such as at the local Bathurst Community Recycling Centre at College Road.

Sediment and erosion controls would be incorporated during the construction stages of the development. The inclusion of a rainwater tank would be used to collect water from the roofed areas of the proposed dwelling, minimising stormwater runoff from impermeable surfaces.

The proposed development takes the location in relation to the Drinking Water Catchment into consideration and aims to minimise and mitigate any potentially adverse impacts.

4.2.1.8 Essential Services

Development can only be granted if essential services are provided to the site. These are addressed below.

(a) the supply of water,

The proposed dwelling would include a proposed 80,000 litre rainwater tank for potable water supply supplied for roof capture from the proposed dwelling. The attached deus rainwater model (**Appendix F**) demonstrates that an 80,000 litre tank would provide sufficient capacity for a standard family usage level 93% of the year, with only minor top up required. Increasing the tank to a 100,000 litre tank only increases this to 94%.

The model adopts BOM rainfall and temperature data for the period 1981 to 2010.

The above assumes the dwelling at full occupation and with no supplementary water source. If a shed was added (to increase the roof capture area), further tanks, or external water use made use of the on site farm dams or a bore, this supply would be further enhanced. Similarly, lower levels of occupation (ie, 2.5 persons in line with the 2016 ABS household size) would ensure the lot could operate viably. As it is the roof size rather than the lot size that dictates the capture size, it is considered that the proposal is consistent with any dwelling development on a rural lot in Bathurst.

(b) the supply of electricity,

The site has an existing electricity connection available which would be augmented to supply the proposed dwelling at the full cost of the applicant.

(c) the disposal and management of sewage,

An appropriately design and sited on-site effluent management system would be provided for the dwelling as outlined in **Appendix D**.

(d) stormwater drainage or on-site conservation,

The dwelling would divert its roof water to the rainwater tank(s) for potable water supply.

(e) suitable vehicular access.

The lot has an existing vehicular access to Tarana Road. A new access driveway would be provided for the dwelling near the existing power pole, to provide for improved sight lines.

4.2.2 STATE ENVIRONMENTAL PLANNING POLICY

4.2.2.1 State Environmental Planning Policy No 44—Koala Habitat Protection

Schedule 1 of SEPP 44 applies to land identified in Schedule 1 of the SEPP and has an area more than 1 ha. As the subject site is within the Bathurst LGA, identified in Schedule 1, and has an area of 18.3 ha, the SEPP is applicable.

The proposed development is not impacting any koala feed species trees; therefore, further consideration of SEPP 44 is not required.

4.2.2.2 State Environmental Planning Policy 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.*

The site is in an agricultural area and has been historically used for grazing. There is no evidence of any other previous uses on site that may have lead to contamination. Noting that the site has been the subject of historic dwelling consents, it is a reasonable expectation that the site does not feature contamination requiring remediation. On this basis, the obligations of clause 7 of SEPP55 are satisfied.

4.2.2.3 State Environmental Planning Policy (Primary Production and Rural Development) 2019

The PPRD SEPP aims to address the land use conflict faced by development impacting rural lands. The aims of the PPRD SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The PPRD SEPP is structured in five (5) parts and is supported by six (6) schedules. The parts and schedules, including their relevance to this application, are discussed below:

- Part 1 – Preliminary: confirms the aims of the policy (above) and that the policy applies to land in the state, except where provided.
- Part 2 – State significant agricultural land. Applies to land listed in Schedule 1. No land is listed schedule 1 and therefore this part is not applicable to the application.
- Part 3 – Farm dams etc. No farm dams proposed via this application and therefore this part is not applicable to this application.
- Part 4 – Livestock industries. The application does not propose any livestock industries and therefore this part is not applicable to the application.
- Part 5 – Sustainable aquaculture. The application does not propose aquaculture and therefore Part 5 is not applicable.
- Schedule 1 – State significant agriculture land. This schedule is blank and therefore not relevant to this application.

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- Schedule 2 – Marine waters aquaculture (other than oyster aquaculture). This application does not relate to marine waters aquaculture and therefore this schedule is not relevant to this application.
- Schedule 3 – Designated consent authorities. This schedule is blank and therefore not relevant to this application.
- Schedule 4 of the PPRD SEPP provides for the application of certain standard provisions relating to primary production and rural development to non-standard local environmental plans and other instruments. Part 6 of Schedule 4 provides a table listing those environmental planning instruments to which Schedule 4 applies. A review of the table at Part 6 confirms that the Bathurst Regional LEP is not listed. As such, there is no further consideration of Schedule 4 is required.

On the basis of the above, further consideration of the PPRD SEPP is not required.

4.3 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments are known to be applicable to the subject site or development.

4.4 DEVELOPMENT CONTROL PLANS

4.4.1 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014

The Bathurst Regional Development Control Plan 2014 (DCP) applies to all land within the Bathurst LGA. The relevant sections of the DCP are discussed below.

4.4.1.1 Rural and Rural Lifestyles 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 4.3 – Rural DCP Provisions

DCP Requirement	Assessment
6.2 Siting	
6.2.2 General considerations	
<p><i>Where land is within Zone RU1 Primary Production and is identified as:</i></p> <ul style="list-style-type: none"> <i>i) a sensitive land area on DCP Map No. 29 - Land Resources or</i> <i>ii) a sensitive waterway on DCP Map No. 30 - Riparian Land and Waterways and/or</i> <i>iii) a high or moderate biodiversity sensitivity on DCP Map No. 31 - Biodiversity of this Plan</i> <p><i>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.</i></p>	<p>The site is not mapped as being near land resources</p> <p>The site is mapped as being of high to moderately high groundwater vulnerability</p> <p>A small section of the site is mapped as containing high biodiversity sensitivity.</p>

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Table 4.3 – Rural DCP Provisions

DCP Requirement	Assessment				
<p><i>A Development Application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including:</i></p> <ul style="list-style-type: none"> <i>i) existing natural drainage lines,</i> <i>ii) existing farm dams,</i> <i>iii) all existing tree and landscape features, and</i> <i>iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and hilltops).</i> 	<p>The locations of the existing environmental features are provided on Drawing TP01.</p> <p>There are no environmentally sensitive land areas applicable to the site.</p>				
<p><i>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.</i></p>	<p>The dwelling would be located on the existing levelled earth pad. There is no requirement to remove any trees or valuable habitat. The existing pad features improved pasture grassland.</p> <p>The new access driveway is located so there is no need to remove any trees.</p>				
<p><i>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.</i></p>	<p>There is no designated building envelope for the site.</p>				
6.2.3 Setbacks – Zones RU1 – Primary Production					
<p><i>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.</i></p> <table border="1"> <thead> <tr> <th>Development Type</th><th>Front, Side and Rear Setback</th></tr> </thead> <tbody> <tr> <td>Dwelling</td><td>20m for lots less than 20ha</td></tr> </tbody> </table>	Development Type	Front, Side and Rear Setback	Dwelling	20m for lots less than 20ha	<p>The dwelling has setback to Tarana Road of 40 metres, a rear setback of 195 metres, with side setbacks of greater than 20 metres</p>
Development Type	Front, Side and Rear Setback				
Dwelling	20m for lots less than 20ha				
6.3 Access, Entrances and Fencing					
Access					
<p><i>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).</i></p>	<p>Access is not via a classified road.</p>				
<p><i>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.</i></p>	<p>Access would not be within 20 metres of an intersection with a major road or highway.</p>				
<p><i>A vehicular access shall not be created or used to give access onto a road specified by a relevant DCP Map as "access restriction".</i></p>	<p>There is no access restriction</p>				
Entrances					
<p><i>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.</i></p>	<p>The entrance would be setback 10 metres</p>				
<p><i>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.</i></p>	<p>The driveway is not intended to accommodate semi-trailers or heavy vehicles however there is sufficient room on the site to provide a gateway that can achieve these requirements.</p>				

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Table 4.3 – Rural DCP Provisions

DCP Requirement	Assessment
<i>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.</i>	This would be achieved
<i>Entrances are to be a minimum 4m wide to enable access by Rural Fire Service resources.</i>	This would be achieved
Fencing	
<i>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.</i>	No additional fencing is proposed
<i>Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.</i>	No fencing is proposed
Driveways and Property Access Roads	
<i>Driveways and property access roads are to be constructed of an all weather surface.</i>	This would be achieved
<i>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).</i>	This would be achieved
6.4 On Site Effluent Disposal	
6.4.2 Development Standards	
<i>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.</i>	The proposed method of effluent management is the use of absorption beds. Absorption beds would be located downhill from the proposed dwelling, to the southwest as outlined in Appendix D .
<i>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.</i>	Refer Section 5.12.2
<i>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.</i>	This would be achieved.
<i>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).</i>	This would be achieved.
<i>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.</i>	The subject site is considered to have high to moderately high groundwater vulnerability. Refer Table 4.4.
6.5 Water Supply Requirements	

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Table 4.3 – Rural DCP Provisions

DCP Requirement	Assessment
6.5.2 Development Standards	
<i>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.</i>	
Domestic Dwellings	
<p><i>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.</i></p> <p><u>Alternative A:</u> 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</p> <p><u>Alternative B:</u> Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.</p>	<p>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 of which 20,000L is protected for fire fighting purposes.</p>
Fire Fighting – Dwellings and Dwelling Additions/Alterations	
<p><i>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 (> 10,000m²) = 20,000 l/lot</i></p>	<p>A minimum 80,000L rainwater tank is to be provided as part of the development.</p>

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Table 4.3 – Rural DCP Provisions

DCP Requirement	Assessment
<p><i>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:</i></p> <ul style="list-style-type: none"> <i>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.</i> <i>Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.</i> <i>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.</i> <i>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.</i> <i>All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.</i> <i>Bores and creeks are not to be used as a substitute for a dedicated static water supply.</i> <p><i>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.</i></p>	<p>The rainwater tank would comply with these requirements.</p>
6.6 Building Form and Design	
6.6.2 Development Standards	
<p><i>The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.</i></p>	<p>The proposed dwelling would use brick veneer for the external walls and corrugated sheet roofing. This is considered consistent with other dwellings in the area.</p>
<p><i>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.</i></p>	<p>The bulk and scale of the proposed dwelling would be similar to or smaller than the existing dwellings within the locality. The single storey dwelling would be positioned on an existing excavated earth pad dug into the slope (refer Drawing TP01). The site falls away to the southwest, so the proposed dwelling would be at a lower point to the road than other dwellings in the area and would not impact the visual amenity of other dwellings.</p>
<p><i>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.</i></p>	<p>The proposed dwelling would be positioned on an existing earth pad, the highest point of the roof would be below the natural ridgeline</p>
<p><i>The design of the building must be in keeping with the rural character of the area.</i></p>	<p>The design of the proposed dwelling is considered to be consistent with the existing dwellings in the surrounding locality.</p>
<p><i>Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section 6.2.4).</i></p>	<p>There are no rural outbuildings proposed with the development.</p>

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Table 4.3 – Rural DCP Provisions

DCP Requirement	Assessment
6.7 Soil and Water Management	
6.7.2 Development Standards	
<i>For developments with a disturbance area of less than 2500m², development must comply with Council's Erosion and Sediment Control Guidelines for Building and Work Sites.</i>	An Erosion and Sediment Control Plan would be provided with the CC Application.
<i>For developments with a disturbance area of greater than 2500m², 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.</i>	
<i>As a condition of consent for sites with a disturbance area of greater than 2500m², 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.</i>	Noted.
<i>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.</i>	Noted.
<i>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.</i>	Noted.

4.4.1.2 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 4.4 – Environmental Considerations DCP Provisions

DCP Requirements	Assessment
9.4 BIODIVERSITY	
9.4.1 Land to Which This Section Applies	
<i>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.</i>	Land adjacent to the northern boundary of site is identified as being of High Biodiversity Sensitivity by reference to Map 31.
9.4.3 Development Standards	

Table 4.4 – Environmental Considerations DCP Provisions

DCP Requirements	Assessment
<p><i>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></p> <ul style="list-style-type: none"> <i>i. Protect biological diversity, native flora and fauna and their habitat.</i> <i>ii. Protect the ecological processes necessary for ecosystem health.</i> <i>iii. Encourage the recovery of threatened species, communities, populations and their habitats.</i> 	<p>Land mapped as High or Moderate Biodiversity Sensitivity would not be impacted by the proposed dwelling and access driveway.</p> <p>Assessment of impacts on biodiversity have been provided in Section 5.11</p>
<p><i>Development Application lodged for any development on any lands identified above must be accompanied by the following environmental assessment.</i></p> <ul style="list-style-type: none"> <i>i. Site Plan (preferably using an aerial photograph)</i> <i>ii. Assessment</i> <ul style="list-style-type: none"> <i>a) Impact of development on biodiversity</i> <i>b) Proposed mitigation measures</i> <i>c) Summary</i> 	<p>The site plan is provided in Drawing TP01.</p> <p>Assessment of impacts on biodiversity have been provided in Section 5.11</p>
9.5 Groundwater	
9.5.1 Land and Development to Which This Section Applies	
<p><i>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:</i></p> <ul style="list-style-type: none"> <i>a) intensive livestock agriculture,</i> <i>b) liquid fuel depots,</i> <i>c) mines,</i> <i>d) livestock processing industries,</i> <i>e) service stations,</i> <i>f) sewerage systems,</i> <i>g) turf farming,</i> <i>h) waste disposal and resource recovery facilities,</i> <i>i) water supply systems, and</i> <i>j) on-site effluent disposal systems (excluding those relating to a single dwelling house – see sections 3.3.2 and 6.4).</i> 	<p>The site is located in an area identified as High to Moderately High Groundwater Vulnerability and proposes an on-site effluent disposal system. As the proposed development is for a single dwelling, this section is not relevant by reference to point (j).</p>
9.9 Sustainable Building Design and Energy Efficiency	
9.9.2 Development Standards	
<p><i>All new residential development is to comply with BASIX requirements as required by the NSW Department of Planning and Infrastructure, where applicable.</i></p>	<p>BASIX Certificate provided with the DA.</p>
<p><i>All new commercial development is to comply with Section J – Energy Efficiency of the National Construction Code.</i></p>	<p>Not Applicable</p>

4.4.1.3 Parking

The provisions relating to environmental considerations are provided in Section 14 of the DCP with relevant clauses addressed in the table below.

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Table 4.5 – Parking DCP Provisions

DCP Requirements	Assessment				
14.3 Car Parking					
Development Standards					
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.	A double garage included with the proposed development				
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.				
Engineering and Building Standards					
On site car parking spaces shall not form part of vehicle manoeuvring areas or loading/unloading areas.	This is achieved.				
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).	The garage forms part of the building.				
Car parking spaces and manoeuvring areas must comply with the minimum sizes outlined in Schedules 1 and 2 of this Plan.	This is achieved.				
Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.	The proposed access point on Tarana Road would comply with council’s design requirements.				
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 applicable due to the size of 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.	Vehicles would be able to manoeuvre in order to enter and exit in a forward manner.				
Number of Car Parking Spaces					
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.	A double garage is proposed; therefore, the requirements are achieved.				
<table><tr><td>Development</td><td>Minimum Standard</td></tr><tr><td>Single dwelling house</td><td>1 covered car parking space</td></tr></table>		Development	Minimum Standard	Single dwelling house	1 covered car parking space
Development		Minimum Standard			
Single dwelling house	1 covered car parking space				
14.4 Bicycle Parking					
Development Standards					
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.	As the subject site is rural in nature, there is ample space for secure bicycle parking.				
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.	As above.				

Table 4.5 – Parking DCP Provisions

DCP Requirements	Assessment
<i>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.</i>	As above.

4.4.1.4 Earthworks

The provisions relating to earthworks are provided in Section 16 of the DCP with relevant clauses addressed in the table below.

Table 4.6 – Earthworks DCP Provisions

DCP Requirements	Assessment
16.1 Preliminary	
16.1.1 Land to Which This Section Applies	
<i>This section applies to all land within the Bathurst Regional Local Government Area (LGA).</i>	Noted
16.3 Changing the Level of Land (Preparing to Build, During or Post Construction)	
16.3.2 Development Standards	
<i>The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by filling or cutting).</i>	This would be achieved
<i>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°.</i>	The existing earthen pad would be used as the siting of the proposed dwelling. No additional cut and fill are proposed.
<i>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.</i>	The driveway would comply with AS2890. Minor reshaping works would be required to the existing batter to the north of the dwelling to facilitate the driveway.
<i>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> <ol style="list-style-type: none"> <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.</i> <i>Demonstration of a structural system of the house appropriate to the site and slope.</i> <i>Justification and documentation of full site sections showing all existing and proposed levels and proposed retaining walls and batters.</i> <i>Consideration of the likely amenity impacts including overlooking, overshadowing, drainage and structural issues.</i> <i>Limiting multiple retaining walls to 1.0m encouraging terracing rather than one large wall.</i> <i>Suitable storm water and drainage management.</i> 	No additional cut and fill proposed to the existing earth pad.

Table 4.6 – Earthworks DCP Provisions

DCP Requirements	Assessment
<i>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.</i>	No significant changes are proposed to the existing earth pad.
<i>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.</i>	Not applicable
<i>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.</i>	Not applicable
<i>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>	Not applicable
<p><i>Cut and fill batters shall not:</i></p> <ul style="list-style-type: none"> <i>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.</i> <i>ii. Be located where they will impact on the privacy of neighbours.</i> <i>iii. Shall not extend onto Council's road reserve.</i> 	No significant changes to the existing batters on site.

5 IMPACTS

5.1 INTRODUCTION

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) *Guide to Section 79C*.

5.2 CONTEXT AND SETTING

The subject site is located within a rural setting characterised by scattered dwellings and small-scale cropping and grazing with. The proposed dwelling would be positioned on an existing earth pad that has been previously cut. The site falls away to the south of Tarana Road, as such, the proposed dwelling would sit substantially below Tarana Road. The proposed dwelling is considered to have consistent bulk and scale, height and materials as other dwellings within the surrounding area.

The topography of the site combined with the siting of the proposed dwelling mean that the visual impacts from Tarana Road and neighbouring properties is severely reduced, while providing unique vistas.

The surrounding areas are zoned RU 1 – Primary Production and is characterised by scattered dwellings within an agricultural landscape, many of which are on similar sized lots to the subject site, or smaller – refer **Figure 2**. Within a radius of 4 km of the subject site it is noted that there are 187 individual lots, containing 92 residential dwellings (49.2% of lots feature a dwelling). The addition of one further dwelling into this locality would result in 93 dwellings on 187 lots, being 49.7% of lots. At least 10 of these dwellings are within 1 kilometre of the subject site.

From a review of the properties within 4 kilometres of the site, the average lot size is 33.7 hectares while the median lot size is 8.8 hectares. Within 3 km of the site, the average size is 33.9 ha and the median size is 4.9 ha. This is reflective of the smaller lot sizes and higher level of development in the area surrounding Brewongle village.

Of the 187 lots within 4 kilometres, 127 of them are of a size of 18.3 hectares or less; consistent with the subject site.

Of the 187 lots, only 21 satisfy the minimum lot size.

It is therefore very clear that the lot arrangement in the immediate locality of the site is highly fragmented and for this reason its viability for use for agricultural purposes is significantly degraded. Almost half of the lots within the immediate 3 kilometres feature dwellings and 70% of these lots are of an equivalent or smaller size than the subject site.

By reference to the above, it is apparent that the context and setting of the area is strongly influenced by this quasi-rural residential nature.

Notwithstanding the relevance of the above, the subject site in itself is considered to represent a relatively unique arrangement, in that, unlike any of the surrounding lots, it is surrounded on all sides by infrastructure. Like many of the smaller lots in the locality and across the LGA, it may be unviable in its own right for primary production uses, but unlike many other lots, it cannot be reasonably amalgamated or linked with nearby lots to create a viable holding. The site lacks any facilities to allow for the safe loading or unloading of stock. Its constrained location and proximity to the railway line mean cropping activities cannot be easily or readily pursued without the potential for impact on the operations of the railway. In short, while the character of the areas is quasi-rural residential in nature, and while the land holdings are highly fragmented and therefore unviable for economic primary production use, it is the specific site characteristics that render this lot inappropriate for primary production use. For this unique set of reasons, the development does not set any form of precedent that should be relied upon as a reason for refusal, as the unique characteristics of this lot are unlikely to be repeated elsewhere – refer **Section 6.2.2** for more discussion on the potential for precedent.

5.3 ACCESS AND TRAFFIC

The subject site is accessed by Tarana Road, which is a two-lane rural sealed road with a posted speed limit of 100km/h. The NSW Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments Updated Traffic Surveys* (NSW Roads and Maritime Services, 2013) indicates low-density residential dwellings in regional areas generate on average 7.4 daily vehicle trips per dwelling. The addition of a single dwelling would not likely have any adverse impacts on the capacity and traffic generation on Tarana Road.

There is an existing gated access to the site however its distance from the proposed dwelling site makes its use impractical. A new access point is therefore proposed for the new dwelling as per **Drawing TP04**, to be located approximately 15 metres east of the existing power pole on Tarana Road. The proposed driveway would be 4 metres wide, setback 10 metres from the property boundary, and would be designed and installed to ensure compliance with council's requirements. The proposed location of the driveway allows for close proximity to the dwelling, as well as substantial line of sight, which allows for ample reaction and stopping time at the intersection of the driveway and Tarana Road.

The driveway location for the proposed dwelling would have negligible impacts upon traffic using Tarana Road as Safe Intersection Sight Distances are achieved with 230m and 236m sight lines to the east and west respectively. The proposed site access (**Drawing TP04**) is therefore capable of achieving Austroads design standards and would not therefore diminish the safe operation of the road.

5.4 PUBLIC DOMAIN

Due to the rural nature of the area and the fragmentation of the site, the proposed development is not expected to have any negative impacts on the broader public domain.

The site would access a public road but the very low level of traffic generation when compared with a traditional agricultural operation ensures that impacts to the local traffic environment is unlikely to be significant - refer to **Section 5.3**.

5.5 SERVICING

The subject site is serviced by a prior electricity connection, which, according to Essential Energy, was connected in around 1993. This would be augmented as required at the applicants cost to ensure adequate provision of power to the site.

Potable water supply would be provided via on site capture of roof water, directed to a proposed 80,000 litre water tank. 20,000 litres of this water would be set aside for fire fighting purposes and the tank would be fitted with an appropriate valve to enable connection by fire fighting apparatus.

Telecommunications services are available in the area and will be provided at the cost of the applicant.

Due to the density of the locality, further service connections made to one additional dwelling would not have an adverse impact on the site or surrounding environment.

An appropriate on site effluent system would be provided as outlined in **Appendix D**.

5.6 HERITAGE

A search of the Aboriginal Heritage Information Management System (AHIMS) was conducted for the site and its surrounds, there are no known items or places of aboriginal cultural heritage within the vicinity of the site – refer **Appendix A**.

A search of the State Heritage Register (SHR) and Bathurst Regional LEP was undertaken for the site and its immediate surrounds. The search resulted in the findings that the two road bridges over the rail lines on Tarana Road, at each end of the site are heritage listed (Item 99 in the LEP). The proposed development is not expected to impact on either of these heritage items due to the distances between the items and the development. Care would be taken in the delivery of construction materials to the site so as not to damage the items. It is noted that construction delivery vehicles would be similar in scale to

traditional vehicles associated with rural land uses in the broader locality and would not be expected to impose any greater impact to these items.

5.7 OTHER LAND RESOURCES

The site is located within an agricultural area used predominantly for grazing. The site is a small lot (18 hectares) that has historically been used for agistment 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 already exists on site subject to appropriate geotechnical testing. The dwelling would impact on a small part of the site. The introduction of the dwelling is not considered to have a significant impact on productive agricultural land, given the constraints and isolation of the site and its small, unviable size.

The site is identified as having to ephemeral drainage channels that feed into a drinking water catchment. Proper sediment and erosion controls would be used during construction to minimise potential impacts on the catchment, along with proper stormwater management from the dwelling.

5.8 WATER

5.8.1 SERVICING

Potable and household water would be supplied through a minimum 80,000 litre rainwater tank. The tank would also act as a water supply for bush fire fighting purposes. Hardstand areas would be tapered to allow rainfall to flow into low water use gardens, minimising the amount of potentially contaminated runoff entering the drinking water catchment.

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. The attached deus rainwater model (**Appendix F**) demonstrates that the roof area of the dwelling is sufficient to generate 93% of the dwellings potable water needs assuming occupation by a standard family and watering of a 190 square metre garden around the dwelling.

The above is a conservative assessment. A smaller dwelling occupation level, larger tank, reduction in external watering or increased capture footprint (such as by developing a further shed on the property) would all contribute to positively change the dynamics of the above.

5.8.2 STORMWATER

Rainfall around the proposed dwelling would be collected through the proposed 80,000 litre rainwater tank, with proposed gardening and landscaping to make use of rainwater falling on hardstand areas around the house. Rainfall outside of the areas immediately surrounding the dwelling would continue to feed existing stormwater flow regimes.

5.9 SOILS

The site is located within the Bathurst (ba) Soil Landscape and is made up of non-calcic brown soils with yellow solodic soils on the lower slopes and in drainage lines. Sands and mottled yellow solodic soils also occur (Soil Landscapes of the Bathurst 1:250,000 Sheet).

Minimal soil disturbance is expected as a result of the proposed development as the dwelling would be set atop an existing earth pad. Minor changes may be required to clear top soil and accommodate battering for driveways and garage entrances. Erosion and sediment controls would be used to minimise the potential impacts of any earthworks.

The soils are not considered to be contaminated, with the proposed dwelling not considered to pose an impact on soil contamination.

5.10 AIR AND MICROCLIMATE

There may be some minor air emissions during this construction including particulate matter and vehicle emissions.

Particulate matter is a result of fugitive dust sources produced during construction from traffic on paved and unpaved roads, clearing of groundcover and topsoil, earthmoving works and transport of construction materials.

Mobile vehicle emissions include petrol and diesel-fuelled vehicles and operation of on-site machinery.

The potential impact from particulate matter and mobile vehicle emissions dust would be restricted to standard construction hours (7am to 6pm Monday to Friday and 8am to 1pm on Saturday) thus limiting impact to short term intensive periods.

Odour from vehicle emissions may be detected close to the source however given the rural setting of the works, low number of mobile sources and existing ambient air quality characteristics, and short term nature of works, the potential for odour impacts by vehicle emissions is minimal.

Provided the construction contractor meets the requirements of relevant legislation and regulations, emissions from vehicles are unlikely to result in air quality impacts and therefore not considered further in this assessment.

The residential use of the property is not likely to have a significantly impact on air quality or the microclimate; minor impacts associated with residential use may include vehicle emissions, dust generation or emissions from residential heating (wood fires).

During construction the following mitigation measures should be implemented:

- Limiting the area of soil and vegetation disturbance;
- Utilising dust suppression on access tracks and exposed soil;
- Covering of trucks transporting construction materials;
- Minimising vehicle movement and speed;
- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition.

5.11 FLORA AND FAUNA

The site is comprised mostly of previously cleared land made up of grasslands with a scattering of Eucalypt trees. There is no proposed clearing of any significant vegetation.

The northern most section of the site contains a small area of High Biodiversity Sensitivity lands mapped via the DCP although notably not mapped via the LEP. This area is positioned largely in the road reserve. The sensitive area is not expected to be impacted by the proposed development, with a substantial

buffer zone between the area of High Biodiversity Sensitivity and the proposed development. The site is not mapped by the NSW Government Biodiversity Value Map as being of biodiversity value.

The remaining uncleared land within and adjacent to the site would continue to provide habitats for wildlife in the area.

Impacts to native flora and fauna are not significant, the clearing threshold is not exceeded and a biodiversity assessment report is not required.

5.12 WASTE

5.12.1 SOLID WASTE

Waste would be stored securely onsite until disposal. Disposal would be managed by the applicant. Household waste collection is available in the area through a private waste collection service, consistent with other large and small lot rural holdings in the locality.

5.12.2 EFFLUENT DISPOSAL

Effluent would be disposed of onsite through the use of conventional absorption beds. A detailed effluent management report supplied at **Appendix D**.

The proposed effluent management system would be designed to ensure compliance 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);
- Septic Tank and Collection Well Accreditation Guideline (NSW Health 2001)

5.13 ENERGY

The proposed dwelling incorporates several skylights throughout the house, minimising the need for lighting during daylight hours. The accompanying BASIX certificate demonstrates compliance with the state's mandatory energy targets.

5.14 NOISE & VIBRATION

The proposed development is expected to generate minor levels of short term noise, vibration and air pollution during the construction of the dwelling. Post construction, there is expected to be minimal to negligible levels of noise and vibrations generated from the site due to the rural character of the area and the proximity to other dwellings.

5.15 NATURAL HAZARDS

The subject site is not listed as being located on land that is flood prone or bush fire prone. However, bushfire prone land located near to the site, along with the open grasslands of the surrounding areas, the danger of bushfires is considered to be present. Suitable measures are proposed to ensure the development is consistent with the objectives of PBFP, including having sufficient water capacity for fire-

fighting purposes (additional 20,000L to the household requirements), access suitable for bush fire fighting vehicles and appropriately installed and maintained asset protection zones.

5.16 TECHNOLOGICAL HAZARDS

The dwelling would be constructed to satisfy the requirements of the BCA.

The potential for contamination has been discussed at **Section 4.2.2.2**.

5.17 SAFETY, SECURITY AND CRIME PREVENTION

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key CPTED principles are: surveillance, access control, territorial reinforcement, and space management.

The detailed design of the development includes features such as windows on all elevations to allow surveillance from the dwelling to the public domain, thereby have a positive impact on the locality.

5.18 SOCIAL IMPACT

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

The proposed development is not likely to have an adverse impact on people's way of life, their culture, or their community.

5.19 ECONOMIC IMPACT

The proposed development would provide for local employment during the construction phase. It is unlikely that the development would create an adverse economic impact in the locality.

5.20 SITE DESIGN AND INTERNAL DESIGN

The site of the proposed dwelling is suitably positioned within the subject site. The existing earth pad allows for the dwelling to cut into the slope. This reduces its apparent bulk when viewed from Tarana Road. The site of the dwelling is well separated from mapped areas of sensitive biodiversity, established trees, water bodies and ephemeral water courses.

The dwelling is positioned in an East North East to West South West orientation (refer **Drawing TP04**), allowing for afternoon sun to light living spaces, providing a sustainable design. The attached BASIX certificate demonstrates that the design achieves the required levels of sustainability.

Landscaping surrounding the dwelling again softens the appearance, while also providing absorption for rainfall, reducing the amount of stormwater runoff.

The proposed dwelling is appropriately designed for its rural setting, sensitively integrating with the landscape while having a positive design impact. The dwelling is capable of complying with the Building Codes of Australia.

5.21 CONSTRUCTION IMPACTS

Due to the low-density development of the surrounding area, external construction impacts would be minimal. However for the avoidance of doubt, the following mitigation measures are recommended in the proposed dwelling to ameliorate any residual impacts:

- Preparation of an Erosion and Sediment Control Plan prior to construction and implementation of the Plan throughout all phases of construction activity;
- The adoption of appropriate soil erosion control measures. This would include techniques such as minimising the area of disturbance at any given time, diverting clean runoff away from disturbed areas, treatment of dirty runoff using sediment traps and filters installed to engineering design standards and rehabilitating disturbed areas as soon as practicable following construction;
- All plant and equipment would be operated and maintained in accordance with the manufacturer's specifications;
- Works would be undertaken in accordance with the standard daytime hours recommended by the Environment Protection Authority: that is, 0700-1800 Monday to Friday and 0800-1300 on Saturday, with no works on Sunday or Public Holidays. Any variation to these hours would first be negotiated in consultation with adjoining landowners; and
- Undertake strategic watering as required and stabilise exposed surfaces with a vegetative cover as soon as is practicable.

5.22 CUMULATIVE IMPACTS

The proposed subdivision of the lot is unlikely to have any impacts that have the potential to act in unison in terms of:

- Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- Individual impacts so close in space that the effects overlap (space crowded effects);
- Repetitive, often minor impacts eroding environmental conditions (nibbling effects); or
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

6 CONCLUSION

6.1 SUITABILITY OF THE SITE

As demonstrated throughout **Section 5** of this report, the proposed development would not result in any adverse impacts for future users of the subject site, adjacent properties, or the locality. In this regard, the development is considered to fit into the locality, the site attributes are considered to be conducive to the development, and as such the development is suitable for the site.

6.2 PUBLIC INTEREST

6.2.1 STRATEGIC MERIT

The public interest may be determined by consideration of relevant national, state and local government goals, as well as community priorities, which are expressed through a range of strategic documentation.

In the Bathurst rural areas, the relevant planning strategy document is the Bathurst Region Rural Strategy 2008, revised May 2010, while the Bathurst 2040 Community Strategic Plan provides context for Council's projects and programs.

At an overarching level, the Central West and Orana Regional Plan 2036 provides the high level context for development across the region.

6.2.1.1 Bathurst Region Rural Strategy 2008

The Rural Strategy seeks to:

- *identify the economic, environmental and social opportunities for the management and development of the rural lands, villages and settlements of the Bathurst Regional LGA,*
- *identify strategic responses for each opportunity including recommendations for the comprehensive LEP, and*
- *identify sustainable settlement and village growth opportunities.*

The subject site is located within the area designated by the Rural Strategy as constituting the locality/village of Brewongle. The Rural Strategy provides, among other things, some useful statistics to consider the level of development in Brewongle.

The table at page 173 of the Rural Strategy identifies (as at 2004) the locality of Brewongle as featuring average lot sizes of 17 hectares and as having a dwelling per density rate of 1 dwelling per 20 ha.

The Rural Strategy notes an annual demand for housing within village/settlement areas of 9 dwellings per year. It is noted that the statistics used to inform this analysis showed no dwellings approved in Brewongle in the adopted period (being 2000/01-2004/05).

The table on page 187 of the Rural Strategy notes that Brewongle has a high potential for growth but flags limitations relating to the loss of agricultural land and the limitations of the railway crossing.

The Rural Strategy notes at page 190 that the absence of growth in Brewongle is likely to be related to the prevailing planning restrictions.

The Strategy recommends against a village zoning due to the potential for conflict with agricultural activities and further recommends against a lifestyle zoning due to '*the lack of existing fragmentation of holdings*'. The meaning of this statement is unclear given the statistics quoted in this report, demonstrating that, within the locality of Brewongle, average and median lot sizes are well below the established minimum lot size. This minimum lot size is recognised to represent the viability threshold for primary production activities.

As discussed elsewhere, the segregated nature of the subject site and the proposed dwelling location ensures that conflict with agricultural activities is unlikely. Immediately surrounding land to the north, east and south-east are of similar size and a number feature existing dwellings. The small size of these lots provides the same barrier to viability experienced by the applicant in this case. Their use for primary production purposes beyond light grazing is considered unlikely. The largest holding near to the site is located to the west of the railway line and would be located at a distance of greater than 200 metres to

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the proposed dwelling site. On this basis, the opportunity for conflict with agricultural pursuits is highly limited by the size of adjacent lands and the buffer provided by the railway line.

This is reinforced by comments provided by Council planning staff in their assessment of the most recently refused development application relating to a proposed dwelling at the site, in which it was noted:

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



Figure 3: Lot sizes of surrounding land

Due to its small size, the subject site is not viable for use for primary production purposes and therefore the development of a dwelling on the site would not result in any loss of productive agricultural land. In reality, the development of a dwelling would have negligible impact on the capacity of the site to continue be used for light grazing.

It is accepted that the Rural Strategy does not support the rezoning of this area for lifestyle or village purposes however the primary strategy reasons for rejecting further development in this locality are shown via the above as being irrelevant in this specific circumstance. This is further expanded upon in the clause 4.6 variation at **Appendix C**.

The Strategy recommends against zoning of this area to provide further density. The Strategy is silent on the determination of individual DA's. It therefore has limited relevance to this matter.

6.2.1.2 Bathurst 2040 Community Strategic Plan

The Bathurst 2040 Community Strategic Plan (CSP) contains a range of objectives and specific strategies. Objective 4 seeks to enable sustainable growth and strategy 4.6 seeks to *plan for, assess and regulate development activity*.

By working within the provisions of the legal framework and adequately justifying the merit of the proposal in the context of clause 4.6, it is considered that the proposal is consistent with the relevant objective and strategies of the CSP.

6.2.1.3 Central West and Orana Regional Plan 2036

The vision of the Central West and Orana Plan 2036 (Central West Plan) is to provide:

The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW

The vision is supported by a range of goals and directions.

Direction 25 seeks to increase housing diversity and choice while Direction 28 seeks to manage rural residential development.

The actions falling out of Direction 25 are generally strategic in nature and call for the preparation of strategies among other things. A strategy exists for the rural areas and has been discussed above.

As the proposal does not entail rural residential development, being the land is zoned rural and the current rural use will continue, direction 28 is not considered relevant to this DA.

6.2.2 PRECEDENT

A prevailing theme throughout the assessment and refusal of the most recent applications for a dwelling at the site has been the concern that the proposal would create an undesirable precedent and via this promote further applications of a similar nature in the LGA. This concern around precedent suggests that Council would find future applications of a similar nature difficult to refuse in the event this application is approved.

A number of relevant authorities on the matter assist in providing some context to determine the weight to which potential precedent may be relevant. Of these, *Goldin & Anor v Minister for Transport Administering the Ports Corporatisation and Waterways Management Act 1995 [2002] NSWLEC 75* provides a highly useful summary of the various matters of law in considering precedent.

At 28 of Goldin, Lloyd J states:

As I understand the decision, if the Court is entertained with an application for a proposed 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.

In essence, for precedent to be considered relevant, the proposal must be both, objectionable in its own right, and there must be a reasonable likelihood of further applications of this nature.

The Council staff have confirmed in their assessment of the most recent application that the proposal to erect a single dwelling on the land cannot be considered objectionable in its own right – refer **Section 1.2**. In this matter, the first test identified by Lloyd J is not met. As to whether there is a probability that the decision would lead to further applications of a similar nature, Council, in their assessment of the most recent application focussed the number of lots within the Council area which

share zoning and size similarities to the subject land. The Council report forms the conclusion that due to the large number of lots within the LGA zoned RU1 and less than 100 hectares that there is a strong likelihood that this application would lead to further applications. This approach however fails to acknowledge the unique nature of this parcel of land, being highly constrained by its setting between the railway line and Tarana Road and the lack of capacity to aggregate it with adjacent lands to form a viable parcel. The majority of the parcels in the immediate locality (as depicted in **Figure 3**) are smaller in size and feature dwellings. There is limited capacity therefore to compile these lots into a larger holder that could function viably for primary production purpose. The assessment of Council as to the number of smaller lots in the LGA ignores that this specific lot, though small in size, is in fact constrained largely due to its geographic location and less due to its small size.

Therefore, the unique characteristics of this specific site are the factors that most strongly lends itself to a successful variation to the standard.

The development of one further dwelling in the surrounding 4 km radius of the site, being the land in the vicinity of Brewongle village, a locality in which 49% of lots feature dwellings

In preparing this statement, consideration has been given to the reasons provided in justification of a recent Council development application approval in relation to a dwelling development on a property at Rock Forest. Whilst not seeking to adopt the decision in its own right as justification for the project, it is logical to consider the reasons for supporting that application in relation to this application. Considering the same reasons provides for a consistent approach to decision making. It is reasonable that a different conclusion may be reached but it is also to assume that the same matters are likely to be key considerations in determining any application of a similar nature. A detailed consideration of those reasons is set out in **Section 1.2**.

In reality, the application is likely to be of minor public interest due to the localised nature of the impacts and due to the highly unique nature of the subject site.

For all of the above reasons, the development, if approved, is considered unlikely to lead to the setting of an undesirable precedent, and support for it would not be contrary to the public interest.

6.3 CONCLUSION

The proposed development involves the erection of a single-storey house on Lot 15 in DP700460, being known as 747 Tarana Road, Brewongle.

The proposed development is permissible with consent in the RU1 – Primary Production Zone under the Bathurst LEP and is not antipathetic to the zone objectives. A written clause 4.6 variation request has been provided to justify a requested variation to Clause 4.2B of the LEP with respect to minimum lot size and dwelling development. This Clause 4.6 variation demonstrates that there are sufficient grounds for the variation request to be allowed and the proposed development to be supported.

The development is consistent with the provisions of Bathurst DCP and would not have any adverse environmental, social or economic impacts on the locality.

In this regard, the subject site is considered to be suitable for the proposed development.

7 REFERENCES

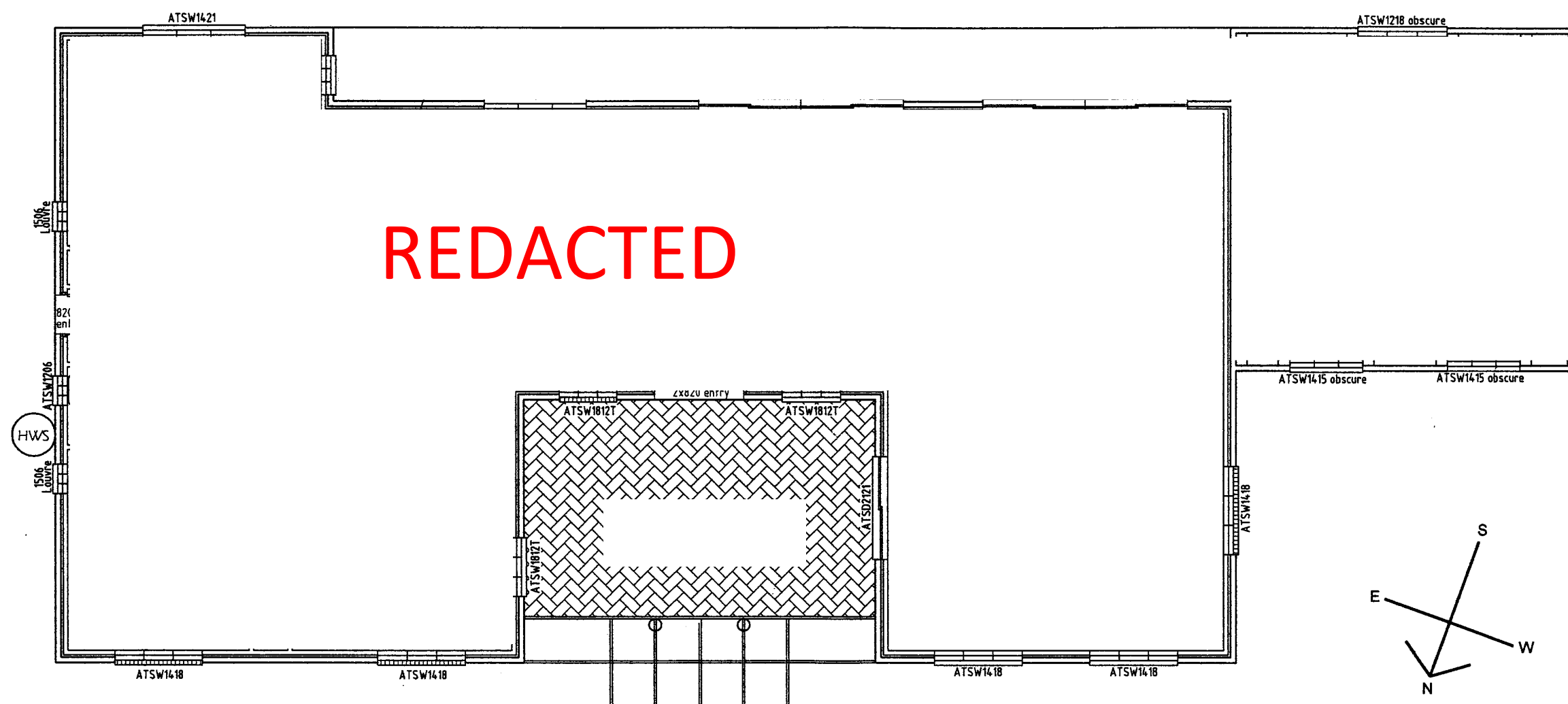
Department of Urban Affairs and Planning (DUAP). nd, *Guide to Section 79C*, NSW Department of Urban Affairs and Planning, Sydney.

**Statement of Environment Effects
In Support of a Development Application
Paul & Bonny Hennessy**



Department of Urban Affairs and Planning (DUAP). 2001, <i>Crime Prevention and the Assessment of Development Applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979</i> , DUAP, Sydney.
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Learmonth, R., Whitehead, R., Boyd, B., & Fletcher, S. 2007, <i>Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast</i> . Wollongbar: NSW Department of Primary Industries.
NSW Rural Fire Service (NSW RFS). 2006. Planning for Bush Fire Protection, NSW RFS, Sydney
NSW Government Planning & Environment. (2018). Stepping up planning and designing for better places: respecting and enhancing local character, NSW Government, Sydney

Drawings



4A. FLOOR PLAN for electrical layout etc

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795

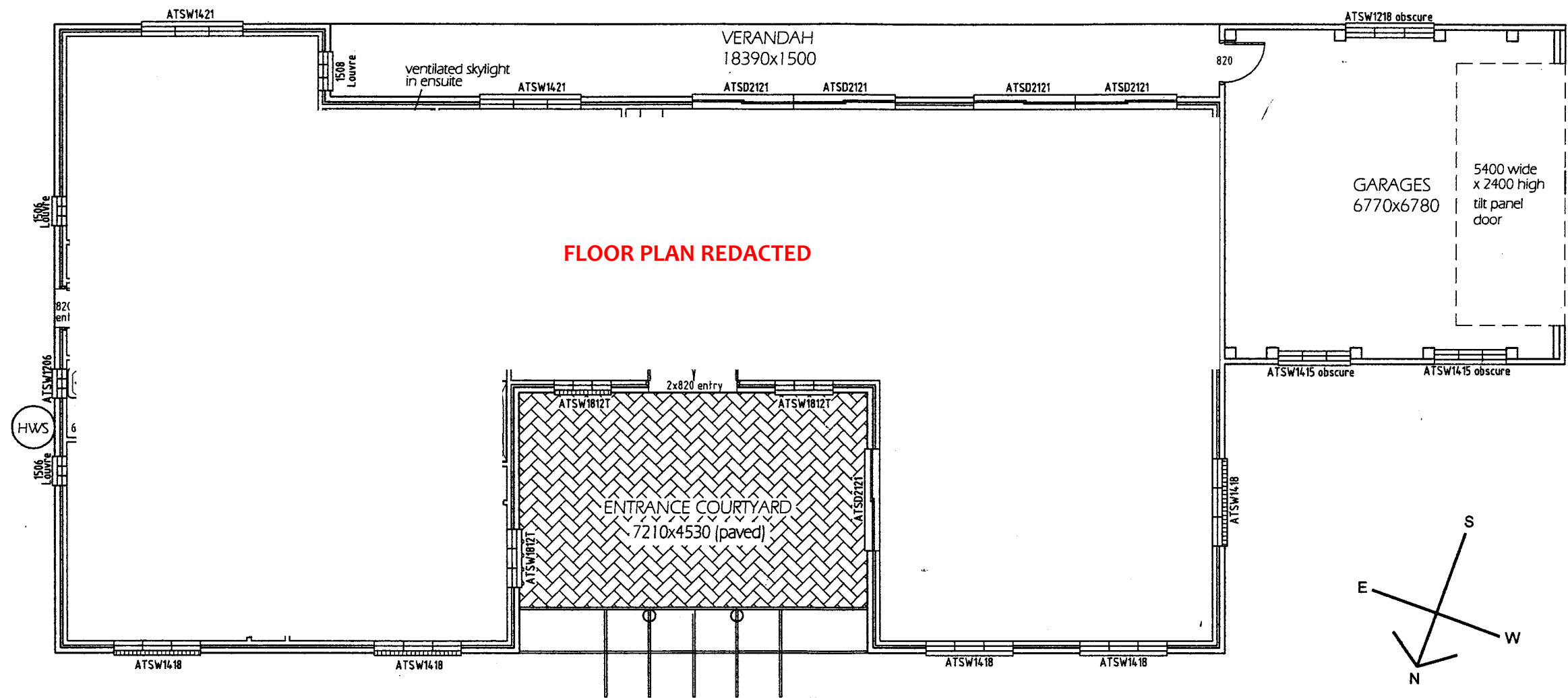
4A

AREAS

AREA (LIVING) = 243.6m² (26.22 squares)
 AREA (GARAGE) = 49.77m² (7.2 squares)
 AREA (SOUTH VERANDAH) = 27.58m² (2.97 squares)
 AREA (NORTH COURTYARD) = 38.79m² (4.2squares)

SCALE 1:100 @ A3

Page 4 of 8



AREAS	
AREA (LIVING)	= 243.6m ² (26.22 squares)
AREA (GARAGE)	= 49.77m ² (7.2 squares)
AREA (SOUTH VERANDAH)	= 27.58m ² (2.97 squares)
AREA (NORTH COURTYARD)	= 38.79m ² (4.2squares)

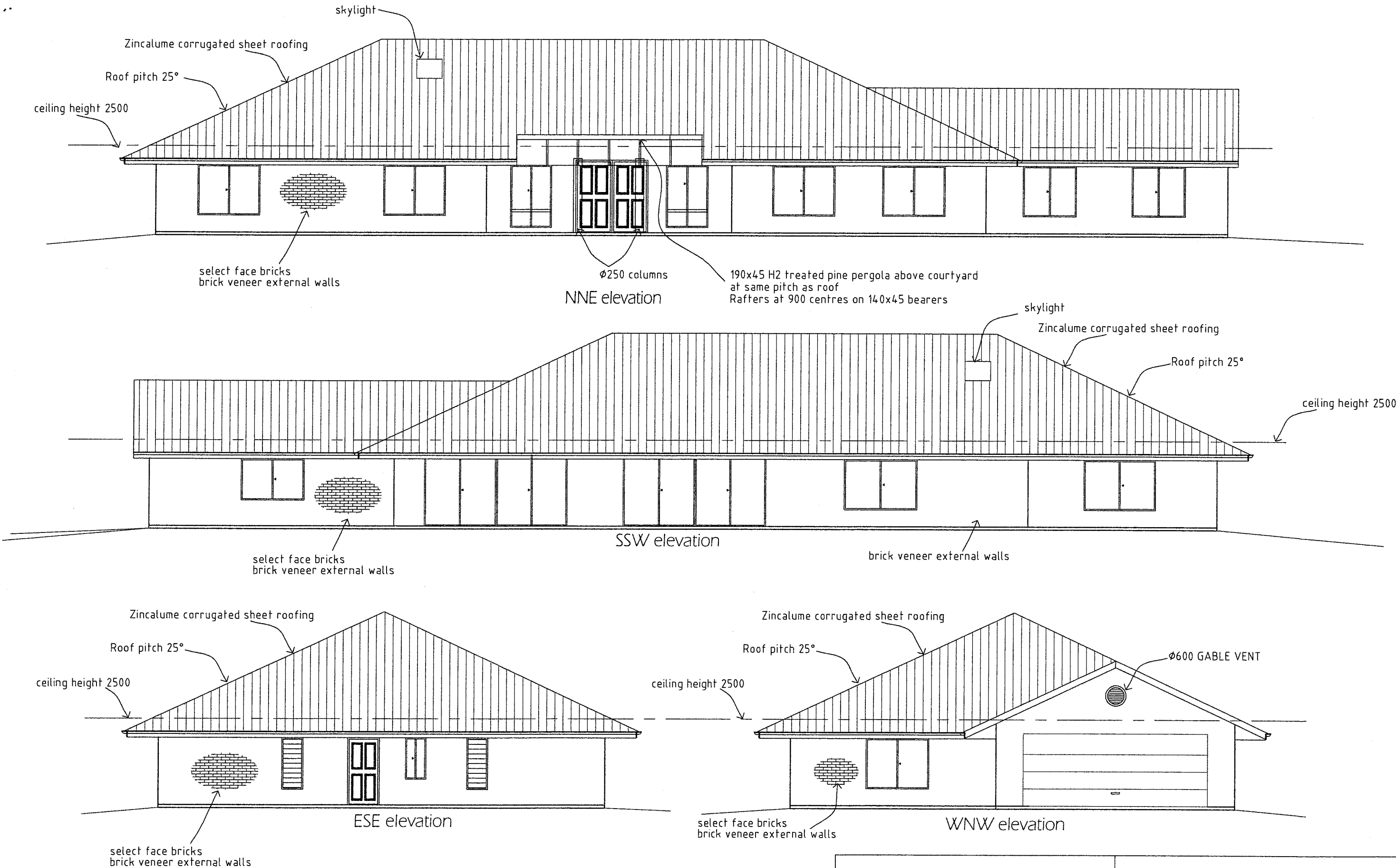
SCALE 1:100 @ A3

4A. FLOOR PLAN for electrical layout etc

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795

4A

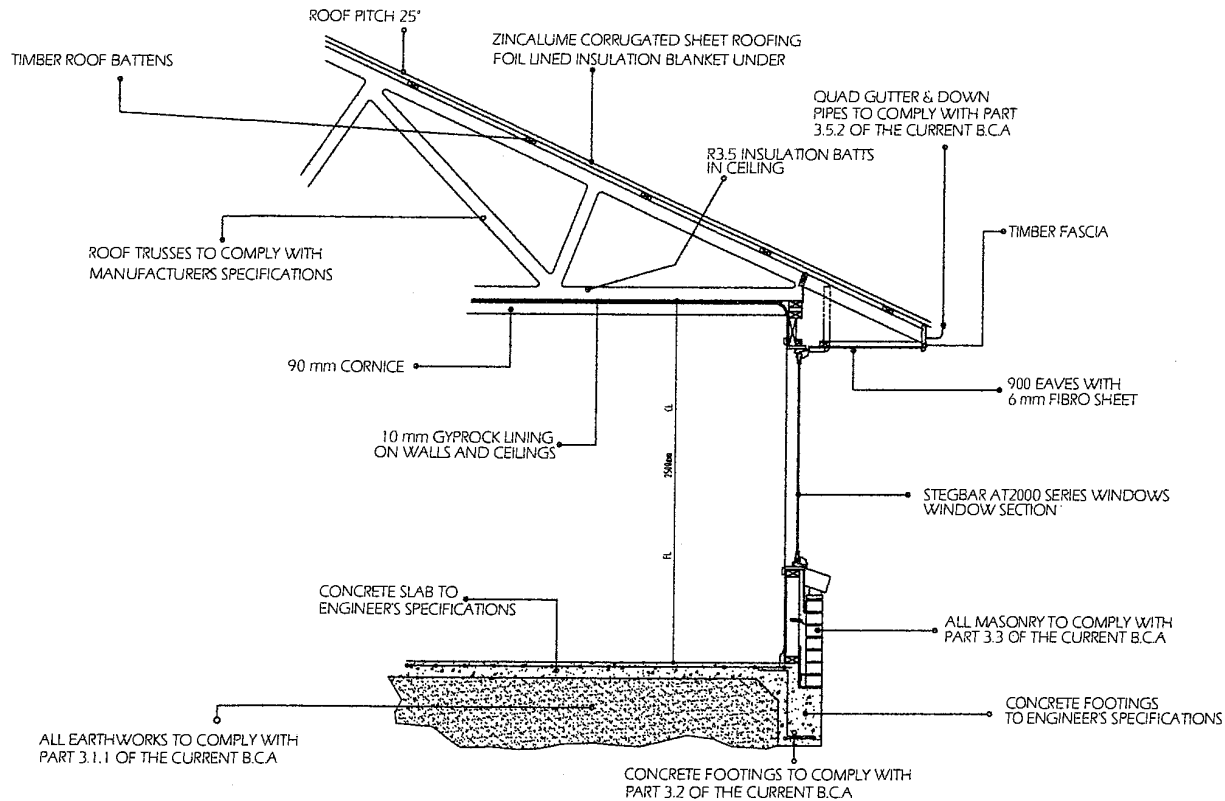


SCALE 1:100 @ A3

5. ELEVATIONS

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795



NOTES
ALL MEASUREMENTS ARE DRAWN IN millimetres (mm) UNLESS OTHERWISE STATED
- ALL WORK IS TO COMPLY WITH THE RELEVANT AUSTRALIAN BUILDING STANDARDS, AND THE CURRENT BUILDING CODE OF AUSTRALIA
- THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION BOOKLET SUPPLIED BY BUILDER
- ALL MEASUREMENTS TAKE PREFERENCE OVER SCALE AT ALL TIMES
- IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DOCUMENTS OF THIS PLAN AS TO THE ACCURACY AND SUITABILITY
- ALL MEASUREMENTS MUST BE CHECKED ON SITE BEFORE ANY CONSTRUCTION IS TO BE STARTED
- ALL CONSTRUCTION TO BE APPROVED AND BUILT ACCORDING TO ENGINEER'S DETAIL AND PLAN
- GROUND LEVELS TO BE TAKEN ON SITE

APPROX. SCALE 1:50
ALL dimensions in millimetres
TYPICAL CROSS-SECTION A - A
Proposed residence for -
P. and Mrs. V. HENNESSY
708 TARANA ROAD
BREWONGLE
LOT No. 15 in DP No.700640
Parish of MELROSE
County of ROXBURGH

TYPICAL CROSS-SECTION A-A

SCALE 1:100 @ A3

PROPOSED NEW DWELLING
for P. & V. HENNESSY
Tarana Road
BREWONGLE 2795

×× GENERAL SPECIFICATIONS ××

ROOF:- ZINCALUME CORRUGATED SHEET METAL ROOFING PITCHED AT 25°
38mm x 75 ROOF BATTENS

PRE- FABRICATED ROOF TRUSSES TO TIMBER FRAMING CODE AND MANUFACTURER'S SPECS
INSTALL SARKING UNDER ALL METAL ROOFS WITH CEILINGS

METAL CAPPING AND VALLEYS TO MATCH ROOF
COLORBOND QUAD GUTTERING AND DOWNPIPES
R3.5 CEILING INSULATION

QUAD GUTTERING FIXED TO 200mm x 38mm DRESSED & GROOVED
TIMBER FASCIA

ALL GLASS & GLAZING TO COMPLY TO AS1288 & AMENDMENTS. ALL WINDOWS & SLIDING
DOORS TO COMPLY TO AS2047-1999 & AMENDMENTS.

R1.5 INSULATION BATTS TO EXTERNAL WALLS WITH DOUBLE SIDED SISALATION FIXED TO
OUTSIDE OF STUDS

25mm x 1.2mm B/W TIES NAILED TO STUDS AT 600 CTS
DAMP PROOF COURSE AT BASE OF WALL

REINFORCED CONCRETE SLAB TO ENGINEER'S DETAIL

TREAT SOIL FOR TERMITES AS PER A.S 3660

10mm PLASTERBOARD TO WALLS & CEILING TO MANUFACTURER'S DETAILS

0.02mm VAPOUR BARRIER. TAPE BARRIER AROUND ALL PLUMBING PENETRATIONS

WALL FRAMING - BUILDER TO USE 90 x 35 MGP12 STUDS AT 600mm CTS MAXIMUM. WITH 2/45
x 70 MGP12 TOP & BOTTOM PLATES, & JAMB STUDS.
BRACE WALLS WITH APPROVED SHEET BRACES.
ALL WALL FRAMING SHALL COMPLY TO A.S 1684

STEGBAR AT2000 SERIES SLIDING WINDOWS

VELUX SKYLIGHTS

BUILDER TO NOTE --

DO NOT SCALE FROM DRAWING
IF IN DOUBT, ASK
THE BUILDER MUST VERIFY ALL
BOUNDARIES, LEVELS, LOCATIONS OF ANY
EASEMENTS AND ON SITE SERVICES PRIOR
TO SETOUT AND ENSURE ALL WORKS
COMPLY WITH THE REQUIREMENTS OF
THE BUILDING CODE OF AUSTRALIA AND
ALL CODES REFERRED TO THEREIN.
FOOTINGS, SLABS, AND BEAMS SHALL BE
CONSTRUCTED IN ACCORDANCE WITH
SOILS REPORT/ STRUCTURAL ENGINEERS
DETAILS AND BCA.

×× DOOR SIZES SHOWN ON
PLAN NOT FRAME OPENINGS ××

GENERAL NOTES -
INFORMATION ON THESE DRAWINGS -

All dimensions and levels are to be
verified on site prior to putting work in
hand. Ground levels and any site
information shown on these drawings is
based on limited information as supplied
by the client (or where such information
is not supplied an assumed surface level
is indicated) as such the client is fully
responsible for any problems arising from
any variations to the actual ground levels.
Should any discrepancies be found
between these drawings and any other
supporting documentation by others, it is
the responsibility of the client to rectify
these discrepancies.

These drawings are to be read in
conjunction with the following
documentation:-

Specifications:-

- Structural Engineers details (where
necessary)
- Civil Engineers details.

ADDITIONAL DOCUMENTATION BY OTHERS

The owner shall be responsible to provide
additional documentation as may be
required by the local Authorities, This may
include, but not be limited to:-

Soils report, Structural Engineers details
for footings, slabs, frame bracing, and
tiedown where required.

Site plan showing contours, all external
works, downpipe locations, sewerage and
storm water drainage, fences, driveways,
retaining walls etc.

Details of termite risk management,
procedures to be undertaken in
accordance with BCA part 3.1.3

GENERALLY -

All brickwork shall comply with BCA part
3.3

All roofing and wall cladding shall comply
with BCA part 3.5

All glazing shall comply with BCA part 3.6
Install smoke alarms in accordance with
BCA part 3.7.2

WET AREAS -

All wet areas within this building must
comply with the BCA 1&10 part 3.8.1

WET AREAS, or meet performance
requirements in P 2.4.1

If they are waterproofed in accordance
with AS 3740 they meet the requirements
of P 2.4.1

Provide lift off hinges to doors of
enclosed sanitary compartments in
accordance with BCA Part 3.8.3.3

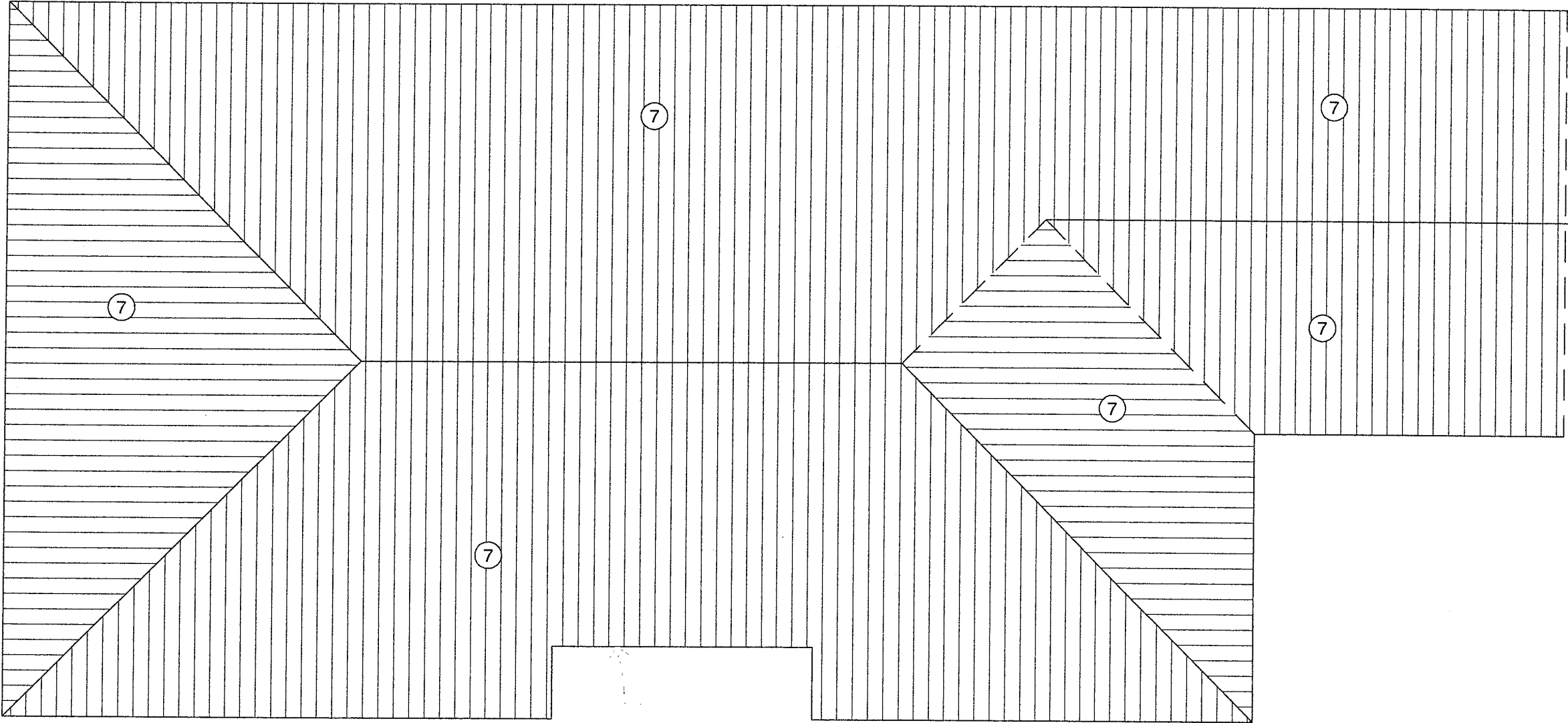
If the building is located in a designated
BUSHFIRE PRONE AREA, the client shall be
responsible to upgrade the works and
install all necessary protections required
by the BCA Part 3.7.4

It is the builders responsibility to supply
and install all flashings, DPC's, weepholes,
membranes etc. that are required by the
BCA or may be required to make the
works watertight

6. CROSS-SECTION, GENERAL SPECIFICATIONS and NOTES

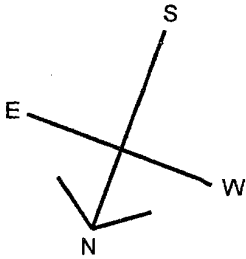
L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795



7. ROOF CATCHMENT PLAN

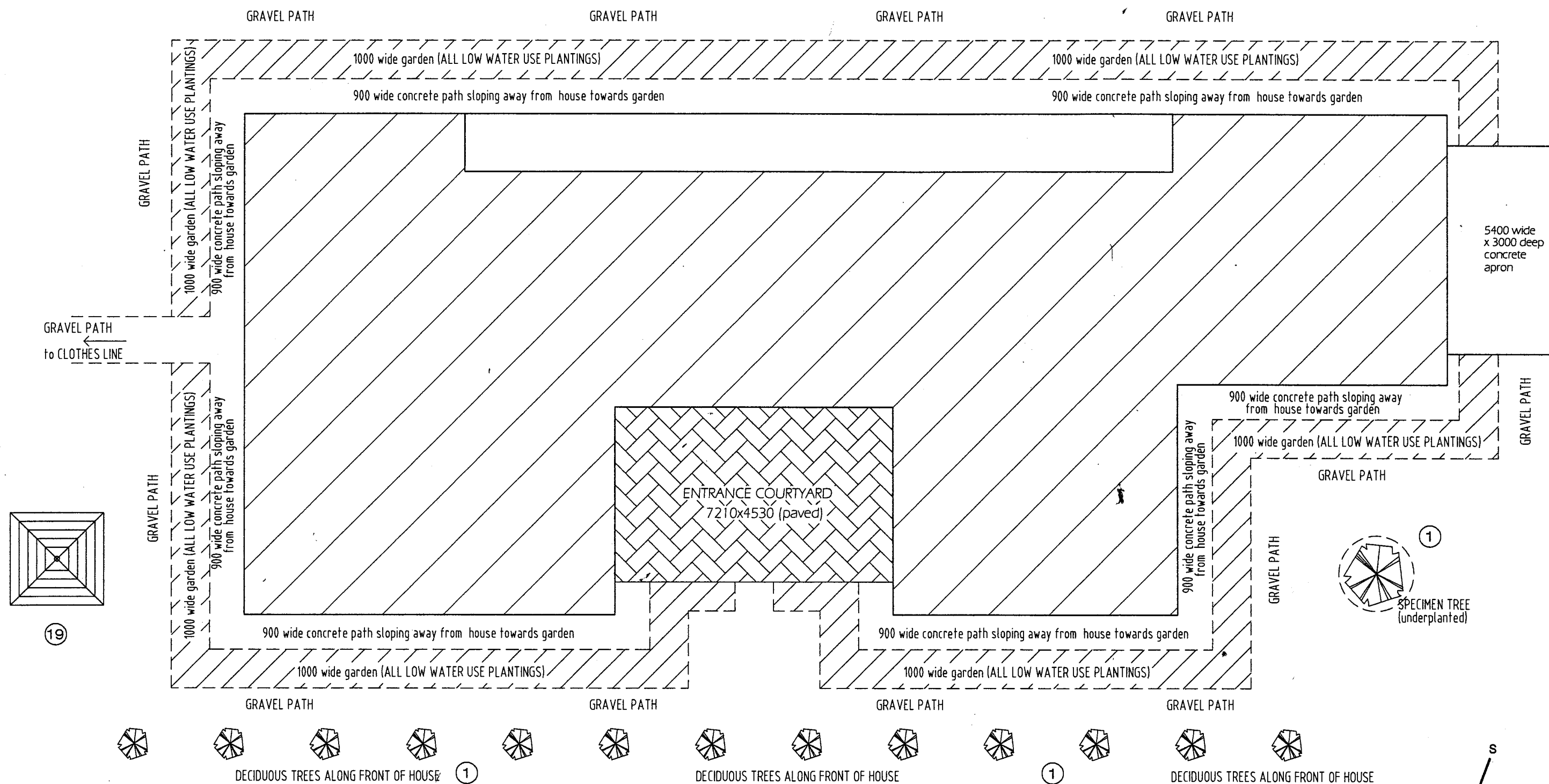
AREA ROOF CATCHMENT = 432.23sq.m. (in plan view)



LEGEND
NUMBER 7 REFERS TO BASIX
COMMITMENTS SCHEDULE ATTACHED TO
PLAN

L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795



**** VEHICULAR ACCESS FOR BUSHFIRE VEHICLES TO BE PROVIDED AROUND HOUSE ****

AREAS
GARDENS SURROUNDING HOUSE ONLY = 93.6 sq.m.

8. LANDSCAPE PLAN - HOUSE ENVIRONS

LEGEND
NUMBERS ① and ⑱ REFER TO BASIX
COMMITMENTS SCHEDULE ATTACHED TO
PLAN

PLAN PRESENTATION BY -
SCULLY
Plans 22-06-2007 E. & O.E.

AGENDA - Ordinary Meeting of Council Agenda - 19 August 2020 Attachments

SCALE 1:100 @ A3

Page 8 of 8

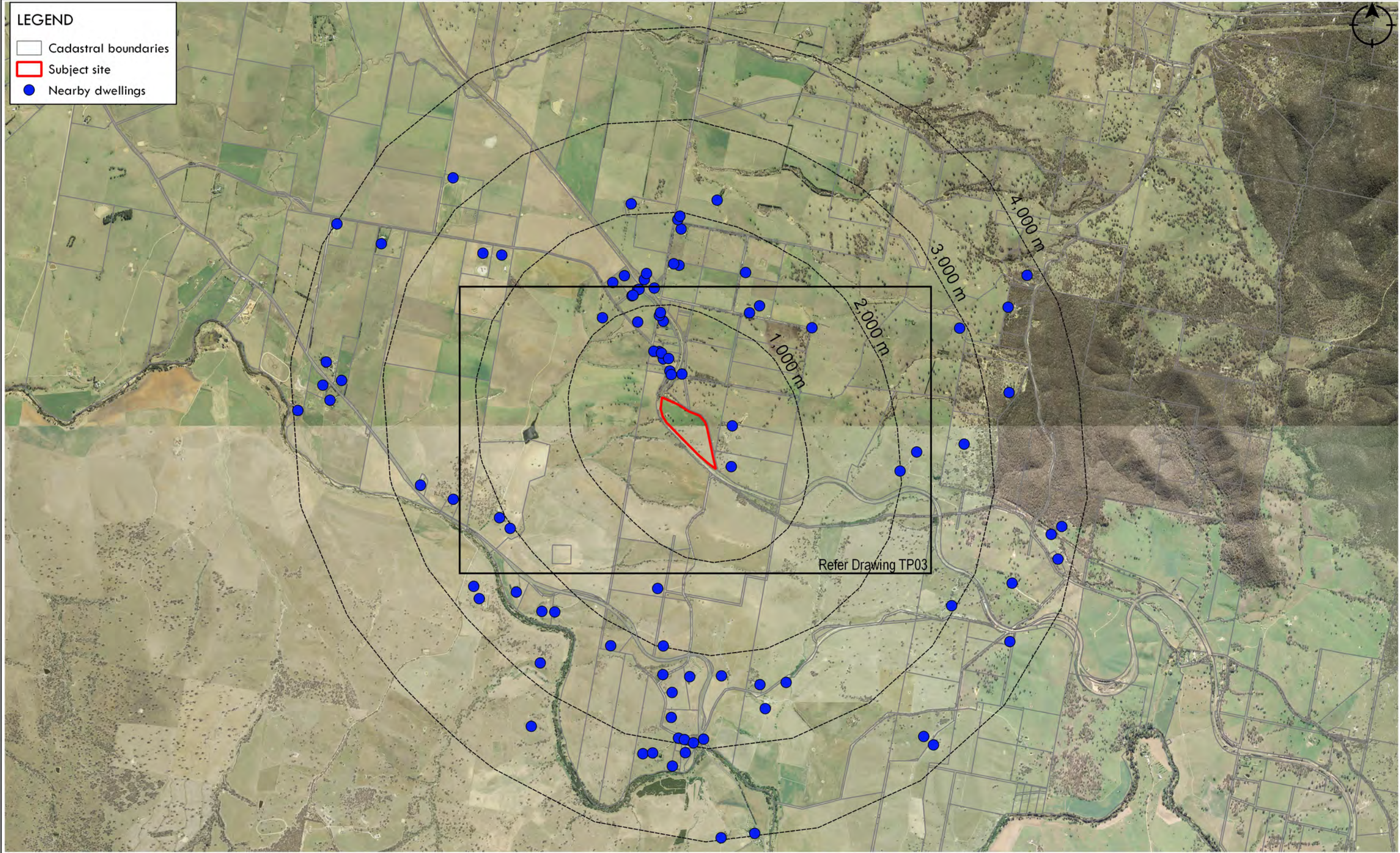
L.G.A.: BATHURST REGIONAL
LOCALITY: BREWONGLE
PARISH: MELROSE
COUNTY: ROXBURGH
LOT 15 in DP700460

PROPOSED NEW DWELLING
for P. & V. HENNESSY
708 Tarana Road
BREWONGLE 2795



<p>154 PEISLEY STREET P.O. BOX 1963 ORANGE NSW 2800 Ph: (02) 6393 5000 Fx: (02) 6393 5050 orange@premise.com.au www.premise.com</p>	<p>GIS PROJECT DETAILS Datum: GDA 1994 MGA Zone 55 (EPSG: 28355) Project Number: 217329 Directory: O:\Projects\217\217329\Out\GIS\217329.qgs Data Source: SixMaps (Imagery) and NSW Spatial Services (Cadastre)</p>	<p>DRAWING SCALE</p> <p>0 50 100 150 m</p> <p>A3</p>	<p>APPROVAL AUTHORITY BATHURST REGIONAL COUNCIL AND DEPARTMENT PLANNING & ENVIRONMENT</p>	<p>CLIENT PJ & V HENNESSY</p>	<p>PROJECT PROPOSED DWELLING</p>	<p>DRAWING Name: Existing site plan Reference: 217329_01A_TP01-TP04 Sheet: TP01 of TP04 Status: FOR APPROVAL Date: 10/04/2019</p>
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ORANGE

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P.O. BOX 1963
ORANGE NSW 2890
Ph. (02) 6393 5000
Fx. (02) 6393 5050

orange@premise.com.au
www.premise.com

GIS PROJECT DETAILS

Datum: GDA 1994 MGA Zone 55 (EPSG: 28355)
Project Number: 217329
Directory: O:\Projects\217\217329\Out\GIS\217329.qgs
Data Source: SixMaps (Imagery) and NSW Spatial Services (Cadastre)

DRAWING SCALE

0 500 1000 1500 2000 m

A3

APPROVAL AUTHORITY

BATHURST REGIONAL COUNCIL AND DEPARTMENT PLANNING & ENVIRONMENT

CLIENT

PJ & V HENNESSY

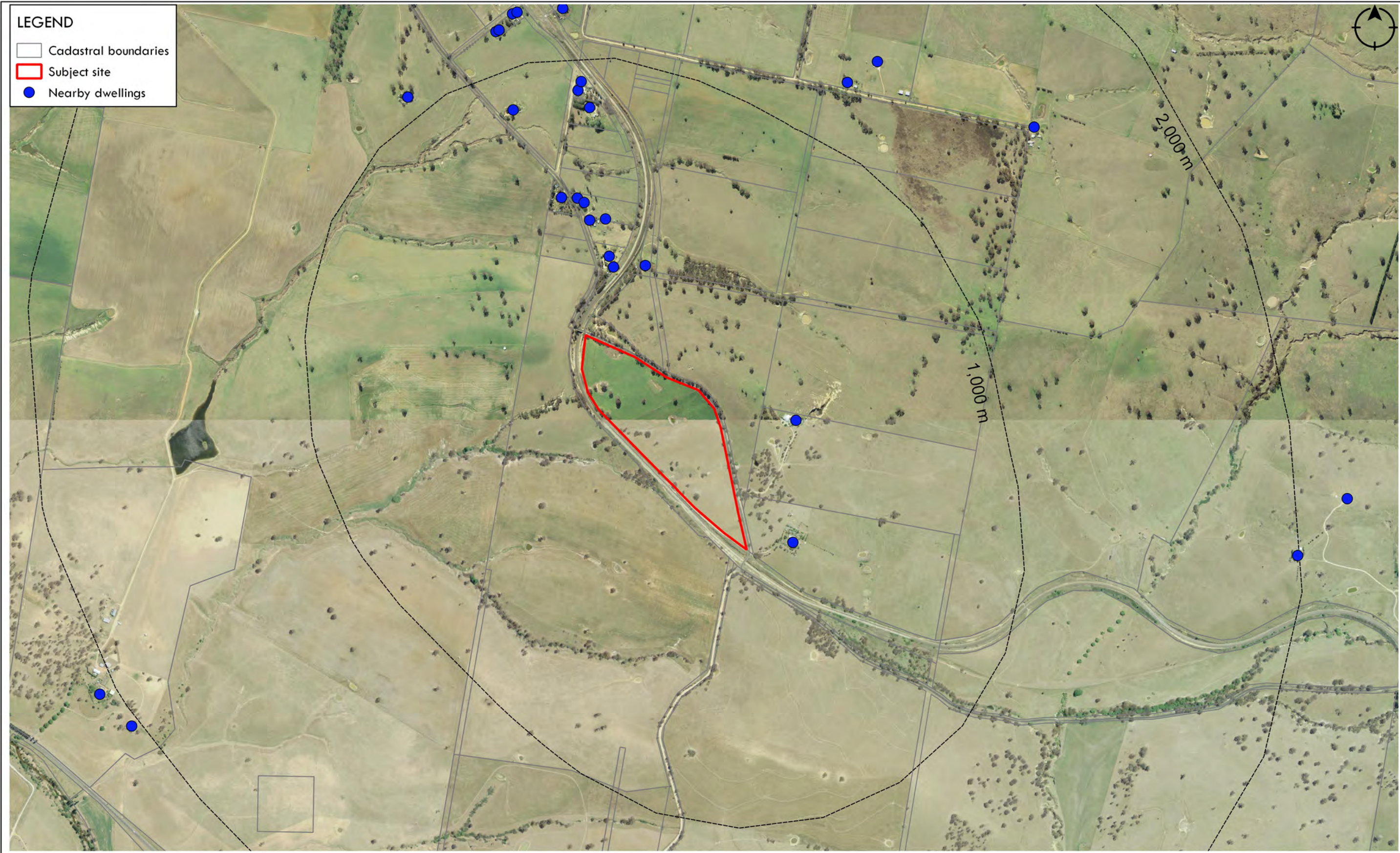
PROJECT

PROPOSED DWELLING

DRAWING

Name: Locality plan
Reference: 217329_01A_TP01-TP03
Sheet: TP02 of TP03
Status: FOR ISSUE
Date: 10/04/2019

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LEGEND

- Cadastral boundaries
- Subject site
- Nearby dwellings

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GIS PROJECT DETAILS
Datum: GDA 1994 MGA Zone 55 (EPSG: 28355)
Project Number: 217329
Directory: O:\Projects\217\217329\Out\GIS\217329.qgs
Data Source: SixMaps (Imagery) and NSW Spatial Services (Cadastre)

DRAWING SCALE

0 150 300 450 600 m

A3

APPROVAL AUTHORITY
BATHURST REGIONAL COUNCIL AND DEPARTMENT PLANNING & ENVIRONMENT

CLIENT
PJ & V HENNESSY

PROJECT
PROPOSED DWELLING

DRAWING
Name: Locality plan
Reference: 217329_01B_TP01-TP04
Sheet: TP03 of TP04
Status: FOR APPROVAL
Date: 10/04/2019

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GIS PROJECT DETAILS
Datum: GDA 1994 MGA Zone 55 (EPSG: 28355)
Project Number: 217329
Directory: O:\Projects\217\217329\Out\GIS\217329.qgs
Data Source: SixMaps (Imagery) and NSW Spatial Services (Cadastre)

DRAWING SCALE

0 50 100 150 m

A3

APPROVAL AUTHORITY
BATHURST REGIONAL COUNCIL AND DEPARTMENT PLANNING & ENVIRONMENT

CLIENT
PJ & V HENNESSY

PROJECT
PROPOSED DWELLING

DRAWING
Name: Proposed site plan
Reference: 217329_01B_TP01-TP03
Sheet: TP04 of TP04
Status: FOR APPROVAL
Date: 10/04/2019

Appendix A

DEPOSITED PLAN



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 15/700460

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

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



Gold Roche

[illegible]

I hereby certify that -

(a) the requirements of the Local Government Act, 1919
(other than the requirements for the registration of
plans), and

"(b) the requirements of section 34B of the Metropolitan
Water, Sewerage and Drainage Act, 1924, as amended,
Hunter District Water, Sewerage, and Drainage Act,
1938, as amended

have been complied with by the applicant in relation to the
proposed
(insert "new road", "subdivision" or "consolidated lot") set out herein

Subdivision No.

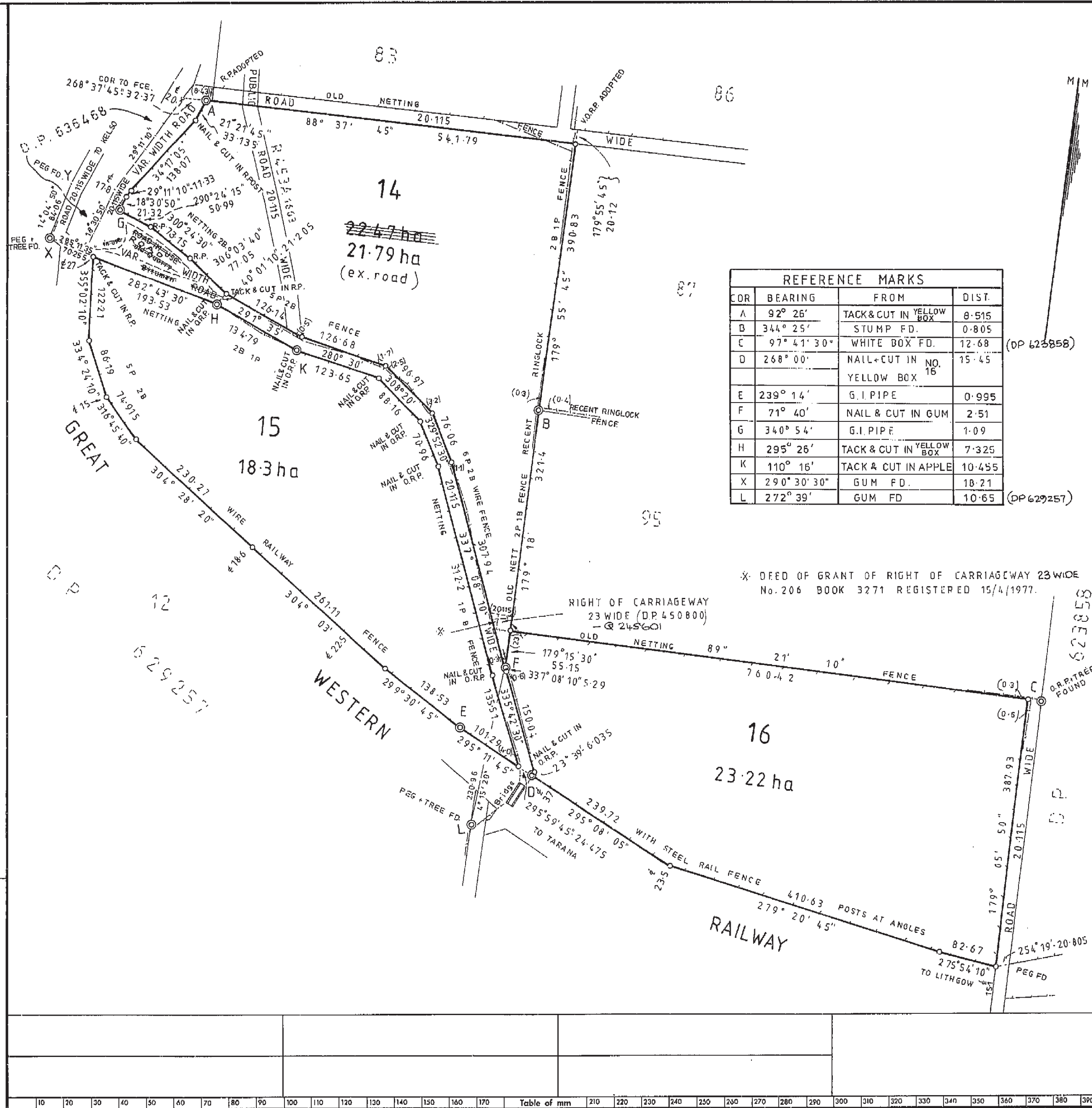
Date
.....
(Signature) Council Clerk

*This part of certificate to be deleted where the application is only
for a consolidated lot or the opening of a new road or where the land
to be subdivided is wholly outside the areas of operations of the
Metropolitan Water, Sewerage and Drainage Board and the Hunter
District Water Board.
Delete if inapplicable.

(Signature)

Council Clerk

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.
†Delete if inapplicable.



D P1700460

Registered:

C.A.: -

Title System: TORRENS & OLD SYSTEM

Purpose: SUBDIVISION

Ref. Map: PARISH #

Last Plan: _____

PLAN OF PARTS OF PORTIONS
23, 28, 38 AND CLOSED ROAD
ADJOINING (~~SECTION 11~~)
1.947 Ha. GRANT (V.10918 F.17)
(CONV. BK. 3012 NO. 777)

Reduction Ratio 1: 4 000
Lengths are in metres.

~~MUN.~~/Shire EVANS

Locality: BREWONGLE

Parish: MELROSE

County: ROXBURGH

~~Printed on the reverse side of the page.~~ (Delete if inapplicable).

1. GERARD VOERMAN DX 3105
of G VOERMAN & ASSOCIATES BATHURST
a surveyor registered under the Surveyors Act, 1929, at
extended, hereby certify that the survey represented in this
plan
is accurate and has been made (1) by me personally
~~under my supervision~~ in accordance with the Survey
Practice Regulations, 1933, and was completed on 1
18.8.1983

Signature [Signature]
 Surveyor registered under Surveyors Act, 1929, as amended.
 Datum Line of Azimuth. "X - Y"
 *Strike out either (1) or (2). Insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

THE CONCENT OF THE S.R.A.
OF N.S.W. FURNISHED AND
FILED WITH OP PAPERS.

SURVEYOR'S REFERENCE: 450252

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

I, Bruce Richard Davies, Under Secretary for Lands and Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this day.

5th July, 1984

Appendix B

AHIMS SEARCH RESULT

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 217329

Client Service ID : 405372

Geolyse Pty Ltd
154 Peisley Street,
Orange New South Wales 2800
Attention: Sam Burns
Email: sburns@geolyse.com

Date: 12 March 2019

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 Sam Burns on 12 March 2019.

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 \(http://www.nsw.gov.au/gazette\)](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 to 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

CLAUSE 4.6 VARIATION REQUEST

1 Clause 4.6 Variation

1.1 INTRODUCTION

This is an application to vary a development standard under clause 4.6 – Exceptions to Development Standards of the *Bathurst Regional Local Environmental Plan 2014* (BR LEP 2014). The standard to which the variation is sought is clause 4.2B, being the Erection of Dwelling Houses on Land in Certain Rural Zones. This clause 4.6 variation supports a development application seeking consent for a proposed dwelling house located at 708 Tarana Road, Brewongle, Lot 15 DP700460 – refer **Figure 1**.

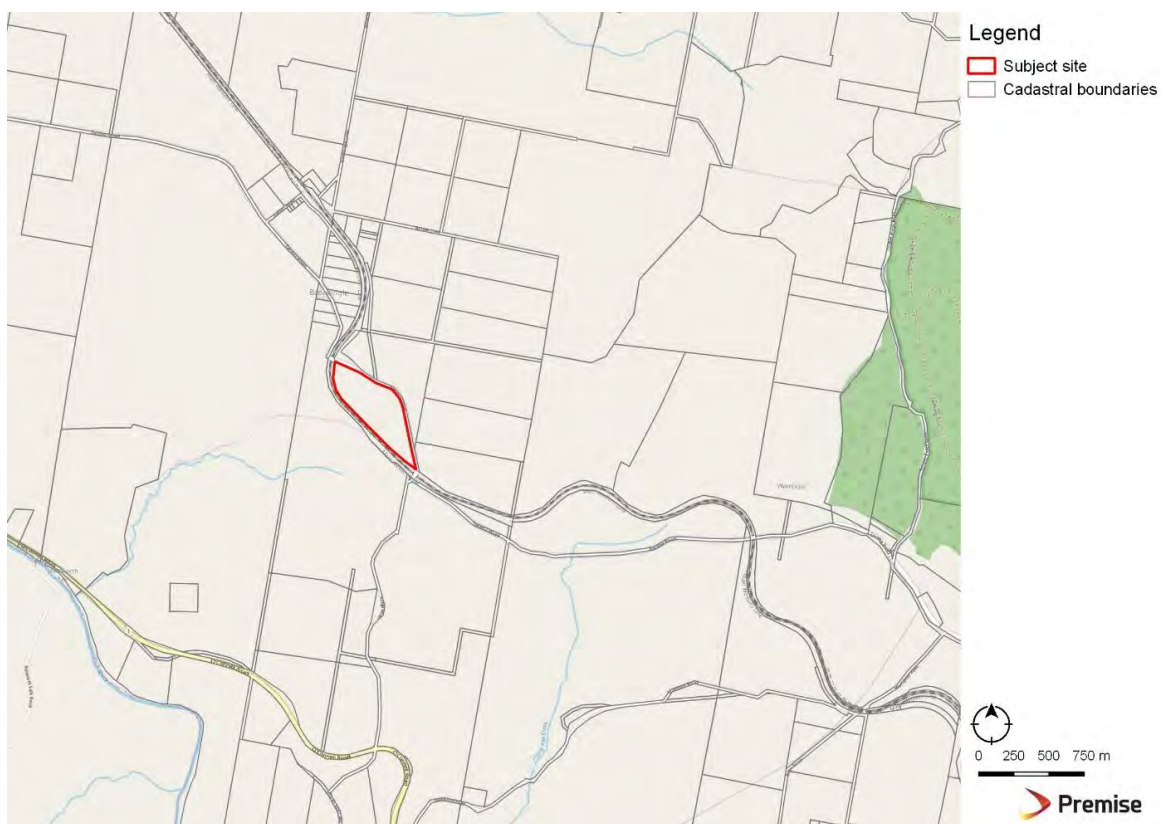


Figure 1: Subject site

Clause 4.2B provides objectives for this clause and stipulates that dwellings may not be built on lots smaller than the size shown for the land on the Lot Size Map. Clause 4.2B states *inter alia*:

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,
- (c) Zone RU4 Primary Production Small Lots.

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(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,

The subject site is zoned RU1 – Primary Production (refer **Figure 2**) and is identified via the Lot Size Map as having of Minimum Lot Size of 100 hectares – refer **Figure 3**.

The subject site has a total area of 18.3 ha and is therefore below the applicable minimum lot size. As such a clause 4.6 variation is required.

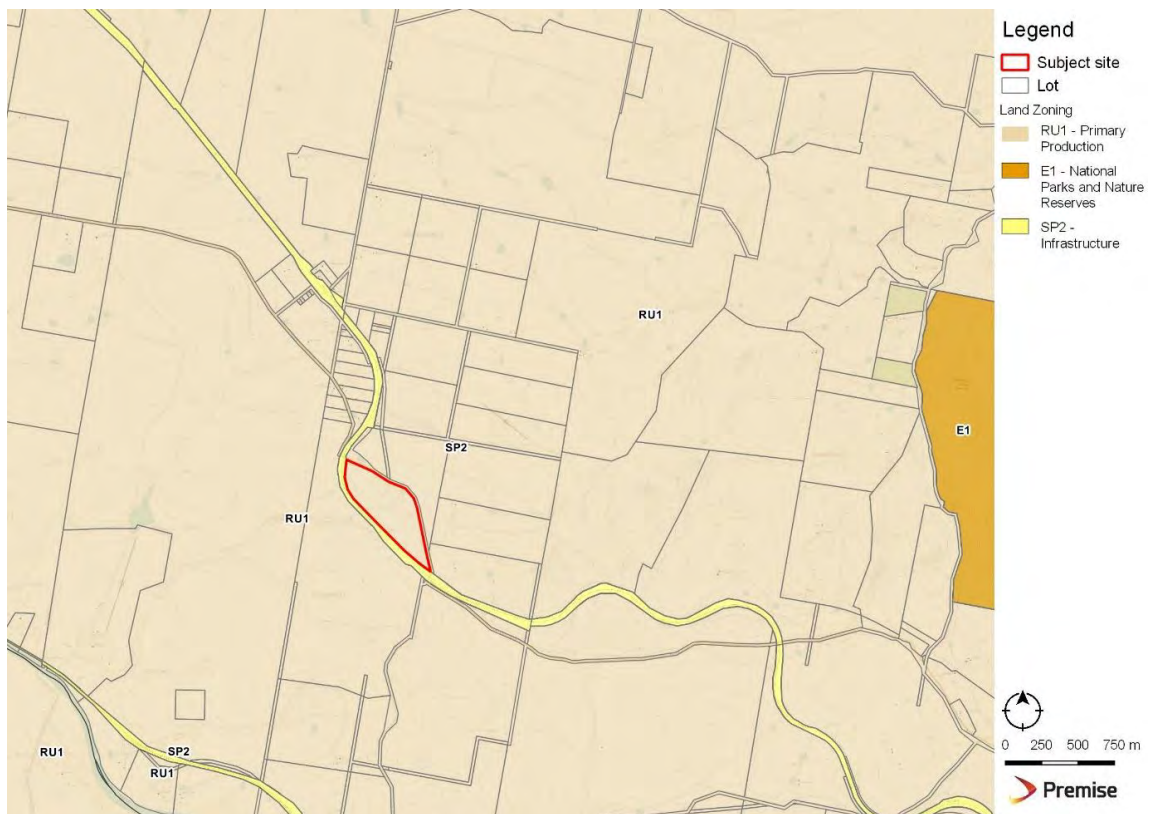


Figure 2: Subject site zoning – Bathurst Regional LEP 2014

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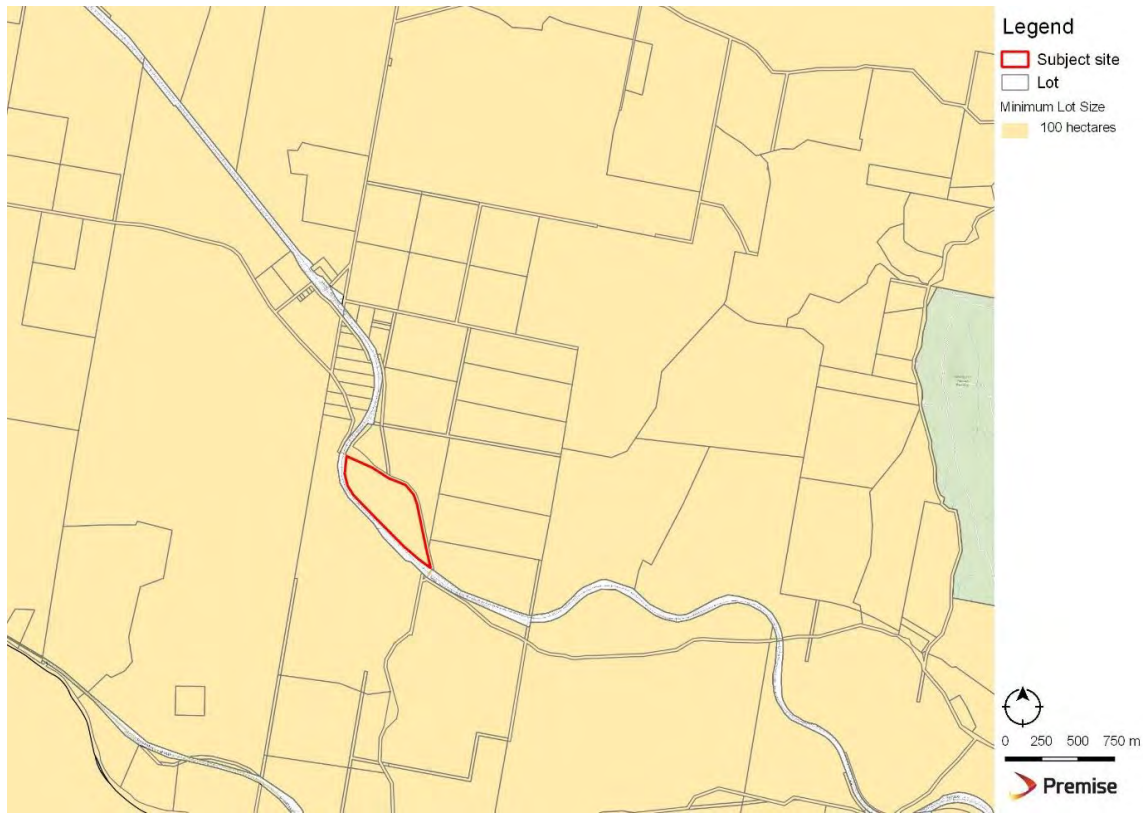


Figure 3: Extract from Lot Size Map – Bathurst Regional LEP 2014

1.2 CLAUSE 4.6

The objectives of clause 4.6 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.

It further provides:

- (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:
 - (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:

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(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.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

*(a) the subdivision will result in 2 or more lots of less than the **minimum** area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the **minimum** area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.

Clause 4.6 seeks to provide a mechanism for the legitimate variation of a development standard. It seeks to provide flexibility so as to achieve better outcomes for and from development.

Clause 4.6 variations, and SEPP1 objections before them, have been the subject of a large number of Land and Environment Court decisions and this has usefully established a clear pathway for demonstrating the methods by which the obligations of clause 4.6 are discharged.

SEPP1 was introduced in 1979 in conjunction with the *Environmental Planning and Assessment Act 1979*. SEPP1 was seen as a crucial tool in support of this new planning system, which sought to 'foster investment', 'facilitate growth' and provide 'flexibility' and 'wide discretion'. This is strongly reflected by the core aims and objectives of the SEPP1, which stated:

"This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects ... of the Act"

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The most relevant of the cases relating to SEPP1 is *Wehbe vs Pittwater Council (2007) LEC 827* (Wehbe). Whilst Wehbe was concerned with a variation request pursuant to the provisions of *State Environmental Planning Policy No. 1 – Variations to a Development Standard* (SEPP1), it remains relevant in the determination of clause 4.6 variations.

In the decision of *Wehbe v Pittwater Council [2007] NSWLEC 827* (Wehbe), Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 could be shown to be well founded and the manner by which the approval of the objection may be consistent with the aims of the policy. The five possible ways articulated in Wehbe are set out below:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *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;*
- *The compliance with the 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.*

In applying the tests of Wehbe, only one of the above rationales is required to be established.

In 2006 the Standard Instrument Local Environmental Plan (SILEP) was introduced, and with it Clause 4.6. Clause 4.6 replaces the provisions of SEPP1.

Following the introduction of clause 4.6, the NSW LEC found at paragraph 62 in the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* (Four2Five) that:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

A number of more recent LEC decisions in relation to clause 4.6 variations also have relevance.

In *Randwick City Council v Micaul Holdings Pty Ltd [2016]* (Micaul) the Chief Judge, Preston CJ, noted (our emphasis added):

39. Hence, the Commissioner did not have to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary.

40. The Commissioner's reasons for judgment need to be scrutinised with this correct inquiry in mind. The Council needed to establish that the Commissioner did not provide adequate reasons for concluding that Micaul's cl 4.6 objections adequately addressed the matter of whether compliance with the relevant development standard is unreasonable or unnecessary in the circumstances of the case. I find that the Council has not established that the Commissioner's reasons were inadequate in law in this regard.

Also of relevance is the matter of *Moskovich v Waverley Council [2016]* (Moskovich), which related to a request to vary a maximum height limit. In favourably determining the matter, the Commissioner cited a number of relevant factors, including the lack of environmental impact of the proposal, the environmental benefits of the proposal, the two street frontages and its context.

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Clause 4.6 also requires the concurrence of the Director-General to be obtained prior to the granting of consent for development that contravenes a development standard unless concurrence from the Director-General to vary the development standards have been delegated to the Council.

By virtue of Clause 64 of the Environmental Planning and Assessment Regulations 2000 (EPA Regs) and Planning Circular 17-006, it is apparent that concurrence in matters relating to clause 4.6 variations may not be assumed where the variation relates to a development standard in respect of the minimum lot size for the erection of a dwelling on land in, among others, the RU1 zone, where the variation request exceeds a 10% reduction of the stated minimum land size. As this is the case for the subject application, concurrence may not be assumed and the concurrence of the Secretary is required.

1.3 SITE HISTORY

The site has a detailed planning history.

The earliest known relevant planning decision relating to the site is a development approval granted by the then Evans Shire Council for a dwelling. The application related to the subject site together with adjacent Lot 12 DP629257), then hold in the same ownership (DA/141/88).

Following the sale of the subject land in 1992, an application was lodged with and approved by Evans Shire Council for a dwelling and relating solely to the subject site (DA/120/92, dated 22 January 1992). DA/120/92 was supported by a variation requested made under State Environmental Planning Policy No. 1 – Development Standards and was granted with the concurrence of the Department of Planning.

DA/120/92 was modified by the then land owner via a modification approval issued by Council on the 22 December 1994.

It is understood that minor vegetation clearing and earthworks were completed by the then owners to commence this consent however no evidence of a building consent for the earthworks has been able to be located. Council indicate that their files relating to the site have been lost.

A development application supported by a SEPP1 variation request was lodged with Bathurst Regional Council on 13 March 2007 (DA/2007/0463) but was refused. The reasons given for refusal were:

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.

A development application supported by a SEPP1 variation request was lodged with Bathurst Regional Council on 20 March 2009 (DA/2009/0435) but was refused. The reasons given for refusal were:

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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.

A development application (DA/2018/207) accompanied by a clause 4.6 variation proposing a single dwelling was lodged with Council on the 19 June 2018 and refused for the following reasons:

- 1. The Secretary's concurrence, as required under Clause 4.6 of the Bathurst LEP 2014, has been refused for the following reason.*
 - i. The development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case;*
 - ii. The proposal involves a dwelling house located on land has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land – this is significant to regional planning and*
 - iii. Relaxing the development standard in this case will result in a variation of greater than 80% in area that has been cleared identified by Council as not to support further dwelling houses on small lots.*

In issuing the decision, the following reasons were provided:

- 1. The development is not permissible with consent as the land does not meet the minimum development standard for RU1 zoned land*
- 2. The development is not consistent with the applicable LEP provisions*
- 3. The development requires a substantial clause 4.6 variation to a development standard*
- 4. Concurrence to the clause 4.6 variation has not been issued by the Department of Planning and Environment*
- 5. The development does not require public consultation as part of the assessment process*

Notably, the Council assessment of the application recommended refusal however the decision by a meeting of full Council was unanimously supported. However, due to the concurrence of DPE not being granted, the application was refused under delegated authority. The officers recommended reasons for refusal contained within the assessing report were:

(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

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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.

In assessing the application, Council's assessment report notes (our emphasis added):

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 notion that the proposal would, if approved, set an undesirable precedent appears to be a reoccurring theme in Council's deliberations. It is interpreted by Geolyse that this relates to a public interest argument and the inference that the public interest is best served by upholding adopted strategy. This is discussed in further detail in Section 6.2 of the statement of environmental effects. From a review of applicable strategy it is concluded that the development is not contrary to the aims of proper planning and the development is not objectionable in its own right, given the absence of identified conflict or impacts.

In considering the recommended reasons for refusal contained within the Council officers report the following is noted:

Table 1.1 – Response to officers reasons for recommendation of refusal (DA2018/207)

Reason	Response
a. The proposal is not consistent with the objectives of the RU1 Primary Production Zone;	a. As outlined in Section 4 , it is strongly contended that the application is justified in the context of the RU1 zone objectives. As noted, consistency is not the test that must be satisfied with respect to zone objectives. Clause 2.3(2) of the LEP requires a consent authority to have <i>regard to the objectives</i> in relation to any development application in a zone. To require or expect consistency with the objectives applies an incorrect test in planning law.
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. As outlined in Section 5 , it is strongly contended that the proposed development demonstrates consistency with the objectives of Clause 4.2B.

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In considering the finally adopted reasons for refusal outlined in Council's decision notice the following is noted:

Table 1.2 – Response to reasons for refusal (DA2018/207)

Reason	Response
The Secretary's concurrence, as required under Clause 4.6 of the Bathurst LEP 2014, has been refused for the following reason.	
The development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case;	There is sufficient justification to argue that the standard in this case are achieved notwithstanding non-compliance with the standard. On this basis, the clause 4.6 variation is justified and the application should be supported. The public interest argument is presumably focused on a perceived need to consistently apply the standards of the LEP and the recommendations of the strategy in all situations and therefore ensure the principles of 'proper planning' are satisfied. Such an approach ignores the intended flexibility which clause 4.6 provides and also ignores that the specific objective of clause 4.2B is to minimise rather than to outright exclude unplanned development.
The proposal involves a dwelling house located on land has <u>not</u> been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land – this is significant to regional planning and	Clause 4.6 provides appropriate flexibility to ensure that the objectives of a clause can be achieved so as to achieve better outcomes for and from development. This is a legitimate pathway and, in our view, this justification for the variation request is well founded and justified. This inferred significance to regional planning is assumed to relate the Council's view that adherence to strategy takes precedence over the merits of a specific development. This view is at odds with other recent decisions of Council in allowing clause 4.6 variations for reduction in the minimum lot size for dwelling development, most notably the recent approval at Rock Forest (DA/112/2018) and, as stated above, ignores the intended and specific flexibility provided by the provisions of clause 4.6.
Relaxing the development standard in this case will result in a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small lots.	The merit for the proposal is outlined in this report and further justified by this Clause 4.6 variation request. In our view the request is well founded and justified by this application and should be supported. The numerical value of the variation is only one aspect of considering this matter and should not have determinative weight.

In relation to the stated reasons for the decision, the following is noted:

Table 1.3 – Response reasons for decision (DA2018/207)

Reason	Response
The development is not permissible with consent as the land does not meet the minimum development standard for RU1 zoned land	We strongly contend that the Council's negative determination of the clause 4.6 variation request does not render the development as 'not permissible with consent' as stated. Permissibility is governed by the content of the Land Use Table as, in this case, relating to the RU1 zone. The provisions of clause 4.2B are an additional development standard that must be satisfied unless otherwise justified by a clause 4.6 variation. This takes a very strict approach to the interpretation of clause 4.2B which is at odds with the clear and express purpose of clause 4.6, which is to provide for flexibility in applying development standards so as 'to achieve better outcomes for and from development'. The development is permissible with consent and non-compliance with clause 4.2B does not mean the development is not permissible with consent as stated.
The development is not consistent with the applicable LEP provisions	No specific details are given as to which LEP provisions the development is not consistent with. Presumably this relates to clause 4.2B. This matter is addressed throughout this document.
The development requires a substantial clause 4.6 variation to a development standard	A clause 4.6 variation was provided in the previously refused development application and is also provided now. The substantiality of the variation is not at question but rather whether the particular tests set down in relation to clause 4.6 are satisfied. We contend that these are as outlined in this report.

Table 1.3 – Response reasons for decision (DA2018/207)

Reason	Response
Concurrence to the clause 4.6 variation has not been issued by the Department of Planning and Environment	We accept that concurrence was not granted in relation to the former application, however ongoing discussions with the Western Region DPE staff suggest a more favourable view of the matter is now held, following the direct submission of additional information by the applicant to DPE post release of their decision in this matter. We understand, to ensure procedural fairness, it is the intention of DPE to refer any further application in this matter to another regional DPE office for an independent review. We welcome this approach.
The development does not require public consultation as part of the assessment process	We do not disagree with this statement, except to the extent that it does not seem a logical reason to justify a decision of refusal.

2 Purpose of this request

Pursuant to Clause 4.6 of LEP, we seek exception to clause 4.2B of the LEP relating to minimum lot size and rural dwelling development. The relevant considerations for the proposed non-compliance with FSR are assessed in the following sections below.

Clause 4.6 of the LEP permits departures from development standards in certain circumstances. As such, strict compliance with Clause 4.2B is considered unnecessary in the circumstances for the following reasons:

1. Strict compliance with clause 4.2B is unreasonable or unnecessary for the following reasons:
 - a. The objectives of the LEP are achieved notwithstanding the technical non-compliance.
 - b. The objectives of the LEP RU1 Primary Production zone are achieved notwithstanding the technical non-compliance.
 - c. The objectives of clause 4.2B are achieved notwithstanding the technical non-compliance
2. There are sufficient environmental planning grounds to support the proposed variation.

Each of these reasons is addressed in detail on the following pages.

The key matters in relation to this request are outlined in the following table.

Table 2.1 – Key matters

Item	Response
Applicable planning instrument	Bathurst Regional Local Environmental Plan 2014
LEP objectives	Refer Section 3
Land zoning	RU1 – Primary Production
Zone objectives	Refer Section 4
Development standard seeking variation	Clause 4.2B of the LEP – applicable minimum lot size is 100 hectares
Is the standard a performance based control?	No, the lot size standard is a numerical control
Objectives of standard	Refer Section 5

Table 2.1 – Key matters

Item	Response
Numeric value of the standard	The LEP establishes the minimum lot size for land in the rural zone on which a dwelling may be erected as 100 hectares
Extent of variation	82%

3 LEP Objectives

3.1 CONSIDERATION OF LEP OBJECTIVES

The proposal satisfies the applicable LEP objectives, where relevant, as articulated in the table below.

Table 3.1 – Clause 4.2B Objectives

Objective	Assessment
(a) to deliver growth and development in the city of Bathurst and rural localities,	This application provides for a new dwelling, thereby supporting this objective by encouraging growth
(b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,	The development would have a negligible impact on environment due to the limitations and characteristics of the site and the location of the proposed dwelling within the lot. The absence of environmental harm is accepted by Council in relation to their most recent assessment of an application for a dwelling on this site.
(c) to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets,	There would be no impact to items or sites of heritage significance
(d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:	This objective is satisfied as outlined below:
(i) preserve and improve the ecosystem services they provide, and	The dwelling location does not contain any areas of high biodiversity conservation value. Mapped land via the Development Control Plan is well clear of the house site and would not be impacted. The house site contains an existing building and limited disturbed grassland vegetation.
(ii) protect the region's significant vegetation and scenic quality, and	This would be achieved for the reasons outlined above.
(iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,	No impacts to habitat corridors as no impacts to significant vegetation are likely
(e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,	The addition of one rural dwelling into a landscape already featuring a large number of dwellings would promote housing choice in a manner that it is not detrimental to the existing settlement pattern. Given the unique characteristics of the site, the development is unlikely to lead give cause to further applications of this nature as a merits based assessment of other small sites would not lead to the same conclusion.

Table 3.1 – Clause 4.2B Objectives

Objective	Assessment
(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,	As the proposal does not relate to urban development this objective is not strictly relevant. The proposal does not impede the intent of this objective.
(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,	This objective is satisfied by providing one additional rural dwelling into an existing community. The Brewongle area has a population of 124 people (ABS, 2016) across 59 houses. This development assists in generating a sense of community by providing additional residents.
(h) to protect the region's key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,	As the proposal does not impact transport assets, this objective is not strictly relevant. The proposal does not impede the intent of this objective.
(i) to provide a secure future for the region's recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,	This objective is not strictly relevant. The proposal does not impede the intent of this objective.
(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,	The site is not the subject of any specific environmental hazards and the site is well suited to accommodate a dwelling.
(k) to encourage the dynamic and innovative development and growth of the region's primary resources,	The application is not antipathetic to this objective as the current low level primary production use of the site would not change following the addition of a dwelling.
(l) to protect and enhance the region's landscapes, views, vistas and open spaces,	Given the low scale nature of the proposed dwelling location, the proposal is unlikely to lead to any detrimental impacts to the region's landscapes, views, vistas or 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.	This objective is not strictly relevant. The proposal does not impede the intent of this objective.

On the basis of the above, it is contended that the proposal is consistent with the LEP aims.

4 Zone objectives

4.1 CONSIDERATION OF ZONE OBJECTIVES

The proposal satisfies the applicable zone objectives in relation to the RU1 – Primary Production zone, where relevant, as articulated in the table below.

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**Table 4.1 – RU1 zone Objectives**

Objective	Assessment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	As discussed elsewhere, the land is considered to be too small and too constrained to allow for effective and sustainable use for primary production purposes. The land is not currently used in any viable fashion and the proposal to develop a dwelling on this would not impact on this current situation. The land is too constrained to allow for it to be amalgamated with adjoining lands to enable its viable use. The proximity to the railway line provides a further barrier to cropping or intensive uses due to the risks associated with dust or spray drift.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	As a permissible, non primary production activity, this objective is not considered relevant. The development is not antipathetic to this objective.
To minimise the fragmentation and alienation of resource lands.	The subject site is a discrete portion of land, bound by Tarana Road to the north and the Main Western Railway Line to the south. It is physically disconnected from other parcels of land by these features. 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 disconnected nature of the lot, it is not considered that the future dwelling would alienate any resource lands.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	<p>The character of the area is strongly influenced by the proliferation of dwellings in the immediate locality and the highly fragmented nature of the land holdings. Within a 4 km radius, there are 92 dwellings on 187 lots, with an average lot size of 33.6 ha. The median lot size is 8.8 ha. These lot sizes reflect the fragmented nature of the lot pattern in the locality.</p> <p>Retained primary production land uses in the locality primarily consist of grazing activities with some improved pasture harvesting. The location of the proposed 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.</p> <p>In their most recent assessment report in relation to DA/207/2018 Council staff stated:</p> <p><i>The construction of one additional dwelling by itself is unlikely to have any significant adverse impacts on the surrounding land uses as agricultural land.</i></p>

Table 4.1 – RU1 zone Objectives

Objective	Assessment
<p>To maintain the rural and scenic character of the land.</p>	<p>Character is described as:</p> <p><i>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)</i></p> <p>The site is located in a rural zoned area characterised by scattered dwellings and low impact primary production activities (such as grazing). The locality is characterised by rolling hills, featuring predominantly grassland vegetation with scattered remnant trees. The site is located on the outskirts of the village of Brewongle. The existing earth pad on site provides for the dwelling to be 'cut into' the slope which substantially reduces its visibility from Tarana Road and its 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. The external materials selected would be of muted, non-reflective tones to ensure effective integration with the character of the locality.</p> <p><i>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.</i></p> <p>A Land Environment Court planning principle provides a useful clarification for measuring the compatibility. At paragraph 22 of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 it is stated:</p> <p><i>There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.</i></p> <p>In furthering this comment, the Department of Planning and Environment outline in planning circular 18-001 that:</p> <p><i>Compatibility is different from sameness, as it allows for many different features to coexist together harmoniously (NSW Government Planning & Environment, 2018).</i></p> <p>The proposed dwelling is considered to be compatible with the rural character of the locality as it is consistent with the existing scale of development in the locality and it is sited to avoid any land use conflicts with surrounding rural activities. An appropriate buffer of 50m is identified between dwellings and low impact primary production activities (such as grazing and any associated rural activity).</p>
<p>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.</p>	<p>The locality provides for a range of land uses including dwellings interspersed with agricultural and related activities. The scattered dwellings within the locality assist in establishing the rural character. Dwellings have always supported agricultural land uses and their existence in the rural zone is not, alone, an indicator of likely conflict. Through proper design and siting, and adoption of appropriate buffers, dwellings can be accommodated within the rural landscape without disrupting existing function. As noted elsewhere, the unique attributes of the lot together with the fragmented nature of the surrounding lot pattern ensure that there is limited likelihood of conflicts. Council staff agree comments reflect their agreement with this via the most recent DA assessment at the site.</p>

On the basis of the above, it is contended that the proposal is consistent with the zone objectives.

5 Clause 4.2B Objectives

5.1 CONSIDERATION OF CLAUSE 4.2B OBJECTIVES

The proposal satisfies the applicable objectives in relation to clause 4.2B, where relevant, as articulated in the table below.

Table 5.1 – Clause 4.2B Objectives

Objective	Assessment
(a) to minimise unplanned rural residential development,	<p>The development proposed is development of a dwelling in a rural area, a permissible use in its own right subject to clause 4.2B.</p> <p>To minimise is to avoid but does not completely rule out.</p> <p>The term rural residential development is not defined in the standard instrument however it is interpreted to mean development akin to that which would be routinely found in the R5 – Large Lot Residential zone, ie, dwelling development on smaller lots for lifestyle purposes.</p> <p>Unplanned is interpreted to mean development of land not strategically identified for a rural residential purpose.</p> <p>The proposal does not lead to the establishment of rural residential development in a broad sense. The subject site is unique in its attributes and the application does not hinder the primary production use of the site or surrounding land, as agreed by Council staff during their assessment of the most recent DA assessment in relation to the site.</p> <p>The site is well sited close to the village of Brewongle and its location, small size and unique characteristics mean it is well suited for use for small scale rural purposes with a dwelling. The uniqueness of the site means it does not set a precedent for similar development in the locality as other sites similar to this simply do not exist. For this reason, the development minimises the likelihood of unplanned development in the locality and in this manner satisfies the objective of the standard.</p>
(b) to enable the replacement of lawfully erected dwelling houses in rural zones.	<p>A new dwelling is not located on the land and as such the proposal is not antipathetic to this objective.</p>

6 Justification

6.1 INTRODUCTION

As outlined in **Section 1.2**, there are a number of specific tests that must be satisfied in determining a clause 4.6 variation. These are discussed in the following sections.

Compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case

It is unnecessary to comply with the development standard in respect of the subject site for the following reasons:

- The characteristics of the site are unique when compared with other smaller lots in the LGA;
- These unique characteristics mean that there is limited likelihood of the development creating an undesirable precedent that could be used as a justification for other developments of this nature within the LGA;

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IN SUPPORT OF A DEVELOPMENT APPLICATION
PAUL & BONNY HENNESSY



- The proposed dwelling use of the land is not objectionable in its own right, as agreed by Council staff in the most recent assessment of a proposed dwelling on the site. Council assessment report states:

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

- The constraints of the site mean that there is limited capacity for either the economic or practical viable primary production use of the land;
- The high degree of land fragmentation and dwelling development in the immediate surrounding locality means that the development is unlikely to lead to any unreasonable impacts to the ongoing primary production use of the land;
- No further subdivision is proposed;
- The proposed dwelling location provides sufficient buffers to ensure conflict between the dwelling use and the potential primary production use of adjacent land is minimised. Therefore the proposal will not further fragment or conflict with primary industry production;
- There are numerous other dwellings on similar sized lots in close proximity (including 13 within 1 km – refer **Drawing TP03**) even though Council's current planning instrument no longer supports those lot sizes in the zone;
- The former Evans Shire Council approved a dwelling on the land with the express concurrence of the Department;
- The proposal is capable of meeting the requirements of Council's Development Control Plan as outlined in the SEE to which this clause 4.6 variation is attached;
- Strict compliance with the standard would result in an inflexible and unfair application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development.

There are sufficient environmental planning grounds to justify contravening the development standard

This test is routinely satisfied by addressing one (but it need not address all) of the matters outlined by in the Webhe LEC decision, as outlined in Section 1.2. These potential reasons of justification are outlined and discussed below:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

This is extensively dealt with in **Section 5.1**. For the reasons outlined in that section, it is considered that the variation is sufficiently justified.

- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Not applicable.

- *The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Not applicable.

- *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;*

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Not applicable.

- *The compliance with the 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.*

Not applicable.

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3)

The particular requirements at clause 4.6(3) are:

- (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.*

It is notable that in the recent LEC decision, *Randwick City Council v Micaul Holdings Pty Ltd [2016]*, the Chief Judge, Preston CJ, noted (our emphasis added):

*"the Commissioner **did not have to be satisfied directly** that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, **but only indirectly by being satisfied that the applicant's written request has adequately addressed** the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary".*

The matters raised at Clause 4.6(3) are adequately addressed above.

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

These matters are discussed in **Sections 2, 3 and 4**. Based on that discussion, it is considered that the proposal is in the public interest through demonstrating consistency with the applicable objectives.

In addition to the above, satisfaction of those matters that must be considered by the Secretary in determining whether concurrence should be granted is required.

- Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The key matter of regional environmental planning relating to former applications at the site have focussed on the planning principles outlined in the former *State Environmental Planning Policy (Rural Lands) 2008*. Since determination of this most recent application, the Rural Lands SEPP has been repealed. The replacing document, the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*, is shown (at Section 4.2.2.3 of the statement of environmental effects which this variation request supports) not to apply with respect to the Bathurst LGA or LEP.

Given the very minor nature of the proposal and the unique characteristics of the site, there are no matters of state or regional environmental planning significance contravened in favourably determining this variation request.

- The public benefit of maintaining the development standard

The public benefit of maintaining the development standard is of minor significance given the unique nature of the site and the low level of impact associated with the proposed development. An additional

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single dwelling in this locality would be in keeping with the established character of the area. Arguments around public benefit are limited to arguments of 'proper planning' through the making of consistent decisions that reinforce the overarching strategic framework. This can be succinctly summarised as avoided establishing undesirable precedent. There is limited capacity for setting a precedent in this matter that would support further applications of a similar nature, either here or in the wider LGA. The unique characteristics of the site mean that a similar 'perfect storm' of site characteristics is unlikely to be achieved. Applications should be considered, firstly, on their site specific merits and, secondly, on their role in proper planning. The merits of the case are not disputed and Council staff agree a further dwelling in this locality would have limited impact. Due to the site uniqueness, precedent is unlikely and therefore the proper planning of the area is not diminished.

7 Conclusion

The development proposes a variation to clause 4.2B of the LEP in that it seeks to enable the development of a dwelling on land that is below the minimum lot size.

The requested variation is justified in the specific circumstances of the case and compliance with the standard is unnecessary to ensure that compliance with the LEP, RU1 zone and clause 4.2B objectives are achieved.

As demonstrated throughout this request, the variation request is well founded and there are sufficient environmental grounds to justify the non-compliance with the standard given the specific characteristics of the site.

It is the applicants proposition that denying approval for a dwelling is unreasonable, and therefore this clause 4.6 variation can be supported by Council, on the basis that no further subdivision is proposed and the underlying principle of protecting primary production resources will be not compromised in this particular case.

Appendix D

EFFLUENT MANAGEMENT REPORT



20180233
1 March, 2018

Paul & Bonny Hennessy
3397 O'Connell Road
O'Connell NSW 2795

Attention: Paul and Bonny

Dear Paul and Bonny

Re: Effluent Disposal Investigation
708 Tarana Road 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
Fax: 02 6331 8210
Email: bathurst@calare-civil.com.au
Web: www.calare-civil.com.au

DISPOSAL OF EFFLUENT

General

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 **68.9m²** is required, with a maximum effluent depth of **309mm**.

Month	E mm	ET mm	R mm	Rr mm	DLR/mth mm	Disposal Rate mm	Effluent Applied per month (L)	Size of area 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

DEPTH OF STORED EFFLUENT 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

From AS1547:2012, the total required bed length is calculated as follows:

$$L = A_e/B_e$$

Where $A_e = 68.94\text{m}^2$ (required area)

$B_e = 2.4\text{m}$ (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: $L = 68.94/2.4$

$= 28.7\text{m}$ (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

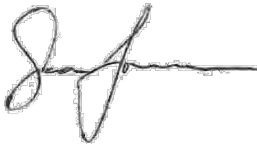
It is recommended that a fescue/fescue blend (Temperate and Mediterranean blend varieties) or similar be planted on the disposal area, which has year-round active growth, enhancing nutrient uptake (Ref. NSW Feedlot Manual 1998, NSW Department of Agriculture). Other recommended species providing similar 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

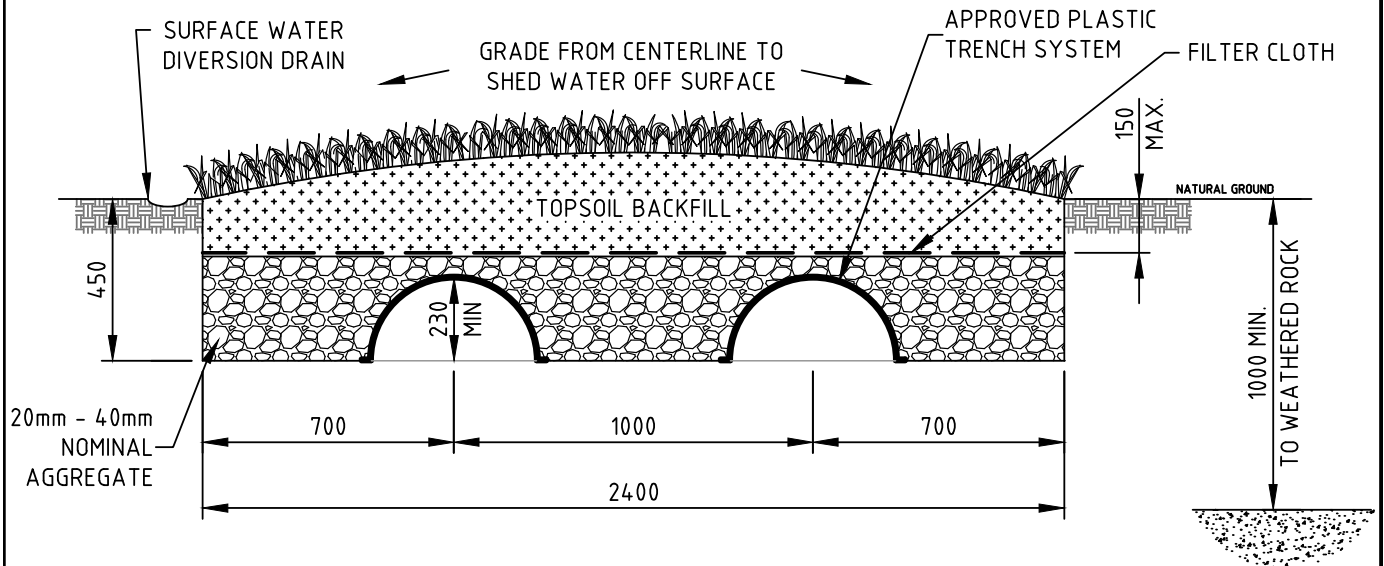
The implementation of wastewater and nutrient reduction initiatives such as the following will further improve the performance of the system:

- 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

A handwritten signature in black ink, appearing to read 'Sean Johnson', with a long horizontal line extending to the right.

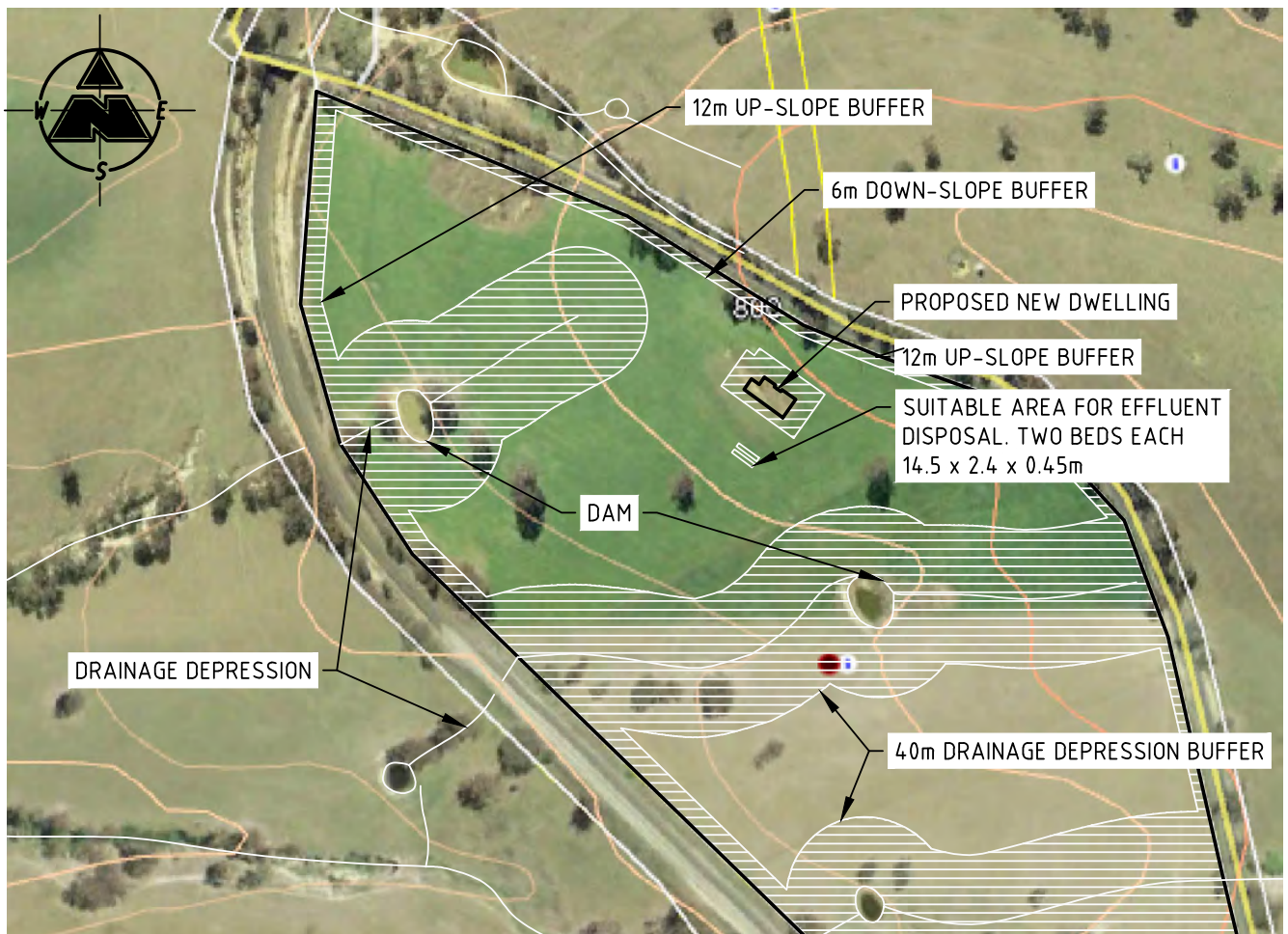
Sean Johnson
BE GradIEAust.



EVAPOTRANSPIRATION/ABSORPTION TRENCH DETAIL

NOT TO SCALE

SUITABLE FOR LEVEL SITE TO SLOPING SITE LESS THAN 10%



LOCATION OF PROPOSED DEVELOPMENT AND DISPOSAL AREA ARE INDICATIVE ONLY.
FINAL LOCATION DETERMINED BY INSTALLER PENDING SUITABILITY.

REFERENCE

● TEST HOLE LOCATION

SITE PLAN

SCALE 1:4000

DWG. No.: E1	Rev.: A	Drawn: AJ Date: 01/03/2018	EFFLUENT DISPOSAL REPORT 708 TARANA ROAD LOT 15 DP700460 BREWONGLE NSW 2795 PAUL BONNY HENNESSY	CALARE CIVIL CONSULTING ENGINEERS 170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210
JOB No.: 20180233		Scales: AS SHOWN		
		Approved:		

Appendix E

APPLICANTS STATEMENT

**RESPONSE OF PAUL & BONNY HENNESSY
TO THE REPORT OF 18TH JULY 2018 –
DIRECTOR OF ENVIRONMENTAL PLANNING AND BUILDING SERVICES REPORT,
“THE REPORT”**

TABLE OF CONTENTS

- (A) Introduction
- (B) Failure to Disclose
- (C) Uniqueness of Block (708 Tarana Road)
- (D) Rock Forest – a Comparison with 708 Tarana Road
- (E) Clause 4.6 Exceptions to Development Standards
- (F) The Department of Planning “Varying Development Standards – a Guide”
- (G) Lack of Objectivity in **“The Report”**
- (H) Comparison of Summaries between BRC Planning Dept’s Report on Rock Forest and **“The Report”** 708 Tarana Road Property
- (I) Additional Factors not Mentioned in the Report Summary by the Planning Dept. which we believe favours the case for 708 Road over Rock Forest property and 708 Tarana Road
- (J) Sundry Mis-Statements, Factual Errors and Omissions in the Balance of **“The Report”** (i.e. other than the recommendations and summaries
- (K) Thorncraft Decision
- (L) Subsequent Events to **“The Report”** (18.7.18)
- (M) Appendix M – Schedule of the 56 Residences within the 2 Ki
Kilometre Radius of 708 Tarana Road
- (N) Appendix N – Rate Notice 708 Tarana Road

**P J & V HENNESSY RESPONSE TO THE REPORT BY BRC PLANNING DEPARTMENT ON
DEVELOPMENT APPLICATION (DA/2018/207) (“THE REPORT”) – dated 16 July 2018**

(A) INTRODUCTION

1. For the last 20 years the writer of this report, in his capacity as a Chartered Accountant and expert witness has been involved in preparing expert reports, reviewing draft report prepared by my staff and reviewing similar reports prepared by experts acting for the other side. The cornerstone of any such report is objectivity and a lack of bias.
2. **“The Report”**, in my opinion, is materially flawed because of, inter alia, numerous omissions of critical matters, falsehoods and a lack of objectivity. **“The Report”** adopts/creates evidence supporting a refusal and ignores evidence supporting an approval.
3. In my experience **“The Report”** because of such flaws is perhaps the most deficient I have been involved with.
4. I believe a reasonable person, in possession of the facts, would conclude **the recommendations and conclusions in the report simply defy common sense.**

(B) FAILURE TO DISCLOSE

Throughout **“The Report”** reference is made to *“a number of residences within the vicinity”*. We have supplied the Director of Planning, Mr Neil Southorn (**“The Director”**) and the Senior Development Control Planner, Mr Daniel Dwyer (**“Dwyer”**) with specific details which include the number of residences within various radii as summarised below. Not only did we provide the number of residences, but also the street, house number and in most cases, the occupant’s names.

**THE SUMMARY IN “THE REPORT” OMITTS THE FOLLOWING SUMMARY OF
RESIDENCES IN CLOSE PROXIMITY TO OUR BOUNDARY:**

Within 10 metres of roadway		3 Residences
Between 10 & 20 Metres of roadway		2 “
Between 20 and 200 metres		4 “
Between 200 and 400 metres	<u>3</u>	“
Total Residences within 400 metres		<u>12</u>

Further, within 1 kilometre there are 18 residences and within 2 kilometres there are 56 residences.

A significant number of the residences were constructed and/or approved in the last two decades.

When advised of the total number of residences in the above areas, we asked **the Director** whether he was shocked at the number. He replied with words to the effect:

“No, not shocked but at the very upper limit of surprised”

Despite his *“upper limit of surprised”* he did not see it relevant to include any reference in his report of this very surprising fact. The same Town Planner’s report re Rock Forest, by way of contrast, identified 16 dwellings *“in close proximity”*.

Like Rock Forest, most of these 56 lots have less area than our subject land. We believe the omission of this critical statistic identified above, the very bedrock of our case, demonstrates a gross lack of objectivity. Such statistics challenge much of the so called evidence in **“The Report”** to oppose the granting of our DA

(C) UNIQUENESS OF THE BLOCK (708 TARANA ROAD)

Much is made of the setting of an *“undesirable precedent”* should the Development Application be approved. We have asked the Planning Department the question over a period of over 10 years, namely, to identify other blocks that may have the *“equivalent uniqueness as identified on pages 10 and 11 of the report?”* The Planning Department has failed to provide any evidence of any other such block but continues to rely heavily on the untested assertion that it will set an *“undesirable precedent”*.

(D) ROCK FOREST – A COMPARISON WITH 708 TARANA ROAD

We understand that at the May 2018 Council meeting the DA for Rock Forest was supported by the Planning Department and the majority of Councillors. Having read the planning report, and having physically examined the location of Rock Forest, we applaud the decision.

A reasonable person, we believe would expect that Development Applications, like ours and Rock Forest, which have such strong similarities would be treated in an even-handed and consistent manner. As stated, the two properties are uncannily similar. The Rock Forest DA was approved only several weeks prior to ours being refused and thus serves as a suitable precedent. The case law in our legal system is frequently predicated on precedence.

A comparison of the two parcels of land provides a sharp contrast which we can briefly summarise:

- Our parcel is a discrete block bounded by a public road and the Great Western Railway, whilst Rock Forest is surrounded by similar type farmland to itself.

- Whilst Rock Forest DA stated there were 16 dwellings *“in close proximity”*, we have 56 dwellings within a 2 km radius and 12 within a 400 metre radius.
- Rock Forest shares boundaries with neighbours whereas we do not share any boundaries with neighbours.
- Our block has already had 2 DA approvals as well as approval by the NSW Department of Planning. Rock Forest has had 1 approval from Bathurst Council and NSW Department of Planning.
- Substantial work (significant cut and fill in preparation for foundations) has been undertaken on our block, with a current cost of approximately \$100,000, which includes the provision of power to the block. We are not aware of any comparable work with Rock Forest.
- A file relating to our block has been lost by Council who have assumed, without any evidence, that the file did not contain critical building consents. Whilst we do not claim the lost file did contain the critical consents, Bathurst Council, cannot, as it has done, claim with legitimacy the lost file did not contain the building consents.

Mention is made in **“The Report”** about the difference in area between Rock Forest and our block. Before we submitted our DA **“Dwyer”** advised us with words to the effect the fact that Rock Forest was 43 odd hectares compared to our 18.3 hectares was *“of no consequence”*. It is relevant to note that **“The Report”** states that 18.3 hectares was considered too large a variation, in sharp contrast to **“Dwyer’s”** assertion. We formed the opinion the variation was perhaps the main reason for the refusal. If we had been advised of this critical determinant before we submitted our DA, we may not have decided to proceed with it. In the several previous refusals no specific mention was made of the variation being too large.

“Dwyer” advised us that in his opinion, our case was considerably stronger than Rock Forest and our detailed review of the 2 reports, we believe confirmed this opinion.

(E) CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

On pages 10 and 11 of **“The Report”**, the case is put by us to say that a refusal of our Application would not demonstrate an appropriate degree of flexibility to achieve better outcomes. Further mandatory compliance with the development standard in this case would be unreasonable or unnecessary.

File: DA 708 Tarana Road Brewongle
Dated: 16 July, 2018
Revised” 20 January 2020

The same part of “**The Report**” addresses the issue of there being sufficient environmental planning grounds to justify contravening the development standard. None of the sixteen points put on the subject pages have been effectively challenged by the Planning Department. We believe a reasonable person would conclude that our case survives the test of flexibility, achieves better outcomes, is in the public interest and the refusal was unreasonable and unnecessary.

It should also be noted that there are sufficient environmental grounds to justify contravening the development standards in that all of the approximately 150 tests are satisfied.

(F) THE DEPARTMENT OF PLANNING “VARYING DEVELOPMENT STANDARDS - A GUIDE”

Of the five *justifications* identified on page 11 of “**The Report**”, Nos. 4 and 5 are of critical importance:

4. *“Establish that the development standard has been virtually abandoned or destroyed by Councils own actions in granting consents to parties 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.”*

Given there are 56 residences within the approximate 2 kilometre radius, points 4 and 5 above have particular relevance. Quite a number of these residences have been constructed in recent times.

(G) COMPARISON OF SUMMARIES BETWEEN BRC PLANNING DEPT’S REPORT ON ROCK FOREST PROPERTY AND 708 TARANA ROAD PROPERTY

It would appear that the BRC planning department have a standard format to their report.

The schedule below is a comparison of the structure of the two reports:

ROCK FOREST

Page No.

- | | |
|-----|----------------|
| 1 | Recommendation |
| 1 + | Summary |
| 2 | The site |

TARANA ROAD BREWONGLE

Page No.

- | | |
|-------|----------------|
| 1 | Recommendation |
| 1 + 2 | Summary |
| 2 | The site |

File: DA 708 Tarana Road Brewongle
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Revised” 20 January 2020

2 – 3	History of site (1988-2018)	2 – 6	History of the site
3 – 4	State Environmental Planning Policy (Rural Lands) 2008	7	State Environmental Planning Policy (Rural Lands) 2008
4	Bathurst Regional Local Environmental Plan 2014	7	Bathurst Region Rural Strategy
		8	Bathurst Regional Local Environmental Plan 2014
5	Clause 4.2B erection of dwelling House on land in certain rural Areas	9	Clause 4.2B erection of dwelling house on land in certain rural areas
6 – 9	clause 4.6 exceptions to Development standards	10-15	Clause 4.6 exceptions to development standards

Below is summarized the report on Rock Forest which identifies 6 reasons “Council could favourably consider the proposal”. Having studied these 6 grounds, I concluded that Brewongle had equal or stronger grounds in respect of all the 6 grounds supporting Rock Forest.

ROCK FOREST

Summary of the report

1. *There is no further subdivision proposed*
2. *The proposal will not further fragment or conflict with primary industry production*
3. *The subdivision which created the lot was made with the concurrence of the Department of Planning at the time*
4. *There are numerous other dwellings on similar size lots in close proximity even though councils current planning instrument no longer supports these lot sizes in the zone*

BREWONGLE

same

same

same

same +

File: DA 708 Tarana Road Brewongle
Dated: 16 July, 2018
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5. *The former Evans Shire Council approved a dwelling on the land* same
6. *The proposal has the potential to meet the requirements of the Council's Development Control Plan* same

(I) ADDITIONAL FACTORS NOT MENTIONED IN "THE REPORT" SUMMARY BY PLANNING DEPARTMENT WHICH WE BELIEVE FAVOURS THE CASE FOR BREWONGLE OVER ROCK FOREST

1. No neighbours as it is, separated by a railway line and Tarana Road
2. Power already to the block
3. Other substantial preparatory work, Re foundations, etc
4. Road signage on Tarana Road fronting the block and in close proximity e.g. *"Brewongle Residential Area" and "60km per hour"*
5. Perhaps the most serious omission is that it makes no reference to the number of blocks with the various radii being as follows:

400 metres	12 residences
1 km	18 residences
2 km	56 residences

"The Report" provides the main reason for the refusal as being the significance of the subject land being 18.3 hectares but it does not nominate what is considered to be the *"tipping point"*, that is the point when the variation moves from being acceptable to unacceptable.

It appears to the writer that not even the NSW Government knows what the *"tipping point"* is. There is no attempt to explain why the Rock Forest variation is acceptable and the Brewongle variation is not acceptable. The extent of the variation was discussed with **"Dwyer"** prior to lodging the most recent DA and he advised the number of hectares was not relevant. He further stated that as long as the area is large enough to accommodate a residence, the DA could reasonably be submitted. Now we find it is put forward as the most compelling reason for the refusal.

It is false to assert *"the adjoining land is predominantly in use"* (refer statistics previously quoted regarding residences in close proximity)

Mention is made of Rock Forest but no explanation is offered as to why Rock Forest was approved and the subject's application of ours was refused.

File: DA 708 Tarana Road Brewongle
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The danger of setting a precedent is we believe, mitigated because of the uniqueness of our block.

It is An understatement to state that approval *“in isolation is unlikely to cause significant impact”*. A more accurate statement would be such as *“in isolation an approval would not cause any adverse impact”*.

(J) SUNDRY MIS-STATEMENTS, FACTUAL ERRORS AND OMISSIONS IN THE BALANCE OF “THE REPORT” (I.E. OTHER THAN THE RECOMMENDATIONS AND SUMMARIES

Pg 1 *“The 100 HA minimum lot size is well established, having been in place for decades”*

Response:

In respect of the Brewongle precinct, this is false. It is not well established, not accepted in the community, and in the last two decades at least, has been selectively ignored by Council.

13 Residences have been approved or constructed within metres of the subject block, 6 within the last 20 years and all less than 100 hectares in area.

In particular, the additional residences at 615 and 633 Tarana Road are not discernable by accessing “Six Maps” and can only be confirmed by on site inspections. On “Six Maps” they could be mistaken for farm sheds and it would depend on how current the aerial photos were.

We are aware that it is the practice of Councils and other statutory bodies to use such aids in lieu of a physical inspection, but in this case, it is misleading.

- *“approval was granted because the subject land was part of an aggregation”*

Response: False – no such conflation occurred

- *“it is also the case that electricity was connected to the land and earthworks conducted, presumably before the construction of a dwelling but no building works occurred”*

Response: False – the construction of the pad/foundations and drainage does constitute building works and why else would the electricity be connected at the cost of \$70,000 in today's terms? To our knowledge Council staff in forming their opinion as to whether there was physical commencement have not inspected the site in such a way that would enable them to form an accurate opinion. We believe they have merely viewed the works from their vehicle on the Tarana Road and did not view it from the southern end as is necessary.

Throughout **"The Report"**, it refers to *"council staff are of the opinion"*. We believe it is a mis-statement and it is not a unanimous opinion.

- Pg 2 *"adjoining land is predominantly agricultural in use"*

Response – false – predominant use is lifestyle - refer statistics re dwellings within the radii.

- *"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."*

We believe it is not possible to precisely interpret this emasculated sentence. However, at the meeting on 13 July, 2018, we asked the Planning Director, who we were advised settled and signed **"The Report"** what the sentence meant. It was clear from his response he had no idea. He was also asked what he believed was contained in the Evans Shire *"lost files"* and he again confirmed that he had no idea.

However, on closely examining the sentence, the Planning Director seemed that even withstanding his total lack of knowledge as to the contents of the files, was confident enough to assert in the report;

"there is no specific evidence to indicate that any approvals or documents are in those "lost files".

We have a contrary view and believe there is a possibility that the file did contain the approvals that would lead the then owners of the land to expend \$100,000 in today's dollars, on ground

work, drainage, power, water, fences etc. This bold assumption by “**The Director**” is an example of the lack of independence in “**The Report**”.

Pg 3 Under the year 1992 “**The Report**” states *“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”*

Response:

What are the grounds for making such a statement? What is the meaning of “*it would appear*”, in the above statement?

- *“permissibility could only be achieved by considering the two allotments conjointly as they exceed 100 hectares”*

Response: False and a subsequent paragraph confirms that it was not a Condition of Consent that the two allotments be consolidated into a single allotment. It is also confirmed in this current report that the Department of Planning granted concurrence and Evans Shire Council approved the DA in January 1993 on the subject lot only.

Pg 5 *“The SEPP 1 Objection fails to establish that strict compliance with the 100 hectare development standard is unreasonable or unnecessary”.*

Response:

“**The Report**” provides no reason to support the aforementioned assertion

“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”.

Response:

Our block is unique and Council has been unable to provide a block of comparable uniqueness. Given the number of dwellings in the immediate area, the *“horse has bolted”* as was the theme of the reaction of the seven Councilors who attended the site. The Councilors unanimously were of the opinion that the subject block, because of its isolation, has no agricultural use.

Pg 7 *"The predominant land uses in the vicinity of the subject site are agricultural and rural lifestyle".*

Response:

False. The predominant land use is rural lifestyle, again, as noted by all the Councilors who inspected the subject site and by the actual circumstances, i.e. the number of dwellings in close proximity.

"The predominant and preferred uses remain for agricultural purposes".

Response:

Preferred by whom? We were not consulted as to preferred uses. The number of dwellings in the immediate area is inconsistent with the assertion in the aforementioned paragraph. How can 45 acres serve agricultural purposes, particularly when the land is bound by a train line and a road?

"The land does not adjoin any rural residential zone".

Response:

Given that *"adjoin"* by definition means *"lying near"* and given that within 200 metres of the subject lot, there is a road sign proclaiming *"Brewongle Residential Zone"*, this statement is false.

Pg 8 **"The Report"** talks of studies that have been undertaken which specifically considered the issue of establishing Brewongle as a recognized zoned village or as an area for rural residential development. We were not consulted in any of these studies, we speculate that the previous Planning Director who threatened at a public meeting to knock my head off, played a prominent role in the study. It is no surprise to us when the report states *"the area considered in the rural strategy for the Brewongle area specifically included the subject land as part of its area of investigation"*.

"Whilst there are a number of small rural allotments within the vicinity" is in itself a grossly misleading understatement given the number of residences within the various radii.

Pg 10 We believe the report confirms that under the circumstances compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard.

Pg 11 *“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”.*

Response:

Given the number of residences within the three radii together with the number of residences on small blocks that have been erected in recent years, it is reasonable to assume that the development standard has long ago been abandoned. We give two specific examples within 200 metres:

- 633 Tarana Road and
- 615 Tarana Road

Other residences built in the last 2 decades are 747 and 773 Tarana Road. There are many other residences within the 2 km radius that have been built over the last 20 years.

Pg 12 *“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.”*

Response:

This is false given the examples provided above to say there are “some” historical small lot subdivisions is deceptive and misleading. It is false to say the planning provisions have been “in force” over time given the aforementioned information we have provided.

“The fact that the land is not attached to or adjoining any other land in the same ownership is of little consequence.”

Response:

In the Rock Forest report done by BRC Planning Department the subject of adjoining other land in the same ownership was of consequence in supporting that proposal.

“It is considered that the proposed development is inconsistent with the objectives of Clause 4.2B”

Response:

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It would appear that all 8 Councilors were of a different view and rejected the view of the Planning Department.

Pg 13

It is false to assert:

- *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 above two assertions are false for reasons previously stated in respect of the number of dwellings within the radii (we have the details if required).

Pg 14 *"There is nothing to suggest that the zoning of this particular parcel of land is not appropriate".*

Response:

Perhaps it is fitting that the body of **"The Report"** concludes with such an absurd statement.

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.

False – it is distinguishable and Planning Officers have been unable to nominate even one block that has equivalent unique qualities and they have been pressed by us for over six months to do so.

It is patently absurd to say;

"there is nothing to suggest that the zoning of this particular parcel of land is not appropriate"

given the number of dwellings within close proximity, details of which have been given to **"Dwyer"**, the statement is as irresponsible as it is at odds with the facts. It is also at odds with

the Councillors' decision at the meeting on 18 July, 2018 – **the statement is reckless and defies common sense.**

Further, the statement is also at odds with BRC's Rate Notice where the "*Property Rating Category*" is "*Residential*". The notice also includes a rural waste charge of \$89pa, again a reasonable person could conclude that this is further evidence the block is rural residential.

(K) THORNCRAFT DECISION

This case is often quoted as a reason to strictly observe the 100 hectare rule, we believe it has limited relevance in respect to 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 the number of residences in this case, within a 2 kilometre radius, i.e 56, there is an abnormally low number of large holdings – 4 in number:

Bestwicks

Condots

Lockes

P & D Hennessy

Further, given the unique circumstances in respect of the subject lot, the observation in the Thorncraft case is of limited relevance.

(L) SUBSEQUENT EVENTS TO "THE REPORT" OF 18.07.18

Event 1

Council, at its ordinary meeting of 18 July 2018 resolved to, inter alia, 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"**

File: DA 708 Tarana Road Brewongle
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In a letter from “**The Director**” dated 1 August 2018 he stated:

“in coming to its decision, council recognized:

1. *The unique circumstances of this parcel of land*
2. *Particularly it being bound by railway and road corridors*
3. *Making it impossible for agricultural pursuits of any scale*
4. *For this reason, council believes the approval of a dwelling on this parcel does not compromise the objectives of the zone or council’s land use strategies*
5. *Further, council was mindful of two other important influences being the settlement pattern in close proximity to the subject land..... and*
6. *The history of past approvals including one with the Department of Planning’s concurrence”*

Another reason could well have been the previous approval of Rock Forest, a relevant precedent, where the circumstances were uncannily similar.

Event 2

In recent months BRC and/or other relevant authorities have caused to have erected a number of traffic signs consistent with a residential zone on and in very close proximity to the roadway on the boundary of the subject block

Within 200 metres of our block is a road sign stating “**Brewongle residential area drive slowly.**” Closer to our property there is a sign proclaiming a speed limit of 25km per hour and another sign further on proclaiming 60km per hour adjacent to our block.

Within 100 metres of our building pad on the Tarana Rd boundary, is a 60km per hour speed limit sign.

We believe the aforementioned signage is compelling evidence that the location of our block is in reality, if not in theory, rural residential and consistent with BRC’s rate notice for the block.

(M) APPENDIX – DWELLINGS WITHIN VARIOUS RADII**DWELLINGS WITHIN 400 METRES RADIUS**

Tarana Road		Hectares
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	1
615	Junk yard	1
SUBTOTAL		55

Average size lot 7 hectares

DWELLINGS WITHIN 1 KILOMETRE RADIUS

Tarana Road	
607	Lockleigh
607	Lockleigh
602	Matilda

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567 Bestwick flat
 496 Bestwick hill
 Lockleigh – shearer's house

Brewongle School Road

26 Cheriton old school house
 30 Elandra
 30 Elandra
 34 no name

SUBTOTAL	10
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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**

1041 Clintons 'Alexandra Park'

Ridge Road

75 M & L Ireland 'Asherton'
 103 Scott Johnson
 140 'Fenham Park'

Station Street

17
 23
 28
 ? pale cream residence
 ? block with concrete slab
 ? junk yard house
 No. 1

Railway Precinct

? Station masters house
 752 'Tregear'
 'McFadzean'
 758 'Taronga'
 757 'Bulagero'

O'Connell Road

2827 'Karalee'
 2828 residence
 2901 residence
 2969 'Hathaway'
 2971 'Willow Grove Lodge'
 3036 "Euarra" – Bestwicks
 3036 residence – Bestwicks

File: DA 708 Tarana Road Brewongle
 Dated: 16 July, 2018
 Revised" 20 January 2020

3106 A. Hanger
 ? 'Westham' – Ian Kiernan

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
 ? E & L Dowd

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

Of the 56 dwellings within 2 kilometres 28 are on less than 18.3 hectares

Appendix F

DEUS RAINWATER MODEL

Statement of Environment Effects
In Support of a Development Application
Paul & Bonny Hennessy

ASSESSMENT OF HISTORIC RAINWATER TANK PERFORMANCE ACROSS NSW for a 20 YEAR PERIOD (Version - RTM 2.1)				DEPARTMENT OF ENERGY, UTILITIES AND SUSTAINABILITY NEW SOUTH WALES GOVERNMENT	
IMPACT ON HOUSEHOLD WATER COST, MAINS WATER SUPPLY AND ROOF STORMWATER RUNOFF				(Note, only enter data into Bright Yellow Cells. All other cells are locked.)	
Generic Model (With supporting data from 4 IWCM Study Towns)					
"Design" Parameter	Value ##	Typ. Vals #	Variable sets 1&2 allow comparison of two options with different tank size and/or water usage.		
Roof Area Draining To Tank (m2)	360	200	1. Variable Set One		
First Flush Vol/day (Represents FF per Storm) (L)	20	20	Tank Size (L) 80,000		
Rainfall water lost due to Wetting & Evap/Storm (mm)	0.5	0.5	Roof Runoff to Tank/Year (L) 193,073		
Roof Runoff Factor (allows for gutter overflow, etc) (%)	90	90	Tank Overflow/Year (L) (%) 10,657 6%		
Tank Starting Volume when first installed (L)	1	1	Rainwater Usage/Year (L) (%) 182,416 94%		
Annual Av Outside Usage (L/day) ***	190	190	Average Tank Volume (L)(%) 39,246 49%		
Av. Daily Toilet Usage (L/day)	105	105	No. of overflow Days/Year 4		
Av. Daily Washing Machine Cold Water Usage (L/day)	97	97	Average Overflow Vol/Day (L) 3,002		
Av. Daily Hotwater Usage (supplying H/W unit) (L/day)	140	140	Max Day Overflow (20years) (L) 20,335		
Av. Annual Household Usage (KL/yr) (Equation = Locked)	250	250	Days/Year Tank is Full (days & % of year) 4 1%		
Av. Daily Household Usage (L/day)	684	684	NonTank Mains Usage per Year (L) 194,313		
Maximum Mains Tank Topup per day (L)	-	600	Mains Topup per Year (L) (% of uses) 13,849 7%		
Use values for a typical family. If ERROR appears check Daily Usage.		OK	Mains Water Saving & Roof Stormwater Redn (KL/Yr) 180.5		
Typical Water Usage Charge (\$/KL)	1.60	0.80	Total water bill saving (\$/year)(%) 288.74 51%		
Typical Water Access Charge (\$/year)	170.15	200.00	ENTER DATA AND PRESS "F9" TO UPDATE MODEL.		
Typical Water Bill (\$/year) (Equation = locked)	569.88	400.00			
Statistics with no tank installed			2. Variable Set Two		
Roof Runoff Days/Yr	88		Tank Size (L) 100,000		
Roof runoff volume per year (L)	216,480		Roof Runoff to Tank/Year (L) 193,073		
# Typ. Vals = Typical values are listed here for guidance only.)			Tank Overflow/Year (L) (%) 7,863 4%		
(** Users can vary any RED NUMBERS on this page & run the Model by pressing "F9" for new results. This may take a few seconds.)			Rainwater Usage/Year (L) (%) 185,210 96%		
TO CHECK GENERAL TANK PERFORMANCE THE USER CAN USE RAINFALL & TEMP DATA FROM OUR 4 SAMPLE TOWNS BY SELECTING THE TOWN CODE AS SEEN BELOW or SELECT "L" IF LOCAL DATA HAS BEEN IMPUTED ON SHEET "VARIATION 1".			Average Tank Volume (L)(%) 47,078 47%		
Enter town code (A,B,C,DorL) in this cell, hit Return Key & "F9" → L			No. of overflow Days/Year 3		
Kempsey (Av. Annual rainfall is 1230 mm)	A		Average Overflow Vol/Day (L) 3,025		
Eurobodalla (Av. Annual rainfall is 970 mm)	B		Max Day Overflow (31 years) (L) 20,335		
Parkes (Av. Annual rainfall is 590 mm)	C		Days/Year Tank is Full (days & % of year) 3 1%		
Cobar (Av. Annual rainfall is 380 mm)	D		NonTank Mains Usage per Year (L) 194,313		
Local (Using local rainfall and max temp data.)	L		Mains Topup per Year (L) (% of uses) 12,055 6%		
			Mains Water Saving & Roof Stormwater Redn (KL/Yr) 182.3		
			Total water bill saving (\$/year)(%) 291.61 51%		
			(***) The outside usage is varied across the year based on max temp & 2 days of rain. This gives a seasonal looking outside usage. The mathematics is complex but the difference in target outside annual usage and model average annual usage is typically minor. The % similarity of Variable Set 1 is given here just for information. → 100%		



**Planning &
Environment**

IRF18/4644

BATHURST REGIONAL COUNCIL

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

12 NOV 2018

REF 2018/207/022

Dear Mr Sherley

Secretary's concurrence request – clause 4.6 variation under the Bathurst Regional Local Environmental Plan 2014 – Lot 15 DP 700460, Tarana Road, Brewongle

I refer to Council's request for the Secretary's concurrence under clause 4.6 of the Bathurst Regional Local Environmental Plan 2014 to vary a development standard to allow a dwelling house on an undersized lot.

As delegate of the Secretary, I have determined not to grant concurrence. In making this decision, I have carefully considered the circumstances of the case and information provided by Council and the applicant.

The reasons for not granting concurrence are as follows:

- the proposal involves a proposed dwelling house located on land that has not been strategically identified for future rural-residential development in the Bathurst Region Rural Strategy. The Strategy specifically looked at this locality and the subject land and does not support a dwelling house on this land - this is significant to regional planning;
- the development standard of 100ha is long standing, supported by the Bathurst Region Rural Strategy and Bathurst LEP 2014, accepted by the community and agencies. It is considered to be in the public benefit to retain the development standard in this case; and
- relaxing the development standard in this case will result is a variation of greater than 80% in area that has been clearly identified by Council as not to support further dwelling houses on small lots.


It is acknowledged that the subject land is a small parcel bounded by the Main Western Railway Line and Tarana Road however the inconsistency with the Bathurst Region Rural Strategy, Bathurst Regional LEP 2014 and maintaining the development standard is of public benefit.

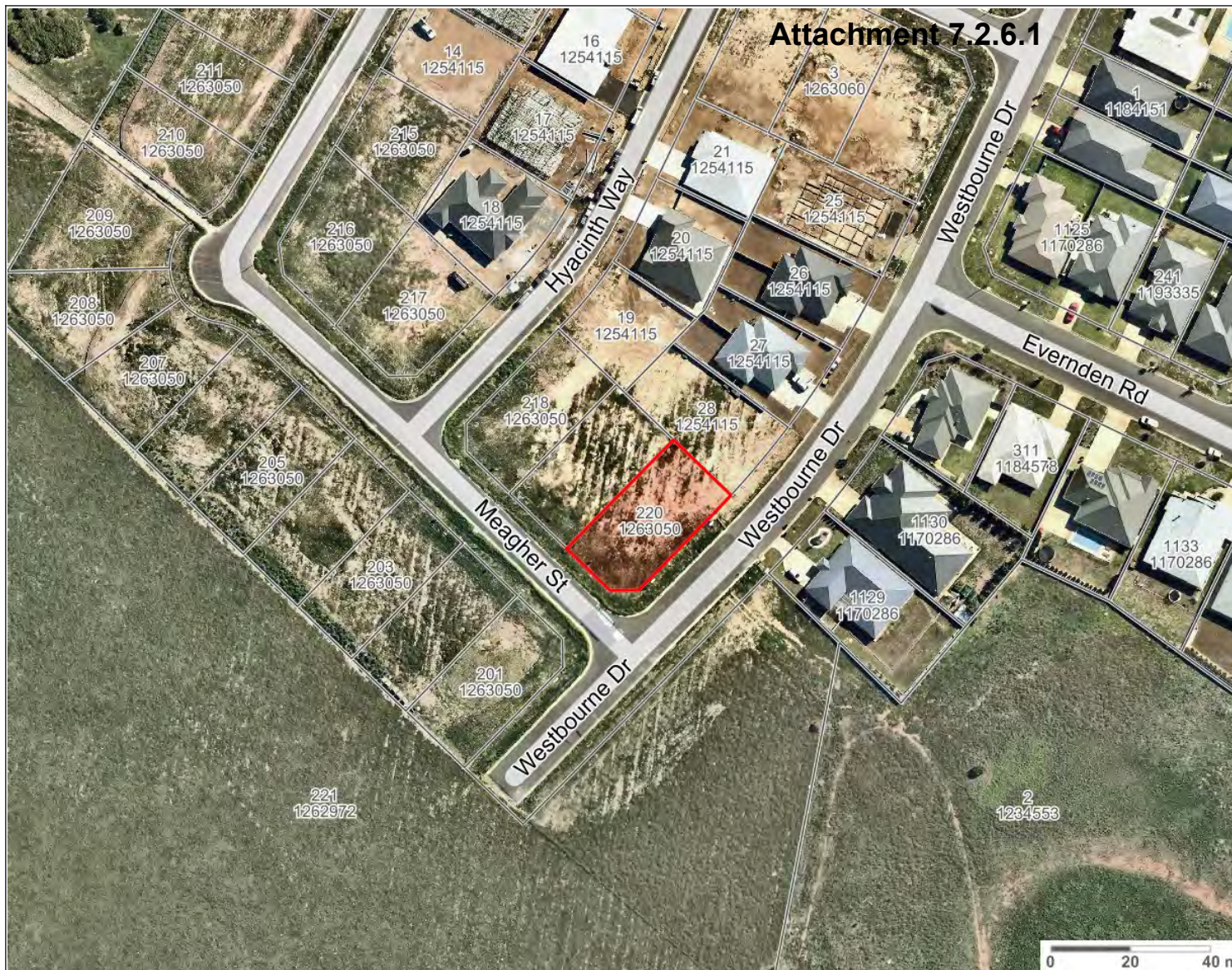
DEPBS

It is suggested that Council review its rural strategy (and any other strategies that are at least 5-10 years old) and clarify the provision of rural-residential land in the Bathurst Regional Council local government area including this locality.

Should you have any questions in relation to this matter, I have arranged for Mr Wayne Garnsey, Team Leader, Western Region, at the Department of Planning and Environment, to assist you. Mr Garnsey can be contacted on 5852 6800.

Yours sincerely

 6 November 2018
Stephen Murray
Executive Director, Regions
Planning Services



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
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council@bathurst.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Drawn By: Rebecca Higgins-Daley

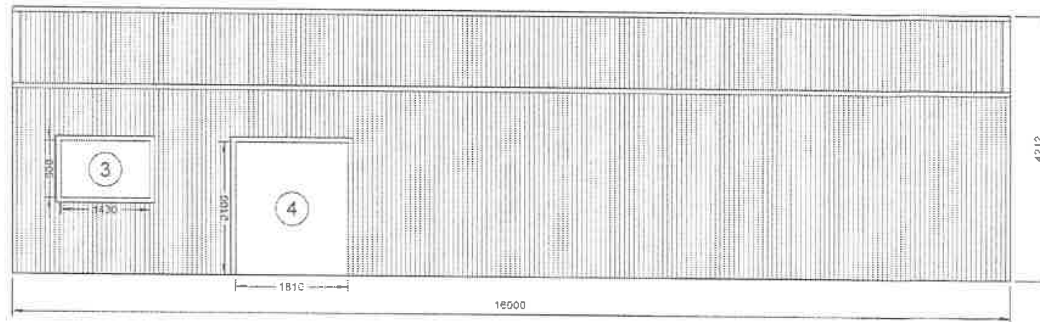
Date: 28/07/2020

Projection: GDA94 / MGA zone 55

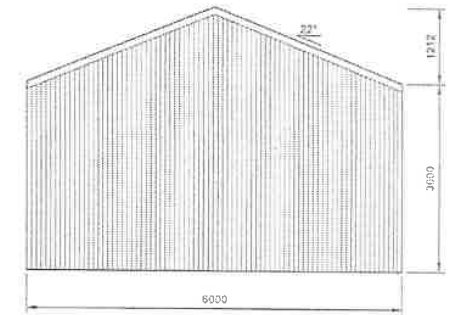
Map Scale: 1:1489 @ A4

Feature Report

Attachment 7.2.6.2

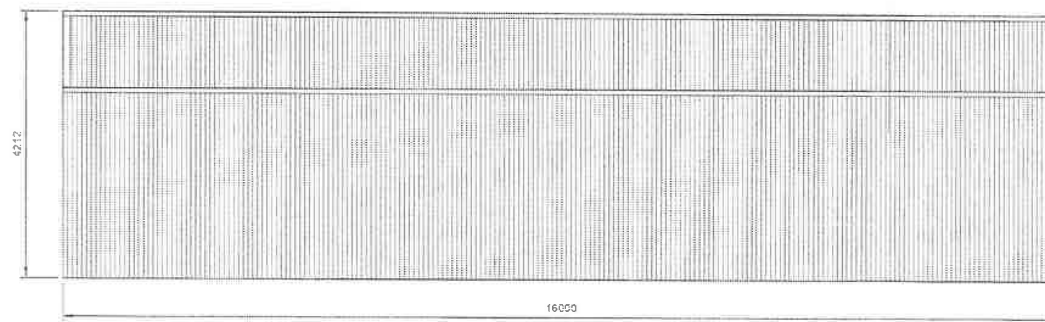


2 LEFT ELEVATION
SCALE: 1:75

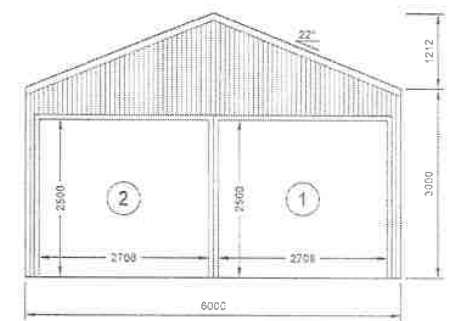


3 REAR ELEVATION
SCALE: 1:75

FRAME #6



1 RIGHT ELEVATION
SCALE: 1:75



4 FRONT ELEVATION
SCALE: 1:75

FRAME #1

	<p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL • INDUSTRIAL • RESIDENTIAL • FORENSIC • STEEL DETAILING CAMILO PINEDA MORENO E-MAIL: CAMILO@BESTSHEDS.COM.AU PHONE: 02 4648 7777 FAX: 02 4648 7700 Signature: _____ Date: 11.05.2020</p>	<p>Customer Name: Craig Warry Site Address: 25 Meagher Street Lenarth, NSW, 2795</p>	<p>DATE 11-05-2020 JOB NO. 1810857873 SHEET 2 of 9</p>
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ENGINEERING SCHEDULE

CERTIFIED STEEL PORTAL FRAME SHED DESIGN FOR "REGION A" TERRAIN CATEGORY 2.0, 2.5 & 3.0 - IMPORTANCE LEVEL 2.
 Internal Pressure: 0.7
 Design Snow Load: 0.00 KPa, Roof Snow Load: 0.00 KPa

Customer: Craig Warry
 Site Address: 25 Meagher Street, Lenarth NSW 2795

Main Building: Span: 6, Length: 16, Height: 3, Roof Pitch: 22 degrees
 The length being comprised of 5 bays, the largest bay is 3,334m bays.
 Left LeanTo: NA
 Right LeanTo: NA

INTERNAL PORTALS
Column: C15024
Rafter: C15024
Knee Brace: NA
Knee Brace Length: NA
Apex Brace: C10010
Apex Brace Length: 1800

END PORTALS
Column: C15024
Rafter: C15024
Knee Brace: NA
Knee Brace Length: NA
Apex Brace: NA
Apex Brace Length: NA
Endwall Mullion: C15024

LEFT LEAN TO PORTALS
Internal Column: NA
Internal Rafter: NA
End Column: NA
End Rafter: NA
Knee Brace: NA
Knee Brace Length: NA

RIGHT LEAN TO PORTALS
Internal Column: NA
Internal Rafter: NA
End Column: NA
End Rafter: NA
Knee Brace: NA
Knee Brace Length: NA

NOTE: All unclad intermediate columns are always back to back (refer to drawing: Floor Plan)

PURLINS AND GIRTS
Eave Purlin: C10010
Side Wall Girts: TH64100
Front End Wall Girts: TH64100
Back End Wall Girts: TH64100
Roof Furlins: TH64100
Max Spacing: 1250
Overlap: 10%
Max Spacing: 1250
Overlap: 10%
Max Spacing: 1250
Overlap: 10%
Max Spacing: 1050
Overlap: 10%

NOTE: Girt spacing will vary to a maximum 1.25m where windows are located

FASTENERS
Sleeve Anchor Bolts: M12x80 Sleeve Anchor Yellow Zinc
Frame Bolts: M12x30 Purlin Assembly Zinc (Mild)
Frame Screws: Frame Screw 14x14x22
Cross Bracing Strap: 32mm x 1.2 strap
Open Bay Header Height: NA

DOMESTIC & LIGHT INDUSTRIAL STEEL PORTAL FRAME SHED STRUCTURES

This structure is designed in compliance with AS4600, AS3600 and AS1170 1 to 4 as Importance Level 2 with a Live Load of 0.25KPa as "Air Leaky Structures" providing stability when openings are prevalent.

The structures are clad with corrugated pre-painted finish, 0.42mm walls and 0.42mm roof (compliant with AS1562 1 Metal) over cold formed 450 to 550mPa galvanized steel C sections primary frames.

Primary framing is fastened together with 4.6 Class galvanized bolts adequately tensioned on ground prior to erection.

Secondary framing steel bracing, with purlins and girts lapped, are all tek fastened to primary steel with a minimum of two (2) teks per connection as specified in details.

All rainwater products are compliant with AS2179, 1 (Metal).

ENGINEERING

The undersigning engineer has checked that the design of the structure complies with relevant current Australian Standards as stated above and the following i.e AS4671- 2001 Steel Reinforcing materials, AS3600 - Concrete structures. However, he will not be present during construction, neither will he conduct inspections nor construction supervision.

The class 10a buildings are designed for erection on pad footings or slab based on soil of classification "A"- "P" with minimum bearing capacity 100kPa (i.e. organic soil is to be removed to a suitable material below natural surface).

Where (suitable) fill is required to level the site, it should be placed and compacted in layers of 150mm maximum.

Concrete pad footings and slab supply and placement is to be in compliance with AS2870-2011 Residential Slabs & Footings, AS3600-2009 Concrete Structures for A2 and B2 exposure (i.e. 25mPa strength @ 28 days strength) with recommended slump 75 to 80mm for light pneumatic tyred traffic all trafficable floors.

For sites where these conditions are considered to be inadequate, a customized foundation design for the structure can be supplied to suit a specific purpose.

CONSTRUCTION

Erection of the structure is to be in compliance with local and state ordinances.

Occupational Health and Safety Regulations and with plans provided

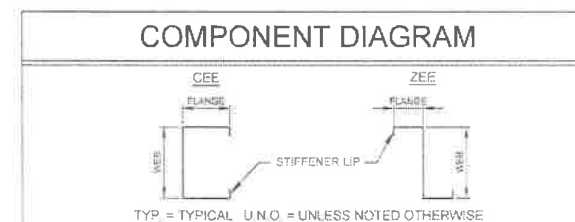
GENERAL

The designs as portrayed on the drawings remain the intellectual property of Best Sheds Pty Ltd and are provided for building approval and construction purposes only and are only valid when blue ink signed and dated by the engineer.

SNOW LOAD

Following conditions only apply to buildings with snow loading:

- No maintenance or roof traffic permitted on the roof while there is snow present.
- No other structure to be erected within 500mm of the gutters of this building.

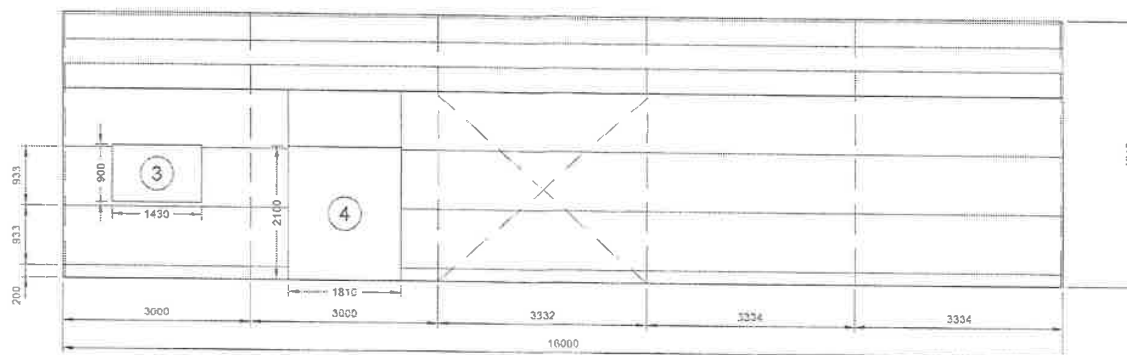


best sheds
Value & Quality Direct to You
 151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2557
 Phone: 02 4648 7777
 Fax: 02 4648 7700
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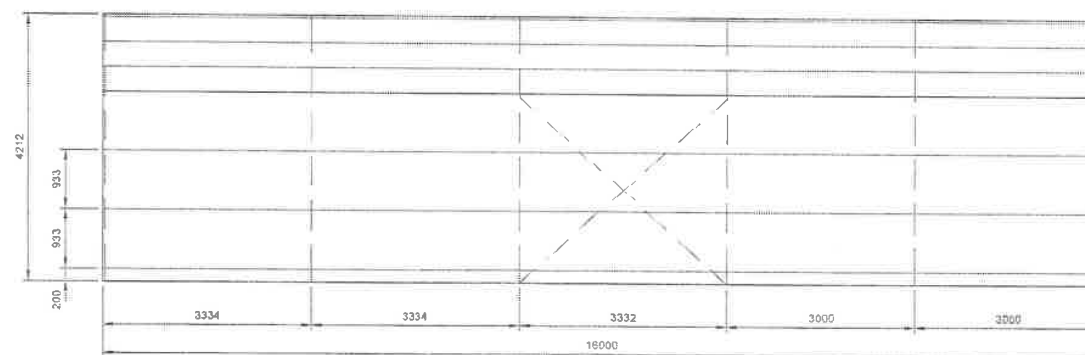
EMERALD
 CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
 CAMILO PINEDA MORENO
 Registered Professional Engineer
 RPELIC (1986) 10/11/1987 (VIC)
 Signature: _____ Date: 11.05.2020

Customer Name: Craig Warry
 Site Address: 25 Meagher Street
 Lenarth,
 NSW 2795

DATE 11-05-2020
 JOB NO. 1810857873
 SHEET 1 of 9

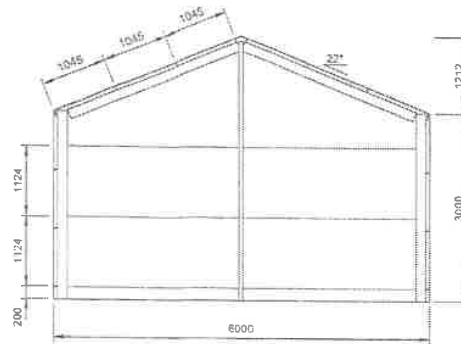


2 LEFT ELEVATION
3 SCALE: 1:75



1 RIGHT ELEVATION
3 SCALE: 1:75

	151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au	 CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO <small>Steel Fabrication Piping RCC Formwork & Scaffolding</small> Signature: _____ Date: 11.05.2020	Customer Name: Craig Warry Site Address: 25 Meagher Street Lenarth, NSW, 2795 DATE 11-05-2020 JOB NO. 1810B57873 SHEET 3 of 9
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1 REAR ELEVATION
4

SCALE: 1:75

FRAME #8

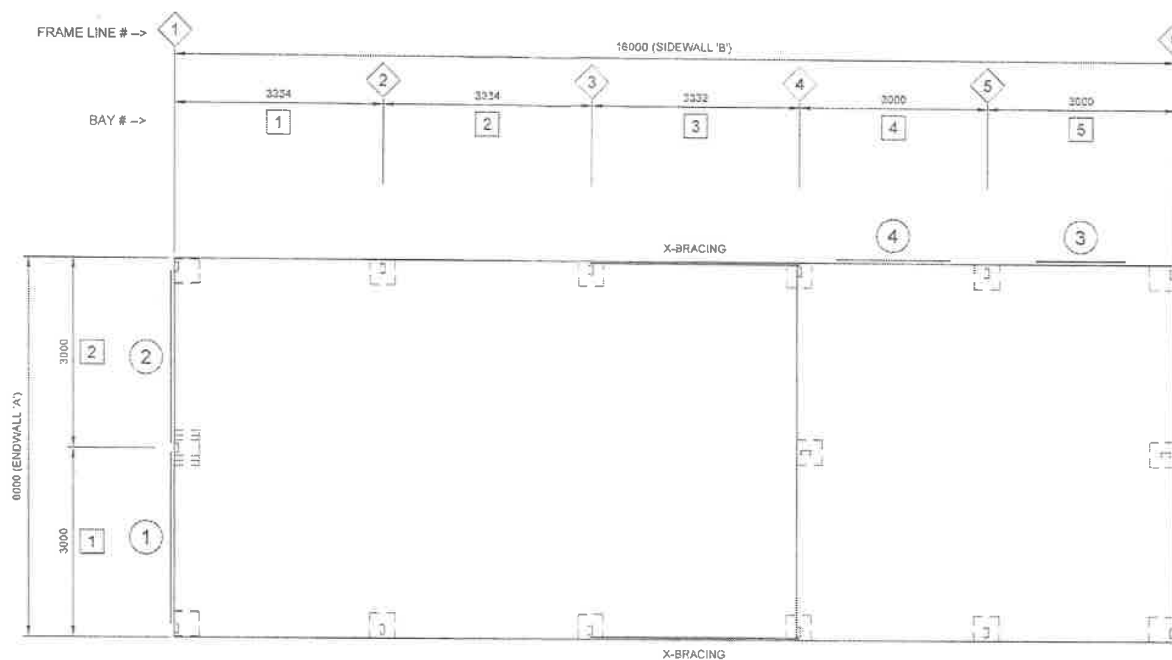


2 FRONT ELEVATION
4

SCALE: 1:75

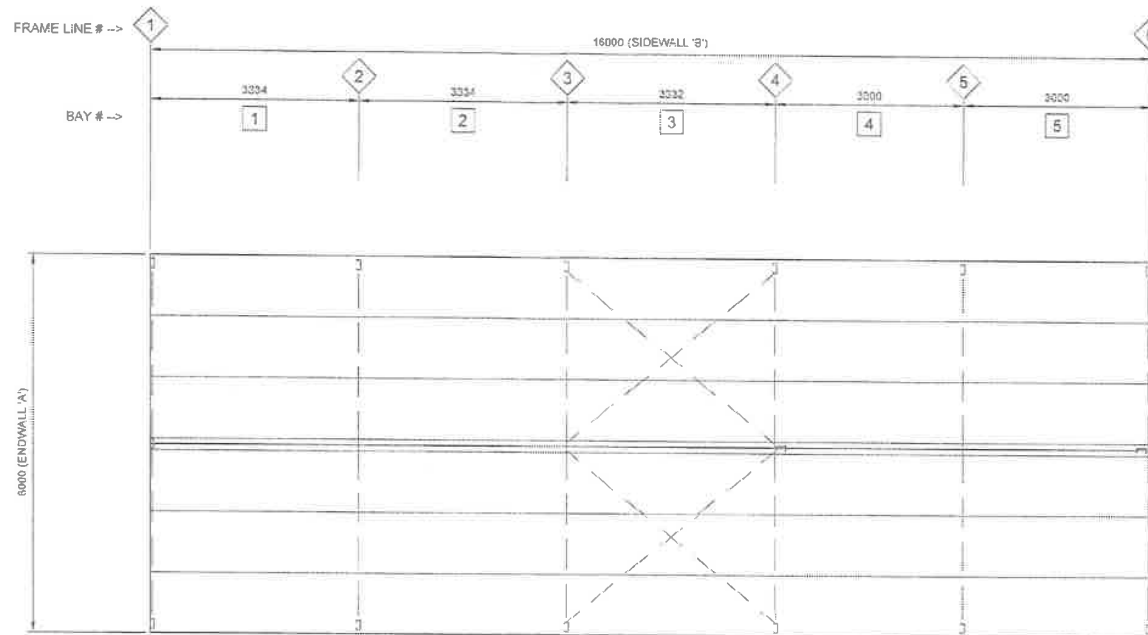
FRAME #1

 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Civil Engineer, RPEQ RPEQ 16882 TRIP PCA1917 (VIC) Signature: _____ DATE 11/05/2020</p>	<p>Customer Name: Craig Warry Site Address: 25 Meagher Street Lenarth NSW, 2795</p>	<p>DATE 11-05-2020 JOB NO. 1810857873 SHEET 4 of 9</p>
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1 FLOOR PLAN
5 SCALE: 1:75

 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Structural Engineer (SPE) (NSW) RPEQ 15884 TSP RCE1417 (VIC)</p> <p>Signature: _____ Date: 11.05.2020</p>	<p>Customer Name: Craig Werry Site Address: 25 Meagher Street Lenah, NSW, 2795</p>	<p>DATE: 11-05-2020 JOB NO: 1810857873 SHEET: 5 of 9</p>
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1 ROOF FRAMING PLAN
6 SCALE: 1:75

 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	 <p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO <small>BRAND: H2EASoft (SP18) mg RPECL 15/60 TSP RCH/16/17 (VIC)</small> Signature: _____ Date: 11.05.2020</p>	<p>Customer Name: Craig Worry Site Address: 25 Meagher Street Lenarth, NSW, 2795</p>	<p>DATE: 11-05-2020 JOB NO.: 1810857873 SHEET: 6 of 9</p>
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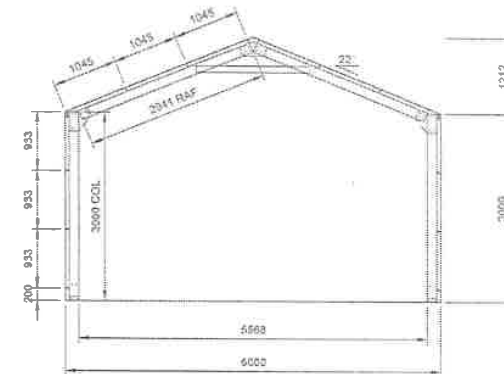
SLAB FOUNDATIONS DOMESTIC / LIGHT INDUSTRIAL (100mm MINIMUM CONCRETE SLAB INCLUDED)																																								
<table><tr><th>SOIL CLASSIFICATION (COMPACTED)</th><th>REINFORCING IN SLAB</th><th>EDGE BEAM</th><th>PIER</th><th>EDGE BEAM (slab thickness not included)</th></tr><tr><td>A, S, & M</td><td>SL72</td><td>---</td><td>450 x 400</td><td>---</td></tr><tr><td>M - D</td><td>SL82</td><td>L11TM3</td><td>---</td><td>300</td></tr><tr><td>H TO H - D</td><td>SL82</td><td>L11TM3</td><td>---</td><td>400</td></tr><tr><td>E TO E - D</td><td>SL82</td><td>L11TM4</td><td>---</td><td>400</td></tr><tr><td>P (DROP EDGE BEAM OR STANDARD EDGE BEAM WITH PIERS UNDER COLUMNS 300 INTO FIRM GROUND)</td><td>SL82</td><td>L11TM4</td><td>450</td><td>400</td></tr></table>					SOIL CLASSIFICATION (COMPACTED)	REINFORCING IN SLAB	EDGE BEAM	PIER	EDGE BEAM (slab thickness not included)	A, S, & M	SL72	---	450 x 400	---	M - D	SL82	L11TM3	---	300	H TO H - D	SL82	L11TM3	---	400	E TO E - D	SL82	L11TM4	---	400	P (DROP EDGE BEAM OR STANDARD EDGE BEAM WITH PIERS UNDER COLUMNS 300 INTO FIRM GROUND)	SL82	L11TM4	450	400	Z ALTERNATE PIER DETAIL		O EAVE CONNECTION		I ROOF SHEETING	
SOIL CLASSIFICATION (COMPACTED)	REINFORCING IN SLAB	EDGE BEAM	PIER	EDGE BEAM (slab thickness not included)																																				
A, S, & M	SL72	---	450 x 400	---																																				
M - D	SL82	L11TM3	---	300																																				
H TO H - D	SL82	L11TM3	---	400																																				
E TO E - D	SL82	L11TM4	---	400																																				
P (DROP EDGE BEAM OR STANDARD EDGE BEAM WITH PIERS UNDER COLUMNS 300 INTO FIRM GROUND)	SL82	L11TM4	450	400																																				
<p>THICKNESS: 100MM WITH MINIMUM 30MM COVER. REFER TO SLAB FOUNDATION TABLE FOR REINFORCING SPECIFICATION</p> <p>STRENGTH: 25MPa</p>																																								
Y SLAB DETAIL					D PURLIN CONNECTION		D GIRT CONNECTION		G TOP HAT CONNECTION																															
							<p>NOTE: SEE DETAIL M-8 FOR ENDWALL MULLION BASE CONNECTION</p>																																	
A HAUNCH CONNECTION					B APEX CONNECTION		C ENDWALL MULLION TO RAFTER PEAK CONDITION		D ENDWALL MULLION ROTATED																															

	151 Smeaton Grange Road, Smeaton Grande, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au	CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILLO PINEDA MORENO 15/16 MRS AUST RD RPO 15547 TDP 824/111 (VIC)	Customer Name: Craig Warry Site Address: 25 Meagher Street Lenarth, NSW, 2795	DATE 11-05-2020 JOB NO. 1810857873 SHEET 7 of 9
		Signature: _____ Date: 11.05.2020		

N ROTATED ENDWALL MULLION BASE	O ENDWALL GIRT BRACKET	P DOOR HEADER AND JAMB	
J WALL SHEETING	K CORNER COLUMN BASE	L INTERNAL COLUMN BASE	M ENDWALL MULLION BASE

<p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO BASIC MECHANICAL ENGINEERING REGISTERED TSP A/C61817 (VIC)</p> <p>Signature: _____ Date: 11.05.2020</p>	<p>Customer Name: Craig Warry Site Address: 25 Meagher Street Lenah, NSW, 2795</p>	<p>DATE: 11-05-2020 JOB NO: 1610857673 SHEET: 8 of 9</p>
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Attachment 7.2.6.2





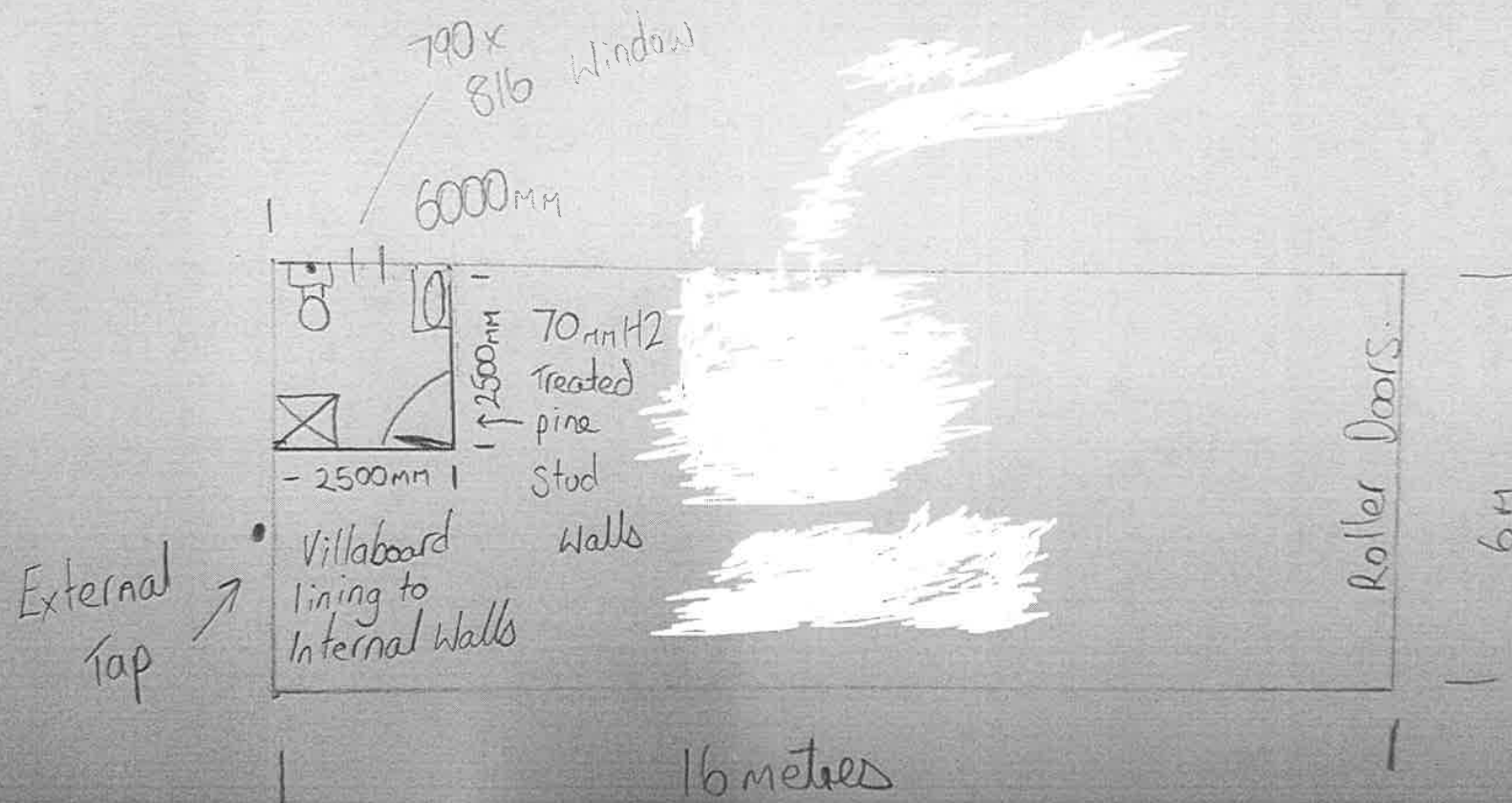
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9

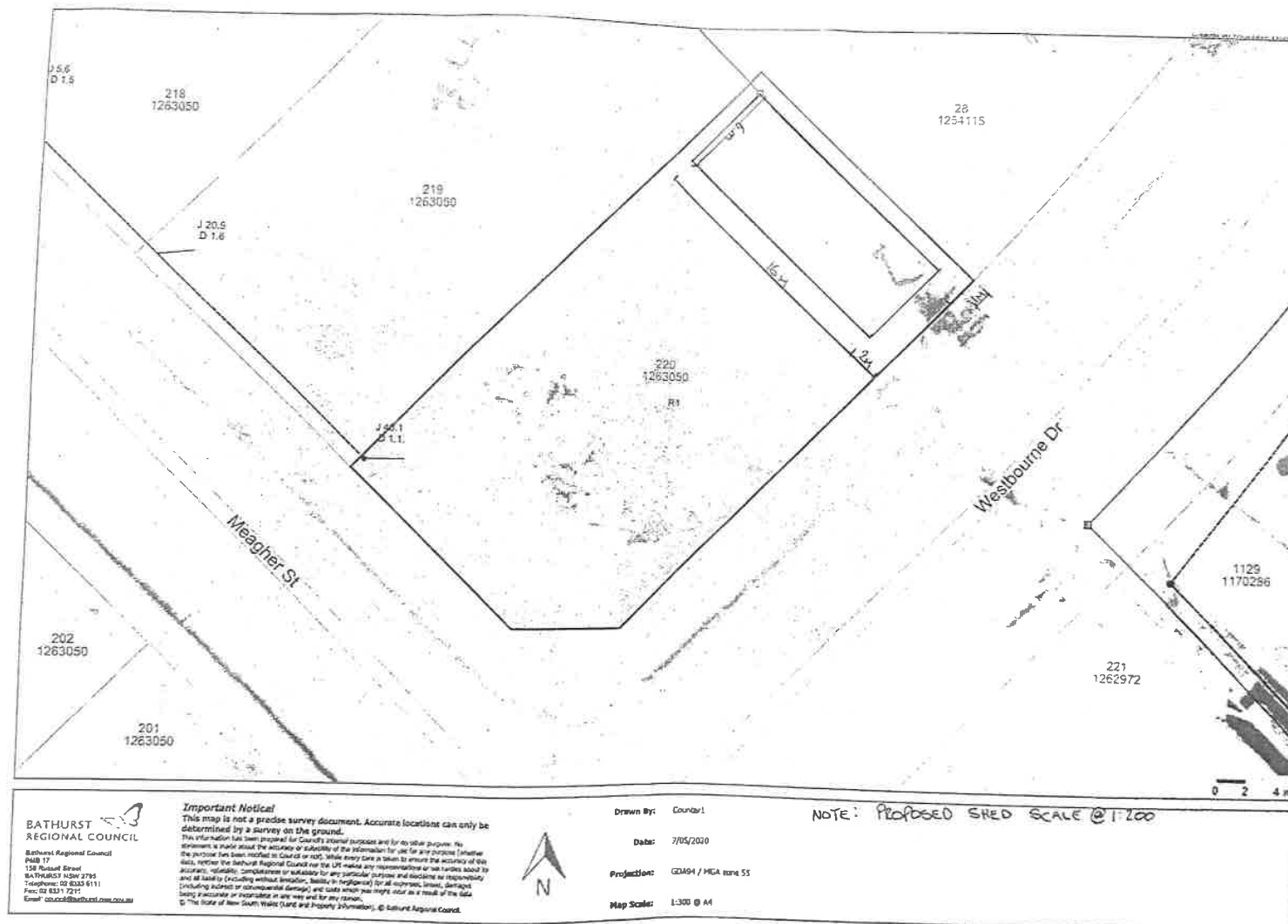
TYP. FRAME CROSS-SECTION

SCALE: 1:75

FRAMES 2, 3, 5

 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	 <p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Structural Engineer RPE Q 15862 TSP RPE414 (7) (VIC) Signature: _____ Date: 11.05.2020</p>	<p>Customer Name: Craig Warry Site Address: 25 Meagher Street Lenarth, NSW, 2795</p>	<p>DATE 11-05-2020 JOB NO. 1810857873 SHEET 9 of 9</p>
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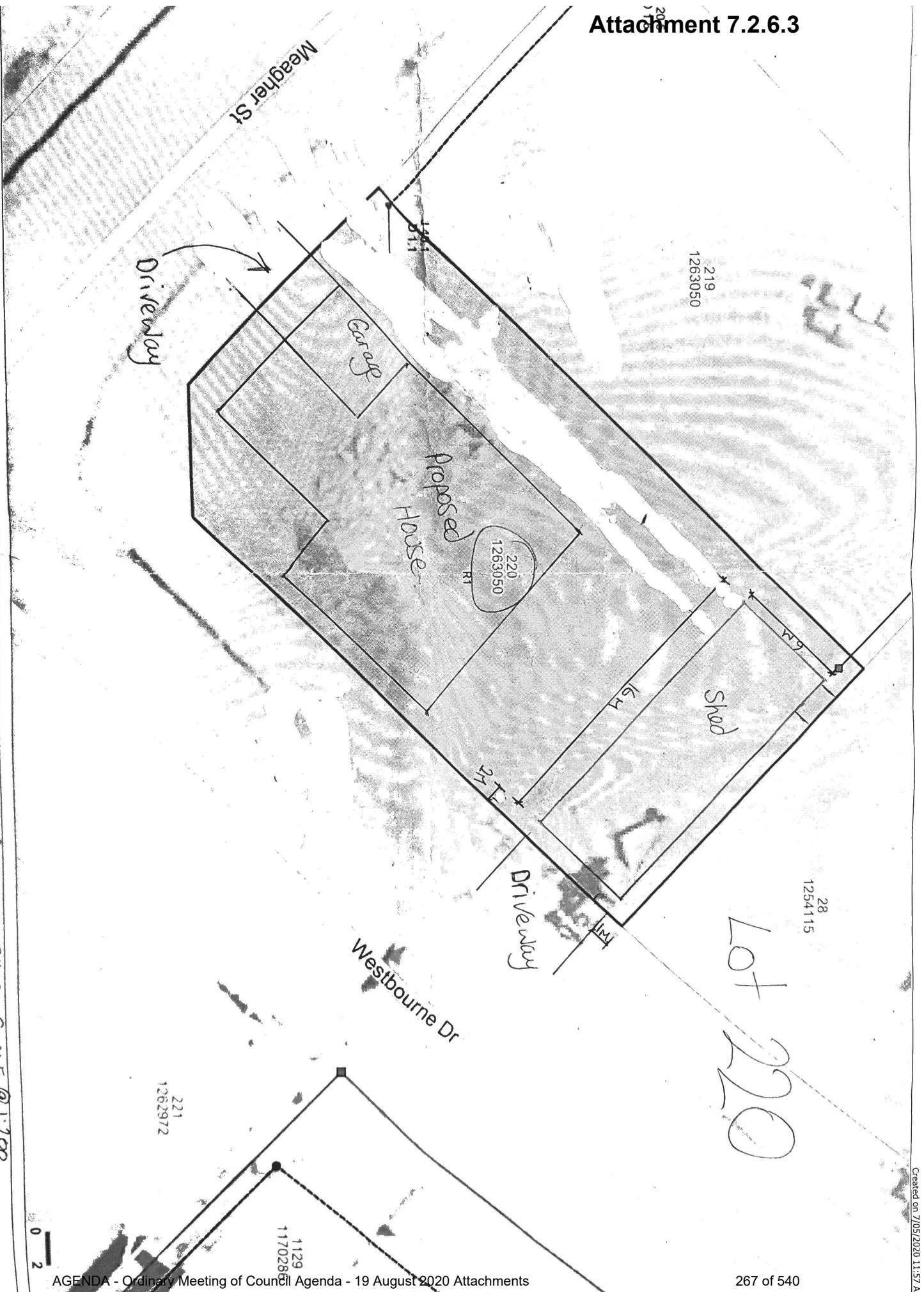




Important Notice!
This map is not a precise survey document. Accurate locations can only be

Drawn By: Countert

NOTE: PROPOSED SHED SCALE @ 1:200



26th May 2020

Bathurst Regional Council
Environmental Planning and Building Services
Private Mailbag 17
Bathurst NSW 2795

RE: Development Application No 2020/143

Dear Sir/Madam,

I am the owner of 67 Westbourne Drive Llanarth, Lot 28 DP 1254115, and after reviewing the plans for the proposed shed at 25 Meagher Street, I wish to lodge an objection.

I reject the proposal for the following reasons:

- The proposed shed is 96 sqm in total with a height of 4.2 meters. A shed of this size is out of character with the surrounding neighborhood, which is almost exclusively single story family homes.
- The proposed shed's height, scale and massing is more commercial in nature rather than residential. What is a shed of this size going to be used for in a residential area?
- My house on Lot 28 must be built with a setback of 6 meters from the boundary. The plans for the shed have it setback only 1 meter from the same boundary on Westbourne Drive. If the proposed shed was to be built in this position, then it would run 5 meters past the front of my house. This would not only be a massive eyesore but would also restrict my view of the surrounding land on this side of the lot.
- There is an increased risk of safety to the residents of Lot 28 and also members of the public. The driveway to Lot 28 will run parallel to the proposed shed, which is sitting 5 meters past the house. The proposed shed will restrict the view of cars reversing out of Lot 28's driveway and also make it difficult for pedestrians to see whilst walking past.
- The proposed development will be the first thing cars see when turning onto Westbourne Drive from Everdon Road. Being greeted by such an eyesore will take away from the beautiful streetscape of the Llanarth area.
- A shed of this magnitude, along with the Department of Housing duplex already built on the other side of my block of land will decrease the value of my land and house once completed.

PTO

I have no objection to a shed being built on Lot 20, so long as it is smaller in size, has a setback of no less than 6 meters, is in keeping with the character of the neighborhood and does not look like a massive industrial shed.

Thank you for considering my objection to this proposed development.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Garry McManus', with a stylized, cursive script.

Garry McManus

DR. THANKAPPAN SHAM KUMAR
&
DR. MARIA VARGHESE
60 WESTBOURNE DRIVE, LLANARTH , NSW, 2795

27/05/2020

Bathurst Regional Council, Attention: Mr. Richard Denyer

REF: DEVELOPMENT APPLICATION NO: 2020/143

Dear Mr. Richard Denyer ,

Thank you for informing us about the proposed development on Lot 2020 DP 1263050 and giving us the opportunity to make a submission.

We would like to raise some serious concerns about the proposed DA 2020/143, which would have multiple negative impacts on our neighborhood.

1) Llanarth is a beautiful suburb in Bathurst and Westbourne Drive is a lovely street with beautiful houses on either sides of the street. It is purely a residential area and one will not find any commercial or industrial buildings on this street. The type of the proposed shed and its dimensions will definitely impact on the aesthetic appeal of the whole neighbourhood.

2) The location of the proposed shed is directly opposite to our residence. We currently have a beautiful view from the front of our house, which we thoroughly enjoy. We believe that building a shed of this size in this lot would seriously affect the view from our property and this can have a negative influence on our land value.

3) We assume a shed of this size would be probably used for commercial or business purposes. This would mean that there would be an inflow of traffic including trucks and other big vehicles into this area. We are worried that this will cause a significant impediment to the safety conditions of this area as most of the families residing here have young children and pets.

The objections we have raised above are only related to the construction of a shed. However, we wholeheartedly support the construction of any kind of residential dwelling, which would perfectly blend with the rest of the neighbourhood.

In view of the above concerns, we would like to express our objection to the construction of this shed.

We would appreciate if you could kindly consider these genuine concerns and reject the application for the proposed building on this lot.

Yours Sincerely,

Dr. Thankappan Sham Kumar



Dr. Maria Varghese



26th May 2020

Bathurst Regional Council
Environmental Planning and Building Services
Private Mailbag 17
Bathurst NSW 2795

RE: Development Application No 2020/143

Dear Sir/Madam,

I am the owner of 67 Westbourne Drive Llanarth, Lot 28 DP 1254115, and after reviewing the plans for the proposed shed at 25 Meagher Street, I wish to lodge an objection.

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- The proposed shed's height, scale and massing is more commercial in nature rather than residential. What is a shed of this size going to be used for in a residential area?
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- The proposed development will be the first thing cars see when turning onto Westbourne Drive from Everdon Road. Being greeted by such an eyesore will take away from the beautiful streetscape of the Llanarth area.
- A shed of this magnitude, along with the Department of Housing duplex already built on the other side of my block of land will decrease the value of my land and house once completed.

I have no objection to a shed being built on Lot 20, so long as it is smaller in size, has a setback of no less than 6 metres, is in keeping with the character of the neighbourhood and does not look like a massive industrial shed.

Thank you for considering my objection to this proposed development.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Matt Tilley', with a stylized flourish at the end.

Matthew Tilley

26th May 2020

Bathurst Regional Council
Environmental Planning and Building Services
Private Mailbag 17
Bathurst NSW 2795

RE: Development Application No 2020/143

Dear Sir/Madam,

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Thank you for considering my objection to this proposed development.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Ashleigh McManus', with a stylized, flowing script.

Ashleigh McManus

PR MASTERS STEPHENS & CO PTY. LIMITED

AUCTIONEERS, LICENSED PROPERTY STOCK & BUSINESS AGENTS AND REAL ESTATE AGENTS
ABN: 26 112 218 443

BATHURST

121 Bentinck Street
PO Box 180
Bathurst NSW 2795
Phone: 02 6331 6266
Fax: 02 6332 1165



www.mastersstephens.com.au

BLAYNEY

101-103 Adelaide Street
PO Box 15
Blayney NSW 2799
Phone: 02 6368 2010
Fax: 02 6368 2162

To whom it may concern,

I am the sales and property manager for PR Masters Stephens and Co Pty Ltd. I have held this position for over 9 years.

As requested by Mr and Mrs McManus I am writing in regard to development application 2020/143.

It is my understanding that this DA is for a 16m x 6m shed, 3 m in height. From the information provided this shed will run for its entirety along Mr & Mrs McManus's boundary creating an imposing colorbond wall.

Set 1m off the boundary and 3m in height this "Commercial" style shed would have a serious affect on the surrounding properties most noticeably the McManus's

In my opinion the approval of a shed of this scale along the McManus boundary would result in a considerable price drop in the value of their property.

Kind Regards

Michael Lund
Sales Manager

23/05/2020

P Stead
58 Westbourne Drive
Llanarth NSW 2795
Ph: 0427 408 350

25th May 2020

Bathurst Regional Council

Attn: Richard Denyer

RE: Development Application No. 2020/143

Dear Richard,

Firstly, thank you for notifying us of the proposed development on lot 220 DP 1263050 and allowing us to make a submission. (We never had this opportunity before Lots 26 & 27 of DP 1254115 had dual occupancies built on them in contradiction of the intent of the covenant that states no subdividing less than 700m². Would appreciate an explanation as to this, as a separate request)

The proposed DA 2020/143 is a serious concern on a number of respects;

1. Size; a shed of this size is more suited to a commercial or trade area and not a residential area and begs the question why it would be needed, especially when we have the trade centre only 5 mins away with plenty of stock; <https://www.realcommercial.com.au/for-sale/robin-hill-nsw-2795/> What business will be run from this building? A typical fence in the area is no higher than 1.8m yet this shed is more than twice that height. Garden sheds are normally no larger than 3m x3m and not higher than 2.1m. The proposal is not a regular garden shed but an industrial building and should be reduced in size x 6 times, or built in an industrial area.
2. Physical appearance; if you drive along Westbourne drive you will not see any large colourbond buildings adjacent to the street. Typically, houses are brick face or rendered with tile or colourbond roof. How will this shed blend in with the surrounding buildings? Alternative building materials that better blend into the surrounding environment must be used on a building of this size.
3. Position on block; Being a corner block this technically allows the owner to build within a meter of the side boundary and this has been taken advantage of which means the proposed shed will be a further 2 meters closer to the street than the adjacent building, creating even greater obtrusive visual effect to the streetscape. If the shed was at the rear of a regular block in the street and not on a corner, the impact from the street perspective would be less. Perhaps the owner should consider repurchasing land elsewhere and not on a corner.
4. We haven't seen any plans of the proposed dwelling on this same lot. We should be able to observe all proposed buildings when considering this shed as would assist to know if there is going to be a further vehicle garage attached to the dwelling, which means there will be two driveways from this lot, creating confusion as to the address

Accordingly I object to the proposal outright and appeal to the councillors to reject the application in its current form.

Your Sincerely,



Bathurst Regional Council
 Environmental Planning and Building Services
 Private Mail Bag 17
 BATHURST NSW 2795

Lucy BORTSWAIN.
 P.O. Box 1061
 BATHURST NSW 2795

Email: council@bathurst.nsw.gov.au

BATHURST REGIONAL COUNCIL

RECEIVED

25 May 2020

26 MAY 2020

26 MAY 2020

BATHURST REGIONAL COUNCIL

Dear Sir/Madam

REF. 2020/143/011.....

RE: Objection to Proposed Development Application No 2020/143

I am the owner of 23 Meagher Street Llanarth, Lot 219 DP 1263050, and wish to make objection to the proposed Development Application No 2020/143 at 25 Meagher Street Llanarth.

I address my objections as follows:-

- The impact of a shed 4.2metres in height and sitting very close to the main thoroughfare would be a blight on the beautiful streetscape of Westbourne Drive. Should you drive along Westbourne Drive, you would see that home owners are house proud and I believe that the construction of a shed this size would be objected to by many should they receive letters from council advising them of this proposal.
- The proposed development would have a huge impact on the block immediately next to it in Westbourne Drive and could not imagine that they would be the least bit happy with a shed the size proposed being constructed, blocking their views and in my view, would decrease the value of their property. Traffic from Evernden Road, turning left or right into Westbourne Drive would have the *joy* of looking straight at this monstrosity while negotiating their turn and I'm sure would sit and ponder, why Council agreed to this construction should you approve it (hopefully not).

DEPBS

- Is the applicant anticipating engaging in any type of business from this shed? Spoiling the peace and

tranquillity that I, for one, so desire in the coming years of living in Llanarth. I am at a loss as to why a shed of this size would be required in a residential area of this calibre.

- The visual impact of this proposed development is not in keeping with the immediate area and this subdivision will be one, I would hope you agree, of lovely tree lined and manicured gardens and not huge monolithic sheds.

I'm sure if the size of the shed was of a smaller nature and in keeping with a residential nature and not commercial nature, there would be no objection at all.

Thank you for considering my objection to this development application.

Kind regards
Lucy Boatswain



From: Peter Stead | Akura <peter@akura.com.au>
Sent: Friday, 22 May 2020 1:54 PM
To: Council
Subject: Application: Development Application (10 - 2020 - 143 - 1)

Hello,

As a resident living near to this development I wish to express my disapproval of a shed of this size and construction material in this location as it will have an impact on the street appeal in the neighbourhood. I would encourage the councillors to reject the DA.

Regards,

Peter Stead
0427408350

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DISCUSSION FORUM

DETAILS: PROPOSED SHED AT 25 MEAGHER STREET, LLANARTH
DATE: 29 JUNE 2020
PRESENT: MELISSA WARRY, GARRY MCMANUS, ASHLEIGH MCMANUS,
MATTHEW TILLEY, PETER STEAD, NEIL SOUTHORN,
REBECCA HIGGINS-DALEY
FILE: DA2020/143

Meeting Opened: 2pm

N. Southorn Welcome to everyone. Explained the purpose of the meeting and process for the discussion forum and process for afterwards.

P. Stead Introduced himself and gave his address. Asked if any changes to the plans had been submitted.

R. Higgins-Daley Yes. The shed has been moved back another metre, so it has a 2-metre set back to Westbourne Drive.

M Tilley Asked about covenant and its restrictions on the land.

R. Higgins-Daley Covenants are not given significant weight unless they are in the Development Control Plan.

M. Tilley Explained that he will walk out of his house and look at 3-4 metres of shed wall, 3-metres high.

G. McManus Asked what the use of the shed will be.

N. Southorn Conditions can be imposed on Development Approvals to prevent the use of the building for commercial or habitable uses.


P. Stead Asked about fire rating with the shed being 1-metre from the boundary, commercial needs to be 3-metres.

R. Higgins-Daley Explained that in residential construction a 900mm setback is required either from the boundary or the residential building on the block. An outbuilding such as a shed can be up to the boundary without overhanging it.

G. McManus Asked if the block was big enough for a large shed and house, can they fit on the block and still meet the requirements.

- R. Higgins-Daley There is a maximum they can build out the block and a minimum open space required.
- P. Stead Asked what happens If they use the shed for residential purposes, live in it. What does Council do?
- N. Southorn Council has powers which it can enact if this was to occur.
- M Tilley & A McManus Expressed they thought it would destroy the street scape.
- G. McManus Also expressed he thought the look of the shed was not in keeping with the streetscape. He also expressed that he thought the shed was not in keeping with other sheds in the area.
- P. Stead He agreed with Mr McManus that the shed was not in keeping with other sheds in the area. He also asked if the colours and materials would blend with the main building.
- M. Tilley Explained he is not against the shed but is against its size and location. It is forward of his building line and he would like it in line with his dwelling as only 2-metres separates the buildings
- M. Warry Explained the shed will be in keeping with the main building once built. It's a garage, no business to be run from it. Their children all have cars and they would like to garage them all, plus other vehicles. Wants the cars off the road and protected from the weather.
- M. Tilley Expressed concern for devaluing of property.
- N. Southorn Devaluing is not a consideration under the Environmental Planning and Assessment Act. Development Applications are based on merit.
- M. Tilley Expressed concern for the streetscape. Suggested a smaller shed with a larger setback from Westbourne Drive
- P. Stead Suggested the owner look for an alternative site where a larger shed may be more appropriate.
- M. Tilley Asked for this comment to be minuted: His builder was told by a member of Council staff that if they didn't want a shed next to them they should move out onto a rural property.
- M. Warry Reiterated the shed will blend with the house.
- P. Stead Asked if a fence could be built on the boundary. That the shed would look better set back further.
- R. Higgins-Daley Under Council's amended Exempt Development criteria, corner blocks can, if they meet the criteria, build fences to the boundary.

- M. Tilley Asked for a 6-metre setback for the shed from Westbourne Drive.
- G. McManus Suggested the additional cars could be parked in the driveway, which P. Stead, A McManus and M. Tilley all agreed with.
- M. Tilley Asked if there was going to be a driveway onto Westbourne Drive from the proposed shed.
- G. McManus Requested the orientation of the future dwelling
- M. Warry Responded that the house will face Meagher Street. There will be a driveway off both Westbourne Drive and Meagher Street. Does not want cars in street or out in the weather. Does not want cars parked in driveways. Everyone leaves at different times so cars cannot be parked behind one another.
- M. Tilley Asked M. Warry if she understood his concerns.
- M. Warry Responded with yes. That they don't want to devalue their property either. The shed will blend.
- P. Stead Requested the colour of the shed.
- M. Warry Responded with a medium grey but wasn't sure of the name. The whole shed will be the same colour, roof, walls, roller doors and trims.
- M. Tilley, A. McManus, G. McManus & P. Stead All felt the houses in the street were in line and the shed won't be.
- N. Southorn Asked if anyone had anything further to add. There being nothing more the forum finished.
- M. Tilley Requested a copy of the minutes be forwarded to him.
- Meeting Closed: 2.35pm



**N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

From: Craig Warry <zabraco1@gmail.com>
Sent: Sunday, 12 July 2020 4:42 PM
To: Rebecca Higgins-Daley; Council
Cc: Zabraco zabraco
Subject: ATT: Environmental, Planning and Building Services Department. Development Application No. 2020/143
Attachments: Block. For Council.pdf; Car 1.jpg; Car 2.jpg; Car 3.jpg; Motorcycle and Storage Shed.jpg; Storage receipt.pdf

In response to the letter received 6th July, 2020.

1. The intended use of the proposed shed is as already verbally communicated numerous times and I believe that the DA submitted to Council had questions regarding the use. THE SHED IS FOR PERSONAL STORAGE. As a family, my wife and myself with 4 sons have up to 5 vehicles at the house at certain times and a motorcycle and a 10 x 5 tandem trailer. I would like to garage as many vehicles as we can. I understand hazards and do not like cars parked on roadways.

In addition to this as we have no present plans to build on the block as we have all of our possessions in storage. We are currently living with our eldest son and paying storage on our furniture etc.

Following is from the developers covenants.

(a) 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.

(i) No unregistered caravans or trailers or other vehicles shall be parked or placed on each Lot burdened unless garaged.

2. Provide details why 2 bathrooms are required. We were foolish to think that we could do what we wanted with our money on our block. As previously mentioned we have 4 sons, 3 grandchildren, 1 daughter in law and 2 girlfriends that would be visiting us. We thought we could have a barrier between bathrooms to avoid putting the young children anywhere near the vehicles (My Harley) etc in the shed when they wish to use the toilet. We have decided to withdraw the second toilet/bathroom. We will now seek approval for one only.

3. Please find a basic site plan attached showing proposed construction, as for setbacks We have been in communication with Kate Foody a local draftsman. When she completes the plans they will comply with all regulations. As for the driveway for the shed it has already been approved. Fencing arrangements will be decided at the time following is the developers covenants regarding the fence.

(m) No fence shall be erected on the side or rear boundaries of each Lot burdened to a height greater than 1800mm.

(n) No fence shall be erected on each Lot burdened closer to the street frontage than either the line of the wall of any building closest to and facing that street or 6 metres whichever distance is greater except that where the Lot burdened is a corner Lot no fence shall be erected on the side boundary street frontage between the building alignment and the front street alignment of that said Lot.

(o) No boundary fence shall be erected on a Lot unless such fence is constructed of sandstone precoloured metal panels such as colourbond or equivalent.

*If the above information is not acceptable please withdraw our development application and refund in full our DA costs.

Attachment 7.2.6.6

The DA process in place has caused great angst with our neighbors and we have not even moved to the neighborhood. Whatever the outcome, what we felt was a good move has now changed to we are not sure if we want to live there.

The neighbor with the loudest voice (A council employee) has been using our land as access to build his house causing damage to the kerbs and gutters on our block, causing damage and deep truck tracks in our land which we will be burdened with the repair costs. We had to pay a deposit on the kerb and gutter to ensure no damage. I have reported the damage and as the builder from next door (Gerard TOOLE) told us there is nothing the council will do, if the council does anything they will tell him to sweep up his mess off the roadway. We have discussed that the delay to our application allows our neighbor more time to continue using our land as access.

We are absolutely disorientated with the process of a DA of a shed that meets all criteria. It's a long and skinny shed (6m wide)

Attached is photos to support what we have written, ownership of vehicles can be supplied if required.

Regards,

Craig WARRY CMC

Mobile: 0402 708 612

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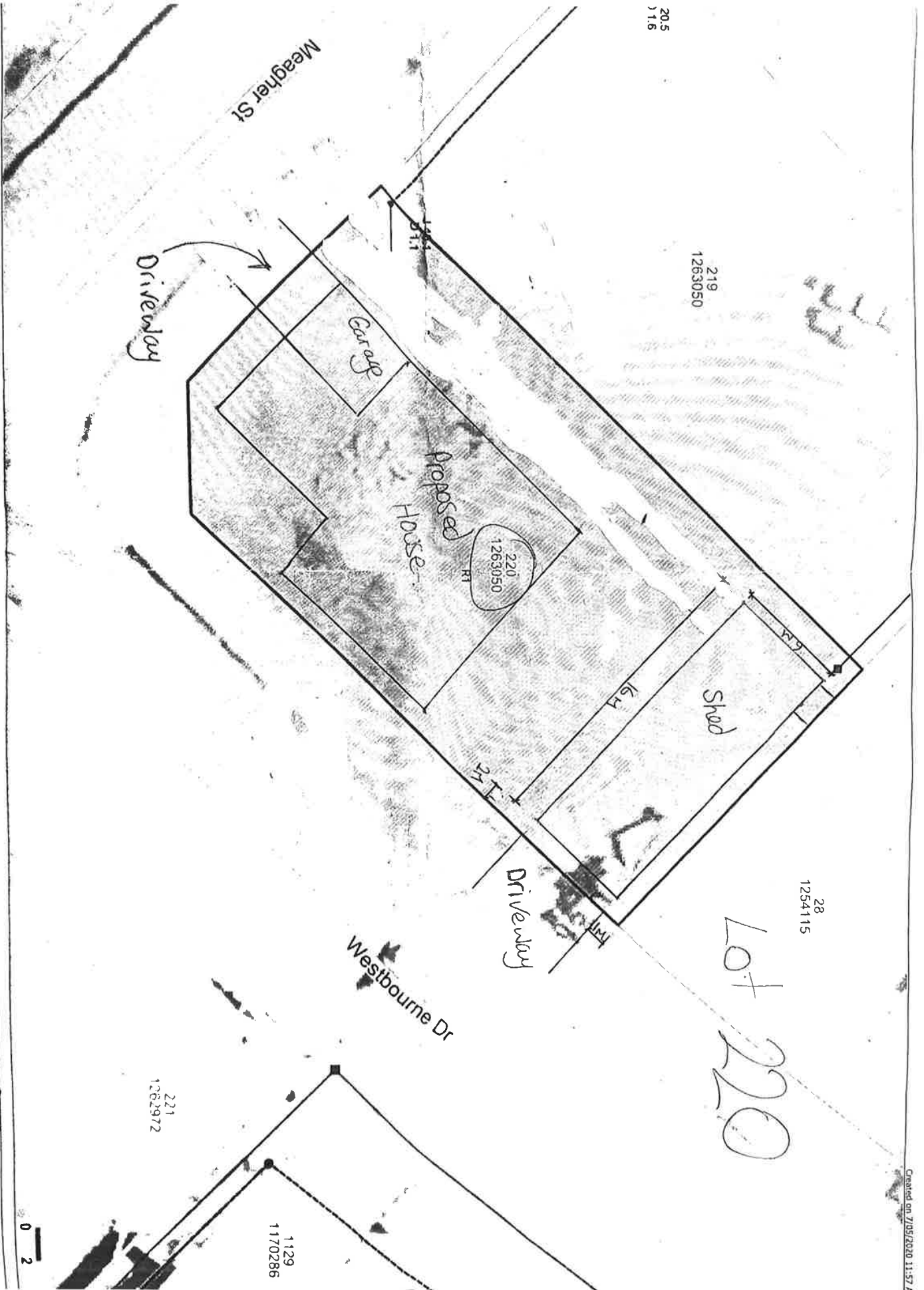
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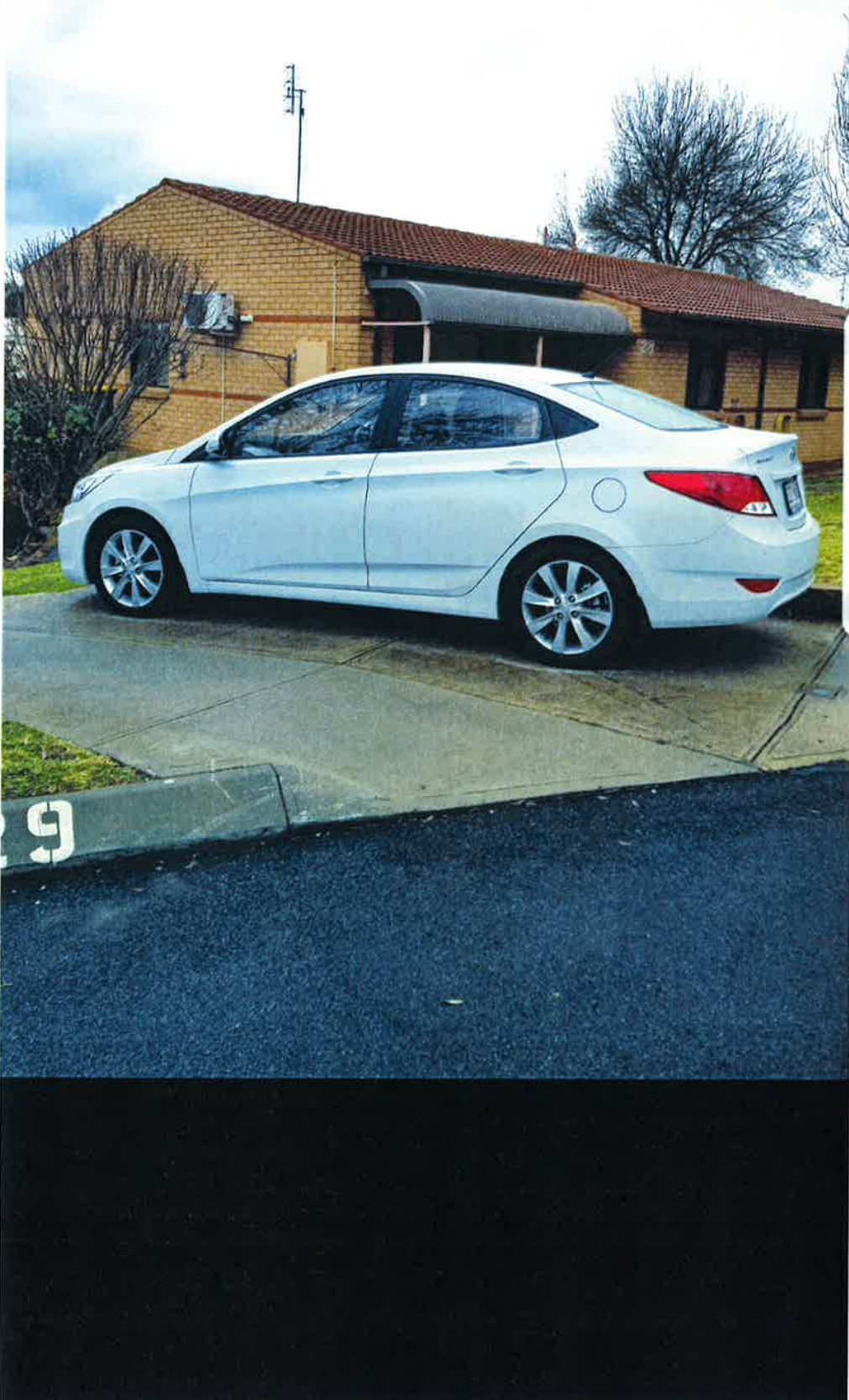
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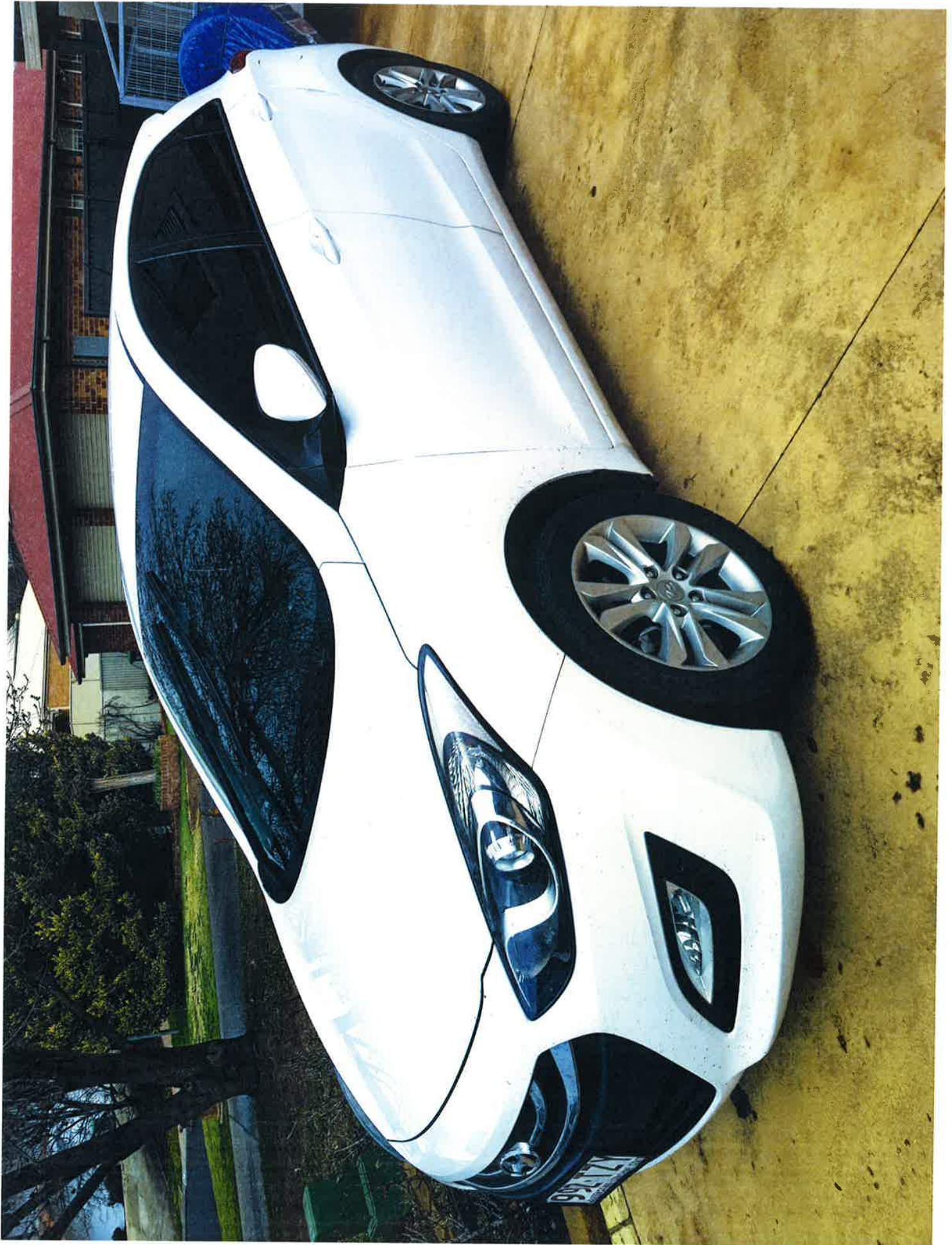
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Drawn By: Carter

NOTE: PROPOSED SHED SCALE @ 1:200











Attachment 7.2.6.6



55 William Street, Bathurst, NSW 2795, AUSTRALIA
Ph: 02 6332 2900 Fax: 02 6331 5066
Professionals Bathurst (062-504 10223612)

Trust Account Receipt

Tenancy Receipt

Received From:	Craig Warry on behalf of Craig Warry (ID:3325)	Money Received:	7/07/2020
	10/33 Carlingford Street, Bathurst, NSW 2795, AUSTRALIA	Receipt Completed:	8/07/2020
		Receipt #:	18114

Description	Amt Exc GST	GST	Amt Received
For Ownership PHMJ Super Fund (ID:335)			
Rent: Rent from 10/07/2020 to 16/07/2020 - Effective Paid To* 16/07/2020	\$35.00	\$0.00	\$35.00
	\$35.00	\$0.00	\$35.00

Payment Method: Direct Deposit

Received By: Jaise Delaney

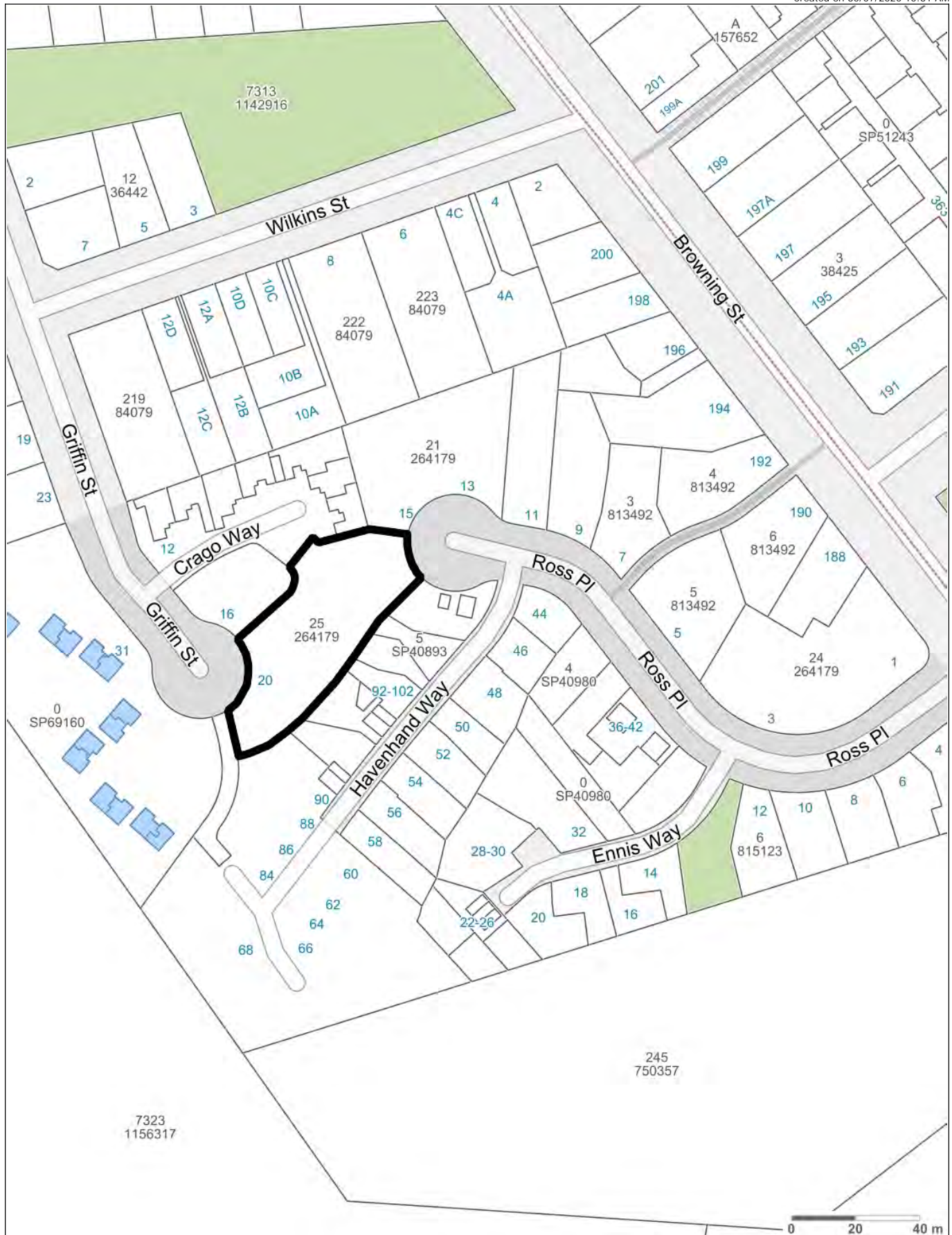
* This is the last day for which rent is fully paid.

Receipt Copy



Professionals Bathurst ABN 31 096 269 242
Corp. Licence Number: 1168031 Licensee Name & Number: Benjamin Stevens 20134662

Generated on 8/07/2020 11:26 AM
Page 1 of 1



BATHURST REGIONAL COUNCIL

Bathurst Regional Council
PMB 17
158 Russell Street
BATHURST NSW 2795
Telephone: 02 6333 6111
Fax: 02 6331 7211
Email: council@bathurst.nsw.gov.au

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Drawn By: Daniel Dwyer

Date: 30/07/2020

Projection: GDA94 / MGA zone 55

Map Scale: 1:1547 @ A4



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Bathurst Regional Council
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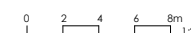
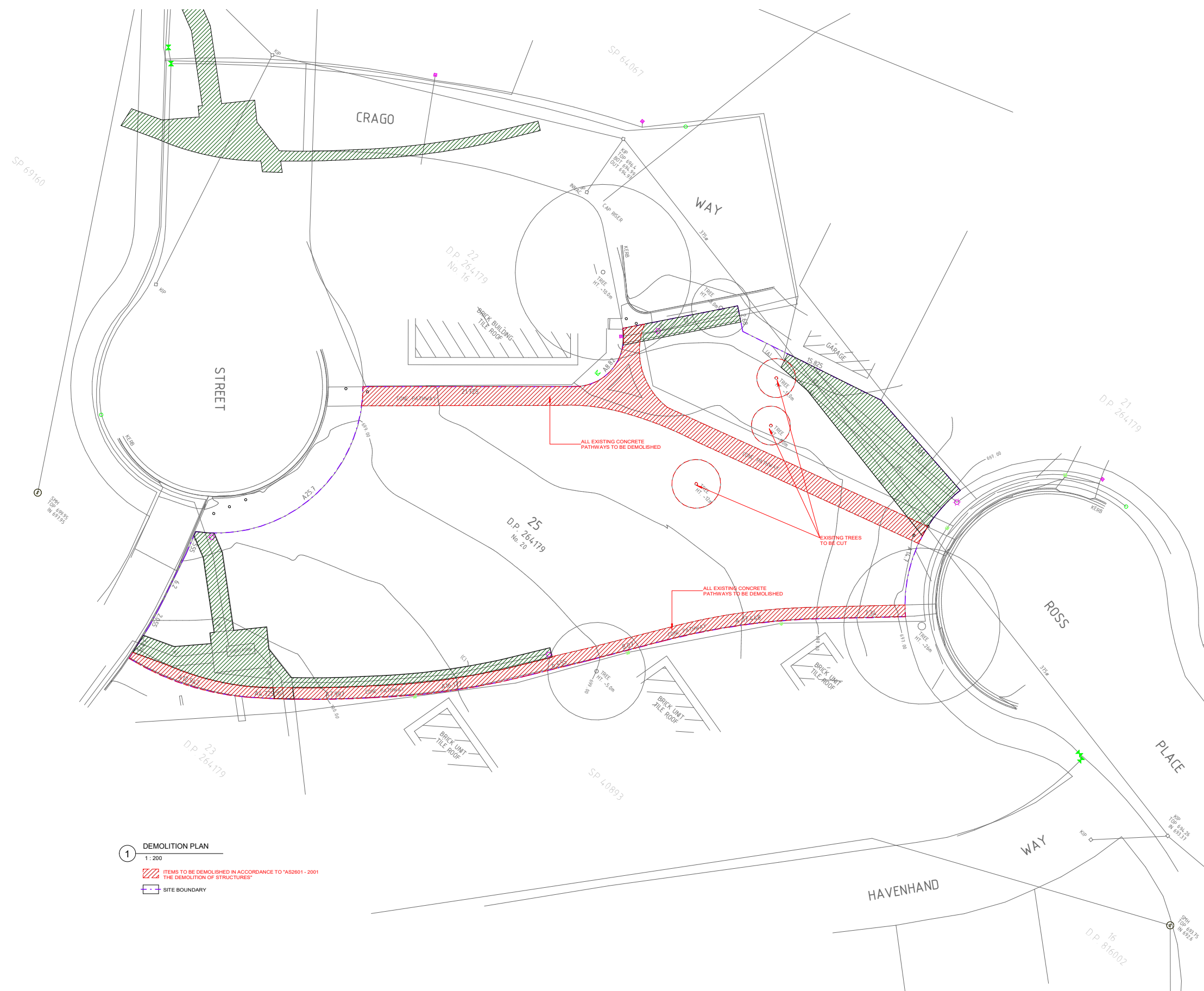
Map Scale: 1:1547 @ A4

DA 2020/127
20 Griffin Street, Mitchell

PROPOSED MULTI DWELLING AT 20 GRIFFIN ST, MITCHELL

DRAWING LIST	
Sheet Number	Sheet Name
A00	COVER SHEET
A01.01	DEMOLITION PLAN
A01.02	SUBDIVISION PLAN
A01.03	SITE PLAN & ROOF PLAN, SITE ANALYSIS PLAN
A01.04	WASTE MANAGEMENT PLAN & SEDIMENT & EROSION CONTROL PLAN
A01.05	LANDSCAPING PLAN
A01.06	GROUND FLOOR SETBACK PLAN
A01.07	FIRST FLOOR SETBACK PLAN
A01.08	SITE CALCULATIONS
A02	PROPOSED GROUND FLOOR PLAN
A03	PROPOSED FIRST FLOOR PLAN
A04	ELEVATIONS - PART 1
A05	3D_MODEL
A06	3D_MODEL
A07	WINDOWS & DOOR SCHEDULE
A08	SCHEDULE OF FINISHES & FRONT FENCE ELEVATION
A09.01	SHADOW DIAGRAM - 21ST JUN
A10.01	NOTIFICATION PLAN





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A	22.04.2021	ISSUED FOR DA OK



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NW 2200
P: 9709 5556 M: 9422 4
E: abraham@pancodeign.com

PROPOSED MULTI DWELLING
20 GRIFFIN ST, MITCHELL
LOT 25 DP 264179

DEMOLITION PLAN

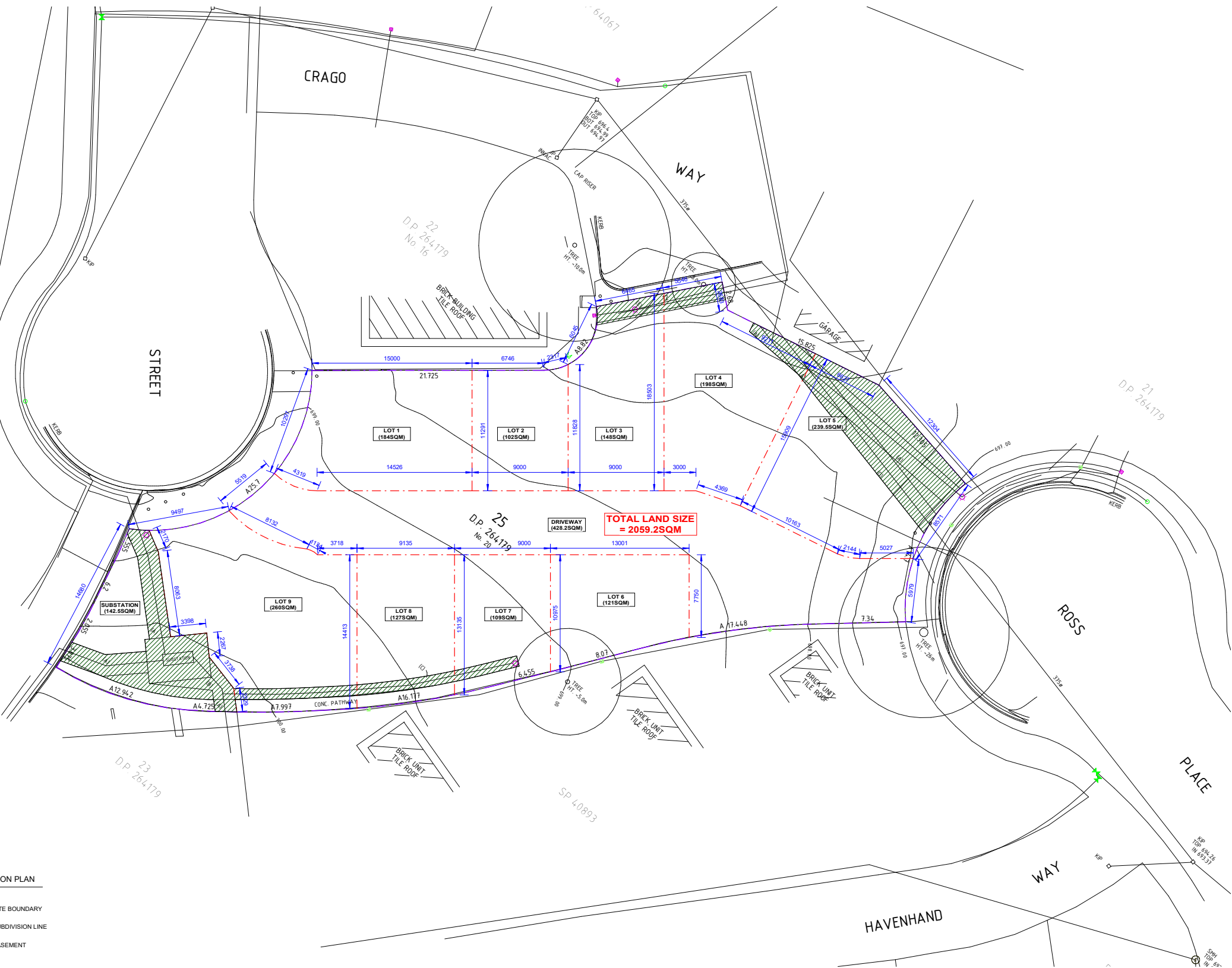
JOB NUMBER: 19177	DWG NUMBER: A01.01	ORIGINAL A1
DESIGNED BY: A.N.	DATE: 24.01.2020	
DRAWN BY: A.N.	SCALE: A/R SHOWN	

SUBDIVISION CALCULATIONS:

LOT NO	LOT SIZE
LOT 1	184m ²
LOT 2	102m ²
LOT 3	148m ²
LOT 4	198m ²
LOT 5	239.5m ²
LOT 6	121m ²
LOT 7	109m ²
LOT 8	127m ²
LOT 9	183.3m ²
DRIVEWAY	428.2m ²
SUBSTATION	219.2m ²
TOTAL AREA	2059.2m ²

1 SUBDIVISION PLAN
1:200

— SITE BOUNDARY
- - SUBDIVISION LINE
EASEMENT



REV	DATE	DESCRIPTION
1	19.08.2020	AWARDED FOR SH
2	22.04.2020	REVISED FOR SH

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PROPOSED MULTI DWELLING 20 GRIFFIN ST, MITCHELL LOT 25 DP 264179	
JOB NUMBER: 19177	DATE: 24.01.2020
DESIGNED BY: A.N.	SCALE: AS SHOWN
DRAWN BY: A.N.	ORIGINAL SIZE: A1

0 2 4 6 8m
1:200

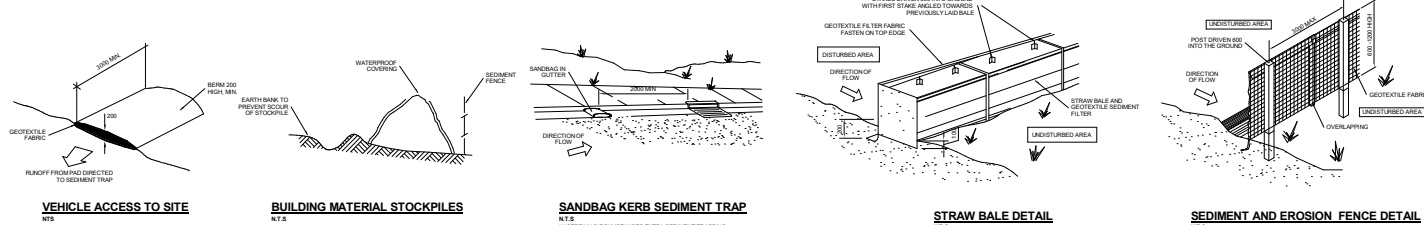
296 of 540

17/08/2020 3:56:56 PM

-
- 1 SITE PLAN & ROOF PLAN, SITE ANALYSIS PLAN**
1:200
- LEGEND**
- EASEMENT
 - SITE BOUNDARY
 - SUBDIVISION LINE
 - GROUND FLOOR OUTLINE
 - FIRST FLOOR OUTLINE
 - V1 V2 VISITOR CAR SPACES
- TITLE BLOCK**
- PROPOSED MULTI DWELLING**
20 GRIFPIN ST. MITCHELL
LOT 25 DP 264179
- STRUCTURAL ENGINEERING & ARCHITECTURAL DESIGN**
- SCALE**
1:200
- DATE**
24.01.2020
- DESIGNED BY**
A.N.
- DRAWN BY**
A.N.
- DATE**
24.01.2020
- SCALE**
1:200
- ORIGINAL SIZE**
A1
- 7/02/2020 3:55:58 PM**



- 1 WASTE MANAGEMENT PLAN & SEDIMENT & EROSION CONTROL PLAN
1:200
- SITE BOUNDARY
 - SEDIMENT CONTROL FENCE
 - TEMPORARY FENCE



PROPOSED MULTI DWELLING 20 GRIFFIN ST. MITCHELL LOT 25 DP 264179		WASTE MANAGEMENT PLAN & SEDIMENT & EROSION CONTROL PLAN	
DESIGNED BY A.N.	DATE 24.01.2020	SCALE AS SHOWN	ORIGINAL SIZE A1
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JOB NUMBER:
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SHEET NUMBER:
A01.04

DATE:
24.01.2020

SCALE:
AS SHOWN

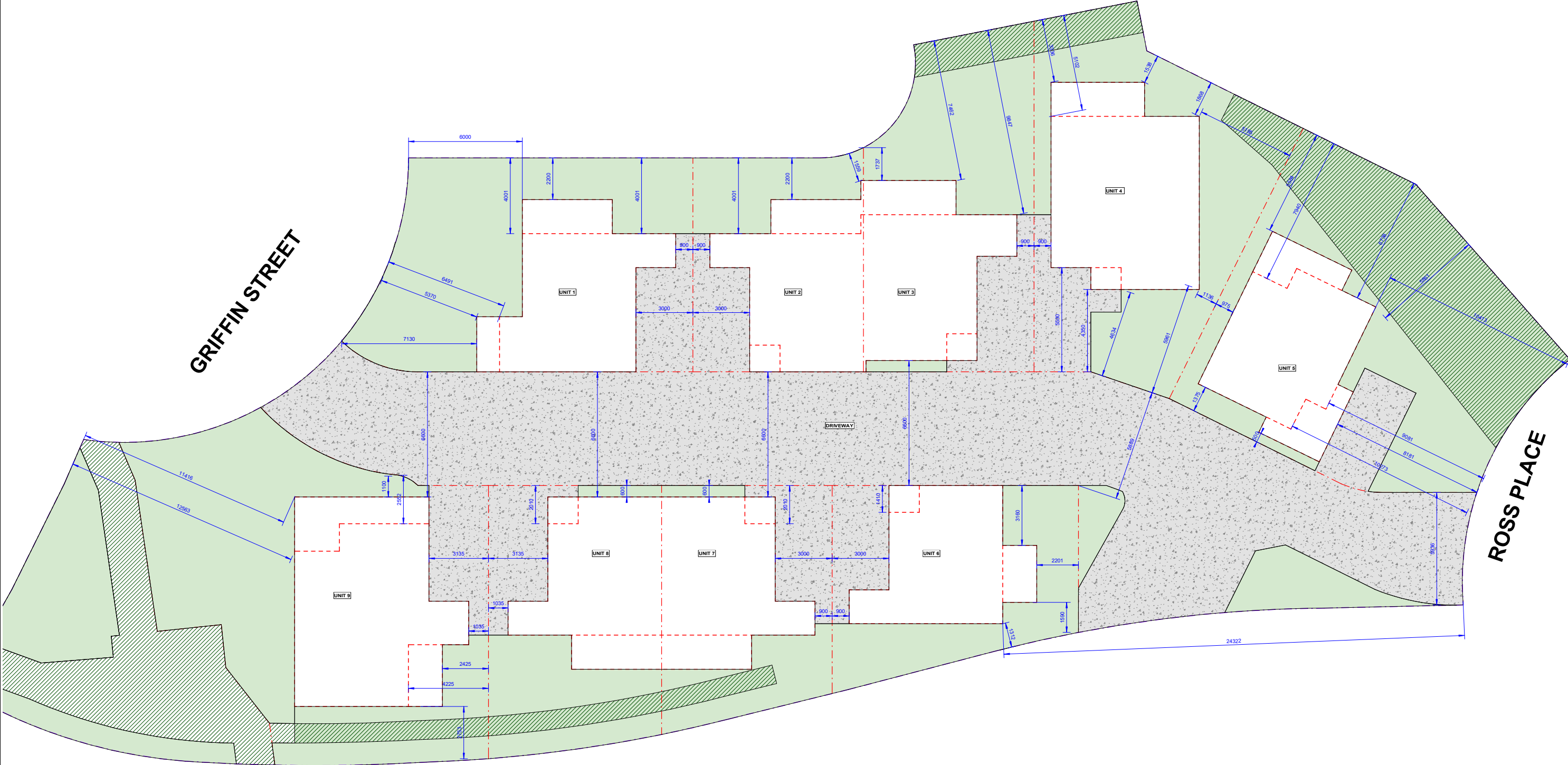
ORIGINAL SIZE:
A1

LANDSCAPING NOTES:

- Garden beds are to incorporate weed control mats, mowing edges and are to be mulched to a minimum depth of 80mm.
- An automated drip or trickle irrigation system is to be installed in preference to manual or spray watering systems
- The use of advanced trees and shrubs, as well as the use of turf rather than grass seed is recommended.
- Maintenance of landscaping to ensure survival of plants will be a continuing requirement of any development consent.

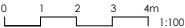


PLANTING SCHEDULE				
SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE SIZE	TYPE
EG	EMERALD GAITY	EMERALD GAITY	0.8M	SHRUB
T1-13	ACACIA BINERVIA	MYALL WATTLE	8M	TREE
T14-31	MAGNOLIA TEDDY BEAR	MAGNOLIA	4M	TREE



1 GROUND FLOOR SETBACK PLAN
1:100

EASEMENT
SITE BOUNDARY
SUBDIVISION LINE
GROUND FLOOR OUTLINE



REV	DATE	DESCRIPTION	BY
A	22.04.2020	ISSUED FOR CA	CA
B	16.06.2020	AWARDED FOR CA	CA

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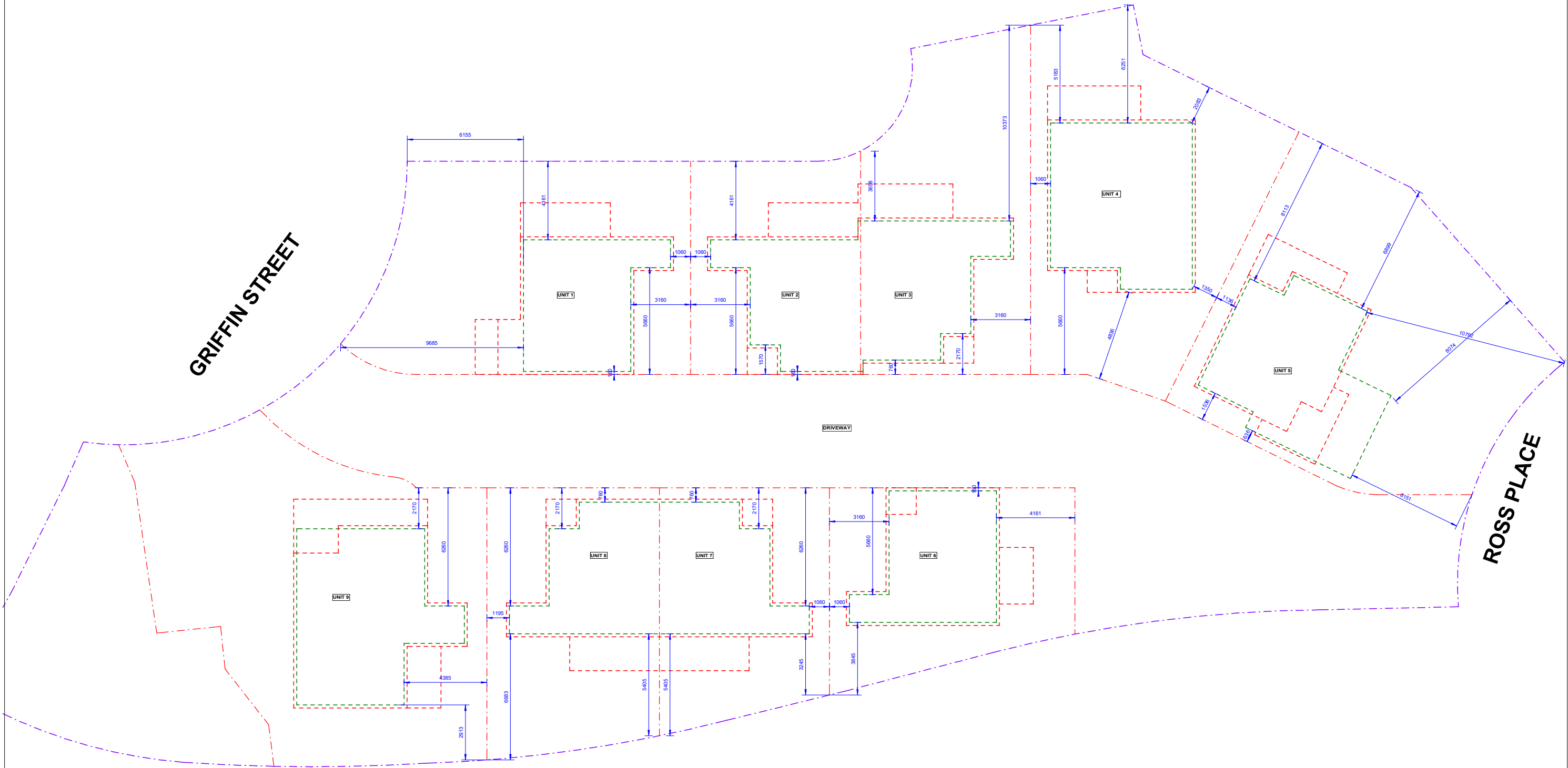
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PROPOSED MULTI DWELLING
20 GRIFFIN ST, MITCHELL
LOT 25 DP 264179
GROUND FLOOR SETBACK PLAN

JOB NUMBER	19177	SHEET NUMBER	A21.06	ORIGINAL SIZE	A1
DESIGNED BY	A.N.	DATE	24.01.2020	SCALE	AS SHOWN
DRAWN BY					





1 FIRST FLOOR SETBACK PLAN
1 : 100

GROUND FLOOR OUTLINE

FIRST FLOOR OUTLINE

REV	DATE	DESCRIPTION
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B	18.08.2020	AWARDED FOR CA

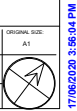
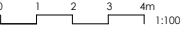
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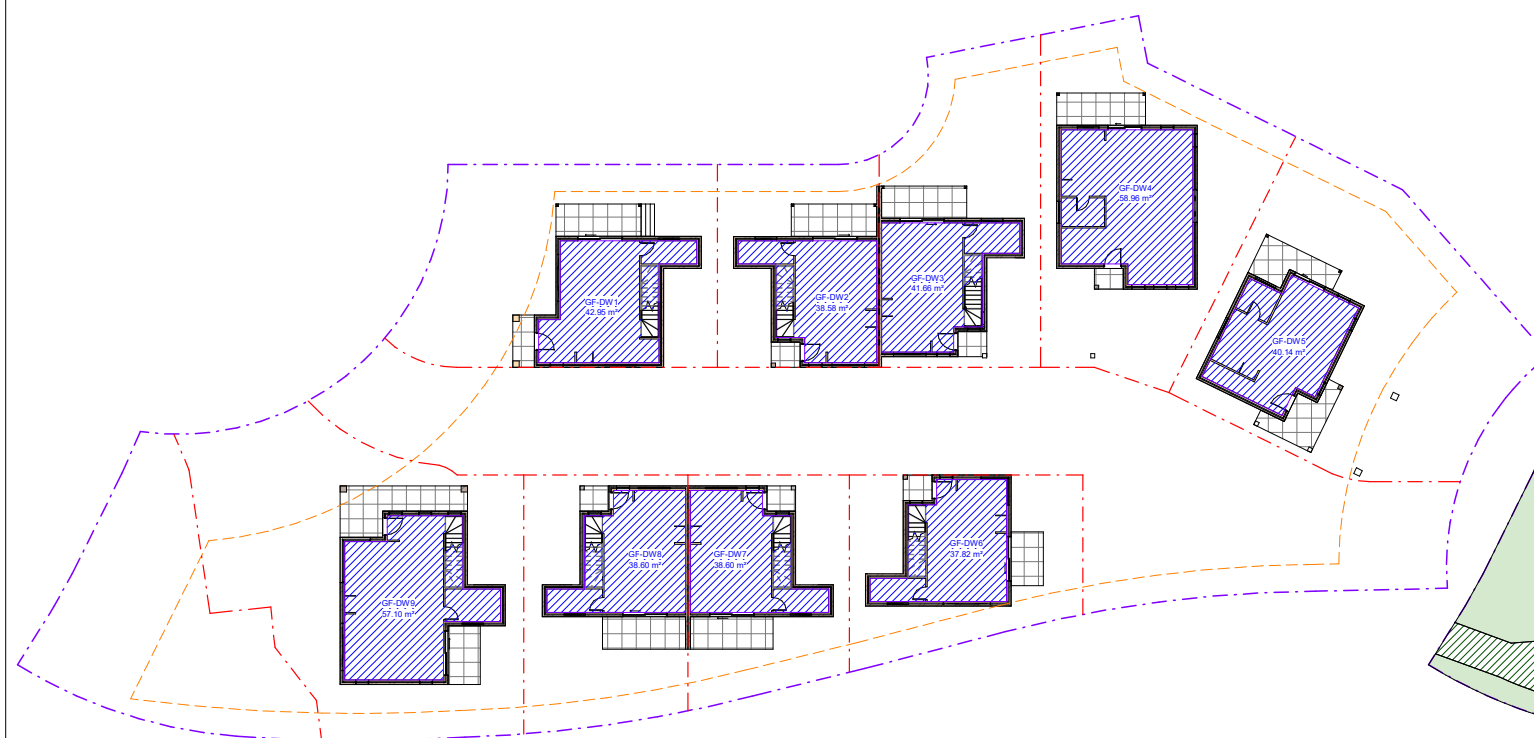
HEMCO DESIGN
STRUCTURAL ENGINEERING
& ARCHITECTURAL DESIGN

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NSW 2111
P: 02 9555 1111
E: info@hemco-design.com.au

PROPOSED MULTI DWELLING
20 GRIFFIN ST, MITCHELL
LOT 25 DP 264179

JOB NUMBER	19177	DWG NUMBER	A01.07	ORIGINAL SIZE	A1
DESIGNED BY	A.N.	DATE	24.01.2020	SCALE	AS SHOWN
DRAWN BY					

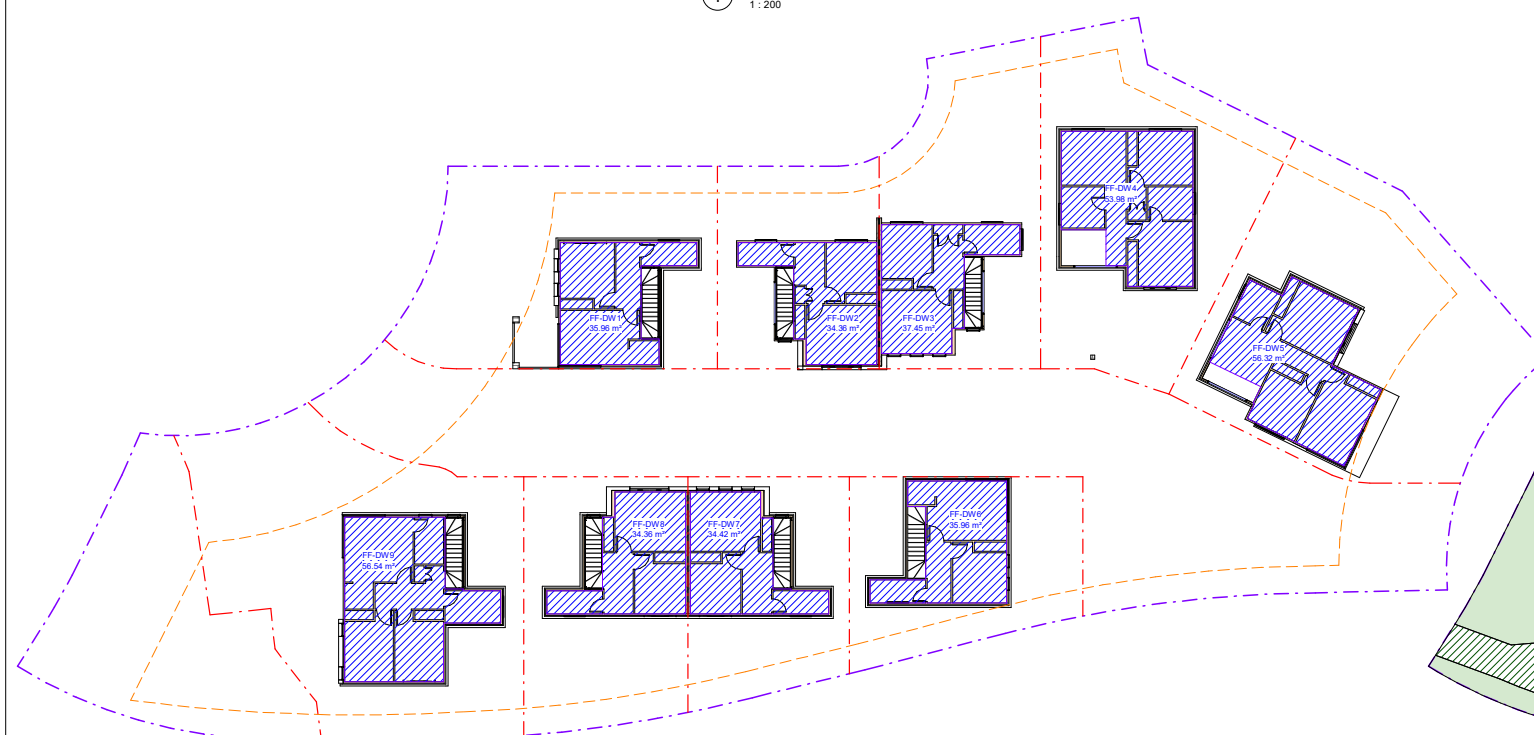




1 FSR - Ground Floor
1 : 200



3 SITE COVERAGE
1 : 200



2 FSR - First Floor
1 : 200

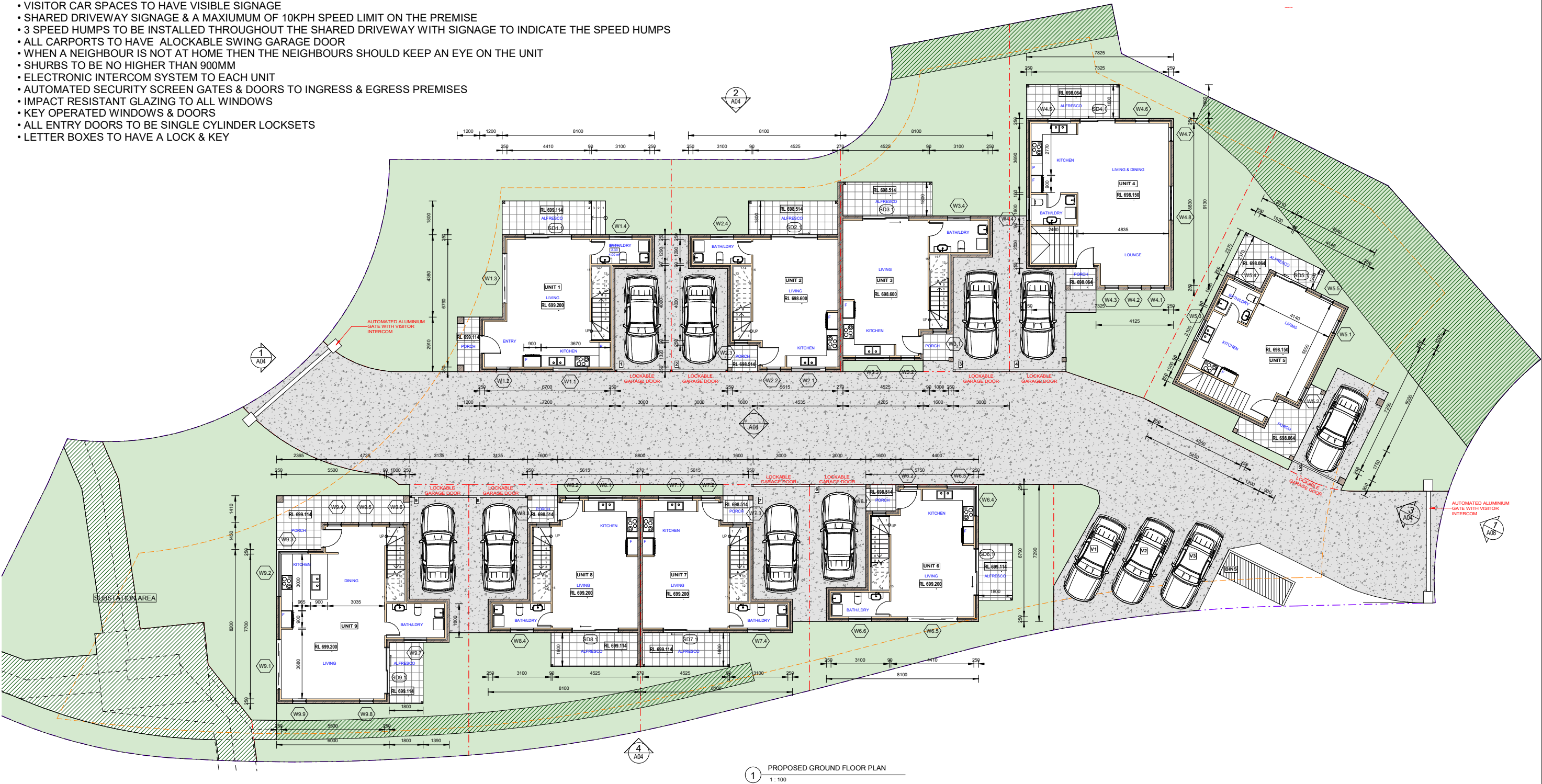


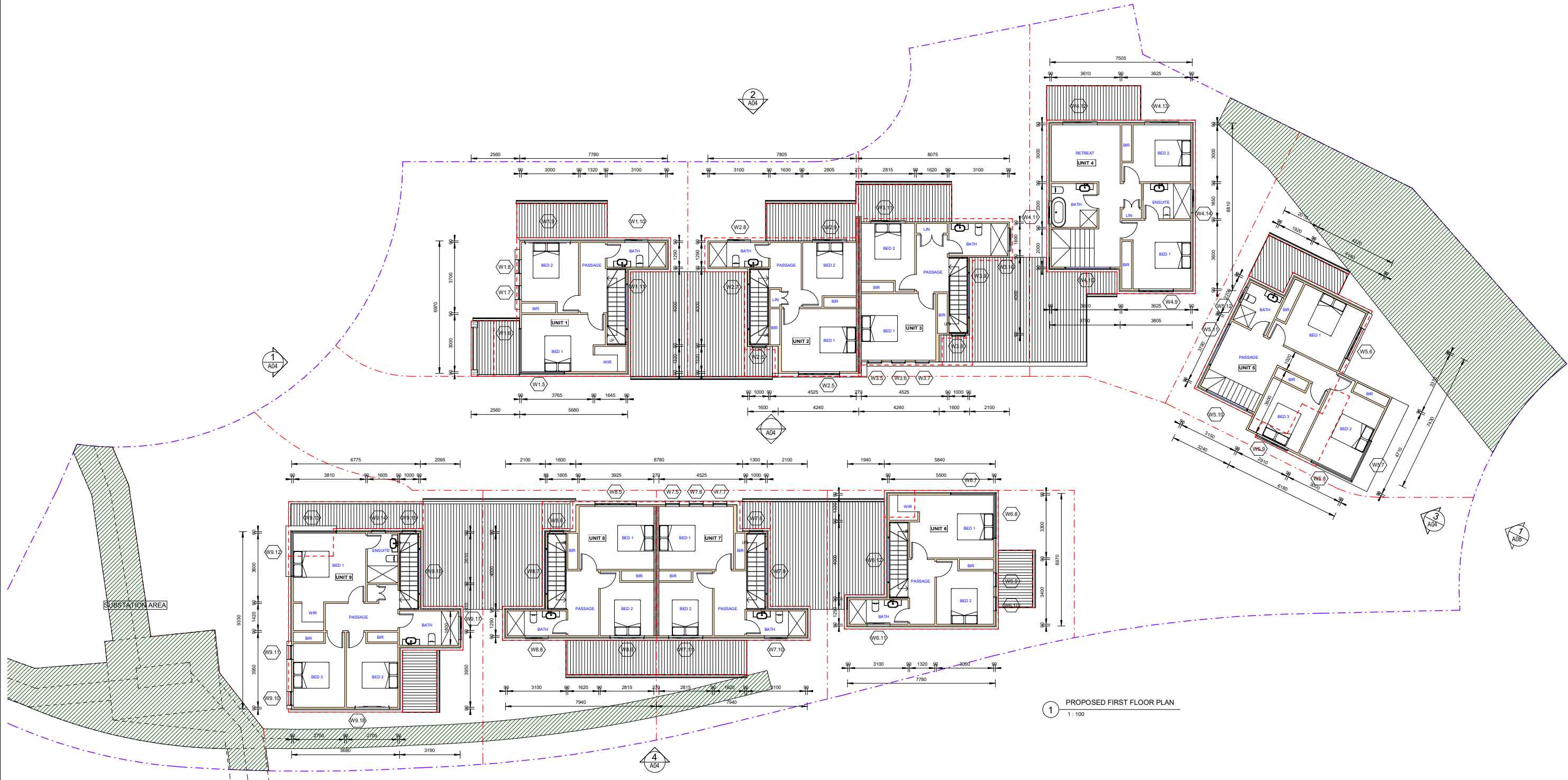
4 LANDSCAPING
1 : 200

SITE CALCULATIONS FOR WHOLE SITE	
FLOOR AREA CALCULATIONS	
SITE AREA	2059.2m ²
AREA OF THE PROPOSED GROUND FLOOR:	394.41m ²
AREA OF THE PROPOSED FIRST FLOOR:	379.35m ²
PROPOSED TOTAL FLOOR AREA:	773.76m²
SITE COVERAGE CALCULATIONS	
PROPOSED SITE COVERAGE:	114.00m ² = (55.4%)
INC. (DWELLINGS, PORCHES, ALFRESCOS & DRIVEWAYS)	
LANDSCAPING CALCULATIONS	
PROPOSED TOTAL LANDSCAPED AREA:	920m ² = (44.6%)

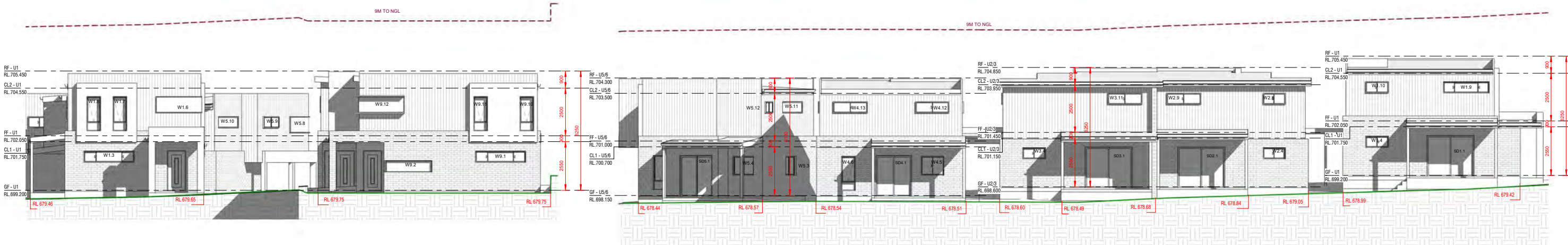
CRIME PREVENTION REPORT NOTES:

- EACH UNIT MUST HAVE CCTV CAMERA FOOTAGE AT THE FRONT & REAR OF EACH PREMISE
- EACH UNIT MUST HAVE A BACK TO BASE ALARM SYSTEM FITTED TO EACH PREMISE
- ALL INGRESS & EGRESS POINTS TO BE WELL DEFINED BY SIGNAGE
- TRESSPASSER SIGNAGE TO BE CLEARLY SHOWN AT ALL INGRESS & EGRESS POINTS
- COMMON CCTV FOOTAGE AROUND THE PREMISE TO BE MONITORED
- VISITOR CAR SPACES TO HAVE VISIBLE SIGNAGE
- SHARED DRIVEWAY SIGNAGE & A MAXIMUM OF 10KPH SPEED LIMIT ON THE PREMISE
- 3 SPEED HUMPS TO BE INSTALLED THROUGHOUT THE SHARED DRIVEWAY WITH SIGNAGE TO INDICATE THE SPEED HUMPS
- ALL CARPORTS TO HAVE A LOCKABLE SWING GARAGE DOOR
- WHEN A NEIGHBOUR IS NOT AT HOME THEN THE NEIGHBOURS SHOULD KEEP AN EYE ON THE UNIT
- SHURBS TO BE NO HIGHER THAN 900MM
- ELECTRONIC INTERCOM SYSTEM TO EACH UNIT
- AUTOMATED SECURITY SCREEN GATES & DOORS TO INGRESS & EGRESS PREMISES
- IMPACT RESISTANT GLAZING TO ALL WINDOWS
- KEY OPERATED WINDOWS & DOORS
- ALL ENTRY DOORS TO BE SINGLE CYLINDER LOCKSETS
- LETTER BOXES TO HAVE A LOCK & KEY





1 PROPOSED FIRST FLOOR PLAN
1:100



1 SOUTH WEST ELEVATION
1 : 100

2 NORTH WEST ELEVATION
1 : 100



3 NORTH EAST ELEVATION
1 : 100



4 SOUTH EAST ELEVATION
1 : 100



5 NORTH WEST INTERNAL ELEVATION
1 : 100



6 SOUTH EAST INTERNAL ELEVATION
1 : 100





SLIDING DOOR SCHEDULE - DW1				
Mark	Height	Width	Area	Level
SD1.1	2100	2410	5.06 m ²	GF - U1
Grand total: 1			5.06 m ²	

SLIDING DOOR SCHEDULE - DW2				
Mark	Height	Width	Area	Level
SD2.1	2100	2410	5.06 m ²	GF - U2/3
Grand total: 1			5.06 m ²	

SLIDING DOOR SCHEDULE - DW3				
Mark	Height	Width	Area	Level
SD3.1	2100	2410	5.06 m²	GF - U2/3
Grand total: 1			5.06 m²	

SLIDING DOOR SCHEDULE - DW4				
Mark	Height	Width	Area	Level
SD4.1	2100	1810	3.80 m ²	GF - U5/6
Grand total: 1			3.80 m ²	

SLIDING DOOR SCHEDULE - DW5				
Mark	Height	Width	Area	Level
SD5.1	2100	1810	3.80 m²	GF - U5/6
Grand total: 1			3.80 m²	

SLIDING DOOR SCHEDULE - DW6				
Mark	Height	Width	Area	Level
SD6.1	2100	2410	5.06 m ²	GF - U1
Grand total: 1			5.06 m ²	

SLIDING DOOR SCHEDULE - DW7				
Mark	Height	Width	Area	Level
SD7.1	2100	2410	5.06 m ²	GF - U1
Grand total: 1			5.06 m ²	

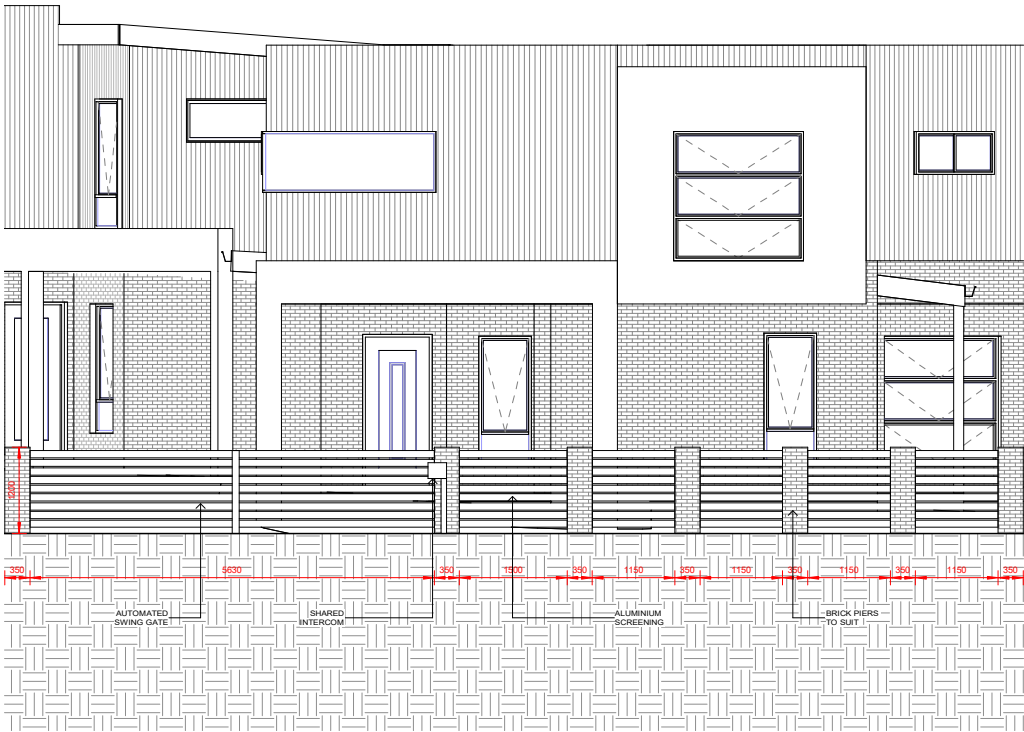
SLIDING DOOR SCHEDULE - DW8				
Mark	Height	Width	Area	Level
SD8.1	2100	2410	5.06 m ²	GF - U1
Grand total: 1			5.06 m ²	

SLIDING DOOR SCHEDULE - DW9				
Mark	Height	Width	Area	Level
SD9.1	2100	2410	5.06 m ²	GF - U1
Grand total: 1			5.06 m ²	

308 of 540



1 SCHEDULE OF FINISHES



1 FRONT FENCE ELEVATION
1 : 50



01: SELECTED BRICK



02: TIMBER WALL



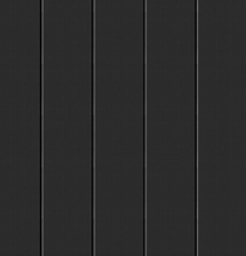
03: ALUMINIUM WINDOWS & DOORS



04: VIVID WHITE RENDER



05: COLORBOND ROOF



06: CLADDING

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed:

1 – MULTI DWELLING HOUSING

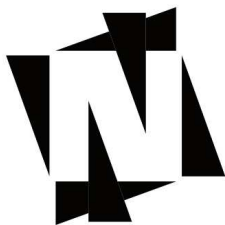
2 – STRATA TITLE SUBDIVISION INTO NINE (9) LOTS

**@ 20 GRIFFIN ST, MITCHELL
NSW 2795**

Prepared by:

Date:

20/04/2020



NEMCODESIGN
Pty. Ltd.

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3. Surrounding Area	5
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1. Introduction

This Statement of Environmental Effects accompanies a Development Application for:

1. Construction of Multi Dwelling Housing
2. Strata Title Subdivision into nine (9) Lots

at 20 Griffin Street, Mitchell NSW 2795.

It should be read in conjunction with the architectural drawings prepared by Nemco Design Pty Ltd.

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under:

- Bathurst Regional Local Approvals Policy 2018
- Bathurst Regional Local Environmental Plan 2014
- Bathurst Regional Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004

2. Site Analysis

2.1. Site Description

The site at 20 Griffin Street, Mitchell is registered as Lot 25 in DP264179. It is situated in the north-eastern part of Mitchell between the following streets: Ross Pl on the north, Havenhand Way on the east, Griffin St on the south and Crago Way on the west. The site is irregular in shape with average width of 28.5 m and average length of 72.1 m. The site area is 2,059 sqm.

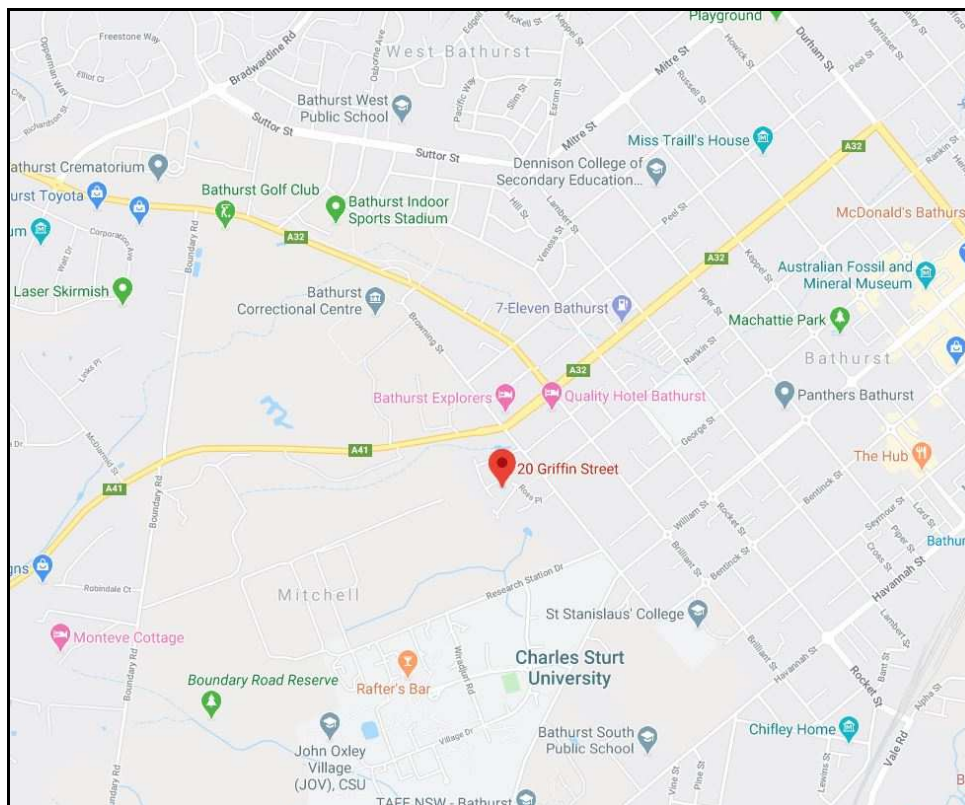


Figure 1. Map View (source: Google Maps)



Figure 2. Site location & context (source: Nearmaps)

2.2. Existing Site

The site currently is a vacant lot.

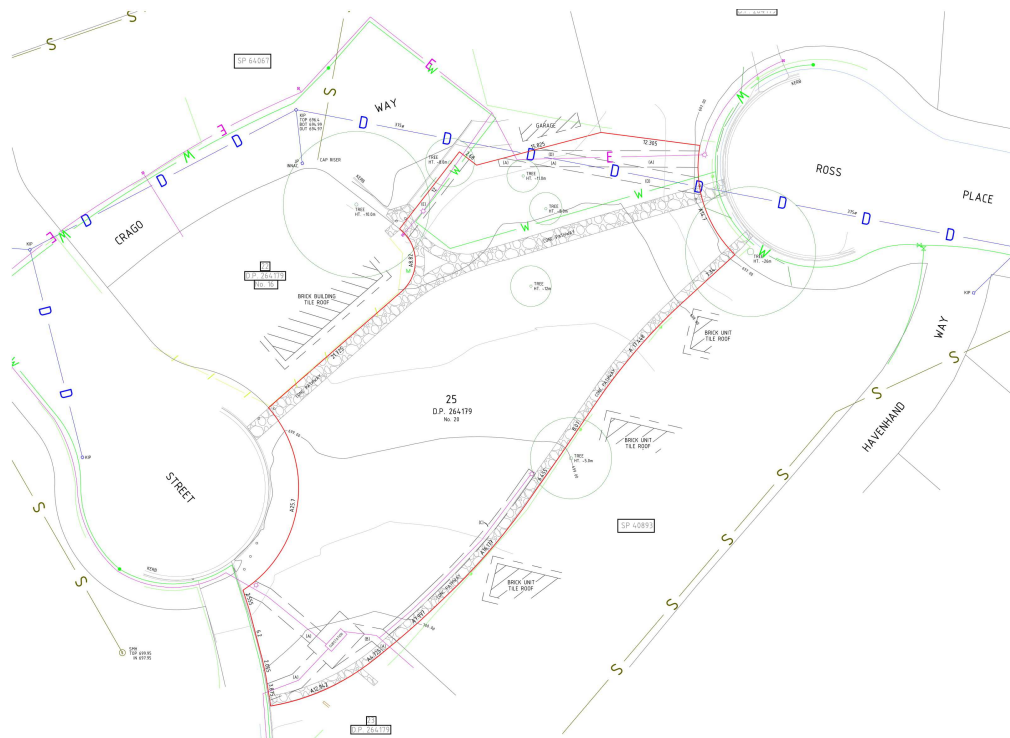


Figure 3. Site Survey



Figure 4. Site Photos (source: Internet)

3. Surrounding Area

The site is located in an established residential area within close proximity to the heart of town, schools and university. Surrounding developments consist primarily of detached dwelling houses and multi dwelling housing.

4. Proposed Development

4.1. Subdivision Proposal

Subdivision proposal is to subdivide lot at 20 Griffin St, Mitchel into nine (9) lots.

The existing lot is approx. (as per Survey Plan):

- 2,059.2 m²
- 28.5 m average width
- 72.1 m average length

Proposed lot sizes will be:

- Lot 1: 184 m²
- Lot 2: 102 m²
- Lot 3: 148 m²
- Lot 4: 198 m²
- Lot 5: 239.5 m²
- Lot 6: 121 m²

- Lot 7: 109 m²
- Lot 8: 127 m²
- Lot 9: 183.3 m²
- Substation: 219.2 m²
- Driveway: 428.2 m²

4.2. Dwelling Proposal

It is proposed to construct 7 x 2-bedrooms dwellings + 2 x 3-bedrooms dwellings (total 20 persons).

More specifically the proposal will include the following works:

Units 1, 2, 3, 4, 6, 7 & 8

Ground Floor

Each Unit will consist of:

- Open Entry/Living/Kitchen Area, Combined Bath & Laundry
- Alfresco min. 8 sqm
- 1 x covered Car Space
- Covered Porch
- Private Open Space (POS) directly accessible from Living Room

First Floor

Each Unit will consist of:

- 2 x Bedrooms
- Bath
- Passage

Units 5 & 9

Ground Floor

Each Unit will consist of:

- Open Entry/Living/Kitchen Area, Combined Bath & Laundry
- Alfresco min. 8 sqm
- 1 x covered Car Space
- Covered Porch
- Private Open Space (POS) directly accessible from Living Room

First Floor

Each Unit will consist of:

- 3 x Bedrooms
- Bath
- Passage

The design of all dwellings is based on energy efficiency principles with windows to living areas. The simple design of the proposed new houses provides adequate solar and wind access to all dwellings in all habitable areas. The ceiling height in all dwellings increases the overall look of the rooms giving the house openness from inside and making it look more spacious. The front, rear and side setbacks of all dwellings are as per the DCP requirements.

The front facades of the proposed dwellings are designed to have a non-symmetrical look when viewed from the streets.

4.3. Floor Space Ratio

There is no maximum floor space ratio specified for this site in planning controls.

FSR proposed: 773.8 m² (38% of Site Area)

4.4. Private Open Space

The proposal complies with the Design Guidelines and the relevant sections of the DCP for private open space being 30 & 40 m² for 2- and 3-bedrooms, respectively.

LOTS 1, 2, 3, 4, 6, 7 & 8 = 30 m² POS with min. dimension of 4 m.

LOTS 5 & 9 = 40 m² POS with min. dimension of 4 m.

4.5. Stormwater

Drainage will be linked to council stormwater system, as per Planning Diagrams.

5. Compliance Table

As per Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 – Part 4 – Residential Development.

Standard	Required	Provided	Compliance
1. Zoning	R1, B1 or B3 for Medium Density Housing	R1	YES
2. Min. Lot Size	550 m ²	2,056 m ²	YES
3. Site Density (number of persons permissible on a site) Two (2) bedroom dwelling = 2.2 persons Three (3) bedroom dwelling = 3.3 persons	For Precinct 1: (2059.2 x 88) / 10,000 = 18.12	7 Dwellings x 2 persons = 14 persons 2 Dwellings x 3 persons = 6 persons Total: 20 persons	YES
4. Setbacks 4.1. Front Setback 4.2. Side Setback 4.3. Rear Setback	<ul style="list-style-type: none"> 6 m, unless the existing streetscape is already established at 8m 1.5 m 1.5 m 	Min. 6.38 m to GF – Unit 1 Min. 7.39 m to GF – Unit 9 Min. 6.57 m to FF – Unit 1 Min. 6.43 m to FF – Unit 9 Min. 1.31 m to GF – Unit 6 N/A	YES
5. Building Height	<ul style="list-style-type: none"> 9 m 	Less than 9 m	YES
6. FSR	<ul style="list-style-type: none"> Based on merit 	773.8 m ² (0.38)	YES
7. Number of Floors	<ul style="list-style-type: none"> Max. 2 for R1 	2 floors provided	YES
8. Wall Length	<ul style="list-style-type: none"> Max. 10 m 	Less than 10 m provided	YES
9. Private Open Space (for each dwelling)	<ul style="list-style-type: none"> Min. area for 2 Bedrooms = 30 m² Min. area for 3 Bedrooms = 40 m² Min. dimensions 4m To be located behind front building line Study calculated as Bedroom for POS Min. 20 m² of POS to be located next to Living Should be generally north facing 	30 m ² for 2 Bedrooms Unit 40 m ² for 3 Bedrooms Unit	YES

Statement of Environmental Effects for Multi Dwelling Housing

10. Solar Access 10.1. Neighbouring Dwellings	<ul style="list-style-type: none"> Provide min. 2 hours of sunlight to living rooms and POS between 9 am & 3pm on 21st Jun Provide diagrams in 1-hour intervals 	2 hours provided As per Shadow Diagram Plan	YES
11. Car parking	<ul style="list-style-type: none"> 1-2-bedroom dwellings – 1 covered car parking space per dwelling and 1 visitor space per 4 dwellings 3- or more bedroom dwellings – 1 covered car parking space per dwelling and 1 visitor space per 2 dwellings 	1 covered car space per Dwelling 2 visitor car spaces provided	YES
12. Landscaping	<ul style="list-style-type: none"> To be proposed between property boundary and the buildings Trees & shrubs to be planted Landscaping bays to be provided 	Refer to Landscaping Plan	YES
13. Cut & Fill	Max. 1 m	Not more than 1 m	YES

6. Residential Character

6.1. Proposed Design

The proposal is consistent with the existing residential character in regard to setbacks to the proposed dwellings, locations of the private open space to the rear of the lots and location of car spaces. The façade of all houses is well articulated with the overall design. All care has been taken to ensure the privacy of neighbouring properties. Windows are well designed to allow enough sunlight to pass through and enlighten all houses during most of the daytime. All the areas are well ventilated and serve openness to all dwellings.

6.2. Design features

Various design features complement the houses such as variations in height, stepped façade, and variety of architectural elements in front and alfresco in rear.

6.3. Dwelling configuration

The proposed houses comply with the preferred configuration for new dwellings, by windows to the principal living room facing the street and private courtyards facing the side and rear boundary. All car spaces are architecturally integrated within the building form.

7. Design Details

7.1. Significant Landscapes

The site is not situated in an area of any significant and landscape precincts. Proposed Landscaping Plan is attached.

7.2. Energy Efficiency

Development proposal is compliant with the requirements of the Basix Certificate. Basix Certificate is attached.

7.3. Garden Design & Fences

Rear and side boundaries fencing shall generally be 1.8 m in height. Front fence as per plan. Hedging proposed in front of the fence to provide privacy.

8. Construction & Site Management

8.1. Construction Management / Demolition

Waste Management Plan and Sediment & Erosion Control Plan details have been shown on the drawings.

All care will be taken to avoid unnecessary disturbance to the site and/or adjoining properties throughout the construction and demolition process.

There will be a skip bin on site for all construction rubbish to collect in. Rubbish produced from any demolition works will be transported to council waste disposal site. Any asbestos or old fibro disturbed will be treated as an asbestos hazard and handled and disposed of according to regulation. All new construction materials will be ordered accordingly so as to reduce the limit of waste on site.

8.2. Noise Reduction

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property will be carried out between the hours of 7 am and 6 pm only from Mondays to Fridays and between 8 am and 4 pm only on Saturdays. No construction works or deliveries for the construction will take place on Sundays or public holidays.

8.3. Building Services

All appliances will be as per the BASIX requirements. Clothes Drying Line and Rainwater Tanks will be installed as per BASIX Certificate.

9. Conclusion

Nemco Design is pleased to submit this Statement of Environmental Effects and accompanying information for proposed Multi Dwelling Housing at 20 Griffin St, Mitchell.

This Statement of Environmental Effects for the proposed development has considered:

- The circumstances of the case;
- An analysis of the subject site and the surrounding locality;
- An analysis of the proposal against the provisions of Bathurst LEP2014, as well as DCP2014, and any other relevant statutory controls that apply to the site.

It can be seen, that proposed development satisfies most of the requirements set up in Bathurst LEP & DCP.

The proposed multi-dwelling development at 20 Griffin St, Mitchell will be in keeping with the strategic aims of the Bathurst LEP and be sympathetic to the existing residential developments providing aesthetic continuity.

The conclusion of this report is that the proposal is suitable for development in this location.

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

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Chapel Rd, Bankstown



VARIATION: SITE DENSITY

PROPOSAL:

- 1) Multi Dwelling Housing
- 2) Strata Title Subdivision into 9 Lots

***@ 20 Griffin St, Mitchell, NSW 2795
Lot 25, DP 264179***

Clause justified:

Bathurst Regional DCP 2014; Part 4 – Residential; 4.2 Residential Density

Prepared by:

Date:

20/04/2020



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To whom it may concern,

The purpose of this document is to justify the proposal of Site Density being more than the maximum number of persons permissible for this lot.

The Population Density should comply with the below (as per 4.2.2 Development standards of Bathurst Regional DCP):

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.

Note: 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 site hectare	$\frac{\text{Area of land}}{10,000} \times 88 =$	Number of persons permissible on a site.
93.5 persons per site hectare	$\frac{\text{Area of land}}{10,000} \times 93.5 =$	Number of persons permissible on a site.

The lot at 20 Griffin St, Mitchell is 2,059 sqm; land zoning: R1.

Max. number of persons permissible on site as per DCP:

For Precinct 1:

$$(2059.2 \times 88) / 10,000 = 18.12$$

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Our proposal includes:

7 Dwellings x 2.2 persons = 15.4 persons

2 Dwellings x 3.3 persons = 6.6 persons

Total: 22 persons

We are out of DCP compliance by 4 persons.

We believe that this non-compliance will not have a negative impact on neighboring lots due to the following reasons:

- Big lot size 2,059 sqm,
- 2 access points for driveway,
- Big landscaped & POS area for every unit,
- Low FSR (0.38),
- Hedges planted along boundaries to provide privacy for subject site & neighboring properties.

In relation to meeting the objectives of the DCP & LEP we believe that proposed higher Site Density will not burden the neighbouring properties in any way.

Conclusion:

We request that Bathurst Council takes on our proposal for a variation to the DCP & LEP based on the below:

- Currently the proposal meets all other council requirements,
- Building heights have been met,
- All other controls have been met,
- We have designed significantly to accommodate for better and efficient design.

Considering these points, we request that Council looks favorably upon our proposal as it currently is. We have demonstrated a proactive approach to ensure all controls are met.

Regards,
Nemco Design

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Chapel Rd, Bankstown



VARIATION: FRONT SETBACK

PROPOSAL:

- 1) Multi Dwelling Housing**
- 2) Strata Title Subdivision into 9 Lots**

@ 20 Griffin St, Mitchell, NSW 2795
Lot 25, DP 264179

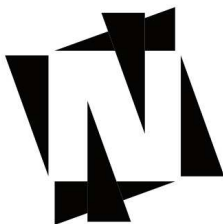
Clause justified:

Bathurst Regional DCP 2014; Part 4 – Residential Development;
Clause 4.4 General Siting Considerations – All Residential Development

Prepared by:

Date:

16/06/2020



NEMCODESIGN

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 Chapel Rd, Bankstown



To whom it may concern,

The purpose of this document is to justify the proposal of some units (specifically front porches of Unit 1 & 9 and a carport of Unit 5) having less than the required front setbacks from streets.

The minimum front setback requirement of all units should comply with the below (as per 4.4.2 Development Standards of Bathurst Regional DCP):

Front Building Line Setback

- a) Any part of the building must comply with the building line setbacks specified in the table below.

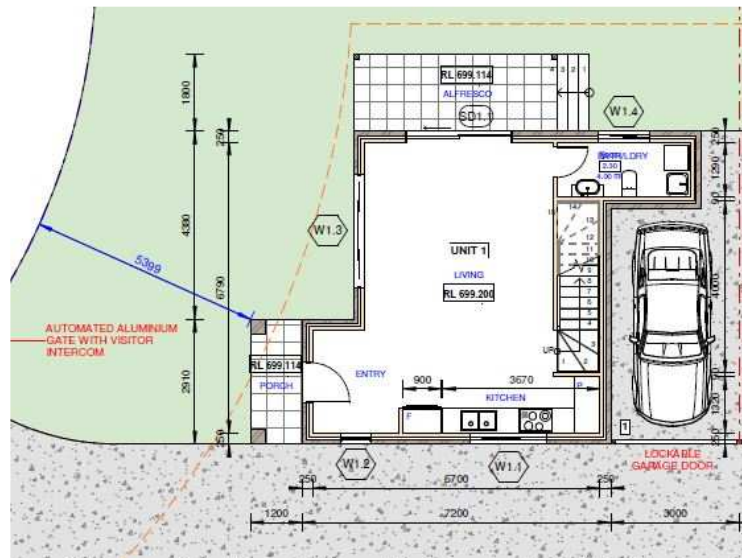
Location	Minimum Building Line
Within the Bathurst Heritage Conservation Area.	<ul style="list-style-type: none"> Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Visibility must be maintained on corner allotments.
Outside the Bathurst Heritage Conservation Area	
Normal Allotments	<ul style="list-style-type: none"> 6 metres, unless the existing streetscape is already established at 8 metres.
Corner Allotments	<ul style="list-style-type: none"> 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.

Our proposal includes:

- 5.399 m to front porch of Unit 1
- 5.014 m to front porch of Unit 9
- 5.069 m to carport of Unit 5

We are out of DCP compliance by:

- 0.601 m for Unit 1
- 0.986 m for Unit 9
- 0.931 m for Unit 5



Unit 9 Floor Plan Details:

- Overall Dimensions:**
 - Top: 2365, 4725, 3135
 - Left: 6500, 7700, 1410, 1400, 250
 - Right: 1000, 250
 - Bottom: 1800
- Rooms and Features:**
 - LIVING:** 3600 x 3035, includes fireplace, TV, and window W9.9.
 - DINING:** 3035 x 3000, includes window W9.5.
 - KITCHEN:** 3000 x 965, includes oven, sink, and window W9.2.
 - BATH/LDRY:** 1000 x 1800, includes toilet, sink, and window W9.7.
 - ALFRESCO:** Attached to the bathroom, includes window SD9.1 and door RL 699.114.
 - PORCH:** Includes window W9.3.
 - Garage:** Lookable garage door, includes window W9.4, W9.5, and W9.6.
- Other Labels:**
 - RL 699.114 (top left)
 - RL 699.200 (living area)
 - UP (stairs)
 - DOWN (stairs)
 - W9.1 (bottom left)
 - W9.8 (bottom center)

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We believe that these non-compliances will not have a negative impact on proposed development as well as neighboring lots due to the following reasons:

- Lot shape is irregular,
- Proposed setback encroachments are minor only,
- Proposed setbacks are to articulation zone (porch – U1 & 9) & carport (U5), not to the main walls of dwellings,
- They will not cause any negative impact in terms of solar access or visual privacy,
- We comply with other setbacks requirements.

In relation to meeting the objectives of the DCP & LEP we believe that proposed front setbacks will not burden the neighbouring properties in any way.

Conclusion:

We request that Bathurst Council takes on our proposal for a variation to the DCP based on the below:

- Currently the proposal meets all other council requirements,
- Building heights have been met,
- All other controls have been met,
- We have designed significantly to accommodate for better and efficient design.

Considering these points, we request that Council looks favorably upon our proposal as it currently is. We have demonstrated a proactive approach to ensure all controls are met.

Regards,
Nemco Design



1 SHADOW DIAGRAM - 21ST JUN AT 9AM
1 : 500



2 SHADOW DIAGRAM - 21ST JUN AT 10AM
1 : 500



3 SHADOW DIAGRAM - 21ST JUN AT 11AM
1 : 500



4 SHADOW DIAGRAM - 21ST JUN AT 12PM
1 : 500



5 SHADOW DIAGRAM - 21ST JUN AT 1PM
1 : 500



6 SHADOW DIAGRAM - 21ST JUN AT 2PM
1 : 500



7 SHADOW DIAGRAM - 21ST JUN AT 3PM
1 : 500

CRIME RISK ASSESSMENT REPORT

For Proposed Multi Dwelling Housing

**@ 20 GRIFFIN ST, MITCHELL
NSW 2795**

Prepared by:

Date:

20/04/2020



NEMCODESIGN
Pty. Ltd.

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1. Introduction

This Crime Risk Assessment Report accompanies a Development Application for Proposed Multi Dwelling Housing at 20 Griffin Street, Mitchell NSW 2795.

It should be read in conjunction with the Development Application prepared by Nemco Design Pty Ltd.

2. Proposed Development

The site is located at 20 Griffin Street, Mitchell NSW 2795. Specifically: Lot 25, DP 264179; Bathurst LGA; Land zoning – R1 – General Residential.

The Proposal includes:

- **Construction of Multi Dwelling Housing** (7 x 2-bedrooms dwellings + 2 x 3-bedrooms dwellings)
- **Strata Title Subdivision into nine (9) lots**

3. Report Priorities, Objectives, and Aim

Report Priority

- a) To determine the best way to protect and enhance residential amenity.

Report 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.

Report Aim

- a) To demonstrate that proposed development (design, layout, and dwelling configuration) will have positive impact on crime prevention.

4. Development Type

The following residential developments will be referred to the NSW Police Service under Council's ***Crime Prevention Through Environmental Design (CPTED)*** protocol.

Residential development	
<ul style="list-style-type: none"> • Attached dwellings • Boarding houses • Group homes • Multi dwelling units • Residential flat buildings • Seniors housing • Shop top housing 	<ol style="list-style-type: none"> 1. Residential accommodation with 8 or more dwellings, or 2. Alterations to accommodation development that will increase the capacity of the development to 8 or more rooms, or 3. All new seniors housing, or 4. Group homes for more than 8 people, or

The proposed Multi Dwelling Housing at 20 Griffin St, Mitchell falls under above table and Crime Risk Assessment Report is required.

5. Site Analysis

The site at 20 Griffin Street is situated in the north-eastern part of Mitchell between the following streets: Ross Pl on the north, Havenhand Way on the east, Griffin St on the south and Crago Way on the west. Located in an established residential area within close proximity to the heart of town, schools and university will appeal greatly potential residents looking for peace & quite living environment.

6. Crime Opportunity

There is no existing evidence of crimes or anti-social behaviour (e.g. vandalism, graffiti, litter, damage or destruction of any portion of someone's else property or common or shared property).

7. Crime Prevention through Environmental Design (CPTED)

The table below includes 5 different Elements of Crime Prevention as well as information how the proposed aspects of the design or proposed management practices will help to reduce the risk of crime.

Element of Crime Prevention	Proposed Design & Proposed Management Practices
1. Surveillance	<ul style="list-style-type: none"> Natural surveillance – windows facing common driveway as well as back & side of each unit Ligthing for each unit & car space Visual marker between a unit garden and the street
2. Access Control	<ul style="list-style-type: none"> Boundary fences proposed A fence around a garden & property 2 x entry/exit point for cars Building entries obvious and clearly identifiable Visitor car spaces clearly visible Building locks & alarms Windows grills Landscaping (trees, shrubs) as a natural entry barrier
3. Territorial Reinforcement (Community ownership of public space)	<ul style="list-style-type: none"> Common area provided to ensure all owners collectively contribute to protecting of them Common landscaped area to reinforce the bond between neighbours during recreational time Crime stoppers contact numbers visible to all residents Ensure all residents are vigilant and proactive in reducing crime
4. Activity & Space Management	<ul style="list-style-type: none"> Ensure rapid repair of vandalism & graffiti if any All owners to collectively contribute to the maintenance of common areas
5. Areas requiring additional consideration	<ul style="list-style-type: none"> Open car spaces – proposed as attached to create the impression that neighbour has keeping an eye of the unit if the owner is not there

8. Conclusion

Nemco Design is pleased to submit this Crime Risk Assessment Report for proposed Multi Dwelling Housing at 20 Griffin St, Mitchell.

The Report has considered:

- An analysis of the subject site and the surrounding locality,
- Crime opportunity,
- Proposed aspects of design and management practices that have been implemented to prevent crime.

The conclusion of this report is that the proposal is suitable for development in this location and will not have any negative impact on crime in the area.

18 May 2020

100 Havenhand Way
MITCHELL NSW 2795

David Sherley
General Manager
Bathurst Regional Council

Development Application No 2020/127

Dear David

I wish to make a submission in opposition to the proposed development.

I currently own and reside at 100 Havenhand Way Mitchell. A major reason for my purchase of the property was the public land (20 Griffin St Mitchell). I thought that it would remain public land and there would be no development. In the time that I have lived here I have enjoyed the view and the warmth of the sun in winter. The two reasons for wanting to live here are now threatened by the closeness and height of the proposed development.

I have studied the proposed DA and would like you to consider the following points;

- The height of the new buildings and proximity to 92-102 Havenhand Way will be oppressive to the residents. It will dramatically diminish the quality of life of the Havenhand residents.
- The shading diagrams are inadequate. The full footprint of the 92-102 Havenhand Way units is not drawn, so there is no real appreciation of the extent of the shading. I believe that shading will occur from autumn to spring. It will make the units cold, dark and will promote mould. As a consequence it will impose higher energy costs on residents.
- The properties adjoining 20 Griffin St Mitchell are single storey dwellings. The development needs to be in keeping with surrounding properties. Not overshadowing and imposing.
- The proposal says that 22 residents is not an issue, but Council regulations say 18 residents is the maximum.
- Currently there is a public thoroughfare joining Ross Place with Griffin St and Crago Place. On one hand it is convenient, but on the other hand it contributes to anti-social behaviour. This will go under the new development and the public will make a new path through the yards of 90 and 92 Havenhand Way.
- The proposal says that there has been no crime in the area. This is not true. There have been break-ins, arson, domestic violence and drug arrests. With the new development being built so close to existing buildings, it provides concealment for addicts to take drugs and criminals to break into the properties on Havenhand Way. At the moment, with the open space, there is line of sight to all of the streets. The proposal says that the area is quiet, but in reality there are ongoing issues with anti-social behaviour, loud music and loud vehicles driven at speed at all hours of the day and night. This development will just add to the noise and traffic.
- Most of the residents of Havenhand Way are long term residents aged over 50. The current proposal is causing great anxiety. The residents have indicated to me is that they will not

stay, nor will I. Havenhand Way units will only appeal to lesser quality tenants and as a consequence there will be an increase in crime, domestic violence, disturbances, etc.

- The root of the problem is that there is no feeling of community. Mitchell is a dormitory suburb. It has no infrastructure to bring people together on neutral ground. Everyone lives in isolation. There is no shop, or a park to sit in. If there was a community garden or fitness stations for workouts, people would connect. Building developments for development sake and not addressing the issues in the area will only compound the social issues.
- The land slopes towards Havenhand Way and the construction is so close to existing buildings that the builders will not be able to stop dust entering our homes or stop silt and run off collecting against our walls.
- The rendered drawings, to me, lack architectural merit and are very unappealing and will do nothing to add flare to the area.

I declare that I have not made donations or presented gifts to local councillors or council employees at any time.

Yours sincerely

Graeme Bryson

21 May 2020

94 Havenhand Way
MITCHELL NSW 2795

David Sherley
General Manager
Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

**Development Application No 2020/127
20 Griffin Street, Mitchell**

Dear David,

I own 94 Havenhand Way Mitchell. Buying this investment property was a chance for me to enter the housing market and although my budget was small I found the location appealing because of the open space behind the property. After renovating I have been able to secure a mature, responsible, long-term tenant. My concern is that this may soon change.

I wish to submit my objection to DA 2020/127 of the following grounds:

- The height of the new buildings are two storey and very close to 92-102 Havenhand Way. These houses will be oppressive to the residents. In effect a two storey wall metres from Havenhand Way home windows.
- The shading diagrams only show the corners of Havenhand Way buildings and does not show the full extent of the shading. I believe that shading will occur from autumn to spring for a large part of the day. My unit will be cold, dark and damp.
- The properties adjoining 20 Griffin St Mitchell are all single storey dwellings. The proposed development is not in keeping with surrounding properties.
- The proposal estimates 22 residents while Council regulations state 18 residents is the maximum.
- I strongly object the DA comments that there has been no crime in the area. This is not true. There have been break-ins, arson, domestic violence and drug arrests. With the new development being built so close to existing buildings, it provides concealment for addicts to take drugs and criminals to break into the properties on Havenhand Way. At the moment there is clear vision from across the vacant land to the houses in Havenhand Way.

- Noise has been an issue in the area with loud music, household arguing and loud vehicles. The situation changes depending on the occupants of a few rental properties with a high turnover of tenants. This development will just add to the noise and traffic.
- The mix of mature long-term residents and a few properties with high tenant turnover will change for the worse if this development goes ahead as proposed. The current residents are ready to move if this development is towering over their homes, with the properties then attracting less desirable tenants.

Thank you for the opportunity to voice my concerns about this proposed development application.

I declare that I have not made donations or presented gifts to local councillors or council employees at any time.

Yours sincerely

Sharon van Steensel
44 Brown Street
PENRITH NSW 2750
0419 163790

RESPONSE TO OBJECTIONS LETTERS

16/06/2020

20 Griffin St, Mitchell – Proposed Multi Dwelling

DA-2020/127

Dear Mr Daniel Dwyer,

The purpose of this letter is to provide written response to two (2) objections letters:

- 1) From Graeme Bryson, dated 18 May 2020, address: 100 Havenhand Way, Mitchell NSW 2795,
- 2) From Sharon van Steensel, dated 21 May 2020, address: 94 Havenhand Way, Mitchell NSW 2795.

Proposed development will not burden the neighbouring properties in any way due to the following reasons:

- 1) Proposed development meets building height restrictions. Maximum proposed building height equals m which is far less than max. allowable 9m.
- 2) Minor overshadowing of neighbouring north-eastern property (92-102 Havenhand Way). Please refer to A09.01 plan for hourly shadows.
- 3) Proposed development will be similar and sympathetic to the existing single dwellings as well as adjacent 2 and 3-storey multi residential dwellings.
- 4) To prevent crime in the area the below will be implemented:
 - Each unit will have CCTV camera footage at the front & rear of each premise
 - Each unit must have a back to base alarm system fitted to each premise
 - All ingress & egress points to be well defined by signage
 - Trespasser signage to be clearly shown at all ingress & egress points
 - Common CCTV footage around the premise will be monitored
 - Visitor car spaces to have visible signage
 - Shared driveway signage & a maximum of 10kph speed limit on the premise
 - 3 speed humps to be installed throughout the shared driveway with signage to indicate the speed humps
 - All carports to have a lockable swing garage door
 - Shrubs to be no higher than 900mm
 - Electronic intercom system to each unit
 - Automated security screen gates & doors to ingress & egress premises
 - Impact resistant glazing to all windows
 - Key operated windows & doors
 - All entry doors to be single cylinder locksets
 - Letter boxes to have a lock & key



WALES & ASSOCIATES PTY. LTD.

Urban & Environmental Design Partners

ACN. No: 075 903 669 ABN: 80 075 903 669

Ref: #037/2020

27th July 2020

Fern-Alice Finn
Senior Assessment Planner
Bathurst Regional Council
Private Mail Bag 17
BATHURST 2795

Dear Ms Finn,

**DA/2019/367/1 – Proposed Takeaway Food and Drink Premises
#103-105 Stewart Street at Bathurst
S4.55(1A) APPLICATION – AMENDMENTS TO CONSENT**

I refer to the above development consent dated the 7th July 2020 and the approved plans. This office acts for the applicant in this matter, McDuck Properties Pty Limited.

This office has now had the opportunity to review the consent conditions including the condition relating to the Howick Street ingress/egress (ie: Condition #5).

As a result of this review, this office has been instructed to seek an amendment to the consent in relation to Condition #5 by way of deletion of the condition.

It is our view that the condition is both unreasonable and unnecessary for the reasons set out in the attached letter from B.J. Bradley & Associates dated the 27th July 2020. It is important to note that Condition #5 was added to the conditions contained in the planning assessment report by way of Council resolution.

To this end, it is clear that the Council gave no real consideration to the advice of its own professional officers or Transport for NSW (TfNSW) (see *Hale v Parramatta City Council* (1982) 47 LGRA 269).

The report to Council included the following in this regard:-

“In accordance with TfNSW’ recommendations, amended plans involving alterations to the traffic layout of the site including **ingress and egress via Howick Street** and egress only via Stewart Street, have been submitted to Council. The amended plans were referred to TfNSW on 24 April 2020 and 4 May 2020 for comment and no further issues or objections were raised in relation to the amended traffic flow/layout of the site.” (emphasis added)

Postal Address:
P.O. Box 150
Ettalong Beach 2257

Telephone:
(02) 4343 1141
Facsimile:
(02) 4344 5372
Email: matthew@walesassociates.com.au

2.

The condition did not arise from any assessment undertaken by Council professional staff nor from TfNSW. The condition did not form part of the draft conditions reported in Council's Business Paper. It is our view that the condition has been added without substantive traffic engineering assessment.

Consequently, this office has been instructed to lodge the appended s4.55(1A) application to vary the consent such that Condition #5 is deleted from the Consent.

Section 4.55(1A) of the Environmental Planning & Assessment Act (1979) states:-

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (a) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

It is considered that the amendments to the consent meet the requirements of s4.55(1A) in that:-

- (i) the proposal (with Condition #5 deleted) is substantially the same development as the development for which consent was originally granted.
- (ii) the deletion of Condition #5 would result in the consent being consistent with the traffic recommendations for approval by Council's professional staff;
- (iii) the deletion of Condition #5 would result in the consent being consistent with the traffic recommendations provided by Transport for NSW (TfNSW);
- (iv) the proposal will not result in any environmental impacts;
- (v) the proposal will not impact on traffic movements nor traffic/pedestrian safety compared to the approved development scheme. The deletion of Condition #5 will in fact improve traffic safety and ensure that the proposed development operates in a more efficient manner as detailed in the attached letter from B.J. Bradley & Associates (Traffic Engineers); and
- (vi) the proposal will not result in any adverse impacts on adjoining residences

Your early consideration of the attached s4.55(1A) application would be appreciated.

3.

I trust the attached information is satisfactory and will enable Council to approve the
Application to Modify Development Consent.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Matthew Wales', with a horizontal line underneath.

Matthew Wales
Director



B J Bradley & Associates

Consulting Traffic Engineers

ABN: 13 427 931 356

P O Box 2030

GATESHEAD NSW 2290

Telephone 02 49472274 (B)

Mobile 0412 490 859

Email bjbradleyassoc@bigpond.com

27th July 2020
McDuck Properties Pty Ltd
300 Rainbow Street
COOGEE NSW 2034

Attention: Hector Abbott

**Re: Development Application No. 2019/367. Proposed Food and Drink
Premises; 103-105 Stewart Street, Bathurst.**

Dear Hector,

I refer to a letter from Bathurst Regional Council dated the 25th May 2020 regarding the design of the driveway on Howick Street to be an entry-only access for the proposed Taco Bell development at 103-105 Stewart Street, Bathurst – paragraph (c). I also refer to the development consent dated the 7th July 2020 and in particular Condition #5 relating to the above ingress/egress.

I understand that a s4.55(1A) application to modify the consent is to be lodged with Bathurst Regional Council. In this regard, the following supporting comments are made.

Since the first submission was prepared in October 2019, the design of the development has been amended numerous times to accommodate comments from Council Officers and also TfNSW Officers. The Stewart Street access was relocated and subsequently changed from an entry/exit to being an exit-only. There have been NO comments in the numerous previous interactions and correspondence between all parties in relation to restricting the Howick Street access to being an entry-only driveway.

Having one exit onto Stewart will result in an unnecessary adverse impact on a significant proportion of clientele from the widespread residential areas generally west and north-west of the Taco Bell site. Customers living in areas generally north and north-west entering from Howick Street and wishing to return to destinations generally west and north-west of the Peel Street / Howick Street intersection would have all travel distances increased by 450 metres compared to being able to exit directly onto Howick Street and turning right towards Peel Street or other parallel streets further north.

Traffic exiting the site only via the single Stewart Street driveway would result in unnecessary queuing and congestion within the parking area and exiting onto Stewart Street. Additional traffic would be unnecessarily directed to the traffic signals at Durham Street with the potential for further queuing and delays turning left.

2.

There are numerous locations throughout Bathurst and many other towns and cities where service stations with convenience stores have dual driveways to the Highway as well as entry / exit driveways to a side street.

Service stations generate similar traffic volumes to the Taco Bell development, according to the RTA Guide to Traffic Generating Developments being typically 130 to 140 trips per hour in the evening peak period, depending on the size of the convenience stores.

The Taco Bell development will not be open until 10:00am and there will be no impact on traffic volumes prior to that, whereas service stations operate in the morning peak periods as well.

Some examples of service stations in Bathurst are:-

- (i) 7/11 service station / convenience store at Stewart Street / Blandford Street;
- (ii) Shell service station / convenience store at Durham Street / Charlotte Street;
- (iii) United service station / shops at Durham Street / William Street (left-only out onto William St close to traffic signals).

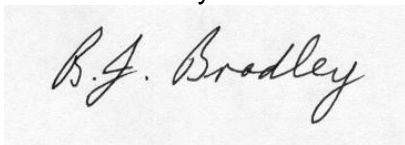
The prevention of customers exiting onto Howick Street may also lead to some customers considering parking on the western side of Howick Street if the internal parking is too congested and inconvenient and if their destinations are west or north-west of the development. "No Stopping" signs will be installed along the western side of Howick Street for the length of the site as part of the Conditions of Consent. But some drivers may then decide to park further north towards Peel Street, even if there were vacant parking spots within the off-street parking areas of the Taco Bell development.

In my opinion, the request by Council to restrict the Howick Street driveway to being an entry-only access is likely to:-

- (i) result in adverse traffic impacts;
- (ii) offer no benefits to potential customers;
- (iii) was not requested by Council's professional staff; and
- (iv) was not requested by TfNSW experts

Therefore, the restriction under Condition #5 of the consent should not be implemented and should be deleted.

Yours sincerely



B J Bradley BE (Civil) Grad Dip Man MIE Aust



TACO BELL BATHURST
103-105 STEWART STREET, BATHURST, NSW 2795

DRAWING LIST

- DA00 COVER PAGE & LOCATION PLAN
- DA01 EXISTING SITE & DEMOLITION PLAN
- DA02 PROPOSED SITE PLAN
- DA03 SITE TRAFFIC PLAN
- DA04 PROPOSED FLOOR PLAN
- DA05 PROPOSED EXTERNAL ELEVATIONS
- DA06 PROPOSED BOUNDARY ELEVATIONS
- DA07 SECTIONS
- DA08 SIGNAGE PLAN
- DA09 SIGNAGE DETAILS
- DA10 EXISTING BUILDING
- DA11 SHADOW DIAGRAMS
- DA12 BOUNDARY CROSS SECTION

BATHURST
REGIONAL COUNCIL

Development Application
2019/367

Development Approval
has been granted
subject to conditions
imposed by Council's
Notices of
Determination.

NOTE:
Read conditions of
Approval before
commencing work.

7 July 2020
Per: AP



NOMINATED
ARCHITECT:
MAURICE BERALDO
NSW Reg 6354
VIC Reg 4884

Suite 14, Level 3
22-36 Mountain Street
Ultimo NSW 2007
T 02 9281 6177
bdai.com.au



SITE LOCATION

LOT 1-5, DP 737574 & DP 1086710
103-105 STEWART STREET
BATHURST, NSW 2795



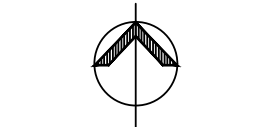
EXISTING SITE CONDITIONS

NOTE: WORK TO COMPLY WITH AS 4674 2004
CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795
drawing
COVER PAGE & LOCATION PLAN

project ref 19159	date FEB 2020	drawn BK
scale NTS @ A3	dwg. no. DA00	rev. C



amendments		
23/02/20	ISSUE FOR COUNCIL	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A

date	notes	rev.
Contractor shall verify all levels and dimensions on site prior to commencing any work or shop drawings. Figured dimensions to be used - do not scale.		
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Per: AP

101 STEWART ST.
EXISTING NEIGHBOURING
DWELLING

101 STEWART ST.
EXISTING NEIGHBOURING
DWELLING

FRONT SECTION OF EXISTING DWELLING AND ROOF ABOVE TO BE RETAINED.

NOTE:
EXISTING DWELLING TO BE
CONVERTED INTO COMMERCIAL
OFFICE SPACE .
REFER TO DRAWING NO. DA-10

NOTE: WORK TO COMPLY WITH AS 4674 2004
CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

EXISTING SITE PLAN

project ref 19159	date FEB 2020	drawn B
scale 1:200 @ A3	dwg. no. DA01	rev. C



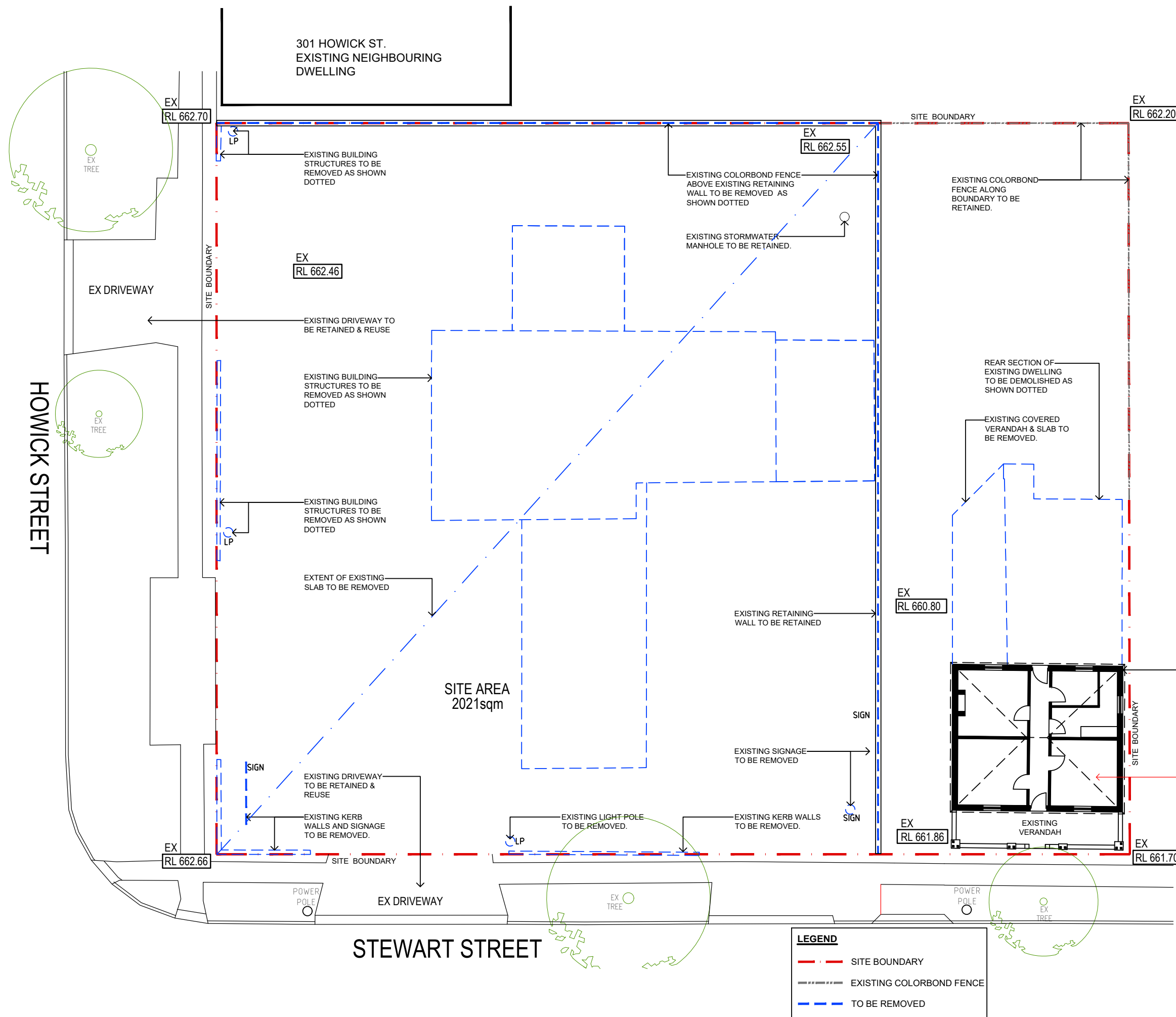
amendments

23/02/20	ISSUE FOR COUNCIL
13/02/20	ISSUE FOR COUNCIL
21/11/19	ISSUE FOR COUNCIL

date	notes	
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BATHURST REGIONAL COUNCIL
Development Application
2019/367

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7 July 2020
NOTE: WORK TO COMPLY WITH AS 1674 2004
CONSTRUCTION METHOD FOR FOOD PREMISES

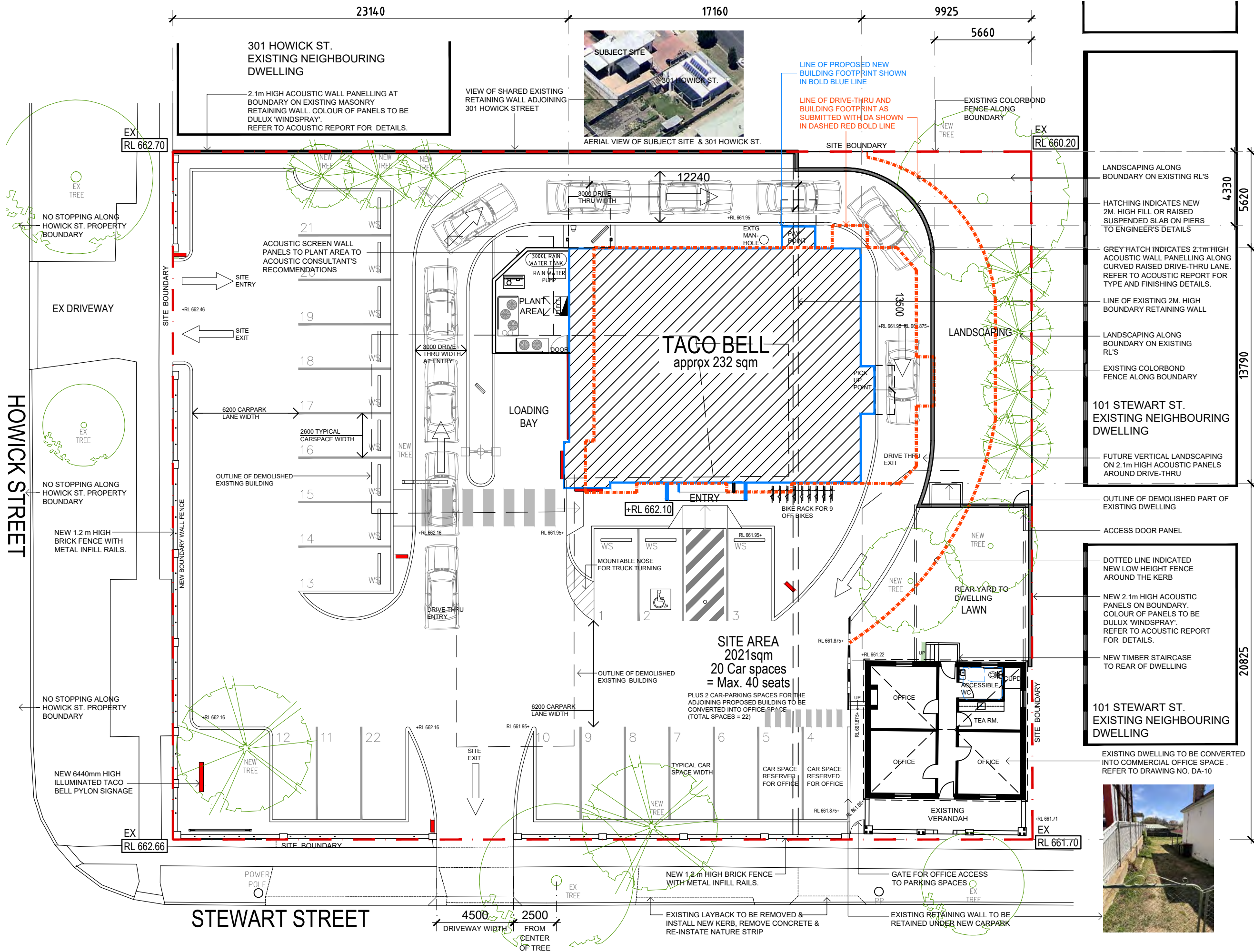
DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795
drawing
PROPOSED SITE PLAN

project ref	date	drawn
19159	FEB 2020	BK
scale	dwg. no.	rev.
1:200 @ A3	DA02	D

amendments	date	notes	rev.
23/04/20	General Revision as per Rev. C.		D
06/04/20	Re-issue Council. Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council		C
13/02/20	ISSUE FOR COUNCIL		B
21/11/19	ISSUE FOR COUNCIL		A

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7 July 2020
Per: AP

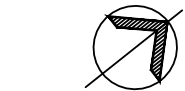
NOTE: WORK TO COMPLY WITH AS 4674 2004
CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

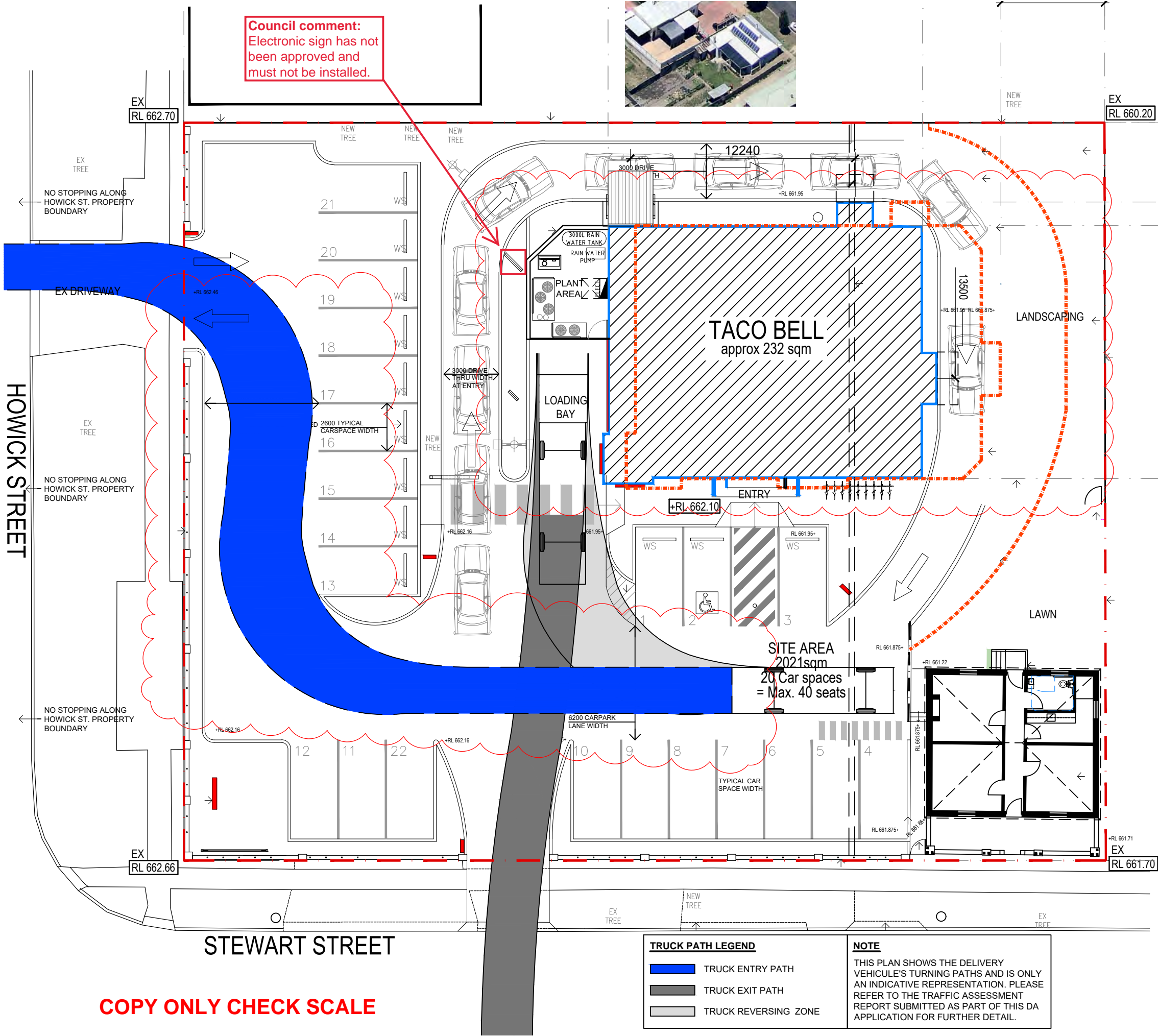
drawing
SITE TRAFFIC PLAN

project ref 19159	date FEB 2020	drawn BK
scale 1:200 @ A3	dwg. no. DA03	rev. D



date	notes	rev.
23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	D
20/02/20	ISSUE FOR COUNCIL	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A

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TRUCK PATH LEGEND

- TRUCK ENTRY PATH
- TRUCK EXIT PATH
- TRUCK REVERSING ZONE

NOTE

THIS PLAN SHOWS THE DELIVERY VEHICLE'S TURNING PATHS AND IS ONLY AN INDICATIVE REPRESENTATION. PLEASE REFER TO THE TRAFFIC ASSESSMENT REPORT SUBMITTED AS PART OF THIS DA APPLICATION FOR FURTHER DETAIL.

STEWART STREET

HOWICK STREET

COPY ONLY CHECK SCALE



NOMINATED
ARCHITECT:
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VIC Reg 4884

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**BATHURST
REGIONAL COUNCIL**
Development Application
2019/367

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7 July 2020
Per: AP

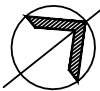
NOTE: WORK TO COMPLY WITH AS 4674 2004
CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

drawing
PROPOSED FLOOR PLAN

project ref 19159	date FEB 2020	drawn BK
scale 1:100 @ A3	dwg. no. DA04	rev. C



amendments		
23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A

date	notes	rev.
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Council comment:
Electronic sign and
speaker box has not
been approved and
must not be installed.

TACO BELL BATHURST = 40 SEATS
TOTAL INTERNAL AREA = APPROX. 232sqm
FOH AREA= APPROX. 95sqm
BOH AREA= APPROX. 137sqm

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DA ISSUE

Development Approval
has been granted
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Determination.

7 July 2020
Per: AP

project ref 19159	date FEB 2020	drawn BK
scale 1:200 @ A3	dwg. no. DA05	rev. C

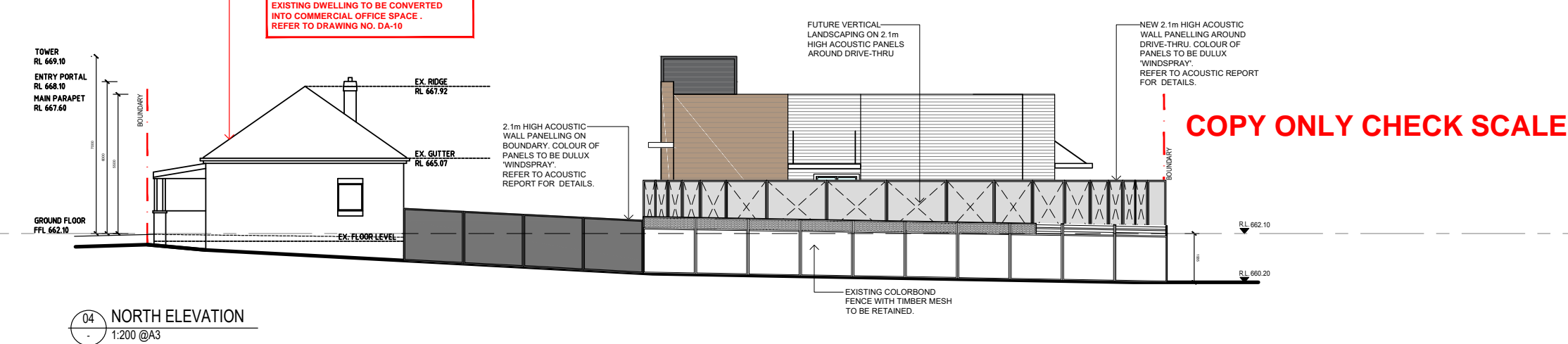
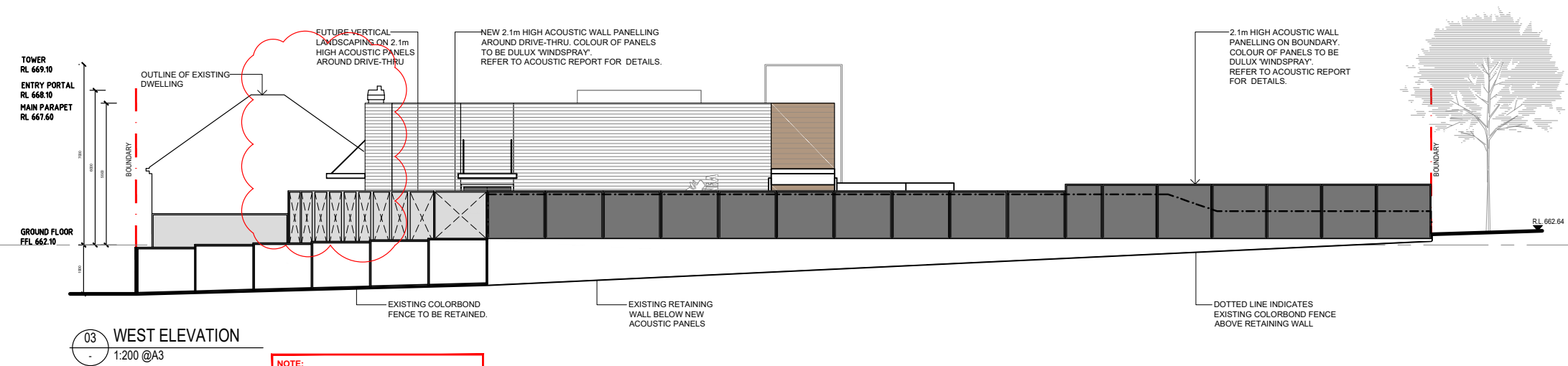
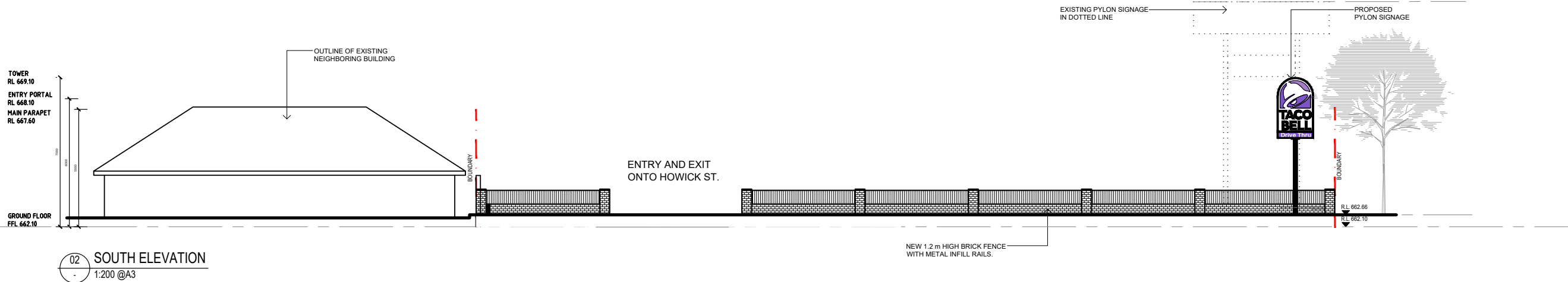
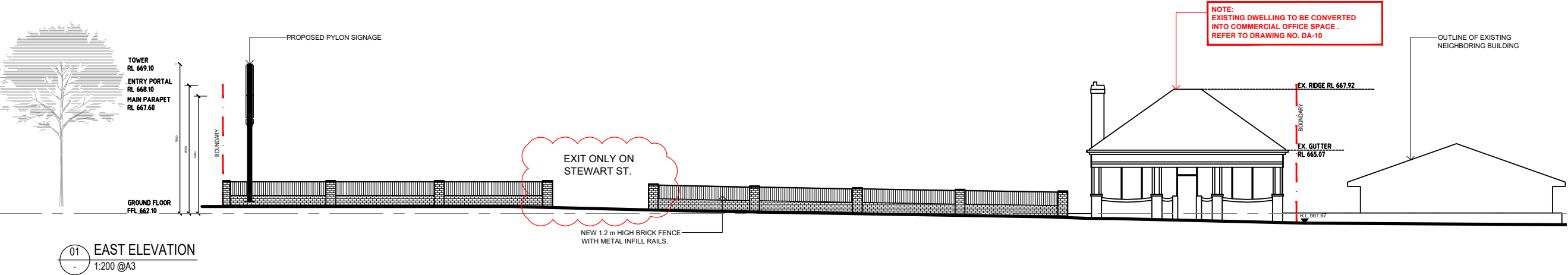
amendments		
23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	C
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DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

drawing
BOUNDARY ELEVATIONS

project ref	date	drawn
19159	FEB 2020	BK
scale	dwg. no.	rev.
1:200 @ A3	DA06	C

BATHURST REGIONAL COUNCIL
Development Application
2019/367

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7 July 2020
Per: AP

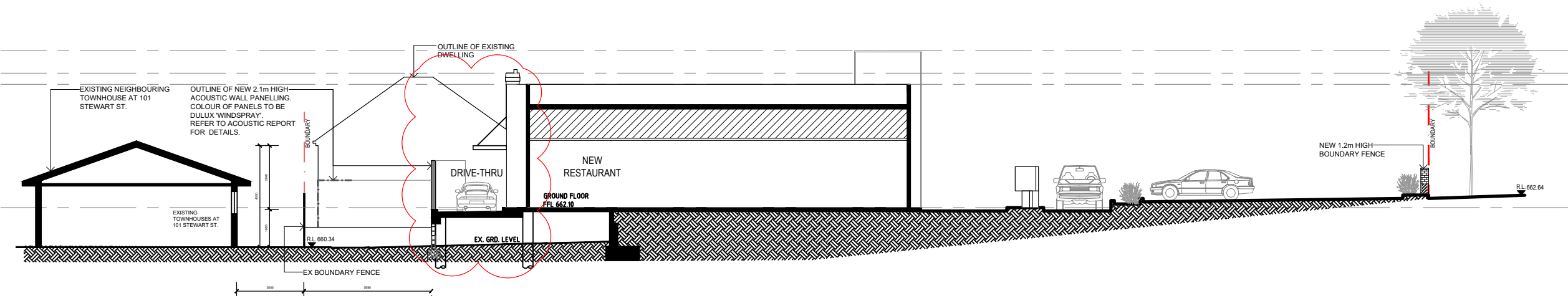
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23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council		C
13/02/20	ISSUE FOR COUNCIL		B
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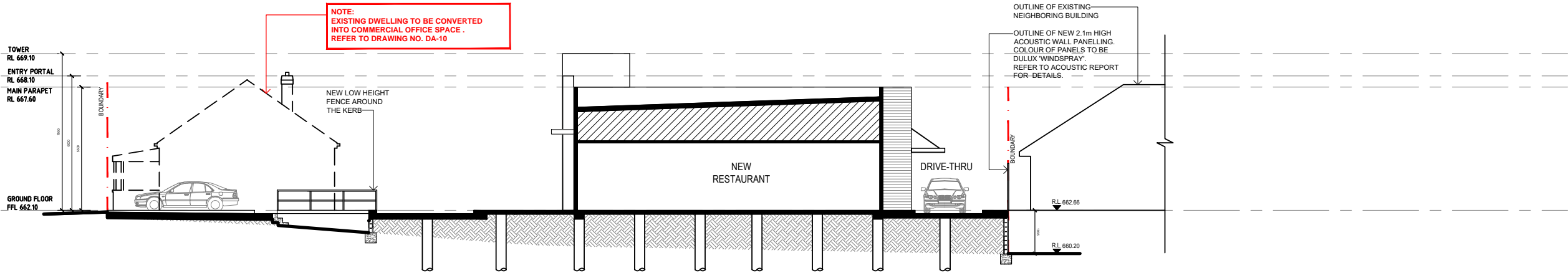


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01 LONG SECTION
1:200 @A3



02 CROSS-SECTION
1:200 @A3

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2019/367

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CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

drawing
SECTIONS

project ref 19159	date FEB 2020	drawn BK
scale 1:200 @ A3	dwg. no. DA07	rev. C

amendments

23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A

date	notes	rev.

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BATHURST REGIONAL COUNCIL
Development Application
2019/367

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7 July 2020
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101 STEWART ST.
EXISTING NEIGHBOURING
DWELLING

- NEW ILLUMINATED SIGNAGE
- NEW NON-ILLUMINATED SIGNAGE

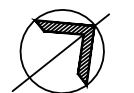
S01	- NEW ILLUMINATED PYLON SIGN WITH GRAPHICS ON BOTH SIDES
S02	- NEW NON-ILLUMINATED LETTER FLAT CUT OUT SIGNAGE WITH MATTE WHITE FINISH
S03	- NEW NON-ILLUMINATED LETTER FLAT CUT OUT SIGNAGE WITH MATTE WHITE FINISH
S04	- NEW ILLUMINATED DRIVE-THRU SIGN
S05	- NEW NON-ILLUMINATED 2.7M HIGH CLEARANCE BAR
S06	- NEW ILLUMINATED SWINGING BELL SIGN X2
S07	- NEW ILLUMINATED DIGITAL PREVIEW MENUBOARD
S08	- NEW ILLUMINATED DIGITAL MENUBOARD & ORDER SPEAKER
S09	- NEW ILLUMINATED 2.1M HIGH 'ENTRY' DIRECTIONAL SIGN
S10	- NEW ILLUMINATED 2.1M HIGH 'EXIT' DIRECTIONAL SIGN
S11	- NEW ILLUMINATED 2.1M HIGH 'DRIVE-THRU' DIRECTIONAL SIGN
S12	- NEW ILLUMINATED 2.1M HIGH 'NO ENTRY' DIRECTIONAL SIGN
S13	- NEW NON-ILLUMINATED BANNER SIGN
S14	- NEW NON-ILLUMINATED GRAPHIC PANEL 'CALIFORNIA STENCIL'

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

PROPOSED SIGNAGE PLAN

project ref 19159	date FEB 2020	drawn BK
scale 1:200 @ A3	dwg. no. DA08	rev. C



amendments

23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-issue Council	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A
date	notes	rev.

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NOTE: WORK TO COMPLY WITH AS 4674 2004
CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

drawing
SIGNAGE DETAILS

project ref 19159	date FEB 2020	drawn BK
scale NTS @ A3	dwg. no. DA09	rev. C

amendments		

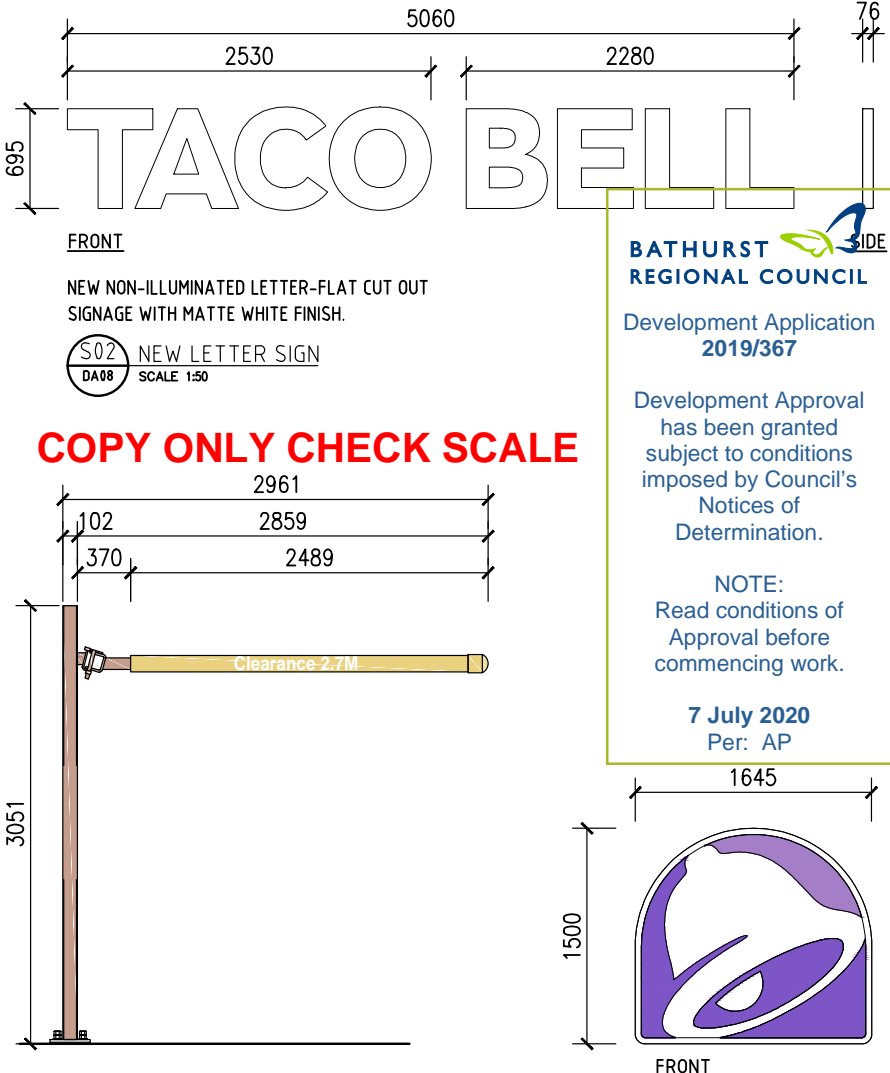
23/02/20	RE-ISSUE FOR COUNCIL	C
13/02/20	ISSUE FOR COUNCIL	B
21/11/19	ISSUE FOR COUNCIL	A

date notes rev.
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NEW ILLUMINATED PYLON SIGN
WITH GRAPHICS ON BOTH SIDES.

S01 NEW PYLON SIGN
DA08 SCALE 1:50



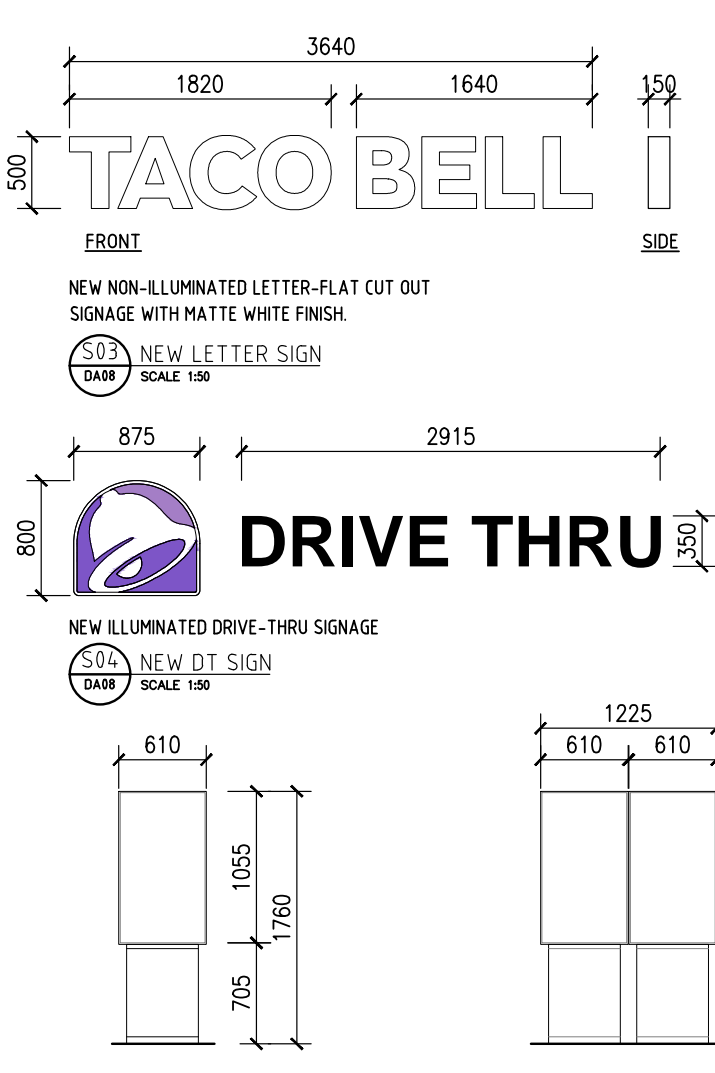
NEW NON-ILLUMINATED
CLEARANCE BAR

S05 NEW DT CLEARANCE BAR
DA08 SCALE 1:50



NEW ILLUMINATED SWINGING BELL
SIGN.

S06 NEW SWINGING BELL SIGN
DA08 SCALE 1:50

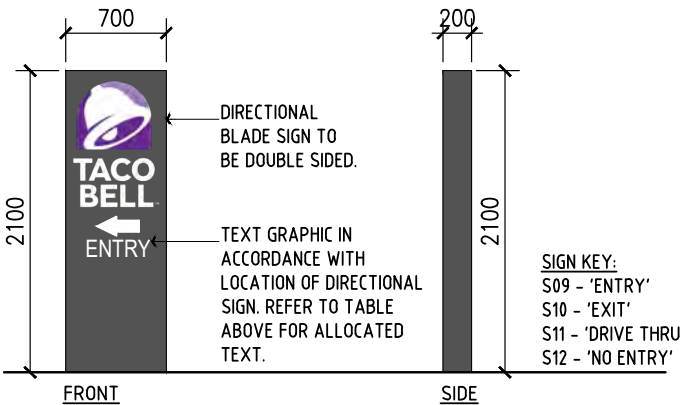


NEW ILLUMINATED DIGITAL DRIVE THRU
PREVIEW BOARD.

S07 NEW DIGITAL PREVIEW BOARD
DA08 SCALE 1:50

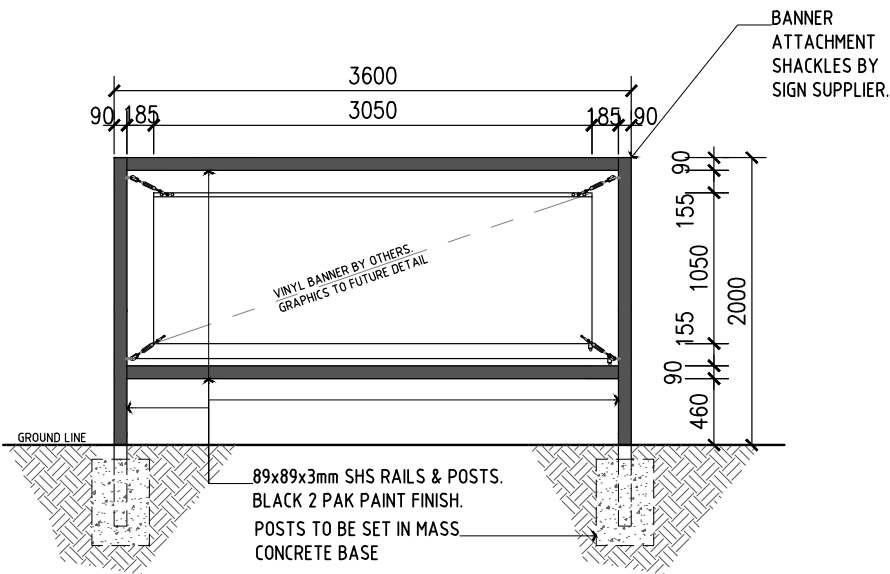
NEW ILLUMINATED DIGITAL DRIVE THRU
MENUBOARD.

S08 NEW DIGITAL MENUBOARD
DA08 SCALE 1:50



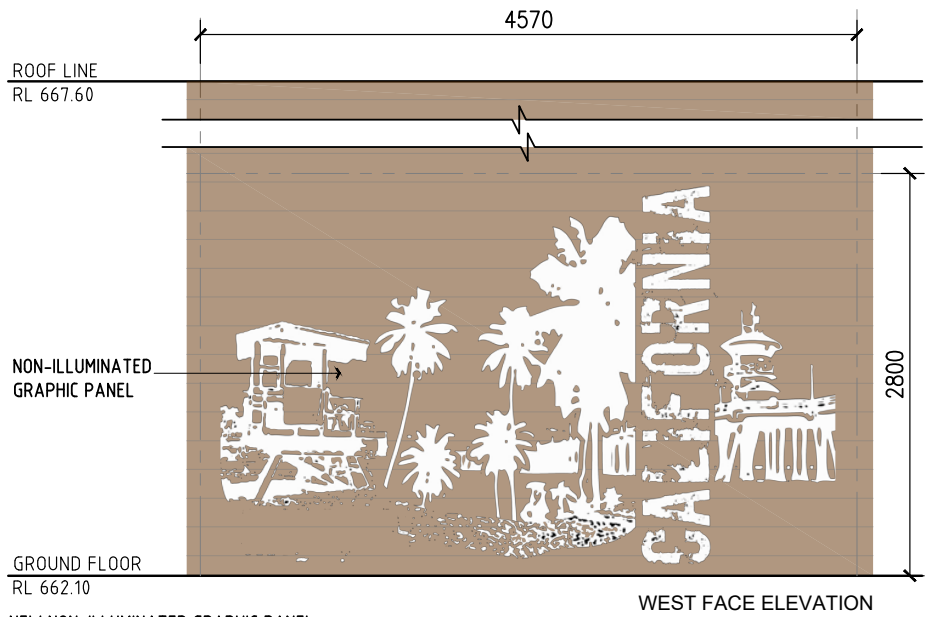
NEW ILLUMINATED DIRECTIONAL SIGN WITH
GRAPHICS ON BOTH SIDES.

S09 NEW DIRECTIONAL SIGNAGE
DA08 SCALE 1:50



NEW NON-ILLUMINATED BANNER SIGN

S13 NEW BANNER SIGN
DA08 SCALE 1:50



NEW NON-ILLUMINATED GRAPHIC PANEL

S14 NEW GRAPHIC PANEL 'CALIFORNIA STENCIL'
DA08 SCALE 1:50



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BATHURST REGIONAL COUNCIL

Development Application
2019/367

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7 July 2020
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DA ISSUE

project
TACO BELL BATHURST
103-105 STEWART STREET
BATHURST, NSW 2795

drawing
EXIST. DWELLING ALTERATIONS

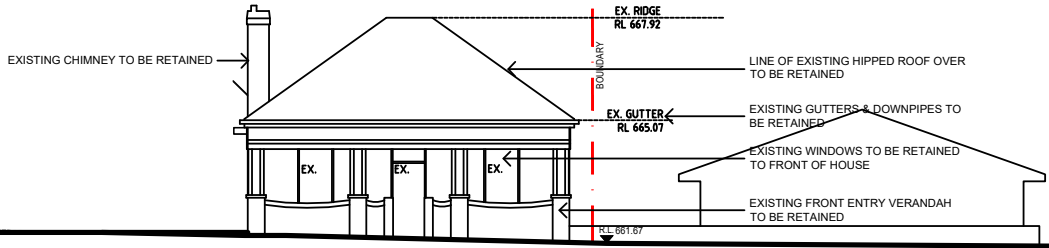
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19159	FEB 2020	BK
scale	dwg. no.	rev.
1:200 @ A3	DA10	B



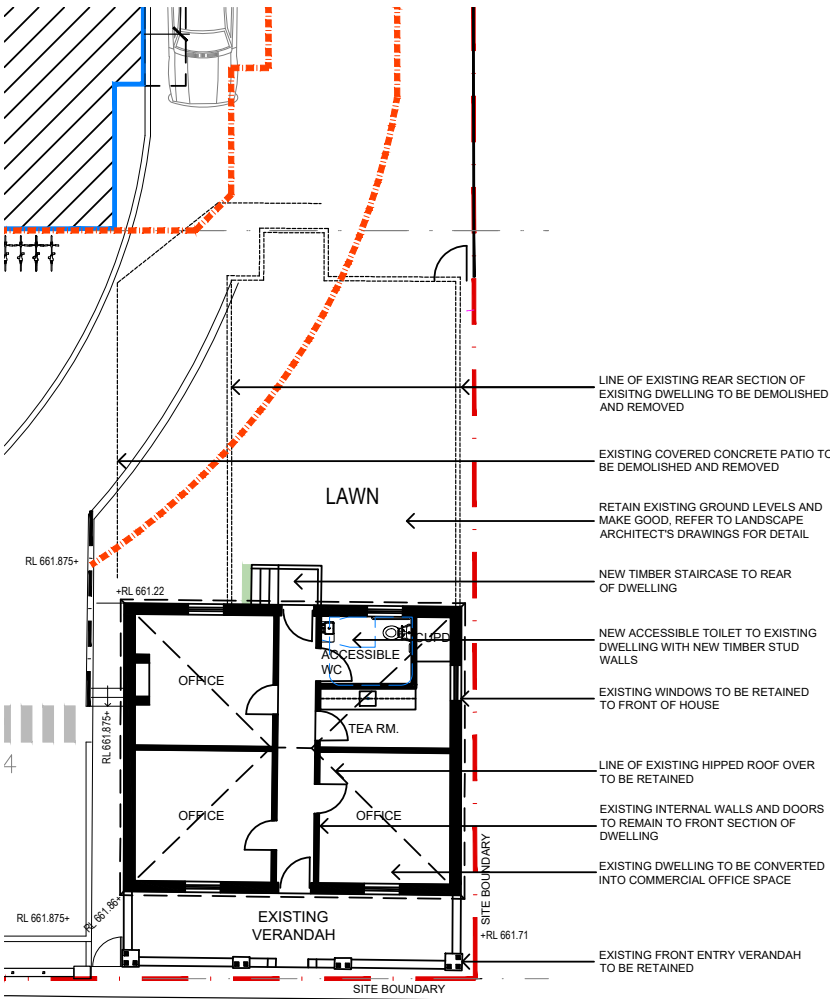
amendments

date	notes	rev.
23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only, Re-Issue Council	C
13/02/20	ISSUE FOR COUNCIL	A

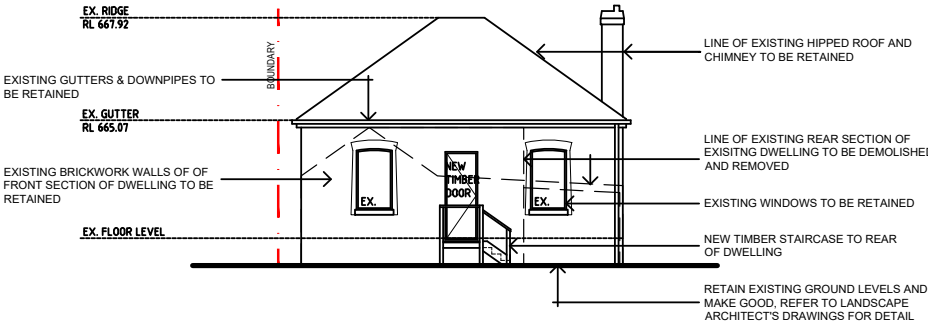
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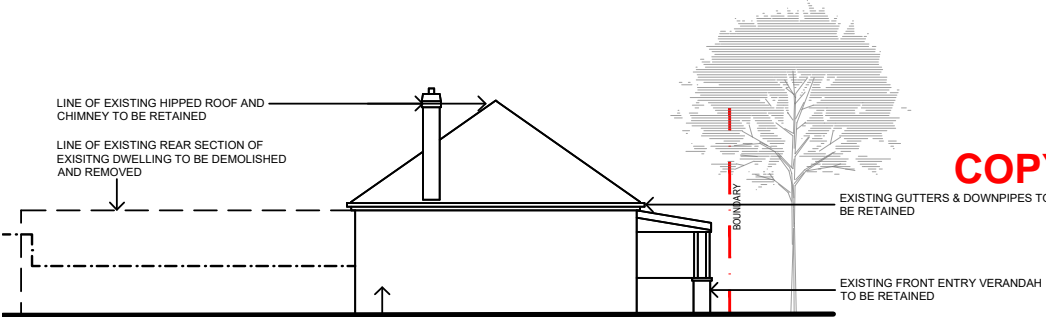
04 SOUTH ELEVATION
1:200 @A3



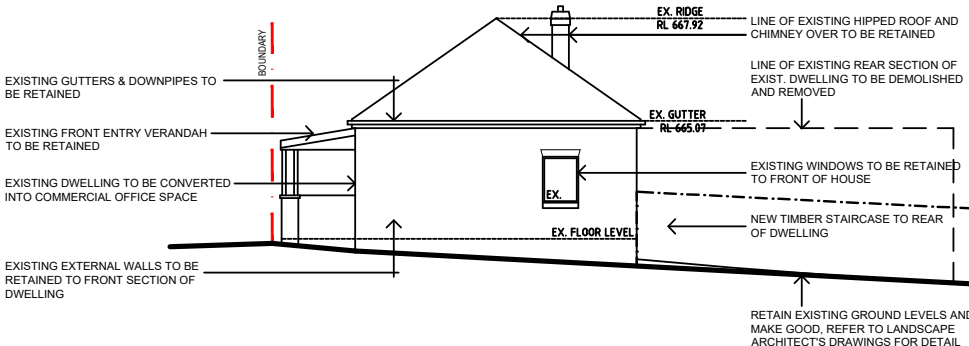
H LEGEND
TRUCK ENTRY PATH
TRUCK EXIT PATH
01 FLOOR PLAN
1:200 @A3



05 NORTH ELEVATION
1:200 @A3



03 WEST ELEVATION
1:200 @A3



02 EAST ELEVATION
1:200 @A3

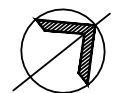
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SHADOW DIAGRAM - 21ST. JUNE

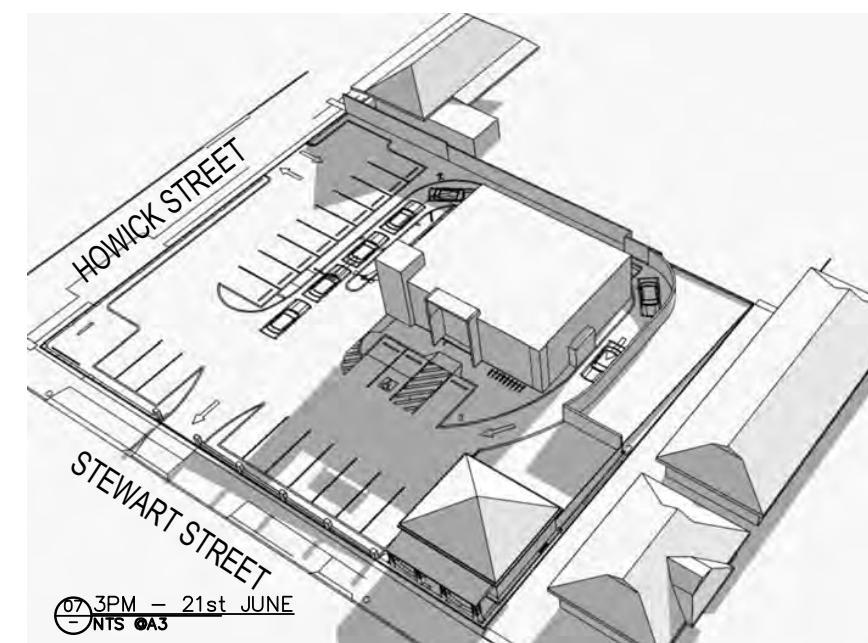
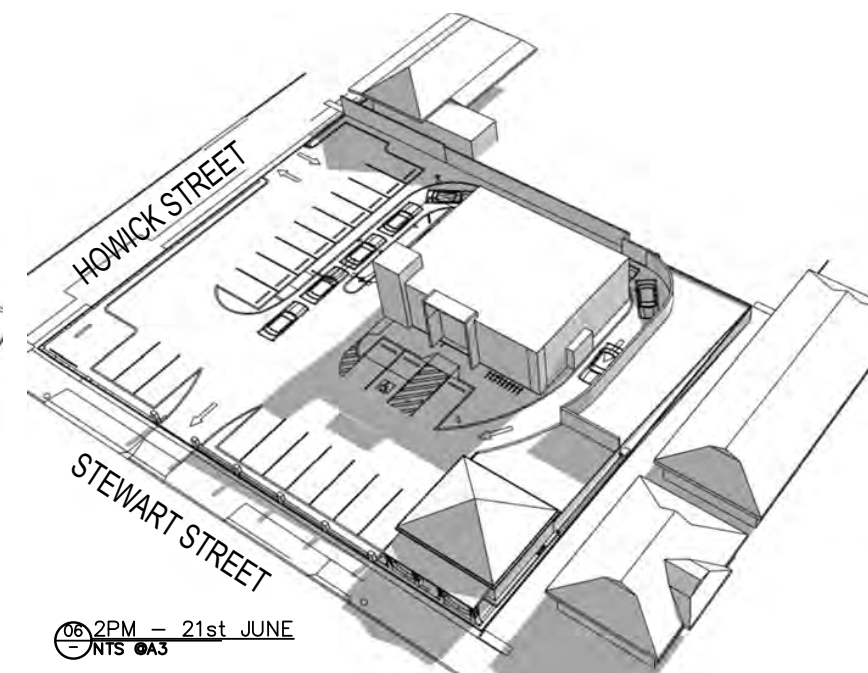
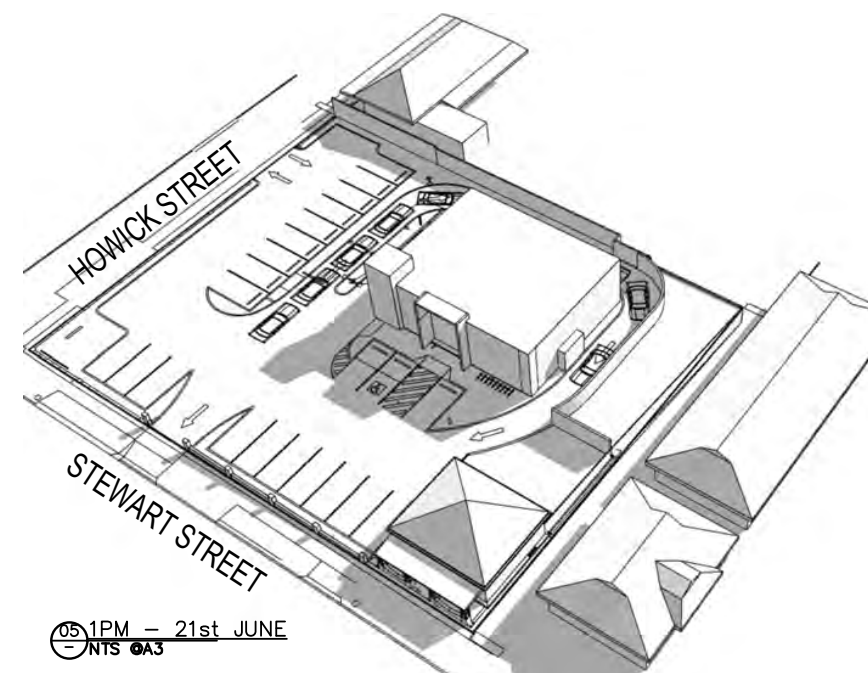
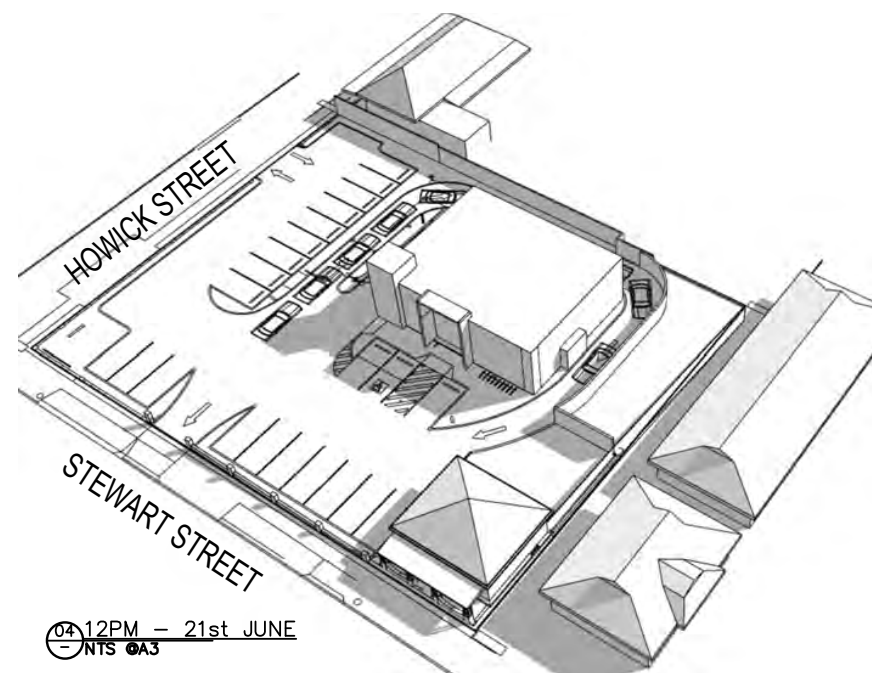
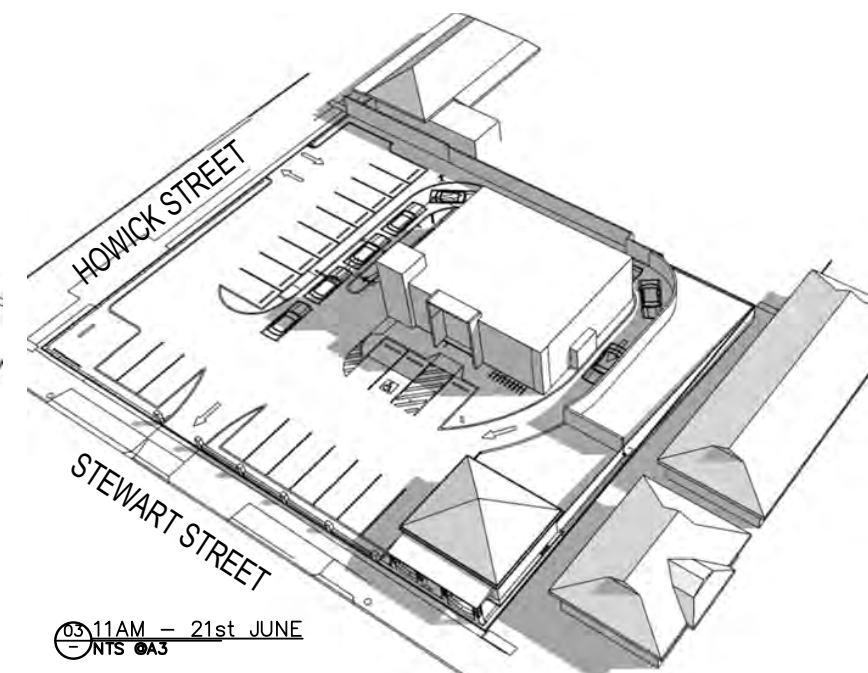
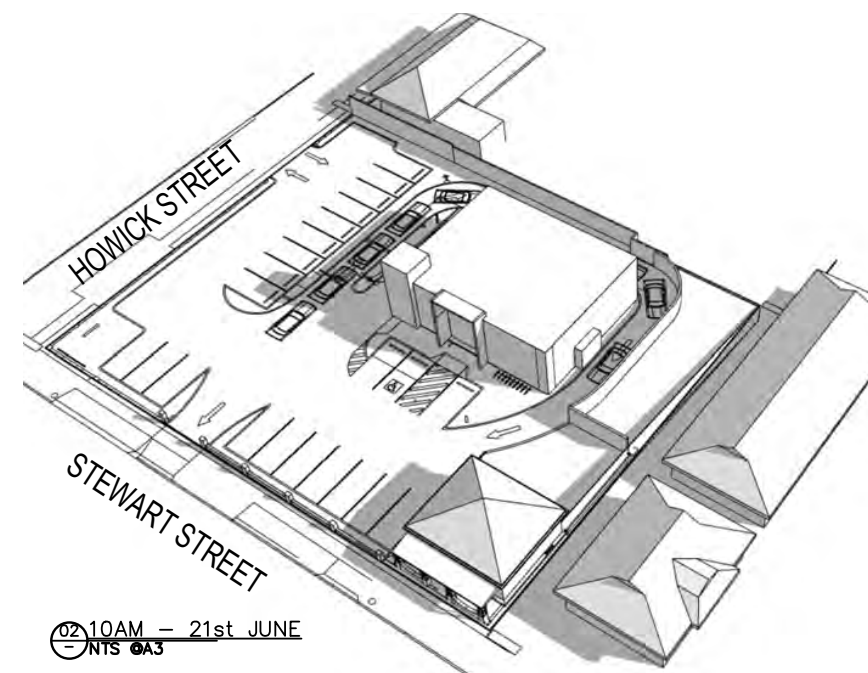
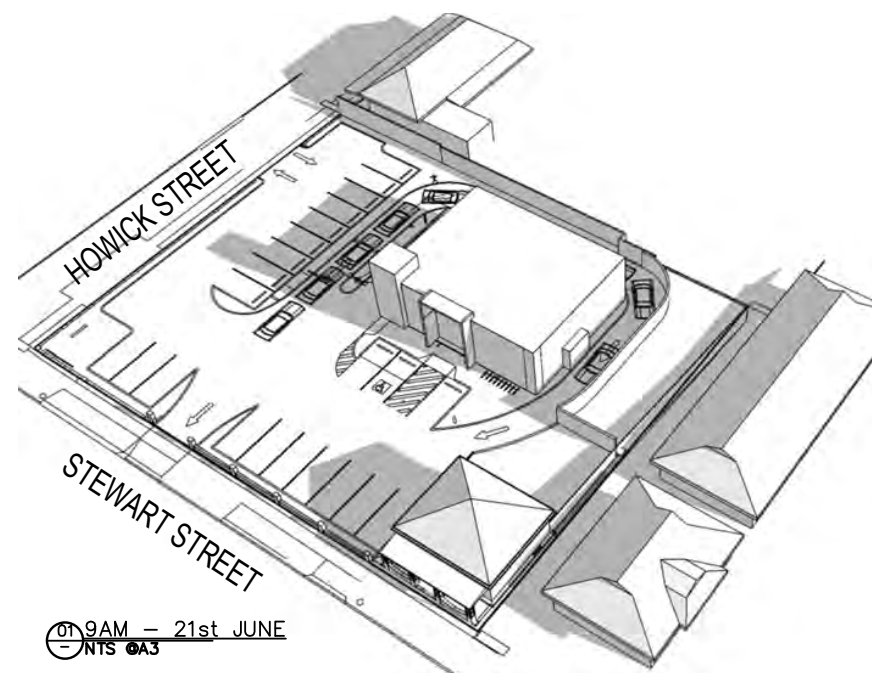
project ref 19159	date FEB 2020	drawn BK
scale NTS @ A3	dwg. no. DA11	rev. B



23/04/20	Reduced Footprint, Single Drive-thru, Stewart St. exit only. Re-issue Council	B
13/02/20	ISSUE FOR COUNCIL	A

date	notes	rev.
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Transport
for NSW

12 March 2020

SF2020/011158; WST19/00154/02

General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

Attention: Ms Fern-Alice Finn

Dear Ms Finn

DA 2019/367: Lot 1 DP 737574 and Lot 5 DP 1086710; 103 to 105 Stewart Street/Great Western Highway (HW5), Bathurst
Construction of take-away food and drink premises and change of use of existing dwelling house to a commercial premise

Please note as at 01 December 2019, the legislation, including functions and responsibilities of Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) are now being performed by the integrated TfNSW organisation. All future references to Roads and Maritime will now be referred to as TfNSW.

Thank you for the above development application referral via the NSW Planning Portal dated 16 January 2020, inviting comment from Transport for NSW (TfNSW) pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* and concurrence pursuant to Section 138(2) of the *Roads Act 1993*.

TfNSW understands from the documentation submitted in support of the proposal that it will involve demolition of an existing premise at 103 Stewart Street, construction of a take-away food and drink premise, partial demolition of the existing dwelling at 105 Stewart Street and change of use of this building to a commercial premise.

Following review of the documentation submitted in support of this proposal, TfNSW provides the following comments pursuant to clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* to assist the consent authority with their determination:

- Our internal review process confirmed the average daily traffic volumes along Stewart Street (Great Western Highway HW5, a State classified road) being in excess of 20,000 vehicles per day exceeding those noted in the submitted Traffic Impact Assessment report.
- As the concept design demonstrated egress and ingress via Stewart Street which has since been identified as not suitable without provision of an auxiliary left turn treatment due to the traffic volumes along Stewart Street and noting this provision cannot fit within the bounds of the site negating the allowance for both ingress and egress in lieu of egress only. TfNSW subsequently supports egress (left turn) only via Stewart Street as part of this proposal.

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256
P 6861 1449 | W development.western@transport.nsw.gov.au | ABN 18 804 239 602

- The current concept design provided to TfNSW demonstrated service delivery vehicles entering via Stewart Street. This is not supported by TfNSW and subsequently all access to the site is to be undertaken via Howick Street (a local road). Prior to construction a detailed design demonstrating the forward movement and swept paths of the largest vehicle servicing the site via Howick Street will need to be provided by the proponent to the consent authority for approval.
- The proposed development has been designed to accommodate service delivery vehicles up to 8.8 metres, TfNSW recommends a condition be imposed in any consent for this proposal requiring delivery service vehicles accessing the subject site to be no greater than 8.8 metres in length.
- All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas.
- In the interest of pedestrian safety in the car park, deliveries made to the premises are to be undertaken outside restaurant business peak hours.
- The current provision for a right turn movement via Howick Street onto Stewart Street with an intensification of traffic movements resulting from this proposal, particularly during peak hours may have potential road safety impacts. Making a right turn across a number of travel lanes in Stewart Street from Howick Street is currently allowable, however, by way of intensifying this traffic movements as a result of this proposal in conjunction with a relatively high traffic background flow during peak times has potential road safety outcomes.
- In this regard, the consent authority should be satisfied that the intensification of traffic movements resulting from this proposal will not cause a road safety risk by drives crossing a number of traffic lanes particularly during peak times of travel. Other such manoeuvres have been negated along various other intersections along Stewart Street, it is assumed to provide a road safety benefit in preventing this right turn movement.
- This is further evidenced via TfNSW crash data along Stewart Street which indicates such cross traffic movements have caused road safety issues and subsequently required treatments or measures to negate or address this vehicle movement.
- Directional signage shall be installed and maintained at the site access points to notify all vehicle drivers of the appropriate direction each access can be undertaken. Signage shall be installed within the bounds of the site and be or a retroreflective type to ensure increased visibility, noting the site will operate at night.
- The placement of directional signage on either side of a driveway to the site is not to impede sight lines of traffic, including any pedestrian pathways, within or when passing, entering or departing the site.
- Site accesses are to be adequately lit in accordance with AS/NZS 1158.
- All vehicle movements to and from the site should be undertaken in a forward movement only.
- Noting up to ten employees will be required on site at any given time, sufficient car parking for these staff should be adequately addressed and acceptable by the consent authority. The reduction of on-street car parking supported by TfNSW as a result of this proposal should not impact adequate internal parking provision for employees.

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- TfNSW support a change from the current arrangement of parallel parking along Howick Street to 'No Stopping' signage (R5-400) to be installed along the length of the property boundary on both the southern and northern sides of the road by the proponent prior to occupation of the premises. This it is anticipated, will facilitate the safe passage of vehicles, in particular emergency service vehicles accessing the hospital. Relevant and timely communication to adjoining land owners impacted as a result of this change should be managed by the consent authority.
- Pedestrian access to the commercial premise at 105 Stewart Street is to be maintained at all times from the two car parking spaces and the accessible car parking space.
- Should a change of use of the commercial premise occur as part of this proposal, consideration by the consent authority as to the change to the traffic generation, servicing requirements, parking demand and the implications to the proposed take-away food and drink premises which may trigger referral to TfNSW.
- The car parking spaces associated with the commercial premise at 105 Stewart Street are to be dedicated to the commercial premise through relevant internal line marking and or sign posting as deemed appropriate by the consent authority.

TfNSW, pursuant to Section 138(2) of the *Roads Act 1993*, grants its concurrence to the proposal subject to the following conditions:

- Construction of the Stewart Street driveway may be subject to the developer and TfNSW entering into a Works Authorisation Deed (WAD) for the developer to undertake private financing and construction of any works along Stewart Street. The WAD is to be entered into prior to the commencement of demolition works.
- A detailed design is to be submitted by the proponent to TfNSW and council for approval for the concrete layback driveway prior to construction. The driveway is to be designed to provide good sight lines between pedestrians and motorists, match road levels and not interfere with drainage.
- Prior to the issuance of an Occupation Certificate, redundant kerb layback crossing accessed along Stewart Street servicing the land are to be removed and replaced with kerb and gutter to match existing kerb and gutter.
- All signage including any proposed internally lit signs shall be contained within private property and designed to meet the objectives in accordance with *Transport Corridor Outdoor Advertising and Signage Guidelines* (Department of Planning & Environment, 2017).
- Landscaping, signage and fencing are not to impede the sight lines of traffic within or when passing, entering or departing the site. Safe Intersection Sight Distance (SISD) requirements outlined in *Austroads Guide to Road Design Part 4A* is to be provided in both directions at the intersection of the driveway and Stewart Street.
- The current arrangement of parallel parking along the boundary of 103-105 Stewart Street is to be replaced by 'No Stopping' signage (R5-400) along the length of the property boundary by the proponent prior to occupation of the premises. Relevant and timely communication to adjoining land owners impacted as a result of this change should be managed by the consent authority.

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- All demolition works are to be undertaken within the bounds of the site only.
- Prior to the commencement of construction works, the proponent is to contact TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes in Stewart Street.
- Prior to the issuance of an Occupation Certificate, all road works required to facilitate the development are to be completed.

Please forward a copy of Council's determination to TfNSW at development.western@rms.nsw.gov.au when it is sent to the applicant. If you wish to discuss this matter further, please contact Alexandra Power, Development Assessment Officer on (02) 6861 1428.

Yours faithfully



Holly Davies
A/Senior Customer Services Manager
Western Region

Transport for NSW

51-55 Currajong Street PARKES NSW 2870 | PO Box 334 PARKES NSW 2870 DX20256
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TRAFFIC ASSESSMENT REPORT

PROPOSED

DRIVE-THROUGH TAKE-AWAY FOOD OUTLET

DEVELOPMENT

ON

STEWART STREET

BATHURST

30 APRIL 2020

BJ Bradley & Associates
Consulting Civil and Traffic Engineers
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1.0 INTRODUCTION

The purpose of this Traffic Assessment is to examine the potential traffic and parking impacts of a proposal to provide a Drive-Through Take-Away Food outlet on the corner of Stewart Street and Howick Street, Bathurst.

2.0 LOCALITY DIAGRAM



(Image Courtesy of Six Maps)

**PROPOSED DRIVE-
THROUGH TAKE-AWAY
FOOD OUTLET**

3.0 EXISTING CONDITIONS

3.1 Existing Use of Site

The land proposed for the development of a Drive-Through Take-Away Food outlet is currently occupied by a car rental business and a heritage-listed single storey residential dwelling.

3.2 Adjacent Developments

Development along both sides of Stewart Street (Great Western Highway) near the proposed development is essentially residential.

There is a Motel on the opposite side of Stewart Street and a gift shop on the south-western corner of Stewart Street and Durham Street.

Most of the development along Stewart Street within a block each way of Howick Street consists of residential dwellings.

There are some commercial, retail and hospitality developments further west along Stewart Street, largely between Piper Street and Rocket Street.

3.3 Speed Zoning

The speed zone along Great Western Highway (Stewart Street) near the site is 60km/h.

Howick Street and most other local streets in Bathurst are zoned at 50km/h.

3.4 Traffic Environment on Stewart Street (Great Western Highway / New England Highway)

Stewart Street through Bathurst is part of the Great Western Highway (A32) that provides access between regional areas.

Stewart Street is aligned generally south-west / north-east past Howick Street.

Stewart Street through Bathurst provides dual carriageways near Howick Street with two travel lanes in each direction approximately 3.5 metres wide, and a parking lane approximately 3.0 metres wide on each carriageway, separated by a paved median past the site.

Stewart Street has a straight horizontal alignment past Howick Street. Stewart Street has variable downhill gradients past Howick Street towards the signalised intersection with Durham Street (Great Western Highway).

The speed zoning along Stewart Street is 60km/h.

There is street lighting along this section of Stewart Street.

There is a right-turn lane approximately 75 metres long and 3.3 metres wide for westbound traffic to turn into Howick Street and a right-turn lane approximately 75 metres long and 3.3 metres wide for eastbound traffic to turn into Howick Street.

There are signalised intersections with Keppel Street and Lambert Street, approximately 450 metres west 900 metres west of Howick Street respectively, and at Durham Street approximately 200 metres east of Howick Street.

3.5 Traffic Environment on Howick Street

Howick Street in Bathurst is a local street aligned generally south-east / north-west.

Howick Street connects with Macquarie Street at its north-western end and Havannah Street and Bryant Street at its south-eastern end and passes through the Bathurst CBD.

Howick Street has kerb and gutter along both sides and paved footpaths along both sides.

The south-eastern leg of Howick Street has a raised concrete island and signposting that bans right-turn movements onto Stewart Street.

The north-western leg of Howick Street has two approach lanes with a short narrow raised concrete island, pavement arrows and signposting that bans through-movements across Stewart Street.

Howick Street is approximately 15 metres wide between kerb faces generally north of Stewart Street and approximately 22 metres wide between kerb faces generally south of Stewart Street. Parking along the northern section of Howick Street is unrestricted parallel, whereas the wider southern section of Howick Street enables 45⁰ angle parking along both sides.

Howick Street has relatively level gradients close to the intersection with Stewart Street, with variable downhill gradients from Stewart Street towards Rankin Street and towards Peel Street.

3.6 Traffic Volumes along Stewart Street (Great Western Highway)

Traffic volumes along Stewart Street can be assessed from the RMS interactive traffic volume viewer. The latest volumes shown were surveyed in 2008 and 2009 – refer to Appendix B of this Report.

The 2009 eastbound AADT was 1,969 vehicles per day, with 10.26% being heavy vehicles. The corresponding westbound flow was 1,962 vehicles per day with 10.96% being heavy vehicles.

The 2009 traffic volumes were approximately 4.4% higher than the 2008 traffic volumes. That rate of traffic growth is higher than what is a typical rate of traffic growth, usually adopted as between 2% and 3% per annum.

Assuming the published rate of traffic growth continued from 2009 until 2019, the approximately 2019 traffic volumes on Stewart Street would be:

Eastbound	3,032 vpd
Westbound	3,022 vpd

Peak hourly flows are adopted generally approximately 10% of AADT, as published in the RTA Guide to Traffic Generating Developments.

The published data indicates that the peak hourly eastbound flows in March 2009 were:

Eastbound (8 - 9 am)	189 vehicles per hour (9.6% of AADT)
Eastbound (3 - 4 pm)	139 vehicles per hour (7.0% of AADT)

The published data suggests that the approximate peak hourly flows along Stewart Street in 2019 would be:

Eastbound (8 - 9 am)	291 vehicles per hour
Eastbound (3 - 4 pm)	212 vehicles per hour

It is understood that traffic volumes along this section of Stewart Street now suggested by Transport for NSW are approximately 20,000 (AADT), or a peak hourly volume of 2,000 vph (two-way), based on the RTA Guide to Traffic Generating Developments. Such volumes suggest peak traffic volumes higher than indicated in available traffic data on the RMS Interactive Traffic Volume Viewer – refer to Appendix B of this Report.

Despite that discrepancy, the carriageway volumes would still be considerably lower than the theoretical capacity of each carriageway on Stewart Street of approximately 3,140 vph, as indicated below in Section 4.3 below, representing a degree of saturation of approximately 32%.

3.7 Pedestrian Facilities

There are pedestrian refuge facilities provided in each splitter island of the roundabout at Peel Street and Stewart Street, and kerb blisters provided on both sides of Stewart Street just north of Byrnes Avenue.

The existing facilities enable safe crossing of Stewart Street to access to the Bathurst CBD, commencing approximately a 230 metre walk south of Stewart Street at Rankin Street.

There are paved footpaths along both sides of Stewart Street and Howick Street.

4.0 PROPOSED DEVELOPMENT

4.1 General

The proposal development will provide a Drive-Through Take-Away Food outlet and associated off-street car parking.

The approximate floor area of the proposed Drive-in Take-Away Food outlet is tabulated below:

Component			Approximate Floor Areas (m ²)
Drive-Through Restaurant	Take-Away	Food	267

It is proposed that the Drive-Through Take-Away Food outlet will provide 40 seats inside.

It is proposed that 21 car spaces be provided.

4.2 Traffic Generation

The RTA Guide to Traffic Generating Developments traffic generation rates for Drive-Through Take-Away Food outlets are generally as follows:

3.7 Refreshments.

3.7.1 Drive-in take away food outlets.

Overview.

Surveys in 1990 of McDonalds and Kentucky Fried Chicken outlets found substantially different generation rates. Gross floor area did not provide a good indication of the generation rates. The general guidelines presented provide a basis for assessment. If these guidelines are considered to be inappropriate in the circumstances, the applicant should prove why other rates might be more appropriate, preferably through comparison with other similar sites. The *Land Use Traffic Generation - Data and Analysis 22: Drive-Through Restaurants* (1993), Report provides further information on specific developments. The 1980 report *Land Use Traffic Generation - Data and Analysis 5 - Fast Food*, provides further information.

Rates - McDonalds.

Evening peak hour vehicle trips:

- assume 180 veh/hr for average development (mean of survey results)
- for sensitivity test, assess effect of 230 veh/hr (maximum of survey results).

Factors.

Daily vehicle trips depend largely on the hours of operation. Sites open for breakfast will generate more daily traffic than sites open only from lunch to dinner.

The peak site traffic generation surveyed was 340 veh/hr, with a mean of 260 veh/hr on weekdays and 280 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically about 35%. This discount should be taken into account in assessing external traffic impact.

Rates - Kentucky Fried Chicken.

Evening peak hour vehicle trips:

- assume 100 veh/hr for average development (mean of survey results).
- for sensitivity test, assess effect of 120 veh/hr (maximum of survey results).

Factors.

Daily vehicle trips depend on the hours of operation.

The peak site traffic generation surveyed was 190 veh/hr (two-way) with a mean of 150 veh/hr on weekdays and 120 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically at least 50%. This discount should be taken into account in assessing external traffic impact.

In this instance, the proposed development is for a Taco Bell Drive-Through Take-Away Food outlet.

Taco Bell NSW operations advise that as their outlets are less well-known and not as established in Australia as either McDonalds or KFC outlets, and are therefore likely to

generate traffic generation rates less than KFC outlets. It is assumed that the traffic generation from the proposed development is more likely to be less than 80% of the traffic generation rates for KFC outlets which they also operate.

Traffic generation from the proposed Drive-in Take-Away Food outlet is indicated in the RTA publication "Guide to Traffic Generating Developments".

The RTA publication indicates that daily vehicle trips for the proposed Drive-in Take-Away Food outlet would be approximately as tabulated below:

<i>Development Component</i>	<i>Gross Floor Area (m²)</i>	<i>Recommended Generation Rate</i>	<i>Estimated Peak Hour Trips</i>
Fast Food	232	80 trips to 100 trips#	100

Note # The peak traffic generation rate for the subject development is assumed to be 80% of KFC sensitivity rate.

That is, maximum peak hour traffic generation resulting from the proposed Drive-in Take-Away Food outlet is likely to be approximately one hundred (100) peak hour trips, which is the sensitivity test rate for a KFC outlet.

The traffic generation rates and assumptions for developments other than McDonalds and KFC developments adopted in this Report have been utilised in numerous Traffic Assessment Reports I have prepared for take-away food outlets and accepted by various Council's and the RMS.

RTA Guidelines for Traffic Generating Developments recommend using a figure of at least 50% being derived from passing trade and discounting the calculated traffic generation accordingly.

The net generation of additional traffic in the evening peak is therefore estimated to be:

$$100 \times 0.50 = 50 \text{ trips}$$

It is anticipated that approximately 50% of these trips would be arrivals and 50% departures in the PM Peak.

The RTA Guide to Traffic Generating Developments does not suggest traffic generation rates for the weekday morning peak. The Taco Bell development will not open until 10am and will have no impact on the morning peak hour.

The assumed net traffic generation associated with the proposed Drive-Through Take Away food outlet using the sensitivity rate is therefore:

Weekday Evening Peak (100 trips) - (50 from Passing Traffic)
 Inward Trips: 50
 Outward Trips 50

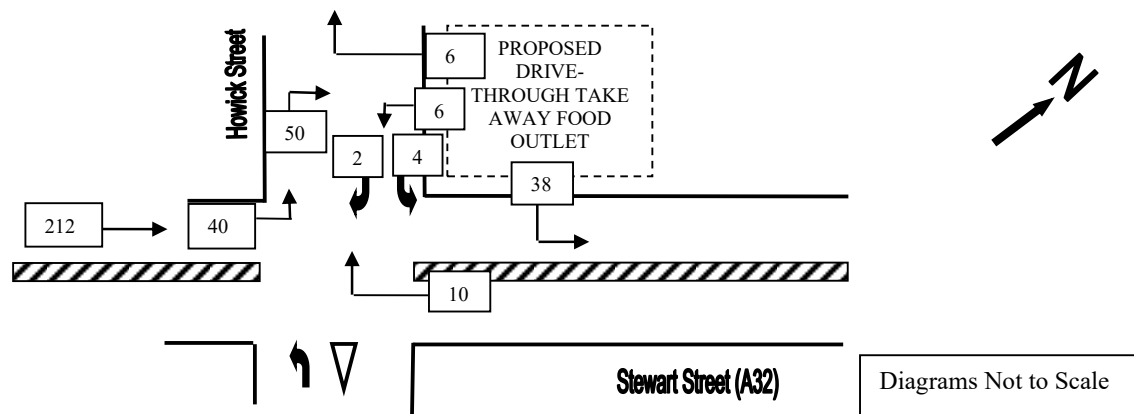
4.3 Origin / Destination Considerations

The actual modal split of traffic entering and leaving is assumed to be essentially like the traffic flow along Stewart Street (Great Western Highway). The modal split of trips may vary from day to day, month to month and year to year.

In my opinion, it is likely that inward peak trips would be the same as outward peak trips for this development.

The anticipated average trip generation and distribution in the weekday evening peak period for the proposed Drive-in Take-Away Food outlet is as follows:

PM Peak = 100 Trips (50 from Passing Traffic)



Traffic Capacity of a single lane on Stewart Street:

The theoretical traffic capacity of Stewart Street can be assessed from a recognised formula in AUSTROADS, Guide to Traffic Engineering Practice.

The theoretical roadway capacity is provided by the formula in Section 2.2.1 of the AUSTROADS Guide to Traffic Engineering Practice, Part 2, Roadway Capacity.

Capacity of a single lane:

$$C = 1800 f_w f_{hv}$$

Where:

C = capacity in vehicles per hour under prevailing roadway and traffic conditions

f_w = adjustment factor for narrow lanes and lateral clearances, (obtained from Table 2.1 in the AUSTROADS publication)

f_{hv} = adjustment factor for heavy vehicles
 $= 1 / [1 + P_{hv} (E_{hv} - 1)]$

P_{hv} = the proportion of heavy vehicles in the traffic stream, expressed as a decimal ($\approx 10\%$ - refer Appendix B).
→ *effectively 0.1 in this instance*

E_{hv} = the average passenger car equivalents for heavy vehicles (obtained from Table 2.2 in the AUSTROADS publication) → *effectively 4.0 in this instance*

Substitution of the above in the formula is:

$$\begin{aligned} f_{hv} &= 1 \\ f_w &= 0.9 \text{ (for 3.2 m wide lane, and 0m lateral clearance)} \end{aligned}$$

$$\begin{aligned} C &= 1800 \times 0.9 \times 0.97 \\ C &= 1,570 \end{aligned}$$

That is, the theoretical capacity of a single lane on Stewart Street is **1,570 vehicles per hour**.

The theoretical capacity of each carriageway on Stewart Street is **3,140 vehicles per hour**.

The additional trip generation of an additional 50 trips in the evening peak hour would have a negligible impact on the degree of saturation of Stewart Street.

4.4 Parking Provision

Bathurst Regional Council's DCP 2014 – Section 14 - Parking indicates car parking spaces be provided as follows:

Takeaway food and drink premises: No seating or drive-through Seating but no drive-through Seating and drive-through	12 spaces per 100m ² . Whichever is the greater: <ul style="list-style-type: none"> • 12 spaces per 100m², or • 1 space per 5 seats (internal and external) or • 1 space per 2 seats (internal) Whichever is the greater: <ul style="list-style-type: none"> • 1 space per 2 seats (internal seats only) or • 1 space per 3 seats (internal and external seats). In addition to this an exclusive area for queuing of cars for a drive through facility is required in accordance with the <i>RMS Guide to Traffic Generating Developments</i> .
---	--

Amusement centres Business premises Office premises Industrial retail outlets Restricted premises Public administration buildings Community facilities Public facility or building	1 space per 50m ² . <u>Note:</u> Council may consider stack parking for development within a residential zone.
---	--

The proposed Drive-in Take-Away Food outlet will have a gross floor area of 232 m² and will provide seating capacity up to 40 seats inside.

Application of Bathurst Regional Council's DCP 2014 – Section 14 is therefore:

Drive-through Take-away Outlet

40 seats @ 1 space per 2 seats = 20 spaces

Commercial Offices

64.5 m² @ 1 space per 50 m² = 1.3 spaces

Total Parking Requirement = 21.3 spaces.

Say 22 spaces

Bathurst Regional Council's parking requirements for Drive-through Take-away Food outlets are the same as the RTA Guide to Traffic Generating Developments, as shown below.

5.8 Refreshments.

5.8.1 Drive-in take-away food outlets.

Definition.

The three types of *drive-in take-away food outlets* referred to in this section are:

- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with no seating provided for the on-site consumption of food.
- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with seating also being provided for on-site food consumption.
- developments with features of the above second category with the addition of a drive-through service for customers not wishing to consume the food on the premises.

Parking.

The recommended number of off-street parking spaces for drive-in take-away food outlets is:

- developments with no on-site seating or no drive-through facilities:
12 spaces per 100m² GFA.
- developments with on-site seating but no drive through facilities:
12 spaces per 100m² GFA, or the greater of.
1 space per 5 seats (both internal and external seating), or.
1 space per 2 seats (internal seating).
- developments with on-site seating and drive-through facilities greater of.
1 space per 2 seats (internal), or.
1 space per 3 seats (internal and external).

In addition to this, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point; see below for details). There should also be a minimum of four car spaces for cars queued from ordering point.

The proposed Drive-Through Take-Away Food outlet will provide of a total of 22 spaces, including one accessible space to be designed and delineated in accordance with AS/NZS 2890.6 – 2009.

There will be enough length to provide queuing for 10 cars prior to the pick-up point, in a single lane enabling 4 cars to queue prior to the order point.

TOTAL PARKING PROPOSED = 22 SPACES

The number of car spaces to be provided (22) is compliant with the requirement of Bathurst Regional Council's DCP 2010 – Appendix A and the requirements of the RTA Guide to Traffic Generating Developments which is accepted State-wide.

Car parking spaces will be 2.6 metres wide and 5.4 metres long, with traffic aisles 6.2 metres wide. The accessible space will be 2.6 metres wide with a 2.6-metre-wide shared space. All dimensions comply with the requirements of a Class 3 parking facility in AS/NZS 2890.1 – 2004 and also AS/NZS 2890.6 – 2009.

4.5 Servicing Requirements

Servicing requirements for the proposed Drive-in Take-Away Food outlet would be undertaken using a Medium Rigid Vehicles (MRV) as defined in AS/NZS 2890.2 – 2002.

A dedicated loading bay will be provided on the north-western end of the Drive-Through Take-Away Food restaurant building, and the car parking area layout has been designed to permit an 8.8-metre-long MRV to utilise the loading bay.

The proposed Taco Bell will not open to customers until 10am. Servicing will be undertaken during periods of low demand when patronage is low at the Drive-in Take-Away Food outlet to facilitate manoeuvres by the service vehicles and to minimise any inconvenience for customers.

Service vehicles will enter the site via the Howick Street driveway and reverse into the loading dock from the front parking aisle. Service vehicles will then depart the loading dock onto Stewart Street via the exit-only driveway, or via the Howick Street driveway in a forward direction, depending on the next destination for the service vehicle.

Appendix D shows typical service vehicle manoeuvres. Egress via Howick Street is not shown for clarity purposes.

4.6 Access on Stewart Street and Howick Street

AS/NZS 2890.1 - 2004 indicates that a Category 2 driveway should be provided for an access serving less than 25 parking spaces, with arterial road frontage. A category 2 driveway is a combined entry / exit driveway 6.0 metres to 9.0 metres wide.

It is proposed that a new exit-only driveway approximately 4.5 metres wide be provided on Stewart Street, located approximately 15.5 metre from the Howick Street property, in compliance with AS/NZS 2890.1 - 2004. Final design approval and licensing of the Stewart Street exit-only driveway will be required from Transport for NSW

The existing driveway on Howick Street is a combined entry / exit approximately 5.9-metre-wide and has local road frontage, in compliance with a category 1 driveway, 3.0 to 5.5 metres wide.

There are redundant driveways on Stewart Street and Howick Street that will be removed.

4.7 Sight Distances

Sight distance towards the right along Stewart Street (generally south-west), is in excess of 150 metres. Sight distance to the left is unimportant because of the divided carriageways on Stewart Street.

The sight distance requirements in AS/NZS 2890.1 – 2004 are tabulated below.

Frontage Road Speed (km/h)	Minimum Sight Distance (m)	Desirable Sight Distance (m)
50	45	69
60	65	83

Sight distances at the proposed driveway on Stewart Street considerably exceeds the desirable requirement in AS/NZS 2890.1 – 2004 towards the right along Stewart Street.

Sight distance along Howick Street to the right at the existing driveway is slightly compromised by an existing street tree with low foliage on the eastern footway. Minor trimming of some low branches would be desirable to easily improve sight distance towards the right to more than 100 metres easily achievable along Howick Street.

5.0 TRAFFIC IMPACTS

5.1 Safety Issues

5.1.1 General

Developments should be provided such that they do not prove detrimental to the safety or convenience of existing road users. It is desirable to provide developments that are harmonious with the community needs.

5.1.2 Potential Right-Turn Conflicts

Potential right turn conflicts which could be associated with the proposed Drive-in Take-Away Food outlet may occur in the following situations:

- Right turns into Howick Street from Stewart Street.

- Right turns from Development Access into Howick Street.
 - Right turns from the northern leg of Howick Street into the Howick Street driveway.
 - Right turns from Howick Street into Stewart Street.
- a) Motorists undertaking right turns into Howick Street from Stewart Street will be able to do so from a dedicated right-turn that good sight distance along Stewart Street that enables drivers to see approaching traffic and judge safe gaps. The existing right-turn storage bay on the Great Western Highway can easily accommodate the small volume of additional right-turn movements that the proposed development is likely to generate. The signalised intersection of Stewart Street and Keppel Street approximately 450 metres west of Stewart Street provides regular gaps in the eastbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street.
- b) Motorists undertaking right turns out of the proposed development into Howick Street will be able to do so with good sight distance to the right along Howick Street that enables drivers to see approaching traffic and judge gaps. Traffic turning left or right into Howick Street from Stewart Street would generally be doing so at relatively slow speeds and drivers would have enough time to observe vehicles exiting the Howick Street driveway.
- c) Motorists undertaking right turns into the proposed development from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. “No Stopping” signposting will be provided along both sides of Howick Street between Stewart Street and the boundary of the development to ensure unrestricted passage for regular or emergency vehicles travelling north-west along Howick Street.
- d) Motorists turning right into Stewart Street from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. The signalised intersections of Stewart Street / Keppel Street also Stewart Street / Durham Street, approximately 450 metres west of Howick Street and 200 metres east Howick Street respectively, provides regular gaps in the eastbound and westbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street. Local patrons wishing to travel further west along the Great Western Highway may wish to travel along Peel Street to access the signalised intersection with Keppel Street in peak periods.

The volume of traffic expected to perform this turn will be minimal during peak traffic flow periods.

5.1.3 Potential Rear-End Conflicts

Potential rear-end conflicts which could be associated with the proposed commercial development could occur in the following situations:

- Left turns into Stewart Street from Howick Street
 - Left turns into Howick Street to use Howick Street Access
- a) The additional volume of traffic turning left into Stewart Street from Howick Street as a result of the proposed Drive-Through Take-Away Food is likely to be relatively low and drivers are required to stop at the intersection with Stewart Street. The potential for rear-end collisions involving southbound traffic on Howick Street turning into Stewart Street is negligible.
- b) Patrons turning left into the Howick Street to use the Howick Street access will be able to utilise the kerbside parking lane to diverge from the through-lane prior to turning left into Howick Street. There is an existing signposted section of “No Stopping” along the western side of Stewart Street some 25 metres south of the Howick Street boundary. Traffic speeds along the section of Stewart Street approaching Durham Street are moderated by the existing traffic signals approximately 200 metres east of Howick Street which result in frequent stoppage and queuing.

There are numerous driveways along Stewart Street and numerous intersections so drivers would be aware of the potential for drivers to slow or stop. The potential for rear-end collisions associated with vehicles turning left from Stewart Street into Howick Street is negligible.

5.2 Pedestrian Safety

It is unlikely that a significant volume of additional pedestrian activity will be generated across Stewart Street.

The existing pedestrian refuge facilities provided in the raised concrete medians on both sides of Howick Street are considered satisfactory to cater for any increase in pedestrian activity across Stewart Street associated with the subject Drive-Through Take-Away Food outlet.

6.0 SUMMARY AND RECOMMENDATION

6.1 Summary

1. The proposal involves development of a Drive-Through Take-Away Food on two properties currently occupied by an existing commercial usage and a heritage-listed dwelling on the northern side of Stewart Street in Bathurst.
2. Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS.
3. Traffic speeds on Stewart Street are relatively low given the 60km/h speed zone and short travel length between Howick Street and the signalised intersection with Durham Street, and between the signalised intersection with Keppel Street and Howick Street and the existence of numerous driveways along this length of Stewart Street.
4. Traffic volumes generated by the proposed development are estimated to be approximately 100 trips in the evening peak hour (of which approximately 50 trips would be additional and 50 from passing traffic), based on survey data suggested in the RTA Guide to Traffic Generating Developments for a KFC Drive-Through Take-Away Food outlet and experience with numerous other drive-in / take-away food outlets in NSW.
5. The effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible.
6. The volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity as agreed with Council. The proposed Taco Bell outlet will open at 10am. **(Refer to Drawing in Appendix D)**
7. Sight distances along Stewart Street exceed the requirements of Clause 3.2.4 of AS/NZS 2890.1 - 2004 in both directions and ensure traffic safety is not compromised at the proposed exit-only driveway location.
8. The proposed development includes 22 car parking spaces, including an accessible parking space. This complies with the requirement of Bathurst Regional DCP 2014 – Section 14 Parking.
9. Nine bicycle spaces will be provided onsite, in excess of Bathurst Regional DCP 2014 requirements.

6.2 Recommendation

I recommend the proposed Drive-Through Take Away food outlet development as a suitable development on the site as it would have no significant effect on traffic capacity, vehicular or pedestrian safety, degree of saturation or the level of service of Stewart Street (Great Western Highway), Howick Street or other streets in the Bathurst City area.

A handwritten signature in black ink, reading "B.J. Bradley". The signature is written in a cursive style with a large, stylized 'B' and 'J'.

B J Bradley BE (Civil) Grad Dip Man MIE Aust

7.0 APPENDICES

Appendix A - Site Photographs



Photo No. 1: Looking generally south-east along Howick Street towards Stewart Street from the showing the existing traffic environment and traffic control measures.



Photo No. 2: Looking generally north-west along Howick Street towards Stewart Street showing the existing traffic environment and traffic control measures. The site is partially visible on the opposite corner of the intersection.



Photo No. 3: Looking left (generally north-east) along Stewart Street near the existing access driveway that will be removed and replaced by a new exit-only driveway from the proposed drive-through take-away food outlet and showing the existing traffic environment.



Photo No. 4: Looking generally south-west along Stewart Street from the existing raised concrete median showing the approximate location of a new exit-only driveway for the proposed drive-through take-away food outlet, the existing traffic environment and available sight distance.

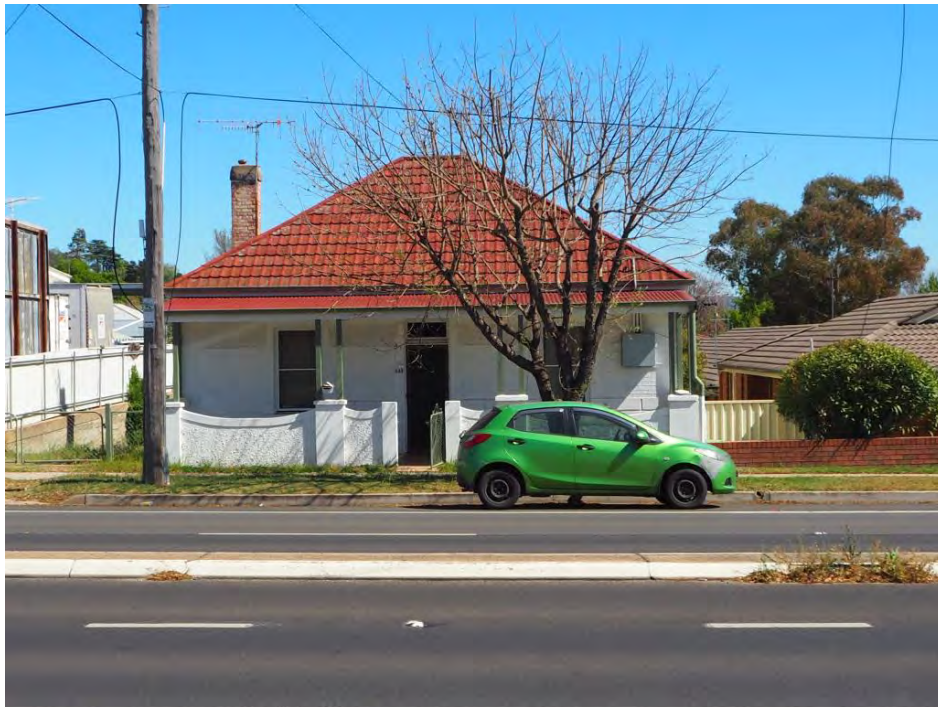


Photo No. 5: Looking generally south-west across Stewart Street showing the heritage-listed building that will incorporate the facade into the development and converted into office use.



Photo No. 6: Looking generally north across Stewart Street showing the existing development on the site of the proposed drive-in take-away outlet.

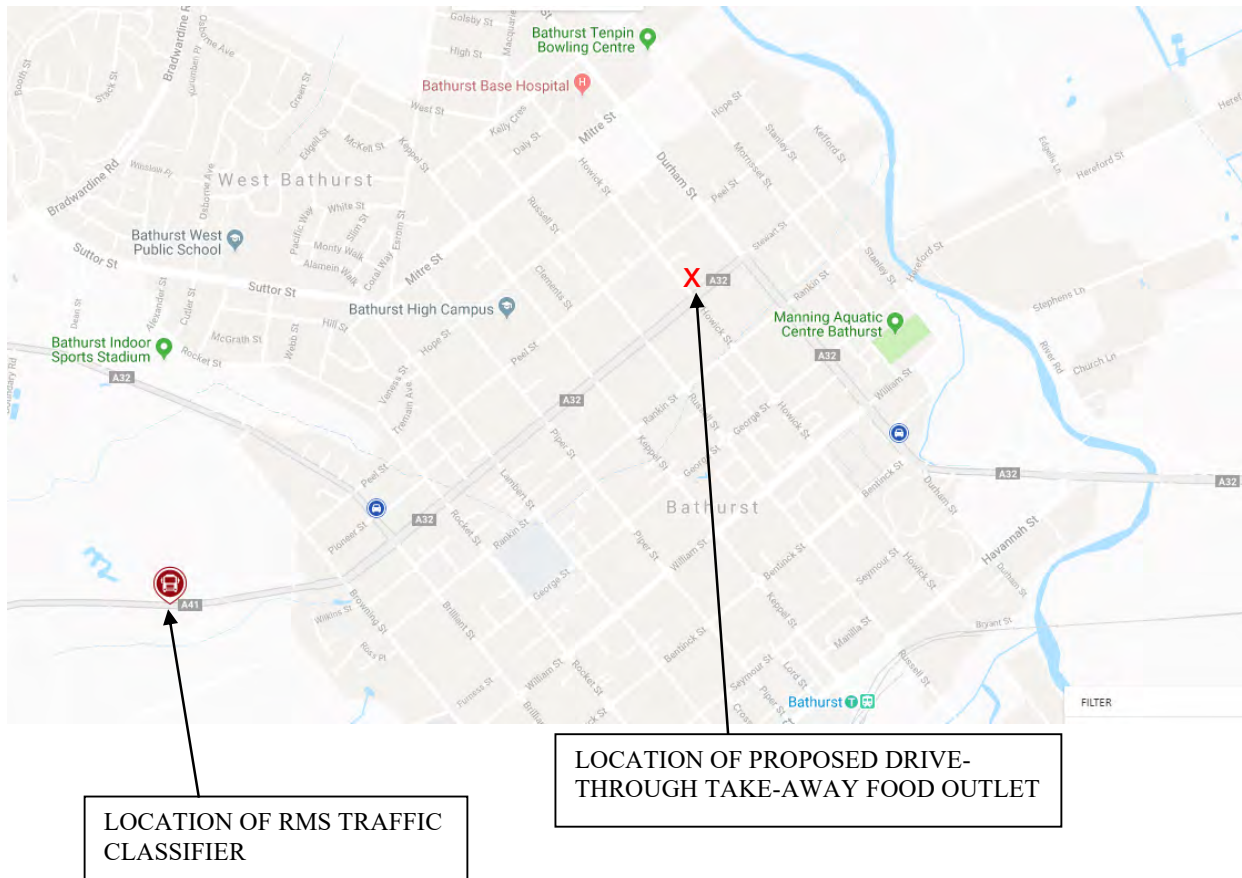


Photo No. 7: Looking generally north across Howick Street showing the existing driveway on the site to be utilised for the proposed drive-through take-away outlet.



Photo No. 8: Looking generally north-west along Howick Street from the existing driveway on the site showing street trees that could be trimmed slightly to enhance sight distance.

APPENDIX B – TRAFFIC VOLUME DATA ON GREAT WESTERN HIGHWAY (STEWART STREET)





Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound

Yearly Views Monthly Views Weekly Table Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2006	January	Eastbound	All Vehicles	1,504	12	8	7	4	5	12	32	56
2006	January	Eastbound	Heavy Vehicles	133	3	1	2	1	3	2	5	6
2006	January	Eastbound	Light Vehicles	1,386	11	7	6	4	3	10	29	51
2008	February	Eastbound	All Vehicles	2,150	7	6	6	3	5	29	96	141
2008	March	Eastbound	All Vehicles	2,010	7	6	5	5	7	25	76	111
2008	April	Eastbound	All Vehicles	1,979	6	5	5	4	7	26	84	115
2008	May	Eastbound	All Vehicles	1,882	6	5	4	5	8	26	78	106
2008	June	Eastbound	All Vehicles	1,795	7	5	4	4	8	22	68	99
2008	July	Eastbound	All Vehicles	1,857	5	6	5	4	7	26	71	103

Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound

Yearly Views Monthly Views Weekly Table Raw Data Table

07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
56	93	101	114	135	117	109	129	108	109	97	79	55	46
6	7	7	9	12	8	7	7	10	6	6	6	5	6
51	87	95	106	123	109	102	122	98	103	91	73	51	40
141	256	164	140	153	127	135	145	146	150	140	111	74	39
111	189	151	142	148	145	141	142	143	146	135	101	71	45
115	187	155	149	145	144	144	140	145	147	132	89	57	36
106	193	142	140	132	133	129	135	134	145	129	90	55	33
99	174	134	132	130	129	125	129	132	140	120	87	53	35
103	182	146	142	143	136	140	139	137	131	120	83	48	31

Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound

Yearly Views Monthly Views Weekly Table Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2008	August	Eastbound	All Vehicles	1,798	5	5	4	4	8	23	72	100
2008	September	Eastbound	All Vehicles	1,877	5	5	5	4	9	27	78	110
2008	October	Eastbound	All Vehicles	1,925	6	5	5	4	9	24	75	96
2008	November	Eastbound	All Vehicles	1,911	7	6	5	5	8	24	72	96
2008	December	Eastbound	All Vehicles	2,002	8	6	5	5	9	25	74	100
2009	January	Eastbound	All Vehicles	1,899	7	6	4	4	9	26	69	92
2009	January	Eastbound	Heavy Vehicles	200	3	3	2	2	2	6	9	10
2009	January	Eastbound	Light Vehicles	1,721	6	5	4	3	7	21	62	83
2009	February	Eastbound	All Vehicles	2,000	9	6	5	5	10	29	85	114

Stewart Street (99847) Data

01/01/2006 - 17/03/2009				All Days		00:00 - 24:00		All Vehicles		Eastbound		Reset			
Yearly Views				Monthly Views				Weekly Table				Raw Data Table			
08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	
186	141	132	131	125	129	129	128	136	118	83	53	32	28	26	
206	146	131	131	127	127	135	136	139	125	89	53	35	26	26	
189	145	136	145	134	136	132	139	139	127	101	69	41	33	33	
194	144	139	139	129	125	136	133	141	126	103	70	41	32	32	
184	159	153	154	139	137	138	142	137	127	100	70	46	37	37	
163	142	147	147	139	136	136	134	129	124	90	65	47	40	40	
13	12	13	13	14	12	12	14	12	9	8	7	7	7	7	
151	130	134	134	126	125	124	121	118	116	83	58	41	34	34	
210	149	136	135	129	130	135	141	143	128	103	72	47	37	37	

Stewart Street (99847) Data

01/01/2006 - 17/03/2009

All Days

00:00 - 24:00

All Vehicles

Eastbound

Reset

Yearly Views

Monthly Views

Weekly Table

Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2009	January	Eastbound	All Vehicles	1,899	7	6	4	4	9	26	69	92
2009	January	Eastbound	Heavy Vehicles	200	3	3	2	2	2	6	9	10
2009	January	Eastbound	Light Vehicles	1,721	6	5	4	3	7	21	62	83
2009	February	Eastbound	All Vehicles	2,000	9	6	5	5	10	29	85	114
2009	February	Eastbound	Heavy Vehicles	237	3	3	2	2	2	6	10	13
2009	February	Eastbound	Light Vehicles	1,777	6	4	4	4	9	24	76	102
2009	March	Eastbound	All Vehicles	2,026	7	7	5	5	9	27	76	112
2009	March	Eastbound	Heavy Vehicles	238	3	3	3	2	2	7	10	12
2009	March	Eastbound	Light Vehicles	1,812	6	5	3	4	8	22	68	101

Stewart Street (99847) Data

01/01/2006 - 17/03/2009		All Days		00:00 - 24:00			All Vehicles			Eastbound			Reset
Yearly Views			Monthly Views					Weekly Table			Raw Data Table		
08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
163	142	147	147	139	136	136	134	129	124	90	65	47	40
13	12	13	13	14	12	12	14	12	9	8	7	7	7
151	130	134	134	126	125	124	121	118	116	83	58	41	34
210	149	136	135	129	130	135	141	143	128	103	72	47	37
17	16	16	17	16	15	15	16	15	11	10	8	7	7
194	133	120	118	114	116	120	126	128	118	94	65	40	30
200	147	147	141	143	143	142	144	144	132	101	71	48	37
17	15	14	15	16	16	15	16	16	12	11	8	8	6
185	133	133	126	127	128	128	130	129	121	91	64	41	31

Stewart Street (99847) Data

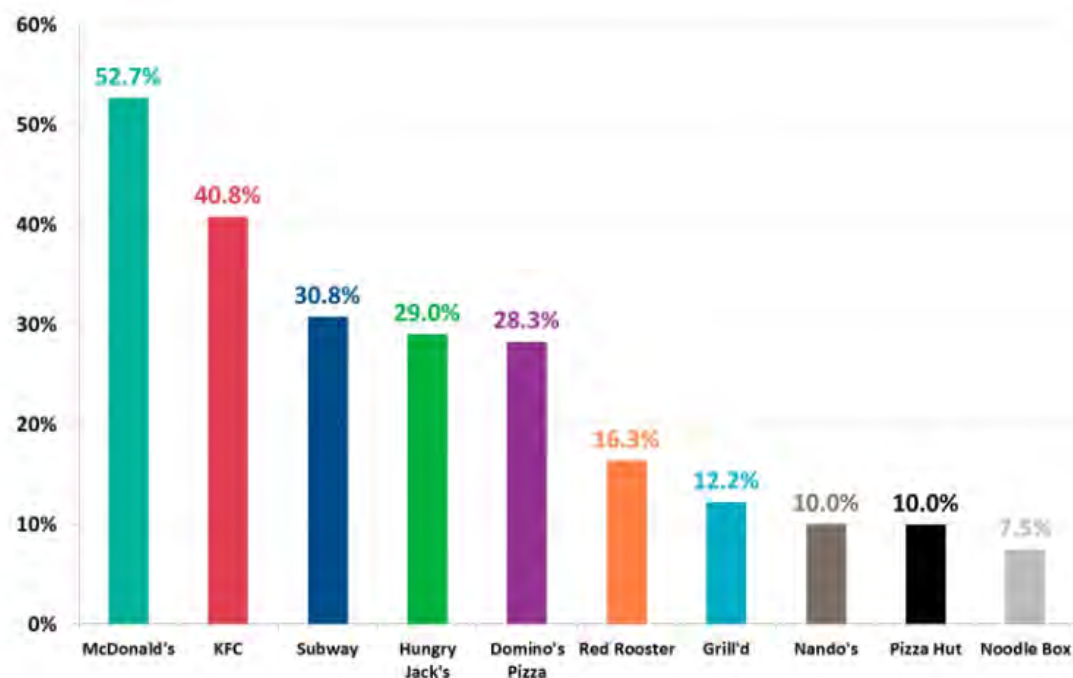
01/01/2006 - 17/03/2009			All Days			00:00 - 24:00			All Vehicles			Eastbound			Reset	
Yearly Views			Monthly Views				Weekly Table				Raw Data Table					
YEAR	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00				
2006	Eastbound	All Vehicles	1,504	12	8	7	4	5	12	32	56	93				
2006	Eastbound	Heavy Vehicles	133	3	1	2	1	3	2	5	6	7				
2006	Eastbound	Light Vehicles	1,386	11	7	6	4	3	10	29	51	87				
2008	Eastbound	All Vehicles	1,904	6	5	5	4	8	25	75	104	189				
2009	Eastbound	All Vehicles	1,965	8	6	5	5	9	27	77	105	189				
2009	Eastbound	Heavy Vehicles	219	3	3	2	2	2	6	9	11	15				
2009	Eastbound	Light Vehicles	1,765	6	5	4	4	8	22	68	94	175				

Stewart Street (99847) Data

01/01/2006 - 17/03/2009				All Days				00:00 - 24:00				All Vehicles				Eastbound				Reset	
Yearly Views				Monthly Views				Weekly Table				Raw Data Table									
09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00								
101	114	135	117	109	129	108	109	97	79	55	46	33	24								
7	9	12	8	7	7	10	6	6	6	5	6	7	4								
95	106	123	109	102	122	98	103	91	73	51	40	28	21								
146	140	140	134	133	136	137	140	126	92	60	37	30	21								
145	143	141	136	135	137	139	138	127	98	69	47	38	26								
14	14	15	15	14	14	15	14	10	9	8	7	7	6								
132	129	126	122	122	124	125	124	118	89	62	41	32	21								

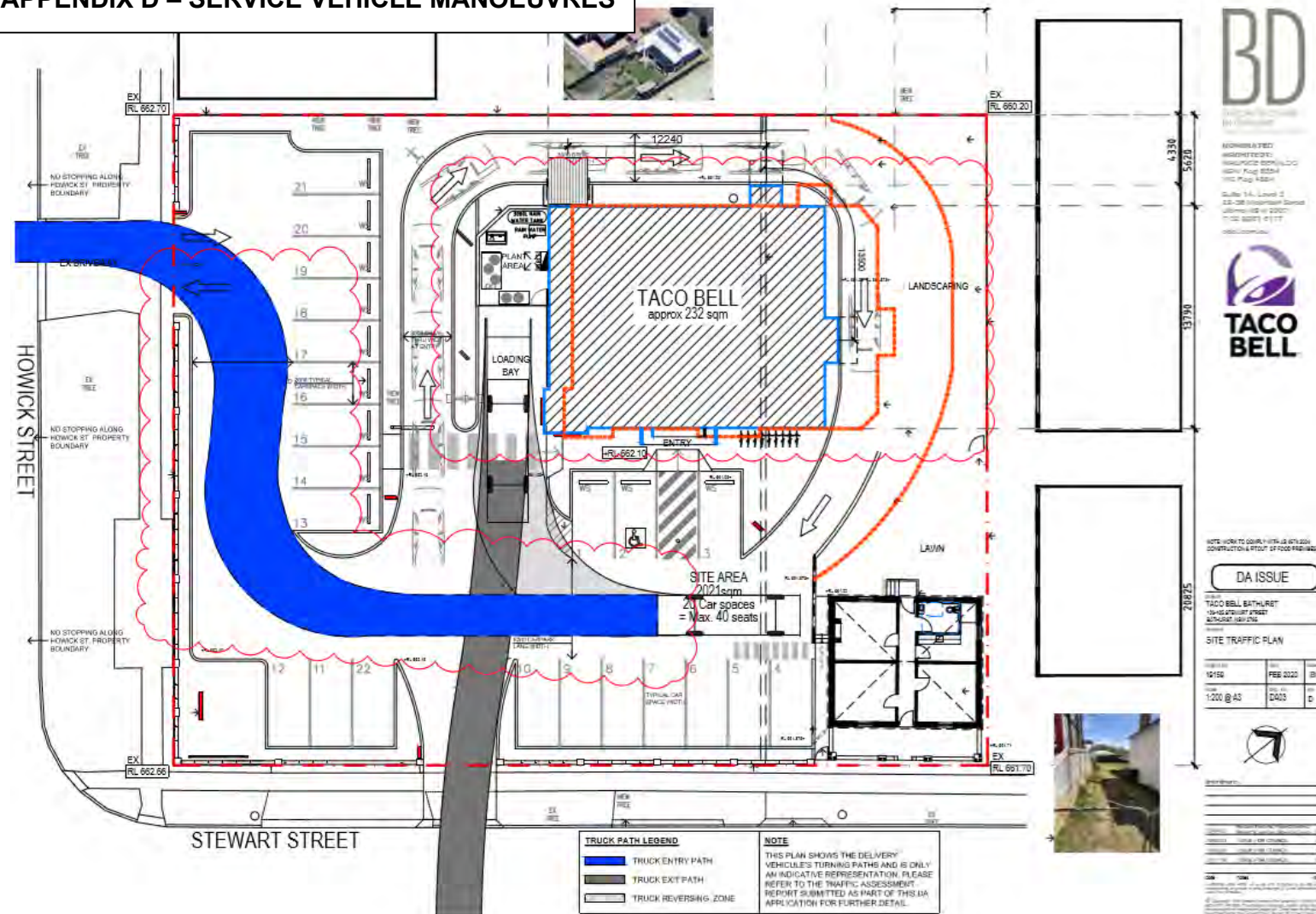
APPENDIX C – Ranking of Most Popular Take-Away Food Outlets in Australia

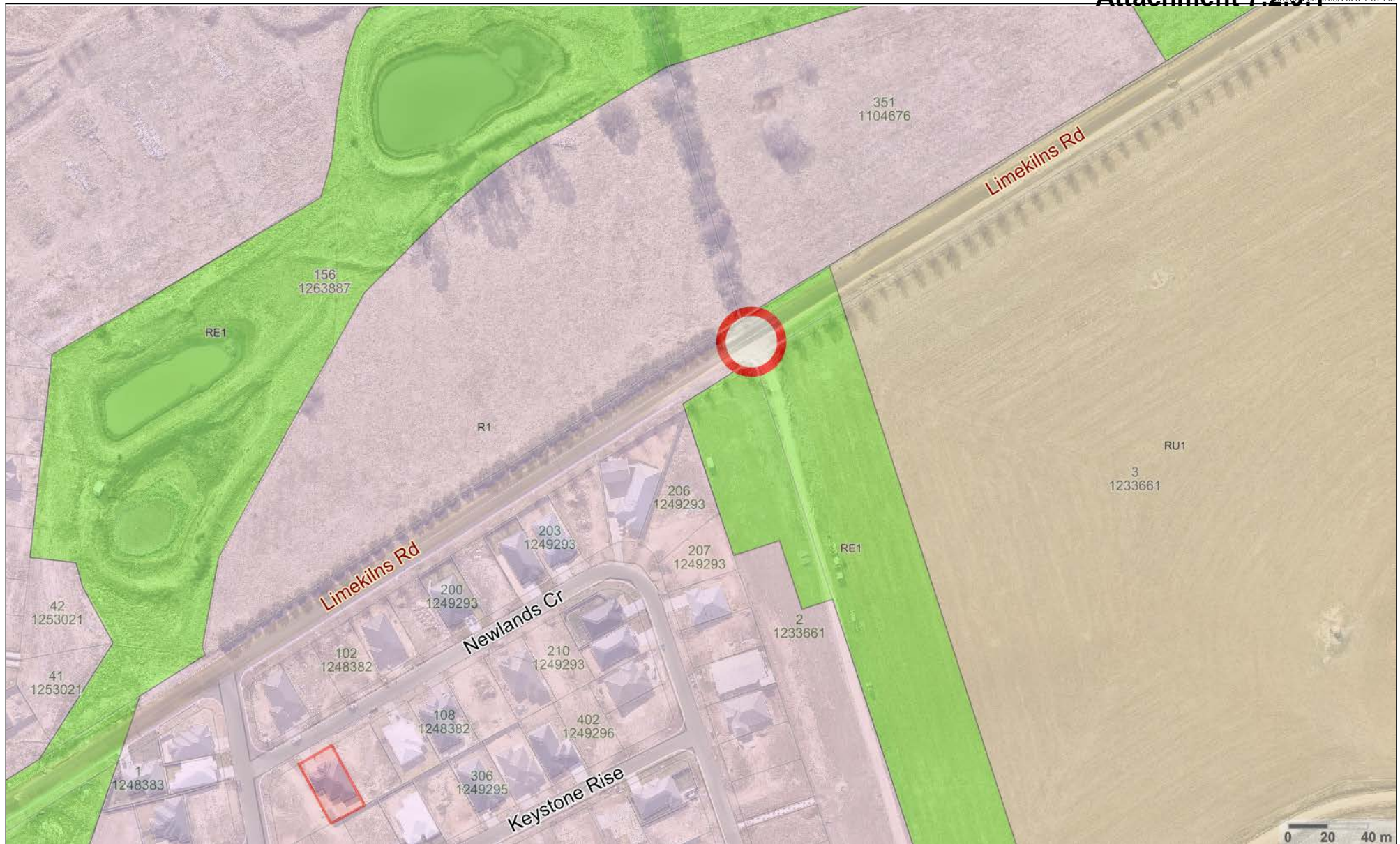
Below are the ten most popular fast food brands in Australia, ranked by visitations in the past six months:



(Source – Google)

APPENDIX D – SERVICE VEHICLE MANOEUVRES





BATHURST REGIONAL COUNCIL

Bathurst Regional Council
PMB 17
158 Russell Street
BATHURST NSW 2795
Telephone: 02 6333 6111
Fax: 02 6331 7211
Email: council@bathurst.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Drawn By: Wayne McDonald

Date: 4/08/2020

Projection: GDA94 / MGA zone 55

Map Scale: 1:2500 @ A4

DEVELOPMENT APPLICATION ISSUE
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BATHURST
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2019/140

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30 July 2019
Per: JM



LEGEND

- S — EXISTING SEWER MAIN
- SW — EXISTING STORMWATER MAIN
- W — EXISTING POTABLE WATER MAIN
- RW — EXISTING NON-POTABLE WATER MAIN
- E — EXISTING OVERHEAD POWER
- UG — EXISTING UNDERGROUND POWER
- T — EXISTING TELSTRA CABLES

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SURVEY: C.J.A. DATE: MAR. 2019		SCALES: 30 0 30 60 90 120 150m		CLIENT: MR GREG CUTLER		PROJECT: PROPOSED SUBDIVISION LOT 2 & 3 D.P. 1233661 240 LIMEKILNS ROAD, KELSO		Sheet No. I of II Sheets
DESIGN: B.G. DATE: APR. 2019		SCALE 1:3000 (A1) 1:6000 (A3)		JOB No. 18-060		DRAWING No. 18060DAI-DA01		REV. B
DRAWN BY: B.G. DATE: APR. 2019		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.		DRAWING TITLE: EXISTING BOUNDARIES				
CHECKED BY: R.A.H. DATE:		HEATH CONSULTING ENGINEERS		35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800		Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		
No. DATE AMENDMENT DESCRIPTION APP'D								
B 02/05/19 AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA R.A.H.								
A 08/04/19 ISSUED FOR DEVELOPMENT APPLICATION R.A.H.								

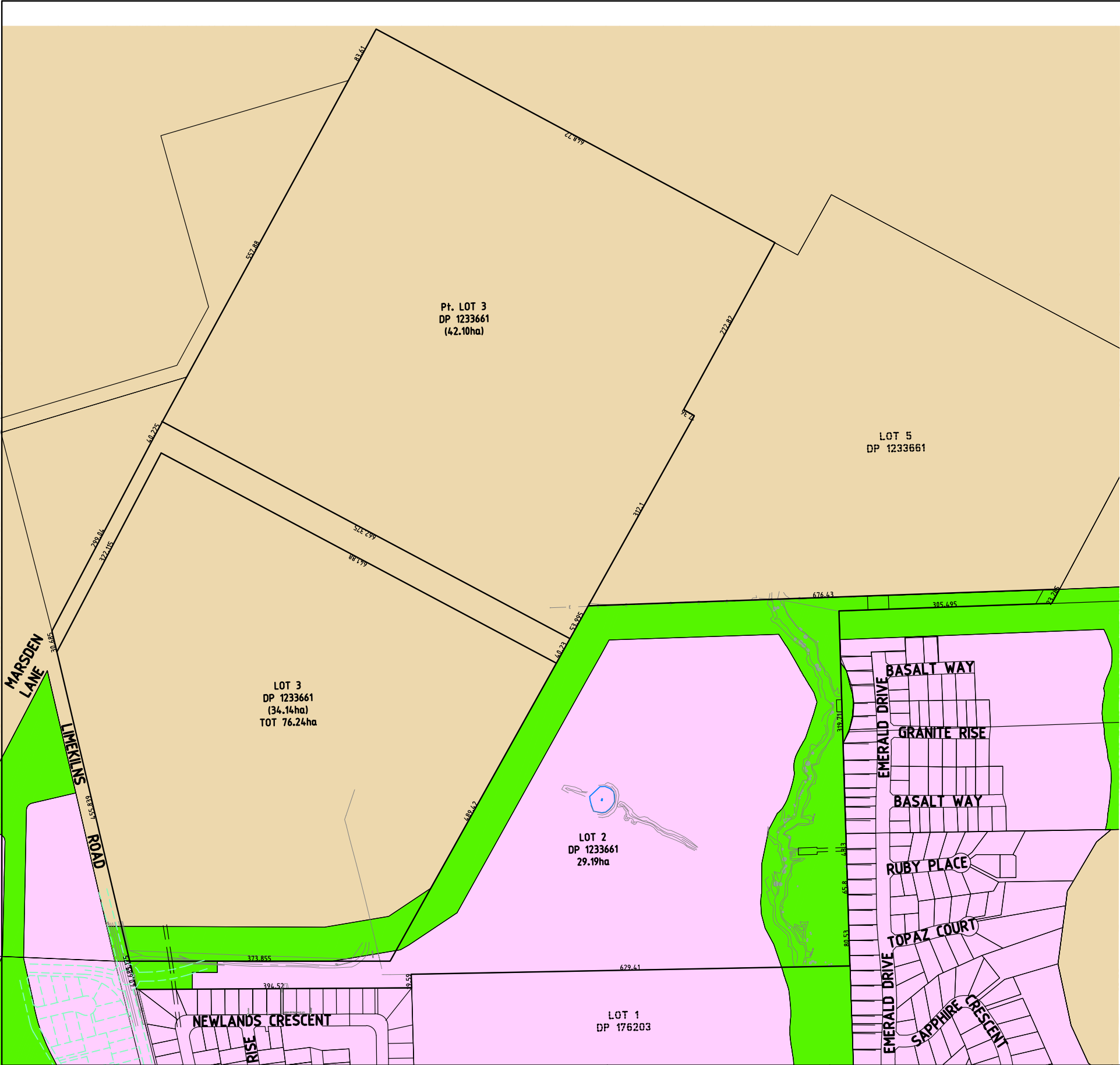
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- LEP R1 ZONING
- LEP RE1 ZONING
- LEP RU1 ZONING



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LEGEND

- EXISTING SEWER MAIN
- EXISTING STORMWATER MAIN
- EXISTING POTABLE WATER MAIN
- EXISTING NON-POTABLE WATER MAIN
- EXISTING OVERHEAD POWER
- EXISTING UNDERGROUND POWER
- EXISTING TELSTRA CABLES

				SURVEY: C.J.A. DATE: MAR. 2019		SCALES: 		 HEATH CONSULTING ENGINEERS <small>HENGLCON PTY LTD ACN 103 442 342</small>		CLIENT: MR GREG CUTLER		PROJECT: PROPOSED SUBDIVISION LOT 2 & 3 D.P. 1233661 240 LIMEKILNS ROAD, KELSO		Sheet No. 2 of 11 Sheets			
				DESIGN: B.G. DATE: APR. 2019													
				DRAWN BY: B.G. DATE: APR. 2019		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.		35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800 Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		JOB No. 18-060		DRAWING No. 18060DAI-DA02		DRAWING TITLE: EXISTING ZONING		REV. B	
				CHECKED BY: DATE:													

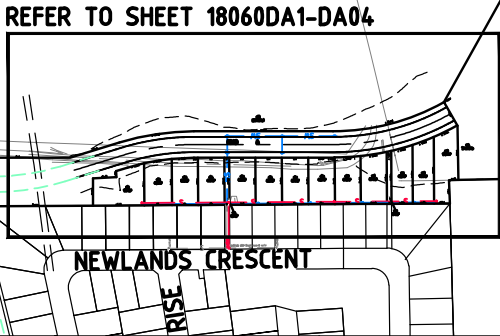
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- LEGEND**
- S — EXISTING SEWER MAIN
 - SW — EXISTING STORMWATER MAIN
 - W — EXISTING POTABLE WATER MAIN
 - NW — EXISTING NON-POTABLE WATER MAIN
 - E — EXISTING OVERHEAD POWER
 - UG — EXISTING UNDERGROUND POWER
 - T — EXISTING TELSTRA CABLES
 - — PROPOSED KERB & GUTTER

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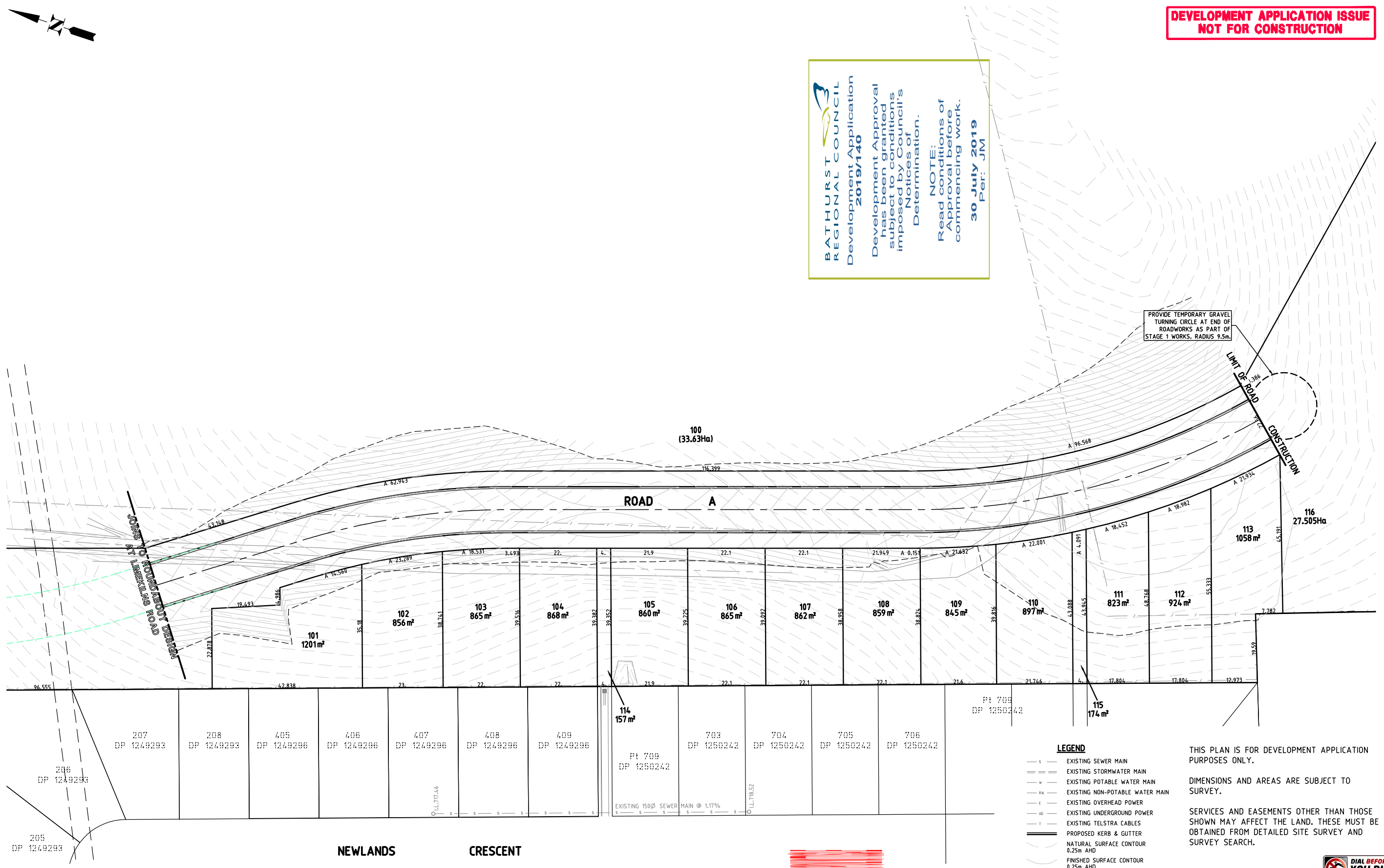
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DESIGN: B.G. DATE: APR. 2019		DRAWN BY: B.G. DATE: APR. 2019		JOB No. 18-060		DRAWING No. 18060DAI-DA03		REV. B
CHECKED BY: R.A.H. DATE: APR. 2019		APP'D: R.A.H.		DRAWING TITLE: PROPOSED BOUNDARIES STAGE I SHEET A				
No. DATE AMENDMENT DESCRIPTION		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.		35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800		Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		

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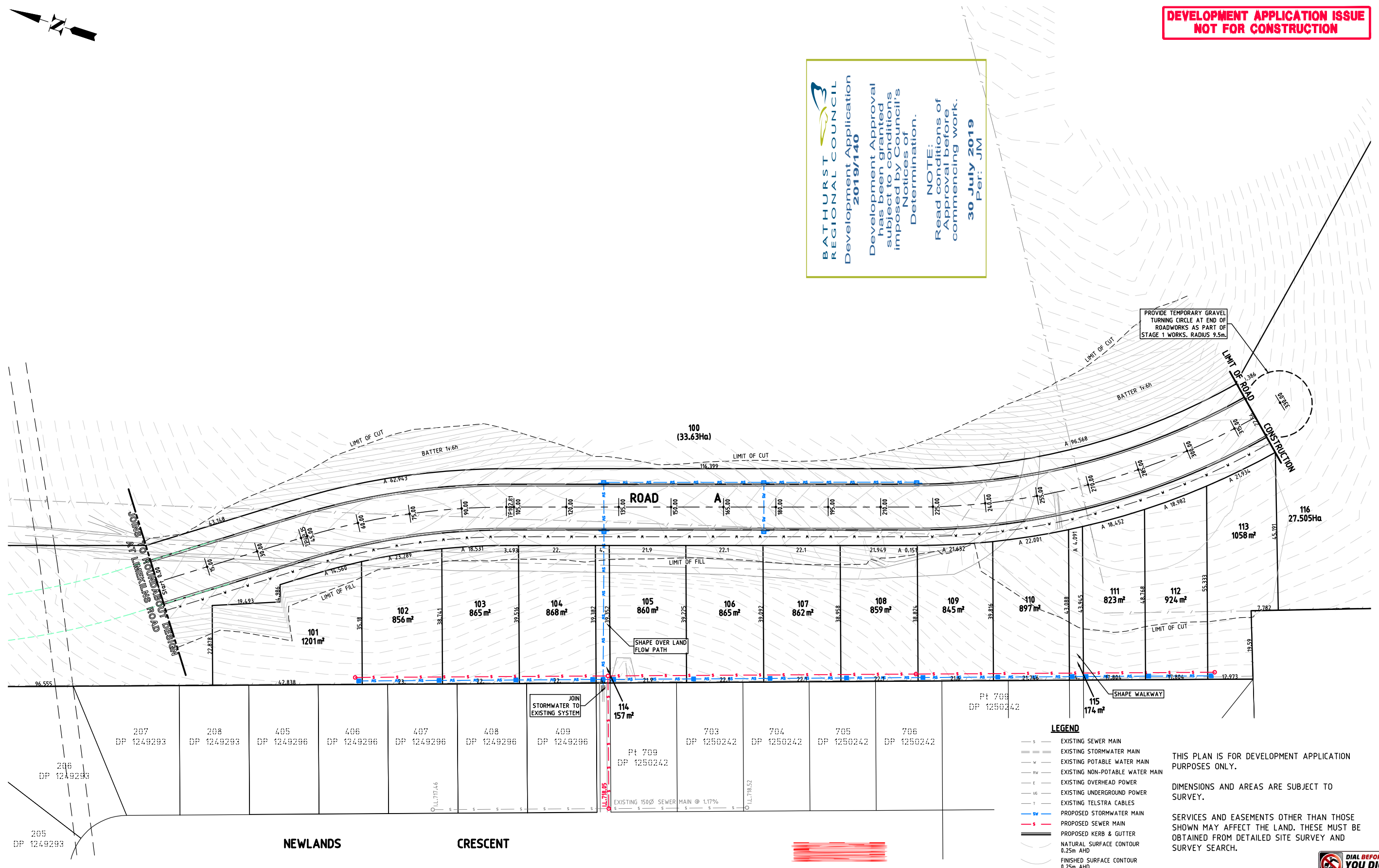
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			DESIGN: B.G. DATE: APR. 2019			This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.	351 SUMMER STREET PO BOX 2501 ORANGE NSW 2800		Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		JOB No. 18-060		DRAWING No. 18060DAI-DA04		DRAWING TITLE: PROPOSED BOUNDARIES STAGE I SHEET B		REV. B	
			DRAWN BY: B.G. DATE: APR. 2019															
			CHECKED BY: DATE:															
8 02/05/19 AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA R.A.H. A 08/04/19 ISSUED FOR DEVELOPMENT APPLICATION R.A.H. No DATE AMENDMENT DESCRIPTION APP'D																		



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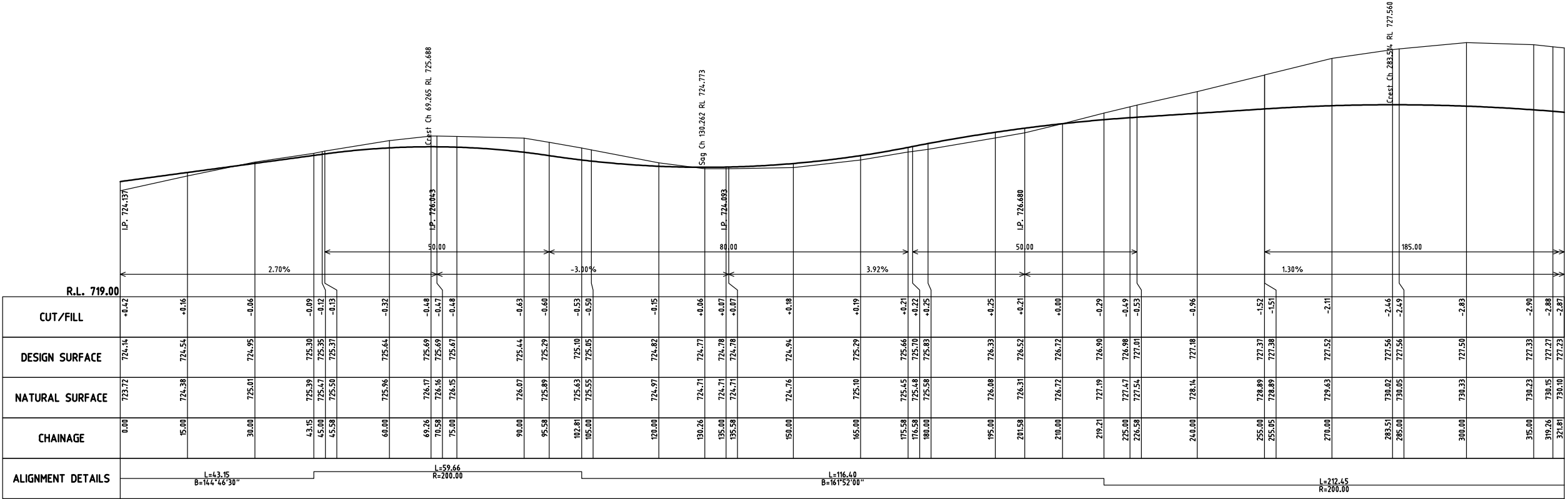
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			DESIGN: B.G. DATE: APR. 2019				JOB No. 18-060	DRAWING No. 18060DAI-DA05	DRAWING TITLE: PROPOSED SERVICING LAYOUT STAGE 1		REV. B
			DRAWN BY: B.G. DATE: APR. 2019				This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.				
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B 02/05/19 AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA A 08/04/19 ISSUED FOR DEVELOPMENT APPLICATION No DATE AMENDMENT DESCRIPTION APP'D											

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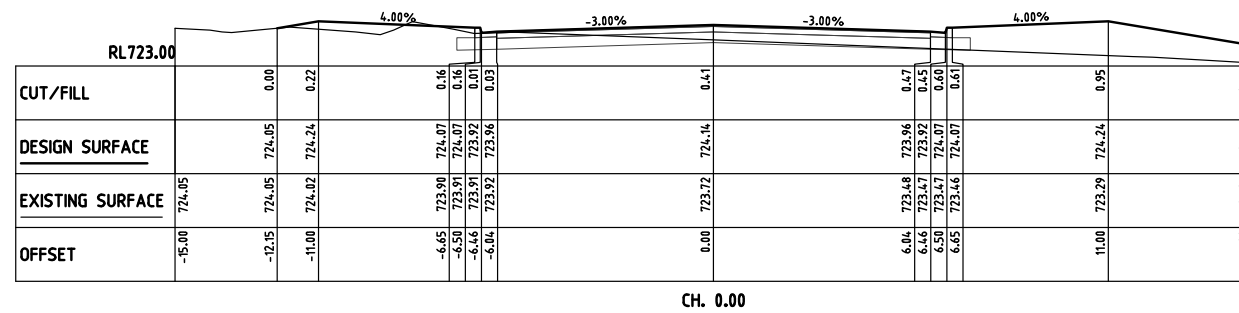
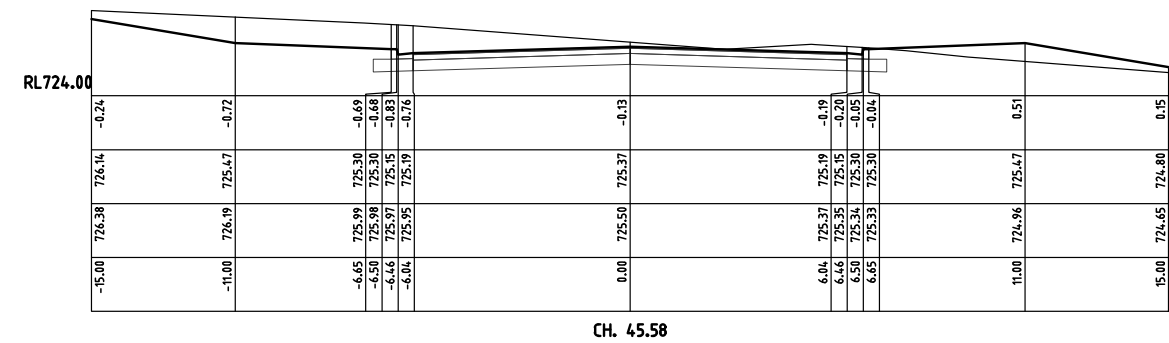
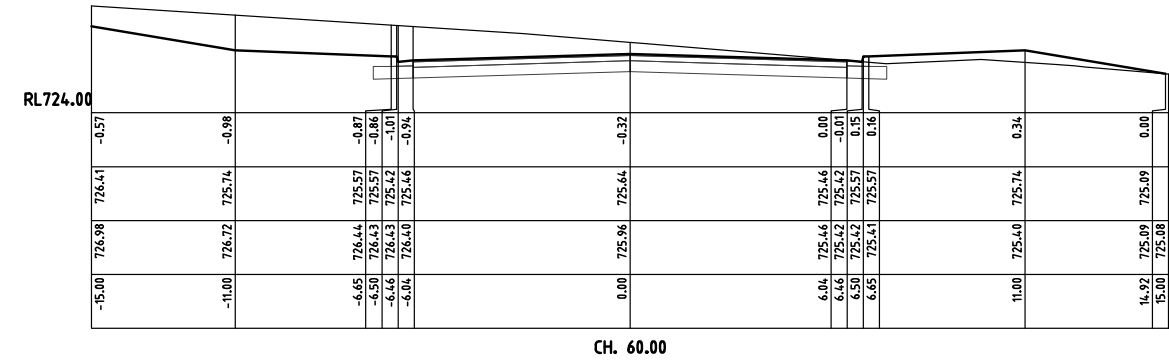
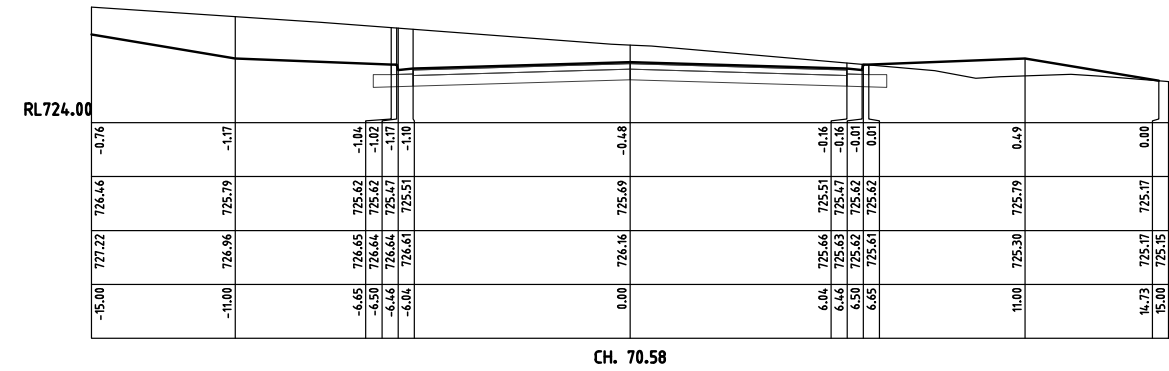
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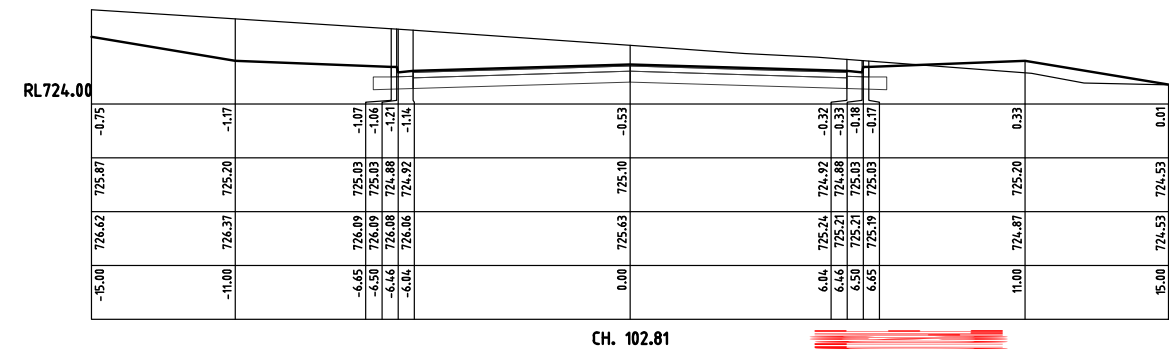
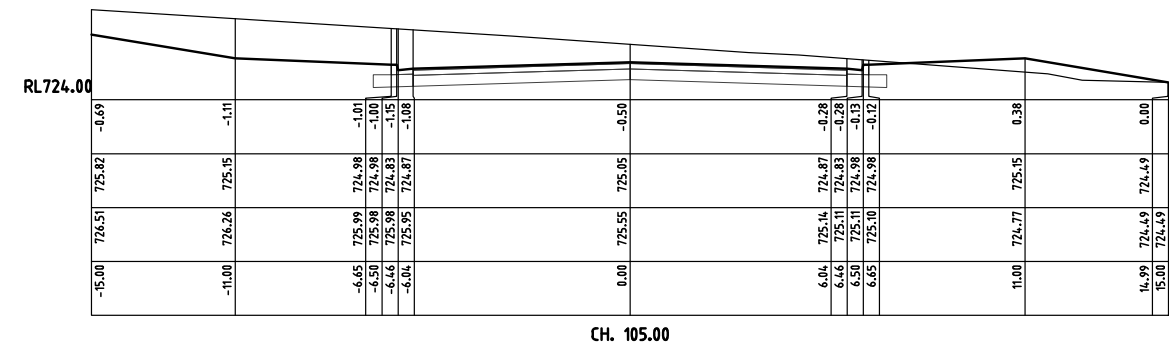
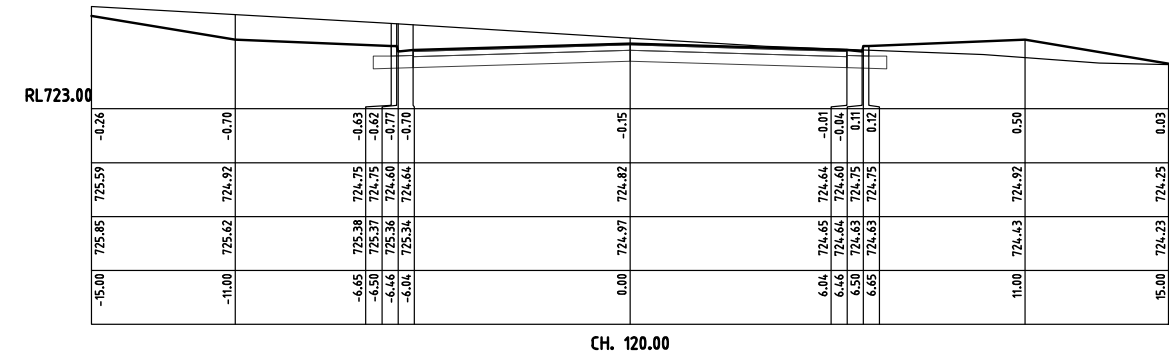
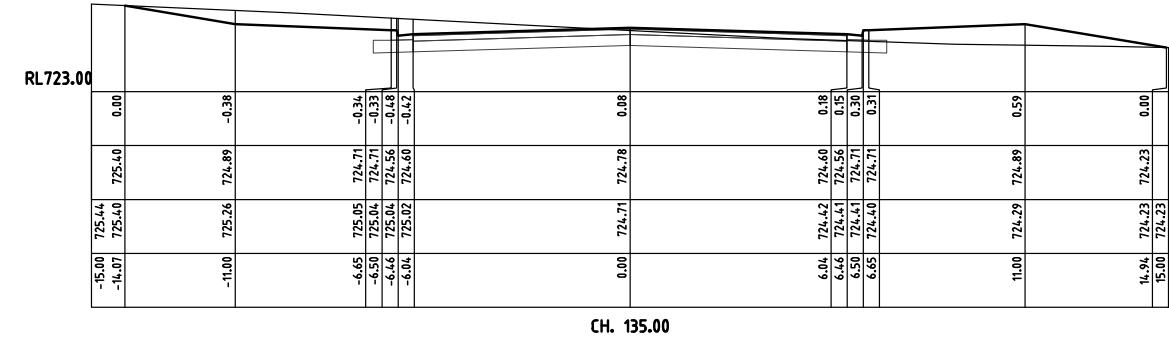




LONGITUDINAL SECTION - ROAD A CH. 0.000 TO CH. 321.806

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				DESIGN: B.G.		DATE: APR. 2019																			
				DRAWN BY: B.G.		DATE: APR. 2019		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.				35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800				Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		JOB No. 18-060		DRAWING No. 18060DAI-DA06		DRAWING TITLE: LONGITUDINAL SECTION ROAD A C.H. 0.00 TO C.H. 321.81		REV. B	
B 02/05/19 AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA R.A.H.																									
A 08/04/19 ISSUED FOR DEVELOPMENT APPLICATION R.A.H.																									
No. DATE AMENDMENT DESCRIPTION APP'D				CHECKED BY:		DATE:																			



**DIAL BEFORE
YOU DIG**



			SURVEY: C.J.A. DATE: MAR. 2019			 HEATH CONSULTING ENGINEERS <small>HENGCOON PTY LTD ACN 103 456 346</small>	CLIENT: MR GREG CUTLER		PROJECT: PROPOSED SUBDIVISION LOT 2 & 3 D.P. 1233661 240 LIMEKILNS ROAD, KELSO		Sheet No. 8 of 11 Sheets	
			DESIGN: B.G. DATE: APR. 2019				JOB No. 18-060		DRAWING No. 18060DAI-DA08		REV. B	
			DRAWN BY: B.G. DATE: APR. 2019				351 SUMMER STREET PO BOX 2501 ORANGE NSW 2800 Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		DRAWING TITLE: CROSS SECTIONS ROAD A C.H. 72.98 TO C.H. 135.00			
			CHECKED BY: B.G. DATE: APR. 2019		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. If must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.							
B 02/05/19 AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA A 08/04/19 ISSUED FOR DEVELOPMENT APPLICATION			R.A.H. R.A.H.									
No. DATE AMENDMENT DESCRIPTION			APP'D									

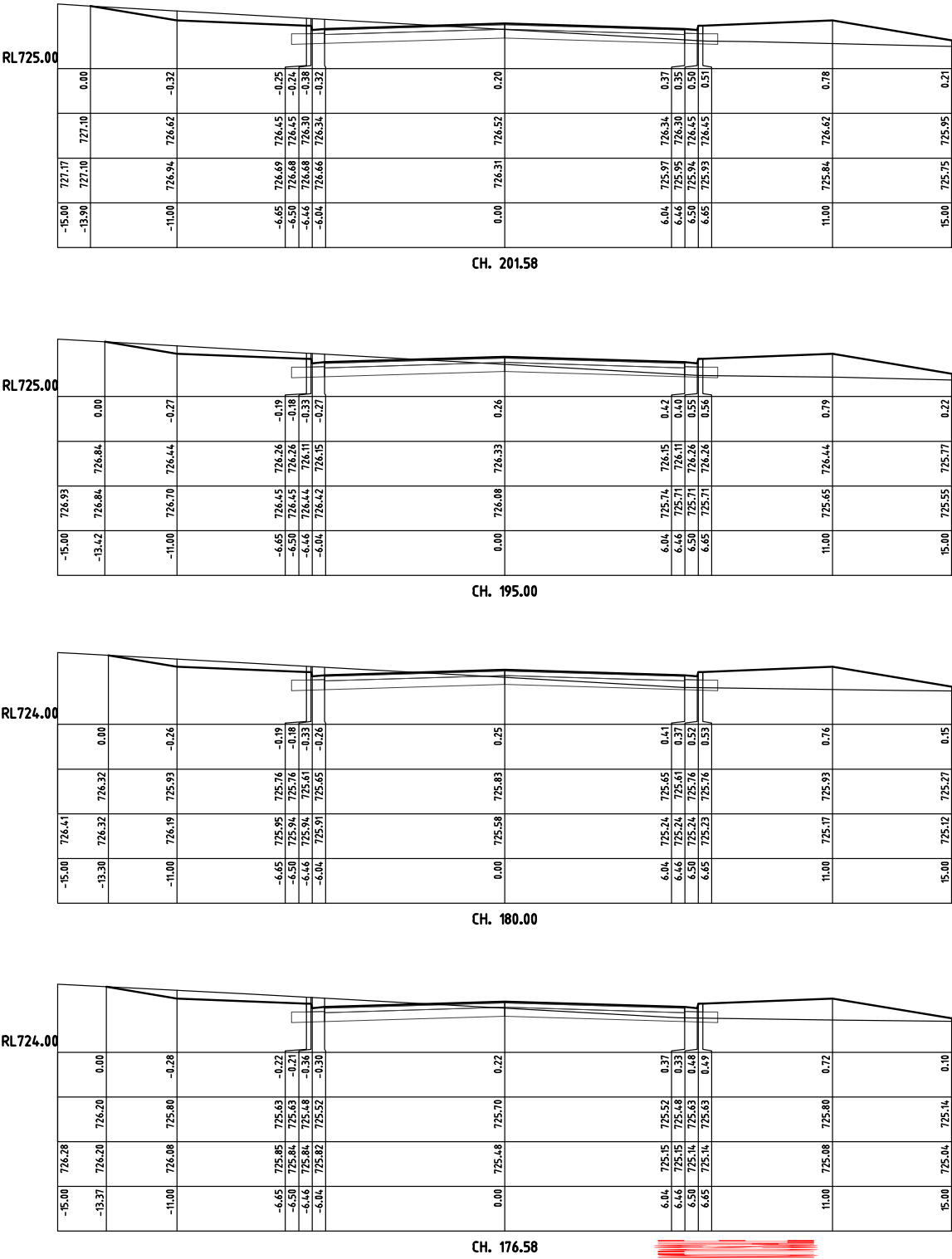
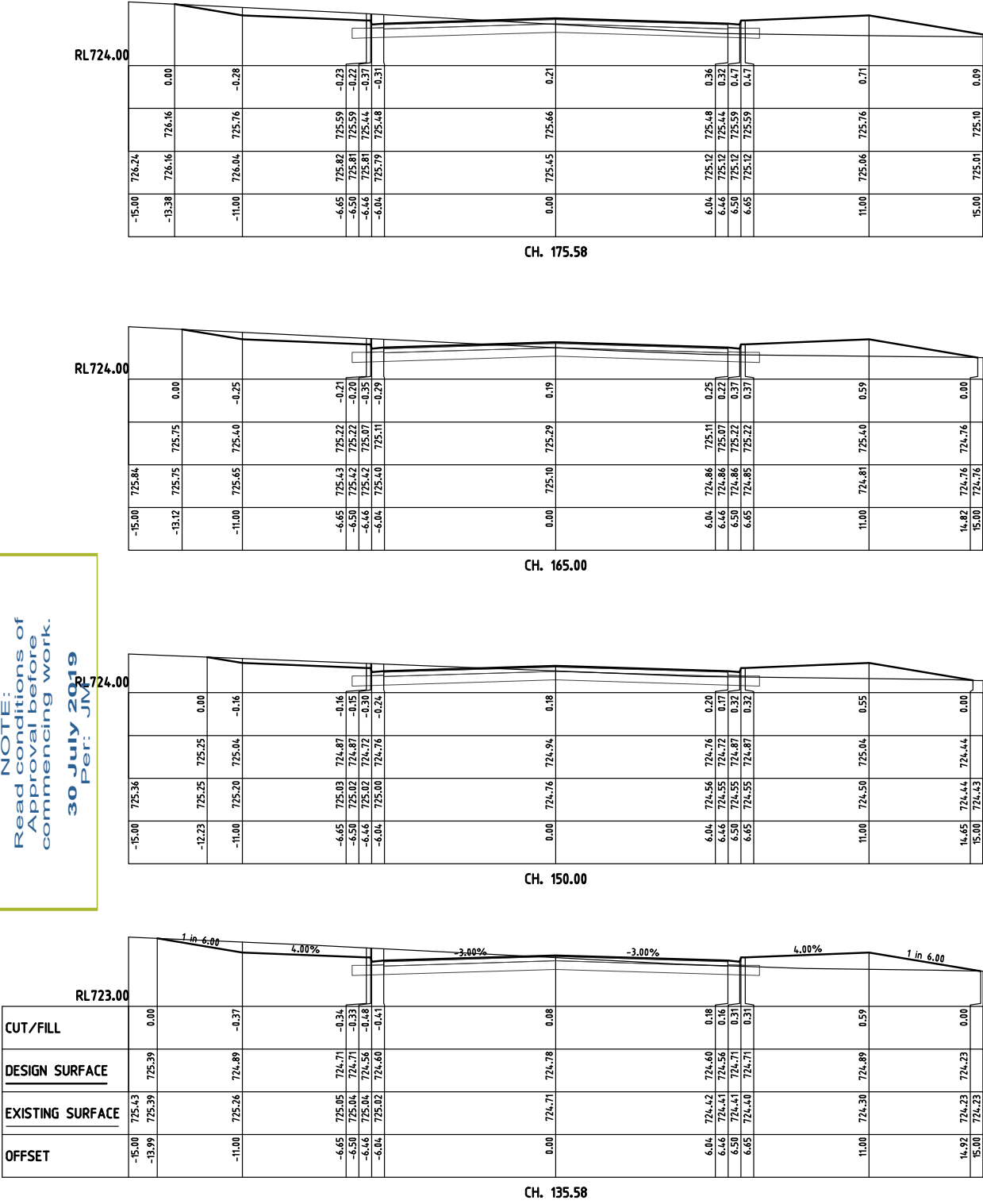
DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

BATHURST REGIONAL COUNCIL
Development Application
2019/140

Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

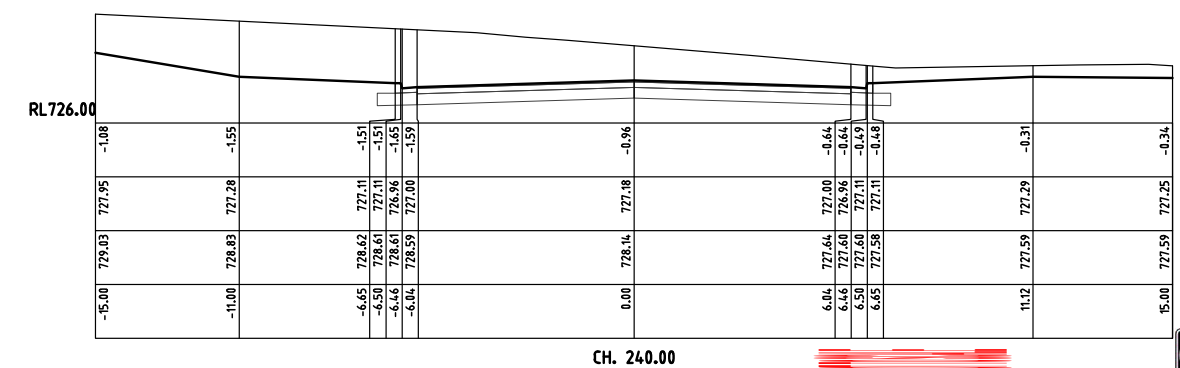
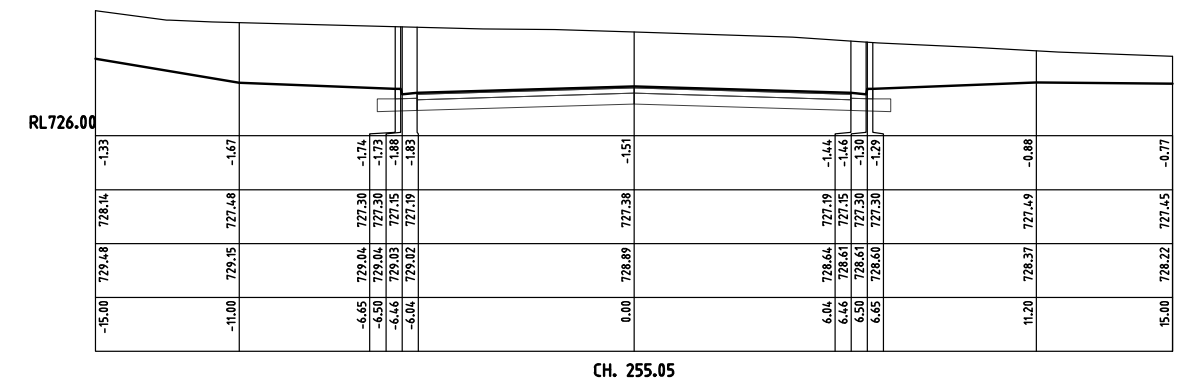
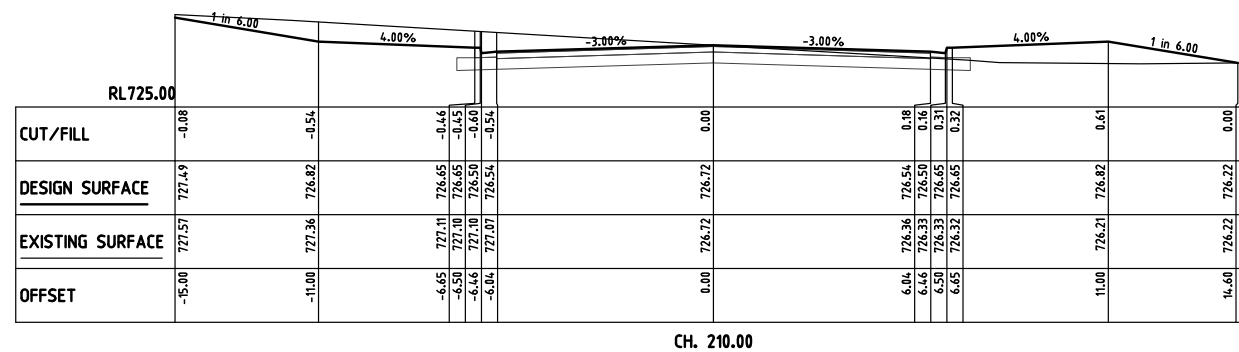
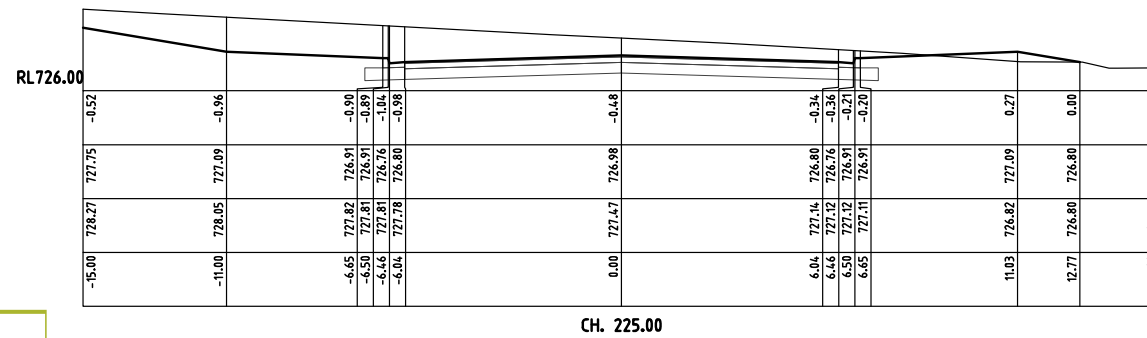
NOTE:
Read conditions of Approval before commencing work.

30 July 2019
Per: JNV





No.		DATE	AMENDMENT DESCRIPTION	R.A.H.	APP'D
B	02/05/19	AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA		R.A.H.	
A	08/04/19	ISSUED FOR DEVELOPMENT APPLICATION		R.A.H.	
			SURVEY:	C.J.A.	DATE: MAR. 2019
			DESIGN:	B.G.	DATE: APR. 2019
			DRAWN BY:	B.G.	DATE: APR. 2019
			CHECKED BY:		DATE:
			This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.		
			35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800		
			Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com		
			CLIENT: MR GREG CUTLER		
			PROJECT: PROPOSED SUBDIVISION LOT 2 & 3 D.P. 1233661 240 LIMEKILNS ROAD, KELSO		
			DRAWING TITLE: CROSS SECTIONS ROAD A C.H. 135.58 TO C.H. 201.58		
			Sheet No. 9 of 11 Sheets		
			REV. B		

NOTE:
Read conditions of
Approval before
commencing work.



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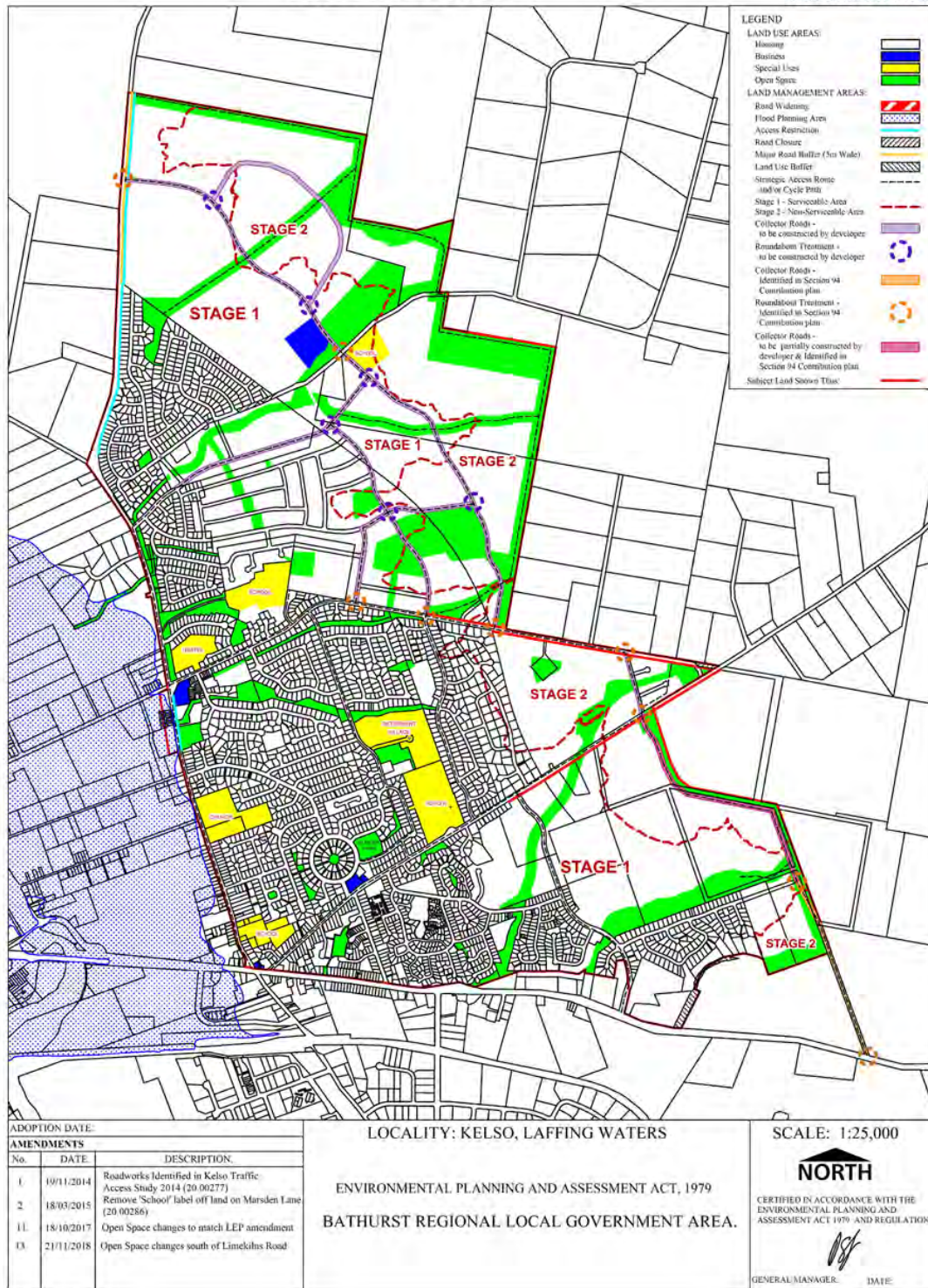
				SURVEY: C.J.A. DATE: MAR. 2019		SCALES:  HORIZONTAL & VERTICAL SCALE 1:100 (A3) 1:200 (A3)	 HEATH CONSULTING ENGINEERS <small>HEATHCONS PTY LTD ACN 103 466 345</small>	CLIENT: MR GREG CUTLER		PROJECT: PROPOSED SUBDIVISION LOT 2 & 3 D.P. 1239661 240 LIMEKILNS ROAD, KELSO		Sheet No. 11 of 11 Sheets	
				DESIGN: B.G. DATE: APR. 2019				This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is supplied. It must not be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.	35 I SUMMER STREET PO BOX 2501 ORANGE NSW 2800 Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@heathce.com	JOB No. 18-060	DRAWING No. 18060DAI-DALL	DRAWING TITLE: CROSS SECTIONS ROAD A C.H. 285.00 TO C.H. 321.81	REV. B
				DRAWN BY: B.G. DATE: APR. 2019									
				CHECKED BY: _____ DATE: _____									
B	02/05/19	AMENDED LAYOUT TO SUIT ADJOINING & ISSUED FOR DA	R.A.H.										
A	08/04/19	ISSUED FOR DEVELOPMENT APPLICATION	R.A.H.										
NO	DATE	AMENDMENT DESCRIPTION	APP'D										

Bathurst Regional Development Control Plan 2014

MAP No 4 – KELSO

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014

MAP No. 4 - KELSO





Section 94 Development Contributions Plan

Roadworks - New Residential Subdivisions

AMENDMENT 4

Adopted: 9 December 2015
Effective Date: 20 September 2014

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PART A: SUMMARY SCHEDULES

Schedule 1 Road Construction

Identifier	Location	Description of works	Distance	Rate (\$ / Metre)	Estimated Cost	Completion rate
R1 (Map 1)	Durham Street Between Stewart and Esrom Street	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R2	Eglinton Road Between Esrom Street and Bradwardine Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Not commenced
R3	Eglinton Road Between Bradwardine road and Rankins Bridge	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R4	Bradwardine Road Between Eglinton Road and Suttor Street	Full width road construction to enable 4 lane carriageway.	1900m	\$1245	\$2,661,188	Not commenced
R5	Bradwardine Road Between Suttor Street and Mitchell Highway	Full width road construction to enable 4 lane carriageway.	700m	\$2101	\$1,470,656	Not commenced
R6	Ophir Road (Extension) Between Rankins Bridge and Ophir Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Commenced. 110m constructed as 2 lane carriageway.

R7	Alexander Street (Eglinton) Between Cottonwood Drive and Park Street	Half width road construction to enable 2 lane carriageway.	450m	\$1401	\$630,281	Not commenced
R8	Eleven Mile Drive Between Saltram Creek and Hamilton Street	Half width road construction to enable 2 lane carriageway.	200m	\$1401	\$280,125	Not commenced
R9 (Map 2)	Hereford Street. Between Gilmour Street and low level bridge.	Full width road construction to enable 4 lane carriageway.	1,560m	\$1319	\$2,056,429	Not commenced
R10	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 5 metres. A 43m section on the southern side of George Street extending the kerbside lane to the eastern side of the access to the Elizabeth Street Carpark.	43m	\$1283	\$55,141	Not commenced.
R11	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 8 metres. A 250m section on the southern side of George Street extending the kerbside lane from the eastern side of the access to	250m	\$1283	\$320,530	Not commenced.

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Roadworks – New Residential Subdivisions

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		the Elizabeth Street Carpark to Stanley Street.				
R12	Link road K Between Emerald Drive and Great Western Highway	Full width road construction to enable 2 lane carriageway.	970m	\$1834	\$1,779,271	Not commenced
R13	Link Road K Between western boundary of Lot 1 DP 176203 and southern side of the extension of Emerald Drive	Partial road construction to enable 2 lane collector carriageway.	580m	\$551 (30% of full road construction)	\$319,529	Not commenced

Schedule 2 Intersection Construction

Identifier	Location	Description of works	Estimated Cost	Completion rate
I1 (Map 1)	Stewart Street / Durham Street intersection	Intersection Upgrade	\$525,234	Not commenced
I2	Eglinton Road / Bradwardine Road intersection	Seagull Intersection	\$525,234	Completed 2009
I3	Eglinton Road / Westborne Drive intersection	Roundabout	\$525,234	Not commenced
I4	Eglinton Road / Rankin Bridge onramp	Roundabout	\$525,234	Not commenced
I5	Evernden Road / Bradwardine Road intersection	Roundabout	\$525,234	Not commenced
I6	Suttor Street / Colville Street intersection	Roundabout	\$525,234	Not commenced
I7	Bradwardine Road / Suttor Street intersection	Roundabout	\$525,234	100% completed
I8	Lambert Street / Suttor Street / Mitre Street intersection	Roundabout	\$525,234	Not commenced
I9	Mitchell Highway / Bradwardine Road intersection	Roundabout	\$1,021,289	Completed December 2010
I10	Alexander Street / Loren Street (Eglinton) intersection	Roundabout	\$525,234	Not commenced
I11	Alexander Street / Duramana Road (Eglinton) intersection	Roundabout	\$525,434	Not commenced
I12 (Map 2)	Marsden Lane / Hughes Street	Roundabout	\$466,875	Not commenced

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	intersection			
I13	Marsden Lane / Road A intersection	Roundabout	\$466,875	Not commenced
I14	George Street / Stanley Street intersection	Upgrade to 2-lane roundabout	\$778,125	Not commenced
I15	Hereford Street / Gilmour Street intersection	Upgrade to multi lane signalised intersection	\$2,500,000	Not commenced
I16	Road K / Great Western Highway intersection	Roundabout	\$2,300,000	Not commenced
I17	Road I / Sofala Road intersection	Roundabout	\$850,000	Not commenced
I18	Road K / Limekilns Road intersection	Roundabout	\$466,875	Not commenced
I19	Road K / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I20	Road J / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I21	Road J / Laffing Waters Lane intersection	Roundabout	\$466,875	Not commenced
I22	Extension of Emerald Drive / Road K intersection	Roundabout	\$466,875	Not commenced

Schedule 3 Bridge Construction/Upgrade

Identifier	Location	Description of works	Estimated Cost	Completion rate
B1 (Map 2)	Hereford Street low level bridge	Duplication of the existing low level bridge to accommodate 4 travel lanes, including approach works between Stanley Street and low	\$1,556,250	Not commenced

		level bridge on western side of Macquarie River		
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PART B: ADMINISTRATION AND OPERATION OF THE PLAN

1.0 ADMINISTRATION

1.1 Name of the Plan

This development contributions plan is called the “Section 94 Developer Contributions Plan, Roadworks – New Residential Subdivisions”.

The plan will be reviewed as required and any amendments will be recorded in the following table:

Plan Title	Amendments	Adoption Date	Amendment Number
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	New Plan	September 1997	0
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> • Additional allotments for Eglinton. • Revision of the schedule of works for roads and intersections • Revision of format. 	17 October 2012	1
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> • New Kelso catchment. • Additional allotments in Kelso. • Additional schedule of works based on the Kelso Traffic Access Study. • Revision of value of works for all catchments. • Revision of works completed for all catchments. • Update LEP & DCP references. 	20 September 2014	2
Section 94 Development Contributions Plan,	<ul style="list-style-type: none"> • Revision of estimated cost of works for 	9 December 2015	3

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Roadworks – New Residential Subdivisions	<p>intersections I15, I16 & I17 based on advice from the RMS.</p> <ul style="list-style-type: none"> • Revision of value of works for all catchments. • Revision of works completed for all catchments. 		
Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions	<ul style="list-style-type: none"> • Insertion of Section 1.15, 3.9 & 4.4 relating to the Plan Management and Administration. 	14 December 2016	4

1.2 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 1994. The Plan was originally adopted by Council at its meeting held 18 September 1997 and took effect from the date on which public notice was published, pursuant to clause 30 of the EP&A Regulation, 1994.

The development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. Amendment 1 of the Plan was adopted by Council at its meeting held 17 October 2012 and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 20 October 2012.

The development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. Amendment 2 of the Plan was adopted by Council at its meeting held 17 September 2014 and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 20 September 2014.

1.3 Land to Which the Plan Applies

The Plan applies to land bounded by the heavy black line on the series of maps marked "Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions" attached to this Plan.

1.4 Purpose of the Plan

The primary purpose of this Plan is to satisfy the requirements of the Act and Regulations to enable the Council to require a contribution towards the provision or extension of roadworks and intersection treatments that will, or are likely to be, required as a consequence of development in the area or that have been provided in anticipation of or to facilitate such development.

Other purposes of this Plan are to:

- (i) Provide a comprehensive works schedule of the road and intersection works included in the Plan;
- (ii) Provide for the construction and upgrading of the road network within the new subdivision areas of Abercrombie, Eglinton, Kelso, Llanarth and Windradyne;
- (iii) Ensure that Council has sufficient funding to undertake the upgrading of existing roads in this area as a result of residential and other traffic generating development;
- (iv) Ensure that the future road infrastructure has sufficient capacity to cater for the expected road volumes as a result of development in the area;
- (v) Ensure that funding of roadworks identified under this plan is provided in a fair and equitable manner between future road users; and
- (vi) Ensure that the existing community is not burdened by the provision of road and intersection works required as a result of future development.

1.5 Relationship to Other Plans and Policies

The Plan should be read in conjunction with the Bathurst Regional (Interim) Local Environmental Plan 2005, as amended, the Bathurst Regional (Interim) Development Control Plan 2011, as amended, the Bathurst Regional Local Environmental Plan 2014, as amended and the Bathurst Regional Development Control Plan 2014, as amended.

All contributions collected under previous version(s) of this Plan are to be pooled and used for the purposes outlined in this Plan.

1.6 When Contributions are to be Paid

Council will impose conditions of consent requiring payment of contributions in the following circumstances:

Development type	Payment required
a dual occupancy, granny flat (secondary dwelling) or medium density residential development	prior to the issue of a Construction Certificate from Council or an accredited certifier.
a subdivision	prior to the release of the final subdivision certificate, or a subdivision certificate for any stage.
a business or special use development	prior to the issue of a Construction Certificate from Council or an accredited certifier.

Note: Where a developer contribution has already been made for a residential lot under a previous version of the Bathurst Roadworks – New Residential Subdivisions Developer Contribution Plan (September 1997), a credit will be given equivalent to 1 x residential allotment.

1.7 Construction Certificates and Complying Development Certificates and the Obligations of Accredited Certifiers

Construction certificates

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment Regulation 2000, a certifying authority must not issue a **construction certificate** for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation 2000. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

Complying Development Certificates

In accordance with Section 94EC(1) of the Environmental Planning and Assessment Act accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan for applicable development types.

The condition imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or alternative payment arrangement have been agreed to by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed to with the applicant.

1.8 Council's Policy on Periodic Payments

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis adjusted to the applicable rate, in accordance with Section 1.10 of this Plan.

1.9 Council's Policy on the Acceptance of Material Public Benefit (including works in kind)

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) in lieu of all or part of a cash contribution required under this plan.

An offer to provide WIK is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What WIK are proposed;
- The value of the WIK proposed;
- The timing of the provision of the WIK;
- What cash contributions it is proposed to offset.

Council is under no obligation to accept the WIK, however, may consider doing so in the following circumstances:

- where the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- where the standard of the works is to Council's full satisfaction.

In some circumstances, where the WIK exceeds the contribution due for the development, this excess value may (at the sole discretion of Council) be offset against other contributions. Written confirmation of this should be sought from Council and cannot be automatically assumed.

1.10 Review of Contribution Rates

The contribution rates will be indexed annually in accordance with the Consumer Price Index (CPI) or equivalent relevant indices.

The contributions stated in a development consent are calculated on the basis of the Section 94 contribution rates calculated in accordance with this Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment and adjusted by the Consumer Price Index as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

The contribution rates for the current financial year are published by Council in its annual Management Plan and are available from Council offices.

1.11 Exemptions

Exemptions from paying contributions under this Plan will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

1.12 Planning Agreements

Council may seek to negotiate planning agreements for major developments in accordance with s93F of the EP&A Act.

1.13 Pooling of Contributions

This plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

The priorities for the expenditure of the levies are shown in the works schedule.

1.14 Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of lodgement of the application.

1.15 ADMINISTRATION OF THE PLAN

1.15.1 MANAGEMENT COSTS OF THE PLAN

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly, costs associated with the ongoing administration and management of the contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the contributions schedule and the method of calculation is described in Section 1.16 of this Plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the agreement and supervision work undertaken.

NSW Planning and Environment released a revised Local Development Contributions Practice Note - for the assessment of Local Contributions Plans by IPART, February 2014 (pp 9-10).

Section 3.4.2.3 of the Practice Note identifies that:
Plan administration costs may include:

- background studies, concept plans and cost estimates that are required to prepare the plan, and/or
- project management costs for preparing and implementing the plan (e.g., the employment of someone to co-ordinate the plan).

Note: Plan administration costs include only those costs that relate directly and solely to the preparation and implementation of the Section 94 Plan and do not include costs that would otherwise be considered part of Council's key responsibilities such as core strategic planning responsibilities.

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 URBAN CHARACTERISTICS

2.1 Area

Bathurst Regional Local Government Area covers an area of approximately 3,821 square kilometres and is located in the Central West region of New South Wales. The subject area represents some of the major growth areas of residential land.

2.2 Population

The table below outlines the estimated populations for each of the catchment areas and indicates the average people per household, based on the 2011 Census. (ABS, 2012)

	Existing population	Existing number of dwellings or approved lots	Estimated number of additional dwellings	Estimated population increase
Abercrombie – Llanarth	2766	1079	661	2016
Eglinton	2109	752	612	1775
Kelso	7725	2930	4436	11977
Windradyne	2831	1132	535	1391

Note 1 The estimated number of additional dwellings is based on 8 lots per hectare.

Note 2 The estimated population increase is the number of dwellings x the average people per household.

	Abercrombie	Llanarth	Eglinton	Kelso	Windradyne
Average persons per dwelling	3.1	3.0	2.9	2.7	2.6
Average for Abercrombie/Llanarth	3.05				

(ABS, 2014)

3.0 PLAN OBJECTIVES

The roadworks and intersection treatments are required to meet the new population to full development of the subject area.

This Plan identifies:

- the demand for the facilities likely to be required as a result of the urban development and redevelopment in the subject area;
- the roadworks and intersection treatments which will be required to meet those demands (for which development contributions could reasonably be charged); and
- the reasonable contribution which should be levied on new development to meet those demands.

Contributions are rounded to the nearest dollar.

This Plan supports the following objectives of the Bathurst 2036 Community Strategic Plan:

Objective No.	Description
6	To support infrastructure development necessary to enhance Bathurst's lifestyle and industry development.
7	To support Integrated Transport Infrastructure Development.
24	To provide and support the provision of accessible, affordable and well planned transport systems.
28	To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets.

29	To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels.
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3.1 Nexus

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a public facility or service that is caused by the development.

There are three aspects to nexus:

- Causal nexus – the proposed development creates a need or increases the demand for a particular public facility or service;
- Spatial or physical nexus – the proposed public facility or service will be located to serve the needs of those who created the demand for it;
- Temporal nexus – the proposed public facility or service will be provided within a reasonable time to benefit those who contributed towards it.

The suburbs of Abercrombie, Eglinton, Kelso, Llanarth and Windradyne represent the main residential growth areas for the western expansion of the City of Bathurst.

The traffic routes identified within this plan provide for both internal travel within the development area and also link the subject land to major commercial and industrial areas within the City of Bathurst.

The growth expected in these areas is going to result in a considerable increase in the amount of traffic using the existing roads, and also in the need to construct new roads to accommodate anticipated traffic volumes. The works identified in this Plan for Kelso have been identified in the Kelso Traffic Access Study 2014.

3.2 Apportionment

Apportionment is the “fairness” principle. It means that new development only pays the full cost of a service or facility if it can be shown that it exclusively causes the increased demand. Where the service or facility proposed will benefit both the existing and new population, the cost of provision of that service or facility is apportioned between the existing development being the Council’s contribution, and new development.

With respect to this Plan, the roadworks and intersection treatments identified within this Plan is apportioned to the additional population only. The additional population has created the demand for an improved road network and intersection treatments.

3.3 Reasonableness

The principle of reasonableness refers to whether the amount levied is a reasonable contribution from the point of view of the industry’s ability to pay and any economic development policies Council may have from time to time. All contributions in this plan fully satisfy this principle.

3.4 Accountability

The Council needs to be able to demonstrate that it is accountable for all contributions made under the provisions of section 94 and be transparent in the allocation of those funds in accordance with the Schedule of Works identified in the plan. Development and subsequent population growth rates will be monitored to ensure that the Plan remains relevant and delivery of services and facilities occurs in accordance with the Plan.

3.5 Population Increase

Council has identified substantial land within the subject area for residential expansion. The land identified to be available for residential development within this area includes:

- (a) That land zoned residential (i.e. 2(a) Residential, R1 General Residential or R2 Low Density Residential) under either the Bathurst Regional (Interim) Local Environmental Plan 2005 or the Bathurst Regional Local Environmental Plan 2014; and
- (b) That land identified in the Bathurst Regional (Interim) Development Control Plan 2011 Map No. 4 (Eglinton), Map No. 5 (Kelso) and Map No. 6 (Abercrombie, Llanarth, Windradyne) and Bathurst Regional Development Control Plan 2014 Map No. 3 (Eglinton), Map No. 4 (Kelso) and Map No. 5 (Abercrombie, Llanarth, Windradyne).

Map No. 3, 4 & 5 of the Bathurst Regional Development Control Plan 2014 identifies sufficient land to accommodate a further 6,244 residential allotments on land zoned for residential subdivision. Details of the existing and proposed residential development are provided in Table 1 below. The boundaries of the catchment areas are shown on the series of maps to this plan.

It is important to note that in relation to calculating the contributions, the total number of residential allotments have been used for Abercrombie/Llanarth, Eglinton and Windradyne. For the Kelso catchment, the Kelso Traffic Access Study identified the works required as a result of the population increase. The Kelso Traffic Access Study identified some works which would be required if no further land were to be zoned and these works have been excluded from this Plan. Given that the Kelso Traffic Access Study identified the works required as a result of the additional allotments, it is justified that the contribution is applied to the proposed allotments rather than the total allotments.

Residential Allotments	Area 1 (Windradyne)	Area 2 (Abercrombie / Llanarth)	Area 3 (Eglinton)	Area 4 (Kelso)	TOTAL
Existing	1132	1079	752	2930	5893
Proposed	535	661	612	4436	6244
TOTAL	1667	1740	1364	7366	12137

Table { SEQ Figure * ARABIC } - Existing and proposed residential development

3.6 Meeting Needs of the Population

The incoming population will be primarily distributed on the fringe of the suburbs of Abercrombie, Kelso, Llanarth and Windradyne and on the fringe of the village of Eglinton with some penetration into existing built up areas. This additional population will create increased demand for roads, intersections and administration of this section 94 Plan.

3.7 Traffic Catchments and Movements

For the purposes of providing a more equitable distribution of funding between specific users of the road network individual catchment areas have been identified. Roadwork costs identified under this plan have been distributed amongst the various catchments in

accordance with their propensity to gain benefit from each roadwork component identified by this plan.

The individual catchment areas are identified on the series of maps entitled "Section 94 Contributions Plan - New Residential Subdivisions" attached to this Plan.

3.8 Kelso Urban Release Area

Council, in developing this Section 94 Developer Contributions Plan, has taken into consideration comments from the Roads and Maritime Service (RMS) in relation to the identified infrastructure upgrades for the Kelso catchment. It is acknowledged that the NSW Department of Planning and Environment (DP&E) have not requested a State Public Infrastructure contribution and as such, Council has amended its S94 Plan accordingly. Amendment 3 of this Plan, adopts the contribution rate advised by the RMS in their submission to DP&E dated 12 June 2015.

3.9 PLAN MANAGEMENT AND ADMINISTRATION

- **NEXUS**

Council employs staff to coordinate the implementation of the Plan and associated works, as well as the financial accounting of contributions received. In addition, consultant studies may be commissioned in order to determine design and costing of works and to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering this Section 94 Plan are an integral and essential component of the efficient provision of facilities demanded by development throughout the Bathurst Regional LGA. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 1.0% of all development contributions payable over the life of the Plan is a reasonable contribution towards Plan Management and Administration functions.

- **CONTRIBUTION CATCHMENT**

Plan administration and management is based upon the catchment of the Plan and contributions have therefore been applied on this basis.

- **FACILITIES STRATEGY**

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning, engineering, traffic, legal and valuation specialists) to carry out studies or to assist with the preparation of the Plan.

4.0 SCHEDULE OF WORKS

4.1 Road Construction

Identifier	Location	Description of works	Distance	Rate (\$ / Metre)	Estimated Cost	Completion rate
R1 (Map 1)	Durham Street Between Stewart and Esrom Street	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R2	Eglinton Road Between Esrom Street and Bradwardine Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Not commenced
R3	Eglinton Road Between Bradwardine road and Rankins Bridge	Full width road construction to enable 4 lane carriageway.	1600m	\$1401	\$2,241,000	Not commenced
R4	Bradwardine Road Between Eglinton Road and Suttor Street	Full width road construction to enable 4 lane carriageway.	1900m	\$1245	\$2,661,188	Not commenced
R5	Bradwardine Road Between Suttor Street and Mitchell Highway	Full width road construction to enable 4 lane carriageway.	700m	\$2101	\$1,470,656	Not commenced
R6	Ophir Road (Extension) Between Rankins Bridge and Ophir Road	Full width road construction to enable 4 lane carriageway.	1300m	\$1401	\$1,820,813	Commenced. 110m constructed as 2 lane carriageway.
R7	Alexander	Half width road	450m	\$1401	\$630,281	Not

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions

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Attachment 7.2.9.4

	Street (Eglinton) Between Cottonwood Drive and Park Street	construction to enable 2 lane carriageway.				commenced
R8	Eleven Mile Drive Between Saltram Creek and Hamilton Street	Half width road construction to enable 2 lane carriageway.	200m	\$1401	\$280,125	Not commenced
R9 (Map 2)	Hereford Street. Between Gilmour Street and low level bridge.	Full width road construction to enable 4 lane carriageway.	1,560m	\$1319	\$2,056,429	Not commenced
R10	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 5 metres. A 43m section on the southern side of George Street extending the kerbside lane to the eastern side of the access to the Elizabeth Street Carpark.	43m	\$1283	\$55,141	Not commenced.
R11	George Street (east). Between Durham Street and Stanley Street.	Widening carriageway by 8 metres. A 250m section on the southern side of George Street extending the kerbside lane from the eastern side of the access to the Elizabeth	250m	\$1283	\$320,530	Not commenced.

		Street Carpark to Stanley Street.				
R12	Link road K Between Emerald Drive and Great Western Highway	Full width road construction to enable 2 lane carriageway.	970m	\$1834	\$1,779,271	Not commenced
R13	Link Road K Between western boundary of Lot 1 DP 176203 and southern side of the extension of Emerald Drive	Partial road construction to enable 2 lane collector carriageway.	580m	\$551 (30% of full road construction)	\$319,529	Not commenced

Table { SEQ Figure * ARABIC } - Roadwork construction works

4.2 Intersection Construction

Identifier	Location	Description of works	Estimated Cost	Completion rate
I1 (Map 1)	Stewart Street / Durham Street intersection	Intersection Upgrade	\$525,234	Not commenced
I2	Eglinton Road / Bradwardine Road intersection	Seagull Intersection	\$525,234	Completed 2009
I3	Eglinton Road / Westborne Drive intersection	Roundabout	\$525,234	Not commenced
I4	Eglinton Road / Rankin Bridge onramp	Roundabout	\$525,234	Not commenced
I5	Evernden Road / Bradwardine Road intersection	Roundabout	\$525,234	Not commenced
I6	Suttor Street / Colville Street intersection	Roundabout	\$525,234	Not commenced

I7	Bradwardine Road / Suttor Street intersection	Roundabout	\$525,234	100% completed
I8	Lambert Street / Suttor Street / Mitre Street intersection	Roundabout	\$525,234	Not commenced
I9	Mitchell Highway / Bradwardine Road intersection	Roundabout	\$1,021,289	Completed December 2010
I10	Alexander Street / Loren Street (Eglinton) intersection	Roundabout	\$525,234	Not commenced
I11	Alexander Street / Duramana Road (Eglinton) intersection	Roundabout	\$525,434	Not commenced
I12 (Map 2)	Marsden Lane / Hughes Street intersection	Roundabout	\$466,875	Not commenced
I13	Marsden Lane / Road A intersection	Roundabout	\$466,875	Not commenced
I14	George Street / Stanley Street intersection	Upgrade to 2-lane roundabout	\$778,125	Not commenced
I15	Hereford Street / Gilmour Street intersection	Upgrade to multi lane signalised intersection	\$2,500,000	Not commenced
I16	Road K / Great Western Highway intersection	Roundabout	\$2,300,000	Not commenced
I17	Road I / Sofala Road intersection	Roundabout	\$850,000	Not commenced
I18	Road K / Limekilns Road intersection	Roundabout	\$466,875	Not commenced
I19	Road K / Marsden Lane intersection	Roundabout	\$466,875	Not commenced

I20	Road J / Marsden Lane intersection	Roundabout	\$466,875	Not commenced
I21	Road J / Laffing Waters Lane intersection	Roundabout	\$466,875	Not commenced
I22	Extension of Emerald Drive / Road K intersection	Roundabout	\$466,875	Not commenced

Table { SEQ Figure * ARABIC } - Intersection construction works

4.3 Bridge construction/upgrade works

Identifier	Location	Description of works	Estimated Cost	Completion rate
B1 (Map 2)	Hereford Street low level bridge	Duplication of the existing low level bridge to accommodate 4 travel lanes, including approach works between Stanley Street and low level bridge on western side of Macquarie River	\$1,556,250	Not commenced

Table { SEQ Figure * ARABIC } - Bridge construction/upgrade works

4.4 Plan administration and management

Studies undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Estimate 1% of all development contributions payable.

At the commencement of the Plan, it is estimated that the maximum contribution from the Plan towards administration and management costs is \$352,126.80.

4.5 Estimated Construction Costs

For the purposes of this plan the costs of construction of the roadworks identified have been based on Council's recently constructed projects and "Rawlinsons Australian Construction Handbook 2014". The estimated costs for the Kelso catchment are outlined in the Kelso Traffic Access Study.

5.0 DISTRIBUTION OF COSTS

5.1 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

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EMBED Equation.3

C_{proj} = the contribution rate per project

TC = the total cost to Bathurst Regional Council (less any grant or reserve funds)

T_{lot} = the total estimated existing and proposed residential lots within the benefiting contribution area(s)

C_{lot} = the contribution rate per lot

The costs identified in Part 4 of this Plan are distributed among the catchment areas as shown on the map to this Plan in Table 4 below:

ROAD	COST	AREA WHICH BENEFITS	CONTRIBUTION			
			AREA 1	AREA 2	AREA 3	AREA 4
			\$ PER LOT	\$ PER LOT	\$ PER LOT	\$ PER LOT
R1	\$2,241,000	1, 2 & 3	\$469.71	\$469.71	\$469.71	
R2	\$1,820,813	1, 2 & 3	\$381.64	\$381.64	\$381.64	
R3	\$2,241,000	2 & 3		\$721.97	\$721.97	
R4	\$2,661,188	1, 2 & 3	\$557.78	\$557.78	\$557.78	
R5	\$1,470,656	1, 2 & 3	\$308.25	\$308.25	\$308.25	
R6	\$1,820,813	2 & 3		\$586.60	\$586.60	
R7	\$630,281	3			\$462.08	
R8	\$280,125	3			\$205.37	
R9	\$2,056,429	4				\$463.58
R10	\$55,141	4				\$12.43
R11	\$320,530	4				\$72.26
R12	\$1,779,271	4				\$401.10
R13	\$319,529	4				\$72.03
I1	\$583,594	1, 2 & 3	\$122.32	\$122.32	\$122.32	
I2	\$525,234	1, 2 & 3	\$110.09	\$110.09	\$110.09	
I3	\$525,234	2 & 3		\$169.21	\$169.21	
I4	\$525,234	2 & 3		\$169.21	\$169.21	
I5	\$525,234	1 & 2	\$154.16	\$154.16		
I6	\$525,234	2		\$301.86		
I7	\$525,234	1, 2 & 3	\$110.09	\$110.09	\$110.09	
I8	\$525,234	1	\$315.08			
I9	\$1,021,289	1, 2 & 3	\$214.06	\$214.06	\$214.06	
I10	\$525,234	3			\$385.07	
I11	\$525,234	3			\$385.07	

Section 94 Contributions Plan

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I12	\$466,875	4				\$105.25
I13	\$466,875	4				\$105.25
I14	\$778,125	4				\$175.41
I15	\$2,500,000	4				\$563.57
I16	\$2,300,000	4				\$518.49
I17	\$850,000	4				\$191.61
I18	\$466,875	4				\$105.25
I19	\$466,875	4				\$105.25
I20	\$466,875	4				\$105.25
I21	\$466,875	4				\$105.25
I22	\$466,875	4				\$105.25
B1	\$1,556,250	4				\$350.82
TOTAL	\$35,281,268		\$2,743	\$4,377	\$5,359	\$3,558
	Lots/area		1667	1740	1364	4436

Table { SEQ Figure * ARABIC } - Distribution of costs by area

The rates in Table 4 will be adjusted on 1 July annually in accordance with Section 1.10 of this Plan.

	Cost Per Lot
Area 1	\$2,743
Area 2	\$4,377
Area 3	\$5,359
Area 4	\$3,558

For granny flats/secondary dwellings, dual occupancies, residential units/multi dwelling housing, the apportioned rate applies in accordance with the table below.

	1 Bedroom	2 Bedroom	3 Bedroom	4 or more Bedroom
Apportionment of the Lot rate	40%	60%	80%	100%

5.1 Timing of Works

The rate of development of each particular area is dependent upon a number of factors and is therefore difficult to accurately depict. Council estimates that sufficient land stocks have been identified within the subject area to accommodate residential development for an additional 20 years.

Details of the anticipated staging of the works identified in this plan are available in Council's 4 year Delivery Plan.

6.0 DEFINITIONS

Capital Costs means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

Catchment means a geographic or other defined area to which a contributions plan applies.

Community Infrastructure means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged persons facilities.

Contributions Plan means a public document prepared by Council pursuant to s94EA of the Environmental Planning and Assessment Act.

Development means:

- The erection of a building on that land
- The carrying out of a work in, on, over or under that land
- The use of that land or of a building or work on that land
- The subdivision of that land.

Developer contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

Material Public Benefit does not include the payment of a monetary contribution or the dedication of land free of cost.

Nexus means the relationship between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Planning agreement means a voluntary agreed referred to in s93F of the Environmental Planning and Assessment Act.

Planning authority means:

- A council, or
- The Minister, or
- The corporation, or
- A development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

Planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.

Planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

Public includes a section of the public.

Public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

Public facilities means public infrastructure, facilities, amenities and services.

Public purpose is defined in s93F(2) of the Environmental Planning and Assessment Act to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in s93C), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Recurrent costs mean any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.

Region means the Bathurst Regional Council Local Government Area.

Thresholds means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for provision of a facility.

Utility service means basic engineering services such as power, water, sewerage and telecommunications.

Works-in-Kind means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan.

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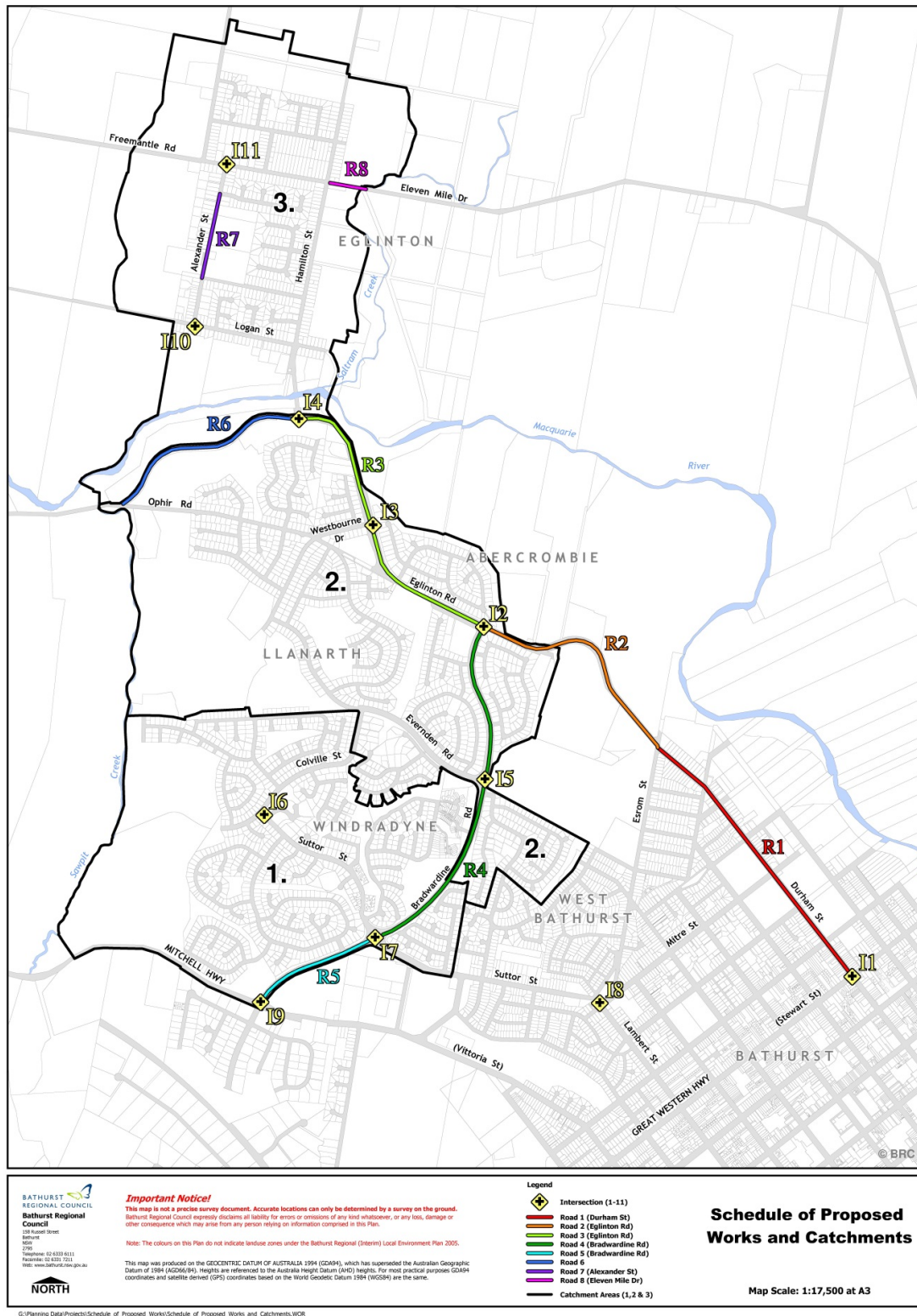
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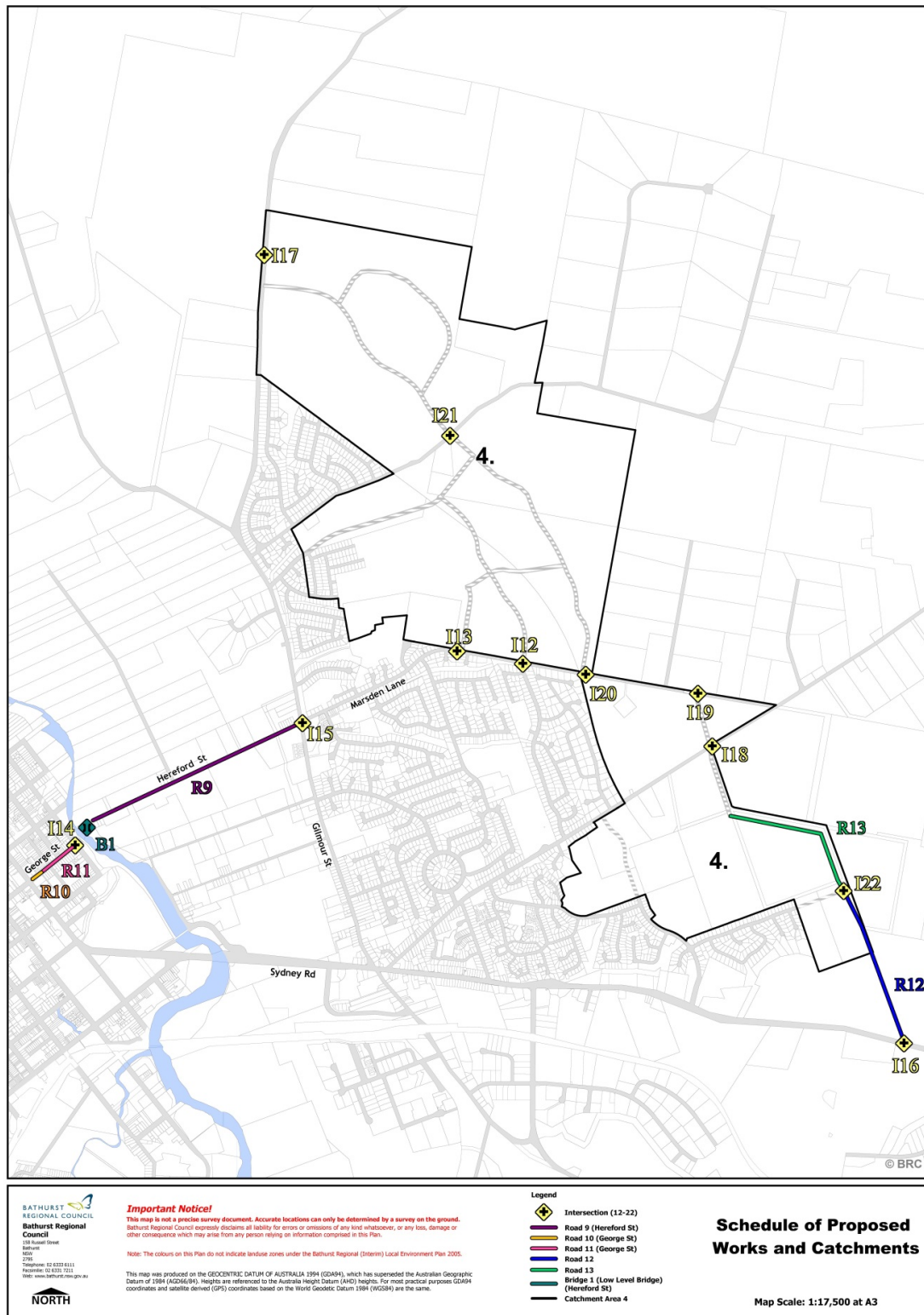
8.0 Map



Map 1

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions



Map 2

Section 94 Contributions Plan

Roadworks – New Residential Subdivisions

SCHEDULE OF QUANTITIES FOR "LIMEKILN ROAD ROUNDABOUT" LIMEKILNS ROAD, KELSO					
Client:	Bathurst Regional Council			Date:	5-Jun-20
Item No.	Description	Quantity	Unit	Tendered Rate	Amount Tendered
1.0 ROADWORKS		LS = Lump Sum			
	Limekilns Road CH.540.00 To CH.587.45 & CH.631.11 To CH.677.12				
	Lawrence Drive North CH.255.00 to CH.342.00				
	Lawrence Drive South CH.20.13 To CH.62.44				
1.01	Site Establishment & Amenities	1	LS		\$ 2,350.00
1.02	Surveying & Setting out	1	LS		\$ 4,500.00
1.03	Remove trees, stumps & roots & dispose of off site	1	LS		\$ 9,720.00
1.10	Bulk excavation to subgrade level for roads and footpaths Internal Roads				
a)	Cut to Fill on roads & footpaths (Compacted Volume) approx.	232	m ³		\$ 2,552.00
b)	Cut to waste (Bank Volume)	933	m ³		\$ 8,397.00
1.20	Trimming of subgrade to profile and compaction to 95% standard density	3228	m ²		\$ 7,101.00
1.21	Supply, place, spread, compact and test subbase gravel (compacted volume)	1015	m ³		\$ 98,455.00
1.22	Supply, place, spread compact and test base course gravel to the requirements of Bathurst Regional Council. (compacted volume)	492	m ³		\$ 49,200.00
1.23	Final trim of base course in preparation for bitumen sealing	2725	m ²		\$ 8,720.00
1.24	Supply and lay 7mm primer seal	2725	m ²		\$ 19,075.00
1.25	Supply and lay 40mm thick layer of AC10	2725	m ²		\$ 77,690.00
1.26	Lawrence Drive South: Supply, place, spread compact and test Select Material (CBR>7%) @ 230mm thick to the requirements of Bathurst Regional Council. (compacted volume)	178	m ³		\$ 11,570.00
Roundabout					
1.30	Trimming of subgrade to profile and compaction to 95% standard density	1132	m ²		\$ 2,490.00
1.31	Supply, place, spread, compact and test subbase gravel (compacted volume)	0	m ³		\$ -
1.32	Supply and lay 7mm primer seal	1038	m ²		\$ 7,266.00
1.33	Supply and lay 220mm thick AC, RMS Grade 320	1038	m ²		\$167,140.00
1.34	Construction of 210mm high SF Kerb for Roundabout & traffic Medians including preparation of base pad, supply of concrete (20 MPa) and all materials for construction joints etc and placement of pram ramps as instructed by Council	243	m		\$ 26,730.00
1.35	Construct concrete Pedestrian Refuge Island infill	240	m ²		\$ 24,000.00
1.36	Construct 2m wide, roundabout concrete apron	151	m ²		\$ 21,140.00
Total Works					
1.40	Construction of 150mm high concrete kerb & gutter including preparation of base pad, supply of concrete (20 MPa) and all materials for construction joints etc and placement of pram ramps as instructed by Council	433	m		\$ 36,805.00
1.41	Construct 2.5m wide concrete footpath as per Kerb Return 3 in 19066-C17 & Bathurst Regional Council standard drawing EN7879 - Standard Details: concrete cycleway/footpath details.	170	m ²		\$ -
1.42	Construct 3.0m wide concrete Pram Ramps as per Bathurst Regional Council standard drawing EN7877B - Standard Details: Perambulator Corssings.	3			\$ 2,025.00
1.43	Construct 2.5m wide concrete footpath as per Kerb Return 4 in 19066-C18 & Bathurst Regional Council standard drawing EN7879 - Standard Details: concrete cycleway/footpath details. Path to be concreted through to back of kerb as per requirements of Bathurst Regional Council. Total Concrete Area:	75	m ²		\$ 43,200.00
1.44	Construct RMS Type 1 - Verge Fence as per 19066-C18	95	m		\$ 17,210.00

SCHEDULE OF QUANTITIES FOR "LIMEKILN ROAD ROUNDABOUT" LIMEKILNS ROAD, KELSO					
Client:	Bathurst Regional Council			Date:	5-Jun-20
Item No.	Description	Quantity	Unit	Tendered Rate	Amount Tendered
1.45	Construct BCP Sofala Block - Limestone Split Face Dwarf Retaining Wall as per 19066-C18 approx 600mm high	22	lin m		\$ 4,560.00
Services					
1.50	Excavate, backfill and compact road crossings:				
a)	Electrical Reticulation	3	Each		\$ 4,000.00
b)	Telecommunications & Gas Reticulation (Shared Trench) (Provisional)	1	Each		\$ 1,000.00
c)	Water main (Provisional)	1	Each		\$ -
1.51	Excavate, backfill and compact common trench for Electrical, Telecommunications & Gas Reticulation including supply and placement of sand bedding and backfill to Essential Energys requirements. (Provisional)	85	m		\$ 5,525.00
1.52	Electrical Pillar to be lowered by Level 1 ASP with approval from Essential Energy	1	LS		\$ 2,180.00
1.53	Existing Telstra/NBN cable & associated pits to be relocated by accredited contractor	1	LS		\$ 54,980.00
1.54	Obtain approval from Surveyor-General of NSW & remove or destroy PM78143 & Survey Mark as per 19066-C31	2	LS		\$ 6,200.00
Erosion & Sediment Control					
1.60	Provide Erosion and Sediment control in accordance with 19066-C04 & 19066-C05, including sandbagging, silt fences and sediment traps	1	LS		\$ 14,720.00
Road Signs & Linemarking to 19066-C21					
1.70	Supply & install sign including galvanised posts & caps				\$ 8,561.00
a)	R2-3(L) (size A) keep left sign	4	Each		\$ -
b)	D4-1-1 (size A) chevron sign	4	Each		\$ -
c)	R1-3 (size A) roundabout sign	8	Each		\$ -
d)	50NB Holding Rails in Pedestrian Refuge Islands	8	Each		\$ -
1.80	Provide deliniation linemarking & arrows				\$ 7,752.00
a)	TB Hold Line	38	m		\$ -
b)	L3 Lane Line	60	m		\$ -
c)	E4 Edge Line	630	m		\$ -
d)	Exclusive Left Turn Arrow UA3(L)	8	Each		\$ -
e)	Combination Straight Ahead & Turn Right Arrow UA4®	8	Each		\$ -
Sub Total					\$688,012.73
Sub Total (excluding provisional quantities)					
Goods & Services Tax					\$ 68,801.27
TOTAL					\$756,814.00

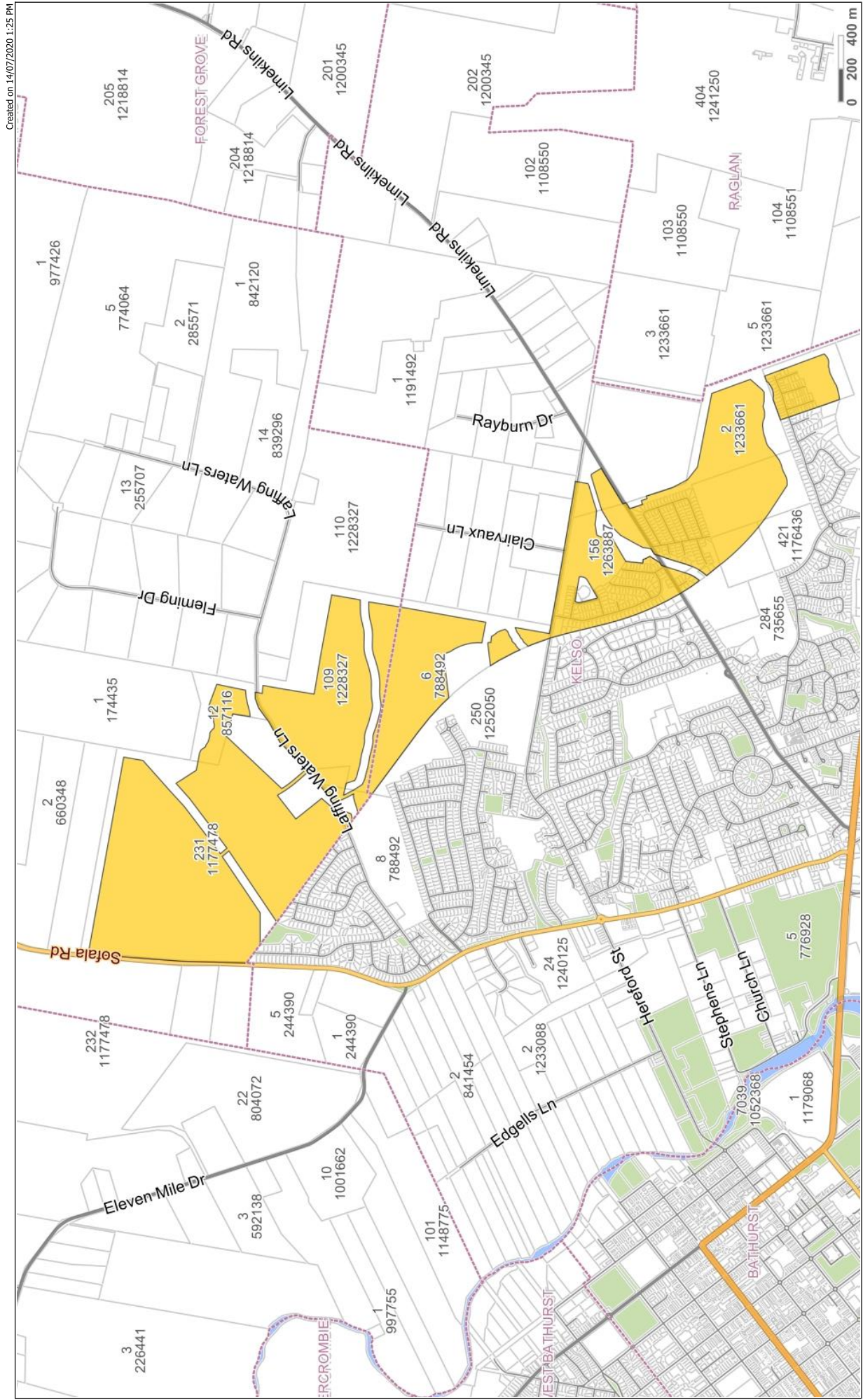
This schedule of quantities is provided as guide only. It is the contractors responsibility to ensure that it covers all the work required to complete the job.

SCHEDULE OF QUANTITIES FOR "LIMEKILN ROAD ROUNDABOUT" LIMEKILNS ROAD, KELSO					
Client: Bathurst Regional Council			Date: 5-Jun-20		
Item No.	Description	Quantity	Unit	Tendered Rate	Amount Tendered
2.0 STORMWATER RETICULATION					
2.10	Excavation of trench (including all structures) and removal of surplus excavated material from site where material is classified as:				
	a) OTR	251.24	m ³		\$ -
	b) Boulder (Provisional Qty)		m ³		Rate Only
	c) Rock (Provisional Qty)		m ³		Rate Only
2.20	Supply, lay, bed and joint all pipes including supply and compaction of bedding and imported granular material to above the top of the pipe				
	d) 375 mm dia. Class 2 FRC RRJ Pipe	232	m		\$ 32,480 -
	h) Bedding material	95	m ³		\$ -
2.30	Backfill in trench above pipe <i>In roadway</i>				
	a) Non-cohesive backfill to subgrade	111	m ³		\$ -
	b) Road base	42	m ³		\$ -
2.40	Construct kerb inlet pits as per Bathurst Regional Council's standard				
	a) 1.8 m opening precast lintel	3	Each		\$ 10,500 -
	b) 3.0 m opening precast lintel	2	Each		\$ 7,200 -
	c) 2.4 m SAG opening precast lintel	1	Each		\$ 3,550 -
2.50	Construct pits as per Bathurst Regional Council's standard				
	a) 900mm x 900mm junction pit	2	Each		\$ 3,400 -
2.60	Supply, lay and bed 100mm dia. Subsoil Drainage pipe including excavation and backfill of trench, supply of filter backfill material and construction of all flushing points in accordance with Bathurst Regional Council's standards	152	m		\$ 6,080 -
Sub Total					\$ -
Sub Total (excluding provisional quantities)					
Goods & Services Tax					\$ -
TOTAL					\$ 63,210 -

This schedule of quantities is provided as guide only. It is the contractors responsibility to ensure that it covers all the work required to complete the job.

EXTRAS

Work as executed drawings new road subdivision registration	\$8,760
300 lineal metres rural fence and gate	\$6,670
New power pole and conduit trenches and street lighting	\$59,112
Dig, lay and backfill 300mm diel \$57.50 per lineal metre anchor blocks included	
Concrete barriers for north side Lawrence Drive to be supplied by BRC?	



Created on 14/07/2020 1:25 PM

Drawn By: Nicholas Murphy
Date: 14/07/2020
Projection: GDA94 / MGA zone 55
Map Scale: 1:30000 @ A4



Important Notice!
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Planning,
Industry &
Environment

IRF19/6116

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2975

Dear Mr Sherley

I write in relation to the matter of satisfactory arrangements certification for the Kelso Urban Release Area (URA).

The Department of Planning, Industry and Environment (the Department) has considered development in the Kelso URA as it relates to clause 6.1 of the *Bathurst Local Environmental Plan 2014* (LEP) and I confirm that satisfactory arrangements have been made for the provision of State public infrastructure for the LEP. Please find attached a satisfactory arrangements certificate for the Kelso URA.

Please note, certification is only being issued in respect of development which is permissible under the current applicable planning controls. Should there be an amendment to the LEP enabling intensified development within the Kelso URA, consent must not be granted for this development unless further advice is obtained from the Department on whether satisfactory arrangements certification remains valid.

Should you have any further questions in relation to this matter, please contact Jacob Hatch, Senior Infrastructure Planning Officer, Infrastructure Partnerships and Agreements, at the Department on 9274 6240 or jacob.hatch@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, reading "Brett Whitworth".

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

7 July 2020

Encl: Satisfactory Arrangements Certification – Kelso URA



IRF19/6116

Secretary's Certificate**Satisfactory Arrangements for designated State public
infrastructure**

In accordance with the provisions of clause 6.1 in the *Bathurst Local Environmental Plan 2014*, I, Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure as delegate for the Secretary of the Department of Planning, Industry and Environment, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in respect of the land within the Kelso Urban Release Area shown in the attached map titled 'Areas of Land of Secretary's Satisfactory Arrangement Certification – Kelso, Bathurst'.

This satisfactory arrangements certificate only applies to development applications in the Kelso Urban Release Area lodged under the planning controls applicable at the signed date of this certification which trigger the requirements of clause 6.1 of the *Bathurst Local Environmental Plan 2014*. Should there be a change to the planning controls applicable in the Kelso Urban Release Area, further advice must be obtained from the Department on whether satisfactory arrangements certification remains valid.

A handwritten signature in blue ink, appearing to read 'Brett Whitworth', with a stylized flourish extending from the end.

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

Date:

A handwritten date in blue ink, '7 July 2020', written in a cursive style.

(as delegate for the Secretary)



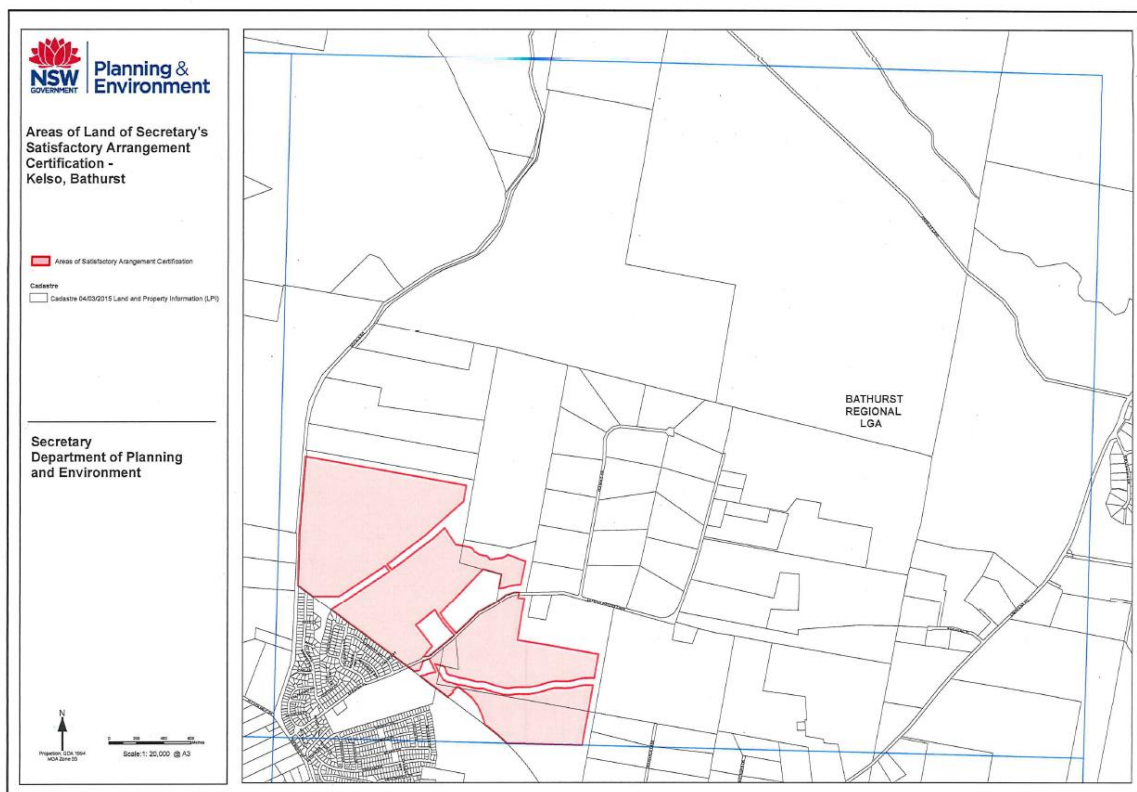
Planning,
Industry &
Environment

IRF19/6116

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Attachment A Map 1/2





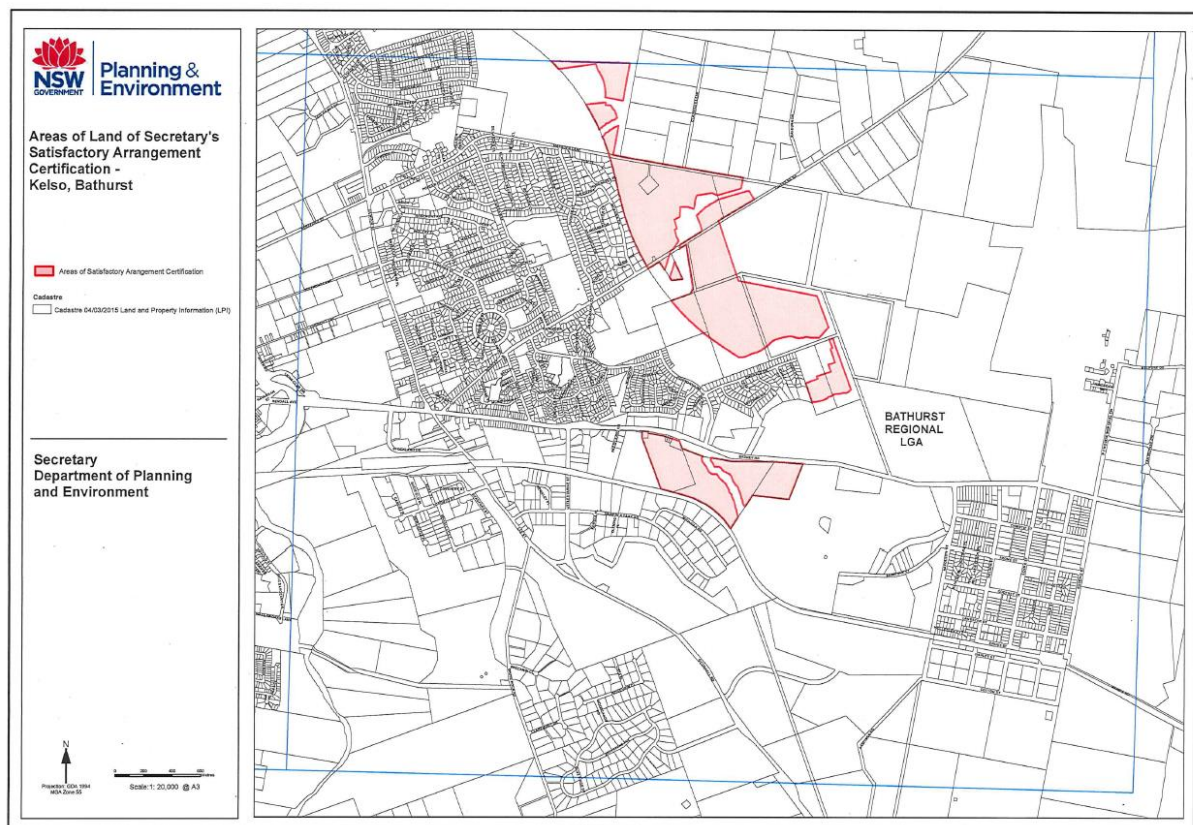
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Industry &
Environment

IRF19/6116

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Attachment A Map 2/2



Buy Local Gift Card COVID-19 Competition

01 May – 10 Jul 2020

**BATHURST
REGIONAL COUNCIL**

SHOP LOCAL!

**\$2000
GIVE AWAY**

**WE'RE GIVING AWAY 1 \$200 GIFT
CARD EACH WEEK FOR 10 WEEKS!**

**JUST SUPPORT ONE OF OUR
PARTICIPATING BUY LOCAL
BUSINESSES!**

Unique Code

see over for terms, conditions and entry details

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Executive Summary

The Bathurst Buy Local Program has been operating since 2015. Since that time \$594,148 has been loaded onto cards and \$472,304 redeemed in participating stores.

The Bathurst Buy Local Gift Card is an EFTPOS based system aimed at keeping money within the local Bathurst community. The Bathurst Buy Local Gift Card works like any other gift card or voucher-based system; the only difference is that the money can only be spent in Bathurst at participating stores.

The Buy Local 2020 Campaign required local residents to spend in the program's participating stores in order to receive an entry. The minimum spend was \$20.00.

The competition was conducted over ten weeks commencing 01 May 2020, with a weekly prize of a \$200 buy local gift card for the first 8 weeks. The last 2 weeks offered 3 x \$200 gift cards each week.

Key points of interest:

- 4,902 entries to the competition
- 134 stores participate in the Bathurst Buy Local Gift Card program
- 73 (55%) of program stores had at least 1 entry lodged by one of their customers.

Key Recommendation:

- Shorter timeframe of 6 weeks with two prizes on offer each week
- Facebook posts were a success
- Continue this type of promotion to encourage residents to Buy Local in Bathurst and reinforce the Bathurst Buy Local Program within both the Bathurst Business Community and the Bathurst Community.

Bathurst Regional Council's Community Strategic Plan

The Bathurst Community Strategic Plan represents the “blueprint” for the future by describing the focus on Council's activities. It also recognises that others in our community (individuals, businesses, governments and agencies) can also contribute to the future outcomes and are key partners in the development and implementation of the plan.

The Plan has six key themes to provide for sustainability and well-being. The Buy Local Gift Card Program is an important part of the development of a smart and vibrant economy, meeting Strategy 2.1 *Support local business and industry*.

Introduction

The Buy Local Gift Card program has been coordinated by the Economic Development Section since its inception in April 2015. Since that time over \$480,000 has been spent in participating local businesses.

BRC absorbs the running costs of the program to ensure that it is available free to local business. The Bathurst Buy Local Gift Card provides local business with the opportunity to increase sales and gain greater awareness in the local community.

Campaign Objectives

- Encourage locals to buy local and support local business – achieved
- Provide tangible support for local businesses during this pandemic – achieved
- Increase the number participating stores in the program – achieved. 4 new businesses joined the program

Business response

A survey of all participating businesses was undertaken. A summary is below:

- 100% of respondent's would recommend the Bathurst Buy Local program to other small business
- 43% of respondent's rated the success of the competition as excellent

Key Personnel

Steve Bowman – Manager Economic Development, Bathurst Regional Council

Dave Flude – Business Development Officer, Bathurst Regional Council

Rachael Thurn – Planning & Development Coordinator, Bathurst Regional Council



Entry form System

The entry form platform was Google Forms. Purchasers were required to enter the following information; Name, phone number, email, store visited, voucher number and postcode.

Each Friday at 12.00pm, an excel spreadsheet of all the purchasers for the previous seven days were listed and a number randomly generated from an online number generator (https://www.mathgoodies.com/calculators/random_no_custom).

The winner was contacted by phone initially or email and advised to collect their card from the Civic Centre.

Participant Demographic Breakdown:

Whilst most entries were from local residents, entries were received from a number of locations from all over the Central West.

Table 1: Postcode of attendees.

Location	
Bathurst	4,335
Lithgow/Portland/Wallerawang	116
Oberon	107
Blayney shire	85
Orange/Millthorpe	84
Sydney Metropolitan Area	52
Mudgee/Rylstone/Kandos	30
Blue Mountains	26
Dubbo & West	14
Cowra Shire	10
Other	43
Total	4,902

The competition duration was ten weeks. The number of weekly entries were:

Week 1	411
Week 2	657
Week 3	609
Week 4	733
Week 5	498
Week 6	353
Week 7	392
Week 8	424
Week 9	416
Week 10	409
Total	4,902

Competition Timeframe

Whilst there was an increase in the latter weeks of the promotion, entries certainly decreased from week 4 onwards. This would indicate that a six-week competition would be ideal. Weeks 9 and 10 remained strong as the prize tripled from 1 chance to win to 3 chances to win. Having two chances to win each week may also boost the interest.

Marketing and Promotion

A communication plan was prepared for the launch and provided to the BRC Communications team prior to the competition launch. A media alert was issued to the local media on the Tuesday 28 May 2020.

The campaign focussed mainly on input by the participating businesses and a boosted Facebook post.

Direct email advertising was also conducted to the Economic Development email database through Mail Chimp.

Digital Advertising

The Economic Development Facebook site has 2,176 likes, meaning that it is an effective way on disseminating information to the Bathurst Business Community at very little cost.

The competition was announced on 07 May 2020 with a Facebook post boosted over twenty-five days.

Each week the winners were announced with a Facebook post.

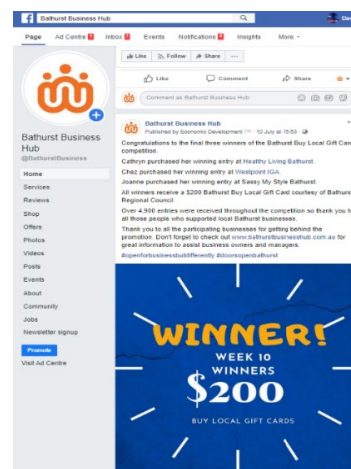


Table 3: Overview of Bathurst Economic Development Facebook Page

Post/timeframe		Reach
04 May 2020	Most successful post Competition Launch	Reach: 6,788 Engagement: 777
08 May	Week One winners	Reach: 589 Engagement: 37
15 May	Week Two winners	Reach: 531 Engagement: 17
22 May	Week Three winners	Reach: 609 Engagement: 27
29 May	Week Four winners	Reach: 869 Engagement: 68
05 June	Week Five winners – Significant reach due to Macquarie Medi Spa sharing with their follows	Reach: 2,085 Engagement: 104
12 Jun	Week Six winners	Reach: 310 Engagement: 16
19 Jun	Week Seven winners	Reach: 620 Engagement: 43
26 Jun	Week Eight winners	Reach: 175 Engagement: 6
03 July	Week Nine winners	Reach: 276 Engagement: 11
04 July	Week Ten winners	Reach: 268 Engagement: 10

External Support

The following external consultants were engaged to assist with the promotion.

Why Leave Town Promotions

Why Leave Town Promotions (WLT) was established in 2007 in Narrabri. WLT work with Councils, Business Chambers and community groups across Australia with the purpose of encouraging residents to think local first. Since inception over \$7.5m has been generated for the participating communities through the gift card. There are currently 48 different communities participating in the program.

WLT provide the back-office support to the Bathurst Buy Local Program and are an integral partner with Council in making the program such a success.

NSW Government – Fair Trading

This competition required a Trade Promotion Lottery Permit from the NSW Government.

Printing

Three local printers were engaged to produce the entry forms for the competition.

Recommendations

In order to continue to provide a professional, engaging and successful competition the following is recommended:

- Shorter timeframe of 6 weeks with two prizes on offer each week
- Facebook posts were a success
- Continue this type of promotion to encourage residents to Buy Local in Bathurst and reinforce the Bathurst Buy Local Program within both the Bathurst Business Community and the Bathurst Community.

Conclusion

The competition was very well received by businesses participating in the Buy Local Program.

Almost 5,000 entries were submitted, which is at least 5,000 individual spends at a Bathurst local business. The competition resulted in four additional business becoming part of the program boosting the total number of businesses involved to 134.

The Facebook posts had a total reach of 13,120, all promoting and reinforcing the Bathurst Buy Local program to local Facebook users.

The competition objectives of reinforcing buy local, providing support to small business and to promote and enhance the Bathurst Buy Local program were all achieved.

**BATHURST REGIONAL COUNCIL
INVESTMENT PERFORMANCE**

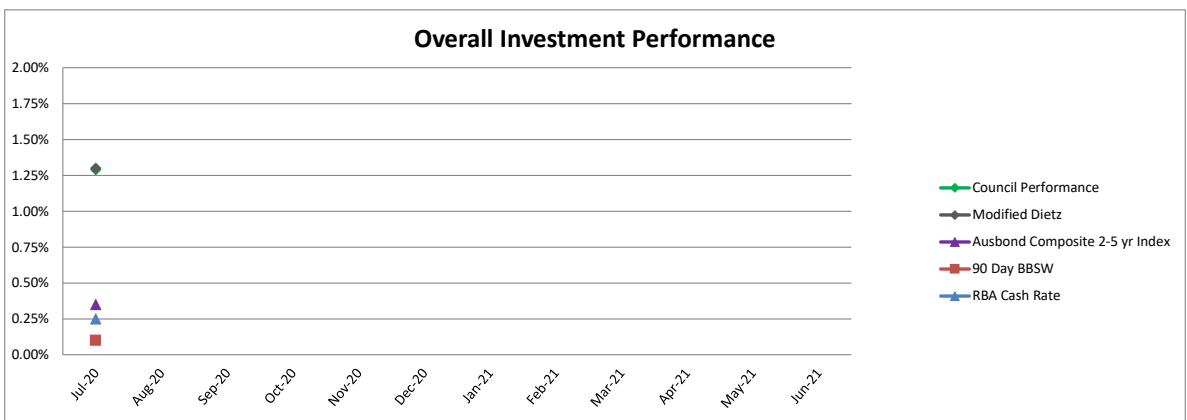
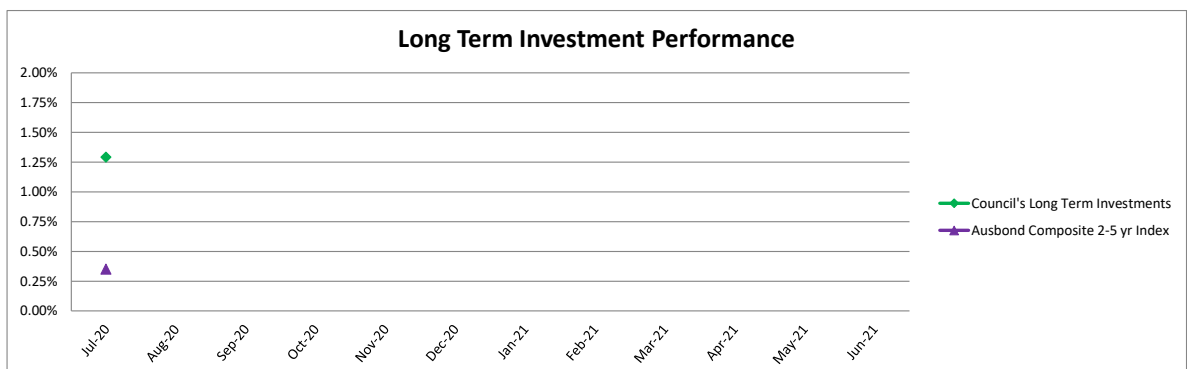
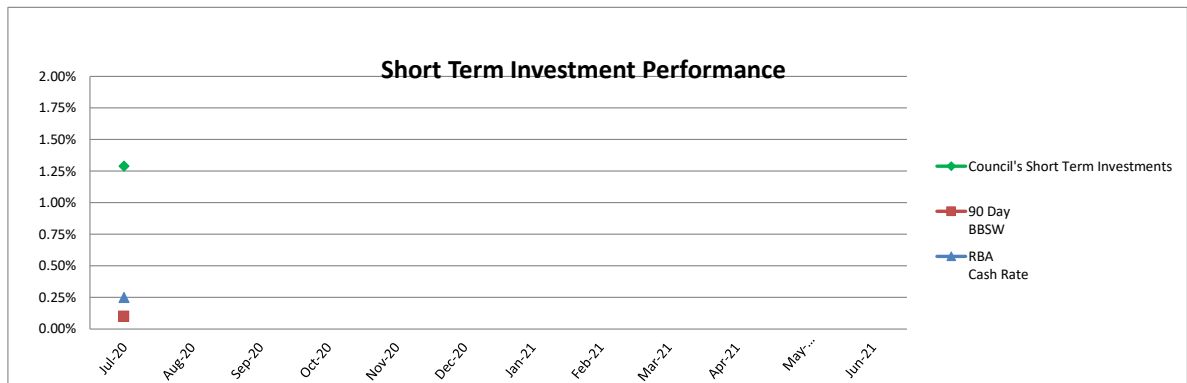
Investment Policy Benchmarks

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	0.25%
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid	0.10%
Ausbond Composite 2-5 yr Index	0.35%
Modified Dietz Calculation	1.30%

	Short Term			Long Term		Overall Performance	
	RBA Cash Rate	90 Day BBSW	Council's Short Term Investments	Ausbond Composite 2-5 yr Index	Council's Long Term Investments	Modified Dietz Calculation	Council Performance
Jul-20	0.25%	0.10%	1.29%	0.35%	1.29%	1.30%	1.29%
Aug-20							
Sep-20							
Oct-20							
Nov-20							
Dec-20							
Jan-21							
Feb-21							
Mar-21							
Apr-21							
May-21							
Jun-21							



**BATHURST REGIONAL COUNCIL
INVESTMENT PERFORMANCE**
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. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
	A-1+	100	41%	Complies
	A-1	100	7%	Complies
	A-2	40	34%	Complies
	A-3 or unrated	Note*	18%	Complies
			100%	
Long Term	Ratings	Maximum Holding %	Actual Holding %	
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	72%	Complies
	A-	40	0%	Complies
	BBB+ BBB	20	24%	Does not comply
	BBB- & unrated	Note *	4%	Complies
			100%	

*Note: For reasons of practicality the number of these investments should be kept to a minimum.

2b - Institutional Credit Framework

To limit single entity exposure each individual institution will be limited by their credit rating. AMP was recently downgraded from A- to BBB+ on the 27 Aug 2019. Council will reinvest into a complying rated institution at the maturity of these investments.

	Ratings	Maximum Holding %	Actual Holding %	
CBA	AA-	40	9%	Complies
National Australia Bank Limited	AA-	40	25%	Complies
Westpac	AA-	40	11%	Complies
HSBC	AA-	30	2%	Complies
Macquarie Bank Limited	A+	30	6%	Complies
Suncorp Metway	A+	30	1%	Complies
Rabobank	A+	30	1%	Complies
UBS AG Australia	A+	30	1%	Complies
Sumitomo Mitsui Banking Corp	A	30	1%	Complies
AMP	BBB+	5	8%	Does not comply
Bank of Queensland Limited	BBB+	5	7%	Does not comply
Bendigo & Adelaide	BBB+	5	2%	Complies
IMB	BBB	5	2%	Complies
Newcastle Permanent	BBB	5	2%	Complies
Members Equity Bank	BBB	5	5%	Complies
Greater Building Society	BBB	5	0%	Complies
Credit Union Australia	BBB	5	0%	Complies
Auswide Bank	BBB	5	4%	Complies
Railways Credit Union Limited	ADI	Note*	0%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	13%	Complies
			100%	

*Note: For reasons of practicality the number of these investments should be kept to a minimum.

*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown

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	40,000,000	8,000,000	1,000,000	4,750,000	40	100	76%	Complies
One to three years	1,500,000	4,500,000	0	5,100,000	0	60	16%	Complies
Three to Five Years	0	1,230,000	1,000,000	3,350,000	0	30	8%	Complies
Over Five Years	0	0	0	0	0	15	0%	Complies
	41,500,000	13,730,000	2,000,000	13,200,000			100%	

Recommendation: That the report be noted.

Responsible Accounting Officer

.....
Aaron Jones
Director Corporate Services & Finance

.....
Prepared By Lesley Guy

5-Aug-20

.....
Reviewed By Tony Burgoyne

2020/21 Annual Operational Plan

Bathurst 2040 Community Strategic Plan

As at 31st July 2020

Council's Vision:

Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

As a community it is important to have a plan that outlines what we want and need as a community now and as the region grows. The NSW Government also requires all councils to have such a plan. The Bathurst 2040 Community Strategic Plan (CSP) is the highest level forward planning document of Bathurst Regional Council. It identifies the community's priorities and guides the direction for the Bathurst region over the next 20 years.

Six key objectives have been established in the CSP:

1. Our Sense of place and identity
2. A smart and vibrant economy
3. Environmental stewardship
4. Enabling sustainable growth
5. Community health, safety and well-being
6. Community leadership and collaboration

These objectives are supported by strategies, shown below, aimed at identifying the importance of each objective.

As a 20 year plan, the CSP is not able to be wholly implemented in one term of Council. The Delivery Program represents actions that the Council expects to achieve during the current term of election for the Council, typically four years. This Annual Operational Plan identifies the individual activities and projects that will be completed within the current financial year of the Delivery Program.

OBJECTIVE 1: Our sense of place and identity

- 1.1 Respect, protect and promote the region's Aboriginal heritage assets
- 1.2 Protect, enhance and promote the region's European heritage assets and character
- 1.3 Enhance the cultural vitality of the region
- 1.4 Protect and improve the region's landscapes, views, vistas and open space
- 1.5 Promote good design in the built environment

OBJECTIVE 3: Environmental stewardship

- 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways
- 3.2 Protect the City's water supply
- 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- 3.4 Protect and improve the region's biodiversity
- 3.5 Increase resilience to natural hazards and climate change

OBJECTIVE 5: Community health, safety and well being

- 5.1 Provide opportunities for our community to be healthy and active
- 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life
- 5.3 Help build resilient, inclusive communities
- 5.4 Make our public places safe and welcoming
- 5.5 Plan and respond to demographic changes in the community

Bathurst 2040 Community Strategic Plan

OBJECTIVE 2: A smart and vibrant economy

- 2.1 Support local business and industry
- 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development
- 2.3 Develop Bathurst as a Smart City
- 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy
- 2.5 Support Mount Panorama as a premier motor sport and event precinct
- 2.6 Promote our City and Villages as a tourist destination

OBJECTIVE 4: Enabling sustainable growth

- 4.1 Facilitate development in the region that considers the current and future needs of our community
- 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility
- 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region
- 4.4 Provide parking to meet the needs of the City
- 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region
- 4.6 Plan for, assess and regulate development activity

OBJECTIVE 6: Community leadership and collaboration

- 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst Region
- 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently
- 6.3 Advocate for our community
- 6.4 Meet legislative and compliance requirements
- 6.5 Be open and fair in our decisions and our dealings with people
- 6.6 Manage our money and our assets to be sustainable now and into the future
- 6.7 Invest in our people
- 6.8 Implement opportunities for organisational improvement

Attachment 7.3.2.1

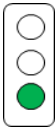
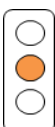
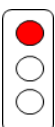
On the following pages, each of Council's principal activities is shown along with their four year Delivery Program actions and the Annual Operational Plan tasks that will be undertaken. These actions and tasks are linked back to the Bathurst 2040 CSP to show the community how its needs and wants are being delivered.

The table below is a guide to reading the Delivery Program and Annual Operational Plan.

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer
From the Objectives shown on Page 2	What actions will be delivered to achieve the objective	What specific projects will be undertaken this year to address the 4 year actions	Measurable KPI How we will know when we have achieved our plans	Position Title – Director, Manager, Team Leader

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.

Below is a summary of the Status of all Performance Measures:



<p>In progress – tracking as expected</p>  <p>159 / 167</p> <p>95 %</p>	<p>Needs Attention</p>  <p>7 / 167</p> <p>4 %</p>	<p>Urgent Attention</p>  <p>1 / 167</p> <p>1 %</p>
--	--	---

Engineering Services



The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with demand. The 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 waste management systems are all high priorities for engineering the future of the Bathurst Region.

Asset Management



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.1 4.2 5.1	Improve pedestrian access within the urban area.	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	500 lined metres of footpath and/or cycleway completed.	Manager Works	Bant Street Lewins to Busby 166m	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
		Monitor condition of footpaths.	100% of urban footpath inspected	Manager Works	Level 1 (CBD) – 62% as at 23/7/20 Level 2 – 100% as at 23/7/20	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
4.1 4.5	Maintain and improve the existing road infrastructure consistently throughout the network.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Reconstruction and reseding works as per Council's 2020/2021 capital works and routine maintenance programs. Completion of 2020/2021 Roads to Recovery Program.	Manager Works	The Bridle Track Widen and seal 500m approach to Howards Bridge - Complete	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
		Renewal of gravel road surface throughout the network.	Completion of 2020/2021 Unsealed Roads Gravel Resheeting program.	Manager Works		<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Undertake maintenance program in accordance with allocated budget.	Greater than 90% of the urban road network remains at condition index 3 or above.	Manager Works		
4.1 4.3	Protection of urban areas on the Bathurst Floodplain	Completion of flood mitigation works as outlined in the Georges Plains Flood Management Plan.	Substantial Completion of Design and Environmental Assessment	Manager Technical Services		




Mount Panorama



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8 2.5	Increase profile of Mount Panorama as the premier motor racing venue in Australia.	Construction of optic fibre communications loop	Installation of Optic fibre network to Mount Panorama Circuit as per 2020/2021 Capital Works Plan	Director Engineering Services	In progress.	
		Development of the second circuit	Development Consent obtained.	Director Engineering Services	Masterplan Complete. Preliminary Design Complete Aboriginal Cultural Heritages Assessment completed. Environmental Impact Assessment commenced. Community Consultation commenced.	


Water, Sewer and Waste

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
3.2 3.3 3.5 4.3 6.2 6.6	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.	Operate, maintain, repair and upgrade Water Filtration Plant.	Achieve the Australian Drinking Water Standards 90% of the time.	Manager Water and Waste	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. To the 24 July 2020, 190 tests were undertaken and there was 97.4% compliance with Australian Drinking Water Guidelines.	
		Operate, maintain, repair and upgrade water distribution system.	Customer complaints regarding flow and pressure are kept below 52 p.a.	Manager Water and Waste	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required. New water mains continue to be laid in Piper Street between William Street and George Street to replace aged mains that have required increased maintenance in recent years. Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst. Complaints regarding flow and pressure to end of July is 0 (financial year to date 0). Work has commenced and is continuing relaying/adjusting water mains at Suttor and Mitre Street Roundabout.	



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Respond effectively to discoloured water complaints	Respond to 90% of complaints within 4 hours.	Manager Water and Waste	Complaints regarding discoloured water are actioned within the required timeframe. 90% of customer calls are responded to within 4 hours. Complaints regarding discoloured water up to 24 July is 0 (financial year to date 0).	
		Review, update and adhere to Drinking Water Management System (DWMS).	Australian Drinking Water Guidelines & DWMS compliance, published on website weekly.	Manager Water and Waste	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. Financial year to date 97.4% compliance.	
		Winburndale Dam Flood Security Upgrade	Project is constructed and commissioned	Manager Water and Waste	Work in progress and is currently 43.4% complete.	
		Stormwater Harvesting Project Stage 1	Project is constructed and commissioned	Manager Water and Waste	As advised previously by Council Report survey, design and approvals are being progressed for this project.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Review and update existing Best Practice Guidelines plans as required.	Best Practice Guidelines compliance reported quarterly.	Manager Water and Waste	There are no new Best Practice Guidelines introduced since the 2007 Best Practice Guidelines. Compliance remains at 100%.	
		Continue implementation of Trade Waste Policy.	Maintain approvals at over 90% of active businesses	Manager Water and Waste	Trade Waste Policy is current, has been approved by NSW Office of Water, and adopted by Council. As at the 24 July 2020 there are 323 approvals in place, with 344 active businesses (94%).	
		Monitor and action developments from State Government regarding changes in the Best Practice Guidelines	Review Guidelines monthly, then action as required.	Manager Water and Waste	The existing level of compliance with the Best Practice Guidelines is 100% for both Water and Sewer. The review of further initiatives will be commenced, once DPI Water advises the outcomes of their proposed review of the guidelines. As at the 24 July 2020 DPI Water is yet to release their issues paper and monitoring of this continues.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		<p>Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with NSW Dams Safety Committee regulatory requirements.</p>	<p>Compliance with NSW Dam Safety Committee requirements, reported quarterly.</p>	<p>Manager Water and Waste</p>	<p>For both Chifley and Winburndale, a Dam Safety Emergency Plan is in place, and has been updated.</p> <p>Chifley Dam is safe to withstand a 1 in 1,000,000 year flood event.</p> <p>A surveillance inspection of Chifley Dam was undertaken in August 2019. Winburndale Dam surveillance inspections are on hold for the next 12 months during the construction period.</p> <p>Winburndale Dam is not safe to withstand a 1 in 100,000 year flood event, however detailed design is complete, the tender has been awarded and construction has commenced to improve the dam safety.</p> <p>Grant funding was sought through the NSW Safe and Secure Water Program. Council has been successful in procuring \$2.225 million towards this project under the Program.</p> <p>A tender was awarded at the 3 July 2019 Council Meeting to EODO for Winburndale Dam Safety Upgrade. Work is currently 51.4% complete.</p>	
		<p>Work with CENTROC on Water Utilities Alliance goals</p>	<p>Meeting attended. Relevant projects supported. Goals delivered.</p>	<p>Manager Water and Waste</p>	<p>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.</p>	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.	Achieve over 90 % compliance with EPA licence conditions.	Manager Water and Waste	<p>Waste Water Treatment Works operations are ongoing, with maintenance and repairs conducted as required.</p> <p>Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plant's performance are continuing, with internal and external testing performed.</p> <p>Ongoing testing of waste water discharged to the Macquarie River as per EPA Licence 1647 for the test period commencing 1 April for the licence period to date 112 tests have been completed and 98.2% compliance achieved</p>	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Continue program of sewer main CCTV inspection, and lining if warranted	Mains where blockages or overflows occur are inspected	Manager Water and Waste	Identification of appropriate locations for CCTV is ongoing through customer issues, staff advice and development proposals. Any issues found are scheduled for repair or replacement as required. Financial year to date 920m sewer main inspected and relined.	
		Identify, plan and undertake water and sewer construction works.	Complete capital works program	Manager Water and Waste	Liaison with Technical Services staff to obtain advice on road projects and / or developments is continuing. The aim is to ensure water and sewer services are relocated prior to RMS or BRC projects commencing, such as roundabouts (Mitre/Sutor Street roundabout being the current project).	
1.4 3.3 4.3 6.2 6.6	Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.	Replace waste collection vehicles on a 4 yearly cycle.	One waste collection vehicle replaced	Manager Water and Waste	The waste collection vehicle fleet is up to date.	
		Review Waste Management Centre filling plans to ensure the optimum long-term strategy is delivered, and to enable future planning timelines to be developed.	Survey and monitor the remaining air space of the landfill annually. Air space reduction minimised.	Manager Water and Waste	A stormwater management audit of the WMC has been conducted by EPA staff. A review has been conducted by an independent consultant. The final report has been received and recommendations are being put into effect. Planning is underway to conduct a future aerial survey, which is done annually to monitor actual fill and the final fill plan.	
2.2 3.3 6.1 6.2 6.6	Reduce waste to landfill.	Work with NetWaste on waste projects and opportunities, for greater diversion from landfill and increased efficiencies.	Meeting attended. Relevant projects supported and delivered.	Manager Water and Waste	Several ongoing projects are supported, with bi-monthly meetings attended. New projects or opportunities are assessed as they arise.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					<p>All options available to Bathurst Regional Council through NetWaste are supported. Examples include recycling of waste tyres, mattresses, Household Chemical Cleanout, Waste 2 Art and collection and recycling of scrap metal. Recycling and organics collection service started in April 2016. The contract is proceeding well.</p>	
		<p>Council to continue education and promotion of appropriate WasteWise behaviours regarding green waste and recycling. Promote recycling to maximise diversion from landfill.</p>	<p>10 recycling promotion and education programs run. Combined diversion target is 5,000 tonnes.</p>	<p>Manager Water and Waste</p>	<p>The roll out of promotional information and education will continue throughout 2019/20. For 2019/20 to the end of June 2020, food and garden tonnage is 3,378 and recycling is 2,262 giving a total of 5,640 tonnes. 15,240 tonnes of food and garden waste have been sent for composting in the first 49 months (April 2016 to June 2020). Combined with recycling totals show a diversion from landfill of over 25,261 tonnes, or 22,261 million kilograms over this time. WasteWise education works are continuing, and the recycling contract education strategies are also underway.</p>	
		<p>Identify, assess and implement appropriate diversion opportunities.</p>	<p>Opportunities reviewed to determine cost/benefit and reported quarterly.</p>	<p>Manager Water and Waste</p>	<p>Council participates in all 9 NetWaste Regional collection contracts being used - motor oil, scrap metal, E-waste, wood/timber processing, landfill environmental monitoring, regional waste services, tyres, household chemical cleanout, and mattress recycling new contract commencing.</p>	



Recreation

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.4 5.1 5.5	Plan for increasing population and aging population in the provision of suitable recreational projects	Construct additional facilities as determined in budget.	New amenity building, including flood zone mounding for additional sports fields 5 & 6 Hereford Street	Manager Technical Services	Design complete. DA approved, awaiting CC approval. Anticipate calling tenders in September 2020.	
		Update sporting venues, including associated infrastructure.	Upgrade Walmer Park inc lighting and external amenities	Manager Recreation	Design works currently in progress. Anticipate calling quotations in January 2021.	
			Replacement of synthetic turf surface to International Courts – John Matthews Tennis Centre	Manager Recreation	Design works in progress. Anticipate calling quotations in October for commencement of on-site works in January 2021.	
1.4 5.1 5.5	Maintain existing and future recreational areas.	Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities	Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels in the Asset Management Plan.	Manager Recreation	Ongoing as part of adopted maintenance service levels and funding provisions of the current Council Operational Plan.	
1.4 5.1 5.5	Continue environmental programs identified within the Bathurst Vegetation Management Plan	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region	Arrange for 11 Tree Planting and volunteer engagement activities.	Manager Recreation	First community planting day is scheduled to commence in September 2020.	
			Complete the revegetation component of the Queen Charlotte's Vale Creek Grant Project	Manager Recreation	Revegetation site protection fencing complete. Stage 1 of woody weed control to commence in October. Plant supply contract awarded. Anticipate planting to commence in March 2021.	





Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 378 full time equivalent staff in 20 locations and attracting and keeping good people is our priority. For the fourth time in succession, in the bi-annual Employee Opinion Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

Human Resources

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.5 6.1 6.2	Establish and build on effective networks with other councils to identify areas for operational improvements and efficiencies.	Regularly participate in cross-functional teams with CNSWJO and identify opportunities for efficiencies.	BRC HR Team members participate in CNSWJO HR meetings work with relevant committees to ensure developing & implementing HR best practice. Focus for next 12 months is in the areas of Training & Performance Management systems.	Manager Human Resources	Council HR continues to regularly meet with other Councils within the NSW JO area as part of quarterly HR Group meetings, to discuss current HR issues and exchange ideas for improved service delivery. In addition we also regular meet now with the WHS and Training Development groups. HR meetings with "Evo-city" council HR are also ongoing as all Council of similar size to BRC.	
1.1 5.3 6.4 6.7	Ensure all staff complete induction training, ongoing compliance updates and professional development.	Review & improve staff induction program and identify opportunities to streamline into HRIS onboarding and performance areas.	Improve the use of on-line generic style training required for compliance. Review and improve staff induction process to better meet new starter need and allow a targeted approach depending on main area employed. Implement new Recruitment & Onboarding system to streamline this process.	Manager Human Resources	The new staff induction program has now been developed with a focus on providing all new staff with a positive and informative (and compliant) start to their time with Council. In addition an improved recruitment and Onboarding process has also recently been implemented. Computer terminals have been set up at the Depot training area to further improve training opportunities for our outdoor staff and maximise use of our e-learning platform. This should support all staff to complete their required compliance training during their probation period with an aim to have	


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
					most staff completed within their first month of employment Changes to the post recruitment through to end of probation have also now been further streamlined.	
6.2 6.7 6.8	Provide a range of education and training opportunities for Council's workforce.	Identify areas across Council to target education and training to support the achievement of the KPI's in the Workforce Plan	Implement targeted position to support education & training of BRC staff. Ensure Education and training programs align to KPI's contained in Council's Workforce Plan.	Manager Human Resources	The COVID-19 Performance Appraisal Process for 2019/2020 has been rolled out and now completed in a number of areas with aim to have the entire process completed by end of August. Improvements in relation to education & training will now be implemented as part of this process, including dedicated resource to support co-ordination of staff training & development.	
6.7 6.8	Develop and implement programs and initiatives to foster a strong leadership culture.	Review current framework that underpins leadership capability and identify areas for improvement. Focus on improvement of Employee Engagement Programs and supporting training.	Review of current systems that underpin the employee life cycle at BRC completed. Plans to implement required improvements being developed with aim to implement next 12 months.	Manager Human Resources	A full review of this area has now commenced with plans to development an Employee Engagement Program covering all aspects of the employee lifecycle and focus on career development and succession planning. Further improvements will continue to be implemented as part of the revised Performance strategy across all staff levels.	

Governance





Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8	Ensure Council policies reflect community needs and organisational requirements.	Regular review of Council's policies (Policy Manual).	Individual Policies reviewed for relevance and compliance with statutory requirements	Manager Corporate Governance	All Council policies are undergoing review. First policies went to Council's July meeting. Program continuing.	
6.4 6.5	Implementation of the Government Information Public Access Act (GIPA Act)	Provision of Contract Register on Council's website.	Register updated monthly.	Manager Corporate Governance	New register to be developed during 2020/2021	
		Action requests for information under GIPA Act.	Information requests (formal and informal) actioned in accordance with statutory guidelines.	Manager Corporate Governance	Nil applications received during July. Applications outstanding from 2019/2020 – 1 completed during month, 1 still outstanding.	
4.3 6.4	Ensure Council's continuity of operations.	Review of Disaster Recovery Plan and Business Continuity Plan.	Plan reviews completed	Manager Corporate Governance	Nothing due at the present time.	

Information Services



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.3 2.5 6.8	Improve long-term viability and availability of electronic data for both the current and long term.	Review Backup Strategy with a view to allowing auto fail over to DR site.	Process implemented and tested.	Manager Information Services	Project has been established with a view to having the solution implemented before June 30 2021.	<div><div></div><div></div><div></div></div>
		Install Software to monitor the movement of Tax File numbers within and without the organisation	Software installed and tested.	Manager Information Services	Software has been installed and configured. Monitoring has begun. Looking at ways to report out of the system on a regular basis.	<div><div></div><div></div><div></div></div>
		Refresh Server & SAN infrastructure at the Civic Centre and also at Council's DR site (Library)	Server and SAN hardware installed and tested and implemented.	Manager Information Services	Server & SAN infrastructure has been purchased and installed. Configuration has begun with a view to migrating off current hardware by December 2020.	<div><div></div><div></div><div></div></div>
		Implement cloud based VOIP telephone system.	Phone system installed and functioning	Manager Information Services	Currently in the planning stages of developing the tender document with a view to having the tender out by end of February 2021.	<div><div></div><div></div><div></div></div>
		Migrate file server data to SharePoint.	All data migrated and removed from SAN storage.	Manager Information Services	Sharepoint migrations have begun. It is intended to have all migrations complete by end February 2021.	<div><div></div><div></div><div></div></div>
2.2 2.3 2.6 5.2	Support the Smart Cities project.	Complete Stage2 of CBD CCTV	System installed and functioning.	Manager Information Services	The underboring company (PT&S) has completed the underground work. Kelso electrical was successful in winning the RFQ. They began work on Wednesday June 3rd with a projected completion date of 21st August 2020.	<div><div></div><div></div><div></div></div>

Events					
Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date
1.3 2.1 2.2 2.6 5.2 5.3 6.3	Coordinate and deliver events to enhance the cultural life of residents and promote the Bathurst Region	Deliver events including New Years Eve, Australia Day, Bathurst Cycling Classic, NRL game, Bathurst 1000 off track events.	90% or more of residents attend an event.	Events Manager	<ul style="list-style-type: none"> Successfully organised and executed the Bathurst Winter Festival in a Covid Safe environment. Reimagined parts of the event to ensure safety of event and attendees. The illuminations ran with new locations and were pitched as an 'in car' experience. Brighten Up Bathurst saw homes across the region display lights and winter themed decorations. A drive-in cinema was held at Mount Panorama which was in place of the ice rink. More than 1,500 tickets were sold. 28% of tickets to the drive in were sold outside 2795 which alone brought in approx. \$50,000 economic benefit to the region. A focus was on business benefit during the pandemic which resulted in multiple business initiatives including: food nights, music nights, live streaming of venues, treasure hunts, window display competitions and online markets.
					


Finance


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.1 6.6	Ensure Council's long term financial sustainability.	Review need for special variation in rate income.	Long Term Financial Plan complete and adopted by Council. Special Rate Variation considered by Council.	Manager Financial Services	Long Term Financial Plan completed for 2020/21. Council did not apply for a special rate variation for 2020/21 Operating/Delivery Plan.	
		Improve Council's cash flows.	Rates and Charges Outstanding Ratio less than 10%.	Manager Financial Services	As per 2018/19 Financial Statements achieved 6.30% (2017/18 6.17%). (2016/17 5.68%). (2015/16 5.85%). (2014/15 6.63%).	
		Ensure Council's level of debt is manageable.	Debt service ratio less than 10%.	Manager Financial Services	As per 2018/19 Financial Statements achieved 2.17% (2017/18 3.66%). (2016/17 4.12%). (2015/16 3.95%). (2014/15 4.10%).	
		Maximise invested funds within prudential guidelines.	Outperform monthly 90 day bank bill swap rate.	Manager Financial Services	At 31 st July 2020 current year average: • Investment earnings – 1.29% (2019/20 average 1.58%) • 90 day Bank Bill Swap Rate – 0.10%	

Property

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.5 6.4 6.5 6.8	Manage development of new residential land releases to ensure appropriate level of supply.	Complete development of residential land in accordance with Council plans.	Release of Sunnybright Stage 2.	Property Manager	Sunnybright land release of Stage 'B' will be on the 31 July 2020. 39 Lots in this stage release.	
2.1 4.1 6.4	Manage development of new commercial and industrial land releases as required to meet the needs of new businesses.	Development in Bathurst Trade Centre and Kelso Industrial Park as required.	Provision of land to meet demands.	Property Manager	Stage 11 of Bathurst Trade Centre is in planning stage. DA to be lodged by end of 2020. Kelso Industrial Park grant funding (Drought Relief) – DA lodged, plans on hold due to CoVid19.	

Corporate Communications



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.1	Communicate and engage with the community	Bathurst Regional Council Community Survey.	Overall satisfaction rating > 70%	Manager Corporate Communications	Report completed and submitted to Council. 90% of residents are at least somewhat satisfied with the performance of Council. (96% are at least somewhat satisfied with the courteousness of staff; 91% are at least somewhat satisfied with the helpfulness of staff; 93% are at least somewhat satisfied with the knowledge of staff & 84% are at least somewhat satisfied with the responsiveness of staff).	

						
			<p>Ensure community consultation occurs</p>	<p>All consultation projects included on the "Your Say" platform</p> <p>Followers on social media > 11,000 BRC Website visits > 40,000</p>	<p>Manager Corporate Communications</p>	<p>As at 31 July 2020:</p> <p>100% consultation projects on Your Say Bathurst (Bathurst Winter Festival feedback, Bathurst Town Centre Master Plan, Mitre Sutor Lamber St roundabout, Tourism feedback, COVID-19 stimulus measures, Bathurst Rail Museum, Irrigators Portal)</p> <p>Social media followers: BRC Facebook Page: July: 9,941 BRC Twitter Page: July: 1,642 July Total: 11,583 (sum of FB & Twitter)</p> <p>Website visits BRC: 26,728 Bathurst Winter Festival: 22,108 Mount Panorama: 8,732 Museums Bathurst: 5,762 Bathurst Art: 2,121 BMEC: 1,058 Cobb & Co: 827 Hill End Art: 622 Bathurst Cycling Festival: 299 Bathurst Child Care: 250 July total: 68,607</p>

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.

Community Services

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.5	Work in partnership with key stakeholders to develop administer and deliver community planning that reflects the strengths and needs of specific sectors and the community as a whole.	Undertake the actions identified in the Bathurst Community Safety Plan in partnership with the Bathurst Regional Community Safety Committee	Provide administrative support to 4 meetings of the Bathurst Regional Community Safety Committee. Relevant campaigns /projects developed and implemented as per actions identified in the Bathurst Community Safety Plan.	Manager Community Services	Community Safety Committee meeting held 30 July 2020 YTD one (1) Community Safety Committee meeting held Don't Be Next Campaign targeting steal from motor vehicle offences launched 14 July 2020. YTD one (1) campaign undertaken in accordance with the Bathurst Community Safety Plan.	
6.3		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.	Undertake monthly review to determine number of actions in progress or complete.	Manager Community Services	Review of actions and strategies listed in the Disability Inclusion Action Plan undertaken. YTD 20 of 50 actions in progress (40%) YTD 11 actions complete (22%)	
6.3			Research and draft second DIAP 2022-2025		While COVID-19 has had an impact on the DIAP with 21 out of the 50 actions affected (42%), many actions are "ongoing" and remained a priority for Council.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Research and Draft Positive Ageing Strategy	First draft completed by 30 June 2021	Manager Community Services	Research and drafting of second DIAP did not commence in July 2020.	
5.1 4.3 1.3 5.4 6.2 6.3	The provision of the Kelso Community Hub as a safe community hub and venue for outreach service provision that meet the needs of the community.	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.	Facilitate 2 meetings with Kelso Community Hub stakeholders. Provide 2 Kelso Community Hub update reports to Council.	Manager Community Services	No Kelso Community Hub stakeholder meetings were held during July 2020. YTD (0) stakeholder meetings have been held. No Kelso Community Hub update reports provided to Council during July 2020.	
		Encourage and facilitate the use of the Kelso Community Hub by outside services, organisations and businesses to meet the needs of the community.	Gaps in service provision identified and proactive contact made with appropriate services to meet these identified gaps at the Hub.	Manager Community Services	YTD (0) update reports provided to Council. Contact made with four (4) services during July 2020: Ochre Health, Busby Medical Practice, Bathurst Hospital - Community Health and Paediatrics.	
		Develop and provide programs and activities that meet the identified needs of the community	Deliver the breakfast program 3 days per week during school terms	Manager Community Services	Breakfast Program did not operate during July 2020 due to COVID-19.	
			Source three external services to deliver school holiday activities each school holiday period	Manager Community Services	No school holiday activities held during July 2020 due to COVID-19.	
5.1 5.3 1.3 6.2 6.3 6.7	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Facilitation of 6 Bathurst Regional Youth Council meetings, including attendance numbers	Manager Community Services	Youth Council meeting was held 28 July 2020. One (1) Youth Council meeting has been held YTD, with a total of 10 participants.	
			Undertake at least 6 youth initiatives, activities, programs and events including attendance numbers.	Manager Community Services	No Youth Council initiatives were undertaken in July 2020. No Youth Council initiatives have been undertaken YTD.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.4	Provision of high quality child care facilities to cater for children aged 0-12 years in the Bathurst Community	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	25% of policies reviewed.	Manager Community Services	Two (2) Policies reviewed YTD in both Long Day Care and Family Day Care to align with current COVID conditions. 'Managing Children's Illness Policy' and 'Infectious Diseases Policy'.	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			Develop Quality Improvement Plans (QIP) aligning with Self-Assessment Tools	Manager Community Services	Self Assessment Tool completed for Scallywags to align with Service QIP review YTD no Self Assessment Tool for Family Day Care.	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			Facilitate 1 survey for Family Day Care (FDC) for review of service delivery.	Manager Community Services	YTD no survey completed for Family Day Care.	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			Facilitate 1 survey for Long Day Care (LDC) for review of service delivery.	Manager Community Services	YTD One family survey sent to Scallywags families regarding care needs for 2021	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
6.3 6.4 6.7	The provision of Council's Children Services, setting a benchmark for education and care in the Bathurst LGA	Ongoing review of service delivery for future growth of occupancy rates of all services.	Provide 1 Children's Services update report to Council	Manager Community Services	YTD no report submitted to Council	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			75% occupancy rate for long day care	Manager Community Services	YTD current occupancy rate at 93%	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			10% increase on 2019/2020 occupancy rate in Family Day Care	Manager Community Services	YTD five (5) new families have registered with the service in the month of July. Enquiries have come through looking for child care in general both FDC and LDC.	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
			Undertake one annual promotional initiative for the section.	Manager Community Services	YTD no annual promotional initiative has taken place.	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
	Promotion of Children's Services.	Build community awareness of services offered by Children Services section				







Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
			Facilitate 3 marketing mechanisms	Manager Community Services	YTD 2 mechanism undertaken - Children's Services Facebook page presented video on Scallywags Bush Kinder Program. Through Facebook a promotional video developed by NSWFDC was presented and boosted to promote activity for the service and new enrolments.	
			Facilitate 1 marketing mechanism relating to transition to school programs	Manager Community Services	Transition to School Information packs sent to families of 3-4 and Preschool children	
	Connect and collaborate with Children's Services networks locally and regionally to ensure service provision reflects strengths and needs of the sector	Provide community awareness activities relevant to Councils Children's Services	Facilitate 1 industry, local community forum	Manager Community Services	YTD no attendance undertaken by Children's Services. Scallywags Staff training calendar established for 20/21 appraisal year. FDC professional development for staff and educators developed.	
			Attendance/participation of 1 regional relevant forum	Manager Community Services	YTD no attendance to a Regional event.	

Bathurst Library

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.3	Develop a strategic approach to planning the next-practice library	Review Library against available benchmarks	Report to Council by June 2021	Manager Library Services	No action this month.	
5.3	Maintain and improve community participation in the Library Services	Maintain and improve membership base	Membership is 30% or more of total population	Manager Library Services	To date, the total active membership of Bathurst Library is 11,865 = 30% of Bathurst population. Excluding non-2795 members, membership is 11,865 = 28% of Bathurst population. Reciprocal/Temporary (non-2795 postcode) membership is 791.	
		Maintain and improve visitations	Yearly visitations are 140,000 or more (monthly average: 11,666)	Manager Library Services	4,775 people visited the library this month. Note: library reopened weekend on Saturday 25 July 2020.	
		Maintain and improve program and event delivery	Deliver 240 or more programs / events per year (monthly average: 20)	Manager Library Services	13 Programs delivered in July.	
		Maintain and improve attendance at programs and events	7,800 attendees or more to programs / events per year (monthly average: 650)	Manager Library Services	Most programs are delivered online. Children's programs are delivered via Facebook. 24 people attended 2 online Author talks in July. 17 people attended the Adam Courtenay talks in library (COVID-19 max. of 20).	
5.3	Maintain and improve access to information and life-long learning	Maintain and increase circulation of all library material	Loans exceed 240,000 per year (monthly average: 20,000)	Manager Library Services	YTD 16,900 items borrowed	

		Improve online information	500 digitised Local Studies images are available on Trove by June 2021.	Manager Library Services	In communication with the National Library about the project.	
		Improve adult digital literacy skills	Provide at least 200 tech sessions for adults yearly	Manager Library Services	Tech Assist sessions are currently suspended due to COVID-19.	
		Improve community access to technology	15,600 Public PC bookings or more per year (monthly average: 1,300) and 78,000 Wi-Fi logons or more per year (monthly average: 6,500).	Manager Library Services	YTD 515 Public PC bookings. YTD 1,006 Wi-Fi logons Note: library reopened weekend on Saturday 25 July 2020.	
		Launch Readers Online portal	Launch + demonstration workshop is held by June 2021	Manager Library Services	Research in progress.	
		Honour Wiradjuri History	Create and publish a list of relevant research resources by June 2021	Manager Library Services	Research in progress.	
		Growth in followers on the library social media platforms	More than 2,250 Facebook likes and more than 900 Twitter followers	Manager Library Services	Facebook: 2,705 Twitter: 918	
		Monitor community satisfaction with Library Services, Programs and Collections	Launch Library Community Survey in June 2021	Manager Library Services	Work to commence in April 2021.	
		Further the partnership with the Kelso Community Hub	Deliver at least two (2) activities	Manager Library Services	Planning in progress.	
6.1	Communicate and engage with the community					
6.2	Maintain and create partnerships with local organisations and neighbouring councils					






Bathurst Regional Art Gallery


Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.3	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity and promote cultural vitality in the region through the development and care of the permanent collection, temporary exhibitions and research facilities.	Increase community participation and engagement through public programs and events	At least six public programs / events / education programs delivered per exhibition slot with participation over 350	Art Gallery Director	July: online programs included 4 x Saturday Studio Sets, 2 x exhibition call-outs	
		Increase student and teacher engagement through education programs and outreach	5% increase in school engagement on 2019/20 Develop Teacher Professional Development Program.	Art Gallery Director	July: No activity	
		Provide opportunities for the professional development of regionally based artists through exhibition.	Staging of 4 regional artist projects with at least 3,250 attendees Launch AR+ Central program	Art Gallery Director	July: Stephen Hogan: Imagine (Foyer Space) July: ART COLLECT continuing	
			Production of 3 online resources / catalogues.	Art Gallery Director	July: No activity	
		Develop community access to and understanding of contemporary indigenous art through exhibition and four development.	Staging of 2 exhibitions.	Art Gallery Director	July: No Activity	
		Develop community access to the permanent collection through exhibition, research, loans and	Staging of 2 permanent collection exhibitions.	Art Gallery Director	1. ART+COLLECT Hill End Highlights (July): Visitation 1,355 2. AR+COLLECT Celebration of Colour (July) Visitation: 824	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		touring exhibitions on an as needs basis.	Improve database access through transition to KEmu 100% completion by July 2021.	Art Gallery Director	July: 980 works from BRAG collection digitised, condition reported and updated in database July: KEmu training undertaken by Collections Manager	
			Develop timeline and budget for Gallery Store conversion	Art Gallery Director	July: draft plans drawn	
6.1 2.6	Communicate and engage with the community	Increase community engagement on social media platforms.	Increase BRAG Instagram followers to 2,500 Increase Hill End AIR Instagram followers to 500 Increase BRAG Facebook likes by 5%	Art Gallery Director	July: 2088 July: 491 July: likes 2936, 31 July likes 2972 = 1.23% increase	
5.2	Promote cultural activity in the Bathurst CBD, neighbourhoods and the region's villages through the development of inclusive and accessible satellite programs and events, and the promotion of Hill End as a significant site of contemporary and historic Australian art and culture.	Develop community understanding of the achievements of the Hill End Artists in Residency Program through exhibition and partnerships.	Staging of 3 Hill End Artists in Residency exhibitions with at least 3,250 attendees. Develop residency partnership: National Art School	Art Gallery Director	July: no activity July: No activity	
			Source funding for cottage refurbishment projects	Art Gallery Director	July: Margaret Olley Trust: \$7,500	



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.3 6.6		Broaden access and inclusion to the Gallery's exhibition program through off-site and public art projects	Develop and deliver one community participatory public art project	Art Gallery Director	July: BRAG commissioned Turn by local artists Sonny Day & Biddy Maroney for the 2020 Winter Festival illuminations program	<div><div></div><div></div><div></div><div></div><div></div></div>
			Delivery of 2 off-site programs / events with at least 1,000 participants	Art Gallery Director	July: BRAG commissioned local artists Sonny Day & Biddy Maroney to produce an original work, Turn, for the 2020 Winter Festival illuminations program	<div><div></div><div></div><div></div><div></div><div></div></div>
		Implement relevant activities within the Public Art Policy as resources permit	Develop Public Art Policy Asset Register	Art Gallery Director	July: No Activity	<div><div></div><div></div><div></div><div></div><div></div></div>
			Develop Public Art Policy Artists Register	Art Gallery Director	July: Completed	<div><div></div><div></div><div></div><div></div><div></div></div>
		An increase on 2019/20 total revenue generated from gallery retail and sales	5% increase in revenue	Art Gallery Director	July: 2019-2020: \$4,386.55 2020-2021: \$4,749.60 Which equates to 8.3% increase	<div><div></div><div></div><div></div><div></div><div></div></div>



Bathurst Memorial Entertainment Centre

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
4.1 1.1 1.2 5.3 6.2	Implement a strategic approach to planning the next-practice Performing Arts Centre	Consultant to develop framework, provide timeline, and produce interim solution	Timeline and interim solution provided by July. Framework provided by August	Manager BMEC	Timelines and arrangements reviewed due to COVID-19, other influencing factors and budget considerations.	
5.2 5.3	Maintain and improve community participation in BMEC services and activities	Maintain and improve average number of tickets purchased per Member	Average of at least 5 tickets per Member	Manager BMEC	YTD average Tickets Purchased by Member: 9.7 however actual purchases for the financial year will decrease as refunds have been required due to COVID-19 cancellations or postponements. YTD 148 current members The BMEC Annual Season is a calendar year program. Current plans will have 2021 season on sale in November 2020. Depending on COVID-19 effects.	
		Maintain and improve venue attendance	Attendances exceed 55,000	Manager BMEC	In July 2020 68 people attended Local Stages activity – as BMEC events have not resumed apart from Weekly drama classes, rehearsals for Nicoles Fancy Party and Live Words workshop.	
		Maintain and improve program and event delivery	Deliver approximately 14 Season and other events, 7 associated workshops and a Local Stages Program including LEAP program, local writers and other performing arts development	Manager BMEC	In July Local Stages has hosted Live Words – play writing workshops and developed new work for performance Nicoles Fancy Party – opening 5 August. Primary drama workshops resumed for Term 3. Due to COVID-19 other events cancelled.	
		Maintain and improve attendance at programs and events	5,200 attendees or more to Season shows and 4,000 at associated and Local Stages projects per year	Manager BMEC	Season shows cancelled due to COVID-19 14 Students attending drama over two sessions.	

1.1 1.2 5.3	Communicate and engage with the community	Growth in community engagement	At least one intrinsic impact study per year. 2% growth in social media followers over 2019/2020	Manager BMEC	<p>BMEC has participated in a national Australia Council Survey to gauge the impact on audiences of COVID-19. BMEC has received detailed anonymous results of local survey participants responses and aggregated national results. Results received to date are for stage one. There will be a second stage in July and a third in September</p> <p>18% YTD growth from 1 July 2019</p> <p>BMEC currently has</p> <ul style="list-style-type: none"> • 3661 Facebook followers • 516 Twitter Followers • 984 Instagram followers 	
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Museums

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	An increase in total visitor numbers to the Bathurst Regional Council managed museums of 8% over 4 years	An increase of 6% total visitors from 2017/18 numbers to: <ul style="list-style-type: none"> • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum 	Total increase of 6% in visitor numbers	Manager Museums	Total number of visitors to museums in July 2020 was 13,525 which is a 137% increase on July 2017 numbers of 5705 (noting new museum open during this period). Australian Fossil & Mineral Museum 4997 which is a 730.06% increase on July 2017 visitor numbers of 602. National Motor Racing Museum 4135 which is a 58% increase on July 2017 visitor numbers of 2617. Bathurst Rail Museum 4393 in July 2020. * note Rail Museum opened February 2020. Chifley Home & Education Centre (remains closed due to COVID-19) 0 which is a decrease on July 2017 visitor numbers of 66.	
2.6 1.1 1.2 1.3 6.6	An increase in the total educational/schools engagement with the Bathurst Regional Council managed museums of 8% over 4 years	An increase of 6% in total education/schools engagement from 2017/18 numbers to: <ul style="list-style-type: none"> • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre • Bathurst Rail Museum 	Total increase of 6% in education/school engagement	Manager Museums	The number of education/school engagement across the Museums in July 2020 was 0 which is a decrease on July 2017 numbers of 61. *Note education programs & tour groups remain suspended under COVID-19 Australian Fossil & Mineral Museum 0 which is a decrease on July 2017 visitor numbers of 61. National Motor Racing Museum 0 which is the same as July 2017 visitor numbers of 0. Bathurst Rail Museum 0 in July 2020. Chifley Home & Education Centre (remains closed due to COVID-19) 0 which is the same as July 2017 visitor numbers of 0.	

<p>2.6 1.1 1.2 1.3 6.6</p>	<p>The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council managed museums</p>	<p>Undertake exhibitions, public programs and community events across the Bathurst Regional Council managed museums</p>	<p>Minimum six exhibitions, five public programs and two community events</p>	<p>Manager Museums</p>	<ul style="list-style-type: none"> In July 2020 the following has occurred: <ul style="list-style-type: none"> Exhibitions Australian Fossil and Mineral Museum <ul style="list-style-type: none"> Chapman Collection. National Motor Racing Museum <ul style="list-style-type: none"> 1985 Gemini and 1988 Holden V8 display engine received on loan from Holden Heritage Collection - NMRM Torana styling model and two signed Supercar panels received as donations from Holden - NMRM Chifley Home and Education Centre <ul style="list-style-type: none"> Nil – closed due to COVID-19 Bathurst Rail Museum <ul style="list-style-type: none"> The Cole Family Local Stories cabinet ongoing. Community Events <ul style="list-style-type: none"> Nil – suspended due to COVID-19 Public programs <ul style="list-style-type: none"> Nil – suspended due to COVID-19 	
<p>2.6 1.1 1.2 1.3 6.6</p>	<p>An overall increase in revenue generated from museum retail outlets and venue hire across the Bathurst Regional Council managed museums</p>	<p>An increase of 6% total revenue from 2017/18 numbers to:</p> <ul style="list-style-type: none"> Australian Fossil and Mineral Museum National Motor Racing Museum Chifley Home and Education Centre Bathurst Rail Museum 	<p>Total increase of 6% in revenue</p>	<p>Manager Museums</p>	<p>In July 2020 the following retail and venue hire gross revenue was achieved:</p> <ul style="list-style-type: none"> Australian Fossil & Mineral Museum \$29,117 which is a 122.11% increase on July 2017 income of \$13,109. National Motor Racing Museum \$29,481.75 which is a 42.15% increase on July 2017 income of \$20,483. Chifley Home and Education Centre: Remains closed due to COVID-19. \$0 which is a decrease on July 2017 income of \$132. Bathurst Rail Museum 	

1.1 1.2 1.3 6.6	Central Tablelands Collection Facility	Commence construction of Central Tablelands Facility including preparation of BRC objects for move into the facility	Commence construction and object preparation for move	Manager Museums	<p>\$10,147.35 in July 2020. Total retail and venue hire gross income across the Museums in July 2020 was \$68,745.85 which is an 103.84% increase on July 2017 income of \$33,724</p> <p>In July 2020 the following occurred:</p> <ul style="list-style-type: none"> • Negotiations with preferred contractor ongoing • Negotiating with other groups as partners ongoing 		<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>		

Tourism

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.1 6.1	Grow the number and engagement of businesses associated with the Visitor Economy	Work with local operators in the provision of visitor services	10 new packages, products or experiences developed	Manager Tourism & Visitor Services	2 experiences developed YTD: Renzaglia virtual wine tasting Ben at Home, Chifley Home	<div><div></div><div></div><div></div><div></div></div>
		Grow Regional Tourism Partnership program	Number of tourism partners increased by 10%	Manager Tourism & Visitor Services	Partnership fees waived for 20/21 FY. Campaign targeting new businesses underway	<div><div></div><div></div><div></div><div></div></div>
		Increase stakeholder advertising in Destination Planner	Advertising revenue increased 10%	Manager Tourism & Visitor Services	New advertising prospectus completed July 2020.	<div><div></div><div></div><div></div><div></div></div>
2.6	Provide visitors and prospective visitors to the area with quality information and services.	Develop new engaging content for Bathurst Step Beyond App	2 new tour products added	Manager Tourism & Visitor Services	Preliminary meeting in July – development of Wiradjuri Tour	<div><div></div><div></div><div></div><div></div></div>
		Increase volume of online bookings	Increase of 20% bookings through online portal	Manager Tourism & Visitor Services	\$2914 of bookings made in July 2020. 35% decrease against 2019 YTD primarily due to loss of event based sales.	<div><div></div><div></div><div></div><div></div></div>
		Develop annual Destination Planner	2021 Destination Planner published	Manager Tourism & Visitor Services	Work to commence in August 2020.	<div><div></div><div></div><div></div><div></div></div>
		Develop new Bathurst region villages touring itineraries	6 new itineraries created and published on website/available at BVIC	Manager Tourism & Visitor Services	No new itineraries created in July 2020.	<div><div></div><div></div><div></div><div></div></div>
		Create focused local range of retail products and souvenirs at BVIC	Retail sales at BVIC increase by 10% over previous year	Manager Tourism & Visitor Services	\$6,631 net retail revenue in July 2020. 39.7% increase YTD	<div><div></div><div></div><div></div><div></div></div>

2.6	Effectively promote and market the Bathurst Region as a key destination	Develop new 2020-2022 marketing plan	Plan completed & adopted by Council	Manager Tourism & Visitor Services	Not commenced.	
		Implement online content strategy	Destination website page views increase 15% Industry website page visits increase 20% Total social media following increase 20%	Manager Tourism & Visitor Services	Pageviews of 30,804 are 40.84% increase on 2019/20 No metrics available YTD Total social media increase YTD of 3.8% to 16,183	
		Develop and produce new resident information for Mayoral Welcome Wagon	Material produced and distributed at Welcome Wagon events	Manager Tourism & Visitor Services	No event held in July 2020	
2.6	Increase total number of visitors and overnight stays in the Bathurst region	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and Brand strategy	Overnight visitors increase by 5% Average length of stay increases by 7.5%	Manager Tourism & Visitor Services	No updated statistics available YTD. Tourism Research Australia data pending.	
		Promote BVIC as essential step off point for Bathurst region.	Annual visitation to BVIC increases 3%	Manager Tourism & Visitor Services	July school holiday visitation increased by 16.8%. Total YTD visitation of 3,965 decrease of 3.4% on 2019/20.	



Destination Management




Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.6	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	Implement the Strategic priorities of the 2019 DMP	25% of actions completed or underway	Manager Tourism & Visitor Services	22 priority actions representing 21.1% completed or underway as at 31 July 2020.	
2.6	Support the Tourism Reference Group, which consists of a cross section of the industry	Improved collaboration between industry groups and Council.	Hold at least 4 meetings with industry	Manager Tourism & Visitor Services	No meetings held in July 2020	
2.6	Connect with industry	Continue monthly industry eDM Host minimum of 4 industry gatherings Increase engagement with industry website	Minimum of 12 eDMs issued Minimum of 4 events held Pageviews increase 25%	Manager Tourism & Visitor Services	2 eDMs issued July 2020 No Industry events in July 2020 No metrics yet available for this site	
2.6	Set and measure benchmarks	Publish annual market intelligence report to strengthen knowledge and guide investment.	Report produced	Manager Tourism & Visitor Services	Strategy for producing report accepted at July meeting of Council.	

Environmental, Planning & Building Services




Council will manage growth and development in alignment with Council's and the NSW Government's planning instruments and controls, and continue forward planning through reviews of the Housing Strategy, Open Space Strategy and Transport and Parking Strategy. Adoption of a new Economic Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation and good urban design.




Environmental

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4 5.2 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 by continuing to provide community programs relating to responsible pet ownership	Complete Responsible Pet Ownership community programs Maintain and enhance areas for off-leash recreation for dogs	Two Community desexing programs conducted Pet Education event held Educational radio interviews conducted weekly Educational social media posts conducted monthly Maintain Kefford Street Off Leash areas fortnightly	Team Leader Regulatory Services	Weekly radio interviews undertaken in July 2020. Maintenance of off-leash areas regularly undertaken during July 2020.	
6.4 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 and Impounding Act 1993 by promptly responding to customer requests and implementing enforcement action for breaches	Investigate animal related complaints, including matters reported after hours Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards 100% response to customer requests reported out of hours	Team Leader Regulatory Services	100% of customer requests responded to within adopted corporate standards 100% of customer requests responded to out of hours	






Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
6.4	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities	Operate Small Animal Pound at Vale Road site	Implement social media program to promote rehoming of impounded dogs and cats Increase the % of impounded dogs returned to owner or sold or released to welfare organisation Increase the % of impounded cats returned to owner or sold or released to welfare organisation	Team Leader Regulatory Services Manager Environment	Adoption posts were regularly made during July 2020.	
		New Small Animal Impounding Facility construction commenced	Construction 50% completed by 1 April 2021		Design for DA almost complete. Statement of Environmental Effects almost complete. Acoustic assessment finalised.	
6.4 4.4 5.2 5.4	Meet Council's responsibilities under the Road Rules 2014 and Fines Act 1996	Monitor and enforce parking regulations on public roads Implement a community education program regarding the Australian Road Rules	Daily monitoring undertaken Educational social media posts conducted monthly	Team Leader Regulatory Services	Daily monitoring undertaken, with an educational approach in place due to COVID-19	
		Monitor and enforce parking regulations in off street car parks in accordance with contractual obligations	100% compliance with contractual obligations		Regular monitoring of car parks undertaken during July	
6.4 5.2	Meet Council's contractual obligations under the Local Government Act 1993 in monitoring and enforcing parking regulations in off street car parks			Team Leader Regulatory Services		

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
3.1 3.2 3.3 3.4 6.4 1.4	Meet Council's responsibilities under the Protection of the Environment Operations Act	Investigate customer requests and pollution incidents Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards	Manager Environment	97% of customer requests responded to within adopted corporate standards	
		Undertake educational programs to enhance community knowledge	Monthly posts on the @sustainablebathurst Facebook page	Manager Environment	Posts in July focused on illegal dumping matters.	
3.3 3.5 6.1	Continue to improve the community's awareness and capacity regarding environmental sustainability	Communicate sustainability messages via a range of on-line and traditional media sources Conduct sustainability education programs	Weekly posts on the @sustainablebathurst Facebook page Conduct Sustainable Living Expo in March 2021 Conduct a sustainability education program targeting primary school aged students by December 2020	Manager Environment	Regular posts throughout the month focusing on Backyard Ranger program and rehabilitation projects Implementation of the "Get Grubby" schools education program ongoing, with more than 20 schools signed up for the program.	
3.1 3.2 6.4	Implement Council's Onsite Sewage Management Strategy and meet Council's obligations under the Local Government Act 1993	Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	Increase the number of onsite sewage management systems with a current approval to operate	Manager Environment	Inspection program is ongoing but a significantly reduced frequency do to Covid-19 restrictions.	
3.1 3.4 3.5 1.4	Meet Council's obligations under the Local Government Act 1993 and community expectations to manage, restore, enhance and conserve the natural environment	Implement the Urban Waterways Management Plan Implement the Biodiversity Management Plan Implement the Pest Bird Management Plan	Implement a priority project identified in the Urban Waterways Management Plan. Implement a priority project identified in the Biodiversity Management Plan.	Manager Environment	Planning underway for UWMP projects for this year. Planning underway for BMP projects for this year. Nest box program currently underway to increase available habitat for Native birds within the urban areas. A myna bird trapping research program also commenced in July.	

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
		Implement the Roadside Vegetation Management Plan	Implement a priority project identified in the Pest Bird Management Plan Implement a priority project in the Roadside Vegetation Management Plan		Planning underway for RVMP projects for this year.	
3.5 3.3 6.6	Implement energy efficiency and renewable energy projects at Council facilities	Implement the Renewable Energy Action Plan	Implement a priority project identified in the Renewable Energy Action Plan	Manager Environment	The installation of a 90kWh solar array at the Bathurst Memorial Entertainment Centre was complete in July 2020.	
3.1 3.4 6.4 1.4 4.6	Meet Council's obligations under the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and Water Management Act 2000 Meet Council's obligations under SEPP55 and related planning policies	Ensure the assessment of development applications meets all of the requirements of the Biodiversity Conservation Act 2016, Fisheries Management Act 1994, Vegetation SEPP and Koala SEPP Ensure that Council activities are compliant with the requirements of the Biodiversity Conservation Act 2016 Ensure the assessment of development applications meets all of the requirements of SEPP55 and Council's Contaminated Land Policy	Number of development applications assessed and professional advice provided. Council policies and plans are reviewed and updated where required to ensure consistency with current legislation Assess vegetation removal applications in urban zones in accordance with the vegetation SEPP in Council's DCP. Professional advice provided including pre-DA advice on contaminated land matters	Manager Environment	18 development applications were assigned for assessment in July 2020. Advice provided during July 2020 for various Council activities and their implications under the Biodiversity Conservation Act.	
2.3 3.3 5.2	Contribute to the development of Bathurst as a Smart City	Establish the Bathurst Region as an EV charging destination	Implement a priority project to meet NSW plan targets	Manager Environment	The final draft of Council's Electric Vehicle transition plan was received in July 2020.	



Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
3.3 3.5 6.4 3.1	Meet Council's statutory reporting obligations under the Local Government Act 1993	Monitor the operational footprint of Council's operations and report on trends identified. Measure and collate the trends in environmental condition across the Local Government Area	Collate data and prepare reports on Environmental data on an annual basis	Manager Environment	Data collation was completed for the 2019/20 SOE report in July 2020. Preparation of the Regional SOE and Bathurst SOE commenced.	
6.4 5.4	Meet Council's obligations in the Food Regulation Partnership and the Food Act 2003	Conduct a program of inspections of food premises including home-based food premises to ensure compliance with regulations	Conduct an inspection of all high and medium risk food premises by June 2021 Implement a risk based inspection program for home-based food premises Prepare and distribute educational material on food safety three times annually 95% of customer requests responded to within adopted corporate standards	Manager Environment	Food inspection program ongoing during July 2020. Council is receiving a high volume of requests to operate home based businesses at present. Council's educational materials are focused on advice on complying with Public Health Order no3 100% of customer requests were responded to within adopted corporate standards.	
6.4 5.4	Meet Council's obligations under the Public Health Act 2010 and associated regulations	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers	Conduct an inspection of all skin penetration premises Conduct an inspection of all public swimming pools and spa pools Implement the activities identified as Council's role in Legionella management and the inspection of cooling towers 95% of customer requests responded to within adopted corporate standards	Manager Environment	Skin penetration premises and public swimming pools were not inspected during July 2020. NSW Health is conducting inspections of skin penetration premises at present to ensure compliance with Public Health Order no 3. Liaison with operators of cooling towers continued in July 2020. Four customer requests were registered with Council during July 2020 but are yet to be finalised.	

Planning




Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
1.5 2.1 3.3 4.6 5.5 6.4	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.	Prepare draft LEP and DCP amendments	Planning proposals referred to NSW Department of Planning & Environment for gazettal	Manager Strategic Planning	1. LEP Amendment: Moveable and Monumental Heritage. Gateway determination received. Awaiting public exhibition. 2. LEP Amendment: Open Space. Gateway determination received. Awaiting public exhibition. 3. LEP and DCP Amendment: Laffing Waters Master Plan. Planning Proposal being prepared. 4. LEP and DCP Amendment: Heritage Conservation Area Review. Planning Proposal being prepared.	
1.5 2.1 3.3 4.6 5.5 6.4	Investigate relevant land use and planning issues of the Bathurst Region.	Prepare studies and plans.	Draft studies/plans are well underway by 30 June 2021	Manager Strategic Planning	1. Bathurst Town Centre Master Plan. Stage 2 consultation underway. Draft Master Plan being prepared. 2. Health and Knowledge Precinct Master Plan. Draft Master Plan being prepared. 3. Village Plans. Preliminary investigations and research underway. Awaiting staff recruitment.	
4.1 4.6 6.4	Review and update Council's section 7.11 plans.	Review existing or prepare new s7.11 Plans	Draft plans considered and adopted by Council	Manager Strategic Planning	1. Update Stormwater Drainage Contribution Plan – modelling being finalised.	
1.1 1.2 1.5 4.6 5.5	Implement the Bathurst Regional Heritage Plan.	Provide a Heritage Advisory Service.	Number of site visits undertaken by the heritage advisory service.	Manager Strategic Planning	1. 2020/21 site visits to date: 13	
		Provide heritage incentive funding programs to protect, maintain, enhance and promote the regions heritage assets.	Value of works generated from Council's incentive funds.	Manager Strategic Planning	1. Bathurst Region Local heritage fund – 89 applications received and being assessed. 2. Bathurst Region Conservation and Interpretation Fund – 14 applications received and being assessed. 3. Bathurst CBD Main Street Improvement Fund – 23 applications received and being assessed.	



	Prepare and implement projects for the interpretation and display of cultural heritage and history information.	New interpretative/promotional information made available.	Manager Strategic Planning	1. Mount Panorama (Wahluu Boardwalk) text for signage at lookout and along the walk being prepared.	<div> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> </div>
	Prepare research/studies into the region's heritage values	Studies/plans considered and adopted by Council. Number of local heritage items included in the Local Environmental Plan.	Manager Strategic Planning	1. Bathurst Region Heritage Plan review – consultation with heritage reference group underway.	<div> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> </div>

Development Assessment

Bathurst 2040 Objective reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date				Status
1.5 4.1 4.6 6.4	Ensure the assessment of development and other applications, in accordance with planning instruments, development control plans and policies, occurs within appropriate timeframes.	Process all development applications within statutory time frames set out in the Environmental Planning and Assessment Act 1979	To be at or below the state average for determination times of development applications	Manager Development Assessment	NSW State Average 2017-18	Bathurst Regional Council July 2020	Bathurst Regional Council year to date average		
					84	55.23	55.23		
					Average gross days taken to determine a DA				
					47	44.19	44.19		
					Average net days taken to determine a DA				
			To be at or below the state average of determination times for complying development	Manager Development Assessment	NSW State Average 2017-18	Bathurst Regional Council July 2020	Bathurst Regional Council year to date average		
					15	2.42	2.42		
					Average days taken to determine a CDC				

Economic Development

CSP 2040 Objective Reference	Deliverable Actions over the next 4 years	Operational Plan – this year's Projects / Tasks	Tracking our Progress	Responsible Officer	Action Year to Date	Status
2.1 2.2 2.3 2.4 2.6 4.1 4.5 5.5 6.3	Implementation of the Economic Development Strategy 2018-2022 and associated actions.	Nurture economic infrastructure development by supporting the development of the aerodrome, industrial precincts and telecommunications.	Seek funding for economic infrastructure projects.	Manager Economic Development	- Reviewing Federal Regional Connectivity Program	
		Market-leading promotional campaigns to increase residential relocations and a sense of place.	Continued support for joint regional relocation campaigns. All 4 entrance billboards and welcome signs updated/maintained as required. Lifestyle promotional content created/updated, including the Bathurst Region website	Manager Economic Development	- 4 entrance billboards updated with Doors Open branding	
		Support local businesses and start-ups through engagement, support and economic programs.	12 eNewsletters issued. Cluster Strategy developed and cluster groups activated. Run BizMonth, Buy Local Gift Cards and Business Leaders Lunch programs. Bathurst Business Hub website updated/maintained. Attendance at 75% of Business Chamber After-Hours events. Representation at all "Upstairs Start-up Hub" board meetings. Promote resources to businesses including the ID websites and Spendmapp	Manager Economic Development	- All eNewsletters sent to date - Cluster Strategy business consultations finished - BizMonth planning underway - Representation at all virtual Business Chamber events to date - All Upstairs Startup hub board meetings attended to date	

		<p>Grow local employment, investment and attract new businesses</p>	<p>Organise the Bathurst Jobs Expo with minimum 40 stalls and 1,500 attendees.</p> <p>Minimum of 60 new local jobs promoted each month</p> <p>Develop relocation proposals, relocation materials and support the relocation of new businesses.</p>	<p>Manager Economic Development</p>	<p>- 126 jobs posted on Ejobs to date</p>	
		<p>Develop Bathurst into a Smart Community of national significance.</p> <p>Support innovative practices from industry.</p>	<p>Monthly Project Group meetings held.</p> <p>Seek funding and roll out Smart Community priority projects.</p> <p>Promote Bathurst as a Smart Community through marketing campaigns and speaking at events.</p>	<p>Manager Economic Development</p>	<p>- Monthly meetings held to date</p> <p>- Discussions ongoing with various IT software development firms to be based in Bathurst</p>	



Civic Centre
158 Russell Street
BATHURST NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au
www.bathurstregion.com.au

Correspondence to:
Private Mail Bag 17
BATHURST NSW 2795

APPLICATION/PROPOSAL FOR FUNDING UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993 BY COUNCIL IN THE YEAR ENDING 30 JUNE 2020

Note: Applications must be submitted by 4.00 pm on Tuesday, 4 February 2020.

1. Applicant/recipient organisation:	This Is My Brave Australia Inc.		
2. Location/address:	30 Bimbiang Cres Ngunnawal ACT 2913		
3. Date of establishment or inauguration:	<u>20/12/2016</u>		
4. Please quote your organisation's ABN (if applicable):	28 892 123 669		
5. Is your organisation registered for GST?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (refer to Note 1)		
6. Amount of funding requested:	\$ \$9000 <input type="checkbox"/> including GST <input checked="" type="checkbox"/> not including GST		
7. Brief description of nature and objectives of applicant/recipient organisation:	See attached document		
8. Purpose for which assistance is sought and how it will benefit the Bathurst Community:	See attached document		

9. Financial details of project or programme for which assistance is sought. If funding is for an event please provide a complete budget for the event:
See attached document
TOTAL COST OF PROJECT/PROGRAMME:
\$ \$10,000
10. Details of other financial assistance sought or obtained in relation to this project:
\$3000 from Red Cross Australia
11. Financial position of applicant/recipient organisation:
Attach audited financial statements and balance sheets for the past financial year, if applicable. If a new organisation – supply copy of budget for ensuing year, together with a statement from the organisation's bank as to arrangements made for the opening and operation of banking accounts. Failure to submit the above financial information will result in the rejection of this application.
12. Details of any previous funding provided by Council to the applicant/organisation:
N/A
13. Details of how Council funding is to be acknowledged:
Bathurst Regional Council will be acknowledged as major partner/sponsor of the event on all hard copy promotional collateral also in all digital promotions across all our social media platforms and also any media including radio and newspaper.

14. Details of Office Bearers, etc:	
Tim Daly Executive Officer/Producer Fional Peel Bathurst Producer	
Signed for and on behalf of the applicant/recipient organisation:	
Signed: <u>Tim Daly</u>	Date: <u>05 / 08 / 2020</u>
Name: <u>Tim Daly</u>	
Office Held: <u>Executive Officer</u>	
Postal Address: <u>30 Bimbiang Cres Ngunnawal ACT 2913</u>	
Telephone No: <u>0455747168</u>	

Note 1:

If your organisation has an ABN and is registered for GST then Council MUST receive a tax invoice prior to payment being made. The invoice must be for the grossed up amount inclusive of the GST component.

Privacy Statement:

Bathurst Regional Council will only use any personal information collected on this form for the purpose of assessing the Section 356 funding application, reporting to Council and in accordance with the authority granted under this form.

Council will not use this personal information for any other reason without first seeking the express permission of the person supplying the information.

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.

BUDGET FOR This Is My Brave The Show Bathurst 20/10/2020		
	Estimated	Actual
Total income	\$13,010.00	\$0.00
Total expenses	\$13,010.00	\$0.00
TOTAL RAISED	\$0.00	\$0.00

INCOME			Estimated	Actual			
Event proceeds					Sponsorship		
Entry fees					Major sponsors	\$9,000.00	
Ticket sales	\$2,500.00				Minor sponsors	\$1,260.00	
Other income					Other sponsors	\$0.00	
Totals	\$2,500.00	\$0.00			Totals	\$10,260.00	\$0.00
Extra sales					Donations		
Auction					Donations	\$0.00	
Raffle							
Sales of photographs							
Sales of merchandise	\$250.00						
Totals	\$250.00	\$0.00			Totals	\$0.00	\$0.00

EXPENSES			Estimated	Actual			
Site					Decoration		
Equipment hire					Balloons		
PA, audio visual	\$450.00				Banners and signs	\$250.00	
Permits, licences					Flowers	\$150.00	
Venue hire	\$1,320.00				Lighting		
Site staff	\$600.00				Table centres		
Tables & chairs					Totals	\$400.00	\$0.00
Totals	\$2,370.00	\$0.00					

Refreshments					Prizes		
Casuals					Auction items		
Cutlery					Goodie bags		
Drinks	\$150.00				Ribbons, trophies		
Food	\$300.00				Thank you gifts	\$240.00	
Linens					Certificates	\$200.00	
Plates, glasses etc					Totals	\$440.00	\$0.00
Totals	\$450.00	\$0.00					

Promotion					Program		
Advertising	\$1,000.00				Car parking		
Distribution	\$500.00				Accommodation	\$1,500.00	
Graphic design	\$500.00				Marshalls/staff		
Paper/stationery	\$100.00				Video production	\$1,000.00	
Photocopying					Performers		
Photography/video	\$1,500.00				Speakers/MC		
Postage	\$100.00				T shirts/clothing	\$880.00	
Printing	\$400.00				Team signs/numbers		
Website	\$100.00				Travel/transport	\$500.00	
Totals	\$4,200.00	\$0.00			Totals	\$3,880.00	\$0.00

Miscellaneous					Other Expenses		
Couriers					Dry cleaning/laundry	\$0.00	
Fuel	\$500.00						
Insurance	\$250.00				Wages	\$0.00	
Phone calls	\$100.00				Income Tax	\$0.00	
St Johns					Super	\$0.00	
Volunteer expenses	\$420.00						
Totals	\$1,270.00	\$0.00			Totals	\$0.00	\$0.00



**THIS IS MY
BRAVE**
AUSTRALIA

30 Bimbiang Cres
Ngunnawal ACT
2913

0455747168
tim@thisismybrave.org

.thisismybraveaustralia.com
@thisismybraveau

Expression Of Interest Section 356 Donations

This Is My Brave Australia (TIMBA) is a Canberra based registered mental health charity with the ACNC and is 100% volunteer driven and is dedicated to ensuring that all mental health consumers and carers have access to mental health services free from stigma and discrimination

TIMBA has been approached by a local Bathurst resident, Fiona Peel, to bring our unique mental health event to Bathurst.

In the light of the current Covid-19 environment and the documented effects it is having on mental health and wellbeing in the Australian community we think that our event will have a timely and positive impact in the Bathurst community and surrounds

Our Event

Our event is a live story telling theatre event where cast members tell their stories of living, managing and recovering from their mental health issues. in front of a local audience. The cast members tell their stories through poetry, spoken word, song, comedy and even dance live on stage for one night. See previous show highlights.

<https://www.youtube.com/watch?v=eu3JAjPwMg&t=6s>

<https://www.youtube.com/watch?v=rRdPhT3WaQ>

<https://www.youtube.com/watch?v=2uB2izlBjt0>

The **Bathurst** event is scheduled for **Tuesday 20th October at BMEC**

Community Involvement

Apart from myself and one or two other TIMBA volunteers from Canberra, all other members will be from the Bathurst region including our local producer Fiona Peel, twelve cast members from the local community sharing their stories and local volunteers.

We also have a local community partner, **The Neighborhood Centre**, who have kindly come onboard to offer their rooms to allow us to conduct our auditions, rehearsals and promotional resources.

This means that **99%** of the benefits and involvement in our event are firmly based in the local community.

This Is My Brave Australia Inc. is registered as a charity with the ACNC. ABN 28 892 123 669

DEDICATED TO
BREAKING THE
STIGMA
SURROUNDING
MENTAL
ILLNESS ONE
STORY AT A
TIME



**THIS IS MY
BRAVE**
AUSTRALIA

30 Bimbiang Cres
Ngunnawal ACT
2913

0455747168
tim@thisismybrave.org

.thisismybraveaustralia.com
@thisismybraveau

Expression Of Interest Section 356 Donations

To ensure that TIMBA leaves an enduring legacy within the local community we will also be offering in November 2020 a **free** Mental Health First Aid Course to 10 local community members.

To add to this on our event night we also invite local community mental health services to exhibit their services in the theatre foyer so that any audience members are interested in starting a self help mental help recovery journey they can make instant contact with a local representative.

Mental Health Awareness Program

The event takes place over a 3 month period from our July auditions to our event at BMEC on Tuesday 20th October during Mental Health Month. During this time we will be promoting the event and other positive mental health and wellbeing messages via targeted social media messaging and traditional media in the Bathurst media.

Financial Request via Section 356 Donation Program

Our event is ticketed to allow us to defray some costs but ticket sales do not cover the entire cost of all our activities therefore we are requesting a grant through the Section 356 Donation Program.

I have attached a detailed budget break down of the event.

We would like to request a **\$9,000** donation from the program to help us fully realise our program. Our organisation is 100% volunteer driven and no funding goes towards salaries or wages, rent or capital purchases but directly to running the event. **\$2370** of this amount are BMEC costs (Venue hire, staff and equipment hire) so **\$6630** is the final amount requested

If you have any questions please do not hesitate to contact myself or our local producer Fiona Peel

Regards



Tim Daly
Executive Officer
TIMBA Inc.

**This Is My Brave Australia Inc. is registered as a
charity with the ACNC. ABN 28 892 123 669**

DEDICATED TO
BREAKING THE
STIGMA
SURROUNDING
MENTAL
ILLNESS ONE
STORY AT A
TIME

THIS IS MY BRAVE AUSTRALIA INC

REPORT
2019



This Is My Brave Australia Inc
30 Bimbiang Cres Ngunnawal ACT
2913

(m) 0455747168

(e) tim@thisismybrave.org

www.thisismybraveaustralia.com

ABN 28 892 123 669



DIRECTOR'S STATEMENT

First of all I would like to acknowledge all the volunteers who have helped TIMBA achieve its goals of achieving stigma reduction in local Australian communities. Thank you all!

My aim in 2019 was to get out from behind my key board and put a face to TIMBA "out there" and to be more involved in the NFP/social services community which I have attempted to do with some good results. The 10:7:3 rule seems to hold true, attend 10 events, 7 produce no results and 3 do.

Financially TIMBA performed very similar to the previous year with the majority of funding coming from our own fundraising efforts and ticket sales to events, sponsorship coming second and grants a distant third. Cracking the grant code is proving difficult but with some more runs on the board and evidence piling up from all our events hopefully this changes in the future. We will continue to operate through our usual funding sources, stay in the black and if we do manage a successful grant application then we will see this as a bonus and an opportunity to expand our projects.

We already have a TIMBA Show scheduled for June 2020 in Sydney, monthly Listening Post events across Canberra libraries in partnership with ACT Libraries and planning to begin for Mental Health Film festivals 2020



TIM DALY
Executive Director



FINANCIAL OVERVIEW



Of the \$18,765.67 of income received in 2019,

- \$2,064.90 donations,
- \$4,135.70 grants,
- \$12,565.07 sales including show licence fee's and tickets sales.

Of the \$15,860.81 operating expenses the Top 4 were:

- Venue Hire, \$3,832.00
- Entertainment Hire, \$1,650.40,
- Donations \$1400,
- Advertising and Promotion \$1163

Profit and Loss

This Is My Brave Australia Inc.

Date Range: Jan 01, 2019 to Dec 31, 2019



ACCOUNTS	Jan 01, 2019 to Dec 31, 2019
Income	\$18,765.67
Cost of Goods Sold	\$0.00
Gross Profit	\$18,765.67
As a percentage of Total Income	100.00%
Operating Expenses	\$15,860.81
Net Profit	\$2,904.86
As a percentage of Total Income	15.48%

2019 ACTIVITIES

The TIMBA year took us across Australia from Perth to Melbourne to Canberra to Central Coast NSW to Brisbane and back again.

The TIMBA story was mentioned in the Federal Parliament and we met with and presented Federal member for Dobell, Emma McBride with information regarding TIMBA's work.

<https://www.facebook.com/mcbrideemma/videos/371185826913680/>



FILM FESTIVALS

TIMBA screened films across 4 states and territories during the Canberra, Melbourne and Perth Mental Health Film Festivals and our presentation at the TheMHS Conference in Brisbane and a special presentation at the ACT Legislative Assembly hosted by Greens MLA, Minister for Mental Health Shane Rattenbury



We received 80 films from the following countries:
Australia, Canada, United States, United Kingdom, Iran, Islamic Republic, Norway, Russian Federation, Croatia, Finland, Afghanistan, Ghana, Hungary, New Zealand, Spain, Sweden and Switzerland

THIS IS MY
BRAVE
AUSTRALIA

2019 ACTIVITIES



THE LISTENING POST

In 2019 our new venture the Listening Post started at various markets, Tuggeranong Community Centre, Gungahlin Library in conjunction with Libraries ACT and Naidoc In The North



TIMBA SHOW: CENTRAL COAST:

We welcomed new TIMBA cast members and producers to the family via our Central Coast Show and presented their stories to a very appreciative audience at Wyong NSW on Oct 20th.



MHFA TRAINING

TIMBA Show through MEN CARE TOO helped funded 18 places at a Mental Health First Aid course through our Central Coast Show

CHRISTMAS GIFT DRIVE

TIMBA ran our gift giving drive to reach out and deliver Christmas presents to residents of mental health facilities in Canberra including Home In Queanbeyan and Acute Mental Health Ward at Calvary Hospital

And finally but the most
importantly we started 1000+
conversations around mental



2020 ACTIVITIES

THE LISTENING POST

In partnership with ACT Libraries we will be holding Listening Post sessions Fri/Sat/Sun once a month between Dickson, Gungahlin and Woden Libraries

TIMBA SHOW: Hurstville NSW June 2020

Planning for our first show of the year has begun planning and auditions are now open. We are very excited about running our first Sydney metro show.

MENTAL HEALTH FILM FESTIVALS

Planning will begin in mMarch on our FESTIVAL schedule for 2020

*TIMBA's aim is to promote a a
respectful and stigma free
environment in which mental health
consumers and carers can seek self
help pathways with out
discrimination or disadvantage due
to their living experience of mental
illness.*





96 Russell Street
PO Box 1469
BATHURST NSW 2795
Ph: 02 6332 4866
Fax: 02 6332 1244
www.binc.org.au
binc@binc.org.au
ABN 73 997 917 961

12 June 2020

Sir/Madam

Re: This Is My Brave Australia (TIMBA)

It is with great pleasure that I write this letter of support for 'This is My Brave Australia' grant application for the live storytelling theatre event in Bathurst on Tuesday 20th October, where cast members tell their stories of living, managing and recovering from their mental health issues.

The current Covid-19 environment is having an effect on the mental health and wellbeing of the Bathurst community. This is an important project which will showcase that together we are stronger.

The Neighbourhood Centre Bathurst has been supporting inclusive and strong communities for over 40 years, and has a footprint across Orana, Central West and Far Western NSW. Services include counselling; social support programs, including Men Connect (a social support group for isolated men); migrant support programs; and wellness programs such as DCaf (dementia support program for carers and their loved ones) and Chair Yoga. The Neighbourhood Centre has offered support to TIMBA through the use of our facilities, marketing and promotions across our extensive networks and the support of our many volunteers through our Volunteer Management and Engagement Program.

We are excited and fully support the TIMBA project and their grant application for this important and fun event for the Bathurst Community. The positive impact on our community cannot be understated during these challenging times.

Yours faithfully

Therese Short
Service Manager

Supporting inclusive and strong communities

COPY ONLY CHECK SCALE

404

DP 1241250

Now Lot 6 In TfNSW DP 1262801



**BATHURST
REGIONAL COUNCIL**

Development Application
2019/8

**Development Approval
has been granted
subject to conditions
imposed by Council's
Notices of
Determination.**

NOTE:
Read conditions of
Approval before
commencing work.



18 October 2019
Per: LMW

Now Lot 12 In TNSW DP 1262801

9930 m²

TAXIWAY—NOVEMBER (30 W.)

2870 m²

Total Area to be Acquired 1.28 Ha  & 
Area Subject to Development 2870 m² 
Area not Subject to Development 9930 m² 

[illegible]



25 May 2020

To Mr Sherley,

Re: Proposal for Mount Panorama Punish – One Hot Lap

We write to propose and seek Bathurst Regional Council permission and support for the fourth running of the Mount Panorama Punish at 8am on Sunday, 25th October 2020.

The annual event is proving to be a great success and is well supported throughout the local, regional and interstate tourism. This race is promoted as a premium and desirable event that has no peer – the opportunity to run around the Mount Panorama Racing Circuit on a closed road. Participants will be challenged to run the 6.213km track that has a significant elevation gain of over 110m, at a time when it is safe to do so. Appropriate traffic management controls will be necessary to ensure the safety of all participants.

It is anticipated that proceeds from this event will be donated to local charities and causes, adding to almost \$10,000 that we have donated so far.

We understand that unfortunately the iconic Bathurst Edgell Jog has been cancelled for this year due to the restrictions of COVID-19. To allow more Bathurst locals to participate in a running event this year, we plan to allow a slightly longer cut-off time to reach to the top of the Mount. Instead of only allowing 30 minutes to reach the top, we propose 40 minutes, just for this year. For the safety of all participants, any wheeled vehicle including pram, skates or wheelchair are strictly forbidden.

Important details for this event are:

1. Participants will run ONE anti-clockwise lap of Mount Panorama, starting and finishing on the same start and finish lines used by motor races. Start time of 8am, appropriate traffic management controls from 7.45am and rolling re-opening as the sweep vehicle passes each driveway. Full road re-opening would be achieved by 9.30am.
2. A 75 minute race cut-off would be implemented to clear the road for resident access. This would mean that participants must reach the half way point (3km, in front of McPhillamy Park) within 40 minutes, or they will be asked to leave the road and return to the start/finish line via bus in a clockwise direction. The second half of the race is downhill, and will be faster than the first half.

www.panoramapunish.com



3. Participants who finish will receive a specially designed finisher's medal, shaped like the circuit. Prizes will be awarded to the King and Queen of the Mount (fastest to the top), as well as fastest finishers in age categories.

From Bathurst Regional Council we request:

1. Council to support us hosting the event;
2. Council to co-ordinate all appropriate traffic management traffic controls as has been done in previous years;
3. Council to allow access to the Harris Park complex for pre and post race activities, food vendors and overflow car parking (if required);
4. Council to promote the event through regular outlets and media.

Entry fees will cover costs associated with the event, including (but not limited to) medals and trophies, water station provisions at Skyline and finish line, promotion, advertising, timing and tags, sweep vehicle and first aid provisions.

We look forward to working with you to promote Bathurst and Mount Panorama to an entirely different racing community. Please contact us should you need any further clarification on any points.

Kind regards,

Jennifer Arnold

Event Organiser

0418 657 968

info@panoramapunish.com

Stephen Jackson

Event Organiser

0418 464 297

www.panoramapunish.com



Civic Centre
158 Russell Street
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

18 June 2020

Mr Stephen Jackson & Ms Jennifer Arnold
Event Organisers
Mount Panorama Punish

Email: info@panoramapunish.com

Dear Mr Jackson & Ms Arnold

Mount Panorama Punish Event to be held 25 October 2020 – Traffic Management

I advise that Council at its meeting held 17 June 2020 resolved to endorse the Traffic Management Plan for the Mount Panorama Punish event at Mount Panorama Motor Racing Circuit on Sunday 25 October 2020. The event is to be classified as Class 2 and approved subject to the following conditions.

- 1) Development and implementation of a Traffic Management Plan and Pedestrian Management Plan which shall include a Traffic Control Plan. All implementation and Traffic Control works and Plans are to be completed by persons qualified to do so. This is to include amendment of the Traffic Control Plan to use of the CSU Road to link Havannah Street and Hinton Drive.
- 2) Approval is to be obtained from NSW Police, with the application being lodged at chifleyrms@police.nsw.gov.au at least three (3) months prior to the event.
- 3) Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Bathurst Regional Council's interests, with the date and location of the event.
- 4) The Event Organiser is to notify all Emergency Services of the event including Bathurst Base Hospital.
- 5) The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (version 3.5), 1 July 2018, for a Class 2 event.
- 6) The Event Organiser is to provide to Council evidence of compliance with the conditions of approval 1 month prior to the event.
- 7) Where practicable participants in pedestrian assembly areas are to be provided with a form of physical protection from vehicles.

In the event you wish to discuss any of the above with Council, please contact Council's Traffic and Design Engineer, Mr Paul Kendrick on 02 6333 6141.

Yours faithfully

Darren Sturgis
**DIRECTOR
ENGINEERING SERVICES**

Reference: PK:SMc: 23.00026-21/247
Enquiries: Paul Kendrick 02 6333 6141

BATHURST REGION... FULL OF LIFE

Proud to be an **evocity**



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158 Russell Street
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
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council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

12 June 2020

Mrs J Arnold and Mr S Jackson
Event Organisers
Panorama Punish
Email: info@panoramapunish.com

Dear Mrs Arnold and Mr Jackson

Request for Council support for 2020 Panorama Punish

I refer to your letter dated 25 May 2020 seeking Council support and assistance with the Mount Panorama Punish event scheduled to occur Sunday, 25 October 2020.

In order to consider your request, could you please provide Council with the following information:

- a copy of the financial statements for the 2019 event;
- a copy of the event budget for the 2020 event;
- details of how the event returns a benefit to the Bathurst region; and
- how Council will be acknowledged as a supporter of the event.

Upon receipt of the above information, a report will be submitted to Councillors for their consideration. Please note that any financial information will remain confidential.

Should you require any further information please do not hesitate to contact me on the telephone number below.

Yours faithfully


A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

Reference: AJ:RD:23.00026-21/247
Enquiries: Mr Aaron Jones 02 6333 6257
200612_Panorama Punish.docx

BATHURST REGION... FULL OF LIFE

23-00026-21/267

Robyn Doig

From: Robyn Doig
Sent: Monday, 13 July 2020 12:25 PM
To: Council Out Mail
Subject: FW: Request for Council support for 2020 Panorama Punish (23.00026-21/247) [SEC=OFFICIAL]
Attachments: Council reply - Mount Panorama Punish.pdf; 100044 Panorama Punish DL Flyers 2 sided PROOF3_.jpg; 100044 Panorama Punish DL Flyers 2 sided PROOF3_2.jpg; Accounts and Financials - Mount Panorama Punish.pdf

Robyn Doig

Director Corporate Services & Finance Assistant
 Bathurst Regional Council
 158 Russell Street Bathurst 2795
 P: 02 6333 6257
 W: www.bathurst.nsw.gov.au



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From: Mount Panorama Punish <info@panoramapunish.com>
Sent: Sunday, 12 July 2020 10:20 PM
To: Robyn Doig <robyn.doig@bathurst.nsw.gov.au>
Subject: Re: Request for Council support for 2020 Panorama Punish (23.00026-21/247) [SEC=OFFICIAL]

Hello Robyn,

Attached is a response to Mr Jones' letter requesting further information. Also attached are the financial statements and images of our flyers.

Please don't hesitate to call should you require anything more.

Kind regards,

Jennifer and Stephen
 0418 464 297

Mount Panorama Punish
25th October 2020
panoramapunish.com



On 15/06/2020 12:07, Robyn Doig wrote:

Dear Mrs Arnold and Mr Jackson

Attached please find correspondence in relation to the above matter.

Regards.

Robyn Doig

Director Corporate Services & Finance Assistant
Bathurst Regional Council
158 Russell Street Bathurst 2795
P: 02 6333 6257
W: www.bathurst.nsw.gov.au



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[Report this message as spam](#)



12 July 2020

To Mr Jones,

Re: Information regarding the Mount Panorama Punish

We write in response to your letter of 12 June 2020 requesting financial information for the Mount Panorama Punish.

Please find attached the 2019 financial statements and an outline of the 2020 budget. You'll see some note on there that explain some of the anticipated costs. Pre-COVID, we had anticipated 1200 runners entering and many of them purchasing merchandise. At this stage, we are now limited to only 500 runners. Of course, many of our expenses are fixed, regardless of the size of the field, and indeed we expect many of the expenses will rise further before we are invoiced.

We seek "in kind" support only from Bathurst Regional Council and do not seek any cash injection towards supporting our event. As in each previous year, we are grateful for and acknowledge Council's contribution to the event with road closure and the use of the facilities. We acknowledge this publicly during radio and TV interviews, in print on the flyers (attached), on the homepage of our website (<http://panoramapunish.com/>), printed on the race bibs of every participant, and via the MC on the day regularly thanking Council's support of the Punish.

In November of 2019, we spoke at a General Council meeting, publicly thanking Bathurst Regional Council and the Events team for their assistance of the Punish. Our notes for that presentation (below) outline some of the many reasons why the Mount Panorama Punish has become such a drawcard to the Bathurst region. Indeed, we were selected as the Destination Event of the Year in 2017 and 2019 for the BRC Australia Day Awards.

1. *The 2019 Punish was the biggest yet, with 948 registrations in only our 3rd year. We are larger than the Mudgee, Forbes and Carcoar Running Festivals and rapidly gaining on Dubbo and Orange who all receive funding from Destination NSW. It should be noted that we are the only one of those events with one single race, those festivals have up to 7 events to fill numbers.*
2. *33 family groups of 4 or more raced - youngest was Sebastian, 5 years old from a family of 8 who all ran. Most mature was Brian, at 78 years old in 43 minutes.*
3. *291 runners from Bathurst, 70% of runners hailed from outside 2795. 5% from outside NSW, and Simon King from Cirencester. More than 300 room nights were spent in paid accommodation while in Bathurst.*

www.panoramapunish.com



4. *Commonwealth Games Marathon Qualifier Dave Criniti ran a new course record in 20:49 and Steph Torley at 14 years old, ran a new Women's Course record in 24:38.*
5. *We have donated over \$4000 to Bathurst Triathlon Club, the Bathurst 10km and Half Marathon, Mel's Go Grey for Brain Cancer Research, Police Legacy, Bathurst parkrun, Cougars Hockey Club, Eglinton Public School Spectacular Dance Team, the Women and Children's Refuge, Kelso High School Support Unit, MADE International, a Bathurst charity supporting education and the Run Beyond Project that develops resilience, goal setting and commitment in young people through running. We are working to bring the Run Beyond project to some local Bathurst schools.*
6. *Utilised about 40 volunteers, both locals and visitors to Bathurst. Margie travels from Canberra each year to hand out medals at the finish line, and she has never run!*
7. *We asked runners to complete a survey for us to get a snapshot of their visit to Bathurst. 71% said they visited a pub or restaurant for a meal, and 16% said they visited Annie's ice cream while they were in town. 19% went to the Fossil and Mineral Museum or the Australian Motor Racing Museum or both.*
8. *None of this would have been possible without the support of some local Bathurst businesses - Raine & Horne Bathurst, Reliance Bank Community Fund, Bathurst Physiotherapy and D2F. However, most significantly, we thank BRC and the events team, particularly Hannah and Bree for their in kind support. Thank you for allowing us to create an event that showcases the iconic Mount Panorama in such a different light. We look forward to it becoming even bigger and better for our city and its community in 2020.*

Please don't hesitate to contact us should you require clarification of any information.

Kind regards,

Jennifer Arnold

Stephen Jackson

Event Organiser

Event Organiser

0418 657 968

0418 464 297

info@panoramapunish.com

www.panoramapunish.com



RUN THE MOUNT!
MOUNT PANORAMA
PUNISH

8am - Sunday 25th October 2020



**RUN
THE
MOUNT!**

Mount Panorama Punish is '**one hot lap**' of the iconic motor racing circuit... with a difference. It's your legs that will provide the horsepower and your lungs that will burn. With 174m of elevation gain over the 6.2km track, Mount Panorama Punish is a running race with no peer.

Supported by Bathurst Regional Council, the track will be under traffic control, giving you the **ONLY** opportunity to really run the race lines and test yourself around the track.

www.panoramapunish.com

Supported by:

Destination Event of the Year 2017 and 2019

One of the most amazing & spectacular events that is put together extremely well. Highly recommend!!!

Yol T.

Absolutely brilliant. Worth travelling to Bathurst for this event. Highly recommend it as a great challenge with a great atmosphere.

Gary C.

Really good event. Such a great challenging course. Definitely keen to do it again...

Derek H.

Loved this event! Challenging but so much fun. Organisation was perfect, location was superb, cant wait to do it again and better my time. Special thanks to the young lady with the hose giving us a cool down, "you're the best"

Sue B.



Strict cut off times for the Punish will be in operation:

- 2.9km – 30 minutes
(at KOM and QOM at McPhillamy Park)
- 6.2km – 60 minutes (The Chequered Flag!)

Why? Fast cars and runners don't mix well!

Standard Entry: Adults \$35; Under 18s \$25.

Early Bird pricing available.

Merchandise available online



Like us on Facebook
to see training tips,
race updates and news.
Search for
'Mount Panorama Punish'.

All finishers
will receive a
spectacular
finisher's
medal!

Supported by:

26 June 2020

Mr David Sherley, General Manager
 Bathurst Regional Council
 158 Russell Street, Bathurst, NSW, 2795
 Phone (02) 6333 6111

Re: 48 Havannah Street (DA2019/133) Conditions of Consent

Dear David,

Good to see you at The Brickworks media event on Thursday last week. As you are aware, Housing Plus proposes to deliver 38 affordable homes for the Bathurst community, through DA2019/133 dated 6 September 2019 at 48 Havannah St, Bathurst and 19 Durham Street, Bathurst (Lot 100 DP1082124 and Lot 5 DP595438). Housing Plus will own, operate and manage this development for a minimum 25 years, as part of our funding agreement with state government.

Housing Plus is a Not for Profit, Tier 1 accredited Community Housing Provider, and our mission is to empower people and communities through purposeful accommodation, support services and achieving social justice. Housing Plus has been providing a range of affordable accommodation for Bathurst people experiencing varying levels of disadvantage for over thirty years.

Construction for the Havannah Street Project 1, (The Brickworks), off Havannah and Baillie Street, includes 20 affordable homes, is well under way and is due for completion by the end of October this year. Project 2 (The Riverside), which is off Durham St is due to commence in November 2020 and includes 18 affordable homes.

Over the last few months Hines Constructions have been pricing the works related to the DA conditions of consent. Outlined below are the conditions of consent and related costs that Housing Plus could not have budgeted for at the time of securing the site and being awarded the state government funding. The items highlighted in green are related to community infrastructure only:

Table 1 Relevant DA Conditions and Related Costs

DA ITEM	DESCRIPTION	COST Ex GST
DA Item 2	Proposed units are over council's sewer main. Replace the existing sewer main/ concrete encased to the existing sewer	\$40,013
DA Item 13 and 81	Consolidation of land into one lot. The applicant is to obtain a Subdivision Certificate	\$5,650
DA Item 18	Additional cost for the construction of front fences along Havannah and Baillie Streets by using salvaged materials.	\$90,594
DA Item 21, Subclause iv	Extra over cost for upgrading the brick to Bowral Dry Pressed Red	\$26,776
DA item 34	Amendment of Vegetation Management Plan and related additional planting	\$16,000
DA Item 45	Building to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall to Council sewer main.	\$211,018

www.housingplus.com.au

tel: 1800 603 300
 fax: (02) 6361 1609
 email: info@housingplus.com.au

Orange Branch
 113 Byng Street
 ORANGE NSW 2800

Mudgee Branch
 34 Market Street
 MUDGEE NSW 2850

Bathurst Branch
 4 / 229 Howick Street
 BATHURST NSW 2975

ABN: 83147 459 461

DA Item 51	All storm water runoff to be collected on site and conveyed council 's underground discharge system in Durham street	\$6,000
DA Items 52 and 55	Expanding Baillie Street by constructing sealed shoulder and new barrier curb along Baillie Street and the Demolition of existing laybacks (to be redundant) and construction of new barrier curbs	\$60,277
DA Item 53	Construction of footpaths along Havannah and Baillie Streets	Cost included in DA Items 52 and 55
DA Item 65	Demolition is to be undertaken in a manner whereby the brickwork can be salvaged.	\$15,000
DA Item 77	Bollards, Barriers and fence (other than originally allowed Colorbond fences) for landscaped areas	\$5,000
DA Item 80	Construction of pedestrian refuge island, foot path connections, street signs, road markings on Havannah Street	\$21,000
DA Item 83 & 87	Supply and install street/exterior lighting and external bollard lights including associated electrical works.	\$15,600
DA Item 85	Provision of at least 4 designated bicycle parking spaces	\$5,000
TOTAL		\$517,928

As you can see from the table above, we estimate that the relevant conditions of consent that we could not have foreseen, at the time of securing the site and being awarded the funding, will cost Housing Plus an additional \$517,928.

We are currently exploring ways to reduce the costs of the development. The options we're currently investigating include: reducing the scope of Project 2, such as car ports and dwelling specifications; request a contribution from Bathurst Regional Council towards the DA conditions of consent costs related to community infrastructure; and request Bathurst Regional Council make an exemption to section 94 contributions.

Housing Plus is requesting that Bathurst Regional Council, as the public infrastructure authority, consider making a financial contribution to the DA conditions of consent outlined above that only relate to community infrastructure, and are outside the site, which are highlighted in green, and totals \$152,290. If Bathurst Regional Council approves this contribution, as well as the exemption of section 94 contributions (Letter sent on the 03/06/20), Housing Plus commits to using this saving to deliver 1 extra affordable home in Bathurst over the next 3 years, valued at around \$320,000. As a registered Tier 1 Community Housing Provider, we commit all surplus funds each year to developing new affordable homes and can therefore make a commitment to make an additional affordable house allocation to Bathurst.

Affordable housing is a critical element of a city's growth and meeting the needs of vulnerable people who cannot afford to rent a home or those who need a leg up to save for a deposit to buy a home. Unfortunately, levels of housing stress in Bathurst and NSW are rising. Housing stress is defined as expenditure of an amount equal to or greater than 30% of gross household income on housing costs. ABS data suggests that 11.5% of renters in the Bathurst LGA (SA3) are facing housing stress. For the Bathurst SA2 statistical region (within which the subject development is located) this rises to 14.5% of renters.

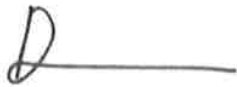
Housing stress detracts from quality of life and reduces the capacity of families to spend money in other areas of their lives, including groceries, school fees and holidays, or save to buy a home. These pressures result in a poor quality of life for those affected.

Ensuring adequate provision of a sufficient supply of affordable housing eases the pressure on the rental market. The delivery of affordable housing into areas of high housing stress as a means of alleviating the stress is therefore considered to be in the public interest. The delivery of affordable housing represents a material public benefit by placing downward pressure on rental prices.

Housing Plus appreciates council's consideration of this matter to support the delivery of affordable homes in Bathurst to meet a critical need of the community.

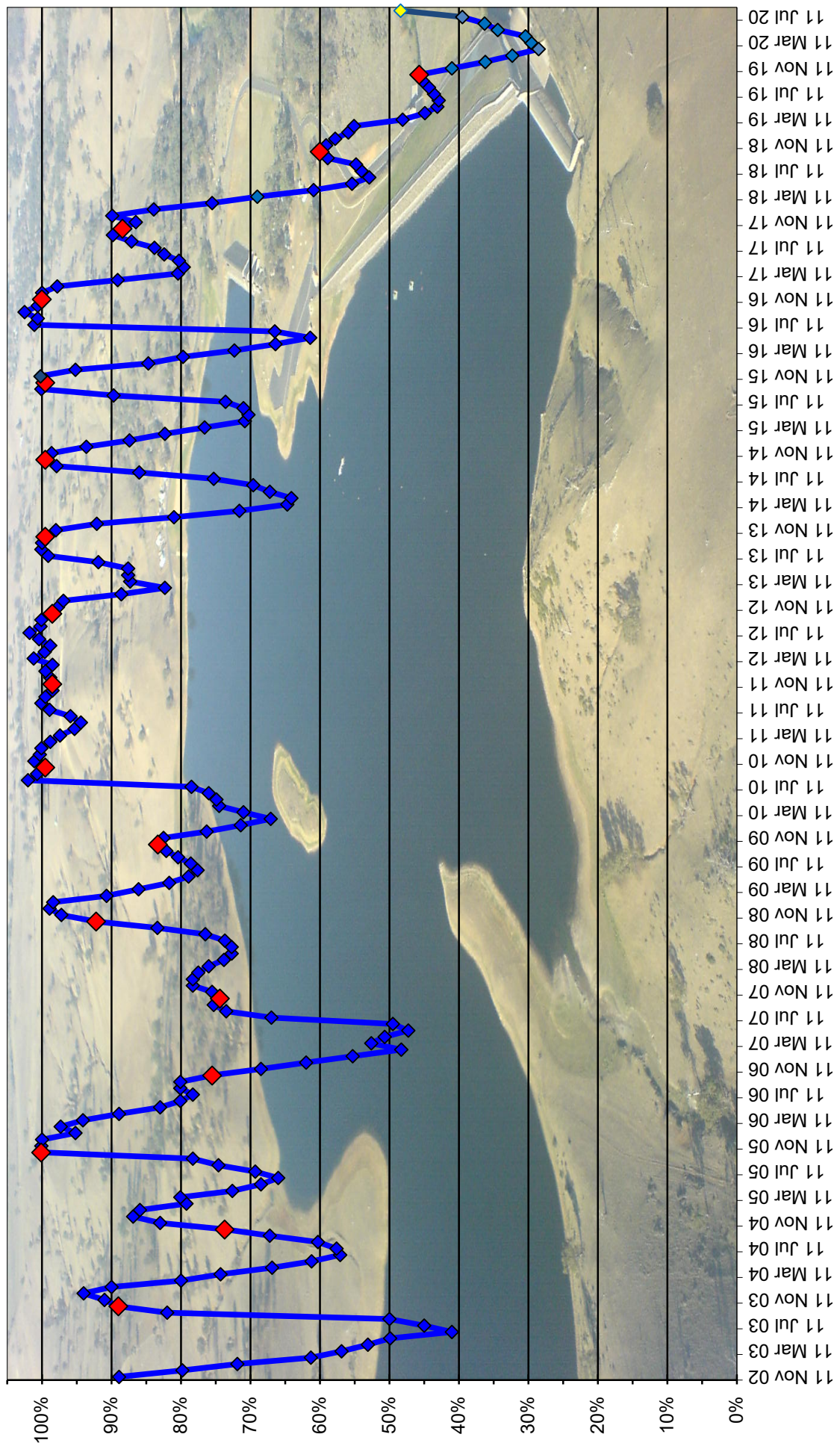
This letter also relates to a letter submitted to Bathurst Regional Council on the 03/06/20 by Premise, on Housing Plus' behalf, requesting an exemption of section 94 contributions for the provision of community facilities, which we believe should be treated separately to this request.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized capital 'D' followed by a horizontal line.

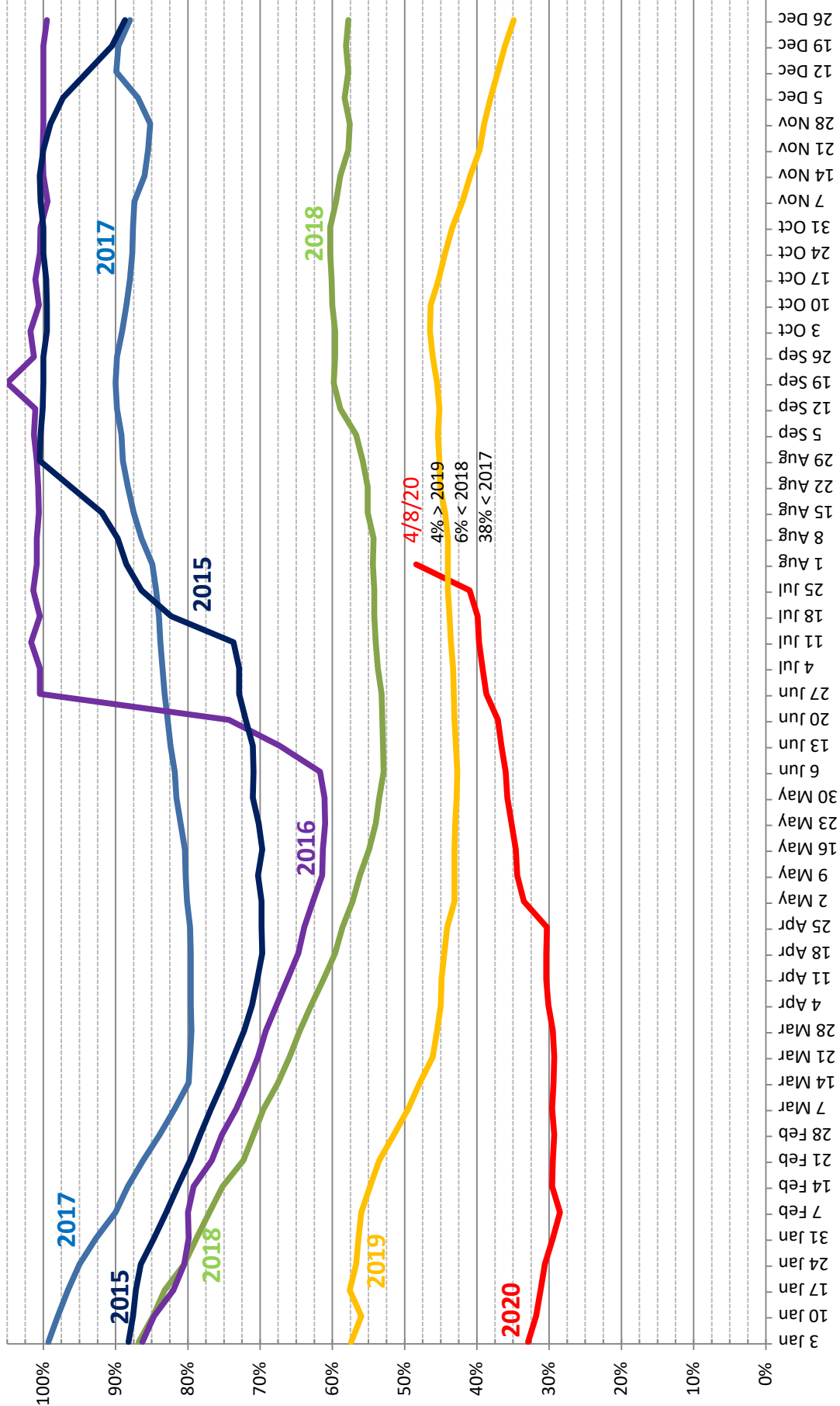
David Fisher
Chief Executive Officer, Housing Plus
02 6360 3433
david@housingplus.com.au

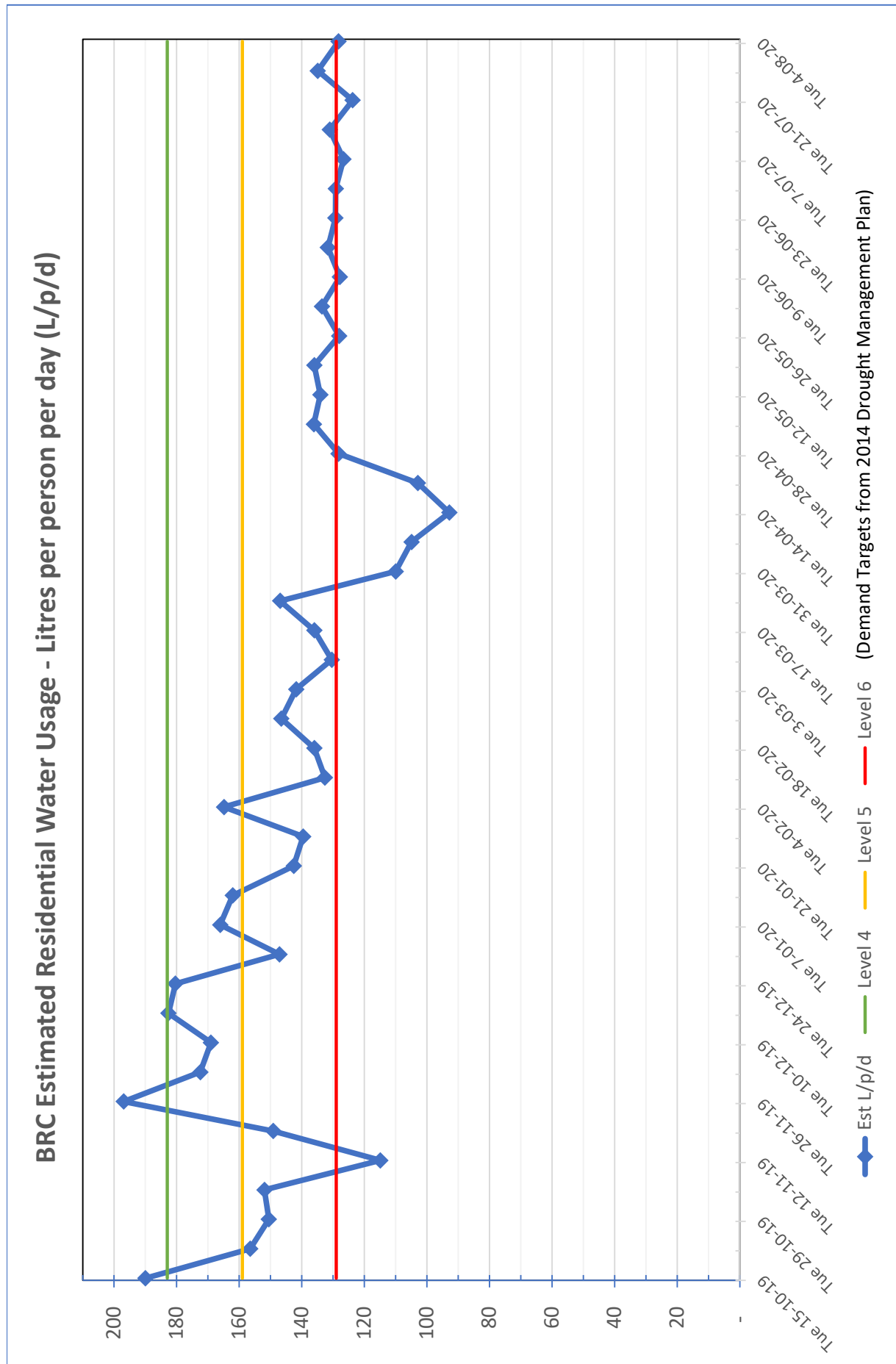
Bathurst Regional Council: Monthly Chifley Dam Volume (%)



Red markers indicate October. Yellow = 4 August 2020.

Chifley Dam - Yearly Comparison





Upper Macquarie County Council

Council Chambers
7 Lee Street, KELSO.
PO Box 703
Bathurst NSW 2795

Telephone: (02) 6338 2875
gm@umcc.nsw.gov.au
www.umcc.nsw.gov.au

7th August 2020

Darren Sturgiss
Director Engineering Services
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

FURTHER INFORMATION - THE 2020/2021 ROADSIDE WEED CONTROL PROGRAM

Dear Darren,

I confirm that the Upper Macquarie County Council is aware of its duties and responsibilities for compliance with the Biodiversity Conservation Act 2016, and acknowledges the Bathurst Regional Council's Roadside Vegetation Management Plan of 2018 and its important requirements for conservation of remnant native vegetation and associated wildlife habitats.

Accordingly any weed control work undertaken within roadside areas will respect the intent of that 'plan' - as a council policy - and with due care and diligence all weed control activities undertaken by the County Council will endeavour to: (a) avoid any damage to native vegetation and habitat and (b) strive to control priority invasive exotic weeds – which (uncontrolled) presents one of the greatest threats to the conservation of roadside vegetation and habitats.

My intention, as part of the increased formalisation of the annual roadside weed control program is to include in the pre-season operators briefing, information and directions regarding the roads to be treated and whether or not, and where, they include higher conservation value vegetation where 'extra-care' is required.

The key difficulty for the County Council with the Roadside Vegetation Management Plan is the way weed control methods are prescribed (what does the plan mean by 'spot spraying' or 'broad application'; and also there is uncertainty about what methods are mandated and what are only suggestions in the plan. To address this issue the County Council has tried to be specific in its program about the intended weed control methods and the seeking of an acknowledgement from Bathurst Regional Council - that the program is acceptable even if it is not exactly what the plan authors initially intended.

I note that the Council's Roadside Vegetation Management Plan in Section 8.4 (P41) states that "All weed control works should be in accordance with the Central Tablelands Regional Strategic Weed Management Plan 2017 – 2022" and that the County Council's proposed Roadside Weed Control Program is a local elaboration of that regional strategic plan – and both are authorised by the Biosecurity Act 2015. Further, I think the Council could reasonably form the view that the proposed program is also the *roadside priority weed control strategy* planned to be prepared in terms of the Plan's Table 8.2 on P40 and endorse it as such.

Finally apart from the necessary increased formality, and beyond incidental refinements in the proposed program, there are no substantive changes in weed control techniques or overall approach to that routinely done throughout Bathurst Regional Council area in past years.

Yours faithfully

David Young

David Young
General Manager
Upper Macquarie County Council



BATHURST REGIONAL COUNCIL

Working with communities in 2019 (calendar year)

BOARD MEMBERS

Deb Bardon
Kylie Shead
(up to June 2019)
Adam Deusien
(from June 2019)

Positions on the AOW ADVISORY COUNCIL

Cr Monica Morse
Bathurst Regional Council representative
Kay Nankervis
CSU representative

AOW had 4 staff members
employed in 2019 who live in the area of
BATHURST REGIONAL COUNCIL

Tracey Callinan
Steven Cavanagh
Maryanne Jaques
Kathy Weekes

In 2019 AOW held our AGM and
Regional Gathering in Bathurst. The day
included visits to Tremain's Mill, Bathurst
Regional Art Gallery, T.Arts Gallery, BMEC
and concluded with the AGM held at the
Australian Fossil and Mineral Museum.

Bathurst Regional Council
assisted with the event including
covering the catered lunch.

This council page accompanies the Arts OutWest 2019 Annual Report
artsoutwest.org.au/annualreport2019

LGA POPULATION: 43,206 (source: ABS 2018 ERP estimate)

Bathurst Regional Council contribution to the regional arts program:

On a per capita basis @ 66c per person \$28,516 + GST

**Estimated value of Arts OutWest services to communities in Bathurst
Regional Council area 2019:**

ARTS MEDIA PROGRAM \$47,325
631 events promoted @ \$75 per event

CASP PROJECTS \$5,800
2 CASP projects funded

SPECIFIC PROJECTS \$24,424
AOW managed over \$200,000 of project funds for Bathurst-based
projects. The contribution by AOW estimates only the direct input by
Arts OutWest into these projects

WORKSHOPS \$5,450
Calculates the direct value of workshops to Bathurst participants.

CORE SERVICES \$11,157
Includes time spent giving advice and support in Bathurst and time
spent on regional advocacy.

TOTAL ESTIMATED VALUE: \$94,156

This conservative estimate of services represents a **330% return** on the
council's contribution to Arts OutWest.

SPECIFIC PROJECTS



ARTS AND HEALTH

- Bathurst Hospital Christmas Choir
- AOW staff oversaw the creation of an Aboriginal mural at Bathurst Hospital by Bathurst artist Lyn Nichols
- Advising WNSWLHD on Aboriginal signage project at Bathurst Health Service
- AOW ran weekly choir sessions at Bathurst Seymour Centre
- Delivered several aged care sessions at St Catherine's

ABORIGINAL ARTS

- Exhibiting and selling of work by Aboriginal artists through National Parks and Wildlife Service's Kew-Y-Ahn Gallery at Hartley, including 3 Bathurst-based artists

CULTURAL TOURISM

- Commencement of AOW's Cultural Maps project, creating an interactive maps website of all cultural tourism assets, to be launched in 2020

LIFELONG LEARNING

- AOW managed a storytelling residency with Welsh storytellers and musicians through UK leading storytelling organisation Adverse Camber. In Bathurst this included:
 - Performance of full production of *Dreaming the Night* in partnership with BMEC
 - Community storytelling workshop
 - Professional 2-day storytelling workshop
 - Sessions in storytelling at Charles Sturt University

- AOW managed finances for 3 theatre projects:
 - Lingua Franca ensemble and performance of *Mighty*
 - *Outpost*, theatre in schools performances
 - *Routes*, developing work of four local playwrights
- 3 photographers were part of AOW's Media Associates program
- *Big Skies Collaboration*, including support for the publication of the anthology of writing, *Dark Sky Dreamings*, including the work of 6 writers and 1 photographer from Bathurst



SUPPORT

- Attended meetings and events such as gallery openings, performances, consultations sessions, judged art competitions, met with individuals and organisations, provided advice by phone and email
- Provided advocacy through representing the needs of our area at meetings in Sydney and Canberra to government and other key organisations, met directly with politicians and government workers (particularly Create NSW) locally and in Sydney and Canberra, submitted to surveys and reviews, contributed to research making the case for regional arts, liaised with Regional Arts NSW and the RADO network in NSW
- Promoted events and assisted people to promote their events.

**Arts OutWest wrote
8 letters of support for people resident
in Bathurst Regional Council area.**

**CASP PROJECTS**

- Funded 2 Country Arts Support Program (CASP) projects in Bathurst, with funds developed to Regional Arts by Create NSW:
- Allegri Singers: The Armed Man. \$3,000 towards the presentation of this work with choirs and orchestra.
- Bathurst Seymour Centre: More Than a Mural. \$2,800 for a mural at the centre by local Aboriginal artist Nicole Royle.



**22 artists from the Bathurst region
were paid for professional practice as
part of Arts OutWest projects.**

KEY RELATIONSHIPS**Organisations that we worked with or assisted in 2019:**

- Bathurst Regional Art Gallery
 - Bathurst Memorial Entertainment Centre
 - Bathurst Seymour Centre
 - Bathurst Hand Weavers and Spinners Guild
 - Mitchell Conservatorium
 - Allegri Singers
 - Lingua Franca
 - Catholic Education office
 - Central West Women's Health Centre
 - Hill End Arts Council
 - Bathurst Library
 - Bathurst Arts Theatrical Society
- as well as numerous individuals.

**REGIONAL REPRESENTATION & ADVOCACY****AOW worked regionally or advocated for the region in 2019 including:**

- Attended Regional Arts meetings in Sydney with other RADOs, Regional Arts NSW and Create NSW
- Attended Artstate Tamworth where staff presented on 3 panels
- Attended Regional Arts Australia meeting at Parliament House, Canberra
- Attended meetings with the Indigenous Health Group and the MPS Groups set up by Western NSW Local Health District
- Member of the Arts and Health Network leadership team for NSW/ACT
- Attended meetings with the Central West JO's Tourism Managers group
- Attended consultation sessions with CSU; Executive Director a member of CSU's Macquarie Consultative Committee
- Attended Destination NSW Country and Outback's sessions on night sky, participated in Inland Astro Trails organisation
- Member of speakers selection panel for Artstate
- Member of Travelling Film Festival steering committee for Sydney Film Festival.

ARTS MEDIA PROGRAM STATS

- 631 Bathurst events promoted by AOW
- AOW social media followers: 10,058
- Subscribers to AOW: 1,429
- Number of Bathurst stories promoted by AOW via social media, website, e-news: 94
- Number of times Bathurst events were promoted by AOW via social media, radio, website: 1,922

***Note: This year we have changed how we calculate the dollar value of events promotion (previously \$150, now \$75 per event) to reflect the current landscape of easier access for local promoters to social media, changes in local radio programming and the discontinuation of our printed events guide.**

We continue to list local events on our popular online What's On and share selected events on social media and local radio.

IMAGES: Front page - Bathurst Hospital Choir; Welsh storytellers in AOW's Adverse Camber residency. This page - Allegri Singers (CASP); Bathurst Art Fair; AOW AGM at Australian Fossil & Mineral Museum.

More information and links about our projects, people and organisation are available on our website:

www.artsoutwest.org.au | artsoutwest@csu.edu.au | 02 6338 4657 | @artsoutwest on Facebook, Instagram and Twitter
PO Box 8272 CSU LPO BATHURST NSW 2795

Arts OutWest acknowledges the Wiradjuri people, whose land we work on, and pays respect to the traditional owners past and present.

**bathurst • blayney • cabonne • cowra • forbes
lachlan • lithgow • oregon • orange • parkes • weddin**



**MINUTES OF THE TRAFFIC COMMITTEE MEETING
HELD ON Tuesday 7 July 2020**

1. MEETING COMMENCES

MINUTE

Meeting commenced ELECTRONICALLY.

Present:

Members: Cllr Warren Aubin (Chair - BRC), Ms Jackie Barry (Transport for NSW), Ms Angie Drooger (Transport for NSW), Sergeant Ryan Baird (Police), Acting Sergeant Jason Marks (Police), Mr David Veness (MP Representative)

Present: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Investigation Team Leader), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Road Safety Officer)

2. APOLOGIES

MINUTE

Nil

3. REPORT OF PREVIOUS MEETING

3.1. Report of Previous Meeting 2 June 2020

File No: 07.00006

MINUTE

RESOLVED:

That the Minutes of the Traffic Committee held on 2 June 2020 be adopted.

4. DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLVED: That the Declaration of Interest be noted.

5. RECEIVE AND DEAL WITH DIRECTOR'S REPORTS

**5.1.1. MINUTES OF THE TRAFFIC COMMITTEE MEETING
HELD 2 June 2020**

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted and necessary actions be taken.

**5.1.2. MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD
SAFETY PROGRAM**

File No: 28.00002

MINUTE

RESOLVED:

That the information be noted.

**5.1.3. KEPPEL STREET PARKING REVIEW BETWEEN
MITRE & ESROM STREETS**

File No: 25.00039

MINUTE

RESOLVED:

That the information be noted and no further action taken at this time.

**5.1.4. BATHURST CYCLING CLUB COVID-19
COMPLIANCE CALENDAR AMENDMENT 2020**

File No: 18.00022

MINUTE

RESOLVED:

That Council classify the amendment to the Bathurst Cycling Club July calendar of events as a Class 2 event, and endorse the traffic management subject to conditions as detailed in the Director Engineering Services' report.

5.1.5. BATHURST'S BIGGEST EXPO AND CHRISTMAS

MARKETS

File No: 23.00026

MINUTE

RESOLVED:

That Bathurst's Biggest Expo and Christmas Markets to be held on Saturday 14 November and Sunday 15 November 2020 at the Bathurst Showground be classified as a Class 2 event and the traffic management for this event be endorsed, subject to conditions as detailed in the Director Engineering Services' report.

5.1.6. INSTALLATION OF 1/4P PARKING AT CARENNE SCHOOL, BROWNING STREET

File No: 28.00006-14/130

RECOMMENDATION:

That Council replace the "No Parking 8.00am-9.30am 2.30pm-4.00pm" zone at the front of Carenne School on Browning Street with a "1/4P 8.00am-9.30am 2.30pm-4.00pm" zone.

MINUTE

MOVED: D Veness SECONDED: Councillor W Aubin

RESOLVED:

That Council replace the "No Parking 8.00am-9.30am 2.30pm-4.00pm" zone at the front of Carenne School on Browning Street with a "1/4P 8.00am-9.30am 2.30pm-4.00pm" zone, and install 40m of "No Parking 8.00am-9.30am 2.30pm-4.00pm" between Research Station Drive and Panorama Avenue.

5.1.7. CLASSIC OUTBACK TRIAL 2020 REVISED DATES

File No: 23.00026-21/265

MINUTE

RESOLVED:

That the Bathurst Regional Council section of the Classic Outback Trial, to be held 1-7 November 2020, be classified as a Class 2 event and traffic management for the event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

6. TRAFFIC REGISTER

6.1. TRAFFIC REGISTER

File No: 17.00006

MINUTE

RESOLVED:

That the information be noted.

8. MEETING CLOSE

MINUTE

Meeting was closed.

**MINUTES OF THE TRAFFIC COMMITTEE MEETING
HELD ON Tuesday 4 August 2020**

1. MEETING COMMENCES

MINUTE

Meeting commenced at ELECTRONICALLY.

Members:

Clr Warren Aubin (Chair - BRC), Ms Jackie Barry (Transport for NSW), Sergeant Ryan Baird (Police), Acting Sergeant Jason Marks (Police), Mr David Veness (MP Representative)

Present:

Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Investigation Team Leader), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Road Safety Officer)

2. APOLOGIES

MINUTE

Nil

3. REPORT OF PREVIOUS MEETING

3.1. Report of Previous Meeting 7 July 2020

File No: 07.00006

MINUTE

RESOLVED:

That the Minutes of the Traffic Committee held on 7 July 2020 be adopted.

4. DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLVED: That the Declaration of Interest be noted.

5. RECEIVE AND DEAL WITH DIRECTOR'S REPORTS

5.1.2. MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM

File No: 28.00002

MINUTE

RESOLVED:

That the information be noted.

5.1.3. BATHURST HISTORIC CAR CLUB 2021 SWAP MEET

File No: 22.00053.09

MINUTE

RESOLVED:

That the Bathurst Historic Car Club 2021 Swap Meet to be held at the Bathurst Showground on Sunday 7 February 2021 be classified as a Class 2 event, and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

5.1.4. 279 HOWICK STREET - DRIVEWAY ACCESS REVIEW

File No: 25.00006-05/035

MINUTE

RESOLVED:

That Council:-

- i) note the information and;
- ii) refer CBD edge line-marking costings to the 2021/22 budgetary process

5.1.5. BATHURST STREET AND CUSTOM MOTORCYCLE SHOW 2021

File No: 23.00026-21

MINUTE

RESOLVED:

That the 2021 Bathurst Street and Custom Motorcycle Show to be held in Russell Street opposite the Bathurst Court House on Saturday 13 February 2021, be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

**5.1.6. REQUEST FOR TEMPORARY WORKS ZONE PARKING
OUTSIDE 276 RANKIN STREET, BATHURST**

File No: 25.00009-02/158

MINUTE

RESOLVED:

That the installation of 'Works Zone 7am - 5pm Monday - Friday' signage from for 2 spaces outside 276 Rankin Street be approved, subject to conditions as detailed in the Director Engineering Services' report.

6. TRAFFIC REGISTER

6.1. Traffic Register

File No: 07.00006

MINUTE

RESOLVED:

That the information be noted.

8. MEETING CLOSE

MINUTE

The Meeting was closed.