

2 October 2013

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 9 October 2013**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 9 October 2013 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 9 OCTOBER 2013**

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

**2. APOLOGIES**

**3. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013

**4. DECLARATION OF INTEREST**

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

**5. RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

**6. DISCUSSION FORUM OTHER**

\* DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2013 AND DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2013

**7. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

**Present:** Councillors Rush (Chair), Bourke, Coote, Hanger, Jennings, Morse, North, Westman.

## MINUTE

### 2 APOLOGIES MOVED: Cr I North SECONDED: Cr B Bourke

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

Cr Aubin had advised the General Manager that he will be travelling back from Sydney and may be late for, or unable to attend the meeting.

**REPORT OF PREVIOUS MEETING**

POLICY COMMITTEE

**1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 7 August 2013 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 7 August 2013, are attached.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**MINUTE**

**3     Item 1   MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013**  
**(07.00064)**

**MOVED: Cr G Westman SECONDED: Cr I North**

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 August 2013 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 7 AUGUST 2013**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Morse (Chair), Aubin, Bourke, Coote, Hanger, Jennings, North, Rush, Westman.

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2013 (07.00064)**  
**MOVED** Cr M Coote and **SECONDED** Cr J Jennings

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 July 2013 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

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

Cr Aubin  
Item #1 of the Director Corporate Services & Finance's report.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Environmental Planning & Building Services' Report**

---

This is page 1 of Minutes of the Policy Committee held on 7 August 2013.

General Manager

Page 8  
Mayor



**5      Item 1 PROTECTION OF COUNCIL LAND AND ROADSIDE VEGETATION AND HABITAT POLICY (13.00001)**

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) place the Protection of Council Land and Roadside Vegetation and Habitat Policy on public exhibition for a period of 28 days; and
- (b) if no submissions are received, adopt the Policy.

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

**6      Item 1 BATHURST 12 HOUR MOTOR RACING EVENT (04.00097)**

**MOVED** Cr B Bourke

and **SECONDED** Cr M Coote

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

**Reason: named as beneficiary in Council recommendation.**

**RESOLVED:** That Council

- (a) authorise Cr Aubin to attend the Sepang 12 Hour Race in Kuala Lumpur to be held from 28 August 2013 to 2 September 2013.
- (b) enact the resolution immediately.

**General Manager's Report**

**7      Item 1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2013 (18.00074)**

**MOVED** Cr G Hanger

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council

- (a) nominate the Mayor, Deputy Mayor and Cr Rush as delegates and Crs Bourke and Hanger as observers for the Local Government NSW Annual Conference 2013.
- (b) enact the resolution immediately.

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

**8**

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

**MOVED** Cr M Coote

and **SECONDED** Cr J Jennings

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

**There we no representations from the public.**

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LEASE AGREEMENT - LOT 1 DP792363 LOCATED AT CHURCH LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

**a**

**Item 1 RURAL LEASE AGREEMENT - LOT 1 DP792363 LOCATED AT CHURCH LANE, KELSO (21.00022)**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**That** Council approves entering into a new in-house licence agreement with Ms Candice Foscett for Lot 1 in DP792363 located on Church Lane, Kelso for a period of three (3) years at a licence fee of \$300.00 per annum (GST inclusive) plus annual CPI adjustments as detailed in the report.



**14**      **Item 4 COUNCILLOR VIDEO PROFILES (11.00024)**

**Cr Rush** - raised the issue of lack of notice and questioned the cost of this proposal. Asked is providing exposure of Councillors a role for Council.

**The Acting General Manager** responded to this issue.

**15**      **Item 5 2015 BICENTENARY FLAGSTAFF PROPOSAL (20.00153)**

**Cr Rush** - raised concerns about change to the original brief and why Councillors had not been advised.

**The Acting General Manager** advised that the original brief had not changed.

**16**      **Item 6 LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

**Cr Rush** - asked where this process is up to and when Councillors will consider this matter further.

**The Acting General Manager** advised that Council's submission had been lodged with the Panel and spoke of a meeting held with Lithgow and Oberon Councils.

**17**      **Item 7 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)**

**Cr Westman** - raised concerns re media report on closed circuit television. Would like Councillors to be made aware of information prior to public release.

**18**      **Item 8 2015 BICENTENARY COMMITTEE (20.00153)**

**Cr Westman** - requested information on 2015 Bicentenary Celebration priority changes and what commitments were being made. Also will the Flagstaff proposal still include toilet facilities. Requested information on full time employment of a staff member.

**The Acting General Manager** advised that a report would be provided to a future Council Meeting to update Councillors on 2015 Bicentenary Celebration activities. Also advised that a staff member had been seconded from within Council to undertake the administrative duties for the 2015 Bicentenary Celebrations

Committee. Spoke to increased administrative workload involved in chasing grant funding, etc.

**19**      **Item 9 LONG TERM PLANNING (03.00180)**

**Cr Westman** - asked about proposed long term planning sessions. Have not set dates.

**The Mayor** advised that a recent newsletter to Councillors had suggested dates in October 2013.

**20**      **Item 10 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)**

**Cr Coote** - asked who is running the Council?

**The Mayor** advised that the Councillors are responsible for decision making.

**21**      **Item 11 SIMPLOT AUSTRALIA (22.01698)**

**Cr Coote** - raised concerns of precedent that may be set if we provide a reduction in charges for Simplot and potential long term loss of income.

**22**      **Item 12 TRIP HAZARDS - WILLIAM STREET (25.00002)**

**Cr Coote** - raised concerns in relation to trip hazards in the William/Howick Streets vicinity. Asked what is best method to report these?

**The Director Engineering Services** advised best method is to ring Council's Engineering Section.

**23**      **Item 13 AWNING LIGHTS ON BUILDINGS (18.00124)**

**Cr Coote** - asked who is responsible for lighting under shop awnings.

**The Acting Director of Environmental, Planning & Building Services** advised Essential Energy is responsible for these lights.

**24      Item 14 2015 BICENTENARY FLAGSTAFF PROPOSAL (20.00153)**

**Cr Coote** - noted had received advice that a Flagstaff already existed.

**The Mayor** advised she had received the same information, but this information was incorrect.

**25      Item 15 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)**

**Cr Morse** - advised she had concerns in relation to provision of information to Councillors, particularly in relation to consultation time when considering large Development Applications. Advised Mayor and General Manager are looking at options to keep Councillors up to date with information on Council activities.

**26      Item 16 ENTRANCES TO THE CITY (07.00097, 28.00021)**

**Cr Aubin** - asked for update on the design for the entrance to Bathurst from Orange. Also raised issues of cars for sale parked on vacant land near Bradwardine Road roundabout and the Basketball Stadium.

**The Director Engineering Services** advised that this issue is very difficult to police and there is no easy solution to the problem. Also advised detailed drawings of the entrance design are currently being prepared.

**27      Item 17 TAFE SITE (22.01387)**

**Cr North** - asked if State Government had agreed to Council's terms for acceptance of this site. Would like to be advised immediately decision is made by the State Government.

**The Acting Director Environmental, Planning & Building Services** advised that Council was still in negotiations with the State Government.

**28      Item 18 UPPER MACQUARIE COUNTY COUNCIL (18.00172)**

**Cr North** - advised that Upper Macquarie County Council is aware that Council is currently reviewing their relationship.

**29      Item 19 BATHURST SUPERCHEAP AUTO 1000 (04.00001)**

**Cr North** - asked whether Council was aware of a proposed V8 Supercar launch in Bathurst next week.

**The Acting General Manager** advised that Council was unaware of this proposed launch.

**30**      **Item 20 LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

**Cr North** - advised would like to see Blayney Council included in any discussions regarding the Local Government Review Panel recommendations.

**31**      **Item 21 VEHICLES SPEEDING - WILLOW DRIVE, KELSO (25.00201)**

**Cr North** - raised concerns of safety issues of cars speeding in Willow Drive. Advised residents are disappointed with Police response. Asked if Council may be able to discuss this issue with Police Commander.

**32**      **Item 22 TRAFFIC LIGHTS - HAVANNAH STREET (25.00018, 25.00027)**

**Cr Bourke** - asked is Council still pursuing the update of the traffic lights at Havannah Street and the Highway intersection.

**Cr Aubin** gave an update on this matter.

**33**      **Item 23 CREMATORIUM (09.00009)**

**Cr Bourke** - asked if there was to be an official opening of the Crematorium.

**The Director Engineering Services** advised this is not a Council facility, but he believed that the operators would be holding an official opening in the near future.

**34**      **Item 24 SISTER CITY RELATIONSHIPS (23.00011)**

**Cr Bourke** - feels Council should look to establish a Sister City relationship with Bath in England where the Earl of Bathurst resides.

**MEETING CLOSE**

**35**      **MEETING CLOSE**

The Meeting closed at 7.14 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(21 August 2013)**



**MINUTE**

- 4**     **DECLARATION OF INTEREST 11.00002**  
          **MOVED: Cr G Hanger SECONDED: Cr J Jennings**

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

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

POLICY COMMITTEE

9 OCTOBER 2013

## **1 CAT CONTROL POLICY (14.00009) 41.00089**

**Recommendation:** That Council repeal the "Cat Control" Policy and remove from the Policy Manual.

**Report:** In December 2004 Council adopted a policy of the former Bathurst City Council confirming that Council would accept any unwanted cats delivered to the Small Animal Pound and sell, destroy or otherwise dispose of the cat after a minimum of 48 hours has elapsed.

The Companion Animals Act 1998 (the Act) requires that a seized or surrendered animal must be kept at the Pound for a minimum of seven (7) days unless Council adopts a policy otherwise. If the animal is microchipped this requirement is increased to fourteen (14) days.

In practice Council holds animals for the minimum period of seven days before selling or otherwise disposing of the animals. Therefore, this policy is no longer relevant and it is recommended that the policy is repealed.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**MINUTE**

- 5 **Item 1 CAT CONTROL POLICY (14.00009)**  
**MOVED: Cr G Westman SECONDED: Cr M Coote**

**RESOLVED:** That Council repeal the "Cat Control" Policy and remove from the Policy Manual.

## **2 SWIMMING POOL INSPECTION PROGRAM POLICY (02.00009) 41.00089**

**Recommendation:** That Council adopt the draft Swimming Pool Inspection Policy.

**Report:** In 2012 the NSW Government embarked on a major review of the Swimming Pools Act 1992 resulting in the introduction of the Swimming Pools Amendment Act 2012.

The Amendments introduced obligations upon both pool owners and Councils to improve swimming pool safety.

The obligations upon pool owners are to:

1. Register their swimming pools on an online register provided by the NSW State Government ([www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au));
2. Self assess their pools against the applicable standards when registering their pools; and
3. Provide a valid swimming pool compliance certificate before selling or leasing a property.

All existing swimming pools are to be registered by 29 October 2013.

The obligation to provide a valid swimming pool compliance certificate at the point of sale/lease commences on 29 March 2014.

The obligations upon Council are to:

1. Develop and implement a swimming pool barrier inspection program in consultation with the community;
2. Report annually on the number of swimming pool inspections and the level of compliance;
3. Inspect pools associated with tourist and visitor accommodation and multi occupancy developments at 3 year intervals; and
4. Issue swimming pool compliance certificates.

The swimming pool barrier inspection program has to be adopted by Council by 29 October 2013. A draft Policy is provided at **attachment 1**.

### **What is a swimming pool compliance certificate?**

A swimming pool compliance certificate is a certificate that certifies that a swimming pool is registered on the Statewide database and complies with the applicable standards.

A swimming pool compliance certificate may be issued by either Council or a private certifier accredited by the Building Professionals Board.

A swimming pool certificate is valid for a period of 3 years from issue unless there is a direction issued to undertake rectification works.

It is also worth noting that an Occupation Certificate issued at the completion of installation of the swimming pool also operates for a period of 3 years.

### **Mandatory Inspection Program**

The obligation upon Council to develop a swimming pool barrier inspection program stems

from Section 22B of the Swimming Pools Act.

The Act is silent on the frequency of these inspections beyond those where it provides a statutory obligation ie at point of sale/lease and triennial inspections of tourist/visitor accommodation and multi occupancy developments.

In order to formulate the policy Council is required to undertake a community engagement strategy in accordance with Clause 16 of the Swimming Pools Regulation 2008.

### Community Engagement Strategy

The approach adopted was to directly consult with known pool owners within the Bathurst Region.

A review of Council's existing development consent register identified some 731 swimming pools as having been approved since 1999.

It is noted that the list is unlikely to have been exhaustive and there is in all likelihood pool owners who have not been consulted.

It is also noted that pool owners are not required to register on the Swimming Pool Register until after the Council has adopted its inspection policy. It is therefore not possible to rely upon the register in the formulation of the inspection policy.

A web based survey was prepared and forwarded to all known pool owners with the objective to:

1. Determine community expectations in relation to the frequency of swimming pool inspections
2. Determine the community response to the inspection fees associated with implementation of the program.

Council ultimately received 250 responses to its survey.

### Options for frequency of inspections

The survey offered a number of different inspection regimes ranging from never to annually and limited to point of sale/lease.

In response to the question of "how often do you think that swimming pools should be inspected" the responses were as follows:

<b>Option</b>	<b>Response Count</b>	<b>Response %</b>
Never	9	3.6
Annually	24	9.6
Every 3 years	65	26.0
Every 5 years or more	68	27.2
Only when the property is sold or leased	92	36.8

It is clear that there is general support for an inspection regime of sorts with only 3.6% opting for the "never" option.

There was limited support for an annual inspection with 9.6% support.

Most support was provided for an inspection regime of 5 years or greater (27.2%) or at point of sale/lease (36.8%).

#### Who should pay?

Under the Swimming Pool Regulations, Council is able to charge a fee for the carrying out of an inspection of a swimming pool.

#### **18A Fee for inspection**

- (1) *For the purposes of section 22F (1) of the Act, the maximum fee that a local authority may charge for carrying out an inspection of a swimming pool is:*
  - (a) *in the case of a first inspection of the swimming pool, \$150, or*
  - (b) *in the case of a second inspection of the swimming pool, \$100.*
- (2) *No fee may be charged by a local authority for carrying out a third or subsequent inspection for the purpose of the issue of the same certificate of compliance.*

Based on this fee structure there is a financial incentive in ensuring that the swimming pool complies with the applicable standards.

It is noted, however, that due to the highly technical nature of standards that there is an expectation that there will be high levels of non-compliance at the initial inspection.

Not surprisingly 73.6% of survey respondents were of the opinion that the owner should not bear the cost of any inspection regime. The vast majority of respondents (87.2%) considered the cost of between \$150 and \$250 to be too high.

The reality is that whilst there is limited support from pool owners to the charging of any fee it should not be up to the general ratepayer to fund the cost of implementation of the program. It is therefore appropriate that the fees for inspections should be borne by the pool owners as opposed to the general ratepayer.

In terms of the quantum of the fee it is noted that the maximum fee (\$250) is the equivalent to that of a Building Certificate issued under the Environmental Planning and Assessment Act. It is not, therefore, considered to be too high given the expected workloads in undertaking the inspections.

#### The preferred approach

At this time it is not possible to determine the number of swimming pools in the LGA.

The Swimming Pool Register is not able to provide any data at this time on the number of pools that have been registered. Even if it were at this time only 54.2% of survey respondents had registered. Perhaps more disconcertingly 23.3% of respondents were unsure whether they had registered their swimming pools.

Based on current figures there have been at least 730 swimming pools approved in the Bathurst Region LGA.

This figure is growing by approximately 60 pools per annum based on current trends.

Council and the public needs to be mindful that the adoption of any policy has implications in terms of staffing and the capacity to undertake inspections and costs to both Council and pool owners.

There is currently no reliable data available that can accurately predict the number of inspections that may result if inspections occur at point of sale point or point of lease.

Likewise there is no accurate way to determine what impact on the number of inspections the use of private certifiers may have.

The preferred approach therefore is to:

1. Limit the inspections to those where there is a statutory obligation to do so, that is:
  - (a) Commencing 29 March 2014, Council will undertake inspections (where requested to do so) at the point of sale/point of lease.
  - (b) Commencing 29 March 2014, Council will undertake inspections (where requested to do so) of all tourist and visitor accommodation or more than 2 dwellings.
2. Continue to investigate swimming pools that do not comply with the applicable standards. Where swimming pools do not comply, rectification will be required and a swimming pool compliance certificate issued.
3. Review the inspection regime after 18 months to determine the number of inspections being undertaken on an annual basis.
4. Charge the full fee as allowed for under the Swimming Pools Regulation for the carrying out of inspections.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 22: To improve community safety. Strategy 22.11
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4



**MINUTE**

- 6**     **Item 2 SWIMMING POOL INSPECTION PROGRAM POLICY (02.00009)**  
**MOVED: Cr B Bourke SECONDED: Cr M Coote**

**RESOLVED:** That Council adopt the draft Swimming Pool Inspection Policy.

**Cr Aubin arrived at the meeting at 6.04 pm.**

### **3 PROTECTION OF VEGETATION AND HABITAT POLICY (13.00001) 41.00089**

**Recommendation:** That Council adopt the Protection of Vegetation and Habitat Policy.

**Report:** Council at its Policy Committee Meeting held 7 August 2013 resolved to:

- a) Place the draft Protection of Council Land and Roadside Vegetation and Habitat Policy on public exhibition for a period of 28 days; and
- b) If no submissions are received, adopt the Policy.

The draft Policy was placed on exhibition from 22 August to 23 September 2013. A copy of the draft Policy as exhibited is provided at **attachment 1**. Notice of the draft Policy was placed in the Western Advocate on 24 August 2013 as well as being exhibited on Council's website.

Six submissions were received from representatives of:

- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Local Government NSW
- NSW Roadside Environment Committee
- John Holland Rail Pty Ltd (CRN)

Copies of these submissions are provided as **attachment 2**.

In response to these submissions several changes have been made to the draft Policy, in particular:

- For ease of use, changing the title of the draft policy to the "Protection of Vegetation and Habitat" policy;
- Highlighting the role of the Office of Environment and Heritage as the appropriate regulatory authority for clearing of native vegetation under the Native Vegetation Act (2003);
- Highlighting the role of the Central West Catchment Management Authority as the approval authority for the clearing of native vegetation on private land; and
- Clarifying the approvals process in relation to other consent mechanisms.

A copy of the final Policy is provided at **attachment 3**.

**Financial Implications:** Funding for this item is contained within existing budgets.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

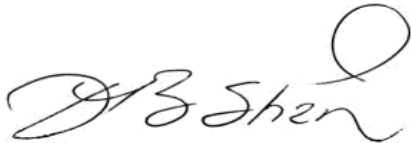
- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6, 10.11
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**MINUTE**

- 7 **Item 3 PROTECTION OF VEGETATION AND HABITAT POLICY (13.00001)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council adopt the Protection of Vegetation and Habitat Policy.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D R Shaw', with a large, stylized flourish at the end.

D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES**

POLICY COMMITTEE

9 OCTOBER 2013

## **1 ENTERPRISE RISK MANAGEMENT PLAN - STRATEGIC RISK REGISTER (03.00162)**

**Recommendation:** That Council adopt the updated Strategic Risk Register and include it in the Enterprise Risk Management Plan.

**Report:** Council at its meeting on 16 May 2012 adopted an Enterprise Risk Management Plan (ERM Plan) to assist in the implementation of an organisational approach to risk management. Part of that process was the development of a Strategic Risk Register which identified the major risks Council is exposed and the current controls and potential controls that could be used to minimise that risk. The Strategic Risk Register is reviewed on a regular basis and the latest review is provided for Council (refer **attachment 1**).

It is recommended that Council adopt the updated Strategic Risk Register and include it in the Enterprise Risk Management Plan.

**Financial Implications:** Implementation of strategies from the ERM Plan will occur as funding allows from within existing budgets.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**MINUTE**

**8 Item 1 ENTERPRISE RISK MANAGEMENT PLAN - STRATEGIC RISK REGISTER (03.00162)**

**MOVED: Cr B Bourke SECONDED: Cr G Westman**

**RESOLVED:** That Council adopt the updated Strategic Risk Register and include it in the Enterprise Risk Management Plan.

**MINUTE**

**9 Item 1.01 SUSPENSION OF STANDING ORDERS (11.00005)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Discussion Forum - Draft Bathurst Regional Local Environmental Plan 2013 and Draft Bathurst Regional Development Control Plan 2013 - listed on the Agenda.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

**DISCUSSION FORUM OTHER REPORT AND MINUTES**

POLICY COMMITTEE



# **1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2013 AND DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2013 (20.00143)**

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

**Report:** The draft Bathurst Regional Local Environmental Plan 2013 and draft Bathurst Regional Development Control Plan 2013 were placed on public exhibition from 5 August 2013 to 16 September 2013.

During the public exhibition period Council held 10 information sessions to provide an overview of how the draft new planning control changes may affect the Bathurst Regional community. Council's planning staff were available at these sessions to answer queries in relation to the proposed changes. These information sessions were widely publicised in the local newspaper and on the radio. Approximately 1000 letters were sent out to individuals and interest groups notifying them of the exhibition period and inviting them to attend the information sessions. Council staff also manned a static display in the Bathurst City Centre and the Stocklands Mall and were available to answer any queries from the public.

Details of sessions held and number of participants are detailed below.

<b>Date</b>	<b>Location</b>	<b>Attendance</b>
8 August 2013	Peel Hall	17 people
9 - 16 August 2013	Bathurst City Centre	85 people
12 August 2013	Bathurst Regional Council Chambers	6 people
15 August 2013	Yetholme Hall	13 people
20 August 2013	Wattle Flat Public School	15 people
26 August 2013	Sofala Hall	10 people
27 August 2013	Rockley School of Arts Hall	9 people
28 August 2013	Bathurst Regional Council Chambers	21 people
29 August 2013	Trunkey Creek Hall	12 people
30 August to 6 September 2013	Stockland Centre	50 people
3 September 2013	Hill End Public School	12 people
5 September 2013	Bathurst 2036 Heritage Action Network	32 people
<b>Total</b>		<b>283 people</b>

Copies of the draft LEP and DCP as well as fact sheets on the key changes proposed to specific locations, land types and considerations, were available from Council's Environmental, Planning & Building Services Department and electronically on Council's website at [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au).

Council received a total of 88 submissions from the public during the public exhibition period (see submissions attached). Where appropriate a location map has been included at the end of each submission as part of attachments 1, 2 and 3.

The table below summarises the submissions received and the key issues raised in those submissions.

The following are shown at <b><u>attachment 1</u></b> .		
<b>Landowner</b>	<b>Land to which the</b>	<b>Comments or issues raised</b>

Name	request relates	
Ms L Waterer	Lots 1 & 2, DP 114143, Lot 1 & 2 Sec 20 DP 758719, Lots 1 – 10 Sec 12 DP 758719, Lots 4 – 7, Sec 11, DP 758719, Lot 1 DP 998613  Stewart Street EVANS PLAINS	The property had a dwelling entitlement which was inadvertently lost through a not-for-profit gift of land to the neighbouring property and thus was not transferred to the current LEP. Requesting that the land be included in Schedule 1 of the LEP as an additional permitted use to permit the erection of a dwelling, or that the land be rezoned to 1(c) Rural Residential or 1(f) Small Rural Holdings to enable a dwelling.
Mr K Pearce	Lots 1 & 2 DP 125193; Lot 1 DP 1139877  656 Cow Flat Road COW FLAT	Has an existing rural property with 4 dwelling entitlements on existing small allotments within the holding. Requesting the creation of 3 clustered small allotments with building entitlements to improve the agricultural viability of the remaining holding and the 4 <sup>th</sup> dwelling entitlement to remain with the larger holding.
Mr B Goddard GICO Pty Ltd	Lot 1 DP 1126786; Lot 1 DP 1179973  240 Limekilns Road KELSO	Request that the RE1 Public Recreation/ RU1 Primary Production zone boundary be relocated to the immediate east and north by approximately 50 metres, with the future collector road to be located within the RE1 zoned land. Also requests an amendment to the Kelso DCP map (number 4) to reflect the proposed changes to the LEP and the relocation of the collector road within the RE1 Local Recreation zone.
Mr G & Mrs R Arrow	Lot 10 DP 218183  39 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy or the inclusion of the lot within Schedule 1 Additional Permitted Uses to enable the existing second rural dwelling to be subdivided from the property.
Mr K & Mrs J Barcham	Lot 9 DP 218183  73 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.  Concerned that the future collector road for the identified residential land will be located directly adjoining their property.
Mr B & Mrs R Linke	Lot 232 DP 755790  3902 Sofala Road WATTLE FLAT	Seeking to have the lot included in the R5 Large Lot Residential zone. Provided evidence of a previous dwelling on the site.
Mr B & Mrs R Lincoln	Lots 35 – 37 DP 1070624  24-28 Corporation	Seeking a larger land use buffer on Lots 35 – 37 DP 1070624 at the Trade Centre. Seeking 20 metre exclusion zone on the rear boundary to protect the existing

	Avenue ROBIN HILL	dwellings from future business activities and a further 10 metres where parking only would be permitted, not loading/unloading activities.
Mr E Jones	Lot 6 DP 880125  3249 O'Connell Road BREWONGLE	Seeks provision in the LEP to permit subdivision of Heritage Items, particularly State Listed items, on rural land to fund the restoration of the Heritage Item from the proceeds of the land sale.
Mr T & Mrs E Hamilton	Lot 6 DP 218183  56 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Ms N Schryver	Lot 1 DP 591788  120 Gilmour Street KELSO	Seeking to be rezoned to R1 General Residential as the land is now flood protected is not agriculturally viable; potential adverse impact on adjoining landowners from agricultural activities.
Ms R Medhurst	Pt Lot 1147 DP 1170286  Evernden Road LLANARTH	Supports the identification of the land at Evernden Road / Swanbrooke Street as open space. Supports the embellishment of the open space with vegetation and seating.
Mr B Goddard	Pt Lot 381 DP 857702  Bathurst Baptist Church 188 Eglinton Road ABERCROMBIE	Requests an amendment to DCP Map No 5 – Windradyne, Llanarth and Abercrombie to remove the special use 'Church' on the rear vacant part of the Baptist Church lot so as to permit future development opportunities for residential development.
Bathurst 2036 Heritage Action Network		Requesting the words "Bathurst's unique heritage is a key social and economic asset" be added to the aims of the draft LEP.
Mr D & Mrs N Druitt	Lot 22 DP 619336  426 Mt Rankin Road MT RANKIN NSW 2795	Provided evidence from the Aboriginal Heritage Information Management System (AHIMS) that there are no Aboriginal cultural heritage items within the vicinity of the property. Requests that the "Cultural Heritage" restriction be removed from DCP Map No 19 – Mount Rankin.  Requesting that Council ensure the portion of Crown Road (extending from Howards Drive) remain open and available to the landowners.  Advising Council that there is an airstrip on the property which has existed for at least 32 years. Requesting that the development of the area for rural lifestyle be aware of the operation of the airstrip.
Mr D Walker	Lot 112 DP 1145879	Requesting that the 1 hectare of open

Geolyse Pty Ltd on behalf of Llandco	Ophir Road LLANARTH	space (near the future school site at Windradyne) be removed. Cites that the area is adequately serviced by open space along Sawpit Creek and behind Swanbrooke Street. A detailed subdivision design has already been prepared for the land.
Mr G Douglas	Lots 7 & 8 DP 1173379  43 Bathurst Street PERTHVILLE	Requesting the Residential zone be extended to correspond with the alignment of the levee at Perthville so the entire lot is within one zone.
Ms P Schryver	Lot 84 DP 1002988  355 Willow Tree Lane MOUNT RANKIN	Requesting inclusion in the R5 Large Lot Residential zone. Property is not a viable agricultural enterprise; poor soils on the property; adjacent to the proposed Zone R5 land at Mount Rankin.
Mr T & Mrs J Burke	Lot 5 DP 218183  38 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Mr B & Mrs R Schumacher	Lots A, C & D DP 399094 and Lot 5 DP 1173379  51 Bathurst Street PERTHVILLE	Requesting the Residential zone at Perthville be extended to the alignment of the levee so the entire lot is within one zone.
Mr D Brindle BBC Consulting Planners on behalf of Catholic Healthcare Ltd	Lot 12 DP 1159190  St Vincent's Hospital Site 51 Gormans Hill Road GORMANS HILL	Requesting seniors housing, child care centres, respite day care centres and office premises as additional permitted uses on the site (former St Vincents Hospital) under Schedule 1 of the LEP.  Requesting that a minimum lot size of 10 hectares be applied to the site rather than 40 hectares.
Ms V Tourle	Lot 1 DP 742651 and Lot 1 DP 799423  57-59 Lambert Street BATHURST	Requesting the description of the proposed heritage item be altered to read 'Lachlan Inn (former)' rather than 'Lachlan Hotel (former)'
Mr S Anderson		Requesting the revision of the maximum size of Secondary Dwellings (formerly granny flats) in the LEP to 120sqm as a more appropriate size, particularly in the rural residential areas.
Mrs H Conyers	Lot 5 DP 502406  20 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Mr C Ovington	Lot 1 DP 711471	Seeking to be rezoned to R1 General Residential as the land is now flood

	102 & 104 Gilmour Street KELSO	protected; not agriculturally viable; and potential adverse impact on adjoining landowners from agricultural activities.
Steele & Co on behalf of Ms J Dixon	Lot 3 DP 755781  45 - 63 White Rock Road WHITE ROCK	Seeking to be rezoned as R5 Large Lot Residential as the land adjoins R5 land. The proposed zoning of RU1 Primary Production is inconsistent with the location. Water and sewer services are available.
Mr H McPhillamy	Lot 23 DP 830868  143 Gormans Hill Road GORMANS HILL	Requesting that Council consider a small lot subdivision on the existing allotment to subdivide a second dwelling from the principle dwelling. This will assist in estate planning.
Mr J Walpole	Lots 3 & 4 DP 222793  24 Station Street BREWONGLE	Requesting that the land be included in Schedule 1 of the LEP as an additional permitted use to permit the erection of a dwelling on the land.
Mr G Lindsay	Lot 11 DP 502406  31 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Mr M & Mrs L Tobin	Lot 47 DP 895882  30 Clairvaux Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Mr R Brown & Mr P Mitchell	Mudgee Road HILL END	Seeking the inclusion of a significant row of trees along Mudgee Road Hill End within the Conservation Area for Hill End. This will ensure consent under the LEP is required for their removal. The trees were identified in the Conservation Management Plan for Hill End.
Mr P & Mrs A Marr	Lot 42 DP 825865  220 Gilmour Street KELSO	Seeking to be rezoned to R1 General Residential as the land is now flood protected; not agriculturally viable; potential adverse impact on adjoining landowners from agricultural activities.
Ms T Carpenter Bathurst Community Climate Action Network		Supports the protection of high value agricultural lands and areas of high biodiversity. Supports the use of zone E2 Environmental conservation at the Boundary Road Reserve other than the lands used by the archery club, pistol club, Vietnam Veterans park and quarry. Seeks that Council consider the land use 'Roads' only as permissible with consent as opposed to permissible without consent particularly given possible likelihood of a bypass road. Seeks that Blayney Road common be zoned E2. Seeks that Albens Reserve be zoned E2. Seeks that Apsley

		Lagoon be zoned E2. Within the DCP seeks that all developments should provide for public transport, and off-road commuter cycling routes. Water Sensitive Urban Design principles should be incorporated into Bathurst's urban and village planning controls. Supports the inclusion of sustainable building design in the DCP, however Council should now 'require' compliance with the standards rather than 'encouraging' compliance particularly in relation to subdivision design. Seeks greater revegetation of urban areas to increase the tree cover within the region and to set a target of 15% tree cover within the CBD.
Mr C & Mrs J Boag	WATTLE FLAT	Concerned that the standards within the DCP for Wattle Flat are not sympathetic with the significance of Wattle Flat, particularly when compared to the standards required for Hill End or Sofala. Concerned that the aesthetic appeal of Wattle Flat will be detrimentally affected.
Mr R & Mrs A McDowell	Lot 4 DP 1011939 174 McGregors Lane MOUNT RANKIN	Requesting inclusion in the R5 Large Lot Residential zone. Property is not a viable agricultural enterprise; have preserved and enhanced the environmental amenity of the property; adjacent to the proposed Zone R5 land
The following are shown at <b>attachment 2</b> .		
Steele & Co on behalf of Stabosi Pty Ltd	Lots 2-10 & 12 DP 1089380  Stanley Street BATHURST	Seeks the land be zoned R1 General Residential rather than RU4 Primary Production Small Lots as proposed. Adjacent to other residential land, outside the sewer treatment plant buffer, and is serviced by reticulated water and sewer. Its development would benefit the Bathurst community.
Mr P Baldock Wattle Flat Heritage Lands Trust	Lots 189, 372, 391, 401, 403, 415, 416, 417, 428 DP 755790 and Lot 7362 DP 1148094  Sofala Road WATTLE FLAT	Advising that the identified lots now form part of the Wattle Flat Heritage Lands and should be included in Zone E2 Environmental Conservation.
Ms D Bradshaw	Lot 274 DP 755803  3555 Sofala Road WATTLE FLAT	Seeking the ability to subdivide the property for rural lifestyle purposes.
Mr I Rufus on behalf of	Lot 13 DP 1087390	Seeking to have the subject lot included in Zone B3 Commercial Core rather than R1

Mr R Morris	132 Durham Street BATHURST	General Residential as proposed. The property currently has a commercial building on the site and is adjacent to the B3 zone.
Mr W Langdon	Lots 1-6 Section 11 DP 758833; Lots 3 & 4 Section 15 DP 758833, Lot 12 DP 820998, Lots 1 & 2 DP 1066351  1546 Sofala Road PEEL	Seeks to have the property included as RU5 Village within Peel. The land does not have high biodiversity values. The land is degraded and eroded. The proposed RU1 Primary Production zone seems contradictory to the zone rationale and isolates the land. The land contains a dwelling and other structures. The land does not appear to be significantly different from that of the surrounding land proposed to be zoned RU5 Village.
Ms R White	Lot 36 & 83 DP 755803  3747 Sofala Road WATTLE FLAT	Seeks the reconsideration of the 40m wide agricultural interface buffer on the lot. The adjoining land is zoned E2 Environmental Conservation, a residential use of the lot is not incompatible with that zone. No agricultural activity is being performed on either lot. The natural features on the lot act as a buffer already.
Mr H & Mrs V Neary	Lot 1 DP 215532  213 Marsden Lane KELSO	Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.
Mr D Mees GHD Pty Ltd on behalf of Ms F Wilson	Lot 1511 DP 135112; Lot 5 DP 864272  Mid Western Highway ROBIN HILL	Concerned that the Urban and Rural Strategies, that are the basis for the draft LEP, are out of date and should be reviewed prior to the LEP being finalised. Seeking to have the subject land zoned R5 Large Lot Residential given the proximity to other rural residential development and that the land meets the criteria set by the Rural Strategy for rural residential development.
Ms K Deacon Hill End & Tambaroora Progress Association	HILL END	Does not support the removal of the notification process for Hill End within the DCP. Concerned that the scrutiny of applications will be affected.
Mr R & Mrs L Pearce	MOUNT RANKIN	Seeks reconsideration of the minimum lot size for the Mount Rankin R5 Large Lot Residential locality from 10 hectares to 1 hectare. Considers that Mount Rankin should be more appropriately zoned RU5 Village with no minimum lot size. Considers the comments from the NSW Office of Water unrealistic. The LEP does not consider the provision of public open space within the Mount Rankin area. The larger lot size of 10 hectares may

		encourage feral animals, overgrown vegetation and noxious weeds.
Mr J Speight & Ms D Beckett	Lot 36 & 83 DP 755803  3747 Sofala Road WATTLE FLAT	Seeks the reconsideration of the 40m wide agricultural interface buffer on the lot. The adjoining land is zoned E2 Environmental Conservation, a residential use of the lot is not incompatible with that zone. No agricultural activity is being performed on either lot. The natural features on the lot act as a buffer already.
Ms S Mulligan	Lot 161 DP 1054181  255 Bentinck Street BATHURST	Requests that the property not be listed as a Heritage Item under the proposed LEP. Feels that there are no significant benefits as a landowner to have the property listed as a Heritage Item. Does not consider the property as being significant given that there are other examples of similar style dwellings designed by Copeman in the same street.
Steele & Co on behalf of Slobocarb Pty Ltd	Lots 109 & 110 DP 1186378; Lot 14 DP 789511  Stanley Street, BATHURST	Seeks the land be zoned R1 General Residential rather than RU4 Primary Production Small Lots as proposed. The land is adjacent to other residential land, outside the sewer treatment plant buffer and is serviced by reticulated water and sewer. Its development would benefit the Bathurst community. A child care centre has been approved by Council on Lot 14 and it is under construction.
Anthony Daintith Town Planning on behalf of Mr L O'Hara	St Patricks Sporting Complex Lot 2 DP 1125206 and lot A DP 408013  Gilmour Street KELSO	Objects to the proposed RE2 Private Recreation zone as the zone changes the range of permissible uses as compared to the current 6(a) Local Recreational zone. The owner needs to diversify the range of uses to which the site is to be used so as to create a recreational, residential, community and commercial precinct in Kelso. Uses being considered for the site include: motel, gymnasium, medical centre, childcare centre, hotel (existing), restaurant and takeaway food outlets, seniors housing and recreational uses. These uses are currently permissible with consent under the 6(a) zone or under the SEPP (Housing for Seniors or People with a Disability). Seeks to have the RE2 Private Recreation land use table amended to include medical centres and seniors housing, or permit these uses as "additional permitted uses" under schedule 1 of the LEP, or include a split zoning of the site such that



		part of the site is zoned mixed use. Further seeks an amendment to the zone objectives of the RE2 zone to ensure the economic and long term sustainability of privately owned recreation lands.
GSA Planning on behalf of Gateway Land Corporation Pty Ltd	Lot 1 DP 1093933, Lot 2 DP 1079829, Lots 21 & 22 DP 137352, and Lot 23 DP 1133685,  207 - 213 Sydney Road KELSO	Supports the proposed B5 Business Development zone for the site. Objects to the following proposed DCP provisions for the site: <ol style="list-style-type: none"> <li>1. Unreasonable access restrictions – seeks 3 access points to the site – at the intersection of GWH and Ashworth Drive, left in and left out on western entry and left turn in on eastern entry of site.</li> <li>2. Highway uses disadvantaged by major road buffer – proposed 15m (5m in some locations) is in addition to the RMS road acquisition. The overall buffer to the highway might therefore be up to 70m. Seek a 10m parking zone within the proposed 15m major road buffer.</li> <li>3. Excessive landscape buffer (side setback) of 20m – neighbouring uses are either agricultural or manufacturing. There is little potential therefore for land use conflict. Seek 5m landscape setback and 15m building setback (total 15m) along eastern and western boundaries.</li> <li>4. Inappropriate outer riparian corridor – draft DCP requires 50m riparian corridor and 15m outer riparian corridor (total 30m outer riparian). This is considered excessive given that the creek is mostly dry and resembles an overgrown ditch. Seeks removal of outer riparian corridor.</li> <li>5. Restrictive signage provisions – requests that Council permits pylon signs in the major road buffer as highway exposure is imperative to business success.</li> </ol>
Anthony Daintith on behalf of Jetbar Pty Ltd	Lot 5 DP253530  263 Willow Tree Road MOUNT RANKIN	Seeks inclusion of the land within the R5 Large Lot Residential zoning at Mount Rankin. The land immediately adjoins the proposed R5 land to the north. The land contains 49.86ha and has frontage to Willow Tree Lane. The land is substantially clear of vegetation and contains a couple of non-perennial watercourses. The land has limited

		agricultural viability.
Ms M Moody & Mr D Hannay	Pt Lot 211, DP 755805  Yetholme Drive YETHOLME	Most of the property falls within the proposed RU5 village boundary for Yetholme. Seeking the inclusion of the remainder of their property, Pt Lot 211DP755805, within the proposed RU5 zone. Whilst the block appears to be dense woodland, the majority of trees are rouge Pinus Radiata. Inclusion of the block within the village zone will see the exotic species removed and native regrowth.
Boundary Road Reserve Landcare Group	BOUNDARY ROAD RESERVE	Supports the proposed E2 Environmental Conservation zoning over the Crown Land reserve (R1003108). Seeks to change the proposed zoning of part of Crown Land reserve (R96320) – excluding the Archery Club, Pistol Club, Vietnam Veterans Park and quarry from the proposed RE1 Public Recreation to E2 Environmental Conservation as this land is of high conservation value. Objects to roads being a permissible use without consent in the RE1 Public Recreation and E2 Environmental Conservation zones. Roads should be permissible only with consent. The proposed Southern Bypass Road is not shown on the LEP. The group objects to any such route traversing in or near the Boundary Road reserve. Seeks an E2 Environmental Conservation zone for the Blayney road common rather than the proposed RE1 Public Recreation zone, excluding the greyhound training track if required. Seeks an E2 Environmental Conservation zone for the Albens Reserve (Mount Panorama) rather than the proposed SP3 Tourist zone.
Mr M & Mrs D Mills	Lot 1 DP 746589  531 Mitchell Highway ROBIN HILL	Concerned with the effect of the proposed zone B5 Business Development on the property's rates. Seeks to ensure that the rates are maintained on the current land use (ie agriculture) until such time that the use changes. Suggests that the proposed access to the site from the Mitchell Highway be relocated to the west to improve driver sight lines. Suggests that the location of the road connection to Corporation Avenue be relocated to the adjacent lot. Consider a subdivision plan for the entire

		new area including other lots to enable a coordinated approach.
Mr I Rufus & Mr R Cooney (Solicitor) on behalf of Mr B Dando	Lots E & F DP 164183, Lot A DP 107243, Lot 195, DP 823443  64-68 & 72 Sydney Road and 9 Boyd Street KELSO	Seeking to have the subject lot included in the B5 Business Development zone rather than the R1 General Residential zone as proposed. The property currently has a commercial use (vehicle sales or hire premises) on the site. Seeks to have the other relevant controls of the B5 zone applied to the site as appropriate.
The following are shown at <b>attachment 3</b> .		
Mr M Buttsworth		Concerned about the loss of heritage buildings in the Bathurst Heritage Conservation Area. Seeks greater reference to heritage in the DCP particularly in terms of addressing infill buildings (mass and height). Concerned that Council is locating the business and industrial land uses on the gateways to the City and this is detracting from the City.
Mr A Bland Skillset	Lot 50 DP 1149681  The Flannery Centre 341 Havannah Street MITCHELL	Seeking additional use on the site as a 'Function Centre' under the proposed zone SP2 Infrastructure. Will enable the business to meet the demand for events to be held at the centre.
Mr A Bland Greening Bathurst		Suggests that the landscape plan guidelines be reviewed. Suggests that SEPP 44 Koala Habitat be given consideration, where Koalas are known to exist and the feed tree species do not exist. Suggest various minor amendments to and additional development standards in the DCP relating to: * Biodiversity * Flooding * Protection of environmental assets * Bathurst urban waterways * Water sensitive urban design.
Bathurst Regional Access Committee		Supports the preparation of the draft LEP & DCP. Considers that the DCP does not meet objectives relating to the provision of safe and efficient footpath networks. Considers that the standard footpath width should be 1.8m wide rather than 1.2m as stated in the standard. Considers Council should adopt the 'build for life' approach to accessibility. Considers that the construction of footpaths should relate to

		all development types. Concerned that the DCP refers to the former 'Disabled Parking' rather than the newer 'Disability Parking'. Concerned that the DCP does not refer to the standard for disability parking. Requests the clarification of Section 4.9.2(m) – Vehicular crossings and laybacks, as to whether this requirement refers to pedestrian laybacks as well.
Mr G Fry		Concerned about the loss of the heritage buildings in the Bathurst Heritage Conservation Area. Concerned that the standard of replacement buildings is reducing the heritage significance of Bathurst . Concerned that this is reducing the attractiveness of Bathurst to tourists. Concerned that the 12 metre building height may be open to abuse by developers rather than using a numerical standard of storeys. Concerned with the lack of community participation for significant sites within Bathurst.
Mrs K Lenz	WATTLE FLAT	Concerned with the imposition of the Agricultural Interface Buffer (40 metres wide) surrounding the village of Wattle Flat. Believes that this DCP restriction will severely restrict the ability for growth to occur.
Mr T & Mrs D Robertson	ROCKLEY	Supports the inclusion of the Rockley Heritage Conservation Area requiring consent/permit for the removal of trees. Suggests that the Heritage Conservation Area be extended to include the proposed village expansion to the south of Rockley. Concerned that the 'shed' style dwellings are inconsistent with the conservation area of Rockley.
Ms K Payne	Carlingford Street BATHURST	Supports the rezoning of Carlingford Street from Market Garden to IN1 General Industrial.
Anthony Daintith on behalf of Prefabricated Buildings Pty Ltd	Lot 1 DP 530650,  5475 Sydney Road RAGLAN	Seeking to have the subject lot included in Zone B5 Business Development rather than RU1 Primary Production as proposed. The property currently has commercial uses on the site and adjoins the proposed Gateway Enterprise Park site. Seeks to have the other relevant controls of the B5 zone applied to the site as appropriate.
Mr D Russell	Lot 148 DP 1165505	Suggests that part of the open space area adjacent to the Kath Knowles pathway

	Ophir Road ABERCROMBIE	and the proposed Ophir Road extension should be identified as a wetland.
Dr Mike Fleming	PEEL	Considers the intensification of Peel with a Village zoning inconsistent with the lifestyle of Peel. Suggests alterations to the zone objectives, permissible and prohibited uses within the RU5 Village zone. Suggests that Lot 39 DP 755787 be zoned E2 as the site is covered by native vegetation with a watercourse. Suggests that Lot 11 DP 820998 (owned by Council) be zoned E2 as the site is covered by native vegetation. Concerned with the lack of minimum lot size and the reliance on the ability to dispose of effluent. Suggests that Council undertake a desktop assessment to ensure that the number of septic systems in the village of Peel comply with the Environment & Health Protection Guidelines Onsite Sewage Management for single households 1998. Considers that the housing (single storey) restriction be extended to cover the ridge covering Broughton Street to Grey Street.
Peel Native Flora & Fauna Reserve Trust	PEEL RESERVE	Supports the inclusion of the Peel flora and fauna reserve in the E2 Environmental Conservation zone. Supports the inclusion of Lot 52 DP 728854 (owned by Council) in zone E2. Supports the proposed prohibited land uses in the E2 zone. Suggests that 'roads' should require consent in the E2 zone. Seeks for interpretive and directional signage to be exempt development in the E2 zone. Seeks a limitation to the extent of water and sewer systems permissible in the E2 zone. Suggests that Lot 39 DP 755787 be zoned E2. Supports the use of the RU1 land surrounding Peel provided that land use at the reserve / RU1 interface is not intensified.
Mr & Mrs N Clarke	MOUNT PANORAMA	Considers that the number of people allowed on a property on Mount Panorama for Commercial Motor Race Hosting is insufficient and should be increased so that residents can also benefit from motor racing events.
Bathurst 2036 Heritage Action Network		Suggest various amendments to the objectives of the LEP including:  <ul style="list-style-type: none"> <li>* key aims of the Plan</li> <li>* zone objectives</li> <li>* development standards relating to:</li> </ul>

		<ul style="list-style-type: none"> <li>a) heritage assets</li> <li>b) heritage conservation areas</li> <li>c) sustainable use of prime crop and pasture lands.</li> </ul> <p>Suggest various amendments to the local provisions for, exempt and complying development in the schedules of the LEP including:</p> <ul style="list-style-type: none"> <li>* building alterations</li> <li>* signage</li> <li>* carports</li> <li>* fences</li> <li>* garages / sheds</li> <li>* screen enclosures</li> <li>* security screens &amp; shutters</li> <li>* seeks to exclude complying development from heritage conservation areas.</li> </ul> <p>Commented that the conservation area maps lacked clarity and detail.</p> <p>Suggests various amendments to the DCP including:</p> <ul style="list-style-type: none"> <li>* procedures for departures from standards</li> <li>* residential development standards</li> <li>* business &amp; industrial development standards</li> <li>* rural &amp; rural lifestyle development standards</li> <li>* rural village development standards</li> <li>* heritage impact</li> <li>* infill development</li> <li>* signage &amp; colour schemes</li> <li>* removal of trees.</li> </ul> <p>Suggest amendments to DCP Map No 4 – Kelso relating to the protection of the rural vistas as it relates to proposed residential development.</p>
Mr C Marshall		<p>Supports the aims of the LEP &amp; DCP. Supports the use of the E1 and E2 zones. Suggests that the E2 zone should be extended over all Crown Land reserves with biodiversity values including:</p> <ul style="list-style-type: none"> <li>* Apsley Lagoon</li> <li>* Blayney Road Common</li> <li>* Hill End Common</li> <li>* Boundary Road Reserve</li> </ul>

		<ul style="list-style-type: none"> <li>* Lachlan Road/Loudon-Shand Road</li> <li>* Central Tablelands Heritage Lands</li> <li>* Macquarie and Turon River Central Tablelands Heritage Lands</li> </ul> <p>Suggests that the minimum lot size for rural land should better reflect the production capacity of the land. Supports the inclusion of the Environment Protection Areas within the DCP maps. Supports the various village and urban DCP maps as tool to protect biodiversity. Suggests that biodiversity controls are introduced to protect the Mount Panorama Woodland Complex. Suggests that Council monitor the performance of the LEP and DCP against the strategic documents that support the Plans.</p>
Mr P & Mrs S Baldock	WATTLE FLAT	Concerned with the imposition of the Agricultural Interface Buffer (40 metres wide) surrounding the village of Wattle Flat and the impact it will have on the potential for additional dwellings.
The National Trust of Australia Bathurst and District Branch		<p>Suggest amendments to the objectives of the LEP including:</p> <ul style="list-style-type: none"> <li>* the inclusion of built heritage and protection of the gateways into the LEP objectives</li> </ul> <p>Suggests that the heritage tests applied within the DCP should be factual rather than subjective.</p> <p>Concerned that the protection of the city's entrance gateways are not adequate especially for the Gateway Enterprise Park site. DCP Map No 8 – Gateway Enterprise Park does not provide sufficient setbacks, open space and landscaping along the Great Western Highway frontage of this site.</p> <p>Concerned that the height of building provisions will allow a 4 storey building with a flat roof within the heritage conservation area. Accept this in commercial areas but not other parts of the heritage conservation areas. Suggest a 7 metre restriction including along Stewart Street.</p> <p>Suggests that Council introduce provisions which allow the subdivision of a rural heritage item to facilitate the restoration and maintenance of the heritage item.</p> <p>Suggests that additional public</p>

		<p>consultation occur and the introduction of a requirement for a 3D model for development proposals for landmark sites within Bathurst.</p> <p>Seeks that Council commission the structural assessment and statement of heritage impact on behalf of the developer to maintain the independence of the reports.</p> <p>Requests that the rural vistas from the Heritage Conservation Area to the future residential land to the east of Kelso be better considered.</p> <p>Suggests that provisions be introduced to ensure that demolition is contingent upon a construction certificate being issued for the new infill development.</p> <p>Concerned with the incremental increase in non-compliant signage and colour schemes. Support the introduction of planning controls to control future colour schemes and signage. Suggests Council introduce a maximum percentage of site coverage for hard surfaces.</p>
Mr H Grace and Ms D Munns	PEEL	<p>Concerned with the impact of the Village zone on the significance of the village of Peel. Would support the introduction of a minimum lot size for the village of Peel. Concerned that the intensification of the village may impact on the native fauna. Request that Lot 39 DP 755787 be zoned E2 Environmental Conservation. Commented on the poor notification to the Peel community of the Peel village meeting from Council.</p>
Mr B McAndrew C/- Hydrox Nominees Pty Ltd	<p>Lots 3, 4 &amp; 5 DP 1166849</p> <p>3 Pat O'Leary Drive KELSO</p>	<p>Seeking to have the subject lot included in Zone B5 Business Development rather than IN1 General Industrial as proposed. The property currently has bulky goods developments approved on the site. (Masters Hardware development) Seeks to have the other relevant controls of the B5 zone applied to the site as appropriate. Considers that the IN1 zone has fewer permissible uses and may prejudice future tenancies in the development.</p>
Mr D Agostino	<p>Lot 7 DP 218183</p> <p>86 Clairvaux Lane KELSO</p>	<p>Seeking to be rezoned to R1 General Residential in accordance with the Urban Strategy.</p>
Mrs K Davison	<p>Samuel Way THE LAGOON</p>	<p>Supports the R5 Large Lot Residential zone over the small lots at The Lagoon.</p>



Milestone (Aust) Pty Ltd on behalf of ALDI Supermarkets		Submission on behalf of ALDI Supermarkets who are seeking suitable alternative sites for expansion. Whilst the B1 Neighbourhood Centre zone would support an ALDI store these sites are likely to be unsuitable in terms of land ownership, loading/unloading opportunities. Seeking larger floor space areas for supermarkets at Trinity Heights & Eglinton neighbourhood shopping centres to support a possible ALDI supermarket. Seeks to have 'shops' as permissible land uses within the B5 Business Development zone with a possible maximum floor area of 1600sqm.
Mr M Ratsep Voerman & Ratsep Consulting Surveyors On behalf of Mr & Mrs Stait	Marsden Lane to Laffing Waters Lane KELSO	Suggests the following amendments to the DCP in relation to residential subdivisions on land owned by Mr & Mrs Stait: <ul style="list-style-type: none"> <li>* Only illustrate approved subdivision layouts. Remove minor roads.</li> <li>* Amend the proposed open space within DCP Map No 4 – Kelso, particularly in relation to the amount of open space near the northern boundary.</li> <li>* Adjustment of the cycle paths.</li> <li>* Remove some road closures along Laffing Waters Lane.</li> </ul>
Mr M Ryan Ryan Planning on behalf of Mr Strati	Lot 351 DP 1104676  270 Marsden Lane KELSO	Concerned about the notification process of the draft LEP and DCP. Concerned with the amount of open space proposed for the site. Concerned that the proposed land uses for the recreation zone are not consistent with the zone objectives. Seeks that the entire site be zoned R1 General Residential.
Mr R Wilkinson		Concerned with the continued anomaly of the 100 ha / 200 ha minimum lot sizes for the former Evans Shire and former Bathurst City Councils. Considers that the minimum lot size in the General Rural zone should be consistent for the Bathurst Region at 100 hectares.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr A Paul	Lot 1 DP 203162 and Lot 2 DP 212987  Sydney Road KELSO	Request that the RE1 Public Recreation/ RU1 Primary Production zone boundary at Kelso be relocated to the immediate east and north of Lot 1 DP 203162 by approximately 50 metres, with the future collector road to be located within the RE1 zoned land. Also requests a reduction in the amount of RE1 Local Residential land in the south eastern extremity of the

		property and zoning of that land to R1 General Residential.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr G Cutler	Lots 1 & 2 DP 1126786  240 Limekilns Road KELSO	Request that the RE1 Public Recreation/ RU1 Primary Production zone boundary be relocated to the immediate east at Kelso onto Lot 2 DP 1126786 by approximately 50 metres, with the future collector road to be located within the RE1 zoned land. Also requests an amendment to the location of the RE1 Local Recreation land adjacent to Boyd Creek on the southern boundary of Lot 1.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Glenfan Pty Ltd	Lot 500 DP 1185036  Ashworth Drive KELSO	Requesting an amendment to the RE1 Local Recreation land to exclude proposed lot 61 (see the map attached to the submission) and the RE1 land should be restricted to the Boyd Creek corridor.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Apsley Holdings	Lot 13 DP 1087390  132 Durham Street BATHURST	Seeking to have the subject lot included in Zone B3 Commercial Core rather than R1 General Residential as proposed. The property currently has a commercial building on the site and is adjacent to the B3 zone.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr R Morris	Lot 2290 DP 1075085  Lagoon Road THE LAGOON	Requesting that the R5 Large Lot Residential land be extended to include the entire lot. If the subdivision proceeds as proposed, a lot of approximately 11.9 hectares between Lagoon Road and Campbells River will be left without the ability to erect a dwelling.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr R Morris	Lot 8 DP 1046017, Lot 2290, DP 1075085, Lot 21 DP 1100726  Lagoon Road and George Thomas Close THE LAGOON	Requesting that the area of Scenic Protection / Vegetation Environmental Protection Area on the DCP Map No 17 – The Lagoon be reduced. Uncertain as to why all of the area identified needs to be protected. Has proposed a reduced area in their submission.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr & Mrs Wilkinson	Lot 1 DP 67467, Lot 1 DP 977426, Lot 1 DP 218936, Lot 1 DP 218937, Lot 103 DP 1114363  62 Ardsley Lane LAFFING WATERS	Seeking the ability to create 4 small clustered allotments of approximately 6 – 10 hectares with the residual allotment having a lot size of approximately 770 hectares rather than a standard subdivision creating 200 ha allotments. 2 additional allotments greater than 200 hectares are also proposed. The outcome would achieve greater protection of agricultural lands. This submission is contingent on the

		appropriateness of the submission below.
Mr M Ratsep Voerman and Ratsep Consulting Surveyors on behalf of Mr & Mrs Wilkinson	Lot 1 DP 218936, Lot 1 DP 218937  Sofala Road PEEL	Seeking the ability to increase the residue portion of their property of 71 hectares located in the former Evans Shire Council LGA to 100 hectares by using land within the former Bathurst City LGA (previously transferred from the former Evans Shire to Bathurst City Council) which has a larger minimum lot size. Provided evidence from the former Bathurst City Council from 1977 that the alteration to the LGA boundary would not disadvantage them.
Professor A Vann Vice-Chancellor Charles Sturt University	Lot 236, 240, 242, 251 DP 750357, Lot 287 DP 47960, Lot 280 DP 853511, Lot 268 DP 820952 Charles Sturt University Panorama Avenue MITCHELL	Seeking an amendment to the LEP in relation to certain crown lands to include a reference to the object of the University as set out in Section 7(1) of the Charles Sturt University Act 1989. Has suggested words to the effect of "the promotion, within the limits of the University's resources, of scholarship, research, free enquiry, the interaction of research and teaching, and academic excellence."

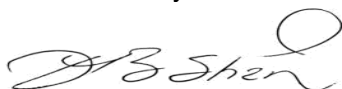
The draft Plans will be referred to the November Council meeting for consideration.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.2, 3.3, 3.4, 3.6
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.1, 9.2, 9.3, 9.4, 9.5, 9.6
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.2, 11.8
- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.1, 17.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1, 28.2, 28.5

Yours faithfully



D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

## MINUTE

### **10 Item 1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2013 AND DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2013 (20.00143)**

**The Director Environmental, Planning & Building Services** gave background into the process of developing the Draft LEP and DCP including the Rural and Urban Strategies and the Heritage Strategy. Noted proposal will be reported to the November meeting of Council for consideration.

Discussion included:

Bob Walsh - Gateway Land Corporation - spoke to site history of the Gateway terminal site and commercial zoning. Has made a formal submission to Council. Agree with most of the DCP provisions, has several concerns including issues such as; bulky goods floor-space availability, setbacks required are excessive, access points from the highway are insufficient (only one available), require a left in left out at western end of site, no advertising signs allowed in setback zones, this needs to be changed.

Bruce Bolam - Stanley, Hope & Peel Streets (38,000 m<sup>2</sup>) - seeks a zoning change by Council from current zone of market garden. Owns some of this land and has an interest in the balance. Spoke of surrounding land uses, services to the block, considers the land lends itself to development purposes. Seeking the land be zoned to residential.

Mary Moody - 61 Porters Lane, Yetholme - has lived there since 2001. A small section of their block of 5 acres is on the other side of the Highway and not included in proposed village zone. Is not used for agricultural purposes, has rogue pines on it. Wedged near old and new housing areas. Seeks the area be included in the Yetholme Village zone.

David Walker - Geolyse - representing Landco - Ophir Road land - the land is before Council for subdivision approval. Spoke to open space requirements and that the LEP is seeking a further 1 ha of the site for open space. Have forwarded a submission which shows all Lots are within 500m of open space. Seeks additional portion be omitted. Further, spoke to basis of valuation if land is to be acquired by Council.

Keith Hogan - CSU - spoke to letter submitted concerning land near Mount Panorama (Crown Reserve). The zoning is an issue about whether it is for education. Objects to proposed tourism zoning. Will be making a further submission on this to Council.

Toby Jones - on behalf of Edward Jones - speaking to subdivision of 'The Grange' issue. Asks LEP includes reintroduction of section 6.23. Bathurst is proud of its history, it is important that heritage in the rural areas is considered. This appears to be missing from the LEP. Council needs to give attention to preservation of heritage items in the rural area.

Steve Anderson - owner Steve Anderson Building Design - has made a submission to Council, has concerns about the size of "granny flats", secondary dwellings, seeks an increase above the 60 m<sup>2</sup> size proposed. Noted issues such as urban consolidation.

Charles Boag - Wattle Flat - seeks more control from Council in the Wattle Flat area. Noted current dwelling layout and whether it is an entity. There is an opportunity for Council with

this LEP/DCP process. There are controls in Sofala and Hill End, yet have not been included for Wattle Flat, eg materials used, siting of roller doors etc. Do not let what is there be 'buried' or 'swallowed up'. Council needs to control what occurs in Wattle Flat. It is a significant stretch of road.

Margus Ratsep - Surveyor - has lodged ten submissions. Items raised in two of the submissions; 132 Durham Street - proposed to be residential zoned, feels this is inappropriate, should be commercial core zoning; 215 Rocket Street (near Stewart Street) - seeks 500m<sup>2</sup> be zoned commercial core land, particularly spoke to the location and possible linkage with adjacent commercial development.

Ian Rufus - 132 & 143 Durham Street (on behalf of owners) - seeks zoning change as mentioned by the previous speaker, Mr Ratsep. The site gets access through a number of right of ways and subdivisions that are proposed, seeks these right of ways to be zoned commercial or at least a guarantee that access will occur whether zoning occurs or not.

Ashley Bland - Skillset Sustainability Manager - Skillset - concerned whether zoning allows them to serve food and drinks, seeks clarity on this issue.

Further, on behalf of Greening Bathurst - pleased to see the range of effective environmental controls and encourages Councillors to hold the line, spoke to the various environmental plans of Council. Noted a submission has been made.

Shaun Lawer - GHD - 1511 and Lot 5 Mid Western Highway, Robin Hill (on behalf of owners) - proposed to be primary production zoning, feels greater use can occur. Spoke to characteristics of the site, seeks land to be zoned rural residential. Has some concerns with rural strategy; building statistics minimum check to 2011 ABS, availability of rural residential land needs to be reconsidered whether there is enough out there. Client will be submitting a planning proposal to Council.

Anthony Daintith - Planning Consultant - on behalf of clients

- 263 Willow Tree Lane - seeks inclusion of land as part of Mt Rankin, large lot rural land zoning R5. Spoke to factors involved in satisfying the rural strategy adopted by Council.
- 234 Gilmour Street (Liam O'Hara) - not objecting to zoning, but the changes proposed to the land-use planning table, noted deletion of medical centres etc. Have a master plan for the site (former St Pats Sporting Club) and wish to be able to work to this plan.
- 5475 Sydney Road, Raglan - has had a number of development applications on this area. Objects to RU1 proposed zoning which does not even allow existing development on this site, it is not possible to use this land for primary production. Seeks B5 zoning for the site.

Ken Barcham - 73 Clairvaux Lane, Kelso - long term resident. Original draft LEP was to have land rezoned residential, this is no longer included. Reason given is, problem with water pressure when electrical blackout occurs. Seeks Council's reconsideration of this. This is a minor problem which should be able to be resolved. Noted similar circumstances in Bathurst which have not stopped development. Feels Clairvaux Lane would be ideal for retirement village. Referred to servicing of water to Hereford Estate. Requests reconsideration of zoning.

Paul Baldock - Wattle Flat resident and representative on the Wattle Flat Heritage Land Trust -

- Fact sheet #10 has some issues about E2 zoning and map does not reflect current gazetted reserves.
- Agricultural interface around village is an issue. It seems to stop development of housing in areas proposed for housing, as it limits the siting of houses on some of the blocks. Perhaps Council could reduce or eliminate the interface where blocks are impacted.

Ian McPherson - Bathurst District National Trust - noted a submission has been made. Noted there are some issues they seek to be addressed by Council. Appreciative of 11th heritage area proposed and the transfer of items to the LEP. Referred to seven principles of community participation.

- Clause 1.7 of DCP - Trust supports inclusion of departures clause.
- Gateway Amendments - agree with proposed setbacks, this is a critical site.
- Landmark sites - very important wherever located, eg Dairy Farmers, Squash Courts site. Needs special provisions, eg exhibition 28 days, need 3D models so can see what proposal actually looks like.
- Rural vistas, signage and colour - please enforce the provisions.

Robin White - on behalf of clients - Mr Speight & Ms Beckett, Wattle Flat - referred to concern with agricultural interface, asked for it to be reduced.

Sharon Mulligan - owner 255 Bentinck Street - property proposed to be listed as a heritage item. Cannot find out what this means, nor what area or portion thereof is being listed. Supportive of heritage. Asked Council to share costs in partnership on heritage items.

Robert McDowell - owner 174 McGregors Lane, Mt Rankin - property owned of 110 ha, adjoins the Mt Rankin area proposed for R5 zoning. Seeks inclusion of his land which impacts Kellosiel and Deep Creeks to ensure maintenance of biodiversity and riparian corridors.

Rhonda Arrow - 39 Clairvaux Lane - requests rezoning of land. Thought that area would be included as was shown in draft documents. Noted location of area in terms of services to the city and proximity to town. Also spoke to request to otherwise subdivide the property in two.

Gavin Douglas - 43 Bathurst Street, Perthville - Lots in area are effected, with lots split in half in terms of the zoning. Part residential and part rural. The zoning and Lot boundaries should be aligned as now flood protected.

Hilton Neary - 213 Marsden Lane, Kelso - has put in a submission. Rezoning is up to the edge of the Hereford Estate and around two sides. Spoke to Stage II being developed and water issues. Requests rezoning to residential.

Jack Arrow - 39 Clairvaux Lane - read out letter for Mr Agostini (owner of 86 Clairvaux Lane) who was unable to attend. Mr Agostini bought the land as an investment and seeks review of zoning. Referred to water pressure issues raised and feels it only impacts a small amount of the land. Most of the area can be serviced by the reservoir.

Further, spoke to his own submission concerning 39 Clairvaux Lane and developments undertaken and belief the area was to be rezoned. Considers water can be brought from identified water reservoir site. Nearly all blocks can be serviced. The area is valuable to Council for future development. Asks Council reconsider the rezoning.

Sandy Bathgate - Bathurst 2036 Heritage Action Network - heritage is a key social and economic asset for the area. A submission has been made to Council. The suggestions are made to work in cooperation with Council. Need to protect and enhance current heritage. Noted concern at State Government's one size fits all approach. Appreciative of extra heritage items to be listed and extra conservation zone. Suggested items to be considered include; landmark sites, maintenance streetscapes, setbacks, gateways, socially responsible development, rural vistas, heritage conservation areas. Asks Council to carefully consider submission. Tabled a document for Council's consideration.

Ryan Cooney - representing J Dixon, 45 - 63 Whiterock Road property owner - seeks land be considered as inner rural land. The site has access to sewer and should have an R5 zoning as it will become an island in this area.

Narelle Druitt - 426 Mt Rankin Road, Mt Rankin - has put in two submissions. Has 100 acre property, in proposed rural lifestyle area. Listed as cultural heritage (Aboriginal). There is no history for this and nothing supporting this. Council did not consult with Ms Druitt on this proposal. They have lived here for 32 years. Seeks Council remove the classification.

Bob Pearce - Mt Rankin zoning - spoke to R5 zoning and have lodged a submission. Feels 10 ha minimum is contrary to other locations in Bathurst, eg Wentworth Estate. Noted factor of effluent disposal, does not see this as an issue. Feels should be able to subdivide down to 1 ha. This will facilitate people enjoying rural residential lifestyle.

Jocelyn Barcham - 73 Clairvaux Lane - representing residents of 38 Clairvaux Lane - spoke to their submission. Referred to size of area, primary production limitations, benefit to City of rezoning. Why is Council excluding site from rezoning? Noted issue of reservoir and services provided to other areas, why not to Clairvaux Lane. Raised long term considerations.

Nicole Schryver -

- 120 Gilmour Street - please rezone to general residential now that area is flood protected.
- 355 Willow Tree Lane, Mt Rankin (mother's property) - please include in rezoning to R5. If not, then stop the rezoning going ahead. Spoke to problem of running a farm in this area.

Ben Linke - 3092 Sofala Road, Wattle Flat - purchased block in 2005 and assumed it had a DA. It is 1.5 acres and is on boundary of village, seeks inclusion in the village zone, area would be an asset to the village.

Brad Shumacher - 51 Bathurst Street, Perthville - part of lot is proposed to be zoned residential, seeks all land be aligned in terms of zoning and lot boundary now that land is flood protected.

Val Neary - 230 Marsden Lane - speaking for the Hamiltons (56 Clairvaux Lane) - they have a vineyard on their block. The agricultural pursuit is not viable due to size of blocks and residential property in the area.

Margus Ratsep - Surveyor - representing owners, Mr & Mrs Wilkinson of 'Ardsley", Ardsley Lane -

- they own around 1,265 ha. The proposed land is controlled by three different minimum lot size requirements of 100 ha, 200 ha and 300 ha - causes problems. Requested consideration be given to some blocks to be split off as residential. Noted submissions made and asked for Council consideration of the requests.
- Also raised concerns about land changes between former Evans Shire area and Bathurst City Council in 1977 and possible building entitlements.

Margus Ratsep - Surveyor - Representing Mr R Morris, Lagoon Road, The Lagoon

- Lagoon DCP Map 17 - the amount of green area - scenic protection is too large. Hard to know what is being protected, seeks reduction of this area.
- At Lagoon there is a Lot which goes across the road, have previously requested land be zoned as small rural lots. Requests Council allow building on each separated block.

Julius King - King Law - on behalf of submission from William Langdon - spoke to proposal of RU1 for land and seeks reconsideration of zoning. Land is in the village of Peel. Noted adjacent properties have residences on them.

Lucy Waterer - Evans Plains - has 15 acres of land, had a building entitlement, but due to a prior gifting of land, this was lost and seeks this be reinstated. Land is not used for agriculture.

Tony McBurney - Architect - spoke to Plans on exhibition and need to reflect character of the area. Leadership is needed to prepare City for positive growth. Need to fill in the town, not keep spreading out onto the Macquarie Valley floor. Noted the impact of the Baby Boomers generation and their expectations. We need to look at whether the status quo needs to be maintained. The current design of Bathurst would allow an extra 20,000 population to be accommodated in the existing town area. House sizes are changing.

The market is moving from demand for a family house. Noted health issues impacting the community and what people are missing out on. Spoke to proposals for 2 or more storey developments in the LEP and possible review of this.

Margus Ratsep - Surveyor - representing various land owners -

- Map 4, Kelso - spoke to submission for Emerald Drive, Kelso and proposed open space. This seems very generous amount, the land is below the 730m height contour, seeks reduction/change in position of greenspace and spoke to strategic access issues, through Mr Greg Cutler's land. Need relocation of the access road.
- Marsden Lane and Laffing Waters Lane - land owned by the Staits. Currently subdivision has occurred in area. Problem with road alignment, seeks change of road pattern. Impacted by school land in this area. Referred to greenspace issues.
- Ashworth Drive (Amber Close) - submission made concerning location of proposed open space. This was meant to be a building block.

Vianne Tourle - 59 Lambert Street - property listed as a heritage item. Wants to know what



the obligations and responsibilities are. Thanked Council for previous assistance provided.

Mr H Grace - Peel resident - in regards to Lot 39, seeks zoning as E2. High ecological value.

Kelvin Pearce - 656 Cowflat Road - spoke to his submission and request for Boundary adjustments. Requires this to allow best farming practices.

**MINUTE**

**11**    **Item 1.01 RESUMPTION OF STANDING ORDERS (11.00005)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council resume Standing Orders.

**GENERAL BUSINESS MINUTES**

POLICY COMMITTEE

9 OCTOBER 2013

**MINUTE**

**12     Item 1     SIGNAGE SUNNY CORNER (28.00007)**

**Cr Jennings** - thanked staff for details provided. Will provide further information to staff to further develop this matter. Seeks further investigation.

**MINUTE**

**13    Item 2    TAFE BUILDING (22.01387)**

**Cr Jennings** - what is current update on this matter and the proposed use of Country Division of Architects?

**The Director Environmental Planning and Building Services** gave update on acquisition process, Council will move to compulsorily acquire the site.

**The Mayor** spoke to future discussion about direction on the TAFE site.

**MINUTE**

**14 Item 3 TOURISM FUNDING AND 2015 CELEBRATIONS (20.00153)**

**Cr Jennings** - spoke to getting an ambassador for the 2015 process. Where is this up to? Noted discussions have been held on a national campaign and possibility for Council to put in an application to Tourism NSW for national campaign funding.

**The Mayor** spoke to recent consideration and 2015 working party role and that they could consider such a campaign proposal.

**MINUTE**

**15    Item 4    MOUNT PANORAMA WEBSITE ADDRESS (08.00015)**

**Cr Jennings** - seeks a report on potential for advertising revenue from Mount Panorama website. Cr Jennings will advise further information for consideration on this matter.

**MINUTE**

**16**    **Item 5**    **HONOUR BOARDS OF OLD COUNCILS (20.00153)**

**Cr North** - would like to see these collated/collected for the 2015 celebrations.

---

to the Policy Meeting 09/10/2013

---

GENERAL MANAGER

---

MAYOR  
Page 64



**MINUTE**

**17    Item 6    TAFE BUILDING (22.01387)**

**Cr North** - what has happened re clause on possible sale?

**The Director Environmental Planning and Building Services** advised the Government has agreed to consider putting in a 10 year limitation clause. Currently awaiting a response.

**MINUTE**

**18 Item 7 COMMITTEES/DELEGATES (11.00005)**

**Cr Coote** - would like to see a review of committees and Council members on these.

**The General Manager** advised that a schedule of existing Council and community committees and Council representatives on these will be distributed to Councillors for comment.

---

to the Policy Meeting 09/10/2013

---

GENERAL MANAGER

---

MAYOR  
Page 66

**MINUTE**

**19     MEETING CLOSE**

The Meeting closed at 8.18 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(20 November 2013)**