



BATHURST
REGIONAL
COUNCIL

Register of Planning Decisions 2024

IN ACCORDANCE WITH SECTION 375A OF THE LOCAL
GOVERNMENT ACT 1993

ORDINARY MEETING OF COUNCIL - CONFIDENTIAL - 19 JUNE 2024

13 1.1 BATHURST INTEGRATED MEDICAL CENTRE AND GEORGE STREET CAR PARK – OUTCOME OF FURTHER NEGOTIATIONS

MINUTE

RESOLUTION NUMBER: CONF2024-23

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a. Act in accordance with option 1 of the report, 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 Fry, Cr J Jennings, Cr G Hanger, Cr I North and Cr R Taylor

Against the Motion - Cr K Burke and Cr A Smith

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 3.4 WINBURNDALE DAM OPERATION RULES

Cr K Burke declared a non-pecuniary, non-significant interest in item 9.3.4 of the DES Report and left the room.

REASON: On the same ticket at the last L.G. Elections as C. Dutton, Winburndale Users Group.

Cr B Fry declared a non-pecuniary significant interest in item 9.3.4 of the DES Report and left the room.

REASON: Charlie Dutton, a fellow candidate in the last local government elections, lives downstream of the water source and is part of a stakeholder group mentioned in the report.

MINUTE

RESOLUTION NUMBER: ORD2024-164

MOVED: Cr G Hanger SECONDED: Cr R Taylor

RESOLVED:

That Council -

- a) Acknowledges the original Environmental Assessment for the Winburndale Dam Operating Conditions Application, which is before the Regulator.
- b) Submits the updated Environmental Assessment to the Regulator in response to Regulator requests for further information, promptly; and
- c) Provides an information session on the application for members of the Winburndale Water Users Group, at the earliest possible opportunity.

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

The result of the division was:

In favour of the motion - Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan and Cr R Taylor

Against the Motion - Cr W Aubin, Cr K Burke, Cr I North and Cr A Smith

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 3.4 WINBURNDALE DAM OPERATION RULES

MINUTE

RESOLUTION NUMBER: ORD2024-163

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the matter:

1. Be deferred to allow further discussions to occur with members of the Winburndale Water Users Group, Mayor, Councillors and Staff.
 - a) The meeting to be held within 2 weeks if practicable.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr I North and Cr A Smith

Against the Motion - Cr J Jennings, Cr G Hanger, Cr M Hogan and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.6 DEVELOPMENT APPLICATION NO. 2020/180. WORKS IN KIND ARRANGEMENT – 188 LOT RESIDENTIAL SUBDIVISION AT LAWRENCE DRIVE (LIMEKILNS ROAD), KELSO. APPLICANT: BUSTIN FREE EARTHWORKS PTY LTD. OWNER: MR G E CUTLER, PRETTY HEIGHTS PTY LTD & LARA (NSW) PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2024-143

MOVED: Cr B Fry SECONDED: Cr K Burke

RESOLVED:

That Council:

- a) enter into a works in kind arrangement with Bustin Free Earthworks Pty Ltd undertaking the subdivision development at Lawrence Drive (Limekilns Road), Kelso, for the construction of a cycleway through the open space corridor adjacent to Lawrence Drive;
- b) allocate \$102,478.75 towards the construction cost of the cycleway from Council's Section 7.11 Development Contributions Plan "*Bathurst Regional Community Facilities*";
- c) enter into a works in kind arrangement with Bustin Free Earthworks Pty Ltd undertaking the subdivision development at Lawrence Drive (Limekilns Road), Kelso, for the construction of the extension of Lawrence Drive to the limit of Stage 2 works;
- c) allocate \$179,139.75 towards the construction cost of the extension of Lawrence Drive from Council's Section 7.11 Development Contributions Plan "*Roadworks – New Residential Subdivisions*";
- d) notify the developer of its decision; 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 K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.5 DEVELOPMENT APPLICATION NO. 2018/380. WORKS IN KIND ARRANGEMENT – 133 LOT SUBDIVISION AND ASSOCIATED NEW ROADS AT MARSDEN LANE, KELSO. APPLICANT: HYNASH CONSTRUCTIONS PTY LTD. OWNER: CLAIRVAUX ESTATES PTY LTD, MR T CAIN, MS M STAIT & MR M SHARWOOD

Cr G Hanger declared a pecuniary interest and left the room.

REASON: Lives on Hughes Street Kelso.

MINUTE

RESOLUTION NUMBER: ORD2024-142

Bathurst Regional Council Resolutions 1st Jan
2024 to 20 November 2024 25/11/2024 12:25
PM

MOVED: Cr B Fry SECONDED: Cr I North

RESOLVED:

That Council:

- a) enter into a works in kind arrangement with Hynash Constructions Pty Ltd, being the developer of the subdivision development at Lot 443, DP 1297991, Marsden Lane, Kelso, for the construction of a roundabout at the intersection of Hughes Street and Marsden Lane adjacent to the approved subdivision, including full closure of Marsden Lane for the period of construction;
- b) allocate \$2,621,425.41 (GST ex) towards the construction cost from Council's Section 7.11 Development Contributions Plan "Roadworks – New Residential Subdivisions";
- c) Council advise the applicant that its funding is contingent upon completion of the works in a timely manner and in this regard no further allotments approved under DA2018/380 will be released until such time as the roundabout is completed.
- c) notify the developer and civil contractor of its decision;
- d) Note that Marsden Lane will be closed for the duration of the works.
- c) Note that further consideration will need to be given to funding options of the Gilmour/Hereford/Marsden intersection once the design is finalized; and
- (iii) 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 K Burke, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Cr W Aubin, Cr B Fry, Cr G Hanger, Cr A Smith and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.4 DEVELOPMENT APPLICATION NO. 2022/350 - PROPOSED DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF 5 DWELLINGS AND 5 LOT STRATA SUBDIVISION, LOT 13 SEC 81 DP758065, 177 SEYMOUR STREET, BATHURST. APPLICANT: MRPL PTY LTD. OWNER: MARPLE VENTURES PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2024-141

MOVED: Cr B Fry SECONDED: Cr M Hogan

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. 2022/350, 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:

- b) Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;
- c) Prior to the issue of Construction Certificate, the applicant is to submit for approval a schedule of colours and materials. Any face brick on the dwellings and front fence is to be face brick in strong autumn tones.
- c) Details of any new fencing is to be submitted and approved prior to the issue of Construction Certificate.

NOTE 1: Boundary fencing forward of the building line of Dwelling 1 fronting Seymour Street is to be a maximum height of 1.5m.

- d) Prior to the issue of Construction Certificate, a Landscaping Plan is to be submitted and approved by Council. The Landscaping Plan is to be prepared in accordance with Chapter 13 of the Bathurst Development Control Plan 2014 and provide the following:

Development Standard per Dwelling	Minimum Mature Height
1 medium tree	6 metres.
2 small trees, and	4 metres.
6 shrubs per dwelling.	1 metre.

- (b) call a division.
- c) notify those that made a submission.

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 K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.3 DEVELOPMENT APPLICATION NO. 2023/345 – KART TRACK FACILITY AT 146 COLLEGE ROAD, SOUTH BATHURST. APPLICANT: IPLAN PROJECTS. OWNER: BATHURST REGIONAL COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2024-138

MOVED: Cr B Fry SECONDED: Cr K Burke

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 2023/345 for the following reasons:

- *The site is not suitable for the project.*
- *The project is too close to residential areas in South Bathurst and to rural residences in the neighbourhood and would result in unacceptable noise and amenity impacts for residents.*
- *The project would result in unacceptable cumulative noise impacts, in particular having regard for other motor sports events currently held at Mount Panorama.*
- *The project would have unacceptable social impacts on the locality, principally due to a combination of significant noise generated and increased frequency of motor sports events proposed in the locality.*
- *Non-compliance with one of the objectives of the SP3 Tourism Zone in that the project is unsympathetic to the environmental characteristics of the land and locality generally.*
- *The project would have unacceptable visual impacts in the case of the two nearest residences, at No.174 College Road and No.182 College Road.*
- *The project is not in the public interest.*

b) notify those that made submissions of its decision; 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 K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger and Cr M Hogan

Against the Motion - Cr W Aubin, Cr I North and Cr R Taylor

Absent - Cr A Smith

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9.1.3 DEVELOPMENT APPLICATION NO. 2023/345 – KART TRACK FACILITY AT 146 COLLEGE ROAD,
SOUTH BATHURST. APPLICANT: IPLAN PROJECTS. OWNER: BATHURST REGIONAL COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2024-139

MOVED: Cr I North SECONDED: Cr R Taylor

RESOLVED:

That:

a) Consideration of DA2023/345 be deferred for future consideration by the Council, having regard to concerns with the report, and

(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 W Aubin, Cr I North and Cr R Taylor

Against the Motion - Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger and Cr M Hogan

Absent - Cr A Smith
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 17 JULY 2024

9 2.5 AMENDMENT - BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - ASHWORTH DRIVE LAND USE BUFFER

MINUTE

RESOLUTION NUMBER: ORD2024-189

MOVED: Cr B Fry SECONDED: Cr R Taylor

RESOLVED:

That Council:

- a) prepare a Draft Amendment to *Bathurst Regional Development Control Plan 2014* incorporating the following measures:
 - b)
 - c) Remove the existing 25-metre-wide Land Use Buffer from the subject land and delete the associated development controls.
 - c)
 - d) Require that any proposed building be set back a minimum of 10 metres from the northern and western boundaries of the subject land.
 - c)
 - (iii) Require that a minimum 3-metre-wide Landscaping Buffer be established along the northern and western boundaries of the subject land, and control the design, location, spacing and treatment of landscaping such that it does not adversely impact on neighbouring properties and provides screening to any future commercial development.
 - (iv) Establish a Maximum Building Height Level of 691.5m AHD over the vacant Northern portion of the land. This will ensure that the height of any future development would not exceed the ridge line of the existing "Total Tools" building, thereby reducing the degree of any potential overshadowing, privacy, amenity and visual impacts on surrounding residences.
 - (v) Control the design, external colour scheme, materials and signage of any new commercial buildings erected on the land, to minimise visual impacts on the streetscape and surrounding residential area.
 - (vi) Control the design and location of loading/unloading facilities and manoeuvring areas associated with service vehicles, to minimise noise impacts on the surrounding residential area.
 - (vii) Require the preparation of a noise impact assessment for any future Development Application involving "higher impact" land use(s) and/or operations occurring outside of ordinary business hours.
 - d)
 - (b) place the Draft Amendment to *Bathurst Regional Development Control Plan 2014* on public exhibition for a minimum period of twenty-eight (28) days in accordance with *Bathurst Regional Community Participation Plan 2019*.
 - e)
 - (c) provide written notice of the public exhibition of the Draft Amendment to *Bathurst Regional Development Control Plan 2014* to:
 - (i) All immediately adjoining and adjacent landowners, and

- f)
 - (ii) All immediately adjoining and adjacent tenants (by way of a letter box drop), and
 - (iii) All members of the public who previously made a written submission to Council in relation to this matter.
- g)
 - (d) request that the proponent provide written justification from a suitably qualified and experienced person in relation to the size (width, depth, density and structure) of the proposed Landscaping Buffer and its ability to:
 - h)
 - (i) Provide an adequate crown space and deep soil zone for the type of mature vegetation necessary to achieve suitable screening for the microclimate of the locality.
 - i)
 - (ii) Ensure that all mature vegetation is located entirely within the boundaries of the buffer with minimal overhang outside the buffer.
 - j)
 - (e) following the public exhibition period and the receipt of any additional information from the proponent, re-assess the size, design, location, spacing and treatment of the proposed Landscaping Buffer and make a recommendation to a subsequent Meeting of Council as to the adoption of a Landscaping Buffer on the northern and western boundaries of the land (whether that be 3-metres-wide or larger).
 - k)
 - (f) 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 K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan, Cr I North and Cr R Taylor

Against the Motion - Nil

Absent - Cr G Hanger and Cr A Smith

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 17 JULY 2024

9.2.3 DEVELOPMENT APPLICATION NO. 2023/404. WORKS IN KIND ARRANGEMENT – PROPOSED PLACE OF PUBLIC WORSHIP, 1-3 SYDNEY ROAD, RAGLAN. APPLICANT: CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES. OWNER: CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES

MINUTE

RESOLUTION NUMBER: ORD2024-187

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That Council:

- a) enter into a Work in Kind arrangement with the Christian Congregation of Jehovah's Witnesses, being the developer for the proposed Place of Public Worship at Lot 12, DP 1298801, 1-3 Sydney Road, Raglan, for construction of part of a pedestrian pathway along the eastern side of Napoleon Street adjacent to the approved development;

- b) allocate \$38,858.19 towards the construction cost from Council's Section 7.11 Development Contributions Plan "Bathurst Regional Community Facilities";
- c) notify the developer of its decision; 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 K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan, Cr I North and Cr R Taylor

Against the Motion - Nil

Absent - Cr G Hanger and Cr A Smith

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 AUGUST 2024

8.2.3 DEVELOPMENT APPLICATION NO. 2024/83. SPECIALISED RETAIL PREMISES, RETAINING WALLS & ADVERTISING SIGNAGE AT PROPOSED LOTS 4 & 29 IN SUBDIVISION OF LOT 20 DP 1276626 MULDOON AVENUE, KELSO. APPLICANT: BARNSON PTY LTD. OWNER: GATEWAY LAND CORPORATION PTY

MINUTE

RESOLUTION NUMBER: ORD2024-227

MOVED: Cr A Smith SECONDED: Cr I North

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. 2024/83, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended;
- b) No work is to commence until such time as the subdivision approved under Development Application 2019/399 as it relates to proposed Lots 4 and 29 has been registered. In this regard, a Construction Certificate may not be approved to erect the building until appropriate evidence has been provided to Council to indicate that the subdivision has been registered.
- c) support the variation to the 12.0 metre maximum height of buildings development standard pursuant to Clause 4.3 *Height of building* in the Bathurst Regional Local Environmental Plan 2014 and the associated Height of Buildings Map for the subject land for the construction of the proposed building;
- c) support the variation to the flush wall sign maximum area and the directory board sign maximum height development standards pursuant to Chapter 12 *Signage and Colour Schemes* in the Bathurst Regional Development Control Plan 2014; 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 K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr W Aubin

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 OCTOBER 2024

8 2.5 AMENDMENTS TO SECTION 7.11 DEVELOPMENT CONTRIBUTION PLANS

MINUTE

RESOLUTION NUMBER: ORD2024-266

MOVED: Cr W Aubin SECONDED: Cr J Underwood

RESOLVED:

That Council:

a) adopt the amendments to the following Section 7.11 Development Contribution Plans as outlined in this report to commence from 1 January 2025:

1. *Section 7.11 Development Contributions Plan – Jordan Creek Stormwater Drainage Management.*
2. *Section 7.11 Development Contribution Plan – Sawpit Creek (East) Stormwater Drainage Management.*
3. *Section 7.11 Development Contributions Plan – Eglinton Open Space and Drainage.*
4. *Section 7.11 Development Contribution Plan – Robin Hill – Road & Drainage Construction.*
5. *Section 7.11 Development Contribution Plan – Hereford Street – Reconstruction & Replacement of Low Level Bridge.*
6. *Section 7.11 Development Contributions Plan – Bathurst CBD Car Parking.*
7. *Section 7.11 Development Contributions Plan – Bathurst Regional Rural Roadworks.*
8. *Section 7.11 Development Contributions Plan – Bathurst Regional Traffic Generating Development.*
9. *Section 7.11 Development Contributions Plan – Bathurst Regional Community Facilities.*
10. *Section 7.11 Development Contributions Plan – Roadworks New Residential Subdivisions.*
11. *Section 7.11 Development Contributions Plan – Bathurst Regional Open Space.*
12. *Section 7.11 Development Contributions Plan – Raglan Creek Stormwater Drainage Management.*

b) give public notice in accordance with the requirements of the Environmental Planning and Assessment Act 1979 in relation to (1) above; 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 N Cranston, Cr B Fry, Cr T Gullifer, Cr R Taylor, Cr J Underwood, Cr E West and Cr S Wright

Against the Motion - Nil

Absent - Nil
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 OCTOBER 2024

8 2.4 AMENDMENT - BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - ASHWORTH DRIVE
LAND USE BUFFER

MINUTE

RESOLUTION NUMBER: ORD2024-265

MOVED: Cr E West SECONDED: Cr N Cranston

RESOLVED:

That Council:

- a) adopt the amendments to *Bathurst Regional Development Control Plan 2014* (DCP 2014) with the changes as outlined in this report,
- b) give public notice of its decision in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, 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 N Cranston, Cr B Fry, Cr T Gullifer, Cr R Taylor, Cr J Underwood, Cr E West and Cr S Wright

Against the Motion - Nil

Absent - Nil

Abstain - Nil