

# Resolutions

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## Current Date Range

**1st Jan 2023 to 31st Dec 2023**

## Applied Filters

**Meeting Types:** Ordinary Council Meeting

**Minute Types:** 08.1 Division

**Generated By:** Nicholas Murphy

**Generated On:** 12/01/2024 at 12:33pm

ORDINARY MEETING OF COUNCIL - 15 FEBRUARY 2023  
9 1.3 PLANNING PROPOSAL - LAFFING WATERS MASTER PLAN

**MINUTE**

**RESOLUTION NUMBER: ORD2023-25**

**MOVED: Cr B Fry SECONDED: Cr A Smith**

**RESOLVED:**

That Council:

- (a) adopt the *Bathurst Regional Local Environmental Plan 2014* with the changes as outlined in this report;
- (b) forward the *Laffing Waters Master Plan Planning Proposal* to the NSW Department of Planning and Environment for gazettal;
- (c) notify those who lodged a submission of Council's decision; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr G Hanger

Abstain - Nil

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ORDINARY MEETING OF COUNCIL - 15 MARCH 2023

8 1.3 DEVELOPMENT APPLICATION 2022/519 – PROPOSED SINGLE DWELLING, LOT 3, DP1259811  
MAXWELL DRIVE, LOT 21, DP1215818 HAMILTON STREET, EGLINTON. APPLICANT: J GULLIFER.  
OWNER: J GULLIFER

**MINUTE**

**RESOLUTION NUMBER: ORD2023-45**

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

**RESOLVED:**

That Council:

- a) support the variation to the development standard prescribed in Clause 4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst Regional Local Environmental Plan 2014;
- b) refer the Development Application to NSW Department of Planning, Industry and Environment and

seek the concurrence of the Secretary to vary the development standard prescribed in Clause 4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst Regional Local Environmental Plan 2014;

- c) should the Secretary of the NSW Department of Planning and Environment grant concurrence, as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2022/519, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- d) call a division

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr 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

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ORDINARY MEETING OF COUNCIL - 19 APRIL 2023

8 2.3 DEVELOPMENT APPLICATION 2022/523 – CONCEPT DA FOR REDEVELOPMENT OF TREMAIN MILL, LOT 11 DP1266801, AND LOT 12 DP1266801, 7 KEPPEL STREET BATHURST, 67 HAVANNAH STREET, BATHURST. OWNER: TRUE GREEN GROUP. APPLICANT: KARL WALLS DESIGN

**Councillor Jennings declared a significant non-pecuniary interest, left the meeting and took no part in the discussion**

**MINUTE**

**RESOLUTION NUMBER: ORD2023-87**

**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. 2022/523, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:
- 1) This consent does not authorise the carrying out of any development works (including demolition) on any part of the site concerned unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site (future DA).
  - 2) Pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979, concept approval is granted for demolition of certain existing buildings and approval of new building envelopes and proposed land uses for the site including:
    - Hotel accommodation
      - 51 room new hotel (Keppel Street)
      - 52 room new hotel (Havannah Street)

- 10 room hotel in existing concrete silos

#### Commercial

- Hotel reception
- Guest library
- Exhibition Space /Art Gallery
- Farmers Market
- Event and function space
- Art House Cinema
- Commercial Kitchen

#### Residential

- 12 x 2 bedroom terraces
- 4 x 1 bedroom mews

#### Car parking

- 30 hotel on-site spaces
- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station

It is anticipated that the final number of hotel rooms and uses will be further refined during the development of subsequent stages. In this regard, they are to be treated as a maximum size of development only.

- 3) The development must be in accordance with the following plans electronically stamped by Council except as otherwise provided by the conditions of this consent:

| Name                                     | Plan no. | Revision/ Issue No | Plan Date (as amended) | Prepared by       |
|--|----------|--------------------|------------------------|-------------------|
| Existing Site Plan                       | 01       | -                  | 25/11/2022             | Karl Walls Design |
| Proposed Removal and Relocation Plan     | 02       | -                  | 25/11/2022             | Karl Walls Design |
| Proposed Site Plan                       | 03       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Open Space Strategy Plan        | 04       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Parking and Access Plan         | 05       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Staging Plan                    | 06       | A/2                | 20/02/2023             | Karl Walls Design |
| Keppel Street Elevation                  | 07       | A/2                | 20/02/2023             | Karl Walls Design |
| Manilla Street Elevation                 | 08       | A/2                | 20/02/2023             | Karl Walls Design |
| Havannah Street Elevation                | 09       | A/2                | 20/02/2023             | Karl Walls Design |
| Eastern Elevation                        | 10       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Ground Floor – Space Usage Plan | 16       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 1 – Space Usage Plan      | 17       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 2 – Space Usage Plan      | 18       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 3 – Space Usage Plan      | 19       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 4 – Space Usage Plan      | 20       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 5 – Space Usage Plan      | 21       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 6 – Space Usage Plan      | 22       | A/2                | 20/02/2023             | Karl Walls Design |
| Proposed Level 7 – Space Usage Plan      | 23       | A/2                | 20/02/2023             | Karl Walls Design |

|  |    |     |            |                                   |
|--|----|-----|------------|-----------------------------------|
| Adaptive Re-use Plan                         | 33 | A/2 | 20/02/2023 | Karl Walls Design                 |
| Traffic Impact Assessment                    |    |     | 25/11/2022 | PDC Consultants                   |
| Addendum Traffic Impact Assessment           |    |     | 3/03/2023  | Mecone                            |
| Landscape Report                             |    |     | 25/11/2022 | ASPECT Studios                    |
| Heritage Impact Statement                    |    |     | 28/02/2023 | Weir Phillips Heritage & Planning |
| Addendum to the Conservation Management Plan |    |     | 28/02/2023 | Weir Phillips Heritage & Planning |

- 4) For the purposes of this consent, the development is to be undertaken in stages, generally in accordance with the below:
- Stage 1:
    - Alterations and additions to Victoria Stores building (subject to separate development consent 2022/384) – Building “B”.
  - Stage 2:
    - Construction of hotel fronting Keppel Street
    - Restoration of Mill Building
    - Restoration of Bedwells Barn
    - Landscaping
    - Construction of on-site car park
    - Relocation of ‘Invincible’ sign.
  - Stage 3:
    - Construction of new commercial and retail building ‘Mill Works’ Building
    - Construction of new retail and commercial development – ‘Mill Works Annex’. The existing timber silos are excluded from this stage.
  - Stage 4:
    - Restoration works to the ground floor silos
    - Restoration of Building 11 for the purpose of an arthouse cinema
    - Creation of hotel accommodation within the Concrete silos
  - Stage 5:
    - Construction of Havannah Street Hotel
  - Stage 6:
    - Construction of the Mews and Manilla Street Terraces
- 5) Future Development Applications shall demonstrate that buildings do not exceed the building envelope shown in the approved plans.
- 6) The proposed development is to be delivered with a cohesive and integrated street level treatment. Ground floor uses fronting Keppel Street and Havannah Street are to be active uses.
- 7) The pedestrian spaces and ancillary through-site links are to be publicly accessible. Future Development Applications shall include detailed landscape and architectural plans for the open space areas. These areas shall include high quality landscaping and paved areas.
- 8) For the purposes of this consent, the following buildings may exceed the Height of Buildings provision under BRLEP 2014 (i.e. 12m).

| Building                              | Maximum Height (Above Existing Ground Level) |
|---------------------------------------|--|
| Building ‘H’ – Keppel Street Hotel    | 13.5m  |
| Building ‘J’ – The ‘Mill Works Annex’ | 15m  |

It is anticipated that the final height of these building will be further refined during the development of design. In this regard they should be treated as a maximum height only.

- 9) Conditions requiring payment of developer contributions towards the provision or improvement of public amenities and services including water & sewer will be required for any future Development Applications. The amount of the development contributions shall be determined by Council in accordance with the applicable Bathurst Development Contributions Plans and Development Servicing Plan for Water Supply and Sewerage Services applied to the site at the time of lodgement for each future Development Application.
- 10) Parking is to be provided at the rates provided for under the Bathurst Regional Development Control Plan 2014 with the following exceptions:
- a) Hotel rooms may be provided at a ratio of 0.7 spaces per room.
  - b) Car parking is not required for the purposes of:
    - i. building 'C' Mill Building;
    - ii. building 'D' Bedwells Feed Barn;
    - iii. building 'E' Building 11 (the Chapel);
    - iv. building 'F' Timber silos, and
    - v. Building 'G' Concrete silos
  - c) A Plan of Management is to be prepared during the periods where large scale events will increase occupancy rates.
  - d) Car parking may be reduced by 5% on the basis of proximity to public transport.
  - e) Car parking is not required for the purposes of ground floor retail for 'Building H' Keppel Street Hotel.
  - f) 16 spaces are to be provided on-site for the residential dwellings.
- 11) Additional on-street parking is to be provided generally in accordance with that described in the Addendum Traffic Impact Assessment prepared by Meccone dated 3 March 2023.
- The final design of on-street parking will be subject to detailed design to accommodate issues such as existing infrastructure (including trees, services, driveways, verandah posts and the like), setbacks from intersections and roundabouts and the need to provide servicing areas of the accommodation (i.e. drop off and loading/unloading).
- All costs associated with the implementation of on-street parking augmentation are to be borne by the development unless agreed otherwise with Council.
- 12) To the extent that there is any shortfall between the car parking rates outlined in condition 10 and the additional parking provided in condition 11, an offset strategy is to be provided. The offset strategy is to outline additional measures including:
- a) Additional opportunities for on-street augmentation within the vicinity of the project;
  - b) Opportunities for provision of offsite car parking to accommodate additional parking;
  - c) Contributions or other arrangements under Council's adopted Section 7.11 Contributions Plan Bathurst CBD Car Parking;
  - d) Additional opportunities to reduce reliance upon vehicles.
- 13) Future Development Applications shall demonstrate compliance with the requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 and are to include a detailed contamination assessment including detailed remedial action strategy, and incorporation of any necessary remediation as part of future Development Applications.
- 14) Future Development Applications shall demonstrate that the proposed development will maintain the stability of neighbouring properties.
- 15) Any future interpretation of the site should consider Aboriginal cultural heritage with appropriate consultation with Aboriginal groups.

- 16) Prior to the relocation of the 'Invincible Flour' sign, alternative strategies for the relocation to an appropriate location within the site are to be provided to Council for consideration and approval.
- 17) Prior to any full or partial demolition of any building on site, the applicant is required to submit to Council for approval a Collections Policy detailing the heritage items and objects of significance currently stored and/or found within the site and where these items will be stored during demolition.

The Collections Policy should consider the future stages of the development and develop a preliminary plan as to how and where the items/objects will be stored across the lifespan of the planned future developments. A contingency plan should be discussed in the event that archaeology or other items/objects are discovered.

NOTE 1: Council must approve the methodology within the Collections Policy before any demolition is carried out.

- 18) Prior to the commencement of the demolition, the developer is to submit to Council an electronic copy (.pdf) of the photographic record of the site. The photographic record is to be prepared in accordance with the Photographic Recording of Sites Guidelines, copy attached, for the site for which approval has been granted.

NOTE: Council will forward a copy of the photographic record to the Bathurst District Historical Society for their records.

- 19) Any future development of the site must be guided by the following design excellence principles:
- a) Development consent must not be granted to development to which this condition applies unless the consent authority has considered a visualisation of the proposed development in its real-world location within the NSW Spatial Services, Spatial Digital Twin developed for the central areas of the City of Bathurst 2022.
  - b) Development consent must not be granted for development to which this condition applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence the consent authority must have regard to the following matters –
    - i. whether a high standard of architectural design, materials and detailing appropriate to the building types and location will be achieved, particularly upper-level setbacks,
    - ii. whether the form and external appearance of the development will improve the quality and amenity of the public domain,
    - iii. how the development addresses the desired future character for landmark sites within the Bathurst CBD (section 10.5.4) and new infill development (section 10.4) as set out in the provisions of Chapter 10 of DCP 2014.
    - iv. how the development addresses the guiding principles set out in the Council Policy "Futureproofing Our CBD – 2022 and Beyond".

(b) notify those that made submissions; and

(c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr K Burke, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr B Fry and Cr J Jennings

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 APRIL 2023

10.1 COUNCILLOR AUBIN - ADDITION TO PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

ORDINARY MEETING OF COUNCIL - 17 MAY 2023

11.1 COUNCILLOR HOGAN - EXPLORING GROUNDWATER

Cr B Fry declared a non significant, non pecuniary interest, he stayed and took part in the discussion.

## MINUTE

**RESOLUTION NUMBER: ORD2023-131**

**MOVED: Cr M Hogan SECONDED: Cr K Burke**

### RESOLVED:

1. That Council redirect \$165,000 currently allocated to the Western Wanderers, to extend groundwater exploration with an initial focus near the historic groundwater tunnel at the Water Filtration Plant.
2. The work to commence within 12 months (given current staffing shortages).

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

ORDINARY MEETING OF COUNCIL - 21 JUNE 2023

9 1.8 PROPOSED AMENDMENT - BATHURST REGIONAL COMMUNITY PARTICIPATION PLAN 2019

## MINUTE

**RESOLUTION NUMBER: ORD2023-147**

**MOVED: Cr J Jennings SECONDED: Cr B Fry**

### RESOLVED:

That Council

- a) place the draft Amendment to *Bathurst Regional Community Participation Plan 2019* on public exhibition for a period of twenty-eight (28) days.
- 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 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 - 21 JUNE 2023

### 9 1.7 AMENDMENTS TO BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AND BATHURST REGIONAL COUNCIL GUIDELINES FOR ENGINEERING WORKS - LAFFING WATERS MASTER PLAN AND EARTHWORKS

#### MINUTE

#### RESOLUTION NUMBER: ORD2023-146

**MOVED: Cr A Smith SECONDED: Cr B Fry**

#### RESOLVED:

That Council:

- (a) note the Planning Proposal to amend the zoning controls applicable to the Laffing Waters Master Plan Precinct has been gazetted (*Bathurst Regional Local Environmental Plan 2014, Amendment No 22*).
- (b) place the following documents on public exhibition for a period of twenty-eight (28) days:
  - 1) Draft *Bathurst Regional Development Control Plan 2014* (DCP 2014), incorporating the following key components:
    - i. Amended Chapter 9 “Environmental Considerations”.  
*Amends current planning provisions relevant to sustainable building design across the whole of the Bathurst Regional LGA.*
    - ii. Amended Chapter 16 “Earthworks and Soil & Water Management”.  
*Amends current planning provisions relevant to earthworks undertaken at both the subdivision and development stages across the whole of the Bathurst Regional LGA.*
    - iii. New Chapter 17 “Laffing Waters Master Plan Precinct”.  
*Introduces new planning provisions relevant to the subdivision and development of the Laffing Waters Master Plan Precinct.*
    - iv. New DCP Map No. 4A – Laffing Waters Master Plan Precinct.  
*Establishes an indicative layout plan for subdivision and development within the Laffing Waters Master Plan Precinct. Sets out the road network, active transport network, public transport routes, drainage corridors and basins, open space network and establishes six key land use areas. Aligns with the reconfigured land use zones (as gazetted).*
    - v. Amended DCP Map No. 4 – Kelso.  
*Removes references to land within the Laffing Waters Master Plan Precinct, which will instead be guided by new DCP Map No. 4A.*
    - vi. Amended DCP Map No. 6 – Neighbourhood Shopping Centres.  
*Removes references to land within the Laffing Waters Master Plan Precinct, which will instead be guided by new DCP Map No. 4A.*
    - vii. Amended Schedule 6 – Residential Precincts Map.  
*Removes references to land within the Laffing Waters Master Plan Precinct, which will instead be guided by new DCP Map No. 4A.*
    - viii. Updated zoning references in accordance with the Standard Instrument LEP, as adopted by the NSW Department of Planning and Environment (DPE).

*Reflects the recently renamed employment zones (previously the Business and Industrial zones) and conservation zones (previously the Environmental zones).*

2) Draft Bathurst Regional Guidelines for Engineering Works.

(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 - 21 JUNE 2023**

9 1.6 MODIFICATION TO DEVELOPMENT APPLICATION 2023/17 – SINGLE STOREY DWELLING AT 109 BRIAR LANE MOUNT RANKIN. APPLICANT: LUKE CUTLER HOMES. OWNER: MR T SWADLING & MS L RIDDING

**MINUTE**

**RESOLUTION NUMBER: ORD2023-144**

**MOVED: Cr W Aubin SECONDED: Cr K Burke**

**RESOLVED:**

That Council:

- a) support the variation to the 50 metre boundary setback development standard prescribed in the Bathurst Regional Development Control Plan 2014 subsequently allowing the dwelling to be constructed 35 metres from the boundary;
- b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/17, 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:

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1) *Within one month of the issue of the Occupation Certificate for the new dwelling, the existing unapproved dwelling is to be rendered incapable of being used as a separate dwelling with the removal of the kitchen and laundry fixtures to the satisfaction of the Director Environmental Planning and Building Services.*

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c) notify those that made submissions of its decision; and

d) call a division.

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

**The result of the division was:**

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

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ORDINARY MEETING OF COUNCIL - 21 JUNE 2023

9 1.5 DEVELOPMENT APPLICATION 2023/114 - 2 LOT RESIDENTIAL SUBDIVISION (BOUNDARY ADJUSTMENT) - 141 RUSSELL STREET BATHURST OWNER: MR D A MORRIS APPLICANT: MR D A MORRIS

**MINUTE**

**RESOLUTION NUMBER: ORD2023-143**

**MOVED: Cr J Jennings SECONDED: Cr A Smith**

**RESOLVED:**

That Council:

- a) support the variation to the development standard prescribed in Clause 4.1 Minimum Lot Size of the Bathurst Regional Local Environmental Plan 2014;
- b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act to Development Application 2023/114, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; 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

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ORDINARY MEETING OF COUNCIL - 21 JUNE 2023

9 1.4 DEVELOPMENT APPLICATION 2023/77 - 13 LOT SUBDIVISION - CLAREMONT DRIVE, WHITE ROCK. OWNER: RC RESI NO 22 PTY LTD APPLICANT: RC RESI NO 22 PTY LTD

**MINUTE**

**RESOLUTION NUMBER: ORD2023-142**

**MOVED: Cr I North SECONDED: Cr K Burke**

**RESOLVED:**

That Council:

- a. defer consideration of Development Application No.2022/388:
- b. hold discussions with objectors of the development:
- 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 - 21 JUNE 2023

9 1.3 DEVELOPMENT APPLICATION 2023/84 - DEMOLITION AND REBUILDING OF STAFF FACILITIES.

LOT 10 DP1157553. 101 PEEL STREET, BATHURST. OWNER: BATHURST REGIONAL COUNCIL

APPLICANT: BATHURST REGIONAL COUNCIL

**MINUTE**

**RESOLUTION NUMBER: ORD2023-141**

**MOVED: Cr A Smith SECONDED: Cr K Burke**

**RESOLVED:**

That Council:

- (a) as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No.2023/84, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended;
- (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 W Aubin, Cr B Fry, Cr G Hanger, Cr M Hogan, Cr A Smith and Cr R Taylor

Against the Motion - Cr K Burke, Cr J Jennings and Cr I North

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JULY 2023

8 2.5 DEVELOPMENT APPLICATION 2023/113 – SECONDARY DWELLING AND ADDITION TO EXISTING

SHED AT 86 GORMANS HILL ROAD, GORMANS HILL. APPLICANT: MR T HARRIES. OWNER: MR C, MRS V, MS M & MS E STUART

**MINUTE**

**RESOLUTION NUMBER: ORD2023-185**

**MOVED: Cr A Smith SECONDED: Cr K Burke**

## RESOLVED:

That Council:

- a. support the variation to the rural boundary setback development standard prescribed in the Bathurst Regional Development Control Plan 2014;
- b. as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/113, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the issue of the Construction Certificate the applicant is to submit to Council details of privacy screening on the western boundary of the development site. Privacy screening may be in the form of fence extensions, freestanding screens, landscaping or a combination of these.
- c. notify those that made submissions of its decision; and
- d. call a division.

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

### The result of the division was:

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 JULY 2023

8 2.4 DEVELOPMENT APPLICATION 2018/350 – WORKS IN KIND ARRANGEMENT – 122 LOT RESIDENTIAL SUBDIVISION – MARSDEN LANE, KELSO. OWNER: MRS C STAIT APPLICANT: HEWITT HOLDINGS BATHURST PTY LTD.

## MINUTE

### RESOLUTION NUMBER: ORD2023-184

**MOVED: Cr I North SECONDED: Cr K Burke**

## RESOLVED:

That Council:

- a. enter into a works in kind agreement with Hewitt Holdings Bathurst Pty Ltd, the developer of Lot 401, DP 1285473, Marsden Lane Kelso, for the construction of a detention basin in a future open space corridor adjacent to Laffing Waters Lane.
- b. allocate \$2,568,532 towards the construction cost from Council's Section 7.11 Development Contributions Plan "Raglan Creek Stormwater Management";
- c. notify the developer of its decision; and
- d. call a division

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

### The result of the division was:

In favour of the motion - Cr W Aubin, Cr 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 JULY 2023

### 8 2.3 DEVELOPMENT APPLICATION 2023/107 - 189A BROWNING STREET, BATHURST. CONSTRUCTION OF AMENITIES AND CHANGE ROOMS. OWNER: CROWN LAND. APPLICANT: NICK HARVEY

#### CONSTRUCTIONS

Cr A Smith declared a non-significant, non-pecuniary interest and left the room.

Reason: Bathurst Bushrangers is a customer of his employer.

Mr David Flude declared a significant non-pecuniary interest and left the room.

Reason: Mr Flude is a current treasurer of the Bathurst Bushrangers ARFC Inc and was the person responsible for preparing and administering the grant application to build the amenity block this DA relates to.

## MINUTE

**RESOLUTION NUMBER: ORD2023-183**

**MOVED: Cr I North SECONDED: Cr K Burke**

### RESOLVED:

That Council:

- a) as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No.2023/84, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended;
- 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 W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North and Cr R Taylor

Against the Motion - Nil

Absent - Cr A Smith

Abstain - Nil

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## ORDINARY MEETING OF COUNCIL - 20 SEPTEMBER 2023

### 8 2.8 AMENDMENTS TO BATHURST REGIONAL DCP AND ENGINEERING GUIDELINES - LAFFING WATERS MASTER PLAN AND EARTHWORKS

## MINUTE

**RESOLUTION NUMBER: ORD2023-263**

**MOVED: Cr B Fry SECONDED: Cr I North**

**RESOLVED:**

That Council

- (a) adopt the amendment to the *Bathurst Regional Development Control Plan 2014* with the changes as outlined in this report;
- (b) adopt the amendment to the *Bathurst Regional Council Guidelines for Engineering Works* with the changes as outlined in this report;
- (c) advise those who lodged submissions of Council's decision and give public notice of Council's decision in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*; and
- (d) commence a review of the exempt and complying development provisions under *Bathurst Regional Local Environmental Plan 2014*, and report back to Council should the review identify a need to progress to a Planning Proposal.
- (e) call a division

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr 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

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ORDINARY MEETING OF COUNCIL - 20 SEPTEMBER 2023

[8 2.7 AMENDMENT TO BATHURST REGIONAL COMMUNITY PARTICIPATION PLAN 2019](#)

**MINUTE**

**RESOLUTION NUMBER: ORD2023-292**

**MOVED: Cr K Burke SECONDED: Cr G Hanger**

**RESOLVED:**

That Council:

- (a) adopt the Amendment to *Bathurst Regional Community Participation Plan 2019* as outlined in this 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 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

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ORDINARY MEETING OF COUNCIL - 20 SEPTEMBER 2023

Bathurst Regional Council Resolutions 1st Jan  
2023 to 31st Dec 2023 12/01/2024 12:33 PM

8 2.6 DEVELOPMENT APPLICATION NO. 2021/596. WORKS IN KIND ARRANGEMENT – SIX LOT SUBDIVISION AT 48 HAMILTON STREET, EGLINTON. APPLICANT: BUSTIN FREE EARTHWORKS. OWNER: TR & SC WALLACE PTY LTD

## MINUTE

**RESOLUTION NUMBER: ORD2023-291**

**MOVED: Cr I North SECONDED: Cr K Burke**

### RESOLVED:

That Council:

- a. enter into a works in kind arrangement with Bustin Free Earthworks, being the civil contractor for the subdivision development at Lot 1, DP 786472, 48 Hamilton Street, Eglinton, for the construction of a cycleway from Maxwell Drive to Eleven Mile Drive and from that cycleway out to Hamilton Street adjacent to the approved subdivision;
- b. allocate \$163,537.00 towards the construction cost from Council's Section 7.11 Development Contributions Plan "Bathurst Regional Community Facilities";
- c. notify the developer and civil contractor of its decision; and
- d. call a division.

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

### The result of the division was:

In favour of the motion - Cr W Aubin, Cr 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 - 20 SEPTEMBER 2023

8 2.5 DEVELOPMENT APPLICATION NO. 2023/165 - CONSTRUCTION OF FOUR LIGHT TOWERS. 189A BROWNING STREET, BATHURST. OWNER: CROWN LAND. APPLICANT: BATHURST GIANTS ARFC

## MINUTE

**RESOLUTION NUMBER: ORD2023-260**

**MOVED: Cr I North SECONDED: Cr B Fry**

### RESOLVED:

That Council:

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No.2023/165, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including conditions to the effect that:



- To keep glare to a minimum, the main beam angle of all lights is to be kept below 70 degrees.
- All lighting must be designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner. Shields and baffles must be used to reduce spill light to a minimum.

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

- All exterior sports lighting must be switched off between the hours of 10.00pm and 7.00am.
- The lighting is to be designed to the principles and guidelines of the Australian Standard "Sports Lighting" AS 2560, and any specific parts of the Standard.
- A Lighting Assessment must be undertaken at the time of commissioning of the light towers and must demonstrate that all lighting (both new and upgraded) has been installed and operates in accordance with AS4282 "Control of the Obtrusive Effects of Outdoor Lighting". A copy of the Assessment Report must be provided to Council for endorsement, prior to the issue of any Occupation Certificate.
- Other than for the purposes of installation and testing, the new and upgraded lighting must not be used until such time as an Occupation Certificate has been issued.

(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 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 - 20 SEPTEMBER 2023

8 2.4 DEVELOPMENT APPLICATION NO. 2023/137 - CHANGE OF USE FROM A SHEARING SHED TO A FUNCTION CENTRE AT LOT: 1 DP: 251968 1371 TARANA ROAD, LOCKSLEY. APPLICANT MRS. B DE LOSA. OWNER: MR J D DE LOSA & MRS B L DE LOSA.

**Cr B Fry declared a pecuniary interest and left the room.**

**Reason: Operates a business in the same industry.**

**MINUTE**

**RESOLUTION NUMBER: ORD2023-259**

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

**RESOLVED:**

That Council:

- Defer consideration of development Application No. 2023/137, and

b. call a division.

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr K Burke, 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 B Fry

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 20 SEPTEMBER 2023

8 2.3 DEVELOPMENT APPLICATION NO. 2023/203 - PROPOSED DEMOLITION AND CONSTRUCTION OF A NEW DWELLING AT LOT: 1 DP: 38799, 334 PEEL STREET, BATHURST. APPLICANT: MRS A BROWN. OWNER: MRS A BROWN

**MINUTE**

**RESOLUTION NUMBER: ORD2023-257**

**MOVED: Cr R Taylor SECONDED: Cr G Hanger**

**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. 2023/203, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and
- b. notify those who made submissions, and
- c. call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr 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 - 18 OCTOBER 2023

9 1.6 AMENDMENT TO BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - SECONDARY DWELLINGS AND DETACHED STUDIOS

**MINUTE**

**RESOLUTION NUMBER: ORD2023-303**

**MOVED: Cr K Burke SECONDED: Cr I North**

**RESOLVED:**

That Council:

- (a) adopt the amendment to *Bathurst Regional Development Control Plan 2014* with the changes as outlined in this report;
- (b) notify those who lodged submissions of its decision;
- (c) give public notice of Council's decision in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr 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

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ORDINARY MEETING OF COUNCIL - 18 OCTOBER 2023

9 1.5 DEVELOPMENT APPLICATION NO. 2023/137 - CHANGE OF USE FROM A SHEARING SHED TO A FUNCTION CENTRE AT LOT: 1 DP: 251968 1371 TARANA ROAD, LOCKSLEY. APPLICANT MRS. B DE LOSA. OWNER: MR J D DE LOSA & MRS B L DE LOSA.

**MINUTE**

**RESOLUTION NUMBER: ORD2023-302**

**MOVED: Cr M Hogan SECONDED: Cr A Smith**

**RESOLVED:**

That Council:

- a. Refer the DA to the Traffic Committee for further consideration on matters such as concealed driveways and signage; 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 K Burke, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North and Cr A Smith

Against the Motion - Cr R Taylor

Absent - Cr B Fry

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 OCTOBER 2023

9 1.5 DEVELOPMENT APPLICATION NO. 2023/137 - CHANGE OF USE FROM A SHEARING SHED TO A FUNCTION CENTRE AT LOT: 1 DP: 251968 1371 TARANA ROAD, LOCKSLEY. APPLICANT MRS. B DE LOSA. OWNER: MR J D DE LOSA & MRS B L DE LOSA.

**Cr B Fry declared a pecuniary interest in item 9.1.5 of the DEPBS Report and left the room.**

**Reason: Operates a business in the same industry.**

**MINUTE**

**RESOLUTION NUMBER: ORD2023-301**

**MOVED: Cr W Aubin 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. 2023.137, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including but not limited to the following conditions:
- i. Submission of a Noise Management Plan [for approval prior to issuing of Construction Certificate, which is to includes but is not limited to:](#)
    - a. Installation of sound level meters in the function centre;
    - b. Monitoring of noise from events by staff and management;
    - c. Process for reduction of noise should there be a breach;
    - d. How windows and doors will be kept closed during noisier events - prevention of fire escapes being kept open - installation of air conditioning system;
    - e. Copies of event hire conditions relating to noise;
    - f. Complaints management process including 24hr management contact details;
    - g. Process for modifying operational activities should there be a need to reduce noise impacts; and
    - h. Prevention of congregation of patrons between function centre and property boundary.
  - ii. Noise from amplified music or sound equipment may only operate:
    - between 8am and 11pm on a Friday, Saturday or any day preceding a public holiday, and
    - between 8am and 10pm on any other day.
  - iii. Events must conclude, and all guests must have vacated the function centre by 12 midnight following all events, on all days, such that no disturbance is caused after 12 midnight, either by guests attending an event or by their departure from the function centre.
  - iv. Noise from the function centre at the following receivers cannot exceed, at any time:
    - a. 35dBA at 1395 Tarana Road
    - b. 30dBA at all other receivers
  - v. Implementation and maintenance of all Actions and Recommendations in the Noise and Sound Services Noise Assessment dated May 2023.
  - vi. The function centre is not to be used for residential purposes without Council's consent.
  - vii. All exterior lighting associated with the development shall have LED luminaires and be designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner.

NOTE 1: Compliance with Australian Standard AS4282 "Control of Obtrusive Effects of Outdoor lighting" will satisfy this condition.
  - viii. The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

- ix. Unless development consent can be assumed in accordance with the Bathurst Regional Local Environmental Plan 2014, a Development Application is to be submitted to Council and development approval obtained, prior to any advertising structure, sign, notice, device or representation in the nature of an advertisement being erected, fixed or displayed on the land or on any building thereon.
  - x. The number of guests at any event may not exceed 130, excluding venue and catering staff.
  - xi. Prior to the issue of a Construction Certificate, a landscape plan must be submitted to Council for approval. This landscape plan is to specify:
    - Evergreen species on the driveway alignment.
  - xii. Prior to the issue of a Construction Certificate, a plan must be submitted detailing acoustic insulation measures for the function centre.
- (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 W Aubin, Cr K Burke, 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 B Fry

Abstain - Nil

**ORDINARY MEETING OF COUNCIL - 18 OCTOBER 2023**

**9.1.4 DEVELOPMENT APPLICATION NO. 2023/262 - DEMOLITION OF EXISTING SEMI-DETACHED DWELLING (93), CONSTRUCT 8 X SERVICED APARTMENTS AND CARPORTS, AND 3 LOT SUBDIVISION. 93, 95 & 97 DURHAM STREET. OWNER: NATMAP PTY LTD. APPLICANT: MR D TAYLOR**

**Cr K Burke declared a pecuniary interest in item 9.1.4 of the DEPBS Report and left the room.**

**Reason: Family business engages in work with the applicant.**

**MINUTE**

**RESOLUTION NUMBER: ORD2023-300**

**MOVED: Cr W Aubin 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. 2023/262, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended;
- 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 W Aubin, 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 K Burke

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 OCTOBER 2023

9.1.3 MODIFICATION - DEVELOPMENT APPLICATION NO. 2020/95 - ALTERATIONS AND ADDITIONS TO EXISTING HOTEL. 170 WILLIAM STREET, BATHURST. OWNER: ASH LYONS. APPLICANT: WILLOW FRANK

**Cr A Smith declared a non-pecuniary interest in item 9.1.3 of the DEPBS Report and left the room. Reason: The Oxford Bathurst is a customer of his employer of which he conducts visits.**

**Cr K Burke declared a pecuniary interest in item 9.1.3 of the DEPBS Report and left the room. Reason: Councillors personal small business has engaged with the applicant.**

**MINUTE**

**RESOLUTION NUMBER: ORD2023-299**

**MOVED: Cr B Fry SECONDED: Cr I North**

**RESOLVED:**

That Council:

- a. as the consent authority, grant consent under Section 4.16 of the Environmental Planning and Assessment Act 1979 to the Modification of Development Consent Application No. 2020/95, by:

1. Approving the amended plans.
2. **Altering** Condition No. 9 to read as follows:

The payment to Council of \$20,316.00 for the provision of one (1) car parking space within the Bathurst CBD in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst CBD Car Parking".

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

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

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

NOTE 3: Payment of the Development Contributions may be deferred until the issue of any Occupation Certificate.

3. **Altering** Condition No. 47 to read as follows:

The provision of at least 55 car parking spaces on the subject land in a manner that is in

accordance with Australian Standard AS 2890.1 – 2004 Car Parking and Council's Off-street Car Parking Code.

(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 M Hogan, Cr I North and Cr R Taylor

Against the Motion - Nil

Absent - Cr K Burke and Cr A Smith

Abstain - Nil