



BATHURST
REGIONAL
COUNCIL

Register of Planning Decisions 2020

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

EXTRAORDINARY MEETING OF COUNCIL - 16 DECEMBER 2020

6.1 RESCISSION MOTION -DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2020-388

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED:

That Council rescind the resolution "DEPBS 8.2.5" from the Ordinary Meeting of Council held on Wednesday 9 December, which reads as follows:

DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP- 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD.

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, 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:
1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
- 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 J Fry, Cr G Hanger, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings

Absent - nil

Abstain - Nil

EXTRAORDINARY MEETING OF COUNCIL - 16 DECEMBER 2020

6.2 THIS ITEM WILL BE WITHDRAWN IF THE RESCISSION MOTION IS LOST - DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO

MINUTE

RESOLUTION NUMBER: ORD2020-389

MOVED: Cr I North SECONDED: Cr J Rudge

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 2020/95, 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:
 1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 4. The payment to Council of a contribution (6 spaces) in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall. For the purposes of this condition, the shortfall is the number of spaces required for the additional floor space proposed for under DA2020/95 is 8 (adjusted for the actual number of car parking spaces provided on site in accordance with a1 above).
 5. In accordance with Part 1.9 Exemptions of the Section 94 Development Contributions Plan, Council grants an exemption for the shortfall of 6 car parking spaces arising from previous determinations of Council.
- (b) Review the DCP in respect to parking in the CBD.
- (c) Defer payment of the developer contribution for up to 12 months.
- (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 B Bourke, Cr A Christian, Cr J Fry, Cr M Morse , Cr I North, Cr J Rudge

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

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.3 DEVELOPMENT APPLICATION 2020/335 – DEMOLITION OF EXISTING DWELLING, TREE REMOVAL & CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AT 29 DURHAM STREET, BATHURST. APPLICANT: MR M ADAMS. OWNER: MR M ADAMS & MS C MOORE
MINUTE

RESOLUTION NUMBER: ORD2020-348

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/335, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;

- (ii) The detailed colour scheme is to be submitted to Council prior to the issue of a Construction Certificate;
- (iii) The windows are to be timber framed on the front façade.
- (iv) Demolition is to be undertaken in a manner whereby the following can be salvaged and cleaned for reuse in the new development if possible:
 - All bricks;
 - Window and door joinery;
 - Lining boards; and
 - Flooring.

(b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.4 DEVELOPMENT APPLICATION 2020/376 – ALTERATIONS AND TWO STOREY ADDITIONS TO EXISTING SINGLE STOREY DWELLING AT LOT 600, DP 1164690, 22 WESTBOURNE DRIVE, LLANARTH.
APPLICANT/OWNER: MR D PUGH

MINUTE

RESOLUTION NUMBER: ORD2020-349

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/376, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, including conditions to the affect that:

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- (i) The second storey lounge windows adjoining 24 Westbourne are to be altered to high level windows such as those proposed on the north eastern elevation (facing 100 Darwin Drive). These windows will be located 1.5 metres from first floor level. Updated plans are to be provided as part of the Construction Certificate application.
 - (ii) All exterior lighting associated with the development will be designed and installed so that no obtrusive light will be cast onto any adjoining property.
 - (iii) Hours of operation for building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00am and 8.00pm on weekdays and 8.00am and 8.00pm on weekends and public holidays.
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- (iv) The development is to be conducted in a manner that shall 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.

(v) The landscaping proposed under the Landscape Plan is to be carried out prior to the issuing of any Occupation Certificate.

(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 Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.5 DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST.
APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2020-352

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, 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:
1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control 2 Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 4. Call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings, Cr M Morse

Against the Motion - Cr J Fry, Cr G Hanger, Cr I North

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.6 DEVELOPMENT APPLICATION 2020/194 - PARTIAL DEMOLITION OF EXISTING HOTEL (DUDLEY HOTEL) AND CONSTRUCTION OF NEW CARPARK - LOT 100 DP 1237520, 250 STEWART STREET BATHURST. APPLICANT: MCPICKELWAY PROPERTIES BATHURST PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2020-353

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No.2020/194, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.
- i) Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record inclusive of measured drawings, one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works.
- ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.
- NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.
- iii) Demolition is to be undertaken in a manner whereby the following can be salvaged and cleaned to be reused and recycled if possible:
- All bricks; and
 - Window and door joinery.
- iv) The front fence is to be low and incorporate a straight top picket. Brick pillars are optional.
- v) The fencing with the boundary of 240 Stewart is not to be colorbond. The preference is a timber paling fence.
- vi) Prior to the demolition commencing, details of a heritage interpretation strategy are to be submitted to Council for approval and the outcomes are to be implemented prior to a Final Occupation Certificate for the development. The Strategy is to provide details of how the heritage of the site will be recorded and interpreted on/and around the existing buildings (eg a plaque/sign).
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.7 DEVELOPMENT APPLICATION 2020/339 – TWO STOREY ADDITION TO EXISTING DWELLING AT LOT 24 DP 264087, 39 WELLINGTON STREET, EGLINTON. APPLICANT & OWNER: MS I FOX

MINUTE

RESOLUTION NUMBER: ORD2020-354

MOVED: Cr J Fry SECONDED: Cr W Aubin

RESOLVED:

That Council:

(a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/339, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including the following:

i) The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014. Plantings are to include fast growing hedge plantings along this boundary along the common boundary with 7 Ranken Street.

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

ii) The landscaping proposed under the Landscape Plan is to be carried out prior to the issuing of any Occupation Certificates.

(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 Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.8 DEVELOPMENT APPLICATION 2020/344 – ANIMAL SHELTER AND OFFICES AT 58 HAMPDEN PARK ROAD, KELSO. APPLICANT/OWNER: BATHURST REGIONAL COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2020-355

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/344, 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. All contractors on site are to made aware of the location and characteristics of the two Aboriginal Sites recorded in proximity to the site and made aware of the penalties for harming the sites;
 - ii. If any Aboriginal objects are found during works, work is to cease immediately and the Department of Planning, Industry & Environment - Environment, Energy and Science (DPIE-EES) notified. If human remains are found, work is to cease immediately and the NSW Police and DPIE-EES is to be contacted.
 - iii. At all times the operation shall comply with the following noise criteria:

Address	Daytime (LAeq15 minutes) ¹	Evening (LAeq15 minutes)¹	Nighttime (LAeq15 minutes)¹
4095 & 4064 O'Connell Road	40	39	38
	Daytime (LAeq60 minutes)	Evening (LAeq60 minutes)	Nighttime (LAeq60 minutes)
Scots School - classrooms	30	NA	NA
Industrial premises	65	65	65

¹ Measured or assessed at a location within 30 m of a dwelling or the residential boundary whichever is the closer to the dwelling.

- iv. The maximum number of dogs in the exercise pens is to be limited to 7 at any time unless exceptional circumstances require otherwise.
 - v. Dogs are not to use the exercise yards between the hours of 6pm and 7am.
 - iv. Within 60 days of the operation commencing, an acoustic compliance test shall be undertaken at the nearest residential and educational receivers to ensure compliance with the above criteria. Such testing should occur when the facility is at least 80% capacity.
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

MINUTE

RESOLUTION NUMBER: ORD2020-356

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/0338, subject to conditions able to be imposed pursuant to Section 80(A) 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 Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 9 DECEMBER 2020

8 2.10 DEVELOPMENT APPLICATION 2019/140 - REQUEST FOR WORKS IN KIND ARRANGEMENT - 17
LOT RESIDENTIAL SUBDIVISION - LIMEKILNS ROAD, KELSO. OWNER/APPLICANT: EH AND GE CUTLER

MINUTE

RESOLUTION NUMBER: ORD2020-357

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with the developers of Lot 2, 3 and 4 in DP1233661 to construct a cycleway through the open space corridor adjoining Lawrence Drive;
- (b) contribute up to \$99,000 towards the construction cost from Council's Section 94 or 7.11 Contributions Plan "Bathurst Regional Community Facilities";
- (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 B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

7.2.3 DEVELOPMENT APPLICATION NO. 2019/133 MODIFICATION - DEMOLITION OF 2 EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST, APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS

MINUTE

RESOLUTION NUMBER: ORD2020-191

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:

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

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

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

MINUTE

RESOLUTION NUMBER: ORD2020-192

MOVED: Cr G Hanger SECONDED: Cr J Rudge

RESOLVED:

That Council:

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

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

7 2.5 DEVELOPMENT APPLICATION NO. 2020/107 – RURAL DWELLING AND CLAUSE 4.6 VARIATION TO MINIMUM LOT SIZE AT LOT 15, DP 700460, TARANA ROAD, BREWONGLE. APPLICANT: MR P & MRS V HENNESSY. OWNER: MR P & MRS V HENNESSY

MINUTE

RESOLUTION NUMBER: ORD2020-193

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) support in principle the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional LEP for Lot 15 DP 700460;
- (b) refer the proposal to the Department of Planning Industry and Environment seeking concurrence of the Secretary to a variation of the development standard pursuant to clause 4.6 of the LEP;
- (c) defer determination of Development Application 2020/107 until a decision of the Department has been received. If concurrence is granted, determine the application by way of approval with

conditions under delegation. If concurrence is not provided, the application be determined by way of refusal under delegation; and

- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

7.2.6 DEVELOPMENT APPLICATION NO. 2020/143 – SHED AT 25 MEAGHER STREET, LLANARTH.

APPLICANT: MR C WARRY. OWNER: MR C WARRY & MRS M WARRY

MINUTE

RESOLUTION NUMBER: ORD2020-194

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) As the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/143 for the following reasons:

i) The proposed shed will have an adverse impact on the streetscape due to its size and location.

- (b) Advise the applicant that any shed or shipping container would not be considered as exempt development under Bathurst Regional Local Environmental Plan 2014 until such time as the building lines are established on the site by way of approval of the main dwelling on the property.

- (c) Advise the applicant that the shed may be reconsidered (via new Development Application or by a Review under Division 8.2 of the Act) when approval is granted for a dwelling on the property.

- (d) Notify those that made submissions of its decision; and

- (e) Call a division
- .

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

7 2.7 DEVELOPMENT APPLICATION NO. 2020/127 – NINE TWO-STOREY RESIDENTIAL UNITS, FRONT FENCES, TREE REMOVAL AND NINE LOT STRATA SUBDIVISION AT 20 GRIFFIN STREET, MITCHELL. APPLICANT: NEMCO DESIGN PTY LTD. OWNER: BOULANGERIE MENAI PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2020-195

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

(d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

7 2.8 MODIFICATION DEVELOPMENT APPLICATION 2019/367 – DEMOLITION AND CONSTRUCTION OF FAST FOOD RESTAURANT (TACO BELL) AT 103 & 105 STEWART STREET, BATHURST. APPLICANT: McDUCK PROPERTIES . OWNER JB GULLIFER

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

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

MINUTE

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr A Christian SECONDED: Cr I North

That Council:

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

The result of the division was:

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

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

Absent - nil

Abstain - Nil

RESOLUTION NUMBER: ORD2020-215

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council:

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

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

The result of the division was:

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

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

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

[7 2.9 DA2019/140 - 17 LOT RESIDENTIAL SUBDIVISION - LIMEKILNS ROAD, KELSO. OWNER MRS E H & MR G E CUTLER; APPLICANT MRS E H & MR G E CUTLER](#)

MINUTE

RESOLUTION NUMBER: ORD2020-224

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

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

(e) call a division

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 19 AUGUST 2020

[7.2.10 BATHURST REGIONAL URBAN RELEASE AREA – KELSO CERTIFICATION](#)

MINUTE

RESOLUTION NUMBER: ORD2020-198

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED:

That Council:

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

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 15 JULY 2020

[7.2.3 DEVELOPMENT APPLICATION 2020/161 – DEMOLITION OF EXISTING DWELLING, TREE REMOVAL AND CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 206 WILLIAM STREET, BATHURST. APPLICANT AND OWNER: 206 WILLIAM PTY LTD](#)

MINUTE

RESOLUTION NUMBER: ORD2020-167

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council:

- a. As the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/161, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;
 - ii. Bricks from the existing building are to be used in the front and side walls of the front section of the proposed building;
 - iii. The brickwork is to be laid in the same bond as the existing building;
 - iv. The mortar in the brickwork is to be of a depth and colour appropriate for the age of the current building;
 - v. Windows in the brick front wall and side brick walls are to be timber framed; and
 - vi. The developer is to prepare dilapidation reports for the adjoining properties at 202-204 William Street and 208 William Street.
- b. Notify those that made submissions; and
- c. call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 15 JULY 2020

7.2.4 VISION BATHURST 2040 - BATHURST REGIONAL LOCAL STRATEGIC PLANNING STATEMENT

MINUTE

RESOLUTION NUMBER: ORD2020-168

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council:

-
- (a) adopt Bathurst Vision 2040: Bathurst Region Local Strategic Planning Statement; inclusive of:
 - a. an alteration to action 14.2 to read: "To maintain an up-to-date Renewable Energy Action Plan for Council's operations and for the Bathurst Region";
 - b. appropriate actions and amendments to figure 3 of the LSPS to investigate the suitability of the Gilmour Street corridor for new urban purposes and/or urban intensification;
 - (b) note that a further report will be presented to Council on establishing a renewable energy and associated industries corridor along the four East West transmission lines through the Bathurst Region;
-
- (c) notify those who lodged submissions of Council's decision;
 - (d) forward a copy of Bathurst Vision 2040: Bathurst Region Local Strategic Planning Statement to the NSW Department of Planning, Industry and Environment; and
-

(e) call a division

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr J Jennings, Cr I North, Cr J Rudge

Against the Motion - Cr G Hanger, Cr M Morse

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 20 MAY 2020

8 1.3 DEVELOPMENT APPLICATION NO. 2020/115 – TELECOMMUNICATIONS FACILITY AT 3805 SOFALA ROAD, WATTLE FLAT. APPLICANT: BMM GROUP PTY LTD. OWNER: THE CROWN

MINUTE

RESOLUTION NUMBER: ORD2020-110

MOVED: Cr J Fry 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. 2020/115, 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:

1. The applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site.
 2. The applicant, should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure, is to notify Council and the relevant Government departments and to recommend a preferred strategy of amelioration.
 3. Infrastructure must be removed within 6 months of decommissioning.
 4. For each facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility to identify the name and contact details of the operator or site manager.
 5. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No.3.
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NOTE: If there is any dispute as to the accuracy of testing or the appropriateness of the methodology used, the Council will arrange for the independent testing of emissions, and the applicant shall meet the full cost of that testing.

6. The pole is to be painted or finished in a neutral colour such as grey as opposed to galvanized consistent with the NSW Telecommunications Guidelines.

(b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 20 MAY 2020

8 1.4 COMMUNITY ENGAGEMENT DURING COVID 19 PERIOD ON PLANNING AND DEVELOPMENT MATTERS

MINUTE

RESOLUTION NUMBER: ORD2020-112

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

RECOMMENDATION:

That Council:

- (a) endorse the interim arrangements proposed in this report for public consultation and community engagement on planning matters under the Environmental Planning and Assessment Act 1979 whilst social distancing restrictions are in place as a result of COVID-19; and
- (b) review these arrangements as Council receives new advice in relation to social distancing protocols.
- (c) call a division

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil
