



BATHURST
REGIONAL
COUNCIL

Register of Planning Decisions 2022

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

ORDINARY MEETING OF COUNCIL - 02 FEBRUARY 2022

8 1.6 DEVELOPMENT APPLICATION 2021/433 - PROPOSED SEX SERVICES PREMISES, 8 KIRKCALDY STREET, SOUTH BATHURST. APPLICANT: PLANSIGHT PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2022-30

MOVED: Cr M Hogan SECONDED: Cr K Burke

RESOLVED:

That Council:

- (a) as consent authority, grant consent pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2021/433, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, including the following:
- The windows associated with the workrooms located on the southern side of the building are to be treated such that there is no direct line of sight into the property from 6 Kirkcaldy Street. This may be achieved by a number of means such as removing or lowering the windows on the southern wall or including frosting or similar above 1.8m.
 - Outdoor lighting must comply with the requirements of Australian Standard (AS) 4282 Control of the Obtrusive Effects of Outdoor Lighting so as not to affect:
 - The residential use known to be present at 42 Vale Road
 - The surrounding industrial uses.
 - A Laundry Procedure and Hygiene Plan are to be submitted to Council prior to the issue of an Occupation Certificate.
 - The following recommendations from the NSW Police's review of the development application are to be incorporated into the development:
 - a. **Lighting**
 - i. Lighting is to be provided in the car park and at the entrance to the premises.
 - ii. Sensor lighting to all vestibule and walkways including parking bays and outdoor areas.
 - iii. Sensor lights should be vandal resistant and projected away from buildings towards pathways – not towards windows and doors.
 - b. **Surveillance/Technical Supervision**
 - i. Installation of back to base alarm system.
 - ii. Security patrols.
 - iii. CCTV footage be retained for 28 days and be made available to police if required for investigation.
 - c. **Territorial re-enforcement**
 - i. All ingress/egress points will be discreetly signed.
 - ii. The Premises must be monitored by CCTV at all times, as stipulated in the applicant's Crime Prevention Assessment
 - iii. Speed limit signs must be located within the driveway/carpark area limiting vehicles to a maximum of 10 kilometres per hour.
 - iv. "Trespassers will be prosecuted" signage must be clearly visible around entrance/exit

- points.
- v. Security must patrol these premises.
- d. Environmental Maintenance
 - i. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming overgrown and concealment opportunities on the maturity of the vegetation.
 - ii. A safety convention is to have 3- 5 metres of cleared space on either side of paths. Pedestrians generally feel safer on wider pathways.
 - iii. Develop a maintenance plan as clean, well maintained areas often exhibit strong territorial cues.
 - iv. Develop a lighting plan to maintain safety and security so that lighting is always in good working order.
- e. Access Control
 - i. Polycarbonates and impact resistant glass/glazing to all windows.
 - ii. Ensure the main entry/exit doors to all buildings be fitted with single cylinder locksets or keypad entry and comply with the building code of Australia.
 - iii. Speed bumps in car parks/access ways help to reduce the likelihood of attracting bike riders and skateboarders.
 - iv. Do not hold large amounts of cash on premises.
 - v. Install a night safe if cash held on premises.

(b) notify those who made of submission of the 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 J Jennings, Cr G Hanger, Cr M Hogan and Cr I North

Against the Motion - Cr K Burke, Cr B Fry, Cr A Smith and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 02 FEBRUARY 2022

8 1.5 DEVELOPMENT APPLICATION 2021/487 - TWO BOARDING HOUSES, 14 RUSSELL STREET, GORMANS HILL. APPLICANT: THE VALOUR GROUP

MINUTE

RESOLUTION NUMBER: ORD2022-29

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That Council

(a) as consent authority, grant consent pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2021/487, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979; and including the following:

1. The Applicant is to submit a set of plans demonstrating the privacy treatments installed on second storey windows to prevent overlooking of all neighbouring property. This may be achieved by various means including changing to high level windows, obscuring glass and privacy screens.

2. No room shall be let to more than two (2) adult occupants, and the maximum occupancy of both boarding houses shall be no greater than 18.

(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 - 02 FEBRUARY 2022

8 1.4 DEVELOPMENT APPLICATION NO. 2021/289 – DUAL OCCUPANCY (SECOND DWELLING) & TWO LOT SUBDIVISION AT 81 TAYLOR STREET, EGLINTON. APPLICANT: MR G PRESS. OWNER: MR G & MRS A PRESS

MINUTE

RESOLUTION NUMBER: ORD2022-27

MOVED: Cr I North SECONDED: Cr B Fry

RESOLVED:

That Council:

- a) support the variation to the front building line setback development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/289, 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 amended plans reducing the setback to the southern boundary to 0.9 metres.
- 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 and Cr A Smith

Against the Motion - Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 02 FEBRUARY 2022

MINUTE

RESOLUTION NUMBER: ORD2022-26

MOVED: Cr K Burke SECONDED: Cr B Fry

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. 2021/477, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

(i) The shed is not to be used for commercial or industrial purposes.

(ii) The shed is not to be used for human occupation under any circumstances.

(b) the developer is to make the required street tree contribution for the replacement of all street trees being removed.

(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 - 16 FEBRUARY 2022

8 1.4 DEVELOPMENT APPLICATION NO. 2021/605 - TWO LOT RESIDENTIAL SUBDIVISION AND SINGLE-STOREY DWELLING HOUSE - LOT 13 SECTION 11 DP 758864 - 42 GODFREY STREET RAGLAN NSW 2795 - APPLICANT: MS AJ MENDES

MINUTE

RESOLUTION NUMBER: ORD2022-60

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That Council:

(a) support the variation to Clause 4.1 “Minimum subdivision lot size” of *Bathurst Regional Local*

Environmental Plan 2014 (LEP 2014) and Clause 4.3 “Minimum Lot Size” of Bathurst Regional Development Control Plan 2014 (DCP 2014).

- (b) support Development Application No. 2021/605 pending further discussions with the applicant in relation to any tree removal to ensure that the appropriate environmental outcomes are achieved;
- (c) note that subject to these discussions the Development Application will be determined under delegated authority;
- (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 - 16 FEBRUARY 2022

8 1.3 DEVELOPMENT APPLICATION NO. 2021/544 – ALTERATIONS AND ADDITIONS TO EXISTING PUB – LOT 1 DP 197238, 2 BUDDEN STREET ROCKLEY – APPLICANT: BURNS PLANNING AND DEVELOPMENT – OWNER: MASH ROCKLEY PTY LTD

Councillor Hogan declared a non-pecuniary, non significant interest in this item and remained in the room and participated in the debate.

Reason: As part of my election campaign I interviewed Mr Matt Moran about the future of tourism in Bathurst.

MINUTE

RESOLUTION NUMBER: ORD2022-59

MOVED: Cr A Smith SECONDED: Cr J Jennings

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. 2021/544, 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. Prior to the issue of Construction Certificate, further details are to be submitted to Council for review and approval of the new external door panels on the Southern Elevation.
 2. Prior to the issue of Construction Certificate, a schedule of works is to be submitted to Council for review and approval in relation to the works required to achieve fire safety compliance to determine impact to any heritage fabric.
 3. Demolition is to be undertaken whereby the following can be salvaged and cleaned for reuse whether on or offsite:

- a. Bricks
- b. Windows, sills and any joinery
- c. Original timbers in the round from Laundry Room

The material is to be stored in a safe and secure location with limited exposure to weather, vandalism and stealing.

4. Any new external hard stand areas or cement slab/s are to be constructed so as to not impede the ventilation or detrimentally affect the existing building. Air vents placed below the ground floor level are not to be blocked to ensure adequate underfloor ventilation.
5. The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
 - a. Mitigation measures in relation to the likely archaeology onsite;
 - b. The proposed monitoring that will be in place for any archaeological relics uncovered;
 - c. Training, resources and consultation for staff on the site during excavation;
 - d. Incident management protocol; and
 - e. Methods dealing with unexpected finds during works.
6. Prior to the issue of an Occupation Certificate, details of a Heritage Interpretation Strategy are to be submitted to Council for review and approval and the outcomes are to be implemented. The strategy is to provide details of how the heritage of the site will be recorded and interpreted on and around the existing buildings and site.
7. Existing outdoor seating on Hill Street should be removed until such time as the footpath is replaced.
8. The existing footpath in Hill Street should be extended to at least the existing fence dividing the property (approximately 45 metres).
9. An accessible parking space and associated accessible path of travel should be provided in Hill Street directly adjoining the property.
10. A Heritage Management Plan should be prepared for all works to be undertaken on the footpaths in Budden Street and Hill Street.
11. The concrete steps adjoining the raised outdoor area in Budden Street are to be removed from the Council footpath and alternative access made, with the verandah rail to be extended to exclude access from the footpath.
12. A minimum of 4 car parking spaces should be provided on site. These spaces may be provided informally (i.e. they need not be sealed) and should be made available for staff.
13. The proposed office and games room is to be upgraded to comply with:
 - DP1 Access for people with a disability
 - DP2 Safe movement to and within a building
 - DP4 Exits
 - DP6 Paths of travel to exits
 - FP1.4 Weatherproofing
 - FP1.5 Rising damp
 - FP4.2 Artificial lighting
 - FP4.3 Outdoor air supply
 - JP1 Energy use

The main building is to be upgraded to comply with:

Ground Floor

- CP2 Spread of fire
- CP8 Fire protection of openings and penetrations
- DP4 Exits
- DP6 Paths of travel to exits
- EP4.2 Identification of exits

First Floor

- CP2 Spread of fire
- DP6 Paths of travel to exits
- EP4.2 Identification of exits

of the National Construction Code 2019 Volume 1.

14. All exterior lighting associated with the development shall 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 the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

15. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
16. Compliance with any requirements of the Bathurst Police Force, including the following recommendations:
- i. Lighting
 - Install vandal resistant sensor lighting around premises
 - Consider the type, brightness, distribution
 - Ensure there are no obstructions to lighting fixtures
 - Install lighting to all concealed areas and pedestrian walkways
 - ii. Surveillance/technical CCTV
 - Install CCTV cameras to operate 24/7
 - Vandal resistance
 - Images to save for 21 days and register with NSW police and to be made available upon request if required for evidentiary purposes
 - iii. Territorial reinforcement
 - All fire exits be clearly sign posted
 - All public areas be clearly sign posted
 - All private areas be clearly sign posted
 - Signage and markers demonstrating the way to the accommodation
 - No trespassers signage
 - Signage CCTV in operation
 - Covid safe and QR codes signage be clearly displayed (if required under current Covid legislation)
 - iv. Access control
 - Security screen doors to all entry/exit points
 - Polycarbonates and impact resistant glass/glazing to all windows
 - Key operated windows
 - The main entry/exit doors to all buildings should be fitted with single cylinder locksets which comply with the Building Code of Australia

- Security deadlocks to all accommodation rooms

NOTE 1: On completion of the project, the Licensing Officer and Crime Prevention officer must visit the premises.

17. An Operational Management Plan is to be submitted to Council which includes the following:

- Doors are to be fitted with acoustic perimeter and drop seals.
- Existing doors and window seals are to be checked to ensure there are no paths of noise leakage present.
- Any amplifier / PA system used must be calibrated in level such that noise emissions from within the building do not become dominant at the site boundary.
- Music in the alfresco (beer garden) should be at a 'conversational' level only.
- Ensure that mechanical services noise must comply with the Environmental Protection (Noise) Regulations 1997 (EPNR 97) criteria at all receivers and at all times of the day.
- Details of the bus/coach service connecting to Bathurst.

(b) notify those that made submission 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 - 16 MARCH 2022

[9 2.3 DEVELOPMENT APPLICATION 2022/10 - PROPOSED TWO LOT RURAL RESIDENTIAL SUBDIVISION, 357 MOUNT RANKIN ROAD, MOUNT RANKIN. APPLICANT: INTEGRATED CONSULTING](#)

MINUTE

RESOLUTION NUMBER: ORD2022-81

MOVED: Cr G Hanger SECONDED: Cr M Hogan

RESOLVED:

That Council:

(a) support the variation to the 10 hectare minimum lot size development standard pursuant to clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 133; 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 A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr I North

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 MAY 2022

8 2.3 DEVELOPMENT APPLICATION NO. 2022/64 – TWO STOREY DWELLING AT LOT 22, DP1254115, 5 MEAGHER STREET, LLANARTH APPLICANT: MR M ANDERSON OWNER: MR M DHANDA & MRS K KAUR

MINUTE

RESOLUTION NUMBER: ORD2022-153

MOVED: Cr M Hogan SECONDED: Cr A Smith

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. 2022/64, 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:

-
- (i) All exterior lighting associated with the development shall 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 the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

- (ii) 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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- (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 - 15 JUNE 2022

8 2.4 DEVELOPMENT APPLICATION NO. 2021/358 - PROPOSED TWELVE DETACHED RESIDENTIAL UNITS AT LOTS 93, 94 AND 95 DP 1246025, 225A, 225B AND 225C PEEL STREET, BATHURST.. APPLICANT: MR P HUMPHREYS. OWNER: MR M E & MRS J I HOHNEN

MINUTE

RESOLUTION NUMBER: ORD2022-188

MOVED: Cr B Fry SECONDED: Cr K Burke

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. 2021/358, 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 non-standard conditions:
- i. The land identified as lots 93, 94 and 95 DP: 1246025 must be consolidated into one lot prior to the commencement of any works.
 - ii. The developer is to provide a privacy screen to create a separation and maintain the privacy between the proposed outdoor dining area and the properties adjoining to the south-east.
- 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 I North, Cr A Smith and Cr R Taylor

Against the Motion - Cr M Hogan

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 15 JUNE 2022

8 2.3 DEVELOPMENT APPLICATION NO. 2022/145, TWO STOREY DWELLING WITH ATTACHED GARAGE AND EARTHWORKS, 36 NEWLANDS CRESCENT, KELSO, APPLICANT: MR GREGORY COLEMAN. OWNER: GREGORY J COLEMAN PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2022-187

MOVED: Cr J Jennings SECONDED: Cr A Smith

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. 2022/145, 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, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 SEPTEMBER 2022

9.2.4 DEVELOPMENT APPLICATION 2022/115 - PROPOSED DUAL OCCUPANCY AND SUBDIVISION OF LOTS 32 AND 33 DP 1529, 266 HAVANNAH STREET, BATHURST. APPLICANT: LUKE CUTLER. OWNER: G & L WHEELER

Councillor K Burke declared non- pecuniary/ non significant interest in the item and stayed in the room

Reason: Councillor had a phone conversation with the applicant regarding drainage after an on-site inspection

Councillor W Aubin declared non- pecuniary/ non significant interest in the item and stayed in the room

Reason: House was Grandfather's (he passed away in 1978).

MINUTE

RESOLUTION NUMBER: ORD2022-321

MOVED: Cr A Smith 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. 2022/115, 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:

1) All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the gutter in Busby Street, in accordance with AS/NZS 3500.

Stormwater disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE 1: 'Pump-out' stormwater drainage systems are not acceptable.

2) The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of

200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved stormwater disposal location. This work shall be carried out within 14 days of the installation of the roof gutter down pipes.

- 3) All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- 4) The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.
- 5) 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.

- 6) The cladding on the roof of the proposed dwelling is to be of traditional corrugated profile.

7) Earthworks associated with proposed new dwelling are limited to those shown on the plan prepared by Reliable Drafting Services (JobNo17.156 Dwg No.1 Amdt B Dated 22-6.22). In this regard the maximum cut at the rear of the property is limited to 600mm and the dwelling is to be constructed using a deep edge rebate on its northern eastern side adjoining and there is to be no significant change to the ground levels immediately adjoining the boundaries of 6, 8 and 10 Spencer Streets.

8) A new boundary fence is to be constructed between proposed Lot containing the new dwelling and 6,8 and 10 Spencer. The fence line (behind the building line) is to be 1.8m above ground level (existing) or, if of a stepped design on sloping ground, the highest point of each step may be up to 2.2m above ground level (existing) if the lowest point of each step is no more than 1.8m above ground level (existing)

- (b) notify those who 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 M Hogan, Cr I North and Cr A Smith

Against the Motion - Cr W Aubin, Cr G Hanger and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 SEPTEMBER 2022

9.2.3 DA 2022/330 DEMOLITION OF EXISTING DWELLINGS & OUTBUILDINGS, TREE REMOVAL, CONSTRUCTION OF SINGLE STOREY DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 51-53 PIPER STREET, BATHURST. APPLICANT: MR E CHANDLER. OWNER: MR E CHANDLER & MRS S NEWTON-CHANDLER

MINUTE

RESOLUTION NUMBER: ORD2022-320

MOVED: Cr I North SECONDED: Cr A Smith

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. 2022/330, 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) Prior to the issue of Construction Certificate, the applicant is to submit for approval an amended schedule of colours and materials that indicates the proposed mortar colour. The mortar to be used is to be an off-white to earthen tone.
 - 2) Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;
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(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 - 19 OCTOBER 2022

8 1.3 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – AMENDMENT – PERTHVILLE LEVEE

MINUTE

RESOLUTION NUMBER: ORD2022-356

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That Council:

- a) adopt the Bathurst Regional Development Control Plan amendment 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

ORDINARY MEETING OF COUNCIL - 16 NOVEMBER 2022

8 2.5 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT – SCHEDULE 5 ENVIRONMENTAL HERITAGE

MINUTE

RESOLUTION NUMBER: ORD2022-383

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That Council:

- a) adopt the Bathurst Regional Local Environmental Plan amendment as outlined in this report;
- b) forward the Bathurst Regional Local Environmental Plan – Schedule 5 Environmental Heritage 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 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 - 16 NOVEMBER 2022

8 2.4 DEVELOPMENT APPLICATION NO. 2022/0378 GARAGE AT 11 KEMP STREET, EGLINTON. APPLICANT: MR K P COSGROVE

MINUTE

RESOLUTION NUMBER: ORD2022-382

MOVED: Cr K Burke SECONDED: Cr M Hogan

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. 2022/378, 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 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 - 16 NOVEMBER 2022

8.2.3 DEVELOPMENT APPLICATION 2022/388 - PROPOSED SECONDARY DWELLING (GRANNY FLAT), 3 WIGMORE DRIVE, ROBIN HILL. OWNER, M & S FENTON. APPLICANT, MR ADAM HART.

MINUTE

RESOLUTION NUMBER: ORD2022-381

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.2022/388, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including;
 - 1. Landscaping as indicated on the landscape plan is to be implemented prior to any Occupation Certificate being issued.
 - 2. The submission of a letter or report, rendered drawings, manufacturers brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction.
 - 3. In the event that access to the secondary dwelling is from the existing access in the south western corner of the property it is to be upgraded to include:
 - a) a gate or stock grid set back a minimum distance of ten metres from the boundary of the land with the public road.
 - b) a minimum 4.0 metre wide Error! Bookmark not defined.sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
 - c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public

road.

- (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 - 14 DECEMBER 2022

[8 2.5 BATHURST INTEGRATED MEDICAL CENTRE PLANNING PROPOSAL](#)

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That Council:

- a) adopt the Bathurst Regional Local Environmental Plan amendment as outlined in this report;
- b) forward the Bathurst Integrated Medical Centre 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.

The result of the division was:

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

Against the Motion - Cr K Burke and Cr J Jennings

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 14 DECEMBER 2022

[8 2.5 BATHURST INTEGRATED MEDICAL CENTRE PLANNING PROPOSAL](#)

MINUTE

MOVED: Cr J Jennings SECONDED: Cr K Burke

That the item be deferred until Bathurst Integrated Medical Centre provides a final costed quote to Bathurst Regional Council including a breakdown of cost components and an expected time schedule for payment of this quote.

The amendment on being PUT was LOST

The result of the division was:

In favour of the motion - Cr K Burke and Cr J Jennings

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Against the Motion - Cr W Aubin, Cr B Fry, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor
Absent - Nil
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 14 DECEMBER 2022

8 2.5 BATHURST INTEGRATED MEDICAL CENTRE PLANNING PROPOSAL

MINUTE

RESOLUTION NUMBER: ORD2022-413

MOVED: Cr I North SECONDED: Cr K Burke

It was moved:

That Council:

- a) adopt the Bathurst Regional Local Environmental Plan amendment as outlined in this report;
 - b) forward the Bathurst Integrated Medical Centre 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.
-

ORDINARY MEETING OF COUNCIL - 14 DECEMBER 2022

8 2.4 DEVELOPMENT APPLICATION NO 2022/427 – USE OF THE EXISTING COLORBOND ROOF AT 87 LORIMER STREET, LLANARTH APPLICANT: A HARRISON. OWNER: LR HARRISON & A HARRISON

MINUTE

RESOLUTION NUMBER: ORD2022-412

MOVED: Cr K Burke SECONDED: Cr A Smith

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. 2022/427, 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) A certificate from a practicing structural engineer certifying the roof structure is structurally sound.
 - (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 - 14 DECEMBER 2022

8 2.3 DEVELOPMENT APPLICATION 2020/489 - PROPOSED FOUR RESIDENTIAL UNITS, 183 ROCKET STREET, BATHURST. APPLICANT: ALCORN PLANNING AND PROPERTY. OWNER: MR MG IRELAND & MRS LA IRELAND

MINUTE

RESOLUTION NUMBER: ORD2022-411

MOVED: Cr K Burke SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (a) having undertaken a review of the application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2020/489 for four two storey residential units at 183 Rocket Street, Bathurst, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. The land identified as Lot: 3 DP: 559167 and Lot: 5 DP: 580479 be consolidated into one lot prior to the issuing of any Construction Certificate.
 - ii. The owner of the land must establish and maintain appropriate vegetation along the common boundary of the driveway **adjoining** neighbouring land.
- (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