

29 August 2018

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -
Wednesday, 5 September 2018**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 5 September 2018 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 5 SEPTEMBER 2018

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 1 AUGUST 2018

4. DECLARATION OF INTEREST

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

5. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

8. DISCUSSION FORUM OTHER

* LIMEKILNS ROAD PLANNING PROPOSAL

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Hanger (Chair), Aubin, Bourke, Christian, Jennings, Morse, North, Rudge.

MINUTE

2 APOLOGIES

MOVED: Cr B Bourke SECONDED: Cr I North

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

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 1 AUGUST 2018 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 1 August 2018 be adopted.

Report: The Minutes of the Policy Committee Meeting held 1 August 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 AUGUST 2018
(07.00064)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 1 August 2018 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 1 AUGUST 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Hanger (Chair), Aubin, Christian, Fry, Jennings, Morse, North.

APOLOGIES

2 APOLOGIES
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the apology from Crs Bourke and Rudge be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 JULY 2018 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 July 2018 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

Nil.

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 27 JUNE 2018 (07.00096)

MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the recommendations of the Audit & Risk Management

Committee Meeting held on 27 June 2018 be adopted.

6 **Item 2 MOUNT PANORAMA MOTOR RACING CIRCUIT - RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) Adopt the Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy, as amended; and
- (b) Rescind the Mount Panorama - Resident Ticketing Policy and remove it from the Policy register.

Director Engineering Services' Report

7 **Item 1 INCLUSIVE PLAY PRINCIPLES - BATHURST PARKS (11.00006)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That Council:-

- (a) Consider the incorporation of inclusive design principles when planning for new community parks and playgrounds, or when upgrading existing playspaces.
- (b) Engage Council's specialist playspace consultant to review the existing design that has been developed for Stage 2 of the Bathurst Adventure Playground
- (c) Modify the design, if necessary, in order to provide playspace opportunities and playground equipment which meet best practice principles of inclusivity, regardless of age or ability.
- (d) Replace the liberty swing with play structures that provide inclusive play for all members of the community.

GENERAL BUSINESS

8 **Item 1 ROADSIDE GRAZING (18.00133)**

Cr Jennings - queried what process is followed for roadside grazing, i.e. land availability.

The Director Environmental, Planning & Building Services advised the process is coordinated by Local Land Services and it is then referred to Council, where it applies to local roads, for comment. Generally Council's role takes a couple of days. The review is limited to local roads and excludes land identified as high/medium biodiversity.

9 **Item 2 EGLINTON SCHOOL LAND (20.00170)**

Cr Jennings - queried where the matter with land is at.

The Director Environmental, Planning & Building Services advised will be meeting with officers of the Department of Education in September to discuss this proposal.

10 **Item 3 RENEW OUR LIBRARIES CAMPAIGN (21.00054)**

Cr Jennings - asked are we likely to support the Renew our Libraries campaign.

The Director Cultural & Community Services advised Council has written to the local member and a report will go to the August Council meeting.

11 **Item 4 BATHURST WINTER FESTIVAL (23.00152)**

Cr Aubin - congratulated the Events staff on the Bathurst Winter Festival.

12 **Item 5 OHKUMA (23.00011)**

Cr Aubin - advised the Council in Ohkuma is currently building a new Council building, this is good news.

13 **Item 6 LIMEKILNS ROAD WATER RESERVOIR (32.00039)**

Cr Morse - congratulated the Council on the commissioning ceremony.

14 **Item 7 PIPER STREET KANGAROO ISSUE (14.00665, 13.00031)**

Cr Morse - noted with the current drought, kangaroos are coming into the CBD. We need an awareness campaign.

15 **Item 8 COMMUNITY EMAILS RESPONSE (08.00005)**

Cr Morse - asked could a response go on Council's email system to acknowledge receipt of emails.

The General Manager noted Council is migrating to a new platform.

16 **Item 9 PARKING FOR VISITING CARAVANS (28.00006)**

Cr Morse - advised there is a lack of parking spaces for caravans in the CBD.

17 **Item 10 FORMER TAFE BUILDING (22.01387)**

Cr Morse - queried what was happening with the site.

The General Manager advised currently awaiting Engineering report on Headmasters Residence. At this time no funding is in budget to undertake any additional works/planning.

18 **Item 11 BEN CHIFLEY DAM CATCHMENT COMMITTEE (07.00020)**

Cr Fry - acknowledged the work of the Ben Chifley Catchment Committee, but still need to do more. Noted Tim Cox, the coordinator, has 20 years of service, can we do a letter to acknowledge this. We should look at what further land care work that can be done.

19 **Item 12 CCTV SYSTEM (07.00106)**

Cr Christian - requested an update on CCTV systems.

The Director Cultural & Community Services advised current status of project plan, budget available and link with CBD Wi-Fi project.

20 **Item 13 HOWICK/GEORGE STREET INTERSECTION (25.00006)**

Cr Christian - asked where is the Howick/George Street intersection progress up to.

The Director Engineering Services advised plans are nearly finished, will soon be contacting adjoining businesses. Works are possible in early 2019.

21 **Item 14 ABANDONED SHOPPING TROLLEYS (28.00006)**

Cr Christian - have already noted a significant improvement since meeting with interested parties.

22 **Item 15 CHIFLEY DAM - AQUA PARK (2018/141)**

Cr Christian - visited the location this week, this is an exciting project.

23 **Item 16 FORMER MASTERS SITE (22.07151)**

Cr Christian - asked if anything is happening with the former Masters site.

The Director Environmental, Planning & Building Services noted strata subdivision has been approved, nothing is known about proposed tenants.

24 **Item 17 MOBILE SPEED CAMERAS (28.00011)**

Cr Christian - asked does Council have anything to do with location of mobile speed cameras.

The Director Engineering Services advised this is organised by RMS.

25 **Item 18 TURON RIVER FLOWS (31.00014)**

Cr North - asked had someone previously dammed the river. There are now flows in the river.

The General Manager advised inquiries are being made, but no reason available at this time.

26 **Item 19 EAST STREET, ROCKLEY (25.00452)**

Cr North - congratulated staff on the works that have been carried out at in this area. Engagement with the community has been great.

27 **Item 20 BATHURST WINTER FESTIVAL (23.00152)**

Cr North - noted the Winter Festival was really great, would like a merry-go-round to be available for young children.

28 **Item 21 BMX TRACK (04.00083)**

Cr North - noted there are two areas that seem to be gouging, can we look at fixing this up. The track repair work was good.

The Director Engineering Services advised works proposed for 2018/19.

29 **Item 22 HOWICK/GEORGE STREET (25.00006)**

Cr North - spoke to traffic issues. Where are we at with infrastructure study?

The Director Engineering Services advised staff have received draft brief from RMS. It is anticipated tenders for the plan will be called in the near future. Advice will be provided as the project proceeds.

30 **Item 23 BULLET TRAIN - ORANGE (18.00001, 28.00009)**

Cr North - received representation from Mr Brown at Eglinton about possible impact from Orange proposal on our train services. We need to make it clear we do not want a lesser service at Bathurst.

31 **Item 24 ENERGY EFFICIENCY (13.00065)**

Cr North - advised Ashley Bland has forwarded a letter regarding possible projects that could occur with Council, will provide to Council the letter for follow up.

32 **Item 25 CARDIOLOGY FOOTPATH & DEVELOPER CLOSE DOWN OF FOOTPATHS (2017/46, 07.00031)**

Cr North - this is becoming a problem. Can we monitor this, has been raised as a matter of concern by Bathurst Regional Access Committee (BRAC) and the community. Perhaps we can do more media on this.

The Director Environmental, Planning & Building Services spoke to current processes in place and issues with building site and in particular the cardiology development matter.

33 **Item 26 CBD WI-FI (20.00315)**

Cr North - asked where are we at with tenders for the CBD Wi-Fi project. Noted local businessman has not received advice on this matter.

The Director Corporate Services & Finance advised tenders have already been issued and works have commenced. Will investigate the issue further.

34 **Item 27 RETURN EARN - ACCESSIBILITY ISSUE (21.00143, 07.00031)**

Cr North - asked what was the process for this development.

The Director Environmental, Planning & Building Services advised currently investigating this, but understands the development is exempt.

MEETING CLOSE

35 **MEETING CLOSE**

The Meeting closed at 6.37 pm.

CHAIRMAN: _____

MINUTE

4 DECLARATION OF INTEREST 11.00002
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

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

POLICY COMMITTEE

5 SEPTEMBER 2018

1 PUBLIC WI-FI ACCEPTABLE USE POLICY (20.00315, 41.00089)

Recommendation: That Council

- (a) following consideration of the submissions received amend the Public Wi-Fi Acceptable Use Policy following as outlined in the report
- (b) adopt the Public Wi-Fi Acceptable Use Policy and update the Council Policy Manual

Report: Council will recall that at the June Policy Committee meeting Council considered a draft Public Wi-Fi Acceptable Use Policy. Council resolved as follows:

That Council

- (a) *Place the Public Wi-Fi Acceptable Use Policy on public exhibition for 28 days, and*
- (b) *adopt the Public Wi-Fi Acceptable Use Policy and update the Council Policy Manual, if no submissions are received.*

The Policy was placed on public display for 28 days and during that period Council received 3 submissions (refer **attachment 1**). The 3 submissions can be summarised as follows:

Submission Number	Details	Response
1	Believes it is a waste of money to install a Public Wi-Fi system as most people have access to the internet on their phone plans	That no action be taken in relation to this submission
2	Great initiative. If considering restrictions on use then a data download limit per 24 hour period would be the best option.	Propose alteration to policy to allow the imposition of daily data/time limits.
3	Suggested that policy only needs to change to cover the blocking of adult content. No limit to data downloads but a daily time limit.	Propose alteration to policy to allow the imposition of daily data/time limits. Believe that adult covered is adequately covered already within the policy.

Following consideration of the submissions it is proposed that the policy be altered by changing the last paragraph in section 4. Section 4 will be changed from

4.1. Accessing the Public Wi-Fi Service

To use the Bathurst Regional Council Public Wi-Fi Service users must:

- *Connect to the Wi-Fi hotspot using a wireless enabled device, and*
- *Read the terms and conditions that apply, and*
- *Accept those terms and conditions.*

When a user's session expires the user will automatically be logged out of the Public Wi-Fi Service, and will need to start a new session to regain access.

to

4.1. Accessing the Public Wi-Fi Service

To use the Bathurst Regional Council Public Wi-Fi Service users must:

- *Connect to the Wi-Fi hotspot using a wireless enabled device, and*
- *Read the terms and conditions that apply, and*
- *Accept those terms and conditions.*

Council reserves the right to impose daily time and or data restrictions on the use of the Public Wi-Fi Service. If/when a user's session expires the user will automatically be logged out of the Public Wi-Fi Service.

It is recommended that Council

- (a) following consideration of the submissions received amend the Public Wi-Fi Acceptable Use Policy as outlined in the report
- (b) adopt the Public Wi-Fi Acceptable Use Policy and update the Council Policy Manual.

Financial Implications: There are no financial implications resulting from this report.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.3, 6.4, 6.7, 6.1

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

5 Item 1 PUBLIC WI-FI ACCEPTABLE USE POLICY (20.00315, 41.00089)
MOVED: Cr B Bourke SECONDED: Cr J Rudge

RESOLVED: That Council

- (a) following consideration of the submissions received amend the Public Wi-Fi Acceptable Use Policy following as outlined in the report
- (b) adopt the Public Wi-Fi Acceptable Use Policy and update the Council Policy Manual

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', written over a large, hand-drawn oval shape.

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 MOUNT PANORAMA 28 OCTOBER - DRIVING FOR DROUGHT 1000 **(23.00026)**

Cr Bourke - spoke to proposed event and preparations put in place. To help farmers in the drought, 1,000 vehicles will go around the track, tickets go on sale next week.

MINUTE

7 **Item 2 AFL GEORGE PARK (04.00042)**

Cr Bourke - referred to Master Plan on public exhibition. Queried if better to move the AFL in the future, down to Hereford Street. Is there sufficient room in this location?

The Director Engineering Services advised not sufficient land at this time, would need to acquire more.

MINUTE

8 Item 3 AQUATIC CENTRE WALL REAR ASPECT (04.00105)

Cr Rudge - referred to discussion held on improving this area, noted trees have been planted, further actions to occur.

MINUTE

9 Item 4 SPEED HUMPS HEREFORD STREET GROUNDS (04.00146, 04.00112)

Cr Rudge - noted these have been installed.

MINUTE

10 Item 5 MOUNT PANORAMA SIGNS (28.00007)

Cr Rudge - thanks for the four signs being replaced.

MINUTE

11 **Item 6** **STREET SIGNS CBD (28.00007)**

Cr Rudge - spoke to proposed heritage signs to be installed in the CBD.

MINUTE

12 Item 7 HERITAGE LIGHTS CBD (28.00014)

Cr Rudge - noted new plastic fittings being developed to facilitate replacement when breakages occur. This will save money in the long run with a mould having been made.

MINUTE

13 Item 8 GREATER BUILDING SOCIETY - BLACK POLE OUT FRONT (25.00006)

Cr Rudge - This is not visible at night, could something be done about this?

MINUTE

14 Item 9 BATHURST BUSINESS CHAMBER (18.00027)

Cr Rudge - the Bathurst business Chamber will be introducing a signage award as part of the annual awards, this is good news.

MINUTE

15 Item 10 FARMER'S APPEAL - HAMPERS (18.00004, 20.00313)

Cr Rudge - spoke to project in place to deliver hampers to those who need help. Utilising the 'Buy Local Gift Card" facility. Noted various supporters to the appeal.

MINUTE

16 Item 11 BATHURST FAMILY HISTORY GROUP (18.00326)

Cr Rudge - noted recent successes, eg Migrant Camp research undertaken. This has been acknowledged by the local member.

Meeting was suspended at 6.15 pm for the commencement of the Discussion Forum.

General Business resumed at 6.37 pm following the conclusion of the Discussion Forum

MINUTE

17 Item 12 EGLINTON SCHOOL LAND (20.00170)

Cr Jennings - asked where this matter is at?

The Acting Director Environmental, Planning & Building Services advised representatives of the Department of Education met with various parties this week and will be undertaking a review of future needs.

MINUTE

18 Item 13 ENTRANCE STATEMENT TO THE CITY (07.00097)

Cr Jennings - asked where this matter is at?

The Director Engineering Services advised the Consultant is finalising design drawings, these will be referred to a Working Party in the future.

MINUTE

19 **Item 14** **WASTE MANAGEMENT CENTRE ROAD (25.00126)**

Cr Jennings - needs some works undertaken due to condition.

The Director Engineering Services advised works are scheduled for next year's budget considerations.

MINUTE

20 Item 15 SWEAT COIN APP (20.00313)

Cr Jennings - could this system or equivalent be investigated, with rewards going into 'Buy Local Gift Card'.

The Director Cultural & Community Services advised will investigate this matter.

MINUTE

21 Item 16 DROUGHT SUPPORT (13.00031)

Cr Jennings - Local Government NSW looking at engaging metropolitan Councils to provide support to drought affected councils. Can we look at this.

The General Manager advised not aware of program, will investigate.

MINUTE

22 Item 17 LOCAL BEER (20.00020)

Cr Jennings - could Council look at stocking local beers.

MINUTE

**23 Item 18 TRAFFIC COMMITTEE - LINE MARKING, KEPPEL STREET AREA
(20.00090)**

Cr Aubin - this was approved for trial at the meeting. Could we look at extending this to the whole of the CBD?

MINUTE

24 Item 19 GO-KART DA AND LETTER FROM BATHURST WIRADYURI & ABORIGINAL COMMUNITY ELDERS (20.00311, 2015/196)

Cr Aubin - asked the General Manager questions related to a recent letter in the Western Advocate from the Bathurst Wiradyuri & Aboriginal Community Elders.

Cr Aubin - over what period of time was the \$500,000 spent for Aboriginal Heritage Studies?

The General Manager advised the amount currently estimated at \$516,000 has been spent over the years 2015 - 2018.

Cr Aubin - where did the funds come from?

The General Manager advised the funds have been provided for in Council's budgets, eg; the costs for the campground Aboriginal Cultural Heritage Assessment came from the allocation for the Chase campground upgrade.

Cr Aubin - what part of the \$182,570 was spent on the study (survey) for the Go-Kart track?

The General Manager advised this was the budgeted amount for the project and was allocated as; \$55,130 Go-Kart Aboriginal Cultural Heritage Assessment, \$89,600 Anthropological investigation, \$37,840 Registered Aboriginal Parties (RAP's) fees (Go-Kart and campground). Greater detail is included in the letter to the Bathurst Wiradyuri & Aboriginal Community Elders which Councillors have a copy of.

Cr Aubin - have any Aboriginal Groups (RAP's) received or will receive monies from these studies. If yes, how much?

The General Manager advised funds have been provided to Registered Aboriginal Parties (RAP's). To date \$104,000 has been expended or committed.

Cr Aubin - has the general community been notified of this expenditure?

The General Manager advised regular reports have been publicly provided to Council and the community on the progress of various Cultural Heritage matters at the Mount. These reports include financial implications.

Cr Aubin - The letter stated that the Memorandum of Understanding (MOU) has not been considered by Council. Have we not had Working Parties on this topic and does Council already have in place items to be covered by an MOU?

The General Manager advised meetings have been held with Wiradyuri Traditional Elders on an Memorandum of Understanding/Indigenous Land Use Agreement matter; including 17 April 2018 and 28 June 2018. Council held a Working Party on 23 May 2018. An update

was provided by letter to the Elders on 27 July 2018.

Cr Aubin - has there been support shown for the DA from any Aboriginal Groups?

The General Manager advised the Bathurst Local Aboriginal Lands Council has indicated support for the Go-Kart track.

Cr Aubin - The letter suggested that Crs Christian and Bourke review the report they have re their statement 'The study has found no Aboriginal objects'. Was there any Aboriginal objects found in the area covered by the Go-Kart Track DA?

The General Manager advised the ACHA included the following:

"No Aboriginal objects as defined by the National Parks & Wildlife Act 1974 NSW have been identified within the proposed Go-Kart Track development area. The subject land does not currently form part of a gazetted Aboriginal Place. Therefore the proposed development does not currently require approval of an Aboriginal Heritage Impact Permit (AHIP) and development may proceed with caution."

Cr Aubin noted the economic benefits of the proposal, which will be of value to all people.

MINUTE

25 Item 20 OFF-LEASH DOG PARK (05.00002)

Cr Morse - has been requested to get Council to investigate another off-leash area aside from the Kefford Street facility. Raised concern at large dogs in small dog area.

MINUTE

26 Item 21 BATHURST CARILLON BUSINESS AWARDS (04.00021)

Cr Morse - funds raised this year will go to the Carillon.

MINUTE

27 Item 22 EGLINTON ROAD FOOTPATH - TAPS (25.00045)

Cr Christian - can we look at installing water taps along this walkway.

MINUTE

28 Item 23 MOUNT PANORAMA SIGN ON PANORAMA AVENUE (28.00007)

Cr Christian - currently not lit, can we look at this?

The Director Engineering Services advised only lit during race events.

MINUTE

29 Item 24 GEORGE/RUSSELL STREET CROSSINGS (25.00007)

Cr Christian - could we look at putting lighting in, as this intersection is dangerous at night.

MINUTE

30 Item 25 GO-KART DA (20.00311, 2015/196)

Cr Christian - noted there were no Aboriginal objects identified in the Aboriginal Cultural Heritage Assessment.

MINUTE

31 Item 26 BATHURST 1000 LAUNCH (04.00001)

Cr North - would like to see this happen in Bathurst. Surely we can get people to come here, should be launched here.

The General Manager advised of promotional reasons why held in Sydney, eg; press coverage, attendance of high profile persons.

MINUTE

32 Item 27 CONCRETE/BUILDING WASTE ISSUES (14.00007)

Cr North - how is Council going with following the necessary documentation? Are we enforcing the process introduced?

The Acting Director Environmental, Planning & Building Services spoke of documentation being received, noted seems to be going reasonably well.

MINUTE

33 Item 28 PANORAMA AVENUE WALL (25.00105)

Cr North - since they have come down, have received some approaches, what are we going to do with the signs?

The Director Engineering Services advised the signs will be placed in the National Motor Racing Museum precinct.

MINUTE

34 Item 29 MEETING PRACTICE GUIDELINES (11.00005)

Cr North - could a Working Party be held on Meeting Practice protocols? Would like Public access time to occur at all Ordinary Meetings.

The General Manager advised that a Working Party will be arranged.

MINUTE

35 Item 30 SOFALA - TURON RIVER (31.00014)

Cr North - issue of River flows, have we had any responses?

The General Manager advised responses received from Lithgow and Mid-Western Councils, awaiting response from State Government.

MINUTE

36 Item 31 VALE CREEK (31.00011)

Cr North - have been issues and needs clearing up. If not Council's area can we push those who are responsible to take actions and also talk to government departments. Noted levee bank issues.

The Director Engineering Services advised this is private property and the responsibility is that of the landowner. Noted support being provided by Council at this time, having regard to resources available.

MINUTE

37 Item 32 GO-KART TRACK DA (20.00311, 2015/196)

Cr North - the Aboriginal Cultural Heritage Assessment is very comprehensive and explains many things. Spoke to DA timeline and queried when will come to Council?

The General Manager noted matters to be addressed in process including public exhibition of the DA. Likely to go to Council October/November 2018

MINUTE

38 **Item 33** **OFF-LEASH AREA (05.00002)**

Cr North - please include for budget consideration 2019/2020 a new off-leash area.

DISCUSSION FORUM OTHER AND MINUTES

POLICY COMMITTEE

1 LIMEKILNS ROAD PLANNING PROPOSAL (20.00319)

Recommendation: That the information be noted.

Report: A Planning Proposal has been lodged with Council by the landowners for the alteration of the RU1 Primary Production, RE1 Public Recreation and R1 General Residential land on part of their property at Limekilns Road, Kelso. A location plan is provided at **attachment 1**.

Recent subdivisions of land in the vicinity of the RE1/R1 zone boundary has resulted in a corridor of RE1 zoned land connecting Limekilns Road to the residential land to the south. The land immediately to the west (owned by GICO Pty Ltd) is currently being developed such that the resulting lots will "back" onto the open space corridor. A copy of the approved Development Application plans are at **attachment 2**. The corridor is proposed as a rural/urban interface buffer and is to have a collector road constructed within this area as identified on DCP Map No 4 - Kelso (see **attachment 3**).

As a result of the subdivision of the residential land, a row of rear fences adjacent to the collector road will likely be the resulting urban form. Council officers are of the opinion this has the potential to result in an undesirable outcome from an urban design perspective and will not encourage active street frontages.

Under Delegated Authority, Council resolved on 1 March 2018 to commence a Planning Proposal as outlined below. Council further resolved on 18 May 2018 to place the draft LEP, DCP and Developer Contributions Plan Amendments on public exhibition for a period of 28 days.

Public exhibition

The draft amendments were placed on public exhibition for a period of 28 days from 2 June 2018 to 2 July 2018. Notification was placed in the Western Advocate on 2 & 9 June 2018. Letters were also sent to adjoining landowners. An explanation document was included in the letter to adjoining landowners. The notification letter was also sent to land developers who owned land in Kelso as an amendment to the Developer Contributions Plan, if adopted, would apply to them and their future development.

The exhibition period was extended to 28 July 2018 and notification of the amended date was placed in the Western Advocate on 30 June 2018.

A total of eight (8) submissions were received. Copies of the submissions have been provided as **attachment 4**. The table below summarises the key points raised in the submissions.

Name	Submission Summary
Ms A & Mr M Evans	<ul style="list-style-type: none">● Considers that the Planning Proposal will adversely affect them as owner/investor and future resident.● Asks where the green space will be located following the Planning Proposal.● Requests a Public Hearing be held in relation to this matter (refer to Section 57(5) of the Environmental Planning and Assessment Act)
GICO Pty Ltd	<ul style="list-style-type: none">● Objects to the Planning Proposal.● Suggests that instead of the Planning Proposal, Council should require the future collector road to be designed and constructed along the eastern side of the current open space zone and against the current

	<p>rural zone boundary.</p> <ul style="list-style-type: none"> ● The Planning Proposal does not justify the rezoning proposal and in particular its impact on the future alignment of the roundabout at the intersection of the collector road and Limekilns Road. The existing situation will ensure a better aligned intersection. ● The rezoning may impact on the water mains which pass under the current proposed location of the Limekilns Road roundabout location. ● The rezoning will necessitate changes to the roundabout and its geometry, which will be contrary to the Austroads guide to roundabout design. (eg Mitre/Suttor/Lambert street intersection) ● Requiring the future collector road to be designed and constructed along the eastern side of the current open space zone and against the current rural zone boundary will enable landscaping to be provided to shield fencing from the road. (eg Bradwardine Road) ● Eleven lots already have land sale contracts based on the existing planning arrangements. These future landowners were not notified of the Planning Proposal. These future owners have purchased with an expectation to retain the useable and accessible open space as planned. ● The Planning Proposal also impacts on the owner of Lot 1 DP 176203. The Planning Proposal does not address this issue or consultation with this landowner. ● The Planning Proposal reduces the residual agricultural holding further. This will result in the loss of currently productive rural land and increase urban sprawl. ● A site investigation report for possible land contamination has not been prepared. ● A public hearing should be held with respect to this matter.
Ms P Goddard	<ul style="list-style-type: none"> ● Purchased the block because of the open space zoning to the eastern boundary and its accessibility to useable open space. ● Objects to the removal of the open space ● Considers that the proposal is contrary to Council's plans to maintain Bathurst's agricultural and country aspects, moving toward an over crowded city. ● Raises safety & security concerns with an 80m long access adjacent to their property to the open space.
Mr W Gibson	<ul style="list-style-type: none"> ● Objects to the Planning Proposal and change to the open space. Will impact on the value of the land in the estate. ● Concerned with the density of the future development to the east if the land is rezoned. ● Suggests that the rear fences could be screened by trees and shrubs from view from the future collector road.
Ms I & Mr S Pearson	<ul style="list-style-type: none"> ● Support the Planning Proposal. ● Suggests the inclusion of a minor road parallel to the collector road to minimise the driveways onto the collector road ● Suggests detailed design on the DCP to cater for the roundabout connections for Marsden Lane and Limekilns Road.
Mr G Wheeler	<ul style="list-style-type: none"> ● Objects to the Planning Proposal ● Considers that the proposed rezoning will have effect on open space and the type of development that will occur on the Limekilns Road estate (under construction)
Mr J Sheppard	<ul style="list-style-type: none"> ● Objects to the Planning Proposal ● Does not agree with the proposed removal of the open space. Wants direct access to the open space as currently provided. Concerned for child safety crossing a collector road to access the open space. ● Cites Bradwardine Road as a good example of open space adjacent to a collector road without driveways and buffers to fencing. ● Does not consider the examples provided are a fair representation of the likely development scenario. ● Considers that the current plan is a better outcome.

Ms M Sufong	<ul style="list-style-type: none"> ● Objects to the Planning Proposal. ● Raises safety concerns of the future residents using the pathway and crossing the road to access the open space. ● Considers that the current arrangement is appropriate and can be landscaped so that fences do not dominate (eg Bradwardine Road). ● Does not consider the examples provided are a fair representation of the likely development scenario.
-------------	---

It is noted that a number of submissions request a "public hearing" be held in relation to the Planning Proposal pursuant to Section 57(5) of the Environmental Planning & Assessment Act. Recent changes to the legislation have seen that Section repealed and no longer in force.

Following the Discussion Forum a report will be presented to Council on this matter.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.5
- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

- Consult To obtain public feedback on alternatives and/or decisions

MINUTE

39 Item 1 LIMEKILNS ROAD PLANNING PROPOSAL (20.00319)

Discussion included:

G Spurway – Marsden Lane resident

Lives on opposite side in Marsden Lane. Spoke to recent car accidents. Queried will the road be changed and what is protocol of being notified about the proposal. As an adjoining neighbour would have expected to be advised.

Acting Director Environmental, Planning & Building Services spoke to protocols on subdivision notification adopted by Council.

B Goddard – adjoining Developer

Developing land next to proposed rezoning and objects to the proposal. Referred to errors in the proposal, Council's existing LEP provisions and State Planning guidelines. Noted road issues and Council should look at acquiring land for the road adjacent. There is no justification to change the LEP. Concern at impact on GICO subdivision. Referred to Council's Housing Strategy currently in place. The proposal was not initiated by Council, it was by the proponent. Proposal does not align with new water mains layout and there are open space issues.

EXTENSION OF TIME

MOVED Cr W Bourke and

SECONDED Cr I North

RESOLVED: That an extension of time be granted for Mr Goddard.

G Crisp – Ratepayer

Referred to page 15 of attachments and in particular water and sewer services. Needs to give details of capacity available and if new services are needed or are to be relocated, who pays for these?

R Cutler – applicant

Spoke in favour of the planning proposal. The land is in the urban strategy and has been earmarked for future development. Noted collector road location has not been finalised and referred to current DCP. Noted concerns in submissions and inaccurate statements about entitlements of 16 Lots and open space availability. The zoning change may positively impact on land values and a number of blocks will benefit by the Collector road moving east. Raised benefits to Kelso of the Collector road being built.

G Cutler – applicant

Spoke for the proposal, quantity of land that can be retained as green is very high, compared to the neighbouring subdivision. The road eventually has to be funded so need to get houses up next to it so revenues are raised. Referred to current development at Kelso and future traffic patterns as the area gets developed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Southon', with a long horizontal stroke extending to the right.

N Southon
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

MINUTE

40 MEETING CLOSE

The Meeting closed at 7.07 pm.

CHAIRMAN: _____

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT -
ATTACHMENTS**

POLICY COMMITTEE

5 SEPTEMBER 2018

Survey Responses

24 June 2018 - 23 July 2018

Public Wi-Fi Acceptable Use Policy

Your Say Bathurst Region

Project: Public Wi-Fi Acceptable Use Policy



VISITORS

19

CONTRIBUTORS

3

RESPONSES

3

1

Registered

0

Unverified

2

Anonymous

1

Registered

0

Unverified

2

Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Jun 27, 2018 06:22:41 am**Last Seen:** Jun 27, 2018 06:22:41 am**IP Address:** n/aQ1. **Name**

Jaimie vandenbergh

Q2. **Postal Address**

Trunkey road caloola nsw 2795

Q3. **Email address**

@hotmail.com

Q4. **Do you have any comments in regard to the Public Wi-Fi Acceptable Use Policy?**

Such a stupid idea! Nearly every mobile phone plan has too much data that can never be used. This is a complete waste of money.

Q5. **You can upload a document here.**

not answered



Respondent No: 2
Login: ejp
Email: ejp@activ8.net.au

Responded At: Jul 16, 2018 13:45:40 pm
Last Seen: Jul 16, 2018 03:32:29 am
IP Address: 127.0.0.1

Q1. **Name** Beth Pratley

Q2. **Postal Address** ■■■ Marriott Ave, Kelso

Q3. **Email address** ■■■@activ8.net.au

Q4. **Do you have any comments in regard to the Public Wi-Fi Acceptable Use Policy?**

Availability of public wi-fi is a great initiative. It is particularly good for overseas visitors who want to access internet to check emails, look up local information and maps, access social media etc - but don't want to use their own data roaming. The terms and restrictions seem fair and reasonable. In some places where I have access public wi-fi like this, there has been a time limit or data limit. If you were considering one of those, I think a data limit per 24 hours would be the best version.

Q5. **You can upload a document here.** not answered

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Jul 20, 2018 08:13:50 am**Last Seen:** Jul 20, 2018 08:13:50 am**IP Address:** n/aQ1. **Name**

Graham McNab

Q2. **Postal Address**

■ Alpugi Place Kelso 2795

Q3. **Email address**

■■■■■■■■■■ b@gmail.com

Q4. **Do you have any comments in regard to the Public Wi-Fi Acceptable Use Policy?**

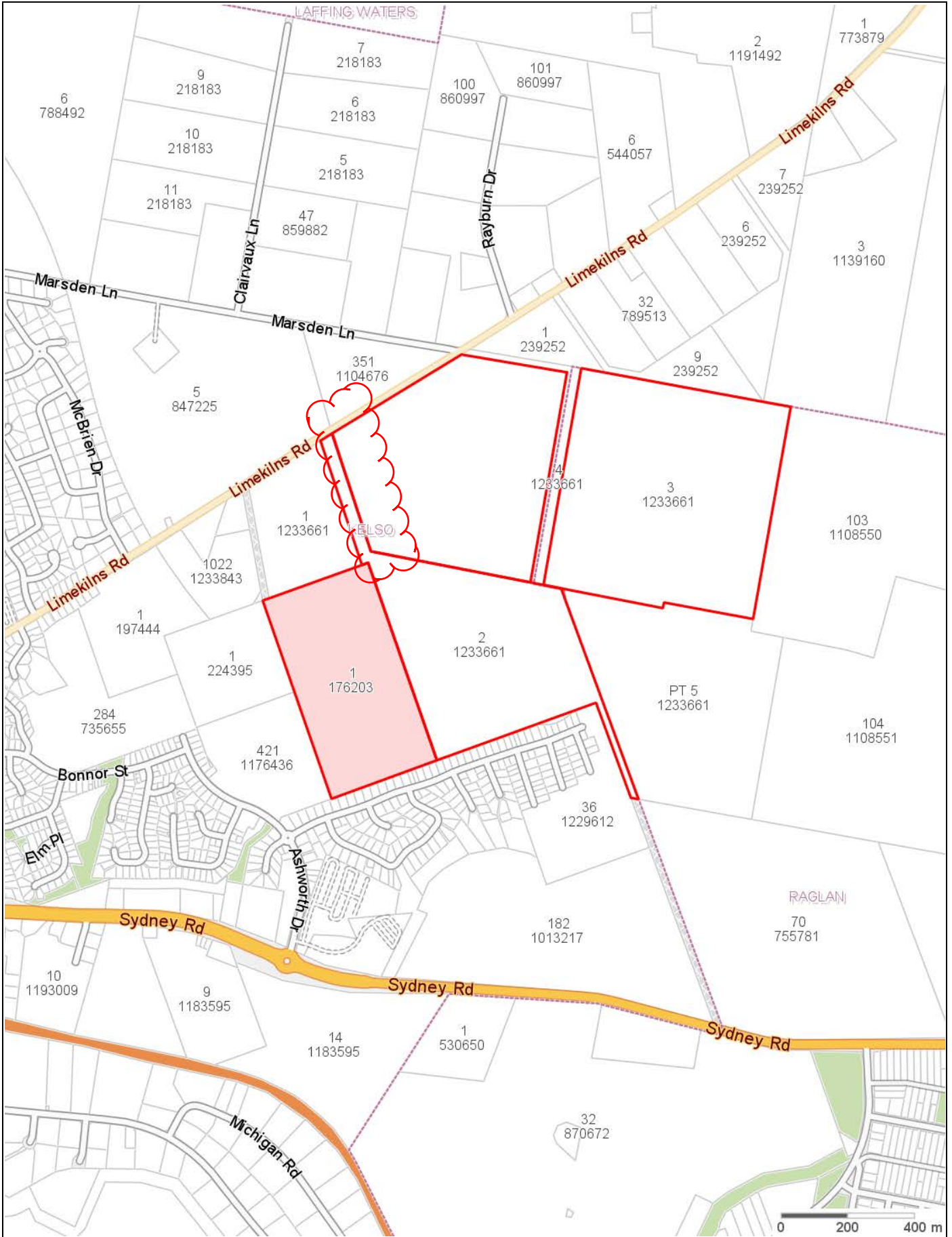
I think the acceptable use policy needs to change only to cover the blocking of adult content. There should be no acceptable use policy for the amount of data people can use, only the mount of time you can stay online for instance 2 hours before being kicked off. If our NBN is working as it should, the bandwidth usage shouldn't be impacted too much by users in the CBD.

Q5. **You can upload a document here.**

not answered

DISCUSSION FORUM OTHER - ATTACHMENTS

POLICY COMMITTEE



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
 Fax: 02 6331 7211
 Email: council@bathurst.nsw.gov.au

Important Notice!

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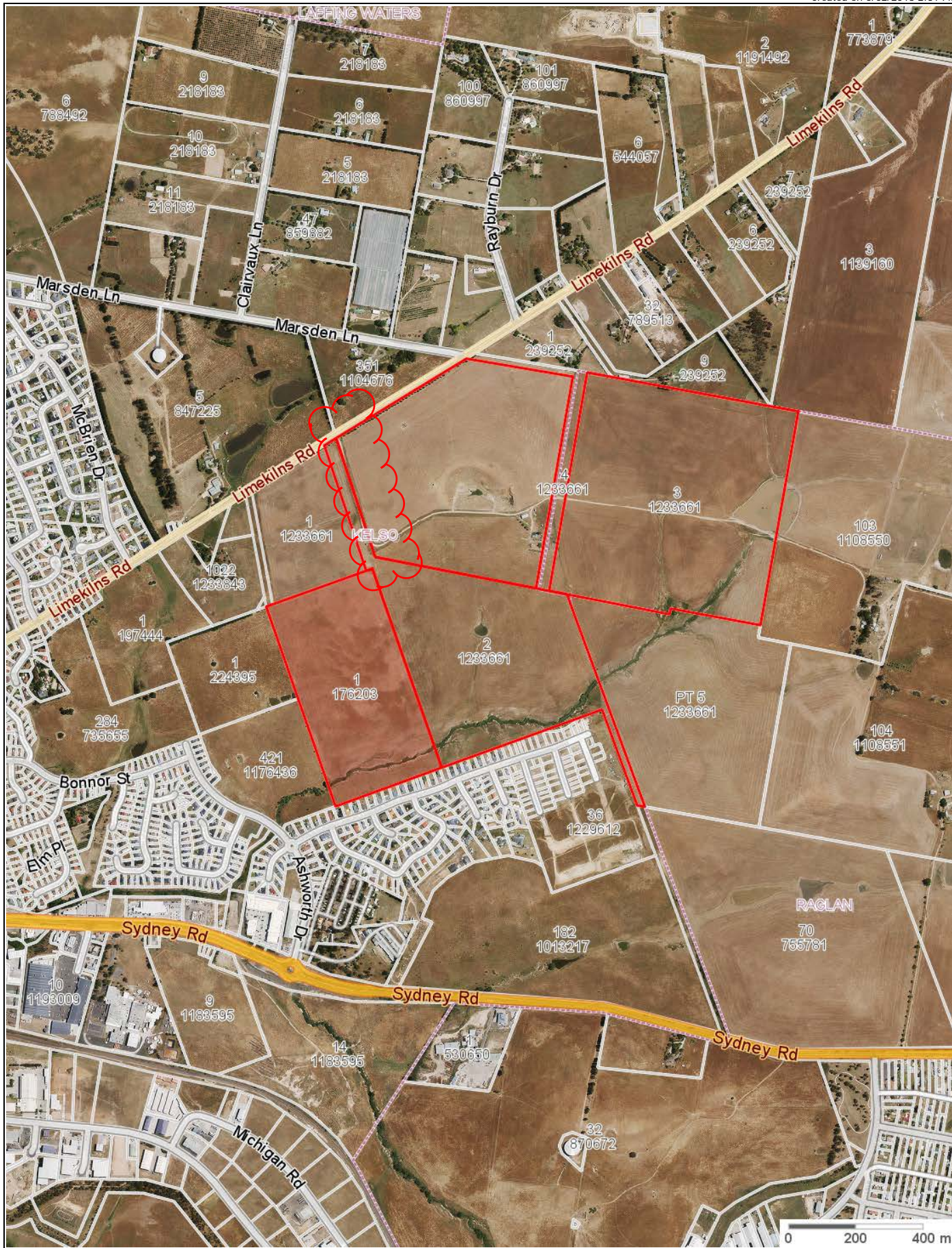


Drawn By: MurphyN

Date: 5/02/2018

Projection: GDA94 / MGA zone 55

Map Scale: 1:15000 @ A4



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
 Fax: 02 6331 7211
 Email: council@bathurst.nsw.gov.au

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Drawn By: MurphyN
 Date: 5/02/2018
 Projection: GDA94 / MGA zone 55
 Map Scale: 1:15000 @ A4



BATHURST REGIONAL COUNCIL
 Development Application
2017/243
 Development Approval
 has been granted
 subject to conditions
 imposed by Council's
 Notices of
 Determination.
NOTE:
 Read conditions of
 Approval before
 commencing work.
17 August 2017
 Per: Kujb

DA PLAN REVISED
20/6/17
Eodo Pty Ltd
 Applicant
COPY ONLY CHECK SCALE

- (A) EASEMENT FOR WATER SUPPLY 3 WIDE
- (B) PROPOSED EASEMENT FOR WATER SUPPLY PIPELINE 5.03 WIDE (Ms 2275.0e) AND WIDE NOTICIE IN GOVT. GAZ. 26 JULY 1935 VOL. 3096-3099 - TO BE PARTLY RELEASED
- (C) RIGHT OF CARRIAGEWAY 10 WIDE VIDE BOOK 4334 No. 770 (DLG. 8554/223)
- (D) RIGHT OF CARRIAGEWAY 10 WIDE (D.P. 1179973) -

THIS PLAN WAS PREPARED BY VOERMAN & RATSEP FOR PRINTING AS AN A2 PAPER COPY. THIS PLAN IS ALSO FOR USE AS A DIGITAL PDF BY BATHURST REGIONAL COUNCIL. THIS PLAN IS FOR THE USE OF BATHURST REGIONAL COUNCIL AND GICO PTY LTD AS A PROPOSED SUBDIVISION PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION FOR THE PROPOSED SUBDIVISION OF LOT 1 IN DA2017/144 INTO 106 LOTS AND NEW ROADS. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND OTHER THAN AS TO ACCOMPANY A DEVELOPMENT APPLICATION TO BATHURST REGIONAL COUNCIL. THIS PLAN HAS NOT BEEN PREPARED FOR CONTRACT PURPOSES.

THE DIMENSIONS AND THE FINAL AREAS OF THE LOTS SHOWN HEREON MAY VARY AND ARE SUBJECT TO FIELD SURVEY, DEVELOPMENT APPROVAL OF DA2017/144 AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION.

THE FULL REQUIREMENT FOR EASEMENTS HAS NOT BEEN INVESTIGATED AT THIS STAGE.
 NO UNDERGROUND SERVICES, OVERHEAD SERVICES, EASEMENTS, ENCUMBRANCES OR RESTRICTIONS AFFECTING, BENEFITING ON OR NEAR THE SUBJECT LAND HAVE BEEN SHOWN OR INVESTIGATED BY VOERMAN & RATSEP.

THE PROPOSED NEW BOUNDARIES BETWEEN LOTS 1 AND 106 AND NEW ROADS IS SHOWN FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND MAY VARY SLIGHTLY ONCE A FIELD SURVEY HAS BEEN CARRIED OUT.

THIS PLAN IS NOT A PLAN OF AN APPROVED SUBDIVISION BY COUNCIL UNTIL A COUNCIL STAMP APPEARS ON THIS PLAN WITH THE STATEMENT THAT DA APPROVAL HAS BEEN GRANTED.

PROPOSED LOTS 1 TO 106 ARE NOT LOTS IN A REGISTERED DEPOSITED PLAN UNTIL A DEPOSITED PLAN IS PREPARED, APPROVED BY COUNCIL AND THEN REGISTERED AT LAND AND PROPERTY INFORMATION.

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THIS PLAN WAS PREPARED ON 19TH JUNE 2017 BY VOERMAN & RATSEP WITH REFERENCE 15099A.

- SURVEY INFORMATION**
1. THE SURVEY IS BASED ON GROUND MGA. ORIGIN OF COORDINATES: PM 77413 E 743 847805 N 6 300 381990 COMBINED SCALE FACTOR 1.000217
 2. ALL REDUCED LEVELS ARE BASED ON AHD. ORIGIN OF LEVELS: PM 77413 RL 700.532
 3. CONTOUR INTERVAL: 0.5m

PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN DA 2017/144
 No. 240 LIMEKILNS ROAD, KELSO N.S.W.

PREPARED FOR
 GICO PTY LTD
 968 ROCKLEY ROAD
 BATHURST N.S.W. 2795
 ATTENTION: BRUCE GODDARD
 L.G.A.: BATHURST REGIONAL
 LOCALITY: KELSO

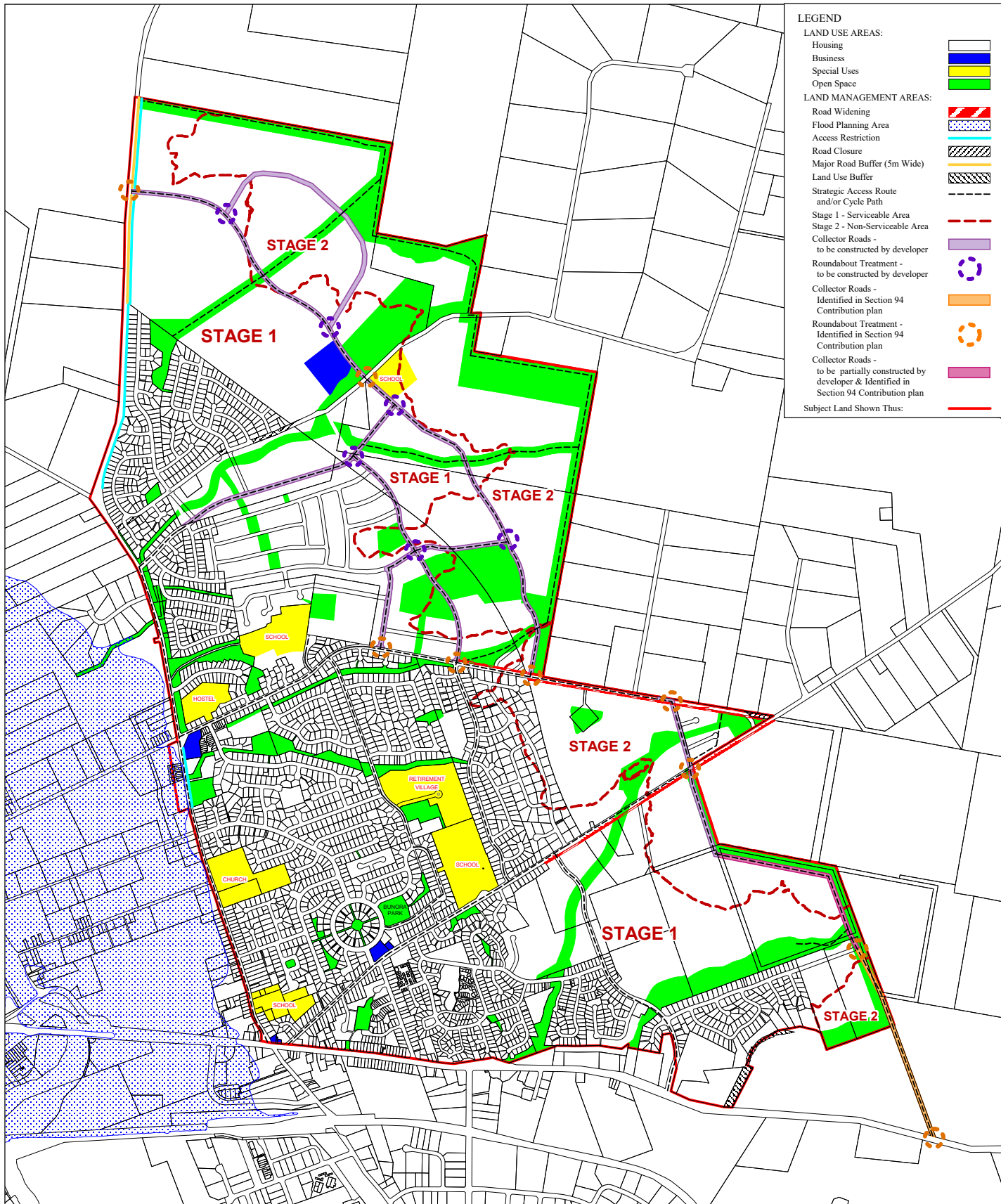
SCALE: 1:1250	ORIGINAL SIZE: A2
25 12.5 0 25 50 75	SCALE IN METRES
DRAWN: AB	DATE: 19/06/2017
CHECKED: AB	DATE: 19/06/2017
JOB REF: 15099	REVISED:
CAD REF: IS099A01-049	SHEET 1 OF 1 SHEETS

PREPARED BY
VOERMAN & RATSEP
 Land Surveyors
 18 RUSSELL STREET BATHURST
 PH 62 631 8893
 FAX 62 632 3317
 WWW.VOERMANANDRATSEP.COM.AU

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BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014

MAP No. 4 - KELSO



LEGEND

LAND USE AREAS:

- Housing
- Business
- Special Uses
- Open Space

LAND MANAGEMENT AREAS:

- Road Widening
- Flood Planning Area
- Access Restriction
- Road Closure
- Major Road Buffer (5m Wide)
- Land Use Buffer
- Strategic Access Route and/or Cycle Path
- Stage 1 - Serviceable Area
- Stage 2 - Non-Serviceable Area
- Collector Roads - to be constructed by developer
- Roundabout Treatment - to be constructed by developer
- Collector Roads - Identified in Section 94 Contribution plan
- Roundabout Treatment - Identified in Section 94 Contribution plan
- Collector Roads - to be partially constructed by developer & Identified in Section 94 Contribution plan

Subject Land Shown Thus:

ADOPTION DATE:

AMENDMENTS

No.	DATE.	DESCRIPTION.
1.	19/11/2014	Roadworks Identified in Kelso Traffic Access Study 2014 (20.00277)
2.	18/03/2015	Remove 'School' label off land on Marsden Lane (20.00286)
11.	18/10/2017	Open Space changes to match LEP amendment

LOCALITY: KELSO, LAFFING WATERS

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:25,000

NORTH

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER. DATE:



Fw: Objection to Proposed LAND rezoning at Limekilns Road Estate.
mayor

to:

Group Records

09/07/2018 04:53 PM

Sent by:

Aimee Ford

Hide Details

From: mayor/BathurstCC

To: Group Records

Sent by: Aimee Ford/BathurstCC

1 Attachment



COUNCIL LETTER TO GICO PTY LTD REGARDING LIMEKILNS LEP- REZONING.PDF

Please register.

Thank you.

Aimee Ford
Mayor's Assistant
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6205
Fax: 02 6331 7211
www.bathurst.nsw.gov.au

----- Forwarded by Aimee Ford/BathurstCC on 09/07/2018 04:53 PM -----

From: Angella Evans <angella.evans@finance.nsw.gov.au>
To: "warren.aubin@bathurst.nsw.gov.au" <warren.aubin@bathurst.nsw.gov.au>, "bobby.bourke@bathurst.nsw.gov.au" <bobby.bourke@bathurst.nsw.gov.au>, "alex.christian@bathurst.nsw.gov.au" <alex.christian@bathurst.nsw.gov.au>, "john.fry@bathurst.nsw.gov.au" <john.fry@bathurst.nsw.gov.au>, "graeme.hanger@bathurst.nsw.gov.au" <graeme.hanger@bathurst.nsw.gov.au>, "Jess.Jennings@bathurst.nsw.gov.au" <Jess.Jennings@bathurst.nsw.gov.au>, "monica.morse@bathurst.nsw.gov.au" <monica.morse@bathurst.nsw.gov.au>, "ian.north@bathurst.nsw.gov.au" <ian.north@bathurst.nsw.gov.au>, "Jacqui.Rudge@bathurst.nsw.gov.au" <Jacqui.Rudge@bathurst.nsw.gov.au>, "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>
Date: 19/06/2018 12:44 PM
Subject: Objection to Proposed LAND rezoning at Limekilns Road Estate.

Dear Bathurst Regional Council,

In January 2018 we signed contracts to purchase a block of land in the Limekilns Road Estate at Limekilns Road from Gico Pty Ltd.

We have been advised that this may be affected by a neighbouring landowner, in a letter from Council notifying it of a nearby proposed land rezoning.

The Land Rezoning proposal, is for land immediately adjacent and to the East of the Limekilns Road Estate, Limekilns Road Kelso.

The rezoning proposal has been lodged with Council by a proponent-- a neighbouring land owner.

A copy of the Council letter received by Gico Pty Ltd, regarding the proponents proposed land rezoning, is attached.

This rezoning proposal we feel will **adversely affect us as an owner / investor and/ or future resident** of the *Limekilns*

Road Estate.

But **mostly as a young family** we are concerned about Bathurst land developments and shrinking land sizes. As we understood, a communal greenspace was to be provided that ran along behind blocks 206, 207, 208, 406, 406, 407, 408 and 409.

In the proposal of the rezoning we would like to be advised whether/where this green space will now be located? We feel these spaces are a must for the community.

Due to these changes Bathurst Regional Council may be required under Planning NSW GUIDELINES to hold a public hearing to discuss the proposed rezoning.

5.5.3 Public hearings

*A person making a submission during the public exhibition of a planning proposal can also request that the RPA [**COUNCIL IN THIS CASE**] conducts a public hearing into the issues raised in their submission. If the RPA considers that the issues raised in the submission are of such significance they should be the subject of a hearing, the RPA must arrange a public hearing [EP&A Act s. 57(5)]."*

Due to the above objections tendered we believe that the proponents rezoning proposal may **not in our best interest** and look forward to your replied communication.

Yours sincerely

Angella and Matthew Evans

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Report this message as spam

(See attached file: COUNCIL LETTER TO GICO PTY LTD REGARDING LIMEKILNS LEP-REZONING.PDF)

Gico Pty Ltd
 968 Rockley Road, Bathurst NSW 2795

The General Manager
 Bathurst Regional Council
 Private Mail Bag 17
 BATHURST NSW 2795

OBJECTION TO PROPOSED AMENDMENT TO LIMEKILNS ROAD LEP

27.7.18

Dear Sir,

I am writing to Council as the Director of Gico Pty Ltd, a company which is the proprietor of land at 186 Limekilns Road Kelso [Lot1 DP1233661]

The Council has placed on display a proposal by a proponent to **rezone rural land** at Limekilns Road which involves amongst other things, an amendment to the current LEP.

This submission relates to the proponents rezoning proposal for the land along the Eastern boundary of land owned by Gico Pty Ltd (Lot 1 DP1233661)

The Council Director of Planning Report, relating to the proponents proposal, notes the requirement for community engagement, this submission is in response to the Council Notice calling for submissions regarding the proponent’s proposal.

Bathurst 2036 Community Strategic Plan – Objectives and Strategies

Community Engagement:

Consult	To obtain public feedback on alternatives and/or decisions
---------	--

Reading the current EP&A act and Department of Planning and Environment Guidelines, the proponent of the LEP modification is required to set out the objectives and justify the proposal to change the zones.

Reference excerpt from the proponents planning proposal below. [Yellow highlights are for the purposes of this submission]



1 BACKGROUND

1.1 INTRODUCTION

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.


On the following pages, reasons are set out why Council **should reject the proponent’s proposal to MODIFY THE LEP AND REZONE VIABLE AGRICULTURAL LAND.**

Yours Sincerely

Bruce Goddard

Gico Pty Ltd
968 Rockley Road, Bathurst NSW 2795

The Excerpts below are also from the Anthony Daintith Planning Proposal, submitted to Council on behalf of the proponent and referred to in the Council report [yellow highlights are for the purposes of this objection].

 ANTHONY DAINITH

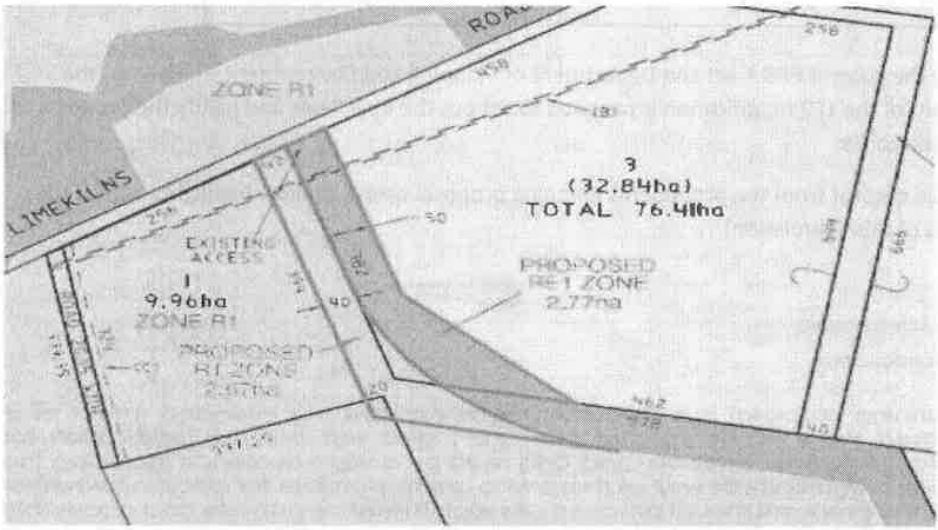
PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Bathurst Regional Local Environmental Plan 2014* by the amendment of zone boundaries on the subject land.

Essentially the proposal involves the relocation of the RE1 Public Recreation to the east by 40 metres to within the RU1 zoned land (and increasing the width of the RE1 zoned land to 50m). Accordingly, this will result in the increase of the R1 General Residential zone.

The change in the zone location will better align with the proposed road network for the area (including round about on Limekilns Road) and have the added benefit of future lots facing the new road within the RE1 zoned land rather than rear fences from the proposed subdivision immediately to the west of this location.



Planning Proposal – Minor Amendments to Zone Boundaries
240 Limekilns Road, Kelso

Page 14 of 33
V4.0

Gico Pty Ltd
968 Rockley Road, Bathurst NSW 2795



PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.
Within the justification there are a number of specific questions that must be discussed with reasons explained.

Section A – Need for Planning Proposal

Is the planning proposal a result of any strategic study or report?

No - the Planning Proposal is not a result of any strategic study or report. The planning proposal will provide an improved planning outcome for the subject land that has been determined in consultation with Bathurst Regional Council's Strategic Planning Department.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is believed that by slight realignment to the zone boundaries within the subject land is the best means of achieving the objectives and intended outcome of this Planning Proposal (initial discussions with Council have confirmed this).

There are no other feasible methods to achieve this final outcome.

Is there a net community benefit?

There will be negligible community benefit as this proposal only relates to one property. The Planning Proposal if supported will provide a better planning outcome by the better align with the proposed road network for the area (including round about on Limekilns Road) and have the added benefit of future lots facing the new road within the RE1 zoned land rather than rear fences from the proposed subdivision immediately to the west of this location.

There will be additional open space created through the increase in the width of the RE1 zoned land from 40m to 50m.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?

The proposal is not inconsistent with the provisions of the Central West and Orana Regional Plan. The impacts of the proposed are relatively localised.

Gico Pty Ltd
968 Rockley Road, Bathurst NSW 2795

Need for Planning Proposal.

The report notes that the planning proposal is **not as a result of any strategic study or report.**

Reading the proponents planning report [prepared by Daintith], it appears there are 2 **stated** objectives:

1. Better alignment of the future road networks **including the future collector road intersection with the proposed roundabout on Limekilns Road**
2. Future lots facing the future collector road

Department of planning guidelines and the proponents report identifies the need to consider whether the proposal is the best means of achieving the objectives or intended outcomes or are there better alternative ways of achieving the outcomes.

This objection outlines a way of achieving the intended outcomes that are both simpler and less intrusive – **a better way.**

That alternative relates to the location of the future Collector Road coming towards Limekilns Road from the East.

By not changing the Zone boundaries as proposed by the proponent , but by Council ensuring that the future Collector road is designed and constructed along the Eastern side of the current Open Space zone , and against the current rural zone boundary , a better and less intrusive outcome can be achieved for both the stated objectives.

Discussion regarding the planning objectives noted in the proponents report.

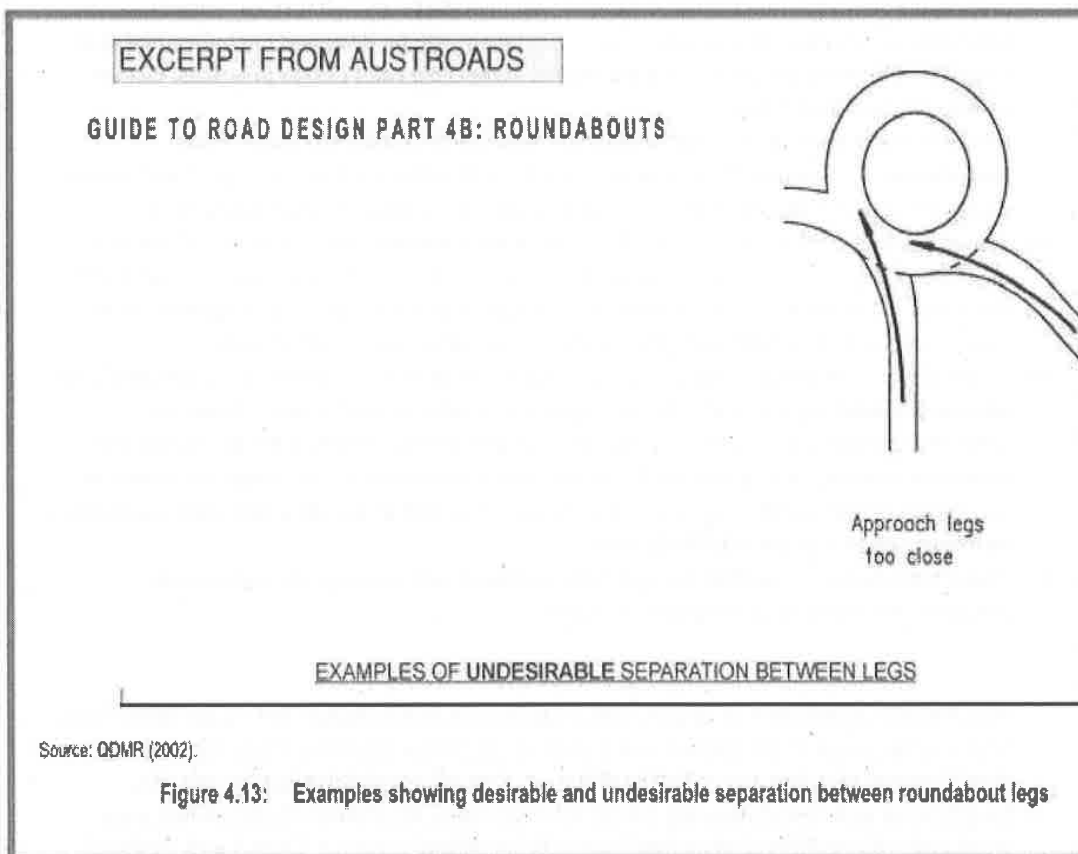
PROPOSERS STATED OBJECTIVE 1

ALIGNMENT OF THE PROPOSED ROAD NETWORK INCLUDING ROUNDABOUT ON LIMEKILNS ROAD

1. The proponents planning report **provides no technical analysis or design report**, as to why the proposed rezoning would result in better alignment **of the road networks, including the future collector road intersection with the proposed roundabout on Limekilns Road.**
2. Investigation of the implications of shifting the zone boundaries as the proponent proposes indicates that would in fact result in a worse outcome regarding the future Limekilns Road Roundabout.
3. If there is **no realignment of zone boundaries**, and the future collector road coming towards the planned Limekilns Road Roundabout from the East, is located **within the current open space zone**, it will align well with the **preliminary Council plans for the proposed location of the future roundabout on Limekilns Road.** [see Council layout drawing attached]
4. As well, Council has recently installed 2 new and relatively large [DN375 & DN300] water distribution mains, connecting to the new Kelso reservoir, and these water mains pass under the **current proposed** location of the Limekilns Road roundabout.
5. These new Council water mains have already been intentionally designed and installed at a depth and location, to allow for the future roundabout construction, which is planned to be located as shown on the preliminary Council Limekilns/ Sunbright development Layout drawing.[SEE PAGE 17/28]
6. Aligning the future collector road coming from the East side, as **currently planned**, along the current rural zone boundary, **within the existing Open Space zone**, will allow the

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- planned Limekilns roundabout to be designed and constructed according to the current Council overall layout, and to suit the existing Council water main location.
7. The construction of the roundabout in the location as shown on the Council Layout drawing will also allow the roundabout to be designed and efficiently constructed in accordance with Council engineering guidelines and Austroads road design guidelines.
 8. Should the proponent's realignment of zone boundaries take place, the Open Space would become Housing and the Open Space would be shifted 40m further towards Limekilns.
 9. It appears from the **PROPOSED draft** Kelso DCP map 4, that this zone realignment [Rezoning] would necessitate changes to the roundabout and geometry, to allow for the necessary realignment of the future collector road coming from the East side, which would then be located on the "shifted" Open Space.
 10. The Draft Map 4 shows the collector road approach legs from the North West and South East being misaligned with each other.
 11. This would mean the approach legs to the roundabout from the NE and SE would then be **too close together** and similarly the approach legs From the NW and SW.
 12. **This is contrary to good roundabout design principles as set out in Austroads GUIDE TO ROUNDABOUT DESIGN –Part 4B: Roundabouts- see excerpt below**



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13. Council is currently spending a lot of time and money on investigating / constructing an upgrade to the Mitre Street intersection and installing a roundabout.
14. The report prepared for council regarding the Mitre St intersection, notes that the design would require realignment of Suttor St approach Leg with Lambert Street approach leg.

30 April 2018

Intersection Assessment
Lambert Street/Mitre Street/Suttor Street, Bathurst

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5 Roundabout Assessment

A roundabout design is being considered by Bathurst Regional Council for the intersection as part of the investigations into the future operation of the intersection and taking into account the expected growth in traffic volumes through the intersection. This design would include the realignment of the Suttor Street leg of the intersection to align with Lambert Street. This would retain the opportunity for all movements at the intersection. It also retains right turn movements in and out of Coral Way and expansion of the existing unsealed car park on the northern side of the intersection, adjacent to the tennis courts and reserve.

15. A similar scenario of misaligned road approach legs is shown for the proposed roundabout on Limekilns Road on the draft DCP Map No. 4 –Kelso [attachment 5 in the Council Report] - to accommodate the proponents rezoning proposal.
16. Should the rezoning proceed and Council subsequently assess and determine that the proposed Roundabout on Limekilns Road would need to be shifted further towards Limekilns, by possibly 40m, to ensure the roundabout can be designed in accordance with Council Engineering guidelines and Austroads acceptable road design practices, further complications would follow.
17. Currently the section of collector road to the West of the future Limekilns Road Roundabout, is shown on the DCP MAP 4-KELSO as “constructed by developer” and located wholly on Councils lot 5/847225 [Sunbright residential subdivision development site].
18. Should the proponents proposed realignment of the planning zones be adopted, and the planned roundabout is shifted towards Limekilns to match, the future collector road on the West side of the Limekilns roundabout, would appear to then require shifting also, for at least a portion of its length, onto the neighbouring owners Lot 351/1104676.
19. It appears that the proponents proposed realignment of the zone boundaries, would in fact adversely impact on the road network alignment as relating to the current planned Limekilns roundabout location, and introduce impediments, including the possibility that expensive lowering and rework on the new Council water mains [and associated essential services shutdown and outages] would be required as well as possibly requiring resumption by Council of part of Lot351/DP1104676.
20. These seem to be considerations that have not been addressed in the proponents proposed realignment of the planning zones.

Why should Council vote to rezone land, as proposed by the proponent at Limekilns Road, when it may result in the subsequent design of the future Limekilns Roundabout being compromised and then to rectify the situation, Council possibly having to redesign, resume land and rework existing critical infrastructure, all additional and unnecessary work and with additional costs then having to be passed onto the Council and Bathurst Ratepayers?

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It is considered that hereunder is a better ALTERNATIVE way of achieving objective 1

21. That is by leaving the zone boundaries as they currently are, retaining the Limekilns Road roundabout in the current location as shown on the Council preliminary overall layout and **locating the future Collector road within the current Open Space Zone along its Eastern side and beside the current Rural zone to the East.[all within the proponents land]**
22. **With no change to the current zoning the Limekilns roundabout can be properly designed and efficiently constructed**

Council should reject the proponents rezoning proposal in light of these intersection design considerations.

PROPOSERS STATED OBJECTIVE 2

AVOIDING REAR FENCES ON THE COLLECTOR ROAD

1. There is a photo of an urban design scenario shown in the Council report, as an example of what will be the likely result if the zoning isn't changed and presumably this outcome is to be avoided.
2. This photo of houses backing directly onto the footpath, was taken at Marsden Lane, and marked "ATTACHMENT 3" in the Council report.
3. Council has been recently carrying out landscaping work on both sides of the road, towards the Western end of Bradwardine Road in the vicinity of the "Legend" trees.
4. Council is to be commended for this work as it has resulted in an aesthetically pleasing and very usable AND accessible area of Roadside Open Space. [SEE ATTACHED PHOTOGRAPHS 6-7-8-9]
5. By Council requiring the proponent to locate any future collector road within the current Open Space zone and against the current rural zone boundary on the East, the planning objective of **not having a row of rear fences similar to that on Marsden Lane**, as shown in Council report "ATTACHMENT 3" can be achieved.
6. With the future collector road located as noted in this alternative solution, there can be **a substantial and usable open space buffer of up to 22.5m** between the edge of the future collector road and the rear boundaries of the housing in the current Gico subdivision to the west.
7. **IF THE COLLECTOR ROAD IS LOCATED AS NOTED IN (5)** The Bradwardine Road scenario is more representative of the achievable outcome for the future collector road East of Limekilns Road.
8. The Council report infers the streetscape shown in Attachment 4, is an example of what the objective and end result of the proposed amendment is.
9. The attachment 4 photograph shows a road with housing fronting from both sides of the road. The Proponents proposed LEP amendment indicates that future housing would be intended to front the collector road on the Western side only.
10. The inclusion of the photo in attachment 4 of Ilumba Way, and noted in Councils Report as "the likely outcome" is misleading.
11. The Council report infers that the streetscape shown in attachment 4 – presumably the style of housing and street frontages- will **likely be developed** on the proponent's rezoned land - when there appears to be no basis for this contention.

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12. The lot frontages in Ilumba Way are approximately 25m wide. The Council BR2014 DCP allows frontages of much less – 16M.
13. The current Council Housing strategy contemplates encouraging more dense development- smaller lots and frontages.
14. If rezoned, the proponent land could be developed in the future with individual dwellings fronting the street with much narrower frontages than shown in **Councils report attachment 4** photograph and the proximity to open space means that **under the current BR 2014 DCP it can also be more intensively developed along the street frontage for residential flats or units.**
15. Attached to this objection are other local streetscapes **with housing fronting the street** and which have a different appearance to that shown in the photo in Councils Attachment 4

On appearances, the deemed “poor planning example” at Marsden Lane, as shown in Councils Report - attachment 3 – and the deemed “good planning example” in attachment 4, are examples which may tend to promote and justify the proponents rezoning proposal, **but they are misleading.**

Examination of the implications and alternatives to the proponents rezoning proposal appears to yield a simple and effective alternative answer.

The deemed undesirable scenario at Marsden Lane , as shown in Attachment 3 of the Councils rezoning report, **can be avoided, simply by good design, as demonstrated by Councils own good work in Bradwardine Road - with no change to the zone boundary locations.**

Council should reject the proponents rezoning proposal as it is unnecessary and there is a better alternative.

Other considerations either not addressed or inadequately addressed in the proponents rezoning proposal.

1. Impact on Current and Future adjacent land owners

As noted in the previous letter to Council on the 16.5.18, there are 16 proposed residential allotments on the current subdivision development being undertaken on the Gico Pty Ltd land, which will share a common boundary with the land the proponent proposes to rezone.

Of these 16 proposed allotments, 11 have land sales contracts exchanged with third parties. As well, there is a substantial number of contracted sales of the lots within the current Gico land development.

The proponents planning proposal will impact these future registered proprietors.

Due to the fact that the contracted purchasers of the subdivision to the West of the proponents land, are not yet the Registered Proprietors of their lots ,as a consequence **these future owners have not been availed the benefit of receiving the Council written notice as affected and adjoining landowners.**

It would be reasonable for these future owners to expect that the current land zoning adjacent to their land would be maintained, considering that the current LEP is relatively new and as well, as

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noted in the proponents report, the proponent's proposal is **not as a result of any strategic study or report.**

As it stands, **with the current zoning**, the owners of the 16 LOTS on the Eastern boundary of the current subdivision development to the West of the proposed rezoning, will have Open Space immediately behind their land.

1. By **not changing the location of zone boundaries** and locating the future collector road against the current rural zone boundary to the East, the current owners in that subdivision will **retain the opportunity and benefit they currently enjoy.** That is the attribute of **usable and accessible Open Space** directly adjacent to and on their Eastern boundaries, and with the collector road located 20 odd metres further away to the East.
2. If the proposed realignment of zoning goes ahead, these 16 lots currently backing onto the future Open Space, will lose the benefit of a buffer zone immediately over their back fence and instead will have a backyard of a neighbouring dwelling.
3. If the realignment of zoning boundaries proceeds as proposed by the proponent, the pedestrian walking or riding access to the future Open Space, [which would then be shifted a further 40m East **THUS MAKING THE PATHWAY 80M LONG**], for residents from within the current subdivision to the West, will be via a much longer pathway network running between future houses on the rezoned land.
4. **The Open Space and associated future pathways will be less accessible to residents in the current subdivision to the West if the proponent's proposal is adopted by Council.**
5. As well as negotiating these longer pathways, users would need to cross a busy future collector road to access the relocated open space - rendering the proposed relocated Open Space, less accessible especially for **young, elderly or residents with a disability** living within the current subdivision to the West.

Accessibility to open space is a valuable attribute and is addressed in the Bathurst 2036 Housing Strategy.

Ref Page | 24 Bathurst 2036 Housing Strategy: Volume 2 - Implementation Plan

Public & Private Open Space Proximity to open space is important for all age groups and Council recognises the benefits that a quality open space network has for the health and "livability" of the City's residents. As the living density of the City increases, the provision of public and private open space is critical. There is an increasing role for the public realm and public landscaping to promote visual appeal and ensure opportunities for recreation.

2. **The proponent is also proposing the REZONING of land of an adjacent Owner- lot 1 DP 176203**

The proponent's rezoning proposal also seeks to rezone land owned by another adjacent proprietor LOT 1 DP176203,

There is no discussion or comment upon agreement or otherwise for the proposed rezoning by the adjacent landowner, in the proponents report prepared by Daintith or the Council Report.

What if any consultation with the adjoining land owner of **lot 1 DP 176203** has taken place?

The Council and proponents reports seem deficient in this regard.

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3. THE PROPOSED REZONING IS UNNECESSARY AND HAS A NEGATIVE IMPACT ON THE AGRICULTURAL INDUSTRY BY WAY OF LOSS OF PRODUCTIVE RURAL LAND DUE TO URBAN SPRAWL

Bathurst has a long history of Agriculture.

The industry is viable and makes a significant contribution to the local, state and national economy.

The proponent's planning proposal notes, that in the author's opinion, the loss of 2.9ha of agricultural land is minor.

This is subjective.

The proponents land holding is currently operated as a viable farming and grazing enterprise.

Based on review of aerial photography from 1959 – 2013, land use of the area proposed for rezoning appears to have been predominately used for cropping and grazing activities.

Regardless of the size of the encroachment by the rezoning, it will result in the loss of currently productive rural land.

This small incremental encroachment onto productive rural land is counter to the objectives and considerations canvassed in Councils previous studies, including the Bathurst 2036 Housing Strategy.

The current BR2014 LEP is relatively new, it was seemingly well investigated and considered over a long period.

Reference Bathurst 2036 Housing Strategy

Volume 2 - Implementation Plan

Reference Page | 5 Bathurst 2036 Housing Strategy: Volume 2 - Implementation Plan

STAGE 1 CONSULTATION – THE COMMUNITY'S VISION FOR HOUSING

One of the Key messages from the Stage 1 consultation process **NOTED IN THE STRATEGY** includes:

4. Sustainability

a. Reduce urban sprawl;

Reference Page | 10 Bathurst 2036 Housing Strategy: Volume 2 - Implementation Plan

Using a range of lot sizes will increase housing choice within the City and will **restrain some of the impacts of urban sprawl resulting from urban development.**

Reference Page | 26 Bathurst 2036 Housing Strategy: Volume 2 – Implementation Plan

"CONVERSION OF LAND FROM NON-URBAN TO URBAN PURPOSES

Agriculture is an important contributor to Bathurst's economy. In 2010/11 agriculture contributed \$56 million to Bathurst's economy, making agriculture the 10th largest sector within the region. Animal slaughtering made up over 44% of total agricultural outputs. **The conversion of grazing land for urban purposes will ultimately impact on the contribution of agriculture to Bathurst's economy. The NSW Department of Primary Industries, as part of the consultation for the Bathurst Regional Local Environmental Plan (LEP) 2014, raised concern with the**

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continued loss of highly productive agricultural land (Class I, II and III land), to urban purposes."

Could Council support for this proponents rezoning proposal mean that in future, viable agricultural land will be spot rezoned – **without any strategic or specialist study prior?**

This proponents rezoning proposal should be rejected as it is unnecessary and contrary to Councils current and previous strategic plans and studies as relating to Rural Land.

4. LAND CONTAMINATION - LACK OF SITE INVESTIGATION REPORT ASSESMENT OF THE LAND PROPOSED FOR REZONING FOR RESIDENTIAL PURPOSES

The current Bathurst Regional Development Control Plan 2014 identifies the land proposed for rezoning by the proponent in DCP Schedule 1.

Under the current DCP the land should be investigated for Contamination in accordance with the Councils 2014 BR DCP requirements – ***"investigations required by this section should be undertaken prior to Council considering approval of the land for residential purposes."***

Bathurst Regional Development Control Plan 2014			
SCHEDULE 1			
List of land subject to further investigation prior to subdivision.			
Locality	Lot	DP	Property Address
East of Kelso	Lot 1	DP 176203	240 Limekilns Road, KELSO other Landowner
	Lot 1	DP 224395	Sydney Road, KELSO
	Lot 2	DP 224395	Bonnor Street, KELSO
	Lot 351	DP 1104676	270 Marsden Lane, KELSO
	Lot 1	DP 1126786	240 Limekilns Road, KELSO proponent's land
	Lot 2	DP 772047	Limekilns Road, KELSO
	Lot 9	DP 785332	330 Laffing Waters Lane, LAFFING WATERS
	Lot 6	DP 788492	Laffing Waters Lane, LAFFING WATERS
	Lot 5	DP 847225	197 Limekilns Road, KELSO
Lot 12	DP 857116	183 Laffing Waters Lane, LAFFING WATERS	

Development Standards for specific lands

The following development standards relate to land identified in **Schedule 1** of this Plan. (Note: **Schedule 1** should not be taken to imply that the land listed in that schedule is contaminated from previous land uses, only that investigations required by this section should be undertaken prior to Council considering approval of the land for residential purposes. Land in Schedule 1 includes lands at Mount Rankin and Kelso (east).

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Bathurst Regional Development Control Plan 2014	
<u>Notes:</u>	
<u>Site Investigation Report</u>	
The detailed site investigation is to provide comprehensive information on:	
a)	The soil testing results; and
b)	The type, extent and level of contamination (if identified) and assess: <ol style="list-style-type: none"> i) contaminant dispersal in air, surface water, groundwater, soil and dust, ii) the potential effects of contaminants on public health, the environment and building structures, iii) off site impacts on soil, sediment and biota (where applicable), and iv) the adequacy and completeness of all information available to be used in making decisions on remediation.

Reference the proponents planning proposal document

The potential for contamination appears minimal. In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding or any other horticultural activities; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

There are no physical signs of contamination present on the site.

State Environmental Planning Policy (Infrastructure) 2007

The planning proposal has no implications in terms of the application of the Infrastructure SEPP.

State Environmental Planning Policy (Rural Lands) 2008

The Rural Planning Principles are as follows:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.

The loss of RUI zoned land is very minor to facilitate the proposed realignment of zone boundaries. Agricultural activities will not be significantly impacted upon as a result of the planning proposal.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.

The impact on surrounding rural lands is negligible.

Planning Proposal – Minor Amendments to Zone Boundaries
240 Umekilns Road, Keelo

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**Planning Proposal – Minor Amendments to Zone Boundaries
240 Umekilns Road, Keelo**

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The proponents report states that the potential for contamination “**appears minimal**”

This may well be the case but there appears to be no technical verification in the proponent’s report or that this statement is backed up with a “site investigation report” as required by the current BR 2014 DCP.

Council should not consider rezoning rural land for residential purposes, as proposed by the proponent, without a “site investigation report”, when a report is called for in the Bathurst Regional Development Control Plan 2014.

The proponents rezoning proposal should be rejected.

5. Availability of Infrastructure to service the proponents proposed rezoning

The proponents planning report doesn’t appear to include any technical assessment or report addressing the capacity of infrastructure to cope with the increased demand that would be the result of future development, if the proponents proposed rezoning is adopted by Council.

What services capacity is available for servicing future development of the land if rezoned?

Including:

- Sewer
- Water
- Stormwater
- Road capacity
- Electricity
- Communications
- gas

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SUMMARY

The Council should reject the proponents rezoning proposal.

Based on objective assessment, the proponent's proposal to realign the zone boundaries is **unnecessary** to achieve the Councils current and well considered planning objectives.

The proponent's rezoning proposal has adverse consequences.

In regard to improving the future road network alignment with the Limekilns Roundabout, the proponents proposal **imposes negative technical and land tenure issues** related to the future roundabout **that don't exist** if the current zoning and thus roundabout location stay the same as they are at present.

Regarding the urban design issues raised, the alternative put forward in this objection to the proponent's proposal, would seem to adequately address the urban design issues in regard to housing rear fences.

If the proponent's proposal is adopted, the loss of accessible Open Space, available to the residents of the current subdivision to the West, is **detrimental to the interests of those residents.**

If the proponent's proposal is adopted there will be unnecessary loss of productive rural land due to "Urban Creep"- contrary to PREVIOUS strategic studies, including Councils own Bathurst 2036 Housing Strategy.

Council should not adopt the proponents proposed rezoning.

On balance, any perceived negative in regard to urban design can be reduced to a minor impact if not eliminated, by Council requiring any future developer to locate the future collector road on the Eastern side of the current Open Space and against the current Rural Zone, and provide a properly designed and landscaped area of usable Opens Space between the current subdivision to the West and the future Collector Road- Similar to that on the Western end of Bradwardine Road.

Any subjective perceived urban design negatives are more than outweighed by the positives gained, by not changing the zone boundaries.

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Community Consultation

Under Planning NSW GUIDELINES,

5.5.2 Community consultation

"Public exhibition of the planning proposal is generally undertaken in the following manner:

- *notification in a newspaper that circulates in the area affected by the planning proposal*
- *notification on the website of the RPA [**IN THIS CASE COUNCIL**]*
- *notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.*

The RPA can undertake additional consultation if this is deemed appropriate or necessary. This may include, but

is not limited to broad consultation by letter, open days or public forum.

The written notice must:

- *give a brief description of the objectives or intended outcomes of the planning proposal*
- *indicate the land affected by the planning proposal*
- *state where and when the planning proposal can be inspected*
- *give the name and address of the RPA for the receipt of submissions*
- *indicate the last date for submissions*
- *confirm whether delegation for making the LEP has been issued to the RPA."*

5.5.3 Public hearings

The RPA can decide to conduct a public hearing into any issue associated with a planning proposal [EP&A Act s. 57(6)]. Where the planning proposal is to reclassify community land, the RPA is obliged by the Local Government Act 1993 to hold a public hearing.

A person making a submission during the public exhibition of a planning proposal can also request that the RPA conducts a public hearing into the issues raised in their submission. If the RPA considers that the issues raised in the submission are of such significance they should be the subject of a hearing, the RPA must arrange a public hearing [EP&A Act s. 57(5)]."

In light of the issues raised in this objection regarding the proponent's objectives and justifications for the planning proposal and:

- the adverse impact on the road alignment at Limekilns Road
- the adverse impacts with regards to Open Space , on current and future neighbours,
- the adverse impact on the agricultural industry by way of loss of productive rural lands
- apparent lack of site investigation report

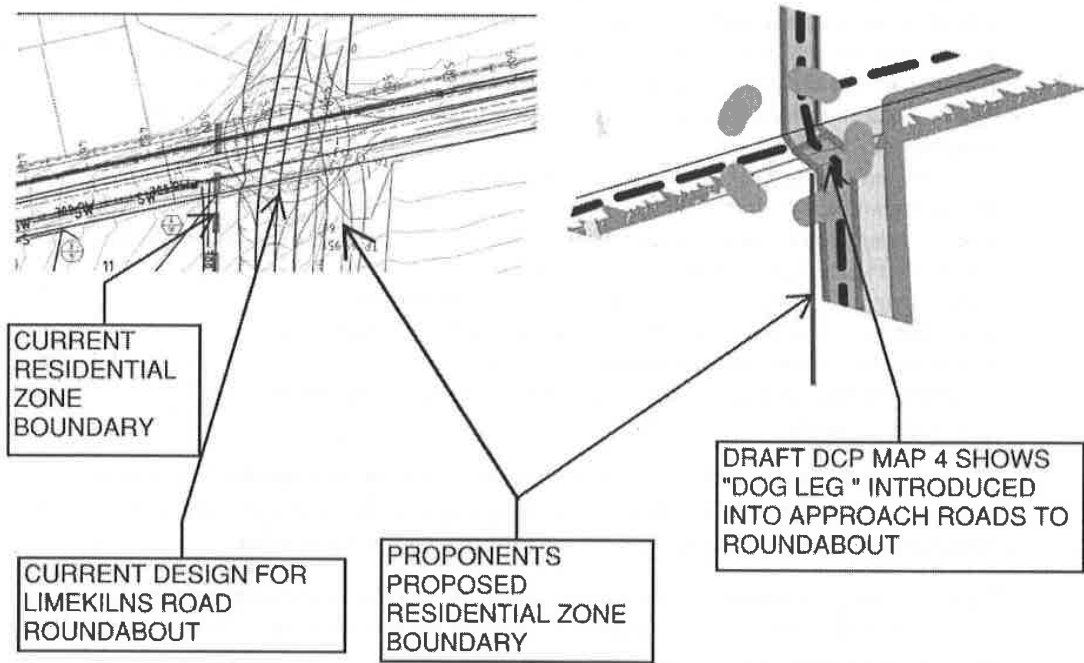
Council should REJECT the proponents rezoning PROPOSAL at Limekilns Road.

If it is proposed by Council officers to recommend to Council that it approve the Rezoning and change the LEP and DCP and Sect. 94 Plan, then it is requested that Council first **hold a public hearing** into the proponents planning proposal, to give all stakeholders the proper opportunity to fully appraise the proposal and state their position- **prior to Council voting on that recommendation**

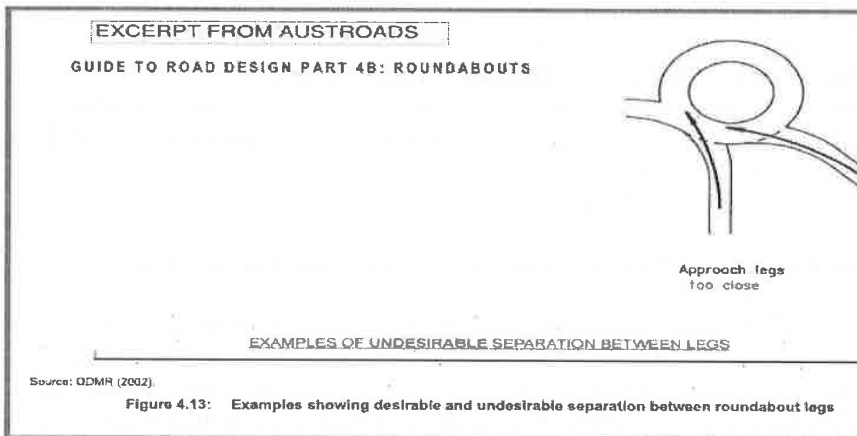
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ATTACHMENTS

Excerpt from current Limekilns Roundabout Layout Plan and impact on future roundabout if proposed realignment of zone boundaries proceeds as proposed by proponent and reflected in the "draft" version of DCP MAP 4

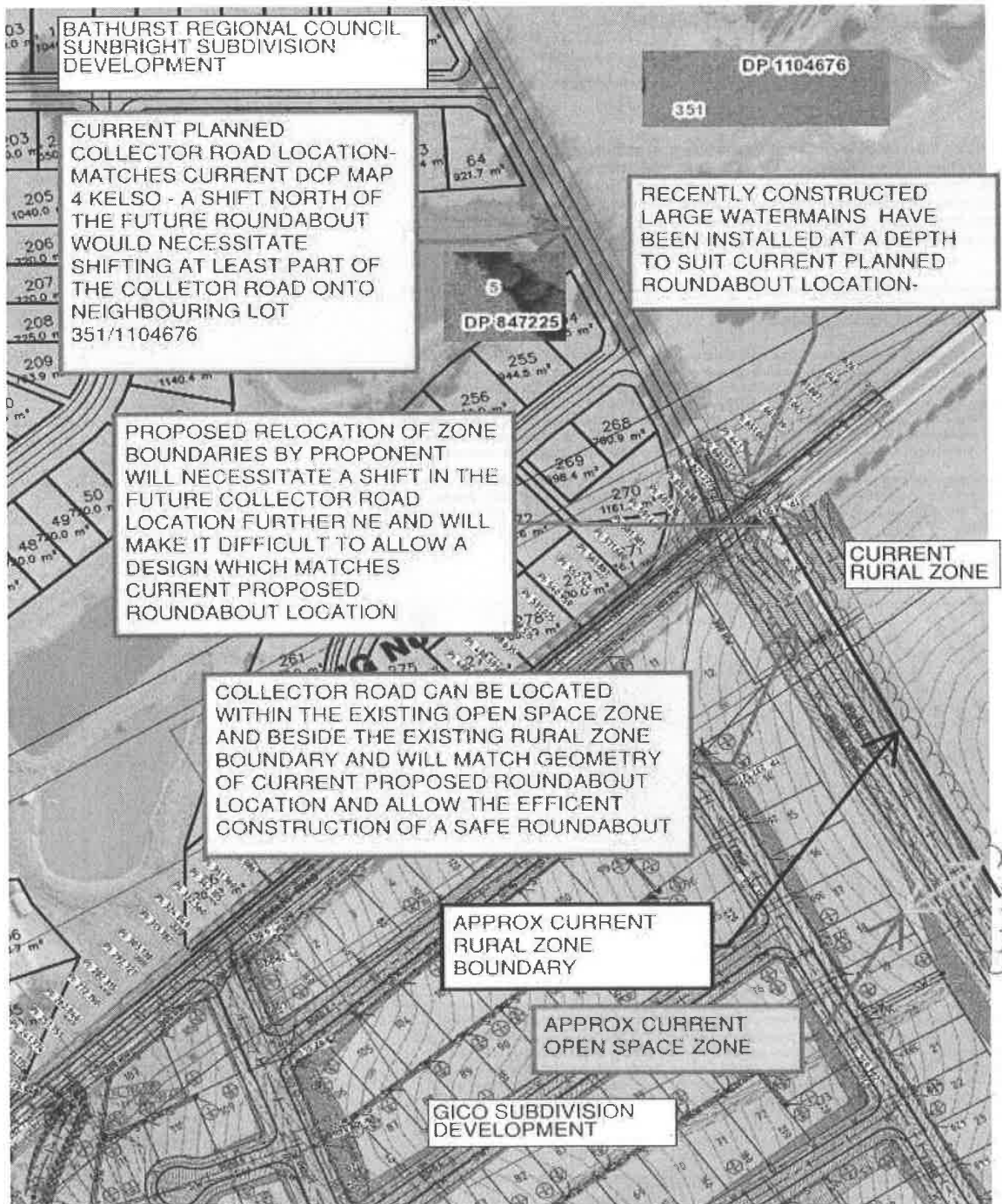


AS CAN BE SEEN FROM AUSTRoadS EXCERPT BELOW, THE PROPOSED DRAFT DCP 4 MAP EXCERPT ABOVE [RIGHT] ,CONTEMPLATES HAVING THE COLLECTOR ROAD APPROACH LEGS TO THE LIMEKILNS ROUNDABOUT CLOSE TOGETHER-UNDESIRABLE FROM A DESIGN AND SAFETY ASPECT



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Excerpt from current Council preliminary Sunbright Layout Plan and impact on future roundabout if PROPOSANTS proposed realignment of zone boundaries proceeds



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Excerpt from Ordinary Council Meeting Page 669 of 729 - 20 June 2018 Attachments regarding Mitre St Intersection and proposed plan for new roudabout

30 April 2018 Intersection Assessment
 Lambert Street/Mitre Street/Sutor Street, Bathurst | 1

The existing intersection layout could be characterised as a staggered T-junction with the centrelines of Sutor Street and Lambert Street being offset by approximately 15 metres. This means that through traffic movements from Lambert Street to Sutor Street involve vehicles undertaking a right and left turn to travel through the intersection. Lambert Street and Sutor Street are provided with 'Give Way' signs, meaning that traffic travelling on Mitre Street has priority when travelling through the intersection.

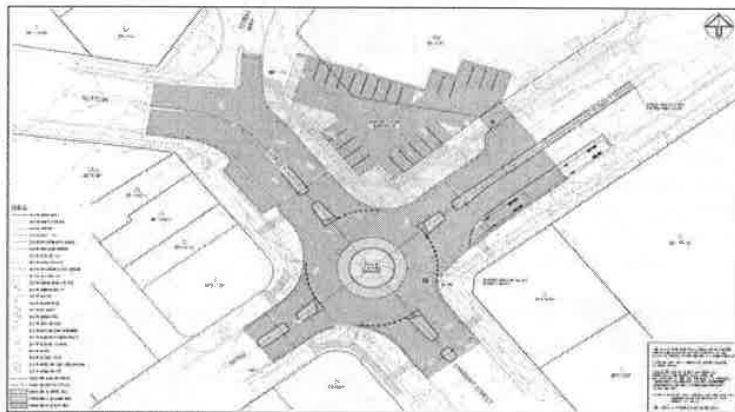
5 Roundabout Assessment

A roundabout design is being considered by Bathurst Regional Council for the intersection as part of the investigations into the future operation of the intersection and taking into account the expected growth in traffic volumes through the intersection. This design would include the realignment of the Sutor Street leg of the intersection to align with Lambert Street. This would retain the opportunity for all movements at the intersection. It also retains right turn movements in and out of Coral Way and expansion of the existing unsealed car park on the northern side of the intersection, adjacent to the tennis courts and reserve.

This roundabout design provides for heavy vehicle turning movements through the intersection from all approaches. This will also cater for bus movements between Sutor Street and Mitre Street east, and potential changes to bus routes should they be considered in the future.

A plan of the concept layout for the roundabout is provided in Figure 3.

Figure 3 Concept roundabout design



Source: Bathurst Regional Council

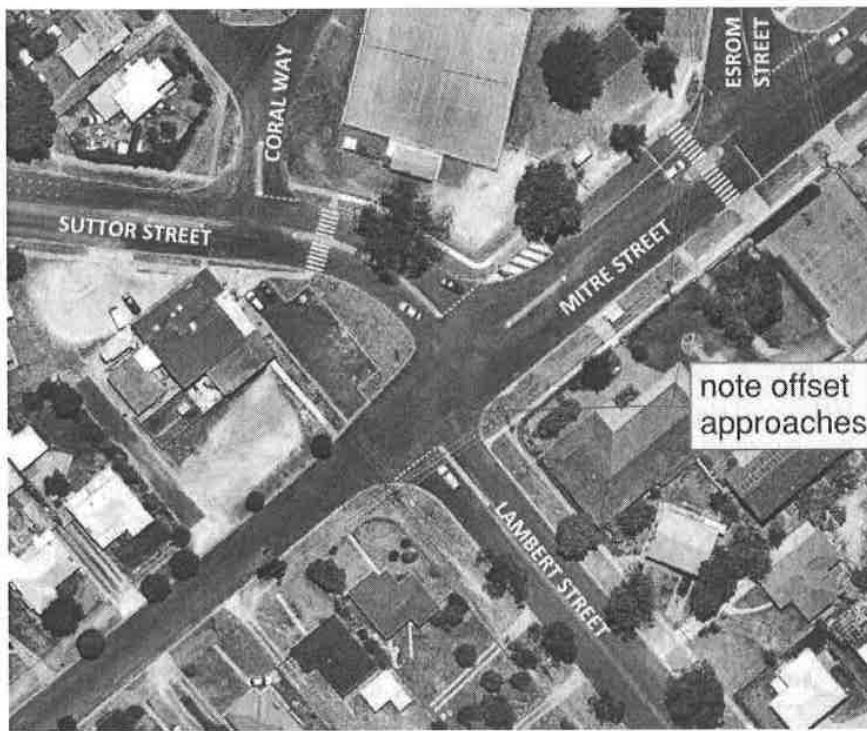
Modelling of the intersection was carried out for the operation of the above roundabout design for the future 10 and 20 year scenarios. Modelling of the roundabout for the five year scenario was not considered necessary as the initial modelling of the existing intersection indicates that it is operating satisfactorily at the present time, with regard to level of service, and the construction of a roundabout in the short term could not be justified on traffic congestion grounds. It may provide some improvement on safety grounds however, this would need to be assessed further.

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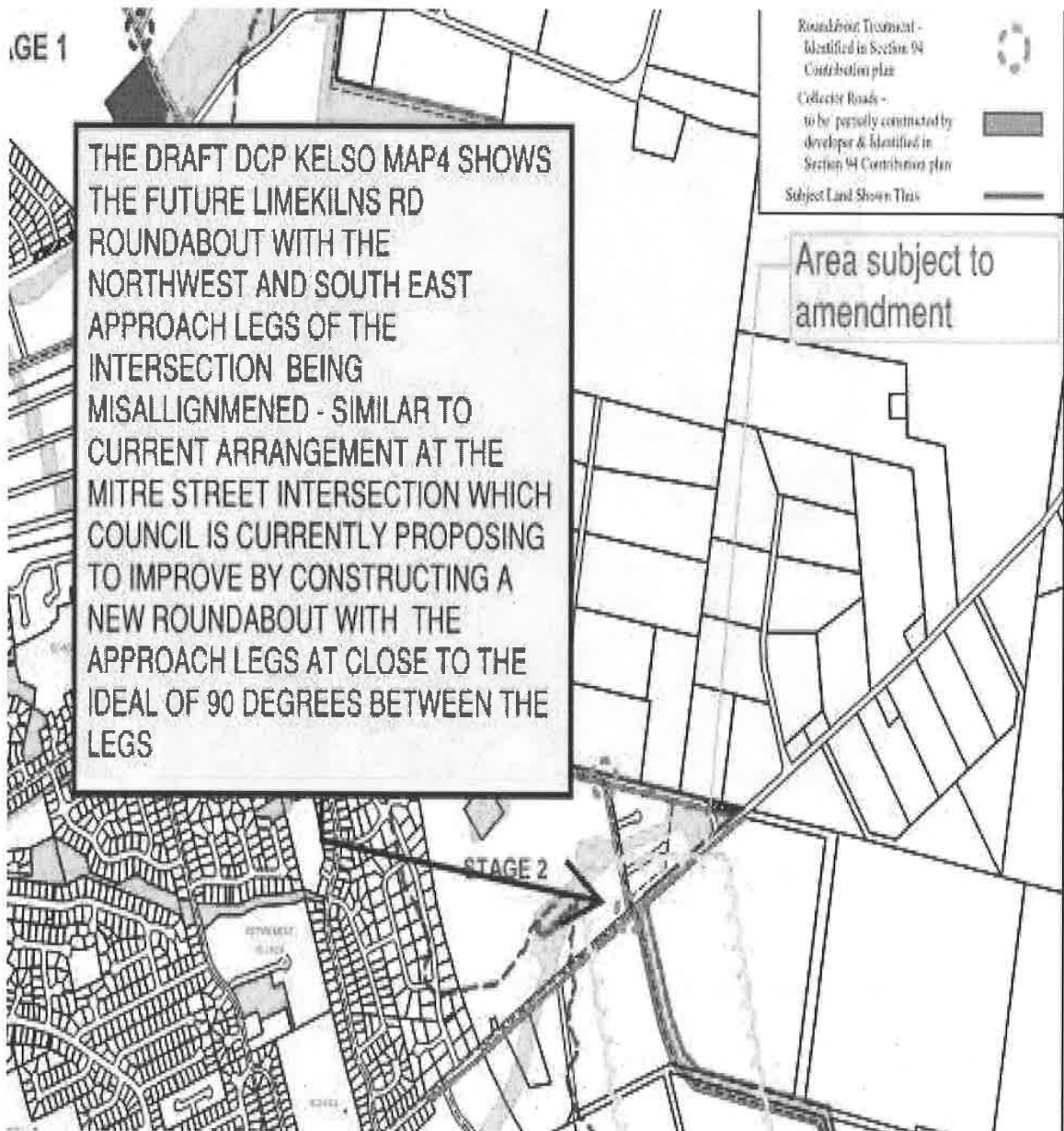
Excerpt from Ordinary Council Meeting Page 661 of 729 - 20 June 2018 Attachments regarding Mitre St Intersection and showing AERIAL PHOTOGRAPH of existing road arrangement- note offset approaches of Suttor and Lambert Street which will be rectified with new Roundabout- similar offset approaches would result at a future Limekilns Road roundabout if the proponents rezoning plan was adopted as shown on draft Map No. 4 -Kelso.

Figure 1 Site map



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Excerpt from DRAFT DCP Map No.4 KELSO -RELATED TO proponents rezoning proposal and Council Report



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AERIAL VIEW "1" OF PROPONENTS PROPOSAL TO AMEND LEP AND REALIGN ZONE BOUNDARIES AND RELATIONSHIP TO CURRENT PLANNING.

intersection Limekilns Road

FUTURE COLLECTOR ROAD LOCATION AS SHOWN ON CURRENT DCP MAP 4 KELSO

COLLECTOR ROAD WOULD NEED TO ENTER ROUNDABOUT FURTHER TOWARDS THE EAST IF REZONING PROPOSAL IS APPROVED AS SHOWN ON DCP MAP 4 KELSO -DRAFT

NEW ALIGNMENT APPEARS TO BE INFERIOR TO THE CURRENT ALIGNMENT AND WOULD INTRODUCE A "DOG LEG TURN" FROM THE FUTURE COLLECTOR ROAD ONTO ROUNDABOUT IF ROUNDABOUT REMAINS IN CURRENT POSITION

ROUNDABOUT LOCATION AS CURRENTLY SHOWN ON DCP MAP 4 KELSO



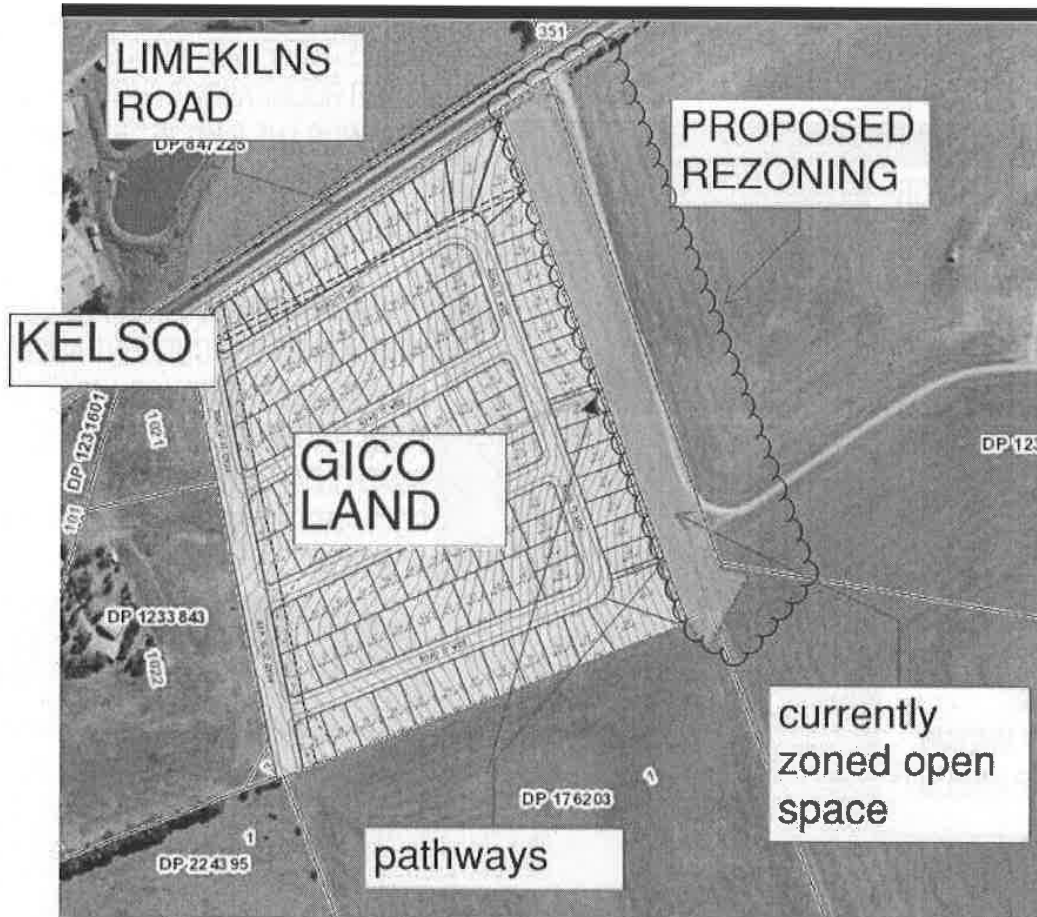
POSSIBLE ALIGNMENT OF 22M WIDE COLLECTOR ROAD WITH NO CHANGE TO ZONING

AREA WITHIN "CLOUD" IS CURRENTLY ZONED OPEN SPACE - PROPOSAL BY NEIGHBOURING LANDOWNER WOULD REZONE THIS AREA ALONG THE EASTERN BOUNDARY OF THE GICO DEVELOPMENT TO GENERAL RESIDENTIAL

I do not warrant or represent that the information is free from errors or omissions, or that it is exhaustive. Spatial liability for loss, damage, or costs that you may incur relating to any use or reliance upon the information in this

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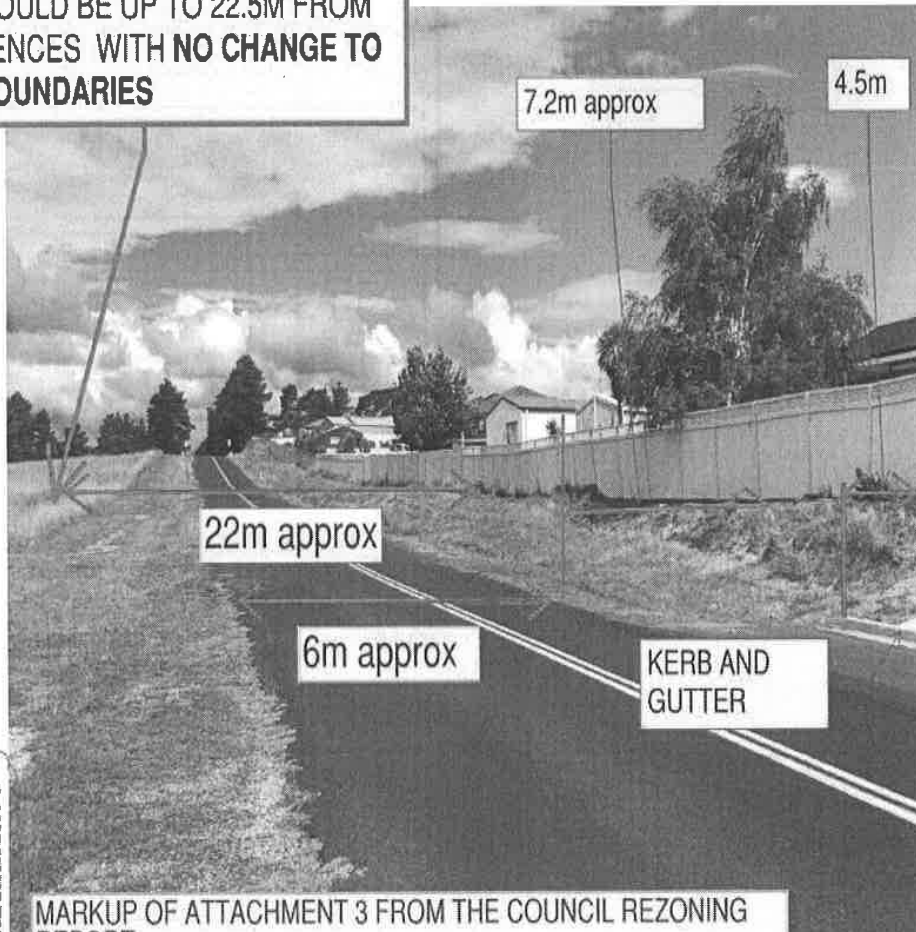
AERIAL VIEW "2" OF PROPONENTS PROPOSAL TO AMEND LEP AND REALIGN ZONE BOUNDARIES AND RELATIONSHIP TO CURRENT PLANNING



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MARKUP OF "ATTACHMENT 3" FROM COUNCIL REPORT -SHOWING HOW MARSDEN LANE GEOMETRY AND LAYOUT DIFFERS MARKEDLY FROM WHAT IS POSSIBLE ON THE FUTURE COLLECTOR ROAD EAST OF LIMEKILNS ROAD- ACHIEVABLE WITH NO CHANGE TO ZONE BOUNDARIES-NO REZONING OF PRODUCTIVE RURAL LAND – SIMPLY BY APPLICATION OF GOOD DESIGN

THE FUTURE COLLECTOR ROAD K&G /EDGE OF ROAD EAST OF LIMEKILNS ROAD COULD BE UP TO 22.5M FROM REAR FENCES WITH **NO CHANGE TO ZONE BOUNDARIES**



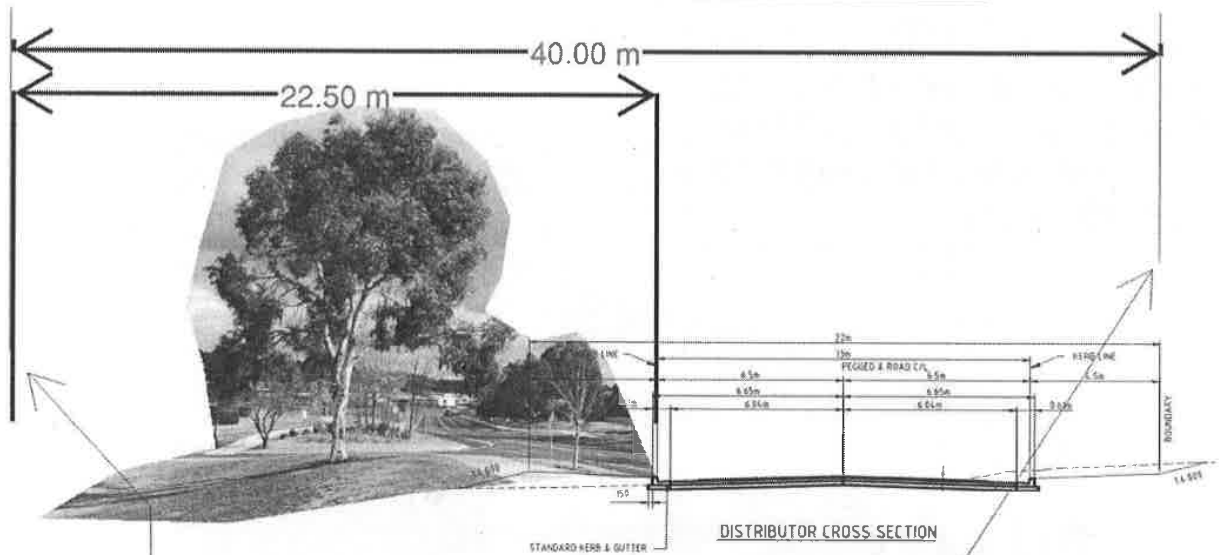
Attachment 3

MARKUP OF ATTACHMENT 3 FROM THE COUNCIL REZONING REPORT SHOWING DIFFERENCE IN RELATIONSHIP BETWEEN EDGE OF ROAD AND REAR FENCES AT MARSDEN LANE AND AT WHAT CAN BE THE CASE AT LIMEKILNS ROAD

PHOTO TAKEN ON MARSDEN LANE LOOKING EAST

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ARTIST IMPRESSION OF VIEW OF FUTURE COLLECTOR ROAD LOOKING NORTH WITH ROAD SIDE OPEN SPACE ACHIEVABLE ON THE WESTERN SIDE OF THE ROAD SIMILAR TO THAT AT BRADWARDINE ROAD - NO CHANGES TO ZONING REQUIRED



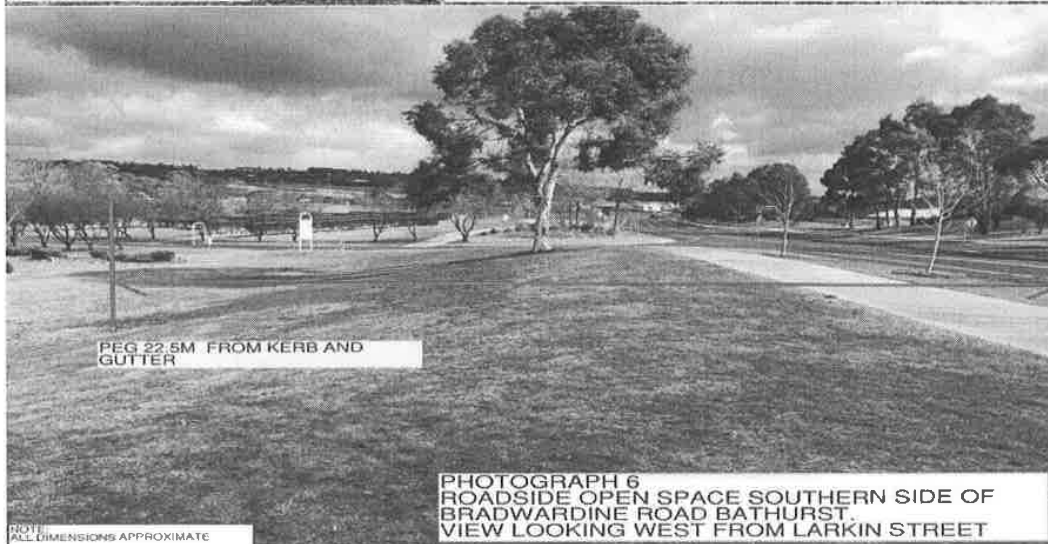
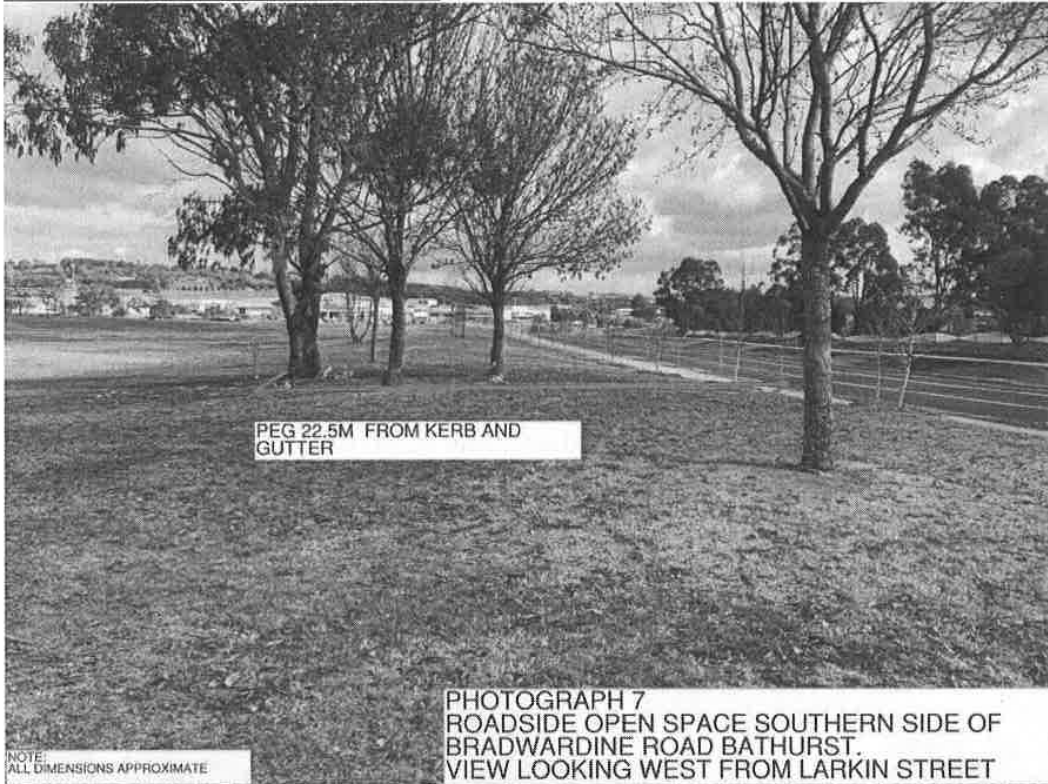
EXISTING OPEN SPACE/
RESIDENTIAL ZONE
BOUNDARY ON WEST SIDE OF
FUTURE
DISTRIBUTOR/COLLECTOR
ROAD

EXISTING RURAL ZONE/OPEN SPACE
BOUNDARY ON EAST SIDE OF
FUTURE DISTRIBUTOR/COLLECTOR
ROAD

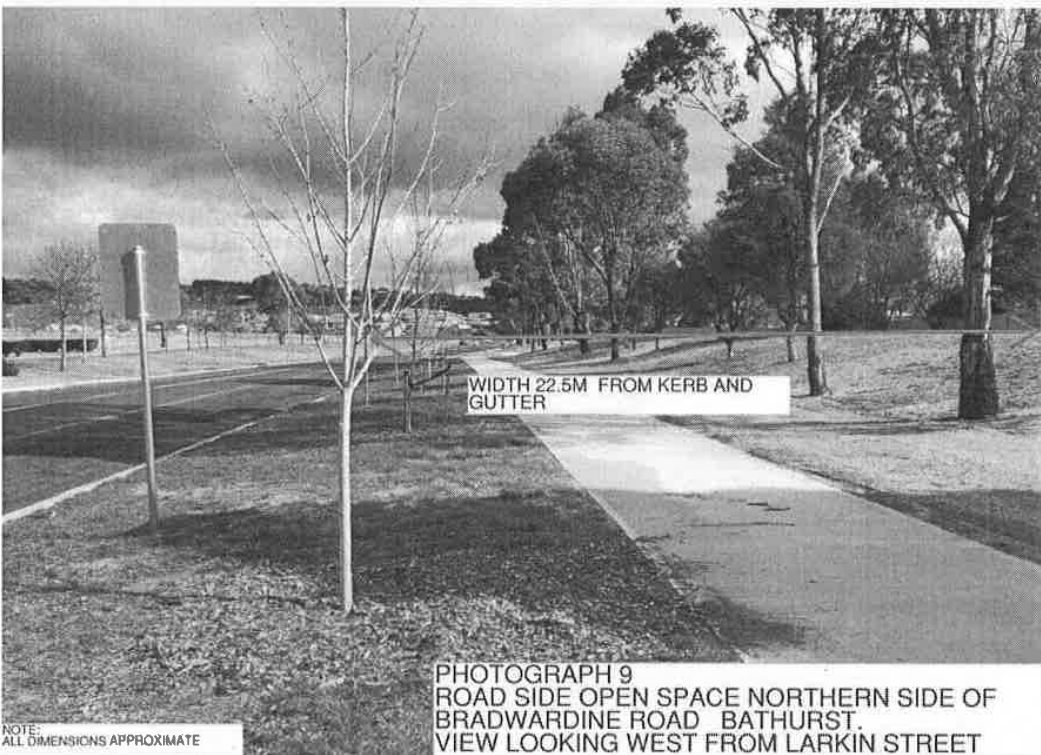
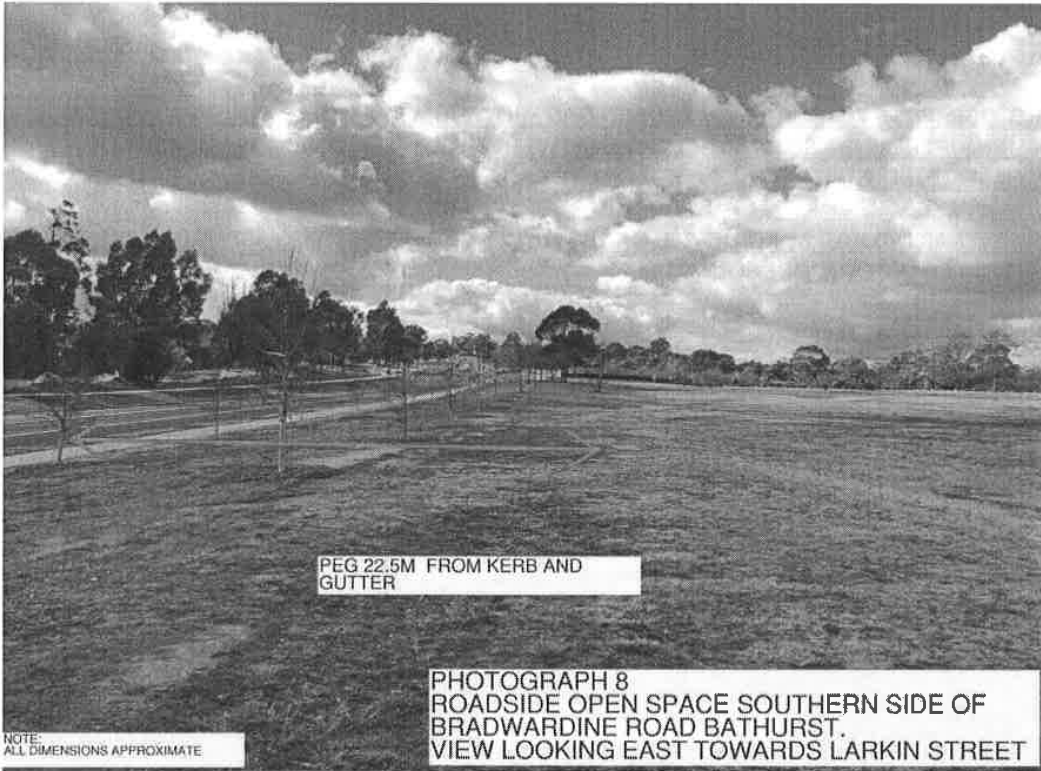
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PHOTOGRAPHS 6-7-8-9 OF BRADWARDINE ROAD SHOWING WHAT CAN BE ACHIEVED WITH GOOD DESIGN - IF THERE IS A SUBSTANTIAL SPACE BETWEEN THE EDGE OF ROAD AND THE EDGE OF THE OPEN SPACE/HOUSING-

THIS SCENARIO COULD BE REPLICATED ON THE FUTURE COLLECTOR ROAD EAST OF LIMEKILNS ROAD WITH NO CHANGE TO ZONE BOUNDARIES

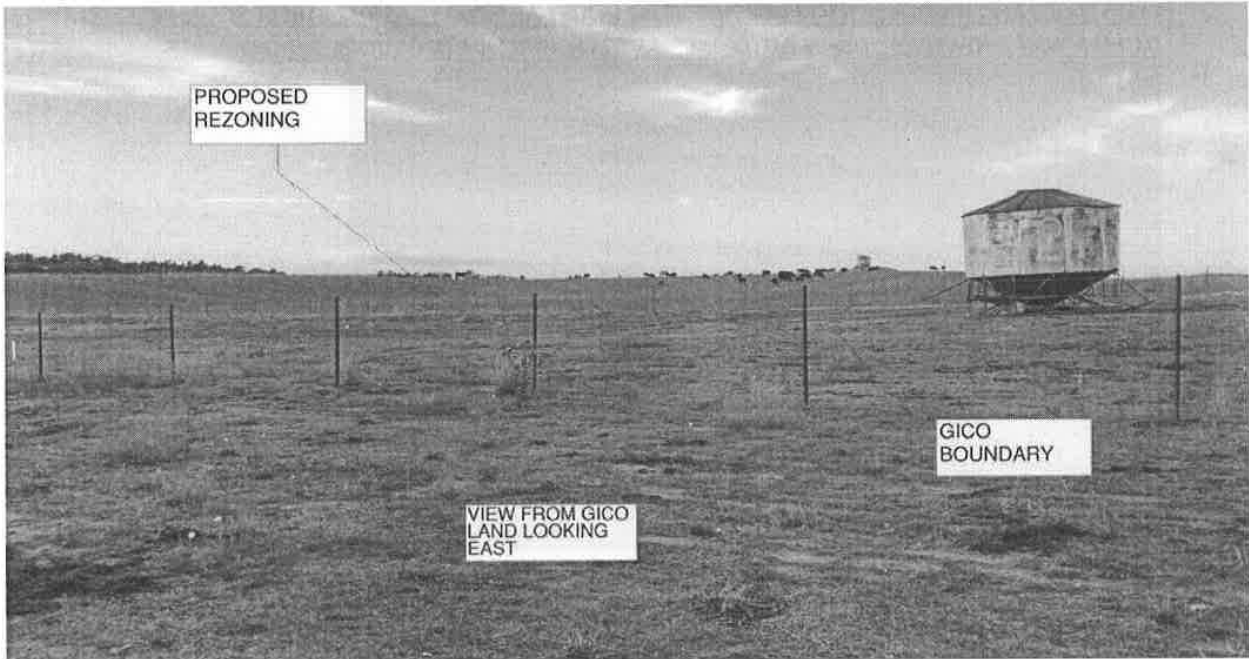


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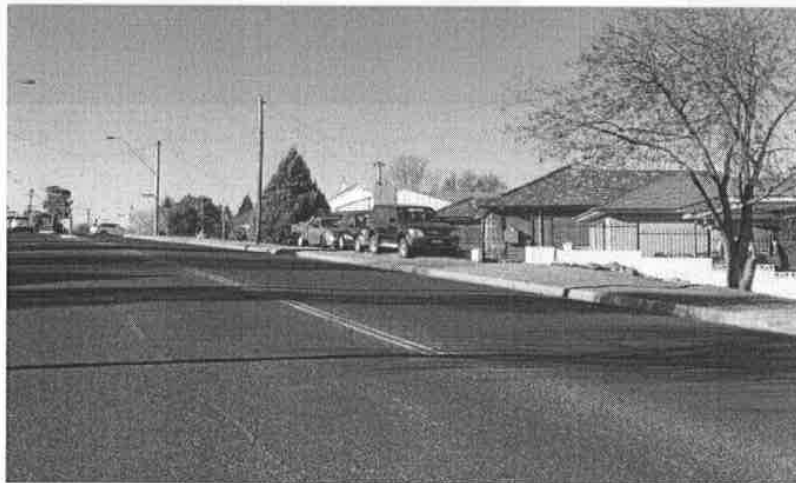
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PHOTOGRAPH OF CURRENT PRODUCTIVE RURAL LAND PROPOSED FOR REZONING BY PROPONENT



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OTHER BATHURST STREET VIEWS WITH HOUSING FRONTING ONTO STREET ARE SHOWN BELOW IF THE PROPONENTS PROPOSED REZONING TOOK PLACE THE FINAL FORM OF HOUSING DEVELOPMENT ONLY NEED COMPLY WITH CURRENT BR 2014 LEP AND BR 2014 DCP - SMALLER FRONTAGES AND HIGHER DENSITY DEVELOPMENT IS JUST AS "LIKELY" AS THE STREET SCAPE IN ILUMBA WAY SHOWN AS "LIKELY OUTCOME" AT ATTACHMENT 4 IN COUNCIL REPORT





phoebe completed Submission - Limekilns Road Planning Proposal (20.0319)

Your Say Bathurst Region

to:

nicholas.murphy, council

27/07/2018 11:29 AM

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From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

phoebe just submitted the survey 'Submission - Limekilns Road Planning Proposal' with the responses below.

Name

Phoebe Goddard

Postal Address

68 Emerald Drive, Kelso NSW 2795

Your email address

phoebe@eodo.net.au

Please outline your submission

OBJECTION TO PROPOSED AMENDMENT TO LIMEKILNS ROAD LEP To the Councillors of Bathurst Regional Council, I am writing to the Council as a purchaser of one of the blocks directly affected by the proposed amendment to the Limekilns Road LEP. We have purchased our block because of the zoning of open space to the eastern boundary and its accessibility to useable open space, which would maintain a country feel to our future home which is a key requirement for our growing family. The rezoning of rural areas coupled with the removal of open space feels like a move away from Council's plans to maintain Bathurst's agricultural and country aspects and a move toward over crowded city living despite the subdivision being on the outskirts of the city. Additionally, for us, an (approx) 80m long pathway adjacent to our home, to useable open space raises issues of safety and security and if the proposal was to go ahead we would like to know how council will address this issue.

Would you like to upload a document?

No Answer

Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.

I have not made a reportable political donation

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1st July 2018

Dear Mayor Hanger,

I am writing to oppose the proposed changes to the zoning of the Limekilns Road Estate. I have recently purchased a block of land in this estate and was under the impression the land was to be open space adjoining a proposed feeder road to the east of the development.

If the new re-zoning is approved by Council, the proposal will result in among other things, the rezoning of a 40m wide strip of land immediately adjacent to lots on the Eastern side, from being open space currently to R1 residential. At present the open space will include a future Collector Road and the Limekilns Road Estate is designed to be a prestige development. I believe this planned change would impact on the value of the land in the estate, therefore impacting on my block purchase.

If the rezoning proceeds and the adjacent 40m strip of land is changed in accordance with the new proposal it is unknown what the density and types of any future residential development on that adjoining strip of rezoned land on the East side will be. This Open Space could be beautified with shrubs and trees to screen the rear fences and dwellings on the Limekilns Road Estate development, from the future collector road, and can also provide a usable and accessible area of open space, that could be utilised by all residents in the Limekilns Road Estate development.

I hope you will consider this when deciding upon the proposal and that the plans for the estate are left in place as they were when we purchased the land.

Regards,



Wes Gibson
0437698460



Ingrid completed Submission - Limekilns Road Planning Proposal (20.0319)

Your Say Bathurst Region

to:

nicholas.murphy, council

02/07/2018 08:55 PM

Hide Details

From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

Security:

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Ingrid just submitted the survey 'Submission - Limekilns Road Planning Proposal' with the responses below.

Name

Ingrid & Stuart Pearson

Postal Address

17 MCGILLAN DR

Your email address

stuart@bigpond.com

Please outline your submission

We have reviewed the proposal and concur with Council staff's recommendation for approval for reasons stated. However, 1. It would be prudent to consider ultimate volume of traffic along this road (once surrounding residential developments have been completed) versus driveway entrances from residential properties. A feeder parallel road serving the properties with designated access to the main roads would provide safer outcomes (e.g. main road through Ballarat employs this urban design). 2. It would be prudent for the draft LEP Map 4 of Kelso to ensure that the connecting road between Marsden Lane and Limekilns Rd aligns with proposed amended RE1 zone road to provide a proper 4-way intersection (to avoid misalignments and future costs to rectify with roundabouts or traffic lights).

Would you like to upload a document?

No Answer

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Graham wheeler completed Submission - Limekilns Road Planning Proposal (20.0319)

Your Say Bathurst Region

to:

nicholas.murphy, council

28/07/2018 01:03 PM

[Hide Details](#)

From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

Security:

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Graham wheeler just submitted the survey 'Submission - Limekilns Road Planning Proposal' with the responses below.

Name

Graham Wheeler

Postal Address

2795

Your email address

bagwheel68@gmail.com

Please outline your submission

The submission would have an affect to open space limekilns rd development which I have purchased a block which backs on to proposed change. Plus the scope of type of development has a very open scope for type of building which could be built on the land, which would have an affect value of limekilns development.

Would you like to upload a document?

No Answer

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jsheppard completed Submission - Limekilns Road Planning Proposal (20.0319)

Your Say Bathurst Region

to:

nicholas.murphy, council

18/06/2018 08:25 PM

[Hide Details](#)

From: Your Say Bathurst Region <notifications@engagementhq.com>

To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

Security:

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jsheppard just submitted the survey 'Submission - Limekilns Road Planning Proposal' with the responses below.

Name

Jared Sheppard

Postal Address

6 Keane Drive, Kelso, NSW

Your email address

jaredsheppard95@gmail.com

Please outline your submission

We strongly disagree with the proposal to remove "open space" from the Limekilns Road Estate, and to implement further housing facing the connector road. As a young couple with intentions to expand a family, it would be much more reasonable for us to have access to the open space from our block of land within the new Limekilns Estate development. Having young children cross the busy connector road is unreasonable and unsafe, the access to the path and open space should be adjacent to the estate. The connector road should not have driveways coming off it as it will be a busy main road, any residents trying to reverse onto this road from their respective driveways would be extremely unsafe. As can be seen from Bradwardine Road, the open space running parallel with the road provides a large enough buffer in between the road and rear fences of houses, to be aesthetically pleasing and also extremely functional. The developers of the Limekilns Estate have made a consciences effort to have one access road off Limekilns Road, into the estate, this is because it would be unreasonable for driveways to be coming off a main busy road, as has been proposed in the amendment. Using Illumba Way as a means of reassuring the applicants argument is invalid as this road doesn't have rural space on any side, there is no "open space" on any side, and the road also won't act as a main route for residents onto the Sydney Road. The original plan would benefit the future residents of the Limekilns Estate in more ways than one, with the main being safety.

Would you like to upload a document?

No Answer

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MichelleS completed Submission - Limekilns Road Planning Proposal
(20.0319)

Your Say Bathurst Region to: nicholas.murphy, council

02/07/2018 03:50 PM

From: Your Say Bathurst Region <notifications@engagementhq.com>
To: nicholas.murphy@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

MichelleS just submitted the survey 'Submission - Limekilns Road Planning Proposal' with the responses below.

Name

Michelle Sufong

Postal Address

PO Box 1241 Bathurst NSW 2795

Your email address

sufongs@bigpond.com

Please outline your submission

I would like to object to the Amendment. I have attached a document outlining my reasons.

Would you like to upload a document?

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/adc8f573d20dc502133fc676b066185fbbf0a9f/file_answers/files/023/008/341/original/Limekilns_Objection.docx?1530510614

Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.

I have not made a reportable political donation

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2/7/2018

We object to the proposed Land Rezoning for Limekilns Road LEP Amendment.

As future landowners in the Limekilns subdivision we feel the decision should be put to a public hearing.

Our objections are:-

1. Access to the Open Land.

The Limekilns subdivision currently being developed was established with the inclusion of footpaths linking it to the Open Land on the Eastern side of the estate. It is being established so that residents including children and elderly can walk and use the Open Land.

In the new plans the footpaths would have to be longer to go past the new proposed housing and the Open Land being moved to the other side of the Future Collector Road. The residents would then have to cross the busy future collector road. This would make it very unsafe and unusable for the residents.

2. Keeping our City Beautiful

Bathurst is a fantastic growing city. Council has done a fantastic job with tree plantings around Bradbradine Road and Eglinton Road etc. These major Corridor roads are perfect for keeping our city feel like a country town. The future Collector road at Limekilns should be developed in the same manner. As our city continues to grow this new road will become very busy.

The amendment believes that looking at fences is worse than looking at the front of houses. I disagree. For example the photos used for comparison from Marsden Lane from the properties in Tom Close are only approx 7metres from the road. The existing plans for the Limekilns subdivision our fence lines will be similar to Bradbradine Road. The open land could be developed and maintained similar to Bradbradine Road. Sure a new housing estate will always look good but how good would these proposed future houses look in 50 years time. When the houses get older, the yards no longer that well maintained and there is cars parked on the roads and

nature strips. There is also the congestion in the mornings with residents trying to get out of their driveways slowing the flow of traffic.

I strongly believe that we should protect the heritage of Bathurst and keep the flow of traffic through any New Collector Roads while admiring our Open Land with Beautiful tree developments.

There will be plenty of subdivisions around Bathurst but I strongly believe we do not need a row of houses along this new Future Road.

Yours sincerely

Michelle Sufong