

24 June 2015

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 1 July 2015

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 1 July 2015 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 1 JULY 2015

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 3 JUNE 2015

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 DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

* DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE.
OWNER: MR T & MRS J OXENBRIDGE

* DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Rush (Chair), Coote, Hanger, Morse, North, Westman.

MINUTE

2 APOLOGIES
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the apologies from Crs Aubin, Bourke & Jennings and the apology for late arrival from Cr Hanger be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 3 JUNE 2015 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 3 June 2015 be adopted.

Report: The Minutes of the Policy Committee Meeting held 3 June 2015, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

- 3** Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JUNE 2015 (07.00064)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 June 2015 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 JUNE 2015

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Rush (Chair), Bourke, Coote, Hanger, Jennings, Morse, North, Westman.

APOLOGIES

2 APOLOGIES
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the apology from Cr Aubin and the apology for late arrival from Cr Westman be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 APRIL 2015 (07.00064)
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Policy Committee Meeting held on 1 April 2015 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the Declaration of Interest be noted.

Cr Westman arrived at the meeting.

GENERAL BUSINESS

5 Item 1 SOLAR STREET RUBBISH BINS (COMPACTING) (14.00052)

Cr Jennings - asked have we enquired about the solar street rubbish bin facilities

This is page 1 of Minutes of the Policy Committee held on 3 June 2015.

which are now available.

The Director Engineering Services advised unaware of these, will follow up this matter.

6 **Item 2 MOP TOP TREES - DURHAM STREET (13.00019)**

Cr Jennings - asked could these plants be transplanted?

The Director Engineering Services advised this was unlikely, but can review possibilities.

7 **Item 3 DAIRY FARMERS SITE (2012/0518)**

Cr Jennings - seeking an update on the sites development.

The Director Environmental, Planning & Building Services advised no movement on this matter at this time.

8 **Item 4 SECOND TRACK (07.00084)**

Cr Jennings - asked when will a business plan be shaped up?

The Director Corporate Services & Finance advised this is on the program, at this stage working on land acquisition and then will go to business plan.

9 **Item 5 TESLA MOTOR VECHICLES (04.00009)**

Cr Jennings - noted predictions are cars will be electric, running on solar and driverless. Would Council contact TESLA motor to see if they would like to use Mount Panorama for promoting their vehicles. Also would like Council to see about putting in charging stations.

10 **Item 6 BICENTENARY COMMITTEE (20.00153)**

Cr Coote - congratulations to the Committee and all involved. It was a brilliant job by the Committee and all staff.

11 **Item 7 PARKING (BACK-IN & FRONT-IN) (28.00006)**

This is page 2 of Minutes of the Policy Committee held on 3 June 2015.

Cr North - asked could a report come back to Council on this matter?

12 **Item 8 FLOODPLAIN MANAGEMENT CONFERENCE (07.00007)**

Cr North - recently attended this conference in Brisbane. Council is well ahead in terms of a mitigation response.

13 **Item 9 BICENTENARY EVENTS (20.00153)**

Cr North - congratulations to all those involved.

14 **Item 10 GREEN ORGANICE WASTE BIN (14.00008)**

Cr North - asked how is this matter going?

The Director Engineering Services advised has been adopted by Council. Looking at implementation in 2016.

15 **Item 11 KELSO ROAD WORKS (25.00018)**

Cr North - enquired as to the status of road works at Kelso.

The Director Engineering Services advised Burton construction going well. Doing work on Lee Street bypass and this is scheduled to be open July 2015.

16 **Item 12 CARENNE SCHOOL PEDESTRIAN CROSSING (25.00062)**

Cr Bourke - encourages Councillors to talk to parents and teachers before the Working Party is held next Wednesday, 10 June.

DISCUSSION FORUM OTHER

17 **Item 1 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT NO 2 (20.00284)**

Discussion included:

I MacPherson National Trust - the National Trust didn't make a submission, however feels the development at 118 Mitre Street and its notification should be considered as to how it would be dealt with in terms of the new DCP. That is use it as a test. Feels 118 Mitre Street should have been advertised.

In regards to DA at 12 William Street, the National Trust is very supportive of the recommendation. Spoke to question of "demolition", "restoration", "rebuild". Perhaps we can redefine in the DCP.

S Bathgate - Bathurst 2036 Heritage Action Network (BHAN) - Spoke to BHAN submission on the DCP. Utilised 118 Mitre Street as an example and requested BHAN submission on 118 Mitre Street be distributed to Councillors. Spoke to recent planning court case - private and public duties of the Council. If Council in doubt, then should do wider notification. Narrowly drawn rules carry greater risk. Greater prescription is supported by BHAN. Immediate neighbours (adjacent) should be notified and consideration needs to be given to going out wider than this. In some Sydney Councils the proponent needs to put a notice on the front gate of the property, this is worth consideration as it is a low cost option.

The discretionary provisions in Council's DCP's, there are currently 36 of these, lead to subjective judgements, which may cause problems. Notification is one of these. Need to look at all of these.

Suggest Council consider getting an independent review of DCP provisions.

MEETING CLOSE

18 MEETING CLOSE

The Meeting closed at 6.26 pm.

CHAIRMAN: _____

Date: _____ **(17 June 2015)**

MINUTE

- 4 **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES

POLICY COMMITTEE

1 JULY 2015

1 POLICY UPDATE (41.00089)

Recommendation: That Council adopt the amendments to the Policy Manual as detailed in the report.

Report: The Environmental, Planning & Building Services Department has undertaken a review of Council Policies relating to this Department. Below is an outline of the proposed changes. The relevant Policies with changes tracked are provided at **attachment 1**.

A summary of the changes are as follows:

Policy	Amendment
Development Application fees – Painting of commercial buildings in the 3(a) and 2(v) zones	<ol style="list-style-type: none">1. Change heading to read “Development Application fees – Painting of commercial buildings in zones B3 Commercial Core and RU5 Village.2. Change body of Policy to reflect zone changes from 3(a) and 2(v) to B3 Commercial Core and RU5 Village.
Development Application fees – Off street car parking CBD	<ol style="list-style-type: none">1. Remove reference to “Council’s Off-Street Car Parking Code”2. Replace with “The Bathurst Regional Development Control Plan 2014”.
Rezoning applications – refund of fees	Delete Policy as now obsolete (refer to item 2 of the Director Environmental Planning & Building Services' report).

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

MINUTE

- 5 **Item 1 POLICY UPDATE (41.00089)**
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council adopt the amendments to the Policy Manual as detailed in the report.

Cr Hanger arrived at the meeting.

2 REFUND OF FEES FOR DCP AND LEP AMENDMENTS (41.00089 & 16.00044)

Recommendation: That Council adopt the Refund of fees for DCP and LEP Amendments Policy.

Report: Council is receiving a number of applications to amend the Bathurst Regional LEP and DCP. There is a fee associated with a request to amend either of the documents and is charged in accordance with Council's revenue policy. Currently these fees (2014/15) are \$17,836 for a rezoning and \$1,790.00 for a DCP amendment.

The aim of the new Policy is to provide guidance to staff in considering refunds for DCP and LEP amendment fees.

It is considered that the percentage refunds and the milestones set, are commensurate with the amount of staff time and effort expended on the project.

The draft Policy is provided at **attachment 1**.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

MINUTE

6 Item 2 REFUND OF FEES FOR DCP AND LEP AMENDMENTS (41.00089 & 16.00044)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council adopt the Refund of fees for DCP and LEP Amendments Policy.

Yours faithfully

A handwritten signature in black ink, appearing to read "D R Shaw". The signature is fluid and cursive, with a large loop at the end.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

1 JULY 2015

1 REVISED POLICY - SECTION 356 DONATIONS (18.00004, 41.00089)

Recommendation: That Council adopt the revised Policy - Section 356 Donations.

Report: Council at a recent meeting requested an update to the Section 356 policy in relation to the provision of facilities at Mount Panorama for School Sporting events. The current policy covers this type of event in Clause 12 which is provided below.

12. Policy for Fun Runs, Rallies and Sporting Events

(1) All events are categorised in one of five ways:

1. Commercial/Semi-commercial
2. Community/Charity
3. Sporting Contests
4. Large (greater than 150 visitors)
5. Council budgeted

(2) When required, Council shall supply and install barricades, except where Council is satisfied that the organisers have sufficient experience in the standards of barricade placement appropriate to the particular situation, then Council will supply only;

(3) Any Council plant, labour and materials provided for Category 1 and 5 events shall be charged at actual cost;

(4) Any Council plant, labour and materials up to \$500 shall be donated to Category 2, 3 and 4 events, with any costs over \$500 charged at full cost to the organisers;

In order for the above fee structure to be self-regulating, a definition of each Category Event is required. In this regard, Categories 2, 3 and 5 are self-explanatory. To qualify for Category 4, Organisers must show, that more than 150 visitors will be attracted to the City. An event will be deemed Category 1 if it is a private money generating venture.

It is proposed to add the following paragraph at the end of this section.

"Council will make the facilities at the top of Mount Panorama available for school sporting events free of charge."

Section 12 will now read as follows:-

12. Policy for Fun Runs, Rallies and Sporting Events

(1) All events are categorised in one of five ways:

1. Commercial/Semi-commercial
2. Community/Charity
3. Sporting Contests
4. Large (greater than 150 visitors)
5. Council budgeted

- (2) *When required, Council shall supply and install barricades, except where Council is satisfied that the organisers have sufficient experience in the standards of barricade placement appropriate to the particular situation, then Council will supply only;*
- (3) *Any Council plant, labour and materials provided for Category 1 and 5 events shall be charged at actual cost;*
- (4) *Any Council plant, labour and materials up to \$500 shall be donated to Category 2, 3 and 4 events, with any costs over \$500 charged at full cost to the organisers;*

In order for the above fee structure to be self-regulating, a definition of each Category Event is required. In this regard, Categories 2, 3 and 5 are self-explanatory. To qualify for Category 4, Organisers must show, that more than 150 visitors will be attracted to the City. An event will be deemed Category 1 if it is a private money generating venture.

Council will make the facilities at the top of Mount Panorama available for school sporting events free of charge.

It is recommended that Council adopt the amendment to the Section 356 Donations Policy as outlined above.

A full copy of the current Section 356 Donations Policy is shown at **attachment 1**.

Financial Implications: Should Council adopt the recommendation there will be some loss of income of approximately \$200 - \$300 per event.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5, 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

- 7 **Item 1 REVISED POLICY - SECTION 356 DONATIONS (18.00004, 41.00089)**
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council adopt the revised Policy - Section 356 Donations.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

8 Item 1 LOGGING TRUCKS, ROCKLEY (TRAFFIC COMMITTEE) (25.00575)

Cr North - stated there are concerns with logging trucks going through Rockley. Could this be raised with Police at the next Traffic Committee Meeting .

MINUTE

9 Item 2 LEE STREET - RAIL CROSSING (25.00074)

Cr North - asked can Council talk to relevant authorities about Lee Street being left permanently open, if its operation works successfully during the Highway upgrade.

MINUTE

10 Item 3 GREAT WESTERN HIGHWAY UPGRADE TO AERODROME (25.00018)

Cr North - advised Council needs to start lobbying the State Government for the next stage of the Great Western Highway upgrade, with the section to the Gold Panner now being constructed.

MINUTE

11 Item 4 ICE RINK EVENT (20.00153)

Cr North - stated rink looks really good for Saturday, what are bookings like?

The Mayor advised 4,044 tickets have been sold as at this morning.

MINUTE

12 Item 5 EVENTS - ICE SKATING, ILLUMINATION FESTIVAL, FOSSIL MUSEUM TOUR (20.00153)

Cr Coote - spoke to excellent press articles about events this weekend in Bathurst. The articles were in the Sunday Herald, Victoria and other major capital city newspapers, reaching 1.75 million readers.

The Mayor noted this has been generated through Central NSW Tourism as part of the Unearthed campaign which is currently focusing on Bathurst.

MINUTE

13 Item 6 TOILETS - MACHATTIE PARK (04.00012)

Cr Morse - have had concerns raised about lack of hot water, hand driers and soap dispensers. Could Engineers check to see if could be upgraded for the festival.

MINUTE

14 Item 7 ADVENTURE PLAYGROUND (04.00121)

Cr Morse - asked when will next stage be opened. Also queried access to Hope Street.

The Director Engineering Services advised opening is imminent, there are some minor works to be carried out. Access to Hope Street will be built in the future by Council.

MINUTE

15 Item 8 DEVELOPMENT CONDITIONS - SIZE OF SHEDS (02.00005)

Cr Morse - asked is there a limit on the size of sheds in the conservation area. If not, can this be reviewed by Council.

The Acting Director Environmental Planning & Building Services advised there are no maximum limits in Council's standards. Council can at any time review adopted standards.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS AND MINUTES

POLICY COMMITTEE

1 DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)

Recommendation: That the information be noted.

Report: Council has received a Development Application (DA) for a single storey dwelling at 74 Burraga Road, Rockley, described as Lot 87, DP 1067827. A location plan is provided at **attachment 1**.

The subject site currently contains a number of rural outbuildings. One of the outbuildings includes shearers quarters which, in conjunction with a caravan, are currently being used as a temporary dwelling. The subject site does not contain any existing permanent dwellings.

The proposal

The proposal involves the construction of a single storey two-bedroom dwelling. Plans of the proposed development are at **attachment 2**.

The dwelling is to be located in the north east corner of the property. The dwelling will be setback 20 metres from East Street. The dwelling will be located 36 metres from the common boundary with 67 Hill Street/63 East Street (Webster/Woods). Council's Development Control Plan requires a setback of 50 metres from the front, side and rear boundaries for properties in excess of 100 hectares. The applicant has submitted a written request to vary this development standard (**attachment 3**).

The proposed dwelling will include the construction of a primary access and secondary access to Burraga Road. The proposed dwelling will not be reliant on East Street for its access.

East Street

East Street (located to the north of the proposed dwelling) is a Crown Road. East Street provides access to those properties with frontage to it including the property the subject of this Development Application.

Council at its meeting held 18 March 2015 resolved to approve the transfer of certain roads within the Village of Rockley. In terms of East Street Council's intention is to transfer East Street between Budden Street and Lachlan Street. That section of East Street fronting the subject land will remain a Crown Road.

Submissions

The Development Application was notified to one adjoining property owner between 25 May 2015 and 5 June 2015. During the notification period three (3) submissions were received from adjoining and adjacent property owners (see submissions at **attachment 4**).

Issues raised in the submissions included:

- Privacy and amenity of existing dwellings.
- Traffic/access (impact on East Street).
- Proximity to watercourse.
- The availability of more suitable building sites.

Following this Discussion Forum a report will be prepared to an Ordinary Council Meeting for determination.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

16 Item 1 DEVELOPMENT APPLICATION NO. 2015/0181 – SINGLE STOREY DWELLING AT LOT 87, DP 1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: MS P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

Discussion included:

E Woods – 67 Hill Street, Rockley (adjoins proposed development) - stated the proposal should come back to align with council standards, feels this is an invasion of their privacy. The development is on a 250 acre block, do not need proposed increased level of density in a rural area. Have written to council with objections. There is plenty of room to re-site the development, spoke to road access available including council and crown roads. Issues raised included; location proposed and impact on views, petition signed by Rockley residents against increased use of East Street, safety of children due to increased traffic, council setback requirements, costs of development.

D Mansell - East Street, Rockley - wishes to object to the proposal, has forwarded an objection to Council. Issues raised included; loss of views, privacy concerns, closeness to other properties, concerns with East Street standards. If DA is approved will create a precedent for future developments.

P Oxenbridge - owner of property (subject of DA) - advised purchased land that envelopes the village of Rockley, spoke to history of the property. Has access to village via East Street and three other paper roads. Referred to operation of various properties that are owned by the family. Access to school and the village is why wish to use East Street, which is a residential street. Already use East Street, no extra traffic will occur. Using Burraga Road is not practical as it is 100km/h with logging trucks. Raised concerns with objectors suggestion to utilise the tip road, not practical. Wish to use a village road. Topography and infrastructure in the location determine the most suitable location. Raised concerns with access to electricity and costs thereof. Need to be within 50 metres of the available power pole. Spoke to details of objections presented to Council and concerns with these and prior tree plantings which have been poisoned.

E Webster - Rockley resident - spoke to power pole concerns. There is a power line through the developers property. The section of East Street to be used is Crown Road not council road. The trees previously planted were eaten by rabbits.

F Golsby - Rockley resident - not interested in DA. Rather raises with Council about need to help the village grow. Need to be sustainable into the future.

2 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)

Recommendation: That the information be noted.

Report: Council has received a Development Application (DA) for an extractive industry at Lot 3, DP 226520, Napoleon Reef Road, Napoleon Reef. A location plan is provided at **attachment 1**.

The subject site currently contains a number of outbuildings.

The Proposal

The proposal involves the following elements:

1. Extraction of up to a maximum of 30,000m³/year of sand and gravel (derived from siltstone and bedrock) for use in road construction, roadworks and other civil works;
2. Extraction and access works within a maximum area of 2 hectares to a maximum depth of 10 metres;
3. Extension to existing all weather access track from Napoleon Reef Road by approximately 100 metres to the extraction site;
4. Storage of extracted material in stockpiles (within the 2 hectares area);
5. Use of bulldozers and excavators to extract material and sub-surface rock;
6. Rock crushing using a diesel powered portable crusher and screen of approximately 3m x 12m;
7. Operating hours of 7am – 6pm Monday – Friday, 8am-2pm Saturday;
8. Transportation of materials using trucks with maximum capacity of 33 tonnes and average frequency of 4 return movements per day.

It should be noted that the proposal originally included provision for blasting on site. The application no longer includes blasting. All material will be extracted using bulldozers and excavators.

Attachments relating to the proposal are as follows:

- Statement of Environmental Effects (amended) **attachment 2**.
- Supporting information from applicant **attachment 3**.
- Plans of proposed development (amended) **attachment 4**.
- Ecological Assessment (amended) **attachment 5**.
- Noise Impact Assessment **attachment 6**.

Submissions

The Development Application was notified to twelve (12) adjoining and adjacent property owners in accordance with Section 2.3 of the Bathurst Regional Development Control Plan 2014 from 9 April 2015 to 20 April 2015. Following the notification period in excess of 70 submissions were received (**attachment 7**).

Issues raised in the submissions included, but are not limited to, the following:

- Noise pollution
- Traffic and road safety

- Dust pollution
- Amenity
- Zoning and rating categories
- Visual impact
- Biodiversity
- Inconsistency with zone objectives
- Clearing of vegetation
- Erosion and sediment control
- Impact on tourism
- Impact on historical buildings
- Accuracy and adequacy of ecological assessment
- Property values

Following this Discussion Forum a report will be prepared to an Ordinary Council Meeting for determination.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

17 Item 2 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106) MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

Discussion included:

B Bailey - Napoleon Reef resident - spoke to developers briefing document and concerns with this. What is proposed jeopardises small business in the area, 9 of the 10 in the area have raised concerns about viability. Availability of materials (lack thereof) in the Bathurst basin is not valid to support the proposal. There are 360 persons in the area, not a few residents as claimed in the DA. There are a number of adjoining owners who will be impacted by the development. Raised traffic concerns, noted no tippers, flat top trucks currently use the roads in this area. Tabled document on concerns contained in the DA briefing document, which residents consider are incorrect.

T Aitken - Hillview Estate - spoke to zoning issues and background on the Hillview Estate. The Housing Estate adjoins the proposed development. Hillview is unsuitable for production (agriculture), in 1983 Evans Shire made LEP 3 to cover the Hillview Estate area. This was to reduce conflicts. Spoke to adjoining council land which is zoned E2 as very high environmental value. In 2005 the land was rezoned 1(e) outer rural by Bathurst Regional Council, there is no explanation for this. The land is now zoned RU1. There is no reason for this and is incompatible with existing uses. The DA is totally inappropriate.

D Willman - Windy Hill - Napoleon Reef Road - Napoleon Reef Road is a rural local road (circulated photos), spoke to conditions of the road. Proposed truck usage, bulldozers, trucks etc for the site. There are inconsistencies about average truck movements proposed and road widths claimed by the proponent. There are safety concerns with vehicle movements. Noted movement in and out of the site will necessitate trucks to use most of the road width and this creates safety risks. Braking distances are also of concern, there is no way safety of children, buses and vehicles can be guaranteed. The proposal is not in the community interest. Tabled a document for Council consideration.

K Armstrong - Napoleon Reef resident - raised concerns with water availability. Rainfall in area is low and soil profile is light. St Anthony's Creek and issues of flow raised, now not a permanent creek. Spoke about the difficulty with the existing bore water provided by council. How can the quarry operate in an area where water is not freely available? Issues such as; dust, soil profile damage by trucks, possible damage to St Anthony's Creek were raised. Tabled a set of questions for council to consider, such as how is water to be sourced, how will this impact on surrounding properties, impact on aquifer, contamination impact on aquifer, blasting issues.

J Page - Napoleon Reef resident - advised has had a lifelong association with the area. Concerned with the proposal and the future for the area if the quarry goes ahead. Bathurst Regional Council's rural strategy talks of protecting mining and extractive industries. The area was intended for rural residential development, this proposal would compromise this. Raised a number of questions about the DA; material reserves, how will operations occur, parking processes, fuel storage, waste, area of containment, blasting requirements. A list of questions were tabled. Spoke to current works that are occurring on the site, is this

development by stealth?

R Mottram - Ridgeway - raised concerns about noise. The report seems to dismiss any noise issues. The proposed quarry will lead to more quarries being put in place. This will rip the area apart. There have been no field studies undertaken and much of the report is copy/paste and is inaccurate. Climate condition surveys have only been taken from the Bathurst Agriculture station, not out at the site. Data utilised is 10 years old. The noise report is cheap and basic, has not covered necessary issues that should be covered in a noise report. Road and traffic noise is also not covered adequately by the noise report. Referred to statutory documents on assessing a developments noise impact. No background noise testing has occurred. No consideration of impact on property values, environmental matters, amenity of the area. The noise propositions need to be tested, the noise of the quarry will be significantly different to what currently exists. Council should request a comprehensive sound report. There are 3 working observatories in the area. The proposal will affect these.

T Collins - Napoleon Reef resident - water is not to come from St Anthony's Creek, does this mean extra truck movements? There is no place for a quarry in this area. Raised traffic safety concerns and issues with wildlife.

C Aitken - Hillview Estate - provided handouts to Council. Family has been based in the area for 20 years. Expressed concerns at quality of documents provided with DA. Concerns included health issues, incorrect statements that population is very small. Noted there are 75 homes (350 residents) in the area, which will be impacted by dust. There will be impacts on animals as well. Dust will spread far and wide in the area. Possible contaminants in the soil from prior gold operations is unknown. The proposal is in the habitat area of the Copper Wing butterfly, the quarry will be a key threat. The proposal is incompatible with council planning instruments.

H Price - Napoleon Reef - provided a handout to Councillors. Has completed environmental science qualifications. Spoke to DA and issues with possibility of koalas being in the area. Noted SEPP44 requirements. Closeness of Winburndale Reserve creates factors relevant to koala presence. Spoke to studies undertaken in completing qualifications on koalas in Rockley Mount and similarity of area to Napoleon Reef location. Development should not be allowed.

C Bailey - Ridgeway - referred to Bathurst Copper Wing Butterfly and koala matters. Noted thorough surveys of species need to be undertaken. The current environmental study is inadequate. There are a number of inadequacies in the study, including species names, incorrect listing of species, reference to Hill End (inappropriately), inconsistencies with federal/state guidelines.

Impact on the Butterfly is highly likely, the Ozark report is inadequate. Raised concerns at the prior clearing that has occurred on the site. The area is high conservation value, the quarry must not be allowed to proceed. There are other threatened species in this area which will be affected.

G Sanders - Napoleon Reef resident - runs an organic farm. Concerns about dust, inadequacy of DA. Requests quarry be refused.

G Mader - Napoleon reef resident - has been in the area since the mid 1980's. Extremely concerned at the proposal. Operates a small local business. The area is an amazing place, spoke to history of area. It is very poor productive rural land, but has rare bushes and shrubs in the area. The quarry will significantly deplete these. The area is a key tourism asset, this is an important fact in the recently adopted Destination Management Plan (DMP).

Tourism is growing in the region and is very valuable to the community. Tourism is sustainable.

J Bower - Wiradyuri Elder - concerned at proposed quarry. There is inadequate assessment of aboriginal sites in the proposal, only Aboriginal Heritage Information Management System (AHIMS) used. Noted concerns with fauna in the area, particularly with closeness of Winburndale reserve. Why are there no reports on the site about aboriginal heritage? The rock in this site was used by aboriginals to create knives and other implements. There are scarred trees in the area.

MINUTE

18 MEETING CLOSE

The Meeting closed at 8 pm.

CHAIRMAN: _____

Date: _____ **(15 July 2015)**