

28 October 2015

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 4 November 2015

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 4 November 2015 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 4 NOVEMBER 2015

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 30 SEPTEMBER 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 CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

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

8. DISCUSSION FORUM OTHER

* DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - ADDITIONAL CLAUSES

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

- 2 **APOLOGIES**
 MOVED: Cr I North SECONDED: Cr B Bourke

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

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 30 SEPTEMBER 2015 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 30 September 2015 be adopted.

Report: The Minutes of the Policy Committee Meeting held 30 September 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 - 30 SEPTEMBER 2015
(07.00064)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the Minutes of the Policy Committee Meeting held on 30 September 2015 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 30 SEPTEMBER 2015

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the apologies from Crs Hanger and Westman be accepted and leave of absence granted.

3 Item 999.01 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

4 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 SEPTEMBER 2015 (07.00064)

MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 September 2015 be adopted.

DECLARATION OF INTEREST

5 DECLARATION OF INTEREST 11.00002

MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

6 Item 1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

MOVED Cr M Morse and **SECONDED** Cr M Coote

This is page 1 of Minutes of the Policy Committee held on 30 September 2015.

RESOLVED: That Council:

- (a) Adopt the policy as outlined in the report with the following changes:

Clause 9 (vi) - first dot point

Change

- a laptop computer and associated equipment (printer etc)

To

- a computer, eg i-Pad or Laptop and associated equipment (printer etc)

Clause 15.3 - last sentence

Change

The amount of reimbursement will be the actual cost incurred, with a maximum of \$8 per hour per child applying.

To

The amount of reimbursement will be the actual cost incurred, with a maximum of \$25 per hour applying.

- (b) Note that as the changes proposed to the policy are not substantial that Council does not need to place the policy on public display and seek submissions

General Manager's Report

7 Item 1 UMCC OPERATIONS: SERVICE LEVELS & STRATEGIC DIRECTION (18.00172)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council request UMCC to provide by the end of November 2015, a future direction and resource strategy report as detailed in the report.

GENERAL BUSINESS

8 SUPERMARKET OUTLETS SURPLUS FOOD (14.00008)

Cr Jennings - asked does Council know what happens with this food? Could we inquire of major supermarkets of what they do, perhaps could be redirected to community groups.

9 Item 2 MOUNT PANORAMA SECOND TRACK BUSINESS PLAN (20.00278)

Cr Jennings - asked how this is going.

The Director Corporate Services & Finance advised current status, mainly concentrating on land purchase. Development of Business Plan getting closer.

10 **Item 3 JOBS EXPO (20.00071)**

Cr Jennings - asked is TAFE major sponsor and is the Expo primarily focused on young persons.

The Acting Director Environmental, Planning & Building Services advised that TAFE is major sponsor and the Expo is targeted at all groups.

11 **Item 4 TESLA CARS (04.00009)**

Cr Jennings - asked has Council received a reply to Council's requests?

The General Manager advised Council is awaiting a response, follow-up correspondence has been sent.

12 **Item 5 BIZ WEEK (20.00071)**

Cr Morse - congratulated staff on this event. Todd Sampson lunch a major success.

13 **Item 6 COURSE FOR WOMEN ENTERING LOCAL GOVERNMENT BEING HELD IN SYDNEY (29.00010)**

Cr Morse - recently received advice of a course for Women interested in entering Local Government being held in Sydney, but cost at \$1,100 was cost prohibitive for most people. Requests Council prepare a folder with information and a kit for women and other interested groups for next years elections. Also could we organise some seminars.

14 **Item 7 PARKING ISSUES - GEORGE STREET (25.00007)**

Cr North - advised this is a bottleneck. When will some advice be received on what could happen in this area?.

The Acting Director Environmental, Planning & Building Services advised that a Traffic/Parking study is scheduled for next financial year.

15 **Item 8 MOUNT PANORAMA BATHURST SIGN (04.00019)**

Cr North - asked are we going to fix the sign (including 200 sign) so can be more easily seen?

The Director Engineering Services advised work on the sign has been completed today.

16 **Item 9 OUTDOOR STAFF (23.00012)**

Cr North - congratulated outdoor staff on how the city currently looks, it is great.

17 **Item 10 KEPPEL STREET CARPARK (22.00653)**

Cr North - asked when will work start on this project?

The Mayor advised that work will commence in the second half of the 2015-2016 financial year.

18 **Item 11 PARKS & GARDENS - BERRY PARK - SNAKES (04.00065)**

Cr Bourke - advised there are snakes in this area, could slashing be undertaken near toilet block.

19 **Item 12 CCTV CAMERAS (16.00145)**

Cr Bourke - asked how is this project progressing. Have we had any feedback from businesses?

The Director Cultural & Community Services advised no responses at this time.

20 **Item 13 TAFE BUILDING (22.01387)**

Cr Bourke - asked could Council have an update on the TAFE Building?

21 **Item 14 ENTRANCE TO CITY FROM PERTHVILLE ROAD (07.00097)**

Cr Bourke - advised getting good feedback on the work undertaken at the RMS Entrance/Crematorium. Have had concerns expressed about site near the Saleyards, could Council look at this?

22 **Item 15 GREEN BINS (14.00053)**

Cr Bourke - asked if there is a pensioner rebate, could we get real cost to ratepayers of the Green Bin. Requested report before Christmas. If Department of Housing have to pay will they pass this cost onto tenants.

The Director Corporate Services & Finance advised a report is being prepared for Council on costs and how these are calculated. The Department of Housing charges the rents, Council has no role in this.

MEETING CLOSE

23 **MEETING CLOSE**

The Meeting closed at 6.30 pm.

CHAIRMAN: _____

Date: _____ **(21 October 2015)**

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

4 NOVEMBER 2015

1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)

Recommendation: That Council note the information and update the list of designated positions in the Policy Manual.

Report: Under Section 441 of the Local Government Act, Council must nominate certain positions as Designated Positions that require Disclosure of Personal Interests. Council's Policy Manual already provides a list of positions. A review of the Designated Person list has been undertaken and following the adjustment to the Communications section within Council it is recommended that Council remove the title of Manager Marketing and Communications and replace it with Manager Corporate Communications.

It is recommended that the changes listed above be made to the list of Designated Persons and the Policy Manual be updated accordingly. A copy of the revised Policy is shown at **attachment 1**.

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

MINUTE

5 Item 1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council note the information and update the list of designated positions in the Policy Manual.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 TAFE BUILDING UPDATE (22.01387)

Cr Bourke - requested status of land acquisition.

The General Manager advised discussions occurring with State Properties, likely compulsory acquisition process will occur.

MINUTE

7 Item 2 GREEN BINS (14.00053)

Cr Bourke - requested update on pricing of green bins.

The Director Corporate Services & Finance advised a report is being prepared for Council.

MINUTE

8 Item 3 YOUTH COUNCIL DYE HARD FUN RUN (11.00020)

Cr North - congratulated Youth Council on this event.

MINUTE

9 Item 4 GREAT WESTERN HIGHWAY UPGRADE STAGE II (25.00018)

Cr North - asked have we had any response from the government.

The Mayor advised correspondence forwarded to local member and the relevant Minister.

MINUTE

10 Item 5 R2R FUNDING (16.00011)

Cr Aubin - asked what Plans are in place for Eleven Mile Drive.

The Director Engineering Services advised there is funding in the extended R2R Program and Council funds for this year, totalling around \$400,000.

MINUTE

11 **Item 6** **SECOND CIRCUIT (20.00278)**

Cr Coote - asked where is this matter at.

The Mayor advised meetings are being organised with Federal Ministers. Discussions have been held with Minister Barilaro.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS AND MINUTES

POLICY COMMITTEE

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

Recommendation: That the information be noted.

Report: The Site

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.

Background

Following the previous Discussion Forum for this Development Application the applicant has submitted additional documentation and amended plans to address issues raised at the Discussion Forum and in earlier submissions.

The additional documentation principally relates to Aboriginal Heritage, tree removal and the proposed biodiversity offset.

The amended plans principally relate to the new entrance to the property from Napoleon Reef Road. The proposal has been amended to include the construction of a new public road entrance within the existing road reserve approximately 65 metres to the north of the current entrance.

The Proposal

The current proposal involves the following elements:

1. Extraction of up to a maximum of 30,000 cubic metres per year of hard rock materials (derived from siltstone and bedrock) for use in road construction, roadworks and other civil works;
2. Extraction within a maximum area of 230 metres X 80 metres (18,400m² - 1.84 hectares) to a maximum depth of 10 metres;
3. Extension to existing all weather access track from Napoleon Reef Road by approximately 40 metres to the extraction site;
4. Construction of approximately 113 metres of public road (currently unformed Council road) from Napoleon Reef Road to the property boundary;
5. Storage of extracted material in stockpiles (within the extraction site);
6. Use of bulldozers and excavators to extract material and sub-surface rock;
7. Rock crushing using a diesel powered portable crusher and screen of approximately 3m x 12m;
8. Operating hours of 7am – 6pm Monday – Friday, 8am-2pm Saturday;
9. Transportation of materials using trucks with maximum capacity of 33 tonnes and an average frequency of 4 return movements per day;
10. Removal of approximately 64 mature trees; and
11. Setting aside an area of 6 hectares within the site as a “biodiversity offset”

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.**
- Tree removal explanation **attachment 7.**
- Report from Bathurst Local Aboriginal Land Council **attachment 8.**
- Report from Wiradjuri Traditional Owners Central West Aboriginal Corporation **attachment 9.**
- Biodiversity Offsetting Strategy **attachment 10.**

Submissions

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

Following receipt of additional and amended documentation the Development Application was re-notified in June 2015. Additional submissions were received after the re-notification period.

A Discussion Forum was held on 1 July 2015.

Following receipt of the additional documentation and amended plans Council again re-notified the Development Application to all those who previously lodged submissions in September/October 2015. Additional submissions were received after the re-notification period.

To date Council has received in the order of 40 additional submissions (in addition to the 70 or so original submissions) as a result of the two re-notification periods. All submissions received as a result of the 3 notification periods are at **attachment 11.**

Issues raised in the submissions received since the last notification are generally consistent with the issues of the earlier submissions received and include:

- Noise
- Traffic and road safety
- Dust
- Amenity
- Zoning and rating categories
- Visual impact
- Biodiversity
- Inconsistency with zone objectives
- Clearing of vegetation
- Erosion and sediment control
- Impact on tourism
- Impact on heritage
- 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

12 Item 1 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT & OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)

Discussion included:

B Bailey – Napoleon Reef resident - gave an apology for C & T Aitken not being here. Drew Council's attention to information they provided to the last Discussion Forum. Spoke to issues of mining in various locations and recent bus accident in Europe and road quality. Problems of people not rehabilitating quarries. Why is Council procrastinating on this DA. Councillors should vote no on the development, there is scope to do this under s:79C of the EP&A Act.

G Iacono – Napoleon Reef resident - runs a guest house on his property, the environment is beautiful and quiet and is known as a great community. If development goes ahead this will all change. The high water requirements cannot be sustained, where will the water come from. The quarry will mean noise and dust and a scar on the landscape. There are sufficient quarries around, providing materials into the region for the next 30 years. This is an area that Bathurst should be proud of.

J Page – Napoleon Reef resident - the DA previously could not stand on its own, there is a lack of information on: scale and life, how quarry will operate, will blasting occur in the future. Will the operation be expanded beyond 2 ha. Referred to road works that have already occurred and environmental concerns; plants, birds, offset area proposed. Many trees are to be removed and are not clearly detailed. Sight distances on the road and noise of trucks on the road have not been addressed. There is a depth of concerns within the community, residents have not been responded to by the Council. In regards to the road, will Council have to do significant works to improve the road. There is little consideration given to the lifestyle and businesses of the people in the area. Extractive industries do not belong in this area, people bought into rural lifestyle area. Referred to a letter from Shire Clerk, Mr Dasey of Evans Shire Council. This development will create a precedent. The community strongly urges Council to disallow the DA.

A Iacono – Napoleon Reef resident - struggles to see how this can go ahead, will have an impact on many people. Spoke to problems with noise, dust and devaluation of properties. There will also be visual pollution. The negative factors far outweigh the positives. Against the idea of the quarry.

Reading of submission on behalf of C & T Aitken – Napoleon Reef residents - expressed concerns: - at why additional Discussion Forum held; why Councillors had site visit with the developer; why second Discussion Forum was offered to the developer, this has never been done before; Evans Shire planning strategies for the area; and actions taken by BRC since 2004. The development is a land use conflict. The development is not in the public interest as per s:79C of the EP&A Act.

T Collins - Napoleon Reef resident - do not need trucks in this area. Request Council do not approve the DA. Spoke to St Anthony's Creek crossing issue and water needs. Noted road works that have occurred on the property already. This is a conservation area , consider all the residents.

H Price – Napoleon Reef resident - has spoken previously about the site being a potential

koala site and SEPP44. Spoke to inaccuracy of using 10 km bio net search area. There have been koalas sighted in Winburndale Reserve. There needs to be a proper study done. How did works on access roads occur before DA approved, widened access road through Crown Land, cleared trees before DA approved.

J Iacono – Napoleon Reef resident - there are over 320 persons living in the area. House is only one km away from quarry. Raised concerns about trucks, a quarry being put near a rural residential area, property valuation impacts, dust and noise. The development should not be at the cost of residents, also do not lose sight of impact on tourism industry. Requested Council protect residents environment and property.

B Maloney – Napoleon Reef resident - concerns about safety and suitability of Napoleon Reef Road for the development. Issues such as sight distances required under relevant standards which are greater than 180m. The proposal does not meet Austroads or RMS standards. The quality of the road is an issue, no safety shoulders etc, will not meet needs of trucks with a dog trailer. Gravel is not suitable for heavy vehicles and spoke to tonnage impact on the pavement. If DA approved Council will need to put in program of rehabilitation of the road.

G Crisp – Bathurst resident - spoke to concerns about the development. Raised issues of cost and finance. Who will pay for remediation costs? The level of water required is understated, will Council be giving guarantees for supply of water? Who will pay for roads such as upgrading? Dust concerns raised.

C Bailey – Napoleon Reef resident - referred to protection and restoration of the environment and why is Council considering a quarry in this area of high conservation value. Noted species living in the area and prior reports of developer contained glaring faults. Concerns of timelines to make submissions and actions taken by developer prior to environmental studies being undertaken. There are concerns with noise, dust, trucks, water. Actions taken have impacted the environment already, including the Bathurst Copperwing Butterfly and its habitat. The area is very important as a reservoir of unique biodiversity. Referred to tree removals proposed. Noted the submission has a number of inconsistencies, incongruities. Crash grazing proposal was questioned and issue of offset area.

N Hemsley – Walang resident - this is a community which has pride. Used to be able to walk, ride horses and catch bus on the road. With trucks there is no space on the road, there is a safety issue.

G Mader – Napoleon Reef resident - spoke to sustainability, eco tourism and environmental concerns (played a video of plants in the area). The development will be devastating on the environment in the area. Spoke to illegal road on Crown land. What is proposed by Stages II & III? Is the Plan to get approval and then just extract? There have been many submissions, there is clear community objection. The key matter is sustainability, the quarry will destabilise existing businesses. Significant levels of old growth forest will be removed. Habitat removed, dust, noise will have major effects on the area. The residents have formed a Landcare group, asks Council to work with community. Council needs to reject proposal and put in place protections.

R Mottram – Napoleon Reef resident - spoke to Western Advocate article from 3 November 2015. All the issues have not been addressed. There are errors in the Ozard's report. There is nothing about property values, vigilance on bus routes and road conflicts during the day. How will this be monitored? There is insufficient information in reports. Why is there now an issue with Crown Road. Developer should have known this? Raised concerns at last forum which were not answered, eg, meteorological data from monitoring site 20 km

away. Why has wind not been considered as an impact? Noise will be an issue for many people. Spoke to acoustic report with the DA. Why should residents be subject to industrial noise? The site is on the side of a hill and will promote noise. Queried modelling technique utilised, conducted under calm conditions only. Concerns at traffic noise assessments undertaken, did not appear to address all noise receptor points. Only point measured was at the property of a supporter of development. Impact on St Anthony's Creek from trucks crossing the waterway.

Noted Council's objectives contained in 2036 CSP. Development for the sake of development will cost community dearly.

T Carpenter – Bathurst Climate Change Action Network (BCCAN) - there has been an error in zoning. Need to protect interests of local environment. Referred to concerns expressed by BCCAN and tabled letters from the group.

Advised Jill Bower unable to attend, but has expressed concerns.

D Willman – Windy Hill resident - disappointed concerns have not been addressed about due process. Councillors did not organise meeting with objectors on site. The applicant has not addressed problems raised. There is a critical problem with safety on Napoleon Reef Road, referred to submission made to Council. Road Design matters do not address heavy haulage vehicle operations. A suggested 60 km/h limit will not address concerns, the road is tight and not wide enough, double lines will not address problems. Referred to Crown Lands refusing applicant the right to utilise the Crown Road access. Concerns at who pays for the road were expressed. Can Council consider itself impartial in this matter? The Council is required to protect the safety and amenity of the community.

D McCaulay – Walang Drive resident - sustainability is a key learning area for schools. The quarry is not sustainable, asks Council to vote no.

Yours faithfully



Janet Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DISCUSSION FORUM OTHER AND MINUTES

POLICY COMMITTEE

1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - ADDITIONAL CLAUSES (20.00290)

Recommendation: That the information be noted.

Report: Council commenced an LEP amendment to insert three additional clauses in the Bathurst Regional LEP 2014.

The intent of the three clauses are explained below.

Temporary use of land

The proposed clause makes the temporary use of land permissible with consent in any zone (except zone RU2 Rural Landscape) as long as Council is satisfied that the use will not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts on the land. It is proposed to limit the temporary use of land to a maximum of 42 days.

It is not intended to permit Commercial Motor Race Hosting (as defined in Clause 7.8 Mount Panorama commercial motor race hosting of the Bathurst Regional LEP 2014) as a temporary use. It is therefore Council's intention to use the NSW Government's model clause for temporary uses, with a modification excluding all lands zoned RU2 Rural Landscape.

The inclusion of the clause (excluding land zoned RU2 Rural Landscape), aims to improve flexibility to cater for temporary uses of land within the Bathurst Region.

It is proposed that the clause will read:

2.8 Temporary use of land

- 1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- 2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone, except for the RU2 Rural landscape zone, for a temporary use for a maximum period of 42 days (whether or not consecutive days) in any period of 12 months.
- 3) Development consent must not be granted unless the consent authority is satisfied that:
 - a. the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - b. the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - c. the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - d. at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- 4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

- 5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Drinking water catchment

Section 3.3 of the Australian Drinking Water Guidelines 2011 (updated Dec 2013) states that prevention is an essential feature of effective drinking water quality management. Preventative measures are those actions, activities and processes used to prevent hazards from occurring or reduce them to acceptable levels. In particular, there should be a multiple barrier approach and preventative measures should be applied as close to the source as possible, with a focus on prevention in catchments rather than sole reliance on downstream control.

Development in drinking water catchments must consider likely impacts on the catchment, including measures to avoid, minimise or mitigate the impacts. Drinking water catchments and the associated Drinking Water Catchment Maps provide sufficient protection to assess a wider range of agricultural and other land uses on their merits without compromising the importance of protecting the drinking water catchments and drinking water quality.

The drinking water catchment clause will require landowners within the identified area to obtain development consent prior to spreading biosolids on their land. The proposed clause will also require developments such as feedlots and the like to consider the impact of wastewater on the drinking water catchment.

Biosolids are nutrient-rich organic materials resulting from the treatment of domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertiliser to improve and maintain productive soils and stimulate plant growth. Currently within the Bathurst Region development consent is not required to apply biosolids to land.

The aim of the model drinking water catchment clause within the Bathurst Regional LEP is to increase the protection afforded to the City's drinking water.

It is proposed that the clause will read:

6.5 Drinking water catchments

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as "Drinking water catchment" on the Drinking Water Catchment Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
 - a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:
 - i. the distance between the development and any waterway that feeds into the drinking water storage,
 - ii. the on-site use, storage and disposal of any chemicals on the land,
 - iii. the treatment, storage and disposal of waste water and solid waste generated or used by the development,
 - b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Minimum lot sizes for certain split zones

Council, as part of the Bathurst Regional LEP 2014, rezoned a number of rural properties for residential purposes catering for the continuing growth of the Bathurst Region. Council has identified a number of properties which now have multiple zones, primarily a rural and a residential zone. Council has received a number of enquiries from landowners with the split zones seeking consent to subdivide along the zone boundary, creating a residential zoned development lot and a rural zoned residual lot (which may include an existing dwelling) which is below the minimum lot size.

The minimum lot sizes for certain split zones clause within the LEP aims to enable the subdivision of a property with a split zoning along the zone boundary even if there is an existing dwelling on the residual rural lot which is below the minimum lot size.

Inserting the clause into the LEP will enable Council to consider applications for subdivision along zone boundaries. The existing provisions within the current LEP do not enable Council to create a subdivision as described above. It is expected that the minimum lot size for certain split zone clause will have little impact on adjoining landowners.

It is proposed that the clause will read:

4.1C Minimum lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains:
 - (a) land in a residential, business, industrial, or recreation zone, or Zone RU5 village, and
 - (b) land in Zone RU1 Primary Production, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
 - (a) one of the resulting lots will contain:
 - i. land in a residential, business, industrial, or recreation zone or Zone RU5 Village that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - ii. all of the land in Zone RU1 Primary Production, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

- (c) an existing lawful dwelling may be located on a lot created in accordance with subclause 3(a)(ii).

Public exhibition

Council exhibited the draft Local Environmental Plan Amendment from 15 August 2015 until 14 September 2015. Council officers were contacted by the NSW Farmers Association and granted an extension of time to allow the Association to make a late submission, however, at the time of writing the report a submission had not been received.

Council received a total of five (5) submissions.

Copies of the submissions are provided at **attachment 1**.

The table below summarises the submissions received and the key issues raised in those submissions.

Name	Comments or issues raised
Lithgow City Council	<ul style="list-style-type: none"> Does not raise objection to the planning proposal in its current form.
NSW Health Western NSW Local Health District Population Health Unit - Bathurst	<ul style="list-style-type: none"> No comment in relation to the clauses for Temporary use of land and Minimum lot sizes for certain split zones. Supports Council's proposal to insert the drinking water catchment into the LEP.
Voerman & Ratsep Land Surveyors	<ul style="list-style-type: none"> Supports Council's proposal to insert a clause in to the LEP for Minimum lot sizes for certain split zones.
Mr P Soars Managing Director Australian Native Landscapes	<ul style="list-style-type: none"> Raises objection to the proposed drinking water catchment clause. Excluding the use of biosolids on agricultural land is inequitable. Sydney Water have been applying biosolids for the past 20 years with no issues of offsite contamination within the Bathurst water catchment. Council has not raised objection to the environmental reports produced prior to the application of biosolids. Suggests that the model clause would apply to all agricultural operations. Considers that the proposed LEP amendment would not contribute significantly to the protection of the drinking water supply for Bathurst.
Sydney Water	<ul style="list-style-type: none"> Seeks clarification whether the application of biosolids will require development consent or be excluded. States that an individual environmental impact statement (EIS) is prepared for proposed application sites and that the EIS notes any restrictions on the application. States that Council receives a copy of the EIS for its information. Describes the process of biosolid application and describes history of application of biosolids in the Central West for over 20 years. Considers the current process provides sufficient environmental protection without the need for a development application. States that the application of biosolids does not require development consent under Clause 106 of SEPP (Infrastructure) 2007 Biosolids are applied to the land in the spirit of the zone

	<p>objectives “to enhance the environmental qualities of the area”.</p> <ul style="list-style-type: none"> • Supports the protection of drinking water catchments. • EPA guidelines for the application of biosolids provide sufficient protection. • Considers that the proposed amendment does not add any additional protection to the drinking water catchments.
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The draft Plan will be referred to a future Council meeting for consideration.

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

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

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13 Item 1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - ADDITIONAL CLAUSES (20.00290)

Discussion included:

J Fisher – Sydney Water - Sydney Water supports protection of water quality. However, bio-solids issue can be addressed by other methods. Do not exclude bio-solids from catchment. Considers matter can be dealt with by a collaborative approach. The EPA has legislative controls for bio-solids and Sydney Water and its contractor has to comply with these. Queried whether DA process offers greater controls. There are areas in the catchment that are suitable for bio-solid applications. Willing to meet with Council to discuss processes and locations for acceptable applications. Provided a statement and fact sheet for Council.

J McSpedden – Farmer, Lagoon - has utilised bio-solid over recent years, after advice from agronomist. The bio-solids are only utilised under EPA guidelines, supplies extensive corn to Simplot and yields have increased with bio-solids. Noted safety practices in place, such as bunds. Commend Council to look at EPA guidelines. Also queried issue of feedlots, when do these stop/start, needs clarification.

R Prest – Australian Native Landscapes - delivers bio-solids in the area. Has concerns at change to LEP proposed. Section 3.3 of the Australian Drinking Water Guidelines is of concern with the extent of the issues covered, they are very broad and if adopted maybe interpreted detrimentally to the agriculture industry into the future.

Yours faithfully



Janet Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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14 MEETING CLOSE

The Meeting closed at 8.00 pm.

CHAIRMAN: _____

Date: _____ **(18 November 2015)**