

28 June 2017

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -  
Wednesday, 5 July 2017**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 5 July 2017 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 5 JULY 2017**

**1. 6:00 PM - MEETING COMMENCES**

**2. APOLOGIES**

**3. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017

**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 2017/158 – RESIDENTIAL UNITS AT 131 MITRE STREET AND 276 KEPPEL STREET, WEST BATHURST. APPLICANT – ADAM HART CONSTRUCTIONS PTY LTD. OWNER – ADAM HART CONSTRUCTIONS PTY LTD.

**8. DISCUSSION FORUM OTHER**

\* DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN

**9. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 APOLOGIES

MOVED: Cr I North SECONDED: Cr G Westman

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

**REPORT OF PREVIOUS MEETING AND MINUTES**

POLICY COMMITTEE

## **1 MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 7 June 2017 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 7 June 2017, 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 - 7 JUNE 2017 (07.00064)  
MOVED: Cr G Westman SECONDED: Cr I North

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 June 2017 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 7 JUNE 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr M Morse

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 MAY 2017 (07.00064)**

**MOVED** Cr M Coote

and **SECONDED** Cr W Aubin

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 May 2017 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

**MOVED** Cr B Bourke

and **SECONDED** Cr M Coote

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Environmental Planning & Building Services' Report**

**5 Item 1 DRAFT PLANNING INSTRUMENT AMENDMENTS AND REFUND OF FEES POLICY (41.00089)**

**MOVED** Cr M Coote

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:



- (a) place the draft Planning Instrument Amendments and Refund Of Fees Policy on public exhibition;
- (b) place the draft Fees & Charges on public exhibition;
- (c) if no submissions are received, adopt the draft Policy and draft Fees & Charges; and
- (d) upon adoption of the draft Policy, repeal the existing refund of fees for DCP & LEP amendments Policy.

**6** **Item 2 ADVERTISING SIGNS IN PUBLIC AREAS POLICY (41.00089 & 23.00045)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) place the amended Advertising Signs in Public Areas Policy on public exhibition for a period of 28 days and;
- (b) if no submissions are received, adopt the Policy.

**7** **Item 3 DANGEROUS AND MENACING DOGS POLICY (41.00089 & 02.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr G Westman

**RESOLVED:** That Council :

- (a) place the Dangerous and Menacing Dogs Policy on public exhibition for a period of 28 days; and
- (b) if no submissions are received, adopt the policy.

**Director Corporate Services & Finance's Report**

**8** **Item 1 SUBMISSIONS - FINANCIAL STATEMENTS - RELATED PARTY DISCLOSURES POLICY (16.00055, 41.00089)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That

- (a) Council after considering the submission received, not amend the policy.
- (b) Council adopt the Policy - Financial Statements - Related Party Disclosures

**GENERAL BUSINESS**

**9** **Item 1 COMMUNITY OP SHOP (21.00143)**

**Cr Bourke** - Thanked Council for support over the recent Community Op Shop incident.

**10**      **Item 2 BATHURST 12 HOUR (04.00097)**

**Cr Bourke** - requests a report on a Driver's Parade for 2018 Bathurst 12 Hour event.

**11**      **Item 3 ADVERTISING SIGNS POLICY (23.00045)**

**Cr Aubin** - asked does the Advertising Signs Policy cover road signs. What is the policy on temporary signage on roadsides?

**The Acting Director Engineering Services** advised that the policy does not cover road signs. Further, advised of timelines in place for temporary signage.

**12**      **Item 4 KELSO TRAFFIC ISSUES (25.00035)**

**Cr Aubin** - asked what is the car movement per household per day. Can Council do a traffic count on Hereford Street? The problem is going to get worse with Sunbright Estate development. Need to be proactive in planning for future traffic. Requests a report on plans/options.

**The Acting Director Engineering Services** advised there are 9 vehicle movements per day.

**13**      **Item 5 BANNER SIGNAGE IN WILLIAM STREET (23.00006)**

**Cr Westman** - asked what is the pricing of digital signage. Requests a report on costs and business case/plan.

**14**      **Item 6 TRAFFIC IN KEPPEL STREET (25.00039)**

**Cr Morse** - noted the issue with pedestrian movement between Vinnies and Salvation Army stores. Is the existing pedestrian crossing going to be moved? Is there beautification of Keppel Street planned?

**The Acting Director Engineering Services** outlined beautification items planned, but not budgeted. Plan would need to be revisited.

**15**      **Item 7 KEPPEL STREET DISABLED PARKING (25.00039)**

**Cr Morse** - feels the current location is not appropriate, could a more appropriate location be investigated?

**The Mayor** advised this matter will be referred to the Traffic Committee.

**16**      **Item 8 SMALL DOG OFF LEASH AREA (22.01232)**

**Cr Morse** - requested an update on the small dog off leash area.

**The Acting Director Environmental, Planning & Building Services** advised fencing should commence after the long weekend.

**17**      **Item 9 CARILLON UPDATE (04.00021)**

**Cr Morse** - noted there is a working party interested in upgrading the Carillon, hope to bring this to Council.

**MEETING CLOSE**

**18**      **MEETING CLOSE**

The Meeting closed at 6.16 pm.

**CHAIRMAN:** \_\_\_\_\_

## MINUTE

### 4 DECLARATION OF INTEREST 11.00002 MOVED: Cr I North SECONDED: Cr B Bourke

**RESOLVED:** That the following Declaration of Interest be noted.

Cr Westman

Discussion Forum - DA Item #1 DA2017/158 - Director Environmental, Planning & Building Services' report.

**Cr Aubin arrived.**

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

POLICY COMMITTEE

5 JULY 2017

## **1 MOUNT PANORAMA MOTOR RACING CIRCUIT - RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)**

**Recommendation:** That Council:

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

**Report:** Councillors would recall, from the Policy Committee held on 5 April 2017, where it was resolved that Council:

- "(a) Place the updated Mount Panorama Motor Racing Circuit - Resident Access - full Track Hire Policy on public exhibition for 28 days; and*
- (b) If no submissions are received, adopt the Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy. (Cr Bourke/Cr Coote)".*

In accordance with this resolution a copy of the Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy (see copy at **attachment 1**) was placed on public exhibition from 24 April 2017, with submissions closing 23 May 2017. In addition to Council's normal exhibition practices, a copy of the Policy, together with instructions on how to make a submission, were provided to each Mount Panorama residence.

Council has received six (6) submissions in relation to the Policy, including one (1) petition signed by seventeen (17) individuals, representing sixteen residences. A copy of each submission has been provided as an attachment to this report.

As noted in the report of 5 April 2017, as part of the process of reviewing this Policy, comments were sought from: Department of Sport and Recreation, Confederation of Australian Motorsport (CAMS), Mount Panorama Residents Committee, Supercars Australia and Yeehah Events.

### **Submission 1 - P & L Burgett - attachment 2**

In brief, this submission raises concerns in relation to:

- (i) the definition of an event;
- (ii) the quality and accessibility of the secondary/alternate access;
- (iii) track closure times during events; and
- (iv) resident meetings in the lead up to an event.

In response:

- (i) in reviewing the current Policy (last adopted February 2015) there was a need identified to introduce a "Definitions" section to assist with removing interpretational differences and ambiguity. Where available the definition of key terms in the Policy correspond with the equivalent term in the Mount Panorama Motor Racing Act 1989 (the Act). Where a key term exists in the Policy that does not have a corresponding term in the Act, then where possible the intent of the Act has been applied.

The term "Traditional Motor Racing Events" (TMRE) is a term that has been used in

the Policy since its inception, however, does not appear to have ever been clearly defined. Accordingly, the Policy defines TMRE as being one of the five meetings permitted under the Act. Hence, for a TMRE to occur, it must comply and be permissible under the Act.

- (ii) Council acknowledges that whilst each residence has a secondary/alternate access, not all accesses are via a legal road or a right of way. It is further acknowledged that some secondary/alternate accesses are only facilitated by an agreement between adjoining neighbours.

The Policy includes a paragraph which responds to this concern in stating that Council will continue to improve secondary/alternate access arrangements to the residents. This not only refers to the provision of secondary/alternate access, but also to the accessibility of the access that is provided.

- (iii) The general track closure times contained in the revised Policy are the same as those presented in Council's current adopted Policy. The revised Policy however provides a list of three specific exemptions for the Bathurst 12 Hour event, Bathurst 6 Hour event and the Bathurst 1000 which are not included in the current adopted Policy.

The general track closure times referenced in this submission were current when the Policy was first developed in 2008. However, these track closure times changed when the Policy was previously adopted in February 2015.

Council may alter the general track closure times contained in the Policy as part of the consideration of this report. Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

- (iv) The current, and revised Policy provide for a minimum of two (2) residents meetings each calendar year. These meetings have generally been held in the week leading up to the Bathurst 12 Hour event and the Bathurst 1000 event.

The timing of these meetings (ie in the week of the event) have been co-ordinated at this time, as this aligns when the event organisers are in Bathurst.

With the growth of the Bathurst 6 Hour event, consideration is being given to holding a similar meeting prior to next year's event. This additional meeting is currently permissible under the existing and revised Policy.

### **Submission 2 - E & O Bennetts - attachment 3**

This submission does not outline the number of reservations that the authors have with the Policy. However, it is noted that the authors of this submission also signed the petition which is discussed later in this report.

### **Submission 3 - N Lucas - attachment 4**

This submission does not elaborate as to why the author finds the Policy to be even more unsatisfactory than the Policy of 2014. However, it is noted that the author of this submission also signed the petition which is discussed later in this report.

### **Submission 4 - P & D Harper - attachment 5**

In brief, this submission raises the following matters for consideration:

- (i) The Challenge Bathurst event should not be considered a TMRE;
- (ii) Track closure times should be restricted to 9 am to 5 pm similar to Phillip Island, Winton and Wakefield Park, and track closure times should be only 30 minutes prior to the first scheduled event;
- (iii) The quality and accessibility of the secondary/alternate access;
- (iv) Resident ticketing for Non-Traditional Motor Racing Events (NTMRE).

In response:

- (i) The Challenge Bathurst event has been listed as a current TMRE as the event must comply and be permissible under the provisions of the Act.
- (ii) As mentioned in response to an earlier submission, the general track closure times contained in the revised Policy are the same as those presented in the current adopted Policy. Comparing the Mount Panorama Circuit to Phillip Island, Winton and Wakefield Park is not an ideal comparison as, for the majority of the year, Mount Panorama is a public road and not a closed permanent circuit, like the examples which have been listed in the submission.

As the Mount Panorama Circuit is a public road, there is a significant amount of time required in the set-up and pack-up for each day of an event. For example, the public road needs to be closed to allow for the safe deployment of flag marshals, recovery vehicles, fire marshals and the completion of track safety inspections. In addition, time needs to be provided for the closure of all residents' entrance gates. With the exception of the closing of gates, the above deployments etc all occur before 9 am at the closed permanent circuits listed in the submission.

Council may alter the general track closure times contained in the Policy as part of the consideration of this report. Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

- (iii) A response to the quality and accessibility of the secondary/alternate access has been raised in this report.
- (iv) The provisions for resident ticketing for NTMRE as contained in the revised Policy are the same as those presented in the current adopted Policy. The intent of this clause is to ensure Resident Access is maintained irrespective of whether the event is a TMRE or NTMRE.

**Submission 5 - N Swan - Chairman, Mount Panorama Residents Committee - attachment 6**

This letter was presented to Council prior to the commencement of the exhibition. With the permission of Mr Swan, this letter has been included as a submission.

In brief, this submission identifies a number of failings of the Policy, including:

- errors of fact;
- lack of definitions;



- contradictions;
- omissions; and
- lack of empathy

However, the submission does not identify specifically where in the Policy these issues occur.

It should be noted that, in obtaining Mr Swan's permission to include this letter as a submission, Mr Swan indicated that he would be lodging a more detailed submission as well. It is further noted that Mr Swan signed the petition which is discussed later in this report.

### **Submission 6 - Mount Panorama Residents Committee - attachment 7**

This submission raises a number of matters for consideration, each of which are discussed separately below:

- (i) Our suggestions were completely ignored and therefore we have had zero input into this policy.***

Response:

- (i) This statement is not correct. An early draft version of the Policy was provided to the Residents Committee in August 2016 for comment. In December 2016 the Residents Committee provided a number of comments and suggested alterations to the draft Policy. A number of the amendments suggested by the Residents Committee have been incorporated in the current revised Policy which was placed on exhibition.

- (ii) Our main suggestion was that the road should not be closed more than 20 minutes before the scheduled start of an official race or practice session.***

Response:

- (ii) As mentioned in a response to an earlier submission, the set up required before the commencement of racing would not be able to be completed within 20 minutes.

Council may alter the general track closure times contained in the Policy as part of the consideration of this report. Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

- (iii) The road be opened as soon as practical at the completion of an even (sic).***

Response:

- (iii) It is recommended that this wording not be included in the Policy, instead the current wording which specifies an exact time should be retained. It should be noted that practice has been for the road to be re-opened as soon as practical.

- (iv) We have never been asked for consent although the Act actually calls for resident consent.***

Response:

- (iv) Section 4 of the Act designates the land that is the subject of the Act. There are no privately owned residences that are included in the designated area see **attachment 8** . Accordingly "resident" consent is not required under the Act.
- (v) ***This extra time is time which the professional events don't need and the amateur events don't want.***

Response:

- (v) As mentioned in response to an earlier submission, the general track closure times contained in the revised Policy are the same as those presented in the current adopted Policy.

There is nothing in this Policy which requires a track hirer to completely use the entire track closure period. Should a hirer only wish to use a lesser time period, then the road would only be closed for the lesser period.

The intent of the Policy is to set the maximum period for which the road can be closed.

Council may alter the general track closure times contained in the Policy as part of the consideration of this report. Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

- (vi) ***Much of the Policy is likely to be based on the untruthful statement that all residents have secondary access.***

Response:

- (vi) The nature and quality of the secondary/alternate access has already been responded to elsewhere in this report.

- (vii) ***Widening of the tunnel could be considered.***

Response:

- (vii) Whilst not a Policy matter, the widening of the tunnel could be considered for inclusion in future capital works programs.

- (viii) ***Why change the Policy.***

Response:

- (viii) Council received a letter from the Residents Committee in June 2016 requesting a complete review of the Policy. Following a subsequent meeting in August 2016 with Mr Swan, the then Mayor requested a review of the then adopted Policy.

- (ix) ***Reinstate the track closure times that were prescribed as a general principle in the 2008 Resident Access Policy.***

Response:

- (ix) The general track closure times have already been discussed elsewhere in this report.

Council may alter the general track closure times contained in the Policy as part of the

consideration of this report. Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

**(x) *Facilitate resident consultation with promoters and track hirers as part of the planning of each event.***

Response:

(x) The co-ordination of resident meetings has already been discussed in response to an earlier submission in this report.

**(xi) *The actual document fails to disclose the obvious conflict of interest and this procedural omission should nullify the policy.***

Response:

(xi) The objective of the Policy is to ".....provide clear guidelines and direction to promoters and Mount Panorama Circuit hirers of their obligations to Bathurst Regional Council and to the residents of Mount Panorama when hiring the Mount Panorama Circuit".

The submission does not elaborate any further on the "obvious conflict of interest". However despite this, the legislative controls imposed by the Act and the accompanying Regulations, together with this Policy, would mitigate any conflict of interest, should one exist.

**(xii) *Safety issues due to increased usage.***

Response:

(xii) The Policy contains a clause which requires promoters/hirers to provide Emergency Contact Procedures. The specific details for each Emergency procedure(s) will differ for each event, accordingly, this specific information is provided separately to the residents in the lead up to each event.

The provision of statistics concerning dangerous safety conditions, etc is outside the scope of this Policy. However, for the information of the Councillors, a report of all incidents is submitted to the relevant authorities following the conclusion of each event.

**(xiii) *Policy document is incomplete.***

Response:

(xiii) A response to concerns over the lack of definitions has been provided in response to an earlier submission in this report.

The Policy lists four events (TMRE) as these events are the subject of existing long-term contracts.

**(xiv) *Ticketing.***

Response:

(xiv) *Council acknowledges the disruption that ticketed events cause to the residents. Hence, the Policy provides that each residence will be allocated 13 Resident General*

*Admission Tickets and 10 Resident Vehicle Passes per event. The Policy maintains the provision for Residents to request additional vehicles passes if required.*

## **Conclusion**

Prior to adopting the revised Policy, Council should consider each submission that has been received. As contained within this report, a response has been provided for each of the matters for consideration as raised by each submission.

After reviewing each submission, it is the recommendation of this report that the revised Policy, as exhibited, be adopted unchanged.

Should Council wish to alter the general track closure times as contained in the revised Policy, then it needs to be noted that the events that are the subject of existing long-term contracts, would not be affected by this alteration.

**Financial Implications:** Nil.

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

**MINUTE**

**5 Item 1 MOUNT PANORAMA MOTOR RACING CIRCUIT - RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)**  
**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council defer the matter for discussions with representatives of the Mount Panorama Residents Committee.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

**GENERAL BUSINESS**

POLICY COMMITTEE

## MINUTE

### 6 Item 1 WINTER FESTIVAL (25.00152)

**Cr Coote** - wishes to congratulate staff on the Event, it was excellent. There was around 10,000 to 11,000 people at the 'Ignite the Night' function.

## MINUTE

### 7 Item 2 MOUNT PANORAMA - TRACK SPONSORSHIP (04.00028)

**Cr Aubin** - noted track signage between Easter and October is often not used. Could Council utilise this signage, e.g. for Winter Festival. Requests a report on this be prepared for Council.



**MINUTE**

**8      Item 3    POTHOLE MACHINE (15.00002)**

**Cr Aubin** - requests that a report come back on the proposal to purchase a road pothole machine.

**MINUTE**

**9 Item 4 GREAT WESTERN HIGHWAY UPGRADE TO AERODROME**  
**(25.00018-05)**

**Cr North** - asked has any feedback come back from the State Government concerning this request

**MINUTE**

**10 Item 5 RAIL CROSSING - LEE STREET, JOHN HOLLAND (25.00074)**

**Cr North** - has any feedback come back from John Holland on the request to have this opened in cases of an emergency?

## MINUTE

### 11 Item 6 GREEN WASTE AND RECYCLING (14.00053, 36.00527)

**Cr North** - advised has received great feedback on the green bin. Could Council look at the yellow bin being emptied weekly in the future.

**The Acting Director Engineering Services** advised looking to collate data for another twelve months and then will come back to Council on future collection timing.

**MINUTE**

**12    Item 7    PLASTIC BAGS FILLING POT HOLES (15.00002)**

**Cr North** - asked has any advice on this technology been received. Please investigate this.

## **MINUTE**

### **13 Item 8 GREEN WASTE BINS (14.00053, 36.00527)**

**Cr Bourke** - has not been a great success. It was forced on people. The Western Advocate showed 7 tonne one day and 7,000 tonne the next day. What percentage of ratepayers are using the service?

**The Acting Director Engineering Services** spoke to tonnages issued.

**The General Manager** noted availability and type of data obtained on bins collected.

**MINUTE**

**14 Item 9 NAMING OF COUNCIL FACILITIES (20.00038)**

**Cr Bourke** - requested a working party be held on Council's protocol for the naming of Council Facilities.

**MINUTE**

**15    Item 10    CHRISTMAS BANNERS (23.00026)**

**Cr Bourke** - asked could Council consider doing something similar to what occurs for the Winter Festival and also have a small event in Kings Parade prior to Christmas?



**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS  
AND MINUTES**

POLICY COMMITTEE

**1 DEVELOPMENT APPLICATION 2017/158 – RESIDENTIAL UNITS AT 131 MITRE STREET AND 276 KEPPEL STREET, WEST BATHURST. APPLICANT – ADAM HART CONSTRUCTIONS PTY LTD. OWNER – ADAM HART CONSTRUCTIONS PTY LTD. (DA2017/158)**

**Recommendation:** That the information be noted.

**Report:** Council has received a Development Application for 276 Keppel Street and 131 Mitre Street, West Bathurst.

**The site**

The development site is 131 Mitre Street and 276 Keppel Street.

The site forms a large “L shape” with frontage to Mitre and Keppel Street and has a combined area of 2388m<sup>2</sup>.

The site contains two existing dwellings which are being retained.

A locality plan is provided at **attachment 1**.

**The proposal**

The Development Application relates to:

- Residential units comprising; two x three bedroom two storey units and one x two bedroom two storey unit;
- Additions and alterations to the dwelling at 131 Mitre Street;
- Five lot subdivision;
- Retaining walls;
- Demolition of outbuildings; and
- Removal of trees.

Attachments that relate to the proposal are provided at **attachment 2** and include:

- Statement of Environmental Effects
- Traffic manoeuvring plans
- Shadow diagrams
- Plans

**Public notification**

The Development Application was notified to adjoining property owners and advertised from 15 May 2017 to 29 May 2017. Following the notification period 6 submissions were received with a copy of the submissions provided at **attachment 3**. One submission had enclosed a petition with 8 signatures against the development.

Issues raised in the submissions included;

- Population densities;
- Setbacks;
- Privacy – the windows and balconies facing adjoining principle private open space;
- Compliance with the Development Control Plan 2014;
- Stormwater disposal;

- Development over Council's sewer main;
- Location requirements for residential units within residential precinct 2;
- Residential units and two storey development is not consistent with the character of the area;
- Errors in the Statement of Environmental Effects for the development;
- Development is not consistent with the zone objectives;
- Cut and fill on the site;
- Lack of car parking on site;
- Provide a designated car parking space in front of 129 Mitre Street;
- Boundary fence;
- Impact on views;
- Two storey element of the development;
- Noise;
- Environmental impacts such as air flow and heat transition;
- Removal of the trees and animals from the site;
- Change to the streetscape from the removal of vegetation;
- Overshadowing;
- Private open space for the proposed dwelling;
- Traffic

Following the Discussion Forum a report will be prepared for the next available Council meeting for determination of the Development Application.

**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 2017/158 – RESIDENTIAL UNITS AT 131 MITRE STREET AND 276 KEPPEL STREET, WEST BATHURST. APPLICANT – ADAM HART CONSTRUCTIONS PTY LTD. OWNER – ADAM HART CONSTRUCTIONS PTY LTD. (DA2017/158)**

Cr Westman declared a pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

**Reason: Applicant is a customer of employer.**

Discussion included:

#### **J Clipson – owner 274 Keppel Street**

Spoke to reason why he bought the house. Spoke to a number of concerns; overshadowing, loss of views, privacy issues which have been further mentioned in submissions. Other issues include noise and has listed 31 items in the submission, including non-compliance. Population density does not comply. Building size such as bedroom allowances, appear to be trying to bend the rules. Lack of open space undermines evocities lifestyle. The buildings are clearly two stories. This will set a precedent for the City.

#### **J Allman - 133 Keppel Street**

Has reviewed DCP, LEP, and Statement of Environmental Effects and considers there are a significant number of issues that are non-compliant or are grey. Have forwarded a submission of over 30 issues. The housing is suited more to precinct 1. The dwellings are actually 3 bedrooms and the proposal is not consistent with the development in the area. Seeks Council to refuse the proposal.

#### **M Fitzsimmons – sister owns 129 Mitre Street**

Some consideration needs to be given by developer to giving her sister a designated parking space while the development occurs. Also requests paling fence be erected between the properties prior to development.

#### **B Triming – resides near development**

During construction period need to ensure pedestrian access is maintained. Should not have to go out on the road. Please keep footpath open and keep developers off it with the fencing. Any damage needs to be repaired as soon as possible. Has concern with traffic in Keppel Street. This section of the road is quite narrow. The line of sight is not there when you exit from the property. People park on the footpath verge

#### **L Evens – Mooney Valley Place**

Development will be right near his house. Will cause shade and privacy issues. There are drainage concerns with this development and how it will impact residences in Mooney Valley Place. Also raised concerns about non-compliance matters.

#### **P Basha – Town Planning Consultant : Applicant**

The Development Application has been lodged on basis that it complies with the LEP. The site is of sufficient acreage. Will look at concerns with bedroom numbers and also what can be done to reduce privacy concerns. Developer will try to leave as many trees as possible around the perimeter of the site. Shadow diagrams have been lodged and these comply with DCP standards. Noted DCP is a guidelines document.

**E Allman - 133 Keppel Street**

Spoke to issues with the footpath and vehicle access matters. There will be parking problems, particularly during car race times. Referred to water problems with houses in Mooney Valley Place, there will be issues.

**Cr Westman returned to the room.**

Yours faithfully

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

R Denyer  
**ACTING DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

**DISCUSSION FORUM OTHER AND MINUTES**

POLICY COMMITTEE

## MINUTE

### 18 MEETING CLOSE

The Meeting closed at 6.47 pm.

**CHAIRMAN:** \_\_\_\_\_