



BATHURST
REGIONAL
COUNCIL

Register of Planning Decisions 2024

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

ORDINARY MEETING OF COUNCIL - 7 FEBRUARY 2024

9.1.3 DEVELOPMENT APPLICATION NO. 2023/148 - BOUNDARY ADJUSTMENT AND USE OF EXISTING SITE AND BUILDINGS AS DEPOT. 344 LIMEKILNS ROAD KELSO. OWNER: JVE ADMIN PTY LTD.
APPLICANT: J VAN EMMERICK

Cr I North declared a non-pecuniary, significant interest in item 9.1.3 of the DEPBS Report and left the room.

REASON: Son works for OS Trees.

MINUTE

RESOLUTION NUMBER: ORD2024-6

MOVED: Cr K Burke SECONDED: Cr B Fry

RESOLVED:

That Council:

a. as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/148, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including but not limited to:

1. The development shall only operate Monday to Friday between the hours of 6.30am to 5pm.
2. All exterior lighting associated with the development shall have LED luminaires and be designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

3. Prior to the issue of any Construction Certificate or the Commencement of use of the site, a Site Management Plan must be prepared and provided to Council. The Plan must include the following matters:
 - Areas to be used for the storage of organic waste.
 - Measures for the management of organic waste including storage, managing of leachate and runoff
 - Measures for disposal of any organic waste.
 - Testing of stormwater for potential contaminants
4. The final survey plan is to show an easement for drainage over the internal drainage swales and detention basin within Proposed Lot 1 and in favour of Proposed Lot 2.

b. notify those that made submissions of its decision; and

c. call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr I North

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 FEBRUARY 2024

9.2.3 DEVELOPMENT APPLICATION NO. 2017/396. WORKS IN KIND ARRANGEMENT – 221 LOT SUBDIVISION AT FREEMANTLE ROAD, EGLINTON. APPLICANT: HYNASH PTY LTD. OWNER: HYNASH PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2024-28

MOVED: Cr R Taylor SECONDED: Cr A Smith

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with Hynash Pty Ltd, being the developer for the subdivision development at Lot 11, DP 872964, Freemantle Road, Eglinton, for construction of part of a cycleway along the northern side of Logan Street adjacent to the approved subdivision;
 - (b) allocate \$85,000.00 towards the construction cost from Council's Section 7.11 Development Contributions Plan "Bathurst Regional Community Facilities";
- 2) notify the developer of its decision; and
 - 3) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 15 MAY 2024

9.2.3 DEVELOPMENT APPLICATION NO. 2023/205 - 20 ADDITIONAL CARAVAN SITES AT BATHURST SOARING CLUB, 167 FREEMANTLE ROAD, EGLINTON. APPLICANT: BATHURST SOARING CLUB INC. OWNER: BATHURST SOARING CLUB INC

MINUTE

RESOLUTION NUMBER: ORD2024-115

MOVED: Cr R Taylor SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2023/205, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (a) Prior to the creation of the additional caravan sites, the Club is to prepare and submit to Council for endorsement a detailed landscape plan for screening vegetation on the north, west and south edges of the caravan park site.
 - (b) The Club is to establish and maintain an occupancy register of caravan sites for audit purposes.
- 2) An Asset Protection Zone of 50m be established around the camping areas (being equivalent to the "grassland deeming provisions" of the Planning for Bush Fire Protection 2019 used for dwellings).
- 3) A Bush Fire Emergency Evacuation and Management Plan be prepared. The Plan should be consistent with the [NSW RFS publication: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan](#), and the Australian Standard 3745:2000 Planning for emergencies in facilities.
- 4) Caravans only be occupied by members of the Club and their guests. Caravans are not to be available for general public usage.
- (c) The existing on site sewage management system is to be upgraded in accordance with the recommendations of the submitted Effluent Disposal Investigation with appropriate approval being sought under the Local Government Act 1993.
- (b) The Club is to, before 31 December 2024:
 - (g) Prepare a site masterplan governing the [short, medium and long term](#) development of the Airfield and provide it to Council.
 - (ii) Prepare and publish a Fly Neighbourly Plan and provide a copy to Council.
 - (iii) Maintain a log of flight paths and elevations for the tug planes. The log to be made available to Council upon request.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Cr B Fry

Abstain - Nil

ORDINARY MEETING OF COUNCIL - CONFIDENTIAL - 19 JUNE 2024

[13 1.1 BATHURST INTEGRATED MEDICAL CENTRE AND GEORGE STREET CAR PARK – OUTCOME OF FURTHER NEGOTIATIONS](#)

MINUTE

RESOLUTION NUMBER: CONF2024-23

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a. Act in accordance with option 1 of the report, and
- b. Call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr I North and Cr R Taylor

Against the Motion - Cr K Burke and Cr A Smith

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

[9 3.4 WINBURNDALE DAM OPERATION RULES](#)

Cr K Burke declared a non-pecuniary, non-significant interest in item 9.3.4 of the DES Report and left the room.

REASON: On the same ticket at the last L.G. Elections as C. Dutton, Winburndale Users Group.

Cr B Fry declared a non-pecuniary significant interest in item 9.3.4 of the DES Report and left the room.

REASON: Charlie Dutton, a fellow candidate in the last local government elections, lives downstream of the water source and is part of a stakeholder group mentioned in the report.

MINUTE

RESOLUTION NUMBER: ORD2024-164

MOVED: Cr G Hanger SECONDED: Cr R Taylor

RESOLVED:

Bathurst Regional Council Resolutions 1st Jan
2024 to 31st Dec 2024 26/06/2024 10:51 AM

That Council -

- (a) Acknowledges the original Environmental Assessment for the Winburndale Dam Operating Conditions Application, which is before the Regulator.
 - (b) Submits the updated Environmental Assessment to the Regulator in response to Regulator requests for further information, promptly; and
- 2) Provides an information session on the application for members of the Winburndale Water Users Group, at the earliest possible opportunity.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan and Cr R Taylor

Against the Motion - Cr W Aubin, Cr K Burke, Cr I North and Cr A Smith

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

[9 3.4 WINBURNDALE DAM OPERATION RULES](#)

MINUTE

RESOLUTION NUMBER: ORD2024-163

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the matter:

1. Be deferred to allow further discussions to occur with members of the Winburndale Water Users Group, Mayor, Councillors and Staff.
 - (a) The meeting to be held within 2 weeks if practicable.

On being **PUT** to the **VOTE** the **MOTION** was **LOST**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr I North and Cr A Smith

Against the Motion - Cr J Jennings, Cr G Hanger, Cr M Hogan and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

[9 1.6 DEVELOPMENT APPLICATION NO. 2020/180. WORKS IN KIND ARRANGEMENT – 188 LOT RESIDENTIAL SUBDIVISION AT LAWRENCE DRIVE \(LIMEKILNS ROAD\), KELSO. APPLICANT: BUSTIN FREE EARTHWORKS PTY LTD. OWNER: MR G E CUTLER, PRETTY HEIGHTS PTY LTD & LARA \(NSW\) PTY LTD](#)

MINUTE

RESOLUTION NUMBER: ORD2024-143

MOVED: Cr B Fry SECONDED: Cr K Burke

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with Bustin Free Earthworks Pty Ltd undertaking the subdivision development at Lawrence Drive (Limekilns Road), Kelso, for the construction of a cycleway through the open space corridor adjacent to Lawrence Drive;
- (b) allocate \$102,478.75 towards the construction cost of the cycleway from Council's Section 7.11 Development Contributions Plan "*Bathurst Regional Community Facilities*";
- 2) enter into a works in kind arrangement with Bustin Free Earthworks Pty Ltd undertaking the subdivision development at Lawrence Drive (Limekilns Road), Kelso, for the construction of the extension of Lawrence Drive to the limit of Stage 2 works;
- 3) allocate \$179,139.75 towards the construction cost of the extension of Lawrence Drive from Council's Section 7.11 Development Contributions Plan "*Roadworks – New Residential Subdivisions*";
- 4) notify the developer of its decision; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

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

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.5 DEVELOPMENT APPLICATION NO. 2018/380. WORKS IN KIND ARRANGEMENT – 133 LOT SUBDIVISION AND ASSOCIATED NEW ROADS AT MARSDEN LANE, KELSO. APPLICANT: HYNASH CONSTRUCTIONS PTY LTD. OWNER: CLAIRVAUX ESTATES PTY LTD, MR T CAIN, MS M STAIT & MR M SHARWOOD

Cr G Hanger declared a pecuniary interest and left the room.

REASON: Lives on Hughes Street Kelso.

MINUTE

RESOLUTION NUMBER: ORD2024-142

MOVED: Cr B Fry SECONDED: Cr I North

RESOLVED:

That Council:

- (a) enter into a works in kind arrangement with Hynash Constructions Pty Ltd, being the developer of the subdivision development at Lot 443, DP 1297991, Marsden Lane, Kelso, for the construction of a roundabout at the intersection of Hughes Street and Marsden Lane adjacent to the approved subdivision, including full closure of Marsden Lane for the period of construction;
- (b) allocate \$2,621,425.41 (GST ex) towards the construction cost from Council's Section 7.11 Development Contributions Plan "Roadworks – New Residential Subdivisions";
- 2) Council advise the applicant that its funding is contingent upon completion of the works in a timely manner and in this regard no further allotments approved under DA2018/380 will be released until such time as the roundabout is completed.
- 3) notify the developer and civil contractor of its decision;
- 4) Note that Marsden Lane will be closed for the duration of the works.
- (c) Note that further consideration will need to be given to funding options of the Gilmour/Hereford/Marsden intersection once the design is finalized; and
- (g) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr K Burke, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Cr W Aubin, Cr B Fry, Cr G Hanger, Cr A Smith and Cr R Taylor

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9.1.4 DEVELOPMENT APPLICATION NO. 2022/350 - PROPOSED DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF 5 DWELLINGS AND 5 LOT STRATA SUBDIVISION, LOT 13 SEC 81 DP758065, 177 SEYMOUR STREET, BATHURST. APPLICANT: MRPL PTY LTD. OWNER: MARPLE VENTURES PTY LTD

MINUTE

RESOLUTION NUMBER: ORD2024-141

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2022/350, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (b) Demolition is not to commence until a Construction Certificate has been issued for the infill dwelling;

- 2) Prior to the issue of Construction Certificate, the applicant is to submit for approval a schedule of colours and materials. Any face brick on the dwellings and front fence is to be face brick in strong autumn tones.
- 3) Details of any new fencing is to be submitted and approved prior to the issue of Construction Certificate.

NOTE 1: Boundary fencing forward of the building line of Dwelling 1 fronting Seymour Street is to be a maximum height of 1.5m.

- 4) Prior to the issue of Construction Certificate, a Landscaping Plan is to be submitted and approved by Council. The Landscaping Plan is to be prepared in accordance with Chapter 13 of the Bathurst Development Control Plan 2014 and provide the following:

Development Standard per Dwelling	Minimum Mature Height
1 medium tree	6 metres.
2 small trees, and	4 metres.
6 shrubs per dwelling.	1 metre.

- (b) call a division.
- (c) notify those that made a submission.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor
Against the Motion - Nil
Absent - Nil
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9.1.3 DEVELOPMENT APPLICATION NO. 2023/345 – KART TRACK FACILITY AT 146 COLLEGE ROAD, SOUTH BATHURST. APPLICANT: IPLAN PROJECTS. OWNER: BATHURST REGIONAL COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2024-138

MOVED: Cr B Fry SECONDED: Cr K Burke

RESOLVED:

That Council:

- (a) as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2023/345 for the following reasons:
 - *The site is not suitable for the project.*
 - *The project is too close to residential areas in South Bathurst and to rural residences in the neighbourhood and would result in unacceptable noise and amenity impacts for residents.*

- *The project would result in unacceptable cumulative noise impacts, in particular having regard for other motor sports events currently held at Mount Panorama.*
- *The project would have unacceptable social impacts on the locality, principally due to a combination of significant noise generated and increased frequency of motor sports events proposed in the locality.*
- *Non-compliance with one of the objectives of the SP3 Tourism Zone in that the project is unsympathetic to the environmental characteristics of the land and locality generally.*
- *The project would have unacceptable visual impacts in the case of the two nearest residences, at No.174 College Road and No.182 College Road.*
- *The project is not in the public interest.*

(b) notify those that made submissions of its decision; and

(c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger and Cr M Hogan

Against the Motion - Cr W Aubin, Cr I North and Cr R Taylor

Absent - Cr A Smith

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 JUNE 2024

9 1.3 DEVELOPMENT APPLICATION NO. 2023/345 – KART TRACK FACILITY AT 146 COLLEGE ROAD, SOUTH BATHURST. APPLICANT: IPLAN PROJECTS. OWNER: BATHURST REGIONAL COUNCIL

MINUTE

RESOLUTION NUMBER: ORD2024-139

MOVED: Cr I North SECONDED: Cr R Taylor

RESOLVED:

That:

- (a) Consideration of DA2023/345 be deferred for future consideration by the Council, having regard to concerns with the report, and
- (b) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **LOST**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr I North and Cr R Taylor

Against the Motion - Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger and Cr M Hogan

Absent - Cr A Smith

Abstain - Nil