



Finalisation of Planning Proposal Report

PP_2018_BATHU_002_00 to amend Bathurst Regional Local Environmental Plan 2014 – Housekeeping Amendment

This report has been completed in accordance with Section 3.36 of the Environmental Planning and Assessment Act

Planning proposal details:	Planning Proposal Number: PP_2018_BATHU_002_00 Date sent to DPE under s3.34: 3/10/2018 & 9/1/2019
Planning proposal summary:	Housekeeping Amendment
Date of Gateway determination:	12/2/2019

1. Summary

The aim of the Planning Proposal is to make some minor amendments to the Exempt and Complying Development provisions within the Bathurst Regional Local Environmental Plan 2014, alter Schedule 5 with the addition of two new local heritage items and amending the curtilage of one existing heritage item, amending Clause 7.10 to enable educational establishments to erect directional signage on any land, rezone land at Edgells Lane, Kelso and amend the RU1, RU2 & RU4 zones to permit **artisan food and drink industry** as with consent. Council has drafted this housekeeping amendment which is explained in more detail below.

1. Schedule 5: Heritage

Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

Part Lot 284 DP 47960, Boundary Road, Mitchell

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

2. Land Zone

Lot 2 DP 1233088, Edgells Lane, Kelso

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat portion of the land E2 Environmental conservation and the residual rural balance RU4 Small Lot Primary Production. The classification of the land, pursuant to Local Government Act 1993, is not being altered. It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots.

3. Schedule 2: Exempt Development

The amendment relates to the following matters:

Division	Intent of Amendment
4 - Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge.
7 - Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)	Removal of 'cabanas' and 'gazebos' from the criteria. Minor rewording of the criteria. Permit structures forward of the building line with a maximum width.

8 - Barbecues and other outdoor cooking structures	Minor rewording to criteria (7) relating to house drainage.
11 - Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)	Include requirement for alterations to plumbing works to be inspected by Council.
12 - Building alterations (internal and external) to industrial premises and agricultural produce industries, including recladding of roofs and walls	Include requirement for alterations to plumbing works to be inspected by Council.
13 - Building identification signs and business identification signs	Minor rewording to criteria 4(7).
17 – Carports, garages and garden sheds	Altered the grouping of the development types. Introduce a maximum gross floor area for all development types.
20 - Communication dishes (radio and satellite)	Minor rewording to criteria (6) relating to house drainage.
21 - Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like	Altered the grouping of the development types.
22 – Dams	Introduce criteria relating to the maximum harvestable rights. Introduce boundary setbacks.
24 - Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)	Introduce criteria to maintain minimum coverage of engineering services. Minor rewording to criteria (4) relating to house drainage.
25 – Earthworks and retaining walls	Introduce criteria for boundary setbacks for earthworks. Introduce criteria to maintain minimum coverage of engineering services.
27 – Farm buildings, farm sheds and structures	Remove these development types from zones R5, E4 and IN1. Introduce floor area and height restrictions based on lot area. Amend setback criteria.
28 – Fences	Reword the criteria that applies to the development type to clarify the criteria.
29 – Filming	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
32 - Greenhouses, cabanas, gazebos, and ferneries	Alter the grouping of the development types. Remove the criteria that relates to garages and garden sheds.
40 – Painting and rendering of buildings	Remove the ability for the clause to apply to Heritage Items or draft Heritage Items.

42 - Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)	Minor rewording to criteria (7) relating to house drainage.
43 - Portable swimming pools and spas and child-resistant barriers	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
45 - Rainwater tanks (above or below ground)	Clarify setback requirements. Restrict development in the Flood Planning Area. Clarify the requirement for stormwater disposal based on the zone of the land. Minor rewording to criteria (15) relating to house drainage.
48 - Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge. Minor rewording of Clause (6) relating to house drainage.
49A - Shipping containers	New Division. Introduce new criteria for shipping containers.
53 - Temporary builders' structures	Minor rewording of the clause relating to connections to the sewer and clearance from sewer manholes and property connection points.
55 - Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
57 - Tents or marquees used solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

4. Schedule 3: Complying Development

The amendment relates to Parts 2 - Additions to dwelling houses and 4 – Dwelling Houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

5. Bathurst Regional LEP 2014: Clause 7.10

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land. Education is one of the largest sectors within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

6. Bathurst Regional LEP 2014: Zones RU1, RU2 and RU4

Council wishes to include **artisan food and drink industry** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local

Environmental Plan. Light industries will otherwise remain prohibited land uses in these zones

Summary of the public exhibition

Consultation was undertaken as follows:

- Council exhibited the Planning Proposal from 13 May 2019 until 11 June 2019.
- Council notified the following people in writing (see **attachment 4**) with respect to the Planning Proposal:
 - the landowners affected by the Planning Proposal;
 - local builders and home improvement companies, as they are affected by the changes to the local CDC and local Exempt criteria.
- Council also placed notification in the Western Advocate on the following dates:
 - 11 May 2019
 - 18 May 2019
- The Gateway Determination dated 12 February 2019 did not require a Public Hearing to be held as part of this Planning Proposal.
- Council did not receive any submissions from the community during the public exhibition period.
- Minor changes to the wording of Subdivision 49A – Shipping containers was made by way of resolution of Council and have been reflected in the PC Opinion.

Summary of agency consultation

The Gateway determination required consultation with the Office of Environment and Heritage under section 2.22 and 3.34(2)(c) of the Act.

A letter was sent to the Office dated 6 May 2019. A response was received from Department of Premier and Cabinet dated 14 August 2019 and did not raise objection to the Planning Proposal. Council is satisfied that the amendments to Schedule 5 in this case is justified.

2. Gateway Determination

The Department of Planning, Environment and Industry issued a gateway determination on 12 February 2019 with a timeframe of 12 months. A request for extension was granted on 21 January 2020 for a further 6 months, until 12 August 2020. The Planning Proposal complies with the extended timeframe.

Council is of the opinion that the requirements of the Gateway Determination have been complied with.

Condition No.	Gateway Condition	Complied
1	Prior to public exhibition consultation is required with Department of Planning and Environment - Resources and Energy to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.	Council consulted with Department of Planning and Environment (DPE) – Resources and Energy in relation to the inconsistency with the direction. Department of Planning and Environment (DPE) – Resources and Energy supported the inconsistency. The

	The response from the Department of Planning and Environment – Resources and Energy is to be forwarded to the Department of Planning and Environment - Western Region office and Council is to seek approval to proceed to public exhibition.	correspondence relating to this matter is provided as <u>attachment 3</u> .
2	<p>Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</p> <p>(a) the planning proposal must be made publicly available for a minimum of 28 days; and</p> <p>(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of <i>A guide to preparing local environmental plans</i> (Department of Planning and Environment 2018).</p>	<p>Council exhibited the Planning Proposal from 13 May 2019 until 11 June 2019.</p> <p>Council notified the following people in writing with respect to the Planning Proposal:</p> <ul style="list-style-type: none"> • the landowners affected by the Planning Proposal; • local builders and home improvement companies, as they are affected by the changes to the local CDC and local Exempt criteria. <p>Council also placed notification in the Western Advocate on the following dates:</p> <ul style="list-style-type: none"> ○ 11 May 2019 ○ 18 May 2019 <p>Council did not receive any submissions in relation to the planning proposal.</p> <p>The correspondence relating to this matter is provided as <u>attachment 4</u>.</p>
3	Consultation is required with the Office of Environment and Heritage – Heritage Division under section 3.34(2)(d) of the Act. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.	<p>A letter was sent to the Office of Environment and Heritage dated 6 May 2019. A response was received from Department of Premier and Cabinet dated 14 August 2019 and did not raise objection to the Planning Proposal. Council is satisfied that the amendments to Schedule 5 in this case is justified.</p> <p>The correspondence relating to this matter is provided as <u>attachment 5</u>.</p>
4	A public hearing is not required to be held into the matter by any person or body under section	The Gateway Determination dated 12 February 2019 did not

	3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.in response to a submission or if reclassifying land).	require a Public Hearing to be held as part of this Planning Proposal.
5	The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following: a. the planning proposal authority has satisfied all the conditions of the Gateway determination; b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and c. there are no outstanding written objections from public authorities.	Bathurst Regional Council has satisfied the requirements of the Gateway Determination. The Planning Proposal is consistent with the 9.1 Directions, and inconsistencies have been justified and supported by the Department. There are no outstanding written objections from public authorities.
6	The time frame for completing the LEP is to be 12 months following the date of the Gateway determination. This was later amended to read: The time frame for completing the LEP is by 12 August 2020.	Council experienced a number of minor administrative delays in the Planning Proposal which required an extension of time. The Planning Proposal is consistent with the amended timeframe.

3. Community Consultation

Consultation was undertaken as follows:

Council exhibited the Planning Proposal from 13 May 2019 until 11 June 2019.

Council notified the following people in writing (see **attachment 4**) with respect to the Planning Proposal:

- a) the landowners affected by the Planning Proposal;
- b) local builders and home improvement companies, as they are affected by the changes to the local CDC and local Exempt criteria.

Council also placed notification in the Western Advocate on the following dates:

- o 11 May 2019
- o 18 May 2019

The Gateway Determination dated 12 February 2019 did not require a Public Hearing to be held as part of this Planning Proposal.

Council did not receive any submissions from the community during the public exhibition period.

Minor changes were made to the of Subdivison 49A – Shipping containers post exhibition. The changes to the wording of Subdivison 49A – Shipping containers was made by way of resolution of Council related to the screening of the development and have been reflected in the PC Opinion. Council is of the opinion that that the post-exhibition changes did not require the re-exhibition of the Planning Proposal.

4. Views of Public Authorities

The Gateway determination required consultation with the Office of Environment and Heritage under section 2.22 and 3.34(2)(c) of the Act.

A letter was sent to the Office dated 6 May 2019. A response was received from Department of Premier and Cabinet dated 14 August 2019 and did not raise objection to the Planning Proposal. Council is satisfied that the amendments to Schedule 5 in this case is justified.

Notwithstanding the lengthy timeframe for this Planning Proposal, the delay in response from the Heritage Office in this circumstance is unacceptable and outside their normal statutory period.

5. Consistency with s9.1 Directions and other Strategic Planning Documents

Section 9.1 Directions

Section 9.1 Ministerial Direction	Consistency
1. Employment and resources	
1.1 Business and Industrial Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.2 Rural Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.3 Mining, Petroleum Production and Extractive Industries	The direction applies due to the inclusion of Lot 2 DP 1233088, Edgells Lane, Kelso. Rezoning of part of the land to E2 Environmental Conservation will prevent mining activities from occurring on approximately 3ha of land, as extractive industries are a prohibited land use. The RE2 zone is an open zone where mining can occur. Rezoning 'The Brick Pits' wetland to E2 will prevent mining activities from occurring on the land, which is inconsistent with Direction 1.3.

Section 9.1 Ministerial Direction	Consistency
	<p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 6) and should be supported.</p> <p>Council consulted with Department of Planning and Environment (DPE) – Resources and Energy in relation to the inconsistency with the direction. Department of Planning and Environment (DPE) – Resources and Energy supported the inconsistency. The correspondence relating to this matter is provided as <u>attachment 3</u>.</p>
1.4 Oyster Aquaculture	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
1.5 Rural Lands	<p>The direction applies due to the inclusion of Lot 2 DP 1233088, Edgells Lane, Kelso.</p> <p>Council proposes the lot to have a dual zoning – E2 Environmental Conservation, which covers the ‘Brick Pits land’ and RU4 – Small Lot Primary Production for the remainder of the land, consistent with the land use pattern on adjacent land.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 6(b)) and should be supported.</p>
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>The direction applies due to the inclusion of Lot 2 DP 1233088, Edgells Lane, Kelso.</p> <p>Council recently purchased the land for environmental conservation purposes. The Planning Proposal seeks to rezone the land from RE2 to E2 and RU4. The lot forms part of the land known locally as ‘The Brick Pits’ and is important environmental habitat. The zoning of part of the land E2 for this purpose is considered appropriate to support Council’s ongoing conservation programs.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 6(d)) and should be supported.</p>
2.2 Coastal Protection	Not applicable.

Section 9.1 Ministerial Direction	Consistency
	Council is satisfied that the planning proposal is consistent with the requirements of the direction.
2.3 Heritage Conservation	<p>The direction applies due to the inclusion of two new local heritage items and the alteration of the curtilage of one local heritage item.</p> <p>The ongoing protection of the region's heritage is supported by Council's adopted Heritage Plan. The addition of two heritage items at the landowner request demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern that relates to a newly constructed dwelling.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 5(a)) and should be supported.</p>
2.4 Recreation Vehicle Areas	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3.3 Home Occupations	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>

Section 9.1 Ministerial Direction	Consistency
3.4 Integrating Land Use and Transport	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.5 Development Near Licensed Aerodromes	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.6 Shooting Ranges	The proposal does not affect land adjacent or adjoining an existing shooting range. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.7 Reduction in non-hosted short term rental accommodation period	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.2 Mine Subsidence and Unstable Land	The Bathurst Region does not include any land identified as within a Mine Subsidence District proclaimed under the Mine Subsidence Compensation Act 1961. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.3 Flood Prone Land	Lot 2 DP 1233088 is located on the Bathurst Floodplain. The planning proposal rezones the land from RE2 Private Recreation to E2 Environmental Conservation and RU4 Primary Production Small Lots. The change in zone reduces the development potential of the land. Council is of the opinion that the planning proposal is consistent with the matters raised in Clauses 4 – 8 of the Direction.

Section 9.1 Ministerial Direction	Consistency
	Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 9(b)) and should be supported.
4.4 Planning for Bushfire Protection	<p>The Planning Proposal does not include any land which is identified as being Bushfire Prone Land.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies	<p>No regional strategy applies to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.2 Sydney Drinking Water Catchments	<p>The Bathurst Region is outside the identified Sydney Drinking Water Catchment area.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.4 Commercial and Retail; Development along the Pacific Highway, North Coast	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.8 Second Sydney Airport: Badgerys Creek	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>

Section 9.1 Ministerial Direction	Consistency
5.9 North West Rail Link Corridor Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5.10 Implementation of Regional Plans	The Central West and Orana Regional Plan applies to the Bathurst Region. The Planning Proposal aims to amend the Exempt (Schedule 2) and Complying Development (Schedule 3) provisions for certain development types within the Bathurst Regional LEP 2014. An amendment to three local Heritage Items (Schedule 5) is also proposed. The proposed changes are considered to be consistent with Council's local Land Use Strategies and are not inconsistent with the overall intent of the Regional Plan. Council is satisfied that the planning proposal is consistent with the requirements of the direction, is consistent with the overall intent of the Regional Plan (Clause 5(b)) and should be supported.
5.11 Development of Aboriginal Land Council land	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6. Local Plan Making	
6.1 Approval and referral Requirements	The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.2 Reserving land for Public Purposes	The Planning Proposal does not reduce the land available for public purposes. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 9.1 Ministerial Direction	Consistency
6.3 Site Specific Provisions	<p>The Planning Proposal does not relate to a particular development to be carried out on a specific site.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7.3 Parramatta Road Corridor Urban Transformation Strategy	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>

Section 9.1 Ministerial Direction	Consistency
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
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SEPP No 19 – Bushland in Urban Areas	Not Relevant
SEPP No 21 – Caravan Parks	Not Relevant
SEPP No 33 – Hazardous and Offensive Development	Not Relevant
SEPP No 36 – Manufactured Home Estates	Not Relevant
SEPP No 44 – Koala Habitat Protection	Not Relevant
SEPP No 47 – Moore Park Showground	Not Relevant
SEPP No 50 – Canal Estate Development	Not Relevant
SEPP No 55 – Remediation of Land	Not Relevant
SEPP No 62 – Sustainable Aquaculture	Not Relevant
SEPP No 64 – Advertising and Signage	Not Relevant
SEPP No 65 – Design Quality of Residential Flat Development	Not Relevant
SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
SEPP (Aboriginal Land) 2019	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not Relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
SEPP (Coastal Management) 2018	Not Relevant
SEPP (Concurrences) 2018	Not Relevant
SEPP (Educational Establishment Child Care Facilities) 2017	Not Relevant

SEPP (Exempt and Complying Development Codes) 2008	<p>Applies</p> <p>The Planning Proposal will repeal some local exempt development criteria, particularly relating to filming and ancillary structures.</p> <p>Upon repealing the local provisions, the development may still be considered exempt development under the provisions of the SEPP.</p>
SEPP (Gosford City Centre) 2018	Not Relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Relevant
SEPP (Miscellaneous Consent Provisions) 2007	Not Relevant
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Primary Production and Rural Development) 2019	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (State Significant Precincts) 2005	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant

SEPP (Three Ports) 2013	Not Relevant
SEPP (Urban Renewal) 2010	Not Relevant
SEPP (Vegetation in Non-Rural Areas) 2017	Not Relevant
SEPP (Western Sydney Employment Area) 2009	Not Relevant
SEPP (Western Sydney Parklands) 2009	Not Relevant

Strategic Planning Framework

Evaluation criteria	Y/N	Comment
<p>Does the proposal have strategic merit and:</p> <ul style="list-style-type: none"> ◇ Is consistent with a relevant local strategy endorsed by the Director General; or ◇ Is consistent with the relevant regional strategy or Metropolitan Plan; or ◇ Can it demonstrate strategic merit, giving consideration to the relevant section 9.1 directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc) 	Yes	<p>The planning proposal is not inconsistent with the Central West and Orana Regional Plan. The Planning Proposal supports Direction 25 to support the region's growth and change.</p> <p>Protecting additional heritage assets responds to Strategy 17.2 of the Regional Plan.</p> <p>The Planning Proposal is consistent with the relevant Section 9.1 directions of the Minister. They are explained later in this Planning Proposal documentation.</p>
<p>Does the proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following:</p> <ul style="list-style-type: none"> ◇ The natural environment (including known significant environmental values, resources or hazards) and ◇ The existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and ◇ The services and infrastructure that are or will be available to meet the demands arising from the proposal and any 	Yes	<p>Council has recently purchased the parcel of land on Edgells Lane for environmental conservation purposes. Part of the lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat.</p> <p>The other matters within the Planning Proposal are unlikely to have impacts on surrounding land.</p>

proposed financial arrangements for infrastructure provision.		
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Conclusion

Council is satisfied that the Planning Proposal is consistent with the relevant Section 9.1 directions, State Environmental Planning Policies and Strategic Planning Framework. Council considers there is no matters outstanding to prevent the Plan being made.

6. Parliamentary Counsel Opinion

Stage	Date Completed
Date Council requested Draft LEP from PCO	23/7/2019
Date draft LEP received from PCO	14/4/2020
Date Council requested final PCO Opinion	14/4/2020
Date Council received final PCO Opinion	21/4/2020

Copies of the PC Opinion and Instrument are provided at **attachment 7**.

7. Other relevant matters

No additional matters are relevant to this Planning Proposal.

8. Mapping

The Planning Proposal is amending a number of maps outlined in the table below:

Map Number	Map Name	Version
<u>Heritage Map</u>		
HER_011B	Heritage Map – Sheet HER_011B	A
HER_011BA	Heritage Map – Sheet HER_011BA	A
HER_012B	Heritage Map – Sheet HER_012B	A
<u>Land Zone Map</u>		
LZN_011B	Land Zone Map – Sheet LZN_011B	A
LZN_011F	Land Zone Map – Sheet LZN_011F	A
<u>Lot Size Map</u>		
LSZ_011B	Land Zone Map – Sheet LSZ_011B	A
LSZ_011F	Land Zone Map – Sheet LSZ_011F	A

The maps were uploaded to the Planning Portal on 22 August 2019.

Copies of the maps are provided at **attachment 8**.

9. Recommendation

Council is satisfied that the requirements of the Gateway Determination issued 12 February 2019 have been complied with and there are no planning reasons that the Plan cannot be made.

14 BATHURST REGIONAL LEP 2014– 2018 HOUSEKEEPING AMENDMENT (20.00322)

Recommendation: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

Report: The Bathurst Regional Local Environmental Plan 2014 has been in force since November 2014. It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend certain development types within Schedule 2 – Exempt Development provisions relating to:
 - Garages and carports – to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introducing a maximum total floor area of 60sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings – to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered maximum size of building dependant on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandahs – permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback.
 - Rainwater tanks – to remove tanks as exempt development on flood prone land.
 - Filming – removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 – Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 – Heritage to:
 - Include two additional local heritage items (21 Blacks Mill Lane, O’Connell and a survey tree at Boundary Road Reserve), and
 - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the proposed amendments and then placed on public exhibition in accordance with Council's statutory obligations.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|---|-------------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.2 |
| ● Objective 3: Environmental stewardship | Strategy 3.4 |
| ● Objective 4: Enabling sustainable growth | Strategy 4.6 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.1, 6.5 |

Community Engagement

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

MINUTE

22 Item 14 BATHURST REGIONAL LEP 2014– 2018 HOUSEKEEPING AMENDMENT (20.00322)

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) 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 Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge,

Against the motion - Nil

Absent - Cr I North,

Abstain - Nil



**Planning &
Environment**

20 FEB 2019

REF 20.00322/017

PP_2018_BATHU_002_00/IRF18/5423

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

Mr Neil Southorn, Director, Environmental, Planning and Building Services

Dear Mr Sherley

Planning proposal [PP_2018_BATHU_002_00] to amend Bathurst Regional Local Environmental Plan 2014 - housekeeping

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 9 January 2018 in respect of the planning proposal to make six housekeeping amendments.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (1.3 Mining, Petroleum Production and Extractive Industries). Council should ensure this occurs prior to public exhibition as specified in Gateway determination condition No. 1.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the public exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment - Western Region office (westernregion@planning.nsw.gov.au).

DEPBS

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data. To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal to be finalised.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Wayne Garnsey of the Department of Planning and Environment, Western Region office, to assist you. Mr Garnsey can be contacted on 5852 6800.

Yours sincerely



12.2.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_BATHU_002_00): *Housekeeping Amendment (No. 14)*

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to make housekeeping amendments as specified in the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition consultation is required with Department of Planning and Environment – Resources and Energy to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
The response from the Department of Planning and Environment – Resources and Energy is to be forwarded to the Department of Planning and Environment – Western Region office and Council is to seek approval to proceed to public exhibition.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 3.34(2)(d) of the Act. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 12th day of February 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2018 BATHU 002_00
Date Sent to DPE under s3.34	3/10/2018 & 9/01/2019
Date considered at LEP Review Panel	NA
Gateway determination date	12/02/2019

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:



Planning,
Industry &
Environment

3 FEB 2020

REF 20.00322/051

IRF20/252(PP_2018_BATHU_002_01)

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
Bathurst NSW 2795

Attention: Neil Southorn, Director Environmental, Planning and Building Services

Dear Mr Sherley,

Planning proposal (Department Ref: PP_2018_BATHU_002_01) – Alteration of Gateway Determination- timeframe extension. "Housekeeping Amendment (No. 14)".

I refer to your mail in relation to seeking an extension of time to complete planning proposal PP_2018_BATHU_002_01 for Housekeeping Amendment (No. 14).

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 12 February 2019 for PP_2018_BATHU_002_01. The Alteration of Gateway determination is enclosed which extends the timeframe to complete the LEP by six (6) months until 12 August 2020.

If you have any questions in relation to this matter, I have arranged for Wayne Garnsey from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Garnsey can be contacted on 5852 6800.

Yours sincerely

A handwritten signature in black ink, appearing to read "DPBS", written over a horizontal line.

21.1.20

**Damien Pfeiffer
Director, Western Region
Local and Regional Planning**

Encl: Alteration of Gateway determination

DEPBS



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_BATHU_002_01, Housekeeping Amendment (No. 14))

I, Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination 12 February 2019 for the proposed amendment to the Bathurst Regional Local Environmental Plan 2014 as follows:

1. Delete:

“condition 7”

and replace with:

a new condition 7: “The time frame for completing the LEP is by 12 August 2020”

Dated 21st January 2020.

**Damien Pfeiffer
Director, Western Region
Local Regional Planning
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2018 BATHU 002_00
Date Sent to DPE under s3.34	3/10/2018 & 9/01/2019
Date considered at LEP Review Panel	NA
Gateway determination date	12/02/2019

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	13/5/19 - 11/6/19	✓
Date of public hearing (if held)	N/A	
Date Council requested draft LEP from PCO	23/7/2019	✓
Date draft LEP received from PCO	14/4/2020	
Date Council requested final PCO Opinion	14/4/2020	
Date Council received final PCO Opinion	21/4/2020	
Date Council provided/requested GIS data or maps.	22/8/2019	
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)	23/4/2020	
Date sent to DPE requesting notification	23/4/2020	

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

19 February 2019

Mr Andrew Helman
NSW Department of Planning and Environment
Resources and Geoscience Department

Email: Landuse.minerals@geoscience.nsw.gov.au

Dear Mr Helman

Section 9.1 Direction 1.3 – Mining, Petroleum Production and Extractive Industries consultation

Council has been issued with a Gateway Determination dated 12 February 2019 which requires Council consult with the Department prior to public exhibition of the Planning Proposal. A copy of the planning proposal documentation is available to download from <http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=5740>.

The Planning Proposal, amongst other matters, seeks to rezone a 3 hectare parcel of land from RE2 (Private Recreation) to E2 (Environmental Conservation). A site plan is provided as attachment 1.

The rezoning of land at Edgells Lane, Kelso will have a positive impact on the environment as it will zone 'The Brick Pit's' wetland for environmental conservation. Increasing the protection status of the wetland will have a positive impact on any threatened or migratory species which use the wetland.

However, rezoning the parcel will prohibit mining activities from occurring on approximately 3ha of land. Currently the RE2 zone is an open zone where mining can occur. Rezoning 'The Brick Pits' wetland to E2 will prevent mining activities from occurring on the land, which is inconsistent with Direction 1.3.

Council considers the prohibition is of minor significance for the following reasons:

- The land is considered high conservation value for any threatened or migratory species which use the wetland;
- The land is within the flood fringe (high hazard) of the Macquarie River floodplain;
- The land has not been identified as a potential or identified resource as part of the mineral resource audit;
- The land is in the ownership of Council.

Council seeks concurrence of the Department that the restriction is of minor significance and the inconsistency with the Direction is acceptable.

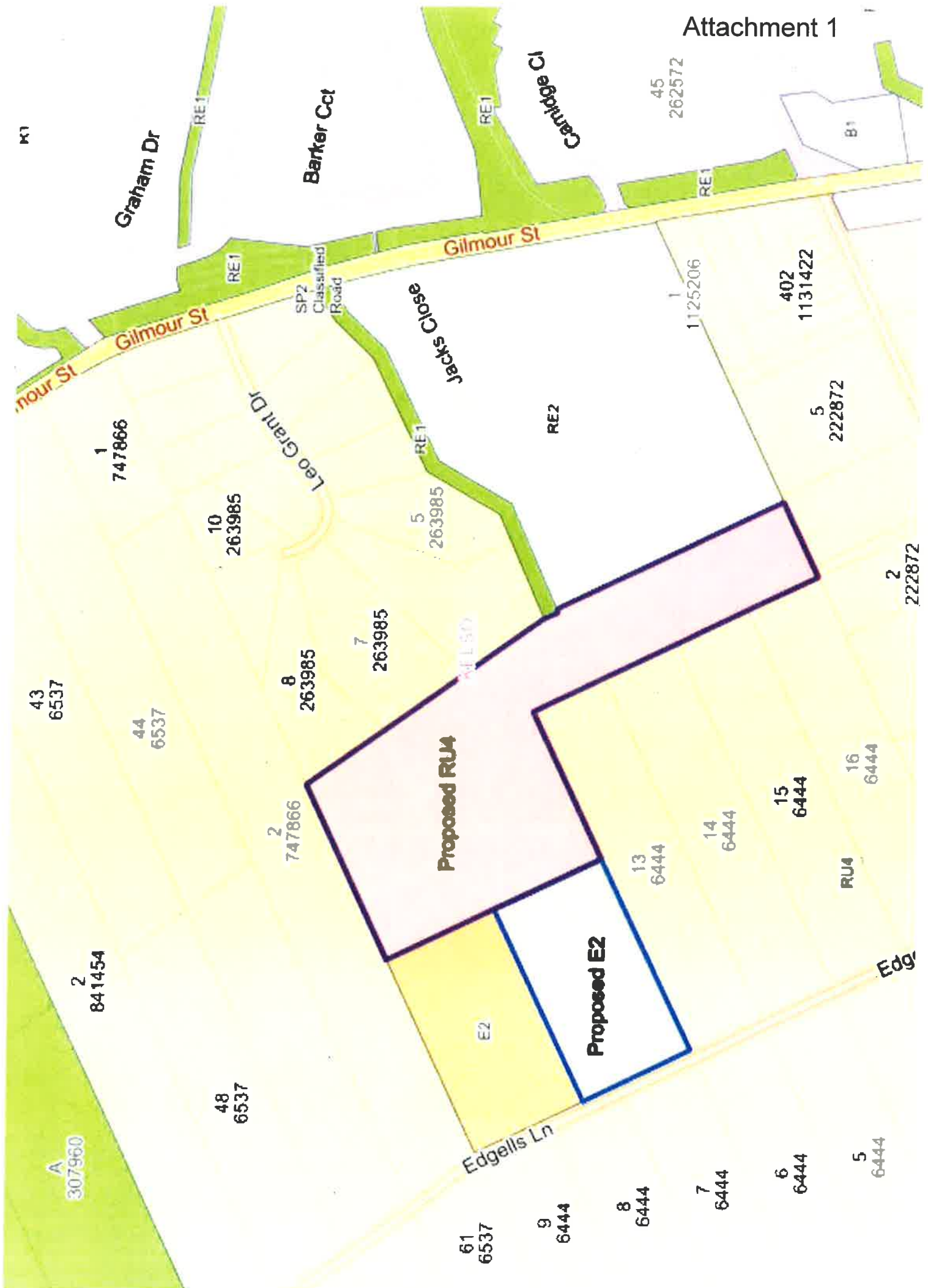
Mr Helman
19 February 2019

Council seeks your concurrence, or other comments, within 40 days of this letter, being 29 March 2019. If a response is not received within this timeframe, Council will assume your concurrence as outlines in this letter.

If you have any queries please contact Mr Nicholas Murphy of Council's Environmental Planning & Building Services Department on 02 6333 6514.

Yours faithfully

fo 
Neil Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES



25 February 2019

Neil Southorn
Director – Environmental Planning and Building Services
Bathurst Regional Council
Private Mail Bag 17
Bathurst NSW 2795

Emailed: council@bathurst.nsw.gov.au

Your Reference: NM:JM:20.00322
Our Reference: DOC19/142544

Dear Mr Southorn,

Re: Rezoning of land at Edgells Land, Kelso – Section 9.1 Direction 1.3 Advice

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

GSNSW has no concerns to raise regarding the rezoning 3 hectares of land at Edgells Lane, Kelso from RE2 (Private Recreation) to E2 (Environmental Conservation).

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely



Andrew Helman
A/Manager - Land Use

for Paul Dale
Director – Land Use & Titles Advice

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

Attention: Mr Neil Southorn, Director Environmental, Planning and Building Services

Dear Mr Sherley

Thank you for your email on 27 February 2019 about agency consultation for the Housekeeping Amendment (No. 14) planning proposal (PP_2019_BATHU_002_00). I can confirm that Bathurst Regional Council has provided adequate information to meet condition 1 of the Gateway determination, issued on 12 February 2019.

Upon review of the Department of Planning and Environment, Division of Resources and Geoscience letter, dated 25 February 2019, there appears to be no objections to the proposed rezoning at Edgell's Lane, Kelso. As an officer nominated by the Secretary of the Department, I can approve an inconsistency with Section 9.1, Direction 1.3 Mining, Petroleum Production and Extractive Industries.

No further work is required to meet condition 1 of the Gateway determination. Council may now proceed with public exhibition of the planning proposal, and progress with the remaining conditions of the Gateway determination. Please place this letter on public exhibition as part of the community consultation package.

If you have any further questions, please contact Mr Wayne Garnsey, Team Leader, from the Department of Planning and Environment, Western Region office, on 5852 6800.

Yours sincerely



15.3.19

Damien Pfeiffer
Director Regions, Western
Planning Services

**Bathurst Regional Local Environmental Plan
2019 Housekeeping Amendment**

Council has prepared a Planning Proposal to amend the ***Bathurst Regional Local Environmental Plan 2014*** to amend:

- Council's Exempt and Complying development criteria for some development types;
- Council's Heritage listing to amend the curtilage of an existing Heritage Item and add two new heritage items;
- Rezone certain land at Edgells Lane Kelso from RE2 Private Recreation to part E2 Environmental Conservation and part RU4 Primary Production Small Lots;
- Include artisan food and drink industry as a permissible land use within the RU1 Primary Production zone, RU2 Rural Landscape and RU4 Primary Production Small Lots;
- Amend Clause 7.10 to allow educational establishments to erect directional signage on any land with consent.



Council is exhibiting the Planning Proposal for a period of 28 days from **13 May 2019** until **11 June 2019**. Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Council invites written submissions with respect to the Planning Proposal or DCP Amendment. Any submission needs to be lodged with Council by 4.00 pm on **11 June 2019** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

For insertion in the Western Advocate on: Saturday, 11 May 2019 &
Saturday, 18 May 2019


6/5/19
36




7 May 2019

«Name»
«Address»
«Address_2»

Dear Sir/Madam

Bathurst Regional Local Environmental Plan - 2019 Housekeeping Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the ***Bathurst Regional Local Environmental Plan 2014*** which considers the following matters:

1. The inclusion of ***artisan food and drink industry*** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones.
2. The proposed rezoning of a parcel of land at Edgells Lane from RE2 Private Recreation to E2 Environmental Management and RU4 Primary Production Small Lots;
3. An amendment to Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item;
4. An amendment to Clause 7.10 - Signage to enable educational establishments to erect directional signage on any land;
5. A number of amendments to the exempt and complying development criteria is proposed. Detailed changes are explained below.

«Reason» The explanation document has been **enclosed** for your information.

Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from **13 May 2019** until **11 June 2019**. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5740>.

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

«Name»
7 May 2019

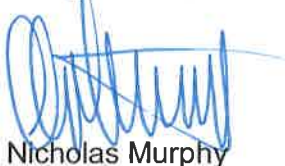
Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **11 June 2019** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully



Nicholas Murphy
ACTING MANAGER STRATEGIC PLANNING

13 letters sent
7/5/19
Jm

Name	Address	Address 2	Reason
Bathurst Sheds	5475 Sydney Road	RAGLAN NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Shed n Homes	69 Corporation Avenue	BATHURST NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Garage World	2 Pat O'Leary Drive	KELSO NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Hi Tech Home Improvement	PO Box 350	BATHURST NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Shed World	2 Pat O'Leary Drive	KELSO NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Picton Bros / Spanline	183 Talbragar Street	DUBBO NSW 2830	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Ranbuild	11 Bant Street	BATHURST NSW 2795	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Central West Home Improvements	9/8 Ralston Drive	ORANGE NSW 2800	You have been notified because Council proposes to alter the exempt development criteria under the Bathurst Regional Local Environmental Plan 2014.
Reliable Drafting Services	12 Alexander Street	EGLINTON NSW 2795	You have been notified because Council proposes to alter the exempt and complying development criteria under the Bathurst Regional Local Environmental Plan 2014.
Brett Moulds Design & Drafting	12 Maxwell Drive	EGLINTON NSW 2795	You have been notified because Council proposes to alter the exempt and complying development criteria under the Bathurst Regional Local Environmental Plan 2014.
Stephen Sewell Drafting Services	19 Clifton Court	KELSO NSW 2795	You have been notified because Council proposes to alter the exempt and complying development criteria under the Bathurst Regional Local Environmental Plan 2014.
Aaron Schumacher Drafting	5 Mendel Drive	KELSO NSW 2795	You have been notified because Council proposes to alter the exempt and complying development criteria under the Bathurst Regional Local Environmental Plan 2014.



7 May 2019

«Title» «Surname»
«Company»
«Address»
«Address_2»

Dear «Salutation»

Bathurst Regional Local Environmental Plan - 2019 Housekeeping Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the ***Bathurst Regional Local Environmental Plan 2014*** which considers the following matters:

1. The inclusion of ***artisan food and drink industry*** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones.
2. The proposed rezoning of a parcel of land at Edgells Lane from RE2 Private Recreation to E2 Environmental Management and RU4 Primary Production Small Lots;
3. An amendment to Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item;
4. An amendment to Clause 7.10 - Signage to enable educational establishments to erect directional signage on any land;
5. A number of amendments to the exempt and complying development criteria is proposed. Detailed changes are explained below.

You have been notified because Council proposes to alter the complying development criteria under the Bathurst Regional Local Environmental Plan 2014. The explanation document has been **enclosed** for your information.

Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from **13 May 2019** until **11 June 2019**. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5740>.

«Salutation»
7 May 2019

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **11 June 2019** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully



Nicholas Murphy
ACTING MANAGER STRATEGIC PLANNING

2 emailed.
130 letters sent
7/5/19
Jm

Builders List - update 20 July 2016

Surname	First Name	Title	Salutation	Company	Address	Address 2	Email	Profession	Phone	Licence	Notes
Adams	M	Mr	Mr Adams		489 Rivulet Road	PEEL NSW 2795	mark@ma-bieson.com	Draftsman	0409 715 614		
Alameddine		Mr	Mr Alameddine	MoeMac Design & Drafting	99 Sydney Rd	BATHURST NSW 2795		Architect/Draftsman			
Anderson	Michael & Rebecca	Mr & Mrs	Mr & Mrs Anderson	Kenwood Homes Pty Ltd	PO Box 9492	BATHURST NSW 2795	kenwoodhomes@bigpond.com	Builder	6331 0141 0407 431 660		
Anderson	S	Mr	Mr Anderson		PO Box 376	BATHURST NSW 2795		Drafting			
Baldi	N	Mr	Mr Baldi	Nathan Baldi Homes	PO Box 9415	WEST BATHURST NSW 2795	nathan@gehammereid.com.au	Builder	0421 089 922		
Baumberger	Sam	Mr	Mr Baumberger	Scott Build Pty Ltd	PO Box 1909	BATHURST NSW 2795		Builder	0417 201 036		
Bell	G	Mr	Mr Bell	GB Building	38 Finlay Avenue	LITHGOW NSW 2790		Builder			
Board	D	Mr	Mr Board	D & M Board Building	55 Logan Street	EGLINTON NSW 2795		Builder	0428 637 357		
Booth	Jeremy	Mr	Mr Booth	Jeremy Booth Constructions	PO Box 154	BATHURST NSW 2795	jeremyboothconstructions@gmail.com	Builder	0400 428 857		
Bradley	R	Mr	Mr Bradley		5 Camberwarra Court	KELSO NSW 2795		Builder			
Burke	E & J	Mr & Mrs	Mr & Mrs Burke		38 Clairvaux Lane	KELSO NSW 2795		Builder			
Burrow	EK	Mr	Mr Burrow		297 Stewart Street	BATHURST NSW 2795		Builder			
Bush	G	Mr	Mr Bush		15 Cottonwood Drive	EGLINTON NSW 2795		Builder			
Buttsworth	G	Mr	Mr Buttsworth	Glen Buttsworth Homes	PO Box 1531	BATHURST NSW 2795		Builder			
Chapman	R	Mr	Mr Chapman		31 Dempsey Street	PEEL NSW 2795		Builder			
Clarke	TJ & CJ	Mr & Mrs	Mr & Mrs Clarke		42 Claremont Drive	WHITE ROCK NSW 2795		Builder/Contractor			
Coleman	G	Mr	Mr Coleman	Hotondo Homes Bathurst	PO Box 9397	BATHURST WEST NSW 2795	greg@hotondobathurst.com.au	Builder	02 6331 8444		
Connell	Adam	Mr	Mr Connell	Connell Concreting	1594 Sofala Road	PEEL NSW 2795	connellconcreting@icloud.com		0427 410 834		
Cook	Nick	Mr	Mr Cook	NUC Carpentry	23 Howarth Close	ABERCROMBIE NSW 2795	nccarpentry@bigpond.com	Builder	0408 028 069		
Curtis	JC	Mr	Mr Curtis		PO Box 178	BATHURST NSW 2795		Builder			
Cutler	B	Mr	Mr Cutler	Cutler Constructions	PO Box 1751	BATHURST NSW 2795		Builder			
Cutler	Luke	Mr	Mr Cutler	Luke Cutler Homes	166 Rocket Street	BATHURST NSW 2795	lukecutlerhomes@gmail.com	Builder			
Dean	G	Mr	Mr Dean	Calare Civil	170 Rankin Street	BATHURST NSW 2795		Engineers			
Donnelly	Mark	Mr	Mr Donnelly		80 Wentworth Drive	KELSO NSW 2795	markdonnellybuilding@gmail.com	Builder	0423 065 304		
Dunbar	D	Mr	Mr Dunbar	David Dunbar Homes	134 Eglinton Road	BATHURST NSW 2795		Builder			
Dunn	Chris	Mr	Mr Dunn	Master Builders	Level 1 296 Summer Street	ORANGE NSW 2800		Builder			
Dunstan	C	Mr	Mr Dunstan	Dunstan Constructions	PO Box 1499	BATHURST NSW 2795		Builder			
Dwyer	Adam	Mr	Mr Dwyer		10 Lett Place	RAGLAN NSW 2795	adamdwyer85@hotmail.com	Builder	0438 259 129		
Edwards	B	Mr	Mr Edwards	Blake Edwards Building	PO Box 2082	BATHURST NSW 2795	blakeedwardsbuilding@bigpond.com	Builder	0458 554 432		
Erskine	G	Mr	Mr Erskine	RAW Elements Design	274 Havannah Street	BATHURST NSW 2795		Draftsman	0409 662 568		
Fahy	Graham	Mr	Mr Fahy	TAFE Western	70 Anson Street	ORANGE NSW 2800		Head Teacher Building Trades	6391 4055 (ph) 6391 4054 (fax) 0418 451 494 (mobile)		

Builders List - update 20 July 2016

Fardon	Trent	Mr	Mr Fardon	Fardon Homes	8 Raglan Street	BATHURST NSW 2795	Trent.fardon22@gmail.com	Builder	0429 430 996	
Faraway	L	Mr	Mr Faraway	Auka Constructions Pty Ltd	PO Box 25	BATHURST NSW 2795		Builder		
Finn	D	Mr	Mr Finn	Daniel Finn Builder Pty Ltd	789 Lagoon Road	THE LAGOON NSW 2795	daniel@daniefinnbuilder.com	Builder	0408 373 323	
Fitzpatrick	J	Mr	Mr Fitzpatrick	John Fitzpatrick Constructions Pty Ltd	10 Augusta Close	BATHURST NSW 2795		Builder		
Frisby	RG	Mr	Mr Frisby		Willow Glen	1425 Tarana Road LOCKSLEY NSW 2795		Builder		
Funnell	Chris	Mr	Mr Funnell		19 Country Way	ABERCROMBIE NSW 2795	christianf@bigpond.com	Architect/Draftsman	0410 056 084	
George	Craig	Mr	Mr George		PO Box 1580	BATHURST NSW 2795		Builder	0407 635 216	
Granger	J	Mr	Mr Granger	Bell River Homes Pty Ltd	PO Box 7061	ORANGE NSW 2800		Builder		
Hackett	Bruce	Mr	Mr Hackett	Brennar Homes Pty Ltd	33 Wigmore Drive	ROBIN HILL NSW 2795		Builder	0418 639 659	
Hadley	J	Mr	Mr Hadley		42 Loren Street	EGLINTON NSW 2795		Builder		
Hansell	Scott	Mr	Mr Hansell	Hansell Building Pty Ltd	PO Box 85	BATHURST NSW 2795	scotthansell@yahoo.com	Builder		
Hart	A	Mr	Mr Hart	Hart Homes Bathurst Pty Ltd	PO Box 248	BATHURST NSW 2795	adam@harthomes.com.au	Builder	0418 635 278	
Harvey	N	Mr	Mr Harvey	Nick Harvey Constructions	2 Morgan Place	KELSO NSW 2795	warren.harvey.homes@bigpond.com	Builder	0447 221 959	
Harvey	W	Mr	Mr Harvey	Warren Harvey Homes	2 Morgan Place	LLANARTH NSW 2795	warren.harvey.homes@bigpond.com	Builder	0418 294 380	
Harvey	RD & B	Mr & Mrs	Mr & Mrs Harvey		PO Box 9258	BATHURST NSW 2795		Builder	02 6332 9441	
Hibberson	NE	Mr	Mr Hibberson	NEH Building Services	145 Gormans Hill Road	GORMANS HILL NSW 2795		Builder		
Hines	D	Mr	Mr Hines	Hines Constructions	PO Box 1584	BATHURST NSW 2795		Builder		
Humphries	D	Mr	Mr Humphries		81 Windemere Road	ROBIN HILL NSW 2795		Builder		
Ireland	Michael	Mr	Mr Ireland	Asherton Constructions	75 Ridge Road	O'CONNELL NSW 2795	asherton@bigpond.com	Builder	02 6337 5642 0418 424 546	
Ireland	GS	Mr	Mr Ireland		"Lochinvar" 448 Conrod Straight	BATHURST NSW 2795		Builder		
James	Kyle	Mr	Mr James	Bathurst Building Solutions	PO Box 51	BATHURST NSW 2795	bbs2795@outlook.com	Builder	0422 184 321 267000c	
Klavins	A	Mr	Mr Klavins		32 McBrien Drive	KELSO NSW 2795	aaklavins@bigpond.com	Builder	0428 884 476	
LeBreton	P	Mr	Mr LeBreton	Philip M LeBreton	PO Box 905	BATHURST NSW 2795		Builder		
Locke	R	Mr	Mr Locke		80 Cedar Drive	KELSO NSW 2795		Builder		
Mackey	W	Mr	Mr Mackey		5 Gleneagles Place	BATHURST NSW 2795		Builder		
Marple	C	Mr	Mr Marple	Marple Constructions	234 Eglinton Road	BATHURST NSW 2795		Builder		
Marshall	D	Mr	Mr Marshall	Madik Constructions	PO Box 1190	BATHURST NSW 2795		Builder		
McRae	K	Mr	Mr McRae		PO Box 182	BLAYNEY NSW 2799		Builder		
Morgan	D	Mr	Mr Morgan		22 Esrom Street	WEST BATHURST NSW 2795		Builder		
Murphy	N	Mr	Mr Murphy		PO Box 9186	BATHURST NSW 2795		Builder		
Noonan	R	Mr	Mr Noonan	Barnon Pty Ltd	2 Littlebourne Street	KELSO NSW 2795		Builder/Engineer		
Parish	Geoff	Mr	Mr Parish	Joss Construction	PO Box 9371	BATHURST NSW 2795	geoff.parish@jossgroup.com.au	Builder	02 6328 8200 0417 256 750	
Parker	T	Mr	Mr Parker		72 McBrien Drive	KELSO NSW 2795		Builder		
Pearce	F	Mr	Mr Pearce		19 Vine Street	SOUTH BATHURST NSW 2795		Builder		

Builders List - update 20 July 2016

Pennells	D	Mr	Mr Pennells	Inland Building & Construction	PO Box 1864	BATHURST NSW 2795	Builder		
Peters	M	Mr	Mr Peters	Matthew Peters Construction P/L	PO Box 589	BATHURST NSW 2795	Builder		
Porter	G	Mr	Mr Porter	Geoff Porter Constructions Pty Ltd	PO Box 27	BATHURST NSW 2795	Builder		
Quinlan	J	Mr	Mr Quinlan		PO Box 176	ORANGE NSW 2800	Builder		
Rigney	S	Mr	Mr Rigney		PO Box 816	BATHURST NSW 2795	Builder		
Roughley	Brad	Mr	Mr Roughley	B.A.R. Constructions	PO Box 531	BATHURST NSW 2795	Builder		
Russell	L	Mr	Mr Russell	Landa Homes	PO Box 1341	BATHURST NSW 2795	Builder		
Ryan	CJ	Mr	Mr Ryan		"Watton" 1659 Freemantle Road	WATTON NSW 2795	Builder		
Salcole	P	Mr	Mr Salcole		PO Box 1205	BATHURST NSW 2795	Builder		
Saran	P	Mr	Mr Saran		PO Box 774	BATHURST NSW 2795	Builder/Engineer		
Schembri	A	Mr	Mr Schembri	AJS Building Design	PO Box 974	BATHURST NSW 2795	Builder		
Schubert & Wong	Kris & Lian	Messrs	Sir/Madam	Schubert and Wong Architects	62 Brittle Jack Road	O'CONNELL NSW 2795	Architects - Registered	KS: 0425 298 118 LW: 0407 257 382	
Schumacher	Brad	Mr	Mr Schumacher	Schumacher Constructions Pty Ltd	51 Bathurst Street	PERTHVILLE NSW 2795	Builder	0418 635 166	10.4.18 currently working for Brenar Homes
Sikora	P	Mr	Mr Sikora		343 Durham Street	BATHURST NSW 2795	Builder		
Smith	Shane M	Mr	Mr Smith		PO Box 1894	BATHURST NSW 2795	Builder		
Smith	Stephen	Mr	Mr Smith		PO Box 1897	BATHURST NSW 2795	Builder		
Soames	P	Mr	Mr Soames		PO Box 848	BATHURST NSW 2795	Builder		
Stahl	P	Mr	Mr Stahl		PO Box 9060	BATHURST NSW 2795	Builder		
Stevenson	G	Mr	Mr Stevenson	Willowdene Constructions Pty Ltd	"Dooley's" 307 Forest Road	SPRING HILL NSW 2800	Builder	0408 449 723	
Stocks	GD	Mr	Mr Stocks		81 Sutor Street	WINDRADYNE NSW 2795	Builder		
Stoffels	Mark	Mr	Mr Stoffels	GJ Gardener Homes Orange	PO Box 8768	ORANGE NSW 2800	Builder	0408 639 709	
Storey	D	Mr	Mr Storey	Davcon Constructions	PO Box 1056	BATHURST NSW 2795	Builder	0414 014 759	
Tybuski	S	Mr	Mr Tybuski		PO Box 1213	BATHURST NSW 2795	Builder		
Vanderhel	Rhus	Mr	Mr Vanderhel	R & K Vanderhel	"Wattia Park" Goulburn Road	CALDOLA NSW 2795	Builder	0407 259 426	
Watters	P	Mr	Mr Watters	PA & KL Watters Carpentry	PO Box 2001	BATHURST NSW 2795	Builder	0418 257 237	
Watts	Jane	Mrs	Mrs Watts	Portabella Homes	PO Box 1975	BATHURST NSW 2795	Home design	0405 824 200	
Watts	Steve	Mr	Mr Watts	Watts Build	PO Box 1975	BATHURST NSW 2795	Builder	0400 185 212	
Weight	Beau	Mr	Mr Weight	Bathurst Constructions	PO Box 598	BATHURST NSW 2795	Builder	0418 211 308	
White	R	Ms	Ms Weight		69 Brilliant Street	BATHURST NSW 2795	Draftsman		
Williams	S	Mr	Mr Williams	Ashlyne Pty Ltd	PO Box 828	ORANGE NSW 2800	Architect		
Williams	AJ	Mr	Mr Williams		3 Broughton Street	PEEL NSW 2795	Builder		
Worboys	T	Mr	Mr Worboys	RK Worboys Drafting & Design	"Torlosab" 225 Bernillee Road	SPRINGSIDE NSW 2800	Draftsman		
			Sir/Madam	Aberley Building Contractors	31 Stewart Street	BATHURST NSW 2795	Builder		
44			Sir/Madam	Arsury Pty Ltd	54 Nelson Street	RAGLAN NSW 2795	Surveyor		

Builders List - update 20 July 2016

			Sir/Madam	Allworth Homes P/L	PO Box 769 2150	PARRAMATTA NSW 2150	Builder		
			Sir/Madam	Bathurst Building Maintenance	288 Durham Street 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Bialwas & Associates Pty Ltd	35 Morrissey Street 2795	BATHURST NSW 2795	Draftsman		
			Sir/Madam	Central Design and Engineering	PO Box 1409 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Christo Aitken & Associates	PO Box 1051 2795	BATHURST NSW 2795	Architect	02 6337 5260	
			Sir/Madam	Cieslak Constructions Pty Ltd	Mountain Straight 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Geolyse	154 Paisley Street 2800	ORANGE NSW 2800	Surveyor/ Engineer		
			Sir/Madam	GHD	72 McNamara Street 2795	ORANGE NSW 2800	Builder		
			Sir/Madam	Gilbanks Building	247 George Street 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Havenhand & Maher Pty Ltd	127 Keppel Street 2795	BATHURST NSW 2795	Architect		
Ryan	G	Mr	Sir/Madam	Hitech Verandas Patios Sheds	11 Bent Street 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Integrated Design Group	PO Box 1833 2795	BATHURST NSW 2795	Architect		
Botham	M	Mr	Mr Botham	MD & VN Botham	PO Box 358 2795	BATHURST NSW 2795	Builder	0437 371 397	
			Sir/Madam	Production Line Drafting	472 Corporation Avenue 2795	ROBIN HILL NSW 2795	Architect/ raftsman		
			Sir/Madam	Rawson Homes Pty Ltd	PO Box 1422 2795	DUBBO NSW 2830	Builder		
			Sir/Madam	Sekisui House Services (NSW) Pty Ltd	PO Box 827 2795	NORTH RYDE BC NSW 1670	Builder		
			Sir/Madam	Skyline Drafting	22 Busby Street 2795	BATHURST NSW 2795	Architect/ raftsman		
			Sir/Madam	Tablelands & Buttsworth Surveyors	71 Bentinck Street 2795	BATHURST NSW 2795	Surveyor		
			Sir/Madam	Tablelands Builders	PO Box 1129 2795	BATHURST NSW 2795	Builder		
			Sir/Madam	Voerman & Rasep Surveyors	105 Bentinck Street 2795	BATHURST NSW 2795	Surveyor		
Lee	R	Mr	Mr Lee	Robbie Lee Developments Pty Ltd	58A Mire Street 2795	BATHURST NSW 2795	Builder	0427 886 473	
Medbury	Matthew	Mr	Mr Medbury		1017 Old Lachland Road 2799	BATHURST NSW 2799	Builder	0428 665 576	
Tipu	L	Mr	Mr Tipu	LTK Carpentry	52 Stanley Street 2795	BATHURST NSW 2795	Builder		
Eves	Chris	Mr	Mr Eves	Sereal Homes	33 Munro Street 2795	WINDRADYNE NSW 2795	Builder	0400 380 656	
Fulthorpe	Damian	Mr	Mr Fulthorpe	DNA Built	23 Coates Drive 2795	KELSO NSW 2795	Builder	0498 980 300	
Dwyer	Brendan	Mr	Mr Dwyer	BSD Homes & Construction	PO Box 338 2795	BATHURST NSW 2795	Builder	0434 169 489	
Baxter	Richard	Mr	Mr Baxter		21 Wolgan Street 2847	PORTLAND NSW 2847	Draftsman	0498 069 734	
Clements	Jeffrey	Mr	Mr Clements	Capstone Restoration and Construction			Builder	0490 608 381	
Clark	Ross	Mr	Mr Clark	Ross Clark Constructions	15 Mendel Drive 2795	KELSO NSW 2795	Builder	0412 358 087	
Scrimshaw	Glenn	Mr	Mr Scrimshaw		46 Ridgeview Close 2795	WHITE ROCK NSW 2795	Builder	0427 322 768	
Stengert	Natasha (Tash)	Ms	Ms Stengert	Hibbards Pty Ltd	PO Box 1072 2450	COFFS HARBOUR NSW 2450	Builder		
Dawson	Erica	Ms	Ms Dawson	Integrated Consulting					
Barnard	Jordan	Mr	Mr Barnard	JCB Carpentry and Building	1683 Freemantle Road 2795	WATTON NSW 2795	Builder	0410 843 360	



6 May 2019

«Property_Name»
«Owners»
«Owner_Add_Line_1»
«Owner_Add_Line_2»

Dear «Salutation»

Bathurst Regional Local Environmental Plan - 2019 Housekeeping Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the ***Bathurst Regional Local Environmental Plan 2014*** which considers the following matters:

1. The inclusion of ***artisan food and drink industry*** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones.
2. The proposed rezoning of a parcel of land at Edgells Lane from RE2 Private Recreation to E2 Environmental Management and RU4 Primary Production Small Lots;
3. An amendment to Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item;
4. An amendment to Clause 7.10 - Signage to enable educational establishments to erect directional signage on any land;
5. A number of amendments to the exempt and complying development criteria is proposed. Detailed changes are explained below.

«Reason» The explanation document has been **enclosed** for your information.

Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from **13 May 2019** until **11 June 2019**. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5740>.

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

«Salutation»
6 May 2019

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **11 June 2019** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully



Nicholas Murphy
ACTING MANAGER STRATEGIC PLANNING

5 letter Scot
7/5/19
Jm

Property Name	Property Address	Owners	Owner Add Line 1	Owner Add Line 2	Area	Salutration	Land Status	Zone	Reason
	21 Blacks Mill Lane O'CONNELL NSW 2795	Ms E McNaughton	21 Blacks Mill Lane	O'CONNELL NSW 2795	2.057 H	Ms McNaughton		RU1 Pri	You have been notified because Council proposes to list your property as a local heritage item under the Bathurst Regional Local Environmental Plan 2014.
	294 Russell Street BATHURST NSW 2795	Mr PD Hughes & Mrs VA Hughes	248 Keppel Street	BATHURST NSW 2795	1418 M	Mr & Mrs Hughes		R1 Gen	You have been notified because Council proposes to alter the existing local heritage listing under the Bathurst Regional Local Environmental Plan 2014.
	10 Bishop Street BATHURST NSW 2795	Mrs L M Clear	10 Bishop Street	BATHURST NSW 2795	267.8 M	Mrs Clear		R1 Gen	You have been notified because Council proposes to alter the existing local heritage listing under the Bathurst Regional Local Environmental Plan 2014.
Boundary Road Reserve	Boundary Road MITCHELL NSW 2795	The Crown	PM13 17	BATHURST NSW 2795	28.54 H	Sir/Madam	Crown	E2 Envi	You have been notified because Council proposes to list your property as a local heritage item under the Bathurst Regional Local Environmental Plan 2014.
	Edgells Lane KELSO NSW 2795	Bathurst Regional Council	158 Russell Street	BATHURST NSW 2795	13.49 H	Sir/Madam	Operational	RE2 Pri	You have been notified because Council proposes to alter the zoning of your property under the Bathurst Regional Local Environmental Plan 2014.

6 May 2019

Office of Environment and Heritage
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Sir/Madam

Bathurst Regional Local Environmental Plan - 2019 Housekeeping Amendment

I refer to the abovementioned matter.

Council has prepared a Planning Proposal to amend the ***Bathurst Regional Local Environmental Plan 2014*** which considers the following matters:

1. The inclusion of ***artisan food and drink industry*** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones.
2. The proposed rezoning of a parcel of land at Edgells Lane from RE2 Private Recreation to E2 Environmental Management and RU4 Primary Production Small Lots;
3. An amendment to Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item;
4. An amendment to Clause 7.10 - Signage to enable educational establishments to erect directional signage on any land;
5. A number of amendments to the exempt and complying development criteria is proposed. Detailed changes are explained below.

The explanation document has been **enclosed** for your information.

In accordance with Section 56(2)(d) of the Environmental Planning and Assessment Act, Council is exhibiting the Planning Proposal and DCP Amendment for a period of 28 days from **13 May 2019** until **11 June 2019**. Copies of the Planning Proposal and DCP amendment documentation (including maps) are available on Council's website <https://yoursay.bathurst.nsw.gov.au/LEPAamendments>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5740>.

Alternatively, you can inspect the Planning Proposal documentation at Council's Environmental, Planning and Building Services Department, Bathurst Civic Centre, between 8:30 am and 4:45 pm Monday to Friday (public holidays excepted).

Reference: NM:JM:20.00322
Enquiries: Mr N Murphy 02 6333 6211
Inm 20.00322 - OEI - BRLEP 2019 housekeeping amendment.docx

Office of Environment and Heritage
6 May 2019

Council invites written submissions with respect to the Planning Proposal. Any submission needs to be lodged with Council by 4.00 pm on **11 June 2019** and must include your name and address.

Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public in the Council business papers.

Council will consider all submissions made to it, but to influence the Council's decision, any submission you make must be relevant and well founded.

If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy on 6333 6211.

Yours faithfully



Nicholas Murphy
ACTING MANAGER STRATEGIC PLANNING

MEMORANDUM

TO: SENIOR STRATEGIC PLANNER – NICHOLAS MURPHY
FROM: SENIOR HERITAGE PLANNER – ASHLEE CUTTER
DATE: 5 DECEMBER 2018
SUBJECT: **LEP HOUSEKEEPING – HERITAGE ADVISOR COMMENTS**
FILE: **20.00322**

21 Blacks Mill Lane – Mill Cottage

This cottage, possibly built by Daniel Roberts as residence for the now demolished flour mill, is one of the oldest houses in the Bathurst Regional Council area, circa 1826. The original structure is a single storey stone residence consisting of two rooms with a rear stair and attic. The qualities of the original structure that are of architectural interest include the modest scale, simple gable roof form with dormer windows in the attic, and the walls constructed of random rubble stonework. It is a rare and significant example of a vernacular style residential cottage associated with early pastoral life and pursuits with milling. The cottage also served as a Post Office for the O'Connell area in the 1800's. Presently the house is in good condition and is being maintained by its current owners.

It is recommended that Mill Cottage be listed as an item of LOCAL significance.

Boundary Road Reserve - Reference Tree on DP47960

An original example of a reference tree from the Crown Plan of Survey of Portion 186 marked 1873. The blaze, most likely cut using an axe, exposed the solid wood of the trunk, with typically a broad arrow and numbers of the portions (allotments of land) being added. This is a highly significant extant example of a reference tree showing the cadastral boundaries that it references. This type of marking is becoming rarer to discover due to the pressures of urbanisation and rural cultivation, and significantly was the only type of mark able to be used by surveyors up until 1886. The markings are in original condition, albeit partially obscured due to tree growth, with the tree surrounded by two galvanised iron pipes buried 100-300 mm below the surface in the area surrounding the boundary corner in question.

It is recommended that the Boundary Road Reserve Reference Tree be listed as an item of LOCAL significance.

10 Bishop Street, Bathurst

294 Russell Street, Bathurst, Oakstead ((Formerly Presbyterian Manse). The dwelling is one of a series of large Victorian houses set in spacious gardens on the north west hill overlooking the city. Largely intact and in a prominent location it makes

a significant contribution to the streetscape as well as having historical significance in relation to its use as the Presbyterian manse.

Council approved a single storey dwelling at the rear of 294 Russell Street, known as 10 Bishop Street, Bathurst. The development was supported as it proposed an appropriate curtilage from the existing heritage item located on the site. An existing swimming pool and retaining wall separates the heritage item from the new dwelling. In addition, the new dwelling is at the rear of the site, leaving the streetscape of Russell Street unchanged.

As the building located at 10 Bishop Street is a new building with no heritage significance, and on its own title, it is proposed to remove the heritage item off the title relating to 10 Bishop Street.

Removal of the heritage item from 10 Bishop Street is recommended.

A handwritten signature in black ink, appearing to read 'Kylie Christian', with a stylized, flowing script.

Kylie Christian
HERITAGE ADVISOR

Mr David Sherley
General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Attention: Nicholas Murphy, Senior Strategic Planner
council@bathurst.nsw.gov.au

Planning Proposal – Bathurst Regional LEP – Housekeeping Amendment 2019

Dear Mr Sherley

Thank you for your letter of 6 May 2019 requesting advice on the planning proposal to make housekeeping amendments to the *Bathurst Regional Local Environmental Plan 2014*, including additions and amendments to Schedule 5 – Environmental Heritage.

Among more general amendments, the planning proposal intends to protect Bathurst's heritage by listing:

- the dwelling and associated outbuildings on Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell as an item of local heritage significance, and
- a survey mark with significant provenance at Part Lot 284 DP 47960, Boundary Road, Mitchell as an item of local heritage significance.

The proposal also intends to amend the curtilage of item I64, 'Oakstead (formerly Presbyterian manse)' at Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst, to exclude the new dwelling which has been constructed on Lot 2.

Heritage encourages the identification and listing of new heritage items, and amendments to existing heritage items, providing the necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of this proposal, Council should be satisfied that this is the case.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer – Statewide Programs at Heritage, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely



Rochelle Johnston
Manager – Statewide Programs
Heritage
14 August 2019

4 BATHURST REGIONAL LEP 2014–2018 HOUSEKEEPING AMENDMENT (20.00322)

Recommendation: That Council:

- (a) adopt the Bathurst Regional LEP amendment as outlined in this report;
- (b) forward the Bathurst Regional LEP – Housekeeping Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.

Report: Background:

Council resolved at its ordinary meeting held 18 July 2018 to commence a Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 seeking to:

- Amend certain development types within Schedule 2 – Exempt Development provisions including:
 - Garages and carports – to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introducing a maximum total floor area of 60sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings – to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered size of building dependant on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandahs – permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback
 - Rainwater tanks – to remove tanks as exempt development on flood prone land.
 - Filming – removing filming and rely instead on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 – Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 – Heritage to:
 - Include two additional local heritage items (21 Blacks Mill Lane, O'Connell and a survey tree at Boundary Road Reserve), and
 - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.
- Amend Clause 7.10 to enable educational establishments to erect directional signage.

Council also resolved by Minute dated 12 September 2018 to support an amendment to the Bathurst Regional Local Environmental Plan 2014 seeking to include *artisan food and drink industry* within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots as a land use permissible with consent.

The Department of Planning and Environment issued a gateway determination dated 12 February 2019. A copy of the gateway determination is provided as **attachment 1**.

Amendment to the Bathurst Regional LEP 2014

There are five key amendments proposed as part of the Planning Proposal. Each of the elements are outlined below:

1. **Inclusion of *artisan food and drink industry* as a permissible land use**

The NSW Government have recently included a new definition for ***artisan food and drink industry*** as a type of light industry. The Bathurst Regional LEP 2014 prohibits light industries in the RU1, RU2 and RU4 zones, and therefore artisan food and drink industries are also prohibited.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Council officers consider that these types of land uses should be permissible within the identified zones, in similar circumstances to cellar door premises which are permissible with consent. This Planning Proposal seeks to amend the land use tables for the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones, to include ***artisan food and drink industry*** as a land use permissible with consent.

2. **Lot 2 DP 1233088, Edgells Lane, Kelso**

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification of the land as operational land, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat portion of the land E2 Environmental Conservation and the residual rural balance RU4 Primary Production Small Lots. The classification of the land, pursuant to the Local Government Act 1993, is not being altered. It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots. **Attachment 2** illustrates the land affected and the proposed new zoning.

3. **Amendment to Schedule 5: Heritage of the Bathurst Regional Local Environmental Plan 2014**

The ongoing protection of the region's heritage is supported by Council's adopted Heritage Plan. The addition of two heritage items, at the landowners request in each case, demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern relating to a newly constructed dwelling. The relevant draft LEP maps are

provided as **attachment 3**.

a) Addition of two heritage items

Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

Part Lot 284 DP 47960, Boundary Road, Mitchell

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

b) Alteration to the curtilage of one local heritage item

Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

4. Clause 7.10 of the Bathurst Regional Local Environmental Plan 2014

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land with consent. Education is one of the largest sectors within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

The proposed wording of the clause is provided as **attachment 4**.

5. Amendment to the Exempt and Complying Development Criteria (Schedule 2 & 3) of the Bathurst Regional Local Environmental Plan 2014.

a) Schedule 2: Exempt Development

Exempt development is development that can be undertaken without the consent of Council, provided the development meets predetermined requirements.

Council has undertaken a review of the Exempt Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements for certain development types. The amendment relates to the following matters:

Division	Intent of Amendment
4 - Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge.
7 - Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)	Removal of 'cabanas' and 'gazebos' from the criteria. Minor rewording of the criteria. Permit structures forward of the building line with a maximum width.

8 - Barbecues and other outdoor cooking structures	Minor rewording to criteria (7) relating to house drainage.
11 - Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
12 - Building alterations (internal and external) to industrial premises and agricultural produce industries, including recladding of roofs and walls	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
13 - Building identification signs and business identification signs	Minor rewording to subclause 4 – Pylon Signs and clearance from house drainage.
17 – Carports, garages and garden sheds	Altered the grouping of the development types. Introduce a maximum gross floor area for all development types (as outlined earlier in this report).
20 - Communication dishes (radio and satellite)	Minor rewording to criteria (6) relating to house drainage.
21 - Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like	Altered the grouping of the development types.
22 – Dams	Introduce criteria relating to the maximum harvestable rights. Introduce boundary setbacks.
24 - Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)	Introduce criteria to maintain minimum coverage of engineering services. Minor rewording to criteria (4) relating to house drainage.
25 – Earthworks and retaining walls	Introduce criteria for boundary setbacks for earthworks. Introduce criteria to maintain minimum coverage of engineering services.
27 – Farm buildings, farm sheds and structures	Remove these development types from zones R5 Large Lot Residential, E4 Environmental Living and IN1 General Industrial. Introduce floor area and height restrictions based on lot area. Amend setback criteria.
28 – Fences	Reword the criteria that applies to the development type to clarify the criteria.
29 – Filming	Repeal the provision and defer to State Environmental Planning Policy (Exempt and Complying Development) Codes.
32 - Greenhouses, cabanas, gazebos, and ferneries	Alter the grouping of the development types. Remove the criteria that relates to garages and garden sheds.
40 – Painting and rendering of buildings	Remove the ability for the clause to apply to Heritage Items or draft Heritage Items.
42 - Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)	Minor rewording to criteria (7) relating to house drainage.
43 - Portable swimming pools and spas	Repeal the provision and defer to SEPP

and child-resistant barriers	(Exempt and Complying Development) Codes.
45 - Rainwater tanks (above or below ground)	Clarify setback requirements. Restrict development in the Flood Planning Area. Clarify the requirement for stormwater disposal based on the zone of the land. Minor rewording to criteria (15) relating to house drainage.
48 - Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge. Minor rewording of Clause (6) relating to house drainage.
49A - Shipping containers	New Division. Introduce new criteria for shipping containers to be considered as exempt development.
53 - Temporary builders' structures	Minor rewording of the clause relating to connections to the sewer and clearance from sewer manholes and property connection points.
55 - Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
57 - Tents or marquees used solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

Detailed changes to the Exempt Development criteria are provided as **attachment 5**.

b) **Schedule 3: Complying Development**

Complying development provides a fast tracked approval process for development that meets predetermined criteria and development controls.

The amendment relates to Part 2 - Additions to dwelling houses and Part 4 – Dwelling houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

Detailed changes to the Complying Development criteria are provided as **attachment 6**.

Pre exhibition matters

The gateway determination required Council to consult with the Department of Planning and Environment – Resources and Energy to address an inconsistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries (Section 9.1 of the Environmental Planning and Assessment Act). The matter concerned the rezoning of part of the land acquired by Council on Edgells Lane Kelso and proposed to be zoned E2 Environmental Conservation. The change of zone changed the permissibility of *Extractive Industries* on that land.

The Department of Planning and Environment – Resources and Energy advised Council that they had no concerns. The NSW Department of Planning and Environment issued a statement to Council allowing Council to proceed to public exhibition.

Public Exhibition

The Planning Proposal was placed on public exhibition from 13 May 2019 to 11 June 2019. A copy of the Exhibition Documentation is provided as **attachment 7**.

Notification was placed in the Western Advocate on 11 & 18 May 2019. Letters were also sent to landowners affected by amendments to Heritage Items, and to local builders in relation to the exempt and complying development amendments.

As the Planning Proposal involved Heritage Items, the Gateway Determination required Council notify the NSW Department of Environment and Heritage. A response from the NSW Department of Environment and Heritage was not received.

As a result of the public exhibition period, Council did not receive any submissions. **Attachment 8** summarises the level of engagement through Council's YourSay website. As no submissions were received, a discussion forum has not been held.

Conclusion

Council resolved to make amendments to the Bathurst Regional Local Environmental Plan in July and September 2018. Council placed the draft Local Environmental Plan amendments on public exhibition for a period of 28 days from 13 May 2019 to 11 June 2019. Council did not receive any submissions in response to the exhibition.

There are no Planning grounds as to why the matter should not proceed. It is therefore recommended that the amendments to the Bathurst Regional Local Environmental Plan 2014 be adopted as outlined in this report.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|---|-------------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.2 |
| ● Objective 2: A smart and vibrant economy | Strategy 2.1 |
| ● Objective 3: Environmental stewardship | Strategy 3.4 |
| ● Objective 4: Enabling sustainable growth | Strategy 4.6 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.1, 6.5 |

Community Engagement

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



20 FEB 2019

REF 20.00322/017

PP_2018_BATHU_002_00/IRF18/5423

Mr David Sherley
General Manager
Bathurst Regional Council
PMB 17
BATHURST NSW 2795

Mr Neil Southorn, Director, Environmental, Planning and Building Services

Dear Mr Sherley

Planning proposal [PP_2018_BATHU_002_00] to amend Bathurst Regional Local Environmental Plan 2014 - housekeeping

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 9 January 2018 in respect of the planning proposal to make six housekeeping amendments.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (1.3 Mining, Petroleum Production and Extractive Industries). Council should ensure this occurs prior to public exhibition as specified in Gateway determination condition No. 1.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the public exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment - Western Region office (westernregion@planning.nsw.gov.au).

DEPBS

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data. To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal to be finalised.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Wayne Garnsey of the Department of Planning and Environment, Western Region office, to assist you. Mr Garnsey can be contacted on 5852 6800.

Yours sincerely



12.2.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_BATHU_002_00): Housekeeping Amendment (No. 14)

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to make housekeeping amendments as specified in the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition consultation is required with Department of Planning and Environment – Resources and Energy to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
The response from the Department of Planning and Environment – Resources and Energy is to be forwarded to the Department of Planning and Environment – Western Region office and Council is to seek approval to proceed to public exhibition.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 3.34(2)(d) of the Act. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 12th day of February 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2018_BATHU_002_00
Date Sent to DPE under s3.34	3/10/2018 & 9/01/2019
Date considered at LEP Review Panel	NA
Gateway determination date	12/02/2019

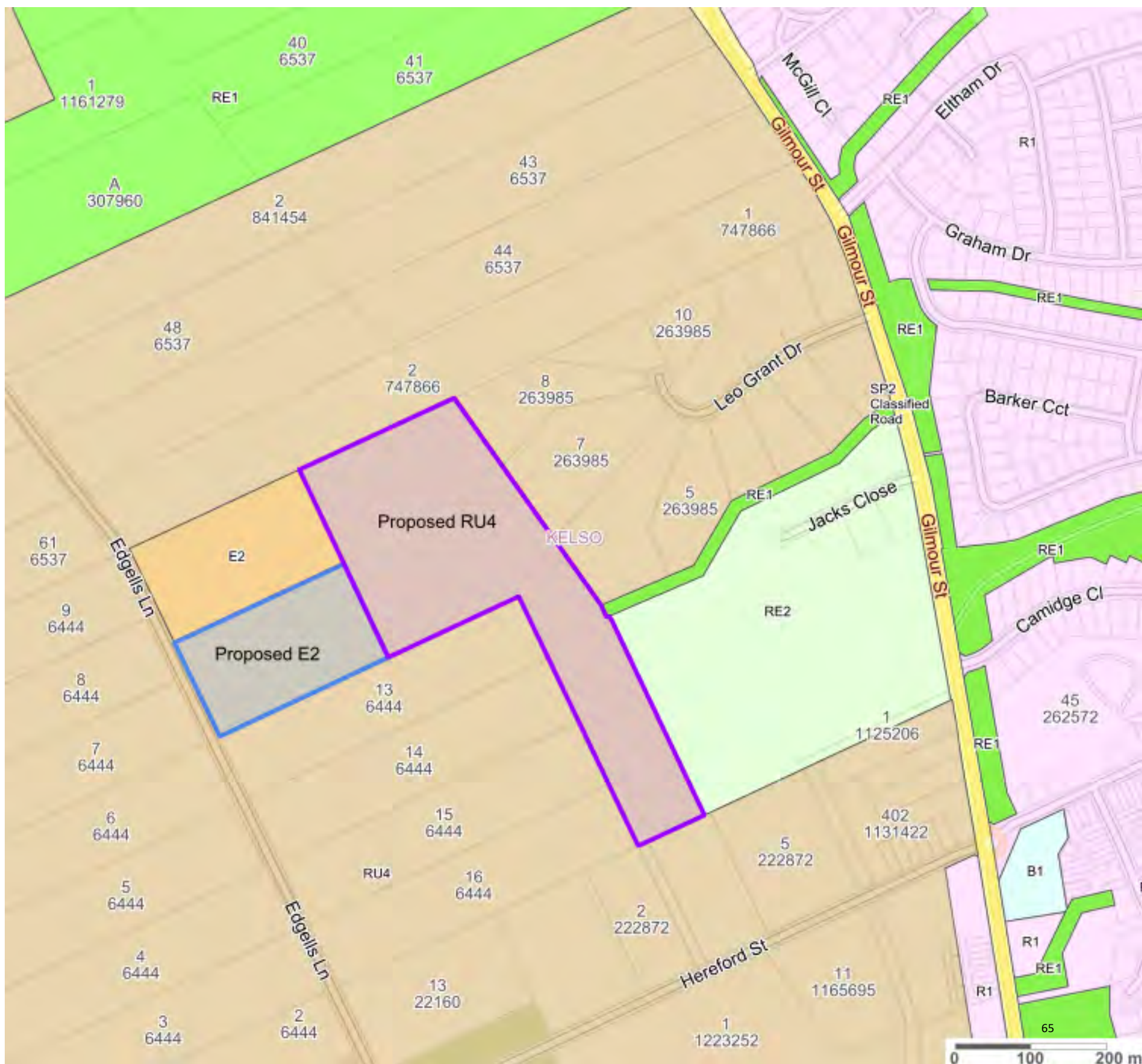
Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		


Table 3 – To be completed by the department


Stage	Date/Details
Notification Date and details	

Additional relevant information:




Heritage

 Conservation Area - General

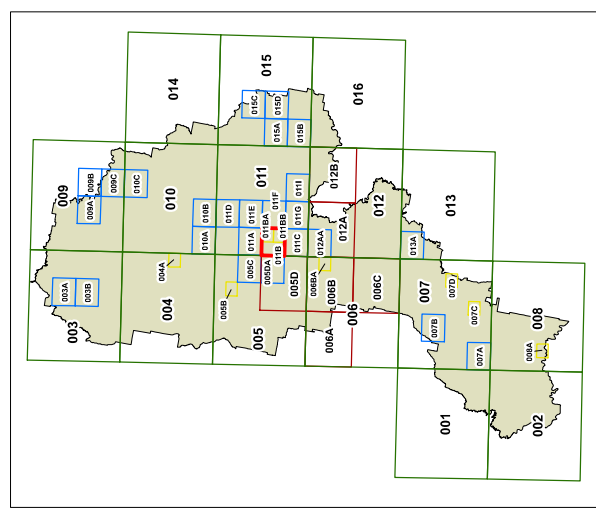
 Item - General

Cadastral



Base data 23/04/1997 © Land and Property
Information (LPI)

Addendum data 08/09/2017 © Bathurst Regional
Council




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Scale: 1:20,000 @ A3

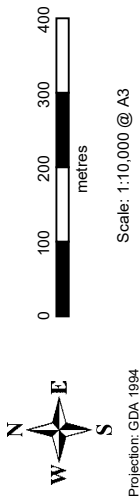
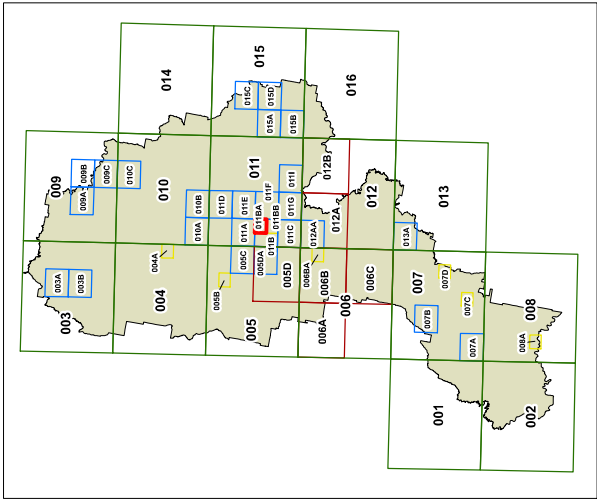
Projection: GDA 1994
MGA Zone 55

Heritage

- Conservation Area - General
- Item - General

Cadastre

Base data 23/04/1997 © Land and Property
Information (LPI)
Addendum data 08/09/2017 © Bathurst Regional
Council



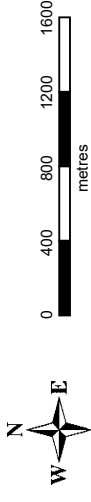
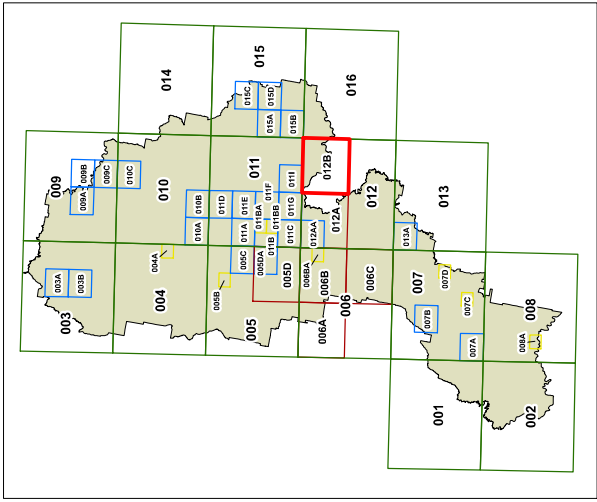
Projection: GDA 1994
MGA Zone 55

Heritage

-  Conservation Area - General
-  Item - General

Cadastre

Base data 23/04/1997 © Land and Property
Information (LPI)
Addendum data 08/09/2017 © Bathurst Regional
Council



Projection: GDA 1994
MGA Zone 55

Scale: 1:40,000 @ A3

7.10 Signage

- (1) Development consent must not be granted to the erection of signage on any land, except land in Zone SP3 Tourist, unless:
 - (a) the signage relates to the approved use of the site and is located on the land on which that use is being conducted, and
 - (b) the dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.
- (2) Despite subclause (1), development consent may be granted to the erection of signage on any land for the specific purpose of directing the travelling public to **educational establishments**, tourist facilities **or** places of scientific, historic or scenic interest, if the consent authority is satisfied that:
 - (a) the signage relates to a specific building or place within Bathurst Regional local government area, and
 - (b) the principal purpose of the signage is to direct the travelling public to that building or place, and
 - (c) the dimensions and overall size of the signage are not larger than would reasonably be required so to direct the travelling public.
- (3) Despite subclause (1), development consent may be granted to a directory board sign on any land if the consent authority is satisfied that:
 - (a) the directory board sign relates to a business or industrial estate or park in the Bathurst Regional local government area and is located at the entrance to that estate or park, and
 - (b) the dimensions and overall size of the signage are not larger than would reasonably be required to direct the public to the business or industrial estate or park.
- (4) Despite subclause (1), development consent may be granted to signage of a temporary nature on any land if the consent authority is satisfied that:
 - (a) the signage relates to a local event within the Bathurst Regional local government area, and
 - (b) the signage will not be displayed for more than 28 days before the event or 7 days after the event.
- (5) Despite subclause (1), development consent may be granted to signage on any land for the specific purpose of advertising premises for sale or for lease.
- (6) Despite subclause (1), development consent may be granted to interpretive signage on any land for the specific purpose of interpreting the built or natural environment or an item of historic nature.
- (7) In this clause:

directory board sign means a sign that displays a business identification sign for 2 or more businesses.

interpretive signage means a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature.

Schedule 2 Exempt development

Division 4 Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)

(Clause 3.1)

4.1 Specified development

The construction or installation of an animal shelter is development specified for this Schedule.

4.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3 or Zone IN1.
- (2) Must not be used for commercial purposes (other than for agriculture).
- (3) Maximum wall height—3m.
- (4) Maximum overall height—4.5m.
- (5) If within Zone R1, Zone R2, Zone R5, Zone RU5, Zone B1, Zone B3 or Zone IN1, must:
 - (a) have a maximum building floor area of 30m², and
 - (b) be located behind the front building alignment.
- (6) If within Zone RU1, Zone RU2 or Zone RU4 must have a maximum building floor area of 60m².
- (7) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (8) Must be constructed of non-reflective materials or painted before use.
- (9) Horse stables must be a minimum 9m from any building used for the manufacture, production or storage of food or from land used for public purposes.
- (10) Must be located so that it does not cause nuisance (for example noise, odour or vermin) to neighbouring properties.
- (11) If proposed to be located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (12) If constructed or installed on or in, or in relation to, a heritage item—must be located in the rear yard, unless it is located in Zone RU1, Zone RU2 or Zone RU4.
- (13) If located on bush fire prone land and the structure is attached to or shares

a common roof space with the dwelling, must comply with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.

- (14) Must be erected within the property boundary.
- (15) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (16) Must not be constructed over any easement.
- (17) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (18) Must not be within 40m of a perennial or intermittent named waterway.
- (19) If constructed in Zone R1 or Zone R2—must not be more than one development per dwelling on the lot (except for aviaries).
- (20) Must not be located on a lot located in the "Flood Planning Area" identified on the Flood Planning Map.

Division 7 Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)

7.1 Specified development

The construction or installation of a balcony, deck, patio, patio cover, pergola, terrace and verandah (whether attached to or detached from a dwelling, or roofed or unroofed) is development specified for this Schedule.

7.2 Development standards

- (1) The development must:
 - not be enclosed.
 - not be constructed on land in Zone RU5 within the village of Hill End.
 - Not have a floor height exceeding 1.0 metre.
 - not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
 - not be constructed or installed on, or in relation to, a heritage item or draft heritage item.
 - not be constructed over any easement.
 - be located behind the building line of any road frontage in a heritage conservation area or a draft heritage conservation area
 - must not exceed the highest point of the ridge line of the main building.
 - be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
 - be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
 - be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
 - be constructed of non-reflective materials or painted before use.

(2) Setbacks

- From a boundary with a primary road: 4m
- From a boundary with a secondary road: 2m
- From side or rear boundary: 900mm

(3) Maximum width of a deck, patio, patio cover, pergola, verandah forward of the front or side building line – 2m

(4) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.

(5) Decks must not be located over gullies unless there is a minimum 2m clearance, alternatively the gully must be relocated so as to be clear of the deck.

~~(6) If the floor level is greater than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the Building Code of Australia.~~

(7) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications,

(8) If located on bush fire prone land and the structure is attached to the dwelling, the structure must comply with AS 3959, *Construction of buildings in bush fire-prone areas*.

Division 8 Barbecues and other outdoor cooking structures

8.1 Specified development

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this Schedule.

8.2 Development standards

- (1) Must be located within the property boundary.
- (2) Any permanent gas or electricity supply must be connected by a licensed gas fitter or electrician.
- (3) Must be located so that it does not cause nuisance (for example noise, odour or smoke) to neighbouring properties.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed in any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (8) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

Division 11 Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)

11.1 Specified development

Building alterations (internal and external) to dwellings, including recladding of roofs and walls, is

development specified for this Schedule.

11.2 Development standards

- (1) Must not involve any alterations to structural components of the building.
- (2) The building must have been lawfully constructed to be used for the purpose of a dwelling.
- (3) Must involve materials that match the existing materials or match those originally used on the building.
- (4) Must not change the existing footprint of the building.
- (5) Must not change any part of the building from a non-habitable to a habitable use.
- (6) **Where the work involves changes or additions to the house drainage and/or plumbing, it must be carried out by a licensed plumber, installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia* and the work is inspected by Council.**
- (7) Must not reduce the provision of light or ventilation to any room served by any window, glazed area or door.
- (8) Replacement materials used must comply with AS 1288—2006, *Glass in buildings—Selection and installation* and AS/NZS 2208:1996, *Safety glazing materials in buildings* for use in Buildings (Human Impact Considerations), where applicable.
- (9) Must not include a change to the fire resisting components of a building.
- (10) In the case of the installation of insulation material, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.
- (11) In the case of re-cladding, sub-floor ventilation must be retained for the building at the rate of not less than 21,000mm² per lineal metre of wall.
- (12) Must not be constructed or installed on, in or in relation to a heritage item or a draft heritage item.
- (13) Must not include the external painting or rendering of face brickwork not previously painted or rendered within a heritage conservation area or in relation to a heritage item.
- (14) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 12 Building alterations (internal and external) to industrial premises and agricultural produce Industries, including recladding of roofs and walls

12.1 Specified development

Building alterations (internal and external), to industrial premises and agricultural produce industries, including recladding of roofs and walls, is development specified for this Schedule.

12.2 Development standards

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1, Zone R2, Zone R5, Zone RU1, Zone RU2, Zone RU4 or Zone E4.
- (2) Maximum gross floor area—300m².
- (3) The building must have been lawfully constructed to be used for the purpose of an agricultural produce industry or industrial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of a building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, or the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.
- (9) The premises must not be used for the preparation of food.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at a rate of not less than 21,000mm² per lineal metre of wall.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (12) Must not be constructed or installed on, in or in relation to a heritage item or draft heritage item.

(13) Where the work involves changes or additions to the house drainage and/or plumbing, it must be carried out by a licensed plumber, installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia* and the work is inspected by Council.

Division 13 Building identification signs and business identification signs

13.1 Specified development

The installation of new or the alteration of existing building identification signs or business identification signs is development specified for this Schedule.

13.2 Development standards

- (1) **Flush wall sign**—on land in Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3:
 - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
 - (b) maximum area—0.75m², and
 - (c) must be below awning level, and
 - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (e) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (2) **Flush wall sign**—on land in Zone B5 or Zone IN1:
 - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
 - (b) maximum area—6m², and
 - (c) must not be more than one sign per building, and
 - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (e) must not be visible from a classified road, and
 - (f) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (3) **Fascia sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
 - (a) must be attached to the fascia or return end of an awning, and
 - (b) must not extend beyond the depth of the existing building fascia, and
 - (c) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (d) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (4) **Pylon sign**—on land in Zone B5 or Zone IN1:
 - (a) must be an advertisement erected on a pole or pylon which is independent of any building or structure, and
 - (b) maximum height—below the roof height of the building on the site, but not greater than 5m (measured from natural ground level to the top of the structure), and
 - (c) maximum area (sign panel)—4.5m², and
 - (d) must not be visible from a classified road, and
 - (e) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
 - (f) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (g) must not be constructed over any easement, and

- (h) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
- (i) must not be more than one sign per property, and
- (j) if illuminated—must only be internally illuminated and not up-lit, and
- (k) must be displayed on the same land as a lawfully approved development to which the sign relates, and
- (l) must not be constructed or installed on or in, or in relation to, a heritage item, or draft heritage item, within a heritage conservation area or a draft heritage conservation area, and
- (m) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (5) **Top hamper sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
 - (a) must be a sign attached to the transom of a doorway or display window of a building, and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates.
- (6) **Under awning sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
 - (a) must be a sign attached to the underside of an awning (other than the fascia or return end), and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (c) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (7) Changes to wording or content of approved signs in any zone:
 - (a) must be to a lawfully existing sign, and
 - (b) must relate to the lawfully approved use of the associated building or place, and
 - (c) must not be a flashing, illuminated or animated sign, and
 - (d) must not contain sexually explicit material, and
 - (e) must not interfere with or confuse interpretation or reading of traffic signals, and
 - (f) must not result in any additional signage or increase in signage area, and
 - (g) must not involve painting of the building other than an area previously painted for advertising purposes, and
 - (h) if within a heritage conservation area or on, in or in relation to a heritage item—must involve traditional colours (bright colours are not permitted).

Division 17 Carports, garages and garden sheds

17.1 Specified development

The construction or installation of a carport, garage, or garden shed is development specified for this Schedule.

17.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Maximum building height
 - (a) Wall height – 3.3m
 - (b) Overall height – 4.5m
 - (c) For garden sheds, maximum overall height 2.4m
 - (d) if attached to an existing single storey dwelling, be not higher than the roof gutter line

Maximum gross floor area of **all** carports, garages and garden sheds on the site

- (e) If the land is within a Heritage Conservation Area or draft Heritage Conservation Area – 60m²
 - (f) All other land – 80m²
- (3) Maximum gross floor area of any single carport, garage or garden shed development on the site
- (a) If the land is within a Heritage Conservation Area or draft Heritage Conservation Area – 45m²
 - (b) All other land – 60m²
- (4) If the proposal is an addition to an existing garage, carport or garden shed, must not cause the gross floor area of the carport, garage or garden shed to exceed the standards established in subclauses (3 & 4) above.
- (5) For the purposes of subclause (3), garages which form part of any dwelling's footprint are excluded from the calculation.
- (6) Must not be more than 1 development with a floor area of greater than 10m².
- (7) Setbacks
- (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (8) Must be located a minimum of 900mm from a side or rear boundary.
- (9) Carports must have 2 or more sides open and not more than one-third of its perimeter enclosed.
- (10) Must be constructed of low reflective materials or painted before use.
- (11) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.

- (12) Any structure with a gross floor area exceeding 10m² located in a heritage conservation area must have the following characteristics,
 - (a) the colouring of materials used must match those used on the main building.
 - (b) a 30° roof pitch, or a pitch that matches the pitch of the main dwelling,
 - (c) steel sheeting is of a traditional corrugated profile.
- (13) If located within a heritage conservation area, must not be a shipping container.
- (14) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
- (15) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (16) Must not be constructed over any easement.
- (17) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (18) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (19) If works involve the installation of sanitary facilities:
 - (a) the plumbing and drainage must be installed in accordance with AS/NZS 3500 and the Plumbing Code of Australia, and
 - (b) the Notice of works and certificate of compliance must be submitted to the Council, and
 - (c) the works are to be inspected by the Council before the plumbing has been concealed.
 - (d) A plumbing final is to be completed by Council's Plumbing and Drainage Inspectors.
- (20) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

Division 20 Communication dishes (radio and satellite)

20.1 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this Schedule if it is only for the purpose of receiving television or radio signals (or both).

20.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be greater than 1.8m in diameter.
- (3) Must not be greater than 1.8m above the highest point of the roof of the building.
- (4) If attached to a free standing structure, the structure must not be constructed within 1.2m of any 150mm diameter sewer main or 2m of any 225mm (or greater) diameter sewer main, or over any easement and must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.

- (5) The roof must be capable of supporting the additional load.
- (6) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (7) Must be located within the property boundary and not project over a public road.
- (8) The dish and supporting structure must be capable of supporting the dead and live (wind) loads which may be imposed upon them.
- (9) The dish, whether attached to a building or not, must not be visible from a road or other public place within a heritage conservation area.
- (10) Not more than one dish per building or tenancy.
- (11) Must not be constructed or installed on or in, or in relation to, a heritage item, unless it is free standing and located behind the front building line.

Division 21 Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like

21.1 Specified development

The construction or installation of a cubby house, play equipment or shade structures of canvas, fabric, mesh or the like is development specified for this Schedule.

21.2 Development standards

- (1) Maximum height—3m (measured from natural ground level to the top of the structure).
- (2) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (3) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard
- (4) If the floor level of any structure is more than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the Building Code of Australia.
- (5) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.

- (6) Must not be used for habitable purposes.
- (7) Must be constructed of low reflective, factory pre-coloured materials or painted before use.
- (8) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications
- (9) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (10) Must not be constructed over any easement.
- (11) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (12) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (13) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

Division 22 Dams

22.1 Specified development

The construction of a dam is development specified for this Schedule.

22.2 Development standards

- (1) Must not be located on land in Zone R1, Zone R2, Zone B1 or Zone B3.
- (2) Must not:
 - Have a surface area exceeding 0.2ha;
 - Be located closer than 10 metres from a property boundary.
 - In zone RU2, be closer than 40 metres with a boundary with the Mount Panorama Motor Racing Circuit.
 - Be located within 40 metres of a natural waterbody, wetland or an environmentally sensitive area,
 - Be located in an area of high watertable, or acid sulfate, sodic or saline soils
 - be located on or across a perennial or intermittent named waterway, (including a wetland, stream, creek or river) without the approval of the NSW Office of Water.
 - be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (3) If on land within the vicinity of the Bathurst Airport, must be designed to reduce its attractiveness to bird life.
- (4) The structure must be designed and constructed in accordance with the specifications of, a professional engineer.

Note: Farm dams must comply with the NSW Farm Dams Policy (Harvestable Right Dams Policy), a copy of which can be obtained from the NSW Office of water or relevant State Government Authority.

Division 24 Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)

24.1 Specified development

The construction or installation of a driveway, path and paving (including driveways, footway crossings, car parks, loading facilities, hard stand spaces and manoeuvring areas) is development specified for this Schedule.

24.2 Development standards

- (1) Must be constructed in accordance with the Council's *Guideline for Engineering Works*.
- (2) Driveways and footway crossings must be constructed in accordance with access levels issued by the Council and must be inspected by the Council before pouring of the concrete.
- (3) If on land within Zone RU2 or Zone SP3, must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
- (4) If a driveway for a corner lot, must be located at least 6m from the corner of the intersection.
- (5) Access to the Council's sewer manholes and property sewer connection points must be maintained at all times.
- (6) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.
- (7) All vehicle manoeuvring and car parking areas must be paved and line marked in accordance with the Council's *Guideline for Engineering Works*.

Division 25 Earth works and retaining walls

25.1 Specified development

Earthworks and retaining walls are development specified for this Schedule.

25.2 Development standards

- (1) must not encroach onto or interfere with adjoining properties, including the Council road or drainage reserves,
- (2) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map,
- (3) must not be constructed on, or in relation to, a heritage item or draft heritage item.
- (4) For earthworks:
 - (a) Must not be a cut or fill of more than 1 metre below or above ground level (existing),
 - (b) the development must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Cut or fill depth (measured from natural ground)	Minimum setback required (measured from natural ground)
100mm	100mm
200mm	200mm
300mm	300mm
400mm	400mm
500mm	500mm
600mm	600mm
700mm	700mm
800mm	800mm

900mm
1,000mm

900mm
1,000mm

Note.

The cut or fill depth is rounded up to the next closest measurement.

- (c) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.
 - (d) must use clean fill that is virgin excavated natural material (VENM),
 - (e) must not cause nuisance to adjoining properties,
 - (f) must not obstruct the natural flow of surface water,
 - (g) if on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, must not be within 40m of a perennial or intermittent named waterway,
 - (h) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (5) For retaining walls:
- (a) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill or 1 metre, whichever is greater.
 - (b) Must not be timber where they support a structure(s).
 - (c) must be provided with drainage of sufficient design and capacity to prevent a build up of hydrostatic pressure behind the wall,
 - (d) if constructed parallel, or less than 45°, to any sewer main, it must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) any the Council's rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website,
 - (e) if constructed perpendicular, or not less than 45°, to the sewer main:
 - (i) must only be over any 150mm or 225mm diameter sewer main, and
 - (ii) the support posts must be at least 500mm clear of the

main sewer, and

(iii) must be designed to provide a minimum vertical clearance of 600mm between the footing and the main, and

(iv) if a reinforced concrete footing is proposed—must be designed as a bridging footing so that no loads are transferred to the sewer main,

(f) all water and seepage must be disposed of entirely on the land or to a legal point of discharge and must not cause damage or nuisance to adjoining properties,

(g) if of masonry construction:

(i) must comply with AS 3700—2011, *Masonry structures*,

(ii) must comply with AS 3600—2009, *Concrete structures*,

(iii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*,

Division 27 Farm buildings, Farm sheds and structures

27.1 Specified development

The construction or installation of a farm building, farm shed or other structure used for the purpose of an agricultural activity is development specified for this Schedule.

27.2 Development standards

(1) Must be on land within Zone RU1, Zone RU2 or Zone RU4, ~~Zone R5,~~
~~Zone E4 or Zone IN1.~~

(2) Maximum building height

(a) If the land has an area greater than 4ha – 12m

(b) If the land has an area no more than 4ha – 7m

(3) Maximum height of stockyard fencing – 4.5m

(4) Maximum gross floor area

(a) If the land has an area greater than 4ha – 300m²

(b) If the land has an area no more than 4ha – 100m²

(5) Setbacks

(a) From a road: 20m

- (b) From a dwelling on adjoining lot: 50m
- (c) From side or rear boundary: 30m
- (d) From a waterbody: 100m
- (6) Setbacks for private stockholding yards
 - (a) From a road: 20m
 - (b) From a dwelling on adjoining lot: 200m
 - (c) From side or rear boundary: 50m
 - (d) From a waterbody: 100m
- (7) Must be constructed of non-reflective materials or painted before use, excluding silos.
- (8) If located on bush fire prone land and the structure is within 10m of a dwelling, the structure must comply with the requirements of AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (9) Must not be used for residential, industrial or commercial purposes.
- (10) Must not be constructed over any easement.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (13) Must not be constructed over any drainage pipes or house drainage.
- (14) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (15) If stockholding yards, must not be used for the commercial sale of livestock.
- (16) The structure must be designed by, and constructed in accordance with the specifications of, a professional engineer,

Division 28 Fences

28.1 Specified development

The construction or installation of a fence within zone RU2, RU5, R1, R2, R5, B1, B3, B5, IN1, E2 or E4 is development specified for this Schedule.

28.2 Development standards

- (1) Despite subclause (8), any fence located along the boundary of a primary or secondary road, or forward of the front building line must:
 - (a) not be more than 1.2m above ground level (existing), and
 - (b) be an open mesh, slat or picket style fence.
- (2) If a lot has a frontage to a secondary road, subclause (1) only applies to that portion of the fence forward of the front building line.
- (3) Subclause (1) (b) does not apply to the part of the fence along the side boundary and forward of the building line where there is no secondary road frontage.
- (4) Despite subclauses (1) and (8), if the fence is erected on a sloping site and stepped to accommodate the fall in the land:
 - (a) a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and
 - (b) a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.
- (5) If the site is within a heritage conservation area or draft heritage conservation area, must be constructed of timber, or other traditional materials appropriate to the site.
- (6) If the site is on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, must be constructed of timber, or other traditional materials appropriate to the site.
- (7) if of masonry construction:
 - (a) not be greater than 1.0 m above ground level (existing), and
 - (b) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (c) must not be constructed over any easement, and
 - (d) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website,
- (8) The development must:
 - (a) not be located on a lot located in the "Flood Planning Area" identified on the Flood Planning Map, and
 - (b) not be higher than 1.8m above ground level (existing), and
 - (c) except within zone B5 and IN1 must not be higher than 2.1m above ground level (existing), and
 - (d) if it includes an entrance gate—not have a gate that opens outwards, and
 - (e) if it is located in a core koala habitat or potential koala habitat within the meaning of *State Environmental Planning Policy No 44—Koala Habitat Protection* or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and

- (f) if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and
- (g) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
- (h) if constructed of masonry materials:
 - (i) must comply with AS 3700—2011, Masonry structures,
 - (ii) must comply with AS 3600—2009, Concrete structures,
 - (iii) must comply with AS/NZS 1170.0:2002, Structural design actions—General principles
- (i) not be an electrical fence, and
- (j) except within zone B5 and IN1 not use barbed wire below 1.8 m, and
- (k) Within zone RU5 (Hill End) fences must be timber, either of picket style, palisade, or rough timber paling, and
- (l) Within zone RU2, RU5 (except Hill End), R5, E2 or E4 fences must be of traditional rural fencing materials, or of pipe, steel, timber, masonry or the like, and
- (m) Within Zone B5 and IN1 any fence located on the boundary of, or forward of the building line with a road must be open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing).

Division 28 Fences

28.3 Specified development

The construction or installation of a fence is development specified for this Schedule.

28.4 Development standards

- (1) For front fences (a fence built forward of the front building line and in the case of a corner lot, is a fence built forward of both the front and side building alignments):
 - (a) must be located on land within Zone R1, Zone R2, Zone B1 or Zone B3, and
 - (b) must be on or within the property boundary, and
 - (c) must not be barbed wire, man-proof fencing or pre-coloured metal sheet, and
 - (d) must not affect public safety or create danger to the public, and
 - (e) must not obstruct the natural flow of surface water, and
 - (f) if open or partially transparent (eg picket):

- (i) maximum infill height—1.2m, and
 - (ii) maximum post height—1.5m, and
 - (g) if of masonry construction:
 - (i) maximum height—1m, and
 - (ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (iii) must not be constructed over any easement, and
 - (iv) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
 - (v) must not be constructed over drainage pipes or any house drainage, and
 - (vi) must comply with AS 3700—2011, *Masonry structures*, and
 - (vii) must comply with AS 3600—2009, *Concrete structures*, and
 - (viii) must comply with AS/NZS1170.0:2002, *Structural design actions—General principles*, and
 - (ix) must not be constructed over any utility services unless those services are relocated,
 - (h) the colouring and type of materials used must match those used on the main building or neighbouring fences, and
 - (i) if the site contains a heritage item, draft heritage item or is within a heritage conservation area or draft heritage conservation area, must be constructed of timber, or other traditional materials appropriate to the site, and
 - (j) if it includes a gate, the gate must not swing open over the Council's property, and
 - (k) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (2) For side and rear fences (a fence not built forward of the front building line and in the case of a corner lot, is a fence not built forward of both the front and side building alignments):
- (a) must be located on land within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, and

(b) if on land within Zone RU5, Zone R1, Zone R2 or Zone R5, maximum height—1.8m, and

(c) if on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, maximum height—2.5m, and

(d) must not affect public safety or create danger to the public, and

(e) must be on or within the property boundary, and

(f) must not obstruct the natural flow of surface water, and

(g) if on land within Zone R1 or Zone R2:

(i) must be of traditional residential fencing materials or of pipe, steel, timber, pre-coloured metal sheeting, masonry or the like, and

(ii) must not include barbed wire or similar man-proofing materials,

(h) if on land within Zone RU5 (excluding the village of Hill End) or Zone R5:

(i) must be timber, wire, timber and wire or post and rail, and

(ii) must not be pre-coloured metal sheet fences,

(i) if on land within Zone RU5 in the village of Hill End:

(i) must be timber, either of picket style, palisade, or rough timber paling, and

(ii) must not be pre-coloured metal sheet fences,

(j) if of masonry construction:

(i) maximum height—1.2m, and

(ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and

(iii) must not be constructed over any easement, and

(iv) must be clear of the zone of influence of any sewer main in accordance with Council's Drawing No. EN7902 available on the Council's website or that section of any sewer affected by the zone of influence must have footings designed to be clear of the zone of influence, and

(v) must not be constructed over drainage pipes or house

- drainage, and
 - (vi) must comply with AS 3700—2011, *Masonry structures*, and
 - (vii) must comply with AS 3600—2009, *Concrete structures*, and
 - (viii) must comply with AS/NZS1170.0:2002, *Structural design actions—General principles*, and
 - (k) if the site contains a heritage item, the fence must be made of timber or other traditional materials appropriate to the site, and
 - (l) must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (3) For front, side and rear fences in rural and environment protection zones (except Zone RU5):
- (a) must be located on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, and
 - (b) maximum height (erected on a boundary not adjoining a public road)—1.8m, and
 - (c) maximum height (erected on a boundary adjoining a public road)—1.2m, and
 - (d) must be constructed of traditional rural fencing materials, or of pipe, steel, timber, masonry or the like, and
 - (e) must not be pre-coloured sheet metal, and
 - (f) must be on or within the property boundary, and
 - (g) must not affect public safety or create danger to the public, and
 - (h) must not obstruct the natural flow of surface water, and
 - (i) if of masonry construction:
 - (i) maximum height—1.2m, and
 - (ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (iii) must not be constructed over any easement, and
 - (iv) must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website or that section of any sewer main in accordance with that drawing or that section of any sewer affected by the

zone of influence must have footings designed to be clear of the zone of influence, and

(v) must not be constructed over drainage pipes or house drainage, and

(vi) must comply with AS 3700—2011, *Masonry structures*, and

(vii) must comply with AS 3600—2009, *Concrete structures*, and

(viii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*, and

(i) must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 29 Filming

29.1 Specified development

Filming is development specified for this Schedule.

29.2 Development standards

The standards specified for that development are as follows:

(a) the development may only be carried out on land:

(i) on which there is a heritage item, or

(ii) within a heritage conservation area, or

(iii) identified as an environmentally sensitive area,

if the filming does not involve or result in any of the following:

(iv) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,

(v) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),

(vi) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,

(vii) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area,

- ~~(b) the development must not create significant interference with the neighbourhood, and~~
- ~~(c) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location, and~~
- ~~(d) a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before filming commences at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):~~
 - ~~(i) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming;~~
 - ~~(ii) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary);~~
 - ~~(iii) the proposed location of the filming;~~
 - ~~(iv) the proposed commencement and completion dates for the filming at the location;~~
 - ~~(v) the proposed daily length of filming at the location;~~
 - ~~(vi) the number of persons to be involved in the filming;~~
 - ~~(vii) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming;~~
 - ~~(viii) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera);~~
 - ~~(ix) proposed arrangements for parking vehicles associated with the filming during the filming;~~
 - ~~(x) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood—(for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil);~~
 - ~~(xi) whether the filming will involve the use of outdoor lighting or any other special effects equipment;~~
 - ~~(xii) a copy of the public liability insurance policy that covers the filming at the location;~~

- ~~(xiii) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:~~
 - ~~(A) an approval by the Roads and Maritime Services for the closure of a road,~~
 - ~~(B) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,~~
 - ~~(C) an approval by the Environment Protection Authority for an open fire,~~
 - ~~(D) an approval by the NSW Police Force for the discharge of firearms,~~
 - ~~(E) an approval by the Crown Land Division of Primary Industries before the use of Crown land,~~
- ~~(xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,~~
- ~~(e) the person carrying out the filming must, at least 5 days before filming commences at the particular location, give notice in writing (by way of a letter box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:~~
 - ~~(i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,~~
 - ~~(ii) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,~~
 - ~~(iii) the proposed commencement and completion dates for the filming at the location,~~
 - ~~(iv) the proposed daily length of filming at the location.~~

Division 32 Greenhouses, cabanas, gazebos, and ferneries

32.1 Specified development

The construction of a greenhouse, cabana, gazebo, or fernery is development specified for this Schedule.

32.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.

- (2) Maximum building height
 - (a) Overall height – 2.4m
- (3) Maximum gross floor area – 20m²
- (4) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (5) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (6) Must be constructed of non-reflective materials or painted before use.
- (7) If located in a heritage conservation area, the colouring of materials used must match those used on the main building.
- (8) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (9) Must not be constructed over any easement.
- (10) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (11) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (12) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

Division 40 Painting and rendering of buildings

42.1 40.1 Specified development

The painting and rendering of buildings is development specified for this Schedule.

42.2 40.2 Development standards

- (1) Must not be a Heritage Item or draft Heritage Item
- (2) Must not be located on land within Zone B3.

- (3) For development that is painting, colours used must be representative of the period of the building or structure and must not adversely affect the heritage significance of the area or the streetscape.
- (4) Where in a Heritage Conservation Area, must not include the external painting or rendering of face brickwork not previously painted or rendered.

Division 42 Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)

42.3 Specified development

The installation of a portable classroom, other than those covered by State Environmental Planning Policy (Infrastructure) 2007, is development specified for this Schedule.

42.4 Development standards

- (1) Must be located within the grounds of an educational establishment.
- (2) Must be single storey.
- (3) Must be located within the property boundary.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed over any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (8) Must not be within 40m of a perennial or intermittent named waterway.
- (9) Must be constructed of non-reflective materials or painted before use.
- (10) Must provide access for people with disabilities in accordance with AS 1428.1—2009, *Design for access and mobility—General requirements for access—New building work*.
- (11) If the property is located within a heritage conservation area—must not be visible from a road or public place.
- (12) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (13) Must not be located on bush fire prone land.
- (14) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

- (15) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 43 ~~Portable swimming pools and spas and child-resistant barriers~~

43.1 ~~Specified development~~

~~The construction or installation of portable swimming pools, spas and child-resistant barriers is development specified for this Schedule.~~

43.2 ~~Development standards~~

- ~~(1) Must be located above ground.~~
- ~~(2) Must be located behind the front building line.~~
- ~~(3) Must be located at least 1m from each lot boundary.~~
- ~~(4) Must not exceed 2,000L in capacity.~~
- ~~(5) Must not require structural work for installation.~~
- ~~(6) Must not impact on the structural stability of any building.~~
- ~~(7) Spas must be installed by a licensed plumber in accordance with AS/NZS 3500 and *Plumbing Code of Australia*.~~
- ~~(8) If a spa, must be covered or secured by a child-resistant structure (such as a door, lid, grille or mesh) that is:~~
 - ~~(a) of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, *Swimming pool safety—Safety barriers for swimming pools*, and~~
 - ~~(b) fastened to the spa pool by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, *Swimming pool safety—Safety barriers for swimming pools*.~~
- ~~(9) Must be for domestic purposes only.~~
- ~~(10) Must not be more than 1 per dwelling on the lot.~~
- ~~(11) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.~~

Note.

~~Under the *Swimming Pools Act 1992* a child restraint barrier is also required to be constructed or installed.~~

Division 45 Rainwater tanks (above or below ground)

13.1 Specified development

The construction or installation of rainwater tanks (above or below ground) is development specified for this Schedule.

13.2 Development standards

- (1) If on land, other than land within Zone RU1, Zone RU2, Zone RU3, Zone RU4, Zone R5, Zone E2 or Zone E4—must not have a capacity of more than 25,000L.
- (2) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm

- (d) for development carried out in Zone RU1 or RU4—10m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (3) Must not be within 40m of a perennial or intermittent named waterway.
 - (4) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
 - (5) If in a rural zone, must have its overflow connected to an existing stormwater drainage system or alternatively disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties.
 - (6) If in a zone other than a rural zone, must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
 - (7) If the water in the tank is to be used for human consumption, must not be interconnected with a bore water supply.
 - (8) Must have an appropriate back flow prevention device installed on any water service in accordance with AS/NZ 3500 and the *Plumbing Code of Australia*.
 - (9) Must be installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia*.
 - (10) If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority’s requirements.
 - (11) Pumps attached to the development must be housed in a soundproof enclosure.
 - (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
 - (13) Must not be constructed over any easement.
 - (14) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
 - (15) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.

Division 48 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

48.1 Specified development

The construction or installation of screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs) is development specified for this Schedule.

48.2 Development standards

- (1) Must not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing.
- (2) Must be located behind the front building line.
- (3) Must be located 900mm from each lot boundary.
- (4) Must be constructed of non-reflective materials or painted before use.
- (5) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (6) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (7) Must have at least two thirds of its perimeter comprising open screen mesh material.
- (8) If constructed or installed in a heritage conservation area—must not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.
- (9) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (10) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 49A Shipping containers

49A.1 Specified development

The installation of a shipping container is development specified for this Schedule.

49A.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End or within a Heritage Conservation Area.
- (2) Maximum building dimensions
 - (a) Overall height – 3.0m
 - (b) Overall length – 12.5m
 - (c) Overall width – 2.5m

(3) Setbacks

- (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—50m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (4) Must not be more than 1 development.
- (5) Must be located a minimum of 900mm from a side or rear boundary.
- (6) Must be painted before use.
- (7) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
- (8) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (9) Must not be constructed over any easement.
- (10) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (11) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (12) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

~~Division 55 Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes~~

~~55.1 Specified development~~

~~The construction or installation of a temporary structure (other than a tent or marquee) and temporary alterations or additions to a building or work solely for filming purposes is development specified for this Schedule.~~

55.2—Development standards

- ~~(1) May only be erected, used, altered or added to in connection with filming that is exempt development.~~
- ~~(2) Must not be at the location for more than 30 days within a 12-month period.~~
- ~~(3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.~~
- ~~(4) Must not, in its altered or added to form, be accessible to the public.~~

Division 57 Tents or marquees used solely for filming purposes

57.1—Specified development

~~The construction or installation of a tent or marquee used solely for filming purposes is development specified for this Schedule.~~

57.2—Development standards

- ~~(1) May only be used in connection with filming that is exempt development.~~
- ~~(2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².~~
- ~~(3) Must be located at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.~~
- ~~(4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - ~~(a) if the floor area of the tent or marquee does not exceed 25m²—one exit,~~
 - ~~(b) in any other case—2 exits.~~~~
- ~~(5) Width of each exit must be at least:
 - ~~(a) if the floor area of the tent or marquee is less than 150m²—800mm, or~~
 - ~~(b) in any other case—1m.~~~~
- ~~(6) Height of the walls must not exceed:
 - ~~(a) if erected on private land—4m, or~~
 - ~~(b) in any other case—5m.~~~~

- ~~(7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.~~
- ~~(8) Must resist loads determined in accordance with the following Australian and New Zealand Standards:~~
 - ~~(a) AS/NZS 1170.0:2002, Structural design actions—General principles;~~
 - ~~(b) AS/NZS 1170.1, Structural design actions—Permanent, imposed and other actions;~~
 - ~~(c) AS/NZS 1170.2, Structural design actions—Wind actions.~~
- ~~(9) Must not remain at the location more than 2 days after the completion of the filming at the location.~~

Division 53 Temporary builders' structures

53.1 Specified development

The erection or installation of temporary builders' structures is development specified for this Schedule.

53.2 Development standards

- (1) The development in zones must:
 - (a) Must not be located on a lot located in the "Flood Planning Area" identified on the Flood Planning Map., and
 - (b) be located on the lot in relation to which development consent has been granted.
 - (c) not obstruct the sight line of vehicle or pedestrian traffic.
 - (d) not be used for residential purposes.
 - (e) be removed from the lot immediately after completion of the works for which the development consent was granted.
- (2) If it contains plumbing fixtures, must have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.
- (3) Access to the Council's sewer manholes and property sewer connection points must be maintained at all times.

Schedule 3 Complying development

(Clause 3.2)

Note 1. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Note 2. Despite Note 1, under clause 1.9 (3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy.

Part 1 Types of development

1 General requirements for all complying development

- (1) To be complying development, the development must:
 - (a) not involve an extension, enlargement, alteration, intensification or change of use to a building that is only lawful because of Division 10 of Part 4 of the Act, and
 - (b) not be integrated development under section 91 of the Act, and
 - (c) not be located on land subject to:
 - (i) State Environmental Planning Policy No 33—Hazardous and Offensive Development, or
 - (ii) State Environmental Planning Policy No 44—Koala Habitat Protection, or
 - (iii) State Environmental Planning Policy No 55—Remediation of Land, and
 - (d) not exceed the obstacle height limitation surface shown on the Obstacle Limitation Surface Map, and
 - (e) not be located on land that:
 - (i) adjoins the boundary or curtilage of a heritage item listed on the State Heritage Register, or
 - (ii) is subject to a notice, order or agreement under the Contaminated Land Management Act 1997, or
 - (iii) is identified as “Flood Planning Area” on the Flood Planning Map, and
 - (f) not involve the removal of a tree unless the relevant approval has been obtained from the Council.

2 Additions to dwelling houses

(1) Application and general

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must be an addition to an existing approved dwelling and may be either a habitable or non-habitable addition.
- (c) Must not be capable of being used as a separate dwelling.
- (d) Must not be within a heritage conservation area.
- (e) Must not be located on land within the 20 dB(A) or more ANEF contour.
- (f) If reticulated water is not provided, must include the provision of an additional rural water supply of 15,000L per bedroom.
- (g) If a reticulated sewer is not provided, must include the provision of additional on-site effluent capacity as supported by geotechnical certification prepared for the site.
- (h) Must not involve the conversion of a non-habitable portion of the dwelling to a habitable portion of the dwelling.
- (i) Before the complying development certificate is issued, must have an approval, if required by the Local Government Act 1993, for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (j) Before the complying development certificate is issued, must have a Bush Fire Attack Level (BAL) certificate, if required by section 79BA of the Act, issued by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements if the development is undertaken on bush fire prone land.
- (k) If the part of the lot on which the development is proposed is identified as BAL 29 or less (not BAL 40 or BAL FZ), the BAL certificate must be attached to the application.

(2) Bulk and scale

- (a) Must not be higher than two storeys. The construction of a basement is not complying development.
- (b) The dwelling, together with any other buildings on the lot, must occupy no more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m².
- (c) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.
- (d) If within Zone R5, the height of the addition must be consistent with the height of the existing dwelling.

(3) Setbacks and siting

- (a) If within Zones RU1 or Zone RU4—40m front, side and rear setbacks.
- (b) If within Zones RU5, Zone R1, Zone R2, Zone B1 or Zone B3:
 - (i) the development must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Wall height (measured to the eave of the dwelling from natural ground)	Minimum setback required (measured to the wall of the dwelling from the property boundary)
Less than or equal to 3500mm	900mm
4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm
6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

Note. The wall height is rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (ii) Front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is less than 2m.

Note. The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (c) If within Zone R5:
 - (i) the dwelling additions must have a setback of at least 5m from side and rear boundaries, and 10m from the front boundary, or if a building envelope is shown on the relevant Deposited Plan, consistent with that building envelope, and
 - (ii) the maximum site coverage must be 25% of the area of the lot for all buildings and structures, and
 - (iii) the dwelling additions must be attached to the existing dwelling.
- (d) Second storey windows (other than bedroom, bathroom or utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries unless the boundary adjoins a street or public place or the window consists of obscured glass or glass blocks.

- (e) Must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2.0m, or
 - (iii) a Council's rising (pumped) main of any size by 2.0m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (f) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.
- (g) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (h) Within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3, must not be closer to the nearest electricity conductor than a vertical line 3m measured horizontally from the conductor.
- (i) If within Zone RU1 or Zone RU4, must not be closer to the nearest electricity conductor than a vertical line 15m (measured horizontally) from the conductor.
- (j) Above ground rainwater tanks must be located behind the front building line.

(4) Design, finishes and streetscape

- (a) Building materials must be of similar type and colours used on surrounding buildings and the existing building.
- (b) All external materials must be non-reflective.

(5) Site works

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.
- (c) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.

(6) Access, parking and traffic

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in accordance with AS 2890.1
- (b) Must not have direct access to a classified road except for those lands that maintain an existing access.

- (c) Must have minimum 20m distance between the property entrance and an intersection with a classified road.
- (d) In Zone R1, Zone R2, Zone R5, Zone B1 and Zone B3, must have a minimum 3m wide access at the property boundary.
- (e) In Zone RU1, Zone RU4 and Zone RU5, must have an access that complies with Part 4.1.3 (2) of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.
- (f) Must maintain a minimum of 1 covered car parking space at or behind the building line.
- (g) In Zone R5, must not propose a new access point to a public road.

(7) Open space

Within Zone RU5, Zone R1, Zone R2, Zone B1 and Zone B3, must be a single unoccupied area of at least 50m² to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

Note. If any associated fences or retaining walls exceed the exemption criteria for such development under Schedule 2 they are not exempt development.

3 Conversion of a dwelling to tourist and visitor accommodation

(1) Application and general

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must not be located on bush fire prone land.
- (c) Must involve the occupation of an existing residential building.
- (d) Must not involve external alterations except those that are exempt development under Schedule 2.
- (e) Must not be located on land within the 20 dB(A) or more ANEF.
- (f) The establishment must comply with the requirements of the Council's Operation of *Tourist and Visitor Accommodation Establishments Policy*.
- (g) Before the complying development certificate is issued, must have an approval to operate a sewerage management system, if required by the Local Government Act 1993, for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (h) If reticulated water is not provided, household taps must be labelled: *"This water is not treated, NSW Health recommends that you hold the water at boiling point for at least one minute before drinking"*.

(2) Bulk and scale

- (a) Maximum floor area—300m².
- (b) Accommodation must not be provided to more than 12 guests.

(3) Access, parking and traffic

- (a) Parking must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (b) Must have 3m access width at property boundary.
- (c) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (d) Must have minimum 30m distance between the property entrance and an intersection with a classified road.

4 Dwelling houses (including exhibition homes and dwelling houses with attached and detached garages)

(1) Application and general

- (a) Must be within Zone R1 or Zone R2.
- (b) Must not be within a heritage conservation area.
- (c) Must not be located on land within the 20 dB(A) or more ANEF.
- (d) Must not be located on land within the 50 dBA Noise Contour as shown on the Mount Panorama Environs Map.

(2) Bulk and scale

- (a) Must achieve the minimum lot size as shown on the Lot Size Map.
- (b) Must not require the consolidation of lots to achieve the minimum lot size as shown on the Lot Size Map.
- (c) Must not be higher than two storeys. The erection of a basement as part of a new dwelling house is not complying development.
- (d) The dwelling, together with any other buildings on the lot, must not occupy more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m².
- (e) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.

(3) Setbacks and siting

- (a) The front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is

less than 2m.

Note. The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (b) The dwelling must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Wall height (measured to the eave of the dwelling from natural ground)	Minimum setback required (measured to the wall of the dwelling from the property boundary)
Less than or equal to 3500mm	900mm
4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm
6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

Note. The wall height must be rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (c) Second storey windows (other than bedroom, bathroom and utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries, unless the boundary adjoins a street or public place or the window is of obscured glass or of glass blocks.
- (d) Must be clear of:
- (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) a Council's rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (e) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.
- (f) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (g) Must not be closer to the nearest electricity conductor than a vertical line 3m (measured horizontally) from the conductor.
- (h) Above ground rainwater tanks must be located behind the front building line.

- (i) The dwelling must be located wholly within the building envelope if illustrated on the deposited plan for the subject lot.

(4) Design, finishes and streetscape

A dwelling, other than a dwelling on a battle-axe lot, must have a front door and a window of a habitable room in the building wall that faces a primary road.

(5) Site works

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.
- (c) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.

(6) Access, parking and traffic

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in accordance with AS 2890.1
- (b) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (c) Must be able to provide a minimum of one covered car parking space at or behind the building line (whether or not the space forms part of the application).
- (d) Must have a minimum 3m wide access at property boundary.

(7) Landscaping and open space

Must be a single unoccupied area of at least 50m² to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

(8) Fences and retaining walls

Fences and retaining walls must not exceed the exemption criteria for such development under Schedule 2, as applicable.

5 Outdoor swimming pools and child resistant barriers

(1) Application and general

- (a) Must be within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone SP2, Zone RE1, Zone RE2 or Zone E4.
- (b) Must not include the construction of a building enclosure over and

around the pool.

- (c) Must be ancillary to a dwelling house.
- (d) Must not be located in the Bathurst heritage conservation area.

(2) Setbacks and siting

- (a) Must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) a Council's rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (b) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.
- (c) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (d) Must not be closer to the nearest electricity conductor than a vertical line 3m (urban areas) or 15m (rural areas) (measured horizontally) from the conductor.
- (e) If a swimming pool, the water line must have a setback of at least 1m from the side or rear boundary.
- (f) If a swimming pool, decking must not be located within 2m of a side or rear boundary.
- (g) If within Zone R1, Zone R2, Zone RU5, Zone B1, Zone B3, Zone SP2, Zone RE1 or Zone RE2—must be behind the front building line.
- (h) If within Zone R5 and Zone RU5—the backwash disposal area must not be located within 50m of a waterway.
- (i) If within Zone R5 and located on land in Robin Hill—no backwash disposal area must be installed unless supporting geotechnical certification proves that land is suitable for wastewater disposal.
- (j) If within Zone RU1, Zone RU2, Zone RU4 or Zone E4:
 - (i) must be 20m from a side or rear boundary and 40m from any public road, and
 - (ii) no backwash disposal area must be located within 50m of a waterway.

(3) Site works

(a) Maximum cut—1m.

(b) Maximum fill—1m.

Note. Under the *Swimming Pools Act 1992* a child restraint barrier is also required to be constructed or installed.

Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note. Despite the Note above, under clause 1.9 (3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy. If under this Plan, the development specified in Part 1 is subject to the following conditions.

Division 1 Conditions that apply to additions to dwelling houses

1.1 Before commencing

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded until the damage done to the Council's infrastructure is repaired to its satisfaction.

(2) Any development involving bonded asbestos removal work (of an area of more than 10m²) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under Part 8.10 of the Work Health and Safety Regulation 2011.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

(3) Before construction commences, arrangements, satisfactory to the relevant

electricity authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.

- (4) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (5) Before plumbing and drainage works commence, the responsible plumbing contractor must submit to the Council a notice of works under the Plumbing and Drainage Act 2011.

1.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's Erosion and Sediment Control Guidelines for Building and Work Sites. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the Plumbing Code of Australia.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

Column 1

Internal house drainage

External house drainage

Stack work

Final

Column 2

When all internal plumbing work is installed and before concealment.

When all external plumbing work is installed and before concealment.

When all work is installed and before concealment.

Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

Note. It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All existing house sewerage drainage pipelines affected by the proposed dwelling addition must be re-laid clear of the new building alignment. All redundant plumbing and drainage must be capped off in accordance with the Plumbing Code of Australia. All redundant plumbing must be inspected by the Council before concealment of the capped off works.

- (8) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the Plumbing Code of Australia.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (9) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the Council's Guidelines for Engineering Works.

- (10) If stormwater is being discharged into a table drain, open channel or drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.

- (11) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the Plumbing Code of Australia.

Note 1. The rainwater tank should be maintained and protected against mosquito infestation.

Note 2. The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

Note 3. If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (12) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (13) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.
- (14) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (15) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (16) If a vehicular crossing must be constructed over the footway, access levels must be obtained from the Council's Engineering Department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (17) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (18) The design and construction of vehicular access must comply with:

- (a) access levels obtained from the Council, and
 - (b) the Council's *Guidelines for Engineering Works*.
- (19) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (20) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (21) The developer must relocate, if necessary, at the developer's cost any utility services.
- (22) The vehicular access from the proposed dwelling to the property boundary must comply with Part 4.1.3 (2) of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.

Construction of the vehicular access must achieve the following minimum standards:

- (a) a minimum carriageway width of 4m,
- (b) passing bays every 200m that are 20m long by 2m wide making a minimum trafficable width of 6m at the passing bay,
- (c) minimum vertical clearance of 4m to any overhanging obstructions,
- (d) curves must have a minimum inner radius of 6m,
- (e) a cross fall not exceeding 10 degrees,
- (f) a maximum gradient of not more than 10 degrees.

Note. Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

1.3 Before occupation or the issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Additional water supply must be supplied in areas where reticulated water is unavailable of 15,000L per additional bedroom for domestic purposes.
- (2) At the commencement of building works, and in perpetuity, the property around the building must be managed, and Asset Protection Zones established, in accordance with section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006 and *Standards for Asset Protection Zones*.

For asset protection zones (APZ) on slopes greater than 18 degrees, the property must be landscaped or managed (eg terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans must be submitted for approval to the Council or the principal certifier with the construction certificate.

- (3) The building must be constructed in accordance with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (4) Where reticulated water is unavailable, a dedicated water supply of at least 20,000L must be provided on site for fire fighting purposes. This is in addition to the water supply requirements for domestic purposes.

The water supply must achieve the following standards:

- (a) a suitable connection for fire fighting purposes is made available and located within the asset protection zone and away from the structure. A 65mm Storz outlet with a gate or ball valve is provided,
- (b) gate or ball valve and pipes are adequate for water flow and are metal rather than plastic,
- (c) underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied to within 4m of the access hole,
- (d) above ground tanks must be manufactured of concrete or metal and raised tanks must have their stands protected. Plastic tanks must not be used. Tanks on the hazard side of a building must be provided with adequate shielding for the protection of fire fighters,
- (e) all above ground water pipes external to the building are metal including and up to any taps. Pumps must be shielded.

Note 1. Any departure from the above standards will require written authorisation from the Council and the Rural Fire Service.

- (5) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must be in a contrasting colour to the background on which it is placed.

Note. The correct building number is stated on the notice of determination.

- (6) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (7) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

1.4 Use of site

All conditions contained in any previous consent issued under the Act or the *Local Government Act 1993* must continue to be complied with.

1.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the *Environmental Planning and Assessment Regulation 2000* prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.

Division 2 Conditions that apply to the conversion of a dwelling to tourist and visitor accommodation

2.1 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Parking spaces must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (2) Parking areas must be constructed of a hard standing, dust free and weather proof surface and be appropriately line marked.

2.2 Use of site

The development must be operated in accordance with the Council's *Operation of Tourist and Visitor Accommodation Establishments Policy* at all times.

Division 3 Conditions that apply to dwelling houses (including exhibition homes and dwelling houses with attached and

detached garages)

3.1 Before commencement

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the Council's *Management Plan* for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

(2) Any development involving bonded asbestos removal work (of an area of more than 10m²) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the *Work Health and Safety Regulation 2011*.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

(3) Before construction commences, arrangements, satisfactory to the relevant electricity authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.

(4) All building rubbish and debris, including rubbish and debris that can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (5) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the Plumbing and Drainage Act 2011.

3.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the *Plumbing Code of Australia*.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

Column 1

Internal house drainage

External house drainage

Column 2

When all internal plumbing work is installed and before concealment.

When all external plumbing work is

	installed and before concealment.
Stack work	When all work is installed and before concealment.
Final	Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

Note. It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (8) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with AS/NZS 3500 and the Council's Guidelines for Engineering Works.
- (9) If stormwater is being discharged into a table drain, open channel or drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.
- (10) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the *Plumbing Code of Australia*.

Note 1. The rainwater tank must be maintained and protected against mosquito infestation.

Note 2. The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

Note 3. If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (11) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (12) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum

dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.

- (13) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (14) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (15) If a vehicular crossing over the footway must be constructed, access levels must be obtained from the Council's Engineering Department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (16) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (17) The design and construction of vehicular access must comply with:
 - (a) access levels obtained from the Council, and
 - (b) the Council's *Guidelines for Engineering Works*.
- (18) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (19) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (20) The developer must relocate, if necessary, at the developer's cost any utility

services.

Note. Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

3.3 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must be in a contrasting colour to the background on which it is placed.

Note. The correct building number is stated on the notice of determination.

- (2) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (3) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

3.4 Use of site

All conditions contained in any previous consent issued under the Act or the Local Government Act 1993 must continue to be complied with.

3.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the Environmental Planning and Assessment Regulation 2000 prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on

the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.

Division 4 Conditions that apply to outdoor swimming pools and child resistant barriers

4.1 Before commencement

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

(2) Any development involving bonded asbestos removal work (of an area of more than 10m², or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2011.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

(3) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (4) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the Plumbing and Drainage Act 2011.

4.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
 - (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's Guidelines for the provision of builders' temporary closet accommodation attached for additional information.

Note 3. All work should be carried out so as to comply with the provisions of the Swimming Pools Act 1992.

- (4) In sewerred areas, the swimming pool backwash pipe must be connected to the house drainage system in accordance with the *Plumbing Code of Australia*. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

If alterations to the existing house drainage lines are required, the works must be inspected by the Council at the times specified in Column 2.

Column 1

External drainage alterations

Column 2

When all external plumbing work is installed and before concealment.

Final

Before occupation of the pool.

- (5) In unsewered areas, the swimming pool backwash must be discharged and disposed of on site without affecting neighbouring properties or buildings located on the land on which the pool is located.
- (6) All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to the existing inter-lot drains located on the land, in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (7) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (8) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (9) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the *Plumbing Code of Australia* and the Council's *Guidelines for Engineering Works*.
- (10) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (11) The developer must relocate, if necessary, at the developer's cost any utility services.
- (12) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

Note. The tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

4.3 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.

4.4 Use of site

- (1) All exterior lighting associated with the development must be designed and installed so that no light will be cast onto any adjoining property.

Note. Compliance with Australian Standard AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting* will satisfy this condition.

- (2) Any child resistant barrier provided must be maintained in a good state of repair and in place so long as the swimming pool exists.
- (3) All gates and doors providing access to the swimming pool must be kept securely closed at all times when they are not in actual use.
- (4) A warning sign bearing the prescribed notice must be erected in a prominent position and maintained at all times in accordance with the *Swimming Pools Regulations 2008*.
- (5) The proposed filter and pump are not to increase noise level of 5 dB(A) measured at the property boundary.
- (6) The proposed filter and pump must be operated in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2008* which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.
- (7) All conditions contained in any previous consent issued under the Act or the *Local Government Act 1993* must continue to be complied with.

4.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the *Environmental Planning and Assessment Regulation 2000* prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the

person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.

Bathurst Regional Local Environmental Plan (LEP) 2014

2019 Housekeeping Amendment

Explanation Document

Why is Council amending the Bathurst Regional Local Environmental Plan (LEP) 2014?

Council has prepared a proposed amendment to the LEP which considers the following matters:

1. The inclusion of ***artisan food and drink industry*** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones.
2. The proposed rezoning of a parcel of land at Edgells Lane from RE2 Private Recreation to E2 Environmental Conservation and RU4 Primary Production Small Lots;
3. An amendment to Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item;
4. An amendment to Clause 7.10 - Signage to enable educational establishments to erect directional signage on any land;
5. A number of amendments to the exempt and complying development criteria is proposed. Detailed changes are explained below.

What is the intent of the proposed amendment?

There are five key elements of the LEP Amendment. Each of the elements are outlined below.

1. Inclusion of ***artisan food and drink industry*** as a permissible land use

The NSW Government have recently included a new definition for ***artisan food and drink industry***, a type of light industry. The Bathurst Regional LEP 2014 prohibits light industries in the RU1, RU2 and RU4 zones, and therefore artisan food and drink industries are also prohibited.

Council officers consider that these types of land uses should be permissible within the identified zones, in similar circumstances to cellar door premises are permissible with consent. This Planning Proposal seeks to amend the land use tables for the RU1 Primary Production, RU2 Rural Landscapes and RU4 Primary Production Small Lot zones, including ***artisan food and drink industry*** as a permissible with consent land use.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Artisan food and drink industries are a type of ***light industry***—see the definition of that term in this Dictionary.

2. Lot 2 DP 1233088, Edgells Lane, Kelso

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat portion of the land E2 Environmental Conservation and the residual rural balance RU4 Primary Production Small Lots. The classification of the land, pursuant to Local Government Act 1993, is not being altered. It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots.



3. Amendment to Schedule 5: Heritage of the Bathurst Regional Local Environmental Plan 2014

The ongoing protection of the region's heritage is supported by its adopted Heritage Plan. The addition of two heritage items, at the landowner request, demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern relating to a newly constructed dwelling.

a) Addition of two heritage items

Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

Part Lot 284 DP 47960, Boundary Road, Mitchell

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

b) Alteration to the curtilage of one local heritage item

Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

4. Clause 7.10 of the Bathurst Regional Local Environmental Plan 2014

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land. Education is one of the largest sectors within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

The proposed wording of the clause is below:

7.10 Signage

- (1) Development consent must not be granted to the erection of signage on any land, except land in Zone SP3 Tourist, unless:
 - (a) the signage relates to the approved use of the site and is located on the land on which that use is being conducted, and
 - (b) the dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.
- (2) Despite subclause (1), development consent may be granted to the erection of signage on any land for the specific purpose of directing the travelling public to **educational establishments**, tourist facilities or places of scientific, historic or scenic interest, if the consent authority is satisfied that:
 - (a) the signage relates to a specific building or place within Bathurst Regional local government area, and
 - (b) the principal purpose of the signage is to direct the travelling public to that building or place, and
 - (c) the dimensions and overall size of the signage are not larger than would reasonably be required so to direct the travelling public.
- (3) Despite subclause (1), development consent may be granted to a directory board sign on any land if the consent authority is satisfied that:
 - (a) the directory board sign relates to a business or industrial estate or park in the Bathurst Regional local government area and is located at the entrance to that estate or park, and
 - (b) the dimensions and overall size of the signage are not larger than would reasonably be required to direct the public to the business or industrial estate or park.
- (4) Despite subclause (1), development consent may be granted to signage of a temporary nature on any land if the consent authority is satisfied that:
 - (a) the signage relates to a local event within the Bathurst Regional local government area, and
 - (b) the signage will not be displayed for more than 28 days before the event or 7 days after the event.
- (5) Despite subclause (1), development consent may be granted to signage on any land for the specific purpose of advertising premises for sale or for lease.
- (6) Despite subclause (1), development consent may be granted to interpretive signage on any land for the specific purpose of interpreting the built or natural environment or an item of historic nature.
- (7) In this clause:
directory board sign means a sign that displays a business identification sign for 2 or more businesses.
interpretive signage means a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature.

5. Amendment to the Exempt and Complying Development Criteria (Schedule 2 & 3) of the Bathurst Regional Local Environmental Plan 2014.

a) Schedule 2: Exempt Development

Exempt development is development that can be undertaken without the consent of Council, provided the development meets predetermined requirements.

Council has undertaken a review of the Exempt Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements for certain development types. The amendment relates to the following matters:

Division	Intent of Amendment
4 - Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge.
7 - Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)	Removal of 'cabanas' and 'gazebos' from the criteria. Minor rewording of the criteria. Permit structures forward of the building line with a maximum width.
8 - Barbecues and other outdoor cooking structures	Minor rewording to criteria (7) relating to house drainage.
11 - Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
12 - Building alterations (internal and external) to industrial premises and agricultural produce industries, including recladding of roofs and walls	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
13 - Building identification signs and business identification signs	Minor rewording to subclause 4 – Pylon Signs and clearance from house drainage.
17 – Carports, garages and garden sheds	Altered the grouping of the development types. Introduce a maximum gross floor area for all development types.
20 - Communication dishes (radio and satellite)	Minor rewording to criteria (6) relating to house drainage.
21 - Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like	Altered the grouping of the development types.
22 – Dams	Introduce criteria relating to the maximum harvestable rights. Introduce boundary setbacks.
24 - Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)	Introduce criteria to maintain minimum coverage of engineering services. Minor rewording to criteria (4) relating to house drainage.

25 – Earthworks and retaining walls	Introduce criteria for boundary setbacks for earthworks. Introduce criteria to maintain minimum coverage of engineering services.
27 – Farm buildings, farm sheds and structures	Remove these development types from zones R5 Large Lot Residential, E4 Environmental Living and IN1 General Industrial. Introduce floor area and height restrictions based on lot area. Amend setback criteria.
28 – Fences	Reword the criteria that applies to the development type to clarify the criteria.
29 – Filming	Repeal the provision and defer to State Environmental Planning Policy (Exempt and Complying Development) Codes.
32 - Greenhouses, cabanas, gazebos, and ferneries	Alter the grouping of the development types. Remove the criteria that relates to garages and garden sheds.
40 – Painting and rendering of buildings	Remove the ability for the clause to apply to Heritage Items or draft Heritage Items.
42 - Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)	Minor rewording to criteria (7) relating to house drainage.
43 - Portable swimming pools and spas and child-resistant barriers	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
45 - Rainwater tanks (above or below ground)	Clarify setback requirements. Restrict development in the Flood Planning Area. Clarify the requirement for stormwater disposal based on the zone of the land. Minor rewording to criteria (15) relating to house drainage.
48 - Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge. Minor rewording of Clause (6) relating to house drainage.
49A - Shipping containers	New Division. Introduce new criteria for shipping containers to be considered as exempt development.
53 - Temporary builders' structures	Minor rewording of the clause relating to connections to the sewer and clearance from sewer manholes and property connection points.
55 - Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

57 - Tents or marquees used solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
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Detailed changes to the criteria can be located at <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>

b) Schedule 3: Complying Development

Complying development provides a fast tracked approval process for development that meets predetermined criteria and development controls.

The amendment relates to Part 2 - Additions to dwelling houses and Part 4 – Dwelling houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

How might the LEP Amendment affect me?

1. With respect to the inclusion of the ***artisan food and drink industry*** definition, Council considers that the amendment is minor and will increase the development capacity of the land, in line with other similar rural activities that are already permitted in the rural zones (e.g. cellar door premises).
2. With respect to the proposed changes to the zoning of land at Edgells Lane, Kelso, Council considers the proposed change as minor and will not significantly affect the development capacity of the land.
3. With respect to heritage matters, the landowners have sought the inclusion of two new heritage items. The inclusion of the additional heritage items demonstrates Council's commitment to protecting significant buildings and features within the Bathurst Region. The alteration of the curtilage of one heritage item so it reflects an appropriate curtilage of the existing heritage item is supported in this circumstance.
4. With respect to the proposed changes to the wording of Clause 7.10 – signage, Council considers the proposed changes as minor and will assist educational establishments erect signage to direct the travelling public to their facility.
5. With respect to the changes to the exempt development criteria, the changes are likely to affect those landowners that wish to use Council's exempt development criteria. The development types that are likely to have the most impact relate to carports and garages, dams, earthworks and retaining walls, farm buildings, farm sheds and structures and shipping containers. Other minor changes have been made to a range of exempt developments.

With respect to the changes to the complying development criteria, the changes are unlikely to affect landowners, unless they are constructing a dwelling or altering an existing dwelling using Council's complying development criteria. The changes will not prevent a dwelling to be constructed or alterations to a dwelling to be made but may require design changes to ensure that Council's Engineering services remain undamaged.

How can I participate or find out more information?

Council is exhibiting the amendment to the Bathurst Regional Local Environmental Plan 2014 for a period of 28 days from **13 May 2019** until **11 June 2019**.

Copies of the draft LEP Amendment and location maps are available from Council offices and from its website <https://yoursay.bathurst.nsw.gov.au/LEPAmendments>.

Copies of the full Planning Proposal documentation and maps that Council provided to the NSW Department of Planning and Environment and the Department's authorisation to proceed with public exhibition are available on the Department of Planning and Environment's LEP tracking website <http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=5740> or on Council's website identified above.

Council welcomes submissions in respect of the proposal. If you have any queries please contact Council's Senior Strategic Planner, Mr Nicholas Murphy, on 6333 6211.

Summary Report

13 May 2019 - 11 June 2019

Your Say Bathurst Region

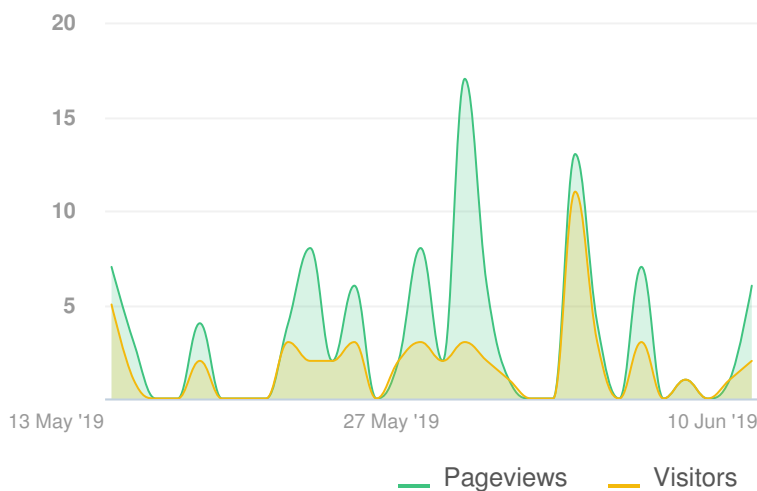
PROJECTS SELECTED: 1

Local Environmental Plan (LEP) Changes

FULL LIST AT THE END OF THE REPORT



Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
56	11	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
0	14	49

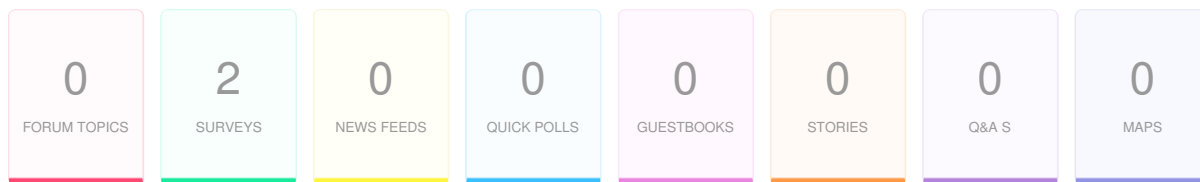
PARTICIPANT SUMMARY

ENGAGED	0 ENGAGED PARTICIPANTS				TOP PROJECTS	
		Registered	Unverified	Anonymous		
INFORMED		Contributed on Forums	0	0	0	No projects to show
		Participated in Surveys	0	0	0	
		Contributed to Newsfeeds	0	0	0	
		Participated in Quick Polls	0	0	0	
AWARE		Posted on Guestbooks	0	0	0	
		Contributed to Stories	0	0	0	
		Asked Questions	0	0	0	
		Placed Pins on Places	0	0	0	
		Contributed to Ideas	0	0	0	
* A single engaged participant can perform multiple actions					* Calculated as a percentage of total visits to the Project	

ENGAGED	14 INFORMED PARTICIPANTS		TOP PROJECTS	
		Participants		Participants (%)
INFORMED		Viewed a video	0	Local Environmental Plan (L... 14 (28.6%)
		Viewed a photo	0	
		Downloaded a document	9	
		Visited the Key Dates page	0	
AWARE		Visited an FAQ list Page	0	
		Visited Instagram Page	0	
		Visited Multiple Project Pages	11	
		Contributed to a tool (engaged)	0	
	* A single informed participant can perform multiple actions			

ENGAGED	49 AWARE PARTICIPANTS		TOP PROJECTS	
		Participants		Participants
INFORMED		Visited at least one Page	49	Local Environmental Plan (L... 49
AWARE				
* Aware user could have also performed an Informed or Engaged Action			* Total list of unique visitors to the project	

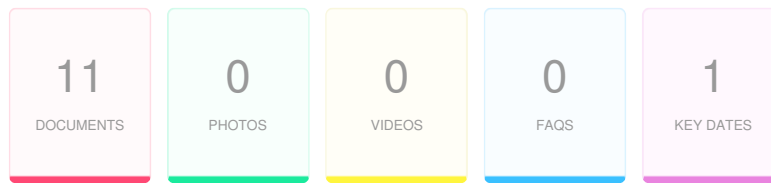
ENGAGEMENT TOOLS SUMMARY



SURVEYS SUMMARY	
2	Surveys
0	Contributors
0	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS	
0	0
Contributors to	Contributors to
Health Services Amendment	2019 Housekeeping Amendment

INFORMATION WIDGET SUMMARY



DOCUMENTS	
11	Documents
9	Visitors
15	Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS		
7 Downloads	4 Downloads	2 Downloads
Health Services Planning Proposal document	Explanation - Health Services Amendment	Housekeeping Amendment Planning Proposal document

KEY DATES	
1	Key Dates
0	Visitors
0	Views

TOP 3 KEY DATES BASED ON VIEWS	
0 Views	
Local Environmental Plan (LEP) Changes	

TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
www.google.com	5
www.google.com.au	5
www.bing.com	2
android-app	1
nortonsafe.search.ask.com	1
smartnet.brc.internal	1

SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Local Environmental Plan (LEP) Changes	49	14	0

MINUTE

11 Item 4 BATHURST REGIONAL LEP 2014–2018 HOUSEKEEPING AMENDMENT (20.00322)

MOVED: Cr J Rudge SECONDED: Cr J Jennings

RESOLVED: That Council:

- (a) adopt the Bathurst Regional LEP amendment as outlined in this report with the following amendments to Schedule 2 Exempt Development, section 49A.2 Development Standards for shipping containers.
 - (i) Containers must be painted a neutral colour to blend with the surrounding natural environment and built structures.
 - (ii) Containers must be screened from the street view or neighbours view by suitable vegetation or other appropriate screening.
 - (iii) Containers must not be used to store hazardous or contaminated materials.
- (b) forward the Bathurst Regional LEP – Housekeeping Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Bathurst Regional Local Environmental Plan 2014 (Amendment No 15)

Your ref: nicholas.murphy@bathurst.nsw.gov.au
Our ref: e2019-148.d11

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(A O'CALLAGHAN)
Parliamentary Counsel
21 April 2020



New South Wales

Bathurst Regional Local Environmental Plan 2014 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

A handwritten signature in blue ink, appearing to read 'Neil Southern'.

Mr Neil Southern
Director, Environmental Planning and Building Services
Bathurst Regional Council
Delegate of Bathurst Regional Council, the local plan-making authority
23 April 2020

Bathurst Regional Local Environmental Plan 2014 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bathurst Regional Local Environmental Plan 2014 (Amendment No 15)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Bathurst Regional Local Environmental Plan 2014* applies.

4 Maps

The maps adopted by *Bathurst Regional Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Bathurst Regional Local Environmental Plan 2014

[1] Land Use Table

Insert “Artisan food and drink industries;” in appropriate order in item 3 of the matters relating to Zones RU1, RU2 and RU4.

[2] Clause 7.10 Signage

Omit “tourist facilities and” from clause 7.10(2).

Insert instead “educational establishments, tourist facilities or”.

[3] Schedule 2 Exempt development

Insert after clause 4.2(6)—

- (6A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

[4] Schedule 2, Division 7, heading

Omit “cabanas,” and “gazebos,”.

[5] Schedule 2, clause 7.1

Omit “cabana,” and “gazebo,”.

[6] Schedule 2, clause 7.2(1)

Omit “2.4m”. Insert instead “1m”.

[7] Schedule 2, clause 7.2(4)–(5C)

Omit clause 7.2(4) and (5). Insert instead—

- (4) Must be located at least—
 - (a) 4m from a boundary with a primary road, or
 - (b) 2m from a boundary with a secondary road, or
 - (c) 900mm from any other boundary.
- (5) If located in a heritage conservation area or draft heritage conservation area, must be located behind any building line for the dwelling to which it relates that fronts a road.
- (5A) Maximum width of any balcony, deck, patio, patio cover, pergola, terrace or verandah that is forward of the front or side building for the dwelling to which it relates—2m.
- (5B) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (5C) If connected to a fascia, must be connected in accordance with the specifications of a professional engineer.

[8] Schedule 2, clause 7.2(8)

Omit the subclause. Insert instead—

- (8) Must not be located over existing house drainage pipelines.

[9] Schedule 2, clause 7.2(11)

Omit the subclause.

[10] Schedule 2, clause 11.2(14)

Insert after clause 11.2(13)—

- (14) Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

Note. The *Plumbing and Drainage Act 2011* specifies who is permitted to carry out plumbing and drainage work and requires that work to comply with the *Plumbing Code of Australia*. It also provides for the inspection of plumbing and drainage work.

[11] Schedule 2, clause 12.2(13)

Insert after clause 12.2(12)—

- (13) Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

Note. The *Plumbing and Drainage Act 2011* specifies who is permitted to carry out plumbing and drainage work and requires that work to comply with the *Plumbing Code of Australia*. It also provides for the inspection of plumbing and drainage work.

[12] Schedule 2, clause 13.2(4)(d1)

Insert after clause 13.2(4)(d)—

- (d1) must not be located over existing house drainage pipelines, and

[13] Schedule 2, Division 17, heading

Insert “, garages and garden sheds” after “Carports”.

[14] Schedule 2, clause 17.1

Insert “, garage or garden shed” after “carport”.

[15] Schedule 2, clause 17.2(2)–(7C)

Omit clause 17.2(2)–(7). Insert instead—

- (2) Maximum building height for a garage or carport, whichever is the lesser of—
- (a) 4.5m, or
 - (b) the roof gutter line of any building to which the garage or carport is attached.
- (3) Maximum wall height for a garage or carport—3.3m.
- (4) Maximum building height for a garden shed—2.4m.
- (5) Maximum gross floor area—
- (a) if on land within a heritage conservation area or draft heritage conservation area—
 - (i) for a single carport, garage or garden shed—45m², or
 - (ii) for all carports, garages and garden sheds on a lot—60m², or
 - (b) if on any other land—
 - (i) for a single carport, garage or garden shed—60m², or
 - (ii) for all carports, garages and garden sheds on a lot—80m².
- (6) Must not be more than 1 building (being a carport, garage or garden shed) on a lot with a gross floor area of more than 10m².

- (7) A carport, garage or garden shed on a lot in a heritage conservation area with a gross floor area of more than 10m² must—
 - (a) be of a colour that matches the main building on the lot, and
 - (b) the roof must have a pitch that matches the roof of the main building on the lot or be of at least 30°, and
 - (c) any steel sheeting used in the construction must be corrugated.
- (7A) A garage constructed within the footprint of a dwelling is not to be included for the purposes of subclauses (5)–(7).
- (7B) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (7C) Must not be a shipping container if located in a heritage conservation area.

[16] Schedule 2, clause 17.2(15)

Omit the subclause. Insert instead—

- (15) Must not be located over existing house drainage pipelines.

[17] Schedule 2, Division 21, heading

Omit “and play equipment”. Insert instead “, play equipment and shade structures”.

[18] Schedule 2, clause 21.1

Omit “or play equipment”. Insert instead “, play equipment or shade structure”.

[19] Schedule 2, clause 21.2(4)–(5B)

Omit clause 21.2(4) and (5). Insert instead—

- (4) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (5) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (5A) If connected to a fascia, must be connected in accordance with the specifications of a professional engineer.
- (5B) Must be located in the rear yard if on a lot—
 - (a) on which there is a heritage item or draft heritage item, or

- (b) that is located in a heritage conservation area or draft heritage conservation area.

[20] Schedule 2, clause 22.2(3)–(3B)

Omit clause 22.2(3). Insert instead—

- (3) Must be designed and constructed in accordance with the specifications of a professional engineer.
- (3A) Must not have a surface area of more than 0.2ha.
- (3B) Must be located—
 - (a) at least 10m from any boundary, and
 - (b) at least 40m from—
 - (i) a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2, or
 - (ii) a natural waterbody, wetland or environmentally sensitive area.

[21] Schedule 2, clause 24.2(1)

Omit the subclause. Insert instead—

- (1) Must take account of the Council’s *Guidelines for Engineering Works* in the construction of a driveway, path or paving.

[22] Schedule 2, clause 24.2(6)

Omit “in accordance with”. Insert instead “taking into account”.

[23] Schedule 2, clause 24.2(6)

Omit “*Guideline*”. Insert instead “*Guidelines*”.

[24] Schedule 2, clause 24.2(7)

Insert after clause 24.2(6)—

- (7) Must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council’s *Guidelines for Engineering Works*.

[25] Schedule 2, clause 25.2(1A)

Insert before clause 25.2(1)—

- (1A) For earthworks and retaining walls—
 - (a) must not encroach onto or interfere with adjoining properties, including the Council road reserves,
 - (b) must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map,
 - (c) must not be constructed on, or in relation to, a heritage item or draft heritage item.

[26] Schedule 2, clause 25.2(1)(a)

Insert “above ground level (existing)” after “1m”.

[27] Schedule 2, clause 25.2(1)(b)

Insert “below ground level (existing)” after “1m”.

[28] Schedule 2, clause 25.2(1)(b1) and (b2)

Insert after clause 25.2(1)(b)—

- (b1) must be set back from a side or rear boundary by at least the same amount as the depth of the cut or the height of the fill,
- (b2) must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council's *Guidelines for Engineering Works*,

[29] Schedule 2, clause 25.2(1)(g)

Omit the paragraph.

[30] Schedule 2, clause 25.2(2)(a)

Insert “or the depth or height of the associated cut or fill (whichever is the greater)” after “1m”.

[31] Schedule 2, clause 25.2(2)(b)

Omit the paragraph. Insert instead—

- (b) must not be of timber construction if it provides support to a structure,

[32] Schedule 2, clause 25.2(2)(h)–(j)

Omit the paragraphs.

[33] Schedule 2, clause 27.2(1)

Omit “, Zone RU4, Zone R5, Zone E4 or Zone IN1”. Insert instead “or Zone RU4”.

[34] Schedule 2, clause 27.2(2)–(6)

Omit the subclauses. Insert instead—

- (2) Maximum building height—
 - (a) 7m, or
 - (b) if on a lot with an area greater than 4ha—12m.
- (3) Maximum height of stockyard fencing—4.5m.
- (4) Maximum gross floor area—
 - (a) 100m², or
 - (b) if on a lot with an area greater than 4ha—300m².
- (5) Must be located—
 - (a) if the stock holding yard is not used for commercial purposes, at least—
 - (i) 20m from a road, and
 - (ii) 200m from a dwelling on another lot, and
 - (iii) 50m from a side or rear boundary, and
 - (iv) 100m from a waterbody, and
 - (v) 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2, or
 - (b) in any other case, at least—
 - (i) 20m from a road, and
 - (ii) 50m from a dwelling on another lot, and
 - (iii) 30m from a side or rear boundary, and

- (iv) 100m from a waterbody, and
 - (v) 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (6) Must be designed and constructed in accordance with the specifications of a professional engineer.

[35] Schedule 2, clause 28.2

Omit the clause. Insert instead—

28.2 Development standards

- (1) Must be on land in Zone RU2, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone B5, Zone IN1, Zone E2 or Zone E4.
- (2) If forward of the building line on a boundary with a primary road—
 - (a) maximum height (subject to the other provisions of this clause)—1.2m above ground level (existing) or, if of a stepped design on sloping ground, the highest point of each step may be up to 1.5m above ground level (existing) if the lowest point of each step is no more than 1.2m above ground level (existing), and
 - (b) must be an open fence in mesh, slat or picket style.
- (3) If not forward of the building line on a boundary with a primary road (subject to the other provisions of this clause)—maximum height 1.8m above ground level (existing) or, if of a stepped design on sloping ground, the highest point of each step may be up to 2.2m above ground level (existing) if the lowest point of each step is no more than 1.8m above ground level (existing).
- (4) Must be constructed of timber or appropriate traditional materials if—
 - (a) on a lot, or on a boundary with a lot, on which there is a heritage item or draft heritage item, or
 - (b) in a heritage conservation area or draft heritage conservation area.
- (5) If located on land in Zone RU5 within the village of Hill End—must be constructed of timber and be picket, palisade or rough timber paling style.
- (6) If located on land in Zone RU2, Zone RU5 (other than within the village of Hill End), Zone R2, Zone R5, Zone E2 or Zone E4—must be constructed of traditional rural fencing materials (including pipe, steel, timber or masonry).
- (7) If located on land in Zone B5 or Zone IN1—
 - (a) maximum height—2.1m above ground level (existing), and
 - (b) must be an open fence in mesh or palisade style.
- (8) For masonry construction—
 - (a) maximum height—1m above ground level (existing), and
 - (b) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (c) must not be constructed over any easement, and
 - (d) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
 - (e) must comply with AS 3700—2018, *Masonry structures*, and
 - (f) must comply with AS 3600—2018, *Concrete structures*.

- (9) Must not be an electric fence.
- (10) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (11) Any entrance gate must not open outwards from the property.
- (12) If constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (13) If located on bush fire prone land—must be constructed of non-combustible material or hardwood.
- (14) If located on land that is core koala habitat within the meaning of *State Environmental Planning Policy (Koala Habitat Protection) 2019* or in a movement corridor used by koalas—must be installed or constructed in accordance with the Guideline, and any relevant approved plan of management, under that Policy.

[36] Schedule 2, Divisions 29, 43, 55 and 57

Omit the Divisions.

[37] Schedule 2, Division 32, heading

Omit “Garages, sheds”. Insert instead “Cabanas, gazebos”.

[38] Schedule 2, clause 32.1

Omit “garage, shed”. Insert instead “cabana, gazebo”.

[39] Schedule 2, clause 32.2(2)–(7)

Omit the subclauses. Insert instead—

- (2) Maximum building height—2.4m.
- (3) Maximum gross floor area—20m².
- (4) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (5) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (6) If on a lot in a heritage conservation area or draft heritage conservation area—must be of a colour that matches the main building on the lot.
- (7) If located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.

[40] Schedule 2, clause 32.2(9)–(11), (15) and (16)

Omit the subclauses.

[41] Schedule 2, clause 40.2(3) and (4)

Omit clause 40.2(3). Insert instead—

- (3) Must not be on a lot on which there is a heritage item or draft heritage item.
- (4) If on land in a heritage conservation area—must not involve the painting or rendering of external brickwork that has not been painted or rendered before.

[42] Schedule 2, clause 42.2(11A)

Insert after clause 42.2(11)—

- (11A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

[43] Schedule 2, clause 45.2(2) and (3)

Omit the subclauses. Insert instead—

- (2) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 10m from any boundary if located on land in Zone RU1 or Zone RU4, and
 - (d) at least 20m from any boundary if located on land in Zone RU2, and
 - (e) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (3) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

[44] Schedule 2, clause 45.2(5)

Omit “Must”. Insert instead “If on land in a rural zone—must”.

[45] Schedule 2, clause 45.2(5A)

Insert after clause 45.2(5)—

- (5A) If on land in a zone other than a rural zone—must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

[46] Schedule 2, clause 48.2(5A)

Insert after clause 48.2(5)—

- (5A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

[47] Schedule 2, Division 49A

Insert after Division 49—

Division 49A Shipping containers

49A.1 Specified development

The installation of a shipping container is development specified for this Schedule.

49A.2 Development standards

- (1) Must not be located on land in Zone RU5 within the village of Hill End.
- (2) No more than 1 shipping container is permitted on a lot.
- (3) Maximum height—3m.
- (4) Maximum length—12.5m.
- (5) Maximum width—2.5m.
- (6) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 50m from any boundary if located on land in Zone RU1 or Zone RU4, and
 - (d) at least 20m from any boundary if located on land in Zone RU2, and
 - (e) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (7) Must be painted a neutral colour.
- (8) Must be screened from the street and neighbouring properties by vegetation or other screening.
- (9) Must not be used to store hazardous or contaminated material.
- (10) Must not be installed on a lot on which there is a heritage item or draft heritage item unless the lot is on land in Zone RU1 and the shipping container is outside of the curtilage of the item.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be installed over any easement.
- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (14) Must not be installed over drainage pipes or any house drainage pipelines.
- (15) If located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (16) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

[48] Schedule 2, clause 53.2(1A) and (1B)

Insert after clause 53.2(1)—

- (1A) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (1B) Must not obstruct the line of sight of vehicular traffic.

[49] Schedule 3 Complying development

Omit “section 91” from clause 1(1)(b) of Part 1. Insert instead “section 4.46”.

[50] Schedule 3, Part 1, clause 1(1)(c)(ii)

Omit the subparagraph. Insert instead—

- (ii) *State Environmental Planning Policy (Koala Habitat Protection) 2019*, or

[51] Schedule 3, Part 1, clause 2(3)(e1) and (e2)

Insert after clause 2(3)(e)—

- (e1) Must be at least 1m from a sewer manhole as measured from the outer sewer manhole collar.
- (e2) Access to the Council’s sewer manholes and property sewer connection points must be maintained at all times.

[52] Schedule 3, Part 1, clause 2(5)(c)

Insert after clause 2(5)(b)—

- (c) Must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council’s *Guidelines for Engineering Works*.

[53] Schedule 3, Part 1, clause 2(6)(a)

Omit the paragraph. Insert instead—

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in accordance with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.

[54] Schedule 3, Part 1, clause 2(8)

Insert after clause 2(7)—

- (8) **Other**
Plumbing fixtures must be connected to a waste water treatment device or sewer.

[55] Schedule 3, Part 1, clause 4(3)(e1)

Insert after clause 4(3)(e)—

- (e1) Must be at least 1m from a sewer manhole as measured from the outer sewer manhole collar.

[56] Schedule 3, Part 1, clause 4(5)(c)

Insert after clause 4(5)(b)—

- (c) Must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council’s *Guidelines for Engineering Works*.

[57] Schedule 3, Part 1, clause 4(6)(a)

Omit the paragraph. Insert instead—

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in

accordance with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.

[58] Schedule 3, Part 1, clause 5(2)(a1)

Insert after clause 5(2)(a)—

- (a1) Must be at least 1m from a sewer manhole as measured from the outer sewer manhole collar.

[59] Schedule 3, Part 2, clause 1.2(9)

Omit “in a manner consistent with the Council’s Guidelines for Engineering Works”.

Insert instead “taking into account the Council’s *Guidelines for Engineering Works*”.

[60] Schedule 3, Part 2, clauses 1.2(13) and 3.2(12)

Omit “comply with” wherever occurring. Insert instead “take into account”.

[61] Schedule 3, Part 2, clauses 1.2(16) and (17) and 3.2(15) and (16)

Omit “in accordance with” wherever occurring. Insert instead “taking into account”.

[62] Schedule 3, Part 2, clauses 1.2(16) and (17), 1.3, note, 3.1, note, 3.2(15) and (16), 3.3, note, 4.1, note and 4.3, note

Omit “section 109C” wherever occurring. Insert instead “section 6.4”.

[63] Schedule 3, Part 2, clauses 1.2(18) and 3.2(17)

Omit “comply with” wherever occurring.

[64] Schedule 3, Part 2, clauses 1.2(18)(i) and 3.2(17)(i)

Insert “comply with” before “access levels” wherever occurring.

[65] Schedule 3, Part 2, clauses 1.2(18)(ii) and 3.2(17)(ii)

Insert “take into account” before “the Council’s” wherever occurring.

[66] Schedule 3, Part 2, clauses 3.2(8) and 4.2(10)

Insert “taking into account” before “the Council’s” wherever occurring.

[67] Schedule 5 Environmental heritage

Omit the matter relating to item I64 from Part 1. Insert in appropriate order—



Bathurst	Oakstead (formerly Presbyterian manse)	294 Russell Street	Lot 1, DP 1237902	Local	I64
Mitchell	Survey mark	Boundary Road	Part Lot 284, DP 47960	Local	I343
O’Connell	Dwelling and associated outbuildings	21 Blacks Mill Lane	Part Lot 100, DP 864119	Local	I344





Bathurst Regional Local Environmental Plan 2014

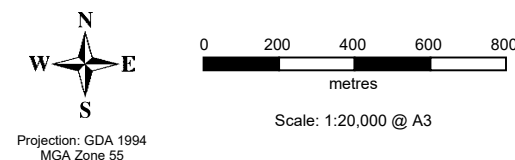
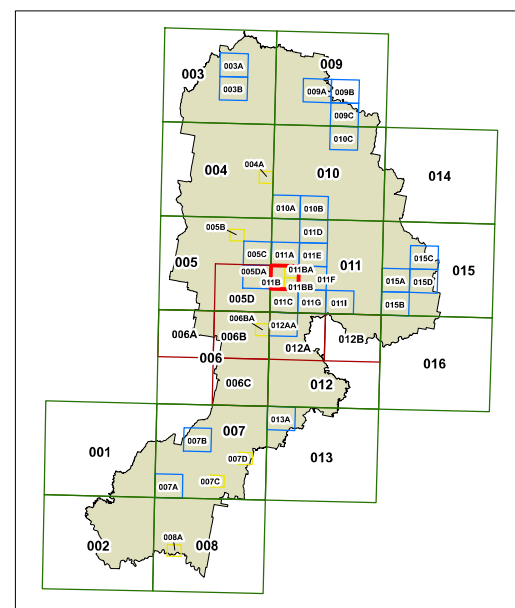
Heritage Map - Sheet HER_011B

Heritage

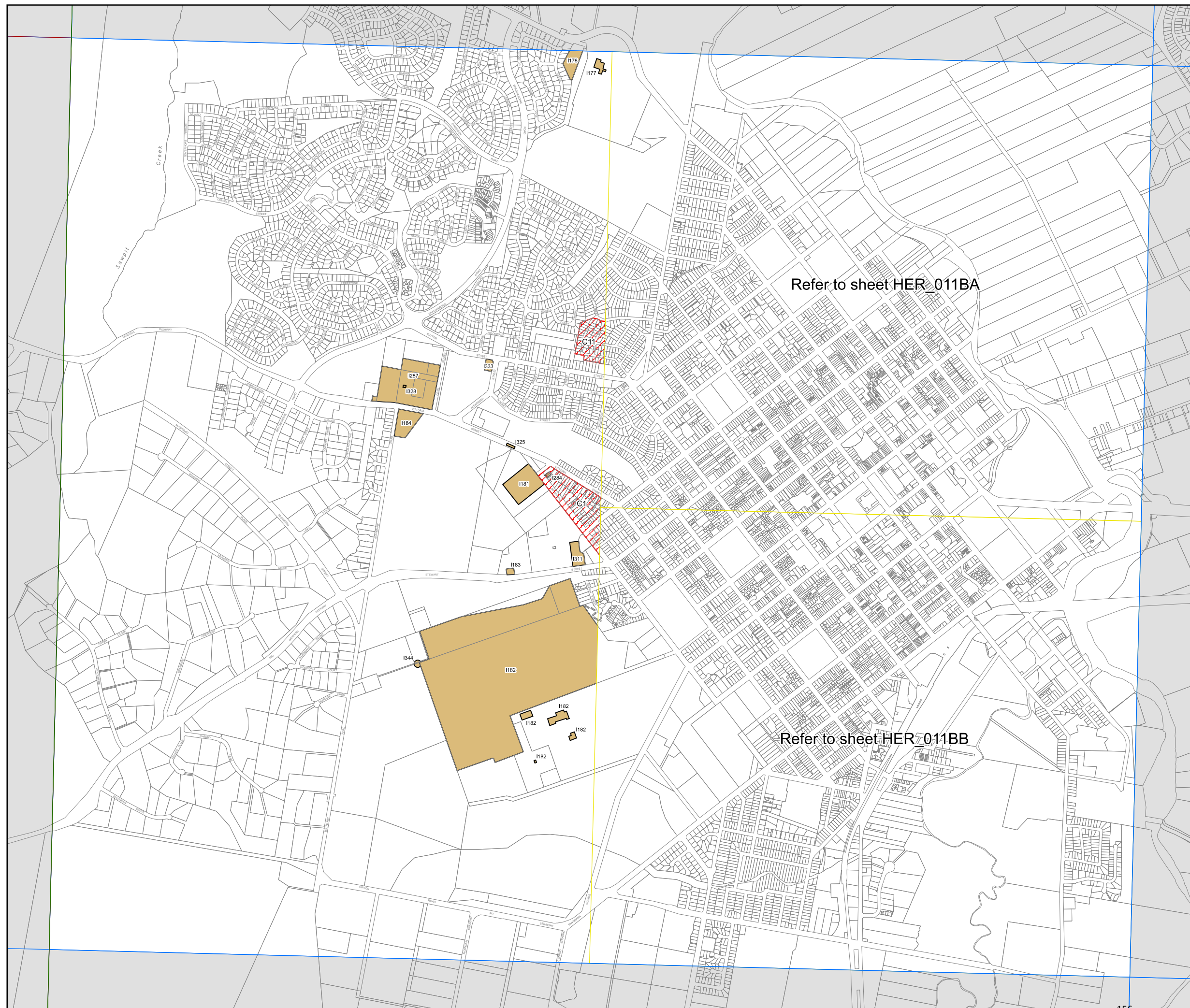
-  Conservation Area - General
-  Item - General

Cadastral

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-  Addendum data 08/09/2017 © Bathurst Regional Council



Map identification number:
0470_COM_HER_011B_020_20180620









Bathurst Regional Local Environmental Plan 2014

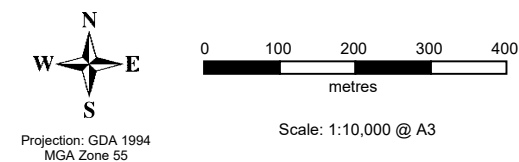
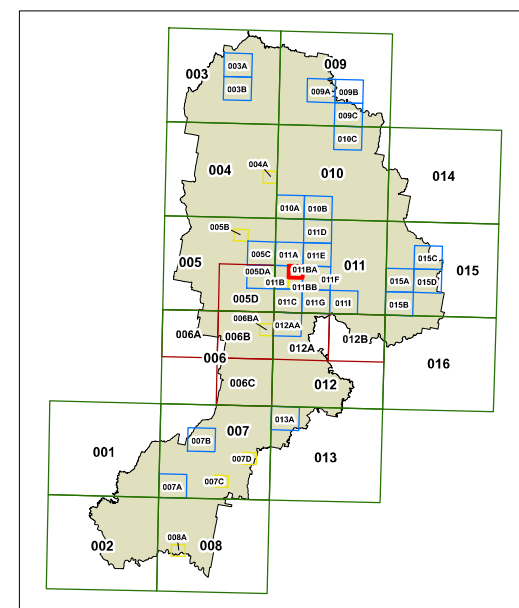
Heritage Map - Sheet HER_011BA

Heritage

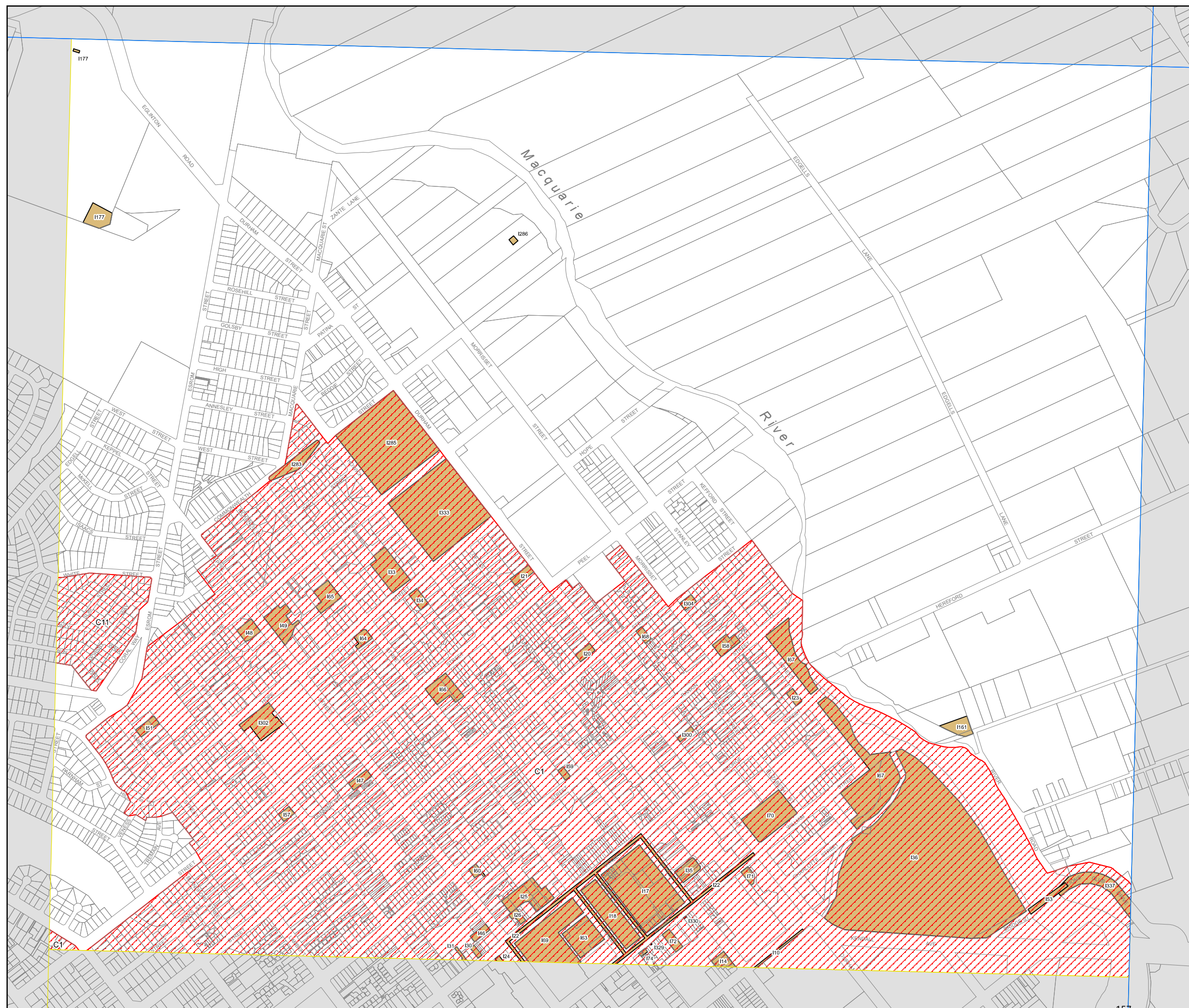
-  Conservation Area - General
-  Item - General

Cadastre

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-  Addendum data 08/09/2017 © Bathurst Regional Council



Map identification number:
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Bathurst Regional Local Environmental Plan 2014

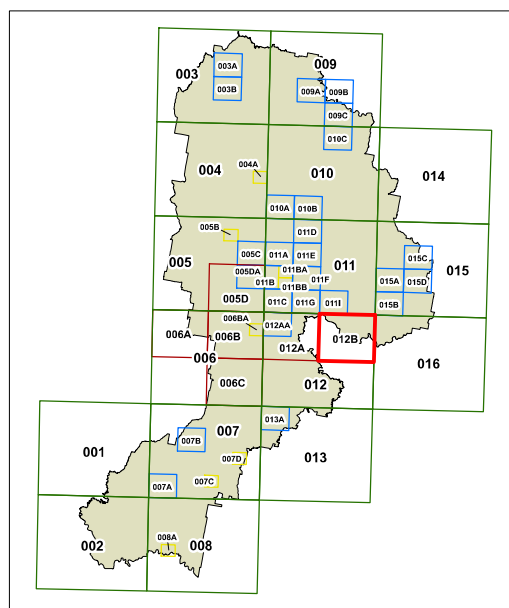
Heritage Map - Sheet HER_012B

Heritage

-  Conservation Area - General
-  Item - General

Cadastre

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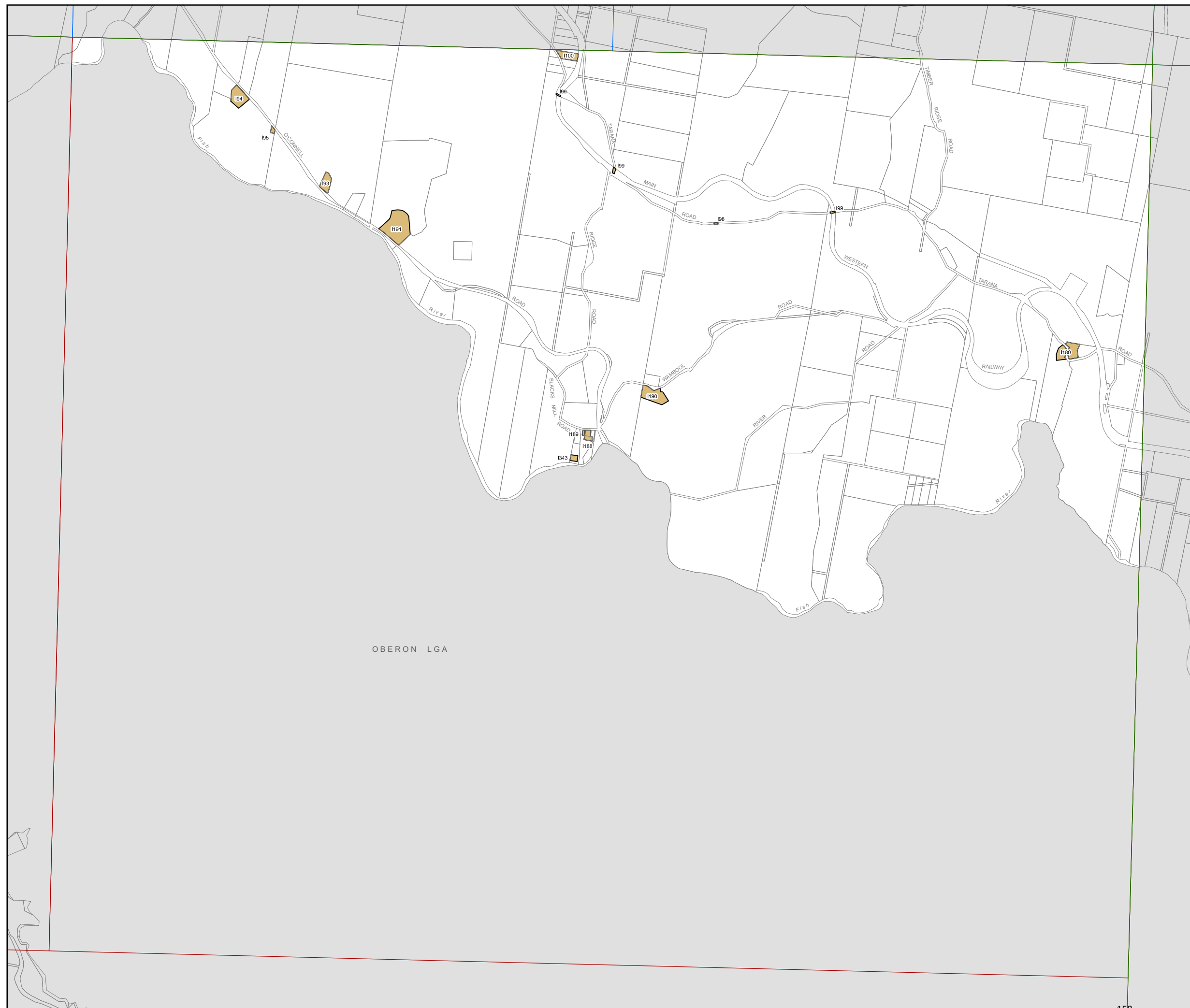
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metres

Projection: GDA 1994
MGA Zone 55

Scale: 1:40,000 @ A3

Map identification number:

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Bathurst Regional Local Environmental Plan 2014

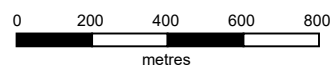
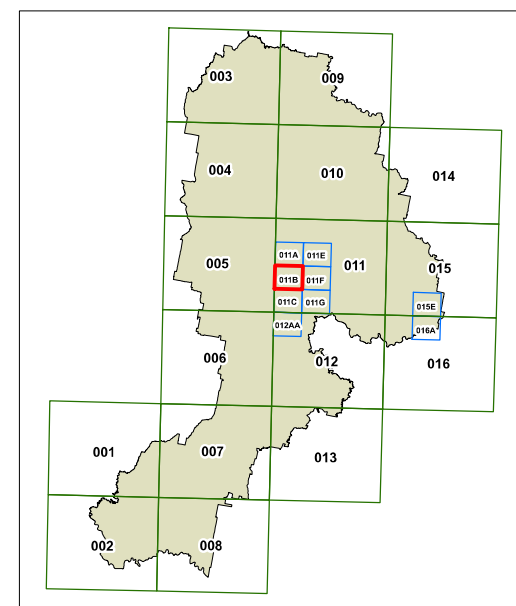
Lot Size Map - Sheet LSZ_011B

Minimum Lot Size (sq m)

K	550
T	900
W	4000
Y	1 ha
AB1	10 ha
AB2	40 ha
AD	100 ha
AE1	200 ha
AE2	350 ha
AF	480 ha
	Refer to Clause 4.13 B

Cadastre

Base data 23/04/1997 © Land and Property
Information (LPI)
Addendum data 08/09/2017 © Bathurst Regional
Council

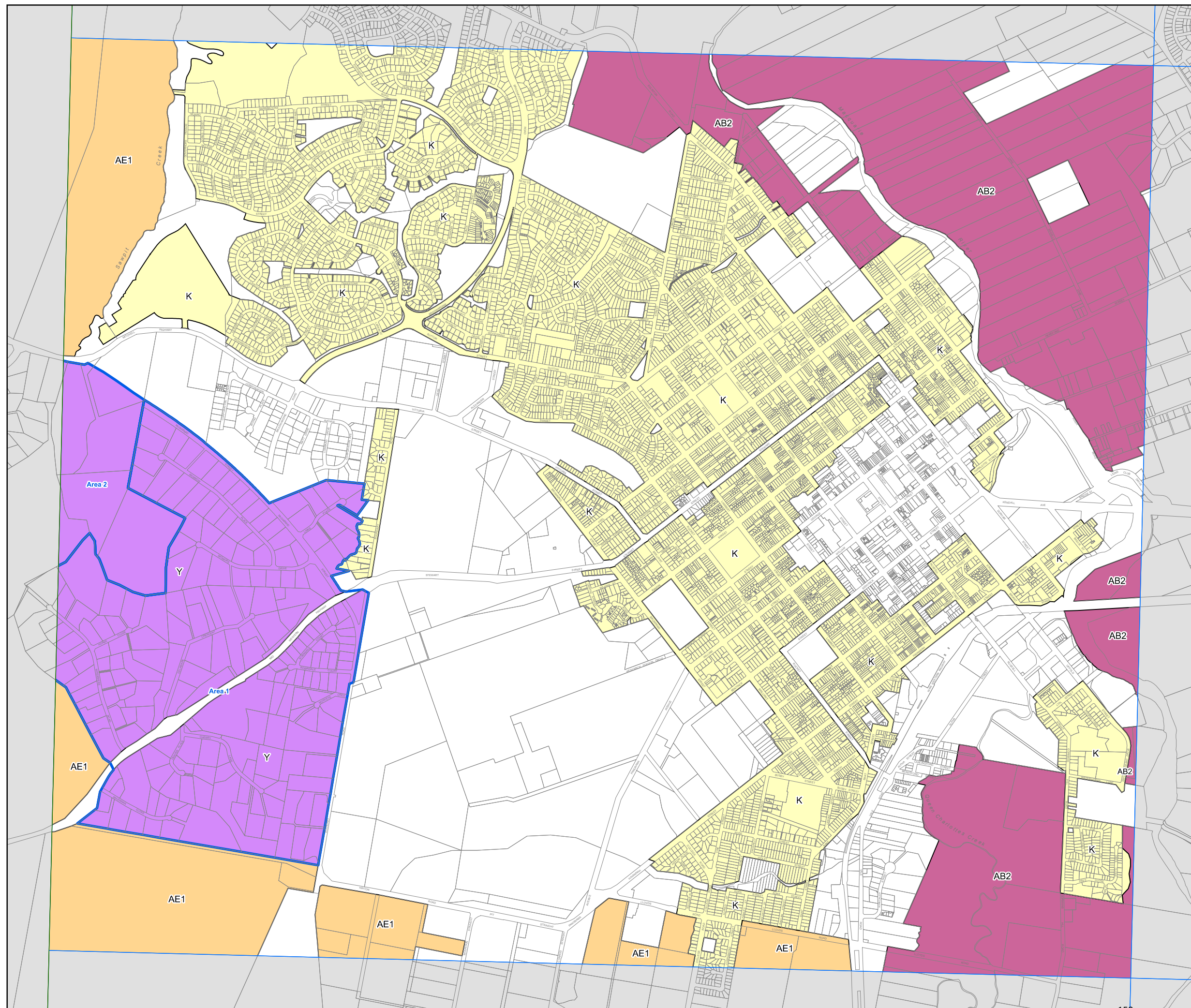


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Projection: GDA 1994
MGA Zone 55

Map identification number:

0470_COM_LSZ_011B_020_20180824





Bathurst Regional Local Environmental Plan 2014

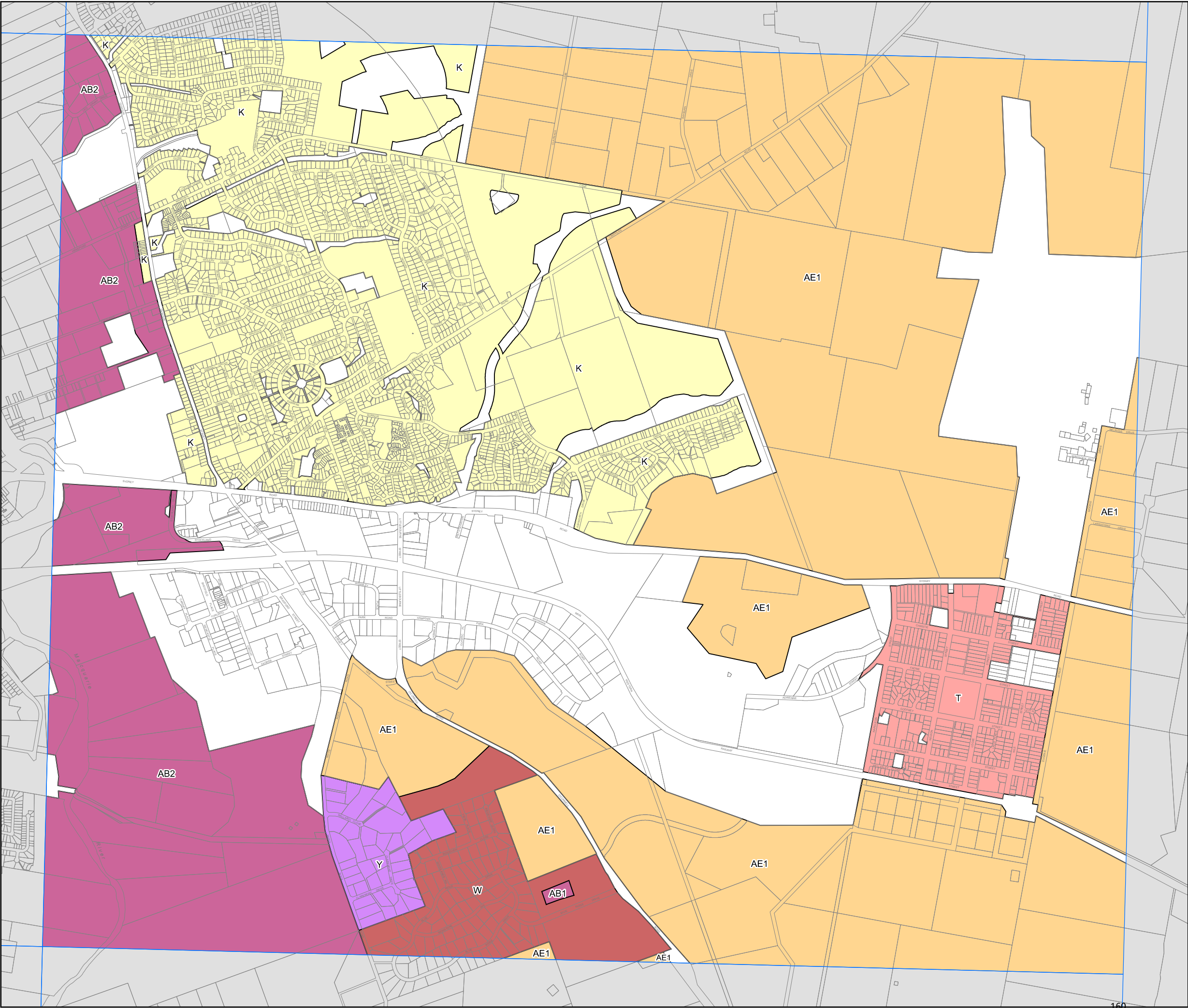
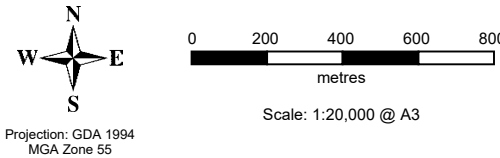
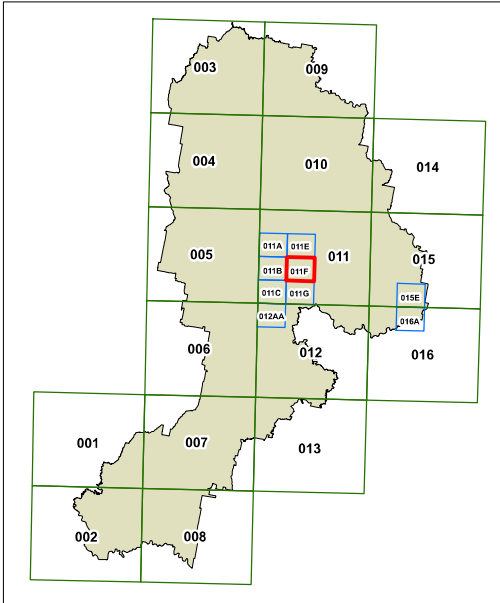
Lot Size Map - Sheet LSZ_011F

Minimum Lot Size (sq m)

K	550
T	900
W	4000
Y	1 ha
AB1	10 ha
AB2	40 ha
AD	100 ha
AE1	200 ha
AE2	350 ha
AF	480 ha
	Refer to Clause 4.13 B

Cadastre

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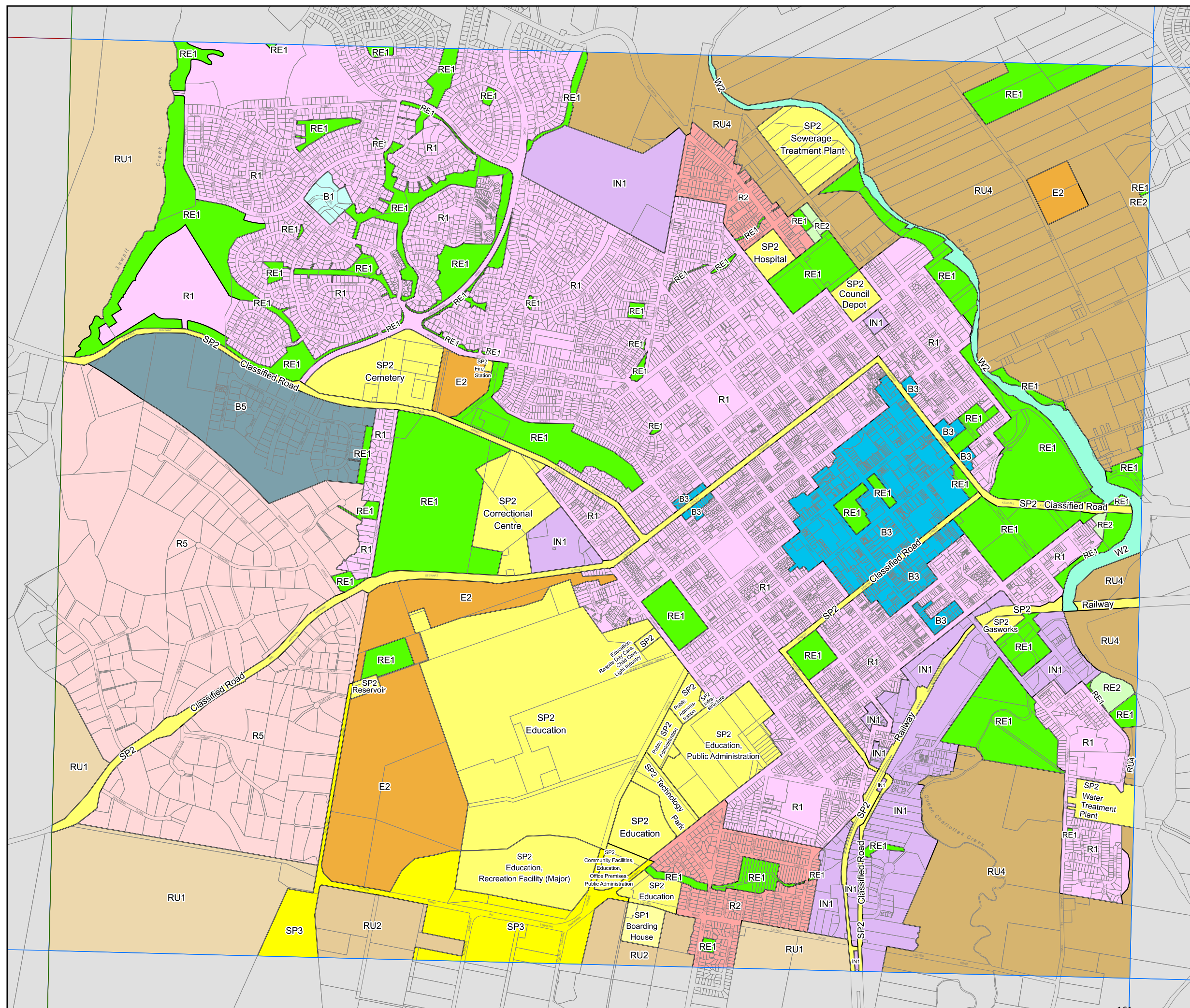
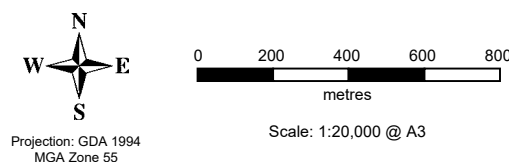
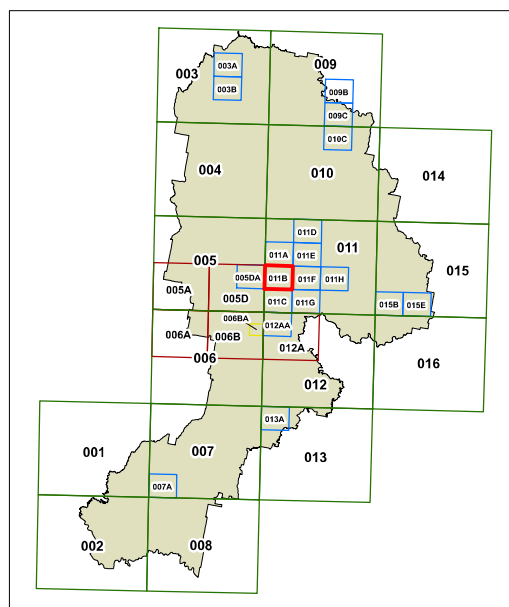
Land Zoning Map - Sheet LZN_011B

Zone

B1	Neighbourhood Centre
B3	Commercial Core
B5	Business Development
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E4	Environmental Living
IN1	General Industrial
R1	General Residential
R2	Low Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W2	Recreational Waterways

Cadastre

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Addendum data 08/09/2017 © Bathurst Regional
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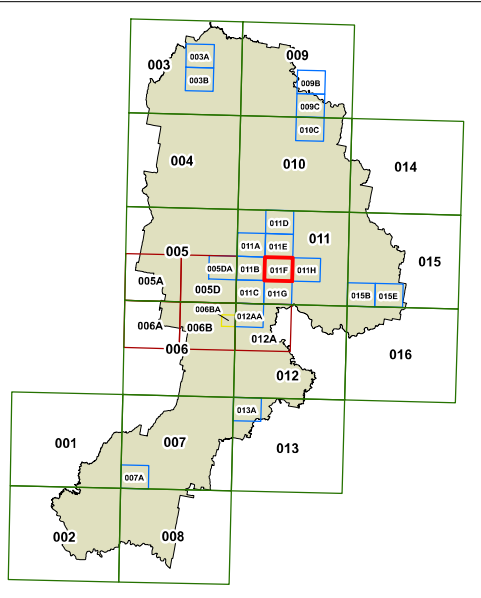


Zone

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Cadastre

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Projection: GDA 1994
MGA Zone 55

Scale: 1:20,000 @ A3

Map identification number:

0470 COM LZN 011F 020 20180824

