

8 AMENDMENT TO THE DEVELOPMENT CONTROL PLAN - COMPLYING DEVELOPMENT (20.00176)

Recommendation:

That Council:

- (a) adopt the new Bathurst Regional Council Development Control Plan - Complying Development which amends parts 18.2.2 and 19.2.2 to reduce the front building alignment for new dwellings and exhibition homes to be a minimum of 6 metres and a maximum of 10 metres, and in the case of corner allotments the combined distance of the two building line setbacks to the two roads to be not less than 8 metres, provided that neither setback is less than 2 metres,
- (b) resolve to prepare a Planning Proposal to amend Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005,
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act 1979, and
- (d) note that the new DCP will not come into effect until gazettal of the Planning proposal.

Report:

Item 7 of this report recommends that Council adopt the Bathurst Regional (Interim) Development Control Plan 2010.

The Bathurst Regional (Interim) Development Control Plan includes extensive changes to existing development standards affecting all types of development in the Region which do not affect the Bathurst Regional (Interim) Local Environmental Plan (2005).

In this regard, **Section 4.4.2** of the Interim DCP reduces the front building line setback for dwellings in the 2(a) Residential zone outside the Bathurst Heritage Conservation Area from 8 metres to 6 metres.

Development Control Plan - Complying Development

The Development Control Plan - Complying Development did not change as a result of the Bathurst Regional (Interim) Development Control Plan 2010 and continues to require a front building line setback of between 8 - 12 metres, and a combined setback of 10 metres for corner allotments, which is inconsistent with the new development standards of the Interim DCP. The result of this inconsistency is that persons wishing to use the reduced setback would not be able to do so as Complying Development.

Council staff drafted an amendment to the DCP - Complying Development which reduced the front setback of Complying Development Applications for dwellings and exhibition homes from between 8 - 12 metres to 6 - 10 metres (ie 2 metres closer to the front boundary) and a combined setback of 8 metres for corner allotments to make it consistent with the Interim DCP.

The amendment to the Complying Development DCP was placed on public exhibition for a period of 28 days from 20 November 2010 to 20 December 2010. As a result of the public exhibition process, Council did not receive any submissions in relation to the amendment.

Bathurst Regional (Interim) Local Environmental Plan 2005

To enable the amended DCP - Complying Development to be acted upon, Council's current LEP is required to be amended via a Planning Proposal.

Clause 20 (3) of the Bathurst Regional (Interim) Local Environmental Plan (2005) states:

Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development respectively by Bathurst Regional Council Development Control Plan -- Exempt Development and Bathurst Regional Council Development Control Plan -- Complying Development as adopted by the Council on 20 April 2005.

Given the amendment to the Development Control Plan - Complying Development (2005) Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan (2005) is required to be amended to insert the new adoption date of the amended DCP - Complying Development.

A Planning Proposal will be prepared to that effect and forwarded to the Department of Planning. The DCP amendment will not come into effect until the Planning Proposal has been gazetted.

Financial Implications

Nil.

DRAFT DEVELOPMENT CONTROL PLAN – COMPLYING DEVELOPMENT **(AMENDMENT NO. 1)**

EXPLANATION

Introduction

The Plan applies to all land within the Bathurst Regional local government area.

The purpose of this plan is to:

- a) amend the Development Control Plan – Complying Development (DCP – Complying Development) so that it is consistent with the *draft* Bathurst Regional (Interim) Development Control Plan 2010 (BR(I)DCP 2010) with respect to front setbacks for dwellings (including dwellings located on corner allotments),
- b) make minor amendments to the table in Development Control Plan - Complying Development

Effect of the draft plan

The draft Development Control Plan (DCP) will:

- a) reduce the front setback for single dwelling houses from 8 – 12 metres to 6 – 10 metres (ie 2 metres closer to the front boundary) to make the DCP – Complying Development consistent with the BR(I)DCP 2010;
- b) reduce the setback for corner allotments from 10 metres to 8 metres for the combined distance of the two building line setbacks; and
- c) amend the description of development “Dwellings with attached/detached dwellings” to remove the word “detached” from the table on page 5 (ie making it consistent with the heading in Section 18).

Additional information

Council has exhibited its *draft* Bathurst Regional (Interim) DCP 2010 which included a reduction in the front setback for dwellings from a minimum of 8 metres down to 6 metres. The DCP - Complying Development amendment is to enable Complying Developments to be consistent with those provisions contained in the *draft* Bathurst Regional (Interim) DCP 2010.

The adoption of this amendment will be subject to Council’s adoption of these provisions when it considers the *draft* BR(I)DCP 2010. Should that DCP proceed, a minor amendment to the Bathurst Regional (Interim) Local Environmental Plan 2005 will be required prior to the changes to the DCP - Complying Development coming into effect.

Public Exhibition

The draft Plan has been placed on public exhibition for a period of 28 days from Monday 22 November 2010 to Monday 20 December 2010 (public holidays excepted). During this time, interested members of the community may lodge a submission to Council by the closing date via one of the following methods:

eMail	council@bathurst.nsw.gov.au
Post	Private Mail Bag 17 BATHURST NSW 2795
In Person	Planning and Development Counter, located on the Ground Floor of the Civic Centre, 158 Russell Street, Bathurst

For any enquiries, Please contact Council's Acting Senior Strategic Planner, Mr Nicholas Murphy on 02 6333 6514.