



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*.

NEIL SOUTHORN, DIRECTOR, ENVIRONMENTAL PLANNING AND BUILDING  
SERVICES  
BATHURST REGIONAL COUNCIL  
As delegate for the local plan-making authority

## **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—45m<sup>2</sup>, or  
(ii) for all carports, garages and garden sheds on a lot—60m<sup>2</sup>, or  
(b) if on any other land—  
(i) for a single carport, garage or garden shed—60m<sup>2</sup>, or  
(ii) for all carports, garages and garden sheds on a lot—80m<sup>2</sup>.  
(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 10m<sup>2</sup>.

- (7) A carport, garage or garden shed on a lot in a heritage conservation area with a gross floor area of more than 10m<sup>2</sup> 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) 100m<sup>2</sup>, or
  - (b) if on a lot with an area greater than 4ha—300m<sup>2</sup>.
- (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—20m<sup>2</sup>.
- (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