

12 October 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
19 October 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 October 2016 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

**TO BE HELD ON WEDNESDAY, 19 OCTOBER 2016**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 SEPTEMBER 2016

**6. DECLARATION OF INTEREST**

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

**7. MAYORAL MINUTE - Nil.**

**8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
\* DIRECTOR ENGINEERING SERVICES' REPORT  
\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT  
\* GENERAL MANAGER'S REPORT

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2016  
\* MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2016

**10. NOTICES OF MOTION - Nil.**

**11. RESCISSION MOTIONS - Nil.**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 SEPTEMBER 2016

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 6 SEPTEMBER 2016

### 13. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

**Recommendation:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005,:

1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
2. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED PURCHASE OF LOT 1 IN DP197420 AND LOT B IN DP197498 KNOWN AS 128 BENTINCK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED NEW RESIDENTIAL TENANCY AGREEMENT - PART LOT A IN DP158048 KNOWN AS 215 DURHAM STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMERCIAL LEASE AGREEMENT - PART LOT 180 IN DP862410 KNOWN AS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council

	UNIT 4, 55 SEYMOUR STREET, BATHURST	would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 IN DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	SALE OF RESIDUE LAND, LOT 824, DP 1185390 AT LLANARTH	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	RENEWAL OF LICENCE AGREEMENT - BATHURST DISTRICT HISTORICAL SOCIETY INC, PART LOT 1 IN DP613544 KNOWN AS 47 MITRE STREET BATHURST	inc10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	RENEWAL OF LICENCE AGREEMENT - BATHURST DISTRICT HISTORICAL SOCIETY INC - OLD GOVERNMENT COTTAGE, LOT 1 IN DP788005 KNOWN AS 16 STANLEY STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW EVENT AT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	NEW COMMERCIAL LEASE - COFFEE VAN, PART LOT 10 IN DP1157553 AT DURHAM STREET CARPARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

	supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**14. RESOLVE INTO OPEN COUNCIL**

**15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**16. MEETING CLOSE**

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 SEPTEMBER 2016 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 September 2016 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 September 2016, are attached.

**Financial Implications:** N/A

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

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 21 SEPTEMBER 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**2 MINUTE SILENCE**

**The Mayor** observed a minute silence to honour the passing of former Mayor, Bruce Bolam.

**3 SUSPENSION OF STANDING ORDERS (11.00005)**

**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the General Manager's Report's.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**General Manager's Report**

**4 Item 1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)**

**MOVED** and **SECONDED**

**ELECTION OF MAYOR** - One nomination for the position of Mayor was received for Cr Rush.

There being only one nomination, Cr Rush was declared elected as Mayor for the period to September 2017.

**ELECTION OF DEPUTY MAYOR** - One nomination for the position of Deputy Mayor was received for Cr North.

There being only one nomination, Cr North was declared elected as Deputy Mayor for the period to September 2017.

**Councillor Rush took the Chair.**

**5 Item 2 VACANCY IN CIVIC OFFICE - COUNCILLOR JESS JENNINGS (12.00010-08)**

**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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





variation? What is the Councillors position with this?

**The Acting Director Environmental, Planning & Building Services** advised there is no set allowance, it is a matter for Council to consider.

What is Council's commitment to supporting the LEP?

**The Mayor** referred to the process of the development of the LEP, flexibility that may occur. The LEP guides Council in its decision.

In future subdivisions how will people know what the potential is for lot subdivision?

**The Mayor** advised these are relevant questions which Councillors will consider.

**L Costello - Item #4 & 5 ADEPBS**

Spoke in favour of the subdivision. The LEP is being followed, obtained three independent opinions on the proposal. Didn't seek Council's approval prior to buying the blocks, did it independently. This is a permitted use in the zone and fits in with targets of the zone. This is a better result than some complying developments. The proposal meets the objectives of the LEP and DCP's. The land size is not an absolute criteria in the LEP. If look at area it fits within the streetscape.

**APOLOGIES**

**8 APOLOGIES**

Nil.

**MINUTES**

**9 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 AUGUST 2016 (11.00005)**

**MOVED** Cr M Coote

and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 August 2016 be adopted.

**10 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 SEPTEMBER 2016 (11.00005)**

**MOVED** Cr I North

and **SECONDED** Cr G Westman

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 7 September 2016 be adopted.

**DECLARATION OF INTEREST**

- 11** **DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

Cr Hanger

Item #9 of the Director Corporate Services & Finance's report.

## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

- 12** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

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

- 13** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

- 14** **Item 3 DEVELOPMENT APPLICATION NO. 2016/229 – FOUR LOT SUBDIVISION AT 3786 LIMEKILNS ROAD, WATTLE FLAT. APPLICANT: SMART ECO GROUP PTY LTD. OWNER: INYAN HOLDINGS PTY LTD (DA/2016/229)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 10;
- (b) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.2B of the Bathurst Regional Local Environmental Plan 2014 for the erection of a future dwelling on proposed Lot 10;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/229, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**15** **Item 4 DEVELOPMENT APPLICATION NO. 2016/237 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AT 1 POATE STREET, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA/2016/237)**

**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) not support the variation to the development standard prescribed in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings in Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 Minimum lot size in Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/237 for the following reason:
  - (i) that it is in the public interest to maintain the integrity of the development standards in Clause 4.1 B of Bathurst Regional LEP 2014 and Section 4.3 of Bathurst Regional DCP 2014 in relation to the minimum lot size for the erection of a dual occupancy development.
- (c) notify those who made a submission; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**16** **Item 5 DEVELOPMENT APPLICATION NO. 2016/240 – DUAL OCCUPANCY AND TWO LOT RESIDENTIAL SUBDIVISION AND RETAINING WALLS AT 40 GOVERNORS PARADE, WINDRADYNE. APPLICANT: MR L COSTELLO. OWNER: BATHURST REGIONAL COUNCIL (DA2016/240)**

**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) not support the variation to the development standard prescribed in Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings of Bathurst Regional Local Environmental Plan 2014

and the variation to the development standard prescribed in Section 4.3 Minimum lot size of Bathurst Regional DCP 2014;

- (b) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/240 for the following reason:
  - (i) that it is in the public interest to maintain the integrity of the development standards in Clause 4.1B of the Bathurst Regional LEP 2014 and Section 4.3 of the Bathurst Regional DCP 2014 in relation to the minimum lot size for the erection of a dual occupancy development;
- (c) notify those who made a submission; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 17** **Item 6 VILLAGE OF HILL END (PRIVATELY OWNED LANDS) - ARCHAEOLOGICAL MANAGEMENT PLAN (20.00287) (20.00287)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council adopt the Village of Hill End (Privately Owned Lands) Archaeological Management Plan as a strategic document to inform planning and development decisions.

- 18** **Item 7 MAJOR ROAD INFRASTRUCTURE PLANNING (20.00036)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

- 19** **Item 8 BATHURST REGIONAL DCP 2014 AMENDMENT- WINDRADYNE AND LLANARTH (20.00292)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional Development Control Plan 2014 amendment to amend Map No 5 – Windradyne, Llanarth & Abercrombie and Schedule 6 Residential Precincts;
- (b) give public notice in accordance with the Environmental Planning and Assessment Act,  
and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 20** **Item 9 2016 BATHURST JOBS EXPO (20.00071)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

- 21** **Item 10 2016 EVOCITIES RESEARCH SUMMARY (18.00208)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

- 22** **Item 11 JUBILEE & OPHIR ROAD RESERVES PLAN OF MANAGEMENT (04.00061)**  
**MOVED** Cr M Morse and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) place the draft Jubilee & Ophir Road Reserves Plan of Management on public exhibition for a period of 28 days;
- (b) if there are no submissions received adopt the draft Jubilee & Ophir Road Reserves Plan of Management as a working document; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 23** **Item 12 HERITAGE NETWORK SEMINAR (20.00123)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

**RESOLVED:** That the report be noted.

- 24** **Item 13 MAIN STREET IMPROVEMENTS AND SIGNAGE COMPLIANCE IMPLEMENTATION PLAN (20.00123)**

**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:** That the report be noted.

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

**25 Item 1 STATEMENT OF INVESTMENTS (16.00001)**

**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

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

**26 Item 2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)**

**MOVED** Cr I North and **SECONDED** Cr G Westman

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

**27 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**

**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That the information be noted and any additional expenditure be voted.

**28 Item 4 POWER OF ATTORNEY (11.00007)**

**MOVED** Cr I North and **SECONDED** Cr M Coote

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

**29 Item 5 REQUEST FOR USE OF MOUNT PANORAMA POLICE COMPOUND - MEMORIAL MUSTER COMMITTEE (04.00026-02/025)**

**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) Make available the use of the Police Compound at Mount Panorama for the Memorial Muster event on 29 and 30 October 2016.
- (b) Waive the fees of \$600 (\$300 per day);
- (c) Advise the organisation it will be responsible for pre and post cleaning, at its cost, of the area following the event.
- (d) Be provided a copy of the organisation's public liability policy of \$20 million.

**30 Item 6 EMERGENCY SERVICES PROPERTY LEVY - NEW SOUTH WALES GOVERNMENT (18.00145-05/050)**

**MOVED** Cr M Morse and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) the information be noted; and
- (b) the General Manager be authorised to sign the Memorandum of Understanding between NSW State Government and Bathurst Regional Council dealing with the Emergency Services Property Levy.

**31** **Item 7 GO KART CIRCUIT - MOUNT PANORAMA (21.00135)**

**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

**RESOLVED:** That Council advance the Bathurst Kart Club an amount of \$100,000 at the current interest rate plus 1% repayable over 20 years.

**32** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - 2017 SOAR, RIDE AND SHINE EVENT - LIFELINE CENTRAL WEST (21.00008)**

**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council provide in-kind funding support to Lifeline Central West to the value of \$10,000 and \$300 cash award for the best car displayed on the day prize for the 2017 Soar, Ride and Shine event to be held at the Bathurst Regional Airport from 25-26 March 2017. The cash component to be funded from Section 356 donations.

**33** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - SUPPORT FOR CANCER COUNCIL RELAY FOR LIFE (18.00004)**

**MOVED** Cr I North and **SECONDED** Cr M Morse

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

**Reason: On Relay for Life Committee**

**RESOLVED:** That Council provide one 2017 season pass for two adults to attend the Bathurst Memorial Entertainment Centre for the 2017 Theatre Season, at a cost of \$400, to be funded from the BMEC Community Use Subsidy.

**34** **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - V8 UTE SERIES (04.00001)**

**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council provide sponsorship of \$1,500 to Terry Nightingale Racing, to be funded from Mount Panorama Section 356 Donations.

**35** **Item 11 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)**

**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council:



- (a) refer the draft Financial Statements to Council's auditors, Intentus Chartered Accountants, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Statements for the year ended 30 June 2016;
- (c) adopt the Accounting Policies shown in the financial reports.

**36 Item 12 CARRYOVER WORKS (16.00137)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That the items as identified on the list of carry-over works as at 30 June 2016 be carried over and added to the Management Plan for 2016/2017.

**37 Item 13 FINANCIAL ASSISTANCE GRANT 2016/2017 (16.00031)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

**38 Item 14 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 22.01560, 04.00009, 22.00654, 22.00041, 22.01402, 22.00891)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

**Director Engineering Services' Report**

**39 Item 1 BATHURST REGION NATURAL RESOURCE ADVISORY GROUP**  
**(13.00001)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

**40 Item 2 NSW GOVERNMENT - CONTAINER DEPOSIT SCHEME (14.00007)**  
**MOVED** Cr M Morse and **SECONDED** Cr G Westman

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

**41 Item 3 PROCTOR PARK MASTER PLAN (04.00044)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council alter the schedule of works as requested by Bathurst District Football Inc. in their email of 23 August 2016 as follows:

- (a) *Unanimously that the proposal of amendment of works suggested by Bathurst District Football was 100% endorsed, in that the Stage 1 funds allocation of \$1 million be directed to upgrading as many of the existing grass fields with new drainage, shaping and turfing as per the quotes by Turf Drain Pty Ltd as*

*possible, including upgraded lighting on Field 2 and fencing for fields 1 and 2. In effect Bathurst District Football is asking that Stage 2 of the project replace the Synthetic Field Construction of Stage 1 and the Synthetic Pitch be moved to a later Stage pending funds and location.*

- (b) *By close majority that the preferred order of works be fields 1, 2, 3, 14, 15, 4, 5 with emphasis on both junior (SSF) and senior fields.*

**42 Item 4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (36.00601, 36.00602 & 11.00005)**

**MOVED** Cr G Westman and **SECONDED** Cr I North

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

**Director Cultural & Community Services' Report**

**43 Item 1 BATHURST REGIONAL ART GALLERY - INSULATION AND LINING OF FACILITY WALLS AND CEILING (21.00039)**

**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) Allocate \$250,000 in the 2017/2018 Operating Plan from loans, to insulate and line the walls and ceiling of the Art Gallery.
- (b) Continue to look for grants that may be available to assist with the project.
- (c) Utilise the savings in utility consumption gained, through the upgraded air conditioning equipment, lighting and improved thermal properties of the external walls, to service the loan costs.

**44 Item 2 2016/2017 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)**

**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

**RESOLVED:** That Council distribute the 2016/2017 Rural Village Improvement Program funding as follows:

	<b>APPLICANT ORGANISATION</b>	<b>PROJECT SUMMARY</b>	<b>APPLICATION AMOUNT</b>
1	Hill End & District Volunteer Bushfire Brigade	Purchase and install picnic tables	\$2,850
2	Rockley & District Community Association	Repaint exterior doors, window frames and trims, paint new poly down pipes to match existing at Rockley School of Arts Hall	\$2,850
3	Sofala and District Agricultural & Horticultural Show Society Inc	No project identified for 2016/2017, provide funds to Sofala Progress Association Inc.	\$0
4	Sofala Progress Association Inc	Soldiers Walk, purchase plaques, plinths, tree guards and trees (including funds provided by Sofala and District Agricultural & Horticultural Show Society Inc.)	\$2,850
5	Sunny Corner & District Progress Association Inc	Part payment post and rail fence around the Community Hall	\$2,850
6	Trunkey Creek Progress Association	Purchase of new chairs for hall	\$2,850

7	Wattle Flat Heritage Lands Trust	Solitary Mine Site projects: <ul style="list-style-type: none"> <li>• Picnic shelter roofing</li> <li>• Various signage and trail markers</li> <li>• Manufacture 11 interpretation signs and installation</li> </ul>	\$1,425
8	Wattle Flat Progress Association	<ul style="list-style-type: none"> <li>• Purchase two heavy duty club quality tennis court nets at Recreation Ground.</li> <li>• Replace damaged south window with secure UV resistant glass at Recreation Hall.</li> </ul>	\$1,425
9	Yetholme Progress Association	<ul style="list-style-type: none"> <li>• Removal of large tree overhanging hall.</li> <li>• Display cabinet to be fitted in hall to display community historical memorabilia.</li> </ul>	\$2,850
<b>TOTAL AMOUNT</b>			\$19,950

**45** **Item 3 BATHURST CCTV FUNDING PROGRAM 2016/2017 (16.00145)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**RESOLVED:** That Council:

(a) Provide \$3,000 under the Bathurst CCTV Funding Program 2016/2017 as follows;

<b>Business</b>	<b>Amount of Funding</b>
Panorama Mini Mart & Takeaway	\$500 which is the maximum amount approved for funding.
Best Western Petroleum Services Pty Ltd	\$500 which is the maximum amount approved for funding.
Beard Brothers Motorcycles	\$500 which is the maximum amount approved for funding.
Truss & Frame Factory Pty Ltd	\$500 which is the maximum amount approved for funding.
Specialist Eye Centre	\$500 which is the maximum amount approved for funding.
A Settler's Cottage	\$500 which is the maximum amount approved for funding.

(b) Reopen the application process to offer the program to further businesses throughout the LGA, with a second round closing February 2017.

**46** **Item 4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 1 AUGUST 2016 (07.00016)**

**MOVED** Cr G Westman and **SECONDED** Cr I North

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

**47** **Item 5 KELSO COMMUNITY HUB - SCHOOL HOLIDAY ACTIVITIES - JULY 2016 (09.00032)**

**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

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

**48** **Item 6 NATIONAL MOTOR RACING MUSEUM - FATHER'S DAY EVENT - SUNDAY 4 SEPTEMBER 2016 (21.00005)**

**MOVED** Cr M Coote and **SECONDED** Cr G Westman

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

## **REPORTS OF OTHER COMMITTEES**

### **Policy Committee Meeting**

**49** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 SEPTEMBER 2016 (07.00064)**

**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 7 September 2016 be adopted.

### **Traffic Committee Meeting**

**50** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2016 (07.00006)**

**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 6 September 2016 be adopted.

## **DELEGATES REPORTS**

**51** **Item 1 CENTROC BOARD MEETING 25 AUGUST 2016 (COWRA) (07.00017)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Delegate's Report from the Centroc Board Meeting 25 August 2016 at Cowra be noted and Council:

- (a) request Centroc include in its annual presentation to Council advice on the changing regional context and its opportunities and challenges for Council;
- (b) receive a report highlighting the changes with respect to operation of and contributions to RFS at both the zone and local level (ie approach to apportionment within the zone);
- (c) write to the relevant Ministers and the RFS requesting that
  - (i) future rises be limited to the rate cap and the cost of emergency services be included in the IPART consideration of the rate rises for Local Government;
  - (ii) clarification be provided on the standard to which the RFS is heading with respect to facilities, equipment and training and how this compares to the standard of fire cover which was the previous ambition;

- (iii) the implementation of this year’s higher costs be deferred 1 year to effectively take the increases through the IP&R process given that Council budgets are already in place;
- (iv) feedback on concerns that Councils from those zones which have been historically proactive in lifting facilities, equipment and training will be financially penalised for their efforts with a risk of subsidising less proactive zones given the new formula for apportioning Council contributions within the change;
- (d) write to LGNSW and LGNSW representatives expressing concerns regarding the above and inquiring whether protections for significant rises were provided for in negotiations between RFS and LGNSW;
- (e) advocacy in this regard is to include reference to the Emergency Services Levy changes, particularly that:
  - (i) Council not be out of pocket regarding the administration of these monies including debt collection; and
  - (ii) rate payers do not have to pay twice and the existing 11% costs to Councils be removed; and concerns the volunteer base will be reduced as has been the case in Victoria.

**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

**52 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

**There were no representations from the public.**

**RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

**\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF LAND (BRICK PITS) -	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	EDGELLS LANE, KELSO	commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	REQUEST FOR USE OF MOUNT PANORAMA - MOTOR RACING EVENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	EXPRESSION OF INTEREST - LEASE - LOT 1 IN DP995205 AND LOT 1 IN DP1007963 - PATNA COMMONWEALTH AND MORRISSET STREETS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP234893 KNOWN AS BOUNDARY ROAD WATER RESERVOIR BATHURST - OPTUS MOBILE PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF LOT 1 IN DP986867 KNOWN AS 22 CHURCH LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	SALE OF PART LOT 1 IN DP772047 KNOWN AS 186 LIMEKILNS ROAD KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
7	LICENCE AGREEMENT - BATHURST BUSHRANGERS - AFL CLUBHOUSE - GEORGE PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

		prejudice the commercial position of the person who supplied it.
2	TENDER FOR THE DESIGN AND CONSTRUCTION OF A SYNTHETIC SOCCER FIELD, PROCTOR PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR THE DESIGN AND CONSTRUCTION OF A SYNTHETIC SOCCER FIELD, PROCTOR PARK - SUPPLEMENTARY REPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

**a** **Item 1 PURCHASE OF LAND (BRICK PITS) - EDGELLS LANE, KELSO (22.01560)**

**MOVED** Cr I North

and **SECONDED** Cr M Coote

That Council act in accordance with the recommendations of the report.

**b** **Item 2 REQUEST FOR USE OF MOUNT PANORAMA - MOTOR RACING EVENT (04.00009)**

**MOVED** Cr W Aubin

and **SECONDED** Cr M Coote

That Council act in accordance with the recommendations of the report.

**c** **Item 3 EXPRESSION OF INTEREST - LEASE - LOT 1 IN DP995205 AND LOT 1 IN DP1007963 - PATNA COMMONWEALTH AND MORRISSET STREETS (22.00654)**

**MOVED** Cr M Coote

and **SECONDED** Cr I North

That Council approves entering into a new Rural Licence agreement for Lot 1 in DP995205 and Lot 1 in DP1007963 located on Patna, Commonwealth and Morrisset Streets Bathurst for a period of three (3) years with Ms Candice Foskett as detailed in the report.

**d** **Item 4 NEW COMMERCIAL LEASE AGREEMENT - PART LOT 1 IN DP234893 KNOWN AS BOUNDARY ROAD WATER RESERVOIR BATHURST - OPTUS MOBILE PTY LTD (22.00041)**

**MOVED** Cr I North

and **SECONDED** Cr M Coote

That Council approves entering into a new commercial lease agreement for part Lot 1 in DP234893 known as Boundary Road Water Reservoir Bathurst for a period of five (5) years with three (3) x five (5) year option periods as detailed in the report.

**e** **Item 5 KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED**

**PURCHASE OF LOT 1 IN DP986867 KNOWN AS 22 CHURCH LANE, KELSO (22.01402)****MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council authorise the purchase of Lot 1 in DP6986867 known as 22 Church Lane, Kelso under the Government's Voluntary Acquisition Scheme as detailed in the report.

**f Item 6 SALE OF PART LOT 1 IN DP772047 KNOWN AS 186 LIMEKILNS ROAD KELSO (22.00891)****MOVED** Cr I North and **SECONDED** Cr W Aubin

That Council act in accordance with the recommendations of the report.

**g Item 7 LICENCE AGREEMENT - BATHURST BUSHRANGERS - AFL CLUBHOUSE - GEORGE PARK BATHURST (04.00042)****MOVED** Cr I North and **SECONDED** Cr M Coote

That Council act in accordance with the recommendations of the report.

**Director Engineering Services' Report****h Item 1 TENDER FOR THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS (36.00601)****MOVED** Cr M Coote and **SECONDED** Cr G Westman

That Council accept the tender from CW and MR Townsend trading as Terra Farma for the reuse and/or reprocessing of Bathurst Regional Council Biosolids from 1 October 2016 to 31 September 2020, with the General Manager authorised to exercise the option to extend the contract period by twelve months if agreed by both parties.

**i Item 2 TENDER FOR THE DESIGN AND CONSTRUCTION OF A SYNTHETIC SOCCER FIELD, PROCTOR PARK (36.00602)****MOVED** Cr M Coote and **SECONDED** Cr B Bourke

That Council

(a) in accordance with Clause 178 (1) (b) of the Local Government (General) Regulation 2015, decline to accept any tender; and

(b) cancel the proposal for the contact.

**Item 3 TENDER FOR THE DESIGN AND CONSTRUCTION OF A SYNTHETIC SOCCER FIELD, PROCTOR PARK - SUPPLEMENTARY REPORT (36.00602)**

This item was dealt with at Item 2.

**RESOLVE INTO OPEN COUNCIL**



- 53**      **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr I North                                  and **SECONDED** Cr B Bourke

**RESOLVED:** That Council resume Open Council.

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

- 54**      **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr B Bourke                                  and **SECONDED** Cr I North

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (i) be adopted.

Cr Bourke asked that his negative vote be recorded against Item #4 of the Director Corporate Services & Finance's Confidential Report.

**MEETING CLOSE**

- 55**      **MEETING CLOSE**

The Meeting closed at 7.28 pm.

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

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016

## **1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

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

**Report:** A copy of Section 79C of the Environmental Planning and Assessment Act 1979 is provided at **attachment 1** to assist Council in the assessment of Development Applications.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

## **2 GENERAL REPORT (03.00053)**

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

**Report:** The following reports are provided for Council's information.

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during September 2016 (**attachment 1**).
- (b) Applications refused during September 2016 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in September 2016 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**3 DEVELOPMENT APPLICATION NO. 2016/192 – DEMOLITION OF EXISTING COMMERCIAL PREMISES, CONSTRUCT TWO STOREY COMMERCIAL PREMISES, 3 X 3 BEDROOM, TWO STOREY RESIDENTIAL UNITS AND 3 X 2 BEDROOM TWO STOREY RESIDENTIAL UNITS, 2 LOT TORRENS SUBDIVISION AND 6 LOT STRATA SUBDIVISION AT 65 GEORGE STREET. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: SITECAR PTY LTD (2016/192)**

**Recommendation:** That Council:

- (a) support the variation to the open space development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/192, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application for:

- demolition of existing commercial premises,
- construction of two storey commercial premises,
- construction of 3 x 3 bedroom two storey residential units,
- construction of 3 x 2 bedroom two storey residential units,
- 2 lot Torrens subdivision and
- 6 lot strata subdivision

at 65 George Street, Bathurst, described as Lot 14 Sec 1 DP 758065 with a location plan provided at **attachment 1**.

**History of the Site**

The subject site is located on George Street within the Central Business District of Bathurst. The subject site contains an existing two storey commercial premises fronting George Street, with vacant land at the rear. The subject site is 2,024m<sup>2</sup>. The site contains an existing access off George Street.

The site is currently used for office premises. The applicant has noted the site has a long history of commercial uses including engineering and blacksmithing premises, Service Station, Pastime Club (sporting club), retail premises for auto accessories, fruit shop, retail premises including paint shop and cycle shop. Council has records indicating the approval for the site as a Service Station in 1959.

**The proposal**

The proposal involves

- demolition of existing commercial premises,
- construction of two storey commercial premises,
- construction of 3 x 3 bedroom two storey residential units, and
- construction of 3 x 2 bedroom two storey residential units, 2 lot Torrens subdivision and
- 6 lot strata subdivision.

A plan of the proposed development is provided at **attachment 2**.

The development is proposed to be undertaken in stages as follows:

- Stage 1 – 2 lot subdivision
- Stage 2 – Residential flat building (rear units)
- Stage 3 – Residential units and boundary adjustment
- Stage 4 – Demolition of existing commercial building and construction of new building
- Stage 5 – Strata subdivision of residential units.

The proposed development will provide 22 car parking spaces, landscaping, private open space for each residential unit and signage for the commercial building.

### Planning Context

#### *Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned B3 Commercial Core under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The proposed development is permissible with consent in the B3 Commercial Core zone. The proposal is consistent with the objectives of the zone.

#### *Relevant Clauses*

#### **2.7 Demolition requires development consent**

The proposed development seeks consent to demolish the existing commercial building at the subject site. The historical significance of the building is discussed below.

#### **4.3 Height of Buildings**

The maximum height of buildings permitted for the subject site is 12m. The proposed apartment building is 10.5m at the greatest extent. The proposed villas are 7.9m at the greatest extent. The proposed commercial premises will be 8.3m. All proposed buildings are compliant with the maximum height of buildings permitted on the Height of Buildings Map.

#### **4.4 Floor Space Ratio**

The maximum floor space ratio (FSR) permitted is 2:1. The FSR proposed is 1.44:1 and therefore is compliant with this clause.

#### **5.10 Heritage Conservation**

The subject site is within the Bathurst Heritage Conservation Area, but is not individually listed as a Heritage item.

The site is acknowledged to have a long history of commercial usage dating back to the early 1900's. Notable uses include that Donnelly Bros Garage in the 1920's which previously included a rather decorative façade. The building, and in particular the historic removal of the front façade, means a significant part of its appeal has been removed. Refer

to **Table 1** for BCAMS Rating.

The proposed new buildings have been designed in accordance with the objectives of Clause 5.10 and Bathurst Regional DCP 2014. The proposed development has incorporated red brick components and architectural detailing sympathetic to the Heritage Conservation Area in which it is located. The impact of the proposed development on the heritage significance has been considered and is unlikely to have an adverse impact.

Table 1 BCAMS Rating

Address of Building: 65 George Street Bathurst	<b>BCAMS Rating: 4</b>
Period of construction:	<b>Federation 1900-1920</b>
	<b><u>Representative</u></b>
1.0 Heritage Significance <b>(3) Historically significant in a local context (1900 – 1920s)</b>	2.0 Streetscape Rating <b>(1) Neutral</b>
Special Vegetation: None	
	Integrity <b>(0) Altered unsympathetically – Non-reversible</b>

*Bathurst Regional Development Control Plan 2014*

### **Chapter 5 - Business and Industrial Development**

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Floor area	1,409.4m <sup>2</sup>	NA	NA
Setbacks			
Front	0mm	0mm	Yes
Rear	3.05m	3m	Yes
Side	900m	900mm	Yes
Floor Space Ratio	1.44m <sup>2</sup>	2:1	Yes
Height	10.5m	12m	Yes
Car parking	22 spaces	19 spaces	Yes
Bicycle parking	Yes	Yes	Yes
Access way width	5.05	6m	Yes*
12.5m vehicle manoeuvring	Complies	Yes	Yes
Landscaping	Yes	Yes	Yes
Appropriate signage	Yes	Yes	Yes**

\*Council considers a lesser access width for developments within the B3 zone within the Bathurst Heritage Conservation Area. This lesser width is considered acceptable given the existing driveway lay back and minimising concrete impact on the heritage significance of the area. Two way vehicular access is still possible.

\*\*Conditions will be imposed to ensure signage is consistent with the relevant planning controls.

### **Chapter 4 - Residential Development**

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Residential Units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units.

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	2,024m <sup>2</sup>	2,000m <sup>2</sup>	Yes
Density	81.52	93.5	Yes
Site coverage	39%	Max 50%	Yes
Height	10.5	Two storey maximum	Yes
Setbacks			
Front	>20m	Complement existing	Yes
Rear	3m	In accordance with BCA	Yes
Side	900m	In accordance with BCA	Yes
Car parking			
Resident	8	6	Yes
Visitor	6	6	Yes
Access way width	5.05m	3 – 6m wide	Yes
Open space area			
Apartment 1	20.9m <sup>2</sup>	30m <sup>2</sup>	No*
Apartment 2		30m <sup>2</sup>	No*
Apartment 3	20.4m <sup>2</sup>	30m <sup>2</sup>	Yes
Villa 1		40m <sup>2</sup>	No*
Villa 2	42.6m <sup>2</sup>	40m <sup>2</sup>	No*
Villa 3	20.9m <sup>2</sup>	40m <sup>2</sup>	No*
	20.4m <sup>2</sup>		
	21.1m <sup>2</sup>		
Open space width	4m	4m wide	Yes

\*The proposed Villa's and Apartment 1 and Apartment 2 do not comply with the private open space requirement pursuant to Bathurst Regional DCP 2014. The non-compliance is, however, considered acceptable in this instance given the proximity of the development site to significant areas of public open space such as Kings Parade, Machattie Park and Macquarie River Bicentennial Park. Each unit also has access to its own balcony which is not included in the above calculation. The proposed development is considered to utilise highest and best use within the Bathurst CBD providing high density living and a variety of dwelling types.

## Chapter 16 - Earthworks

Extent of cut and fill shown on plans	Yes
Height and location of retaining walls shown on plans	NA
Cut and fill on boundary 1 metre or less	Yes
Retaining walls on boundary of material other than timber	NA

## Bathurst Main Street Review

The subject site was identified in the Main Street Study 1994 as having minimal heritage significance and contains a bland façade. The Main Street Study 1994 recommended the erection of a new building be encouraged in the long term. The Main Street Study Review 2016 supports the recommendations made in the Main Street Study 1994 and indicated the



current inappropriate use of colours and signage. The proposed development is consistent with the Main Street Study 1994 and the Main Street Review 2016 recommendations for this building. The proposed development will introduce a sympathetic building with appropriate facade, verandah, colours and signage, respective of the heritage significance of the area.

### Submissions

The development application was advertised and notified to adjoining property owners from 22 August to 5 September 2016. Following the advertising and notification period a total of one (1) submission was received with a copy of the submissions provided at **attachment 3**.

A discussion forum was convened by Council's Manager of Strategic Planning on 15 September 2016 with the minutes of the discussion forum included at **attachment 4**. Issues raised in the submission and at the discussion forum included:

- Mid to late Victorian architecture will be inappropriate in the street scape and suggests Art Deco will be more compatible with surrounding buildings in George Street.
- Side facade could be enhanced in appearance.

Following the discussion forum the applicant undertook to improve the façade on the South West elevation, through the inclusion of brick detailing and variation of colour. A condition of consent will be imposed to appropriately finalise the detailing of this facade.

### Conclusion

Council has received a Development Application for the demolition of existing commercial premises, construction of two storey commercial premises, 3 x 3 bedroom two storey units, and 3 x 2 bedroom two storey units, 2 lot Torrens subdivision and 6 lot subdivision at 65 George Street, Bathurst. The proposal complies with all of the other development standards and development controls imposed by relevant planning documents with the exception of the private open space for the three villas, as specified in the LEP and DCP. The variation is, however, considered acceptable. The proposal is consistent with the objectives for the B3 Commercial Core zone and introduces higher density and more office space within the CBD. The proposal is also consistent with the Bathurst Main Street Review. Approval of the application is recommended.

**Financial Implications:** Nil

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**4 DEVELOPMENT APPLICATION NO. 2016/304 – GARAGE AT LOT 2008, DP1049561, 25 LISTER CRESENT, KELSO APPLICANT: BATHURST SHEDS. OWNER: N & K MURPHY (2016/304)**

**Recommendation:** That Council:

- (a) support the variation to Clause 4.4.2 Setbacks for garage development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/304 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including a condition to the effect that:
  - i. The garage is not to be used for commercial or industrial purposes or for the storage of goods associated with industrial or commercial undertakings;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** Council has received a Development Application for a garage at 25 Lister Crescent, Kelso, described as Lot 2008, DP1049561. A location plan has been included at **attachment 1**.

**The Site**

The site has an area of 2133m<sup>2</sup>.

The site currently contains a single storey dwelling, an in ground swimming pool and a garage (9 x 14 metres) which has previously had consent to be used as a temporary dwelling.

The site is located on a curve in Lister Crescent such that it has street frontage on its northern and western boundaries.

The site slopes from east to west.

The existing dwelling fronts the western arm of Lister Crescent with the rear yard being enclosed within a colorbond fence on the northern side of the property.

**The proposal**

The proposal involves construction of an 11 metre x 7 metre steel garage. The garage will have a height of 3m to the eave with an overall height of 3.680 metres. A plan of the proposed development is included at **attachment 2**.

The garage is proposed to be constructed at its closest point 5 metres from the side boundary to Lister Crescent and 1.4 metres from the common boundary with 44 McBrien Drive.

The garage will be constructed of Colorbond steel and includes 2 roller doors fronting Lister

Crescent and 1 orientated towards the rear yard.

No significant changes in ground levels are proposed.

### Planning Context

#### *Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. While not specifically defined the proposed development is ancillary to the dwelling on the property and is accordingly permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

#### *Clause 4.3 Height of buildings*

The height of buildings map shows the maximum height for a building on the subject land of 9m. The height of the garage is approximately 3.68m (measured from the existing ground level to the highest part of the garage). The proposed development complies with the standard.

#### *Bathurst Regional Development Control Plan 2014*

### **Chapter 2 – Exhibition and Notification of Development Applications**

The Development Application was notified to adjoining property owners in accordance with Chapter 2 of Council's DCP between 31 August 2016 and 10 September 2016.

One submission was received and is provided at **attachment 3**.

A discussion forum was held for this Development Application on the 20 September 2016. A copy of the minutes has been included at **attachment 4**.

The issues raised in the submission included:

#### **1. Loss of views**

The development will have an impact upon the views currently enjoyed from the rear section of the existing dwelling at 44 McBrien Drive. These are views generally afforded to 44 McBrien to the north and west over the side boundary between the 2 properties.

Council's DCP does not contain any numerical standards in relation to the protection or sharing of views.

Notwithstanding this the Land and Environment Court has established a number of principles in relation to view sharing (**Tenacity Consulting v Warringah [2004] NSWLEC 140**). These principles are considered below.

#### **Principles of view sharing: the impact on neighbours**

*25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.*

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

**The views that are potentially affected are views of land with no icons although views to the distant hills in Bathurst would be considered to be highly valuable.**

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

**The views are currently obtained across the side boundary looking to the north and west.**

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

**The land generally slopes from east to west such that 44 McBrien is generally higher than 25 Lister Crescent. The dwelling on 44 McBrien is therefore located higher than the proposed garage.**

**Due to the height of the shed relative to the dwelling at 44 McBrien the impact is likely to be in the order of moderate from the rear section of the property.**

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

**Council's DCP contains a number of provisions relating to building lines outside the Heritage Conservation Area.**

Location	Minimum Building Line	Garage/Carport Location
Normal Allotments	6 metres, unless the existing streetscape is already established at 8 metres.	At or behind the building line.
Corner	The combined distance of the 2 building line	At or behind the

Allotments	setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres.	building line.
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**In this particular case the garage is located in front of the building line of the dwelling as constructed however it is consistent with the overall buildings lines established for corner allotments.**

## **2. Devaluing property values**

Property values are not a planning consideration as they are not a matter prescribed by section 79(C) of the Environmental Planning and Assessment Act 1979.

## **3. Over shadowing of vegetable garden and solar panels for pool**

The proposed site has previously been cut in with an existing low retaining wall on the boundary with 44 McBrien Drive. A 1.8 metre colourbond fence is located on the top of the retaining wall.

The garage is located 1.4 metres off the common boundary with 44 McBrien Drive.

The garage is located generally to the west of 44 McBrien Drive.

The relative orientation of the garage together with the relative height and setback means that the private open space will continue to receive at least two hours of sunlight on the 21 June which complies with Council's requirements.

## **4. Noise**

The proposed development is a residential use within land zoned residential. Noise generated is considered appropriate.

A condition will be imposed on the use of the shed to ensure it is not used for commercial purposes.

## ***Chapter 4 – Residential Development***

### **4.2.2 Development Standards – Setbacks**

The existing dwelling on site is orientated towards the west of the lot. The garage is to be located on the northern frontage of the site towards Lister Crescent. The garage is to be setback 5 metres from Lister Crescent. This is forward of the building line of the existing dwelling on site.

The Applicant has submitted a DCP variation which has been included at **attachment 5** explaining why the garage is located forward of the building line. This is for the following reasons:

- The rear yard has an existing 1.8 metre fence enclosing the subject area of the lot. This will screen a proportion of the garage from Lister Crescent; and
- The rear yard is constrained by the existing garage and pool.

The variation to the setback is supported as the garage will have limited visibility from Lister Crescent as it is setback 5 metres and located behind an existing 1.8 metre high fence.

The garage setback is consistent with the underlying standards for corner allotments being

“the combined distance of the 2 building line setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres”.

It is further noted that there are a number of other corner allotments in the Pine View Estate where the garages/sheds are located forward of the dwellings as constructed eg 1 Lister, 22 Lister and 50 Lister Crescent and 56 McBrien Drive.

### Conclusion

Council has received an application for a 11 metre x 7 metre garage with an overall height of 3.68 metres at 25 Lister Crescent, Kelso. The proposal was notified in accordance with the Bathurst Regional Development Control Plan 2014 given the proposed garage is over 60 square metres on land within the R1 General Residential zone. During the notification period one submission was received. Issues raised in the submission and at the Discussion Forum have been addressed in this report. Approval of the application is recommended.

**Financial Implications:** Nil

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

- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.8

**5 DEVELOPMENT APPLICATION NO. 2016/219–USE OF EXISTING SHED AS A HOME INDUSTRY FOR THE MANUFACTURING OF TANKS AT 379 BILLYWILLINGA ROAD, BILLYWILLINGA. APPLICANT: MR A GITTANY. OWNER: PS AND BJ GITTANY PTY LTD (2016/219)**

**Recommendation:** That Council:

- (a) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/219, for the following reasons:
- i. The development does not meet the definition of the home industry as defined by the Bathurst Regional Local Environment Plan 2014 and accordingly is prohibited development,
  - ii. The floor area utilised for the manufacturing and operation of the development exceeds 60m<sup>2</sup> as per *Clause 5.4 Controls relating to miscellaneous permissible uses – Home Industries* of the Bathurst Regional Local Environmental Plan 2014,
  - iii. The Development will have an adverse impact on the amenity of the neighbourhood;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report: The Site**

Council has received a Development Application (DA) for use of an existing shed as a home industry for the manufacturing of tanks at 379 Billywillinga Road, Billywillinga, described as Lot 171 DP 1111402. A location plan is provided at **attachment 1**.

The property is 34.71 ha.

The site contains an existing steel framed shed.

The Statement of Environmental Effects submitted with the application states that the shed has a floor area of approximately 1000m<sup>2</sup>. The aerial photographs indicate that the building is more likely in the order of 600m<sup>2</sup>.

The property also contains a dwelling and a number of other outbuildings.

**History of the Site**

Council has previously considered and approved Development Application 2009/0578 for a Home Industry for the production of water tanks in 2009.

That application was premised on a number of factors including:

- the use was limited to an area of 4m x 4m within the shed;
- hours of operation of 8.30 am to 3.00 pm approx.;
- 2-3 days per week maximum; and

- No trucks or heavy vehicles.

Conditions imposed on the consent included that the consent was to lapse within two years from the date of the consent which was the 11 August 2011 and that the development be carried out in accordance with the definition of a home industry contained in the LEP.

The development has operated without formal consent since August 2011 being the date when the previous consent lapsed.

The operations have been the subject of a series of resident complaints regarding its operations, the culmination of which has resulted in the lodgement of the current development application.

It is a matter for Council to determine whether it is appropriate to grant consent or otherwise going forward.

### **The proposal**

The proposal involves use of an existing shed as a home industry for the manufacturing of tanks.

The following documents have been submitted by the applicant:

- Floor plan and photography of the exterior of the shed is provided at **attachment 2**.
- Statement of Environmental Effects (SEE) which has been included at **attachment 3**.
- Acoustic Report provided at **attachment 4**.

### **Planning Context**

#### ***Bathurst Regional Local Environmental Plan 2014***

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014 (LEP)*. Industries are prohibited in the zone however a home industry (being a type of industry) is permissible with consent.

Whilst the Development Application refers to the proposed development as both Home Business and Home Industry, the nature of the activity is the manufacture of small rain water tanks. The Statement of Environmental Effects ("SEE") sets out that "the proposed use of the property is consistent with the existing use, being a home industry".

The LEP defines an industrial activity as follows:

***industrial activity*** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

The manufacturing of water tanks is clearly an industrial activity.

In the LEP, Industry is defined to mean *"any of the following:-*

- a) *general industry;*
- b) *heavy industry;*



c) *light industry;*

*but does not include:*

d) *rural industry; or*

e) *extractive industry; or*

f) *mining.*

Home Industry is defined as follows:-

*A home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:*

- (a) *the employment of more than 2 persons other than those residents,*
- (b) *interference with the amenity of the neighborhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,*
- (c) *the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,*
- (d) *the exhibition of any signage (other than a business identification sign),*
- (e) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,*

*but does not include bed and breakfast accommodation or sex services premises.*

Accordingly in order for Council to be able to grant consent it must satisfy itself that the development as proposed is in fact characterised as a home industry. If it is not, it would be characterised as an Industry which is prohibited in the zone.

The development must therefore be considered against various essential elements which make up the definition of Home Industry which are as follows:-

1. Undertaken in a dwelling or a building ancillary to a dwelling.
2. By one or more permanent residents of the dwelling.
3. An industrial activity that does not involve:-
  - (a) The employment of more than two persons other than the residents.
  - (b) Interference with the amenity of the neighbourhood by emissions of (relevantly) noise, smell, traffic generation or otherwise.
  - (c) View of unsightly matter.
  - (d) Signage.
  - (e) Sale of items other than produced at the building or dwelling.

*Whether the building is undertaken in a dwelling or building ancillary to the dwelling*

Plainly the shed is not a dwelling as it is not a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile, as is defined in the LEP.

The question of what is ancillary in a planning sense was dealt with by the New South Wales Court of Appeal in Toner Design Pty Ltd v Newcastle City Council (2013) 198 LGERA 203.

"for a development to be "ancillary to" another development, it must not merely coexist with, but must serve the purposes of, the other development. If a sewerage treatment plant were proposed for land involving a residential development, it might well be ancillary to that development if it took and processed sewerage emanating from the use of the residential development. On the other hand, if the plant were designated to assist in meeting the needs of other buildings in the area, although its construction might be subservient to the dominant purpose of residential development, its wider function might mean it was not ancillary to that particular development. It might not qualify as ancillary if it had a not insignificant extraneous purpose".

Having regard to the size, nature and use of the shed, that its only connected service is mains electricity with supplementary power provided by a generator, the shed is not a dwelling or a building ancillary to a dwelling.

The shed appears to be either its own use or a use which is ancillary to the rural use of the parcel of land which is approximately 40 hectares. The shed does not serve the purpose of the dwelling. The shed is therefore not a building ancillary to a dwelling.

#### *Undertaken by permanent residents of the dwelling*

The use of the premises is described as follows:-

"The present use of the property is a private home residence, and home industry being part time/casual manufacture of rainwater tanks".

The SEE advises that "the existing use of the site has been in place for more than 10 years and has not changed". The operation is described as a casual operation for making rainwater tanks "on a part time/casual basis". The manufacturing is "irregular and on a casual basis".

The application makes no mention regarding the permanency or otherwise of residency at the premises.

The references in the SEE that the use has been in place for 10 years and has not changed makes relevant observations made by neighbours and Council officers. The observations are that premises are only occupied when the manufacturing activities are occurring. Those manufacturing activities are said to be part time/casual or irregular and on a casual basis.

Other attendance of people at the premises are observed to have been for occasional long weekends or short term accommodation for a relative of the owner.

It is therefore concluded that there are no permanent residents of the dwelling and the use is not, and is not intended to be, undertaken by one or more permanent residents of the dwelling.

#### *Impact upon the amenity*

Council has evidence of interference with the amenity of the neighbourhood by reason of complaints which it has received regarding noise and smell which comes from the premises from time to time.

The Application includes an Acoustic Assessment which identifies that noise issues associated with the use of the generator has historically interfered with the amenity of the neighbourhood by reason of its impact on adjoining properties (Acoustic Noise Report dated 8 June 2016). It is acknowledged within the report that noise levels associated with the generator would exceed the EPA Industrial Noise Policy Guidelines for intrusive noise criteria (background noise level plus 5dBA) for some adjoining residents. The Acoustic Assessment includes a series of recommendations regarding re-orientating the container containing the generator and internally lining the container with acoustic insulation.

The addendum to the Acoustic Assessment notes that some of the acoustic treatment recommendations had been undertaken (reorientation and works to the generator itself) and that the works would appear to bring the development into line with the Industrial Noise Policy criteria. The definition of home industry, however, includes a reference to there being no "interference with the amenity of the neighbourhood". It is therefore not an element that is limited to measurements being taken and associated with particular locations on properties but is of a more general application. It has been raised in the public submissions from at least one neighbour of the impact upon that person both at the curtilage of their own home and in the paddocks on that property.

The term "interference" is not defined nor is any degree of "interference" in the definition of Home Industry. Interference is interpreted that it would be of some degree but not merely insignificant or trifling. The interference would be against the background of what is experienced in the neighbourhood.

The measurements provided by the Acoustic Report and Addendum identify that there is some interference which would be more than merely trifling. This is consistent with the evidence of neighbours and it is reasonable to rely upon the experience reported by neighbours.

Therefore the proposed development does not meet the definition of a Home Industry.

#### **Clause 5.4 Miscellaneous permissible uses**

In addition to the definition of a Home Industry, Clause 5.4 provides controls relating to certain types of uses.

Clause 5.4(3) relates to Home industries as follows:

#### **(3) Home industries**

*If development for the purpose of a home industry is permitted under this plan, the carrying out of the home industry must not involve the use of more than 60m<sup>2</sup> of floor area.*

It is further noted that the standards contained in Clause 5.4 may not be varied by way of an objection *under Clause 4.6 Exceptions to development standards*. In this the 60m<sup>2</sup> is an absolute maximum.

The use is identified on the plan attached to the Development Application as provided at **attachment 2**. The area identified on the plan indicates an area of 14.85 m by 4 metres (total (58.2m<sup>2</sup>) which is to be used. Note that this area is larger than the 40m<sup>2</sup> indicated in

the SEE.

The area indicated does not account for storage, loading, manoeuvring of machinery such as fork lifts and the manoeuvring of product which occupy an additional area. That additional area would reasonably be characterised as being for the purpose of the operation and, therefore, the floor area used would exceed 60m<sup>2</sup> and cannot be defined as a home industry.

Council officers attempted to organise a site inspection to see the operation and to make an accurate determination of the floor area. The Applicant has not responded to any correspondence.

### ***Bathurst Regional Development Control Plan 2014***

#### ***Chapter 2 – Exhibition and Notification of Development Applications***

The development was notified to adjoining property owners in accordance with the requirements of Chapter 2 of Council's DCP.

One submission was received with a copy included at **attachment 5**.

A discussion forum was not held for this Development Application as the resident who lodged the submission has requested that their personal details be excluded and not to be made known to the applicant.

A copy of the submission excluding personal details was forwarded to the Applicant. No response has been received.

The issues raised in the submission include:

- The proposal does not comply with the definition of a home industry.
- The floor area used for the development is greater than 60m<sup>2</sup>.
- There are no permanent residents living on site.
- The development employs more than the 2 persons and the owner is not always present for manufacturing.
- The amenity of the neighbourhood is affected by the following:
  - visual impact;
  - manufacturing noise; and
  - odour.
- The proposal is inconsistent with the zone objectives:
  - Current operations occur on a consistent and regular basis. The days and times of operation vary from week to week, but manufacturing generally takes place two and three days every week. Manufacturing typically runs for 8 and 12 hours a day. This is not limited to public holidays or weekends;
  - Vehicles visiting the site are generally only commercial vehicles; and
  - Large industrial size gas tanks and generation suggest the scale of the operation is greater than a home industry.

The issues raised in the submission have already been addressed in the report.

### **Conclusion**

The proposal is for a home industry for the manufacturing of water tanks. **The development does not meet the definition of a home industry and has a floor area greater than the prescribed 60m<sup>2</sup>.** The impact of this development has an adverse impact on the surrounding land.

It is therefore recommended that the application be refused.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**6 DEVELOPMENT APPLICATION NO. 2016/293 – USE OF EXISTING BUILDING AS TOURIST AND VISITOR ACCOMMODATION AT 158 EUSDALE ROAD, YETHOLME. APPLICANT: C MCCARTHY & M MOFFITT. OWNER: MS CP MCCARTHY & MR M V MOFFITT (2016/293)**

**Recommendation:** That Council:

- (a) support the variation to the minimum front setback development standards prescribed in the Bathurst Regional DCP 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/293, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including a condition to the effect that:
  - (i) Relevant directional signage be erected in appropriate locations to prevent tourists and visitors entering incorrect properties and disturbing neighbours. Signage is to be respective of traffic sight lines, views and vistas;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for use of an existing building as tourist and visitor accommodation at 158 Eusdale Road, Yetholme, described as Lot 999 DP 1102837. A location plan is included at **attachment 1**.

The subject site is 24.74ha. The subject site is predominantly vegetated and is identified as being bush fire prone land.

The property is a battle-axe allotment accessed via an access handle from Eusdale Road. The access handle is approximately 630m long and located between 148 Eusdale Road and 160 Eusdale Road.

The site contains one dwelling, shed and a converted train carriage.

**The proposal**

The proposal involves the use of the converted train carriage as tourist and visitor accommodation. A plan of the proposed development is included at **attachment 2**. The building contains two bedrooms, lounge, kitchenette and bathroom. It is approximately 45 metres north-east from the primary dwelling.

**Planning Context**

*Rural Fires Act 1997*

The proposed development is considered a special fire protection purpose and is required to be referred to the NSW Rural Fire Service (RFS) under Section 100B. NSW RFS determined the building be designed and constructed to BAL 19, with an Inner Asset

Protection Area of 25 metres and Outer Asset Protection Area of 60 metres or up to the property boundary. This can be achieved on the subject site. See response from NSW RFS provided at **attachment 3**.

*Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Tourist and visitor accommodation is permissible with consent in the RU1 zone. The proposal is consistent with the objectives of the zone.

*Bathurst Regional Development Control Plan 2014*

### **Chapter 6 - Rural and Rural Lifestyle Development**

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Setback - Front	30m	50m	No*
Setback – Side (nearest side)	60m	50m	Yes
Setback - Rear	>400m	50m	Yes
Domestic Water Supply	30,000L	15,000L per/bedroom	Yes
Fire Fighting Water Supply	20,000L	20,000L	Yes

\* The existing converted train carriage is sited 29.1 metres from the northern boundary and therefore it does not comply with the minimum front setback specified in Section 6.2.3 of the Bathurst Regional DCP 2014. The proposed variation is supported given the applicant also owns the two adjoining lots north of the site, being Lot 1 DP 1190110 and Lot 998 DP 1102837. Further, the structure already exists and is adequately screened by existing vegetation. An Asset Protection Zone as prescribed by NSW RFS can be managed within the property boundary.

#### **6.6 Building Form & Design**

- a) The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.

The building to be used as tourist and visitor accommodation is considered to be sympathetic to the natural environment and non-reflective given it has timber cladding and corrugated sheet steel roofing. The building has restored many original elements of the train carriage.

- b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

The building to be used as tourist and visitor accommodation is not considered to adversely impact on the visual amenity of neighbouring properties given that it is screened by existing vegetation and that appropriate setbacks have been achieved. The building is setback approximately 650m from the primary road frontage.

- c) The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.

The subject site is relatively flat. The building has a maximum height of 3.5 metres and is not considered to have an adverse impact on the landscape given that it is screened by existing vegetation and that appropriate setbacks have been achieved.

- d) The design of the building must be in keeping with the rural character of the area .

The building is considered to be in keeping with the rural character and unlikely to have an adverse impact on landscape or rural views. The building is made of timber wall cladding and corrugated sheet roofing, consistent with rural dwellings. The building is modest in size and unlikely to have an adverse impact on the rural character.

- e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.

The building is setback approximately 650 metres from the public road and is adequately screened by existing vegetation.

### **Chapter 9 - Environmental Considerations**

<b>Sensitive Land Areas – DCP Map No. 29 Land Resources</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	YES*	*Whilst the site is subject to Land Capability Class 7, the proposed development site is clear of the identified Class 7 Land and the use is not considered to have an adverse impact on the land capability class.
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Sever or Extreme Sheet or Rill Erosion	NO	
<b>Sensitive Waterways – DCP Map No. 30 Riparian Land &amp; Waterways</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	NO	The subject site is not within the vicinity of sensitive waterways and the proposed development is unlikely to have an adverse impact.
<b>High or Moderate Biodiversity – DCP Map No. 31 Biodiversity</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	*Whilst the site is subject to High and Moderate Biodiversity Sensitivity, it is not considered that the proposed use of the existing building will have an adverse impact on the biodiversity sensitivity. The proposed development has been located to be clear of biodiversity sensitivity areas.
High Biodiversity Sensitivity	YES*	
Moderate Biodiversity Sensitivity	YES*	

#### *Council and Other Polices*

#### **Operation of Tourist and Visitor Accommodation Establishments Policy**

The proposal to use an existing converted train carriage as tourist and visitor accommodation generally complies with the provisions of the Operation of Tourist and Visitor Accommodations Establishments Policy.

#### Submissions

The Development Application was notified to adjoining property owners from 30 August



2016 to 10 September 2016. Following the advertising and notification period a total of 2 submissions were received with copies provided at **attachment 4**.

The applicant has also provided a written response to the submissions which is also included at **attachment 5**.

Those persons who made submissions were invited to a Discussion Forum but were unable to attend.

Issues raised in the submissions include:

- Lack of adequate signage to direct visitors to the accommodation site resulting in people entering neighbouring properties in a disruptive manner.

*Comment:*

Issues relating to persons potentially entering adjoining properties are not matters that can necessarily form part of Council's consideration. The applicant has however indicated that improvements to signage at the entrance will be undertaken to avoid any future confusion.

- Tourist activities may adversely impact on the forest, flora and fauna conservation efforts undertaken by neighbours.

*Comment:*

There are no other activities proposed for this development application beyond the proposed use of the converted accommodation.

### Conclusion

Council has received a Development Application for use of an existing converted train carriage as tourist and visitor accommodation. Tourist and visitor accommodation is permissible in the RU1 Primary Production zone. While one of the boundary setbacks is less than the prescribed minimum, the variation can be supported for the reasons outlined in this report. The proposal complies with all other provisions of the LEP and DCP. Approval of the application is recommended.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**7 DEVELOPMENT APPLICATION NO. 2016/0104– DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS . OWNER: MR A BENNETT. (2016/104)**

**Recommendation:** That Council:

- (a) support the variation of the Bathurst Regional Development Control Plan 2014 to a 7.5 metre front building setback;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0104, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including a condition to the effect that:
  - (i) The privacy screen shown on the plans is required to be installed prior to the issuing of the Occupation Certificate for dwelling one;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a dual occupancy and two lot subdivision at 27 Marriott Avenue, Kelso, described as 511, DP 1063439. A location plan is provided at **attachment 1**.

The site is currently 1004m<sup>2</sup> and is vacant.

The site slopes from Marriott Avenue to the rear of the lot.

The proposal

Council at its Ordinary Meeting on the 18 May 2016 resolved to:

- (a) defer consideration of Development Application 2016/0104 due to:
  - (i) Inappropriate design of the dwellings due to the dominance of the garages.
  - (ii) the dwelling will have an adverse impact on privacy of adjoining properties.
- (b) refer the matter to a Working Party of the Council for discussion.

The applicant has since amended the design of both dwellings. The following key changes have been made to the proposal:

- The garages have been changed from double garages to single garages;
- The façade of each dwelling has been changed to better address the street;
- The design of each dwelling has been differentiated in the roof design and front porch elements;

- The front setback has been increased from 6 metres to 7.5 metres;
- The length of each dwelling has been shortened from 29 metres to 25.31 metres; and
- The number of bedrooms in each dwelling has been reduced from 4 to 3.

The current proposal involves:

- The construction of two single storey dwellings with single attached garage (dual occupancy); and
- Two lot subdivision.

A copy of the amended plans of the proposed development are included at **attachment 2**.

### Planning Context

#### *Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A dual occupancy and subdivision are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

#### *Clause 4.1B Minimum Lot Sizes for Dual Occupancy*

The minimum lot size to erect a dual occupancy on the subject site is 850 m<sup>2</sup>. The site has an area of 1004m<sup>2</sup>, and therefore complies with this standard.

#### *Clause 4.3 Height of buildings*

The height of buildings map shows the maximum height for a building on the subject land is 9 metres. The height of the new dwelling is approximately 5.5 metres (measured from the existing ground level to the highest part of the dwelling). The proposed development complies with the standard.

#### *Bathurst Regional Development Control Plan 2014*

### ***Chapter 2 – Exhibition and Notification of Development Applications***

Upon receipt of the amended plans the Development Application was notified to adjoining property owners in accordance with Chapter 2 of Council's DCP.

One additional submission was received with a copy included at **attachment 3**.

A Discussion Forum was organised but the objector declined the invitation to attend.

The issues raised in the submission include:

#### Privacy

The alfresco area of dwelling 1 is overlooking 25 Marriot Avenue. They have requested that the south eastern side of the alfresco area be closed in. The applicant has amended the plans to show a privacy slate wall on the south east elevation of dwelling one as requested. A condition will also be imposed on this privacy screen to ensure it is in place prior to the issuing of an Occupation Certificate for dwelling one.

They have also requested that the bottom half of bedroom 3 window be frosted to provide privacy. Bedrooms are not considered active rooms within a dwelling. They are primarily used for sleeping. Therefore this request for frosting on the window is not considered appropriate and this request is not being imposed as the likely impact on privacy is considered negligible at 25 Marriot Avenue.

The issues which were raised in the original submissions for the application have been addressed with the submission of the amended plans.

#### **Chapter 4 Residential Development**

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual Occupancies are permissible with consent in this precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	1004m <sup>2</sup>	850m <sup>2</sup>	<b>YES</b>
Site Coverage	41.4%	50%	<b>YES</b>
Height	Single-storey	Two-storey maximum	<b>YES</b>
<b>Setbacks</b>			
Front	7.5 metres	6 metres unless the existing streetscape is already established at 8 metres	<b>NO*</b>
Rear	BCA	In accordance with BCA	<b>YES</b>
Side	BCA	In accordance with BCA	<b>YES</b>
<b>Car parking</b>			
Resident	1 per/dwelling	1 per/dwelling	<b>YES</b>
Visitor	1 per/dwelling	1 per/dwelling	<b>YES</b>
<b>Open space area</b>			
Dwelling 1	>80m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Dwelling 2	>80m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open space width	>4m	4m wide	<b>YES</b>
Battle-axe allotment	Regular	Regular allotments only	<b>YES</b>
Separation	>40m	Not within 40 metres	<b>YES</b>

\* The adjoining properties 29 and 25 Marriot Avenue are both setback at 8 metres from the front property boundary at their nearest points. Both the proposed dwellings are setback 7.5 metres from Marriot Avenue. Council's DCP requires the front setback to 6 metres unless the existing streetscape is already established at 8 metres. The proposed development does not comply with the front setback as the existing streetscape is setback at 8 metres. The existing dwellings setbacks are angled away from the road resulting in a variable streetscape. The proposed dwellings have a similar angle to the existing dwelling angles to the streetscape. The variation to the front setback can therefore be supported.

#### Conclusion

Council has received a Development Application (DA) for the construction of a dual occupancy (two single storey dwellings) and two lot subdivision at 27 Marriot Avenue, Kelso. Amended plans have been submitted to address the dominance of the garage and privacy to neighbours. The new design is considered to have a positive impact on the streetscape. Approval of the application is recommended.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

## **8 BATHURST REGIONAL LEP 2014 PLANNING PROPOSAL – BLUE RIDGE EXTENSION AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00289) (20.00289)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional Local Environmental Plan amendment to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan – Blue Ridge Extension Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) adopt the Bathurst Regional Development Control Plan amendment to alter Map No. 14 – White Rock and insert new provisions in Chapter 3 Subdivision of Land and Chapter 6 Rural Residential Land as outlined in this report;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

**Report:** Council received a request from the landowners to consider a rezoning application to rezone the following properties from RU1 Primary Production to R5 Large Lot Residential:

Lot 14 DP 1050220, 3991 O'Connell Road KELSO NSW 2795 and  
Lot 1 DP 867504, 4031 O'Connell Road KELSO NSW 2795

An amendment to the Bathurst Regional Development Control Plan (DCP) Map No. 14 – White Rock, new provisions in Chapter 3 Subdivision of Land and Chapter 6 Rural Residential Land are also required.

### **Bathurst Regional Local Environmental Plan 2014**

The rezoning application will allow Council to consider a rural residential subdivision of the site. The proposal maintains buffers to adjoining rural landowners. The planning proposal in its current form is not inconsistent with the Local Environmental Study produced for the original rezoning of the adjoining land (Blue Ridge) or the Bathurst Region Rural Strategy 2008.

The Planning Proposal includes:

- Rezoning of the subject land from RU1 Primary Production to R5 Large Lot Residential (under the Land Zoning Map).
- Limitation on the height of buildings (under the Height of Buildings Map) to 6m.
- Establishment of a minimum lot size of 4000m<sup>2</sup> (under the Minimum Lot Size Map).

The Planning Proposal does not alter or reduce the heritage item location on Lot 1 DP 867504, known as 'Littlebourne.' As a consequence the erection of new dwellings on the land will require the future development consent of Council.

The finalised Planning Proposal is included at **attachment 1**. It includes:

Location Plan  
Schedule of amended maps  
Supporting Information (please note the Contamination Report, Aboriginal Due Diligence, Statement of Heritage Impact and the Sewer and Water Report are available from Council's Environmental, Planning & Building Services Department if a copy is required).  
DCP map and provisions  
Submission from Office of Environment & Heritage  
Submission from Roads & Maritime Services  
Submission from Civil Aviation Safety Authority

*Bathurst Regional Development Control Plan 2014*

As a result of the Planning Proposal outlined above, Council is amending the Bathurst Regional Development Control Plan Map No. 14 – White Rock to ensure consistency between the LEP and DCP.

The amendment will also include new provisions in Chapter 3 Subdivision of Land and Chapter 6 Rural Residential Land to ensure appropriate future rural residential development.

The Development Control Plan Amendment proposes the following:

- a) Map No. 14 – To provide buffers to O'Connell Road and neighbouring rural lands; to provide appropriate heritage buffers to the 'Littlebourne' homestead; to prevent direct access for new dwellings to O'Connell Road; and to limit the height of buildings to single storey.
- b) Map No. 14 – delete the existing agricultural interface buffer at the rear of:  
  
Lot 14 DP 1158231 187 Blue Ridge Drive  
Lot 30 DP 1062075 1 Blue Ridge Drive  
Lot 25 DP 1062075 5 Blue Ridge Drive  
Lot 24 DP 1062075 9 Blue Ridge Drive  
Lot 23 DP 1062075 15 Blue Ridge Drive

as these restrictions will no longer be needed.

- c) Chapter 3, Section 3.5.4 – require all new lots to provide an appropriate building envelope at or below the 708 AHD contour, to ensure adequate water services are available to each lot and to limit the maximum cut to 1m.
- d) Chapter 6, Section 6.9.4 – include a requirement within the heritage buffer that restricts the erection of dwellings and other building works.
- e) Chapter 6, Section 6.14 – include development standards which:  
  
Limit finished floor levels to be at or below the 708m AHD.  
Improve building standards on future dwellings on Lot 1 DP 867504 to protect the heritage significance of 'Littlebourne' homestead.
- f) Schedule 1 - apply the land remediation provisions of the DCP to the subject land.

The DCP map and DCP provisions recommended for adoption are at **attachment 1**. A larger version of the DCP map, indicating the 708m contour is at **attachment 2**.

### Public exhibition

Council exhibited the draft Local Environmental Plan Amendment and Development Control Plan amendment concurrently from 25 June 2016 until 23 July 2016.

No public submissions were received as a result of the public exhibition. As there were no public submissions, a discussion forum or public hearing was not held.

A submission was received from the Office of Environment and Heritage (OEH) raising concern regarding the proposed minimum lot size and reduction in curtilage to 'Littlebourne' homestead. Council's Heritage Advisor has reviewed the Planning Proposal, the Statement of Significance and Heritage Impact Statement both undertaken by OzArk in relation to the comments received by the OEH. The Heritage Advisor generally concurs with the Planning Proposal and the recommendations of the OzArk report but suggests a number of minor changes. The Heritage Advisor's recommendations have been incorporated into the final LEP and DCP documents including:

- Relocating the indicative road layout to better protect the heritage curtilage; and
- Increasing the Heritage Buffer to include all of the proposed lot that 'Littlebourne' Homestead is to be located on.

In addition, the minimum Lot Size map has been altered to impose a 10 hectare minimum lot size over the remaining 'Littlebourne' allotment to prevent any further subdivision into the future.

No objection was raised from RMS or CASA and these are provided in attachment 1. No response was received from Essential Energy or the telecommunications provider.

### Conclusion

Council has received a request from the landowner to consider a rezoning application to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The proposal will cater for a rural residential subdivision. It is envisaged that if the rezoning proceeds the land would be developed for rural residential development in a manner similar to the adjoining land (ie fully serviced with minimum lots of 4000m<sup>2</sup>). There are no environmental or planning grounds to prevent the LEP amendment from proceeding. The amendment to the LEP is therefore supported.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7



## **9 BATHURST BUY LOCAL GIFT CARD UPDATE (20.00071)**

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

**Report:** On the 29 April 2015, Bathurst Regional Council launched the Bathurst Buy Local Gift Card. The Gift Card encourages residents to shop locally and demonstrates Council's support for local business, economic prosperity and jobs growth. Currently there are 126 local businesses participating in the program.

The Gift Card program has experienced great success and has reached a major milestone. As of 30<sup>th</sup> September 2016, 17 months from the implementation of the program, a total of **\$103,831** has been loaded onto the Bathurst Buy Local Gift Cards.

**\$72,490** of this amount has been redeemed at participating stores so far, ensuring this money stays within the local economy. A total of **1,515** cards have been loaded since the program began.

Compared to other regional centres with Gift Card programs, Bathurst has proven to be the most successful regional centre in terms of card sales and amount loaded over a comparable period. These results indicate that the marketing campaign conducted by Council's Economic Development section has been highly successful and the Bathurst community is supporting the initiative.

### **Conclusion:**

The Gift Card program has experienced exceptional results with a total of 1,515 cards loaded to the value of \$103,831 since the program began in April 2015.

Compared to other participating regional centres, Bathurst is the most successful regional centre in terms of card sales and amount loaded over a comparable period.

Council will continue to track the success of the Bathurst Buy Local Gift Card and ultimately its contribution to the Bathurst economy.

**Financial Implications:** The program is funded from existing budgets.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.2, 5.4

## **10 BIZWEEK 2016 (20.00306)**

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

**Report:** Bathurst Regional Council partnered with the Western Advocate, the Bathurst Business Chamber & 2BS for the 2<sup>nd</sup> annual BizWeek, a week-long series of events which celebrate the success and diversity of our local businesses. This year, BizWeek ran from the 15– 22 September and forms part of Council's "Bathurst Buy Local Campaign".

BizWeek events included:

### **Crazy Day - Thursday 15 September**

Crazy Day is an established sale day that is held across Bathurst allowing retailers to clear old stock through significant sale discounts and is primarily coordinated through the Western Advocate. A total of 28 stores took part this year with the theme of 'football' creating a great buzz in the CBD. Council partnered with the Western Advocate to extensively promote Crazy Day through the newspaper, radio, social media and via Council's business database.

### **BizWeek Business Lunch - Lunch with Mark Bouris**

Thursday 22 September, BMEC, 12pm - 2.30pm  
223 attendees

Mark Bouris, one of Australia's leading entrepreneurs, presented a Business Lunch to a packed crowd on the topic "Building the Innovative Customer Driven Business – the Critical Need for People Development".

Mr. Bouris is the Executive Chairman of financial services group Yellow Brick Road, Executive Chairman of global technology company TZ Limited, and Chairman of healthcare company Anteo Diagnostics. Mr Bouris is also an Adjunct Professor for Banking & Finance and Business Law & Tax at UNSW Australia Business School and is host of popular Television show Celebrity Apprentice Australia.

The business lunch was a huge success and attracted over 220 attendees. The event was sponsored by VERTO, Westfund, Oxygen Recruitment, NSW Department of Industry, Skillset, Morse Group and Aussie Marketing Force. Council has received a plethora of positive feedback from the business community.

### **Marketing Workshop: Brand Awareness in a Heritage City**

Bathurst Memorial Entertainment Centre  
Tuesday 20 September, BMEC, 10am – 12pm  
60 attendees

Presented by Janet Bingham (Bathurst Regional Council) and Karyn Taylor (Indigo Events and Marketing).

The marketing workshop provided business owners with the opportunity to learn about how to correctly market a business or 'brand' through successful advertising mechanisms. The mechanisms discussed included signage, merchandising, customer service, online presence, presentation and physical branding. Building presentation and signage was also discussed in relation to design, compliance and heritage considerations.

Approximately 60 business owners attended and Council received very positive feedback from the local business community.

### **Crowe Horwath Carillon Business Awards**

Friday 9 September

The Carillon Business Awards is a prestigious event that recognises and celebrates excellence in the Bathurst business community. Although the Carillon Business Awards fell outside of BizWeek this year, Council still assisted in promoting the event. The 2016 Awards were held at the Bathurst Showground in the Beau Brown Pavilion and the Trevitt Pavilion was used as an entertainment precinct with a bar and dance floor.

The Carillon Business Awards Dinner attracted over 500 people from the Bathurst business community. Council sponsored two awards, the 'Best New Business Award' and the award for 'Excellence in Tourism, Events or Promoting Bathurst'.

### **Conclusion:**

BizWeek provided the Bathurst community with the opportunity to celebrate and recognise the success of our local businesses in a collective campaign. As part of Council's Bathurst Buy Local Campaign, this project also encouraged the community to support local business in various capacities including driving local sales growth, motivating business owners to think more creatively and celebrating together to publicly recognise and congratulate our local business leaders.

**Financial Implications:** Bizweek events were funded from existing budgets.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3, 1.4
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.2

## **11 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**

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

**Report:** The Bathurst Region Heritage Reference Group met on 19 September 2016. The minutes of the meeting are provided at **attachment 1**.

The group will hold its next meeting in November 2016.

**Financial Implications:** Administrative costs of the meeting are met within Council's existing budgets.

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

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.5, 30.6

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016

## **1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$74,600,000 was invested at 30/09/2016 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
Bank of Queensland Limited	A2	\$10,500,000.00	2.89%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.80%
Bankwest	A1+	\$1,500,000.00	2.80%
National Australia Bank Limited	A1+	\$18,500,000.00	2.98%
St George	A1+	\$3,000,000.00	2.91%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.89%
People's Choice Credit Union	ADI	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	\$2,000,000.00	2.99%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.80%</u>
		<b>\$39,500,000.00</b>	<b>2.92%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Committed Rolling Investments</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.53%
CBA Deposit Plus 1	AA-	\$1,500,000.00	3.32%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		<b>\$9,300,000.00</b>	<b>2.90%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB+	<u>\$2,000,000.00</u>	<u>3.28%</u>
		<b>\$2,000,000.00</b>	<b>3.28%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.85%
AMP	AA-	\$800,000.00	2.83%
AMP	AA-	\$1,000,000.00	3.08%
Suncorp Metway	A+	\$1,000,000.00	3.18%
Rabobank	A+	\$1,000,000.00	3.22%
Macquarie Bank	A	\$1,000,000.00	2.82%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	2.96%
Bank of Queensland	A-	\$1,000,000.00	2.73%

Bank of Queensland 1	A-	\$2,000,000.00	2.84%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	2.66%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	2.85%
Bank of Queensland 2	A-	\$1,000,000.00	2.86%
Credit Union Australia	BBB+	\$3,000,000.00	3.04%
Police Bank Ltd	BBB+	\$1,000,000.00	2.83%
Police Bank Ltd 2	BBB+	\$1,000,000.00	2.86%
Credit Union Australia 2	BBB+	\$1,000,000.00	2.94%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.55%
Newcastle Permanent	BBB+	\$1,000,000.00	3.32%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.34%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.76%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.03%</u>
		<b>\$23,800,000.00</b>	<b>2.98%</b>

**Total Investments** **\$74,600,000.00** **2.95 %**

***These funds were held as follows:***

Reserves Total (includes unexpended loan funds)	\$38,116,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$779,269.00

**Total Investments** **\$74,600,000.00**

**Total Interest Revenue to 30 September 2016** **\$542,965.65** **2.95%**

**Attachment 1** shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

**R Roach**  
**Responsible Accounting Officer**

**Financial Implications:** Interest received on investments has been included in the current budget.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

## **2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)**

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

**Report:** Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au). Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operating Plan 2016-2017.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 2.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5



### **3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**

**Recommendation:** That the information be noted and any additional expenditure be voted.

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 September 2016.

**Financial Implications:** Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	\$ Nil
BMEC Community use:	\$ 8,771
Mount Panorama:	\$13,851

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

#### **4 POWER OF ATTORNEY (11.00007)**

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

**Report:** That the General Manager's action in affixing the Power of Attorney to the following be noted.

- J & A Peterson - 1 Rockley Street, Georges Plains - Part Lot 17, DP 1099208 - In-house Licence Agreement
- Warren Harvey Homes Pty Ltd - 14 McLean Street - Lot 1015, DP 1212670 - Transfer

#### **Linen Plan Release**

- Bathurst Regional Council - 59 lot subdivision + 1 lot residual - Lot 10, DP 1141570, 20 Cox Lane, Eglinton; Lot 11 DP 1141570, 90 Duramana Road, Eglinton
- DI & KM Christian and CJ Sharp - Two lot residential subdivision, boundary adjustment & consolidation - Lot 1, DP 25033, 102 Esrom Street, West Bathurst; Lot 1, DP 321907, 153 Mitre Street, West Bathurst; Lot 1, DP 539989, 153 Mitre Street, West Bathurst
- Trustees Roman Catholic Diocese of Bathurst - Stage 1 - 35 of 42 lot residential subdivision - Wentworth Drive, Kelso, Lot 321, DP 1205931

**Financial Implications:** Nil.

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

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

## **5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ARTS COUNCIL (21.00012-08/015)**

**Recommendation:** That Council make available the Bathurst Memorial Entertainment Centre at a cost of approximately \$1,500 for use by the Bathurst Arts Council to host the annual Showcase Concert of the Youth Arts Awards to be held in late November/early December to be funded from Section 356 Donations (BMEC).

**Report:** Council has been requested by the Bathurst Arts Council to donate the cost of the use of BMEC as a venue for the annual Showcase Concert of the Youth Arts Awards. It is proposed to hold this event in late November/early December depending upon the availability of the BMEC facility. As a result of this concert the monthly winners will perform and three finalists selected to go on to perform at the Bathurst Regional Council Citizen of the Year presentation and also at the Australia Day ceremony at which the annual scholarship winner is announced. A copy of the request is shown at **attachment 1**.

**It is recommended** that Council make available the use of the BMEC facility at no cost to the Bathurst Arts Council and that the cost of approximately \$1,500 be funded from Section 356 Donations (BMEC)

**Financial Implications:** This request could be funded from Council's Section 356 Donations (BMEC) which currently has a balance of \$8,771.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## **6 USE OF MOUNT PANORAMA BATHURST - WORLD CUP (04.00107)**

**Recommendation:** That Council not make available the Mount Panorama Motor Racing Circuit for use by the Australian Skateboard Racing Association for the World Cup in February 2017.

**Report:** At Council's meeting held on 17 August 2016, Council received a report in relation to the use of Mount Panorama for a round of the International Downhill Skateboarding Championships. It is proposed to hold the event from 17-19 February 2017. (refer to **attachment 1**).

Following this meeting Councillors requested further information in relation to the proposed event. A request for additional information was forwarded to James Hopkin, ASRA President, (refer to **attachment 2**).

Council has now received a reply from Mr Hopkin in relation to Council's eight questions. (refer to **attachment 3**).

Councillors would realise that the residents at Mount Panorama have raised concerns about the number of events on many previous occasions. They feel that they are inconvenienced enough with four Traditional Motor Racing Events (full circuit closures) and numerous hill climbs, etc. (partial circuit closures). An additional event would only heighten their concerns.

**Financial Implications:** Following receipt of the letter from ASRA the cost to Council will be reduced but Council would need to allow at least \$10,000 for in-kind support which includes use of the street sweeper, advertising, traffic management as well as a resident liaison officer being provided to cover the problems associated with this event.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

**7 CODE OF CONDUCT COMPLAINTS - 1 OCTOBER 2015 TO 31 SEPTEMBER 2016 (07.00088)**

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

**Report:** Council is required to prepare an annual report on the number and type of Code of Conduct complaints received between October and September of the preceding year. The report detail is outlined in the Council's Code of Conduct Procedures Manual as follows:-

*Council's Code of Conduct - Procedures for the Administration of the Code of Conduct, requires at part 12, Clause 12.1 and 12.2 the following:*

*"12.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September each year:*

- (a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September;*
- (b) the number of Code of Conduct complaints referred to a conduct reviewer;*
- (c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;*
- (d) the number of Code of Conduct complaints investigated by a conduct reviewer;*
- (e) the number of Code of Conduct complaints investigated by a conduct review committee;*
- (f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;*
- (g) the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and,*
- (h) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.*

*12.2 The Council is to provide the Division with a report containing the statistics referred to in Clause 12.1 within 3 months of the end of September of each year."*

*Code of Conduct Complaints - 1 October 2015 to 30 September 2016 present the following profile, as referred to in Clause 12.1 of the Code of Conduct - Procedures for the Administration of the Code of Conduct:*

**12.1**

(a) Number of complaints	1,730	
(b) Referred to Reviewer	23	
(c) Number finalised by Reviewer and nature of those complaints:	Nil - as the complaints received against the General Manager and Councillors became the subject of a	Complaints relating to disclosures of interest provisions of the Local Government Act 1993.

	special complaints management arrangement between Bathurst Regional Council and the Office of Local Government.	
(d) Number investigated by Reviewer	Nil - as the complaints received against the General Manager and Councillors became the subject of a special complaints management arrangement between Bathurst Regional Council and the Office of Local Government.	
(e) Number investigated by Conduct Review Committee	Nil - as the complaints received against the General Manager and Councillors became the subject of a special complaints management arrangement between Bathurst Regional Council and the Office of Local Government.	
(f) Outcome of reviews under 2.1(d) & (e)	Nil	
(g) Number investigated by OLG & nature of those complaints	1,730 - the Office of Local Government entered into a special complaints management arrangement with Council. complaints being received from the one individual.	Complaints alleging breaches of the Council Code of Conduct.
(h) Cost of dealing with complaints	Staff time: - \$10,337 Legal advice \$4,235 Total Cost \$14,572	Staff time was spent on preparation of correspondence to Office of Local Government and recording and copying of material for council records.

**Financial Implications:** The cost at this time of dealing with the complaint is \$14,572.

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

- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

## **8 SPORTSMARKETING AUSTRALIA PTY LTD (10.00001)**

**Recommendation:** That the information.

**Report:** Councillors will recall that a report was commissioned from Sportsmarketing Pty Ltd providing details on sporting assets in the Bathurst area.

Council received a draft report from this organisation. Council at the time felt the report lacked substance and accordingly sent it back to be rewritten. Council has now received the final report at **attachment 1**. This version is not much improved on the first draft. On contact with the Managing Director, Mr Rick Sleeman, he advised that the sports report as presented to Council complied with the requirements as advised to his organisation.

Council is therefore unable to make any further requests as the report does, in a broad sense, comply with Council's requirements.

The document is now available to be sent to any organisation wishing to find out about the facilities in the Bathurst area. Unfortunately, with respect to the document, it is not to the standards that Council would have envisaged.

**Financial Implications:** Council paid an amount of \$27,500 for this document.

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

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5



## **9 NOTIFICATION TO RESIDENTS RESIDING AT WOODSIDE DRIVE, MT RANKIN (22.09031)**

**Recommendation:** that Council

- (a) notifies the immediate land owners that Lot 7 in DP263393 located at 67 Woodside Drive, Mt Rankin is to be marketed 'for sale'.
- (b) requests the land owners and community groups to provide feedback to Council in relation to the pending sale within twenty-eight (28) days.
- (c) prepare a further report to be submitted to Council following the close of the submission period.

**Report:** Council at its Ordinary meeting held on Wednesday 21 August 2013 (Confidential DCSF report #6) approved to reclassify Lot 7 in DP263393 located at 67 Woodside Drive, Mt Rankin from 'Community' to 'Operational' land under the provisions of Section 31(2) of the Local Government Act 1993. See map at **attachment 1**.

Council's Environmental Planning and Building Services have advised the reclassification process has been completed and the subject land was gazetted as 'Operational' in April 2016.

During the reclassification process, public submissions were received from the surrounding land owners and community groups concerning the reclassification of the land.

For Council's information the land was being used as a dumping ground for general rubbish, car parts etc and for a track for 'paddock bashers' to do laps. The land was in a general state of neglect with old willows and blackberries present along the creek line at the rear of the property.

Council is now at the stage where the land is ready for sale, as it is surplus to Council's requirements.

As a courteous gesture to the surrounding residents, formal notification of the impending sale is being sought, from Council.

It is therefore recommended that Council

- (a) notifies the immediate land owners that Lot 7 in DP263393 located at 67 Woodside Drive, Mt Rankin is to be marketed 'for sale'.
- (b) requests the land owners and community groups to provide feedback to Council in relation to the pending sale within twenty-eight (28) days.
- (c) prepare a further report to be submitted to Council following the close of the submission period.

**Financial Implications:** There are no financial implications resulting from this report.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry Strategy 6.1

development.

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

**10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 22.13258, 22.01218, 22.00185, 22.12696, 22.00545, 22.00862,  
22.00862, 04.00009-18, 22.01046, )**

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

**Report:** The following items have been included in the confidential section of the business paper for Council's consideration:

**1 PROPOSED PURCHASE OF LOT 1 IN DP197420 AND LOT B IN DP197498  
KNOWN AS 128 BENTINCK STREET, BATHURST**

This report involves the potential purchase of the property known as 128 Bentinck Street, Bathurst.

**2 PROPOSED NEW RESIDENTIAL TENANCY AGREEMENT - PART LOT A IN  
DP158048 KNOWN AS 215 DURHAM STREET BATHURST**

This report deals with a potential new residential tenancy agreement for Council owned property at 215 Durham Street, Bathurst.

**3 PROPOSED NEW COMMERCIAL LEASE AGREEMENT - PART LOT 180 IN  
DP862410 KNOWN AS UNIT 4, 55 SEYMOUR STREET, BATHURST**

This report deals with a potential new Commercial lease agreement for Council owned property at Unit 4, 55 Seymour Street, Bathurst.

**4 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 1 IN DP786946 KNOWN AS  
159 EGLINTON ROAD, BATHURST**

This report deals with a potential new residential tenancy agreement for Council owned property at 159 Eglinton Road, Bathurst.

**5 SALE OF RESIDUE LAND, LOT 824, DP 1185390 AT LLANARTH**

This report deals with the proposed sale of surplus Council land which resulted from previous subdivisions in the Westbourne Drive area.

**6 RENEWAL OF LICENCE AGREEMENT - BATHURST DISTRICT HISTORICAL  
SOCIETY INC, PART LOT 1 IN DP613544 KNOWN AS 47 MITRE STREET  
BATHURST**

This report deals with the renewal of the existing licence agreement between Council and the Bathurst District Historical Society Inc for a storage facility.

**7 RENEWAL OF LICENCE AGREEMENT - BATHURST DISTRICT HISTORICAL  
SOCIETY INC - OLD GOVERNMENT COTTAGE, LOT 1 IN DP788005 KNOWN**

## **AS 16 STANLEY STREET BATHURST**

This report deals with the renewal of the existing licence agreement between Council and the Bathurst District Historical Society Inc.

## **8 PROPOSED NEW EVENT AT MOUNT PANORAMA**

This report deals with a proposal for a new motor racing event proposed to be held at Mount Panorama Motor Racing Circuit.

## **9 NEW COMMERCIAL LEASE - COFFEE VAN - PART LOT 10 IN DP1157553 AT DURHAM STREET CARPARK**

This report deals with a potential new Commercial lease agreement for a small area of the Council owned carpark adjacent to the John Matthews Tennis Centre, Durham Street, Bathurst.

**Financial Implications:** There are no financial implications resulting from this report.

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

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

Yours faithfully



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

## **DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016

# **1 PROPOSED EXTINGUISHMENT OF COVENANT OVER LOTS 11 AND 12 DP717098 - EUSDALE ROAD YETHOLME (25.00286)**

**Recommendation:** That Council:

- (a) approve extinguishment of the Deed of Covenant under Section 88E of the Conveyancing Act 1919 contained in Registered Book 3638 No. 76 at the Registrar General's Office, and
  - (b) authorise the General Manager to sign the form of Release as authorised officer
- in accordance with the information contained in the Director Engineering Services' report.

## **Report: Background**

Council has received a request on behalf of the purchaser of land at 217 Eusdale Road, Yetholme, seeking Council consent to the removal of a Covenant on the title to this land, being Lot 4 DP1108207.

## **The Covenant**

Deed of Covenant Book 3638 No 76 (the Deed) is an old system document between the former Evans Shire Council (the covenantee/authority) and a land owner (the covenantor/land owner) dated 9 July 1985. A copy of the Deed is contained in **attachment 1**.

## **Purpose**

The Deed imposes conditions upon approval of a Plan of Subdivision lodged by the then land owner. The Plan of Subdivision is dated 30 May 1985.

## **Approval of Plan of Subdivision**

The authority approved the plan of subdivision by way of Deed of Covenant, subject to the following conditions:

- (a) Building Consent for the erection of a dwelling on each Lot 11 and Lot 12 shall only be available to a relative of the owner of the land.
- (b) The land owner agrees with the authority imposing the restriction that each of Lot 11 and Lot 12 will not be sold or otherwise disposed of other than to a relative of the land owner for a period of not less than 12 months after the respective dwellings to be erected on each of Lot 11 and Lot 12 shall have been approved by the authority as being satisfactory for occupation.
- (c) The sale or disposition of any of these Lots shall not be restricted or prohibited if the condition has been satisfied.
- (d) In the event of a sale to a relative of the land owner before the expiration of 12 months, the land owner shall require the purchaser to enter into a like Deed with the authority.

## **Deposited Plan History**

<b>Date of Registration</b>	<b>Plan Number</b>	<b>Plan Description</b>	<b>Lots Created</b>
10 October 1985	DP717098	Plan of Subdivision	Lots 11 and 12

		of Portion 209	
<p>Note: Evans Shire Council approved this Plan of Subdivision subject to the above covenants it imposed at that time, with Covenants applying to Lot 11 &amp; 12.</p>			
3 February 1995	DP 846683	Plan of Subdivision of Lot 12 DP717098 (and another)	Lots 14 and 15
24 July 2007	DP1115221	Plan of Subdivision of Lot 11 DP717098 (and another)	Lots 100 and 101

Council's searches reveal the Covenant still appears on the Titles to the Lots created from further subdivision of the original Lot 11 and Lot 12 DP 717098. Copies of the Plans for the land referred to in the Deposited Plan History are included at **attachment 2**. In addition, included at attachment 2 is a copy of DP1108207 being for Lots subdivided from DP846683. A Locality Plan showing Lots 1 to 5 DP1108207 being the land remaining affected by the Covenant, is contained at **attachment 3**.

Council has obtained the opinion of solicitors regarding the effect and purpose of the Covenant, and appropriate manner for removing the Covenant.

Removal of this covenant from the Registry of the Land and Property Information as a whole, will negate the need for Council to deal with separate requests for each title this Covenant encumbers, in the future, as land owners seek to sell that land and purchasers approach Council for removal of the covenant to the land they seek to purchase.

### **Recommendation**

Given this Covenant was created by The Council of the Shire of Evans, it is recommended that Council request removal of this covenant from the Registry of LPI, in the circumstances of it being irrelevant at this time.

**Financial Implications:** The cost to register a Release or Extinguishment of Restriction On the Use of Land in this instance is estimated to be \$200.00.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

## **2 PROPOSED UPGRADE OF ELECTRICITY SUBSTATION AND CREATION OF EASEMENT FOR ELECTRICAL SERVICES BATHURST POST OFFICE BUILDING SITE (22.00041)**

**Recommendation:** That Council approve:

- (a) the proposed upgrade of the existing electricity substation located at the Bathurst Post Office site, and
- (b) the creation of a new Easement for Electrical Services to Howick Street,

as detailed in the Director Engineering Services' Report.

### **Report: Current Lease**

Council holds a Memorandum of Lease between The Commonwealth of Australia (Council) and The Southern Mitchell County Council (Essential Energy) for part of the basement level of the Post Office Building together with a right of access and easement for electricity purposes, as shown in the 'Bathurst Plan' contained at **attachment 1**.

This Lease commenced in 1975 and expires in 2025. Essential Energy have right of access and easement to construct, lay down, dismantle, replace, repair, renew and maintain underground wires for the purpose of electricity supply and substation.

### **Relocation of Substation**

Council has received a request from Essential Energy for consent to a plan to upgrade the existing substation including relocation of it from the Basement location to approximately 2 metres to the east of its current position, and having it constructed at ground level. The proposed new positioning of the substation would straddle the boundary between Lot 266 DP821055 (TAFE site in William Street recently transferred to Council), and Lot 1 DP774489 (site of Post Office Building). Essential Energy requires an easement 4.2m x 7m for the location of the substation.

### **New Easement for Electrical Services**

Essential Energy seeks the creation of a 2 metre wide easement from the substation to the footpath of Howick Street for the purpose of installing underground conduits. This will provide access for future installation of high and low voltage cables to Howick Street, as currently the connection between the other CBD substation that is located in Flinders Lane runs along the wall of the basement car park to the Post Office Building Basement, below ground level which is not a readily accessible location. Security of electricity supply in the CBD would be greatly enhanced with ability to install infrastructure to this connection, being made available, at the time relocation works are planned to occur. Please refer to diagram of proposed location at **attachment 2**.

### **Compensation**

Council's records reflect the Valuer General's latest land valuation (2014) for the Post Office Building Site to be \$1,134,000, covering an area of 1800 m<sup>2</sup>.

An estimate of the value of compensation Council may consider recovering, pending final measurement by formal survey, is as follows.

New easement for electrical services

$$\text{Area: } 26.4\text{m} \times 2\text{m} = 52.8 \text{ m}^2 @ \$630 \text{ per m}^2 = \text{Value: } \$33,264.00.$$



Council may recall that the basement area of the Post Office Building floods in certain weather, which creates extremely hazardous conditions for repair and maintenance to be attended to at this high voltage location.

Essential Energy will re-route existing security fencing and reinstate disturbed lawn at Council's direction.

Under State Environmental Planning Policy (Infrastructure) 2007, development consent is not required for the erection of the substation.

Nonetheless, the proposed relocated site for the substation has been chosen to ensure it has minimal impact on the heritage significance of the locality and the future use of the TAFE site.

It is recommended that Council approve the proposed upgrade of the existing electricity substation located at the Bathurst Post Office site, and the creation of a new Easement for Electrical Services to Howick Street. It is further recommended that Council not require payment of compensation by Essential Energy, in the circumstances of the benefit to Council and the community in having the substation relocated to a safer, suitable location, along with the proposed new link to other substations in Flinders Lane, enhancing the security of supply to the CBD of Bathurst.

**Financial Implications:** All costs will be paid for by the applicant, Essential Energy.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

**3 PROPOSED DEDICATION OF LANE AS PUBLIC ROAD UNDER THE ROADS ACT - UNNAMED LANE AT REAR 203-223 GEORGE STREET BATHURST (25.00587)**

**Recommendation:** That Council:

- (a) approve the serving of a notice of its intention to dedicate the laneway off Keppel Street at the rear of 203-223 George Street Bathurst ("the Laneway") as a Public Road;
- (b) following the required legislative 28 day notice period, and construction of the laneway improvement works as required, approve a Notice being published in the NSW Government Gazette declaring the Laneway a Public Road.

**Report:** Council will recall at its meeting held 7 September 2016 that it resolved to:  
*Approve the transfer of the unnamed laneway off Keppel Street at the rear of 203-223 George Street Bathurst to its ownership, in accordance with the Director Engineering Services' Report to the Meeting of Council held 20 July 2016.*

Please refer to **attachment 1** for the location of the unnamed laneway.

Council obtained an historical search report on the Laneway which shows that the Laneway was set aside for the purposes of road in a subdivision in 1841. The ownership of the Laneway remains in the name of the original person that subdivided the land being Mr George Morton.

Council has an ability under section 16 of the Roads Act to dedicate the Laneway as a Public Road by notice published in the Government Gazette. This section applies to land that is set aside for the purposes of a road left in a subdivision of land effected before 1 January 1907 (the date of commencement of the Local Government Act 1906) or in a plan of subdivision that was registered by the Registrar-General before 1 January 1920 (the date of commencement of the Local Government Act 1919).

Section 17 of the Roads Act provides that:

- "(1) Before dedicating land as a public road under section 16, the council must cause at least 28 days' notice of its intention to do so to be served on the owner of the land.
- (2) During that period of 28 days, the owner of the land may, in accordance with rules of court, apply to the Land and Environment Court for a declaration that the land should not be dedicated as a public road."

Further, under Common Law the making of a Public Road requires the fulfilment of 2 conditions:

- 1. The owner manifesting an intention to dedicate the land as a public road; and
- 2. Acceptance by the public of the dedication prior to 1920.

Since the search report shows the Laneway on the subdivision plan from 1841 running onto a public road (Keppel Street) it is sufficient to say that the original owner of the Laneway (Mr Morton) intended to dedicate the Laneway as a Public Road. As to the second condition,

there is an acceptance by the public of the dedication prior to 1920 as evidenced by:

1. The subsequent conveyances identifying the lane/road;
2. The construction of kerb/guttering and road base in the early 1900's, following installation of a 150mm diameter, vitreous clay sewer line, 1.5m deep, for a length of 49 metres, in 1912;
3. The public services that are present in the lane, being the Sewer Line constructed underneath the Laneway and 2 Sewer Manholes located on the Laneway surface, and associated Sewer Junction Mains servicing each property adjoining the Laneway;
4. Correspondence received by Council from the adjoining owners confirming that the Laneway has been in use by the public for at least 50 years; and
5. At least 2 Development Applications that have been made to Council that require access by the general public to the Laneway from Keppel Street to the adjoining properties.

Therefore Council can be satisfied that both the legislative requirements and Common Law requirements giving Council the ability to dedicate the Laneway as a Public Road have been fulfilled.

As the owner of the land is deceased, section 254 (3) of the Roads Act allows Council to provide the required notice of its intention to dedicate the Laneway as a Public Road on the owner/occupier of the land by affixing a notice to some conspicuous part of the land.

Following the expiration of the 28 day notice period, as per Report to Council dated 20 July 2016 the adjoining owners will then construct the Laneway. Once construction is finalised Council staff can then take the required steps to dedicate the Laneway a Public Road by publication in the NSW Government Gazette.

The final process of formally naming the laneway may then be undertaken by Council's Department of Environmental Planning & Building Services, through a subsequent report to Council.

It is recommended that Council:

- (i) approve the service of a notice of its intention to dedicate the Laneway off Keppel Street at the rear of 203-223 George Street Bathurst ("the Laneway") a Public Road;
- (ii) following the required legislative 28 day notice period, and construction of the laneway improvement works as required, approve a Notice being published in the NSW Government Gazette declaring the Laneway a Public Road.

**Financial Implications:** The estimated cost to publish a notice of dedication of a road in the Government Gazette is \$100.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

**4 PROPOSED CREATION OF MULTI-PURPOSE EASEMENT FOR  
INSTALLATION OF AN ELECTRICAL SUBSTATION AT LOT 2 DP1185929  
HAMPDEN PARK ROAD KELSO: SITE OF NEW RURAL FIRE SERVICE CENTRE  
(22.03832)**

**Recommendation:** That Council:

- (a) approve the creation of a multi-purpose easement for an electrical substation to be installed on Lot 2 DP1185929 located at 27 Hampden Park Road, Kelso;
- (b) authorise the General Manager to sign Creation of Easement-Landowner Deed, Pioneer Scheme Application and Consent Form as Council's representative,

as detailed in the Director Engineering Services' report.

**Report:** As part of the development of Lot 2 DP1185929 at 27 Hampden Park Road Kelso for a new Rural Fire Service (RFS) Centre, a 500kVA substation to supply power to the RFS building and associated easement in favour of Essential Energy are required.

The easement (7m x 4.2m in area) is to protect Essential Energy underground low and high voltage lines and a distribution substation proposed within the site. The final location of the easement will be determined by Essential Energy and will be located within the site at 27 Hampden Park Road Kelso (see **attachment 1**).

As Council is the owner of the land, the costs associated with creation of the easement will be met by it.

As part of the development, a Pioneer Scheme Application, Consent form - Customer Funded Project and Creation of Easement - Landowner Deed are required by Essential Energy is to be signed by Council (see **attachment 2**).

It is recommended that Council:

- (a) approve the creation of a multi-purpose easement for an electrical substation required to be installed on Lot 2 DP1185929;
- (b) authorise the General Manager to sign the documents at attachment 2 as Council's representative.

**Financial Implications:** The cost to Council for the creation of the multi-purpose easement for an electrical substation is estimated to be \$1500.00. Funding is available within Council's Budget for this work.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

## **5 DENISON COLLEGE (KELSO CAMPUS) BUS BAY UPGRADE (22.02067-02)**

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

**Report:** Council would be aware that there is a bus interchange located in Boyd Street, immediately outside the Denison College (Kelso Campus). The interchange services not only students from Denison College, but a majority of other schools within Bathurst. On a typical day, up to 12 buses may use the interchange both morning and night, with students ranging from Kindergarten through to Year 12.

Council was approached by the School Principal of Denison College in 2011 to look at safety concerns regarding the inadequacies of the bus bay area. These concerns included a narrow concrete footpath and lack of a safety handrail along the kerb and guttering, separating students from both parked and manoeuvring buses. Observational studies were carried out by both Council's Road Safety Officer and the Roads and Maritime Services (RMS) Safety Around Schools Programs Officer, whereby it was clearly demonstrated that there is a need to improve the bus interchange.

It is considered that any upgrade of the area, due to the construction originally by the Department of Education as part of the original construction of Kelso High School in the 1970's, was a State Government funding responsibility.

However, to assist, Council provided the College with a survey of the bus bay area to enable a design to be completed to the Department of Education's requirements.

The design was subsequently completed and approved by Department of Education and RMS. The upgrade works include the removal of a 2m wide concrete footpath and excavation works, the construction of a retaining wall, approximately 500 square metres of concrete footpath and an RMS approved pedestrian safety fence of 100 lineal metres, with appropriate gaps to allow access to buses by school students. Please refer to design at **attachment 1.**

The anticipated cost of this work is approximately \$150,000.

Council was made aware of an RMS grant funding program - *Pedestrian Safety Infrastructure Program around Schools* . Applications for this program closed in April 2016, which was for grants up to \$10,000 for pedestrian safety improvements, per school, up to a maximum of 5 schools per Local Government Area. A further requirement is that Council is required to project manage the work.

Since the bus interchange is used by a number of Bathurst schools, Council applied for the full amount of the construction cost of the upgrade. Letters of support were provided by 11 schools, in addition to the original request from Denison College, along with correspondence from bus companies that frequently use the interchange.

Council was provided with notice of approval of its application for the full cost of the project (\$150,000) to be funded by RMS, on 4 October 2016. Council has called tenders for this work, with the intention of the works being completed in the 2016/2017 Summer School Holidays. Once tenders have been assessed, a separate report will be submitted to Council for the consideration of tenders.

The cost to Council with regard to project management of the work is considered minimal and can be funded from existing budgets.

**Financial Implications:** Funding is to be provided by the Roads and Maritime Services for this work

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

- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8

**6 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (36.00561 & 11.00005)**

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

**Report:** The following item has been included in the confidential section of the business paper for Council's consideration -

**1. TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS**

The report considers the tender for the supply and delivery of Water Treatment Chemicals for treatment of water at the Water Filtration Plant and Waste Water Treatment Works.

**Financial Implications:** There are no financial implications resulting from this report.

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

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

Yours faithfully



Doug Patterson  
**DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016



## **1 KELSO COMMUNITY HUB - UPDATE (09.00026)**

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

**Report:** This report provides an update to Councillors on the activities and use of the Kelso Community Hub.

Kelso Community Hub has received a donation of \$2,000 from the Bathurst Liquor Accord, to assist with the costs of providing the "Walk in Wednesday" After School Program. This program is a joint collaboration between Kelso Community Hub and Barnardo's and the donation will assist with the provision of healthy food for the participants attending the program.

### **Usage levels**

Data collection has enabled the staff to identify the specific needs of the community and to determine the required service provision. Collated data for August 2016 show approximately a 300% increase in presentations, compared to the same period last year, with a record 1185 individuals accessing the Hub during the month.

### **Name change**

The recent approval of the name change from Kelso Community Centre to Kelso Community Hub reflects the current operations and future direction of the centre. New signage is currently being arranged, improved landscaping and tidy of the garden section to open up the area generally, and a new noticeboard will be installed.

### **Service provision**

Service provision continues to increase at the centre. Recent partnerships have been developed with a number of new organisations coming on board to provide a range of new programs, bringing the number of programs to fifteen at the Hub. These new partnerships include:

- **Ability Links** will be providing an Aboriginal Art and Cultural workshop as part of the September/October school holiday program.
- **Centacare** have also been engaged and will be providing a regular art project for young ladies to participate in a creative experience. Centacare will also be commencing a range of workshops as part of their TPRS (Tenant Participation Resource Service). The program is an information and referral service and represents the needs of tenants throughout Narromine, Dubbo, Wellington, Orange and Bathurst. The program works with people who are in need of assistance with housing and also people who are homeless or at risk of being homeless. The workshops address topics including Cooking on a Budget, Home Maintenance, Energy Saving, Cost Effective Cleaning etc.
- **Chifley Local Area Command** have been supportive in working with staff to improve the positive presence of the Police through the Kelso Community Hub. As part of these developments the Police Aboriginal Liaison Officer will have a regular attendance at the centre, as well as a regular presence of the mobile Police van. It is anticipated that this will work to strengthen positive relations with the Police and the community.

Other regular services have continued at the Kelso Community Hub and include:

- Kelso Community Centre Breakfast Club program – provision of a nourishing nutritious breakfast for the children and young people of Kelso three mornings per week
- School holiday programs - including partnered activities with Bathurst Young Mob and other programs
- Child and Family Health Clinic
- Women's Group – Relationships Australia
- Indigenous Chronic Disease Clinic – Marathon Health
- Birrang Enterprise Development – Life Skills Workshops
- Weekly Playgroup – Galloping Gumnuts supported playgroup
- Young Life Australia Bathurst – Project to support and engage young people of Kelso
- C3 Church – Community Church providing a free meal to the community once a month
- Seymour Connect – Opportunity for socialising as well as providing a guest speaker for Bathurst Seymour Centre clients
- Bathurst Young Mob - providing a range of programs for young people in the broader Kelso Community
- Optometry Clinic – to commence in October 2016. Six sessions to be provided by June 2017. Project supported by Aboriginal Vision NSW.

The September/October school holiday program provided a range of options for young people. Program at **attachment 1.**

**Financial Implications:** Funding for this item is contained within existing budgets.

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

- |  |                                 |
|--|---------------------------------|
| • Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. | Strategy 20.3                   |
| • Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole.                | Strategy 21.1, 21.2, 21.3       |
| • Objective 23: To encourage a supportive and inclusive community.   | Strategy 23.5, 23.6, 23.7, 23.8 |
| • Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community.  | Strategy 25.1                   |
| • Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community.                                  | Strategy 26.1, 26.3             |

## **2 BATHURST SMALL BUSINESS ACCESS IMPROVEMENT GRANTS 2016/2017 (16.00107)**

**Recommendation:** That Council:

- (a) Provide \$10,000 under the 2016/2017 Bathurst Small Business Access Improvement Grants for the following applicants:

<b>Business/Organisation</b>	<b>Amount of Funding</b>
Bathurst & District Riding for the Disabled	\$4,400 which is 50% of the project cost.
Bathurst Seymour Centre	\$2,134 which is 50% of the project cost.
Arthur Cheers (Western Advocate Building)	\$3,466 which is approximately 10% of the project cost.

- (b) Provide an additional \$1,534 towards Mr Cheers' project to increase the funding of the project to the amount requested of \$5,000, therefore extending the 2016/2017 budget to \$11,534; funded from Council's equity.

**Report:** The Bathurst Regional Access Committee has assessed the Small Business Access Improvement Grants and have provided their recommendations to Councillors for their consideration.

Six submissions were received for funding under the 2016-2017 Bathurst Small Business Access Improvement Grants, totalling requests of \$21,534.00. One application, forwarded by the Bathurst Pony Club, was withdrawn after discussions with members of the BRAC Committee.

The following applications were considered by members of the Bathurst Regional Access Committee:

1. **Arthur Cheers (Western Advocate Building)** – seeking funds for the installation of a low-rise disability lift to immediate right of door on George Street to give disabled access to office floor with engineering practicality confirmed by Calare Civil. The works will be compliant with Australian Standards. Works located at the premises in 163 George Street, Bathurst. Requesting \$5,000 (total project cost between \$24,500 - \$32,000).
2. **Bathurst and District Riding for the Disabled** – seeking funds to construct a pathway alongside the Riding for Disabled building to the pet therapy and garden area. Currently the area is a sloped site and tends to be wet and muddy for wheelchairs to access. The works are to comply with Australian Standards. Works located at the premises in 16 Research Station Drive, Bathurst. Requesting \$4,400.
3. **Bathurst Seymour Centre** – seeking funds to install a concrete ramp and hand rails, hand rails in toilet, yellow guide strip to step edge and supply and install gate lock and hinges which will all improve accessibility for clients to the centre. The works will comply with Australian Standards. Works located at the premises in 57 Seymour Street, Bathurst. Requesting \$2,134.
4. **Accessible Living Options** – seeking funds to install an all-weather covering over the front entrance to improve access for clients on cold, wet or windy days. The works will comply with Australian Standards. Works located at the premises in 369 Stewart Street, Bathurst. Requesting \$5,000.

5. **St Stephen's Presbyterian Church** – seeking funds to go towards installing a front access ramp, raised terrace entry and widening of entrance doors for improved access for disabled, mobility impaired and elderly persons. The works will comply with Australian Standard. Works located at the premises in 72 George Street (Cnr Howick Street), Bathurst. Requesting \$5,000.

The Committee reviewed the applications and determined that all the applications meet the criteria for the grant. The total amount requested in the five applications is \$21,534.00 which exceeds the total amount available. As a result the Committee has considered where the most benefit would be obtained for the community. As it was obvious some of the applicants would miss out, there was a lengthy discussion from the committee. It was acknowledged that BRAC has long sought to get local businesses involved in the grants, hence the approved name change for this year's grants.

A motion was put to split the \$10,000 between all applicants, this motion was lost. A motion was put to grade the applicants in order of prioritised preference, at **attachment 1**.

It is recommended that the following amounts be approved for three successful applicants; Arthur Cheers; \$3,466, Bathurst Riding for the Disabled; \$4,400 and Bathurst Seymour Centre; \$2,134. BRAC also wishes Council to consider increasing the budget amount by \$1,534 to go towards Mr Cheers' project, therefore enabling him \$5,000 for a worthwhile business project, and a long standing access issue for BRAC.

Successful recipients will be notified that the receipt of these funds does not exempt their organisation requiring development approval for their proposed works. Recipients will be encouraged to contact Council's Environmental Planning and Building Services Department to confirm their requirements in proceeding with their proposed work.

Unsuccessful recipients will be notified, and encouraged to apply again for next year's grant program.

**Financial Implications:** Council has provided \$10,000 in the Annual Operating Plan 2016/2017 for Bathurst Small Business Access Improvement Grants. The additional amount of \$1,534 to further assist Arthur Cheers' project, as recommended by BRAC, could be funded from Council's equity.

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

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2, 19.3, 19.4

### **3 BATHURST LIBRARY - MOBILE LIBRARY VAN SERVICE - ONE YEAR ON (21.00063)**

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

**Report:** The Library's new van is now coming to the end of its first year in service. The van was purchased using funds from the Public Library Infrastructure Grant issued by NSW Government State Library Grant Program.

The van has been extremely well received by both adult and junior members of the service, with the vans striking graphics turning heads and garnering numerous positive comments, making the van and the service more recognisable. The van has a larger internal space to provide storage for the 1,741 books that are available for loan. This larger space provides more room for patrons to access the collection without stooping. This makes it comfortable for browsing through the collection and improved workplace safety.

During the first year of operation the van has travelled 3,783 kilometres with 14,348 loans issued on our Housebound and Mobile runs. These include 8 Mobile Library Service visits each to Hill End, Sofala, Wattle Flat, Meadow Flat, Trunkey Creek, Rockley, Turondale and 119 housebound runs across 7 separate routes in the Bathurst Township.

**Financial Implications:** There are no financial implications resulting from this report.

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

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1

#### **4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 5 SEPTEMBER 2016 (07.00016)**

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

**Report:** As part of the Destination Management Plan, which was adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

The role of the Group is to provide strategic advice, review plans and provide recommendations to Council for the implementation of the Destination Management Plan.

The seventh meeting of the Bathurst Region Tourism Reference Group was held on 5 September 2016. The Minutes of the Group's meeting are provided at **attachment 1.**

At the Meeting held on 5 September 2016, the group established the following actions, linked to the Destination Management Plan.

- MyTravel Research Project - update.
- Events in Bathurst - Calendar of Events for Bathurst and surrounding region to be developed and managed.
- Bathurst Arts Trail - Discussion regarding opportunities for the area to build upon the Arts Trail weekends to include open gardens and other unique events and museums.

**Financial Implications:** Funding for this item is contained within existing budgets.

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

Yours faithfully



Alan Cattermole  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

## **GENERAL MANAGER'S REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016

## **1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)**

**Recommendation:** That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

**Report:** In accordance with the provisions of Section 450(A) of the Local Government Act, the Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff will be tabled at the meeting.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

Yours faithfully



D J Sherley  
**GENERAL MANAGER**



**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2016**  
**(07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 28 September 2016 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 28 September 2016, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 28 SEPTEMBER 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 SEPTEMBER 2016 (07.00064)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 September 2016 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 BATHURST TOWN SQUARE CAR PARKING OPTIONS (28.00034)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

1. Approve the implementation of three permit car parking zones within the Bathurst Town Square.
  - a. Establish an annual 12 month car park lease offer for the parking spaces identified in Bathurst Town Square Car Parks A and B.
  - b. Install a paid parking permit scheme for Car Park C.
2. Undertake parking enforcement as required following the implementation of the permit parking scheme; and
3. Advertise the final lease fee in Council's Revenue Policy.

### **Director Cultural & Community Services' Report**

- 6** **Item 1 POLICIES - VACATION CARE (09.00005)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That Council adopt the Vacation Care policies as outlined in the report.

### **GENERAL BUSINESS**

- 7** **Item 1 MOUNT PANORAMA - BATHURST SIGN (04.00028 & 16.00147)**

**Cr Coote** - requests future budgets (2017/2018) include provision for the placement of a permanent "Bathurst" sign under the existing "Mount Panorama" sign.

- 8** **Item 2 SIGNAGE AROUND WALLS ON MOUNT PANORAMA (04.00028 & 04.00001)**

**Cr Coote** - asked is it possible for Council to use the spaces on walls around Mount Panorama for Council purposes. Further, has provision been made for parking for October race, given current weather provisions.

**The Director Corporate Services & Finance** advised discussions are being held with Supercars as to parking for 2017.

- 9** **Item 3 SUPERCARS TRUCK PARADE (04.00073)**

**Cr North** - noted shops have been told that William Street will be closed from 5.00 am for the truck parade. This seems unreasonable, could Council talk to businesses concerned?

**10**      **Item 4 ROADWORKS (16.00011)**

**Cr North** - congratulated staff on works that are currently being undertaken, given current weather conditions. Would like a report back to Council on how Council does roadworks into the future.

**11**      **Item 5 GASWORKS SITE (22.00052)**

**Cr Bourke** - raised concerns at condition of the fence around the gasworks. The fence needs to be made secure, feels it is an accident waiting to happen. There have been emails from Jemena, but they haven't fixed the problem. The relevant laws need to be applied to the gasworks site.

**12**      **Item 6 NATURAL DISASTER- FORBES (13.00031)**

**Cr Bourke** - noted there are major problems out in this area due to flooding. A fund has been set up to help the people in the area. Will be setting up a donation centre at the former Clancy Motors site. Seeks Council assistance, like previously done for the Lithgow appeal, perhaps Council could start the appeal off with a donation of \$2,500 to \$3,000.

**13**      **Item 6.01 NATURAL DISASTER- FORBES (13.00031)**

**MOVED** Cr B Bourke    and **SECONDED** Cr I North

**RESOLVED:** That Council deal with the matter of funding for the Forbes flood appeal as a matter of urgency, in Accordance with Clause 241 (3) (b) of the Local Government (General) Regulation 2005.

**14**      **Item 6.02 NATURAL DISASTER- FORBES (13.00031)**

**MOVED** Cr B Bourke    and **SECONDED** Cr M Morse

**RESOLVED:** That Council donate \$3,000 to the Forbes Council flood appeal fund. The donation to be funded from Section 356 Donations.

**MEETING CLOSE**

**15**      **MEETING CLOSE**

The Meeting closed at 6.20 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2016 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on Tuesday 4 October 2016 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on Tuesday 4 October 2016, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5



**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 4 OCTOBER 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2.12PM**

Members: Jackie Barry (Roads & Maritime Services), Sergeant Ian Stibbard (NSW Police Representative)

Present: Darren Sturgiss (Manager Technical Services), Iris Dorsett (Tablelands Area Road Safety Officer), Paul Kendrick (Traffic & Design Engineer)

**APOLOGIES**

**2 APOLOGIES**

That the apology of Sergeant Peter Foran (NSW Police), Councillor Warren Aubin (Bathurst Regional Council) and David Veness (Representative for Mr Paul Toole, MP Office) be accepted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2016 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 6 September 2016 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**  
**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 SEPTEMBER 2016 (07.00006)**

That the information be noted and necessary actions be taken.

**6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**7 Item 3 PROPOSED DIRECTIONAL SIGNAGE TO THE RURAL FIRE SERVICE FIRE CONTROL CENTRE (21.00123)**

That Council approve the installation of directional signage to the Rural Fire Service Fire Control Centre from the Great Western Highway.

**8 Item 4 ABERCROMBIE CAVES REQUEST FOR TWO-WAY & LARGE VEHICLE RADIO COMMUNICATION SIGNAGE (25.00028-02/062)**

That Council –

- (a) Install a “Two Way” (size A) sign on Caves Road 250m from the start of the road.
- (b) Install a “2km Narrow Winding Road” sign before the T-Intersection along Caves Road
- (c) Install a “Large Vehicles Call-in on UHF-20 Before Proceeding” sign also 130m along the road.

**9 Item 5 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS 2017 (18.00022-05)**

That Council endorse the traffic management for the Bathurst Cycling Club road racing and training events for 2017. The events are to be classified as Class 2 events and approved subject to the conditions detailed in the Director Engineering Services' report.

**10 Item 6 BATHURST HISTORIC CAR CLUB SWAP MEET (22.00053-08/069)**

That Council endorse the Traffic Management Plan for the staging of the Bathurst Historic Car Club 2017 Swap Meet at the Bathurst Showground on Sunday 5 February 2017. The event is to be classified as a Class 2 event and approved subject to the conditions as detailed in the Director Engineering Services' Report.

**11 Item 7 NEW YEARS EVE CELEBRATIONS (23.00131)**

That Council endorse the Traffic Management Plan for the New Year's Eve celebrations in Victoria Park on Saturday 31 December 2016. The event is to be approved as a Class 2 event and approved subject to the conditions as detailed in the Director Engineering Services' Report.

**12 Item 8 BATHURST CHURCH OF CHRIST CHRISTMAS CAROLS (23.00026, 22.15695/010)**

That Council endorse the Traffic Management Plan for the Bathurst Church of Christ Christmas Carols proposed to be held on Friday 9 December 2016 at 56 Colville Street, Windradyne as a Class 2 event and approved subject to conditions detailed in the Director Engineering Services' Report.

**TRAFFIC REGISTER**

**13 Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

**MEETING CLOSE**

**14 MEETING CLOSE**

The Meeting closed at 2.27pm.

## DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 OCTOBER 2016

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 SEPTEMBER 2016 (11.00019)**

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

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

**Apologies:** Nil.

### **1. ARTS OUT WEST (18.00036)**

Tracey Callinan, Executive Director of Arts OutWest, apologised as was delayed at another appointment.

### **2. WHITE ROCK PROGRESS ASSOCIATION (20.00291)**

Representatives from the White Rock Progress Association - Bill Josh, Peter Montgomery, Elizabeth Forbes, Maria Wilson, Ewald Lebner met with Council to discuss Alec Lamberton Field.

Discussion included:

The Association asked what is Council's intention with the area that is classified as operational.

**The Acting Director Environmental, Planning & Building Services** gave outline of process to date.

**The General Manager** advised Council has not yet made a decision.

**The Mayor** asked Association to put in writing what they would like to see happen with the area so Council could assist.

It was generally agreed that a Master Plan for the site is needed.

**Financial Implications:** Nil.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 6 SEPTEMBER 2016 (11.00020)**

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

**Report:** The Youth Council considered a number of items at the bi-monthly meeting, including the Youth Council project, named "The Feel Good Campaign" which will focus on a campaign surrounding positive body image and healthier living supported by a social media campaign, stickers, and culminating in an event which will support the aims of the campaign, and help to build social inclusion of young people. The Youth Council also considered the upcoming YJAM youth music event, to be held in the Forecourt of the Bathurst Library/Bathurst Regional Art Gallery on 29 October 2016.

The Youth Council addressed the following items at their meeting held on 6 September:

- Youth Council Project
- YJAM Project

A copy of the minutes from the meeting are provided at **attachment 1**.

**Financial Implications:** Funding for this item is contained within existing budgets.

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

- |   |   |
|---|---|
| ● Objective 23: To encourage a supportive and inclusive community.  | Strategy 23.3, 23.6                         |
| ● Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.                      | Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.2, 30.5                         |
| ● Objective 33: To be and develop good leaders.   | Strategy 33.2, 33.3                         |