

7 December 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
14 December 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 14 December 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, 14 DECEMBER 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 - 16 NOVEMBER 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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2016

10. NOTICES OF MOTION

11. RESCISSION MOTIONS

12. DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 NOVEMBER 2016

* CENTROC BOARD MEETING 24 NOVEMBER 2016 (PARLIAMENT HOUSE, CANBERRA)

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.

*** MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RURAL LICENCE AGREEMENT - LAND AT BEN CHIFLEY DAM	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	RENEWAL OF LICENCE AGREEMENT - PART LOT 40 IN DP1056379 KNOWN AS SULMAN PARK MT PANORAMA - PANORAMA MOTOR CYCLE CLUB INC.	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 - PART LOT 101, 102 AND 103 IN	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,

	DP1204847 LOCATED AT 7 LEE STREET, KELSO - BEAR SECURITY PTY LTD	be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW COMMERCIAL LEASE AGREEMENTS - VACANT LAND LOCATED AT 83 WILLIAM STREET BATHURST (FORMER TAFE BUILDING SITE).	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	REQUEST FOR FINANCIAL ASSISTANCE - PANORAMA MOTORCYCLE CLUB	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 LAND LOT 1 DP624336 AND PART LOT 1007 DP1168702 (4040 O'CONNELL ROAD KELSO) - KELSO INDUSTRIAL ESTATE	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.
7	PROPOSED BOUNDARY ADJUSTMENT - LOT 1 IN DP197420 AND LOT B IN DP197498 LOCATED AT 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.
8	SALE OF LOT 7 IN DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN.	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.
9	PROPOSED LEASE PART LOT C IN DP158611 LOCATED AT 519 MITCHELL HIGHWAY, 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.
10	NEW LEASE AGREEMENT LOT 800 IN DP1160678 LOCATED AT 4 WATT DRIVE, BATHURST TRADE CENTRE	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.
11	PROPOSED LEASE	10A (2) (d) (i) – contains commercial information of a

LOT 5 DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO	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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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SALE TO OAK TREE RETIREMENT VILLAGE BATHURST - RESIDUE LAND - LOT 10 DP1205690 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.
2	COMPULSORY ACQUISITION OF LOT 315 & LOT 316 DP1197774 SEWERAGE TREATMENT WORKS, MORRISSET 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	COMPULSORY ACQUISITION OF AN EASEMENT FOR CONSTRUCTION OF NEW SEWER GRAVITY MAIN BETWEEN BONNOR STREET KELSO AND LIMEKILNS 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.

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 - 16 NOVEMBER 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 November 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 November 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 16 NOVEMBER 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

G Goldsmith – Bathurst St Patricks Rugby League Football Club - Items #4 and #9
DES Confidential

Thanked Council for the efforts in constructing the fields on Hereford Street. St Patrick's Juniors have 200 players, and around 120 players in the seniors. Spoke of the tradition of the Club. See the fields as an asset for the community, particularly with the current growth rates in the population, spoke to various demographics. Noted linkage with tourism investment and the benefits this creates for the city. There will be an ability to host events with the infrastructure that is being built.

B Manning – ratepayer

Queried for what reason did Council buy the land at 9 McKell Street? Spoke to various actions in purchasing land, returns on investment expected, level of purchasing of residential land by the Council. Issues between landowners and correspondence received from Council. Spoke to prior court matters concerning DA issues. Also concerns at Council not responding to Mrs Manning's representatives, spoke to Council bringing in contractors to do works at the location and level of works undertaken.

The General Manager spoke to the matters raised by Mrs Manning; property ownership, maintenance of assets, responses to representatives, noise measurements, health safety etc.

L Smith and C Stephens – Bathurst Youth Council - Item #4 DCCS report

Spoke to the recent Youth Events and the success of these and the future direction of the Youth Council.

The Mayor thanked the Youth Councillors for their efforts on the Youth Council.

APOLOGIES

3 APOLOGIES

Nil

MINUTES**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 OCTOBER 2016 (11.00005)****MOVED** Cr I Northand **SECONDED** Cr G Hanger**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 October 2016 be adopted.**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 NOVEMBER 2016 (11.00005)****MOVED** Cr I Northand **SECONDED** Cr M Morse**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy held on 2 November 2016 be adopted.**DECLARATION OF INTEREST****6 DECLARATION OF INTEREST 11.00002****MOVED** Cr I Northand **SECONDED** Cr B Bourke**RESOLVED:** That the following Declaration of Interest be noted.Cr Coote

Item #11 of the Director Corporate Services & Finance's report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report****7 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr M Cooteand **SECONDED** Cr G Westman**RESOLVED:** That the information be noted.**8 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr G Westmanand **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**9 Item 3 DEVELOPMENT APPLICATION NO. 2016/348 CARPORT AT 16 FROME STREET RAGLAN. APPLICANT: CR & CW HOLDING. OWNER: CR & CW HOLDING (DA/2016/348)****MOVED** Cr I Northand **SECONDED** Cr M Coote**RESOLVED:** That Council:

- (a) support the variation to clause 4.4.2 setbacks for garages/carports development standard 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. 2016/348 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 consent given by Council's Notice of Determination of Development Application No 2012/0091 and dated 15 May 2012 is to be surrendered by the submission to Council of a document in accordance with the Environmental Planning and Assessment Regulation, properly executed by the owner of the subject land;
 - (ii) A landscaping plan is to be provided to include hedge planting on the eastern boundary of the property (forward of the building line) and the planting of at least 1 medium size tree within the front yard of the property that will achieve an effective height of at least 5-6 metres when established. The new trees are to be advanced mature trees with a minimum pot size of 45 litres. The trees are to be planted prior to the issuing of an Occupation Certificate.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Cr W Aubin, Cr G Westman,

Absent - Nil

Abstain - Nil

10 **Item 4 BUSINESS COMMUNITY CONSULTATION – ECONOMIC DEVELOPMENT STRATEGY 2017-2020 (20.00168)**

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

RESOLVED: That the information be noted.

11 **Item 5 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)**

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

RESOLVED: That Council:

- (a) note that the 2016 Bathurst Region State of the Environment Report has been

completed; and

- (b) make electronic copies of the 2016 Bathurst Region State of the Environment Report available on Bathurst Regional Council's Website.

Director Corporate Services & Finance's Report

12 Item 1 STATEMENT OF INVESTMENTS (16.00001)

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

RESOLVED: That the information be noted.

13 Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2016-2017 (16.00144)

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

RESOLVED: That the information be noted and any variations to income and expenditure be voted.

14 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.

15 Item 4 POWER OF ATTORNEY (11.00007)

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

RESOLVED: That the information be noted.

16 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - HILL END & TAMBAROORA GATHERING GROUP (18.00004, 13.00068)

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

RESOLVED: That Council donate \$320 to assist the Hill End & Tambaroora Gathering Group with rental for the use of the Royal Hall for community markets held at Hill End on Easter and October long weekends.

17 Item 6 EXPRESSION OF INTEREST TO LEASE ALEC LAMBERTON CLUB HOUSE (04.00018-02)

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

RESOLVED: That Council advise the Genorocity Church that Council will not enter into a lease at the present time as Council is currently engaged in developing a

Master Plan for Alec Lamberton Fields and Club House in order to determine the future use of this area.

18 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB (18.00004)

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

RESOLVED: That Council provide Bathurst Panthers Football Club with sponsorship for the conduct of the Bathurst Rugby League Knockout to be held in March 2017 by contributing a sponsorship package of \$3,000.

19 Item 8 REQUEST FOR FINANCIAL SUPPORT - HILL END FESTIVAL (23.00026)

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

RESOLVED: That Council:

- (a) Provide media support towards The End Festival in 2017; and
- (b) Provide a \$5,000 contribution towards an artistic project, to be funded from Council's Advertising and Promotions Budget.

20 Item 9 REQUEST FOR FINANCIAL SUPPORT - BATHURST LITTLE ATHLETICS (18.00004-32/158)

MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That Council support the request from Bathurst Little Athletics in hosting the Zone Carnival on the weekend of 12 and 13 November 2016, with a donation of \$500.

The following **AMENDMENT** was moved.

21 Item 9.01 REQUEST FOR FINANCIAL SUPPORT - BATHURST LITTLE ATHLETICS (18.00004-32/158)

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

RESOLVED: That Council support the request from Bathurst Little Athletics in hosting the Zone Carnival on the weekend of 12 and 13 November 2016, with a donation of \$500 to be funded from Council's Advertising and Promotion Budget.

The **AMENDMENT** was **PUT** and **CARRIED**.

The **AMENDMENT** then became the **MOTION**.

The **MOTION** was then **PUT** and **CARRIED**.

22 Item 10 PURCHASE OF LOT 1 IN DP197420 - 128 BENTINCK STREET

BATHURST (22.13258)**MOVED** Cr B Bourkeand **SECONDED** Cr I North

RESOLVED: That Council classifies the land located at Lot 1 DP197420 and known as 128 Bentinck Street as Operational under Section 31 of the Local Government Act 1993.

23 **Item 11 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST COMMUNITY ALLIANCE PARTNERS (18.00004)**

MOVED Cr I Northand **SECONDED** Cr B Bourke

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

Reason: Board Member of Accessible Living Options.

RESOLVED: That Council make available an amount of \$500 to assist the Bathurst Community Alliance partners to celebrate International Day of People with a Disability on 3 December 2016.

24 **Item 12 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.01342, 22.13487, 20.00138)**

MOVED Cr I Northand **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Engineering Services' Report

25 **Item 1 CONSENT TO CLOSURE OF COUNCIL ROAD RESERVES - LOCATED AT MOUNT RANKIN (25.00301)**

MOVED Cr I Northand **SECONDED** Cr M Coote

RESOLVED: That Council consent to the closure of sections of the Council Road Reserve on Howards Drive at Mount Rankin as proposed by The Crown, subject to the information contained in the Director Engineering Services' Report.

26 **Item 2 PERTHVILLE FLOOD MITIGATION (31.00008)**

MOVED Cr B Bourkeand **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

27 **Item 3 SOFALA FLOOD MITIGATION (31.00009)**

MOVED Cr G Westmanand **SECONDED** Cr M Coote

RESOLVED: That Council:

(a) Approve the implementation of the Sofala Vegetation Management Plan.

(b) Refer the project to 2017/2018 Annual Operating Plan for consideration.

- 28** **Item 4 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00610, 36.00606, 07.00017, 36.00605, 36.00612, 36.00613, 36.00611, 36.00609, 36.00604, 36.00608, 36.00603, 36.00607)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

- 29** **Item 1 VACATION CARE PROGRAM - SEPTEMBER/OCTOBER 2016 (09.00005)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 30** **Item 2 BATHURST CHILD CARE - SCALLYWAGS ASSESSMENT AND RATING (19.00007)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 31** **Item 3 BATHURST VISITOR INFORMATION CENTRE AND NATIONAL MOTOR RACING MUSEUM - BATHURST SUPERCHEAP 1000 VISITATION (04.00001)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 32** **Item 4 BATHURST REGIONAL YOUTH COUNCIL - YJAM EVENT AT LIBRARY/ART GALLERY FORECOURT - FRIDAY 29 OCTOBER 2016 (11.00020)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 33** **Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 10 OCTOBER 2016 (07.00016)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

This is page 7 of Minutes (Minute Book Folio 12387) of the Ordinary Meeting of Council held on 16 November 2016

- 34** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 2016 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 November 2016 be adopted.

Cr Bourke spoke to Flood Appeal and noted, his thanks to Mr Triming for his assistance.

Traffic Committee Meeting

- 35** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 NOVEMBER 2016 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on Tuesday, 1 November 2016, be adopted.

DELEGATES REPORTS

- 36** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 OCTOBER 2016 (11.00019)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

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

- 37** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr M Coote and **SECONDED** Cr M Morse

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	VARIATION REQUEST - RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET KELSO - DOWNER EDI WORKS 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.
2	PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3,4,7,8,9 AND 10 IN SECTION C DP758840 - CATHOLIC DIOCESE OF 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 SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING	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 RESTORATION OF NETBALL COURTS – JOHN MATTHEWS NETBALL COMPLEX	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	CENTROC TENDER FOR THE SUPPLY & DELIVERY OF BULK FUEL	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	TENDER FOR DESIGN AND CONSTRUCTION OF RUGBY LEAGUE CLUBHOUSE SEWERAGE SYSTEM	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	TENDER - READY-MIX CONCRETE	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	TENDER - STORMWATER DRAINAGE PIPES	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.
7	TENDER - NATURAL GRAVEL QUARRY ACCESS & EXTRACTION	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	TENDER - SUPPLY & DELIVERY OF ROADBASE MATERIAL	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	TENDER - DESIGN & CONSTRUCTION OF RUGBY LEAGUE CLUBHOUSE	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.
10	TENDER - HIRE OF TRUCKS/WATERCARTS	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.
11	TENDER FOR CONSTRUCTION OF GABION WALL, FOOTPATH & HANDRAIL - BICENTENNIAL 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.
12	TENDER - HIRE OF PLANT	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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Director Corporate Services & Finance's Report

- a** **Item 1 VARIATION REQUEST - RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET KELSO - DOWNER EDI WORKS PTY LTD (22.01342)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council approves the variation to the lease terms for Lot 300 in DP1099537 located at 23 Zagreb Street Kelso with Downer EDI Works Pty Ltd for a period of ten (10) years with four (4) x five (5) year option periods as detailed in the report.

- b** **Item 2 PROPOSED PURCHASE OF LAND AT PERTHVILLE - LOTS 1, 2, 3,4,7,8,9 AND 10 IN SECTION C DP758840 - CATHOLIC DIOCESE OF BATHURST (22.13487)**
MOVED Cr I North and **SECONDED** Cr M Coote

That Council:

- (a) approve the purchase of Lots 1, 2,3,4,7,8,9 and 10 in Section 16 DP758840 located on Bathurst Street, Prince Street and Rockley Street and Tenison-Woods Drive Perthville from the Catholic Diocese of Bathurst
- (b) approve the sale price of the land of \$170,000 (excluding GST)
- (c) classify the land as Operational under Section 31 of the Local Government Act 1993.
- (d) not agree to a variation to the recommendation of the meeting held on 19 October 2016 in relation to the sale of residue land in Westbourne Drive. Should the Trustees of the Roman Catholic Diocese not wish to proceed with accepting this recommendation, then the offer to purchase the land at Perthville and the transfer of land at Westbourne Drive be withdrawn.

Director Engineering Services' Report

- c** **Item 1 TENDER FOR THE SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING (36.00610)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council accept the tender from Downer EDI Works for the Supply, Delivery and Laying of Asphaltic Concrete Surfacing for Contract No. 36.00610.

- d** **Item 2 TENDER FOR THE RESTORATION OF NETBALL COURTS – JOHN MATTHEWS NETBALL COMPLEX (36.00606)**

MOVED Cr G Westman

and **SECONDED** Cr I North

That Council accept the tender of L-Don Sporting Areas Pty Ltd in the amount of \$141,592 (GST Inclusive), subject to adjustments and provisional sums as indicated within the report, for the restoration of three netball courts at the John Matthews Netball Complex, Bathurst.

e **Item 3 CENTROC TENDER FOR THE SUPPLY & DELIVERY OF BULK FUEL (07.00017)**

MOVED Cr G Westman

and **SECONDED** Cr I North

That Council accept and sign contracts with the following providers for the Supply and Delivery of Bulk Fuel:

- Ocwen Energy t/a Lowes Petroleum
- Oilsplus Holdings Australia
- Park Pty Ltd
- United Petroleum

f **Item 4 TENDER FOR DESIGN AND CONSTRUCTION OF RUGBY LEAGUE CLUBHOUSE SEWERAGE SYSTEM (36.00605)**

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

That Council accept the tender of Chiverton Estate Pty Ltd trading as Thompson's Irrifab Pty Ltd in the amount of \$171,556.00 (incl. GST) for the design and construction of a rugby league clubhouse sewerage system, subject to adjustments and provisional items.

g **Item 5 TENDER - READY-MIX CONCRETE (36.00612)**

MOVED Cr G Westman

and **SECONDED** Cr M Coote

That Council accept the tender from Ever-Ready Concrete for the supply of ready-mix concrete from 1 January 2017 to 31 December 2018.

h **Item 6 TENDER - STORMWATER DRAINAGE PIPES (36.00613)**

MOVED Cr I North

and **SECONDED** Cr B Bourke

That Council accept the tender from Rocla Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels, from 1 January 2017 to 31 December 2018.

i **Item 7 TENDER - NATURAL GRAVEL QUARRY ACCESS & EXTRACTION (36.00611)**

MOVED Cr M Coote

and **SECONDED** Cr G Westman

That Council accept the tender from Macquarie Vale Pty Ltd for Natural Gravel Quarry Access and Extraction, from 1 January 2017 to 31 December 2018.

- j** **Item 8 TENDER - SUPPLY & DELIVERY OF ROADBASE MATERIAL (36.00609)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

That Council accept the tender from Hynash Constructions Pty Ltd for the Supply and Delivery of Roadbase, from 1 January 2017 to 31 December 2018.

- k** **Item 9 TENDER - DESIGN & CONSTRUCTION OF RUGBY LEAGUE CLUBHOUSE (36.00604)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

That Council accept the tender of Nick Harvey Constructions Pty Ltd in the amount of \$1,016,592 (incl GST) for the design and construction of a rugby league clubhouse, subject to adjustments and provisional items.

- l** **Item 10 TENDER - HIRE OF TRUCKS/WATERCARTS (36.00608)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council accept the tenders for the Hire of Trucks/Watercarts for 2017 & 2018, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Trucks/Watercarts.

- m** **Item 11 TENDER FOR CONSTRUCTION OF GABION WALL, FOOTPATH & HANDRAIL - BICENTENNIAL PARK (36.00603)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council accept Central West Civil Pty Ltd's total tendered project price of \$128,958.50 (GST incl.), subject to adjustments and provisional items.

- n** **Item 12 TENDER - HIRE OF PLANT (36.00607)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council accept the tenders for the Hire of Plant for 2017 and 2018, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

RESOLVE INTO OPEN COUNCIL

- 38** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council resume Open Council.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

14 DECEMBER 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 November 2016 (**attachment 1**).
- (b) Applications refused during November 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 November 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. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST. APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN (DA/2016/360)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/360, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The applicant is to implement the operational signage recommendations made by NSW Police in its correspondence dated 26 October 2016;
- (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 a change of use to the existing premises to a tattoo studio, shop fitout and coffee window at 106 William Street, Bathurst, described as Lot 11, DP 1056382. A location plan is provided at **attachment 1**.

The subject site is in the block of William Street, between Howick and Russell Streets. The site is directly opposite Kings Parade and directly adjoins the Royal Hotel building.

The subject site currently contains a two storey commercial building with a first floor residential unit. Adjoining and surrounding sites contain both single and multi-storey commercial premises which house a variety of uses.

The ground floor commercial tenancy of the subject premises is currently vacant.

The proposal

The proposal involves:

- Change of use of the building to a tattoo studio;
- Internal fitout/internal alterations; and
- Installation of a coffee window in the front façade and fitout of associated servery area.

Plans of the proposed development are at **attachment 2**.

With the exception of installing a coffee window in the front façade, the proposal does not include any significant external alterations to the existing building.

Hours of operation are proposed to be 10am to 6pm.

Submissions

The Development Application was notified to adjoining property owners from 26 October

2016 to 4 November 2016. At the completion of the notification period a total of eleven (11) submissions were received (see submissions provided at attachment 3).

It is noted that the submissions include one letter of objection and numerous letters of support.

Issues raised in the letter of objection included:

- The proposed business is not in keeping with the style/character of the surrounding businesses;
- The directly adjoining building is the Royal Hotel, a building of historical significance, often photographed by tourists. Is this the image Bathurst wants to portray;
- Customers of the adjacent café have voiced concerns about dining in the vicinity of this type of premises;
- Footpath diners in front of the adjacent café will be able to see directly into the premises; and
- This type of premises has its place in society but not necessarily in such a prominent place in the main street.

The issues raised are addressed in the body of this report. Issues raised in support noted the business has operated at another location in the CBD for several years without issue and the industry is highly regulated.

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 defined as a *business premises*. A *business premises* is permissible with consent in the B3 Commercial zone. The proposal is consistent with the objectives of the zone.

Clause 5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area and directly adjoins a State listed Heritage Item (The Royal Hotel building). The physical works associated with the development are limited to the proposed internal alterations (fitout) and the proposed coffee window. A small amount of signage above the windows and below the awning is proposed.

It is considered that the proposed works will not have an adverse impact on the significance of the Royal Hotel building or the significance of the Bathurst Heritage Conservation area as a whole.

In this regard it is noted that the proposal does not include repainting of the building. Above awning signage is not proposed. Council understands that the below awning signage will refer to the business name not the business type.

Development Control Plan

Chapter 2 Exhibition and Notification of Development Applications

In accordance with the provisions of Chapter 2 the Development Application was notified to adjoining property owners from 26 October 2016 to 4 November 2016. A Discussion Forum was held at the Council Policy Committee on 7 December 2016.

Chapter 5 Business and Industrial Development

With the exception of installing a coffee window in the front façade, the proposal does not include any significant external alterations to the existing building.

Chapter 10 Urban Design and Heritage Conservation

The physical works associated with the development are limited to the proposed internal alterations (fitout) and the proposed coffee window. The works are considered appropriate in the Heritage Conservation Area.

Chapter 12 Signage and Colour Schemes

Plans for the proposed development indicate two under awning top hamper signs. Top hamper signs are signs that are attached to the top of a door or window. Top hamper signs are generally considered to be exempt development under the Bathurst Regional Local Environmental Plan 2014 and therefore do not by themselves require development consent.

The business currently trades in George Street under the name "Divine Gallery". There are no direct reference to the premises being used as a tattoo studio. It is understood this will remain the case.

The Development Application does not propose external painting of the building above awning level, or any above awning signage.

Chapter 15 Crime Prevention

The Development Application has been referred to the NSW Police – Chifley Local Area Command under the agreed referral protocol for consideration against the Crime Prevention Through Environmental Design (CPTED) Principles.

NSW Police have determined, on a sliding scale of low, moderate, significant and high, that the proposed development is **low crime risk**.

While NSW Police did not object to the proposal they did make the following recommendations in relation to operational signage:

- Warning signs should be strategically posted around the business to warn intruders of what security treatments have been implemented to reduce opportunities for crime. For example "Warning, trespassers will be prosecuted."
- A current Fire Safety Statement must be prominently displayed within the business to comply with the Environmental Planning & Assessment Regulations.
- Signage needs to be provided at (fire) exits to assist occupants to identify exits in emergency situations. Signage needs to be provided to assist occupants to identify fire suppression equipment, e.g. extinguishers, fire hoses, etc.
- No cash kept on premises.
- Premises under constant surveillance.

The applicant has advised that CCTV cameras and an alarm system will be installed.

Social & Amenity Considerations

Issues raised in the public submissions largely relate to the type of business and potential social issues/stigmas associated with that use. These issues have the potential to impact upon the amenity of the area.

Case law has determined that 'a fear or concern without rational or justified foundation is not a matter which, by itself can be considered as an amenity or social impact pursuant to [the EPAA]' (Perry Properties Pty Ltd. -v- Ashfield Municipal Council [2000] NSWLEC 188).

The business will operate discreetly as there will be no overt indication from street level as to the nature of the business contained within.

The inclusion of a coffee window will give the premises a direct engagement with the street/footpath.

Tattoo studios have, in the last two decades, become more mainstream and can no longer be associated with a particular stereotype. In the past tattoo studios were associated with crime and antisocial behaviour and therefore attracted a stigma. Now tattoo premises are essentially artist studios with a broad clientele and with no obvious correlation to crime or antisocial behaviour.

It is also noted that tattoo premises are governed by the Tattoo Parlours Act 2012. In general terms, the Act requires body art tattooing businesses and individual tattooists to be licensed through NSW Department of Fair Trading. According to the NSW Fair Trading website in order to obtain a licence you must:

- *Be at least 18 years of age and an Australian citizen or resident.*
- *Not be a controlled member of a declared organisation.*
- *Consent to a National Police Check.*
- *Provide certified copies of three types of approved identification.*
- *Lodge the completed licence application form and pay the prescribed fee.*
- *Attend a police station to have your finger and palm prints taken, when requested.*

Applicants for a tattooist licence must also provide details of their previous, current, existing or upcoming employment as a body art tattooist, including any employment as an apprentice.

Applicants for an operator licence must also comply with the following requirements in addition to those stated above:

- *Provide a declaration about all close associates.*
- *If a close associate is an entity or organisation, you must consider whether the individuals involved in the entity are also close associates. If they are, you must ensure you list those individuals in your declaration as well.*
- *Provide, or have your individual close associates provide, certified copies of three forms of identification directly to Fair Trading.*
- *Ensure all individual close associates sign a Close Associate Consent form and consent to a National Police Check.*

Unlike development consents that usually remain with the land, tattoo licences may not be sold, rented or lent to anyone. Any new operators would therefore be required to go through the licensing process.

Subject business existing location

The proponent of this Development Application currently operates from 179 George Street (between Keppel & Russell Streets) and has done so since 2013. The existing location was approved for use as a tattoo studio by Council in April 2013.

The existing premises are discrete, with no indication from street level as to the nature of the business contained within. The existing premises sits amongst a variety of other businesses including retail premises and food/drink premises.

Existing and proposed businesses

Aside from the existing tattoo studio in George Street (as outlined above) there is another long established tattoo studio in Keppel Street (between Bentinck and William Streets).

Council has also recently approved another new tattoo studio in a vacant tenancy in a shopping arcade off Howick Street, however this studio is not yet operational.

The existing studios and the recently approved studio are all in established commercial precincts amongst a variety of businesses.

Conclusion

Council has received a Development Application (DA) for a change of use of existing business premises to a tattoo studio, shop fitout and coffee window at 106 William Street, Bathurst. The subject site currently contains a two storey commercial building with a first floor residential unit. Adjoining and surrounding sites contain commercial buildings including the State listed Royal Hotel building. The Development Application was notified to adjoining property owners from 26 October 2016 to 4 November 2016. At the completion of the notification period a number of submissions were received. It is noted that the submissions include both a letter of objection and numerous letters of support. It is considered that the proposal warrants approval for the reasons outlined in this report. Approval is therefore 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. 2016/371 – TWO STOREY DUAL OCCUPANCY (SECOND DWELLING) AND TWO LOT RESIDENTIAL SUBDIVISION AND REMOVAL OF TREES AT 206 RUSSELL STREET, BATHURST. APPLICANT: MR P GABRIELIDES. OWNER: MR P & MRS A GABRIELIDES (DA/2016/371)

Recommendation: That Council:

- (a) support the variation to the minimum driveway width 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. 2016/371, 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 (DA) for a two storey dual occupancy (second dwelling) and two lot residential subdivision and removal of trees at 206 Russell Street, Bathurst, described as Lot 1, DP 267636. A location plan is provided at **attachment 1**.

The site currently contains a single storey dwelling and separate carport/garden shed.

The adjoining property to the south-east contains medical consulting rooms. All other adjoining properties contain single or double storey dwellings.

204 and 206 Russell Street are accessed by a shared driveway that passes between the two existing buildings. The shared driveway is owned by 206 Russell Street and 204 Russell Street has a right of carriageway over it.

The proposal

The proposal involves the construction of a two storey four-bedroom dwelling behind the existing dwelling and for the subdivision of the site into two lots.

Plans of the proposed development are 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 (*detached*) is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.1B Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings

The *Minimum Lot Size – Dual Occupancy Map* indicates that the minimum lot size for a dual occupancy development in this locality is 600m². The subject site has an area of 1054m² and therefore a dual occupancy is permissible.

Clause 4.3 Height of buildings

The *Height of Buildings Map* indicates that the maximum building height in this locality is 9 metres. The proposed building will have an overall height of 7.2 metres and therefore does not exceed the maximum building height.

Clause 5.9 Preservation of trees or vegetation

The proposed development will necessitate the removal of four trees over 9 metres high within the subject property.

The trees to be removed are as follows:

- One (1) Robinia tree (*Robinia pseudoacacia*) – while greater than 9 metres, this species is on the Exempt Tree List in Council's *Tree Preservation and Management Policy* and therefore formal consent is not required for its removal.
- Three (3) English Elm trees (*Ulmus procera*) – all greater than 9 metres, these are Prescribed Trees under Council's *Tree Preservation and Management Policy* and therefore formal consent is required for their removal.

All of the tall elm trees are considered to have been self-seeded and are in a poor condition. Dead wood, evidence of past branch failures and decay were observed in almost all trees.

It is believed that no tree within the property would be considered as a specimen tree or significant in an environmental sense or the amenity of the area. The elm trees are in poor condition and are currently being heavily attacked by Elm beetles.

The overall objective of the Council's *Tree Preservation and Management Policy* is to preserve the amenity of the area and protect biodiversity values. In this respect the proposal will only result in a minor loss of amenity and biodiversity.

Clause 5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation.

The proposed two-storey dwelling is located at the rear of the property and therefore will not be directly visible from Russell Street.

Bathurst Regional Development Control Plan 2014

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1054m ²	600m ²	Yes
Proposed Dwelling			
Rear	12.0 metres	As per BCA (900mm)	Yes
SE Side	0.95 metres	As per BCA (900mm)	Yes
NW Side	1.03 metres	As per BCA (900mm)	Yes

	900mm		
Height	Two storey	Two storey maximum	Yes
Site coverage	32%	50%	Yes
Car parking			
<u>Existing Dwelling</u> Resident	2 covered	1 per dwelling	Yes
<u>Proposed Dwelling</u> Resident	2 covered	1 per dwelling	Yes
<u>Visitor Parking</u> Visitor	1 in front of proposed dwelling	1 per 2 dwellings	Yes
Accessway width	Minimum 2.3 metres	3-6m	No*
Open space area			
<u>Existing Dwelling</u> 3 bedroom	50.12m ²	40m ²	Yes
<u>Proposed Dwelling</u> 4 bedroom	142m ²	50m ²	Yes
Open space width			
<u>Existing Dwelling</u>	6.1m	4m wide	Yes
<u>Proposed Dwelling</u>	10.5m	4m wide	Yes

* The DCP prescribes a minimum driveway width of 3 metres where it serves a dual occupancy and between 3-6 metres for 3-5 dwellings. The right of carriageway between the two properties currently has a width of 2.3 metres. Currently it serves two properties – the existing dwelling at 206 Russell Street and the neighbouring medical consulting rooms at 204 Russell Street. The proposed development will result in three properties sharing the driveway. The driveway is owned by 206 Russell Street and 204 Russell Street has a right of carriageway over it. The existing 2.3 metre driveway is considered appropriate for the following reasons:

- Despite the right of carriageway being 2.3 metres wide, the actual unobstructed width (between the two buildings) is 2.86 metres.
- 2.3 metres is a trafficable width, a further 700mm to achieve the required minimum 3 metre width would make no material difference to the functionality of the existing driveway;
- The driveway is 2.3 metres wide for the first 20 metres, after the first 20 metres the driveway widens out to 4 metres within 206 Russell Street;
- Adequate manoeuvring area will be available for vehicles to enter and leave the site in a forward direction if they are accessing both the existing or proposed dwellings; and
- Provision can be made on site for a fire fighting booster facility.

Overshadowing

In accordance with Chapter 4 of the DCP, shadow diagrams for 21 June (the winter solstice) have been submitted with the application (see shadow diagrams at **attachment 3**).

The shadow diagrams indicate that the proposed dwelling will overshadow the rear yard of 204 Russell Street from 9am on 21 June and the driveway of 202A Russell Street from 2pm on 21 June. Given that 204 Russell Street is currently used for non-residential purposes (medical consulting rooms) and that the shadow will be cast approximately 25 metres back from the rear of the existing building, the impact of the overshadowing is considered acceptable. Should the building at 204 Russell Street ever be converted back to a dwelling adequate open space, not affected by overshadowing, will be available.

Submissions

In accordance with Chapter 2 of the Bathurst Regional Development Control Plan 2014, the Development Application was notified to adjoining property owners from 26 October 2016 to 4 November 2016. Following notification period one (1) submission was received (see submission at **attachment 4**).

A Discussion Forum was arranged for 22 November 2016 however the objector advised in writing that they were unable to attend and therefore the Discussion Forum was cancelled.

Issues raised in the submission included:

- Potential for obstruction of driveway

Comment: The granting of development consent does not alter the terms of the right of carriageway and the legal obligations of each of the parties. Nothing in the granting of consent enables either party to obstruct the right of carriageway.

- Privacy

Comment: Vehicles and pedestrians passing the windows in the medical consulting rooms will be momentary only and consistent with the current arrangement albeit there will be marginally more traffic.

- Noise

Comment: Vehicles and pedestrians passing the windows in the medical consulting rooms will be momentary only and consistent with the current arrangement.

The applicant has provided a written response to the matters raised in the objector's submission (see **attachment 5**).

Conclusion

Council has received a Development Application (DA) for a two storey dual occupancy (second dwelling) and two lot residential subdivision at 206 Russell Street, Bathurst. The subject site is accessed by a shared driveway between 206 Russell Street and 204 Russell Street. The shared driveway is owned by 206 Russell Street and 204 Russell Street has a right of carriageway over it. Despite the right of carriageway being 2.3 metres wide, the actual unobstructed width (between the two buildings) is 2.86 metres. The DCP prescribes a minimum driveway width of between 3-6 metres for 3-5 dwellings. The variation to the driveway width is supportable for the reasons outlined in this report. The Development Application was notified to adjoining property owners from 26 October 2016 to 4 November 2016. Following the notification period one (1) submission was received. Issues raised in the submission 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. 2016/378 – ADDITIONS AND ALTERATIONS TO EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY GARAGE WITH FIRST FLOOR SECONDARY DWELLING (GRANNY FLAT) AT 71 WHITE ROCK ROAD, WHITE ROCK. APPLICANT: MRS K SMOOTHER. OWNER: MR J & MRS K SMOOTHER (DA/2016/378)

Recommendation: That Council:

- (a) support the variation to the 30 metre wide Agricultural Interface as described in the Bathurst Regional Development Control Plan 2014 and as shown on Development Control Plan Map No. 14 *White Rock* ;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/378, 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) Prior to the issue of a Construction Certificate the applicant is to submit to Council for endorsement, a Landscape Plan showing continuation of the screen planting for the full length of the northern boundary of the subject site;
- (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 additions and alterations to an existing dwelling and construction of a two storey garage with first floor secondary dwelling (granny flat) at 71 White Rock Road, White Rock, described as Lot 26, DP 832683. A location plan is provided at **attachment 1**.

The subject site currently contains a single storey dwelling with attached double garage, two separate sheds and a number of smaller outbuildings.

The site contains a significant amount of vegetation which forms a screen along its front (western) boundary and the majority of its side (northern) boundary.

The proposal

The proposal involves:

- Additions and alterations to the existing dwelling;
- Construction of a two storey four-car garage with first floor secondary dwelling (granny flat).

See amended plans of the proposed development at **attachment 2**.

See shadow diagrams for the proposed development at **attachment 3**.

It should be noted that since the Development Application was lodged the applicant has amended the plans so that the proposed first floor secondary dwelling (granny flat) will be

located at the southern end of the proposed building rather than the northern end as originally proposed. The effect of this change is that the proposed first floor secondary dwelling (granny flat) will be located furthest from the adjoining agricultural land and conversely, the first floor storage area closest to it.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R5 Large Lot Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dwellings and secondary dwellings are permissible with consent in the R5 Large Lot Residential zone.

Clause 4.3 Height of buildings

The Height of Buildings Map indicates that the maximum building height in this location is 9 metres. The proposed garage/secondary dwelling building will have an overall height of 7.4 metres which is less than the prescribed maximum.

Clause 5.4 Controls relating to miscellaneous permissible uses

Clause 5.4 provides that:

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

The development standard relates to the area of the building to be used as the secondary dwelling (granny flat). Accordingly it does not include parts of the building used for other purposes such as the ground and first floor storage areas or the common stairways used to service both uses.

The proposed secondary dwelling (granny flat) will have a total floor area of 60m². The secondary dwelling is accessed via an entry foyer and internal staircase that also provides access to a first floor storage area. The entry foyer, internal staircase, landing and storage area do not form part of the total floor area of the secondary dwelling (granny flat). The landing at the top of the staircase creates clear delineation between the first floor secondary dwelling (granny flat) area and the first floor storage area.

Whilst there is some concern raised in the public submissions that the upper level storage area could be converted to additional habitable floor space, the development being considered by Council complies with the development standard.

Clause 7.3 Airspace operations

While the subject site is within the Bathurst airport environs, the proposed additions and the proposed garage/secondary dwelling will not penetrate the Limitation or Operations Surface for the Bathurst airport.

Bathurst Regional Development Control Plan 2014

Chapter 6 Rural and Rural Lifestyle Development

Section 6.2.4 Minimum Setbacks

The DCP prescribes that where no building envelope is shown on the Deposited Plan, the minimum setback from all boundaries is 8 metres.

The proposed garage/secondary dwelling building will be located 8.2 metres from the eastern boundary (being the common boundary with 73 White Rock Road).

The northern boundary is subject to a 30 metre wide Agricultural Interface buffer setback requirement. The building is proposed to be located 3 metres from the northern boundary with the secondary dwelling component located 12 metres from that boundary. See discussion below.

Section 6.9.3 Use of land

DCP Map No 14 – White Rock indicates that the subject site is within an area where both single and double storey development is permissible. The proposed garage/secondary dwelling building is double storey.

Section 6.9.4 Management of Land

DCP Map No 14 – White Rock indicates a 30 metre wide Agricultural Interface along the northern boundary of the subject site. The DCP provides that:

No dwellings may be erected. Outbuildings and ancillary structures will be considered on merit.

Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

The existing dwelling on the site is located 20 metres from the northern boundary. The dwelling was granted development consent by Council in 1994 under similar provisions relating to boundary setback requirements for agricultural buffer zones. It is noted that the current adjoining owner similarly raised concerns by way of objection to the encroachment in the Agricultural Interface at that time Council ultimately supported the encroachment and approved the development at its meeting held 21 September 1994.

The applicant has lodged a request for all of the building to be located within agricultural interface. In accordance with the provisions, Council may consent to the outbuilding component of the development on its merits. The dwelling component of the development is a minimum of 12 metres from the boundary and therefore encroaches by a maximum of 18 metres (see applicant's request vary DCP standard at **attachment 4**). The key reasons for the variation nominated by the applicant can be summarised as follows:

- *The subject lot is only 60 metres wide and therefore the 30 metre wide agricultural buffer takes up 50% of the total lot.*
- *A Covenant prevents the construction of a garage or shed between the front building line of the main building and the street alignment.*
- *The property has a well-established vegetation buffer along the boundary where it adjoins the agricultural land.*
- *Additional landscaping will be provided to close the gap in the existing vegetation buffer.*
- *The proposed location facilitates access to all garage doors using the existing driveway.*

- *The existing dwelling already encroaches into the 30 metre Agricultural Interface.*
- *No windows in the proposed secondary dwelling will be orientated towards the adjoining agricultural land.*
- *The main windows will be orientated towards the existing dwelling on the site.*
- *The proposed secondary dwelling will be insulated to reduce the impact of noise from the adjoining agricultural parcel.*
- *The adjoining agricultural parcel is only 3.956 hectares and is therefore not of a size that would support productive agricultural pursuits. It is only occasionally used to graze horses.*
- *The adjoining agricultural parcel does not have a building entitlement.*
- *Shadow diagrams indicate that significant shadows will not be cast on either adjoining property at the winter solstice (21 June).*
- *The DCP states that "outbuildings and ancillary structures will be considered on merit", meaning they are not prohibited in the Agricultural Interface.*

See plans provided by the applicant showing all boundary offset restrictions applying to the subject property at **attachment 5**.

It is considered that the variation to the Agricultural Interface is supportable for the following reasons:

- The relocation of the proposed first floor secondary dwelling to the southern end of the proposed building will give the secondary dwelling component of the proposed building a separation of 12 metres (back corner) and 17 metres (front corner) from the boundary with the adjoining agricultural land. This will place the secondary dwelling at generally the same setback as the existing dwelling.
- Existing and proposed vegetation along the boundary between the subject property and the adjoining agricultural land will create an effective buffer.
- The building itself will create an effective buffer between the secondary dwelling (granny flat) component and the adjoining agricultural land.
- There are no outdoor entertainment areas between the dwelling and the boundary.
- The building itself would be a more effective buffer than distance and vegetation alone.

Submissions

The Development Application was notified to adjoining property owners from 3 November 2016 to 13 November 2016. Following the advertising and notification period one submission was received (see submissions at **attachment 6**).

The owner of the agricultural land to the north was notified of the proposed development but raised no issues regarding the development.

A Discussion Forum was convened by the Acting Director Environmental Planning and Building Services on 23 November 2016, see minutes of discussion forum at **attachment 7**. Issues raised in the submissions and at the Discussion Forum included:

- **Allowing a dwelling in the Agricultural Interface will set a precedent.**

Comment: Each application that seeks to encroach on the Agricultural Interface is to be considered on its merits taking into account the circumstances of the land.

- **Allowing a dwelling in the Agricultural Interface will compromise the use of the adjoining agricultural land.**

Comment: It should be noted that the existing dwelling already encroaches into the

agricultural buffer by approximately 10 metres.

It is acknowledged that the intent of an Agricultural Interface is to reduce the potential for conflicts arising from noise, odour and spray drift. The site does however benefit from a well-established landscape buffer along its northern boundary that the owners have, and will continue to, enhance with additional plantings particularly in the vicinity of the proposed building. Continuation of this planting will achieve the intent and add to the plantings undertaken elsewhere in the agricultural interface areas.

The relocation of the proposed first floor secondary dwelling to the southern end of the proposed building will give the dwelling component of the proposed building a separation of 12 metres (back corner) and 17 metres (front corner) from the boundary with the adjoining agricultural land. In this context the storage component of the building itself acts as an effective buffer between potential agricultural uses that may occur on the adjoining land. In a practical sense, it is considered that the building itself is likely to be a more effective barrier/buffer between the dwelling and the agricultural land than distance alone.

- **The proposal is inconsistent with the zone objectives relating to land use conflict and preservation of environmentally sensitive locations and scenic quality.**

Comment: Existing and proposed vegetation along the boundary between the subject property and the adjoining agricultural land will create an effective buffer in terms of both land use conflict and scenic quality.

- **The proposed building is not of an appropriate scale for the locality.**

Comment: The *Height of Buildings Map* indicates that the maximum building height in this location is 9 metres. The proposed garage/secondary dwelling building will have an overall height of 7.4 metres. Both the LEP and DCP permit two storey buildings in this location.

- **No other dwellings are located within the Agricultural Interface in this estate.**

Comment: The existing dwelling already encroaches into the agricultural buffer by approximately 10 metres.

- **The floor area of the proposed granny flat exceeds the maximum prescribed by the LEP.**

Comment: The proposed secondary dwelling (granny flat) will have a total floor area of 60m². The secondary dwelling is accessed via an entry foyer and internal staircase that also provide access to a first floor storage area. The entry foyer, internal staircase, landing and storage area do not form part of the total floor area of the granny flat. The landing at the top of the staircase creates clear delineation between the first floor secondary dwelling (granny flat) area and the first floor storage area.

- **Windows in the proposed building will overlook the neighbouring property.**

Comment: The minimum prescribed setback from the common boundary between the subject property and the neighbouring property is 8 metres. The proposed building will be 8.2 metres from this boundary.

Only one window in the first floor secondary dwelling (granny flat) and one in the

proposed first floor storage area will face in the general direction of the neighbouring property. The proposed building has been skewed so that it is not parallel to the boundary and therefore the windows do not directly overlook. Both windows will be in excess of 8 metres away from the common boundary.

- **Elements of the proposal are contrary to the building controls stipulated in the Covenants applying to the site.**

Comment: Clause 1.9A of the Bathurst Regional Local Environmental Plan 2104 provides that:

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) *This clause does not apply:*
 - (a) *to a covenant imposed by the Council or that the Council requires to be imposed...*

The subject Covenants (building related controls) are not planning standards.

Conclusion

Council has received a Development Application (DA) for additions and alterations to the existing dwelling and construction of a two storey garage with first floor secondary dwelling (granny flat) at 71 White Rock Road, White Rock. The DCP prescribes a minimum setback of 8 metres from all boundaries. The proposed garage/secondary dwelling building will be located 8.2 metres from the eastern boundary (being the common boundary with 73 White Rock Road). The northern boundary is however subject to a 30 metre wide agricultural buffer/setback. The applicant has lodged a request to vary the abovementioned development standard to reduce the setback (Agricultural Interface) from the adjoining agricultural land from 30 metres to 3 metres. It is considered that this variation is supportable for the reasons outlined in this report. Approval is therefore 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

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

Recommendation: That Council:

- (a) having undertaken a review of the application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2016/304 for a garage at 25 Lister Crescent, Kelso, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and include a condition to the effect that:
 - (i) The garage is not to be used as habitable rooms or as a depot for commercial or industrial undertakings;
- (b) support the variation to Clause 4.4.2 Setbacks for garage development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: Council has received a request to review its decision to refuse the abovementioned Development Application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979.

A copy of the request for review is at **attachment 1**.

The proposal

In response to the initial determination by Council the applicant has prepared amended plans.

The revised proposal involves:

- A reduction in the size of the shed from 11 metres x 7 metres to 10 metres x 6 metres;
- A reduction in overall floor area from 77m² to 60m²;
- An increase in the road boundary setback from 6.47 metres to 8.47 metres; and
- A reduction in the overall height from 3.680 metres to 3.583 metres.

A plan of the revised proposal is at **attachment 2**.

It is noted that the roof pitch (11^o) and overall design remain unchanged from the original proposal.

Previous consideration

This Development Application was considered by Council at its Ordinary Meeting held on 19 October 2016. At this meeting Council resolved to refuse the Development Application for the following reasons:

- (i) the development does not meet the setback guidelines for garage development standards as prescribed in the Bathurst Regional Development Control Plan 2014;

(ii) the development will have an adverse impact on the amenity of the locality.

See copy of the report to the 19 October 2016 Council Meeting at **attachment 3**.

Notification

In accordance with Section 2.6 *Review of Determined Applications (Section 82A Application)* in the Bathurst Regional Development Control Plan 2014, the application for review was notified to those who had previously made submissions for a period of 10 days between 4 November 2016 and 14 November 2016.

New submissions

One additional submission was received during the notification period shown at **attachment 4**. Issues raised in the submission remain centred on views, property values, overshadowing and noise as discussed below.

- **Loss of views**

Comment: The proposed garage has been setback a further 2 metres from the Lister Crescent (northern) frontage. The increased setback will increase the view corridor from 44 McBrien Drive in a north-westerly direction. Only 0.75m of the wall (measured to the eave) and 1.43 metres (measured to the apex of the roof) of the proposed shed will be visible over and above the existing dividing fence between 25 Lister Crescent and 44 McBrien Drive. The applicant has indicated that further landscaping will be planted to increase the privacy of their yard and dwelling.

- **Impact on property values**

Comment: Whilst the impact upon property values is often raised in public submissions they are not a matter for consideration under section 79(C) of the Environmental Planning and Assessment Act 1979. It is legitimate for Council to consider the impacts of a development on adjoining property however the impact on values be they positive or negative does not form part of the consideration.

- **Overshadowing**

Comment: The proposed garage will be setback 1.4 metres from the common boundary with 44 McBrien Drive. The proposed shed is to be 3.0 metres high measured at the eave and 3.68 metres high measured at the apex. The existing 1.8 metre high fence between the properties sits on a 0.45 metre retaining wall. The proposed garage will be 0.75m measured to the eave and 1.43 metres measured to the apex of the roof above the existing dividing fence between 25 Lister Crescent and 44 McBrien Drive. Given its northerly aspect, all parts of the open space area of 44 McBrien Drive will receive in excess of the minimum 2 hours of sunlight between 9am and 3pm at the winter solstice (21 June).

It is likely that a greater shadow will be cast by the existing fence than the proposed garage in the late afternoon at the winter solstice.

- **Noise**

Comment: A condition will be imposed to ensure that the proposed garage is not used for commercial or industrial purposes. It should be noted there is a distinction between

an owner being involved in the building industry (or any other commercial enterprise) bringing their vehicle and tools back to their residence and garage and the property being used as a depot or other commercial/industrial purposes.

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 considered to be 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.

Bathurst Regional Development Control Plan 2014

The Bathurst Regional Development Control Plan 2014 contains provisions relating to building line setbacks 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 Allotments	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.	At or behind the building line.

Lister Crescent curves around the property such that there are 2 distinct frontages to the property. In this context it would be appropriate to consider the property as a corner allotment with a distinct front and side notwithstanding that both frontages are named as Lister Crescent.

While the term “corner lot” is not defined in the Bathurst Regional Local Environmental Plan 2014, State Environmental Planning Policy (Exempt and Complying Development) 2008 defines a corner lot as:

“... a lot that has 2 contiguous boundaries with a road or roads that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road)”.

Lister Crescent changes direction at a 100 degree angle to form the frontage of the subject lot. It is therefore considered appropriate to treat the subject lot as a corner lot.

The lot is an irregular shape resulting in the road boundary not being parallel with the side of the existing dwelling.

The side setback of the existing dwelling, to which the proposed garage relates, varies from approximately 4.6 metres to approximately 9.6 metres.

In the revised proposal the garage will sit approximately 5.5 metres forward of the 9.6 metre building line of the existing dwelling shown as an annotated plan of the revised proposal at **attachment 5**.

As a corner allotment, the dwelling on the property could have been setback up to 2 metres from the Lister Crescent (northern) frontage and remained consistent with the provisions as

adopted in the DCP. If this had been the case the proposed garage would have complied with the DCP standard.

Established Setbacks for Outbuildings

The following table outlines a number of other sheds/garages in the surrounding area situated on corner allotments which are sited forward of the side building line.

Address	Road boundary setback (approx.)	Projection forward of building alignment (approx.)
1 McBrien Drive	8 metres	4 metres
1 Lister Crescent	5 metres	7 metres
22 Lister Crescent	1 metre	7.5 metres
50 Lister Crescent	11 metres	12.5 metres
56 McBrien	0.6 metres	14 metres

At up to 5.5 metres (approximately) forward of the building line, the Lister Crescent setback of the proposed garage is consistent with, if not less than, the projection of the other sheds/garages forward of the building line listed above.

Exempt Development Criteria

As the table below demonstrates, the revised proposal complies with all but one item of Council's Exempt Development criteria for garages and sheds. The only exception being the proposed setback being not behind the side building alignment.

Exempt Development Criteria	Proposed	Compliance
Maximum wall height of 3.3 metres	3.0 metres	Yes
Maximum overall height of 4.5 metres	3.58 metres	Yes
Maximum floor area of 60m ²	60m ²	Yes
Must be located behind the front building alignment and if located on a corner lot behind the side building alignment	Forward of side building alignment.	No, while the setback has been increased from 6.47 metres to 8.47 metres, the proposed shed is still approximately 5.5 metres forward of the side building alignment.
Must be located within the property boundary and where located within 900mm of the side or rear boundary must be 900mm from the dwelling	Within property boundary and greater than 900mm from the dwelling.	Yes
Must not be located within 40 metres of a perennial or intermittent named waterway	No waterways within 40 metres.	Yes
Must be constructed of non-reflective materials or painted before use	Factory finished Colorbond steel	Yes
Must not be used for habitable, industrial or commercial purposes	Domestic storage.	Yes
Must be located 1.2 metres clear of any 150mm diameter sewer main	Over 30 metres from sewer.	Yes

Must not be constructed over an easement	The subject lot is not burdened by any easements.	Yes
Must be clear of the zone of influence of any sewer main	Over 30 metres from sewer.	Yes
Must not be constructed over any drainage pipes or house drainage	Over 10 metres from nearest house drainage pipes	Yes
Must not be more than 1 development per dwelling exceeding 20m ² on land within the R1 General Residential zone	The existing garage on the site is the subject of a current Development Application which seeks to convert it to detached habitable rooms.	Yes
Must not be located on a lot identified as "Flood Planning Area"	The subject site is not identified as being within a Flood Planning Area.	Yes

Conclusion

Council has received a request to review its decision to refuse a Development Application for a garage at 25 Lister Crescent, Kelso, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979. The revised proposal involves a reduction in the size of the shed; an increase in the road boundary setback and a reduction in the overall height. The review was notified to those who had previously made submissions and one additional submission was received. It is considered that the revised proposal is supportable for the reasons outlined in this report. In particular the shed has been reduced in size and setback further from the street to reduce possible impacts on the amenity of the area. It is therefore recommended that Council change its decision and grant consent to the Development Application.

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 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENTS (20.00291, 20.00295 & 20.00089)

Recommendation: That the information be noted.

Report: Freemantle Road, Eglinton

Council commenced a Planning Proposal to consider an alteration to the Bathurst Regional Local Environmental Plan with respect to the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone interface in Eglinton in response to a landowner request.

Council received notification that the LEP Amendment was gazetted on 28 October 2016.

Alec Lamberton Field, Kelso - Reclassification

Council commenced a Planning Proposal to consider an alteration to the Bathurst Regional Local Environmental Plan to rezone the land from RE1 Local Recreation to IN1 General Industrial and the reclassification of the land from Community to Operational.

Following public exhibition, the proposal was amended to exclude the rezoning of the land and only to reclassify part of the land from Community to Operational as reported to Council on 20 July 2016.

Council received notification that the LEP Amendment was gazetted on 11 November 2016.

Blueridge Estate, White Rock - Extension, 3991 & 4031 O'Connell Road, Kelso

Council commenced a Planning Proposal to consider an alteration to the Bathurst Regional Local Environmental Plan to rezone Lot 14 DP 1050220, 3991 O'Connell Road KELSO NSW 2795 and Lot 1 DP 867504, 4031 O'Connell Road KELSO from RU1 Primary Production to R5 Large Lot Residential in response to a landowner request.

Council received notification that the LEP Amendment was gazetted on 2 December 2016.

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 28.1

8 BATHURST REGIONAL DCP 2014 AMENDMENT– CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (20.00308)

Recommendation: That Council:

- (a) adopt the amendment to Bathurst Regional Development Control Plan 2014 amendment to amend Section 15.4 Development Standards;
- (b) give public notice in accordance with the Environmental Planning and Assessment Act, and
- (c) authorise the General Manager to execute the protocol with the NSW Police, Chifley Local Area Command for crime risk assessment referrals; and
- (d) call a division.

Report: Council recently received a request from the Chifley Local Area Command to update the referral protocol for Development Applications for a crime risk assessment. The Protocol between NSW Police Chifley Local Area Command and Bathurst Regional Council requires specific development to undergo a crime risk assessment to minimise crime risk and incorporate Safer By Design principles. Crime Prevention Through Environmental Design (CPTED) is a strategic approach to development to reduce the likelihood of crime in the urban environment.

The Chapter 15.4 – Crime Risk of the Development Control Plan is proposed to be amended to:

- 1. Remove the referral requirement for Residential subdivisions for 20 or more lots.
- 2. Add a referral requirement for Mixed Use Development containing 8 or more dwellings, including seniors housing.

The draft Section 15.4 Crime Risk Development Standards recommended for adoption is included as **attachment 1**.

Public exhibition

Council exhibited the draft Development Control Plan Amendment for a period of 28 days from 31 October 2016 until 28 November 2016. Council did **not** receive any submissions in relation to the proposed amendment.

Conclusion

Council has updated Section 15.4 of the Bathurst Regional DCP to ensure more appropriate Development Applications are being referred to the NSW Police – Chifley Local Area Command for a crime risk assessment. The updated list better reflects those developments that are more likely to pose a crime risk within the Bathurst community. Adoption of the DCP amendment is recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.3, 22.8
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1, 24.2

9 DRAFT BATHURST REGIONAL SECTION 94 DEVELOPER CONTRIBUTION PLANS (20.00036)

Recommendation: That Council:

- (a) adopt the:
- (1) Bathurst Regional Section 94 Development Contributions Plan, Community Facilities (Amendment No. 1), and
 - (2) Bathurst Regional Section 94 Development Contributions Plan, Eglinton Open Space and Drainage (Amendment No. 1), and
 - (3) Bathurst Regional Section 94 Development Contributions Plan, Rural Roads (Amendment No. 2), and
 - (4) Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development (Amendment No. 1), and
 - (5) Bathurst Regional Section 94 Development Contributions Plan, Bathurst CBD Car Parking (Amendment No. 1), and
 - (6) Bathurst Regional Section 94 Development Contributions Plan, Jordan Creek Stormwater Drainage Management (Amendment No. 1), and
 - (7) Bathurst Regional Section 94 Development Contributions Plan, Raglan Creek Stormwater Drainage Management (Amendment No. 1), and
 - (8) Bathurst Regional Section 94 Development Contributions Plan, Sawpit Creek (East) Stormwater Drainage Management (Amendment No. 1), and
 - (9) Bathurst Regional Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions (Amendment No. 4);
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

Report: Background:

Section 94 Development Contributions are levied on developers to contribute towards the provision of infrastructure on an equitable basis. It is proposed to amend the administrative provisions within the existing Section 94 Development Contributions Plans to enable the expenditure of up to 1% of the Plan's value towards its administration, the preparation of studies to determine the schedule of works, detailed design plan or the development of a new Contributions Plan if required.

It is important that the schedule of works remains current, and the expenditure of the collected funds for detailed construction design or external reports relevant to the project form an integral part of the Plan's function.

It is also important to note that the contribution rate of each Plan has not been

increased and remains consistent with that published in Council's 2016/17 Revenue Policy.

Report

The tables below outline the sections which are proposed to be amended as part of the amendment.

Section 94 Plan name	The Plan is proposed to be amended by:
Bathurst Regional Community Facilities (Amendment No 1)	Insertion of Sections 1.16, 4.5 & 5.3 relating to the Plan Management and Administration.
Eglinton Open Space and Drainage (Amendment No 1)	Insertion of Sections 1.16, 4.4 & 5.3 relating to the Plan Management and Administration.
Bathurst Regional Rural Roadworks (Amendment No 2)	Insertion of Sections 1.15, 4.2 & 5.1 relating to the Plan Management and Administration.
Bathurst Regional Traffic Generating Development (Amendment No 1)	Insertion of Sections 1.15, 2.3A & 2.3B relating to the Plan Management and Administration.
Bathurst CBD Car Parking (Amendment No 1)	Insertion of Sections 1.14, 4.2 & 5.2 relating to the Plan Management and Administration.
Jordan Creek Stormwater Drainage Management (Amendment No 1)	Insertion of Sections 5A & 8.6 relating to the Plan Management and Administration.
Raglan Creek Stormwater Drainage Management (Amendment No 1)	Insertion of Sections 5A & 8.4 relating to the Plan Management and Administration.
Sawpit Creek (East) Stormwater Drainage Management (Amendment No 1)	Insertion of Sections 5A & 8.4 relating to the Plan Management and Administration.
Roadworks – New Residential Subdivisions (Amendment No 4)	Insertion of Sections 1.15, 3.9 & 4.4 relating to the Plan Management and Administration.

Draft Bathurst Regional Section 94 Development Contributions Plan, Community Facilities (Amendment No. 1) is provided at **attachment 1**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Eglinton Open Space and Drainage (Amendment No. 1) is provided at **attachment 2**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Rural Roads (Amendment No. 2) is provided at **attachment 3**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development (Amendment No. 1) is provided at **attachment 4**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Bathurst CBD Car Parking (Amendment No. 1) is provided at **attachment 5**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Jordan Creek Stormwater Drainage Management (Amendment No. 1) is provided at **attachment 6**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Raglan Creek Stormwater Drainage Management (Amendment No. 1) is provided at **attachment 7**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Sawpit Creek (East) Stormwater Drainage Management (Amendment No. 1) is provided at **attachment 8**.

Draft Bathurst Regional Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions (Amendment No. 4) is provided at **attachment 9**.

Public Exhibition

The draft Plans were placed on public exhibition for a period of 28 days from 31 October 2016 to 28 November 2016. Major residential landholders were also notified of the proposal. Council did not receive any submissions in relation to the amendment to the Section 94 Plans.

Conclusion

It is proposed to amend the administrative provisions within the existing Section 94 Development Contributions Plans to enable the expenditure of up to 1% of the Plan's value towards its administration, the preparation of studies to determine the schedule of works, detailed design plan or the development of a new Contributions Plan if required. It is important that the schedule of works remains current, and the expenditure of the collected funds for detailed construction design or external reports relevant to the project form an integral part of the Plan's function.

It is therefore recommended that Council adopt the amendment of the Section 94 Plans as stated in the report.

Financial Implications: Nil.

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 19.1
- 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 20.5
- 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, 21.6
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2
- 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 29.4, 29.8

10 B3 COMMERCIAL CORE SIGNAGE - WAIVE SECTION 68 APPLICATION FEE POLICY (20.00123 & 41.00089)

Recommendation: That Council adopt as policy that the Section 68 Application fees and Parking Permit related to the erection of scaffolding associated with building improvement works in the B3 Commercial Core Zone be waived.

Report: Council at its Ordinary Meeting held 18 May 2016 resolved to adopt as policy that the Development Application fee be waived for development applications lodged for the erection of signage within the B3 Commercial Core Zone under Bathurst Regional LEP 2014.

Council already had in place a policy to waive the DA fees for applications for repainting of buildings and verandah reinstatement in the CBD. These policies are aimed at supporting improvements to buildings and in the case of repainting to encourage owners to do the right thing and seek consent before starting works.

A significant cost for owners to repaint buildings in the CBD is the erection of scaffolding to undertake the works. The erection of the scaffolding may involve a partial footpath or road closure and parking permits all of which require approval from Council as part of a Section 68 application.

Under the current Revenue Policy the following Section 68 fees apply:

Requirement	Fee	Example
Closure of Footpath	\$110	Erection of scaffolding on footpath. Footpath remains trafficable.
Enclose parking space in conjunction with works	\$43.20 (per 2.5 lineal metre per week)	Parking spaces required to accommodate pedestrians due to footpath closure.
Parking Permit	\$38.70 (per space per week)	Parking space required for longer than signposted.

It is proposed to waive the Section 68 application fee related to the erection of scaffolding associated with building improvement works in the B3 Commercial Core Zone to encourage owners to undertake improvement works as part of Council's broader CBD Main Street Improvement Program.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.2
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.4, 11.5
- 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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

11 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00296)

Recommendation: That Council:

- (a) prepare an amendment to amend the Bathurst Regional DCP 2014 in relation to:
- (i) DCP Map 35 - Early Settlement Archaeology Map.
 - (ii) Chapter 4 - Residential precincts and residential unit developments.
 - (iii) Chapter 10 - linking the Main Street Study and Main Street Review to the DCP.
 - (iv) Update Chapter 12 - waiving of application fees for signage.
- (b) call a division.

Report: Council officers are currently preparing an amendment to the Bathurst Regional Development Control Plan (DCP) 2014. The amendment will be formally exhibited early 2017 and a subsequent report to Council will be prepared to consider the adoption of the amendment.

The amendment proposes:

1. DCP Map 35 - Early Settlement Archaeology Map.

Extend the map to include an additional property as being of high archaeological significance based on a recent find on an adjoining property.

2. Chapter 4 - Residential Precincts and residential unit developments.

Fix and error with a heading to ensure it relates to the correct residential precincts.

3. Chapter 10 - Main Street Study Review

Link the recommendations of the Main Street Review currently being prepared by Council to the DCP.

4. Chapter 12 - Signage

Include a notation in relation to application fees for signage that are waived by Council.

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 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

12 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That Council:

- a) note the minutes of the Heritage Reference Group meeting; and
- b) adopt the amended Heritage Reference Group Charter.

Report: The Bathurst Region Heritage Reference Group met on 7 November 2016. The minutes of the group's meeting are provided at **attachment 1**.

The group discussed an amended Charter and resolved to present that Charter to Council to be adopted. The Charter is included at the end of the minutes.

- Amend the operational context to broadly include a holistic Council approach to Heritage management.
- Updated membership list
- Amend the role of the group to remove reference to 3 year review strategy
- Include strategic level focus on Heritage issues with the operation protocols

The Group will meet in December 2016 to workshop the next Heritage Strategy.

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

13 EVOCITIES UPDATE (18.00208)

Recommendation: That the information be noted.

Report: Evocities, a major campaign encouraging metropolitan residents to make a City change to one of seven regional cities, have appointed Councillor Kevin Mack, Mayor of Albury City as the new Evocities Chair and Spokesperson.

Since the campaign's launch in 2010, Evocities has attracted more than 439,500 visits to Evocities.com.au, 1.8 million visits to evojobs.com.au and had over 2,826 households move to one of the seven cities. There have been 324 household relocations to Bathurst as a result of the Evocities campaign.

Conclusion

Cr Kevin Mack, Mayor of Albury City has been appointed as the new Chair and Spokesperson for Evocities. Since the campaign's launch in 2010, Bathurst has welcomed 324 household relocations as a result of the Evocities campaign.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.2, 1.3
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.7

14 BATHURST REGIONAL COUNCIL CONTAMINATED LAND (16.00141,41.00088,41.00089)

Recommendation: That Council:

- a) adopt the Bathurst Regional Council Contaminated Land Policy;
- b) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations;
- c) repeal the Sunny Corner Contaminated Land Policy; and
- d) give effect to the Policy as of 27 February 2017.

Report: Councils are required to consider land contamination on every development or rezoning application. The *Managing Land Contamination Planning Guideline* (EPA 1998), recommends that Councils should have a Contaminated Land Policy and to check it's records for each Section 149 planning certificate request. By implementing a policy and undertaking the appropriate research and checks prior to and upon request of a Section 149 certificate request, Councils are afforded special exemption from liability in regards to planning functions that involve contaminated land.

In 2014, the NSW Environmental Protection Authority (EPA) made grants available as part of the Contaminated Land Management Regional Capacity Building Program. This program has funded the 'Contamination Central' project which involves Bathurst Regional Council and 18 other Central West Councils Environment & Waterways Alliance members. Key outputs of this project are the development of a policy template, staff training and assistance in developing a register of properties that may be impacted by potentially contaminating land activities.

In light of local conditions this policy template was used to develop the draft Bathurst Regional Council Contaminated Land Policy. Council staff also undertook extensive reviews of property files to determine which properties may have had activities that could result in residual contamination. This includes service stations, industrial activities, chemical use and storage and sites where waste may have been illegally dumped. It may also include some agricultural activities such as orchards or market gardens.

Listing a property on the register or applying the policy does not declare a site contaminated, nor does it change the current process undertaken by Council, rather it formalises the process of risk identification and improves the knowledge held in relation to potentially contaminating activities.

Public Exhibition

On 21 July 2016 Council placed the draft policy on public exhibition, and notified in writing the 391 land holders identified at the time to be impacted by its implementation.

Council officers received 27 phone calls or counter enquiries regarding the policy. For the most part, these were from land holders seeking clarification on the reason for the policy and once it was explained, no further concerns were raised. Council did not receive formal objections to the policy, however received correspondence in relation to the impact of the policy to particular properties. Due to the nature of these concerns, this correspondence has been provided to Councillors via a separate confidential memorandum. Land holders have

raised the following concerns:

- Impact of policy application to property values or business activities.
- Incorrect or inappropriate inclusion of a property on the register.
- Inclusion on the register despite contamination being remediated.
- Properties that were not initially identified but subsequently found to have had historic potentially contaminating activities.

Where landholders were concerned that their property had been incorrectly identified, this was further investigated by Council staff. In some cases the properties were removed from the register as the activity was not considered to be high risk (i.e. modern mechanic's workshop on sealed floors with spill and waste control) or the activity had not or was not occurring. This 'incorrect' identification may have occurred in industrial zones or historic orchard sites, though upon further analysis, the property was not actually impacted by that activity. These properties have since been removed from the register and the individual landholders advised.

Some historic activities were not initially identified, however, discussion with landholders provided useful insight into on-ground activities and therefore these properties are being added to the register.

Where contamination has been remediated (i.e. the land is made safe for a proposed use), it is appropriate to retain a register of the historic and clean-up activities for several reasons. One may be where human and ecological health standards change over time which would require additional management – this has occurred in the area of asbestos and some pesticides. Secondly, it is good management on Council's behalf to maintain a thorough record of land activities, regardless of the outcome.

The main concern raised by a very small number of landholders was in relation to their property being identified, and the perceived impact to their business activities. Modern orchard and market garden activities are relatively low impact as long as fuel and chemical use and storage is done in accordance with best practice. However, historic application of persistent chemicals has meant that these same sites may be impacted by past land use activities. Such activities are listed as potentially contaminating activities in the planning guidelines and the NSW EPA makes no distinction between modern and historic activities when creating a trigger for assessment, though it is acknowledged that more recent land uses are of much lower risk to the environment. Notwithstanding, it is recognised that the policy and inclusion on a register could raise a perception that farm land is contaminated, despite the best efforts of land managers.

Final Policy

Council has made minor changes to the policy as exhibited and corrected minor typographical errors. In light of the above, the following has been made in respect of the policy and register:

- The database used to record properties and referred to as a Land Use Information System rather than a Contaminated Land Register.
- A new Section 149 Planning Certificate classification to deal with the concerns relating to intensive plant agriculture activities. (refer A1 - Identified Intensive Agricultural Activity)

below)

The proposed Section 149 notations include (new notation in bold):

- Land classed as “A - Identified”. The land has been used for purposes that have the potential to contaminate land though there is insufficient information to determine if contamination exists.
- Land classed as “A1- Identified Intensive Agricultural Activity” The land has been used for commercial intensive agricultural activities. Some agricultural activities have the potential to contaminate land. Council records do not have sufficient information to determine whether the land is contaminated.
- Land classed as “B - Assessed”. The land has been used for purposes that have the potential to contaminate land and Council has been provided with a report detailing the contamination.
- Land classed as C – “Site Management Plan”. The land has been used for purposes that have the potential to contaminate land. Council has been advised that the site has undergone some remediation of site contamination; however, remains subject to a site management plan to mitigate the risk posed by land contamination on the land.
- Land classed as D – “Suitable for Limited Uses”. The land has been used for purposes that have the potential to contaminate land. An assessment of site contamination has recommended that the land is suitable for certain types of proposed use.
- Land classed as E – “Unrestricted”. The land to which this certificate relates has been used for purposes that have the potential to contaminate land. An assessment of site contamination has recommended that the land is now suitable for all types of use.

This change is considered to be minor in nature. No further changes to the policy are required and it is recommended that Council adopt the policy, the final version of which is provided at **attachment 1**. Due to the logistical requirements of implementing the new Section 149 notations it is recommended to have a delayed adoption, commencing 27 February 2017, to allow sufficient time for these changes to be implemented. All landholders will again be notified in writing of the policy adoption.

The new Policy will supercede the existing Contaminated Lands Policy that has applied to Sunny Corner. It is therefore also recommended that this policy be repealed.

Financial Implications: Council has received grant funding for the Contamination Central project which has been assisted by the New South Wales Government through the EPAs Contaminated Land Program under funding provided by the NSW Environmental Trust. To assist in the development of targeted training programs Council contributed \$2,500 to the Contamination Central project in the 2014/2015 financial year.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.8
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.2, 16.6

- Objective 22: To improve community safety. Strategy 22.11
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.9

15 NSW BIODIVERSITY CONSERVATION BILL 2016 (13.00001)

Recommendation: That Council refer a copy of this report, which outlines Council's ongoing concerns with relation to the new Biodiversity Conservation Bill 2016 and Local Land Services Amendment Bill 2016, to the NSW Minister for Primary Industries.

Report: Background

On 3 May 2016 the NSW State Government released a draft package of land management and biodiversity reforms which included the draft Biodiversity Conservation Bill 2016 and a draft Bill to amend the Local Land Services Act 2013. On 17 November 2016 the Bills were passed in the NSW Parliament and in mid-2017, will replace the *Native Vegetation Act (1993)* and the *Threatened Species Conservation Act (1995)*.

This draft reform package was on public exhibition from 3 May to 28 June 2016, and a total of 7166 submissions were received including 46 from local government, most in objection to the proposed Bill. Bathurst Regional Council staff prepared and lodged a submission during this consultation period. Council's submission, whilst offering support for aspects of the reforms including the provision of incentives for environmental stewardship and a commitment for greatly increased financial investment in private land conservation, raised the following key concerns:

- That the proposed legislation was highly likely to lead to a reduction in the visual amenity and character of the Bathurst region particularly through the allowable clearing of iconic paddock trees.
- That the stated objective of the Bill was to maintain a healthy environment measured against the standard of “well-being of the community”, rather than the benefit of the environment.
- That the primary supporting tool of the Bills, the Native Vegetation Regulatory Map, is not complete and is unavailable for review or public scrutiny. Therefore the impact of the future permissible land clearing under the Bill cannot be quantified.
- That there is an over-reliance on the proposed Biodiversity offset scheme rather than avoiding impacts in the first instance; and, the proposed Biodiversity Assessment Method (BAM) is flawed and open to subjective application.
- That the proposed systems are overly complex, contain ambiguities and are over-reliant on self-approvals by landowners raising the risk of both habitat loss and of inadvertent breaches of the Act by landowners.
- That the legislation contained an “ignorance defence” whereby a landholder may merely state that they did not know they were harming threatened species such as Koalas or the Purple Copper Butterfly when clearing land.
- That accelerated human-induced climate change was not addressed nor offset by the Bill, despite land clearing being a known major contributor to greenhouse gas emissions.

The Biodiversity Conservation Bill 2016 and Local Land Services Amendment Bill 2016 were introduced into the NSW Parliament on 9 November 2016. The final Bills had not substantively been altered, and none of the concerns raised by Council and many others had been alleviated. These Bills were the subject of considerable debate particularly in the

Legislative Assembly, with a number of Members speaking to the precise objections that had been raised in the submission by Bathurst Regional Council. A number of amendments were proposed in the Legislative Council all of which failed to pass. The unaltered Bills were passed into legislation on 17 November 2016 with the Minister responsible now being the Minister for Primary Industries, who is responsible for agriculture, rather than the Minister for the Environment.

Implications for the Bathurst Region

The passage of the Bills is highly likely to increase the rate of land clearing in NSW and relaxes the “like for like” offsetting requirement as well as containing no “local for local”. This meaning that a loss of local biodiversity in the Bathurst region may be offset by investment or revegetation in another area of the State, including in coastal or arid zones.

The draft codes that underlie the legislation specifically allow for the self-regulated clearing of paddock trees. The loss of an increasing number of these trees will indelibly alter the landscape of the Bathurst region and compromise important heritage and aesthetic values as, well as potentially impact upon the viability and connectedness of local koala populations.

Current clearing widths as defined by Routine Agricultural Management Activities (RAMAs) for allowable activities are more than doubled in certain circumstances by new codes, with the potential to lead to further net loss of total vegetation and impact upon local biodiversity.

The complexity of the proposed systems increases the likelihood of unintentional illegal clearing, which poses a threat both to long term regional conservation and to well-intentioned land holders.

Increased clearing of native vegetation is likely to impact upon iconic local threatened species such as the Purple Copper Butterfly, Koala, Regent Honeyeater, Swift Parrot, Flame Robin, Squirrel Glider and the Grassy Box-Gum Woodland vegetation community; species of which Council has and still contributes significant resources into enhancing and protecting habitat.

Increased vegetation clearing in NSW may result in increased difficulties in Australia meeting national greenhouse gas reduction commitments resulting in higher short-term costs to Bathurst and all NSW taxpayers. Accelerated climate change would have both immediate and long term consequences to all residents of the Bathurst region.

Council believes that through the implementation of this Bill, the amenity of the local area will be negatively impacted, vegetation clearance in our woodlands will increase and the threats to local wildlife species will intensify.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 2: To encourage the dynamic and innovative development and growth of the region’s primary resources. Strategy 2.2
- Objective 9: To protect and enhance the region’s landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.2

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.1, 10.8, 10.11
- Objective 13: To minimise the City's environmental footprint. Strategy 13.7

16 BATHURST REGIONAL URBAN RELEASE AREA - KELSO CERTIFICATION (20.00143)

Recommendation: That Council:

- (a) note that certification has been received from the NSW Department of Planning and Environment for the Kelso Urban Release Area;
- (b) note that the certification is only valid until 30 June 2018;
- (c) cease the preparation of a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to remove the Kelso Urban Release Area from the Urban Release Area Map of the Bathurst Regional Local Environmental Plan 2014, as amended; and
- (d) call a division.

Report: Background

Upon gazettal of the Bathurst Regional LEP in November 2014, Council was required to receive certification from the NSW Government for the identified Urban Release Areas (URA's) on whether a contribution was required for State Public Infrastructure.

Council received notification on 22 May 2015 that the Director General of the Department of Planning and Environment had certified the urban release areas of:

- Zone B5 Service Business land at Sydney Road and the Service Trade Centre; and
- The additional Zone R5 large lot residential land at Mount Rankin, The Lagoon, Trunkey Creek and Warabindi Orchard.

For these areas listed above for which certification has been received, no contribution was required for State Public Infrastructure.

The Kelso Urban Release Area remained outstanding.

Report

Council received notification on 16 November 2016 that the Director General of the Department of Planning and Environment has certified the urban release area for Kelso as shown at **attachment 1**. The Kelso Urban Release Area is identified in **attachment 2**. However it is disappointing to note that the certification is only valid until 30 June 2018 with an annual review after that date. Council's previous experience is that the certification has not been time limited. Council staff understand that the time limit was placed on the certification because the Department of Planning and Environment are apprehensive at issuing certification for an indefinite period when infrastructure needs or the planning circumstance may change in the future.

Receiving the certification from the Department of Planning and Environment, although time limited, will remove the requirement to refer each development application for the subdivision of the land to the Department of Planning and Environment for certification. Council's experience with this convoluted process is it added approximately 3.5 months onto the assessment time frame. Of the three applications that were referred to the Department for certification **none** required a contribution to be paid to the State for public infrastructure.

At its Ordinary Meeting held 18 May 2016, Council resolved to:

- (a) *prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to remove the Kelso Urban Release Area from the Urban Release Area Map of the Bathurst Regional Local Environmental Plan 2014, as amended;*
- (b) *forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;*
- (c) *accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal; and*
- (d) *call a division.*

The preparation of the Planning Proposal to remove the Kelso Urban Release Area from the Urban Release Area Map was intended to avoid the ongoing delays to all development applications into the future, improve Performance Measurement for DA Processing and provide certainty for landowners and the applicable contributions for the subdivision of the land.

Given the Council has now received certification for the Kelso Urban Release Area, there is no need to proceed with the Planning Proposal. It is therefore recommended that Council discontinue the Planning Proposal.

It should be noted that the process to receive certification for the Kelso Urban Release Area took a significant amount of time, approximately 18 months. There is now no need to proceed with the Planning Proposal to remove the Kelso Urban Release Area from the Bathurst Regional LEP. Council staff will, however, seek recertification for the period post 30 June 2018 in early 2017 to avoid ongoing delays into the future.

Conclusion

Council has received notification from the NSW Department of Planning and Environment that the Director General has certified the urban release area for Kelso and no contribution is required for State Public Infrastructure. The certification only remains valid until 30 June 2018. Council will need to seek further certification for the Kelso Urban Release Area after 30 June 2018. Council staff will commence the recertification process in early 2017.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2

- 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 29.4
- Objective 33: To be and develop good leaders. Strategy 33.4

17 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT – GARAGES IN SUBURBAN LOCATIONS (20.00298)

Recommendation: That Council:

- (a) amend Chapter 4 of the Bathurst Regional DCP 2014 to reduce the visual dominance of dual occupancy and residential unit developments;
- (b) notify those who lodged submissions of its decision;
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (d) call a division.

Report: Background:

Council has recently received a number of development applications for dual occupancy developments where the garages dominate the streetscape and the dwellings do not address the street by way of a front door or living spaces. At the request of the Councillors, an amendment to the Bathurst Regional DCP to reduce the visual dominance of garages within suburban locations was commenced.

Within the residential development areas, Council is aiming to reduce the dominance of the garages forward of the building line through the introduction of design standards, particularly applying to dual occupancy and residential unit developments within the suburban locations and outside the heritage conservation area.

Draft DCP amendment – Version 1

Council officers developed standards to reduce the overall dominance of the garages for dual occupancy and residential unit developments. This focussed on garage doors being located at least 1 metre behind the front building line. This standard only applied to the suburban areas outside the heritage conservation area. External appearance controls were also developed to reduce the dominance of the garages.

This concept was placed on public exhibition for the period 15 August 2016 to 12 September 2016. Council received three (3) submissions in relation to the draft DCP amendment included at **attachment 1**. A summary of the submissions is included as part of **attachment 1**.

Draft DCP amendment – Version 2

The submissions received raised valid points and cited scenarios which would have not complied with the standards proposed, however the garage door did not dominate the streetscape. Council officers reviewed the standards again and proposed standards which limited the width of garage doors in relation to the dwelling's façade, rather than the requirement to be at least 1 metre behind the front building line.

This second concept was placed on public exhibition for a further period of 28 days from 31 October 2016 to 28 November 2016. Those who made a submission as part of the initial exhibition were specifically notified of the refined amendment. As a result of the second

exhibition, Council did not receive any submissions.

Discussion forum

Council did not hold a discussion forum in relation to the draft DCP amendment. Although Council received three submissions to the initial exhibition period, further refinement of the draft DCP amendment, saw no submissions received as a result of the further exhibition of the proposal.

Development Control Plan Amendment for Council adoption

Council staff have refined the draft DCP amendment to reduce the visual dominance of garages on the streetscape for dual occupancy and residential unit developments. It is proposed to amend Chapter 4 of the Bathurst Regional DCP 2014 to limit the width of the garage door in relation to the dwelling's façade to generally less than 50% where the garage door is at or less than 1m behind the building line; and; insert external appearance controls to provide articulation in the building facade. A copy of the final amendment for adoption is included at **attachment 2**.

Conclusion

Council has received a number of development applications for dual occupancy developments where the garage dominated the streetscape. Council staff drafted development controls seeking to reduce the dominance of the garage for dual occupancy and residential unit developments. As a result of the public exhibition, the development controls were further refined. The altered draft DCP amendment was placed on public exhibition for a further period of 28 days. The draft DCP amendment proposed for adoption seeks to limit the width of garage doors in relation to the dwelling's façade for dual occupancy and residential unit developments.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

18 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT 2012-2016 (13.00004)

Recommendation: That Council:

- (a) note that the 2012 - 2016 Regional Snapshot State of the Environment Report has been completed; and
- (b) note that the 2012 - 2016 Regional Snapshot State of the Environment Report will be placed on the Bathurst Regional Council's Website.

Report: Since 2008 Bathurst Regional Council has participated in the Greater Central West Regional State of the Environment Reporting process. There are 16 Councils participating in the project including: Bathurst Regional, Blayney Shire, Bogan Shire, Bourke Shire, Cabonne Shire, Coonamble Shire, Cowra Shire, Dubbo Regional (formerly Dubbo City and Wellington) Shire, Gilgandra Shire, Lachlan Shire, Mid-Western Regional, Narromine Shire, Oberon Shire, Orange City, Warren Shire and Warrumbungle Shire.

A regional approach to reporting recognises that many environmental issues transcend local government boundaries and also:

- Facilitates a better understanding of the state of the environment across the region
- Encourages collaboration in regards to partnering on projects and sharing ideas and resources
- Assists in the management of shared environmental resources
- Forges stronger regional links across participating Councils.

The IP&R Framework requires that Councils prepare annual reports which include reporting on the environmental objectives of their Community Strategic Plans. It is only in the year in which a Council election is held (this year for those Councils not proposed for amalgamation) that the annual report must include a State of the Environment Report (SoE). (Note that previously Councils were required to produce an annual SoE). The participating Councils and Central West Local Land Services decided to continue collecting data and reporting it on an annual basis so that they could more easily produce a comprehensive RSoE report this year which covers the full four year period.

This report has been prepared using a common set of environmental indicators to capture data which allows comparison of trends and changes across the Greater Central West Council areas.

A steering committee made up of representatives from the Central West CMA, Orange City, Dubbo Regional, Mid-Western Regional and Bathurst Regional Councils have guided the preparation of this year's Regional SoE.

The full 2016 Regional Snapshot Report will be provided under separate cover to the Councillors and is available to members of the public from the Environmental, Planning and Building Services Department. The Bathurst Regional Council State of the Environment Snapshot is provided as **attachment 1**.

Each participating council makes an annual financial contribution to the preparation and printing of the Regional SoE and the process is supported by the Central West CMA. Bathurst Regional Council manages the funds for the project.

While the Regional SoE provides the opportunity for smaller Councils to use it to meet

statutory reporting requirements, Bathurst Regional Council continues to prepare its own SoE each year. This ensures that monitoring of a broader range of environmental indicators can continue and will enable the comprehensive reporting of Council's environmental programs and trends in environmental indicators to the wider community.

Financial Implications: Bathurst Regional Council's contribution to the preparation of the report was funded from existing allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- 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 29.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

Yours faithfully



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

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

14 DECEMBER 2016

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$74,600,000 was invested at 30 November 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:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
Bank of Queensland Limited	A2	\$13,500,000.00	2.79%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.78%
National Australia Bank Limited	A1+	\$17,000,000.00	2.92%
St George	A1+	\$3,000,000.00	2.89%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.85%
People's Choice Credit Union	ADI	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	\$2,000,000.00	2.97%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.78%</u>
		\$39,500,000.00	2.86%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Committed Rolling Investments</u>			
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	2.78%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.10%</u>
		\$9,300,000.00	2.82%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB+	<u>\$2,000,000.00</u>	<u>3.28%</u>
		\$2,000,000.00	3.28%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.65%
AMP	AA-	\$800,000.00	2.83%
AMP	AA-	\$1,000,000.00	3.11%
Suncorp Metway	A+	\$1,000,000.00	3.00%
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	2.86%
Bank of Queensland 2	A-	\$1,000,000.00	2.83%
Credit Union Australia	BBB+	\$3,000,000.00	3.04%
Police Bank Ltd	BBB+	\$1,000,000.00	2.86%
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	3.33%
Newcastle Permanent	BBB+	\$1,000,000.00	3.08%
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>3.06%</u>
		\$23,800,000.00	2.94%

Total Investments **\$74,600,000.00** **2.89 %**

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 31 October 2016 **\$900,886.31** **2.89%**

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. 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 November 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:	\$Nil
Mount Panorama:	\$1,051.52

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.

- Bathurst District Historical Society Inc - 47 Mitre Street - Part Lot 1, DP613544 - Licence Agreement
- Bathurst District Historical Society Inc - 16 Stanley Street - Part Lot 1, DP788005 - Licence Agreement
- Warren Harvey Homes Pty Ltd - 22 McLean Street - Lot 1019, DP1212670 - Transfer
- KM Comerford - 16 McLean Street - Lot 1016, DP1212670 - Transfer
- Adam Hart Constructions Pty Ltd - 31 Barr Street - Lot 1086, DP1215618 - Transfer

Linen Plan Release

- Gico Pty Ltd - Stage 1 - 22 residential lot subdivision + 1 residual lot - Lot 1, DP 203162; Lot 2, DP 212987 - Emerald Drive, Kelso
- Gico Pty Ltd - Stage 2 - 13 residential lot subdivision + 1 residual lot - Lot 1, DP 203162; Lot 2, DP 212987 - Emerald Drive, Kelso

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 2017 HI-TECH OILS BATHURST 6 HOUR EVENT (04.00097)

Recommendation: That Council act in accordance with the Director Corporate Services and Finance report and provide one x three (3) day entry pass per permanent employee to attend the 2017 Hi-Tech Oils Bathurst 6 Hour held at Easter.

Report: Council in 2008 introduced a system where each permanent member of staff received a three day pass to the 12 Hour Event which is held in February each year. During late 2015, the ownership structure of the 12 Hour Event changed in that Yeehah Events sold their share of the event to Supercars Australia Pty Ltd. This event has now reached maturity where the event can support itself without Council injecting additional funds by providing tickets to staff members.

Council has also in recent years, in conjunction with Yeehah Events, run the Bathurst Motor Festival, and in 2016 the Bathurst 6 Hour, held at Easter.

It is intended that for the 2017 Bathurst 6 Hour Event, an entrance charge will occur to cover the costs of upgrading the event. To assist the event in attracting spectators, Council is requested to continue the provision of a three day entry pass to permanent employees to attend the Bathurst 6 Hour at Easter in 2017. The cost of an admission pass is \$35 to cover the three days of the event.

For the information of Councillors, the following number of tickets have previously been supplied:

Bathurst 12 Hour

2012	220
2013	225
2014	216
2015	239

Bathurst 6 Hour

2016	196
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Financial Implications: The cost of the ticketing can be financed from the profit received from the operation of this event.

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 23: To encourage a supportive and inclusive community. Strategy 23.5

6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THOROUGHBRED RACING (22.02299)

Recommendation: That Council::

- (a) invite members from the Bathurst Thoroughbred Racing Club to attend a Working Party of Council to have further discussions.
- (b) refer the matter to the 2017/2018 Management Plan process.

Report: Council met with representatives from Bathurst Thoroughbred Racing to discuss the establishment of a Strategic Racing Centre at Tyers Park, Bathurst.

At this time, Council requested Bathurst Thoroughbred Racing to prepare a submission seeking Bathurst Regional Council, State Government and Racing New South Wales funding support to create this Racing Centre at Tyers Park Bathurst.

In order to establish the Tyers Park Racing Park, a substantial amount of work needs to be completed at this complex.

Correspondence and report from Bathurst Thoroughbred Racing at **attachment 1** details the necessary work and, in particular, sets out details of both what it would cost to bring the Tyers Park area up to the required standard, together with details of the contributions the upgrading of the facility would make to the Bathurst economy.

Councillors will see from the submission there is substantial investment required as detailed in the report.

Councillors are reminded that, during the relocation of the Bathurst Harness Racing Club, Council became involved with this organisation in providing both the land and various components of their relocation to the new facility.

It is recommended that Council::

- (a) invite members from the Bathurst Thoroughbred Racing Club to attend a Working Party of Council to have further discussions.
- (b) refer the matter to the 2017/2018 Management Plan process.

Financial Implications: This will be dealt with during the Management Plan process.

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 21.4
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2

7 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON COUNTRY FAIR (18.00004)

Recommendation: That Council purchase a Gold Sponsorship Package, valued at \$500, for the Eglinton Country Fair to be held on Saturday, 25 February 2017.

Report: Council has received a request from the Eglinton Country Fair Committee at **attachment 1** for Council to become a sponsor of the Eglinton Country Fair to be held on Saturday, 25 February 2017. 2017 will be the 53rd Fair and the organising committee hope to create another successful day to raise funds for the Eglinton Public School. The annual fair is one of the most popular outings in Bathurst and attracts thousands of visitors who come to enjoy great foods, rides, entertainment and stalls.

Sponsorship packages range from Gold (\$500), Silver (\$250) and Bronze (\$100) with various sponsor benefits. Gold sponsors are also welcome to host a display stand on the day.

It is recommended that Council purchase a Gold Sponsorship package at a cost of \$500.

Financial Implications: Council will need to vote an additional \$500 from Section 356 funds to allow this donation to occur.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 23.1

**8 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.02268, 18.00030, 22.02268, 22.01387, 04.00026, 22.05149,
22.13258, 22.09031, 22.05345, 22.00043, 22.00358)**

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. RENEWAL OF RURAL LICENCE AGREEMENT - LAND AT BEN CHIFLEY DAM
(22.02268)**

The report concerns a request by Messrs Stephen & Daniel Owens for an extension of their existing lease with Council for land at Ben Chifley Dam.

**2. RENEWAL OF LICENCE AGREEMENT - PART LOT 40 IN DP1056379 KNOWN
AS SULMAN PARK MT PANORAMA - PANORAMA MOTOR CYCLE CLUB INC.
(18.00030)**

The report concerns the renewal of the existing Licence agreement between Council and the Panorama Motor Cycle Club for use of Sulman Park, Mount Panorama.

**3. PROPOSED NEW COMMERCIAL LEASE - PART LOT 101, 102 AND 103 IN
DP1204847 LOCATED AT 7 LEE STREET, KELSO - BEAR SECURITY PTY LTD
(22.02268)**

The report concerns a proposal for Council to enter into a new Commercial lease agreement for the former Evans Shire Depot with Bear Security Pty Ltd.

**4. NEW COMMERCIAL LEASE AGREEMENTS - VACANT LAND LOCATED AT 83
WILLIAM STREET BATHURST (FORMER TAFE BUILDING SITE). (22.01387)**

The report concerns a proposal for Council to enter into a new Commercial Lease agreement for land to be used as parking at 83 William Street, the old TAFE site, for the following areas; land behind G&T, and 6 spaces in driveway between TAFE Building and the Church Bar.

**5. REQUEST FOR FINANCIAL ASSISTANCE - PANORAMA MOTORCYCLE CLUB
(04.00026)**

The report concerns a proposal for Council to assist the Panorama Motorcycle Club with funds to construct a race control and amenities building.

**6. SALE OF LAND - LOT 1 DP624336 AND PART LOT 1007 DP1168702 (4040
O'CONNELL ROAD KELSO) - KELSO INDUSTRIAL ESTATE (22.05149)**

The report concerns a proposal for Council to sell a portion of land on the O'Connell

Road which borders the Kelso Industrial Estate.

7. PROPOSED BOUNDARY ADJUSTMENT - LOT 1 IN DP197420 AND LOT B IN DP197498 LOCATED AT 128 BENTINCK STREET, BATHURST (22.13258)

The report concerns a proposal to adjust the boundary at 128 Bentinck Street with the adjoining neighbour.

8. SALE OF LOT 7 IN DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN. (22.09031)

The report deals with the proposed sale of vacant land known as 67 Woodside Drive, Mount Rankin.

9. PROPOSED LEASE PART LOT C IN DP158611 LOCATED AT 519 MITCHELL HIGHWAY, BATHURST (22.05345)

The report concerns a proposal to enter into a rural lease agreement.

10. NEW LEASE AGREEMENT LOT 800 IN DP1160678 LOCATED AT 4 WATT DRIVE, BATHURST TRADE CENTRE (22.00043)

The report concerns a proposal to extend an existing lease with Bathurst Meals on Wheels.

11. PROPOSED LEASE LOT 5 DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO (22.00358)

The report concerns a proposal to enter into a rural lease for land at 197 Limekilns Road.

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

14 DECEMBER 2016

1 CLASSIFICATION OF LAND - RESERVOIR NO. 11 AT COTTON STREET, RAGLAN (22.09918)

Recommendation: That Council classify Lot 111 DP738447 being the site of Water Reservoir No.11 at Cotton Street, Raglan, as Operational Land, under Section 31(2) of the Local Government Act 1993.

Report: Council's Reservoir No. 11, and infrastructure that form part of Bathurst Regional Council's water reticulation system, is located on Lot 111 DP738447 at Cotton Street Raglan.

The land was purchased by the Minister of Public Works & Ports for the Raglan Water Supply in 1987.

The reticulation structures were constructed by Department of Works.

It has been found through searches obtained in a matter regarding nearby land that the reservoir land had not at that time been vested in 'Bathurst City Council' under powers in the Local Government Act.

Following contact with the Office of Finance Services & Innovation, that office has made the necessary arrangements to transfer the land to Council.

Lot 111 DP738447 has been transferred and is now owned by Bathurst Regional Council. A plan of the land to be classified as operational is at **attachment 1**.

It is recommended that Council classify Lot 111 DP738447 as Operational Land under section 31(2) of the Local Government Act 1993.

Financial Implications: Nil.

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, 6.6

2 PROPOSED CLOSURE OF SECTIONS OF LIMEKILNS ROAD, LIMEKILNS (25.00066)

Recommendation: That Council:

- (a) Approve the closure of those parts of Limekilns Road shown on the Draft Plan and marked as Lots 6, 7, 8 and 9.
- (b) Classify Lots 6, 7, 8 and 9 as operational land under Section 31(2) of the Local Government Act 1993.
- (c) Transfer Lots 6, 7, 8 and 9 to the adjoining landowner.

Report: At the meeting of Council held 17 September 2014, Council resolved to:

'Approve the acquisition of land for road widening purposes affecting Lot 6 DP755780 and Lot A DP380082, and the partial road closure of unnecessary sections of Limekilns Road, Limekilns, and classify the land as Operational, as detailed in the Director Engineering Services' report'.

Update

Since 2014, the following has occurred:

- (a) Lots 2 and 5 have been transferred from the landowner to Council, and the land has been gazetted as public road.
Item completed.
- (b) Final survey has revealed Lot A DP380082 is no longer affected.
No further action is required.
- (c) Council has made application to close the unnecessary "paper location" of Limekilns Road shown as Lots 3 and 7.
This item is incomplete.

In August 2016, Council's surveyors provided an up to date Draft Plan for parts of the road proposed to be closed. This is available at **attachment 1**.

The affected areas of road proposed for closure and transfer, having been formally surveyed, now reflect a different lot description and include the formally measured area for each lot.

Purpose of Report

This further report is now presented to Council seeking a resolution to accord with the now formally surveyed position and description of the proposed parts of road to be closed and transferred.

The draft plan provided by the surveyor indicates the area of land proposed to be closed as follows.

Plan Lot Description	Area as Surveyed
6	538.7 m ²

7	697.0 m ²
8	42.04 m ²
9	56.97 m ²

Total Area: 1,334.71m²

For the Road Closure Application to proceed, and transfer to be completed, it is recommended that Council:

1. Approve the closure of those parts of Limekilns Road shown on the Draft Plan and marked as Lots 6, 7, 8 and 9.
2. Classify Lots 6, 7, 8 and 9 as operational land under Section 31(2) of the Local Government Act 1993.
3. Transfer Lots 6, 7, 8 and 9 to the adjoining landowner.

Financial Implications: The costs for the road closure are to come from Roadway Opening and Closing Account, and are anticipated to be approximately \$5,000.

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, 6.6
- 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 29.1

**3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.15609, 22.044651, 25.00066)**

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. SALE TO OAK TREE RETIREMENT VILLAGE BATHURST - RESIDUE LAND -
LOT 10 DP1205690 STANLEY STREET BATHURST**

The report considers the sale of the residue land in Stanley Street, Bathurst, to Oak Tree Retirement Village Bathurst.

**2. COMPULSORY ACQUISITION OF LOT 315 & LOT 316 DP1197774 SEWERAGE
TREATMENT WORKS, MORRISSET STREET, BATHURST**

The report considers the acquisition of Crown land located at the Sewerage Treatment Works for the purpose of protection of Council's infrastructure.

**3. COMPULSORY ACQUISITION OF AN EASEMENT FOR CONSTRUCTION OF
NEW SEWER GRAVITY MAIN BETWEEN BONNOR STREET AND LIMEKILNS
ROAD, BATHURST**

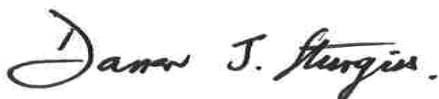
The report considers an application for the compulsory acquisition of an easement for construction of a sewer gravity main between Bonnor Street and Limekilns Road, Bathurst.

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



Darren J Sturgiss
**ACTING DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

14 DECEMBER 2016

1 REFUGEE EMPLOYMENT FORUM (09.00032)

Recommendation: That Council:

- (a) Supports the NSW Government proposal to re-settle Safe Haven Enterprise Visa Holders in Bathurst.
- (b) Convenes a Refugee Employment Forum in 2017 to engage support of employers to promote awareness of employment opportunities in the Bathurst region.

Report: On 14 September 2016, Council received a request from the Office of the Hon Catherine Cusack MLC, Parliamentary Secretary to the Premier, seeking Council's views on the best ways to work with the NSW Government to ensure successful re-settlement outcomes for Safe Haven Enterprise Visa (SHEV) holders, at **attachment 1**. The NSW Government, via Multicultural NSW, is seeking support of communities throughout NSW to welcome new arrivals and any opportunities that may arise.

Council was also approached by representatives of the Bathurst Refugee Support Group, with regards to local support of re-settlement of SHEV Visa Holders. A working group was formed with members of the Bathurst Refugee Support Group, Bathurst Migrant Support Worker and Council representatives. The working group has held meetings to gather background information and plan for an Employment Forum to be convened in early 2017.

The Forum will aim to raise awareness of refugee issues surrounding employment opportunities for refugees, which is one of the fundamental issues of re-settlement. Local employers and employment agencies will be invited to attend the Forum. Bathurst Regional Council will issue invitations and provide initial impetus to facilitate community involvement.

Council has previously adopted the Refugee Welcome Zone Policy (Director Corporate Services & Finance's Report Report #1, 6 February 2013, Minute Book No. 11477) that Bathurst Regional Council declare the City of Bathurst a Refugee Welcome Zone, the aspects of a Refugee Welcome Zone are:

- Welcome refugees into the Bathurst community.
- Upholding the human rights for refugees.
- Understanding their experiences.
- Acknowledge that refugees can and do balance our cultural and religious diversities.

The provision of the Forum would constitute an action reflective of Council's policies.

There are many advantages to the Bathurst community from welcoming refugees in positioning the city as a vibrant cultural and progressive regional centre. As the experience of other regional NSW towns show, the well-managed settlement of refugees can provide economic and cultural benefits. Needed skill-sets can be brought in to help businesses grow and diversify. Increased cultural diversity can further enrich Bathurst, while planning for the settlement of refugees will enable the better integration of services relating to newcomers. The proposed initiative would raise the profile of Bathurst through recognition by Government and interaction with other towns around refugee, migrant and cultural issues.

Service agencies already exist in Bathurst that can assist with the integration to settle refugees. These include Centrelink, Migrant Support Worker, English at TAFE, and Employment Services. Bathurst's Refugee Support Group (BRSG) has been instrumental in fostering this initiative by convening a public conversation in Bathurst of interested parties. The BRSG offers hospitality to refugees and asylum seekers who are either within the local

community or who visit for short term respite, and can have the use of a cottage, the Kath Knowles House of Welcome, for this purpose.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5, 23.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6

2 BATHURST MEMORIAL ENTERTAINMENT CENTRE - LOCAL STAGES - LOCAL EMERGING ARTISTS PROGRAM (LEAP) (21.00069)

Recommendation: That the information be noted.

Report: BMEC's Local Stages Creative Producer coordinates the Local Emerging Artists Program (LEAP) which is an adjunct activity of the Inland Sea of Sound festival. LEAP supports the development of musicians aged from 13 to 25 years by connecting them to each other, to professionals in the region and by providing performance opportunities in the lead up to the festival and then at the festival proper. The LEAP program has been running since 2013

This year twenty young people auditioned to be LEAP artists. They were all offered a gig at a local café leading into the Inland Sea of Sound Festival and 10 of them were selected to perform at the Festival.

Audition call outs went to music teachers across Bathurst as well as through BMEC social media sites. Artists from previous years were contacted and some young people have been represented in the program over successive years.

The cafes presenting LEAP performances in 2016 were:

- Tommy's Thursday 20 & 27 October 5.30pm – 9pm
- The Hub Friday 21 & 28 October 2-3pm
- The Mad Season Café (formerly Wholefood Café) Saturday 22 & 29 October 10am – 2pm

Australia Council for the Arts supports the operation of this program. Cafes are asked to provide a meal and refreshments for the performers.

On 13 October 2016 a LEAP Soiree was held in the Wattle Foyer at BMEC. 14 of the young people performed at this event. This also provided an opportunity for the artists to meet each other. Professional musicians in the area are very supportive of this community program. Mickey Pye performed at the Soiree at the end of the event and spoke to the LEAP artists about his experiences as a professional musician performing at festivals.

The Soiree attracted an audience of over sixty people who were enthusiastic in their support of the artists and fulsome in their praise for the program.

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 20.2
- 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 20.5

community.

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.

Strategy 27.9

3 KELSO COMMUNITY HUB 2016 - UPDATE (09.00026)

Recommendation: That the information be noted.

Report: This report provides an update on the activities at the Kelso Community Hub.

Summary of 2016

The steady growth in stakeholder usage, programs and individuals accessing the Hub has continued during the year. November recorded a total of 1,114 occasions of people accessing services and programs and it is anticipated that the December figure will be approximately 700 occasions.

The total number of occasions of people accessing the services and programs at Kelso Community Hub for 2016 totals 7,722. This figure represents individuals accessing the Hub on multiple occasions to utilise the services and programs on offer.

Since January, there has been a 300% increase in people accessing services the Hub has offered.

A key focus for the year has also been the importance of capturing data relating to areas of need for those individuals presenting at the Hub. Key areas of need have been identified and include primary and allied health needs including mental health and substance use, housing and homelessness, financial hardship, family issues, truancy of young people, unemployment, education and disability issues and the general need for Outreach services.

During 2016 the Kelso Community Hub stakeholder meetings commenced. This allows services using the Hub to come together and discuss ways to navigate optimal outcomes through service provision. 19 different services were represented at this forum.

The Kelso Community Hub has seen a number of other positive changes during 2016. With the name change to Kelso Community Hub, new signage has been erected on the building and further signage including a rustic metal sign and a notice board is planned for early 2017. This has increased the profile of and general awareness of the Hub.

A clean up of the natural environment has opened the Hub up with some pruning of trees and general garden maintenance. This has given the Hub more exposure from the street and surrounds.

2016 will be celebrated with the annual Kelso Community Hub Christmas Party on 14 December 2016 from 3.30pm-6.30pm and will involve multiple community services contributing to the event. The Christmas party is being orchestrated through the partnership between Bathurst Young Mob and Kelso Community Hub.

A school holiday program will be delivered during January 2017 to provide a much needed opportunity to the young people in the area.

Preview of 2017

It is anticipated that this momentum will continue in 2017. Based on the data that has been collected during 2016 as to the needs of the Kelso community, key stakeholders have been identified to assist with meeting community needs and these will be proactively pursued and negotiated, ensuring minimal service duplication during 2017. It is hoped that programs will continue to expand and new programs will be commenced that directly meet the needs of

the community. A key focus will be the provision of targeted service delivery to vulnerable individuals and their families at the Kelso Community Hub.

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

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

4 2016 INLAND SEA OF SOUND FESTIVAL (23.00154)

Recommendation: That the information be noted.

Report: The 2016 Inland Sea of Sound Festival was presented over Friday 4 and Saturday 5 November 2016. With free access for those aged 12 and under, it is estimated that total attendance was in the order of 1,800 people.

The overwhelming response from patrons was extremely positive in relation to the music, atmosphere of the site and the event as a whole.

One hundred and fifty-six (156) artists were involved in the festival ranging from young, emerging artists and established regional performers through to internationally acclaimed headliners such as Kate Miller-Heidke and the Black Sorrows with Vika and Linda Bull.

The festival was opened with a smoking ceremony, performance by the Wagannah Dancers and Welcome to Country by Dinawan Dyrriibang.

As well as being an opportunity to profile musical talent the festival provided locals and visitors an inspiring vista of Bathurst many hadn't seen before. It also offered local food and beverage providers an opportunity to highlight their high quality produce.

The inclusion of a "Kids Zone" with access to the festival free of charge for those aged twelve and under proved to be a success and helped to maintain a family friendly atmosphere at the event.

Proposed dates for the 2017 festival are Friday 3 and Saturday 4 November 2017. The Festival has the potential to be the signature music event in the region, contributing significantly to the visitor economy of Bathurst.

Financial Implications: Nil, at this stage.

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
- 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, 20.5, 20.6

5 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2015/2016 FINANCIAL YEAR REVIEW (21.00060)

Recommendation: That the information be noted.

Report: This report provides an overview of the activities at the Bathurst Memorial Entertainment Centre (BMEC) over the 2015/2016 financial year.

BMEC's strategic vision is to be a respected, sustainable and vibrant performing arts centre providing significant points of engagement in creative performing arts practice for people in the region.

It aims to provide community access to a diverse range of high quality performing arts activity both as audiences and as active participants, as well as presenting and supporting the production of excellent performing arts activities across a diverse range of genres.

Successfully delivering on this aim, 52,803 people attended 326 performances, events or activities at BMEC during the 2015/2016 financial year.

138 events, of the 326 events, were BMEC delivered programs attracting 11,189 people, of which the Annual Season attracted 7,496 patrons.

Non-BMEC Activities

In addition to BMEC delivering programs the venue was utilised by the following third party groups:

- 23 commercial performances by hirers of the venue attended by 9,162 patrons.
- 10 non-performing arts events by non-local hirers attended by 1,282 people.
- 69 non-performing arts events by local hirers attended by 9,020 people.
- 86 performances/events by local arts organisations attended by 22,150 patrons. These events included the Bathurst Eisteddfod, Carillon Theatrical Society shows, local dance school concerts, etc.

Statistics for the current 2016/2017 financial year continue to be strong. There is a diverse variety of performances and events on offer, from the Royal Pipes and Drums of the Dragoon Guards, solo piano performance to cagefighting.

Financial Implications: BMEC is supported through Council funding, user fees and charges and grants from Australia Council for the Arts, Arts NSW, the Regional Arts Fund and sponsorship.

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 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

6 BATHURST REGIONAL ART GALLERY - TOURING EXHIBITION PROGRAM (21.00002)

Recommendation: That the information be noted.

Report: Bathurst Regional Art Gallery (BRAG) has developed a highly successful program of touring exhibitions aimed at delivering regional and metropolitan audiences across Australia with cutting edge exhibitions of contemporary art. These programs also raise the reputation and profile of Bathurst.

In 2015 and 2016, Bathurst Regional Art Gallery touring exhibitions were seen by 68,561 people over 10 venues in three states (NSW, Queensland and Victoria).

BRAG's touring exhibitions that toured in 2015/2016 were: *Stars + Stripes: American art of the 21st Century from the Collection of Danny and Lisa Goldberg* (41,877); *Robert Brain: An Autobiographical Tapestry* (21,684); and *Artists from the End* (5,000).

Stars + Stripes was an exhibition drawn from the private collection of Sydney-based Lisa and Danny Goldberg. BRAG toured a vibrant selection of 50 artworks by 30 of America's hottest young artists (including Tavares Strachan, Haim Steinbach, Sterling Ruby, Davina Semo, Elad Lassry, Cory Arcangel, Jeff Elrod, and Seth Price) to eight venues in 2015 and 2016.

The exhibition opened at BRAG in 2014 before touring to Grafton Regional Art Gallery (1,840); Manly Art Gallery and Museum (8,285); Cowra Regional Art Gallery (1,046); Manning Regional Art Gallery, Taree (1,224), in 2015; and to the Western Plains Cultural Centre, Dubbo (19,519); Wagga Wagga Art Gallery (3,067); Latrobe Regional Art Gallery, VIC (2,427); and Ipswich Art Gallery, QLD (4,469) in 2016.

A total of 41,877 people visited *Stars + Stripes* during its two year tour to eight metropolitan and regional venues across three states.

Stars + Stripes was curated by Council's Art Gallery Director and toured in partnership with Museums and Galleries of NSW.

BRAG's exhibition program continues to attract wide-spread interest, with other regional galleries expressing interest in hosting BRAG curated exhibitions. As a result, BRAG developed a number of smaller regional tours for 2016, 2017 and 2018.

In 2016, BRAG curated *Robert Brain: An Autobiographical Tapestry* which surveyed the prolific tapestry practice of Blue Mountains based artist Robert Brain. The exhibition then travelled to Maitland Regional Art Gallery where it was displayed from 23 July - 20 November 2016, and was seen by 21,684 people.

In 2016 during *The End Festival* in Hill End some 5,000 people visited BRAG's *Artists from the End* exhibition shown at the Sacred Heart Church.

In 2017, BRAG's 2016 exhibition *Mandy Martin: Hometown* will tour to three regional venues including Penrith Regional Gallery and Lewers Bequest (2016-17), Orange Regional Gallery (2017), and Cowra Regional Art Gallery (2018), while BRAG's 2016 exhibition *Anne Graham: Whispering & Rustling* will tour to the Glasshouse, Port Macquarie in 2017.

Additionally, Council's Art Gallery Curator has developed a one-off exhibition promoting BRAG's collection and the Hill End Artists in Residence Program entitled *Hill End AIR:*

Seven Decades that will tour to the Penrith Regional Gallery and Lewers Bequest from March to May 2017.

In 2017 BRAG will also curate *Postcards to The End* featuring the work of artists who have participated in the Hill End Artists in Residence Program since its inception in 1994.

Financial Implications: Funding of BRAG's exhibition program comes from BRAG's Arts NSW artistic program funding.

Exhibition venues are charged a fee for exhibitions which covers the cost of crating, and freighting exhibitions

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 11.6, 11.9
- 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 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.4, 23.5

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2016 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 6 December 2016 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 6 December 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 6 DECEMBER 2016

MEETING COMMENCES

1 MEETING COMMENCES - 2.06PM

Members: Mr Joshua White (Acting Sgt. NSW Police), Mrs Sharon Grierson (Roads and Maritime Services Representative), Miss Deanne Freeman (Roads and Maritime Services Representative), Mr David Veness (Local Member Office, Representative) and Cr Warren Aubin (Bathurst Regional Council)

Present: Mr Bernard Drum (Acting Manager Technical Services) and Mr Paul Kendrick (Traffic and Design Engineer)

APOLOGIES

2 APOLOGIES

That the apology of Ms Iris Dorsett (Tablelands Area Roads Safety Officer) be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 NOVEMBER 2016 (07.00006)

That the Minutes of the Traffic Committee Meeting held on Tuesday, 1 November 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 1 NOVEMBER 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 PROVISION OF A DISABLED PARKING SPACE – 198 HOWICK STREET BATHURST (25.00006-04/129)

That Council not approve any further changes to disabled parking along the section of Howick Street between Bentinck Street and William Street at this time.

8 Item 4 PROPOSED “ONE-WAY” SIGNAGE BARKLY STREET SOFALA (25.00571/006)

That Council approve the installation of “One-Way” signage, “No Entry” signage and pavement arrows in Barkly Street, Sofala.

9 Item 5 PROPOSED DIRECTIONAL SIGNAGE TO THE BATHURST EARLY LEARNING CENTRE (28.00007-06/035)

That Council not approve the installation of directional signage to Bathurst Early Learning Centre on Watt Drive from Bradwardine Road.

10 Item 6 LIFELINE CENTRAL WEST NSW AIR SHOW (21.00008)

That Council approve the use of the Bathurst Aerodrome for the purposes of conducting an Air Show on Saturday, 25 and Sunday, 26 March 2017 and endorse the Traffic Management Plan.

11 Item 7 PROPOSED CHANGES OF CARRIAGEWAY & TURNING LANE - KFC BATHURST (25.00007-05)

That Council approve carriageway/left turn lane widening and centreline lengthening in accordance with the Director Engineering Services' report.

12 Item 8 HILL END BUSES & WALLABY ROCKS BRIDGE GIVE WAY SIGN (28.00012-09/005)

That Council approve the application for controlled access bus permit consent from Sofala Road to the Hill End Store for rear tag axle buses less than or equal to 13.5m in length, subject to the conditions as noted in the Director Engineering Services' report.

13 Item 9 LINE MARKING OF PARKING SPACES AT BATHURST BASE HOSPITAL (22.01047-06/037)

That parking spaces outside Bathurst Base Hospital on Mitre Street and Howick Street be line marked as per the Director Engineering Services' report.

14 Item 10 PROPOSED DIRECTIONAL SIGNAGE TO THE WATTLE FLAT RECREATION GROUND, TENNIS COURTS AND RACECOURSE (20.00177-05/076)

That Council approve the installation of directional signage to Wattle Flat Recreation Ground, Tennis Courts and Racecourse subject to the conditions as noted in the Director Engineering Services' report.

15 Item 11 THE 2017 ROYAL BATHURST SHOW (18.00108)

That Council endorse the Traffic Management Plan for the 2017 Royal Bathurst Show to be held Friday, 28 April to Sunday, 30 April 2017. The event is to be classified as a Class 1 event and approved subject to the conditions detailed in the Director Engineering Services' report.

**16 Item 12 LATE REPORT (23.00128-04)
MOTION was MOVED by Mr D.Veness and SECONDED by Mr J.White**

That the Committee accept and deal with the Late Report on the 2017 NAB B2B Cycling Festival at the Traffic Committee Meeting on Tuesday 6 December 2016

17 Item 12.01 2017 NAB B2B CYCLING FESTIVAL (23.00128-04)

That Council endorse the Traffic Management for Council's NAB B2B Cycling Festival Events including the Blayney and Mount Panorama (B2B) Long and Short Courses; and the Family Fun Challenge Course on Sunday, 2 April 2017. The events are to be classified as Class 1 and Class 4 events respectively and approved subject to conditions as detailed in the Director Engineering Services' report.

18 Item 13 LATE REPORT (23.00128-04)

MOTION was **MOVED** by Mr D. Veness and **SECONDED** by Mr J.White

That the Committee accept and deal with the Late Report on '2017 NAB B2B Cycling Festival - NSW Short Course Hill Climb Championship' at the Traffic Committee Meeting on Tuesday, 6 December 2017.

19 Item 13.01 2017 NAB B2B CYCLING FESTIVAL - NSW SHORT COURSE HILL CLIMB CHAMPIONSHIP (23.00128-04)

That Council endorse the Traffic Management for the NAB B2B Cycling Festival, NSW Short Course Hill Climb Championship road racing event to be held on Saturday, 1 April 2017. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Service's report.

TRAFFIC REGISTER

20 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

GENERAL BUSINESS

GENERAL BUSINESS

Item 7 - Proposed Changes of Carriageway & Turning Lane - KFC Bathurst
All in attendance at the Traffic Committee Meeting agreed with the changes proposed in the report presented for Item Number 7, Proposed Changes of Carriageway and Turning Lane - KFC Bathurst. However, the Roads and Maritime Services have requested Council investigate the possible restriction of motorists turning right, into the KFC driveway.

MEETING CLOSE

21 MEETING CLOSE

The Meeting closed at 2.58pm.

DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

14 DECEMBER 2016

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 NOVEMBER 2016 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Nil

1. RYDA ROAD SAFETY PROGRAM - BATHURST EAST ROTARY (28.00002-09)

Brian Burke from Bathurst East Rotary, RYDA Road Safety Program met with Council to update them on the driver awareness training and to discuss the future funding for the project.

Discussion included:

- Program relies on sponsorship
- Current cost to students is \$10 a head, without sponsorship would be \$25.
- Requesting Council consider waiving cost of hiring Mount Panorama. Program would break even.
- Dates for conducting program are flexible

2. BATHURST ARTS TRAIL (21.00039)

Mr David Lake, President and Barbara Holmes, Vice President and members of the Bathurst Arts Trail met with Council to raise awareness of the Arts Trail and its potential as a tourist attraction.

Discussion included:

- visitors to Bathurst have the opportunity to meet and talk with the artists.
- the Bathurst Arts Trail was formed in 2011.
- studios are open first whole weekend of each month.
- artists fund the promotion (booklet, brochures, advertising.) of the Arts Trail.
- the arts is an important element of the economy.
- extended invite to Councillors and staff to visit a studio on 3 or 4 December
- need to get locals interested in visiting the local studios.
- have a current partnership arrangement with Bathurst Visitors Information Centre at a cost of \$350.
- asked Council if they could provide any assistance in promotion of the Bathurst Arts Trail.

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 CENTROC BOARD MEETING 24 NOVEMBER 2016 (PARLIAMENT HOUSE, CANBERRA) (07.00017)

Recommendation: That the report on the Centroc Board meeting held 24 November 2016 at Parliament House, Canberra be noted.

Report: The Centroc Board meeting was held at Parliament House, Canberra on 24 November 2016. Meetings were also held the day before with several parties along with Centroc representatives.

Member for Calare, Mr Andrew Gee and his office staff assisted with organising the meeting in Parliament House. The Board thanked Mr Gee for his support.

The Board were fortunate to have the following Ministers and Federal Representatives address the Board.

- Mr Andrew Gee, Member for Calare
- The Hon Sussan Ley, Minister for Health and Aged Care
- The Hon Luke Hartsuyker, Assistant Minister to the Deputy Prime Minister
- The Hon Darren Chester MP, Minister for Infrastructure and Transport
- Mr Mark Coulton, Member for Parkes
- The Hon Angus Taylor, Member for Hume and Assistant Minister for Cities and Digital Transformations
- The Hon Michael McCormack, Member for Riverina and Minister for Small Business
- Senator The Hon Fiona Nash, Minister for Regional Development, Minister for Regional Communications and Minister for Local Government and Territories.

Centroc Board Meeting - Key Decisions & Reports

Transport Infrastructure - The Chair of Centroc updated the Board on the recent Strategic Roads Group meeting, where TfNSW and RMS spoke about the Bells Line of Road and the Corridor updates. The Board resolved to reaffirm the importance of the Corridor.

The Chair also met with the Hon Duncan Gay, Minister for Roads, Maritime and Freight on the 7 November to discuss the Blayney Demondrille, securing the Corridor for the Bells Line, roads funding particularly for flood damaged roads and the closure of the Newell Highway.

All Ministers acknowledged the case for the high productivity link to Central NSW. The issue of day labour and the national disaster funding was also raised.

Water Security - Centroc has lodged a submission on the draft framework on Microbial Health Based targets. An update on the meeting held 17 November with Centroc, Lachlan Valley Water and Belubula Landholders was given to the Board. Further follow up with both State and Federal Ministers will be undertaken to seek clarification on water storage priorities.

Health - A milestone for the facebook page of 1000 likes was reached last month for the Beyond the Range Website, and the "did you know" posts are also working well.

A meeting for Weddin Shire Council to discuss funding for the Weddin Medical Hub was attended by the Chair and EO to support Mayor of Weddin Cr Leibich. The meeting was with Senator Nash, Member for Riverina, Michael McCormack, and Assistant Minister for Rural Health, David Gillespie.

Regional Development – A submission was lodged to the RDA independent review, showing the effectiveness of the RDA program.

The Chair of RDA Alan McCormack updated the Board and thanked the Board for their ongoing support and that the MOU between Centroc and RDACW is the only one that exists in Australia.

On 23 November 2016, The Minister for Regional Development the Hon Senator Fiona Nash, announced the release of the program guidelines for the new Building Better Regions Fund (BBRF). The BBRF will invest \$297.7 million over four years in infrastructure projects and community investments to create jobs, drive economic growth and build stronger regional communities into the future.

Tourism - The Board resolved that members fund CNSWT for this financial year and support CNSWT while it seeks funding for transition arrangements.

Planning - A submission to the proposed JO boundaries was lodged, Centroc response was support for the boundaries. Hilltops and Upper Lachlan confirmed their intent to continue as operational members with the group.

Management Plan and Constitutional, Policy Review - Legal advice was sought for an amendment to the Constitution to enable administrators to be on the Centroc Executive. The Board resolved in this direction.

The Management Plan will continue incrementally with advice of tier one and two priorities until the Joint Organisation legislation becomes clear.

Operational - An example of the value for Centroc Regional Contracts was given on a recent Centroc contract for bulk fuel that Mid Western Regional Council calculated would save them \$155,000. Centroc operations continue to maintain savings for the Region.

- Over 6000 courses have been completed since the online training system began in 2012.
- There are 33 contracts that member councils have access to.
- \$3.6 million dollars worth of savings to September 2016 have been calculated since December 2009.

Opportunities for Central NSW will be maximized through a submission to the NSW Government on the draft Climate Change fund strategic Plan and the Draft Plan to save NSW Energy and Money.

Financial - the anticipated loss for 30 June 2017 is \$25,454 against a budgeted loss of \$697. This is due to Mid Western Regional Council no longer being a member. Centroc staff will endeavour to make up this loss.

AGM - Cr Bill West (Cowra) stepped down from Chair of Centroc, he thanked the Board for their support through his time as Chair. Cr Gary Rush, Mayor of Bathurst Regional Council was elected to the position of the Chair of Centroc, and Cr John Medcalf was elected as Deputy Chair of Centroc.

As part of a new initiative, the Board nominated a delegate, who will each be responsible for priority Portfolios for 12 months

- Water (Cr Gary Rush);
- Health, (Cr John Medcalf);

- Regional Development, (Cr Bill West);
- Transport (Cr Ken Keith) and
- Planning (Cr John Davis).

Financial Implications: Council's involvement in Centroc is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1