

8 November 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
15 November 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 November 2017 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, 15 NOVEMBER 2017**

**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 - 18 OCTOBER 2017

**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 GENERAL MANAGER'S AND DIRECTORS' REPORTS**

- \* GENERAL MANAGER'S REPORT
- \* 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 - POLICY COMMITTEE MEETING - 1 NOVEMBER 2017
- \* MINUTES - TRAFFIC COMMITTEE MEETING - 7 NOVEMBER 2017

**10. NOTICES OF MOTION**

**1 NOTICE OF MOTION - CR MORSE & CR NORTH (20.00299)**

Moved by Crs Morse & North:

That the roll-out of the Bathurst Region Branding Strategy be deferred pending a report

on options for the future direction of the Branding.

## **2 NOTICE OF MOTION - CR BOURKE & JENNINGS (20.00299)**

Moved by Crs Bourke & Jennings:

That Council continue with its Brand Strategy, but requests the consultants to provide two additional redesigned logos and two additional redesigned tag lines for consideration by Council.

### **11. COUNCILLORS/ DELEGATES REPORTS**

\* MINUTES - AUSTRALIA DAY WORKING PARTY - 24 OCTOBER 2017

### **12. 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 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	INSTALLATION OF ELECTRIC VEHICLE CHARGING STATION	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 1 DP1167594 KNOWN AS THE JOHN MATTHEWS SPORTING COMPLEX AT 261 DURHAM STREET, BATHURST WITH THE BATHURST NETBALL ASSOCIATION 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.
2	SPORTING LICENCE AGREEMENT - PART LOT 1 DP194761 AND PART LOT 104 DP1073272 KNOWN AS THE HEREFORD STREET RUGBY LEAGUE COMPLEX TO THE ST PATS RUGBY LEAGUE FOOTBALL 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.
3	LAND ACQUISITION FOR LOT 267 DP820952 KNOWN AS 362 PANORAMA AVENUE, 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.
4	PROPOSED NEW COMMERCIAL LEASE AGREEMENT - LOT 1 DP774489 KNOWN AS 230 HOWICK 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.
5	BOUNDARY ADJUSTMENT AND SALE OF LAND AT PART LOT 3 DP1185929 KNOWN AS 29 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	LARGE SITE ELECTRICITY CONTRACT CENTROC PROCUREMENT	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
7	BATHURST VISITOR INFORMATION CENTRE CAFE - LEASE	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	INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA 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.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
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1	RESURFACING OF HOCKEY FIELD, LEARMONTH 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.
2	PROPOSED PURCHASE OF LEVEE LAND ENCROACHING UPON 93 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.+
3	PROPOSED FINALISATION OF ROAD CLOSURE APPLICATION - LOTS 97, 101 & 103 DP1174100 HILL END ROAD SALLYS FLAT	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	PROPOSED TRANSFER AND CLOSURE OF RESIDUE OF CROWN ROAD ADJOINING LOT 57 DP756873 - PART OF HILL END ROAD SALLYS FLAT	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 FOR PANORAMA MOTORCYCLE CLUB RACE	10A (2) (d) (iii) – contains commercial information of a

	CONTROL AND AMENITIES BUILDING	confidential nature that would, if disclosed, reveal a trade secret.
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- 13. RESOLVE INTO OPEN COUNCIL
  
- 14. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
  
- 15. MEETING CLOSE

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 OCTOBER 2017 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 October 2017 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 October 2017, 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 18 OCTOBER 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**P McIntosh – ratepayer**

Wrote a letter on 24 September 2017 to all Councillors. Has not received a response from Council. Spoke to reply from General Manager. Expects Councillors to respond to him, he did not send his letter to the General Manager. The reply he received is not substantive.

**K McNab – ratepayer - Mitre/Suttor/Lambert Street Intersection**

Spoke to concerns about the intersection. Requests works be undertaken in this financial year. Has spoken to many residents who have been very supportive. Referred to construction layout issues, safety matters, petition signed, school children safety.

**A McLeish – ratepayer - Mitre/Suttor/Lambert Street Intersection**

Had a accident in recent times at this intersection. Noted her daughter spoke on the 27 September 2017 on this matter. Recently sent an email on this issue and has not received a response from Council. Was very shaken after the accident, the intersection is dangerous and a number of accidents have occurred there. Something needs to be done before someone is killed. Have previously spoken to Council about this problem.

**N Cowan – New tourist attraction**

Spoke of proposal to lend Council his collection of films, magazines etc. to create a new attraction for Bathurst. It is Australia's largest and unique collection. Have given Council first option to access the collection to be placed in a Council owned facility. Would only be a loan and Mr Cowan would like involvement in the museum. Does not seek any financial return. Left correspondence for Council to review his proposal.

**S Pearson – Bathurst Branding Campaign**

Feels the *Bathurst Forever Young* campaign is a direct copy of a New Zealand

campaign. Raised concerns at Bathurst Brand, feels it is not unique. Discussed the basis of developing a brand - uniqueness, feelings, how packaged, people's experiences. Bathurst Regional Council should own the outcomes and intellectual property and then not use it and scrap the identity and start again.

**J Hurst – Pineview Estate, McBrien Drive**

Sunbright Orchard development, requests Council not cut down the trees in association with the proposed development. Asks Council leave the trees and redesign the development. Tabled a petition.

**B Manning – ratepayer**

Spoke to ongoing matter with Council and the property purchased by Council at McKell Street. Referred to various issues raised and powers of Council on the building and also the survey undertaken by Council of the property alignment. Feels subsoil drainage was not completed. Has put in another GIPA application to access more paperwork yet Council wants her to pay over \$1,700, is appealing this situation. She asked for mediation previously, Council refused.

**D McNab – Mitre/Suttor/Lambert Street Intersection**

Spoke last month to concerns about the roundabout. Tonight will convey concerns of residents in the area. Issues such as safety, urgent need to fund, petition signed by residents, near misses, housing growth in the area, density of traffic.

**G Crisp – ratepayer**

Raised questions on Item 1 of Business Papers and prior minutes adoption. Spoke to duties of General Manager and the discretion of the General Manager. Content of minutes was discussed and the basis of community engagement. Alleged the General Manager gave false information to the Council about making presentation to Council by people nominating for election. Accused the General Manager of trying to influence the outcome of the election.

**P Dowling – resident**

Asked were the Councillors permitted to vote on the new Bathurst brand logo. Were Councillors permitted to vote on the matter? Why wasn't the logo brought to the ratepayers or to schools for them to create something? The logo should be the motor racing circuit with a few words. Feels Council should cut its losses and go back.

**APOLOGIES**

**3 APOLOGIES**

Nil.

**MINUTES****4 Item 1 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 SEPTEMBER 2017 (11.00005)****MOVED** Cr J Rudge and **SECONDED** Cr I North**RESOLVED:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 20 September 2017 be adopted.**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 27 SEPTEMBER 2017 (11.00005)****MOVED** Cr I North and **SECONDED** Cr W Aubin**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 27 September 2017 be adopted.**DECLARATION OF INTEREST****6 DECLARATION OF INTEREST 11.00002****MOVED** Cr B Bourke and **SECONDED** Cr J Jennings**RESOLVED:** That the following Declarations of Interest be noted.Cr Aubin

Item #6 of the Director Corporate Services &amp; Finance's report.

Cr Fry

Item #1 of the Director Engineering Services Confidential report.

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS****General Manager's Report****7 Item 1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017 (18.00074)****MOVED** Cr W Aubin and **SECONDED** Cr I North**RESOLVED:** That Council:

- (a) authorise the Mayor (Cr Hanger) and Crs Bourke, Fry and Jennings to attend the Local Government NSW Annual Conference 2017.
- (b) nominate the Mayor (Cr Hanger), Crs Bourke and Jennings as the voting delegates for Motions and Board positions.
- (c) nominate Cr Fry as an observer.

**Director Environmental Planning & Building Services' Report****8 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr I North and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**9 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr J Jennings and **SECONDED** Cr A Christian**RESOLVED:** That the information be noted.**10 Item 3 DEVELOPMENT APPLICATION NO. 2017/201 – SINGLE STOREY DWELLING WITH DETACHED GRANNY FLAT AT 145 DURHAM STREET, BATHURST. APPLICANT: HI TECH HOMES AND FLATS. OWNER: MR GM IRELAND AND MRS BS WEST (DA/2017/201)****MOVED** Cr I North and **SECONDED** Cr J Fry**RESOLVED:** That Council:

- (a) support the variation to Clause 4.3.2 Development Standards Minimum Lot size 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. 2017/201, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979;
- (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 W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge**Against the motion** - Nil**Absent** - Nil**Abstain** - Nil**11 Item 4 DEVELOPMENT APPLICATION NO. 2017/202 – DUAL OCCUPANCY AT 143 DURHAM STREET. APPLICANT: HI TECH HOMES AND FLATS. OWNER: MR GM IRELAND AND MS BS WEST (DA/2017/202)****MOVED** Cr I North and **SECONDED** Cr B Bourke**RESOLVED:** 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. 2017/202, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the motion - Nil

Absent - Nil

Abstain - Nil

**12**

**Item 5 DEVELOPMENT APPLICATION NO. 2017/95 – DEMOLITION OF DWELLING & OUTBUILDINGS AND CONSTRUCTION OF AN INTERNAL ACCESS DRIVEWAY TO THE LIBRARY CARPARK AT 128 BENTINCK STREET. APPLICANT: BATHURST REGIONAL COUNCIL. OWNER: BATHURST REGIONAL COUNCIL (DA/2017/95)**

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

**RESOLVED:** 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. 2017/95, 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:
  - (a) demolition is not to commence until a photographic record of the dwelling and outbuildings has been completed and submitted to Council,
  - (b) a 1.8 metre high Colourbond fence is to be erected on the side boundaries of the site within 2 weeks of the completion of the demolition,
  - (c) prior to demolition, plans are to be submitted and approved for an entrance treatment in face brick work of strong autumn tones with metal or timber infills where required, to be constructed as part of the driveway,
  - (d) the applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of Bathurst Regional Development Control Plan 2014,
  - (e) prior to the demolition a measured plan drawing of the original dwelling is to be submitted to Council,
  - (f) review in 12 months time whether the fence is adequate for noise attenuation;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the motion - Nil

Absent - Nil

Abstain - Nil

**13 Item 6 BATHURST 2036 HOUSING STRATEGY – STAGE 2 STRATEGY DEVELOPMENT PUBLIC CONSULTATION (20.00089)**

**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

**RESOLVED:** That Council place the Housing Strategy: Stage 2 Strategy Development consultation document on public exhibition.

**14 Item 7 NAMING OF PUBLIC ROADS – MULDOON AVENUE AND INGERSOLE DRIVE (20.00024)**

**MOVED** Cr B Bourke and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) adopt the names Muldoon Avenue and Ingersole Drive; and
- (b) direct the Acting Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

**15 Item 8 CAR PARKING LICENCE AGREEMENT WITH WESTERN NSW LOCAL HEALTH DISTRICT (22.01047)**

**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) agree to enter into a Car Parking License Agreement with Western NSW Local Health District (Bathurst Health Service) for a period of five (5) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

**16 Item 9 BATHURST REGIONAL LEP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – OPEN SPACE HOUSEKEEPING (20.00307)**

**MOVED** Cr J Rudge and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional Local Environmental Plan amendment to alter the zone boundaries of the environmental, recreation, residential and rural zones within the urban areas of Bathurst as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan – Open Space Housekeeping Planning Proposal to the NSW Department of Planning and



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

- 23** **Item 16 REGIONAL DEVELOPMENT INNOVATION AWARDS 2017 (20.00071)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

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

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

- 24** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

- 25** **Item 2 MONTHLY 2016-2020 DELIVERY PLAN REVIEW AND QUARTERLY BUDGET REVIEW STATEMENT 2017-2018 (16.00144)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

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

- 26** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

- 27** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

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

- 28** **Item 5 REQUESTS FOR FINANCIAL ASSISTANCE (18.00004, 21.00012)**  
**MOVED** Cr B Bourke and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) waive the Library meeting room hire fees, up to an amount of \$280, for use by the Bathurst Special Religious Education group;
- (b) provide an additional donation of \$2,541.75 to the Bathurst District Historical Society for the "Getting Hitched" - 200 years of Wedding Dresses and Paraphernalia exhibition;

- (c) provide up to \$10,000 in-kind support, and \$7,500 for the cost of traffic management, to Lifeline Central West for their 2018 Soar, Ride and Shine event;
- (d) provide a reduction of \$331.60 in BMEC venue hire fees to GRIP Leadership for their 2018 Bathurst Primary School GRIP Student Leadership Conference;
- (e) provide \$4,000 to the Bathurst Panthers Football Club as sponsorship of their 2018 Bathurst Rugby League Knockout competition;
- (f) cover the cost of installation of no parking signs and barriers, at an estimated cost of \$3,000, along the Great Western Highway for the 2017 Australia Long Track Masters;
- (g) endorse the unanimous decision of Councillors to provide \$1,000 sponsorship to the 2017 National Cool Climate Wine Show; and
- (h) decline the request from Marathon Health for a reduced hire fee, and the waiving of the annual administration fee for the use of the Kelso Community Hub.

The above requests will be funded as detailed in the report.

**29**

**Item 6 2018 DISTRICT PROBUS FRIENDSHIP DAY EVENT (20.00071)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**Cr Aubin declared a non-pecuniary interest in this item and remained in the Chamber.**

**Reason: Mother is a member of the Probus Club.**

**RESOLVED:** That Council:

- (a) provide a \$2 discount voucher to each registered attendee of the 2018 District Probus Friendship Day event (the event) enabling a discounted entry into the Australian Fossil & Mineral Museum, the National Motor Racing Museum and Chifley Home & Education Centre;
- (b) donate the costs associated with hosting a Mayoral Welcome Reception at the National Motor Racing Museum for the event; and
- (c) provide a \$1,000 donation to assist with the expenses of the event.

The above requests will be funded as detailed in the report.

**30**

**Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 22.01218, 22.05345, 04.00013, 08.00002, 21.00022, 04.00149,**  
**22.16320,22.16321, 22.15963, 22.16153)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

**Director Engineering Services' Report****31 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00654, 36.00614 & 36.00651)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**Director Cultural & Community Services' Report****32 Item 1 BATHURST ACCESS IMPROVEMENT FOR SMALL BUSINESS GRANTS 2017/2018 (16.00107)****MOVED** Cr W Aubin and **SECONDED** Cr J Jennings**RESOLVED:** That Council:

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

<b>Business/Organisation</b>	<b>Amount of Funding</b>
Panorama Bathurst	\$5,000 which is maximum grant amount.
Vine & Tap	\$5,000 which is maximum grant amount.

- (b) Considers the remaining funds of \$5,000 be held for any further business/es to make application, during the remainder of the 2017/2018 financial year, outside the regular timeline process, as per recommendation provided by Bathurst Regional Access Committee (BRAC).
- (c) As per recommendation (b), Council receives a further report to consider any recommendations of the Committee.

**33 Item 2 KELSO COMMUNITY HUB - 2015 TO 2017 UPDATE (09.00026)****MOVED** Cr I North and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**34 Item 3 BATHURST LIBRARY - PROPOSED CLOSURE FOR REFURBISHMENT (21.00054)****MOVED** Cr B Bourke and **SECONDED** Cr J Jennings**RESOLVED:** That the information be noted..**REPORTS OF OTHER COMMITTEES****Traffic Committee Meeting**

**35** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 OCTOBER 2017**  
**(07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Fry

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 3 October 2017 be adopted.

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

**36** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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	RENEWAL OF RESIDENTIAL LEASE - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF RURAL LICENCE AGREEMENT PART LOT C DP158611 KNOWN AS 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.
3	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 1 DP1167594, PART LOT 7006 DP105676 AND PART LOT 10 DP1157553 KNOWN AS JOHN MATTHEWS SPORTING COMPLEX DURHAM STREET, BATHURST TO THE BATHURST MINIATURE RAILWAY SOCIETY	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	RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT - PART LOT 1 DP234893, LOCATED AT BOUNDARY ROAD, BATHURST - TELSTRA	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	RURAL LICENCE AGREEMENT - GRAZING ONLY FOR PART LOT 103 DP1006130, PART LOT 94 DP879007 AND PART LOT 10 DP872516 KNOWN AS RANKENS BRIDGE RESERVE, EGLINTON	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	RURAL LICENCE AGREEMENT - CROPPING ONLY FOR PART LOT 2 DP1233088, KNOWN AS EDGELLS LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	SALE OF LAND AT LOT 913 AND LOT 912 DP1110004 KNOWN AS 40 AND 44 HAMPDEN PARK ROAD, KELSO INDUSTRIAL ESTATE	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.
8	BOUNDARY ADJUSTMENT AND SALE OF LAND AT PART LOT 60 DP1226661 KNOWN AS COX LANE, EGLINTON	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	SALE OF LAND AT LOT 1004 DP 1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR RESTORATION OF BATHURST LIBRARY CAR PARK AND BLISTER BEDS	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 STORMWATER CREEK OUTLETS, PROCTOR PARK - WITHDRAWAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR REFURBISHMENT OF BATHURST LIBRARY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

- a** **Item 1 RENEWAL OF RESIDENTIAL LEASE - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST (22.01218)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council approve the renewal of the residential lease for Lot A DP 158048 known as 215 Durham Street, Bathurst to the current tenant for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

- b** **Item 2 RENEWAL OF RURAL LICENCE AGREEMENT PART LOT C DP158611**

**KNOWN AS 519 MITCHELL HIGHWAY, BATHURST (22.05345)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council approve the renewal of the Rural Licence Agreement for part Lot C DP 158611 known as 519 Mitchell Highway, Bathurst with the current licensee for a period of 3 years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- c** **Item 3 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 1 DP1167594, PART LOT 7006 DP105676 AND PART LOT 10 DP1157553 KNOWN AS JOHN MATTHEWS SPORTING COMPLEX DURHAM STREET, BATHURST TO THE BATHURST MINIATURE RAILWAY SOCIETY (04.00013)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

That Council approves the renewal of the Sporting Licence Agreement for Part Lot 1 DP 1167594, Part Lot 7006 DP 105676 and Part Lot 10 DP 1157553 known as John Matthews Sporting Complex, Durham Street, Bathurst, to the Bathurst Miniature Railway Society for a period of 5 years as detailed in the report.

- d** **Item 4 RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT - PART LOT 1 DP234893, LOCATED AT BOUNDARY ROAD, BATHURST - TELSTRA (08.00002)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

That Council approves the renewal of the Telecommunications Lease Agreement for Part Lot 1 in DP 234893, Boundary Road, Bathurst with Telstra for a period of 20 years being four consecutive 5 year lease agreements as detailed in the report.

- e** **Item 5 RURAL LICENCE AGREEMENT - GRAZING ONLY FOR PART LOT 103 DP1006130, PART LOT 94 DP879007 AND PART LOT 10 DP872516 KNOWN AS RANKENS BRIDGE RESERVE, EGLINTON (21.00022)**  
**MOVED** Cr J Fry and **SECONDED** Cr I North

That Council approves entering into a rural licence agreement for Part Lot 103 DP 1006130, Part Lot 94 DP 879007 and Part Lot 10 DP 872516 known as Rankens Bridge Reserve, Eglinton for the period up to the end of April 2019, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- f** **Item 6 RURAL LICENCE AGREEMENT - CROPPING ONLY FOR PART LOT 2 DP1233088, KNOWN AS EDGELLS LANE, KELSO (04.00149)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves entering into a rural licence agreement, cropping only for Part Lot 2 DP 1233088, known as Edgells Lane, Kelso for a period of 12 months with a 12 month option at Council's discretion, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- g** **Item 7 SALE OF LAND AT LOT 913 AND LOT 912 DP1110004 KNOWN AS 40 AND 44 HAMPDEN PARK ROAD, KELSO INDUSTRIAL ESTATE**

**(22.16320,22.16321)****MOVED** Cr I Northand **SECONDED** Cr W Aubin

That Council approves the sale of Lots 913 and 912 in DP 1110004 known as 40 and 44 Hampden Park Road, Kelso Industrial Park to United Stone Industries Pty Ltd as detailed in the report.

**h** **Item 8 BOUNDARY ADJUSTMENT AND SALE OF LAND AT PART LOT 60 DP1226661 KNOWN AS COX LANE, EGLINTON (22.15963)**

**MOVED** Cr I Northand **SECONDED** Cr A Christian

That Council approves the boundary adjustment and sale of Part Lot 60 DP 1226661 known as Cox Lane Eglinton to the Owners of 1 Fraser Drive, Eglinton as detailed in the report.

**i** **Item 9 SALE OF LAND AT LOT 1004 DP 1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO (22.16153)**

**MOVED** Cr I Northand **SECONDED** Cr J Rudge

That Council approves the sale of Lot 1004 DP 1129907 known as 49 Hampden Park Road, Kelso as detailed in the report.

**Director Engineering Services' Report**

**i** **Item 1 TENDER FOR RESTORATION OF BATHURST LIBRARY CAR PARK AND BLISTER BEDS (36.00654)**

**MOVED** Cr B Bourkeand **SECONDED** Cr J Rudge

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

Reason: Tenderer is a relative.

That Council accept the tender of Shumack Engineering Pty Ltd in the amount of \$188,652.00 (GST Inclusive), subject to adjustments and provisional items, as indicated within the Director Engineering Services' report, for the restoration of the Bathurst Library Car Park and Blister Beds.

**k** **Item 2 TENDER FOR STORMWATER CREEK OUTLETS, PROCTOR PARK - WITHDRAWAL (36.00614)**

**MOVED** Cr I Northand **SECONDED** Cr J Rudge

That Council accept the withdrawal of Webber Concrete Constructions Pty Ltd from the current contract, without penalty.

**!** **Item 3 TENDER FOR REFURBISHMENT OF BATHURST LIBRARY (36.00651)**

**MOVED** Cr J Jenningsand **SECONDED** Cr B Bourke



## **GENERAL MANAGER'S REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

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

**Recommendation:** That the completed *Disclosure by Councillors and Designated Persons Return* forms be noted.

**Report:** In accordance with the provisions of Section 450(A) of the Local Government Act, the *Disclosure of Interest by Councillors and Designated Persons Return* forms for Councillors Christian, Fry, Jennings and Rudge will be tabled at the meeting.

**Financial Implications:** Nil

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.1

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

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

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

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

### 79C Evaluation

#### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

#### **(2) Compliance with non-discretionary development standards—development other than complying development**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note.

The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

### **(3A) Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

### **(4) Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

### **(6) Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

**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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **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 October 2017 (**attachment 1**).
- (b) Applications refused during October 2017 (**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 October 2017 (**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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**3 DEVELOPMENT APPLICATION NO. 2017/359 - AMBULANCE STATION AT 6 COMMONWEALTH STREET, WEST BATHURST. APPLICANT: HEALTH INFRASTRUCTURE NSW. OWNER: BATHURST REGIONAL COUNCIL (DA/2017/359)**

**Recommendation:** That Council:

- (a) support Development Application No. 2017/359, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) forward a copy of the draft conditions of consent to the applicant Health Infrastructure NSW and seek its approval for the imposition of the conditions pursuant to Section 89 of the Environmental Planning and Assessment Act 1979;
- (c) note that subject to the agreement to conditions between Council and Health Infrastructure NSW, the matter will be dealt with under delegated authority;
- (d) notify those that made submissions of its decision; and
- (e) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the construction of a new ambulance station at 6 Commonwealth Street, West Bathurst, described as Lot 10, DP 716663. A location plan is available at **attachment 1**.

The subject site is currently vacant but contains a number of established trees.

The subject site has dual street frontage to Commonwealth Street and to Short Street.

The proposal

The proposal is for the construction of an ambulance station which includes the following:

- Ten (10) internal ambulance parking spaces;
- Three (3) external ambulance parking spaces;
- One (1) internal ambulance wash bay;
- One (1) external service bay;
- Twenty (20) car parking spaces, including one accessible space;
- Internal facilities including:
  - Administration and storage spaces; and
  - Amenity facilities including lockers, toilets, showers, kitchen and commons room.

The facility will operate on a 24 hour basis.

See the following plans and documents submitted with the application:

- Plans of proposed development at **attachment 2**
- Statement of Environmental Effects at **attachment 3**
- Odour Assessment at **attachment 4**
- Acoustic Assessment at **attachment 5**

- Traffic impact assessment report at attachment 6

Copies of the following additional documents can be obtained from Council's Environmental, Planning & Building Services Department or from Council's DA Tracker website:

- Landscape plan
- Arboricultural Impact Assessment
- Quantity Surveyor Report
- Stormwater Drainage Plan
- Waste Management Plan
- Erosion and Sediment Control Plan
- Master Planning Report
- Site Treatment and Design Options Report
- Geotechnical Report
- Survey Plan

### Crown Development

As NSW Health Infrastructure are a public authority Council is bound to deal with the application in accordance with Section 89 of the Environmental Planning and Assessment Act 1979.

Section 89 *Determination of Crown development applications* provides that:

- (1) *A consent authority (other than the Minister) must not:*
- (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
  - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Accordingly Council is unable to refuse the Development Application without the agreement of the Minister or impose a condition upon the consent without the agreement of NSW Health Infrastructure. In the event of a dispute regarding any conditions the matter may be referred to the Minister for determination.

### Planning Context

#### State Environmental Planning Policy (Infrastructure) 2007

Clause 47(2) of State Environmental Planning Policy (Infrastructure) 2007 provides that:

*“Development for the purpose of an emergency services facility may be carried out with consent by or on behalf of the **Ambulance Service of New South Wales**, Fire and Rescue NSW or the NSW Rural Fire Service on land in any of the following land use zones or a land use zone that is equivalent to any of those zones:*

- (a) *RU6 Transition,*
- (b) *R1 General Residential,*
- (c) *R2 Low Density Residential,*
- (d) *R3 Medium Density Residential,*
- (e) *R4 High Density Residential,*
- (f) *R5 Large Lot Residential,*
- (g) RE1 Public Recreation,**
- (h) *E3 Environmental Management,*
- (i) *E4 Environmental Living”*

The subject land is zoned RE1 Public Recreation zone under Bathurst Regional LEP 2014. Accordingly the development is permissible pursuant to SEPP (Infrastructure).

State Environmental Planning Policy No. 55 – Remediation of land

The site has been the subject of historical filling to a depth of up to 1.8 metres.

A Geotechnical Site Investigation and Phase 2 Environmental Site Assessment have been submitted with the Development Application. The reports, prepared by SMEC and Envirowest Consulting, have identified an area of approximately 40 metres by 50 metres at the north western section of the site as containing asbestos sheeting fragments and polycyclic aromatic hydrocarbons (PAH).

The assessment concludes that there are potential risks associated with bonded Asbestos Containing Material (ACM) identified within the fill. SMEC recommends prior to construction a Fill Reuse Management Plan (FRMP) be prepared to manage the known contamination risks identified. The FRMP is to include an Asbestos Management Plan, a Contamination Management Plan and a Waste Management Plan. Following construction, SMEC recommend that a Site Management Plan be prepared to manage the long-term contamination risks identified.

Elevated PAH were reported above or close to the adopted criteria for recreational landuse but below those for industrial/commercial usage as proposed.

The development will incorporate a number of measures to address these issues inclusive of:

- Use of screw piles to limit soil disturbance
- Use of concrete slab and pavement areas to encapsulate the asbestos and PAH contaminated areas
- Preparation of an Environmental Management Plan to manage future landuses and potential subsoil disturbances
- Installation of monitoring wells to assess groundwater
- Air monitoring to be undertaken during the asbestos remediation works
- Material to be removed from the area identified as containing asbestos and PAH to be transported to landfill

The Assessment concludes that the land is suitable for its proposed use as a Ambulance Facility.

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RE1 Public Recreation under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. An *emergency services facility* is permissible with consent in the RE1 Public Recreation zone. The proposal is consistent with the objectives of the zone.

**Clause 5.12 Infrastructure development and use of existing buildings of the Crown**

Clause 5.12 of the Bathurst Regional Local Environmental Plan 2014 provides that:

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure)*

2007.

### **Clause 7.1 Flood Planning**

Clause 7.1 identifies land within the Flood Planning Area taken to be the 1% AEP flood area.

The subject site itself is located outside the identified Flood Planning Area.

Whilst some of the surrounding land is within the identified Flood Planning Area it is flood protected by virtue of the Council levee which provides flood protection in excess of the 1%AEP flood event. This includes the land and the principal access routes along Durham Street and Morrisset Street.

### **Clause 7.3 Airspace operations**

The subject site is identified as being within the Bathurst airport environs. The ground level at the subject site is approximately 650 metres and the Limitation or Operations Surface in this location is 860 which allows for a maximum structure height of 210 metres. The proposed building will have an overall height of 6.2 metres which is therefore significantly less than the Limitation or Operations Surface.

### **Clause 7.5 Essential service**

#### **The supply of water**

A water reticulation main is located in the road reserve at the front of the property.

#### **The supply of electricity**

Electricity infrastructure is located in the road reserve at the front of the property.

#### **The disposal and management of sewerage**

A sewer reticulation main is located in the road reserve at the front of the property.

#### **Stormwater drainage or on-site conservation**

A piped stormwater system traverses the subject land.

#### **Suitable vehicular access**

The subject site has direct access to Commonwealth Street and to Short Street.

*Bathurst Regional Development Control Plan 2014*

### **Chapter 11 Outdoor lighting**

A condition can be imposed to ensure that all exterior lighting associated with the development is designed and installed so that no obtrusive light will be cast onto any adjoining property and therefore achieve compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting".

### **Chapter 12 Landscaping and greening**

The proposed development will necessitate the removal of six trees. The trees to be

removed have been identified as being four (4) Eucalyptus viminalis (Ribbon Gum) and two (2) Acacia mearnsii (Black Wattle). As the subject site is outside the Bathurst Heritage Conservation Area approval is not required to remove, lop or prune a tree.

A landscape plan has been submitted with the application and this plan identifies significant replacement planting of trees and shrubs on the site.

## Chapter 14 Car parking

The Bathurst Regional Development Control Plan 2014 does not provide a car park ratio for ambulance stations.

The Transport Impact Assessment applies a rate of 1.1 spaces per ambulance bay. As the site has 13 ambulance bays a total of 14 spaces would be required. Plans for the proposed development indicate a total of 20 car parking spaces behind the proposed building.

### Other matters

#### Traffic

A Transport Impact Assessment has been submitted with the Development Application. See Traffic Impact Assessment report at **attachment 6**.

Vehicles will generally enter and leave the site from Short Street. Ambulances leaving the site will do so directly onto Commonwealth Street.

Short Street will be upgraded to include kerb and gutter.

A key consideration is the suitability of the intersection of Durham and Commonwealth Streets. The intersection is currently controlled by a give way sign with priority to Durham Street.

#### *Safe Intersection Sight Distance*

For unsignalised intersections in a 60 km/h speed limit area the required Safe Intersection Sight Distance (SISD) is 70 metres.

The following table summarises the SISD assessment in the Traffic Impact Assessment.

Looking from	Looking towards	SISD	Meets Recommended SISD?
Commonwealth Street (approaching Durham Street from Bathurst Base Hospital)	Durham Street (north-west towards Abercrombie)	100m	Yes
Commonwealth Street (approaching Durham Street from Bathurst Base Hospital)	Durham Street (south-east towards Bathurst CBD)	70m without on-street parking 35 metres with on-street parking	Yes, without on-street parking No, with on-street parking
Commonwealth Street (approaching Durham Street from the proposed Ambulance Station)	Durham Street (north-west towards Abercrombie)	230m	Yes
Commonwealth Street	Durham Street	100m	Yes

(approaching Durham Street from the proposed Ambulance Station)	(south-east towards Bathurst CBD)		
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As outlined in the above summary table, SISD are achieved for all but one of the directions. This would be for vehicles travelling down Commonwealth Street (ie. away from the hospital) and looking to the right (ie towards the CBD). In order to address this non-compliance the Traffic Impact Assessment recommends that five (5) on-street car parking spaces are removed on Durham Street to achieve the required 70 metre SISD for vehicles approaching the intersection on the hospital side of Commonwealth Street looking south-east along Durham Street towards the Bathurst CBD. The Traffic Impact Assessment also recommends reducing the signposted speed limit from 60 km/h to 50 km/h. Council has previously advised the applicant that it will not support the reduction in the signposted speed limit from 60 km/h to 50 km/h but that a 30 metre “No Stopping” zone and the subsequent removal of 5 on-street car parking spaces on Durham Street is a suitable treatment for the intersection.

The introduction of a 30 metre “No Stopping” zone and the subsequent removal of 5 on-street car parking spaces on Durham Street will need to be considered by the Traffic Committee independent of this application, however, this is considered to be an acceptable solution.

#### *Existing Traffic Volume*

Peak hour traffic surveys undertaken by the transport consultants indicate that Durham Street carries approximately 10,500 to 13,900 vehicles per day.

#### *Existing Intersection Operation*

SIDRA Intersection modelling determines the average delay vehicles experience at an intersection and provides a corresponding level of service.

The table below outlines the SIDRA methodology.

<b>Level of Service (LOS)</b>	<b>Average Delay per vehicle (seconds/vehicle)</b>	<b>Traffic Signals or Roundabout</b>	<b>Give Way or Stop Sign</b>
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Near capacity	Near capacity, accident study required
E	57 to 70	At capacity, at signals incidents will cause excessive delays	At capacity, requires other control mode
F	Greater than 70	Extra capacity required	Extreme delay, major treatment required

Using the above SIDRA methodology the table below outlines the existing operating conditions of the intersection of Commonwealth and Durham Streets.

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Peak	Leg	Degree of Saturation (DOS)	Average Delay (seconds)	95 <sup>th</sup> Percentile Queue (metres)	Level of Service (LOS)
AM	Durham Street (south-east)	0.12	9	2	A
	Commonwealth Street (north-east)	0.11	13	3	A
	Durham Street (north-west)	0.34	7	1	A
	Commonwealth Street (south-west)	0.03	12	1	A
PM	Durham Street (south-east)	0.38	8	3	A
	Commonwealth Street (north-east)	0.36	22	10	B
	Durham Street (north-west)	0.21	10	1	A
	Commonwealth Street (south-west)	0.08	19	2	B

#### *Proposed Intersection Operation*

Using the above SIDRA methodology the table below outlines the proposed operating conditions of the intersection of Commonwealth and Durham Streets ie when the Ambulance Station is operational.

Peak	Leg	Degree of Saturation (DOS)	Average Delay (seconds)	95 <sup>th</sup> Percentile Queue (metres)	Level of Service (LOS)
	Durham Street (south-east)	0.12	9	2	A
	Commonwealth Street (north-east)	0.14	13	3	A
	Durham Street (north-west)	0.35	7	1	A
AM	Commonwealth Street (south-west)	0.03	12	1	A
	Durham Street (south-east)	0.38	8	4	A
	Commonwealth Street (north-east)	0.41	23	12	B
	Durham Street (north-west)	0.22	10	1	A
PM	Commonwealth Street (south-west)	0.09	19	2	B

As noted in the tables above, the intersection of Commonwealth and Durham Streets will not itself be significantly impacted by the proposed ambulance station. Further, with some modification to the car parking on Durham Street as noted above, Safe Intersection Sight

Distances (SISDs) can be achieved in all directions.

**It is to be noted that it is beyond the Council's planning powers to determine what is an "acceptable" level of delay at the intersection for vehicles in an emergency situation. The point where the level of delay becomes unacceptable from an operational perspective is not a matter which Council is able to accurately determine. That level of delay is likely to increase as traffic volumes along Durham Street increase with the continued residential development to the west of the City.**

The preferred treatment from Council's perspective is for a roundabout to be constructed at the intersection. This has been discussed with Health Infrastructure on a number of occasions however it has not been adopted in the final scope of works.

## Noise

An Acoustic Assessment has been submitted with the Development Application (**attachment 5**).

The Acoustic Consultant has not undertaken a background noise survey but has instead applied the recommended background noise levels from AS1055.3:1997 *Acoustics – Description and measurement of environmental Noise*. The following table outlines the recommended background noise levels from AS 1055.3:1997 for "areas with low density transportation".

Noise Area Category	Description of the neighbourhood	Average Background A-weighting noise level ( $L_{A90,T}$ ) dB(A)					
		Monday to Saturday			Sundays and public holidays		
R2	Areas with low density transportation	0700-1800	1800-2200	2200-0700	0900-1800	1800-2200	2200-0900
		45	40	35	45	40	35

The NSW Industrial Noise Policy sets two separate noise criteria to meet environmental noise objectives: one to account for intrusive noise and the other to protect the amenity of particular land uses. Both are used to derive the project specific noise level.

### *Intrusiveness Criteria*

Intrusiveness criterion is defined as background noise level +5dB(A).

The following table outlines the Intrusiveness Criterion.

Indicative Noise Amenity Area	Period	Intrusiveness Criterion dB(A)
Residential	Day	50
	Evening	45
	Night	40

### *Amenity Criteria*

The NSW Industrial Noise Policy provides Acceptable Noise Levels (ANLs) for various land uses. In this case the levels for a rural residence have been applied as these are the most conservative levels.

The amenity criterion is determined from the relationship of the existing LAeq noise level

(background +5dB(a)) and the Acceptable Noise Levels (ANL's) for each land use type under consideration using an adjustment table in the NSW Industrial Noise Policy. The following table outlines how the amenity criterion has been determined for the closest residential receivers to the site.

Indicative Noise Amenity Area	Period	Existing L <sub>Aeq</sub> dB(A)	Acceptable Noise Levels (ANLs) dB(A)	Adjustment (to account for existing level of industrial noise) dB(A)	Amenity Criterion dB(A)
Residential	Day	50	55	ANL minus 2	53
	Evening	45	45	ANL minus 8	37
	Night	40	40	ANL minus 8	32

The Project Specific Noise levels (ie the operational goals) is taken to be the lower of the intrusiveness and the amenity criteria. For the purposes of this project these are as follows:

Area	Period	Intrusive Criteria	Amenity Criteria
Residential	Day	<b>50</b>	53
	Evening	45	<b>37</b>
	Night	40	<b>32</b>

#### *Cumulative Day-time Noise Impact*

<i>Cumulative Resulting Level at Residential Boundary (Noise Level dB(a) SPL)</i>	
<i>Resulting level mechanical plant</i>	31
<i>Resulting level power tool (Gerni)</i>	33
<i>Resulting level roller door</i>	24
<i>Resulting level at Boundary</i>	<b>35</b>
<i>Noise Level Criteria Day-time</i>	<b>50</b>
<i>Complies?</i>	Yes

#### *Cumulative Night-time Noise Impact*

<i>Cumulative Resulting Level at Residential Boundary (Noise Level dB(a) SPL)</i>	
<i>Resulting level mechanical plant</i>	31
<i>Resulting level power tool (Gerni)</i>	0
<i>Resulting level roller door</i>	24
<i>Resulting level at Boundary</i>	<b>32</b>
<i>Noise Level Criteria Night-time</i>	<b>32</b>
<i>Complies?</i>	Yes

#### *Noise from Sirens*

Noise from emergency service vehicle sirens is not specifically addressed in relevant regulations.

When in use, noise levels from ambulance sirens will be audible at the nearest sensitive receivers.

Events identified as Category One response (Life Threatening Emergencies), require that warning devices must be used, including warning lights and sirens. The *Emergency Driving and Use of Warning Devices Policy of NSW Ambulance Service* states that:

*“NSW Ambulance personnel who drive a vehicle under emergency response*

*conditions shall use safety equipment provided by NSW Ambulance for that purpose which includes warning devices: lights and sirens. Lights can be used in isolation without the use of a siren if the driver of the vehicle deems the circumstances are safe to do so and can justify reasonable cause to do so.”*

Ambulance drivers will make a judgement call on whether to use ambulance sirens on a case-by-case basis. It is the practice of Paramedics to minimise the use of sirens when it will cause a noise disturbance and the sirens are deemed unnecessary – i.e. sirens are not activated on leaving the ambulance station itself but are activated when nearby a hazard, such as a main road or intersection.

Based on the information provided in the application, the average number of category one responses is as follows:

- Average number of category one responses is 1920 per annum, which equates to approximately 5.5 responses per day;
- From 7am to 7pm, 1198 responses per annum, which equates to approximately 3 responses per day during this time period; and
- From 7pm to 7am, 722 responses per annum, which equates to less than 2 responses per day during this time period.

#### *Construction Noise and Vibration*

The Acoustic Consultant has made preliminary recommendations for the management of construction noise and vibration. Ultimately the contractor appointed to the project will need to prepare a “Construction Noise and Vibration Management Plan” that adopts and builds on those recommendations made in the Acoustic Assessment report.

#### **Odour**

As the subject site is located 250 metres south of the Bathurst Sewerage Treatment Plant an Odour Assessment has been submitted with the Development Application (**attachment 4**).

In NSW there are no guidelines or methodologies for determining minimum separation distances for new development from a Sewerage Treatment Plan (STP) or Waste Water Treatment Plan (WWTP). The Odour Assessment submitted with the application has therefore considered guidelines developed by government agencies in other States, namely EPA Victoria and EPA South Australia.

It should be noted that both State’s methodologies are for sensitive receptors such as dwellings, schools, hospitals and child care centres and therefore represent a worst case scenario. The proposed ambulance station is not considered to be a sensitive receptor.

Using the Victorian methodology and adopting the STP's full capacity of 80,000 equivalent persons (being the maximum capacity of the current plant), a separation of 415 metres is recommended for a sensitive receptor. When the current operational load of 55,000 equivalent persons is adopted the Victorian methodology recommends a separation of 380 metres.

The proposed ambulance station will be located 250 metres from the Bathurst STP at the closest point.

The South Australian methodology recommends an individual assessment where the full capacity of a plant exceeds 15,000 equivalent persons but recommends a separation distance of 300 metres for plants up to 15,000 equivalent persons.

Notwithstanding the lack of specific guidelines, the odour assessment has been carried out for the proposed development and the assessment has concluded that:

*“It is considered likely that odours may be experienced at the site at times, however excessive odour nuisance impacts are considered unlikely as the Development Site is only just inside the minimum recommended separation distances given by the EPAV methodology based on the current load and design capacity of the Bathurst STP.*

*The frequency of light north to north-northwesterly winds, which would have the greatest potential to give rise to odour impacts at the Development Site, is relatively low, at 13% of the time. Predominantly, winds blow from the east-northeast and west-southwest and the overall percentage of calm conditions is low (<6%). Calm conditions inhibit the dispersion of odours, resulting in higher odour impacts.”*

The Odour Assessment report recommends the following odour mitigation measures:

- Design and install an air-conditioning system to provide suitable ventilation of all areas within the building without the necessity to open doors and windows.
- Locate the air conditioning intakes on the southern side of the building as far from Bathurst STP as possible.
- Review potential filtration or odour masking systems for the air conditioning intakes and make provision for the potential retrofitting of such systems should it become evident that further control is required in the future.
- Include planting along the north-western and north-eastern site boundaries where possible, to provide screening and filtering of odour emissions from Bathurst STP. Planting vegetation with the potential to release a natural masking fragrance is also recommended.

The Odour Assessment report also recommends that a communication strategy be established so that ambulance station staff are kept informed about the operation of the Bathurst STP and are consulted about aspects of the operation likely to result in odour.

### Submissions

In accordance with Chapter 2 *Exhibition and Notification of Development Applications*, the Development Application was notified to owners of adjoining and adjacent properties from 28 September 2017 to 9 October 2017. Following the notification period a total of two (2) submissions were received (see submissions at **attachment 7**).

Issues raised in the submissions are summarised as follows:

- Concerns about the adequacy of the intersection of Commonwealth Street and Durham Street; and
- Concerns about the proximity of the site to the Bathurst Waste Water Treatment Plant and the associated odour issues.

These issues have been discussed in detail earlier in the report.

A Discussion Forum was held following the Policy Committee Meeting on 1 November 2017. The minutes of the Discussion Forum are at **attachment 8**.

It is noted that the issue of Health Infrastructure providing a constructed footpath connection to Durham Street was raised at the discussion forum. Health Infrastructure have advised that the Ambulance Station provides services of an operational nature. Patients and

members of the public are advised not to present directly at stations. There would be limited justification for connection through to Durham Street, however, a footpath for the frontage of the site could be justified (consistent with other commercial developments).

### Conclusion

Council has received a Development Application (DA) for the construction of a new ambulance station at 6 Commonwealth Street, West Bathurst. In accordance with Chapter 2 *Exhibition and Notification of Development Applications*, the Development Application was notified to owners of adjoining and adjacent properties from 28 September 2017 to 9 October 2017. Following the notification period a total of two (2) submissions were received. Issues raised in the submissions have been addressed in the body of this report. Council cannot refuse consent to the Development Application nor impose conditions without the approval of the applicant. A draft set of conditions of approval will be forwarded to NSW Health Infrastructure including conditions relating to matters raised in this report.

**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

### **Community Engagement**

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

**4 MODIFICATION TO DEVELOPMENT APPLICATION NO. 1998/0154 – DEVELOPMENT OF AN INTERMODAL TRANSPORT TERMINAL AT 95 LEE STREET, KELSO. APPLICANT: ASCIANO PROPERTIES OPERATIONS PTY LTD. OWNER: ASCIANO PROPERTIES OPERATIONS PTY LTD (DA/1998/154)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent to the modification of Development Application No. 1998/0154 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, 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. Before creating the new opening in the sound attenuation mound the applicant is to submit to Council an amended Noise Management Plan that demonstrates that the noise criteria prescribed in Condition 77 of the consent can still be achieved after the opening has been created;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received an application to modify Development Application 1998/0154 for development of an intermodal transport terminal at 95 Lee Street, Kelso, described as Lots 5, 6 and 7 in Deposited Plan 581954. A location plan is provided at **attachment 1**.

The subject site currently contains:

- An office building;
- A bunded diesel tank;
- A number of sheds; and
- A railway siding.

**History of the Site**

On 19 July 2001 Council approved Development Application 1998/0154 for development of an intermodal transport terminal subject to conditions.

See original consent at **attachment 2** and original approved plan at **attachment 3**.

Whilst the site is not currently operational the original consent remains in place and may be acted upon by the owners of the site or others under agreement with the owners.

It must be noted that any operator of the site is bound by the original conditions of consent.

The current approved site access is a combined ingress/egress aligned with the intersection of Lee Street and Hampden Park Road.

**The modified proposal**

The proposed modification solely relates to the creation of one additional access point to

Lee Street to be used for egress only. The new exit will involve construction of an opening approximately 10m wide in the existing earth wall. A plan of the proposed development is at **attachment 4** and the Statement of Environmental Effects at **attachment 5**.

The proposed access point is approximately 45 metres north-west of the intersection of Lee Street and White Rock Road.

The creation of one additional access point to Lee Street for egress will facilitate a one-way movement of vehicles through the site. Vehicles will enter the site through the existing access point and leave through the proposed new access point.

It is proposed that the new internal road will be bitumen sealed and the new entrance crossing concreted.

All other operating parameters and conditions of consent remain the same as the current approval.

### Submissions

The Development Application was notified to owners of adjoining and adjacent properties and to the White Rock Progress Association from 27 September 2017 to 10 October 2017. Following the notification period a total of three (3) submissions were received (see submissions at **attachment 6**).

Issues raised in the submissions are summarised as follows:

- Lack of information on acoustic impact of the opening in sound attenuation of the mound;
- Lack of information about on-going noise monitoring;
- The location of the proposed access conflicts with existing telecommunications infrastructure;
- Proximity of the proposed access to the intersection of Lee Street and White Rock Road and the already limited sight distance at the intersection;
- Suggestion for creation of an internal loop road that utilises the existing access and removes the need for a new access; and
- The opening in the mound will expose views of industrial activities.

A Discussion Forum was held following the Policy Committee Meeting on 1 November 2017. The minutes of the Discussion forum are provided at **attachment 7**.

The applicant's response to the submissions can be found at **attachment 8**.

### Matters for consideration

#### **Noise**

The current consent contains a number of conditions relating to noise generation and management.

Condition 77 of the current consent reads as follows:

*The development shall be carried out such that during operations the following noise criteria are satisfied at the times and locations specified.*

<b>RECEIVER</b>	<b>PERIOD</b>	<b>MAX NOISE LIMIT – dB(A)</b>
Location A	Day	48

<i>Corner Hampden Park Road and Lee Street</i>	<i>Evening</i>	37
	<i>Night</i>	36
<i>Location B</i>	<i>Day</i>	41
<i>21 White Rock Road</i>	<i>Evening</i>	41
	<i>Night</i>	37
<i>Location C</i>	<i>Day</i>	40
<i>71 White Rock Road</i>	<i>Evening</i>	43
	<i>Night</i>	38
<i>Location D</i>	<i>Day</i>	40
<i>96 White Rock Road</i>	<i>Evening</i>	41
	<i>Night</i>	40
<i>Location E</i>	<i>Day</i>	46
<i>25 Lee Street</i>	<i>Evening</i>	39
	<i>Night</i>	31

The receivers noted in the conditions refer to dwellings located at various points within the industrial estate and along White Rock Road. The closest receivers to the new entrance would be location A (approximately 275m to the north) and location B (approximately 465m to the south) of the new entrance. Location A does not currently have any earth mound adjoining it.

Condition 78 of the current consent reads as follows:

*The applicant is to prepare a noise management plan for the site detailing:*

- a) *The proposed noise attenuation devices (barriers, screens and landscaping, etc) and management practices (hours of operation, loading and unloading practices, etc) used to achieve the noise limits established in Condition 77;*
- b) *The proposed measures to be taken to measure and monitor noise levels at the identified receivers; and*
- c) *An appropriate timetable for the reporting of results of noise monitoring to Council as required by (b).*

*The noise management plan is to be submitted and approved by Council prior to the installation of any noise attenuation devices.*

A copy of the current Noise Management Plan (dated September 2005) as required by Condition 78 is at **attachment 9**.

The current Noise Management Plan (dated September 2005) recommends earth mounds with only a single opening for the access road in order to achieve compliance with the noise limits established in Condition 77. These earth mounds are already established.

As the modified proposal will create a second opening in the earth mound it will be necessary for the site operator to update the Noise Management Plan to accommodate the second opening. In doing so the acoustic consultant will be required to determine what, if any, additional/alternative acoustic attenuation measures will be required. It is however appropriate that this occurs prior to the earth mound being breached. A condition to this effect is proposed.

Any operator of the site is bound by the current conditions of consent.

## **Traffic & Access**

Condition 71 of the current consent reads as follows:

*All vehicle access is only to occur via Littlebourne, Hampden Park Road and then Lee Street to the proposed rail terminal. No heavy vehicle access is to occur via White Rock Road or via that section of Lee Street between Littlebourne Street and White Rock Road.*

The proposal involves construction of a new egress onto Lee Street from the site. All heavy vehicles will be required to turn left under the current conditions of consent. This will remain the case.

Concerns have been raised about sight distances at the existing intersection of Lee Street and White Rock Road when vehicles are parallel parked along Lee Street.

The creation of no parking zones in the vicinity of the intersection is a matter for the Traffic Committee to consider and is independent of this application. A report to the Traffic Committee is currently being investigated.

Further it is noted that the application was referred to the Roads and Maritime Services (RMS) in accordance with SEPP (Infrastructure). The RMS has recommended the following:

- Size "A" "Left Only" (r2-14) signs are to be erected on the land on each side of the exit driveway. The signs are to face the site to advise drivers that all egress from the site onto Lee Street is left turn only.
- "No Entry" (R2-4) signs are to be provided on the land at each side of the exit driveway. The signs are to face Lee Street to advise motorists not to enter the site from Lee Street via the exit driveway.

### **Visual Impact**

The subject site sits within an established industrial precinct. A second opening in the earth mound would only expose a small section of the overall site. It is noted that significant parts of the site are visible on approach from Hampden Park Road however this view is generally accepted because of its location within an established industrial precinct. The proposed opening in the earth mound faces towards other industrial premises.

### **Alternatives**

The additional access point and subsequent one-way movement of vehicles through the site is the proposal put forward by the proponent and is therefore the proposal that Council must assess.

### **Conclusion**

Council has received an application to modify Development Application 1998/0154 for development of an intermodal transport terminal at 95 Lee Street, Kelso. The proposed modification solely relates to the creation of one additional access point to Lee Street for egress only. The proposed access point is approximately 45 metres north-west of the intersection of Lee Street and White Rock Road. All other operating parameters and conditions of consent remain the same as the current approval. It is recommended that consent be granted to the modification.

**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

### **Community Engagement**

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

**5 DEVELOPMENT APPLICATION NO. 2017/306 – ADDITIONS AND ALTERATIONS TO EXISTING BUILDING, CHANGE OF USE TO DWELLING, UNDERGROUND TANK AT 716 COW FLAT ROAD, COW FLAT. APPLICANT: MR T HUDSON AND MS H PYKE. OWNER: MR T HUDSON AND MS H PYKE (DA/2017/306)**

**Recommendation:** That Council:

- (a) support the variation to the setbacks development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/306, 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 alterations and additions to building, change of its use to a dwelling, and installation of an underground tank at 716 Cow Flat Road, described as Lot 50 DP 609391. A location plan is provided at **attachment 1**.

The subject site currently contains the remnants of a former school building. The building is understood to have been erected in 1879 and used as a school and other community uses up until 1934.

The building was substantially damaged by fire during the 1980's.

Access to the site is provided by a Right of Carriageway over the adjoining property (656 Cow Flat). The ROW currently services the subject land and the adjoining dwelling at 708 Cow Flat Road, although, as noted in the survey plan, the internal road is not necessarily constructed wholly within the ROW.

The site is 1,919m<sup>2</sup>.

**History of the Site**

The Cow Flat area was a rural community with a copper mining boom in the 1870's.

The school was constructed in 1879, and had 110 school children. The school was closed in 1915. The building then had a range of uses including assisting with the war effort, small community groups and residential use.

A fire damaged the building in 1985 and the building has been abandoned since this event.

**The proposal**

The proposal involves additions and alterations to the building, change of its use to a dwelling and installation of an underground tank. Plans of the proposed development are at

## **attachment 2.**

The application has also been supported by a number of specialist reports including:

- Bushfire Assessment Report prepared by Building Code and Bushfire Hazard Solutions (see **attachment 3**).
- Geotechnical Report prepared by Calare Civil (see **attachment 4**).
- Surveyed site plan prepared by Voerman and Ratsep (see **attachment 5**).
- Statement of Heritage Impact prepared by De Moyer Architecture (see **attachment 6**).
- Structural Assessment prepared by Calare Civil (see **attachment 7**).

## **Planning Context**

### *Bathurst Regional Local Environmental Plan 2014*

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

### **4.2B Erection of dwelling houses on land in certain rural zones**

The minimum lot size, as specified on the Minimum Lot Size Map, is 100ha. The subject site is 1,919m<sup>2</sup> and therefore does not meet the minimum lot size. Given the history of the size of the lot and that the allotment was created before the current planning scheme, the lot cannot achieve the minimum lot size.

In 1978 the Planning and Environment Commission agreed to an alteration to the Abercrombie IDO No.2 to enable the subdivision of the Cow Flat School from the adjoining dwelling and to permit the restoration of the school building and its conversion for use as a dwelling. The alteration (similar to a rezoning or additional permitted use under current planning legislation) was gazetted in 1978. The land was subsequently subdivided in 1979 to give the land its current form.

A dwelling is therefore permissible on the land pursuant to Clause 4.2B as the land “*is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement*”.

### **5.10 Heritage Conservation**

The subject site is not listed as a Heritage Item or within a Heritage Conversation Area. Clause 5.10 therefore does not technically apply however, it is acknowledged that the building has an extensive and significant history within the Bathurst region and locally in the Cow Flat community.

The site is registered on State Heritage Inventory (SHI) database. The SHI notes the school building is probably associated with the Department of Public Works Architect Edward Gell as a supervising architect, featuring gable roof, red brick walls, and random rubble plinth. The SHI notes the damage by fire is extensive but the building demonstrates a significant community building for the copper mining and rural community.

The proposal to restore the building and add modern features sympathetic to key heritage items is supported. The building ruin will be revitalised and restored. Refer to **attachment 6** for the Statement of Heritage Impact.

There is a long history of providing planning incentives to encourage the owners of the property to restore the buildings.

*Bathurst Regional Development Control Plan 2014*

**Chapter 6 Rural and Rural Lifestyle Development**

Development Standard	Proposed	Permissible	Compliance
Setback – Front	14.4m	20m	No*
Setback – Side (nearest side)	9.58m	20m	No*
Setback – Rear	16.4m	20m	No*
Domestic Water Supply	30,000L	15,000lt per bedroom	Yes
Fire Fighting Water Supply	20,000L	20,000L	Yes

\* **As noted above the proposal does not and cannot comply with all the boundary setbacks contained in Council’s DCP due to the physical constraints associated with the size of the allotment. The applicant has, however, endeavoured to address these concerns through the preparation of specialist reports including the Bushfire Assessment Report, Geotechnical Report and through the response to submissions received from the applicants planning consultants. Given the circumstances of the case and the setbacks that are able to be achieved, a variation to the standards is considered appropriate in this instance. Again there is a long history of providing planning/development standard concessions to encourage the restoration of historic sites.**

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

The materials of the existing building are predominately brick in flemish bond with sandstone capping and foundations. The proposed addition consists of a combination of materials including galvanised colorbond steel, tallowwood timber, corten cladding, sandstone blocks and stone walls. The colour scheme proposed is predominately brick with shale grey for timber and brick elements.

The proposed design aims to respectfully reinstate the former school building whilst providing sympathetic and contrasting overlay of fabric indicative of the rural lifestyle development surrounding.

The Statement of Heritage Impact states the intention of the materials is to be deliberately different whilst sympathetic and lower in hierarchy. The proposed materials are considered to be sympathetic to the rural character of the area and non-reflective considerate to the natural environment.

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

Given the school building is existing, the impact on views is not considered to be any greater than the existing impact. The closest residence, (less than 100m) is not considered to have any further impact on views.

The proposed alterations and additions to the building are not considered to detract from the amenity and are not anticipated to result in any land use conflict with surrounding primary production allotments. The dwelling has been strategically designed so that the former school building will remain the dominate feature in the streetscape.

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

The maximum height of the existing building (with a roof reinstated) is 9.81m. The proposed additions are substantially less than this height, at 3.6m. Thus it is considered that the additions and alterations will not have any greater impact than that which already exists from the existing building.

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

The proposed development has been strategically designed to ensure the former school building remains the dominate feature in the landscape. The proposed additions to the building are considered sympathetic and compatible to the rural landscape. The key features of the additions are behind the existing building ensuring it remains in keeping in the streetscape.

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

Existing vegetation on site will screen any outbuildings. No removal of trees are proposed.

## Chapter 9 Environmental Considerations

<b>Sensitive Land Areas – DCP Map No. 29 Land Resources</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	<i>Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive land areas.</i>
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Sever or Extreme Sheet or Rill Erosion	NO	
<b>Sensitive Waterways – DCP Map No. 30 Riparian Land &amp; Waterways</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	NO	<i>Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive waterways.</i>
<b>High or Moderate Biodiversity – DCP Map No. 31 Biodiversity</b>		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	<i>Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to areas of high or moderate</i>
High Biodiversity Sensitivity	NO	
Moderate Biodiversity Sensitivity	YES	

### Submissions

The development application was notified to adjoining property owners from 25 September 2017 to 5 October 2017. Following the advertising and notification period a total of 1 submission was received (see submissions at **attachment 8**).

Planning related issues raised in the submissions included:

- Inability to meet setbacks for site, bushfire, septic and access way;
- Potential for land use conflict including residential use adjacent to agricultural production;
- Septic overflow onto adjoining property.

A discussion forum was arranged but the person who lodged a submission chose not to attend. The applicant submitted a response to the submission, see **attachment 9**.

The site cannot achieve the required setbacks given the historic allotment size of 1,919m<sup>2</sup>. In this instance, the non-compliance can be supported as the overall development supports the restoration of a significant building within the region and the development remains permissible with consent. Importantly, the submitted information lodged with the DA indicates that bushfire and septic disposal requirements can be met.

As noted in the Denis Fish Planning Services response, it is the intention of the applicant to construct a new driveway wholly within the right of carriageway, however it is not the intention of the applicant to fence the right of carriageway to delineate it.

It is noted that there is an existing dwelling on another lot directly adjoining the subject lot. This existing dwelling is not associated with the surrounding agricultural land in any way. The creation of another dwelling is therefore unlikely to impede the use of the surrounding agricultural land given that the owner of the agricultural land already has to accommodate for the existing isolated dwelling within his property and modify practices accordingly.

### Conclusion

The proposed design is sympathetic to the heritage significance of the building as well as the rural character of the area. The key feature of the proposed development will be the original old school building with the new works appropriately integrating. The proposed design is considered to be functional and not obtrusive to the predominate agricultural land use of the area.

The proposal for the conversion of the school house into a dwelling is considered compatible with the surrounding land uses. The surrounding area is characterised by small agricultural allotments within a rural residential lifestyle area. Approval of the development 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

## **Community Engagement**

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

## **6 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT – GATEWAY ENTERPRISE PARK AND ADRIENNE STREET INDUSTRIAL AREA (20.00317)**

**Recommendation:** That Council:

- (a) amend the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (b) notify those who made submissions of its decision; and
- (c) call a division.

**Report:** Background

The Adrienne Street Industrial Area has, since the 1980's, had a portion of land zoned for industrial purposes (approximately 46ha), although the land largely remains vacant. Whilst the land was zoned, the land did not have any specific planning controls to guide its development beyond the underlying zoning.

The Industrial Estate encompasses an area north of the Great Western Railway line, from Mars in Adrienne Street through to the Gateway Site on Sydney Road.

### **Proposed amendment to the Bathurst Regional Development Control Plan (DCP) 2014**

Council has prepared an amendment to the Bathurst Regional Development Control Plan 2014 relating to the land known as the Gateway Enterprise Park and the adjoining land at Raglan (Adrienne Street Industrial Area). A location plan is at **attachment 1**.

The draft DCP Amendment includes a number of changes to the controls in Chapters 5 (Business and Industrial Development) and 13 (Landscaping and Greening) as well as amending Map No 8 – Gateway Enterprise Park of the Bathurst Regional DCP to incorporate the Adrienne Street Industrial Area.

The draft amendment to **Chapter 5** (Business and Industrial Development) (see **attachment 2**) maintains the existing provisions to the B5 Business Development zone (Gateway Enterprise Park) and introduces new urban design criteria for new buildings in the IN1 General Industrial land within the Adrienne Street Industrial Area. The draft amendment also introduces additional land use areas and land management areas that apply to the draft DCP map.

The draft amendment to **Chapter 13** (Landscaping and Greening) (see **attachment 3**) clarifies the application of the vegetation standards that applies to the riparian corridor on the site.

The draft amendment to **Map No 8 – Gateway Enterprise Park** (see **attachment 4**) incorporates the Adrienne Street Industrial Estate into a single map. The draft Map also includes an indicative road layout for both areas, connections to the surrounding land and road network, extension of the current riparian corridor requirements for the Gateway site onto the Adrienne Street site and restrictions on the land. The title of the Map is also proposed to be amended to 'Map No 8 – Gateway Enterprise Park & Adrienne Street Industrial Area'.

### **Public Exhibition**

Council exhibited the draft Development Control Plan Amendment from 25 September 2017 to 24 October 2017.

Council received a total of two (2) submissions. Copies of the submissions are provided at **attachment 5**. As the submissions did not raise specific objections to the draft plan the matter was not referred to a Council Discussion Forum.

The table below summarises the submissions received and the key matters raised in those submissions.

Name	Comments or issues raised	Council response
Bathurst Heritage Network	<ul style="list-style-type: none"> <li>● Does not object to the draft DCP amendment.</li> <li>● Raises concerns about the longevity of the vegetation screen. Requests that consideration be given to requiring landowners to maintain the vegetation indefinitely, through a covenant and linked to the DCP provisions and conditioned on any DA.</li> </ul>	<p>Landscaping and the cycleway within the riparian corridor is to be established by the applicants prior to the subdivision of the land. The riparian corridor will be dedicated to Council upon subdivision. Ongoing maintenance of the riparian corridor will be the responsibility of Council.</p> <p>With respect to the landscaping of the vegetation screen, the DCP has a requirement that conditions be imposed requiring the maintenance of the landscaping for a period of 2 years (s 13.3.4), however there is an ongoing obligation for the provision of landscaping. These provisions apply to all landscaping provision, not specifically to this development.</p> <p>Council officers have explored the option of requiring a monetary bond to be provided to Council to ensure the landscaping is provided and maintained. The Land and Environment Court have directed that bonds for landscaping “falls outside the scope for which bonds may lawfully be imposed.” Therefore Council cannot legally impose such a condition.</p> <p>Council officers are of the opinion that the current DCP provisions, requiring maintenance of the landscaping for a period of 2 years, is sufficient at this point in time.</p> <p>Council officers will continue to explore other methods to require the ongoing maintenance of landscaping for all developments.</p>
Roads and Maritime Service	<ul style="list-style-type: none"> <li>● The RMS notes the connectivity between the Gateway Enterprise Park and the Adrienne Street Industrial Area.</li> <li>● Supports the proposed amendments to the DCP.</li> </ul>	Noted.

**Attachment 6** is a report that summarises the level of engagement with respect to this Draft DCP during the exhibition period.

### Conclusion

Council commenced an amendment to the Bathurst Regional DCP 2014 relating to the land known as the Gateway Enterprise Park and the adjoining land at Raglan (Adrienne Street Industrial Area).

Council received two submissions as a result of the public exhibition, however, no unresolved key issues of objection arose out of the submissions, so a discussion forum was not held.

There are no environmental or planning grounds to prevent the DCP amendment from proceeding. Its adoption (as provided in **attachments 2, 3 & 4**) is therefore recommended.

**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 1.5
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8, 28.9

### **Community Engagement**

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

## **7 ABORIGINAL CULTURAL HERITAGE ASSESSMENT – SECOND CIRCUIT LANDS (20.00311)**

**Recommendation:** That Council:

- (a) without calling tenders accept the Extent Heritage quotation as outlined in this report in accordance with Section 55(3)(i) of the Local Government Act 1993 due to the extenuating circumstances as outline in this report; and
- (b) commission Extent Heritage to complete an Aboriginal Cultural Heritage Assessment for the Second Circuit lands at Mount Panorama as outlined in this report.

**Report:** As Councillors are aware Council has been undertaking a number of Aboriginal Cultural Heritage Assessments at Mount Panorama. These assessments follow the earlier completion of the Bathurst Regional Aboriginal Heritage Study in 2015.

Council has previously engaged Extent Heritage to undertake the following investigations at Mount Panorama:

1. Aboriginal Cultural Heritage Assessment (ACHA) of the land the subject of the development application for the Go Kart Track at the top of Mount Panorama.
  - This is a formal report prepared in accordance with OEH guidelines. It includes archaeological assessment and Aboriginal consultation. The report is required to determine if an Aboriginal Heritage Impact assessment permit from the OEH is required. The draft report has been received by Council and is currently being reviewed by staff. Once reviewed the consultants must refer the draft report back to the local Aboriginal groups for final comment.

The final report is therefore expected to be received in December 2017.
2. Aboriginal Cultural Heritage Assessment (ACHA) of the land the subject of the upgrade of the Chase Camp Grounds at the base of Mount Panorama.
  - Again this is a formal report prepared in accordance with OEH guidelines. It includes archaeological assessment and Aboriginal consultation including archaeological test excavation work. The report is required to determine if an Aboriginal Heritage Impact assessment permit from the OEH is required. The final report has been referred to local Aboriginal groups for final comment. The report concludes that no aboriginal objects or sites were identified within the study area and that the development may now proceed. The final report has been submitted to Council (see item 8 of the DEPBS report).
3. An anthropological assessment and ethnographic survey of the Mount Panorama precinct.
  - This report identifies and assesses cultural mythological and spiritual values associated with the Mount Panorama precinct and is a critical input to the ACHAs and the cultural heritage mapping below. The draft report is currently being prepared by the consultants.
4. Cultural Heritage Mapping of the Mount Panorama precinct.
  - This stage of the project has not yet commenced.

The Cultural Heritage mapping (outlined under 4 above) seeks to clearly delineate areas of varying cultural heritage sensitivity to guide future land use and management, and provide greater certainty to all stakeholders. An aspect of that assessment was to consider the second circuit lands.

Whilst the cultural mapping remains an important overall component of the investigations at the Mount, the assessments to date have highlighted the need for a full Aboriginal Cultural Heritage Assessment (ACHA) of the second circuit lands. Parts of the second circuit lands are heavily vegetated and are in the vicinity of known artefacts/sites of potential cultural significance. Should an Aboriginal Heritage Impact Permit be required as part of the second circuit development an ACHA prepared in accordance with NSW Office of Environment and Heritage guidelines and protocols is essential.

Council has sought an additional quote from Extent Heritage to complete an ACHA of the second circuit lands. For projects of this size and cost, Council's purchasing manual would require more than one quote. In this instance it is recommended that Council appoint Extent Heritage to undertake the project, without seeking additional quotations under its purchasing manual for the following reasons:

- Extent Heritage has built up a considerable amount of experience and research data following completion of the Aboriginal Heritage Study, the ACHAs for the campground and Go Kart Track, the Aboriginal Interpretation Strategy and the anthropological investigations completed to date. There would be significant economies of scale in terms of time and resources and analysis of information that would not be available to other firms.
- Extent Heritage has established good working relationships with the key Aboriginal community groups.
- Extent Heritage is intimately aware of the needs of Council with respect to the study and the study processes.
- In terms of hourly rates charged by other consultants suitable to undertake the project, their hourly rates are likely to be similar to those of Extent Heritage. In this regard it is noted that when Council engaged Extent Heritage (formerly Archaeological and Heritage Management Solutions) to complete the Bathurst Local Government Area Aboriginal Heritage Study their quote was assessed as being the best cost effective and value for money offer.
- The quality of the work already completed by Extent Heritage has met Council's expectations and study briefs. The consultants have continued to offer Council staff assistance with questions and issues that have arisen.

Extent have quoted \$87,226.00 (excl of GST) to complete the ACHA. This quote does not include:

- Registered Aboriginal Party fees
- Costs of an independent arborist

The quote includes provision for 19 days field work to investigate up to 380ha of land. Depending upon the final area determined as being essential to include in the survey, the field survey costs may vary. Based on 19 days field work, Extent Heritage have estimated that the Registered Aboriginal Party fees will be in the order of about \$66,880 (excl of GST). Council staff estimate that the costs of engaging a local independent arborist to inspect all

relevant trees and provide a written report to Extent Heritage will be in the order of \$30,000.

The total project cost is therefore estimated to be in the order of \$184,106 (excl GST).

It should be noted that to date Council has made the following financial commitment to the investigation of Aboriginal Cultural Heritage in the Bathurst Region.

<b>Study</b>	<b>Cost</b>
Aboriginal Heritage Study	\$51,238
Kelso Expansion Area Survey	\$20,812
Aboriginal Heritage Interpretation Strategy and public release version of the Aboriginal Heritage Study	\$32,340
ACHAs – Go Kart Track and Camp Ground, Anthropological Survey and Cultural Mapping	\$239,730
Fees to registered Aboriginal parties for the ACHAs – Go Kart Track and Camp Ground, Anthropological Survey	\$37,840
<b>Total</b>	<b>\$381,960</b>

The second circuit land ACHA (estimated at up to \$184,106) will bring the total expenditure to **\$566,066**.

It is anticipated that there should be some savings in the \$239,730 as outlined in the table above as the field survey for the Go Kart track ultimately did not need to include excavation works as originally quoted.

### Conclusion

Council has substantially progressed extensive Aboriginal Cultural Heritage Assessments at Mount Panorama. The assessments to date have highlighted the need for a full Aboriginal Cultural Heritage Assessment in accordance with NSW Office of Environment and Heritage protocols for the lands proposed to be used for the second circuit.

It is therefore strongly recommended that Council proceed to commence these investigations whilst it is finalising the other investigations already commenced.

Economies of scale can be achieved by again engaging Extent Heritage to complete the additional ACHA. Extent Heritage have obtained extensive research data and experience following their work to date that would not be available to any other firm. The quality of work produced by Extent Heritage to date has been of a very high quality. On this basis additional quotes for the project are not recommended to be sought.

**Financial Implications:** The ACHA for the second circuit lands will be funded from the second circuit project costs. At this stage it is estimated that the ACHA will cost in the order of \$184,106 (excl GST). The total cost is dependent upon the final land area proposed to be included in the field survey and actual fees payable to the Registered Aboriginal Parties and for the services of an independent arborist. These costs have only been estimated at this time.

### **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 11.2

- 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

### **Community Engagement**

- Involve  
To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

## **8 CAMPGROUND UPGRADE, MOUNT PANORAMA WAHLUU, ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT. (20.00311)**

**Recommendation:** That Council:

- (a) note that the Aboriginal Cultural Heritage Assessment Report for the campground upgrade at Mount Panorama has identified that no Aboriginal objects, sites or places within the study area have been found and that the development may proceed without the need for further investigation or mitigation measures with respect to Aboriginal cultural heritage; and
- (b) refer a copy of the completed report to the NSW Office of Environment and Heritage.

**Report:** As Councillors are aware Council has been undertaking a number of Aboriginal Cultural Heritage Assessments at Mount Panorama. These assessments follow the earlier completion of the Bathurst Region Aboriginal Heritage Study in 2015.

Council engaged Extent Heritage to complete an Aboriginal Cultural Heritage Assessment (ACHA) of the land the subject of the upgrade of the Chase Camp grounds at the base of Mount Panorama. The ACHA is a formal report prepared in accordance with OEH guidelines. It includes archaeological assessment and Aboriginal consultation including archaeological test excavation work. The report is required to determine if an Aboriginal Heritage Impact assessment permit from the OEH is required. The final report has now been received by Council.

As the final report includes information that was excluded from the public release version of the Bathurst Region Aboriginal Heritage Study the report is not attached but is available from Council's Environmental Planning and Building Services Department.

The key aim of the Aboriginal Cultural Heritage Assessment Report (ACHAR) is to confirm the presence or absence of Aboriginal objects on the subject land. In preparing the report, Aboriginal consultation was undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. The Registered Aboriginal Parties (RAPs) for the project include: Bathurst Local Aboriginal Land Council, Dhuuloo-yala Enterprises, Wiradyuri Traditional Owners Central West Aboriginal Corporation, Bathurst Wiradyuri and Aboriginal Community Elders, Warrabinga Native Title Claimants Aboriginal Corporation, Mooka and Murrabidgee Mullangari Aboriginal Corporation. Four of the Registered Aboriginal Parties were engaged to participate in the fieldwork. This included Bathurst Local Aboriginal Land Council, Dhuuloo-yala Enterprises, Wiradyuri Traditional Owners Central West Aboriginal Corporation, and Bathurst Wiradyuri and Aboriginal Community Elders.

The study area was initially identified as having low and moderate archaeological sensitivity. This archaeological potential was based on the study areas proximity to water, its location on a culturally significant landscape (Mt Panorama) and the site appearing relatively undisturbed. As such, test excavation was proposed to confirm the presence or absence of Aboriginal objects.

The test excavation program was undertaken in July 2017, with a field team comprising four archaeologists and site officers from four of the local Registered Aboriginal Parties. Overall, 28 x 1m<sup>2</sup> test pits (a total of 28m<sup>2</sup>) were excavated at 0.25m<sup>2</sup> quadrants.

During the test excavation program no Aboriginal objects or sites were identified within the study area. Following the excavation program the ACHA determined that those parts of the study area originally identified as having moderate archaeological potential (due to being

located within close proximity to a water source), have been reduced to having nil-low archaeological potential. Due to the extent of the disturbance, and lack of any artefacts found during the testing program, it is considered that there is low-nil potential for surface finds and subsurface cultural deposits to exist within the study area.

The study area has been considerably impacted by previous land-use that extended across the entirety of the study area. As a result, the study area is considered to have low archaeological significance and nil-low research potential for Aboriginal heritage, low aesthetic and low historic significance.

In terms of cultural significance, the study area is located at the base of Mt Panorama Wahluu, a culturally significant landform to members of the local Aboriginal community. However, during the assessment, the Registered Aboriginal Parties indicated that the campground study area did not have any specific cultural or intangible values. Also, given the study area's location away from the key areas of cultural sensitivity identified by Aboriginal community elders and knowledge holders at the top of the Mount, it is considered the cultural significance for the study area is nil-low.

The assessment identified no Aboriginal objects, sites or places within the study area. Due to previous land use disturbance, the study area is considered to have nil-low archaeological potential and low archaeological significance. As a result, there have been no areas of concern highlighted within the study area that warrant further investigation or require heritage mitigation measures. Therefore, the proposed work for the campground upgrade project may proceed.

It should be noted that the final report was referred to all of the Registered Aboriginal Parties for final comment. No comment was received from any of the groups. On this basis Council can assume that those groups have raised no objections to the findings in the report.

Work on the camp grounds has now commenced.

**Financial Implications:** The Aboriginal Cultural Heritage Assessment report cost \$40,500 (excl of GST) and was funded from an existing budget within the Engineering Department budget for 2017/18 and the 2016/17 budget for the Chase campground upgrade.

### **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 11.2
- 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, 28.8

### **Community Engagement**

- Involve To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

## **9 REVOLVING ENERGY FUND UPDATE (13.00061)**

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

**Report:** In 2010/2011 Council committed \$100 000 seed funding to establish a Revolving Energy Fund (REF). The fund is a financial mechanism whereby a proportion of the savings made as a result of energy saving projects is diverted into a designated fund to allow funding of future energy saving initiatives.

The aim of the REF is to help build the capacity of Council to pursue environmental and operational improvements and reduce its overall greenhouse gas emissions.

Since the initial seed funding Council has invested a further \$200,000 capital funding into the program (\$50,000 in 2012-13 and 2013-14, and \$25,000 each year since).

The Revolving Energy Fund is managed by the Environmental, Planning & Building Services Department in accordance with the approved guidelines. Proposed projects are assessed for suitability and approved by Council's Internal Environment Committee which is comprised of the Director Environmental Planning & Building Services, Manager Water and Waste, Manager Parks and Recreation and Manager Environment.

Ten projects have been funded or part funded by the REF to date as outlined in the Table below. Collectively these projects have reduced Council's grid electricity use by an estimated 500 MWh and reduced CO<sub>2</sub> emissions by 434 tonnes.

Of the ten projects listed, three have completed repayments to the REF: Mount Panorama Amenities Block solar project and the NMRM and Depot Hi Bay Lighting projects.

<b>Project</b>	<b>Details</b>	<b>Capital funding from REF ex GST &amp; any rebates</b>	<b>Estimated Simple Payback period (years) on full project cost</b>	<b>Date installed</b>	<b>Approx. electricity savings per annum (kWh)</b>	<b>Tonnes CO<sub>2</sub> e avoided annually</b>
Mt Panorama Amenities Block Solar	10kW Solar system. 60c per kWh feed-in tariff	\$46,103	5.2	May-11	16,425	14.3
NMRM Hi Bay lighting upgrade	Replacement of 18 X 400w Hi Bay & 18 250w Hi-Bay with LED	\$23,761	2.2	Jun-11	26,616	23.2
Depot Hi Bay lighting project	Replacement of 23 X 400w Hi Bay with LED	\$11,662	1.6	Sep-12	19,550	17
Depot Solar	27.4kW Solar system	\$38,041	3.3	Jul-13	45,000	39.2
Small Animal Pound Solar	5.2kW solar system	\$9,250	4	Sep-13	8,590	7.5
Water Filtration	50kW solar system	\$48,900	6.1	Aug-14	82,450	71.7

Plant Solar	\$97,800 (50% funded from REF)					
Aerodrome Apron Floodlights	Upgrade to LED	\$17,466	4	Feb-16	10,512	8.8
Art Gallery Track Lighting	Upgrade to LED \$133,936 (\$50,000 funded from REF)	\$50,000	30 years (payback REF contribution \$5000 per year (10 years))	Mar-16	26,271	21.8
Waste Water Treatment Plant	100kW ground mounted solar system (50% funded from REF)	\$75,473	6.5	Jun-16	153,300	128.8
Library Art Gallery	80kW Solar System	\$63,307	3	May-17	122,640	101.8
<b>Total</b>		<b>\$383,963</b>			<b>511,354</b>	<b>434.1</b>

Council's environmental staff are currently working on the design of a solar storage project for the Bathurst Visitor Information Centre, with the intention that the facility will have a zero net import of electricity from the grid over the year. This project will be funded from the REF, which has a current balance of approximately \$70,000.

**Financial Implications:** This project is funded from existing allocations. The long term financial implications of the REF are that expenditure on energy at various Council facilities will be reduced.

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

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- Objective 13: To minimise the City's environmental footprint. Strategy 13.5, 13.9

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **10 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)**

**Recommendation:** That Council:

- (a) note that the 2017 Bathurst Region State of the Environment Report has been completed; and
- (b) make electronic copies of the 2017 Bathurst Region State of the Environment Report available on Council's Website.

**Report:** The Bathurst Region State of the Environment Report (SoE) (**attachment 1**) describes how Council, its' partners and the community are working together to achieve the environmental objectives of the Community Strategic Plan. The report examines trends in key environmental indicators under the themes of Atmosphere and Climate, Land, Water, Biodiversity, Towards Sustainability and People and Communities. At the start of each theme, the CSP objectives relevant to that theme and the key indicators used to measure the condition of the environment are highlighted. Improving environmental trends are shown as a green upward pointing arrow, while declining trends are shown as a red downward pointing arrow.

Under the Integrated Planning and Reporting Framework Council is only required to produce an SoE once every four years, with the end of term report, however Council staff have chosen to prepare it on an annual basis in order to make information on Council's environmental programs available to the public in a timely and readily accessible format.

The report draws attention to actions Bathurst Regional Council (BRC) is undertaking to respond to environmental pressures which may degrade the natural environment within the Local Government Area (LGA).

Key areas which have been identified as placing pressure on the natural environment during the reporting period include:

- A population that continues to grow. The Bathurst Region population grew by 1.86% between June 2015 and June 2016 to 43,080 people. A growing population can place additional pressures on limited land, water and other resources.
- Record breaking heat wave conditions from December through to February and dry conditions saw very high water use in Bathurst City over the summer period.
- While total rainfall for the reporting period was only slightly below average, most of this fell in the first five months of the reporting period. A rainfall deficit of 165 mm from January to June 2017 combined with heavy early winter frosts saw pasture conditions in the region deteriorate rapidly with many landholders commencing supplementary feeding toward the end of the reporting period. These conditions also saw continued higher than normal town water use right through the autumn and early winter periods.
- Increased greenhouse gas emissions from Council operations as a result of higher electricity from increased water pumping and higher fugitive methane emissions from the Bathurst Waste Management Centre due to problems with the methane flare.

The report also outlines a range of actions undertaken by Council and the community during the reporting period to address environmental pressures and highlights achievements in improving environmental performance including:

- Continued community uptake of small scale solar. While the rate of uptake has slowed, a further 1.30 MW of small scale solar was installed during the reporting period across the

LGA, bringing the total amount installed since 2001 to 11.05 MW.

- The installation of an 80kW solar system at Council's Library and Art Gallery facility bringing the total solar capacity installed at Council facilities to 304kW which will meet approximately 3.1% of Council's electricity needs.
- Total waste disposed of to landfill at the Bathurst Waste Management Centre was the lowest in five years falling by approximately eight percent over the previous reporting period. The first full year of the kerbside green waste collection has been a major contributor to this reduction, with 4019 tonnes of organic waste being collected for composting.
- Installation of the manganese removal process at the Water Filtration Plant during 2016 has seen reticulated water quality complaints fall from 534 in 2014-15 to 142 in 2015-16 and now to 84 complaints in 2016-17.

The SoE has significant potential to both inform and direct Council in future initiatives and also to identify areas in which Council can improve its own operations. However, this depends on having access to accurate data to measure performance and on effectively integrating the SoE with Council's Delivery Plan process, to ensure adequate funds are made available to meet community expectations in relation to the environment. These are areas which Council continues to actively pursue in order to better utilise the SoE as a reporting tool and ultimately improve the condition of the local environment.

In addition to preparing this Interim SoE, Council also participated in the 2017 Greater Central West Regional SoE. This enables BRC to compare its activities on a regional basis with other LGA's and cities of similar size and demographics. It also facilitates better understanding of trends in the condition of environmental assets which transcend political boundaries.

The 2017 SoE is a valuable instrument for both Council and the local community as it reports on the key environmental objectives identified in the Community Strategic Plan.

**Financial Implications:** The preparation of the SOE is undertaken using existing allocations.

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

- 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **11 SUSTAINABLE LIVING EXPO (23.00124)**

**Recommendation:** That Council note the receipt of two awards for the 2017 Sustainable Living Expo event.

**Report:** On 25 March 2017 Council hosted the ninth Sustainable Living Expo (SLE). The event was the largest to date, with 6000 people in attendance. The theme for the 2017 event was “Food Waste” in support of the recent introduction of the food and garden waste kerbside collection. This theme was supported by presentations from celebrity chef Colin Fassnidge and “Gourmet Farmer” Matthew Evans. Perennial favourites Shoalhaven Zoo and the King and Queen of Green also entertained the crowd with family friendly presentations.

For the first time in 2017 the event included a “Sustainable supper” on the Friday night prior to the Expo. This ticketed event sold out quickly and proved a popular edition to the SLE which will be continued in 2018.

The success of the 2017 event has been recognised with the receipt of two awards in October.

Local Government NSW awards the *Excellence in Environment Awards* each year. Council was awarded Highly Commended in the “Communication, Education and Empowerment Award (Division B)”.

Keep Australia Beautiful (NSW Branch) host the *Blue Star Sustainability Awards* annually, with categories for regional and metropolitan councils. Council was successful in being awarded Highly Commended in the “Going Green Education” section.

The SLE continues to grow in stature and assists in Council demonstrating it’s commitment to empowering the community to integrate sustainability into everyday choices and actions. The SLE is coordinated by the Environment and Water & Waste sections of Council.

For the 2018 SLE staff will also be exploring opportunities to work with the team from the Bathurst Visitor Information Centre to attract visitors for a weekend stay in Bathurst. March is traditionally an “off peak” visitor period for the Bathurst region.

**Financial Implications:** The SLE is funded from existing allocations. The 2017 program was also assisted with grant funding from the NSW EPA through the implementation of the Local Government Organics Collection Systems program and Council funds available to undertake waste education activities which in 2016/2017 have focused largely on the organic waste collection program.

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

- Objective 13: To minimise the City’s environmental footprint. Strategy 13.3
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.3, 16.6

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **12 ECONOMIC DEVELOPMENT STRATEGY 2018 – 2022 (20.00071)**

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

**Report:** With the expiry of Council's Economic Development Strategy in 2016, Council began the process of developing the new Strategy in 2017. The Economic Development Strategy 2018-2022 will present a guiding framework by which the Council, in partnership with industry and the community, can take a coordinated approach to retaining and growing the existing economic base of the Region, as well as attracting new investment.

The Strategy is now in final draft format. The Strategy will be completed upon the release of the final tranche of the ABS 2016 Census data in November 2017. It will then be presented to Council to begin the exhibition and adoption process.

The Strategy's objectives have been based on "economic enablers" that were identified through Council business development programs, key stakeholder engagement and community consultation. The objectives are as follows:

1. To support economic and cultural infrastructure development necessary to enhance the Bathurst region's lifestyle, industrial development, livability and access.
2. Planning processes that protect a vibrant CBD, grow retail diversity, attract residents and support local heritage as an economic asset.
3. Regional marketing programs and events that promote Bathurst as a great place to visit, live, study and invest.
4. To develop partnerships and networks that support and attract knowledge, innovation and research.
5. Nurture entrepreneurship, skills development and business success through business development programs that encourage business growth and start-ups.
6. To grow and protect employment, attract new businesses and identify new economic development opportunities.
7. Incorporate Information and Communication Technology (ICT) into Bathurst's assets through the development of a Smart City urban development vision to encourage a more productive, accessible, and liveable city

The NSW Department of Premier and Cabinet (DPC) have commenced the development of Regional Economic Development Strategies (REDS), with the DPC assigning each LGA to one of 33 predetermined regions. Bathurst Regional Council will therefore complete a REDS in partnership with Oberon Council over the next 3 months. The draft Bathurst Economic Development Strategy 2018-2022 will strongly inform the development of the REDS with Oberon.

The establishment of a REDS will allow Council to unlock NSW government funding which has been allocated to the Growing Local Economies fund, as part of the NSW Government's \$1.3B Regional Growth Fund. The funding may be used for projects including road works, natural gas mains and pipelines, water supply, sewer waste connections and telecommunications infrastructure that results in the creation of new jobs. Growing Local Economies is expected to deliver significant long-term growth benefits for the region.

### **Conclusion**

Bathurst Regional Council's Economic Development Strategy 2018 – 2022 is currently at final draft stage and will be presented to the Council for exhibition and adoption following the release of the final tranche of the ABS 2016 Census data in November 2017.

Bathurst Regional Council will partner with Oberon Council to develop the Regional Economic Development Strategy (REDS) which will enable both Council's to access funding under the NSW Government's Growing Local Economies fund. The REDS will be prepared by the NSW Department of Premier and Cabinet and will be informed by the work completed to date on the draft Bathurst Economic Development Strategy 2018-2022.

**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 1.1

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**13 DEVELOPMENT APPLICATION NO. 2017/115 – COMMERCIAL ALTERATIONS AND ADDITIONS – ACCESS RAMP AND TOILET FACILITIES, 106 RANKIN STREET, BATHURST. APPLICANT & OWNER: G S & M A WEBSTER PTY LTD (DA/2017/115)**

**Recommendation:** That Council:

- (a) not support the request from the applicant to waive the imposing of sewer and water headworks charges on the Development Application.
- (b) call a division.

**Report:** In June 2017 Council approved a Development Application for internal alterations to the City Fit Gym.

The Development Application included the construction of new change room facilities including toilets, shower and basins. These are in addition to existing facilities in the building.

In accordance with Council's usual protocol, Council imposed a condition on the consent requiring financial contributions towards water and sewer headworks under the Water Management Act.

For the purposes of the consent the current contributions payable are as follows:

Water Headworks	\$1,779.06
Sewer Headworks	\$2,914.29
<b>Total (2017/2018 figures)</b>	<b>\$4,693.35</b>

Water and Sewer Headworks charges are authorised under the Water Management Act. The charges are used to fund capital infrastructure in accordance with Council's adopted Development Services Plan. The Development Services Plan has been prepared and adopted in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2001) issued by the Minister. The quantum of the contribution is consistent with these Guidelines and in line with Council's adopted Plans.

The applicant has requested that these fees be waived (refer to **attachment 1**).

It is to be noted that the headworks charges differ from discharge charges and user pays charges that also apply to commercial properties. These are levied on the owners of the property independently of headworks.

**Financial Implications:** Nil if Council retains the condition.

**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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**14 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(13.00053)**

**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 INSTALLATION OF ELECTRIC VEHICLE CHARGING STATION (13.00053)**

This report relates to the commercial information pertaining to the installation of a supercharging station in 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

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

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

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

**Report:** \$88,500,000 was invested at 31 October 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$10,000,000.00	2.54%
Bankwest	A1+	\$3,000,000.00	2.55%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$13,500,000.00	2.64%
Bendigo and Adelaide Bank Limited	A2	\$3,000,000.00	2.62%
Newcastle Permanent	A2	\$2,500,000.00	2.54%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.70%
People's Choice Credit Union	A2	\$4,500,000.00	2.69%
IMB	A2	\$4,500,000.00	2.62%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.70%</u>
		<b>\$50,500,000.00</b>	<b>2.62%</b>

### **Long Term > 365 Days**

**(comprising Commercial Bills, Term Deposits, Debentures and Bonds):**

#### **Floating Rate Term Deposits**

CBA Deposit Plus	AA-	\$1,500,000.00	2.54%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.69%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.78%
WBC Coupon Select	AA-	\$2,000,000.00	2.72%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
WBC Coupon Select 2	AA-	\$1,500,000.00	2.95%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		<b>\$13,200,000.00</b>	<b>2.62%</b>

#### **Fixed, Negotiable & Tradeable Certificates of Deposits**

Greater Bank Ltd	BBB	\$1,000,000.00	3.11%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.26%</u>
		<b>\$3,000,000.00</b>	<b>3.21%</b>

#### **Floating Rate Notes**

Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.60%
CBA Climate Bond	AA-	\$1,000,000.00	2.63%
Suncorp Metway	A+	\$1,000,000.00	2.95%

Rabobank	A+	\$1,000,000.00	3.24%
AMP	A	\$1,000,000.00	2.76%
AMP	A	\$800,000.00	2.84%
AMP	A	\$1,000,000.00	3.07%
Macquarie Bank	A	\$1,000,000.00	2.84%
Bank of Queensland	BBB+	\$1,000,000.00	2.74%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.81%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.76%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.65%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.79%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.76%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.79%
Credit Union Australia 2	BBB	\$1,000,000.00	2.92%
Credit Union Australia 3	BBB	\$1,000,000.00	3.31%
Newcastle Permanent	BBB	\$1,000,000.00	3.05%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.32%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.34%
Members Equity Bank 2	BBB	<u>\$1,000,000.00</u>	<u>2.70%</u>
		<b>\$21,800,000.00</b>	<b>2.89%</b>

**Total Investments** **\$88,500,000.00** **2.71%**

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

Reserves Total (includes unexpended loan funds)	\$50,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$1,879,269.00
<b>Total Investments</b>	<b><u>\$88,500,000.00</u></b>

**Total Interest Revenue to 31 October 2017** **\$797,272.16** **2.71%**

**A Jones**  
**Responsible Accounting Officer**

**Financial Implications:** **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.

**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

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**

**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/council/general-information/public-documents](http://www.bathurst.nsw.gov.au/council/general-information/public-documents). A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2017-2021 Delivery Plan and the Annual Operational Plan 2017-2018.

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 1.

**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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### **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 31 October 2017.

**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:	\$4,241.28
Mount Panorama:	\$30,429.36

#### **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

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### **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.

- Damijetjoy Pty Ltd - 53 Hampden Park Road, Kelso - Lot 1003, DP 1129907 - Transfer
- MP & RP Clayton - Freemantle Road, Freemantle - Lots 23 & 24, DP 1218703 - Transfer
- T Fardon - 8 Lew Avenue, Eglinton - Lot 4, DP 1226661 - Transfer

#### **Linen Plan Release**

- Nil

**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

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **5 AUDITED FINANCIAL REPORTS (16.00055)**

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

**Report:** Council's Auditors, the Audit Office of NSW, have completed their audit of Bathurst Regional Council's Financial Statements for the year ended 30 June 2017.

The Audited Financial Statements are shown at **attachment 1**.

The public are invited to make submissions on the Audited Financial Statements until 4 pm on 23 November 2017.

**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 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **6 MORGAN OWNERS CLUB OF AUSTRALIA 60TH ANNIVERSARY (23.00015-08/097)**

**Recommendation:** That:

- (a) Council close Russell Street between William Street and George Street between 8.00 am and 2.30 pm on Saturday, 20 October 2018 to enable a display of Morgan Motor Cars;
- (b) Council donate the costs associated with:
  - (i) The venue hire and entry fees to the National Motor Racing Museum for the Mayoral Welcome Reception, estimated to be \$1,000;
  - (ii) The road closure of Russell Street, estimated to be \$1,500;

which are to be funded from Council's Section 356 Donations 2018/2019 budget allocation.

**Report:** Council is in receipt of a request from the Morgan Owners Club of Australia, seeking to hold their 60th Anniversary event in Bathurst. A copy of this request is provided at **attachment 1**

The event is scheduled to occur from 18 to 21 October 2018. The event organisers are anticipating that over 100 cars will be attending this event.

In brief, the event program includes:

- Mayoral Welcome Reception and Dinner at the National Motor Racing Museum;
- A Show and Shine display in Russell Street;

As part of this event, the organisers are seeking financial support for:

- (i) The venue hire and entry fees to the National Motor Racing Museum for the Mayoral Welcome Reception and Dinner, estimated to be \$1,000. It should be noted that the catering costs for this reception are being paid for by the event organisers;
- (ii) The costs associated with the Russell Street road closure, estimated to be \$1,500.

**Financial Implications:** The total financial support sought for this event amounts to \$2,500 which could be funded through Council's 2018/2019 Section 356 Donations allocation.

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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY MEN'S BOWLING CLUB (18.00004-33/072)**

**Recommendation:** That Council sponsor the Bathurst City Men's Bowling Club Carillon Fours Tournament to be held on 2 and 3 December 2017 by donating an amount of \$1,000.

**Report:** Council has received a request from the Bathurst City Men's Bowling Club at **attachment 1** for Council to become a major sponsor of the Carillon Fours Tournament which will be held on 2 and 3 December 2017. The Club is seeking \$2,500 from Council.

Council supported this event in 2016 by donating an amount of \$1,000. It would be appropriate for Council to offer a similar amount for this year's event.

**It is recommended** that Council sponsor the Bathurst City Men's Carillon Fours Tournament in December 2017 by donating an amount of \$1,000.

Councillors will be provided, under separate cover, a copy of the financial statements of the above Club.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer of \$1,000 from Council's Section 356 - Mount Panorama Fee Waiver allocation would be required to fund this request.

### **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 23: To encourage a supportive and inclusive community. Strategy 23.1

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **8 REQUEST FOR FINANCIAL ASSISTANCE - ACCESSIBLE LIVING OPTIONS - INTERNATIONAL DAY OF PEOPLE WITH DISABILITY (IDPWD) (18.00004-33/091)**

**Recommendation:** That Council provide an amount of \$1,485 (including GST) to Accessible Living Options, to cover the cost of hire for an outdoor movie screen, in support of the planned community event at the Adventure Playground on 3 December 2017.

**Report:** Council has received a request from Accessible Living Options seeking financial assistance with an event they are holding to celebrate International Day of People with Disability (IDPWD) on 3 December 2017 at **attachment 1**. Council is providing the group with use of the Adventure Playground and also the provision of additional bins at no charge, see correspondence at **attachment 2**.

However the group is now seeking, in addition to the above support, Council's assistance in meeting the cost of an outdoor movie screen for use at the event, see correspondence at **attachment 3**. Accessible Living Options identify the cost of this screen is \$1,485 (including GST).

Councillors will be provided, under separate cover, a copy of the financial statements for the above Group.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer of \$1,485 from Council's Section 356 - Mount Panorama Fee Waiver allocation would be required to fund this request.

### **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 23: To encourage a supportive and inclusive community. Strategy 23.1

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 04.00013, 04.00146, 22.08931, 22.00041, 22.16350, 16.00007,  
21.00095, 21.00037)**

**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 SPORTING LICENCE AGREEMENT - PART LOT 1 DP1167594  
KNOWN AS THE JOHN MATTHEWS SPORTING COMPLEX AT 261 DURHAM STREET,  
BATHURST WITH THE BATHURST NETBALL ASSOCIATION INC. (04.00013)**

This report relates to a proposal to renew a sporting license agreement for Part Lot 1 DP1167594 known as the John Matthews Sporting Complex at 261 Durham Street, Bathurst with the Bathurst Netball Association Inc.

**2 SPORTING LICENCE AGREEMENT - PART LOT 1 DP194761 AND PART LOT 104  
DP1073272 KNOWN AS THE HEREFORD STREET RUGBY LEAGUE COMPLEX TO THE  
ST PATS RUGBY LEAGUE FOOTBALL CLUB (04.00146)**

This report relates to a proposal to enter into a sporting licence agreement for Part Lot 1 DP194761 and Part Lot 104 DP1073272 known as the Hereford Street Rugby League Complex to St Pats Rugby League Football Club.

**3 LAND ACQUISITION FOR LOT 267 DP820952 KNOWN AS 362 PANORAMA  
AVENUE, BATHURST (22.08931)**

This report relates to a proposal for the purchase via compulsory acquisition by agreement of Lot 267 DP820952 known as 362 Panorama Avenue, Bathurst.

**4 PROPOSED NEW COMMERCIAL LEASE AGREEMENT - LOT 1 DP774489 KNOWN  
AS 230 HOWICK STREET, BATHURST (22.00041)**

This report relates to a proposal to enter into a new commercial lease agreement for Lot 1 DP774489 known as 230 Howick Street, Bathurst (Post Office building).

**5 BOUNDARY ADJUSTMENT AND SALE OF LAND AT PART LOT 3 DP1185929  
KNOWN AS 29 HAMPDEN PARK ROAD, KELSO (22.16350)**

This report relates to a proposal for boundary adjustment and the sale of land at Part Lot 3 DP1185929 known as 29 Hampden Park Road, Kelso.

**6 LARGE SITE ELECTRICITY CONTRACT CENTROC PROCUREMENT (16.00007)**

This report relates to a contract through Centroc for the purchase of electricity through a regional large sites electricity contract.

**7 BATHURST VISITOR INFORMATION CENTRE CAFE - LEASE (21.00095)**

This report relates to a request by the lessees for an extension of the "lease-free" period.

**8 INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS**

**THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET,  
BATHURST (21.00037)**

This report relates to an interim Sporting Licence agreement with the Bathurst Basketball Association for use of the Indoor Stadium..

**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

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



A Jones  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

## **DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

## **1 PROPOSED ACQUISITION OF LAND FOR ROAD PURPOSES - RIVULET ROAD PEEL (25.00306)**

**Recommendation:** That Council:

- (a) Approve the preparation of a Plan of Subdivision for the acquisition of land for road purposes;
- (b) Approve the acquisition of land, and classify the acquired land as Operational Land under the provisions of section 31(2) of the Local Government Act 1993;

subject to the information contained in the Director Engineering Services' report.

**Report:** Council has been in contact with the owner of property at Lot 97 755771 at Peel (the landowner) in connection with plans Council has to upgrade Rivulet Road and replace the bridge over the creek known as Winburndale Rivulet with a box culvert construction.

Council has obtained in principle approval from the landowner of the terms proposed and listed below. All steps will be undertaken in consultation with the landowner.

- 1 Council will in consultation with the landowner organise the road works; bridge reconstruction and fencing to be undertaken.
- 2 The new boundary fence is to be constructed of galvanised steel strainers and stays; galvanised posts each 4/5 metres; steel 'maxi' posts each 10 metres or as applicable; netting; 3 plain wires and 2 barbed wires on top. This conforms with the standard style of rural fencing of this nature.
- 3 Following the road works, an identification survey will be undertaken by a registered surveyor to identify the new boundaries. The surveyor will undertake a plan of subdivision for acquisition of road purposes. At present the section of land sought for redesign of the road is estimated to be 323m<sup>2</sup> in area.
- 4 Council will be responsible for survey fees; fencing of the new boundary, and the landowner's reasonable legal fees.
- 5 Nominal compensation of \$1.00 is to be paid to the landowner for the land acquired.

A site plan depicting the area to be acquired is contained in **attachment 1**.

It is recommended that Council approve the preparation of a plan of subdivision to acquire the land for road redesign purposes and undertake the works required. The land acquired is to be classified as Operational Land.

**Financial Implications:** The cost of plan preparation for acquisition of land for dedication as road; survey; and legal fees for both parties is estimated to be \$8,000. This is to be funded from existing budgets.

### **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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 ROAD SAFETY OFFICER PROGRAM UPDATE (16.00018)**

**Recommendation:** That Council continues its commitment to the Road Safety Officer Program and commences a new RSO employment contract to 30 June 2018, subject to the ongoing support of the Blayney Shire Council and Roads and Maritime Services.

**Report:** A report was presented to the 16 April 2014 meeting of Council which outlined the then status of the Road Safety Program and the position of Road Safety Officer.

At that meeting Council resolved:

*"That Council continues its commitment to the Road Safety Officer Program and commences a new RSO employment contract to 30 June 2017, subject to the ongoing support of the Blayney Shire Council and Roads and Maritime Services."*

The previous contract term for the RSO position expired on 30 June 2017 and it is therefore opportune that Council considers its ongoing commitment to the program. Changes to the reporting structure of the program and ongoing discussions between Council, Blayney Council and the Roads and Maritime Services (RMS) have meant that the funding agreement for this program has only just been finalised. However, this has not in any way adversely impacted the delivery of this program.

Roads and Maritime Services (RMS) has revised the format of this program, whereby a Local Road Safety Action Plan will set out proposed projects over one year only will be prepared. It should be noted that the previous RSO program involved planning over a 3 year period.

Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) work in partnership with local Councils to fund Local Government Road Safety Program (LGRSP) projects targeting road safety issues at a local level.

The objectives of the LGRSP are to:

- Adopt the Safe System approach to plan, develop and implement evidence-based projects aimed at improving road user safety in local communities.
- Raise the profile of road safety within local government areas (LGAs).
- Facilitate the involvement of local businesses, government agencies and community groups/clubs in road safety project development.
- Improve the coordination of local government road safety initiatives with regional, state and national road safety initiatives.
- Review and evaluate the effectiveness of community-based road safety projects.

Roads and Maritime Services (RMS) has recently sent correspondence to council providing an opportunity to commence a new Road Safety Program contract, for a period of 12 months, backdated to 1 July 2017.

Council has been a part of the Roads and Maritime Services RSO Program since 1999 when it joined Oberon, Evans, Rylstone, Blayney and the RMS to form the Tablelands Road Safety Group. The program and Council's participation continues today, although due to amalgamations and the withdrawal of Oberon Shire Council the membership has been reduced to Blayney, Bathurst and the RMS.

The program arrangements are defined by the Program Funding Agreement on the basis that 50% of employment costs are borne by the RMS, while the remainder is provided by the

member Councils. Bathurst's current share is 33% plus the provision of office space. The cost of individual projects conducted within any year, is subject to approval from and is fully funded by the RMS.

Blayney Shire Council is also considering its future membership in the Tablelands RSO Group. However, it is expected that it will continue to support the program.

This financial year, the Roads Safety Officer proposes to carry out the following road safety programs and other initiatives:

### **RMS/RSO Funded Program Work**

- **Round a Roundabout** – an educational and public awareness project relating to the safe use of roundabouts
- **Come Home Safely** – a regionally focused education and awareness project aimed at highlighting the negative impacts of speeding, fatigue and drink/drug driving, and co-ordinated with the TfNSW 'Towards Zero' campaign
- **Free Cuppa for the Driver** – a regional program co-ordinated between RSO's within the Central West that encourages drivers to break their trip on long journeys
- **Graduated Licensing Scheme** – free workshops for parents and carers of learner drivers

### **Additional Work**

- Attend Institute Public Works Engineering Australasia (IPWEA) NSW Annual Conference – Hunter Valley
- Attend Institute Public Works Engineering Australasia (IPWEA) Central West Regional Forum
- Kindy Kits – kindergarten road safety education program delivered face to face to kindergarten classes in Bathurst Schools
- Bathurst 1000 Races – alternative transport and road safety management, working collaboratively with Council, Liquor Accord, Office of Liquor, Gaming and Racing, Licensing Police, General Duties Police, transport providers and other stakeholders to ensure safe travel and transport options during V8 Race week
- Bathurst 1000 Races – co-ordinate with NSW Police Highway Patrol for promotion of safer driving and road safety awareness within Mount Panorama precinct during Bathurst 1000 Race Week
- Safety Around Schools – working collaboratively with Council, schools and RMS to improve safety around schools, e.g. parking, pedestrian safety, speeding, safe drop off/pick up zones, signage, bus zones, etc.
- Stakeholder Engagement with IPWEA re Road Safety Audit course development work
- Sign Audits
- B2B – assisted with the development of safety and traffic management plans for the Blayney to Bathurst bike ride
- Towards Zero – RMS campaign
- Plan B – RMS campaign
- Don't Trust Your Tired Self (fatigue) – RMS campaign
- Motorcycle Awareness Week – RMS campaign
- Speed Zone Reviews – as required
- School Bus Route Reviews – as required
- Youth Week events
- Senior's Week events

- Top 10 Misunderstood Road Rules – community education and workplace presentations
- Guest speaking roles for community groups, clubs and workplaces
- Fatality Free Friday – local community support work
- Bike Forums (RMS) and provision of community education re cycling and shared road environment

Given the benefits of the Road Safety Program in implementing road safety behavioural projects and increasing road safety awareness at a local level, it is recommended that Council continue to participate in the Program until 30 June 2018. Should Blayney withdraw from the program then a further report will be presented to Council.

**Financial Implications:** The annual funding for the position is 33% of employment costs, estimated to be \$35,000.

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

- Objective 22: To improve community safety. Strategy 22.3
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### **3 APPLICATION TO CONDUCT JET ADVENTURE JOY FLIGHTS (21.00008)**

**Recommendation:** That Council approve the request from Fastjet Adventure Flights Pty Ltd to conduct up to 8 jet adventure joy flights per year from the Bathurst Aerodrome, up to 2022, subject to conditions outlined in the Director Engineering Services' report.

**Report:** Council has received a request from Fastjet Adventure Flights Pty Ltd to modify the operations of aircraft used for jet adventure joy flights from Bathurst Aerodrome. Fastjet currently has approval to operate an L-39 Albatros Jet, and has sought approval to use a CJ-6 Nanchang in addition to this aircraft.

Under the Air Navigation (Aircraft Noise) Regulation (1984) aircraft operators seeking to conduct adventure joy flights using either propeller aircraft with a maximum take off weight of 1500kg, or jet aircraft, must apply to the Department of Infrastructure and Transport (the Department) for an Operating Permit.

To obtain a permit, aircraft operators are required to liaise with both the local council responsible for the aerodrome and the aerodrome owner (if owned separately) to obtain a letter in support of the permit application. The letter of support is required to contain information such as number of flight movements per month, times of operation and areas to be avoided. Once a letter of support is provided by the council, it is the council's responsibility, and not that of the Department, to monitor and respond to complaints regarding aircraft noise from adventure flight operations. The Operating Permit will be withdrawn by the Department if the council no longer provides its support.

Fastjet Adventure Flights Pty Ltd has operated at Bathurst Aerodrome with a valid permit for a number of years and has been co-operative and complied with the permit conditions. Their previously issued permit expires on 16 December 2019. Given the request for altered operations, it is deemed appropriate that the upcoming extension be addressed in conjunction with the request for the inclusion of an additional aircraft.

The L-39 Albatros is a small jet fighter/training aircraft developed by Czechoslovakia and dates from the 1970's. It is a small jet of 4,700 kg maximum take off weight and has a top speed of 750kmh. The CJ-6 Nanchang is a radially powered propeller driven 1950's Chinese trainer/fighter aircraft with a top speed of 300kmh and has a maximum take off weight of 1400kg.

Bathurst Aerodrome has been operating from the current site since the early 1940's and currently has, on average, 1600 aircraft movements per month. It is considered that the number of aircraft flights conducted by Fastjet Adventure Flights Pty Ltd using the L-39 aircraft on the current operational basis, in conjunction with the ongoing appropriate noise abatement measures which are in place, will continue to cause minimal impact upon the overall noise footprint of the aerodrome. The addition of the CJ-6 Nanchang is similarly unlikely to have any significant impact.

Bathurst Aerodrome reportedly has the only jet maintenance facility for the L-39 Albatros aircraft within Australia. It should be noted that flights to and from Bathurst Aerodrome for aircraft maintenance purposes do not require any approval from Bathurst Regional Council nor the Department.

Conditions that are considered appropriate are as follows:-

- (a) No circuits, aerobatics or over flights are permitted within the Bathurst area.
- (b) Jet operations to be restricted to between the hours of 08:00 and 19:00.

- (c) Noise abatement procedures are to be practised during take-off and landing.
- (d) Landing charges are to be paid in accordance with Council's Fees and Charges.

Council typically extends such approvals for a period of five (5) years, which is considered reasonable on the basis that the permit can be cancelled if the above conditions are not adhered to.

It is therefore recommended that Council approve the request for adventure flights from Fastjet Adventure Flights Pty Ltd, for a period of five (5) years in accordance with the current conditions as above.

**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 1.9

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### **4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00652, 22.04712, 25.00262 & 36.00649**

**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 RESURFACING OF HOCKEY FIELD, LEARMONTH PARK (36.00652)**

This report considers the tender for the resurfacing of the eastern hockey field at the Cooke Hockey Complex, Learmonth Park, Kelso.

##### **2 PROPOSED PURCHASE OF LEVEE LAND ENCROACHING UPON 93 STANLEY STREET, BATHURST (22.04712)**

An area of levee land encroaches onto private land at the rear of 93 Stanley Street. This report considers the purchase of this land.

##### **3 PROPOSED FINALISATION OF ROAD CLOSURE APPLICATION - LOTS 97, 101 & 103 DP1174100 HILL END ROAD, SALLYS FLAT (25.00262)**

The report considers the previously approved acquisition of land for road widening purposes, the partial closure of a section of Hill End Road, and the transfer of the closed section of road to the owner of 2641 Hill End Road, Sallys Flat.

##### **4 PROPOSED TRANSFER AND CLOSURE OF RESIDUE OF CROWN ROAD ADJOINING LOT 57 DP756873 - PART OF HILL END ROAD SALLYS FLAT (25.00262)**

The report considers the approval for the transfer of residue Crown Road adjoining Lot 57 DP756873 Hill End Road, Sallys Flat from The Crown to Council, consider approval of an application to close the road being made to Department of Industry Lands and consider the approval of transferring of the road to the adjoining landowner

##### **5 TENDER FOR PANORAMA MOTORCYCLE CLUB RACE CONTROL AND AMENITIES BUILDING (36.00649)**

The report considers the tender for the design and construction of a new race control and amenities building for the Panorama Motorcycle Club, located adjacent to the club track at the rear of Sulman-Reid Park, Mount Panorama.

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

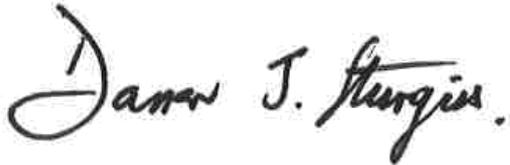
#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a large initial 'D'.

Darren Sturgiss  
**DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

# **1 BATHURST REGIONAL YOUTH COUNCIL - ATTENDANCE AT YOUTH COUNCIL CONFERENCE, MACQUARIE UNIVERSITY, NORTH RYDE, 22 - 24 SEPTEMBER 2017 (11.00020)**

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

**Report:** Five Youth Council members attended the Youth Council Conference at Macquarie University, North Ryde, from 22 – 24 September, 2017. The Conference was hosted by the Ryde Youth Council. A report compiled those Youth Councillors who attended the Conference is shown at **attachment 1.**

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

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 BATHURST REGIONAL YOUTH COUNCIL - 'HOW TO ADULT' WORKSHOPS, 1 NOVEMBER 2017 (11.00020)**

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

**Report:** On 1 November 2017, Bathurst Regional Youth Council in conjunction with Bathurst TAFE hosted a series of 'How to Adult' Workshops. Local high-school students from Years 10 and 11 were invited to participate in the full day event, with 60 students from both Bathurst High School and MacKillop College taking up the offer.

The workshops included:

### **How to Love your Car**

This workshop involved demonstrations on how to change a tyre and perform general vehicle maintenance checks. Workshop facilitators also provided students with tips on what to look for when buying a car.

### **How to Master Basic Meals**

In this hands-on workshop, students learnt how to cook a stir-fry, and were given some basic tips for making low-cost, simple meals.

### **How to Become More Resilient**

This workshop included a range of activities aimed at helping young people build the skills and knowledge needed to manage uncertainty in an ever changing world.

### **How to Kick Start your Career**

In this workshop, students were given some basic tips for writing resume's and cover letters, as well as tips for addressing selection criteria and attending job interviews.

### **How to Plan a Post-School Pathway**

In this workshop, students were given the opportunity to explore a range of career paths and engage in a brief Q and A with TAFE staff about what it is like to study through TAFE.

The collaboration between Bathurst Regional Youth Council and Bathurst TAFE was a great success, with many students expressing their appreciation for being given an opportunity to learn such a diverse range of valuable practical skills.

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

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### **3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3 JULY 2017 (07.00116)**

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

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

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

The sixteenth meeting of the Bathurst Region Tourism Reference Group was held on 3 July 2017. The Minutes of the Group's meeting are provided at **attachment 1.**

At the meeting held on 3 July 2017, the group noted the following updates:

- Destination Brand Development
- Marketing and Communications Plan
- Autumn Colours Program of Events
- Bathurst Artisan Trades Trail 2018
- Bathurst Winter Festival
- Regional Events Conference
- Australian Regional Tourism Network
- Central NSW Tourism – RTO update
- Publicity

A discussion and review of the 'short term' priorities of the Destination Management Plan was undertaken.

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

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

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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 1 NOVEMBER 2017 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 1 November 2017 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 1 November 2017, 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 1 NOVEMBER 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Fry, Jennings, Morse, North, Rudge.

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 AUGUST 2017 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 2 August 2017 be adopted.

**DECLARATION OF INTEREST**

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

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

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

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 27 SEPTEMBER 2017 (07.00096)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

**RESOLVED:** That the recommendations of the Audit & Risk Management

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This is page 1 of Minutes of the Policy Committee held on 1 November 2017

Committee Meeting held on 27 September 2017 be adopted.

Cr Aubin arrived at 6.04 pm

**Director Cultural & Community Services' Report**

**6 Item 1 APPOINTMENT OF VOTING DELEGATE - PUBLIC LIBRARIES ASSOCIATION NSW (11.00009, 18.00127)**

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

**RESOLVED:** That Council appoint Cr Morse as the voting delegate to NSW Public Libraries Association.

**GENERAL BUSINESS**

**7 BATHURST BRAND (22.00299)**

**Cr North** - not happy with the process followed. Councillors did not have opportunity to have complete input. Requests a report come back to Council. Good that we are now talking to the community.

**The General Manager** advised a report will be prepared for Council.

**8 Item 2 TOILETS IN ADMIN BUILDING (21.00036, 07.00031)**

**Cr North** - asked has the matter regarding accessible toilet in the Admin building progressed?

**The General Manager** advised that the Director of Cultural & Community Services is preparing a report.

**9 Item 3 HILL END MEETING - 31 OCTOBER 2017 (20.00177)**

**Cr North** - meeting went well, spoke to works undertaken in the region. Could possibility of Bridle Track being used as a walking trail be examined.

**10 Item 4 PERTHVILLE BRIDGE - WORKS DELAY (36.00623)**

**Cr North** - communication has been slow, best to get information out as soon as possible. The works are causing stress for businesses. Could the works and timetable be reviewed.

**11 Item 5 AUSTRALIA DAY (23.00033)**

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This is page 2 of Minutes of the Policy Committee held on 1 November 2017

**Cr North** - could we look at doing more activities for 2019, to get more community involvement.

**12**      **Item 6 CHRISTMAS DECORATIONS (23.00036, 23.00104)**

**Cr North** - great to hear that increased involvement is occurring.

**13**      **Item 7 BRIDLE TRACK (25.00283)**

**Cr Fry** - advised discussions have been held with State offices in Orange. There may be funds available for walking tracks etc. Also awaiting response from Bridle Track Action Group.

**14**      **ADOURNMENT (11.00005)**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** that the meeting be adjourned to deal with the Discussion Forums scheduled for 6.15 pm.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**15**      **Item 1 MODIFICATION TO DEVELOPMENT APPLICATION NO. 1998/0154 – DEVELOPMENT OF AN INTERMODAL TRANSPORT TERMINAL AT 95 LEE STREET, KELSO. APPLICANT: ASCIANO PROPERTIES OPERATIONS PTY LTD. OWNER: ASCIANO PROPERTIES OPERATIONS PTY LTD (1998/0154)**

Discussion included:

**Peter Wiggins** – White Rock Progress Association President - thanked Council for support over recent years. Referred to submissions made, objects to the modification on a number of issues. Noise containment will be impeded, document includes unsubstantiated claims (noise/vibration). A noise impact assessment is warranted, noise receptors on White Rock Road will be impacted, inconsistent with vegetation management, safety concerns. The opening is too close to intersection of Lee Street and White Rock Road. There are alternatives to the design, asks Council to reject modification. Reduction in dust, noise and reduction in weeds is supported. Referred to impact on Alec Lamberton Field. In support of operations but not the proposal.

**Peter Montgomery** – White Rock Road resident - have submitted an objection with similar concerns as previously raised. Noise issues are a concern, the proposed exit is unsatisfactory, a loop road could be provided on site. The Sound barrier that exists should be maintained.

**Anthony Daintith** – for applicant - spoke to purpose of application, it is only for

access, no other changes to Development Application are proposed. The new access will be sealed and traffic will only be allowed to turn left. Spoke to submissions made and noted access requirements of Council are met. The breach in sound wall will not impact visual impact. Further, this is an industrial area and so expect industry. Internal loop road has not worked with the three previous lessees, it is a safety issue, the site is not large enough to facilitate this. A one way sealed roadway will enhance the safety of the site as it clearly separates various functions. In regards to noise, the operation will meet all requirements of the site and understands the requirement. The site has not been used for 18 months, operator keen.

**Edwald Lehner** – White Rock Road resident - the proposed exit is very close to Lee Street and White Rock Road intersection. Visibility is poor. Expressed concerns at vehicles turning right. Move exit closer to Hampden Park Road and angled so can only turn left out of the site.

**16** **Item 2 DEVELOPMENT APPLICATION NO. 2017/359 – AMBULANCE STATION AT 6 COMMONWEALTH STREET, WEST BATHURST. APPLICANT: HEALTH INFRASTRUCTURE NSW. OWNER: BATHURST REGIONAL COUNCIL (DA/2017/359)**

Discussion included:.

**Bob Triming** – Chair, Bathurst Regional Access Committee - it is a concern there are no planned sealed footpaths to the ambulance station from Durham Street. Noted contractors to provide footpath screening, how do they do this when no path exists. The applicant should be required to put in a footpath up to Durham Street. Do not let what happened at the NSW Service Centre occur here.

**Gordon Lindsay** - heard about the proposal on ABC Radio one to two weeks ago. Spoke to proximity to the sewage treatment works. Cannot understand how this is the most suitable site for these works. Has sent letters to the Councillors and has met with the Mayor and Planning Officer. Noted Council officers not involved in decision making process for the site, also sought the criteria to assess the site. Got limited response of this. Spoke to Council role in the decision making process for the site. The odour from the site can be malodorous. Disgusted Local Government cannot do anything about this. This is not a pleasant site to work in, this is a question of dollars.

**Emma Gosper and Aaron Chandler** – Health infrastructure - spoke to the Rural Ambulance Reconstruction Program from the State. There are 22 projects occurring and the object is to provide enhanced care and has detailed study processes. There is a specialist team which undertakes assessment of possible locations to get optimal responses. Computer software modelling is undertaken. Consultation has been undertaken with local paramedics. Major improvements in comparison to existing locations will occur. Will have enhancement and create a zone office.

**Aaron Chandler**- to pick the site, external consultants were appointed to address all issues. Spoke to traffic assessment and odour studies undertaken. NSW Ambulance and NSW Health Infrastructure are working together to deliver the project. There is no significant odour issues recorded in this area. Air Conditioning

location has been reviewed, the Air Conditioning can have odour emission facilities added if it is deemed necessary in the future. Also spoke to vegetation planting proposals.

**General Business resumed at 6.44 pm.**

## **GENERAL BUSINESS**

### **17      Item 8 TRAFFIC MOVEMENTS, WILLIAM STREET (COLES EXIT) (28.00001)**

**Cr Morse** - have previously raised concerns regarding traffic movements in this area in July 2017 and received a response. When will works occur.

**The Director Engineering Services** advised works will occur over the next couple of weeks.

### **18      Item 9 OFF LEASH AREA FOR SMALL DOGS - KEFFORD STREET (22.01232)**

**Cr Morse** - the area has been fenced, but there is no seating, water access or waste bins.

**The Acting Director Environmental, Planning and Building Services** advised the area has been fenced. Discussions occurring with Engineers for water access, etc. Need to identify funding.

### **19      Item 10 CARILLON PROJECT (04.00021)**

**Cr Morse** - spoke to Working Party discussions on this matter and possible grants. Would like a letter of support from Council for the grant application

### **20      Item 11 BOUNDARY ROAD (BETWEEN MITCHELL & MID WESTERN HIGHWAY) (25.00005)**

**Cr Aubin** - have received concerns from residents that this area is dangerous where the dip is. Could we look at widening.

**The Director Engineering Services** advised would need to be referred to future budgets.

### **21      Item 12 MOUNT PANORAMA (RUBBISH) (04.00098)**

**Cr Aubin** - concerned at the amount of rubbish being dumped. Could we look at weekend detention inmates doing some cleaning in this area.

**22**      **Item 13 BEN CHIFLEY DAM (32.00006)**

**Cr Aubin** - could a report be tabled on the raising of the dam wall. Can it be raised, do we need to get more land, can another site for a dam be identified? We need to cater for increased populations.

**23**      **Item 14 RAILWAY STATION CARPARK (22.00159)**

**Cr Aubin** - congratulated those involved in the carpark , it has enhanced the amenity of the area.

**24**      **Item 15 SHOPPING TROLLEYS (28.00006)**

**Cr Aubin** - there are numerous numbers of trolleys being dumped across the City. This is disgusting. It is Coles, Woolworths, Target and occasional IGA. There are no Aldi trolleys as they have a 'coin operated' system. Could Council write to major retailers seeking they take action on this and institute a coin operated system.

**25**      **Item 16 CITIES POWER PARTNERSHIP (16.00007)**

**Cr Jennings** - would like Council to join this. Noted Centroc reviewing. Flagged will put a Notice of Motion up.

**The General Manager** advised current status of this matter.

**26**      **Item 17 CLIMATE PREDICTIONS WEBSITE (13.00027)**

**Cr Jennings** - would like data put onto Council's website from ADAPT NSW. Spoke to temperature increases expected into the future for the Bathurst region. It will get hotter and drier. The information on website will help people.

**The General Manager** will look at creating link on website.

**27**      **Item 18 POTHOLE REPAIR BUDGET (16.00011)**

**Cr Jennings** - asked what is repair bill for last five years and does heavier rainfall mean greater costs.

**The Director Engineering Services** spoke to history of expenditure, last year major works and rain issues with pavements.

**28**      **Item 19 STREET LIBRARY (21.00054)**

**Cr Jennings** - would like Council to look into this proposal. Cowra has it, so does Blue Mountains and also in Sydney. Would like this to be trialled by Council or get people more aware.

**The Director Cultural & Community Services** advised he would look into this. They are fundamentally driven by the community, not the Council.

**29**      **Item 20 COMPACTING BINS (14.00053)**

**Cr Jennings** - spoke to example in Coffs Harbour and the benefits of these. Could these be looked into and assess costs/benefits.

**30**      **Item 21 WEIGHT ACCOUNT OPTION AT WASTE MANAGEMENT CENTRE (14.00007)**

**Cr Jennings** - asked for this as an option rather than vouchers for residents.

**31**      **Item 22 ALCOHOL AT COUNCIL MEETINGS (11.00008)**

**Cr Jennings** - requests that no free unlimited alcohol be given. Flagged this item for future meeting when the Expenses Policy comes back to Council.

**32**      **Item 23 TOUCH FOOTBALL UPGRADES (04.00033)**

**Cr Jennings** - asked has a proposal been received.

**The General Manager** advised that Parks and Gardens are currently reviewing this.

**33**      **Item 24 TREES FOR SHADE - ALPHA STREET (25.00130)**

**Cr Jennings** - could this be looked at.

**The Director Engineering Services** advised will review the proposal.

**34**      **Item 25 KEPPEL STREET TREES (25.00039)**

**Cr Jennings** - would like this to be reviewed, possibly use of sub surface containers might facilitate this. Do not want to see any carpark spaces lost. Noted that Cnr Bentinck and Keppel Street has no tree.

**The Director Engineering Services** advised the proposal will be reviewed, locating existing services is an issue.

**35**      **Item 26 LIBRARY FORECOURT PLANTING (21.00021)**

**Cr Jennings** - would like a tall slender high canopy tree placed here. Is ground suitable for a tree?

**The Director Engineering Services** advised would need to do investigations, issues such as service location need to be examined.

**36**      **Item 27 LIVE STREAMING OF COUNCIL MEETINGS (11.00005)**

**Cr Jennings** - asked could a report on this be provided to Council.

**37**      **Item 28 ENDURANCE WALK - NATIONAL MOTOR RACING MUSEUM (20.00024)**

**Cr Jennings** - could some options for an alternative proposal be considered and reported to Council.

**38**      **Item 29 FALLEN RACE DRIVERS MEMORIAL (04.00032)**

**Cr Jennings** - queried where this matter is at?

**The General Manager** advised the matter will be investigated.

**39**      **Item 30 BATHURST ENTRANCE STATEMENT 37.00555**

**Cr Jennings** - asked where is this matter up to?

**The Director Engineering Services** advised consultants have been appointed.

**40**      **Item 31 TOURISM SECTOR (19.00005)**

**Cr Jennings** - requests a report on outsourcing tourism sector governance, marketing and events within the region.

**The General Manager** advised a report will be prepared, but will take a period of time given the detail required.

**41**      **Item 32 BATHURST LOGO (20.00299)**

**Cr Jennings** - disappointed at the logo that was produced. It did not capture the essence of the area. Would like an alternate logo be developed from the existing data that has been collected.

**42**      **Item 33 CCTV POLICE COLLABORATION (07.00107)**

**Cr Jennings** - asked how is this going? Spoke to map of where coverage occurs.

**The Director Cultural & Community Services** advised have met with Police. They will provide details of black spots in register of CCTV for the city.

**43**      **Item 34 BATHURST LIBRARY REFURBISHMENT (36.00651)**

**Cr Jennings** - thanked Council for the memo of advice provided.

**44**      **Item 35 SCHOOL HOLIDAYS ENGAGEMENT ACTIVITIES (23.00026)**

**Cr Jennings** - asked are there any engagement activities for next school holidays? Could a scooter, skateboard competition be run?

**The Direct Cultural & Community Services** advised would be too soon for next holidays. Discussions are currently being held with YMCA.

**45**      **Item 36 SHOPPING TROLLEYS (28.00006)**

**Cr Rudge** - agrees some action needs to be taken, they are becoming a real problem.

**46**      **Item 37 BATHURST BRAND (20.00299)**

**Cr Bourke** - advised this process could have been better and looks forward to receiving a report.

**47**      **Item 38 PERTHVILLE COMMUNITY MEETING AGM (20.00177)**

**Cr Bourke** - advised attended AGM last night, some concerns expressed about the bridge and also Prince Street kerb and guttering works requested.

**The Director Engineering Services** spoke to flood mitigation works and that once bridge is completed kerb and guttering will be installed.

**48**      **Item 39 CHRISTMAS DECORATIONS (23.00026, 23.00104)**

**Cr Bourke** - confirmed Councillors will be briefed in the near future on proposal for this year.

**49**      **Item 40 SHOPPING TROLLEYS (28.00006)**

**Cr Bourke** - agrees are a concern and nothing has changed in ten years.

**The Acting Director Environmental, Planning & Building Services** spoke to protocols in place through Local Government NSW.

**50**      **Item 41 POPULARLY ELECTED MAYOR (12.00005)**

**Cr Bourke** - requests a working party be held on this matter.

**51**      **Item 42 NAMING OF COUNCIL FACILITIES (20.00038)**

**Cr Bourke** - asked when will working party be held on this matter?

**The General Manager** noted report drafted, will be referred to future working party.

**52**      **Item 43 COUNCILLORS EXPENSES (11.00008)**

**Cr Bourke** - spoke to existing policy in place and the matter of provision of basic facilities.

**MEETING CLOSE**

**53**      **MEETING CLOSE**

The Meeting closed at 7.38 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 NOVEMBER 2017 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 7 November 2017 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 7 November 2017, 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 7 NOVEMBER 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:05 PM**

**Members:** Mr David Veness (Local Members Office Representative), Acting Sergeant Jason Marks (Bathurst Police), Mr David Vant (Roads and Maritime Services Representative)

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

**APOLOGIES**

**2 APOLOGIES**

That the apologies of Cr Warren Aubin (Bathurst Regional Council) and Ms Jackie Barry (Roads and Maritime Services Representative) be accepted..

*In the absence of Cr Aubin, the Manager Technical Services chaired the meeting*

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 OCTOBER 2017 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 3 October 2017 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 3 OCTOBER 2017 (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 TEMPORARY 'NO PARKING' AT THE HOWICK STREET FRONTAGE OF 136 PEEL STREET (25.00011-06)**

That temporary 'No Parking' signage be installed at the Howick Street frontage of the premises at 136 Peel Street for the duration of construction works.

**8**      **Item 4 ROCKLEY PUBLIC SCHOOL BUS ZONE (07.00006-24/012)**

That Council approve the addition of time restrictions to the bus zone on Hill Street outside Rockley Public School, subject to conditions as detailed in the Director Engineering Services' report.

**9**      **Item 5 NEW YEARS EVE CELEBRATIONS (23.00131)**

That Council approve the traffic management plan for the New Year's Eve celebrations in Victoria Park on Sunday 31 December 2017.

**10**     **Item 6 CHRISTMAS - PICNIC IN THE PARADE (23.00159)**

That Council endorse the Traffic Management Plan for the Picnic in the Parade on Saturday 2 December 2017.

**11**     **Item 7 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS 2018 (18.00022-05)**

That Council endorse the traffic management for the Bathurst Cycling Club road racing and training events for 2018. The events are to be classified as Class 2 events and approved subject to the conditions detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

**12**      **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

**MEETING CLOSE**

**13**      **MEETING CLOSE**

The Meeting closed at 2.15pm.

**NOTICES OF MOTION**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 NOTICE OF MOTION - CR MORSE & CR NORTH (20.00299)**

**Recommendation:** Moved by Crs Morse & North:

That the roll-out of the Bathurst Region Branding Strategy be deferred pending a report on options for the future direction of the Branding.

**Report:** Notice is hereby given:

That the roll-out of the Bathurst Region Branding Strategy be deferred pending a report on options for the future direction of the Branding.

**Financial Implications:** Nil.

### **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 4.7

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 NOTICE OF MOTION - CR BOURKE & JENNINGS (20.00299)**

**Recommendation:** Moved by Crs Bourke & Jennings:

That Council continue with its Brand Strategy, but requests the consultants to provide two additional redesigned logos and two additional redesigned tag lines for consideration by Council.

**Report:** Notice is hereby given:

That Council continue with its Brand Strategy, but requests the consultants to provide two additional redesigned logos and two additional redesigned tag lines for consideration by Council.

**Financial Implications:** Nil.

### **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 4.7

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 NOVEMBER 2017

## **1 MINUTES - AUSTRALIA DAY WORKING PARTY - 24 OCTOBER 2017 (23.00033)**

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

**Report:** The minutes of the Australia Day Working Party held on 24 October 2017 are shown at **attachment 1**.

**Financial Implications:** N/A

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.