



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

14 March 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
21 March 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 21 March 2018 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.

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 21 MARCH 2018**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 FEBRUARY 2018

**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 - 7 MARCH 2018
- \* MINUTES - TRAFFIC COMMITTEE MEETING - 6 MARCH 2018

**10. NOTICES OF MOTION**

Nil

**11. RESCISSION MOTIONS**

Nil

**12. COUNCILLORS/ DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 FEBRUARY 2018

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 FEBRUARY 2018

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

**Recommendation:** That:

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

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

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RESIDENTIAL LEASE AGREEMENT - PART LOT 2 DP749753 KNOWN AS 200 COLLEGE ROAD, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN STRAIGHT, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

3	PROPOSED SUBDIVISION AND PURCHASE OF LAND AT LOT 12 DP1159190 KNOWN AS 51 GORMANS HILL ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF CIVIL WORKS - SUNBRIGHT RESIDENTIAL ESTATE - STAGE 1	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 CULTURAL & COMMUNITY SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR BATHURST RAIL MUSEUM CONTENT DESIGN, FABRICATION AND INSTALLATION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 FEBRUARY 2018 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 February 2018 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 February 2018, 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 21 FEBRUARY 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**2 MEDIA - PHOTOGRAPHS (11.00005)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

**RESOLVED:** That Council allow photographs to be taken during the meeting.

**PUBLIC QUESTION TIME**

**3 PUBLIC QUESTION TIME**

**J Grima** – Applicant - Item #6 of the Director Environmental, Planning & Building Service's report

Noted issues, especially regarding the koala population. The development is not a "puppy farm", spoke to the RSPCA definition. Noted large yards included in the development, conditions of the facility and the demand for small breeds of dogs. Spoke of the shortage of reliably bred dogs. Noted matters raised by animal activists, which are largely false in relation to this DA. Asks Council to vote in support of the development.

**D Leslie** – Item #4 of the Director Environmental, Planning & Building Service's report

Representing Raglan residents. Requests Council to defer the decision. The estimate of truck movements (around 400) in the DA is not a true reflection of the DA. It is more like 1,130. Requests an engineering audit be undertaken of the DA to confirm the real number of truck movements and noise levels by an independent traffic engineer.

**A Hiskins** – Animal welfare advocate - Item #6 of the Director Environmental, Planning & Building Service's report

We often do not listen to animals or consider their welfare. Opposes the development and all intense breeding facilities. Council should be looking after the concerns of the animals and work with re-homing organisations. Spoke of ethical concerns; just because it is legal does not make it ethical. Where is the benefit to the animals and the Bathurst community? For sustainable development, the community needs should be the priority, not the individual or developer. Feels intensive breeding is not acceptable.

**L Ryan – Animal Justice Party NSW - Item #6 of the Director Environmental, Planning & Building Service's report**

An active activist for animals. Supports the submission from Animal Liberation. Noted she has read the full Council report and the applicants documents. Believes Council report has not adequately addressed risks, especially in relation to the koala population. There is no benefit to the community. The development may be legal but Council must consider what the NSW and local community want. Requests Council not to approve development.

**W Gosling – Town Planner for the Applicant - Item #6 of the Director Environmental, Planning & Building Service's report**

Supports the Council recommendation. The site was chosen as the best choice from a number that were considered. Mentioned the noise levels of the development and noted the conditions will cover this. Spoke to other issues such as water quality, and koala population. Outlined safe guards to be installed to protect koalas. Noted the specific dogs being bred at the facility are not aggressive breeds. The proposal is permissible in the planning zone and complies with planning controls. The applicant agrees that dogs should not be put into pounds.

**G Willard – resident of Lansdowne Drive - Item #4 of the Director Environmental, Planning & Building Service's report**

Spoke to container movements, believes log truck movements will be over 1,100. Spoke to concerns with the noise report. The report has not considered residents in the area. Requests a proper noise assessment to be done.

**J Byrne – resident - Item #4 of the Director Environmental, Planning & Building Service's report**

Noted containers from other two transport facilities in Bathurst do not go on road. This development will put containers on the road unnecessarily. Egress onto highway will be impeded and not safe. RMS response did not consider risks to cars at risk from trucks. Requests Council look closely at the DA.

**D Larnach – Geds Enterprises representative - Item #4 of the Director Environmental, Planning & Building Service's report**

Feels the Ceramic Avenue site is a good site for this DA. The RMS indicates the road is adequate and they are the experts. Current business fills five trains per week, which removed 10,000 truck movements from road network. The proposal is needed to fill supply chain shortages. The business group is local and invested in Bathurst. Requests Council approve the development.

**K McNab – Mitre/Suttor/Lambert Street intersection**

Noted 5,147 people have signed the petition for a roundabout to be built. Spoke to comments on social media in relation to this issue. Currently following up with Government representatives on funding decision. It has been 21 years of inaction by Council. Noted 1,926 children attend three schools in the area. If there is no Government funding, Council needs to get on with the job.

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



Lives close to the intersection. Is fearful travelling through the intersection. Councillors who have children should understand why the intersection needs fixing. Spoke to petition, 17.5% of eligible voters have signed the petition. Spoke of new roundabout in Orange. Questioned why Orange site is suitable for Government funding and Suttor Street is not. Spoke of Councillors supporting the cause.

Congratulated Engineers on limiting parking to one side of street on Alamein Walk.

#### **B Trimming – Bathurst Regional Access Committee**

Spoke to submission on support for a roundabout at the intersection of Mitre, Suttor and Lambert Streets.

Suggested there is a need for a layback at the intersection of Pacific Way.

Feels the front of the Civic Centre building needs a spruce up. The tourist attraction out the front of Civic Centre needs attention, particularly the plaques, there is decaying concrete and the flagpoles need painting.

#### **G Crisp – ratepayer**

Spoke to Code of Conduct and sexual relations between Councillors and staff. Made submission to South Australian Water Inquiry. Spoke to harassment by Council. Why is there no change to irregularities at development on Howick Street? Has not received a letter.

#### **C Schubert – Architect - Item #7 of the Director Environmental, Planning & Building Service's report**

Spoke of the brief for the development, to make the house work for a family. Believes the house would rate highly on a heritage review. Spoke of consideration of heritage in development of proposal, particularly window sills and roof lines. Disagrees with fake heritage, requests Council approve development.

### **APOLOGIES**

#### **4 APOLOGIES**

Nil.

### **MINUTES**

#### **5 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 FEBRUARY 2018 (11.00005)** **MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 February 2018 be adopted.

**DECLARATION OF INTEREST**

- 6** **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 Environmental Planning & Building Services' Report**

- 7** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr A Christian and **SECONDED** Cr J Rudge

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

- 8** **Item 1.01 SUSPENSION OF STANDING ORDERS (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with Item 6 of the Director Environmental, Planning & Building Services report - Development Application No. 2017/394 - Dog Breeding Facility at 1557 Rockley Road, Rockley.

- 9** **Item 1.02 DEVELOPMENT APPLICATION NO. 2017/394 – DOG BREEDING FACILITY AT 1557 ROCKLEY ROAD, ROCKLEY. APPLICANT: ROCKLEY VALLEY PARK PTY LTD. OWNER: GREENFIELD PROPERTY NOMINEES PTY LTD (DA/2017/394)**  
**MOVED** Cr M Morse 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. 2017/394, 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) A complaints management plan is to be established, including a record for verbal and telephone complaints, investigation and relevant testing measures, timeline for action to be completed and confirmation of follow up with complainant. The record of complaints and actions is to be submitted to Council at least quarterly during the first year of operation and then annually thereafter.
  - (ii) The vegetation screening along Rockley Road and Black Mountain Road is to be native species other than koala feed species to limit likelihood of koala interactions, and is to be extended along Black Mountain Road to

provide a more effective barrier with neighbours. The screening is to be a distance of 200m (along the southern and eastern security fence) so that the facility is less visible to Black Mountain Road.

- (iii) Regular water and soil testing be conducted on site annually.
- (iv) Noise levels at the nearest non-associated residences are not to exceed the following:

Rated Background Level	Intrusive Criteria	Daytime Noise Penalty	Evening/ Night noise penalty	Acceptable Noise Criteria Day	Acceptable Noise Criteria Evening/ Night
30dBA	35dBA	-5dBA	-10dBA	30dBA	25dBA

- (v) Management procedures to be put in place to prevent the emission of avoidable barking or other noise.
- (vi) All animals to be wholly contained within their breeding and inner yard enclosure between the hours of 6.00pm and 7.00am.
- (vii) Shade cloth, or similar (1800mm in height and a colour conducive to the landscape features) is to be erected along the security fence to reduce barking caused by external stimulus.
- (viii) Acoustic compliance monitoring of not less than 1 week duration is to occur within:
  - (i) 6 months of the facility's operation and
  - (ii) at not less than 80% of the operational capacity.

Acoustic assessment is to take place within 30 metres of the receivers residences, or if permission is not granted, within 1557 Rockley Road at the closest point to the receiver.

- (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

- 10** **Item 1.03 RESUMPTION OF STANDING ORDERS (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council resume Standing Orders.

- 11** **Item 2 GENERAL REPORT (03.00053)**

**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

**12** **Item 3 DEVELOPMENT APPLICATION NO. 2017/484 – THREE STOREY DWELLING WITH ATTACHED GARAGE, RETAINING WALLS, SWIMMING POOL WITH SAFETY BARRIER & PERGOLA AT 40 GOVERNORS PARADE, WINDRADYNE. APPLICANT: REGIONAL CONSTRUCTIONS PTY LTD. OWNER: REGIONAL CONSTRUCTIONS (DA/2017/484)**

**MOVED** Cr I North and **SECONDED** Cr J Rudge

**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. 2017/484, 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) Prior to the issue of any Construction Certificate the applicant is to submit to Council for approval amended plans showing fixed louvered screens on the whole of the northern end of the first floor balcony and for at least 2 metres along the eastern side of the balcony in order to screen the direct view into the rear yard of 38 Governors Parade; and
- (b) 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 4 DEVELOPMENT APPLICATION NO. 2017/410 - TRANSPORT TERMINAL AT 148 CERAMIC AVENUE, RAGLAN. APPLICANT: GEDS ENTERPRISES PTY LTD. OWNER: BORAL CSR BRICKS PTY LTD (DA/2017/410)**

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

**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. 2017/410, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The development is to comply at all times with the recommendations made in the Air Quality Assessment, prepared by GHD, dated December 2017.
- (ii) The development is to comply at all times with the recommendations made

in the Noise Impact Assessment, prepared by GHD, dated October 2017;

(iii) If the number of truck movements are to exceed the threshold, a revised traffic study be submitted;

(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

**14**

**Item 5 DEVELOPMENT APPLICATION NO. 2017/445 – CONSOLIDATION OF LOTS, CONSTRUCTION OF THREE X TWO BEDROOM UNITS AND FOUR LOT RESIDENTIAL SUBDIVISION AT 216 HAVANNAH STREET, BATHURST. APPLICANT: LR CUTLER PTY LTD. OWNER: MR JW SIMONS (DA/2017/445)**  
**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. 2017/445, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and include conditions to the effect:

i) The Applicant is to arrange a Tree Protection Zone for the English Elm tree in accordance with AS4790-2009 or converse with the landholder of 34 Rocket Street for removal. The applicant is to provide to Council, in writing, the preferred method for handling the tree prior to the issue of any Construction Certificate;

(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

**15**

**Item 6 DEVELOPMENT APPLICATION NO. 2017/394 – DOG BREEDING FACILITY AT 1557 ROCKLEY ROAD, ROCKLEY. APPLICANT: ROCKLEY**

**VALLEY PARK PTY LTD. OWNER: GREENFIELD PROPERTY NOMINEES PTY LTD (DA/2017/394)**

This Item was dealt with at Minute #9

- 16** **Item 7 DEVELOPMENT APPLICATION NO. 2017/314 – PARTIAL DEMOLITION, ALTERATIONS AND TWO STOREY ADDITION TO DWELLING AND FRONT FENCE AT 118 MITRE STREET, BATHURST. APPLICANT: MR M & MRS C YEOMAN. OWNER: MR M & MRS C YEOMAN (DA2017/314)**  
**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. 2016/314, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (b) 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 J Jennings, Cr I North, Cr J Rudge

**Against the motion** - Cr G Hanger, Cr M Morse

**Absent** - Nil

**Abstain** - Nil

- 17** **Item 8 REQUEST FOR WORKS IN KIND ARRANGEMENT AND SUBSEQUENT REDUCTION OF CONTRIBUTIONS PAID UNDER SECTION 94 CONTRIBUTIONS PLAN – JORDAN CREEK STORMWATER DRAINAGE MANAGEMENT (DA/2017/239)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) accept the works in kind arrangement "in principle" for the upgrading of Jordan Creek as required by Development Application No. 2017/239 in lieu of Section 94 Contributions for Jordan Creek Stormwater Management; subject to satisfactory contractual arrangements
- (b) contribute \$60,262.90 towards the upgrading of Jordan Creek;
- (c) deem the contribution required by condition 6 of Development Application No. 2017/239 estimated to be \$41,858.10 will be satisfied by the works in kind arrangement; 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

- 18** **Item 9 SMART CITY PROJECT (20.00315)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

- 19** **Item 10 COUNCIL APPOINTMENT AS AN ENFORCEMENT AGENCY UNDER THE FOOD ACT 2003 (14.00002)**  
**MOVED** Cr J Jennings and **SECONDED** Cr J Rudge

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

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

- 20** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

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

- 21** **Item 2 MONTHLY 2017/2021 DELIVERY PLAN REVIEW AND QUARTERLY REVIEW STATEMENT 2017/2018 (16.00148)**  
**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

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

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

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

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

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

- 24** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CANCER COUNCIL "STARS OF BATHURST DANCE FOR CANCER" (18.00004-32/214)**

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

**RESOLVED:** That Council waive the ticket fee associated with ticket sales for the "Stars of Bathurst Dance for Cancer" charity event to be held on Friday, 18 May 2018, with an approximate cost of \$1,000 to be funded from BMEC Section 356 Donations.

**25** **Item 6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.06911, 22.06307, 22.16073)**

**MOVED** Cr I North and **SECONDED** Cr J Fry

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

**Director Engineering Services' Report**

**26** **Item 1 CSU ENGINEERING CADET PROGRAM (18.00051)**

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

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

**27** **Item 2 WATER AND WASTE INFRASTRUCTURE AUGMENTATION UPDATE (32.00013)**

**MOVED** Cr I North and **SECONDED** Cr J Rudge

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

**28** **Item 3 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00659)**

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

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

**Director Cultural & Community Services' Report**

**29** **Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 18 DECEMBER 2017 (07.00116)**

**MOVED** Cr J Rudge and **SECONDED** Cr I North

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

**30** **Item 2 SUMMER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)**

**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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



**31 Item 3 MUSEUMS - INTERNATIONAL MUSEUM SELFIE DAY, WEDNESDAY 17 JANUARY 2018 (21.00107, 21.00050, 21.00112)**

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

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

**32 Item 4 THE END FESTIVAL 2018, HILL END - REQUEST FOR FINANCIAL SUPPORT (23.00026)**

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

**RESOLVED:** That Council provide \$10,000 contribution towards The End Festival 2018, to be funded from Council's advertising and promotions budget.

**REPORTS OF OTHER COMMITTEES**

**Traffic Committee Meeting**

**33 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 FEBRUARY 2018 (07.00006)**

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

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 6 February 2018 be adopted.

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

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

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

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

M Nicholls, Western Advocate - asked about the detail on the three Director Corporate Services & Finance's reports relating to the purchase of property.

**RESOLVED:** That:

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

access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF PROPERTY - WILLIAM 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	PURCHASE OF PROPERTY - BENTINCK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PURCHASE OF PROPERTY - LAFFING WATERS LANE, LAFFING WATERS.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

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

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

- a** **Item 1 PURCHASE OF PROPERTY - WILLIAM STREET, BATHURST (22.06911)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council purchase the property in William Street as detailed in the report.

- b** **Item 2 PURCHASE OF PROPERTY - BENTINCK STREET, BATHURST (22.06307)**  
**MOVED** Cr A Christian and **SECONDED** Cr W Aubin

That Council purchase the property in Bentinck Street as detailed in the report.

**c**     Item 3 PURCHASE OF PROPERTY - LAFFING WATERS LANE, LAFFING WATERS. (22.16073)MOVED Cr W Aubinand SECONDED Cr I North

That Council purchase the property in Laffing Waters Lane, Laffing Waters as detailed in the report.

**Director Engineering Services' Report****d**     Item 1 TENDER FOR DEMOLITION OF HARGRAVES HOUSE (36.00659)MOVED Cr W Aubinand SECONDED Cr I North

That Council accept the tender from Connor Earthmoving in the amount of \$196,115.00 (incl. GST) subject to provisional items and variations.

**RESOLVE INTO OPEN COUNCIL****35**     RESOLVE INTO OPEN COUNCILMOVED Cr I Northand SECONDED Cr J Rudge

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

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****36**     ADOPT REPORT OF THE COMMITTEE OF THE WHOLEMOVED Cr M Morseand SECONDED Cr I North

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

**MEETING CLOSE****37**     MEETING CLOSE

The Meeting closed at 8.12 pm.

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

## GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 MARCH 2018

## **1 DRAFT BATHURST 2040 COMMUNITY STRATEGIC PLAN (03.00180)**

**Recommendation:** That in accordance with Section 402(6) Council place the Draft Bathurst 2040 Community Strategic Plan on public exhibition for a period of at least 28 days and invite the public to make submissions.

**Report:** Guidelines were developed in 2009 by the NSW Government to help improve the way Local Government plans for the future. All Councils in NSW are now required to plan and report in line with the Integrated Planning and Reporting Framework (IP&R). The overarching document is the Community Strategic Plan, which is to be reviewed and adopted within 9 months of the election of Council. The Community Strategic Plan, whilst reflecting the aspirations of the whole of the community, ultimately sets the priorities for Council projects and programs, which in turn provides direction for Council's long term financial planning and annual budgets.

The specific aim of the Community Strategic Plan is:

*"To inform the community about the major direction and programs Council is undertaking in shaping the future of the Bathurst region."*

The Community Strategic Plan (CSP) represents the 'blueprint' for the future of the Bathurst region community, as well as describing the focus of Council's activities. It also recognises that others in the community (individuals, businesses, governments and agencies) must help deliver the strategies of the CSP.

The Bathurst 2040 CSP is the third iteration of the CSP for the Bathurst region. It has evolved since its introduction and includes current priorities of the Council.

The Bathurst 2040 CSP has been developed incorporating the conversations, comments, suggestions and feedback that have taken place over the past 18 months in the development of such plans as the Cultural Vision, Housing Strategy, Destination Management Plan and Heritage Plan. Conversations with Council's various community reference groups, covering areas such as tourism, heritage and natural resources, identified a number of priorities for each of those groups which have informed the development of the CSP. Council's annual village meetings also presented an opportunity to collate and canvass ideas from the village communities. Council has also sought comment from a wide variety of government agencies and community organisations, some of which have contributed to the development of this CSP.

The Bathurst 2040 CSP has been developed around five main themes.

1. A smart and vibrant economy
2. Environmental stewards
3. Enabling sustainable growth
4. Community health, safety and spirit
5. Community leadership

The CSP responds to the current priorities of Council including (but not limited to):

1. Mount Panorama second circuit
2. Development of Bathurst as a Smart City
3. Destination and tourism management
4. Open space and park development
5. Future infrastructure needs and provision

## 6. Former TAFE site redevelopment

The CSP should be considered in light of other supporting documentation including Council's:

- Asset Management Plans.
- Workforce Plan.
- Environmental Studies that detail natural asset management.
- Community Engagement Strategy.
- Strategic planning studies.

The Draft CSP is provided at **attachment 1**.

### The Council Vision

The current vision in the Bathurst 2036 CSP is:

*A vibrant regional centre that enjoys a rural lifestyle, the Bathurst Region achieves health and wellbeing through strengthening economic opportunities, planning for sustainable growth, protecting and enhancing our assets, and encouraging a supportive and inclusive community. A Region full of community spirit and shared prosperity.*

The draft CSP includes the vision as:

Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

Three alternative visions are included below for consideration by Councillors:

1. Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy, with country lifestyle and friendly atmosphere.
2. Bathurst: A vibrant and innovative region that values its community, environment, heritage, diversity, culture and strong economy.
3. Bathurst: A vibrant and innovative region that values its strong economy, its heritage, sporting and cultural facilities and country lifestyle.

The Draft CSP will be placed on public exhibition for a period of not less than 28 days. In addition to traditional and social media campaigns, and again notifying stakeholder groups and agencies, Council will be holding an information session in early April for members of the community.

### Conclusion

The CSP is an integral component of the Integrated Planning and Reporting reforms. The plan represents the blueprint for the future by describing the focus of Council's activities. The Bathurst 2040 CSP has been developed incorporating the conversations, comments, suggestions and feedback that have taken place over the past 18 months. The recent engagement process aimed at refining the community's priorities against a realistic financial picture. It is considered that the draft plan identifies and responds to the community's vision and priorities for the future.

It is now appropriate for the draft CSP to be placed on public exhibition to enable final

community input before Council considers its adoption. Under the Local Government Act a minimum 28 days exhibition period is required.

It is recommended that Council place the Draft Bathurst 2040 Community Strategic Plan on public exhibition.

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

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.1 30.2 30.6
- Objective 33: To be and develop good leaders. Strategy 33.5

**Community Engagement**

- Collaborate To partner with the public in each aspect of decision making including the development of alternatives and identification of the preferred solution.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 MARCH 2018



## **1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

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

**Report:** Note for Councillors information: amendments to the Environmental Planning & Assessment Act came into effect on 1 March 2018. The amendments had the effect of renumbering sections of the Act. Section 79C is now Section 4.15.

Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

### 4.15 Evaluation (cf previous s 79C)

#### (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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, 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 4.16 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 4.16 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 4.28 (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 approved using authority delegated to the Director Environmental Planning & Building Services during February 2018 (**attachment 1**).
- (b) Applications refused during February 2018 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination 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 February 2018 (**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. 2017/221 – BOUNDARY ADJUSTMENT, DUAL OCCUPANCY, RETAINING WALLS AND TWO LOT SUBDIVISION AT 1 POATE STREET, WINDRADYNE. APPLICANT: REGIONAL CONSTRUCTION PTY LTD. OWNER: REGIONAL CONSTRUCTION PTY LTD (DA/2017/221)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/221, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Evidence of registration of the proposed boundary adjustment is to be submitted to Council prior to the issue of any Construction Certificates for the proposed dwellings; and
- (b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a boundary adjustment, dual occupancy, retaining walls and two lot subdivision at 1 Poate Street, Windradyne, described as Lot 1095 DP 1215618. The proposed boundary adjustment is with the adjoining property at 2 Matthews Street described as Lot 1101 DP 1215618.

A location plan and aerial photo are provided at **attachment 1**.

The subject site is located on the corner of Poate Street and Twynam Avenue in the suburb of Windradyne.

The subject site currently has an area of 782.5m<sup>2</sup>. Following the boundary adjustment (stage 1 of the proposed development) the subject site will have an area of 850.3m<sup>2</sup>.

The subject site is currently vacant and is surrounded by residential development.

**History of the Site**

Council, at its Ordinary Meeting held 21 September 2016, refused a Development Application (DA 2016/237) for a dual occupancy, retaining walls and two lot subdivision on the subject site because the site area was less than the minimum lot size specified for dual occupancies in Clause 4.1 B of Bathurst Regional LEP 2014 and Section 4.3 of Bathurst Regional DCP 2014.

**The proposal**

The current proposal involves:

Stage 1 – A two lot boundary adjustment between Lot 1095, DP 1215618 (the subject lot) and Lot 1101, DP 1215618 (the adjoining lot) to increase the area of the subject lot by 67.8m<sup>2</sup> to a total of 850.3m<sup>2</sup>;

Stage 2 – Dual occupancy, retaining walls and two lot subdivision

Following completion of Stage 1, the boundary adjustment, the subject site will have an area of 850.3m<sup>2</sup> which therefore achieves compliance with the minimum lot size for dual occupancies on the Minimum Lot Size – Dual Occupancy Map, in Clause 4.1B of Bathurst Regional LEP 2014 and Section 4.3 of Bathurst Regional DCP 2014, which is 850m<sup>2</sup>.

Refer to **attachment 2** for plans of the proposed development.

### Planning Context

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

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dual occupancies, retaining walls and subdivision are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

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

The minimum lot size for the subject site for dual occupancies, as shown on the Minimum Lot Size – Dual Occupancy Map, is 850m<sup>2</sup>. The subject site will be 850.3m<sup>2</sup> after the boundary adjustment with the adjoining lot being Lot 1101 DP 1215618 (2 Matthews Street). The subject site is therefore compliant with Clause 4.1B and the Minimum Lot Size – Dual Occupancy Map.

In August 2016, approval was granted for a dual occupancy and two lot residential subdivision on the adjoining lot (Lot 1101 DP 1215618, 2 Matthews Street). Following the boundary adjustment the adjoining lot will have an area of 872m<sup>2</sup> and therefore a dual occupancy remains permissible on the adjoining lot.

#### **4.3 Height of buildings**

The proposed development will have a maximum of 5 metres building height at the greatest extent. The maximum height of building pursuant to the Height of Buildings Map is 9 metres and the proposal therefore complies.

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

### **Chapter 4 Residential Development**

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual occupancy is permissible with consent in the precinct. Subject to the boundary adjustment to increase the lot to 850.3m<sup>2</sup>, the proposal complies with the objectives of the Precinct and the development standards for dual occupancy:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	850.3m <sup>2</sup>	850m <sup>2</sup>	<b>YES</b>
Density	NA	NA	<b>NA</b>
Site Coverage	40.9%	50% maximum	<b>YES</b>
Height- Dwelling 1	5.2m	Two- storey maximum	<b>YES</b>
Height- Dwelling 2	5.1m	Two-storey maximum	<b>YES</b>
Dwelling 1 - Setbacks Front	8m combined	6m or 8m combined	

Rear Side	900mm 900mm	In accordance with BCA In accordance with BCA	<b>YES</b>
Dwelling 2 - Setbacks Front Rear Side	8m combined 900mm 900mm	6m or 8m combined In accordance with BCA In accordance with BCA	<b>YES</b>
Dwelling 1 - Car parking Resident Visitor	2 1 stacked	1 1	<b>YES</b> <b>YES</b>
Dwelling 2 - Car parking Resident Visitor	2 1	1 1 stacked	<b>YES</b> <b>YES</b>
Accessway Width - Dwelling 1 & 2	>3m	3-6m wide	<b>YES</b>
Open space area Dwelling 1	133m <sup>2</sup>	50m <sup>2</sup>	<b>YES</b>
Open Space area Dwelling 2	75m <sup>2</sup>	50m <sup>2</sup>	<b>YES</b>
Open space width	>4m	4m wide	<b>YES</b>
Garage doors	37%	50% of façade	<b>YES</b>
Battle-axe allotment(P2/P3 only)	NA	Regular allotments only	<b>NA</b>
Frontage width(P2/P3 only)	>20m	Minimum 20 metres	<b>YES</b>
Frequency(P2/P3 only)	Corner	Corner allotment or 40metre separation	<b>YES</b>
Floor area (secondary dwelling)	NA	NA	<b>NA</b>

### **Chapter 16 Earthworks**

<b>Development standard</b>	<b>Compliance</b>	<b>Comment</b>
Extent of cut and fill shown on plans	YES	Cut of 600mm is proposed
Height and location of retaining walls shown on plans	YES	Retaining walls will be a maximum 600mm high
Cut and fill on boundary 1 metre or less	YES	The development complies
Retaining walls on boundary of material other than timber	YES	Can be imposed as a condition of consent.

### Submissions

The development application was advertised and notified to adjoining property owners from 18 July 2017 to 28 July 2017. Following the notification period, no submissions were received.

### Conclusion

The proposal is for a boundary adjustment, dual occupancy, retaining walls and two lot subdivision at 1 Poate Street, Windradyne.

The boundary adjustment between the subject lot and the adjoining lot (Lot 1101 DP 1215618) increases the area of the subject lot so that it meets the prescribed minimum lot

size for dual occupancies. The new lot is then proposed to be resubdivided into two residential lots, each containing a dwelling and retaining walls.

Whilst the proposal is typical of the style of residential development in the suburban areas of Bathurst with no unique urban design qualities, the proposal complies with the relevant planning controls specified under the Bathurst Regional LEP 2014 and Bathurst Regional DCP 2014 and therefore approval 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



**4 DEVELOPMENT APPLICATION NO. 2017/396 – 224 LOT SUBDIVISION INCORPORATING 221 RESIDENTIAL LOTS, 1 LOT IDENTIFIED AS FUTURE SCHOOL, 1 OPEN SPACE LOT AND 1 RURAL LOT AT FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN AND RATSEP. OWNER: HYNASH PTY LTD (DA/2017/396)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/396, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a 222 lot subdivision incorporating 219 residential lots, 1 lot identified for future school use, 1 open space lot and 1 rural lot at Freemantle Road, Eglinton, described as Lot 11 DP872694.

The site is 44.46 hectares in total. Of this approximately 30.48 hectares is to be developed for urban purposes.

The site is bound by Freemantle Road to the north, the existing Village of Eglinton including Eglinton Public School to the east, Logan Street to the south and rural land to the west.

A notable natural feature of the land is the waterway which runs generally north south through the site.

A location plan and aerial photo are provided at **attachment 1**.

**History of the Site**

The site has had a historical use of agriculture. The majority of the land was rezoned to residential as part of Eglinton expansion area in 2013. More recently an amendment was made to Bathurst Regional Local Environmental Plan to accommodate realignment of the existing waterway traversing the land, increase the area available for residential expansion and provide a more suitable road layout. In doing so, realignment of the waterway introduces additional environmental risks particularly during construction.

**The proposal**

The proposal involves a 222 lot subdivision. Refer to **attachment 2** for a plan of proposed development.

The proposal includes 219 residential lots, 1 lot identified for future school use, 1 open space lot and 1 rural lot. Each residential lot is greater than the minimum lot size of 900m<sup>2</sup>.

The proposed lot adjoining Eglinton School (lot 220) is consistent with the area designated for future school use under Council's adopted DCP.

The open space/drainage lot (lot 221) is consistent with the area designated as open space under Council's LEP. Part of the water course will be relocated from its current position into this allotment.

The rural lot (lot 222) will continue to be used for agricultural purposes.

### Planning Context

#### *Water Management Act 2000*

As the proposal involves relocation of the existing water course approval will be required from the Department of Primary Industries – Water. The development is therefore integrated development pursuant to Section 4.46 of the EP&A Act 1979. The Department of Primary Industries – Water has provided its General Terms of Approval and accordingly consent may be granted. The Developer will be required to obtain a Controlled Activity Approval prior to commencing any works.

#### *National Parks and Wildlife Act 1974*

The site is clear of significant vegetation and has been extensively cropped. The land is vacant of any mature vegetation but contains waterbodies that may contain sensitive areas.

The site has the potential to contain aboriginal heritage given its proximity to water. In addition the OEH Aboriginal Heritage Information Management System (AHIMS) database identifies a site within the creek line on the western boundary of the site. The site has been recorded as a location for aboriginal resource and gathering.

In response the owner commissioned an Aboriginal Due Diligence Archaeological Assessment for the site.

The Due Diligence Assessment included visual inspection of the site by archaeologists and members of the aboriginal community. The identified AHIMS site has been recorded as an "aboriginal resource gathering site, with no stone artefacts identified". No aboriginal artefacts were identified in the AHIMS site or on the site generally.

The Due Diligence has made a number of recommendations including staff and contractor education and amending and resubmitting the AHIMS data to reflect the updated information. These can be incorporated into consent conditions.

An Aboriginal Heritage Impact Permit (AHIP) is not required.

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

The subject site has multiple zones, including R1 General Residential, RE1 Public Recreation, and RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The overall subdivision is consistent with respective zones applying to the land and is consistent with the objectives of the zone.

### **Clause 7.1 Flood planning**

Part of the southern extremity of the site is identified as subject to flooding during the 1% AEP flood event.

Lots at the southern end will require earthworks to raise the ground level to a minimum of

500mm above the 1% AEP flood level.

*Bathurst Regional Development Control Plan 2014*

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

The Development Application was advertised and notified to adjoining property owners from 23 October 2017 to 21 November 2017. Following the advertising and notification period a total of two (2) submissions were received (see submissions at **attachment 3**).

A Discussion Forum was held on 23 January 2018 (see minutes of discussion forum at **attachment 4**). Issues raised in the submissions and at the discussion forum included:

- Traffic impact on local Eglinton road network

**Comment:** The proposal for 219 lot subdivision will increase vehicular and pedestrian traffic within the local network. The increase in traffic from this land and the much larger Eglinton expansion area was originally considered by Council during the rezoning process.

The planning response to the increase in vehicular traffic generation has been the preparation of Council's *Roadworks – New Residential Subdivisions Section 94 Plan*. The Section 94 Plan requires developers to provide monetary contributions towards funding road upgrades in the area.

Within the immediate vicinity of the site the Section 94 Plan identifies future roundabouts at the intersections of Alexander and Wellington Streets, Alexander and Logan Streets and Eglinton Road and Rankens Bridge. The Plan also identifies upgrading works to Alexander Street (between Cottonwood and Park Streets).

The timing of these works is determined by Council through its budgetary processes. Council's Engineering staff believe there is sufficient capacity in the existing road network to accommodate additional vehicular traffic in the short term.

The other issue raised is the adequacy of the existing roundabout on the corner of Hamilton and Logan Streets. The issue has similarly been raised at a number of Eglinton Village meetings and has been investigated by Council's Engineering Department in response. This has resulted in some works to the linemarking on the Rankens Bridge and Hamilton Street legs to reduce speed through the roundabout.

Note that the development will require works to upgrade Logan Street and Freemantle Road along the frontage of the land.

- Planning for potential growth of Eglinton Public School

**Comment:** Council has identified an area of 1.1ha under its Development Control Plan as being for future school use. The development proposal is consistent with that Plan in that the land is to be retained as a single lot.

Responsibility for acquisition of the land from the developers would rest with the Department of Education and be contingent upon the two parties coming to terms. For present purposes the application maintains the capacity for that process to occur.

## **Chapter 3 Subdivision of Land**

<b>Standard</b>	<b>Permissible</b>	<b>Proposed</b>	<b>Complies?</b>
Minimum Lot Size	900m <sup>2</sup>	All lots 900m <sup>2</sup> or greater	YES
Frontage width	20m	20m	NO*
Access handle width	>3m	>3m	YES

\* Not all lots present a 20m frontage width, due to the lot layout and the curving nature of the open space corridor. The variations are considered minor and acceptable under the circumstances.

### **Electricity and Telephone**

Conditions have been imposed to ensure that prior to the issue of the subdivision certificate, the developer provides documentary evidence which confirms that electricity and telephone services will be available to the proposed allotment.

### **Roads**

Conditions have been imposed in relation to the provision of roads in accordance with the Development Control Plan and Council's Guidelines for Engineering Works.

### **Drainage**

Conditions have been imposed in relation to the provision of drainage.

### **Reticulated Water & Sewer**

Conditions have been imposed in relation to the provision of separate connections to water and sewer for the proposed allotments.

### **Soil & Water Management**

Realignment of the waterway and the amount of cut and fill on parts of the site create a significant erosion risk, particularly during construction.

Conditions can be imposed to ensure that the provisions of Council's Environmental Management Guidelines for Land Development are observed.

### **Overall consistency with DCP Map**

The subdivision design has been amended during the assessment process to be reasonably consistent with the DCP map. The provision of roads, pathways and cycle ways will improve linkages throughout the subdivision.

### Conclusion

The proposed development seeks consent for a 222 lot subdivision within the suburb of Eglinton. The area was identified for residential purposes in 2013.

The proposed development will provide new housing stock to support continued growth within Eglinton and Bathurst. The proposed development will provide social and economic benefits to the region. The land to the north zoned for commercial and retail use will enhance the amenity of the area in the future, providing the day to day needs for current and future residents.

**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. 2017/403 – PARTIAL CHANGE OF USE TO OFFICE PREMISES AND SIGNAGE– 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY LTD (DA/2017/403)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/403, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and include conditions to the effect that:
  - (i) Amended plans are to be submitted of the proposed signage showing no illumination,
  - (ii) Side and rear fencing is to be no higher than 1800mm,
  - (iii) The installation of exterior lighting to all vehicular manoeuvring and parking areas is to be designed and installed so that no obtrusive light will cast onto any adjoining property, and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received two Development Applications (DA) at 125 Russell Street, Bathurst, described as Lot 91 DP 996254.

DA 2017/403, the subject of this report, is for the partial change of use to office premises. DA 2018/5, which is the subject of a separate report, is for the partial change of use to takeaway food premises. A location plan and aerial image are provided at **attachment 1**.

The site contains a single storey dwelling which has recently had alterations and additions undertaken with consent under DA 2016/445. Access to the site is located on the southern side of the dwelling. A right-of-carriageway is provided over 125 Russell Street in favour of 127 Russell Street along this southern side.

The site is located in the Heritage Conservation Area but not listed as a heritage item.

**History of the Site**

The site is understood to have a long history of residential use. The building is Late Victorian (1875-1901) and has a streetscape rating of Contributory.

Development Consent 2016/445 approved internal and external alterations and additions to the dwelling house. The works included demolition of the unsympathetic additions that did not include the original fabric of the building. The works retained the original core of the dwelling.

It is understood, once the works were completed, a commercial operation began utilising the front part of the dwelling. This included a 'hot desk' arrangement whereby people can pay a fee and receive a desk, Wi-Fi and telephone access. The intention is to enable small

businesses or sole operators to temporarily use office space. This type of operation is considered an office premises, requires consent from Council and was not part of DA 2016/445.

### The proposal

DA 2017/403 seeks retrospective consent for the use of the front part of the building as an office premises and associated signage. Two additional car parks can be provided on site. An illuminated sign is proposed on the façade (1050mm x 820mm). The rear part of the building will continue to be used as a dwelling. Plans of the proposed development are at **attachment 2**.

A separate DA for the site, 2018/5, seeks consent for a hole in the wall coffee shop and is the subject of a separate report to Council (refer item 6 of DEPBS Report).

### Planning Context

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

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. An office premises is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

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

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

Development Standard	Proposed	Permissible	Compliance
Setbacks	Existing setbacks of building apply for front rear and side.	Existing	<b>YES</b>
Floor space ratio	NA	NA	<b>NA</b>
Height	NA	NA	<b>NA</b>
Car parking	2	2	<b>YES</b>
Bicycle parking	YES, area available for bicycle parking	YES	<b>YES</b>
Accessway Width	<3m	6m	<b>NO*</b>
Landscaping	Existing landscaping	Existing landscaping likely to comply with requirements	<b>YES</b>
Appropriate signage	1050mm x 820mm illuminated sign	Illumination of signs not permissible	<b>NO**</b>

\* The existing access way is not compliant but given the low traffic volume anticipated and use of existing arrangement, it is considered acceptable in this instance.

\*\* Illuminated signage within residential zoned areas is contrary to Clause 12.2.4 of the DCP which requires that consent must not be granted. It is proposed that a condition of consent be imposed requesting amended plans showing signage with no illumination.

### **Chapter 10 Urban Design and Heritage Conservation**

The proposal involves minimal further external alterations beyond that previously approved

under DA2016/445.

The proposed illuminated sign is not supported within the Heritage Conservation Area or the R1 General Residential zone. The 1050mm x 820mm sign, whilst modest in size, is not consistent with Clause 12.2.4 of the Bathurst Regional DCP 2014. Clause 12.2.4 states Council must not grant consent to the erection of illuminated signage in the R1 General Residential zone. The proposed sign is contrary to this provision and amended plans should be submitted for a business identification sign that is not illuminated.

### **Chapter 11 Outdoor Lighting**

Chapter 11 of the Bathurst Regional DCP 2014 provides requirements for limiting obtrusive lighting. Poorly designed lighting can lead to sky glow, light spillage and direct glare.

The lights on the subject site, predominately the eastern side of the building, are considered obtrusive to the surrounding residential neighbourhood. Conditions can be imposed for mitigation measures including shields, baffles and appropriate wattage.

### **Chapter 14 Parking**

Bathurst Regional DCP 2014 requires 1 car parking space for every 50m<sup>2</sup> of office area. The portion of the building used for office space is 68.7m<sup>2</sup>. This triggers a requirement of 2 car parking spaces in addition to the 1 space for the existing dwelling i.e. 3 in total. The plans show one car parking space is provided in the front area and two at the rear area. This results in compliance with the requirement for office space car parking, provided access is available at all times.

The rear carpark is located behind a gate and may not be accessible unless satisfactory arrangements are made between tenants of the dwelling and the commercial component of the building. This may be remedied by either removing the gates or ensuring access through the leasing arrangements.

### **Public Notification**

Development Application 2017/403 was advertised and notified to adjoining property owners from 30 October 2017 to 13 November 2017. Following the advertising and notification period a total of two (2) submissions were received (see submissions at **attachment 3**).

Those persons who lodged submissions to Development Application 2017/403 have also been provided with copies of the plans submitted for Development Application 2018/5.

Attempts to arrange an agreed time for a Discussion Forum have not been successful. It was decided the matter be put before the Council Policy Meeting Discussion Forum held on 7 March 2018 in order to progress the applications. Minutes of the Discussion Forum are at **attachment 4**. Issues raised in the submissions are summarised as follows:

- Operating without consent

**Comment:** Retrospective consent is being sought via this Development Application.

- Parking and parking impact on the street

**Comment:** The proposal is compliant with the Bathurst Regional DCP 2014 requirement for car parking spaces. The site provides 3 car parking spaces, one at the front and 2 at the rear of the dwelling. This is compliant with the Bathurst Regional DCP 2014 provided



the car parking space at the rear is accessible at all times. An appropriate condition can be imposed to require access to these spaces.

- Access to right-of-carriageway

**Comment:** The right-of-carriage on 125 Russell Street provides access to 127 Russell Street. The prevention of access is a civil issue beyond the scope of this application.

- Lights and glare into neighbouring properties

**Comment:** Conditions of consent can be imposed to ensure lighting is appropriate. Mitigation measures such as shields and baffles should be used to reduce light spill.

- Fence is higher than standard fencing

**Comment:** Rear and side fencing is exempt development provided it is no higher than 1800mm. The plans submitted do not provide detail on the height of fencing. A condition can be imposed that fencing be 1800mm in height or separate consent sought.

### Conclusion

The proposed development provides an office space for small businesses to operate. The proposal activates lower Russell Street, consistent with other commercial business operations in the locality.

The proposal is not considered to generate adverse noise or economic impacts. The proposal utilises mixed use opportunities that will service a niche market.

Despite disagreements with owners of neighbouring properties, the development is permissible with consent in the zone. The site provides adequate car parking spaces and the building can be altered to conform to Building Code of Australia requirements.

Approval is therefore recommended.

**Financial Implications:** Nil.

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

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

### **Community Engagement**

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

**6 DEVELOPMENT APPLICATION NO. 2018/5 – PARTIAL CHANGE OF USE TO TAKEAWAY FOOD PREMISES – 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY (DA/2018/5)**

**Recommendation:** That Council:

- (a) as the consent authority, refuse consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/5, for the following reasons:
  - (i) The development is inconsistent with the objectives of the R1 General Residential zone notably it is incompatible with the amenity of the area.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received two Development Applications (DA) at 125 Russell Street, Bathurst, described as Lot 91 DP 996254.

DA 2018/5, the subject of this report, is for the partial change of use to takeaway food premises. DA 2017/403, reported separately, is for the partial change of use to office premises. A location plan and aerial image are provided at **attachment 1**.

The site contains a single storey dwelling which has recently had alterations and additions undertaken with consent under DA2016/445. Access to the site is located on the southern side of the dwelling. A right-of-carriageway is provided over 125 Russell Street in favour of 127 Russell Street along this southern side.

The adjoining development comprises residential development consisting of single dwellings on both sides and residential units to the rear. Commercial development is located on the opposite side of Russell Street.

The site is located within the Heritage Conservation Area but is not a listed heritage item.

**History of the Site**

The site is understood to have a long history of residential use. The building is Late Victorian (1875-1901) and has a streetscape rating of Contributory.

Development Consent 2016/445 approved internal and external alterations and additions to the dwelling house. The works included demolition of the unsympathetic additions that did not include the original fabric of the building. The works retained the original core of the dwelling.

**The proposal**

The proposal seeks consent for a takeaway food and drink premises, being a hole in the wall type coffee shop on the eastern side of the building. The servery area will occupy the vestibule area associated with the proposed commercial premises.

The entrance to the premises would be approximately 10.5m from the footpath.

The applicant proposes the business will operate between 7am-3pm, seven days a week, with no seating provided. The food would be small pre-packaged items including cookies and cakes. The plans are located at **attachment 2**.

### Planning Context

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

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The use is defined as being a take away food and drink premises *being premises that are predominantly used for preparation and retail sale of food or drink (or both) for immediate consumption away from the premises*. A *takeaway food and drink premises* is permissible with consent in the R1 General Residential zone.

Clause 2.3 requires that the consent authority must have regard to the objectives for development in a zone when determining a development application. In this case those objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.*
- *To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.*
- *To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.*

It is noted that whilst the objectives of the zone can enable other land uses, the objectives also require that commercial development must be compatible with the amenity of the area. Given the early trading hours, 7 day a week operation and the potential for patrons to congregate at the premises directly adjoining residents, it is considered that the proposal cannot be said to be compatible with the amenity of the area.

The location of the coffee shop relative to the adjoining dwellings would exacerbate noise impacts associated with patrons visiting the premises particularly at early hours of the morning.

Likewise, the development has the potential to impact on the privacy of the adjoining dwelling at 121 Russell Street. The location of the coffee shop is in line with the dwelling at 121 Russell Street. Patrons of the coffee shop would be required to walk past the side of 121 Russell Street effectively bringing patrons down the side of the dwelling for up to 8 hours every day. Mitigation measures such as high fencing or vegetation could provide a barrier but would not remove the sense of an invasion of privacy.

The proposal could therefore be considered inconsistent with the objectives of the zone.

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

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

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Setbacks	Existing setbacks of building apply for front rear and side.	Existing	<b>YES</b>
Floor space ratio	NA	NA	<b>NA</b>
Height	NA	NA	<b>NA</b>
Car parking	0	0	<b>NA</b>
Bicycle parking	YES, area available for bicycle parking	YES	<b>YES</b>
Accessway Width	<3m	6m	<b>NO*</b>
Landscaping	Existing landscaping	Existing landscaping likely to comply with requirements.	<b>YES</b>

\* The existing access way is not compliant but given the use of the existing arrangement, it is considered acceptable in this instance despite the possibility of additional vehicular traffic.

### ***Chapter 10 Heritage Conservation***

The subject site is within the Heritage Conservation area but not individually listed as a Heritage Item. The proposed coffee shop is not considered to adversely impact on the surrounding Heritage conservation of the area. The coffee shop is not within an original core of the dwelling so should have no adverse impact on the original core or fabric of the dwelling.

No signage is proposed.

According to the applicant's solicitor, the complete front yard of the site can be concreted for disabled access. However, this is not supported given the obtrusive nature of the concrete on the dwelling and its presence in the streetscape.

### ***Chapter 14 Car Parking***

Whilst two car parking spaces can be provided for partial office premises at the subject site, no car parking is provided for takeaway food and drink premises. This is not traditionally required by Council for hole in the wall coffee shops, given foot traffic is the primary target and no seating is being proposed, but given the location of the proposed coffee shop, some vehicular traffic can be expected, which may impact on parking availability.

### **Building Compliance**

The proposed coffee shop is located within the principal public entry to the commercial premises. The use will obstruct this access meaning that the commercial use will need to find alternative public access which has not been specified on the plans.

### **Public Notification**

The Development Application was not advertised or notified to adjoining neighbours, however the objectors of Development Application 2017/403 were advised of this DA being lodged with Council. Council did not receive any submissions in relation to this specific Development Application, but rather the project as a whole and it is intended to advise people making submissions on DA 2017/403 of Council's decision.

## Conclusion

The potential impact on neighbouring residential properties is considered too significant to support this proposal. Whilst certain forms of commercial development can sit comfortably within the residential zone, the coffee shop has extended opening hours of 7am to 3pm, seven days a week. Its location relative to the neighbouring residential properties would cause an adverse impact. The noise is likely to be enclosed in a pocket and cannot be defused on the street.

Further, the loss of privacy likely to be suffered by the adjoining residences would generate an adverse impact. Whilst no seating is provided, patrons of the coffee shop may stand around in the front yard of 125 Russell Street, and visually intrude on the persons living in nearby dwellings. This is particularly relevant on weekends when the coffee shop proposes to operate 7am-3pm.

Further, the concreting of the front yard is not supported as it may detract from the heritage streetscape and context of the building within the conservation area.

It is on these grounds that the proposal cannot be supported and refusal 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

## **7 CAR PARKING LICENCE AGREEMENT WITH ALDI FOODS PTY LIMITED (22.01334)**

**Recommendation:** That Council:

- (a) agree to enter into a Car Parking License Agreement with ALDI Foods Pty Limited for a period of two (2) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

**Report:** Council at its ordinary meeting on 27 September 2017 resolved to:

- “(a) agree to enter into a Car Parking License Agreement with ALDI Stores (A Limited Partnership) for a period of two (2) years; and*
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.”*

A copy of the report is at **attachment 1** for Council's reference.

Staff provided a copy of the proposed agreement to ALDI for comment several months prior to the meeting for review, and were advised that ALDI did not require any amendments. However, on receipt of the agreement after it was presented to Council, changes were requested. This process took several months of negotiation, and the changes are summarised below:

- Change to the company title to ALDI Foods Pty Limited.
- Minor changes to the wording of clauses 2.1, 3.3, 3.6, 3.9, 4.1 and 5.1.

The proposed changes have been reviewed by Council's solicitor and Council staff and, whilst some of the requests from Aldi are not agreed to, the majority are considered acceptable. The recommended agreement is at **attachment 2**.

The changes do not change the nature and intent of the agreement, however it was deemed appropriate that the amended agreement be presented to Council for consideration.

It is recommended that Council enter into the agreement with ALDI Foods Pty Limited for a period of two years.

**Financial Implications:** If Council resolves to enter into the agreement, ALDI Foods Pty Limited will be required to pay the cost of preparing the agreement by Council's solicitor.

Council would receive income from any Penalty Infringement Notices issued in the Car Park. Council would also be required to pay a licence fee of \$1.00 per annum to use the car park as a free parking area.

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

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.5

### **Community Engagement**

- Inform

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

## **8 DEED OF AGREEMENT - LANDFORCE PTY LTD TEMPORARY SEWER PUMP STATION (2010/0089)**

**Recommendation:** That Council

- (a) authorise the General Manager to enter into the proposed deed of agreement with Landforce Pty Ltd ; and
- (b) require a bank guarantee in keeping with its previous decision.

**Report:** Council is currently dealing with two developments involving subdivision of land at Llanarth. A location plan, aerial plan and the approved subdivision layout is provided at **attachment 1.**

Development Application 2010/0089 by Landforce Management and Construction involves the subdivision of 129 Ophir Road into 18 new residential lots. The land is wholly below the Council sewer main necessitating a sewer pump station to be built by the developers to allow access to the Council main.

Development Application 2010/0607 by Bathampton Nominees involves the subdivision of land into residential lots on either side of Ophir Road. The land is also largely below the Council sewer mains necessitating a sewer pump station to be built by the developers to allow access to the Council main.

As the subdivisions are being built by separate entities and at differing times, the conventional approach would be to have separate pump stations for each. Longer term, the smaller Landforce pump station would be made redundant and would need to be decommissioned at Council's cost, with the Landforce lot connecting to the permanent pump station on the Bathampton site.

Council at its meeting held 5 April 2017 considered a request to accept a bank guarantee in relation to the provision of sewer to land being developed on Ophir Road by Landforce Management & Construction.

Council subsequently resolved to enter into a bank guarantee for the sewer pump station for Development Application 2010/0089 subject to:

1. The construction certificate for the pump station be approved prior to the release of the Landforce subdivision plan.
2. The sewer mains be constructed up to the final location of the pump station.
3. Clear responsibility for the construction of the pump station (and the bank guarantee and final connections) be established prior to the release of the subdivision plan.
4. Council receives a signed copy of the agreement between the two parties prior to the release of the subdivision plan.
5. The land containing the pump station be dedicated to Council.
6. The value of the bank guarantee be equivalent to twice the construction cost of the pump station.
7. No Occupation Certificates for dwellings will be issued until the lots are connected to the pump station.

The landowner, Landforce Pty Ltd (Landforce), have been in negotiations with the adjoining developer to contribute towards the construction of the permanent sewer pump station, rather than constructing a temporary pump station. A construction certificate has been approved by Council for the permanent pump station on the adjoining land, but the timing of



its construction is beyond the control of Landforce. The proposed agreement gives Landforce greater certainty and an ability to proceed with their development.

Landforce Pty Ltd have asked Council to:

1. Release their linen plan to enable them to proceed with the registration process through Essential Energy and Land Titles without a sewer pump station being approved or constructed, allowing the registration of the lots and title.
2. Allow the construction of dwellings on the registered lots to commence prior to the completion of the sewer pump station.
3. Enter into a deed with a registerable caveat restricting the sale of the land unless a sewer pump station has been completed and is operational to the satisfaction of Council.

Landforce also requested that a bank guarantee not be required. Typically the philosophy behind accepting a bank guarantee is to create a financial incentive for developers to complete a development. Where that does not occur Council has the option to "call in" the bank guarantee and complete the works.

Whilst Councillors might take the view that the Deed effectively means that dwellings cannot be completed, lawfully occupied or sold until the sewer pump station is completed, the requirement for a bank guarantee provides the greatest possible protection to Council's interests.

The draft Deed has been reviewed by Council's Solicitor and is at **attachment 2**.

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

### **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 28.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

### **Community Engagement**

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

## **9 EVOCITIES UPDATE (18.00208)**

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

**Report:** Evocities is a major campaign encouraging metropolitan residents to make a City change to one of seven major regional cities; Bathurst, Orange, Tamworth, Armidale, Dubbo, Wagga Wagga and Albury.

Since the campaign's launch in 2010, Evocities has recorded 3,261 relocated households to the Evocities and more than 2.8 million visits to the Evocities and Evojobs websites collectively. To date there have been 409 household relocations to Bathurst as a result of the Evocities campaign.

In 2017, Evocities received a grant of \$300,000 from the NSW Government's Regional Growth – Marketing & Promotion Fund. These funds have significantly improved the reach of the 'regional living' message, with the total number of visits to the Evocities website at its highest level since the first quarter of the project's history in 2010. There has also been a 90% increase in visitation to both the Evocities and Evojobs websites compared to the same period in 2016. The number of people enquiring about Evocities through the website has also increased by 70% when compared to the same period in 2016.

**Conclusion:**

The results for the Evocities campaign are outstanding and indicate the significant impact the new advertising campaign is having on the metropolitan market.

**Financial Implications:** Nil.

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

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

### **Community Engagement**

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

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

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

**Report:** The Bathurst Region Heritage Reference Group met on 19 February 2018. The minutes of that group's meeting are provided at **attachment 1**.

The group will meet next in May 2018.

With respect to the implementation of the 2017-2020 Bathurst Region Heritage Plan, the following highlights Council's achievements since the last meeting of the group:

- Bathurst Region Local Heritage Fund is underway for 2017/18, with 77 projects being offered funding with an estimated total value of works of \$606,656.78.
- The Bathurst Region Conservation and Interpretation Fund is underway for 2017/18, with 12 conservation and interpretation projects being offered funding with an estimated value of \$111,798.00.
- The Bathurst CBD Main Street Fund for 2017/2018 is underway with 19 projects being offered funding for main street improvement works to the Bathurst CBD, generating an estimate total value of works of \$465,531.00.
- Council's Heritage Advisory Service continues to be a well-received program with 87 site inspections undertaken in this financial year to date, an increase from the previous financial year.
- The King's Parade Interpretation project was launched on the 15 December 2017.
- Public consultation was undertaken in relation to the Bathurst Regional Housing and Open Space Strategies including consultation with heritage groups.
- Finalisation of negotiations with the NSW Office of Environment and Heritage in relation to the Railway Museum Development Application.

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

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

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

### **Community Engagement**

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

## **11 EDGELLS LANE BRICK PIT WETLAND (13.00086)**

**Recommendation:** That Council note the actions to date at the Edgells Lane Brick Pit Wetlands.

**Report:** The Brick Pit wetland occupies an area of approximately 6.6ha and is the largest remaining discrete area of ephemeral wetland in the broader Raglan Creek Wetland complex. The Raglan Creek area was once made up of a myriad of interconnected pools and swamps which formed valuable habitat for wildlife, particularly waterbirds.

The Brick Pit wetland is of regional and international importance due to the number and variety of birds recorded there when the water levels are optimal. At least 83 species have been identified, seven of which are listed under the NSW Biodiversity Conservation Act 2016 and three species which are subject to International Migratory Bird Agreements.

Council resolved to acquire the Edgells Lane Brick Pit Wetlands in September 2016 in recognition of their biodiversity value and in response to community advocacy. The purchase was completed in July 2017.

There is significant potential to enhance the environmental quality, habitat value and tourism potential of the Brick Pit Wetlands and Council has commenced a program to protect and enhance the wetlands. This program was commenced in January 2017 following the acquisition of the first portion of the property and was assisted by a grant of \$10,000 from Local Land Services under the Migratory Bird Habitat (Targeted Ecosystems) Program.

The outputs achieved to date, and activities planned for the future are outlined below:

### **Stage 1: Protect the site - secure land and remove primary degrading influences**

This stage is complete and included:

- Bringing the land into public ownership;
- Removal of stock from the site;
- Replacement of fencing on the south-west boundary (along Edgells Lane) and the north-east boundary with fauna friendly fencing;
- Rubbish removal including the removal of asbestos containing material;
- Baseline condition assessment of the site including water testing;
- Installation of signage indicating that land has been acquired by BRC and highlighting some of the values of the wetland;
- Initial weed control focused on Bathurst Burr and Blackberry;
- Community planting day held on 6 May 2017.

### **Stage 2: Plan and consolidate (2017-18 financial year)**

- Council has engaged Pitt and Sherry to prepare a hydrological study of the Brick Pit wetlands site and provide advice on how best to manage water levels to optimise the ecological habitat. The hydrological assessment includes a surface water assessment of the frequency and nature of flooding, and a groundwater assessment of groundwater movement between the site's aquifers, Macquarie River and Raglan Creek. This report will be completed shortly. The report will provide a concept plan for the wetlands and will describe what further actions are required in order to commence detailed design of the wetland enhancements.
- Continue weed control and other site management activities.
- The works in stage 2 are being funded from a \$50,000 allocation in the 2017/18

operating plan.

Stage 3: Revive and manage (2018 onwards)

- Prepare a detailed design for the enhanced wetlands based on the concept design provided as part of the hydrological study;
- Source funding to undertake on-ground works recommended in the detailed design;
- Prepare a Plan of Management (POM) for the Brick Pits and other portions of wetland habitat in the wider Raglan Creek Wetland Complex which are under Council ownership;
- Upgrade fencing of remaining boundaries;
- Undertake weed control in accordance with the management plan;
- Investigate the possible design and construction of a bird hide and board walk;
- Install further interpretative signage.

**Financial Implications:** The hydrological study was funded from a \$50,000 allocation in the 2017-2018 Operational Plan. A further \$50,000 has been requested in the 2018-2019 Operational Plan which will allow for the development of the detailed design of the wetland.

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

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.7

**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



N Southon  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 MARCH 2018

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

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

**Report:** \$86,250,000 was invested at 28 February 2018 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+	\$9,000,000.00	2.54%
Bankwest	A1+	\$3,000,000.00	2.51%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$17,000,000.00	2.38%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.70%
People's Choice Credit Union	A2	\$6,000,000.00	2.65%
IMB	A2	\$1,500,000.00	2.60%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.66%
Auswide Bank	A3	\$3,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.72%</u>
		<b>\$49,500,000.00</b>	<b>2.54%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.56%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.70%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.84%
WBC Coupon Select	AA-	\$2,000,000.00	2.78%
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>2.64%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		<b>\$3,000,000.00</b>	<b>3.24%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.70%
CBA Climate Bond	AA-	\$1,000,000.00	2.72%
Suncorp Metway	A+	\$1,000,000.00	3.05%
Rabobank	A+	\$1,000,000.00	3.25%

AMP	A	\$1,000,000.00	2.85%
AMP	A	\$800,000.00	2.86%
AMP	A	\$1,000,000.00	3.13%
Macquarie Bank	A	\$1,000,000.00	2.85%
Bank of Queensland	BBB+	\$1,000,000.00	2.76%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.90%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.84%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.71%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.87%
Members Equity 3	BBB	\$750,000.00	3.01%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.85%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.86%
Credit Union Australia 3	BBB	\$1,000,000.00	3.39%
Newcastle Permanent	BBB	\$1,000,000.00	3.16%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.44%
		<b>\$20,550,000.00</b>	<b>2.97%</b>

**Total Investments** **\$86,250,000.00** **2.68%**

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

Reserves Total (includes unexpended loan funds)	\$49,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 7.11 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments	\$629,269.00

**Total Investments** **\$86,250,000.00**

**Total Interest Revenue to 28 February 2018** **\$1,550,820.51** **2.68%**

**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 28 February 2018.

**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:	\$ 1,620.64
Mount Panorama:	\$25,195.63

#### **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.

- Matthew Peters Construction Pty Ltd - Corporation Avenue, Robin Hill - Lot 1007, Lot 806, DP1169443 - Contract
- Matthew Peters Construction Pty Ltd - Corporation Avenue, Robin Hill - Lot 1008, Lot 806, DP1169443 - Contract
- F & F Camilleri - Toronto Street, Kelso - Lot 1, DP1238142 - Transfer

#### **Linen Plan Release**

- Crohar Pty Ltd - Stage 1:2 lot release & residue of 9 lot commercial subdivision - Lot 1, DP 1233088 - 234 Gilmour Street, Kelso
- Mr MT Cole & Mrs TJ Cole & Bathurst Regional Council - Two lot residential subdivision - boundary adjustment - Lot 59, DP 1226661 - 1 Fraser Drive, Eglinton and Lot 60, DP 1226661, Cox Lane, Eglinton

**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 REQUEST FOR FINANCIAL ASSISTANCE - CONSERVATION IN ACTION CONFERENCE 2018 (18.00004-33/134)**

**Recommendation:** That Council provide \$5,000 in sponsorship for the Conservation in Action Conference to be held the Bathurst Memorial Entertainment Centre on 16 and 17 2018, with the sponsorship being funded from BMEC Community Use Donations.

**Report:** Council has received a request from Conservation in Action Steering Committee for Council to become a major sponsor for the Conservation in Action Conference to be held at the Bathurst Memorial Entertainment Centre (BMEC) on 16 and 17 May 2018. A copy of their request is at **attachment 1**.

The conference will bring together industry leaders in the conservation fields and will put together all disciplines of natural resource management. It is anticipated at least 150 delegates from across NSW and further afield will attend.

The group is requesting the waiving of the fee for the BMEC hire (this includes room hire, set up, equipment and staffing) which has been estimated at around \$7,400. In return Bathurst Regional Council would be listed as a major sponsor of the event. This level of sponsorship would include the Council logo on all promotional material, promotion of Bathurst on the group's website and encouragement of delegates to consider an extended stay.

Council is also requested to host an industry display at the event.

Whilst not a policy position, Council's practice is to generally cap sponsorship of \$5,000 for these type of events, however Council may wish to provide an increased level of sponsorship.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer from Section 356 - Mount Panorama Fee Waive will be required to fund the balance of this request.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

### **Community Engagement**

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

## **6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER AWARENESS PROGRAM (28.00002-09/151)**

**Recommendation:** That Council not support the additional request for funding for the Bathurst Rotary Youth Driver Awareness Program.

**Report:** Council has received a request from Bathurst East Rotary Club regarding the RYDA Education Program, see **attachment 1**. The group is requesting Council to waive the outstanding fee of \$2,167 to cover the costs of the program.

As part of Council's 2017/2018 budget considerations, Council received a request from RYDA for \$6,500 for this event. After considering all the donation requests that were at that time, Council resolved to provide \$4,333. Accordingly, RYDA were then notified of Council's decision. RYDA are now seeking an additional donation, which if approved, will increase their total donation to their original request (being \$6,500).

The Bathurst East Rotary Club advises the Rotary Youth Driver Awareness (RYDA) and Road Safety Education Ltd (RSE) are not for profit organisations and the additional burden of paying an amount \$2,167 will cause a drop in student participation as the costs will need to be passed on to parents.

**Financial Implications:** Should Council resolve to support RYDA's request, then funding will be provided from Council's Mount Panorama Fee Waiver allocation.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2, 23.7
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

### **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 - COUNTRY WOMEN'S ASSOCIATION OF NSW - SPONSORSHIP OF SCHOOLS' PUBLIC SPEAKING COMPETITION 2018 (18.00158/069)**

**Recommendation:** That Council sponsor the 2018 Country Women's Association of NSW Schools Public Speaking Competition by providing an amount of \$300 to assist with the contest, with the amount to be funded from the Section 356 General Donations allocation.

**Report:** Council has received a request from the Country Women's Association of NSW seeking sponsorship of the Schools Public Speaking Competition, at **attachment 1**. The event will be held at All Saints College on 22 May 2018.

The CWA Central Western public speaking competition is in its 31st year. The CWA Central Western Group has 15 branches in the area and is one of the few CWA groups that still offers a public speaking competition. The history of the CWA has always been to focus on opportunities for women and their families and children and their future and the public speaking competition gives children an opportunity to boost their confidence and public speaking skills.

In 2017 about 260 students from 42 primary schools and 14 secondary schools in the region took part in the competition.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer from the Mount Panorama Fee Waiver will be required to fund this request.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 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

### **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 - DONATION TO COVER PROPOSED DEVELOPMENT APPLICATION FEES FOR WORKS AT BATHURST WAR MEMORIAL CARILLON (04.00021-09/154)**

**Recommendation:** That Council waive the Development Application fee, estimated to be \$285, in relation to works at the Bathurst War Memorial Carillon, with funding to be provided from Council's Section 356 General Donations allocation.

**Report:** Council has received a request from the Trustees of the Bathurst War Memorial Carillon Public Fund Trust for the waiving of fees (estimated at \$285) associated in the submission of the development application in relation to works required for the Carillon. A copy of request is at **attachment 1**.

- A summary of works proposed:
- Top octave of existing bells will be replaced
- A new higher octave of bells will be installed
- A "Clock-o-Matic" device with hammers, controls and keyboard will be installed, to enable a closer "touch response" musical expression
- A Clavier (special keyboard for Carillon bells) and transmission mechanism
- Internal Flame will be replaced with a cleaner and more efficient mechanism
- Other related works to complete the project.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer of \$285 from the Mount Panorama Fee Waiver will be required.

### **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 11.5

### **Community Engagement**

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

## **9 REQUEST FOR FINANCIAL ASSISTANCE - ADDITIONAL SPONSORSHIP OF THE 150TH ROYAL BATHURST SHOW (18.00108-03/108)**

**Recommendation:** That Council provide the additional support of \$10,000 (GST inclusive) to the Bathurst AH&P Association for their 150th Agricultural Show commemorations, with funding to be provided from Council's Section 356 General Donation allocation.

**Report:** Council has received a request from the Bathurst Agricultural Horticultural & Pastoral Association Inc. (AH&P Association) seeking additional support of \$10,000 (including GS) to enable the Bathurst AH&P Association to create a permanent memorial to commemorate the 150th Agricultural Show and the 25th Royal Bathurst Show. A copy of request is at **attachment 1**.

Currently Council provides sponsorship as follows:

- Sponsorship of the Royal Bathurst Show Supreme Exhibits awards (2) - a cash prize of \$500 to each recipient.
- Naming rights Major Sponsorship of the Community Stage to the value of \$6,000 at the annual Royal Bathurst Show.

Council provided an equivalent level of sponsorship in 2015 as part of Bathurst's sesquicentenary celebrations.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer of \$10,000 will need to be funded from Council's Mount Panorama Fee Waiver allocations.

### **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

### **Community Engagement**

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



## **10 PROPOSED SUBDIVISION OF LAND AT PART LOT 1007 DP1168702 KNOWN AS KELSO INDUSTRIAL PARK, KELSO (22.14394)**

**Recommendation:** That Council provide in principle support for the subdivision of part Lot 1007 in DP1168702, known as Kelso Industrial Park residue land.

**Report:** Council has received interest in part of Lot 1007 DP1168702, Hampden Park Road, Kelso. Lot 1007 is located within the Kelso Industrial Estate and has been identified as 'residue land' from an earlier subdivision. Please refer to the map shown at **attachment 1**.

The interested party is seeking approximately 1.8 ha to be subdivided from Lot 1007, which currently has a total area of approximately 8.0 ha. Any subdivision of this site will require the lodgement of a Development Application (DA), which will be at the full cost of the applicant. The purpose of this report is to seek the in principle support of Council to allow for the DA to be prepared.

**Financial Implications:** Costs associated with the preparation of the DA will be the responsibility of the applicant.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.8
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.9

### **Community Engagement**

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

**11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 22.05258, 22.04305, 22.02195)**

**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 RESIDENTIAL LEASE AGREEMENT - PART LOT 2 DP749753 KNOWN AS 200 COLLEGE ROAD, BATHURST. (22.05258)**

This report relates to the proposed new residential lease agreement for Part Lot 2 in DP749758 known as 200 College Road, Bathurst for a period of 12 months.

**2 NEW RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN STRAIGHT, MT PANORAMA (22.04305)**

This report relates to a proposed new residential lease for Lot 18 DP1011780 known as 162 Mountain Straight, Mt Panorama.

**3 PROPOSED SUBDIVISION AND PURCHASE OF LAND AT LOT 12 DP1159190 KNOWN AS 51 GORMANS HILL ROAD, BATHURST (22.02195)**

This report relates to a proposal to purchase the proposed land at Lot 12 DP1159190 known as 51 Gormans Hill Road, Bathurst.

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

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

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

**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

21 MARCH 2018

## **1 SCOPING STUDY FOR FUTURE USE OPTIONS - CENTENNIAL PARK** **(37.00546)**

**Recommendation:** That:

- (a) Council place the Centennial Park Scoping Study Report for Future Use Options on public exhibition for a period of 28 days, and
- (b) following the public exhibition period, a further report be presented to Council to adopt the Scoping Study Report and to decide on a preferred future use option.

**Report:** Council would be aware of a strong community desire for improvements to be made to Centennial Park, which is currently an unirrigated and underutilised public community park within close proximity to the Bathurst CBD. The possibility of incorporating public facilities within Centennial Park such as a new cultural centre has also been suggested over recent years. In 2017 Council made a funding provision to undertake a scoping study to develop future use options for Centennial Park, following ongoing interest and debate from the community, including calls from public interest groups for Council to develop an action plan for this Park.

On 14 January 2017 expressions of interest were advertised on Tenderlink and in the Western Advocate for a consultancy to undertake a scoping study of Centennial Park to develop a number of options for the future use / development of this site. Local design consultants "Integrated Design Group" were awarded the consultancy on 27 February 2017. The consultancy brief comprised the following requirements:-

- Site Assessment of the park including historical significance
- Extensive consultation process with various interest groups, including the Friends of Centennial Park, and the general public
- The provision of concept drawings of a minimum of 3 possible land use options including cost estimates
- Development of a final report

Throughout the past 11 months, Integrated Design Group have undertaken research into Centennial Park, including a review of existing planning policies of Council, usage assessments of the park, past history of park use and a review of local, regional and national trends to assist in the development of future use options. In addition, an extensive public engagement process was undertaken including meetings held with a variety of interest groups, a public open day discussion forum, a number of working party meetings with Councillors and various discussions with state government agencies. Some of the stakeholder / interest groups that have been consulted during the consultancy works have included the following:-

- Friends of Centennial Park Action Group
- Bathurst Youth Council
- Bathurst Branch of the National Trust
- Bathurst District Historical Society
- Bathurst Arts Council
- NSW Heritage Office
- Greening Bathurst
- Bathurst Police / Crime Prevention
- Bathurst Region Heritage Reference Group

- Bathurst Region Tourism Reference Group
- Bathurst Natural Resource Advisory Group
- Council Staff

The final report has been completed by Integrated Design Group, which is provided at **attachment 1**.

#### LAND USE SCENARIO'S

The consultants have provided five detailed land use options for Council's consideration, and briefly mentioned an additional "minor improvements option". The following concepts that have been provided are based upon the major desires that were expressed throughout the community consultation stage, these being to keep the park green, keep it open and make it useful:

##### **1. Park for community and visitors to share**

This scenario places emphasis on upgrading and improving the landscape of Centennial Park rather than the incorporation of community buildings or changing its existing land use.

In this scenario works would include improved entrance statements into the park, disability access improvements, formulation of off street parking, improvements to existing play equipment, additional inclusions such as off leash dog areas and fitness stations and incorporation of irrigated grassed areas. It is also proposed to provide specific areas for teenagers as well as picnic shelters and associated infrastructure such as seating and BBQ facilities.

The cost of this option would be in the vicinity of \$3.6M and it may be possible to stage the works over a number of years in order to spread the cost over a number of financial years.

##### **2. Civic & amenity**

This scenario incorporates the inclusion of some form of civic infrastructure into Centennial Park, in addition to providing landscape upgrade works.

This option would enable the site to remain primarily an urban park for public recreation, however also incorporate a formal civic purpose that would include the construction of appropriate public building infrastructure. The civic function concept shown in the Scoping Study report identifies a library or art gallery, however this scenario can be applied for any civic community function use.

It is proposed that the incorporation of any proposed building be carefully integrated into the park to ensure minimal impact to the green and open theme of the park. This can be achieved by careful design and the incorporation of landscape screening options. The Scenario 3 concept plan shown in the Scoping Study Future Use Report demonstrates one such method in which this can be achieved. The building has been cut into the existing slope with landscape treatments incorporated into the roof.

This option has been estimated to cost in the vicinity of \$13.9M.

##### **3. Green space by invested interest**

This proposal involves the incorporation of commercial residential interest within the Park. It is believed that the size of Centennial Park allows for building structures to be constructed without losing the openness and green parkland amenity of the site. Residential development at this site would provide the capital to undertake an extensive high quality landscape upgrade of the Centennial Parkland, as well as ongoing maintenance funding.

This option has been estimated to cost in the vicinity of \$62M.

#### **4. Culture & leisure**

This scenario explores the concept to design community and civic facilities that draws and engages people to the area and increases the use of the park for not only the local residential community but the wider Bathurst population. This option Incorporates commercial interests such as café and multi-function spaces with civic facilities such as an art gallery etc.

As with all concept scenarios provided, careful design and construction principals would be incorporated to ensure that structures / buildings installed within Centennial Park blend into the surrounding parkland and that the open passive recreational park theme remains the dominant feature of the site.

This option has been estimated to cost in the vicinity of \$17.4M.

#### **5. Useful place 24/7**

This scenario provides a concept that incorporates a mix of ideas and suggestions that were raised throughout the community consultation process, together with small scale residential development. Inclusions such as residential development, community gardens, arboretums and spaces for market gatherings and improved casual play spaces etc would provide increased passive security of the Centennial Park site and round the clock engagement of the area.

This option has been estimated to cost in the vicinity of \$15.4M.

#### **6. Minor improvements to existing layout.**

There is another option that would be available to council and was briefly addressed within the Scoping Study, although not formally illustrated. This option would deal with providing minor improvements only to the park, which is consistent with the keep it green, keep it open philosophy.

Overwhelming public feedback has identified that the park should not be left in its current state and a “do nothing” approach would not be acceptable. Therefore within this improvement scenario, low scale works could be undertaken which provides for minor upgrade to some existing infrastructure without any change to overall layout of the park. Proposed works would include installation of an irrigation system to improve grass cover, an upgrade to the playground, the incorporation of a BBQ and shade shelter/s, seating and additional tree planting to fill minor gaps.

The cost of this option would be minor in comparison to the other more substantial development options listed above and is estimated in the vicinity of \$550,000, depending upon the number of shelters installed.

#### **Recommendation**

Prior to finalising the Scoping Study and providing any recommendations in respect to the future direction of Centennial park, it is recommended that Council place the draft Centennial Park Final Report on public exhibition in order to gauge the thoughts and desires of the general community.

Upon close of the exhibition process, a further report will be presented to Council to adopt a specific approach in respect to the future direction of this Park.

**Financial Implications:** The cost of the consultancy to develop future use options for Centennial Park has been provided for within Council’s budget.

Design and construction costs are likely to occur in the future, should Council decide to upgrade Centennial Park. The cost of the construction works would be dependent upon the concept scenario that Council chooses. Funding for any redevelopment or improvements work to Centennial Park would also be subject to future budget provisions.

### **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 29.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

### **Community Engagement**

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

**2 PARTICIPATION IN A REGIONAL PROCUREMENT PROCESS FOR THE CONDITION ASSESSMENT OF GRAVITY SEWER MAINS USING CCTV (32.00026)**

**Recommendation:** That Council:

- (a) agree to participate in a regional contract for the Condition Assessment of Gravity Sewer Mains Using CCTV, and
- (b) advise Centroc of its decision.

**Report:** This report seeks Council’s resolution to participate in a regional procurement process for the Condition Assessment of Gravity Sewer Mains Using CCTV through the Centroc Water Utilities Alliance (CWUA) and Centroc’s Compliance and Cost Savings Program.

Council has participated in Centroc’s regional contract for the Condition Assessment of Gravity Sewer Mains Using CCTV for the past 3 years and Council’s continued support is requested for the next contract which is expected to commence on 1 September 2018.

The Centroc Water Utilities Alliance (CWUA) is a voluntary collaborative Alliance between fourteen Councils including the Local Government Areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Hilltops, Lachlan, Lithgow, Oberon, Orange, Parkes, Upper Lachlan and Weddin and Central Tablelands Water.

The CWUA first decided to enter into a regional contract for CCTV and Smoke Testing in 2012 resulting in a three-year regional contract. This was then repeated in 2015. As the completion of the current contract approaches, the CWUA has requested Centroc conduct a procurement process on behalf of members for a new contract to commence on 1 September 2018 for a period of 2 years (with the option of a 12-month extension).

The following table shows the interest received from members so far, indicating their estimated spend under the contract for a 2-year period.

<b>Council</b>	<b>Estimated spend over a 2-year contract</b>
Bathurst	\$300,000
Blayney	\$0
Cabonne	TBA
Cowra	\$0
CTW	\$70,000
Forbes	\$0
Hilltops	TBA
Lachlan	\$200,000
Lithgow	\$0
Oberon	TBA
Orange	\$0
Parkes	\$400,000
Upper Lachlan	TBA
Weddin	TBA
<b>TOTAL</b>	<b>\$970,000</b>



At its meeting on 26 October, GMAC resolved to approve a regional procurement process for the Condition Assessment of Gravity Sewer Mains Using CCTV.

Should Council agree to participate in a regional contract, Centroc will advertise a Request for Tender and proceed to a contract.

Advice regarding service and pricing under a regional contract will then be provided to member councils.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by member Council staff through centralised coordination and
- income stream to Centroc from the Contractor with a view to reducing fees

A subsequent report will be submitted to Council for consideration of tenders.

### **Council contribution**

Centroc manages the process including all costs of advertising and tender assessment and takes a management fee from the supplier to cover these costs which council is not responsible for. The management fee for this contract will be 2% which is based on the anticipated spend over the life of the contract.

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

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

- |   |               |
|---|---------------|
| ● Objective 13: To minimise the City's environmental footprint.   | Strategy 13.2 |
| ● Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. | Strategy 29.1 |
| ● Objective 31: To maintain local public ownership of water and sewer assets.   | Strategy 31.1 |
| ● 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.

### **3 PARTICIPATION IN A REGIONAL PROCUREMENT PROCESS FOR SEWER REHABILITATION (PIPE RELINING) (32.00026)**

**Recommendation:** That Council:

- (a) agree to participate in a regional contract for sewer rehabilitation (pipe relining), and
- (b) advise Centroc of its decision.

**Report:** This report seeks Council's resolution to participate in a regional procurement process for sewer rehabilitation (pipe relining) through Centroc Water Utilities Alliance (CWUA) and Centroc's Compliance and Cost Savings Program.

Council participated in Centroc's regional contract for sewer rehabilitation (pipe relining) in 2013 and Council's continued support is requested for the next contract which is expected to commence on 1 July 2018.

The Centroc Water Utilities Alliance (CWUA) is a voluntary collaborative Alliance between fourteen Councils in the Central NSW region including the Local Government Areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Hilltops, Lachlan, Lithgow, Oberon, Orange, Parkes, Upper Lachlan and Weddin and Central Tablelands Water.

The CWUA first decided to enter into a regional contract for sewer rehabilitation (pipe relining) in 2013 through grant funding under the Community Energy Efficiency Program (CEEP). The work under that contract has completed and the CWUA has requested Centroc conduct a procurement process for members for a new contract to commence on 1 July 2018 for a period of 2 years (with the option of a 12-month extension).

The following table shows the interest received from Centroc member councils, indicating their estimated spend under the contract for a 2-year period.

<b>Council</b>	<b>Estimated spend over a 2-year contract</b>
Bathurst	\$ 200,000
Blayney	\$ 200,000
Cabonne	\$ 200,000
Cowra	\$ 660,000
CTW	N/A
Forbes	\$1,500,000
Hilltops	TBA
Lachlan	\$ 400,000
Lithgow	\$ 750,000
Oberon	TBA
Orange	\$1,400,000
Parkes	\$1,400,000
Upper Lachlan	\$ 300,000
Weddin	\$ 200,000
<b>TOTAL</b>	<b>\$7,210,000</b>

At its meeting on 13 December, the CWUA resolved to undertake a regional procurement process for (sewer rehabilitation) pipe relining. The Centroc Executive has subsequently approved a regional procurement for sewer rehabilitation (pipe relining).

Should Council agree to participate in a regional contract, Centroc will advertise a Request for Tender and proceed to a contract.

Advice regarding service and pricing under a regional contract will then be provided to member councils.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by member Council staff through centralised coordination and
- income stream to Centroc from the Contractor with a view to reducing fees

A subsequent report will be submitted to Council for consideration of tenders.

### **Council contribution**

Centroc manages the process including all costs of advertising and tender assessment and takes a management fee from the supplier to cover these costs which council is not responsible for. The management fee for this contract will be 1% which is based on the anticipated spend over the life of the contract.

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

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

- |   |               |
|---|---------------|
| ● Objective 13: To minimise the City's environmental footprint.   | Strategy 13.2 |
| ● Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. | Strategy 29.1 |
| ● Objective 31: To maintain local public ownership of water and sewer assets.   | Strategy 31.1 |
| ● 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.

#### **4 ECOLOGICAL BURNS - HILLVIEW ESTATE RESERVE & BROOKE MOORE RESERVE (04.00050, 04.00141)**

**Recommendation:** That Council approve ecological burns as an ongoing environmental vegetation management tool at Hillview Estate Reserve and Brooke Moore Reserve.

**Report:** Council has a number of natural vegetation reserves within the LGA, with some of these reserves having ongoing involvement from community interest groups in respect to their preservation and environmental enhancement. Two particular sites, the Hillview Estate Reserve and the Brooke Moore Reserve remnant areas have either had extensive vegetation enhancement works undertaken in the past to increase their natural significance, or are currently being cared for by community land care groups.

Council engaged environmental consultants Eco Logical Australia to investigate the option of undertaking a prescribed burn as a management approach to improve the diversity of flora in these two reserves. As part of this process, Eco Logical Australia carried out ecological assessments of the reserves in Spring 2017. These studies were used to develop an Ecological Burn Plan for each reserve that provide guidance on fire prescriptions, techniques and safeguards to address RFS requirements, and to ensure that the burns are designed and implemented in a manner that addresses fuel hazards while ensuring local ecological values are protected and/or enhanced. It is proposed that the burns would be implemented by the respective NSW Fire Brigades. The plans also include a monitoring and evaluation process to assess the effectiveness of the strategies and actions. A copy of the Ecological Burn Plans are provided for information at **attachment 1** and **attachment 2**.

Napoleon Reef Landcare Group contacted Council wanting to investigate the option of an ecological burn within Hillview Estate Reserve, having noted the long period of fire absence/exclusion in the reserve, and an observed reduction in native forb diversity over the past several years. Hillview Estate Reserve at Napoleon Reef is a long linear reserve of approximately 6.3ha that is surrounded by residential properties. The ecological burn plan splits the reserve into four burn units ranging from approximately 0.45 to 1.91ha in size, with one burnt unit to be burnt every 5 years. Based on their recommended plan, Eco Logical Australia supports the implementation of prescribed burning at Hillview Estate Reserve to improve the diversity of flora.

Brooke Moore Reserve is located on the corner of Suttor Street and Alexander Street, West Bathurst. The reserve contains *White Box Yellow Box Blakely's Red Gum* Woodland ("Box Gum Woodland"), an Endangered Ecological Community (EEC) listed under the *NSW Biodiversity Conservation Act 2016*. Based on their recommended plan, Eco Logical Australia supports the implementation of prescribed burning to improve the diversity of flora in the reserve. The proposed burn aims to reduce the cover of Kangaroo Grass and other grasses and create appropriate conditions and inter-tussock spaces for forb establishment.

Council proposes to implement the longer term recommendation of splitting the burn area at Brooke Moore Reserve into two discrete areas, and burning one section in 2018 and one in five years' time. Each burn unit is approximately 0.8ha in size.

*Hoary Sunray*, listed as an endangered species under the *Environmental Protection and Biodiversity Conservation Act 1999*, is located within Brooke Moore Reserve. This plant sets seed and dies back to rootstock each Summer. As such the timing of the proposed burn in Autumn, will ensure that the action does not disrupt the breeding cycle of the plant. Council's consultants have determined that the proposed burn has the potential to increase the size of the *Hoary Sunray* population through implementation of periodic disturbance and creation of conditions suitable to additional germination. Safeguards have been incorporated

into the proposal to avoid impacts to this population.

To ensure the ongoing enhancement and preservation of the important remnant areas at the Brooke Moore and Hillview Reserves, it is recommended that cool burn practices be included as one of the management tools at these sites. It is recommended that Council approve the cool burn activities in accordance with the Ecological Burn Plans that have been developed by the consultants.

**Financial Implications:** Contributions towards the above actions and plan will be funded within existing and future Vegetation Management vote within Council's Management Plan.

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

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.6, 10.8
- Objective 22: To improve community safety. Strategy 22.11

### **Community Engagement**

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

**5 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00653)**

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

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

**1 TENDER FOR CONSTRUCTION OF CIVIL WORKS - SUNBRIGHT RESIDENTIAL ESTATE - STAGE 1 (36.00653)**

This report considers the tender for the construction of civil works for Sunbright Residential Estate, Stage 1.

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

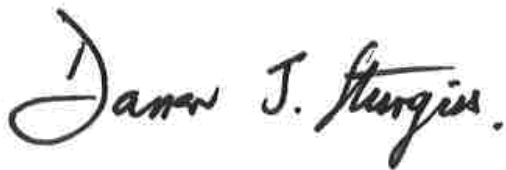
**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- 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



Darren Sturgiss  
**DIRECTOR  
ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 MARCH 2018

## **1 2017/2018 BATHURST CCTV FUNDING PROGRAM - ROUND 2 (16.00145)**

**Recommendation:** That Council:

(a) Provide \$6,000 under the 2017/2018 Bathurst CCTV Funding Program as follows;

<b>Business</b>	<b>Amount of Funding</b>
Pizza Hut Bathurst	\$500 which is the maximum amount approved for funding.
Bathurst Recycling	\$500 which is the maximum amount approved for funding.
Canham Pest Management Services	\$500 which is the maximum amount approved for funding.
Bathurst Specialist Services	\$500 which is the maximum amount approved for funding.
Miles & Son Jewellery Studio	\$500 which is the maximum amount approved for funding.
Steel and Co Law & Conveyancing	\$500 which is the maximum amount approved for funding.
Aussie Home Loans	\$500 which is the maximum amount approved for funding.
Bathurst Chiropractic	\$500 which is the maximum amount approved for funding.
Beaumont Tiles	\$500 which is the maximum amount approved for funding.
Central Tablelands Woodcraft	\$500 which is the maximum amount approved for funding.
Heath Murphy Carpet Laying	\$500 which is the maximum amount approved for funding.
The Courtyard Spa and Massage	\$500 which is the maximum amount approved for funding.
Wimbledon Road, Wimbledon	Not approved for funding

(b) Provide an additional \$1,500 to fully fund the above businesses to procure CCTV at their premises, to be funded from Council's Equity.

**Report:** Council has allocated \$10,000 in its 2017/2018 Annual Operating Plan up to a maximum amount of \$500 on a dollar for dollar basis for businesses who address the criteria under the 2017/2018 Bathurst CCTV Funding Program.

The applications were required to meet the following criteria:

1. Specifications, quality and source of equipment.
2. Surveillance equipment registered with Bathurst Police.



3. Completion of installation within 90 days of approval.
4. Information supporting and addressing the need for CCTV in the business location.
5. Potential for coverage of the public space adjacent to the premises.

The CCTV Funding Program for the CBD Premises Assessment Group included representatives from the following organisations:

- (a) Councillor Delegate
- (b) Police Representative
- (c) Bathurst Business Chamber Representative
- (d) Council Staff Delegate

Applications for Round 2 of this program for this financial year, were received up to Friday 16 February 2018. The Assessment Group met on Monday 26 February 2018 to assess the applications against the criteria and make recommendations to Council.

The Assessment Group have recommended that Council provide \$6,000 under the 2017/2018 Bathurst CCTV Funding Program to provide assistance to the following applicants:

<b>Item</b>	<b>Business</b>	<b>Amount of Funding</b>
(a)	Pizza Hut Bathurst	\$500 which is the maximum amount approved for funding.
(b)	Bathurst Recycling	\$500 which is the maximum amount approved for funding.
(c)	Canham Pest Management Services	\$500 which is the maximum amount approved for funding.
(d)	Bathurst Specialist Services	\$500 which is the maximum amount approved for funding.
(e)	Miles & Son Jewellery Studio	\$500 which is the maximum amount approved for funding.
(f)	Steel and Co Law & Conveyancing	\$500 which is the maximum amount approved for funding.
(g)	Aussie Home Loans	\$500 which is the maximum amount approved for funding.
(h)	Bathurst Chiropractic	\$500 which is the maximum amount approved for funding.
(i)	Beaumont Tiles	\$500 which is the maximum amount approved for funding.
(j)	Central Tablelands Woodcraft	\$500 which is the maximum amount approved for funding.
(k)	Heath Murphy Carpet Laying	\$500 which is the maximum amount approved for funding.
(l)	The Courtyard Spa and Massage	\$500 which is the maximum amount approved for funding.
(m)	Wimbledon Road, Wimbledon	Not approved for funding

### **Wimbledon Road, Wimbledon**

An application was received from residents of a rural property located on Wimbledon, Road Wimbledon. The application did not fulfil the requirements of Point 4 of the criteria (outlined above), to address the need for CCTV coverage in the business location, that encompasses an insufficient requirement for community safety in the rural location.

### **Bathurst Touch Football Association**

Central Tablelands Woodcraft sought additional funding, in excess of the \$500 maximum as a joint application to encompass the organisation of Bathurst Touch Football Association, also obtaining funding for CCTV Funding. Bathurst Touch Football Association provided documentary support to the Central Tablelands Woodcraft application, however, the maximum amount per business premises is \$500. Documentation received following the application deadline, failed to meet the application criteria and was dismissed as being ineligible for consideration of funding.

### **CCTV Funding Program Summary to date**

This is the third year of this program. To date, 48 businesses have received funding under this program. If Council adopts the recommendation from the Assessment Group, the three year total will be 61 businesses.

**Financial Implications:** Council has provided \$10,000 in the Annual Operating Plan 2017/2018 for Bathurst CCTV Funding Program. A balance of \$4,500 remained available following round one of applications. The current round of applications totals \$6,000. The difference of \$1,500 could be funded from Council's Equity.

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

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

### **Community Engagement**

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

## **2 COMMUNITY SAFETY COMMITTEE DELEGATES (07.00107, 11.00005)**

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

**Report:** At the Ordinary Council Meeting held on 27 September 2017, General Manager's Report, Item 2, Appointment of Delegates and Duty Delegates, Council resolved that the following delegates be appointed to the Community Safety Committee:

Cr Alex Christian  
Cr Jacqueline Rudge  
Cr Ian North (Alternate Delegate)

Council has received advice from Cr Christian, that he has resigned as Council's delegate to the Community Safety Committee, effective 22 February 2018. Therefore, Cr North, as alternate delegate, will be appointed as a current delegate in Cr Christian's place. There is no requirement for a further delegate to be appointed.

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

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

- Objective 22: To improve community safety. Strategy 22.2

### **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 5 FEBRUARY 2018 (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 Bathurst Region Tourism Reference Group met on 5 February 2018. The Minutes of the Group's Meeting are provided at **attachment 1.**

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting.

At the meeting held on 5 February 2018, the group noted the following updates:

- An overview of the implementation of the Brand Strategy was conducted, further information is provided to Council under the Director Cultural & Community Services Report #6 to Council on 21 March 2018.
- **Workshops for staff and industry: brand implementation** - Two workshops to be held regarding usage of new brand. The importance of the brand to ensure: consistency in application; adherence to standards and rules; provision of tools to be used in messaging and communications; to avoid confusion and ensure messages are 'on brand'.
- **Funding applications** - Pending decision from Office of Environment and Heritage and Destination NSW about funds to develop and promote the 2018 Bathurst Artisan Trades Trail (\$25,000 and \$20,000 respectively).
- **Autumn Colours** – BVIC team members are collating information for the programme of tours for a printed booklet relevant to tours during this period.
- **Book launch** – a new book written by Hill End historian Malcolm Drinkwater launched by the Mayor on 27 February 2018 at BVIC.
- **BVIC refurbishment** – will occur in the second half of 2018.

**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.

#### **4 COMMUNITY SAFETY COMMITTEE - COMMUNITY SAFETY PLAN (07.00107)**

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

**Report:** The Bathurst Community Safety Committee consists of key stakeholders from a number of areas across the Bathurst Regional LGA including the Chifley Local Area Command, Bathurst Business Chamber, community service providers and education providers. The partnerships established through the Committee are vital to the development and implementation of the Community Safety Plan.

It is proposed that reports will be provided to Council of minutes of future Community Safety Committee meetings.

The current Community Safety Plan 2015-2019 was adopted by Council on 10 December 2014 (DCCS Report #4) and is nearing its conclusion. The development of a new Community Safety Plan will occur during 2018.

To ensure the process occurs with a professional approach, aspects of the Community Safety Committee will be reviewed, this includes; Terms of Reference and stakeholder membership. The revised process will ensure that relevant issues are addressed in the revised Community Safety Plan. A revised draft Terms of Reference will be presented to Council for consideration in the coming months.

The Community Safety Committee's role is to assist with the development of the new Community Safety Plan. This will encompass relevant actions and strategies relating to priority and emerging crimes, that form the basis of the Plan.

An Extraordinary Meeting of the Community Safety Committee was held on Thursday 22 February 2018. In attendance at this meeting, was Mr Giles Felgate, Principal Policy & Projects Officer from the NSW Department of Justice. Mr Felgate's attendance was to assist with guiding the Committee with regards to Bathurst's Community Safety Plan and the role that the Community Safety Committee plays in its development and implementation, as well as over-viewing the current review of the relevant grants.

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

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

- Objective 22: To improve community safety. Strategy 22.1, 22.2

#### **Community Engagement**

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

## **5 THE NEIGHBOURHOOD CENTRE, BATHURST - OPENING OF REFURBISHMENTS (22.00653)**

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

**Report:** The Neighbourhood Centre held an opening of the building's newly renovated extension on Friday 23 February 2018. The Mayor and NSW Member for Bathurst, Hon Paul Toole, were in attendance. The total cost of the project was \$215,000, which included a NSW Government Community Building Partnership Grant of \$25,000 and a Council contribution of \$190,000.

The first stage of refurbishment included:

- An expanded meeting space.
- Enlargement of the reception foyer area.
- Furniture and notice board for the meeting area.

Further upgrades to occur will include:

- Refurbishment of the gardens.
- Painting throughout the remainder of the facility.
- Improvements to carpet and flooring throughout the facility.

The Neighbourhood Centre provides office space to numerous community organisations and many community groups utilise the building to host meetings and training. The additional room allows the flexibility for larger groups to meet and utilise the community centre.

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

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

### **Community Engagement**

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

## **6 BATHURST DESTINATION BRAND STRATEGY - PROGRESS REPORT (20.00299)**

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

**Report:** Council, at its meeting held 13 December 2017, (DCCS Report #2) resolved to receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report.

The following information is provided as an update on the implementation of the Bathurst Destination Brand:

<b>Destination Brand Implementation</b>	<b>Action</b>
Destination Website	Creation of a new site is underway with an anticipated completion date set for May 2018.
Online Booking Platform	A company to integrate a booking facility into the new website (tickets, accommodation and events) has been appointed.
Curated Online Content	A brief to secure an agency to develop new, distinctive and authentic editorial content to be featured on the new destination website has been distributed to the market for submissions.
Graphic Design of Branded Collateral	A graphic designer has been engaged to build the files required to deliver the brand
Signage	The location and rebranding of four highway billboards (Mitchell Highway, Orange Road, Blayney Road and Marangaroo) is under development.
Touring Trail App	A company to build an app (Android and Apple) which will feature touring trails has been appointed. The app will be integrated into the new website.
Public Relations	A brief to secure a specialist tourism PR agency to deliver a recommendation of the brand strategy to create consistent messaging in the market place and develop a tactical communications plan has been distributed to the market for submissions.
Visitor Guide	The Visitor Guide will be completed May/June 2018.

While all of the above tasks are in development, the Destination Strategy is influencing Council's Public Relations activity.

A recent example is contained in the March Edition of Country Style Magazine, which includes a six page feature on Bathurst Heritage Trades Trail. The cost to Council was approximately \$400, and had an Equivalent Advertising Value of \$44,580. The audience of Country Style and the focus on heritage are key pillars of the Brand Strategy.

Further reports will be provided quarterly to Council on the implementation of the Bathurst Destination Brand.

**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.



**7 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 36.00663)**

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

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

**1 TENDER FOR BATHURST RAIL MUSEUM CONTENT DESIGN, FABRICATION AND  
INSTALLATION (36.00663)**

This report considers the tender for the design, fabrication and installation of content for the Bathurst Rail Museum, located at the Bathurst Railway Institute Building, Havannah Street Bathurst.

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

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

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

**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 - 7 MARCH 2018 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 7 March 2018 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 7 March 2018, 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 7 MARCH 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

**RESOLVED:** That the apologies from Crs Morse & Rudge and the late arrival of Cr Aubin be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 DECEMBER 2017 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 6 December 2017 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr A Christian and **SECONDED** Cr B Bourke

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

Cr Aubin arrived at 6.04 pm.

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

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

**5 Item 1 DELEGATIONS REGISTER (41.00088)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

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This is page 1 of Minutes of the Policy Committee held on 7 March 2018

**RESOLVED:** That Council adopt the amended Delegations Register as tabled.

## **GENERAL BUSINESS**

### **6 FLOODING, GILMOUR STREET (25.00031)**

**Cr Bourke** - raised concerns about the channel being called a creek. Requests Council write to fisheries to get the "creek" changed back to a drainage channel. Requested more works occur in this location.

**The Director Engineering Services** advised any works requires a permit from fisheries due to the channel classification.

### **7 Item 2 TOUCH FOOTBALL FIELD UPGRADE (04.00033)**

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

**The Director Engineering Services** noted that fields are on a floodplain. Any works would need to be referred to future management plans.

**The Manager Recreation** advised currently collecting information from Touch Football to look at developing a master plan.

### **8 Item 3 ANGLED CAR PARKING (28.00006)**

**Cr Jennings** - queried where the pilot project is up to.

**The Director Engineering Services** advised any further rollout would be subject to Traffic Committee approval, trial appears to be working. Any expansion of program would go through the Traffic Committee.

### **9 Item 4 CLEAR CREEK (25.00468)**

**Cr Jennings** - spoke to condition of road and what works will occur to this Council Road.

**The Director Engineering Services** believes this is a private road and not a Council road.

### **10 Item 5 ROCKET STREET GIVE WAY AT BRIDGE (25.00024)**

**Cr Jennings** - advised the signs are not visible enough, could larger signs be installed, or further warnings be put in place?

**11**      **Item 6 BMEC FACILITY REPLACEMENT (21.00061)**

**Cr Jennings** - requests Council look at constructing a new facility. Notes another \$4 billion will be going to infrastructure in New South Wales, further NSW Arts Funds and the NSW Infrastructure Plan is being developed. This creates the opportunity to attract funds. Noted issues about the available space in the Administration building.

**Meeting was suspended at 6.19 pm for the commencement of the Discussion Forum.**

**General Business resumed at 6.45 pm following the conclusion of the Discussion Forum.**

**12**      **Item 7 RAISING CHIFLEY DAM WALL (32.00006)**

**Cr Aubin** - asked has this matter progressed?

**The Director Engineering Services** advised a report on water security is being prepared.

**13**      **Item 8 HEREFORD/GILMOUR STREET ROUNDABOUT (25.00031)**

**Cr Aubin** - advised there are major problems there of an afternoon. Could a plan be developed for this.

**The Director Engineering Services** advised that the Kelso Traffic Study recommends traffic lights. Funding for design will be recommended in 2018/2019 budget.

**14**      **Item 9 GEORGE/DURHAM STREET LIGHTS (25.00089)**

**Cr Aubin** - advised there are major problems with the light timing. Have raised a number of complaints with RMS on the phasing. Apparently Telstra need to do works to facilitate this. Requested a letter be sent to Telstra.

**15**      **Item 10 STATE GOVERNMENT FUNDING (16.00119)**

**Cr Aubin** - requested a Working Party be held to discuss projects.

**16**      **Item 11 SOCCER FIELDS - DUGOUTS (04.00044)**

**Cr Aubin** - advised that the Dugouts need replacing at this location.

**17**      **Item 12 ROADSIDE SIGNAGE ON TRAILERS (23.00045)**

**Cr Aubin** - noted new legislation introduced recently. There is a run of signs going up, it is very messy. Do people come and ask for signs to go up?

**The Director Environmental, Planning & Building Services** advised there is a Council Policy in place, which is fairly robust.

**18**      **Item 13 TREE REMOVAL (13.00019)**

**Cr Fry** - spoke to issues of medium density buildings and removal of trees. Bathurst needs all the trees it can get. Could the S:94 funds include a levy on people who remove trees?

**19**      **Item 14 RECYCLING (14.00008)**

**Cr Fry** - spoke to concerns about recycling and the future of this. Can staff look at ways of using recycling materials? For example, sourcing new industries in this area.

**20**      **Item 15 CSP 2040 PLAN (03.00180)**

**Cr Fry** - spoke to timelines to put submissions in.

**21**      **Item 16 CHANNEL OFF GILMOUR STREET (25.00031)**

**Cr Fry** - spoke to concerns raised by Cr Bourke. Could be addressed through water sensitive urban design being built into new developments.

**22**      **Item 17 BRIDLE TRACK CONDITION (25.00283, 25.00529)**

**Cr Fry** - asked have the engineers looked at the condition of Root Hog Road?

**The Director Engineering Services** advised that regular observational maintenance is undertaken of both the Bridle Track and Root Hog Road.

**Cr Fry** - requested that the Root Hog Road river crossing be reviewed.

**23**      **Item 18 COUNCIL INVESTMENTS (16.00001)**

**Cr Fry** - asked have we reviewed our investment portfolio.

**The Director Corporate Services & Finance** advised report is being prepared.

**24**      **Item 19 CCTV FUNDING (16.00145)**

**Cr Christian** - asked where are we at?

**The Director Cultural & Community Services** advised Council has two applications in for funds, one to the Government and one within the Council budget, each at \$270,000.

**25**      **Item 20 AQUA PARK (32.00005)**

**Cr Christian** - asked where this proposal is up to?

**The Director Environmental, Planning & Building Services** advised staff have been working with the proponent on what data would be needed. Two government departments have requested to be involved. Awaiting further detail from the proponent.

**26**      **Item 21 HOWICK/GEORGE STREET INTERSECTION (25.00006)**

**Cr Christian** - asked where is Council at with respect to funding? Has this project been pushed back?

**The Director Engineering Services** advised the design is due this month, will then go to Traffic Committee. Funds will be proposed in the 2018/2019 budget. Project has been deferred due to other priorities and available resources.



**27**      **Item 22 SUTTOR/MITRE/LAMBERT STREET INTERSECTION (37.00593, 25.00095)**

**Cr Christian** - asked when funds are made available are we ready to go?

**The Director Engineering Services** advised design is being finalised, awaiting advice on Black Spot funding. When funding is made available works will be scheduled.

**28**      **Item 23 GREAT WESTERN HIGHWAY/GILMOUR STREET (25.00018)**

**Cr Christian** - advised that just up from the traffic lights at Sydney Road/Gilmour Street a section of the medium strip is overgrown. Can this be looked at.

**The Director Engineering Services** advised will follow up with RMS.

**29**      **Item 24 HOUSE NUMBERS ON GUTTERING (20.00006)**

**Cr Christian** - Emergency services are having difficulty identifying house numbers, can we do something.

**The Director Engineering Services** advised residents can paint numbers on if they require. No funds provided for City wide roll out.

**30**      **Item 25 ROADSIDE SIGNAGE (23.00045)**

**Cr North** - noted matter raised by Cr Aubin, does show there are some issues. Could Council look at a policy?

**31**      **Item 26 TREES IN BATHURST (13.00019)**

**Cr North** - noted that experience of Council is that many more trees are going in than are being removed.

**32**      **Item 27 BLACK SPOT FUNDING (16.00023)**

**Cr North** - queried whether if work commences before grant is approved is it then

forfeited.

**The General Manager** advised if works commence before grant approved, then Council cannot access monies.

**33**      **Item 28 GEORGE/DURHAM LIGHTS (25.00089)**

**Cr North** - agrees that light phasing is a problem at this intersection.

**34**      **Item 29 BMEC LOCATION (21.00061)**

**Cr North** - could BMEC be relocated to the RSL carpark location?

**35**      **Item 30 AERODROME (21.00044)**

**Cr North** - spoke to importance of the Aerodrome and current facilities out there. Need to look at what upgrades are needed, particularly enlarging terminal and putting in security. Would also fit in with needs of car race clients. Please review master plan and also review fees and charges. Requests a report to come back.

**36**      **Item 31 BMX TRACK (04.00083)**

**Cr North** - could a report come back on works that could be undertaken to address issues that are being experienced?

**37**      **Item 32 LIVE STREAMING OF MEETINGS (11.00005)**

**Cr North** - Council should look at implementing this.

**38**      **Item 33 TRAFFIC LIGHTS (25.00006)**

**Cr North** - Russell/William and Howick/William are working really well. Feels this should be looked at for George/Howick intersection. Raised concerns at intra-blocks crossings in the CBD where there are no traffic lights.

**39**      **Item 34 O'REGANS ROAD BRIDGE AND HOLLIS LANE (25.00453, 25.00114)**

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**This is page 7 of Minutes of the Policy Committee held on 7 March 2018**

**Cr North** - queried works for 2018/2019.

**The Director Engineering Services** advised culvert on O'Regans Road in in budget for next year. No funds for Hollis lane at this time.

**40**      **Item 35 AUSTRALIA DAY EVENTS (23.00033)**

**Cr North** - noted the City has a lot of heritage and history. Requests a report on upgrading this Event for next year.

**41**      **Item 36 BRIDLE TRACK (25.00283)**

**Cr North** - suggested if cannot reinstate, can we look at making it a walking track? Spoke to alternate route around the bluff.

**The Director Engineering Services** advised that the same safety issues exist. Have looked at alternative route, but not progressed at this time.

**42**      **Item 37 PROCTOR PARK (04.00044)**

**Cr North** - advised Police Paddock recently has been excellent, a lot of effort has gone in by Council and the clubs (soccer/cricket). New grounds going in, need to find funds for replacing technical shelters and seating. Please carry out works.

**43**      **Item 38 QANTAS PILOT SCHOOL (21.00038)**

**Cr North** - queried are we looking at this, requests a report come back to Council.

**44**      **Item 39 JOSS DEVELOPMENT SITE - DAIRY FARMERS (2012/0518)**

**Cr North** - asked are we doing anything to attract industry to this site.

**The Director Environmental Planning & Building Services** advised actions are occurring.

**45**      **Item 40 CBD WI FI PROJECT (20.00315)**

**Cr North** - asked will this go out to tender?

**The Director Corporate Services & Finance** advised works will go to tender.

**46** **Item 41 CARDIOLOGY DEPARTMENT, DURHAM STREET; PEEL/PIPER STREET DEVELOPMENTS (2017/46)**

**Cr North** - requests information be provided to him due to access concerns raised.

**47** **Item 42 ROAD SYSTEM PLANNING (28.00017)**

**Cr North** - Council needs to look at plan for future road needs of the City. Requests a report to come back to Council.

**The meeting closed at 7.38 pm.**

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**48** **Item 1 DEVELOPMENT APPLICATION NO. 2017/403 – PARTIAL CHANGE OF USE TO OFFICE PREMISES AND SIGNAGE & DEVELOPMENT APPLICATION 2018/5 – PARTIAL CHANGE OF USE TO TAKEAWAY FOOD PREMISES – 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY LTD (DA/2017/405 and 2018/5)**

Discussion included:

**Andrew Stewart** – on behalf of the applicant

Spoke on behalf of the development and is a user of the space. Is a Sydney based lawyer and it gives the opportunity to meet with clients. The proposed hole in the wall coffee shop will add to the amenity of the area. Spoke to issues raised by objectors; operating without consent; car parking is ample; access to right of way is not restricted and there are no locks on the gates; glare from glass tiles is minimal and not an issue; the fence is 2.1m high and complies with Council requirements; character of building is maintained.

**Rev T Stuart** – 127 Russell Street

Has made submissions to Council about the development. It would be reprehensible to approve the DA due to the behaviours of the owner. Was not made aware of the development and had no opportunity to see implications and have input. Various comments were made about the relationship with the

proponent. The work has had significant impact on Mr Stuart's property and has blocked right of way access and has been done without any notice. Also noted Dividing Fence movement costs and removal of fences by the proponent. The proponent refuses to meet and resolve problems, tried to get community hearings and the proponent would not acknowledge or attend. Referred to building (structural) problems that exist with the proponent's development.

### **EXTENSION OF TIME**

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

**RESOLVED** that an extension of time be granted.

### **David Morris** – adjoining property owner

Endorses everything that Rev Stuart has said, everything Andrew Stewart said is wrong, eg; has photos to show locks on the gates. Expressed concern that development has commenced prior to approval. Raised concerns was not notified about the development, does not understand why Council did not notify neighbours. The Private Certifier, does he give the occupation certificate? How can this occur as much of the development does not meet the Building Code. Requests Council deny the DA due to parking problems, belligerent disregard of the law.

### **Bob Triming** – BRAC Chairman

Spoke to access issues. The proponent has provided 100% support to access issues raised. Only issue is being aware of what is the main access, it is not on Russell Street, just needs a sign to direct people to where the main access, which is accessible, is located. The Access Committee is satisfied with the development.

## **MEETING CLOSE**

### **49** **MEETING CLOSE**

The Meeting closed at 7.38 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 MARCH 2018 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 6 March 2018 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 6 March 2018 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 6 MARCH 2018**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

**Members:** Sergeant Peter Foran (Bathurst Police), Ms Jackie Barry (Roads and Maritime Services Representative), Mr David Veness (MP Representative)

**Present:** Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer), Mr Paul Kendrick (Traffic and Design Engineer), Mr Andrew Cutts (Tablelands Area Road Safety Officer)

**APOLOGIES**

**2 APOLOGIES**

That the apology of Councillor Warren Aubin (Bathurst Regional Council) be accepted.

*In the absence of Cr Aubin, the Manager Technical Services chaired the meeting.*

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**4 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 FEBRUARY 2018 (07.00006)**

That the information be noted and necessary actions be taken.

**5 Item 2 ROCKLEY ANZAC DAY SERVICE AND MARCH 2018 - TEMPORARY ROAD CLOSURES (23.00076)**

That Council endorse the traffic management for the Anzac Day Service and March within Rockley on Wednesday 25 April 2018. The Commemorative Service road closure and the Anzac Day March is to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**6 Item 3 CAIRN ANZAC DAY SERVICE 2018 - TEMPORARY SPEED RESTRICTION ON LIMEKILNS ROAD (23.00076)**



That Council endorse the traffic management for the Anzac Day Service at the Memorial Cairn with a temporary speed restriction of 40km/hr on Limekilns Road on Wednesday 25 April 2018. The Commemorative Service and temporary speed restriction of 40km/hr is to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**7**      **Item 4 BATHURST WALLABIES TRIATHLON CLUB EVENT DATE CHANGE (23.00026)**

That Council approve the change of date for the last event in the Bathurst Wallabies Triathlon Club program from Sunday 18 March 2018 to Sunday 11 March 2018.

**8**      **Item 5 BATHURST CYCLING CLASSIC - CRITERIUM RACING EVENT (23.00128)**

That Council approve the traffic management plan for the Criterium Racing Event as part of the Bathurst Cycling Classic in Kings Parade on Saturday 21 April 2018. The Criterium Racing Event is to be classified as a Class 2 Event, and approved subject to conditions detailed in the Director Engineering Services' report.

**9**      **Item 6 BATHURST ANZAC DAY SERVICE AND MARCH 2018 - TEMPORARY ROAD CLOSURES WITHIN CBD (23.00076)**

That Council endorse the traffic management for the 2018 Anzac Day Service and March within the Bathurst central business district on Wednesday 25 April 2018. The Dawn Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**10**     **Item 7 2018 PANTHERS VS COWBOYS NRL TELSTRA PREMIERSHIP GAME – ROAD CLOSURES AND TEMPORARY NO PARKING (18.00296)**

That Council endorse the traffic management for the staging of the 2018 NRL Telstra Premiership Panthers vs Cowboys Game to be held at Carrington Park Bathurst on Saturday 4 May 2018. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director of Engineering Services' report

**MEETING CLOSE**

**11**      **MEETING CLOSE**

The Meeting closed at 2.38pm.

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 MARCH 2018

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 FEBRUARY 2018 (11.00019)**

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

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

### **1. BATHURST SEYMOUR CENTRE (22.00185)**

Terisa Ashworth, Manager of Bathurst Seymour Centre met with Council to give a presentation on the services provided.

Discussion included:

- centre based service for people who are frail aged, people with a disability and their carers who live in the Bathurst Regional area.
- social support and respite
- established 40 years ago
- have been located at 55 Seymour Street for over 26 years
- there are 10 part time staff and 45 volunteers supporting the centre
- the centre operates from Monday to Friday 8.30 am to 5 pm
- have 2 vehicles to transport clients to and from Centre and for community outings
- Groups include; coffee mornings, support group, Men's Shed, vision impaired support group, Broadband Kiosk, evening group for people with a disability and a Saturday group for clients and carers
- approximately 150 clients

### **2. BATHURST GOLF CLUB (22.00126)**

Representatives from Bathurst Golf Club, Brad Constable, Ray Stapley and Stephen Darlington met with Council to discuss water charges.

Discussion included:

- use raw water from Winburndale - concerned with usage and water rate
- last 10 years - 60-70 MI was needed per year to keep the course up to competition level
- changes in rating structure over the last five years
- Community Club - categorised for rating
- at 43MI Golf Club charged at higher rate than Industrial user
- rate increase during last 10 years 109% - cpi 28% for same period
- unsustainable for club
- long term look at the rate structure
- changes to structure will not affect other users as they don't use as much water
- want some savings and would look to long term water sustainability plan
- spoke of tournaments at Club and tourism benefit of that to Bathurst
- have great relationship with Council
- Jack Newton Junior Tournament - 200 players compete, many from out of Bathurst area
- Mid Amateur Tournament - Council and Golf NSW backing - 160 players
- Implementing water saving practices, e.g. changing grass to variety that requires less water and new more efficient sprinklers
- Awarded Jack Newton Golf Club of the year

- proposal - two tier structure - where they would be penalised if they used more than 70 MI tier structure.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

**Community Engagement**

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

## **2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 FEBRUARY 2018 (11.00019)**

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

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

**Apologies:** Crs Christian, Rudge

### **1. MOUNT PANORAMA RESIDENTS COMMITTEE (18.00150)**

Representatives of the Mount Panorama Residents Committee, Nigel Swan, Phil Burgett & Peter Harper met with Council to discuss the review of the Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy.

Discussion included:

**Policy:**

- tabled copy of proposed alterations to the policy
- deals with resident access times, vehicle access for emergencies
- discussed financial pressures on Council and promoters
- concerned with leveraging of events, e.g. 12 hour - track still closed for 4 days after event, i.e. extended length of events, causes resident access issues

**for consideration:**

- acknowledgement of Mount Panorama Act
- standardised track closures for all events
- improved access - secondary
- resident inclusion in planning of events
- emergency access during events

### **2. AH&P ASSOC - ROYAL BATHURST SHOW 2018 (18.00108)**

Representatives from the AH&P Assoc, Sam Farroway, Brett Kenworthy, Paula Elbourne and Colin McPhee met with Council to discuss the 2018 Royal Bathurst Show

Discussion included:

- spoke to excellent relationship with Council
- 2017 - successful Show, 25,000 people attended
- 2018 is the 150th Bathurst Show
- improved relationship with commercial sector of Bathurst

Request Council to consider for 2018 Show:

- possible additional support for 150th Show
- Supreme exhibit sponsorship
- like to discuss alternate parking - plan B (Hereford Street)
- one off sponsorship for recognition as sponsor of fireworks
- can they borrow kids games that Council owns

Other Items for Council consideration:

- last year of the current funding agreement with Council
- pump house and other Council owned land - not included in their lease area

### **3. BATHURST EISTEDDFOD SOCIETY (18.00141)**

Representatives from Bathurst Eisteddfod Society, S Childs, R King and C Davidson met with Council to discuss the running of the 2018 Eisteddfod.

Discussion included:

- fee for use of Bathurst Memorial Entertainment Centre as venue for the Eisteddfod
- last year's fee was a large increase on previous year
- appreciate assistance from BMEC
- if large increases each year, not sustainable
- would like to discuss current fee with Council
- 2018 dates - 25 August to 14 September 2018

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

### **Community Engagement**

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