

9 May 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
16 May 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 16 May 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.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 16 MAY 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 - 18 APRIL 2018
- * MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 MAY 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 - 2 MAY 2018
- * MINUTES - TRAFFIC COMMITTEE MEETING - 1 MAY 2018

10. NOTICES OF MOTION

Nil

11. RESCISSION MOTIONS

Nil

12. COUNCILLORS/ DELEGATES REPORTS

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	RENEWAL OF COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME TO PACIFIC AUTOMOTIVE HOLDINGS PTY LTD T/A THRIFTY CAR RENTAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME TO WTH PTY LTD T/A AVIS AUSTRALIA CAR RENTAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF COMMERCIAL LICENCE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed,

	AGREEMENT AT BATHURST AERODROME TO BUDGET RENT A CAR AUSTRALIA PTY LTD	prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF COMMUNITY LICENCE AGREEMENT WITH COMMUNITY OPPORTUNITY SHOP INC FOR LOT 6 DP608111 KNOWN AS 8 LIONS CLUB DRIVE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT FOR PART LOT 1 DP6334401 KNOWN AS MCPHILLAMY PARK, MOUNT PANORAMA WITH MASTER COMMUNICATIONS & ELECTRONICS PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	NEW COMMERCIAL LEASE AT PART LOT 404 DP1241250 KNOWN AS THE BATHURST AERODROME TO K & S FREIGHTERS PTY LTD T/A AERO REFUELLERS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND AT PART LOT 1007 DP1168702 KNOWN AS KELSO INDUSTRIAL RESIDUE LAND TO OAKLEIGH PLUMBING PTY LTD	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
8	PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	SALE OF LOTS 1009, 1010 AND 1011 CORPORATION AVENUE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open

	council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF CIVIL WORKS -TRADE CENTRE STAGE 10	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	TERMINATION OF CONTRACT FOR CONSTRUCTION OF TAXIWAYS AND APRON EXTENSION AT BATHURST AERODROME	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 - 18 APRIL 2018 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 April 2018 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 April 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.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 MAY 2018 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 May 2018 be adopted.

Report: The Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 May 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 18 APRIL 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

D McNab – Mitre/Suttor/Lambert Street intersection

Tabled final portion of petition for construction works, over 5,000 signatures. Spoke to application for Black Spot Funding. Feels Council deliberately delayed the application for funding. Noted use of developer contributions. Spoke to safety issues at the intersection. Requests Council vote additional funds.

K McNab – Mitre/Suttor/Lambert Street intersection

Spoke to safety issues. Requests Council vote for the funding proposal. Requests pedestrian crossing be put in place between the park and shops. This is needed for safety reasons.

C Tremain – 26 Osborne Avenue

Spoke to proposed shed to go on property in this area. Concern at the size of the shed put in. When coming up Edgell Street, the shed is already put up and is not finished, it is only tin. It is a danger to anyone dropping children off, when sun comes off the shed door. Could a notice be sent out, when advising of shed, showing full details of the shed being proposed in the future.

M Griffiths – Havannah Street

Asked when will the Mayor assume proper management practices for the Council. Tried to meet with the Director of Environmental, Planning & Building Services, told he was in a meeting, tried to meet with General Manager unable to. Spoke to contamination issues on a building site in Havannah Street, including asbestos. Alleges improper actions concerning removal and non-authorised/licensed persons undertaking works. Has Council granted authority for works? Safe Work and EPA are investigating the matter. Spoke to information provided to Council.

S Handley & G Boshier – Youth Council

Spoke to report to Council including review undertaken, National Youth Week and 2018 projects of the Youth Council.

G Crisp

Spoke to final notice from Council to an organisation he is a member of. Also his inability to access copies of Council minutes.

Alleges \$6.5 million illegally removed from water fund and that Council is insolvent. Can Council continue to pay bills as it is insolvent?

The General Manager noted all minutes are available online for people. Further, comment cannot be made on final notice as not aware of the organisations name. Council is not insolvent.

B Trimming – Bathurst Regional Access Committee

Noted the Return & Earn outside the Op Shop is not accessible to people in wheelchairs. In regards to Mitre/Suttor/Lambert Street intersection, please make sure access and crossings are in place. Also thanked Council for clearing footpaths where developments are in place.

Asked if the footpath on Bradwardine Road was funded by a State Government grant?

The Director Engineering Services noted 50% was government funded and will continue.

Congratulated Director Environmental, Planning & Building Services and staff for the Pet Expo on the weekend, it was a good event. Also spoke to new Machattie Park sign soon to be unveiled. Noted this is the 30th year since the Access Committee was created. Thanked staff for their efforts.

APOLOGIES**3 APOLOGIES**

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 MARCH 2018 (11.00005)
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 March 2018 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 APRIL 2018 (11.00005)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 April 2018 be adopted.

DECLARATION OF INTEREST

- 6** **DECLARATION OF INTEREST 11.00002**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the following Declarations of Interest be noted.

Cr Jennings

Item # 1 of the Director Cultural & Community Services's report.

Cr Fry

Item # 1 of the Director Engineering Services' confidential report

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

Director Environmental Planning & Building Services' Report

- 7** **Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr J Jennings and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2018/34 – SHED AT 21 HAMILTON STREET, EGLINTON. APPLICANT: MR A BLAKLEY. OWNER: MR A BLAKLEY (DA/2018/34)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: 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. 2018/34, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and a

condition to the affect that:

- i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings;
- (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 4 DEVELOPMENT APPLICATION NO. 2016/329 – CONCRETE CRUSHING FACILITY AT 145 GORMANS HILL ROAD. APPLICANT: BARNSON. OWNER: MR GE & MRS DE HIBBERSON (DA/2016/329)**

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

RESOLVED: 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. 2016/329, for the following reason:
 - 1. The Development Application is designated development pursuant to the Environmental Planning and Assessment Regulation 2000 and must be accompanied by an Environmental Impact Statement in accordance with Section 4.12(8) of the Environmental Planning and Assessment Act;

- (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

11 **Item 5 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That:

- (a) the information be noted; and

- (b) the Bathurst Region Heritage Reference Group be requested to review their Charter at their next meeting and report back to Council.

12 Item 6 BATHURST REGIONAL URBAN RELEASE AREA – KELSO CERTIFICATION (20.00143)

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

RESOLVED: That Council:

- (a) note that certification has been received from the NSW Department of Planning and Environment for the Kelso Urban Release Area until 30 June 2020; 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 7 FORWARD PLANNING FOR ROAD INFRASTRUCTURE (20.00277)

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

RESOLVED: That the information be noted.

14 Item 8 ROADSIDE VEGETATION MANAGEMENT PLAN (13.00088)

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

RESOLVED: That Council adopt the Roadside Vegetation Management Plan incorporating the changes made in response to submissions received during the public exhibition period.

15 Item 9 SUSTAINABLE LIVING EXPO 2018 (23.00124)

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

RESOLVED: That Council note the success of the 2018 Sustainable Living Expo.

16 Item 10 EASY TO DO BUSINESS – SERVICE NSW (20.00071)

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

RESOLVED: That Council:

- (a) delegate authority to the General Manager to enter into a contract with Service NSW for the Easy to do Business initiative; and
- (b) delegate authority to the Mayor and General Manager to execute any

necessary documents under the Common Seal of Council.

- 17** **Item 11 DRAFT BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2018– 2022 (20.00071)**
MOVED Cr J Jennings and **SECONDED** Cr I North

RESOLVED: That Council place the Draft Bathurst Region Economic Development Strategy 2018 – 2022 on public exhibition for a period of 28 days and invite the public to make submissions.

Director Corporate Services & Finance's Report

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

RESOLVED: That the information be noted.

- 19** **Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

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

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

- 21** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 22** **Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.11007)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

Director Engineering Services' Report

23 Item 1 PROPOSED ADDITION TO THE RESERVE PURPOSE FOR RESERVE 86313 AT MOUNT PANORAMA (04.00098)

MOVED Cr J Rudge and **SECONDED** Cr J Jennings

RESOLVED: That Council approve the addition of 'Public Recreation' to the reserve purpose for Reserve 86313 at Mount Panorama.

24 Item 2 EXTINGUISHMENT OF 2M WIDE EASEMENT FOR UNDERGROUND POWERLINES ON LOT 14 DP1226661 - LEW AVENUE EGLINTON (22.15959)

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

RESOLVED: That Council resolve to extinguish a 2 metre wide easement for underground powerlines on Lot 14, DP1226661 at Lew Avenue Eglinton.

25 Item 3 DESIGN FOR PERTHVILLE VILLAGE SQUARE (37.00562)

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

RESOLVED: That:

- (a) place the Perthville Village Square Concept Design on public exhibition for 28 days, and
- (b) if no submissions altering the Concept Design are received, adopt the Perthville Village Square Concept Design.

26 Item 4 PROPOSED EXTINGUISHMENT OF 5.03M WIDE EASEMENT FOR WATER SUPPLY PIPELINE CROSSING LOT 1 DP1233661 AND LOT 1021 DP1233843, AND CREATION OF 3M WIDE EASEMENT FOR WATER SUPPLY PIPELINE ON LOT 1 DP1233661 - 186 AND 240 LIMEKILNS ROAD KELSO (2017/205 & 2017/243)

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

RESOLVED: That Council resolve to:

- (a) Approve the release/extinguishment of an easement for a water supply pipeline 5.03m wide crossing Lot 1 within DP1233661 and Lot 1021 within DP1233843.
- (b) Approve the creation of an easement for a water supply pipeline 3.0m wide in the north-eastern corner of Lot 1 DP1233661, Limekilns Road Kelso.

27 Item 5 INTERSECTION OF MITRE/SUTTOR/LAMBERT STREETS - FUNDING ARRANGEMENTS (25.00095)

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

That Council construct a roundabout at the intersection of Mitre/Suttor/Lambert Streets, estimated to cost \$1.7 million, to be funded as follows:

- (a) \$950,000 as provided in the 2017/18 Annual Operational Plan;
- (b) \$600,000 for Section 7.11 funds; and

(c) \$150,000 from the 2018/19 budget.

The following AMENDMENT was MOVED.

28 Item 5.01 INTERSECTION OF MITRE/SUTTOR/LAMBERT STREETS - FUNDING ARRANGEMENTS (25.00095)

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

That Council:

- (a) make improvements to the intersection of Mitre/Suttor/Lambert Streets, estimated to cost \$1.7 million, to be funded as follows:
 - (i) \$950,000 as provided in the 2017/18 Annual Operational Plan;
 - (ii) \$600,000 from Section 7.11 funds; and
 - (iii) \$150,000 from the 2018/19 budget
- (b) The proposed designs and relevant engineering report be put on public display, once completed and also be referred to the Traffic Committee for comment;
- (c) A report come back to Council on the feedback received regarding the proposed design.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT became the MOTION.

The MOTION was PUT and CARRIED.

29 Item 6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00655, 36.00527, 36.00664)

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

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

30 Item 1 2018 INTERNATIONAL WOMEN'S DAY EVENTS (23.00026)

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

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

Reason: Partner was a member of the group panel discussion.

RESOLVED: That the information be noted.

31 Item 2 2018 HARMONY DAY EVENT - SATURDAY 17 MARCH 2018 (09.00032)

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

RESOLVED: That the information be noted.

32 Item 3 COMMUNITY SAFETY COMMITTEE - COMMUNITY SAFETY PLAN - REVISED TERMS OF REFERENCE (07.00107)

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

RESOLVED: That Council endorse the revised Terms of Reference for the Community Safety Committee, with a change to the quorum number from half of the members plus one, to five members.

33 Item 4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 5 MARCH 2018 (07.00116)

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

RESOLVED: That the information be noted.

34 Item 5 BATHURST LIBRARY - REFURBISHMENT AND EVALUATION (21.00054)

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

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

35 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 APRIL 2018 (07.00064)

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

RESOLVED: That the recommendations of the Policy Committee Meeting held on 4 April 2018 be adopted.

Traffic Committee Meeting

36 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 APRIL 2018 (07.00006)

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

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 April 2018 be adopted.

NOTICES OF MOTION

37 Item 1 NOTICE OF MOTION - CR NORTH - HANGAR LEASE FEES (11.00004,

16.00044)**MOVED** Cr I Northand **SECONDED** Cr B Bourke**RESOLVED:** Moved by Cr North:

That Council provide a report to Councillors reviewing the current Lease Fee Structure of the Airport Hangers. Having full regard to those tenants who have paid for the Services that are connected to their sites.

COUNCILLORS/ DELEGATES REPORTS**38 Item 1 CENTROC BOARD MEETING 22 FEBRUARY 2018 (07.00017)****MOVED** Cr B Bourkeand **SECONDED** Cr I North

RESOLVED: That the report on the Centroc Board Meeting held 22 February 2018 in Condobolin be noted.

39 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 6 MARCH 2018 (11.00020)**MOVED** Cr I Northand **SECONDED** Cr W Aubin**RESOLVED:** That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council 2018, including Saskia-Jayne Handley as Youth Mayor and Gabrielle Boshier as Youth Deputy Mayor.

40 Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 MARCH 2018 (11.00019)**MOVED** Cr J Rudgeand **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**41 Item 4 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 28 MARCH 2018 (11.00019)****MOVED** Cr I Northand **SECONDED** Cr A Christian**RESOLVED:** That the information be noted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****42 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

MOVED Cr I Northand **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.

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SALE OF LAND AT LOT 911 DP1110004 KNOWN AS 48 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SPECIFICATION FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES 2018 - 2021	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	NETWASTE WASTE SERVICES CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR DESIGN	10A (2) (d) (i) – contains commercial

	AND CONSTRUCTION OF NEW ANIMAL IMPOUND AND ADMINISTRATION FACILITY	information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	CONSTRUCTION OF INFRASTRUCTURE TO SERVICE FUTURE DEVELOPMENT - LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	CENTROC TENDER FOR SUPPLY & DELIVERY OF BITUMEN EMULSION TO CENTRAL NSW COUNCILS	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 SALE OF LAND AT LOT 911 DP1110004 KNOWN AS 48 HAMPDEN PARK ROAD, KELSO (22.11007)
MOVED Cr B Bourke and SECONDED Cr I North

RESOLVED: That Council approves the sale of Lot 911 DP1110004 known as 48 Hampden Park Road, Kelso as detailed in the report.

Director Engineering Services' Report

- b** Item 1 TENDER FOR SPECIFICATION FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES 2018 - 2021 (36.00655)
MOVED Cr I North and SECONDED Cr J Rudge

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

Reason: Employee of Skillset, who is one of the Tenderers.

RESOLVED: That Council accepts the tender of Veronica O'Connor Contracting Services Pty Ltd, for the Specification for Grounds Maintenance of Bulk Water Supply and Wastewater Sites from 2018 - 2021 in the amount of \$228,079.80

inclusive GST, subject to adjustments and provisional items.

- c** **Item 2 NETWASTE WASTE SERVICES CONTRACT (36.00527)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) accept the recommendations made in the Director Engineering Services' Report, and
- (b) authorise the General Manager to finalise negotiations and execute the appropriate documentation.

- d** **Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF NEW ANIMAL IMPOUND AND ADMINISTRATION FACILITY (36.00664)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council decline all tenders for this project, due to there being insufficient budget, and call fresh tenders based on revised specifications.

- e** **Item 4 CONSTRUCTION OF INFRASTRUCTURE TO SERVICE FUTURE DEVELOPMENT - LIMEKILNS ROAD, KELSO (22.00358)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) due to extenuating circumstances, including access to a restricted work site and construction staging, resolve that a satisfactory result would not be achieved by inviting tenders, and
- (b) act in accordance with the Director Engineering Services' report.

- f** **Item 5 CENTROC TENDER FOR SUPPLY & DELIVERY OF BITUMEN EMULSION TO CENTRAL NSW COUNCILS (07.00017)**
MOVED Cr W Aubin and **SECONDED** Cr A Christian

RESOLVED: That Council accept the tender from Boral Asphalt for the supply and delivery of bitumen emulsion until 31 March 2020.

RESOLVE INTO OPEN COUNCIL

- 43** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr J Rudge and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 44** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

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

MEETING CLOSE

- 45** **MEETING CLOSE**

The Meeting closed at 8.20 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 2 MAY 2018**

MEETING COMMENCES

1 MEETING COMMENCES 7:05 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Christian and Jennings be accepted and leave of absence granted.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

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

General Manager's Report

**4 Item 1 ARTS OUTWEST - SPECIAL GENERAL MEETING AND NEW
CONSTITUTION (18.00036)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) Delegate the authority to Cr Morse to vote on behalf of Council for constitutional changes proposed to the constitution of Arts OutWest at the Special General Meeting;
- (b) Nominate Cr Morse as Council's Advisory Council representative.

Director Corporate Services & Finance's Report

- 5** **Item 1 DRAFT BATHURST DELIVERY PROGRAM 2018-2022 & OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council place the Draft Bathurst Delivery Program 2018-2022 and Operational Plan 2018/2019 including the Revenue Policy for 2018/2019, on public exhibition for the statutory 28 day period and receive submissions until 5 June 2018.

Director Engineering Services' Report

- 6** **Item 1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00662)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

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

- 7** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and **SECONDED** Cr J Rudge

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

There were no representations from the public.

RESOLVED: That:

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

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR MOWING OF CHIFLEY DAM WALL	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	2018 - 2021	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

- a** **Item 1 TENDER FOR MOWING OF CHIFLEY DAM WALL 2018 - 2021 (36.00668)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That Council accepts the tender of Yards Made Easy, for the mowing of Chifley Dam Wall for 2018 - 2021 in the amount of \$82,845.00 inclusive of GST, subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

- 8** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 9** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the Report of the Committee of the Whole, Item (a) be adopted.

MEETING CLOSE

- 10** **MEETING CLOSE**

The Meeting closed at 7.27 pm.

CHAIRMAN: _____

GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 MAY 2018

1 BATHURST 2040 COMMUNITY STRATEGIC PLAN (03.00180)

Recommendation: That Council adopt the Bathurst 2040 Community Strategic Plan.

Report: Bathurst 2040 Community Strategic Plan is the blueprint to create a vibrant and innovative region that values our heritage, environment, culture, diversity and strong economy.

Bathurst 2040 is Council's third iteration of a Community Strategic Plan (CSP). Council adopted its first CSP in 2011. The CSP is a legislative requirement as part of the NSW Government's Integrated Planning & Reporting Framework for Local Government, designed to guide the direction of Council's projects and programs. The purpose of the CSP is to create a whole of community vision so that Council, other agencies and the community are working in the same direction. Council's four year annual planning and budget then flows from the CSP. The Plan also provides a way for Council to be accountable to the community and the State Government through an annual report on how implementation is progressing and an end-of-term report for the community.

Community engagement activities - backgrounding phase

The Bathurst 2040 CSP has been developed by building upon 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 helped develop 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.

Some of the major consultation activities that have occurred include:

- Bathurst 2036 Community Strategic Plan
- 2016 Community survey
- Bathurst 2036 Housing Strategy
- Bathurst 2040 Open Space strategy
- Bathurst Entrance Statement
- Centennial Park scoping study
- Destination Brand strategy
- Disability Inclusion Action Plan
- Growing our Economy survey
- Stronger Country Communities Fund consultation
- Vegetation Management Plan review

During 2017, Council undertook 42 individual community consultation projects through the yoursay consultation website (yoursay.bathurst.nsw.gov.au). Combined, over 7000 people visited the site to find out about the projects Council invited feedback on. This resulted in over 1500 online submissions or survey responses being received by Council. Importantly, this is in addition to any written submissions sent or emailed to Council.

As part of the most recent round of Village meetings, held in late 2017, the village communities, through their progress associations, were invited to provide feedback on the Village Plans. These are designed to identify the priorities of each village community and

provide a pathway for Council, other agencies and the communities to work towards. The feedback received from the village communities has been incorporated into the Community Strategic Plan.

Community engagement activities - draft CSP phase

During December 2017 & January 2018, the community were invited to submit ideas, feedback and suggestions about the future for Bathurst. A survey also sought feedback on what should be the priorities of Council into the future and comments on Council's vision. To compliment the online engagement, Council invited over 70 State and Federal organisations and local community service providers to contribute input to the project. Council received suggestions from the following groups: NSW Health – Western NSW Local Health District, Civil Aviation Safety Authority, Gold Country Sport 21K, Western Research Institute, Lifestyle Solutions, State Emergency Service, Hill End & District Volunteer Bushfire Brigade, Wattle Flat Progress Association, Sunny Corner Progress Association, Yetholme & District Progress Association, Combined Pensioners & Superannuants Association, NSW Rural Fire Service and Bathurst Family History Group.

The groups asked Council to think about issues such as protecting the Bathurst Airport, inclusion of multi-sport indoor stadia, consideration of existing reports to inform the development of the CSP, strategies to manage an ageing population and affordable housing, tourism planning, recreational and capacity building programs, emergency services headquarters, village signage and advocating for improved mobile phone reception.

Council has also continued conversations with its various community reference groups, covering areas such as tourism, heritage and natural resources.

Community engagement activities - CSP exhibition phase

Following Council's resolution to place the draft Bathurst 2040 Community Strategic Plan on public exhibition for the period 24 March 2018 to 27 April 2018, Council completed an additional comprehensive consultation process which included:

- Direct mail out to 270 local community organisations and Government departments
- Display at the Sustainable Living Expo on 24 March 2018
- Display at the Royal Bathurst Show on 13-14 April 2018
- Public information session held on 11 April 2018
- Full page ads in local newspapers
- Online engagement through the yoursay.bathurst.nsw.gov.au portal
- Radio ads
- Social media promotions
- Email banner
- Static displays at the Civic Centre and Bathurst Library

Council staff spoke with 149 groups of people whom attended the public information session, or visited the displays at the Sustainable Living Expo or Royal Bathurst Show. In addition over 300 individuals visited the yoursay.bathurst.nsw.gov.au portal to find out more information about the draft Plan.

During the exhibition period, Council received a total of 28 submissions from individuals and community groups. A further 4 submissions were received from Government departments.

Copies of the submissions are provided at **attachment 1**.

A summary of the submissions and Council's response is provided at **attachment 2**.

A summary of the consultation through the yoursay.bathurst.nsw.gov.au portal is provided at **attachment 3**.

The Community Strategic Plan document architecture

Following the public exhibition of the draft CSP and consideration of submissions, a final document has been prepared which contains some changes to the draft document that was exhibited. Six overall objectives have been included supported by a wide array of strategies and targets that guide the priorities for specific projects and programs.

The key change made to the draft CSP following its exhibition has been to include an additional objective, *Objective 1 Our sense of place and identity*. This change reflects the sentiment of a number of submissions and comments Council received during the exhibition period, that places a high priority on the history and culture of the Bathurst region.

The final Bathurst 2040 CSP has been developed around six main themes.

1. Our sense of place and identity
2. A smart and vibrant economy
3. Environmental stewards
4. Enabling sustainable growth
5. Community health, safety and spirit
6. 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.

Main changes to the Bathurst 2040 Community Strategic Plan following exhibition

As a result of the submissions and comments received during the public exhibition period, the following major changes have been incorporated into the final Community Strategic Plan.

1. Addition of new Objective - Our Sense of Place and Identity. This objective will bring together strategies related to:
 - Aboriginal Heritage
 - European Heritage
 - Cultural Vitality
 - Protection of landscapes, views and vistas
 - Urban Design

2. A new strategy has been developed relating to the challenges associated with the anticipated demographic change within the Bathurst Region.
3. Amending Strategy 3.8 (Now strategy 3.6) to make a clear distinction between the urban design elements of the built environment and the development activity that occurs within the region.

Attachment 2 highlights the other minor changes made to the Community Strategic Plan in response to the submissions received. Council staff also reviewed and refined the draft CSP during the exhibition period.

A copy of the final Bathurst 2040 Community Strategic Plan is provided as **attachment 4** for Council's consideration, and it is recommended it be adopted.

Following the adoption of the new CSP, its objectives and strategies will be referenced in Council agenda reports, the budget and delivery plans and other relevant strategic documents. It should be noted that there will be a transition period between now and 1 July 2018 between the new CSP and the 2036 Plan. For example, June reports to Council will still reference the 2036 Plan objectives, but July reports will reference the new 2040 Plan objectives.

Conclusion

Bathurst 2040 is Council's third iteration of a Community Strategic Plan (CSP). Council adopted its first CSP in 2011. The CSP is a legislative requirement as part of the NSW Government's Integrated Planning & Reporting Framework for Local Government, designed to guide the direction of Council's projects and programs. Council undertook an extensive public consultation process which complimented the ongoing conversations held over the preceding 18 months. A total of 32 submissions were received during the exhibition period. A number of amendments were made to the draft Community Strategic Plan as a result of the submissions including the addition of a new objective.

Adoption of the Plan is recommended.

Financial Implications: The Bathurst 2040 CSP has been developed 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 30.2, 30.3, 30.7
- Objective 33: To be and develop good leaders. Strategy 33.6

Community Engagement

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

2 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018 (ALBURY) **(18.00074)**

Recommendation: That Council nominate its delegates and observers for the Local Government NSW Annual Conference 2018.

Report: The Local Government NSW Annual Conference 2018 will take place from Sunday 21 October to Tuesday 23 October 2018 and will be held in Albury. Registration has opened and Council will be required to advise the names of the voting delegates.

Council is entitled to three voting delegates and whatever number of observers it wishes to send. It would be appropriate for Council to advise its voting delegates at this time. The voting delegate will need to be nominated for both voting; on motions and voting for Board positions. If the Mayor should attend, then he will be one of the three voting delegates.

It is recommended that Council nominate its delegates and observers for the Local Government NSW Annual Conference 2018.

Financial Implications: Funding is provided in the 2018/19 Delivery Plan for Councillor attendance at the Conference.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.7
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

Community Engagement

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

Yours faithfully



D J Sherley
GENERAL MANAGER

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 MAY 2018

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

Recommendation: That the information be noted.

Report: 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),
 - (v) (Repealed)
- (b) 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 April 2018 (**attachment 1**).
- (b) Applications refused during April 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 April 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. 2018/47–THREE LOT RURAL SUBDIVISION AT 2102 TURONDALE ROAD, TURONDALE AND 332 WELLS ACCESS ROAD, WATTLE FLAT. APPLICANT: VOERMAN AND RATSEP. OWNER: TRADE SUPPLIES PTY LTD AND EMANUAL AND JEMER HOLDINGS PTY LTD (DA/2018/47)

Recommendation: That Council:

- (a) support the variation to the minimum lot size development standards prescribed in the Bathurst Regional Local Environmental Plan 2014 in relation to the creation of proposed lot 31;
- (b) as the consent authority, grant consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/47, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for a three lot rural subdivision at 2102 Turondale Road, Turondale and 332 Wells Access Road, Wattle Flat, described as Lot 2 and 3 in DP 1091635, and Lot 25 DP 755800. A location plan and aerial photo are provided at **attachment 1**.

The site is substantially vegetated. Lot 3 DP 1091635 (forming part of 332 Wells Access Road) contains one dwelling. Farm infrastructure is also located on 332 Wells Access Road. All properties are accessed off Wells Access Road.

History of the Site

Development Application 2017/404 approved a two lot subdivision (boundary adjustment) of the property known as 332 Wells Access Road and 2102 Turondale Road. This approval is a precursor to the subject Development Application because it establishes the western boundary of proposed Lot 33 of the subdivision.

The proposal

The proposal involves a three lot rural subdivision. A plan of the proposed development is at **attachment 2**.

Proposed Lot 31 will be 90 hectares and contains an existing dwelling.
Proposed Lot 32 will be 112 hectares and nominates a new dwelling envelope.
Proposed Lot 33 will be 316 hectares and will remain vacant but would meet the minimum allotment size standard for the erection of a dwelling house into the future. Refer to Statement of Environmental Effects at **attachment 3**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst*

Regional Local Environmental Plan 2014. Subdivision is permissible with consent in the RU1 Primary Production zone. The proposal is consistent with the objectives of the zone, which are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

Clause 4.1 Rural Subdivision and 4.2B Erection of dwelling houses on land in certain rural zones

Clauses 4.1 and 4.2B prescribe a minimum lot size of 100ha for subdivision and/or the erection of a new dwelling house.

The subject site contains one dwelling which will be located within proposed Lot 31 (90 hectares). Proposed Lots 32 and 33 are greater than the minimum lot size for subdivision and dwelling houses.

Proposed Lot 31 is less than the prescribed minimum lot size for subdivision purposes.

The underlying objectives of Clause 4.1 are as follows:

- (a) *to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,*
- (b) *to ensure residential lots are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,*
- (c) *to control the subdivision of land shown on the Lot Size Map for the purposes of a dwelling house,*
- (d) *to ensure that lot sizes are consistent with the desired settlement density and intensities for different localities and reinforce the predominant subdivision pattern of the area,*
- (e) *to ensure a secure water supply is available to land in Zone RU4 Primary Production Small Lots to enable the cultivation of land by irrigation.*

Clause 4.6 Exceptions to Development Standards

The proposed development seeks a variation to the minimum lot size pursuant to Clause 4.6 of the Bathurst Regional LEP 2014.

The proposal seeks to vary the minimum lot size of 100 hectares and create proposed Lot 31 at 90 hectares. Refer to **attachment 4** in relation to the Clause 4.6 request.

Clause 4.6(3) provides that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development

standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) provides that development consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

In part (b), the Secretary refers to the Secretary of the Department of Planning.

Clause 4.6(6) does not permit variations where:

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The variation is therefore possible subject to Lot 31 having an area of 90ha or greater.

The applicant provided justification for the variation on the following grounds:

- Lot 31 is heavily vegetated with little opportunity for feasible agricultural production;
- The proposed boundaries have been selected utilising existing fence lines to limit clearing of native vegetation; and
- Cleared areas have been incorporated into proposed Lot 33 so as to maximise agricultural production potential.

For the most part, the boundaries have been selected to follow as much as possible the existing fence lines through the property. This includes the common boundary between Lots 31 and 32 and between 31 and 33. Whilst numerical compliance in this case is achievable it would result in additional clearing of native vegetation and significant relocation of fencing on the property.

Assumed concurrence

In accordance with current concurrence arrangements from the Department of Planning, Council may assume the concurrence of the Secretary of the Department of Planning in relation to this application.

7.2 Bush fire prone land

The subject site is identified as bush fire prone. Under the requirements for Integrated Development under the Environmental Planning and Assessment Act 1979, the application

was referred to the NSW Rural Fire Service. NSW Rural Fire Service supported the application and recommended conditions.

Bathurst Regional Development Control Plan 2014

Chapter 9 Environmental Considerations

The land is located within sensitive land areas identified on Map 29 of the DCP as assessed in the table below.

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

Conclusion

The proposed development is not considered to have an adverse impact on the landscape or scenic quality. The primary use of the land for agriculture remains and the subdivision will be predominantly along existing fence lines, to reduce the need for native vegetation removal to achieve the subdivision.

Approval of the application 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

- Inform

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

4 DEVELOPMENT APPLICATION NO. 2018/24 – DEMOLITION OF DWELLING AND SHED, CONSTRUCTION OF FIVE X TWO BEDROOM RESIDENTIAL UNITS AND FIVE LOT STRATA SUBDIVISION AT 350 STEWART STREET, BATHURST. APPLICANT: BAR CONSTRUCTIONS. OWNER: 350 STEWART STREET PTY LTD (DA/2018/24)

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. 2018/24, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; and
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of an existing dwelling and shed and the construction of five x 2 bedroom single storey residential units and a five lot strata subdivision at 350 Stewart Street, described as Lot 350 DP 1089053. A location plan and aerial photo are provided at **attachment 1**.

The site contains one single storey dwelling and a shed. The site is accessed off Stewart Street and is surrounded by a mixture of single storey dwellings and residential units.

The site area is 1315 sqm.

History of the Site

The subject site was shown as vacant on 1943 aerial imagery. The existing dwelling is likely to have been constructed in the 1950's. It is understood to have only been used for residential purposes. The site is surrounded by a mixture of post war dwellings of similar appearance and more recent residential units. The subject site is not known to have any cultural or notable significance to the history of Bathurst.

The proposal

The proposal involves:

- Demolition of the existing dwelling and shed;
- Erection of five x two bedroom residential units;
- Five lot strata subdivision.

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

Planning Context

Roads Act 1993

Stewart Street is a NSW Roads and Maritime Services (RMS) controlled road. The proposed development requires works to be undertaken on Stewart Street (upgrading driveways) and accordingly concurrence from the RMS has been obtained.

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*. Demolition, multi dwelling house and strata subdivision are 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 2 Exhibition and notification of development applications

The Development Application was advertised and notified to adjoining property owners from 12 February 2018 to 26 February 2018. Following the advertising and notification period no submissions were received.

Chapter 4 Residential Development

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

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1,315m ²	900m ²	YES
Density	83.65 persons per hectare	88.00 persons per hectare	YES
Site Coverage	44.9%	50%	YES
Height	4.6m	Two storey maximum	YES
Setback - front	6m	Complement existing	YES
Setback - Rear	300mm	NCC	YES
Setback - Side	900mm	NCC	YES
Car parking	Resident 1 covered per dwelling Visitor 2 per dwelling	1 covered per unit and 2 visitor spaces because there are more than four units.	YES YES
Accessway Width	>3m per dwelling	3 – 6m	YES
Open space area	>30m ² per dwelling	30m per dwelling	YES
Open space width	>4m for each dwelling	>4m per dwelling	YES
Garage doors	0% facing façade	<50%	YES
Battle-axe allotment(P2/P3 only)	Regular allotment	NA	YES
Frontage width(P2/P3 only)	15m	NA	YES
Frequency(P2/P3 only)	40m separation	NA	YES

Chapter 10 Urban Design and Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area but not listed as an individual Heritage Item. The building is considered to have a Contributory streetscape rating and an overall BCAMS rating of 6, refer [attachment 3](#).

A Heritage Impact Statement was submitted with the Application, refer to **attachment 4**. The existing dwelling is a 1950's Post War building. The Heritage Impact Statement states that the building does not have any historical value. There has not been any discovery of any cultural or notable persons or events associated with the building.

The proposed infill development includes a red brick façade, gable, and 25 degree roof pitch in traditional corrugated profile. The proposed infill development, whilst different in style to the surrounding post war dwellings, does contain design and material elements readily found in the Bathurst Heritage Conservation Area and is consistent with Chapter 10 of the DCP. It is appropriately set back and will maintain the same level of bulk and scale of the existing and adjoining dwellings.

The proposed fencing is considered appropriate for the streetscape. The height is consistent and sympathetic to surrounding fences and the introduction of brick is appropriate to the Heritage Conservation Area.

The proposed infill dwelling will therefore make a positive contribution to the Streetscape.

Conclusion

The proposed development seeks to demolish the existing dwelling and shed, and construct five x 2 bedroom dwellings and five lot strata subdivision. The proposal complies with the relevant local planning controls.

The proposal will introduce a new presence in the streetscape with elements linking the new infill dwelling and existing streetscape. The proposal provides smaller units within 300m of facilities including Bathurst West Post Office and service stations. The proposal maximises the use of the site. The closest public open space (341m away) is George Park, which is within walking distance of the site.

The proposal is considered to maximise the use of the site and the façade of the dwelling facing the street and its landscaping will create a positive presence in the streetscape.

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

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

5 DEVELOPMENT APPLICATION NO. 2017/448 – FIVE X TWO BEDROOM SELF CONTAINED RESIDENTIAL UNITS AT 17 VINE STREET, SOUTH BATHURST. APPLICANT: HOUSING PLUS. OWNER: TRUSTEES ROMAN CATHOLIC CHURCH DIOCESE OF BATHURST (da/2017/448)

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. 2017/448, 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) A footpath is to be constructed from the site to the Havannah Street pedestrian crossing to comply with the requirements of Clause 26 of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.
 - (ii) Restriction as to User is to be registered on the title of the property under Section 88E of the Conveyancing Act 1919 limiting the use of the accommodation in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (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 5 x self contained residential units at 17 Vine Street, South Bathurst, described as Lot 16 DP 263190. A location plan and aerial photo are provided at **attachment 1**. The area is characterised by single storey dwellings.

The site contains a single storey brick dwelling accessed off Vine Street. The site is 1,520m². The site is within the vicinity of Mount Panorama and is subject to the 50(dBA) noise contour.

Council has previously been advised by the owners of their intention to demolish the existing dwelling. The demolition of the dwelling is exempt development under Schedule 2, Division 23 Demolition of the Bathurst Regional Local Environmental Plan 2014.

The proposal

The proposal involves construction of 5 x 2 bedroom self-contained residential units, associated car parking and landscaping.

The Statement of Environmental Effects (SoEE) advises that the facility is expected to house residents with disabilities that qualify them to live in Specialist Accommodation under the National Disability Insurance Scheme.

Plans of the proposed development are at **attachment 2** and the SoEE is at **attachment 3**.

Planning Context

Bathurst Local Environmental Plan 2014

The land is zoned R2 Low Density Residential pursuant to Bathurst Regional Local Environmental Plan 2014. The R2 Low Density Residential zone applies to the residential land within the vicinity of the Mount Panorama Racing Circuit identified within the 50 dBA noise contour.

The R2 Zone has, as one of its objectives, to provide for the housing needs of the community within a low density residential environment. To be consistent with this objective, residential accommodation comprising residential units and seniors housing is prohibited in the zone.

Notwithstanding this prohibition, Clause 5 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevails over any inconsistency that may exist with Council's LEP inclusive of this prohibition.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The application is made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The SEPP applies to the land as it is zoned primarily for urban purposes and dwelling houses are permissible.

The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability.

Clauses 8 and 9 of the SEPP define "seniors" and "people with a disability" as follows:

'people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.'

'seniors are any of the following:

- (a) people aged 55 or more years,*
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider'*

Clause 18(1) of the SEPP enables seniors housing to be used by:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy*

Clause 18(2) of the SEPP requires that the consent authority must not consent to a development application made pursuant to this Chapter unless:

- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and*

- (b) *the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#) , limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).*

The proposed development seeks consent for five self-contained dwellings to be used for the purposes for housing for seniors and people with a disability.

Self-contained dwellings are defined under the SEPP (Housing for Seniors or People with a Disability) 2004 as:

'a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.'

Part 2 of the SEPP provides site related requirements for the proposal. These are discussed below.

26 *Location and access to facilities*

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
- (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
 - (b) *community services and recreation facilities, and*
 - (c) *the practice of a general medical practitioner.*
- (2) *Access complies with this clause if:*
- (a) *the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
 - (b) *...*
 - (c) *in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development:*
 - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

- (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
- (iii) *that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3)*

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

- (3) *For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*
- (4) *For the purposes of subclause (2):*
 - (a) *a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and*
 - (b) *distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.*
- (5) *In this clause:*
bank service provider *means any bank, credit union or building society or any post office that provides banking services.*

In this particular case, the Panorama Mini Mart and Take-away located 240 metres from the site contains various basic supplies but cannot achieve the requirements of Clause 26(1). Accordingly, in order to comply, the development requires access to a transport facility (eg a bus service) within 400m of the site which is accessible by means of a “*suitable access pathway*”.

The nearest designated bus route (526) currently runs along Havannah Street to the north-east of the subject site. The nearest designated bus stop is located in front of South Bathurst Public School located approximately 330 metres from the site. Whilst there are a number of designated stops along the route, the system operates on a “hail and ride” basis along its length.

Council has undertaken a preliminary survey of Vine Street and confirmed the gradient to the nearest bus stop can comply. The average gradient along Vine Street to Havannah Street to the bus route has been calculated at 6% or 1:15.

Whilst the access complies with regards to distance and gradient, a suitable access pathway

does not currently exist. The applicants position, as discussed in the SoEE, that road verges provide an acceptable alternative or that the residents would be unlikely to use this facility cannot be supported. In order to comply with Clause 26 the applicant must be required to construct a footpath from the site to Havannah Street. A condition of consent can be imposed to this effect.

Clause 27 Bushfire prone land

Not relevant to the proposal.

Clause 28 Water and Sewer

Bathurst Regional Council is the water supply authority. Reticulated water and sewer is available in the immediate vicinity of the site in the Vine Street road reserve. Water and sewer headworks charges would apply to the development.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This Clause requires consideration of the following matters

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

The site is located within a well established residential neighbourhood with no known significant environmental values, resources or hazards.

- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*

The site can be serviced with all required services and access is available to transport services in accordance with Clause 26 subject to the applicant undertaking construction of the required footpath.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The proposal is for single storey residential buildings in an area dominated by single storey dwellings.

Clause 30 Site Analysis

A site analysis has been prepared by the applicant and been taken into account in the preparation of the application.

Clause 33 Neighbourhood amenity and streetscape

The proposal involves single storey dwellings in a predominately single storey street. The only two storey dwelling in the streetscape is 15 Vine Street immediately to the south of the site.

The proposal is to have a setback from Vine Street of 6.395m. The existing dwelling at 15 Vine is setback 5.82 metres. The front façade is stepped back to be sympathetic to the setback of 19 Vine Street. The rear and side setbacks are at least 1.8m off each boundary, more than double the minimum requirement of the Building Code of Australia.

There were some community concerns raised in regard to the potential impact on amenity from the residents occupying the premises. The SEPP enables the dwellings to be occupied by persons who have disabilities and who are recognised as seniors.

Clause 34 Visual and acoustic privacy

The proposed development has been appropriately setback from all boundaries to reduce visual and acoustic impacts. The building will be a minimum of 1.8m off the nearest side boundary, 2m off the rear boundary and 6.39m off the front boundary.

The building has been designed to be aligned with the residence at 15 Vine Street. Landscaping on the front boundary also assists with privacy. The building has been designed to step back so that Villa 3 will be aligned with 19 Vine Street. The stepping of the building line also provides for reduced bulk in the streetscape.

The car parking area in the north of the allotment will provide a buffer between the dwelling and the residences at 17 and 19 Thomas Close and 15 Vine Street.

Clause 35 Solar access and design for climate.

Solar access can be achieved for all villas except Villa 4. Villas 1, 2, 3 and 5 have north facing windows for all verandahs and living rooms. Villa 4 will have a sky light to achieve necessary solar access.

It is noted that potential overshadowing of the property to the south (19 Vine) was raised on the public submissions. In this particular case the proposal is for a single storey building located 1.8 metres from the common boundary.

Clause 36 Stormwater

The developer will be required to create a piped system that will connect to Council's infrastructure at the rear of the site or to Vine Street..

Clause 37 Crime Prevention

The development application was referred to NSW Police consistent with Council's DCP.

Clause 38 Accessibility

The proposed development has been designed for high need residents and therefore all doors and pathways are to be compliant with the Australian Standard.

Within the building, ramps and independent assistance mechanisms are provided.

Clause 39 Waste Management

The facility will have access to the Council kerbside garbage service. The plans have not identified a specific garbage bin area.

Clause 40 Development Standards – minimum sizes and building height

The site complies with the requirements of Clause 40 in that:

- The site is greater than 1,000 square meters,
- The site has a site frontage greater than 20m,
- The building is less than 8m in height when measured vertically from any point on the ceiling of the topmost floor of the building to the ground level, in accordance with the definition of height of the SEPP.

Based on the above assessment of the proposed development against the SEPP, it is considered the proposed self-contained units are consistent with the aims and relevant provisions.

Clause 41 Standards for hostels and self-contained dwellings

Standard	Compliance
Part 1 Standards applying to hostels and self-contained dwellings	
1 <i>Application of standards in this Part</i>	The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings. Noted.
2 <i>Siting standards</i>	<p>(1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p>
3 <i>Security</i>	<p>Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.</p>
4 <i>Letterboxes</i>	<p>Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p>

5 <i>Private car accommodation</i>	If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	One disabled car parking space is provided, and 5 other car parking spaces are provided on site.
6 <i>Accessible entry</i>	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Complies.
7 <i>Interior: general</i>	(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1. (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres. (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.	Complies.
8 <i>Bedroom</i>	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel—a single-size bed, (ii) in the case of a self-contained dwelling—a queen-size bed, and (b) a clear area for the bed of at least: (i) 1,200 millimetres wide at the foot of the bed, and (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and	Compliance can be achieved.

	(f) wiring to allow a potential illumination level of at least 300 lux.	
9 Bathroom	<p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	Compliance can be achieved.
10 Toilet	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.	Complies.
11 Surface finishes	Balconies and external paved areas must have slip-resistant surfaces. Note. Advice regarding finishes may be obtained from AS 1428.1.	Complies.
12 Door hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	Complies.
13 Ancillary items	Switches and power points must be provided in accordance with AS 4299.	Complies.
Part 2 Additional standards for self-contained dwellings		
14 Application of standards in this Part	The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.	Noted.
15 Living room and dining room	<p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in</p>	Compliance can be achieved.

	<p>accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	
<i>16 Kitchen</i>	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	Compliance can be achieved.
<i>17 Access to kitchen, main bedroom, bathroom and toilet</i>	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Single storey so no lifts required.
<i>18 Lifts in multi-storey buildings</i>	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Single storey only.
<i>19 Laundry</i>	<p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS</p>	Compliance can be achieved.

	<p>1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	
<i>20 Storage for linen</i>	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Each villa is provided with a linen cupboard.
<i>21 Garbage</i>	A garbage storage area must be provided in an accessible location.	No garbage storage area shown on plans. This will be the responsibility of the social housing care provider.

Public Notification

The Development Application was initially advertised and notified to adjoining property owners from 24 November 2017 to 11 December 2017. Following the advertising and notification period a total of twelve (12) submissions were received.

On the 29 November 2017, Council requested clarification on a number of issues including:

- SoEE has numerous references to incorrect planning instruments, property address and matters not shown on the DA plans;
- Further demonstration required for compliance with development standards of SEPP (Housing for Seniors and People with a Disability) 2004;
- Plans needed to show setbacks, consistency with setbacks in streetscape, details on heights and retaining walls, details on communal facilities (i.e. laundry).

The applicant provided amended SoEE and plans on 21 February 2018.

Following receipt of amended plans the application was re-notified and re-advertised between 12 March 2018 and 26 March 2018. Following the advertising and notification period a total of 10 submissions were received (see submissions at **attachment 4**).

A Council Discussion Forum was held at the Policy Committee meeting held on 4 April 2018.

Issues raised in submissions and at the Discussion Forum include:

- Traffic increase

Comment: The RMS Guidelines for Traffic Generating Developments estimates daily traffic trips for housing for aged and disabled persons in the order of 1-2 vehicle trips per dwelling per day. Using this as a base figure, traffic generation levels would be in the order of 10 vehicle trips per day. This would be marginally more than the 9 vehicle trips per day that is typically associated with dwellings. There is not anticipated to be a substantial increase in traffic as a result of the proposed development. The provision of public transport within close proximity of the site will assist with maintaining existing traffic levels.

The SoEE advises that carers or medical personnel who visit the site occasionally to

check on residents will not dramatically increase traffic within the local network. The intersection treatments and road condition can accommodate any slight increase that may occur.

The site provides more than necessary car parking spaces that will prevent any adverse parking impacts on the local street.

- Lack of accessibility infrastructure in Vine Street including footpaths

Comment: A condition of consent is proposed requiring the construction of a footpath in Vine Street to address this.

- Lack of amenities at Havannah Street shops, including no ATM or medical centre

Comment: The SEPP (Housing for Seniors or People with a Disability) 2004 requires access to such services can be achieved provided there is a bus stop within 400m of the site accessible via a suitable pathway. The local bus network can take residents to Bathurst CBD to access relevant needs and services.

- Shorter setback may reduce access visibility for adjoining residences

Comment: The setbacks proposed are considered to be appropriate for the site and surrounding topography, consistent with all surrounding dwellings in the streetscape. There is no justification for increased setbacks to improve visibility for adjoining property ingress and egress.

- Mount Panorama Environs

Comment: The subject site is within the Mount Panorama Noise 50dBA. Clause 7.6 of the Bathurst Regional Local Environment Plan 2014 places restrictions on increased density to ensure the future of Mount Panorama as an international motor racing circuit. The proposal for self-contained units made under the SEPP prevails over any inconsistency with the LEP.

- Covenant on site restricts more than one dwelling and various building materials.

Comment: Clause 7 of SEPP (Housing for Seniors or People with a Disability) 2004, provides that any covenant that may restrict the development does not apply. Any covenants applying to the land have no bearing on the assessment of the application.

Conclusion

The proposed development is for five x two bedroom self-contained residential units at 17 Vine Street. The proposal seeks consent under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The site is considered suitable given its large land area, appropriate design and proximity to local public transport. The provision of self-contained units in the vicinity will not adversely impact on the surrounding amenity of the area. The independency of residents will provide for functionality in society whilst high care is still provided. Housing for seniors and people with a disability provides an important social benefit and its provision is in the public interest. The site is currently unused and the proposed development will establish a beneficial higher use.

The residents concern that housing for seniors or persons with a disability is inconsistent with the current amenity of the area is not supported. The building is appropriately designed to accommodate a range of residents consistent with the provisions of the SEPP.

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. 2018/112 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 32 PINE RIDGE ROAD, ROCK FOREST. APPLICANT: MS C GRENVILLE. OWNER: MS C GRENVILLE (DA/2018/112)

Recommendation: That Council:

- (a) support in principle the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014 for Lot 16 DP 844085;
- (b) refer the proposal to the Department of Planning and Environment for the concurrence of the Secretary of the Department;
- (c) defer determination of Development Application 2018/112 until the concurrence of the Secretary of the Department has been received. If concurrence is provided, determine the application by way of approval with conditions under delegation, and if concurrence is not provided, the application be determined by way of refusal under delegation; and
- (d) call a division.

Report: Summary

Council has received a Development Application for a single storey dwelling and attached garage at 32 Pine Ridge Road, Rock Forest. The minimum lot size in the Bathurst Regional Local Environmental Plan 2014 (LEP) is 100 ha and the subject land is 43.38 ha. The application includes a request to vary the relevant development standard, as can be considered under Clause 4.6 of the LEP.

It is recommended that Council could favourably consider the proposal on the following grounds: there is no further subdivision proposed; the proposal will not further fragment or conflict with primary industry production; the subdivision that created this lot was made with the concurrence of the Department of Planning at the time; there are numerous other dwellings on similar sized lots in close proximity even though Council's current planning instrument no longer supports those lot sizes in the zone; the former Evans Shire Council approved a dwelling on the land (but without the express concurrence of the Department); the proposal has the potential to meet the requirements of Council's Development Control Plan.

However, such a decision should not be made without considering precedent, and the report details the planning background and selected case history that would lend support to refusal of the request.

The concurrence of the Secretary or the Department of Planning and Environment is also required because the amount of the variation exceeds 10%. Should Council be inclined to support the proposal, it is recommended that it do so "in principle" and defer determination of the development application until concurrence is obtained - it will be problematic to make a positive determination then find concurrence is denied.

The Site

Council has received a Development Application (DA) for a single storey dwelling with attached garage at 32 Pine Ridge Road, Rock Forest, described as Lot 16, DP 844085. A

location plan and aerial photo are at attachment 1.

The subject site is currently vacant with an area of 43.38 hectares.

History of the Site

The following is provided as a matter of background to the subdivision of the land into its current form.

Evans Development Application 1993/0132

In 1993, former owners applied to Evans Shire Council for development consent to subdivide the original holding of approximately 66 hectares into two allotments (EDA1993/0132).

The application proposed a vacant lot of 43.38 hectares (Lot 16 – the subject lot) and a lot of 23.44 hectares (Lot 17).

The minimum lot size under Evans Interim Development Order No. 1 at the time, for subdivision and erection of a dwelling house, was 100 hectares. The application was supported with a SEPP 1 Objection to the minimum lot size as it related to the subdivision and dwelling houses. The SEPP 1 objection was supported by Evans Council.

The application was subsequently referred to the NSW Department of Planning who granted concurrence to the application.

It is noted that in providing its concurrence the Department advised Evans Shire Council that:

The Department is concerned that, despite earlier requests that Council formulate a strategy for the location of rural residential development within the Local Government Area, this does not appear to have been addressed. In the absence of such a strategy, there is a danger that prime agricultural land may be unnecessarily fragmented, threatening the long term viability of agriculture in the area.

Until such time as Council prepares a strategy nominating areas suitable for rural residential development, the Department is unlikely to support future applications under SEPP 1.

The NSW Department of Planning later advised Evans Shire Council that its concurrence was provided to the subdivision of the land only and did not extend to the erection of a dwelling on the proposed lots and that a further SEPP 1 Objection would need to be lodged with future Development Applications for dwellings on either of the lots.

The subdivision was ultimately registered and the land remains in the form approved by Evans Council.

Evans Development Application 1994/0148

In November 1994 a further Development Application was lodged with Evans Shire Council seeking consent for a “deferred commencement dwelling and shed” on proposed Lot 16.

The application was supported by a further SEPP 1 Objection to the 100 hectare minimum lot size for the erection of a dwelling house.

The Development Application was later approved by Evans Council on 15 December 1994 by assuming the application had the concurrence of the NSW Department of Planning despite the Departments earlier advice. The consent was time limited to 2 years from the date of consent requiring submission of more detailed plans before the consent could be acted upon.

To satisfy the deferred commencement condition, on 5 September 1996 a floor plan and elevations for the proposed dwelling were submitted, further consent was issued and the 5 year validity period commenced. The development consent lapsed on 5 September 2001 because building consent (the equivalent of todays Construction Certificate) had not been obtained and therefore no works were undertaken on site.

The proposal

The proposal involves the construction of a single storey four bedroom dwelling with attached double garage on lot 16. The plans of the proposed development are at **attachment 2** and Statement of Environmental Effects at **attachment 3**.

Planning Context

State Environmental Planning Policy (Rural Lands) 2008

Clause 10 of State Environmental Planning Policy (Rural Lands) 2008 provides matters to be considered in determining Development Applications for rural subdivisions or rural dwellings. These matters are as follows:

- (a) *The existing uses and approved uses of land in the vicinity of the development.*

The predominant land uses in the vicinity beyond the subject site and its immediate neighbours are agriculture (both grazing and cultivation) and rural lifestyle.

- (b) *Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development.*

The land is zoned RU1 Primary Production and has a minimum lot size of 100 hectares for dwelling houses on those lots not subject to any savings provision.

Whilst the preferred and predominant land use in the RU1 Primary Production zone is as agricultural land, the construction of one additional dwelling by itself is unlikely to have any significant adverse impacts on the surrounding land uses or the agricultural productivity of nearby lands.

- (c) *Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b).*

Whilst the area has been the subject of historic subdivision under former planning schemes (including by way of SEPP 1 and Evans LEP 24) the current zoning is rural and the minimum lot size remains at 100 hectares.

Notwithstanding historical subdivisions, this area has not been included in the areas identified for rural lifestyle development under the Bathurst Regional LEP 2014. The predominant and preferred use for land in this locality remains for agricultural purposes, and it is acknowledged approving further dwellings which are otherwise not permissible is generally not compatible with the preferred use. The applicant suggests

that in this case, a dwelling on the subject land is not incompatible with agricultural production in the locality.

- (d) *If the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone.*

The land does not adjoin any rural residential zone, although the settlement pattern of the locality resembles such a zone. Regardless, the proposal does not create incompatibility.

- (e) *Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

Minimum setbacks of 50 metres from all boundaries could be achieved consistent with the provisions adopted by Council in its DCP.

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A dwelling house is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

Although the subject land is zoned RU1 Primary Production, the proposal will not contradict the primary production and scenic character objectives of the zone as they might apply to the subject land and its immediate surroundings, although the nature of the proposal could be considered inconsistent with the objectives of the zone when considered in the broader context of the whole of the Local Government Area.

The subject land does have environmental qualities that should be preserved. the endangered flora *zeiria obordata* is present on higher points of the property. A Property Vegetation Plan (PVP) has previously been prepared and is registered on the title of the land. If the development is ultimately approved, conditions of consent should be made requiring adherence to the PVP.

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

Clause 4.2 (below) provides development standards for the erection of dwellings in rural zones and applies to the subject land.

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*

- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots.*

- (3) *Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:*
 - (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
 - (b) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement, or*
 - (c) *is an existing holding, or*
 - (d) *is a lot resulting from a subdivision for the purposes of intensive plant agriculture for which development consent was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement but only if the consent authority is satisfied that the lot is being used for the purpose of intensive plant agriculture.*

Part 1 of the clause refers to unplanned rural residential development. Historical decisions of Evans Shire Council which have led to the settlement pattern in the locality, and upon which the application relies upon in part, are no longer supported in Council's current planning instruments and policies. This casts some doubt on whether the proposal meets the objective of the Clause.

Part 3 of the Clause outlines the circumstances under which Council may grant consent to a dwelling house in the zone.

Part 3(a) provides for dwellings to be approved on allotments that meet the minimum lot size identified on the Lot Size Map. The minimum lot size for the erection of a dwelling in this locality is 100 hectares. The subject lot has an area of 43.38 hectares.

Part 3(b) provides for dwellings to be approved on allotments created under a former planning instrument *and on which a dwelling would have been permissible under the former planning instrument*. While the subject lot is a lot created under a former instrument the dwelling house itself was not permissible under that instrument (hence the need to obtain further concurrence).

Part 3(c) provides for dwellings to be approved on an allotment or allotments that constitute an existing holding. The subject lot does not constitute an existing holding because the original holding was subdivided after the appointed day for existing holdings (31 March 1967).

Part 3(d) relates to a lot created for the purposes of intensive plant agriculture and is not

applicable to the subject land.

Given that the subject lot does not satisfy the requirements of Parts 3(a), (b), (c) or (d), the application seeks a variation to the 100 hectare minimum lot size, in which case Clause 4.6 is relevant.

Clause 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (i) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (ii) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A Clause 4.6 Variation was submitted with the Development Application as part of the Statement of Environmental Effects (see **attachment 3**). The applicant has presented the following case as to why compliance with the development standard is unreasonable in the circumstances of the case:

- The development remains consistent with the objectives of the zone.
- The development is consistent with the provisions of the Bathurst Regional Development Control Plan 2014 (there are no other non-compliances being sought).
- The subject land is close to surrounding dwellings. Figure 5 (in the Statement of Environmental Effects) depicts at least 16 dwellings in close proximity of the subject land (most of these lots with less area than the subject land).
- The land is a standalone holding that was clearly subdivided for the purposes of a dwelling (and approved by Evans Shire Council for a dwelling).
- The development standard unreasonably restricts a positive development outcome by inhibiting a variety of housing types and densities to be established in the area.
- The standard will unreasonably prevent an ancillary dwelling supporting rural activities on the site.
- The standard unreasonably restricts effective utilisation of the land to achieve the objectives of the zone.
- The development will not impact on surrounding land uses.
- The site of the dwelling will have negligible impact on the production capacity of the property.

The applicant has provided the following case as to the environmental planning grounds to

justify contravening the standard:

- The proposed development does not result in further fragmentation of rural land because the lot was clearly created for the purpose of a dwelling house.
- The subject land is already a separate holding not owned in conjunction with any other adjoining or surrounding land.
- The proposed location allows for appropriate boundary setbacks which will reduce the potential for conflict with adjoining and surrounding land uses.

The Department of Planning's "*Varying Development Standards: A Guide*" published in 2011 has provided guidance in relation to establishing that compliance with a development standard may be considered to be unreasonable or unnecessary. These justifications are summarised as follows:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. The underlying objective or purpose would be defeated or thwarted if compliance was required.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable.
5. The zoning of particular land was unreasonable or inappropriate.

Whilst the locality has been historically divided by various subdivisions, that argument does not extend to abandoning the current development standard of 100 hectares. Those historic subdivisions and dwelling approvals are reflective of the planning provisions that have been in force over time. These historical provisions do not currently exist. The underlying development standard for dwelling houses in this area is 100 hectares. Council's previous attention is brought to the decision of the Land and Environment Court (*Thorncraft & Anor v Bathurst Regional Council & Anor* 2005 NSWLEC 571) in which the Court agreed that the objective of "*the 100 hectare minimum standard for a dwelling house was to discourage rural residential lifestyle development, it is a standard of long standing, it is accepted by the community, there is no proposal to change it and what is here is in effect tantamount to a rezoning. SEPP 1 is not to be used to effect planning changes*".

The proposed variation represents a significant departure from that standard and should not be varied lightly. In particular, it must be demonstrated that the standard is unreasonable, unnecessary or otherwise inappropriate.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The objectives of Clause 4.2B *Erection of dwelling houses on land in certain rural zones* are

as follows:

- (a) *to minimise unplanned rural residential development,*
- (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*

It is noted that the subdivision that created the subject lot, and for which the Department of Planning initially granted concurrence, did not contemplate the erection of a dwelling on the lot. Further, concurrence to the subdivision was conditional upon the Evans Council undertaking a strategic exercise to formulate a strategy for the location of rural residential development within the Local Government Area. That strategic process, having been later undertaken by Bathurst Regional Council through Council's Rural Strategy, did not identify this area for rural residential purposes.

The applicant's submission relies on the fact that the subject land is already a separate lot and is in separate ownership to all surrounding land. Such circumstances are not unique to this proposal. Given that there are very large numbers of existing lots in rural areas, as identified in Council's Rural Strategy, adopting these very common circumstances may encourage further applications. In making its decision Council needs to be clear that the circumstances warrant a departure from the standard and those circumstances do not result in fragmentation and alienation of agricultural land across the Local Government Area.

This situation is again analogous to issues discussed in the Thorncraft decision. In that decision, the Court noted *"it is clear that there are many lots within a two kilometre radius of the site which are considerably less than 100 hectares in area. Those lots in most cases comprise part of a larger holding, but there is no reason why they could not be sold and become the subject of similar applications to the present. Under these circumstances the Court is of the view that the precedent effect is another factor which should be taken into account. As was noted in Goldin v Minister for Transport (2002) LGERA 101 at 110, if there is an application for development which is both objectionable in itself, and where there is a sufficient probability that there will be further applications of a like kind, then the fact that a consent would operate as a precedent may be taken into consideration."*

The cumulative effect of similar approvals could undermine the objective of the development standard and ultimately the planning objectives for the RU1 Primary Production zone and Clause 4.2B Erection of dwelling houses on land in certain rural zones.

It is further noted that the dispensing power available under Clause 4.6 and its predecessor SEPP 1 *"is not a general planning power to be used as an alternative to the plan making powers of the Act to change existing planning provisions. An objection cannot be used as a means to effect general planning change throughout a local government area in circumvention of the procedures under the Act"* (Wehbe v Pittwater 2007 NSWLEC 827).

It is usually the case that the public interest is best served by upholding adopted development standards. Clause 4.6 provides an avenue to seek variation to a development standard provided there is a case to do so. Such cases need to be considered on merit and it is also in the public interest such consideration be given.

The applicants proposition, that denying approval for a dwelling is unreasonable, can be supported by Council because no further subdivision is proposed and the underlying principle of protecting primary production resources will be not compromised in this particular case.

Need for Concurrence

It is noted that in the event that Council were to support the application, it would nonetheless

require the concurrence of the Secretary of the Department of Planning before the Development Application could be approved. Council is unable to assume the Department's concurrence where the lot size is less than 90% of the required minimum lot size.

In the event that the Department were to refuse that concurrence, the Development Application would have to be refused. It is for this reason it is recommended final determination of the application be deferred until the Secretary's concurrence has been obtained.

Bathurst Regional Development Control Plan 2014

Bathurst Regional Development Control Plan 2014 – Chapter 6 Rural and Rural Lifestyle Development

The proposed development complies with the standards outlined in Chapter 6 of the DCP as outlined below.

Development Standard	Proposed	Permissible	Compliance
Setback – Front	50 metres	50 metres	Yes
Setback – Side (nearest side)	50 metres	50 metres	Yes
Setback – Rear	700 metres	50 metres	Yes
Domestic Water Supply	75,000 litres	15,000lt per bedroom	Yes
Fire Fighting Water Supply	20,000 litres	20,000 litres	Yes

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

The proposed dwelling will have face brick walls and Colorbond roofing. A condition can be imposed to ensure that non-reflective materials of an appropriate rural colour scheme are used.

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

The proposed dwelling is single storey only with an overall height of 5.0 metres. The proposed dwelling has been designed to distribute its bulk horizontally. Nearest neighbouring dwellings are located 300 metres to the south-east, 10 metres to the south-west and 320 metres to the north-west respectively and therefore the proposed dwelling is unlikely to have an adverse visual impact on these neighbouring dwellings.

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

The proposed dwelling is single storey only with an overall height of 5.0 metres and will therefore not exceed the height of the nearby ridgeline.

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

The proposed dwelling will have face brick walls and Colorbond roofing. The design of the proposed dwelling is consistent with that of surrounding rural dwellings and is therefore considered appropriate.

- e) Rural structures such as outbuildings must be adequately screened with vegetation

and setback from any road.

No outbuildings are proposed.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

The site is located within sensitive land areas identified within the DCP as assessed in the table below.

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

Conclusion

Council has received a Development Application (DA) for a single storey dwelling with attached garage at 32 Pine Ridge Road, Rock Forest. The minimum lot size for a dwelling in this locality is 100 hectares. The subject lot has an area of 43.38 hectares. The application seeks to vary the 100 hectare minimum lot size under Clause 4.6 Exceptions to development standards in the Bathurst Regional Local Environmental Plan 2014. The applicant's justification for the variation is outlined in the body of this report. It is recommended that Council support the variation for the reasons also outlined in the body of this report. It is acknowledged that concern over precedent may arise.

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.

7 DEVELOPMENT APPLICATION NO. 2017/396 – 222 LOT SUBDIVISION INCORPORATING 219 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) (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 DP 872694.

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 the Eglinton expansion area in 2013. More recently an amendment was made to Bathurst Regional Local Environmental Plan 2014 to accommodate realignment of the existing waterway traversing the land, increase the area available for residential expansion and provide a more suitable road layout.

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 900m².

The proposed lot adjoining Eglinton School (lot 220) is consistent with the area designated for future school use under Council's adopted Development Control Plan (DCP) 2014.

The open space/drainage lot (lot 221) is consistent with the area designated as open space under Council's LEP and DCP. 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.

Previous consideration by Council

The Development Application was previously considered by Council at its meeting held 21 March 2018. Council subsequently resolved to:

- (a) *Defer DA2017/396 and request that the applicant provide amended plans showing:*
 - (i) *Retention of the existing water course traversing the land including appropriate buffers in accordance with the NSW Office of Water Riparian Corridor Guidelines.*
 - (b) *Further consider the development application upon receipt of advice from the developer*

Subsequent to the Council's decision a number of discussions have been held with the developers to further those issues raised by the Council in its deliberations. As a result the developer has undertaken the following:

- Additional plans have been prepared to illustrate the proposed engineering and open space treatments proposed for the open space corridor on the western boundary of the site.
- Minor realignment of the lot layout surrounding lots 153 – 155.

These are illustrated in the amended plans provided at **attachment 2**.

Council's original assessment report remains relevant to the proposal as a whole and is provided at **attachment 3**. The report to this meeting forms a supplementary report and much of the detail originally provided will not be repeated. This report will focus upon the issues raised by Council in its deliberations particularly the engineering treatment proposed for the drainage reserve, open space provision in the estate and connectivity (cycleways and pathways).

Engineering treatment of the drainage reserve

The applicant has now submitted further detailed engineering concept plans for the treatment of the drainage line on the western boundary of the site. Notable features of these plans are:

- Upgrading the drainage line to accommodate a meandering watercourse within the designated corridor, typically 40-50 m wide.
- Areas of stormwater retention at the northern and southern ends of the site to ensure retention of 1%AEP events.
- Provision for various rock structures and crossings over the channel.
- Provision for a 2.5 metre cycleway within the drainage reserve for its entire length.

Whilst the amended plan does not retain the watercourse on its current alignment it does provide an illustration of the proposed end treatment of the open space reserve.

Currently the drainage line traversing the site is a semi natural watercourse travelling through an agricultural paddock. As is usual practice when greenfield sites are converted to an urban environment these drainage lines will require upgrading to accommodate the velocity and volume of urban stormwater flows from stormwater generated by the development and within the larger catchment.

Council's current adopted Engineering Guidelines require trunk drainage systems such as this to be designed and constructed to cater for the 1%AEP flood events plus 500mm freeboard. The Engineering Guidelines would typically result in the conversion of "natural" watercourses into trapezoidal channels with low flow pipes beneath. These channels are then transferred to Council who then assumes responsibility for maintenance.

In order to achieve this engineering outcome the entirety of the existing channel will need to be upgraded from Freemantle Road to Logan Street, a distance of 850m. For the most part this upgrading will occur generally within the current alignment but for a section of approximately 300m which will be realigned to the west.

Likewise it must be acknowledged that the existing dams on the property which correspond with the relocated section would not be retained as part of any upgrading works as they are unlikely to be designed or constructed to be suitable for urban volumes and velocities.

The area on which the realignment is to occur was specifically rezoned to accommodate this aspect of the development occurring. These aspects of the development were adopted by Council at its meeting 20 July 2016.

Whilst the applicant has not adopted the suggestion of Council for the current alignment it nonetheless acknowledges that the channel for its entire length will be upgraded and can be done so to achieve not only engineering objectives but also environmental and amenity objectives.

It is to also be noted that the upgrading and realignment of the watercourse has received the General Terms of Approval from NSW Office of Water under the Water Management Act. Those General Terms of Approval include conditions requiring:

- Preparation of Erosion and Sediment Control Plans.
- Preparation of Vegetation Management Plans.
- Preparation of Rehabilitation Plan including maintenance for a period of 2 years.

Open space provision within the Village

The proposal involves the creation of an open space and drainage reserve along the western boundary of the site. The open space reserve is generally 50 metres wide and will incorporate the open drainage reserve together with proposed cycleways and opportunities for other passive recreation activities. The cycleways provide for connectivity around the extremity of the Village. This open space is consistent with the Eglinton DCP adopted by Council.

It should be noted that the overall approach to the provision of open space in the Village of Eglinton, as adopted by Council in the DCP, has been to provide an open space corridor to the western, northern and eastern boundaries of the Village.

A copy of the broader DCP, indicating the location of open space within and surrounding the Village, is provided at **attachment 4**.

This open space area will provide recreational opportunities and cycle and pedestrian linkages around the Village. It further notes that the overall strategy to providing open space within the Village has not been to provide smaller pocket type parks within individual subdivisions or provide further large scale playing fields. The preference for these types of open space opportunities has been to rely upon Cubis Park to provide the facilities for formalised open space areas.

Whilst further open space could be provided within the subdivision itself these are not contemplated by Council's adopted DCP nor the adopted Section 94 Plans. Accordingly provision of additional open space would come at the expense to Council of residential lots not capable of being funded through the usual Section 94 funding opportunities.

Cycleways and footpaths

Indicative footpath and cycleway networks within the Village are shown on the Council adopted DCP for the area. These are based upon the recommendations contained in Council's adopted Community Access and Cycling Plan 2011.

The adopted DCP incorporates cycleways and pathways in the area as follows:

- A 2.5m wide cycleway running for the entire length (850m) of the drainage line to the west of the site connecting with the proposed cycleways to the north.
- An on road cycle route along Freemantle Road connecting the open space to footpath/cycleways on Duramana Road, Wellington Street and Alexander Street.
- An on road cycle route along Logan Street connecting the open space to footpath/cycleways in Alexander Street and Hamilton Street.
- A 1.5m footpath along the collector road through the centre of the site connecting Freemantle Road and Logan Street.

It is not proposed, nor is it consistent with usual practice, to provide footpaths on all roads within the Estate.

It is noted that the provision of these footpaths is undertaken as a combination of developer constructed and Section 94 funded works. Under the latter scenario the developers would usually be required to pay a monetary contribution as part of their broader Section 94 obligations which is used by Council to fund the construction of cycleways. There may be opportunities to enter into Works in Kind arrangements to bring the construction of these works forward to occur as part of the subdivision works.

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 with further amendments adopted by Council in 2016.

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.

The current proposal before Council is:

- Consistent with the area designated for residential development identified in the LEP.
- Provides open space along the drainage line consistent with the adopted LEP and DCP.

- Provides for pedestrian and cycleway linkages consistent with the adopted DCP and the Community Access and Cycling Plan 2011.
- Whilst it does involve relocation of part of the existing drainage line, recognises that this can be done to achieve not only engineering objectives but also recreational and environmental objectives.
- Retains the area surrounding Eglinton School for potential extension of the school subject to negotiations between the Department and the landowner.

It is therefore recommended that the Development Application be approved.

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

8 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT - LIMEKILNS ROAD (20.00319)

Recommendation: That Council:

- (a) note that Council resolved, by Minute under delegated authority, to commence amendments to the Bathurst Regional Local Environmental Plan (LEP), Development Control Plan (DCP) and Roadworks - New Residential Subdivisions Developer Contributions Plan;
- (b) place the draft LEP, DCP and Developer Contributions Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act and the Gateway Determination; and
- (c) call a division.

Report: The Bathurst Regional Local Environmental Plan, Development Control Plan and Roadworks - New Residential Subdivisions Section 94 Plan have been in force since November 2014.

A Planning Proposal has been lodged by the landowners with Council for the alteration of the RU1 Primary Production, RE1 Public Recreation and R1 General Residential land on part of their property at Limekilns Road, Kelso. A location plan is included as **attachment 1**.

Background

A recent subdivision along the RE1/R1 zone boundary has resulted in a corridor of RE1 zoned land. The land is proposed as a rural/urban interface buffer and is to have a collector road constructed within this area as identified on DCP Map No 3 - Kelso. As a result of the subdivision of the residential land from the rural and recreation land, a row of rear fences adjacent to the collector road will likely be the resulting urban form. Council officers are of the opinion that this will result in an undesirable outcome from an urban design perspective and will not encourage active street frontages. Under Delegated Authority, Council resolved on 1 March 2018 to commence a Planning Proposal as outlined below.

The Planning Proposal

The landowners have submitted a Planning Proposal to Council for its consideration. The amendment to the *Bathurst Regional Local Environmental Plan* seeks to amend the RU1 Primary Production, R1 Residential and RE1 Local Recreation zone boundary of Part Lots 2 & 3 DP 1233661 and Part Lot 1 DP 176203, Limekilns Road Kelso as shown at **attachment 2**.

The planning proposal was supported in this circumstance to obtain an improved outcome with respect to urban design. **Attachment 3** shows the likely outcome if the land were retained as RE1 zoned land with the rear fences adjacent to the collector road, and **attachment 4** shows the likely outcome with dwellings fronting the collector road which by way of example can be seen in Illumba Way and Hughes Street.

Detailed documentation was prepared by the applicant in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Detailed public exhibition documentation will be prepared for each of the Plans and then placed on public exhibition in accordance with Council's statutory

obligations.

Bathurst Regional Development Control Plan 2014 Amendment

An amendment to the *Bathurst Regional Development Control Plan* which seeks to amend Map No 3 - Kelso to reflect the zone changes outlined in the draft LEP amendment as shown at **attachment 5** will occur concurrently with the exhibition of the Planning Proposal.

Roadworks - New Residential Subdivisions Developer Contributions Plan Amendment

Within the context of the Developer Contributions Plan as it applies to Kelso, Council has historically had arrangements in place where collector roads that have had dwellings fronting only one side of the road, such that the Plan would partially contribute towards the construction of the collector road. The landowners have requested this provision be extended to the part of the land that is affected by the Planning Proposal.

It is proposed to commence a concurrent amendment to the *Roadworks - New Residential Subdivisions Developer Contributions Plan* which seeks to:

- Amend the schedule of works and applicable map to reflect the additional length of road;
- Amend the contribution rate applicable to developments within the Kelso area.

The impact of the proposed amendment to the Plan will be an additional cost of \$230 per lot. This would increase the amount payable for the 2017/18 financial year to \$4,005 for this particular contribution.

The draft Section 94 Plan is provided at **attachment 6**.

Other matters for consideration

The land was included in the Kelso Foot Survey area of the Bathurst Regional Aboriginal Heritage Study. The survey did not identify any Aboriginal relics on the site. The Planning Proposal is unlikely to have a detrimental impact on Aboriginal relics.

Pursuant to Section 34A of the Environmental Planning and Assessment Act 1979, the draft plan is not likely to have an effect on critical habitat or threatened species populations or ecological communities. It is therefore not necessary to consult with the Director-General of the Department of Environment and Heritage before the draft plan was prepared.

Gateway Determination

Council received notification from the NSW Department of Planning and Environment that a Gateway Determination had been issued for the Planning Proposal. The Gateway Determination sets out Council's requirements in relation to the Planning Proposal and also sets out the minimum community consultation requirements. Council officers are satisfied with the terms of the Gateway Determination. A copy of the Gateway Determination is provided as **attachment 7**.

Conclusion:

Council, by way of Minute under delegated authority, supported a Planning Proposal to alter the RU1, R1 and RE1 zone boundary at 240 Limekilns Road, Kelso. The proposal also includes minor amendments to the Bathurst Regional DCP and Roadworks – New Subdivisions Section 94 Plan. Council officers supported the Planning Proposal in this instance given the positive urban design outcomes it will achieve.

It should be noted that following public exhibition of the planning proposal, development control plan amendment and Section 94 plan amendment, a report will be presented to Council for consideration to adopt the amendments. The Planning Proposal will then be forwarded to the Department of Planning and Environment for gazettal.

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

9 BATHURST REGIONAL LEP 2014 HOUSEKEEPING AMENDMENT – OPEN SPACE (20.00307)

Recommendation: That the information be noted.

Report: Council undertook an amendment to the Bathurst Regional Local Environmental Plan 2014 in relation to some minor amendments to a number of zone boundaries relating principally to existing open space localities in Bathurst where the current zoning did not reflect the current subdivision patterns, or the intended use of the land.

The Planning Proposal affected land within the suburbs of Eglinton, Kelso, Llanarth, Stewarts Mount and Windradyne. See the adopted planning proposal at **attachment 1**.

Council received notification from the NSW Department of Planning & Environment that the LEP Amendment was gazetted on 13 April 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 28.8
- 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

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

10 BATHURST REGIONAL COUNCIL LOCAL APPROVALS POLICY 2018 (20.00130 & 41.00089)

Recommendation:

That Council:

- (a) place the Draft Bathurst Regional Council Local Approvals Policy 2018 on public exhibition for a period of 28 days and accept submissions for a period of 42 days in accordance with Section 160 of the Local Government Act 1993;
- (b) if no submissions are received, refer the Policy to the Departmental Chief Executive, seeking consent for the nominated exemptions, in accordance with Section 162 of the Local Government Act 1993;
- (c) upon receipt of advice from the Departmental Chief Executive, and provided that no amendments are required, adopt the Policy;
- (d) give public notice of the revocation of the Local Approvals Policy 2013 and the adoption and commencement of the Local Approvals Policy 2018 in accordance with Section 166 of the Local Government Act 1993; and
- (e) update Council's Policy Manual – Policy: *LEP's & DCPs & Local Approval Policy* to replace the words "Bathurst Region Local Approvals Policy 2013" with "Bathurst Regional Council Local Approvals Policy 2018".

Report: In accordance with the provisions of the Local Government Act, Council is required to prepare and adopt a Local Approvals Policy (LAP) within 12 months of a general election of Councillors. The LAP deals with those approvals required under the Local Government Act and provides exemptions from the need to obtain approval and criteria for consideration when approval is required.

The Bathurst Regional Council Local Approvals Policy applies to all lands within the Bathurst Regional Council Local Government Area.

Under Section 165 of the Local Government Act 1993, a Local Approvals Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a local government election. The Local Approvals Policy 2013 will be automatically revoked in September 2018. Council's Environmental, Planning & Building Services Department has therefore prepared a new Local Approvals Policy (**attachment 1**).

Public Exhibition

Section 160 of the Local Government Act requires that the draft Local Approvals policy be exhibited for a minimum of 28 days and that submissions be accepted for a minimum of 42 days from the commencement of the exhibition period.

Conclusion

A revised Local Approvals Policy has been drafted, largely consistent with the provisions of the Policy currently in force. No significant changes or inclusions have been proposed but the opportunity has been taken to update references to relevant legislation and other minor editing changes. It is recommended that the draft Policy be placed on public exhibition.

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

Community Engagement

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

11 2018 PET EXPO (23.00026)

Recommendation: That Council note the success of the 2018 Pet Expo event.

Report: The Annual Bathurst Pet Expo was held on Saturday, 14 April 2018 at the Library/Art Gallery forecourt. It ran from 10am through to 1pm and was very well attended with an estimated 250 people enjoying the event. The Pet Expo forms an important part of Council's promotion of responsible pet ownership.

The Pet Expo was opened by the Mayor of Bathurst, Cr Graeme Hanger OAM and featured local pet based businesses and organisations including:

Cat Protection Society
RSPCA
Stewart Street Veterinary Practice
Pets at Peace
Petbarn
Best Paw Forward Dog Training
Bathurst Pet Salon
Dog Coat Industries.

The opportunity was also taken by Council to promote the adoption of stray dogs and cats held at the pound.

The guest speaker at the Pet Expo was Dr Joanne Righetti, who delivered a presentation on animal behaviour and remained for the entire event providing advice to the public throughout the day. Dr Righetti is a leader in the field of animal behaviour and an ambassador for the Animal Welfare League and Assistance Dogs Australia.

Council provided a free sausage sizzle for attendees (over 250 handed out) as well as face painting for the children.

Staff have identified that there is considerable potential to increase the attendance at this event in future years. This opportunity will be explored in planning the 2019 event through improved and expanded marketing, as well as consideration of running the event alongside another compatible local event.

Financial Implications: The cost of staging the event was approximately \$1500, which was funded from an existing allocation for companion animals education programs.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4
- 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.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', with a long horizontal flourish extending to the right.

N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 MAY 2018

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$79,880,000 was invested at 30 April 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:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$6,000,000.00	2.55%
Bankwest	A1+	\$1,500,000.00	2.50%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$15,500,000.00	2.26%
People's Choice Credit Union	A2	\$6,000,000.00	2.64%
IMB	A2	\$1,500,000.00	2.60%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.65%
Auswide Bank	A3	\$3,500,000.00	2.70%
Maritime, Mining & Power Credit Union Ltd	ADI	\$4,500,000.00	2.69%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.72%</u>
		\$43,500,000.00	2.50%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.72%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.77%
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>\$1,830,000.00</u>	<u>1.70%</u>
		\$12,830,000.00	2.70%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		\$3,000,000.00	3.24%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.98%
CBA Climate Bond	AA-	\$1,000,000.00	2.95%
Suncorp Metway	A+	\$1,000,000.00	1.25%
Rabobank	A+	\$1,000,000.00	3.32%

AMP	A	\$1,000,000.00	3.08%
AMP	A	\$800,000.00	3.02%
AMP	A	\$1,000,000.00	3.13%
Macquarie Bank	A	\$1,000,000.00	2.92%
Bank of Queensland	BBB+	\$1,000,000.00	2.92%
Bank of Queensland 1	BBB+	\$2,000,000.00	3.10%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.84%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.90%
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	3.08%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.86%
Credit Union Australia 3	BBB	\$1,000,000.00	3.64%
Newcastle Permanent	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.59%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>1.65%</u>
		\$20,550,000.00	2.93%

Total Investments **\$79,880,000.00** **2.67%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$43,616,372.00
Grants held for specific purposes	\$2,773,031.00
Section 7.11 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments	\$559,269.00

Total Investments **\$79,880,000.00**

Total Interest Revenue to 30 April 2018 **\$1,910,762.25** **2.67%**

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. 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 30 April 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:	\$Nil
Mount Panorama:	\$2,581.45

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.

- GC & FJ Molyneux - 38 William Street, Bathurst - Lot 18, Lot 19, DP1084053 - Contract
- Jake Graham Pty Ltd - 48 Hampden Park Road, Kelso - Lot 911, DP1110004 - Contract

Linen Plan Release

- Gateway Land Corporation Pty Ltd & RMS - 20 Lot Commercial Subdivision (6 existing & 14 new lots) - Lots 9, 10, 11, 12 & 14 - DP1183595 & Lot 1, DP914843 - 207, 209 & 213 Sydney Road, Kelso
- R & J Moffett Super Pty Ltd - Two Lot Residential Subdivision - Lot 111, DP1223450 - 8 Cusick Street, Eglinton
- Mr DL & Mrs VA Guihot - Three Lot Rural Subdivision - Lot 8, DP1058252 - 78 Samuel Way, The Lagoon

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 BOUNDARY ALTERATION - TRUNKEY ROAD ARKELL (11.00001-12)

Recommendation: That Council inform the Office of Local Government, the land owner, and the Blayney Shire Council that it has no objection to the transfer of Lot 1 DP 1182421 to Blayney Shire Council from Bathurst Regional Council, and that an application be made to the Minister to have the boundaries altered to include this lot within Blayney Shire Council.

Report: In September 2014, Council considered this matter and resolved to raise no objections to the transfer of this parcel from the Bathurst local government area to Blayney local government area. Blayney Shire Council have advised that due to "delays" the matter had not been referred to the Office of Local Government for sometime and, as a result, a request for a "fresh resolution" has been received, see a copy of letter at **attachment 1**. Accordingly, this report has been reproduced below for Council's consideration.

"As a result of the purchase from the Crown of Lot 1 DP 1182421 (Dealing A1166963), Mr Bruce & Mrs Ann Clydsdale have requested the local government boundary between Bathurst Regional Council and Blayney Shire Council be altered so that Lot 1 DP 1182421, presently within the Bathurst local government area, be transferred to the Blayney local government area". The original request from the land owner is provided at **attachment 2**.

Mr & Mrs Clydsdale's existing property is solely within the Blayney Shire Council, consisting of approximately 84 Hectares, which adjoins Lot 1 DP 1182421.

Attachment 3 shows a map of the land that would be affected by the boundary adjustment.

The land currently contained within the Bathurst local government area is approximately 1.69 Hectares, and has a land value of \$6,600.00, with annual rates for the property being \$355.64.

Financial Implications: Council may experience a reduction in rate revenue from this transfer.

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.

6 REQUEST FOR FINANCIAL ASSISTANCE - CAMP QUALITY'S ESCARPADE - BATHURST 2018 (23.00026-20/126)

Recommendation: That Council:

- (a) Waive the venue hire and commission charge for the opening night dinner at the Bathurst Memorial Entertainment Centre (BMEC) to be held on 20 October 2018;
- (b) Waive the venue hire charges for the Volunteers Shed and Grandstand at Mount Panorama for the morning of 21 October 2018;
- (c) Waive the William Street Banner installation and removal charge for the week leading up to 21 October 2018; and
- (d) Assist with the promotion of this event through its social media.

Report: Council has received a request from the Event Coordinator for Camp Quality seeking access and use of some of Council's facilities to host the start of esCarpade in Bathurst in October 2018.

esCarpade is the largest community fundraising event for Camp Quality; a children's family cancer charity who provide a support network for children living with cancer and their families. esCarpade is a seven day motoring adventure planned to commence in Bathurst and finish in Wagga Wagga. The Co-ordinator anticipates that 220 people in 90 cars will be in Bathurst for the commencement of this event, all of whom are likely to stay overnight prior to the start.

In their request, the Coordinator has sought assistance from Council for the following:

- (a) Opening Night at BMEC - On the evening of 20 October 2018, the drivers' briefing, dinner and Mayoral Welcome is planned to be held at BMEC. The venue hire and commission charges associated with this event are estimated to be \$2,374. It is noted catering is being provided by an external caterer.
- (b) Start at Mount Panorama - On the morning of 21 October 2018 a barbecue breakfast is planned to be held at the Volunteers Shed. Each car will then complete a full lap of the circuit, with members of the public being invited to watch the convoy from the grandstand. The hire fees associated with this request are estimated to be \$1,904, with catering being provided by a local volunteer club/group.
- (c) William Street Banner - To assist with the promotion in the lead up to this event, the Coordinator would like to hang a banner across William Street. Council's fee for the installation and removal of a banner is \$622, which does not include the cost of the supply of the banner.
- (d) Social Media Promotion - The Coordinator is seeking assistance from Council with promoting their event through Council's social media channels. This can be provided at no charge.

Council's Revenue Policy provides that a 20% discount may be applied to BMEC hire charges to "Not for Profit Organisations", however, as the Coordinator is seeking a waiver of the full amount, the matter is being presented to Council for consideration.

Financial Implications: Should Council resolve to support the recommendations of this

report, there are sufficient funds within Council's Section 356 donations and fee waiver allocations to fund these requests.

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.

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 21.00044, 22.01907, 08.00007, 21.00077, 22.13929, 22.00219,
20.00030)**

Recommendation: That the information be noted.

**Report: 1 RENEWAL OF COMMERCIAL LICENCE AGREEMENT AT BATHURST
AERODROME TO PACIFIC AUTOMOTIVE HOLDINGS PTY LTD T/A THRIFTY CAR
RENTAL (21.00044)**

This report relates to the proposed renewal of commercial licence agreement for counter space located in the terminal building at the Bathurst Aerodrome for a period of up to five (5) years.

**2 RENEWAL OF COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME
TO W.T.H PTY LTD T/A AVIS AUSTRALIA CAR RENTAL (21.00044)**

This report relates to the proposed renewal of commercial licence agreement for counter space located in the terminal building at the Bathurst Aerodrome for a period of up to five (5) years.

**3 RENEWAL OF COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME
TO BUDGET RENT A CAR AUSTRALIA PTY LTD (21.00044)**

This report relates to the proposed renewal of commercial licence agreement for counter space located in the terminal building at the Bathurst Aerodrome for a period of up to five (5) years.

**4 RENEWAL OF COMMUNITY LICENCE AGREEMENT WITH COMMUNITY
OPPORTUNITY SHOP INC FOR LOT 6 DP608111 KNOWN AS 8 LIONS CLUB DRIVE,
BATHURST (22.01907)**

This report relates to the proposed renewal of the community licence agreement for the property known as Community Opportunity Shop Inc. Group at 8 Lions Club Drive, Bathurst.

**5 RENEWAL OF TELECOMMUNICATIONS LEASE AGREEMENT FOR PART LOT 1
DP6334401 KNOWN AS MCPHILLAMY PARK, MT PANORAMA WITH MASTER
COMMUNICATIONS & ELECTRONICS PTY LTD (08.00007)**

This report relates to the proposed renewal of the Telecommunications lease agreement for McPhillamy Park, Mt Panorama.

**6 NEW COMMERCIAL LEASE AT PART LOT 404 DP1241250 KNOWN AS THE
BATHURST AERODROME TO K & S FREIGHTERS PTY LTD T/A AERO REFUELLERS
(21.00077)**

This report relates to a proposal to enter into a new commercial lease agreement at the Bathurst Aerodrome.

**7 PROPOSED BOUNDARY ADJUSTMENT AND SUBSEQUENT SALE OF LAND AT
PART LOT 1007 DP1168702 KNOWN AS KELSO INDUSTRIAL RESIDUE LAND TO
OAKLEIGH PLUMBING PTY LTD (22.13929)**

This report relates to the proposed boundary adjustment, subject to development consent and subsequent sale of land at part Lot 1007 in DP1168702 known as Kelso Industrial residue land.

8 PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00219)

This report relates to the proposed boundary adjustment at part Lot 12 DP1040066 known as 176 Russell Street, Bathurst, with part Lot 4, Section 7 DP758065 and part Lot 3, Section 7 DP758065 known as 133 -137 Keppel Street, Bathurst, subject to development consent.

9 SALE OF LOTS 1009, 1010 AND 1011 CORPORATION AVENUE, BATHURST (20.00030)

This report relates to the proposed sale of land at Corporation Avenue.

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

16 MAY 2018

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

Recommendation: That Council -

- (a) adopt the scoping study report on the future use options for Centennial Park, Bathurst.
- (b) choose an appropriate enhancement scenario as recommended within the report to guide the development of a detailed landscape design for the future upgrade of the park.
- (c) provide funding within the 2018/19 Management Plan to develop a detailed design of Council's preferred enhancement scenario.
- (d) provide funding within future Management Plans to undertake the beautification upgrade of Centennial Park.

Report: Council would be aware of the strong community desire to improve and enhance 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 as part of any enhancement, such as a new cultural centre or other public buildings, has also been suggested over recent years. In 2017 Council made 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

The completed Scoping Study Report has been completed by Integrated Design Group, which is provided at **attachment 1**, with appendices to the report provided at **attachment 2**. As well as providing concept scenario options for the future look of Centennial Park, this document contains the review of the Park's history and land status, as well as the process and results of the extensive community consultation that occurred during the scoping study project.

LAND USE SCENARIOS

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 management plans.

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.

The cost of 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.

The cost of 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 art galleries 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.

The cost of 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 playspaces etc would provide increased passive security of the Centennial Park site and round the clock engagement of the area.

The cost of 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.

This option provides for a smaller scale beautification treatment than option 1 and is a significantly lower cost option than the other options containing large infrastructure development. The estimate for this option would be in the vicinity of \$650,000 depending upon the extent and quantity of structures to be installed such as size of new playground, shelter and seat numbers etc.

COMMUNITY CONSULTATION

Public engagement during development of Scoping Study

Throughout the past 11 months, Integrated Design Group have conducted 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

Results of the community consultation process are included within the Scoping Study Report and detail the thoughts, desires and suggestions in respect to the status of Centennial Park, the importance of this public space and the future of Centennial Park moving forward. In brief, the following information summarises the major priorities or desires that were identified during the consultation process in respect to the future of this park:-

Elements to retain in Centennial Park

- Trees
- Grass
- Open space
- Lighting
- Seating / benches
- Toilet facilities
- Paths
- Children's playground
- Dog walking
- School bus stop
- Cricket pitch & fields

Priority improvements for Centennial Park

- Trees
- BBQ/seating/shelters
- Playground
- Watering
- Sports
- Paths
- Park upgrade

Ranking of Opportunities for Centennial Park

- Beautify the park
- Plant more trees
- Preserve open space
- Install irrigation
- Provide more amenities

Public exhibition of Scoping Study Report

The Scoping Study Report was presented to Council at its General Meeting of 21 March 2018 and then placed out for public exhibition for 28 days. The community was invited to provide comment on the Report before Council decided upon any future use scenario.

The Scoping Study Report was placed on public exhibition on 24 March 2018 and closed on the 23 April 2018. The Bathurst community was invited to provide comment on the Report either directly in writing to Council or by the Have Your Say website. A copy of the comments and suggestions received during the exhibition period under the Your Say Bathurst survey is provided at **attachment 3**, together with the comments and suggestions that were submitted to Council directly.

In general, most comments and suggestions received were based on providing a preference on one of the 5 future use scenarios that was contained in the Scoping Study Report, or the 6th option that was detailed in the Director Engineering's Report to Council on 21 March 2018.

The following Tables provide a summary of the findings of the public exhibition period in respect to preferred future use options and highest priorities for any inclusions into the future development of Centennial Park:-

Ranking of Preferred Use Options

OPTIONS	RESPONDENTS
Option 1 Landscape upgrade of Centennial Park	10
Option 2 Civic & Amenity including landscape upgrade and public buildings	0
Option 3 Green Space with Residential investment	0
Option 4 Incorporation of cultural buildings into Centennial Park	0
Option 5 Park enhancements with smaller scale residential development	1
Option 6 Minor landscape improvements to Centennial Park	50
Option 1 or 6 Respondents were favouring either option	6
Option 1 or 5 Respondents were favouring either option	1
Option 1 and 2 Respondents were favouring a mix of both	1
Respondents that did not indicate an option	38
TOTAL RESPONDENTS	107

Community Priorities for Centennial Park Enhancement Works

PRIORITIES	RESPONDENT NUMBERS
Irrigation	46
More Trees	44
Play Equipment	29
Seating	28
Enhanced Maintenance	18
BBQ	14

In review of the comments submitted during the public exhibition period, it is evident that the majority of respondents prefer that Council undertake some level of improvement / enhancement works to Centennial Park, with a do nothing approach not being an option. It was also clear throughout the community engagement process that upgrade works that incorporated public or private development such as civic centres, museums, residential dwellings were not wanted and should not be contemplated.

RECOMMENDATION

As a result of the community consultation process and a number of discussions with Councillors at various working party meetings, it is believed that the overwhelming desire from the general community concerning the future use of Centennial Park is to keep the park as a park. It has also been identified that the majority of people want something done to the existing facility and in doing so it must keep the following 3 aspects, "Keep It Green – Keep It Open – and Make It Useful".

A variety of concept scenarios have been provided for Council's consideration, all of which in some form keep the parkland values that are deemed a necessary requirement by the community, although providing a range of land use options. However, with the exception of Option 1 and 6, most of the options have included some form of building infrastructure of either a civic or commercial nature. It is believed that any options incorporating public or private building development is not desired by those that have participated in the public consultation process.

It is believed that the scenario option best meeting the general community views and therefore the recommendation that is presented to Council is to have a detailed design undertaken utilising a mix of concepts taken from Option 1 and 6 of the above land use scenarios presented. It is recommended that the design for the beautification of Centennial Park incorporate the following elements, which have been the main priorities and desires expressed throughout the community consultation period:-

- Design to maintain existing openness of Centennial Park
- Provision of more trees
- Incorporation of an irrigation system throughout the park, including lawn areas
- BBQ/shade/seating
- Upgrade of playground elements
- Retention of at least 1 junior cricket area
- Provision of other active elements such as fitness stations
- Formalisation of path network from gravel to a more durable hard surface treatment.

- Lighting improvements

Until a draft landscape design has been completed that details the extent of landscape works and elements to be provided within a beautification project for Centennial Park, it is difficult to place a price on what the Centennial Park beautification would cost. Due to the significant size of Centennial Park and the estimates that have been developed as a result of other park development projects currently being implemented in Bathurst, it is believed that a cost of in excess of \$1M for works at Centennial Park would not be unrealistic.

There is also a strong desire that Council increase its general maintenance of Centennial Park due to the perception that the park is not maintained at the level expected. It should be noted that any beautification of Centennial Park that incorporated irrigation for grassed areas would provide immediate visual enhancement to the park, reducing mindsets that no maintenance is performed. Naturally though, the incorporation of irrigated lawn areas and the inclusion of additional play equipment and other amenity improvement works to Centennial Park would result in the need to increase park maintenance operations. Council should be advised that additional resources will need to be factored into future operational maintenance budgets to pay for the increased grounds maintenance and water costs, once beautification works to Centennial Park have been completed.

It is envisaged that the following steps would be required should Council wish to proceed with future beautification works to Centennial Park:-

- provide funding within the 2018/19 Management Plan to develop a detailed design of Council's preferred enhancement options
- Invite expressions of interest from qualified landscape architects to develop a detailed design for the future beautification of Centennial Park
- Provide funding within future Management Plans to implement the beautification works once the design has been developed and approved by Council.
- Provide appropriate increases to Council's general maintenance budget in order to have the appropriate staff and financial resources to maintain Centennial Park at an increased level once the beautification works have been completed.

Financial Implications: A consultancy to develop a detailed landscape upgrade design of the Centennial Park Landscape in accordance with Scenario 1 & 6 would cost in the vicinity of \$85,000.

It is estimated that the cost for a landscape upgrade to Centennial Park based on a design with the elements and inclusions as recommended would be in excess of \$1M

It is envisaged that adopting scenario 1 or 6 landscape treatments for Centennial Park would increase the park's Asset Management classification from a level 3 Passive Park to a level 1 Park, which would require a significant increase in funding for maintenance requirements.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the Strategy 29.1

management and upgrading of existing assets and service levels.

- 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 EXTEND SEASONAL USE OF OUTDOOR OLYMPIC POOL AT THE BATHURST AQUATIC CENTRE (04.00105)

Recommendation: That Council:

- (a) extend the seasonal use of the outdoor 50m Olympic pool at the Bathurst Aquatic Centre for the remainder of the existing pool management contract, and
- (b) consider the extension of the outdoor pool season when preparing future Aquatic Centre Management contracts.

Report: The Bathurst Aquatic Centre has been in operation for just over 10 years, since its completed construction in 2008. In the process of establishing a facility that was able to provide cost effective and affordable year round swimming and other aquatic services to the Bathurst community, a feasibility study was undertaken initially to work out matters such as design layout, services that could be provided, as well as management and operational processes that would enable an aquatic facility to operate at a reasonable cost to the community.

As part of providing swimming services to the community at a reasonable level of expense, it was determined that the outdoor Olympic pool be made operational between the first Sunday of October and the last Sunday in March each year. It was believed that this time frame provided the best mix between the level of use of the outdoor pool by members of the community and the costs associated with keeping the pool operational in the lead into winter. This practice has been in place since the opening of the Bathurst Aquatic Centre over 10 years ago and has been accepted by the majority of the Bathurst Community.

However at the beginning of March this year, Council officers received calls and correspondence from members of the community who utilize the outdoor pool on a regular basis, requesting if the outdoor pool season could be extended. It has been requested if the 50 meter pool can be extended from the last Sunday in March to the third Sunday in April each year. The various pool patrons have advised that March and April are the best time of year temperature wise to undertake lap swimming activities.

However to extend the use of the outdoor pool at the Bathurst Aquatic Centre would require an additional cost to Council, as the existing pool management contractor has not priced for the additional power, gas, chemicals and labour that would be required to keep the pool in a usable condition past the time frame specified within the existing fixed price contract. Council's contractor has advised that the use of the outdoor pool from mid-March is negligible and as such, keeping the pool operational past March would be uneconomical in a financial perspective. The pool management contractors have advised that they estimate the average daily use of the outdoor 50m pool from mid-March until its current close date is in the vicinity of 65 persons per day, inclusive of some squad training and organised swimming programs.

Council's Pool Management Contractors have advised that to keep the outdoor pool operational up to the third week of April each year (being a 4 week extension to the current requirement) for the remainder of their contract term would cost Council an additional \$57,268 on top of the management fee that Council is required to pay under their existing contract. It should be noted that the contract for the management of the Bathurst Aquatic Centre has 3 years remaining, excluding 2 times 12 month extension options. The additional costs to extend the use of the 50m pool until the end of April are itemised as follows:-

YEAR	Additional weeks	COST
2019	4	\$18,726
2020	4	\$19,083
2021	4	\$19,459
TOTAL ADDITIONAL COSTS		\$57,268

The above prices are considered to be reasonable and are largely based on the electricity and gas costs that would be incurred in keeping the 50M pool operational for the extended period. For the information of Council, it currently costs in the vicinity of \$806,000 per annum to manage, operate and maintain the Bathurst Aquatic Centre for the residents of Bathurst and its visitors. It should be noted that Council does not receive any income from the operations of the Centre.

During discussions with the pool patrons who wish to have the season extended, it was discussed that Council could investigate keeping the outdoor pool operational on a week by week basis from next season, depending upon whether the autumn temperatures start to be experienced earlier or later. Council's pool management contractor has advised that it would be hard to implement pool extensions on a week by week basis as staff programming, ordering of required quantity of chemicals and other operational requirements would generally need to be determined well in advance.

Recommendation

Although the Bathurst Aquatic Centre contain indoor facilities that are available to the community on a year round basis, the outdoor 50m pool is only open during the spring / summer period each year and there are members of the public that wish to utilise this pool longer in the season.

It is therefore recommended that Council extend the seasonal use of the outdoor 50m Olympic pool at the Bathurst Aquatic Centre under the existing pool management contract from the last Sunday in March to the third Sunday in April each year for the remainder of the fixed price contract term for the operation of the Bathurst Aquatic Centre.

It is also recommended that consideration be given to any extension of the outdoor pool operations at the time of preparing the next contract for the operations of the Bathurst Aquatic Centre. In the meantime, Council and the Pool Management contractors would be able to further review and collect data on the average pool usage patterns over the next few years as well as identify any trends in respect to April temperatures.

Financial Implications: The operations of the Bathurst Aquatic Centre cost Council in the vicinity of \$806,000 per annum to maintain and operate.

The cost to Council to extend the season use of the outdoor pool for an additional 4 weeks per year for the remainder of Council's 5 year fixed price pool management contract (3 years remain on this fixed price contract) would be \$57,268 over 3 years, which can be sourced from Council's Water Fund.

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

Community Engagement

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

3 PROPOSED ROAD WIDENING - LOT 101 DP1231601 LIMEKILNS ROAD KELSO (22.00891)

Recommendation: That Council approve the proposed road widening affecting part of Lot 101 DP1231601 on the Limekilns Road at Kelso, and dedicate the road to the public, as detailed in the Director Engineering Services' report.

Report: As part of the construction of infrastructure to service future residential developments along Limekilns Road, Limekilns Road is to be designed and constructed as a Local Distributor Roadway, in accordance with conditions of DA consent and Council's Engineering Guidelines.

While generally the road reserve width of Limekilns Road varies, it has been found that the road reserve width is less than the minimum requirement of 22 metres under the Guidelines, along part of the frontage of Lot 101 DP1231601.

It will be necessary to widen the road to cater for the design and construction of Limekilns Road and for the installation of services within the road reserve, in accordance with Council's Engineering Guidelines and requirements of other authorities. The road widening encroaches into Lot 101 DP1231601 which is property in Council's ownership. Please refer to the sketch plan at **attachment 1** indicating the locality of the proposed road widening.

It is recommended that Council approve the subdivision of Lot 101 in DP1231601 for road widening purposes and dedicate the road to the public.

Financial Implications: It is anticipated that the costs involved including surveying and legal expenses will be less than \$5000 and will be funded from the Land Development Fund.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

**4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00666 & 36.00616)**

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 TENDER FOR CONSTRUCTION OF CIVIL WORKS - TRADE CENTRE STAGE 10
(36.00666)**

This report considers the tender for construction of civil works for Stage 10 of the Trade Centre Industrial Estate.

**2 TERMINATION OF CONTRACT FOR CONSTRUCTION OF TAXIWAYS AND APRON
EXTENSION AT BATHURST AERODROME (36.00616)**

This report considers the termination of the contract for the construction of taxiways and apron extension at the Bathurst Aerodrome.

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

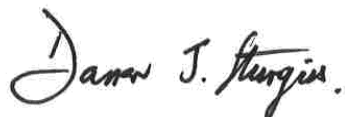
Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- 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

16 MAY 2018

1 KELSO COMMUNITY HUB - MAY 2018 UPDATE (09.00026)

Recommendation: That the information be noted.

Report: The Kelso Community Hub has recently been successful in obtaining grant monies for the improvement of recreation and infrastructure facilities. A successful grant of \$50,000 under the NSW Government Social Housing Community improvement Fund – Round 3 has been received. This grant will be used to “improve Kelso Community Hub’s Common Recreational Space for the Wider Community”.

The funding will be utilised for the following activities:

- Installation of concrete walkways/cycleway.
- Upgrade of playground/exercise equipment and installation.
- Plants and garden installation.

A second successful grant of \$150,000 under the NSW Country Improvement Fund has also been received.

This funding will be utilised for the following:

- Add an additional extension/multi-purpose room to the existing office block. This room will be used for the community and meet the needs for further services and programs to be operated from the Hub.
- Refurbishing the kitchen area to allow community healthy cooking programs.
- Adding additional storage and giving the premises a fresh coat of paint.

There has been a constant usage in the services and programs utilising Kelso Community Hub, averaging 80% to 85% occupancy rates of services operating from the Hub during Monday to Friday. This continues to include the Breakfast Club and Walk-in Wednesday. There are currently 17 external service providers utilising the Hub to deliver services including: Marathon Health, Relationships Australia, Galloping Gumnuts, Birrang, Local Area Command Aboriginal Liaison Officer, C3 Church, Legal Aid, Centrelink, Church of Christ, NSW Health, Lifeline, Young Life, Neami International, Skillset, Veritas House, Wattle Tree House and Creative Community Concepts.

The growth in utilisation of the Hub has continued to see graffiti and vandalism stay closer to nil. The Hub is operating six days per week with over 1,000 visits per month to the facility.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1, 21.2, 21.3
- Objective 23: To encourage a supportive and inclusive Strategy 23.5, 23.6, 23.7,

community.

23.8

- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community. Strategy 25.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.3

Community Engagement

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

2 NSW SENIORS FESTIVAL, 4 - 15 APRIL 2018 "LET'S DO MORE TOGETHER" (07.00016)

Recommendation: That the information be noted.

Report: NSW Seniors Festival was held from 4 – 15 April 2018. This year's theme was 'Let's Do More Together'.

The Seniors Festival Organising Committee were involved in organising a number of events throughout the festival. Events included historical bus tours, morning teas, open days, music concerts, sing-a-longs, bingo, a greyhound meeting, music and fitness classes, musical concerts and a show at the Bathurst Memorial Entertainment Centre.

Attendance at all Seniors Festival events was exceptional, with more than 1,000 people participating over the 12 days. A number of events were booked out in the weeks leading up to the commencement of the festival.

The events received overwhelmingly positive feedback from participants and organisers, with some saying it was the best attended Festival to date. Many organisations have already expressed interest to be involved in Seniors Festival 2019.

The activities involved partnerships between Bathurst Regional Council and the Seymour Centre, Family History Group of Bathurst, Miss Traill's House, Accessible Living Options, Uniting Church, Mitchell Conservatorium, Bathurst RSL Club, Senior Citizens Centre, Bathurst Memorial Entertainment Centre and Kelso Community Hub.

Council facilitated three events for Seniors Festival 2018. Heritage Tours of the Railway Precinct and Milltown, Begonia House presentation and Sweet Caramel morning tea, and the Kelso Community Hub bingo afternoon. Mayor Graeme Hanger OAM, attended the Heritage Tour of the Railway Precinct and Milltown on 5 April 2018 to formally welcome participants to the event and officially open Seniors Festival 2018.

Financial Implications: Seniors Festival 2018 was funded through the Seniors Festival Grants Program and funds allocated in Council's budget to support Seniors Festival.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1, 23.3, 23.5, 23.6
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and Strategy 30.5, 30.6

encourage and support communication, interaction and support within the community.

Community Engagement

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

3 NATIONAL YOUTH WEEK, 13 – 22 APRIL 2018 “UNITY THROUGH DIVERSITY” (11.00020)

Recommendation: That the information be noted.

Report: National Youth Week was held from 13 to 22 April 2018. The theme for National Youth Week this year was “Unity Through Diversity”.

Youth Week celebrates the positive contributions young people aged 12-25 years make to our communities. Youth Week is the largest celebration of young people in Australia. Thousands of young people aged 12-25 from across Australia are involved each year.

This year Bathurst celebrated National Youth Week with the following five events:

Youth Week YJAM and Barefoot Bowls

YJAM was held in conjunction with an afternoon of barefoot bowls at the Bathurst City Community Club. The event included performances from 7 young local musicians. A free barbeque and drinks were provided. The event was attended by over 30 people.

Disco Tenpin Bowling

Bathurst Regional Council partnered with Bathurst Tenpin Bowling to facilitate this event. The first 50 young people who registered for this event were eligible to receive one free game. All games after this were discounted to \$8.50. The event was attended by 36 people.

PCYC Ninja Warrior

Qualifying rounds were held on Tuesday 17 April and Wednesday 18 April. Competitors competed on these days to qualify for the Semi-Finals and Finals on Thursday 19 April. The competition was divided into two age groups – 12-15 years and 16 years and over. First, second and third placegetters were awarded vouchers from local businesses. There were 35 young people who competed over three days.

Youth Week Walk-In Wednesday at Kelso Community Hub

Youth Week Walk-In Wednesday was held in conjunction with Youth Homelessness Matters Day 2018. The event was a collaboration between the Kelso Community Hub and Veritas House. It was a fun-filled afternoon of activities, sports, socialisation and a free barbeque. The event was attended by over 30 people.

Escape Room at Bathurst Library

Each team was required to escape a dark room by using hidden clues and puzzles. All three teams who participated in this challenge were all able to successfully escape the “basement kidnapper”. The winning team took home movie vouchers after escaping in 43 minutes and 25 seconds. 15 people participated in this event.

In total the five Youth Week events attracted over 150 people.

Financial Implications: The event was funded through National Youth Week, The INDENT/Music NSW Event Development Grant for the YJAM Project and funds allocated in

Council's budget to support Youth Week activities.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

Community Engagement

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

4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 9 APRIL 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 (TRG) 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 9 April 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 9 April 2018, the group noted the following updates:

- TRG Representative to facilitate a meeting between Mayor, Alan Cattermole and new CSU Indigenous Affairs representative.
- Macquarie Heritage Medal, judging of 15 projects nominated for the Macquarie Medal and Chifley Awards have been completed. Winners to be announced at Dinner Saturday 5 May 2018.
- Christopher Morgan from Abercrombie House – will prepare a report on the inaugural Historic Houses of Australia Conference for the next meeting.
- Mark Renzaglia – local vigneron and food producers will be exhibiting at the Royal Bathurst Show.
- Hannah Madden – attended and enjoyed the quality offering of Autumnfest at Mayfield.
- Increase in the BVIC membership. There has been a 17% increase on membership since 2017 and there are 2 Platinum members.
- Bathurst Cycling Classic (previously B2B) has 2,150 entrants to date, which is a growth on 2017 of 2,014 total riders.
- NRL match Friday 4 May 2018 – 2,100 tickets sold to date.
- Discussion and feedback on the creation of marketing collateral.
- Update reports from the Destination Development and Visitor Information Centre Managers.

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.

5 2018 CATAPULT FESTIVAL, 18 - 22 APRIL 2018 (23.00140)

Recommendation: That the information be noted.

Report: After a break of four years BMEC presented the sixth Catapult Festival from 18 to 22 April 2018.

Catapult is the national youth circus and physical theatre festival and the meeting point between youth circus and adult professional practice. Many participants return to the festival multiple times over the years and numerous youth participants appearing at Catapult have gone on to highly successful professional careers. Many also transpose the confidence and ingenuity they learn in youth circus to other professional fields outside the performing arts.

In 2018 the headlining professional troupe was internationally acclaimed Gravity and Other Myths, based in Adelaide S.A. with their production *A Simple Space*. This award winning company appeared at Catapult 2009 as emerging youth circus participants. Now they have taken on new artists, some of whom also have links to Catapult. Performer Ashleigh Pearce was part of the Catapult emerging artist program in 2012 and performer Benton Adams-Walker attended Catapult with Warehouse Youth Circus from Canberra in 2014. In 2014 the headline professional troupe was Casus and the co-founder of that company, Jesse Scott, attended the first Catapult Festival in 2005 as a sixteen year old. This demonstrates a clear trajectory from youth circus to professional practice linked to Catapult.

Registration for Catapult is limited to 150 participants to ensure that the experience is a rich one, not overly diluted by an inability to offer adequate workshop placements and other points of access. Despite a four year break since the last Catapult interest from across the country was high culminating in 129 registrations.

Delegates attended from:

NSW - Bathurst, Dubbo, Mudgee, Wingham, Western Sydney, Goulburn, Blue Mountains, Mullumbimby

ACT - Chiffley, Kaleen

Victoria - National Institute of Circus Arts, Melbourne

Northern Territory - Darwin

Queensland - Townsville

As well as Gravity and Other Myths professional performers included Sydney Trapeze school who ran workshops and presented a free public performance after which they offered \$10 swings to the general public.

The Festival included thirty workshops ranging from teeterboard, various forms of aerial work, pitching and tossing, group choreography, juggling and many more.

The six forums including sessions where teachers working with circus in the education system were able to extend their network, discuss curriculum and other issues.

The Catapult Festival included six public performances attended by approximately 1,300 people.

Venues used for the festival included BMEC, Bathurst RSL, PCYC and Machattie Park

Financial Implications: The Festival was delivered with existing operating budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9

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 - 2 MAY 2018 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 2 May 2018 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 2 May, 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 2 MAY 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Christian and Jennings be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 APRIL 2018 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 April 2018 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Morse and **SECONDED** Cr J Fry

RESOLVED: That the Declaration of Interest be noted.

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

Director Environmental Planning & Building Services' Report

5 Item 1 ABANDONED SHOPPING TROLLEYS (28.00006)
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That Council review its current practices for trolley retrieval.

Director Corporate Services & Finance's Report

6 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 MARCH 2018 (07.00096)

MOVED Cr B Bourke

and SECONDED Cr M Morse

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 28 March 2018 be adopted.

GENERAL BUSINESS

7 MEETING PROTOCOL FOR ABSENT COUNCILLORS (11.00005)

Cr Bourke (on behalf of Cr Jennings) - requests Deputy Mayor be able to speak on items on behalf of Councillors who are absent.

The Mayor noted this can occur already.

8 Item 2 SELF DRIVING SHUTTLE SERVICE - CBD (28.00009)

Cr Bourke (on behalf of Cr Jennings) - requests option be explored for the provision of this service in Bathurst. Noted cost per shuttle would be \$16,000 per month and the service should be free for customers.

9 Item 3 CEMETERY WATER FEATURE (09.00009)

Cr Bourke (on behalf of Cr Jennings) - raised concerns about safety at the dam. Could this be looked into?

10 Item 4 RAGLAN RAILWAY STATION (22.00159)

Cr Bourke (on behalf of Cr Jennings) - asked what is the status of this facility, who owns it and maintains it?

11 Item 5 COLES/HUNGRY JACKS ENTRANCE (25.00332)

Cr Bourke (on behalf of Cr Jennings) - advises works have not been undertaken, has this been followed up?

12 **Item 6 NRL GAME - CHILDREN INVOLVEMENT (18.00296)**

Cr Bourke (on behalf of Cr Jennings) - would like to see increased numbers of children involved in the event.

13 **Item 7 POPULARLY ELECTED MAYOR (12.00005)**

Cr Bourke - requests matter be considered at a Working Party.

14 **Item 8 WHEELCHAIR ACCESSIBLE SWING AT ADVENTURE PLAYGROUND (04.00121)**

Cr Bourke - asked could the installation of one of these facilities be considered and a report come back to Council.

15 **Item 9 PUBLIC ART POLICY (11.00038)**

Cr Rudge - this should support original and high quality projects in the public domain. This will beautify the city and be a tourism attraction. Noted a consultant has been appointed and a Working Party has been scheduled. Spoke to mirrors in laneways, eg Lapin Lane which need replacement or installation.

16 **Item 10 CLEANING OF FOOTPATHS IN THE CBD (28.00016)**

Cr Rudge - spoke to efforts of Council in this area and issues of noise in Keppel Street.

17 **Item 11 COMMERCIAL SIGNAGE (23.00045)**

Cr Rudge - noted actions being taken in regards to signage, needs to be followed up. Some businesses need to be aware of streetscape issues. This will improve look of CBD.

18 **Item 12 SENIOR CITIZENS WEEK (07.00016)**

Cr Rudge - this went very well. Noted input into the city of community groups.

19 **Item 13 HERITAGE TRADES TRAIL (23.00060)**

Cr Rudge - seeks support of everyone for this event in Bathurst.

20 **Item 14 BUILDINGS - CBD (2016/124)**

Cr Aubin - spoke to concerns about the Presbyterian Church Building on the corner of Howick and George Streets. How did the extension get approved?

21 **Item 15 RMS TRAFFIC REVIEW (23.00036)**

Cr Aubin - can we apply for funds for Brilliant/Stewart Street roundabout to be replaced with traffic lights. This is getting more dangerous.

22 **Item 16 FOOTPATH REPAIRING (28.00016)**

Cr Aubin - asked how this project is going?

The Director Engineering Services spoke to work occurring at this time.

23 **Item 17 GEORGE/HOWICK STREET ROUNDABOUT (25.00007)**

Cr Aubin - queried the schedule for works.

The Director Engineering Services advised a report to the Traffic Committee is due in the near future.

24 **Item 18 DAN MURPHY'S ENTRANCE (22.02657)**

Cr Aubin - can we stop entry off Durham Street. Can signs be installed?

25 **Item 19 RSL CARPARK (28.00026)**

Cr Aubin - advised line marking needs renewal in carpark. Can a pedestrian Crossing be put in at entry from George Street.

26 **Item 20 KERB AND GUTTERING, EGLINTON (16.00061)**

Cr Aubin - good to see works occurring. Will road reconstruction occur?

The Director Engineering Services advised the works are part kerb and guttering and part road construction.

27 **Item 21 BMX NSW STATE SERIES (04.00140)**

Cr Aubin - The event was sensational - congratulations to all involved.

28 **Item 22 WATER AVAILABILITY (32.00017)**

Cr Morse - noted problems in Cape Town. We should be looking at water restrictions. Requests Council review how to bring in restrictions earlier. Spoke also to problems with a sewerage type smell at Rockley Weir. Could we check this. Also noted Hill View and Sofala water problems.

The Director Engineering Services advised Council provided a one-off reservoir refill at Hill View as per normal practices.

29 **Item 23 STREET TREES (13.00019)**

Cr Morse - residents in Eglinton requested input into the type of trees planted. Could a report come back to Council on resident input into tree types.

30 **Item 24 HILL END FESTIVAL AND EGLINTON SCHOOL LAND (20.00170)**

Cr Morse - the Festival was a great success.

Further, noted growth of Eglinton. Is Council lobbying the Education Department for an expansion of the school or reserving land? Spoke to open space needs.

The Director Environmental, Planning & Building Services spoke to DCP for the

area allowing for expansion. Lobbying has occurred to the Education Department for expansion and their non-agreement to the need for expansion was noted.

31 **Item 25 CARILLON (04.00021)**

Cr Morse - the Carillon was played on Anzac Day - went well. Could Council develop a policy for access by Carillonners.

32 **Item 26 BMEC EXHIBITIONS - WASTE TO ART AND BRIDAL EXHIBITION (21.00012)**

Cr Morse - advised these are both fantastic exhibitions.

33 **Item 27 NON-FOSSIL FUEL INVESTMENTS (11.00006)**

Cr Fry - thanks for development of draft policy. Looks forward to it coming to Council.

34 **Item 28 WATER - CENTENNIAL COAL MINE (32.00001)**

Cr Fry - asked can this also go into Sofala catchment and be put into the Turon River. Could we look at a policy in this area. Could we also look at infrastructure for emergency tanks in villages, particularly for fire fighting.

35 **Item 29 ELECTRIC VEHICLE CAR SPACES (28.00006)**

Cr Fry - encourages review into the possibility of "Go Get" car sharing spaces for Electric Vehicles. Will also allow for electric vehicle power charging to occur.

36 **Item 30 OFF-LEASH DOG AREAS (04.00034)**

Cr Fry - asked do we have enough of these?

The Director Environmental, Planning & Building Services spoke to statutory requirements in place.

37 **Item 31 STREET ART (11.00038)**

Cr Fry - spoke to opportunities and input to occur.

38 **Item 32 MITRE/SUTOR/LAMBERT STREET INTERSECTION (25.00095, 37.00585)**

Cr Fry - noted misinformation that is occurring. Wants all options examined so as to get the best result - this may be a roundabout.

39 **Item 33 WATER (32.00017)**

Cr North - spoke to Drought Management Plan and that Council can bring in restrictions whenever they feel appropriate. This should be in this document as previously raised by Council.

40 **Item 34 RIVER WALK (04.00017)**

Cr North - received representations about distance markers in 100 metre increments, please review as appear to have gone.

41 **Item 35 CARRINGTON PARK - POSSIBLE CAR PARK (20.00116)**

Cr North - asked can we do a review into putting a car park into Carrington Park (Bentinck Street side). Possibly seek Expressions of Interest to see if anyone is interested.

42 **Item 36 TREMAIN MILL EVENT (2018/113)**

Cr North - asked where is this going with fire issues?

The Director Environmental, Planning & Business Services provided details on processes to date and work with proponent and consultants. Noted measures still to be completed and reviews to occur.

43 **Item 37 ACCESS COMMITTEE (07.00031)**

Cr North - spoke to issues such as Cardiology site. Where are we at?

44 **Item 38 CREMATORIUM HEARING LOOP (2010/0436)**

Cr North - advised hearing loop is still not working. What can we do to address this?

The Director Environmental, Planning & Building Services spoke to contact made with the operators and possible actions available.

45 **Item 39 COFFEE SHOPS - HOLES IN THE WALL (28.00016)**

Cr North - raised concerns about how pedestrian access is often restricted through these operations. How do we ensure people can get through on the footpath? Noted need for signs. Could we hold some training days for owners and developers as to requirements.

The Director Environmental, Planning & Building Services spoke to concerns and Council's policy which is two or three metres of clearance, depending on business location/type. Staff are talking to owners.

46 **Item 40 RECONCILIATION ACTION PLAN (09.00031)**

Cr North - queried the timing of the new Reconciliation Action Plan and when it is to occur.

The General Manager noted draft went to Reconciliation Action Australia in November 2017.

47 **Item 41 RURAL FIRE SERVICE HEADQUARTERS (18.00233)**

Cr North - have had approaches from Rural Fire Service that they are not getting responses to their queries. They feel there are 20-25 issues outstanding. Requests a meeting be held with RFS to discuss the problems.

48 **Item 42 DIRT FOR PANORAMA MOTOR CYCLE CLUB (18.00030)**

Cr North - asked is there any available soil for this user group?

The Director Engineering Services advised not at this time, but will keep a

watching brief.

49 **Item 43 NAMING OF SPORTING FIELDS (20.00038)**

Cr North - need to develop a policy on the naming of Council facilities, that any proposal to name has to be approved by Council.

50 **Item 44 GREAT WESTERN WALK (20.00153)**

Cr North - this is a tremendous concept. Would like to see it progressed further. Could we contact the State Government to make them aware of this proposal.

51 **Item 45 DRUG AND ALCOHOL TESTING (19.00089)**

Cr North - Cr Christian has asked if this proposal could be referred to a Working Party.

52 **Item 46 ANZAC DAY SERVICE (23.00076)**

Cr North - Mr Triming forwarded his thanks to staff for accessible ramps at Anzac Day Services.

MEETING CLOSE

53 **MEETING CLOSE**

The Meeting closed at 7.05 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 MAY 2018 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 1 May 2018 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 1 May 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 1 MAY 2018

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Ms Jackie Barry (Roads and Maritime Services), Mr David Veness (MP Representative), Councillor Warren Aubin (BRC), Sergeant Peter Foran (Police)

Present: Mr Myles Lawrence (Acting Manager Technical Services), Mr Paul Kendrick (Traffic & Design Engineer), Mr Andrew Cutts (Tablelands Area Road Safety Officer)

Observer: Richard Drugger (Roads & Maritime Services)

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 APRIL 2018 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 3 April 2018 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST (11.00002)

No Declarations of Interest.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 3 APRIL 2018 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 TREMAIN MILL LIGHT BAZAAR EVENT (23.00026)

That Council endorse the Traffic Management Plan for the Tremain Mill Light Bazaar Event to be held at 7 Keppel Street on Saturday 12 May 2018. The event is to be classified as Class 2 and approved subject to the conditions detailed in the Director Engineering Services' Report.

8 Item 4 MOUNT PANORAMA PUNISH EVENT (23.00026)

That Council endorse the Traffic Management Plan for the Mount Panorama Punish event to be held at Mount Panorama Motor Racing Circuit on Sunday 11 November 2018. The event is to be classified as Class 2 and approved subject to the conditions detailed in the Director Engineering Services' Report.

9 Item 5 BATHURST EDGELL JOG 2018 (23.00130)

That Council endorse the traffic management for the Bathurst Edgell Jog to be held on Sunday 23 September 2018. The event is to be classified as a Class 1 event and approved subject to conditions decided by the Traffic Committee.

**10 Item 6 LATE REPORT - 2018 PROCLAMATION DAY (23.00080)
MOVED D Veness (MP Representative) and SECONDED P Foran (Police)**

That the Committee accept and deal with the Late Report on traffic management for the official Proclamation Day ceremonies in Stanley Street, at the traffic committee meeting on 1 May 2018.

11 Item 7 2018 PROCLAMATION DAY (23.00080)

That Council endorse the traffic management for the official Proclamation Day ceremonies at the Flag Staff and Pillars along Stanley Street on the 6 May 2018. The event is to be classified as a Class 2 event subject to conditions decided by the Traffic Committee.

TRAFFIC REGISTER

12 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

13 MEETING CLOSE

The Meeting closed at 2.25pm.

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 MAY 2018

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 APRIL 2018 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Hanger (Chair), Aubin (6.07 pm), Christian, Fry, Jennings (6.07 pm) Morse, North, Rudge.

1. MEALS ON WHEELS BATHURST (18.00236)

Representatives from the Meals on Wheels Bathurst Committee met with Council to provide an update in their services and discuss the new strategic plan.

Discussion included:

- Bathurst Meals on Wheels commenced in 1964.
- Federal Government funding equates to less than \$1 per meal.
- Operational costs approximately \$1.3 million.
- 22 staff and 185 volunteers.
- Provide over 300,000 meals per year. Approximately 5,000 per week outside of Bathurst.
- Current challenges include:
 - aging equipment
 - diminishing profit margins
 - retaining trained staff.
- Thanks for the new evaporative cooler.
- Future challenges include:
 - building construction, 20 years old
 - \$110,000 on equipment replacement
 - heating.
- Seeking Council assistance for:
 - review of Work Health & Safety
 - heating solutions / advice
 - assistance with grant/funding opportunities.
- Tabled a copy of the Menu of Meals.
- Possibly eligible under State Government "Stronger Country Communities Fund".

2. THE GREAT WESTERN WALK COMMITTEE (19.00011)

Representatives from the Great Western Walk Committee met with Council to discuss the progress of the concept.

Discussion included:

- Brochures that have been produced.
- Project is a follow on from the Bicentenary of Bathurst.
- The walk will begin at the Nepean River and end at Bathurst following along William Cox's original road (or as close as possible). Inhibited by privately owned land.
- Have spoken to other Local Government Areas and respective State Members.
- Seen as "Destination Bathurst".
- May need to establish rest/camping areas.
- Pursuing funding through State Government Grants.
- Bathurst Local Government Area, crossing at Campbell's River through to Bathurst.
- Tabled a draft example of interpretative signage and boards.

- Have prepared directional signage for the walk route.
- Major cost items are likely to be swing bridges and route maintenance costs.
- Seeking in principle support from Council.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- 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.