

11 July 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
18 July 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 July 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, 18 JULY 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 - 20 JUNE 2018

* MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 27 JUNE 2018

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 JULY 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

* 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 - 4 JULY 2018

* MINUTES - TRAFFIC COMMITTEE MEETING - 3 JULY 2018

10. NOTICES OF MOTION

Nil

11. RESCISSION MOTIONS

Nil

12. COUNCILLORS/ DELEGATES REPORTS

- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL 3 JULY 2018
- * MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 14 JUNE 2018
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 JUNE 2018

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

Recommendation: That:

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

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

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

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT AT LOTS 2 & 3 DP1115543, KNOWN AS 57A CHURCH LANE, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	FINANCIAL STATEMENT - 2018 BATHURST 6 HOUR	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.
3	FINANCIAL STATEMENT - 2017 CHALLENGE 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.
4	PURCHASE OF LOTS 2 AND 3 FREEMANTLE ROAD, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

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 - 20 JUNE 2018 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 June 2018 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 June 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 27 JUNE 2018 (11.00005)

Recommendation: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 27 June 2018 be adopted.

Report: The Minutes of the Extrardinary Meeting of Bathurst Regional Council held on 27 June 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 JULY 2018 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 July 2018 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 July 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 20 JUNE 2018**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

L Nicholls & M Whittaker – Bathurst Regional Youth Council

Spoke to report to the Youth Council and activities scheduled for Youth Week. The Youth Council has also held a "How to Adult" workshop. The 2018/19 Youth Council will hold their first meeting in July 2018.

J Hollis – proponent for the DA - DEPBS Item #3 - DA 2018/56

Spoke to heritage group, neighbours etc. about the development. Noted existing developments in this area and the existing streetscape. Feels there is no bulk/size benchmark. Noted government policy to keep elderly in their homes. Buildings around the area have colorbond roofs. The proposal is consistent with architectural standards in the existing building. Except for the house at #2 there are no contributing buildings. Request DA be approved.

EXTENSION OF TIME

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

RESOLVED: That an extension of time be granted for Mr Hollis.

P Gorrick – resident 18 Ironstone Avenue - DEPBS Item #4 - DA 2018/122

Spoke of advice received from Mr T Cork. This advice is contrary to staff advice and was forwarded to Council today. Spoke to issues such as precedence, impacts - noise, vehicle movements and prior complaints.

L Moulds – land owner and proponent for the DA - DEPBS Item #4 - DA 2018/122

Referred to prior approval to park the truck on the block from Council. Noted the style of house proposed for the site. The development will help improve values in the area. The shed is to protect his business vehicle, also location was chosen to reduce noise and visual impact. Spoke to the proposed truck directions chosen on the site, there will be no reversing of the truck, Noise will be limited.

C Telfser – DEPBS Item #4 - DA 2018/122

Spoke to concerns with the proposed development. Referred to issues such as safety, noise, traffic movements. Also noted the 2014 DCP changes.

K McNab – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Spoke to construction of a roundabout and safety advice received from the Victorian State Government. Four reports have recommended a roundabout and there is funding available. The design plan seems to be an excellent fit for this intersection, noted some specific components. Referred to prior accident history at this intersection. Works need to occur, over 5,000 people have signed a petition.

D McNab – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Requested a roundabout construction go ahead. Noted letters sent from school parent organisations which requested action be taken. Noted dangerous nature of the intersection, this has increased with the growth in the Windradyne area and the relocation of the Fire Station. Spoke to traffic history at the intersection and the level of traffic flows. Children's lives are at risk, the intersection no longer functions safely.

R Collins – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Spoke to role of councillors, and whether this is being met. Then spoke to Vodafone tower in Walmer Park which was refused and related experience that the residents had in this process. Also referred to Kelso telecommunication tower matter. There needs to be a negotiated solution, spoke to traffic movements around this intersection from locations such as Keppel and Stewart Streets. How many reports are needed by Council? Spoke to Timms-vs-Shoalhaven Council matter.

J Hodges – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Lived in Cummins Street for 50 years. Spoke to accident daughter had at this intersection. There needs to be a roundabout put in this location. Asked where is Alamein Walk on the design.

A McLeish – DES Item #4 - Mitre/Suttor/Lambert Street intersection

Had an accident in 2016. Lucky the time it occurred was not when children were in the area. Supports Mr & Mrs McNab, asks Council to build the roundabout. How many more accidents will occur? If coming from Hill Street, no one sees you, the carpark at the shops adds to the confusion. Roundabouts slow people down, this has been going on for too long. This is people's lives and Council has the money. Please build the roundabout.

A McLeish – DES Item #4 - Mitre/Suttor/Lambert Street intersection

This has been going for 20 years.

G Westman – Water Availability

Spoke to Notice of Motion concerning water availability and the Engineers report. Council has for a long time benefitted from the work undertaken on the water supply. Introducing water restrictions before analysing policy, sends a negative message to people who wish to invest here. We should continue to improve water storage / availability, sending out a message about water restrictions reduces

Council's ability to stand out from other cities. Noted water consumption trends over recent years, water awareness campaigns previously run by the Council. Urges Council to push an awareness campaign, do not move quickly to water restrictions.

M Griffiths – Havannah Street

Spoke to development at 48 Havannah Street and objected to letter he received from the Director Environmental, Planning & Building Services. Questions why he must investigate the matter. Referred to prior correspondence and photos he has sent to Council. Spoke to asbestos and criminal activity concerns he has. Cr Christian should take no further action in this issue until the activities are resolved. Why hasn't management been held to account on this matter? Feels has been denied procedural fairness. Why has Council said site is clean, when it is not?

L Leaky – Bathurst Dragon Boat Club - Proposed Aqua Park

Spoke to needs they have and noted concerns with the proposal including safe launching of boats, parking availability, lack of toilet facilities and limited play-space areas.

S Jones – Western Region Dragon Boar group - Proposed Aqua Park

In support of the Aqua Park then referred to proposed regatta on 4 November 2018. Boats must be launched from the boat ramp near the cabins and this is where the racing will occur. Need to ensure the Park does not impede the running of the regatta.

G Crisp – ratepayer

Spoke to concerns about water fund theft and admissions he has made to the police. Made allegations against staff and claimed inappropriate behaviour. Referred to his submission to the budget. Stated the premier has released an illegal "fatwah"

Cr Morse expressed concerns at Mr Crisp's behaviour and his continued allegations against staff and the Council.

P Dowling – ratepayer

Could Council look at the median strips in areas such as Peel Street where they are untidy. Also Keppel Street, between Bentinck and Havannah, is there any review being undertaken of the uneven joins in the road?

The Director Engineering Services spoke to previous road construction techniques in this area. Council will have a look at some short term repair options.

B Trimming – Chairman, Bathurst Regional Access Committee

Thanked the Engineers for the works undertaken in Bentinck Street near the Federal members offices recently. Also spoke about the footpath near the football fields and cars blocking the footpath. Can a fix be found for this problem, as it stops access through to the private hospital etc? Thanked Council for their efforts.

APOLOGIES

- 3** **APOLOGIES**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 MAY 2018 (11.00005)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 May 2018 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 6 JUNE 2018 (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 6 June 2018 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Fry

Item #5 of the Director Corporate Services & Finance's report.

Cr Bourke

Item #12 of the Director Corporate Services & Finance's report.

Cr Jennings

Item #10 of the Director Cultural & Community Service's report.

Cr Hanger

Item #5 of the Delegates report and Item #2 of the Director Engineering Service's confidential report.

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

General Manager's Report

- 7** **Item 1 LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW - CASUAL**

VACANCY (18.00289)
MOVED Cr J Jennings

and **SECONDED** Cr I North

RESOLVED: That Council nominate Cr Hanger, Cr Bourke and Cr Jennings as voting delegates for the casual vacancy - Vice President (Rural/Regional Councils).

Director Environmental Planning & Building Services' Report

8 **Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

9 **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

10 **Item 3 EXTENSION OF TIME (DA/2018/56)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That an extension of time of 1 minute be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

11 **Item 3.01 DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council:

(a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.

(i) The development will not have a negative impact on the streetscape in Stanley Street; 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 I North

Against the motion - Cr M Morse
Absent - Cr J Rudge
Abstain - Nil

12 **Item 4 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122)**

MOVED Cr J Jennings and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) defer consideration of Development Application No.2018/122 pending Council obtaining its own legal advice as to the appropriate characterisation of the development;
- (b) pending receipt of that advice that the matter be further considered by Council;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Rudge

Abstain - Nil

13 **Item 5 NAMING OF PUBLIC ROADS – BRENNAN DRIVE, CAIN DRIVE & DOVEY DRIVE (20.00024)**

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

RESOLVED: That Council:

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

14 **Item 6 BATHURST 2036 HOUSING STRATEGY (20.00089)**

MOVED Cr J Jennings and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) adopt the Bathurst 2036 Housing Strategy; and
- (b) notify those who made a submission of its decision.

- 15** **Item 7 EDGELLS LANE BRICK PITS WETLAND HYDROLOGICAL ASSESSMENT (13.00086)**
MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

- 16** **Item 8 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2018–2022 (20.00071)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

RESOLVED: That Council adopt the Bathurst Region Economic Development Strategy 2018–2022.

Director Corporate Services & Finance's Report

- 17** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr B Bourke and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 18** **Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

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

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

RESOLVED: That the information be noted.

- 21** **Item 5 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr B Bourke and **SECONDED** Cr A Christian

RESOLVED: That Council consider the submissions individually.

22 **Item 5.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

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 consult for the Bathurst Golf Club.

(a) **Bathurst Golf Club**

RESOLVED: That Council not amend the DP/OP in respect of this submission.

23 **Item 5.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

(b) **Bathurst Edgell Jog**

RESOLVED: That Council amend the DP/OP to provide a donation of \$13,000 to the Bathurst Edgell Jog as a section 356 donation.

24 **Item 5.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr J Jennings and **SECONDED** Cr B Bourke

(c) **Rebellion on the Turon**

RESOLVED: That Council amend the DP/OP to provide a donation of \$5,000 to the Rebellion on the Turon as a Section 356 Donation.

25 **Item 5.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr B Bourke and **SECONDED** Cr I North

(d) **Scallywags Child Care Centre Expansion**

RESOLVED: That Council note the submission.

26 **Item 5.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

(e) **The Bridle Track**

RESOLVED: That Council not amend the DP/OP in respect of the submission.

27 **Item 5.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

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

(f) **Accessibility, Lack of Parking and Employment Opportunities**

RESOLVED: That Council not amend the DP/OP in respect of the submission.

28 **Item 5.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

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

(g) **Water and Sewerage Availability Charges**

RESOLVED: That Council not amend the DP/OP in respect of the submission.

29 **Item 5.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

MOVED Cr W Aubin and **SECONDED** Cr A Christian

(h) **Submission from Mr G A Crisp**

RESOLVED: That Council not amend the DP/OP in respect of the submission received from Mr G A Crisp.

30 **Item 5.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

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

(i) **Submission from Council**

RESOLVED: That Council amend the DP/OP in respect of the submission.

31 **Item 5.1 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

MOVED Cr J Jennings and **SECONDED** Cr J Fry

(j) **Submission from Council**

RESOLVED: That Council amend the DP/OP in respect of the submission.

32 **Item 5.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

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

(k) **Sporting Grants**

RESOLVED: That Council not amend the DP/OP in respect of this submission.

33 **Item 6 DELIVERY PLAN 2018-2022 AND OPERATIONAL PLAN 2018/2019 (16.00155)**

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

RESOLVED: That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2018-2022 and Operational Plan 2018/2019 be adopted as the Bathurst Regional Council Delivery Plan and Operational Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operational Plan 2018/2019 be voted.
- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.
- (c) It be noted that Council has reviewed its organisation structure in accordance with section 333 of the Local Government Act 1993 as amended.

34

Item 7 2018/2019 REVENUE POLICY (16.00155)

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

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2018/2019, as presented to Council, be adopted as the Bathurst Regional Council 2018/2019 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

35

Item 8 2018/2019 RATE LEVY (16.00155)

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

That Council formally resolve to make the following rates and charges in relation to the 2018/2019 Rating Year.

- (a) **ORDINARY RATES FOR 2018/2019** - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2018-2022 and Annual Operating Plan 2018/2019 for the twelve months to 30 June 2019 was adopted by the Council on 20 June 2018 it is hereby recommended that:
 1. a **Residential Rate** of zero point two eight nine one four six (0.289146) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of zero point nine four one two five six (0.941256) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two two zero one eight six (0.220186) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four five four four eight five (0.454485) cents in

the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT

5. a **Business Bathurst City Rate** of one point eight four five five two zero (1.845520) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

6. a **Business Forest Grove Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

7. a **Business Ceramic Avenue Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

8. a **Business Eglinton Non-Urban Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

11. a **Business Evans Plains Rate** of one point five nine seven six four eight (1.597648) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

12. a **Mining Rate** of zero point three five one three three five (0.351335) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2018/2019 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
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1	Residential		\$262.00	32
2	Residential/Town Village	\$373.00		
3	Farmland		\$355.00	24
4	Business	\$260.00		
5	Business Bathurst City	\$399.00		
6	Business Forest Grove	\$399.00		
7	Business Ceramic Avenue	\$399.00		
8	Business Eglinton Non-Urban	\$399.00		
9	Business Orton Park	\$399.00		
10	Business Stewarts Mount	\$399.00		
11	Business Evans Plains	\$399.00		
12	Mining		\$229.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2018/2019 - That the annual residential charge – Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2018 being three hundred and ninety four dollars and zero cents (\$394.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and the annual residential charge for other than standalone dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2018 being two hundred and ninety two dollars and zero cents (\$292.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2018 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of two hundred and three dollars and zero cents (\$203.00) per mobile bin and for each additional food and green waste collection service of one hundred and two dollars and zero cents (\$102.00) and for each additional fortnightly recycling collection service of eighty nine dollars and zero cents (\$89.00) per mobile bin be made by the Council.
- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2018/2019 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being two hundred and three dollars (\$203.00) per mobile bin and the weekly removal of food and green waste being one hundred and two dollars (\$102.00) and the fortnightly collection of material for recycling being eighty nine dollars (\$89.00) per mobile bin for the twelve months commencing 1 July 2018 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2018/2019 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2018 being eighty five dollars (\$85.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all

rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.

- (f) SEWERAGE CHARGES FOR 2018/2019 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2018.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and eight four dollars and zero cents (\$584.00).
 2. That the annual charge for vacant land be three hundred and seventy one dollars and zero cents (\$371.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2018/2019
20	\$527.00
25	\$819.00
32	\$1342.00
40	\$2100.00
50	\$3280.00
65	\$5275.00
80	\$8389.00
100	\$13108.00
150	\$29488.00
Strata Properties (Each non-residential lot)	\$527.00
Assumption School	\$1643.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and seventy five cents (\$1.75) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

- (g) SEWERAGE CHARGES -TRADE WASTE 2018/2019

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months

commencing 1 July 2018.

1. That the Annual Trade Waste Fee for individual businesses be one hundred and nineteen dollars and zero cents (\$119.00).
 2. That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and ninety four dollars and thirty cents (\$794.30).
 3. That the Trade Usage Charge for non-residential properties be two dollars and ninety cents (\$2.90) per kilolitre of filtered water supplied multiplied by a trade discharge factor.
- (h) WATER CHARGES 2018/2019 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2018.
1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2018/2019 \$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy five dollars and zero cents (\$175.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and seventy five dollars and zero cents (\$175.00).
4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and forty five dollars and zero cents (\$745.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy five dollars and zero cents (\$175.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2018/2019
Hillview Estate Water Supply	First 250 kl	\$2.18
	> 250 kl	\$4.36
Residential Filtered	First 250 kl	\$2.08

	> 250 kl	\$3.12
Residential Raw	First 250 kl	\$0.91
	> 250 kl	\$1.37
Other Filtered	First 250 kl	\$2.08
	> 250 kl	\$3.12
Other Raw	First 250 kl	\$0.91
	> 250 kl	\$1.37
Large Industrial Filtered	>0 kl	\$1.68
Large Industrial Raw	>0 kl	\$1.06
Community Clubs:	First 18,000 kl	\$0.81
Golf, Majellan & Bathurst Community Club	>18,000kl to 45,000kl	\$1.07
	Balance	\$1.68
Strata Unit property	First 250 kl (for each unit)	\$2.08
	>250 kl (for each unit)	\$3.12
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$2.08
	>250 kl	\$3.12
Hospital	1 st x patient average	Free
	Balance per KL	\$3.12

- (i) Included in this year's Bathurst Delivery Plan 2018/2022 and Annual Operating Plan 2018/2019 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2018/2019 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12 month period commencing 1 July 2018 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.5%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and a 5.0% increase in Water Charges which have been calculated on achieving a 25% access charge and 75% usage charge basis as per the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

36 Item 9 TCORP LOAN (16.00148)

MOVED Cr I North

and SECONDED Cr B Bourke

RESOLVED: That Council approves the execution of the Loan Agreement with NSW Treasury Corporation.

37 Item 10 WATER FOR VERIFIED PRIME PRODUCERS (16.00155)

MOVED Cr J Jennings

and SECONDED Cr B Bourke

RESOLVED: That Council:

- (a) Provide verified primary producers access to water from the Hereford Street standpipes at no charge, based on the following parameters;
 - (i) To apply to Bathurst Regional Council / ratepayers who are owners of a farmland rated parcel of land;
 - (ii) Must be registered primary producer with a current Property Identification Code (PIC); and
 - (iii) A limit of 20kl per week per rate notice (non-accruing); and
 - (iv) For stock and domestic use only.
- (b) The scheme will cease in the event of any of the following:
 - (i) When Ben Chifley Dam reaches a capacity of 40% or lower;
 - (ii) Drought declaration is lifted for the Bathurst Regional Council area; and
 - (iii) Four months from commencement of the scheme.
- (c) That the proposed waiving of water charges for primary producers, be placed on public exhibition for 28 days and a further report come back to Council.

**38 Item 11 OPERATIONAL LAND CLASSIFICATION (22.00911, 22.06307, 22.16073)
MOVED Cr B Bourke and SECONDED Cr I North**

RESOLVED: That Council classify the following parcels as operational land in accordance with the provision of Section 31(2) of the Local Government Act, 1993:

- (a) 38 William Street, Bathurst;
- (b) 116 Bentinck Street, Bathurst;
- (c) 434 Laffing Waters Lane, Laffing Waters

**39 Item 12 REQUEST FOR FINANCIAL ASSISTANCE - 8 LIONS CLUB DRIVE, KELSO (22.01907)
MOVED Cr I North and SECONDED Cr A Christian**

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

Reason: Volunteer manager at the Community Op Shop.

RESOLVED: That Council fund the cost of the additional water consumption that was incurred at 8 Lions Club Drive, Kelso arising from the fire clean-up works to be funded from Section 356 donations.

- 40** **Item 13 2019 AUSTRALIAN INTERNATIONAL LUTHIERS CONGRESS (18.00004)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That Council:

- (a) Provide financial support of up to \$5,000 (cash/in-kind) towards the inaugural Australian International Luthiers Congress to be held in July 2019; and
- (b) Host a Mayoral Reception as part of this Congress, at Council's cost.

- 41** **Item 14 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.01826, 22.11668, 21.00044, 22.00654, 22.11668)**
MOVED Cr B Bourke and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 42** **Item 1 WATER SECURITY IN BATHURST (16.00103)**
MOVED Cr J Jennings and **SECONDED** Cr J Fry

The following **MOTION** was **MOVED**.

That Council:

- (a) Give notice of Level 1 water restrictions, upon Ben Chifley Dam reaching 50% capacity; and
- (b) Increased restriction levels be introduced in accordance with the Drought Management Plan.

The **MOTION** was **PUT** and **LOST**

- 43** **Item 1.01 WATER SECURITY IN BATHURST (16.00103)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 44** **Item 2 ROAD SAFETY OFFICER PROGRAM UPDATE (16.00018)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council continues its commitment to the Road Safety Officer Program and retains a Road Safety Officer position to 30 June 2019, subject to the ongoing support of the Blayney Shire Council and Roads and Maritime Services.

- 45** **Item 3 PROPOSED CROWN ROAD TRANSFER - BURGESS ROAD CALOOLA**

(25.00322)

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That Council approve the transfer of the Crown Road section of Burges Road within Lot 1 DP1189149 at Caloola from the Crown to Council, subject to the information contained in the Director Engineering Services' report.

46 **Item 4 DESIGN AND ENGINEERING REPORT - MITRE/SUTTOR/LAMBERT STREET INTERSECTION (25.00095)**

MOVED Cr A Christian

and **SECONDED** Cr I North

RESOLVED: That:

- (a) Council place the Mitre/Suttor/Lambert Street Intersection Report and Roundabout Design on public exhibition for a period of 28 days; and
- (b) Following the public exhibition period, a further report be presented to Council to adopt the Engineering Design. However, if no submissions are received then the Council move immediately to constructing the roundabout.

47 **Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00655 & 36.00669)**

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

48 **Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 7 MAY 2018 (07.00116)**

MOVED Cr B Bourke

and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

49 **Item 2 BATHURST TOURISM REFERENCE GROUP - MEMBERSHIP (07.00116)**

MOVED Cr B Bourke

and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

50 **Item 3 TOURISM INDUSTRY ENGAGEMENT (18.00010)**

MOVED Cr B Bourke

and **SECONDED** Cr J Fry

RESOLVED: That Council:

- (a) Note the progress of the implementation of the Strategic Priorities of the Destination Management Plan (DMP) since its adoption.

- (b) Note the five year time-frame to execute the strategies.
- (c) Review the DMP following a further two year sustained and strategic campaign and product development work involving high level industry engagement.

51 Item 4 BATHURST DESTINATION BRAND STRATEGY - PROGRESS REPORT (20.00299)

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

RESOLVED: That the information be noted.

52 Item 5 2018 THE END FESTIVAL, HILL END (20-22 APRIL 2018) (23.00026)

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

RESOLVED: That the information be noted.

53 Item 6 ARTS OUTWEST 2017 ANNUAL REPORT (18.00036)

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

RESOLVED: That Council note the Arts OutWest Annual report for 2017.

54 Item 7 AUTUMN SCHOOL HOLIDAY ACTIVITIES 2018 (21.00039, 21.00054, 21.00060)

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

RESOLVED: That the information be noted.

55 Item 8 BATHURST REGION: A CULTURAL VISION 2036 - PROGRESS REPORT (20.00056)

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

RESOLVED: That Council note and endorse the actions as outlined in the progress report for the Bathurst Region: A Cultural Vision 2036.

56 Item 9 BATHURST LIBRARY - 2018 BOOKLINK LITERACY PROGRAM (21.00029)

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

RESOLVED: That the information be noted.

57 Item 10 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2018 BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE & LOCAL (4-6 MAY 2018) (21.00060)

MOVED Cr B Bourke 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 paid in the event.

RESOLVED: That the information be noted.

- 58** **Item 11 AUTUMN COLOURS 2018 (23.00060)**
MOVED Cr B Bourke and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

- 59** **Item 12 BATHURST HERITAGE TRADES TRAIL 2018 (23.00060)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That:

- (a) the information be noted; and
- (b) the organisers of the Heritage Trades Trail be congratulated.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 60** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2018 (07.00064)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 June 2018 be adopted.

Traffic Committee Meeting

- 61** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JUNE 2018 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 June 2018 be adopted.

NOTICES OF MOTION

- 62** **Item 1 NOTICE OF MOTION - CR NORTH - WATER RESTRICTIONS (11.00004, 32.00017)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: Moved by Cr North:

That Council review its Drought Management Policy at a Working Party to be held

CONFIDENTIAL REPORTS**MOVED** Cr A Christianand **SECONDED** Cr I North

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	RURAL LICENCE AGREEMENT RENEWAL AT LOT 60 DP1226661, KNOWN AS COX LANE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PURCHASE OF PROPERTY - 29-35 SYDNEY 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.
3	PROPOSED NEW COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME TO GO 2 INVESTMENTS PTY LTD T/A HERTZ 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.
4	RURAL LICENCE AGREEMENT - LOT 1 DP 1007963 AND LOT 1 DP995205 KNOWN AS CORNER OF	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

	PATNA & COMMONWEALTH STREETS, BATHURST.	the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW COMMERCIAL LICENCE AGREEMENT, PART LOT 2 DP1186691 KNOWN AS 29 SYDNEY 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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER - DESIGN & CONSTRUCTION OF NEW TENNIS CENTRE BUILDING, JOHN MATTHEWS SPORTING COMPLEX	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDERS - PREFERRED CONTRACTORS	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 RURAL LICENCE AGREEMENT RENEWAL AT LOT 60 DP1226661, KNOWN AS COX LANE, EGLINTON (22.01826)**
MOVED Cr W Aubin and **SECONDED** Cr I North

That Council approves the renewal of rural licence agreement for Lot 60 in DP1226661, known as Cox Lane Eglinton for a period 12 months as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- b** **Item 2 PURCHASE OF PROPERTY - 29-35 SYDNEY ROAD, KELSO (22.11668/019)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council:

- (a) Purchase the properties at 29-35 Sydney Road, Kelso as detailed in the report;

- (b) Delegate the authority to the General Manager to execute the purchase contracts; and
- (c) Classify the land as operational land under the provisions of the Section 31(2) of the Local Government Act, 1993.

c **Item 3 PROPOSED NEW COMMERCIAL LICENCE AGREEMENT AT BATHURST AERODROME TO GO 2 INVESTMENTS PTY LTD T/A HERTZ CAR RENTAL (21.00044)**

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

That Council approve the new commercial licence agreement with GO 2 Investments Pty Ltd t/as Hertz Car Rental for counter space, lockable cabinet and signage together with a return key facility located in the terminal building, being part Lot 404 in DP1241250 at the Bathurst Aerodrome for a period of up to five (5) years as detailed in the report

d **Item 4 RURAL LICENCE AGREEMENT - LOT 1 DP 1007963 AND LOT 1 DP995205 KNOWN AS CORNER OF PATNA & COMMONWEALTH STREETS, BATHURST. (22.00654)**

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

That Council approves entering into a rural licence agreement for Lot 1 DP1007963 and Lot 1 DP995205 known as corner of Patna & Commonwealth Streets, Bathurst for a period of 12 months with a 12 month option at Council's discretion, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

e **Item 5 PROPOSED NEW COMMERCIAL LICENCE AGREEMENT, PART LOT 2 DP1186691 KNOWN AS 29 SYDNEY ROAD, KELSO (22.11668)**

MOVED Cr B Bourke and **SECONDED** Cr J Jennings

That Council approve entering into a new commercial licence agreement with oOh! Media Regional Pty Ltd at part Lot 2 DP1186691 known as 29 Sydney Road, Kelso for a period of five (5) years and a further option for five (5) years as detailed in the report.

Director Engineering Services' Report

f **Item 1 TENDER - DESIGN & CONSTRUCTION OF NEW TENNIS CENTRE BUILDING, JOHN MATTHEWS SPORTING COMPLEX (36.00655)**

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

That Council accepts the tender from Nick Harvey Construction to the amount of \$776,973.00 (GST incl.), subject to provisional items and variations.

g **Item 2 TENDERS - PREFERRED CONTRACTORS (36.00669)**

MOVED Cr A Christian and **SECONDED** Cr J Jennings

**MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL
COUNCIL
HELD ON 27 JUNE 2018**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the late arrival of Cr Aubin be accepted and leave of absence granted.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

Cr Aubin arrived at 6.02 pm.

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

Director Environmental Planning & Building Services' Report

**4 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

**5 Item 2 DEVELOPMENT APPLICATION NO. 2018/141 – OUTDOOR
RECREATION FACILITY (AQUA PARK) AT BEN CHIFLEY DAM, THE LAGOON.
APPLICANT: HICKSTAR INVESTMENTS (BATHURST) PTY LTD. OWNER:
BATHURST REGIONAL COUNCIL (DA2018/141)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

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. 2018/141, 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) The applicant is to provide on-site, for the duration of the aqua park season, a minimum of four (4) self-contained portable toilets suitably designed and installed to eliminate effluent escape to the environment, with one of these to be suitable for disabled access.
- (ii) The Aqua Park be located to provide unimpeded access for marine craft using the boat ramp and the vessel towing drop off/pick up zone on the western foreshore, specifically, a minimum 60 metre buffer or such other distance as may be specified by Roads & Maritime Services.
- (iii) In addition to other approvals, the applicant enter into a Licence Agreement with Council to prescribe operational and other requirements.
- (iv) Exclusion fencing on the foreshore be limited to enable other visitors to the dam to use foreshore facilities.
- (v) Prior to the commencement of works on site the applicant is to submit to Council a final plan of the layout of the on-water infrastructure and evidence of approval of the plan from Roads & Maritime Services.

(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

MEETING CLOSE

6 MEETING CLOSE

The Meeting closed at 6.17 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 4 JULY 2018**

MEETING COMMENCES

1 MEETING COMMENCES 6:25 PM

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

APOLOGIES

2 APOLOGIES

Nil.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

4 Item 999.01 SUSPENSION OF STANDING ORDERS 11.00002

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

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Rescission Motion - DA 2018/56 - 6 Stanley Street, Bathurst.

RESCISSION MOTIONS

5 Item 1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)

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

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

(a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.

(i) The development will not have a negative impact on the streetscape in Stanley Street; and

(b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse
Cr Graeme Hanger
Cr Jacqui Rudge

6 **Item 1.01 EXTENSION OF TIME (11.00005)**
MOVED Cr B Bourke and **SECONDED** Cr J Fry

RESOLVED: That an extension of time of 1 minute be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

7 **Item 1.02 EXTENSION OF TIME (11.00005)**
MOVED Cr J Jennings and **SECONDED** Cr J Fry

RESOLVED: That a further extension of time be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

8 **Item 1.03 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (2018/56)**
MOVED Cr M Morse and **SECONDED** Cr J Fry

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

(a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.

(i) The development will not have a negative impact on the streetscape in Stanley Street; and

(b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse
Cr Graeme Hanger
Cr Jacqui Rudge

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

The result of the division was:

In favour of the motion - Cr J Fry, Cr G Hanger, Cr M Morse, Cr J Rudge

Against the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings, Cr I North

Absent - Nil

Abstain - Nil

- 9** **Item 1.04 RESUMPTION OF STANDING ORDERS (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

That Council resume Standing Orders.

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

Director Corporate Services & Finance's Report

- 10** **Item 1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (22.00219) (22.00999)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Cr Christian left the meeting at 6.42 pm

Director Engineering Services' Report

- 11** **Item 1 HILLVIEW WATER (32.00023)**
MOVED Cr W Aubin and **SECONDED** Cr J Fry

RESOLVED: That Council does not supply additional water to the Hillview Estate.

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

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

MOVED Cr I North

and **SECONDED** Cr B Bourke

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	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)	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 Corporate Services & Finance's Report

- a** **Item 1 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) (22.00999)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That Council approve 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 as detailed in the report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 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 Planning 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.

(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 Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

2 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 June 2018 (**attachment 1**).
- (b) Applications refused during June 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 June 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 Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

3 DEVELOPMENT APPLICATION NO. 2018/207 – SINGLE STOREY DWELLING AT LOT 15, DP 700460, TARANA ROAD, BREWONGLE. APPLICANT: MR P & MRS V HENNESSY. OWNER: MR P & MRS V HENNESSY (DA/2018/207)

Recommendation: That Council:

- (a) not support 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 and as the consent authority, refuse consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/207, for the following reasons:
 - a. The proposal is not consistent with the objectives of the RU1 Primary Production Zone;
 - b. The proposal is not consistent with the objectives of Clause 4.2B Erection of dwelling houses on land in certain rural zones; and
- (b) call a division.

Report: Summary

Development Application 2018/207 has been received for a dwelling on land at Brewongle. Whilst dwellings are permissible in the zone, the land area is 18.3 ha and the minimum lot size is 100 ha. The 100 ha minimum lot size is well established, having been in place for decades. Consequently, the application includes a request to depart from the minimum lot size, which is available under Clause 4.6 of BRC LEP 2014.

There have been a number of applications for dwellings under various owners of this land. At various points in time, two dwelling approvals were granted by Evans Shire Council. The first of these approvals was granted because the subject land was part of an aggregation of two lots that, when combined, exceeded the 100 ha minimum lot size. The two lots were not legally aggregated and the larger of the two lots was subsequently sold, leaving the subject land as the site where a dwelling had been approved. The latter approval, on the subject land alone, gained concurrence from the then Department of Planning but with certain conditions. It is also the case that electricity was connected to the land and earthworks conducted, presumably for the construction of a dwelling, but no building works occurred. Although the current land owners have a different view, Council staff are of the opinion that there is insufficient evidence that demonstrates the approved developments have achieved "physical commencement" in accordance with the legislation and therefore a new approval is necessary. In the last 10 years, three development applications have been lodged with Bathurst Regional Council prior to the current application, the outcomes being one withdrawn and two refused, largely on the basis of the land being much smaller than the minimum lot size.

One of the main and potentially unique features of the land, and one which is given prominence in the current application, is that the land is bound on one side by Tarana Road and the other side by the main rail line. This isolates the subject land from adjoining land, which is predominantly agricultural in use. The application includes discussion about the prevalence of small lots with dwellings in the Brewongle precinct, the unviability of agricultural pursuits on the subject land, the minimal impact a dwelling would create if approved and other planning reasons why the variation to the minimum lot size should be supported. The Statement of Environmental Effects accompanying the application considers

these matters at length, as well as the applicant's view of why Council should vary the development standard in this case. Councillors will also recall a recent report recommending approval in principle to depart from the same standard for a development application for a dwelling on land at Rock Forest where the lot size was 43.38 ha, which Council resolved to support. This is an indication that such cases can and need to be considered on merit and there not be a standard response to such applications.

However, the amount of the variation in this case is significant, the subject land being only 18.3 ha compared to the minimum lot size of 100 ha. For this and other reasons that go to previous decisions of the Council (and the Courts), including previous decisions regarding this lot, and the precedent that might be set for the very large number of vacant lots below the current minimum lot size, Council staff are unable to support the proposal. This is despite the unique circumstances that apply in this case and agreement that a single dwelling on this particular lot, which has received development approval in the past, is in isolation unlikely to cause significant impact. That is not however the only test that must be applied in these cases and the broader objectives of the LEP currently in force need to be considered.

The Site

Council has received a Development Application (DA) for a single storey dwelling with attached garage at Tarana Road, Brewongle, described as Lot 15, DP 700460.

See location plan and aerial photo at **attachment 1**. The plans for the proposed development are at **attachment 2** and the Statement of Environmental Effects is at **attachment 3**.

While the subject site is currently vacant, some time ago a pad has been levelled and electricity has been connected to the lot.

The site has an area of 18.3 hectares.

History of the Site/Proposal

The following chronology of the land has been derived from Council's files. It is noted that the application makes reference to the "loss of Evans Shire files" however Council staff believe there is no specific evidence to indicate that any approvals or documents are not contained in the existing files for the property.

1988

In 1988 the subject land was owned in conjunction with other land in the vicinity by P & V Hennessy (i.e. the current owners).

The Hennessy's subsequently lodged a Development Application with Evans Shire Council for the erection of a new dwelling house on the aggregation of two allotments of land namely Lot 15 DP700460 (the subject land) and Lot 12 in DP629257.

Lot 12 is located to the south of the subject land on the opposite side of the Great Western Railway line. Lot 12 by itself is 99.57 hectares.

The allotments when taken together exceeded the minimum allotment size for the erection of a dwelling house of 100 hectares. The dwelling was to be physically located on Lot 15 however permissibility could only be achieved by considering the two allotments conjointly as they exceed 100 hectares.

The Development Application was approved on 24 January 1989 and was understood to be valid for 2 years.

It was not a condition of consent that the two allotments be consolidated into a single allotment.

In January 1991 Evans Shire Council agreed to extend the consent for a further 12 months (i.e. until 24 January 1992).

1992

At some point between 1991 and 1992 Lot 15 was sold to new owners R & H Brain.

It would appear that the new owners were aware of the approval of a dwelling on the land but unaware of the fact that the approval related to the subject land and the adjoining Lot 12 in DP629257.

In 1992 Evans Shire Council received a Development Application on behalf of the new owners to erect a dwelling house on the subject land.

The Development Application was, by necessity, supported by a SEPP 1 Objection noting that a dwelling was not permissible on the subject land but citing the previous approval that existed on the land.

Evans Shire at its meeting held 23 October 1992 resolved to:

- Seek concurrence of the Department of Planning to allow a dwelling house to be built on Lot 15 DP700460 in the Parish of Melrose; and
- That the question of consolidating lots in such cases be now referred to Council's Planning Committee for the formulation of a definite policy.

In January 1993 the Department of Planning granted concurrence to the Development Application subject to conditions with the following note:

If there is a significant demand for small lot subdivision within the Shire, the Council should consider developing a strategy to guide the provision of land for this type of land use in the most suitable locations.

Development consent was subsequently granted on 22 January 1993 and was to be valid for a period of 2 years (i.e. until 22 January 1995).

1994

In 1994 the subject land was sold by Brain to new owners – McGovern & Peet.

1994

In December 1994 Evans Shire received an application to modify the existing consent (by substituting new house plans) by prospective purchasers M & L Ireland.

Development consent to the modification was granted on 22 December 1994.

In February 1994 the Ireland's lodged a Building Application for construction of the approved dwelling. The Building Application was subsequently withdrawn prior to it being determined

and the Ireland's did not proceed with the purchase of the land.

Legislative change to the terms of development consent led to Evans Shire forming the opinion that development consent was to remain current for 5 years from the date of modification (i.e. 22 December 1999).

1997

In 1997 Evans Shire received a further Development Application for a "deferred commencement" dwelling on the land by Elders Real Estate. This was later withdrawn given the previous advice in relation to currency of the existing approval until December 1999.

In 1997 McGovern and Peet sold the land back to P & V Hennessy.

2001

In 2001 ESC received enquiries from the new owners P & V Hennessy as to the potential for subdivision of the land into 4 allotments pursuant to the LEP 24 provisions of Evans IDO No.1

Advice from ESC to the owners in May 2001 was that that land was not suitable for subdivision pursuant to LEP 24 due to its Land Capability classification as Class 5 land.

2007

In 2007 a Development Application was lodged with Bathurst Regional Council for a "dwelling in principle" on the subject lot.

The Development Application 2007/0463 was refused for the following reasons:

1. *The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:*
 - a) *The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;*
 - b) *The subject land does not comprise an "existing holding" as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the existing parcel comprised Portions 23-26, 28, 33, 38, 74, 75, 84-87 and 140 in the Parish of Melrose, at the appointed day, being 19 April 1968 (Interim Development Order No 1 - Shire of Turon);*
 - c) *The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and*
 - d) *The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.*

2009

In 2009 a Development Application was lodged for a “single storey dwelling with attached double garage” on the subject lot.

This Development Application was lodged with a State Environmental Planning Policy No. 1 *Development Standards* (SEPP1) Objection to the 100 hectare minimum lot size for the erection of a dwelling house under the Bathurst Regional (Interim) Local Environmental Plan 2005.

On 20 March 2009 the Development Application 2009/0435 was refused for the following reasons:

1. *The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:*
 - a) *The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005;*
 - b) *The subject land does not comprise an “existing holding” as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the subject land was owned by Mr G. H. Locke who owned numerous other adjoining and adjacent parcels, at the appointed day, being 9 April 1968 (Interim Development Order No 1 - Shire of Turon);*
 - c) *The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and*
 - d) *The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005.*
2. *The SEPP 1 objection fails to establish that strict compliance with the 100 ha development standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of Section 5 of the Environmental Planning and Assessment Act 1979.*
3. *The development will act as an undesirable precedent for dwellings on allotments which are below the minimum area for the creation of a dwelling house or have restrictions on their agricultural use.*

Physical commencement of previous Development Application

The background information provided in Appendix C of the Statement of Environmental Effects makes reference to works undertaken on site namely earthworks for a building pad and connection of electricity to the allotment.

In accordance with Section 4.53 of the Environmental Planning and Assessment Act development consent for the erection of a building does not lapse if “*building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would*

otherwise lapse ”.

It is important to note that physical commencement as an issue is separate to permissibility of the development. Indeed if the applicant was able to prove physical commencement had occurred within 5 years of approval then the previous Development Application would still be valid and the applicant would be entitled to act upon that consent.

Council itself has no record of works commencing on the site. There is no evidence of any of the previous owners obtaining building consent from Evans Shire Council. This would be a necessary precursor to any works relating to the construction of the dwelling.

Despite the obvious fact that a pad has been constructed, and unless additional evidence is found, it is not possible to sustain the argument that works relating to the construction of a dwelling physically commenced in accordance with the requirements of the EP & A Act for the following reasons:

- No documentation provided clearly indicates which consent has been acted upon.
- The earthworks undertaken appear to have been undertaken when the land was owned by McGovern and Peet.
- No Building Application was lodged by McGovern and Peet at this time seeking to commence building works.
- The modification lodged by Ireland sought to completely substitute the dwelling plans and move the dwelling from its approved position.
- The Building Application lodged by Ireland was not accompanied by the consent of the owners of the land at that time (McGovern & Peet) and was withdrawn prior to its determination. Council refunded the application fees accordingly to the applicant.
- Conditions of consent that needed to be complied with prior to the granting of building consents were never complied with, namely the construction of access to the land.

It must also be noted that it was not a condition of the development consent that electricity be connected to the property or the dwelling site.

It is a well-established principle that is essentially the case here, that no reliance can be placed upon unauthorized works to prove physical commencement (i.e. as no building consent has been granted, no building work could lawfully have commenced).

The proposal

The proposal involves the construction of a single storey three-bedroom dwelling

See plan of proposed development 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 of the subject site are agricultural (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 minimum lot size of 100 hectares for dwelling houses on those lots not subject to any savings provision.

The construction of one additional dwelling by itself is unlikely to have any significant adverse impacts on the surrounding land uses as agricultural land.

- (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 subdivisions under former planning schemes (including by way of SEPP 1 and LEP 24), the current zoning is rural and the minimum lot size remains 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 uses remain for agricultural purposes. Approving further dwellings, which are otherwise not permissible, is not compatible with this use.

- (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.

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

Minimum setbacks of 20 metres from all boundaries would be achieved consistent with the provisions adopted by Council in its DCP.

Bathurst Region Rural Strategy

The proximity of the land to Brewongle was cited in the Clause 4.6 Variation application accompanying this application and the preceding SEPP 1 objection for the subject land and the adjoining land dating back to 1992.

Council should take note of the Department of Planning's comments in granting concurrence to the Development Application on this land in 1992, which was to take a strategic view of small rural allotments and to prepare a strategy for rural residential development. In other words, Council should prepare a Strategy for its rural lands and use it to provide guidance for the establishment of rural residential areas rather than dealing with ad hoc development applications on the basis of individual SEPP 1 objections.

Those studies have been undertaken since the granting of the concurrence in 1992. More recently this occurred as part of Council's Rural Strategy process, which specifically considered the issue of establishing Brewongle as a recognised zoned village or as an area for rural residential development. The Rural Strategy was adopted by Council at its meeting held 10 December 2008 and provided the framework for the formulation of the Bathurst Regional Local Environmental Plan 2014.

In relation to the Brewongle area the Rural Strategy recommended as follows:

A village zoning to enable infill development is not recommended at this time as it will convert agricultural lands to residential purposes and/or may increase land use conflicts with surrounding agricultural activities. Due to the lack of existing fragmentation of holdings, new rural lifestyle living subdivision is also not supported at this time.

The area considered in the Rural Strategy for the Brewongle area specifically included the subject land as part of its area of investigations.

Whilst there are a number of small rural allotments within the vicinity it is no longer appropriate to use the proximity of the land to Brewongle as justification for variation of the 100 hectare development standard, which contradicts the strategic process contemplated by the Department of Planning in its historic dealings with this property.

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.*

In general terms, fragmentation of agricultural land is not supported. The applicant argues that the subject land, being bound by a road and an active railway line, is already fragmented and the approval of a dwelling on this particular lot will not contribute to further fragmentation.

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

(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, or*

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 18.3 hectares.

Part 3(b) provides for dwellings to be approved on allotments created under former a planning instrument *and on which a dwelling would have been permissible under the former planning instrument* . There is no evidence to suggest the allotment was created under a former planning instrument.

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 (19 April 1968).

Part 3(d) provides for dwellings to be approved on allotments created specifically for the purpose of intensive plant agriculture under a former planning instrument. There is no evidence to suggest the allotment was created under a former planning instrument for the purpose of intensive plant agriculture.

Given that the subject lot does not satisfy and of the requirements of Part 3, the application seeks a variation to the 100 hectare minimum lot size under Clause 4.6.

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. The Clause 4.6 Variation can be found at Appendix F within the Statement of Environmental Effects (see **attachment 3**). The applicant's case as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is summarised below:

- The proposed development is considered to be consistent with the aims of the LEP. It will provide for a single dwelling that is close to the locality of Brewongle and consistent with the spread of dwellings and land use patterns in the locality, as shown in Drawing P01 Sheet 2 (Appendix D of the SEE).
- The development is considered to provide for housing choice whilst not resulting in unplanned rural residential development as the lot is considered to provide for a one-off variation to the development standards given the site attributes of being disconnected from surrounding rural land by road, rail and topography.
- A decision to approve this dwelling would not result in a precedent as this situation provides for extenuating circumstances whereby a dwelling is considered to be appropriate and suitable.
- The provision of a dwelling would not adversely impact upon the agricultural potential of the land. The site is already far smaller than what would be a sustainable agricultural holding. Therefore, the dwelling would not impact on the regions primary resources.
- The development would only be visible from a small area due to existing topography and location of the development. The design of the development is considered to be compatible and consistent with existing rural buildings in the area. As such the proposed development would not adversely impact upon the landscape or scenic views, vistas or quality of the area.
- The proposed development will not be antipathetic to the zone objectives.
- Despite not meeting the development standard, the development would not be inconsistent with the objectives of the development standard.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

- It is not considered that the development will create an adverse impact on the productivity of the surrounding agricultural land.
- The isolated nature of the site provides for appropriate buffers to un-associated agricultural land operation.
- The site itself does not comprise a viable agricultural holding.
- Being located just outside of the locality of Brewongle is considered to be an appropriate location for a dwelling on a smaller agricultural lot.
- The proposed dwelling is considered to provide extenuating circumstances due to the characteristics of the lot.

- Allowing an exception to the development standard in this instance would not set a precedent for further such development or the sprawl of unplanned residential development in the area.
- The site already has existing electricity connections and the occupants would be responsible for their own waste management. It is therefore considered the development would not result in unreasonable demands on existing services.
- The proposed development is suitable for the locality as it is consistent with the surrounding and predominant land use of the locality and therefore would not be incompatible with this land use.
- The proposed dwelling is consistent with the surrounding land use pattern.

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 summarized 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. Establish that 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. Establish that the zoning of particular land was unreasonable or inappropriate.

In this particular case the underlying zone objectives relative to the development 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.*

The locality has seen some historical small lot subdivisions and dwelling approvals reflective of the planning provisions that have been in force over time. These historical provisions do not currently exist. The current development standard for dwelling houses in this area is 100 hectares.

Council's 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 fact that the land is not attached to or adjoins any other land in the same ownership is of little consequence to the application of the development standard. Acceptance of this as an argument has the potential to significantly undermine the long term integrity of rural lands by enabling larger holdings (which typically consist of multiple lots) to be sold to individual owners, each tempted to seek a dwelling approval to which they are not entitled.

It is reiterated that this land was once part of a larger holding which complied with the 100 hectare development standard. It was the sale of the original holding into separate ownership which gave rise to Council dealing with the Development Application entertaining the original SEPP 1 objection in 1992. Prior to its sale the land was part of a holding of greater than 100 hectares and in fact the original approval for a dwelling on the land in 1988 was predicated on this basis.

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, and*

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 considered that the proposed development is inconsistent with the objectives of Clause 4.2B as the lot was not initially created for the purpose of the erection of a dwelling house and the proposal therefore gives rise to unplanned rural residential development.

The strategic process, having been undertaken through Council's Rural Strategy, did not identify this area for rural residential purposes. Council's Rural Strategy specifically investigated this area and did not proceed with any intensification of dwellings in the locality.

Whilst it is acknowledged that the development in isolation does not result in a significant adverse environmental impact, in the consideration of Clause 4.6 variations it is not sufficient to merely point to an absence of environmental harm in evidence that the objectives have been met. There must be more than an absence of environmental harm to justify the departure from a development standard.

The position taken in the Clause 4.6 variation application is that the land is not suitable for use for agriculture apart from its use as a small hobby farm. This position is based on the allotment being of insufficient size to be "viable" on its own and its relative isolation.

The issue of viability of agriculture and an appropriate minimum area has been often discussed in recent years and in particular as part of the Rural Strategy process.

In terms of the meaning of “viability” Council has previously had decisions handed down in the Land and Environment Court which deals with this issue (*Ratsep vs Bathurst Regional Council*). In the context of viability as expressed in the zone objectives the following points are worth noting.

It is apparent from the evidence that a farming enterprise on a 100 ha lot is unlikely to be viable or self sustaining. In fact, there is general agreement between the agricultural experts that a minimum area of 600 ha would be required to achieve the objective of economic sustainability.

The objective for the zone requires any proposal to “support and maintain the continued viability of agricultural development”.

In the general context, viability refers to being practicable and workable and I am satisfied to accept Ms Carpenter's submission that the viability of agricultural development is not coincident with the economic viability of the enterprise.

The usual planning practice is that where objectives are stated, then the associated development standards are usually imposed, which are consistent with achieving these objectives. The assumption being that compliance with the development standard by default satisfies the zone objective.

Whilst it is agreed that the land is of limited agricultural capability it does not automatically follow that the standards should be varied. The development standard is not necessarily aimed at achieving economic viability but rather at being practicable and workable.

Council needs to put the application in the context of the long standing nature of the 100 hectare minimum and its examination under the Rural Strategy being the precursor to the current LEP standard. In particular the following points are raised:

- The zoning of this particular land as general rural has been long established.
- The minimum area of 100 hectares for a dwelling house has been in existence since at least 1980 with the gazettal of Evans IDO No.1.
- The 100 ha minimum area was reaffirmed with the gazettal of BRILEP in 2006 and again in 2014.
- Council, as part of the Rural Strategy, resolved to maintain the status quo in terms of the minimum area in the rural zones.

It is also relevant to consider the distribution of holdings on rural land and the number of holdings that are below 100 ha in area.

The following provides an estimate of the area of land within each respective land capability class (Source: Bathurst Regional Rural Strategy).

Capability Class	Area (sq km)	% of total	% of total
1	5.34	0.2	5.1
2	50.36	1.4	
3	124.14	3.5	
4	601.96	17	68
5	810.43	23	
6	1001.36	28	
7	695.06	19	
			20.2

8	41.6	1.2	
Lake Wyangala, National Park, State Forest or Urban Area	234.9	6.7	6.7

The subject land is identified as being Class 5 land in the DLWC Land Capability map. It is therefore of similar capability to approximately 23% of the land in the RU1 Primary Production zone.

Cumulatively Class 5, 6 and 7 lands (being land of similar or even lower capability) represent 2506 square kilometres of land or 70% of the total land area within the Zone.

The following table is extracted from the Rural Strategy. The table indicates that there are a substantial number of holdings (as opposed to individual lots) which are below 100 ha.

Area of holding	No.	% of total
less than 10ha	1,044	38
10-20ha	334	12
20-50ha	403	16
50-100ha	228	8
100-200ha	284	10
200-400ha	200	7
greater than 400ha	252	9
Total	2,745	100

In total there are at the date of compilation 2009 of the 2745 rural holdings below the minimum area for the erection of a dwelling. This equates to 73% of the total number of holdings within the RU1 Primary Production Zone.

The subject land itself is therefore not distinguishable from many other allotments within the locality and within the Zone in that it is vacant, below the minimum area and is of limited agricultural capability. There is nothing to suggest that the zoning of this particular parcel of land is not appropriate.

These figures relate to holding sizes as opposed to allotment size. Considering that many properties are composed of multiple small lots the likely result is that the number of small holdings is substantially larger than this.

The acceptance of a Clause 4.6 variation has the potential to significantly undermine the objects of the Act where it enables the sale of larger holdings into its component parts with a dwelling entitlement of each. The argument that the property is unable to achieve viability cannot sustain the argument. The position is contrary to the prevailing decisions made by Council and the Land and Environment Court.

It is considered that it is in the public interest to uphold the development standard given that the cumulative effect of similar approvals would 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.

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 Departments' 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.

Bathurst Regional Development Control Plan 2014

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

Development Standard	Proposed	Permissible	Compliance
Setback – Front	50m	20m	Yes
Setback – Side (nearest side)	N/A	20m	N/A
Setback – Rear	195m	20m	Yes
Domestic Water Supply	45,000lt	15,000lt per bedroom	Yes
Fire Fighting Water Supply	20,000lt	20,000lt	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 zincalume roofing. A condition will 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 5.5 metres. The proposed dwelling has been designed to distribute its bulk horizontally.

- 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 5.5 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 zincalume 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

Sensitive Land Areas – DCP Map No. 29 Land Resources

Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	Not Applicable.
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	Not Applicable.
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	Not Applicable.
High Biodiversity Sensitivity	NO	
Moderate Biodiversity Sensitivity	NO	

Conclusion

Council has received a Development Application (DA) for a single storey dwelling with attached garage at Tarana Road, Brewongle. The minimum lot size for a dwelling in this locality is 100 hectares. The subject lot has an area of 18.3 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 justification for the variation is outlined in the body of this report. It is recommended that Council not support the variation for the reasons also outlined in the body of this report.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

4 DEVELOPMENT APPLICATION NO. 2018/21 – CONCEPT APPLICATION FOR MIXED USE DEVELOPMENT INCLUDING EDUCATION ESTABLISHMENT, INFORMATION AND EDUCATIONAL FACILITY, TOURIST AND VISITOR ACCOMMODATION, RECREATIONAL FACILITY (OUTDOOR) AND CARAVAN PARK AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: EDUCATIONAL LEARNING PTY LTD. OWNER: HERITAGE HILLS PTY LTD (fadasds)

Recommendation: That Council:

- (a) as the consent authority, grant concept approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/21, 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. Any development of any precinct in any stage be subject to a further Development Application.
 - ii. The number of long term sites is zero.
 - iii. The maximum period a person may stay in a moveable dwelling or holiday van on any short term site over the entirety of the site is 150 days in any 12 month period (unless the moveable vehicle is a holiday van and the person is the owner of that holiday van).
 - iv. Staging of the development is to occur as proposed in the application, i.e. the development is to occur in 2 Stages with Precincts 1 & 2 occurring in Stage 1.
 - v. Each precinct of the caravan park is only to proceed if the corresponding attractions detailed in the SEE and accompanying plans are also provided or are already provided on site.
 - vi. The owners are to surrender the development consent granted under Development Application 2002/0736.
 - vii. Upgrading the new intersection providing access from Limekilns Road to accommodate appropriate turning traffic inclusive of street lighting.
 - viii. Upgrading Limekilns Road to a minimum rural residential road standard in accordance with Council's adopted Engineering Guidelines from the new entrance to the property and Marsden Lane.
 - ix. Widening the road shoulders in Limekilns Road to accommodate a designated on road cycleway of minimum 1.5m width.
 - x. A full detailed assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided for each stage.
 - xi. All buildings, structures and landscaping associated with the development are to be located so that their finished height is, in the case of a building, no higher than the obstacle limitation surface for Bathurst Airport and in the case of a landscape feature, the mature height is to be 5m less than the obstacle limitation surface.
 - xii. All dwelling sites are located outside the area identified as being subject to greater than 10 x 60 dBA noise events as identified in the Bathurst Airport Masterplan.
 - xiii. The following bird strike reduction strategies are to be incorporated in the development:
 1. All water bodies are to be designed with steep embankments and deep waters suitable for preventing aquatic plant growth;
 2. All properties are to be provided with rubbish bins with lids such that

- 3. rubbish cannot escape;
 - 3. All open space areas are to be provided with adequate rubbish bins with lids that are adequately maintained;
 - 4. All open space areas are to be regularly maintained, including mowing; and
 - 5. All common waste storage areas are to be suitably covered and disposed of regularly.
 - xiv. An Acoustic assessment is to be submitted to address the impact of road noise on surrounding properties in accordance with the NSW Road Noise Policy.
 - xv. Details of fencing to be provided to the external boundaries of the site noting that the fencing will need to address security, privacy and biodiversity objectives.
 - xvi. Landscaping is to be provided to the areas between the proposed new entrance road and the southern boundary.
 - xvii. That the applicant prepare a site management plan incorporating the following:
 - 1. Site management protocols to address light associated with street lighting, vehicle lighting and building lighting inclusive of the caravan park and camping areas;
 - 2. Dust management protocols, inclusive of monitoring during construction;
 - 3. All trees and buildings not to impinge more than 10 degrees from the horizontal above the property fenceline;
 - 4. Landscaping of the areas between the observatory and the development within Precinct 1; and
 - 5. Siting all buildings, including dwellings and caravan sites a minimum of 100m away from the observatory site.
- (b) Development Applications subsequent to concept approval must address, amongst other matters, contamination assessment, biodiversity assessments, heritage conservation and interpretation and Aboriginal Cultural Heritage.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Concept Development Application for a mixed use development at 624 Limekilns Road, Forest Grove, described as Lot B1 DP 403344, Lot 1 DP 126025, Lot 270 DP 861476, Lot 1 DP 1047459, and Lot 34 DP 1012860.

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

The subject site is commonly known as Rossmore Park, contains the Sheep and Cattle Drome and is accessed off Limekilns Road. The site is approximately 172 hectares.

At the existing entrance to the site is the Migrant Camp and War Service Training Memorial. This site is listed on the State Heritage Inventory (1080094).

The site currently contains the Sheep and Cattle Drome, as well as tourist and visitor accommodation and a partially constructed golf course. There are also a number of dwellings on the property.

Surrounding the site are small scale agriculture and lifestyle allotments. Bathurst Airport is 800 metres to the south at its closest point. The Winburndale pipeline traverses the site.

The site surrounds the location of the Bathurst Observatory.

History of the Site

There is a long history of attempts to develop Rossmore Park into various forms of residential and non permanent accommodation types. These developments have typically centred on the development of a golf course and expansion of tourism related facilities.

Development consent (2002/0736) has previously been approved for the subdivision of the land under the Community Land Development Act into 19 allotments. Those lots (in its original form) included the following uses:

- Lot 1 – Public Road*
- Lot 2 – Golf Course*
- Lot 3 – 40 individual dwellings (non-permanent)*
- Lot 4 – 60 cabin/villas (non-permanent) and conference centre*
- Lot 5 – 40 villas (non permanent)*
- Lot 6 – 30 villas (non permanent)*
- Lot 7 – Observatory*
- Lot 8 – New Agrodome*
- Lot 9 - 120 unit retirement village (non permanent)*
- Lot 10 - 50 terrace homes (non permanent)*
- Lot 11 – New clubhouse and commerce centre*
- Lot 12 – Dormitory accommodation (non-permanent)*
- Lot 13 – Car parking*
- Lot 14 - 20 terrace homes (non-permanent)*
- Lot 15 - Memorial Parkland*
- Lot 16 – 30 villas (non permanent)*
- Lot 17 – Crematorium*
- Lot 18 – Cricket Ground*
- Lot 19 – Reserve land*
- Lot 20 – Horse stables and equestrian centre*
- Lot 21 – Reserve lands*
- Lot 22 – Reserve lands*

The application proposed the subdivision of land only with resulting development on those lots being the subject of further Development Applications. The development contemplated 390 accommodation units to be used for what was short term tourist and visitor accommodation.

The application has been physically commenced and remains capable of being acted upon by the owners. Note that this previous consent only involves the subdivision of the land with further development consent being required for the development of each allotment. No applications for further development have been sought.

There have been a number of requests to modify this original consent over the years. Some of these requests have been supported whilst others have not. The most recent request involved changing the proposed uses from tourist and visitor accommodation to a caravan park. This modification application was refused by Council at its meeting held 19 July 2017 primarily because the proposal was not substantially the same as originally approved.

The applicant's SEE for the current application notes that, in their opinion, *“that it is considered that the proposed development will have the same or similar basic characteristics of the development Council has already consented to on the land ie for a “resort style” development. The decision to use “moveable dwellings” for the tourist accommodation component of the development will not change the appearance or character*

of the development set out later in the report. The proposal is therefore consistent with Council previous decisions on the use of the subject land ”

Whilst it is acknowledged that there are similarities between the two developments, this Development Application must nonetheless undergo its own assessment against the relevant criteria. This includes Council's adopted LEP, SEPP 21 – Caravan Parks and the Local Government Regulations governing caravan parks which were not part of Council's previous consideration. It must also be acknowledged that no subsequent applications were ever lodged for development associated with the 2002 consent.

In the event that this application is to be approved it would represent a significant departure from the previous application. It is therefore appropriate that in the event that this consent were to be granted that the former consent be surrendered by the owners of the land. This effectively creates a “clean slate” from which this development may proceed.

The relevance of 390 accommodation units

One of the common elements between this application and the previous applications is the 390 accommodation units.

The 390 accommodation units were initially proposed as part of the 2002 application. It represented the maximum capacity of the proposed Sewage Treatment Plant to avoid the triggers associated with Designated Development. It did not stem from any strategic assessment such as that required under SEPP 21 – Caravan Parks as required by this assessment. It does not form some binding limit on this application.

Concept Development Applications

The Development Application has been lodged as a “concept development application” under the provisions of Section 4.22 of the EP&A Act (formerly Section 83B) repeated below.

4.22 Concept development applications

- (1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- (2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- (3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
- (4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:
 - (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or**

- (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

Note. The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).

A Concept Development Application is one which seeks concept approval for multiple stages or parts of a proposal, each being subject to its own subsequent Development Application.

The proposal involves the establishment of several precincts on the site to be developed at different stages. Further Development Applications would be required for the development of any of the precincts identified in the concept plan.

In consideration of the application Council need only consider the likely impact of the concept proposals and does not need to consider the likely impact of carrying out the development. Those impacts are subject to consideration as part of future development applications.

Whilst the application outlines the various concepts for each part of the site, it does not propose to undertake any physical works associated with each precinct. The details associated with each precinct will be the subject of subsequent Development Applications, that is, the consent if granted does not by itself authorise the carrying out of any development unless a further Development Application is lodged and approved. Likewise much of the technical detail that would normally accompany an application will occur in future applications.

The proposal

The application identifies the following precincts.

Precincts	Use Characteristics
1	Bathurst Experience and Wiradjuri Aboriginal Cultural and Educational Centre
2	Golf Facilities & Academy and Stage 1 – Caravan Park (comprising 107 moveable dwellings, 43 caravan sites and 44 camping sites ie a total 194 sites). The precinct will also include the village café and general store and administrative offices.
3	Stage 2 Caravan Park (98 mobile home sites for short term accommodation and Sports Facilities including a soccer and hockey field complex)
4	Stage 3 Caravan Park (98 mobile home sites for short term accommodation and Sports Facilities including multi purpose cricket, Australian Rules field and exercise complex)
5	18 Hole Golf Course, golf club house and academy building

6	Site manager residence and future expansion of Precinct 1
7	Animal agistment, paddock and Bushland Regeneration Nursery

Indicative staging as outlined in the Statement of Environment Effects is that Precincts 1 and 2 will occur in Stage 1 with the remaining precincts occurring as part of Stage 2 follows:

Stage 1	Precincts 1 & 2 that is the Cultural Centre and the first 194 site caravan park
Stage 2	Precincts 3,4,5,6 & 7

The development is described in the Statement of Environmental Effects submitted with the application (see **attachment 2**) and includes the proposed plans.

Proposed servicing of the development in terms of water and sewer are addressed in the Conceptual Services Report prepared by Calare Civil at **attachment 3**.

The applicant proposes to service the development by extension of the reticulated water supplied from the Council reservoir in Marsden Lane through to the land. Reticulation to the site would include running new water mains along Limekilns Road together with booster pumps through to the property with further augmentation on site including an on site reservoir. All costs associated with the reticulation would be borne by the applicant.

The applicant also proposes the construction of a new, privately operated, sewage treatment plant on the site. Effluent from the treatment plant would then be irrigated onto the golf course.

A new entrance road would be constructed at the south western corner of the site to service the development.

The total site development proposes 390 sites in total comprising a mixture of moveable dwellings (107), mobile home sites (196), caravan sites (43) and camping sites (44).

It is noted within the SEE that the application is premised on “*short term tourist accommodation and not the permanent occupation of any of its residential components*”. The application proposes no intention to allow permanent occupation of any of the dwelling sites. Were that premise to change the assessment and conclusions would likewise change.

The site, in its entirety, proposes 346 “dwelling sites” and 44 “camping sites” (390 total). Whilst the application refers to a mixture of moveable dwellings (107), mobile home sites (196), caravan sites (43) they are in effect of “dwelling sites” for the purposes of the caravan park.

A “dwelling site” is defined under the Local Government Act as being:

dwelling site:

- (a)
- (b) *in relation to a caravan park—means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.*

Under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 a “moveable dwelling” within the caravan park is as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

The final form of the “moveable dwellings” on each “dwelling site” can therefore cover a range of different styles from a tent or caravan through to a manufactured home. The submitted documentation shows some indicative forms of manufactured homes that would occupy the site.

In accordance with the Clause 74 of the Regulations, exemptions from the need to obtain further consent are available for the installation of relocatable homes, caravans and tents on a dwelling site within a caravan park. That is, further consent is not required to install the moveable dwellings (in whatever form that may take) on individual sites within the caravan park.

Camp sites are defined under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

camp site means an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.

What constitutes a “caravan site” is not defined under either the LG Act or the LG Regulations

caravan means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the [Road Transport Act 2013](#)) as a trailer, but does not include a camper trailer.

Short term and long term sites

Dwelling sites within a caravan park are divided into “short term” and “long term” sites.

These are defined as follows:

short-term site means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

long-term site means a dwelling site that is specified in the approval for a caravan park as being a long-term site.

In accordance with Clause 73 of the Regulations an approval to operate a caravan park is subject to the following conditions:

a person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,

State Environmental Planning Policy No 21 – Caravan Parks

In accordance with Clause 8 of SEPP 21 – Caravan Parks, Council is required to determine the number of short term and long term sites and impose a condition accordingly.

Clause 8 Development consent required for caravan parks

- (1) *Development for the purposes of a caravan park may be carried out only with the development consent of the Council.*
- (2) *Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine:*
 - (a) *the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and*
 - (b) *the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.*
- (3) *A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.*
- (4) *The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land:*
 - (a) *for a continuous period of more than 3 months, except as provided by paragraph (b), or*
 - (b) *for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.*
- (4A) *Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.*
- (5) *This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No 36—Manufactured Home Estates or dedicated or reserved under the National Parks and Wildlife Act 1974.*

It is acknowledged that the application is premised upon the entirety of the site being used for short term sites only.

There is a long history of attempts to develop Rossmore Park into various forms of residential and non-permanent accommodation types.

Historically, Council and government departments, notably the Department of Planning and Environment, have had concerns with permanent accommodation on site.

Consideration has previously been given to the idea of permanent housing on the subject site via a request to rezone the site to allow for permanent housing uses in 1997. Advice

received from the Department at that time was that it would not support permanent housing at this site. The Department's advice noted the following for its justification:

- Inconsistency with the Housing Strategy prepared at the time
- Potential to impact on Bathurst Housing Market
- Proximity to Bathurst Airport could result in conflicting land uses and the likely expansion of the Airport in the future.

Having regard to Clause 8 it is appropriate that Council conclude that the number of sites that are suitable for long term occupation is nil.

Given the applicants premise that the consent only seeks the use of short term occupation of the dwelling sites it is appropriate that this be reflected in the conditions of consent requiring:

- The number of long term sites is zero.
- The maximum period a person may stay in a moveable dwelling or holiday van on any short term site (i.e. the entirety of the site) is 150 days in any 12 month period (unless the moveable vehicle is a holiday van and the person is the owner of that holiday van.

10 Matters to be considered by Councils

A Council may grant a development consent required by this Policy only after it has considered the following:

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
- (e) any relevant guidelines issued by the Director, and
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.

Comment

Clause 10 of SEPP 21 provides the matters to be considered by Council in determining an application for a Caravan Park. As this is a concept development application, some of the fine detail associated with the impact on social, environmental and economic factors cannot be fully resolved.

Whether the site is suitable?

The land has a history of tourism related activities surrounding the Sheep and Cattle Drome. There is also a partially constructed golf course on the site which provides an attractor to the site from a tourism perspective. The site currently contains short term accommodation in the form of dormitory style accommodation for students. Consistent with that history of use some form of caravan park, incorporating short term sites only, i.e. for tourists, would be acceptable on the site.

The proximity to Bathurst gives the site further attraction as a site for tourist accommodation.

Whether that is at the scale contemplated by the applicant requires further consideration. The application proposes the provision of a number of new attractions on the site inclusive of:

Precinct 1

- The Wiradjuri theatre utilising the existing Drome building.
- WW2 Training Camp and Migrant Camp Museum
- Aboriginal learning sites
- New Drome buildings

Precinct 2 (194 sites)

- Aboriginal Cultural Academy
- 18 Hole Golf Course, Clubhouse and Academy
- Amenities, office, café and general store

Precinct 3 (98 sites)

- Soccer fields
- Hockey fields

Precinct 4 (98 sites)

- Cricket and AFL Fields
- Outdoor recreation facilities

Precinct 5

- 18 Hole Golf Course

The site as it currently stands would not be able to justify the proposed number of sites without the provision of additional attractors on the site. It is therefore critical to ensure that those tourist and visitor attractors identified in Precincts 1 and 2 (being the first stage of the development identified by the applicant) and indeed those attractors in the latter stages are provided as part of each respective stage. Without these facilities being provided the ultimate number of caravan park sites being sought cannot be justified. It is therefore appropriate that any consent reflects the need to establish those tourist relation facilities on site as part of the establishment of the accommodation. Without these facilities being provided the caravan park, at this scale, could not be supported.

Adequate accommodation in the vicinity

Within the immediate vicinity there is no substantive tourist accommodation beyond that provided on site. The nearest caravan parks are those located on Sydney Road and less formally at the Bathurst Showground. The Sydney Road site contains 68 long term sites, 61 short term sites and 25 camping sites, i.e. 154 in total. The application provides no details as to whether there is adequate provision for tourist accommodation in this locality. The only conclusions able to be drawn are that there is currently sufficient tourist accommodation in the locality.

Availability of low cost housing

Within the vicinity of the site there are no identified areas of low cost housing either provided or proposed. This is consistent with the rural zoning applying to the land. Given that the site does not propose the provision of any long term sites or permanent housing it is not seen as an alternative locality for low cost housing. Were the application to propose long term occupation the application could not be supported for the reasons outlined elsewhere.

Availability of community facilities and services

Given the location of the site in a rural area there will be a greater reliance upon the provision of on site facilities. As noted above the community facilities being provided under the application include amenities, office, café and general store in Precinct 2. Beyond these facilities the site will be reliant upon off site community facilities and services. The issue is therefore what facilities and services would reasonably be required and how access will be provided.

Given that there is no provision being made for long term occupation then the required facilities are limited to those reasonably required for tourists and visitors and ensuring that access to those is available.

Other than basic amenities there will be a focus on the provision of off site facilities and services and there needs to be access to them. This would extend to provision of adequate road networks but also must acknowledge that there would be a significant increase in pedestrian and cycle traffic that would result from a development of this scale. It has been acknowledged in many of the public submissions that Limekilns Road would require upgrading works to accommodate increased vehicular, cycle and pedestrian traffic. It is therefore appropriate that the conditions of any consent incorporate upgrades to Limekilns Road to accommodate increases in vehicle, cycle and pedestrian traffic.

Director's Guidelines

There are no adopted Director's Guidelines.

Relevant Regulations

The 1993 Regulations referenced within SEPP 21 have since been repealed and replaced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The current application, being a concept application, does not have the necessary detail to make a full assessment of compliance against relevant Regulations. The level of detail expected between this application and subsequent applications will need to increase significantly in order to demonstrate compliance with the adopted Regulations. That said, there appears to be no significant departures from the requirements of the Regulations.

Summary of SEPP 21 requirements

In order for the development to be supportable under the terms of SEPP 21 the following should be required as conditions of consent:

- The number of long term sites is zero.
- Staging of the development is to occur as proposed in the application, i.e. the development is to occur in 2 Stages with Precincts 1 & 2 occurring in Stage 1.
- Each precinct of the caravan park is only to proceed if the corresponding attractions detailed in the SEE and accompanying plans are also provided or are already provided on site
- Access to the site is improved inclusive of upgrading of Limekilns Road to accommodate additional vehicular, cyclist and pedestrian traffic.
- A full detailed assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided for each stage.

Current Review of SEPP 21 – Caravan Parks

It is to be noted that the regulatory regime surrounding caravan parks is currently under the review by the State Government. The Department of Planning initially released a Discussion Paper in 2015.

The review highlights many issues surrounding the approval regime governing caravan parks and manufactured home estates. These include appropriately distinguishing between tourist parks and residential parks, the lack of guidance in determining the appropriateness of locations for both, conversion of short term to long term sites and vice versa, and the significant overlap and inconsistencies between the EP&A Act provisions governing consideration of Development Applications and the Local Government Act and Regulations governing consideration of the subsequent Section 68 Applications.

The review acknowledges that while SEPP 21 was developed to support establishment of new parks, it has been ineffective in doing so.

The current advice from the Department of Planning is that there is no clear timetable for completion of this review. Any subsequent Development Applications will be subject to the legislative regime of the day.

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*.

The different elements fall within the following landuse definitions:

"caravan park" means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

"information and education facility" means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

"recreation facility (outdoor)" means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Caravan Parks, information and education facility and recreation facility (outdoor) are all permissible with consent in the RU1 Primary Production zone.

In accordance with Clause 2.3 of the LEP, Council must have regard to the objectives for development in a zone when determining an application.

Objectives of zone

- *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.*

It is noted that the application represents a significant departure from the historic uses occurring on the site and will represent a significant urbanisation of the land which has an underlying rural zone. Not unsurprisingly the development is not consistent with those objectives which aim at maintaining agricultural land for agricultural/rural purposes. That said, the zoning control table allows a range of uses which would not typically be associated with agricultural/rural purposes. The planning system acknowledges that where development is permissible then it should be capable of being undertaken in some form. Whether or not that is at the scale proposed remains a matter for determination.

7.3 Airspace Operations

The development is located within close proximity to Bathurst Airport. Proximity to the Airport is relevant to the issues surrounding the obstacle limitation surface, noise from aircraft and potential for birdstrikes etc.

7.3 *Airspace operations*

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of the Bathurst Airport by ensuring that the operation of the airport is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
 - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
 - (b) *the development will not penetrate the Limitation or Operations Surface.*
- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.*
- (5) *In this clause:*
Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Bathurst Airport.

The Obstacle Limitation Surface for the airport provides height limitations for any structures occurring on the land. For the most part there is a sufficient distance between the existing ground levels and the proposed buildings/infrastructure. Some care will need to be taken with any higher structures (eg any water reservoirs/trees) to ensure that the Obstacle Limitation Surface is not breached. It is therefore appropriate that conditions be imposed requiring:

- All buildings, structures and landscaping associated with the development are to be located so that their finished height is, in the case of a building no higher than the

Obstacle Limitation Surface for Bathurst Airport and in the case of a landscape feature, the mature height is to be 5m less than the obstacle limitation surface.

7.4 Development in areas subject to aircraft noise

The proposed development will be located under the flight paths associated with the operation of Bathurst Airport.

7.4 Development in areas subject to aircraft noise

- (1) *The objectives of this clause are as follows:*
 - (a) *to prevent certain noise sensitive developments from being located near the Bathurst Airport and its flight paths,*
 - (b) *to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
 - (c) *to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.*
- (2) *This clause applies to development that:*
 - (a) *is on land that:*
 - (i) *is near the Bathurst Airport, and*
 - (ii) *is in an ANEF contour of 20 or greater, and*
 - (b) *the consent authority considers is likely to be adversely affected by aircraft noise.*
- (3) *In deciding whether to grant development consent to development to which this clause applies, the consent authority:*
 - (a) *must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
 - (b) *must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
 - (c) *must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.*
- (4) *In this clause:*
AS 2021—2000 means AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction.

In this particular case the development is outside the adopted 20 ANEF contour.

Notwithstanding this, it is acknowledged that the development may be subject to noise associated with aircraft at Bathurst Airport.

It is noted that the Council has had prepared an Airport Masterplan for the Bathurst Airport (Rehbein Airport Consulting 2013).

The Masterplan acknowledges that properties outside of the ANEF mapping may nonetheless be subject to aircraft noise. The Masterplan provides an estimate of noise levels up to 2033 based on expected increase in operations. An excerpt from the report is provided below:

6.4 N60 AND N70 CONTOURS

The ANEF system is generally recognised as being the most technically complete description of aircraft noise in use in the Australian context and the ANEF is the only

metric recognised under AS2021:2000. However, it is also widely recognised that the ANEF system is not easily translated into the important factors which affect how individuals react to aircraft noise: the number of over flights and the loudness of individual events. This is due to the way the ANEF combined the effects of loudness, duration and frequency of noise events to develop a measure of the cumulative noise dose.

'Number above', or 'N', contours illustrate the average number of events per day louder than a certain sound level, in the case of the N60, this level is 60 Db(A). The single event level of 60Db(A) is specified in Australian Standard AS2021:2000 as the indoor design sound level for normal domestic areas in dwellings and 70 DB(A) is the noise level at which conversation is disturbed within a house with the windows open.

Contours such as the N60s and N70s assist the community to better understand the impacts of aircraft noise by giving individuals the ability to interpret aircraft noise based on actual counts of aircraft with a noise profile greater than a certain level over a range of flight paths. The provisions of 'Number Above' contours has been recently recommended by Department of Infrastructure, Transport, Regional Development and Local Government (previously the Department of Transport and Regional Services) in a discussion paper entitled Guidance Material for Selecting and Providing Aircraft Noise Information. They have also proven to be a good way to produce a 'whole of airport' picture of single event aircraft noise patterns which is easy for the general public to understand.

In this particular case the predictions are that the majority of the property will be subject to noise events of 60 dBA up to 5 times per day. Parts of the property at the western end (i.e. closest to Limekilns Road) will be subject to up to 25 events of up to 60 dBA although this area is earmarked as part of the golf course and cricket/AFL fields. Parts of Precinct 4 (being closest to Limekilns Road) may be on the borderline between 5 and 10 noise events per day. To put that in perspective, 5 noise events is the predicted noise levels experienced in parts of the Kelso residential area. A condition could be imposed to ensure that all dwelling sites are located outside the area identified as being subject to greater than 10 x 60 dBA noise events as identified in the Bathurst Airport Masterplan.

The development also has the potential to impact airport safety from bird strike if water bodies are not appropriately managed. In order to deal with this issue the following condition is recommended:

The following bird strike reduction strategies are to be incorporated in the development:

- a) *All water bodies are to be designed with steep embankments and deep waters suitable for preventing aquatic plant growth*
- b) *All properties are to be provided with rubbish bins with lids such that rubbish cannot escape*
- c) *All open space areas are to be provided with adequate rubbish bins with lids that are adequately maintained*
- d) *All open space areas are to be regularly maintained, including mowing*
- e) *All common waste storage areas are to be suitably covered and disposed of regularly.*

SEPP 55 – Remediation of Land

In accordance with Clause 7 of SEPP 55 – Remediation of Land, Council has an obligation to ensure that the land is suitable for its use.

Potential contamination sources stem from the historic usage of the site for agricultural purposes, its use for army training purposes and as a migrant camp. More recently the land is part of the area under investigation for PFAS surrounding Bathurst Airport.

It will be necessary for these and other potential sources of contamination to be investigated in detail as part of each subsequent Development Application. Where necessary, remediation works may be required.

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 10 April 2018 to 20 April 2018. Following the advertising and notification period a total of sixteen (16) submissions were received (see submissions at **attachment 4**). The matter proceeded to a Council Discussion Forum on 6 June 2018 (refer to minutes at **attachment 5**). Following the discussion forum Council received 1 further submission (**attachment 6**).

Submissions received raised concerns in the following areas:

- Consistency with rural character;
- Impact upon rural views;
- Impacts upon privacy;
- Adequacy of Limekilns Road to accommodate additional traffic;
- Responsibility for ongoing maintenance of Limekilns;
- Provision of boundary fencing to a suitable standard;
- Permissibility under current zoning;
- Need for additional caravan parks;
- Whether the site will be used for permanent residents;
- Potential use of bore water;
- Hours of operation;
- Potential impacts upon operational aspects of existing observatory;
- Changes to current property and water access arrangements;
- Lighting impacts associated with additional street and housing lighting and vehicle lighting; Dust generation during construction phase;
- Potential odours associated with sewage treatment plant;
- Land use conflict with agricultural properties surrounding;
- Noise
- Increased night time light impacts;
- Length of time people stay in caravan park and moveable dwelling site;
- Rubbish generated;
- Impact on cycling route of Limekilns Road;
- Water usage;
- Sewerage disposal;
- Impact on property values;
- Arrangements for rubbish removal;
- Potential conflicts with airport operations;
- Weed controls;
- Costs and timing of future development;
- Potential impact on Windburndale pipeline;
- Responsibility for ongoing maintenance of sewage treatment plant;
- Quarry operations on the site;
- Additional traffic using Yarras Lane in major events;
- Bushfire safety;

The applicant has provided a written response to the Observatory submission (see **attachment 7**).

There is a commonality in the issues raised and accordingly these will be addressed together.

Change to rural locality

Consistent with the zoning of the land the dominant usage in the locality is rural and rural residential usage. The anomaly to this is the Sheep and Cattle Drome which currently has a small scale tourist focus.

The development has the potential to significantly alter this scenario and will certainly result in the introduction of what would be considered by many to be urban development contrary to the current focus. That said, the development does maintain quite an amount of open space surrounding that development in the form of the golf course and recreational activities being planned as part of the development.

The development will be visible from the various vantage points surrounding the site and will result in a significant change in the types of views from a rural setting to a more urbanised setting.

Certainly changing the location of the entrance to the southern boundary (i.e. where it adjoins 548 Limekilns Road) has the potential to result in additional impacts on this property in terms of privacy, vehicular noise and general disturbance. The application has not made any specific references to how these impacts may be mitigated. Accordingly a condition should be formulated requiring the submission of:

- Acoustic assessments to address the impact of road noise on surrounding property
- Details of fencing to be provided to the external boundaries of the site
- Landscaping to the areas between the proposed new entrance road and the southern boundary

Traffic, cycle and pedestrian linkages

The application has not been supported with any specific assessment of traffic related issues.

As acknowledged elsewhere the development has the potential to be a significant generator of the vehicular, cycle and pedestrian traffic. That is not only from the tourists staying on the site but also those staying elsewhere wishing to visit the site. These give rise to the need to upgrade Limekilns Road to accommodate traffic increases in these areas. This would include:

- Upgrading the new intersection with Limekilns Road to accommodate appropriate turning traffic inclusive of street lighting
- Upgrading Limekilns Road to a minimum rural residential road standard in accordance with Council's adopted Engineering Guidelines
- Widening the road shoulders to accommodate a designated on-road cycleway of minimum 1.5m.

Water

The principal water supply for the development will be from the extension of the town water

supply to the site at the cost of the developer. In addition, the developer would also be required to make capital contributions (i.e. water headworks charges) towards this supply.

The property also has connections to the Winburndale water pipeline with historic agreements to use that water for some of the current uses occurring on the site.

The applicant also proposes (subject to further environmental assessment) to irrigate treated effluent onto the golf course.

Operations of Bathurst Observatory

The Bathurst Observatory is a stand alone facility located near precinct 1.

It is currently separately owned and is accessed via a Right of Carriageway through Rossmore Park to Limekilns Road. Any alterations to these access arrangements will need to be negotiated between the respective owners but effectively no alterations to this arrangements can occur unless that agreement occurs.

The submission lodged on behalf of the Observatory owners raises a number of site specific issues including:

- Lights from vehicles using the new entrance road;
- Lighting;
- Dust during construction;
- All trees and buildings not to impinge any more than 10 degrees above the property fenceline;
- Need to establish trees around the boundary of the observatory; and
- Need for a 100m "exclusion zone" around the observatory where buildings, including temporary dwellings and caravans cannot be located.

The applicant has suggested a condition requiring a site management plan be prepared to address light glare related issues. This condition goes part way to addressing the issues raised and it is suggested that it be broadened to incorporate some of the other issues raised but not directly addressed by the applicant. It is therefore recommended that the applicant prepare a site management plan incorporating the following:

- Site management protocols to address light associated with street lighting, vehicle lighting and building lighting inclusive of the caravan park and camping areas;
- Dust management protocols, inclusive of monitoring during construction;
- All trees and buildings not to impinge any more than 10 degrees above the property fenceline;
- Landscaping of the areas between the observatory and the development within Precinct 1; and
- Siting all buildings, including dwellings and caravan sites a minimum of 100m away from the observatory site.

OTHER ISSUES

Because of the nature of concept Development Applications much of the detail associated with the impact of the development are the subject of further detailed investigation. This leaves a number of issues that will need to be further investigated as part of this process.

Biodiversity Impacts

The property contains areas of native and remnant vegetation that will require detailed

assessment in accordance with the current biodiversity conservation principles and legislation. To date these issues have not be addressed and will be subject to further investigation.

Aboriginal Heritage

The development has the potential to impact on large areas of land which to date have not been the subject of any detailed investigations from an Aboriginal heritage perspective. The site contains areas previously identified as being of high, medium and low sensitivity.

Conclusion

The development represents a significant departure from the current rural locality albeit there have historically been applications approved for similar type proposals.

Whilst some concern remains that a caravan park of this scale could not be supported in isolation this is somewhat negated by the fact it forms part of much larger tourist and cultural facilities. Without these additional facilities the caravan park elements could not be supported at the scale sought.

There are undoubtedly impacts associated with the development which will need to be addressed and managed if the development is to achieve the ultimate development outlined in the concept plan.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|--|-----------------------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.1, 1.2 |
| ● Objective 3: Environmental stewardship | Strategy 3.1 |
| ● Objective 4: Enabling sustainable growth | Strategy 4.1, 4.2, 4.3, 4.6 |
| ● Objective 5: Community health, safety and well being | Strategy 5.5 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.4, 6.5 |

Community Engagement

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

5 REVIEW OF DEVELOPMENT APPLICATION NO. 2018/137 – CHANGE OF USE FROM DWELLING TO OFFICE PREMISES, ALTERATIONS AND ADVERTISING SIGNAGE AT 138 RUSSELL STREET, BATHURST. APPLICANT: MR E DOWD & MS L HENNESSY. OWNER: BELLFIELD INVESTMENTS PTY LTD (DA/2017/137)

Recommendation: That Council:

- (a) having undertaken a review of Development Application 2018/1378 reaffirm its decision to impose a condition requiring the payment of a Section 7.11 contribution in lieu of three car parking spaces as noted in Condition 1 of its Notice of Determination dated 30 May 2018; and
- (b) call a division.

Report: Council has received a request to undertake a review of its decision made in relation to the above Development Application under Section 8.3 (formerly Section 82A) of the Environmental Planning and Assessment Act 1979.

The Development Application was approved by Council under delegated authority on 30 May 2018 subject to conditions. It is a condition of that consent that is the subject of this review.

The Site

The subject site has an area of 198.1m² and formally described at Lot 1, DP 41851.

The property is known as 138 Russell Street, Bathurst

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

For many years the building operated as “Solo House” before more recently being converted into a dwelling.

History of the Site

The building, while owned by the Crown, was operated as a boarding house from the early 1980s until 2014. The boarding house provided accommodation for disadvantaged men and was commonly known as “Solo House”.

In 2014 the boarding house operations ceased and the Crown Lands Division of NSW Trade & Investment put the property up for sale. In March 2015, the purchaser of the property lodged a Development Application to change the use of the building from a boarding house to a dwelling. The application included partial demolition, additions and alterations. The Development Application was approved and the works were subsequently completed. An Occupation Certificate was issued for the dwelling on 17 March 2017.

A subsequent development application (2018/137) was lodged which involved the following:

- Change of use of the existing dwelling to office premises;
- Internal and external alterations for access and fire separation; and
- Advertising signage – two flush wall signs and two under awning signs.

This application was also approved under delegation with conditions.

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

Due to the size of the land there is no onsite parking or sufficient space to provide any so a condition was imposed requiring the payment of a monetary contribution.

Condition of consent to be reviewed

The review only relates to a condition imposed upon the consent requiring a financial contribution under Council's adopted Section 94 Plan (now referred to as Section 7.11) in lieu of parking spaces. There are no other elements of the consent under review. Condition 1 of the consent reads as follows:

The payment to Council of \$52,770.60 for three car parking spaces in accordance with Council's Section 94 or Section 7.11 Contributions Plan "Bathurst CBD Car Parking".

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

NOTE 1: All monetary conditions are reviewed annually, and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

The applicants, Mr Evan Dowd and Ms Louisa Hennessy, have requested that Council review the above condition for the reasons outlined in their written request for review at **attachment 3**.

Planning Context

Bathurst Regional Development Control Plan 2014

It is noted that there are no car parks on the subject site and there is not sufficient area to create any.

Council's adopted DCP provides a ratio of 1 car parking space per 50m² for offices.

The proposed building has a total floor area of 172.7m² and accordingly a total of four (4) car parks would normally be required. Note Council's usual practice is to "round up".

A credit of one (1) car parking space exists from the building's current use as a dwelling and its previous use as a boarding house.

A deficit of three (3) car parking spaces therefore exists.

The 3 spaces are used as the basis for calculation of the contribution discussed below.

Section 14.3 of the DCP provides the following:

Contributions in lieu

Council may consider a cash contribution, in lieu of on-site parking provision where:

- i) as many car parking spaces as possible have been provided on-site, and
- ii) the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and
- iii) the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.

Should these conditions not be met, car parking would otherwise be required on the land.

In relation to the above the following is noted:

- There are no car parks on the subject site and there is not sufficient area to create any;
- The subject site is located within the area subject to Council's relevant Section 7.11 (formerly Section 94) Contributions Plan for car parking space; and
- The subject site is within an area where additional CBD car parking could be provided under the Section 94 Contributions Plan (e.g. RSL car park or Carrington Park).

A condition was therefore imposed to require the payment of a Section 7.11 Contribution for three (3) deficit car parking spaces.

For the 2017/2018 financial year the contribution per space is \$17,590.20 i.e. 3 x \$17,590.20 = \$52,770.60. Note that these figures are subject to indexation.

The applicant's justification for requesting a variation makes the following points:

- The number of employees in the building is limited;
- The number of offices provided in the building is relatively low; and
- Short term nature of client visits.

Discussion

The current Council Section 94 Contributions Plan came into force on 19 November 2014.

Clause 1.10 of the Section 94 Plan provides that "*Council, may, in certain circumstances, accept an offer by the applicant not to provide onsite car parking in accordance with the relevant DCP standard.*"

An offer for Council to accept a deficit in onsite car parking is to be made in writing to Council and clearly state:

- *Why deficit of on site car parking is proposed; and*
- *Why Council should support a cash contribution in lieu of providing the car parking spaces on site in accordance with this Plan."*

The circumstances at play in this application are that:

- The development involves conversion of a dwelling to an office building in the CBD.
- The development makes no provision for any parking on site
- There is no area available for on site parking given the site constraints
- The demand for on street parking is well known as a constraint to the use of the site.
- There is already a history of requests from owners and persons acting on behalf of the owners for special dispensations from the on street parking requirements.
- Parking restrictions apply to Russell Street in the vicinity of the development.

- The development will accommodate 3 upstairs offices as well as meeting rooms down stairs.
- The number of employees at present and their FT/PT status is a circumstance of the individual business and subject to change.

On the whole there is little justification for providing a dispensation to the duly adopted Council policy in circumstances where the demand for parking is high and no car parking spaces can be provided on site.

Conclusion

Council has received a request to review a condition imposed upon a development consent requiring a contribution under its adopted Section 94 Plan. The circumstances at play are not unique. A request to waive the condition is not supported.

Financial Implications: Nil if Council adopts the recommendation. In the event that Council agrees to the request it will forego the Section 94 Contributions payable under its adopted Plan.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2, 4.3, 4.4, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

6 DEVELOPMENT APPLICATION NO. 2018/122 – SHED AND EARTHWORKS INCLUDING RETAINING WALL AT 14 IRONSTONE AVENUE, WHITE ROCK. APPLICANT: LAYNE MOULDS. OWNER: MR LR MOULDS (DA/2018/122)

Recommendation: That Council:

- (a) support the variation to the Clause 6.2.4 Minimum Setbacks – Zone R5 – Large Lot Residential and Zone E4 Environmental Living development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/122, 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) The site is not be used as a “transport depot”, “depot” or “truck depot” as defined in the Bathurst Regional Local Environmental Plan 2014.
 - (ii) The shed is only to be used to park vehicles owned or used by the residents of dwelling.
 - (iii) No employees or third parties are to utilise the vehicles parked on the premises.
 - (iv) The shed and site is not be used for the unloading and/or storage of any business related goods.
 - (v) No more than one semi-trailer is to be housed on the site.
 - (vi) An Occupation Certificate for the shed cannot be issued until an Occupation Certificate for a dwelling on the same site has been issued.
 - (vii) A turning circle is to be provided showing that a semi-trailer 19.0 metres in length can enter and leave the site in a forward direction. A plan drawn to scale showing the manoeuvring area is to be submitted to Council for approval prior to the issuing of a Construction Certificate.
NOTE 1: All vehicle turning movements are to be based on the Austroads design vehicle.
 - (viii) The paving (in concrete) of all vehicular manoeuvring areas, in accordance with Bathurst Regional Council’s Guidelines for Engineering Works.
 - (ix) Heavy vehicles, other than for the purposes of entering or leaving the site, should not be heard from inside a neighbour’s residence with windows either open or closed, between 8 pm and 8 am on a Saturday, Sunday or public holiday or 8 pm and 7 am on any other day.
 - (x) The washing of heavy vehicles should not occur on site unless appropriate measures are put in place to prevent pollution of waterways.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for shed and earthworks including a retaining wall at 14 Ironstone Avenue, White Rock, described as 10 DP 1062075. A location plan and aerial photo are provided at **attachment 1**.

The site has an area of 4003m².

The site contains a 7 x 12 metre shed, which had approval to be used as a temporary

dwelling. The consent for the temporary dwelling has lapsed and the shed is currently being used for storage purposes.

Council is also concurrently considering a Development Application for a dwelling on the property. The dwelling seeks a minor variation to the developer imposed covenant, specifically that the building be setback 9m from the front boundary rather than 10m, which remains a greater setback than Council's DCP requirement of 8m, and therefore the proposed development complies with Council's adopted standards and will be determined under delegated authority in the near future. Earthworks to create the building pad for the dwelling have been completed.

The adjoining properties contain dwellings and associated outbuildings with established landscaping. The site remains one of the few remaining lots in the Blue Ridge Estate which have not been substantially developed.

The site slopes generally from the front to the rear and from east to west.

The proposal

The proposal involves the erection of shed (see plan of proposed development at **attachment 2**).

The shed is proposed to be 12 metres x 20 metre. The eave height of the shed is 4.7 metres with a total height of 5.866 metres.

The site requires approximately 1 metre cut and 1 metre of fill for the development which will be retained with a 1 metre high retaining wall.

The shed will have a maximum height of approximately 6.9 metres from natural ground level.

The shed is proposed to be located 5 metres from the side boundary with 18 Ironstone Avenue and 5.65m from the rear boundary with 86 and 90 Blue Ridge Drive.

It is noted that during the assessment process the applicant has reduced the size of the shed (originally 12 x 22 metres), the overall height of the building (from 6.67m to 5.86 m) and relocated it further from the rear boundary.

Previous consideration by Council

The Development Application was previously considered by Council at its meeting held 20 June 2018.

Council at that meeting resolved to:

- a) defer consideration of Development Application 2018/122 pending Council obtaining its own legal advice as to the appropriate characterisation of the development; and
- b) pending receipt of that advice that the matter be further considered by Council.

Council has subsequently sought as to the appropriate characterisation of the development and the capacity for Council to vary the developer imposed covenants on the land.

Council is now in receipt of advice from Crennan Legal (**attachment 3**).

The advice confirms that:

- It is reasonable and appropriate to characterise the proposed development for the shed as ancillary to the use of the land as a dwelling.
- (The Council report) has by reference to the facts and circumstances of the proposed development reasonably identified that the use is one which is ancillary but not independent and is therefore permissible in the zone as an ancillary use to that of a dwelling. The proposed condition regarding the timing of the issue of Occupation Certificates remains an appropriate mechanism for providing assurance that the use of the shed could not be commenced independently of the use of the dwelling.
- To ensure that the development does not proceed otherwise than as being ancillary to a dwelling, the imposition of a condition requiring Occupation Certificate for the shed not to issue until an Occupation Certificate for a dwelling on the same site will be issued is reasonable and appropriate.
- Clause 1.9A of Bathurst Regional Local Environmental Plan 2014 operates to override the covenants on the land which would otherwise prevent the development for the shed proceeding.
- It is unnecessary for Council to take any step to release or modify those covenants, as it is by operation of law (BRLEP cl 1.9A) that the covenants do not apply to the extent necessary to enable the development to proceed.

The advice does however make comments in relation to the proposed conditions of consent foreshadowed in the original report. The comments suggest splitting proposed condition 1 into individual conditions, addition of a condition to the effect that no more than one semi-trailer is housed on the site and addition to the requirement that noise intrusion be specified with windows either open or closed. These comments have been incorporated into the recommendation now presented to Council.

Consideration

The development application has not altered from that considered by Council at its June meeting. A copy of that assessment is provided at **attachment 4** and remains the basis for determining the application.

Conclusion

Council originally deferred consideration of this development application pending receipt of legal advice in relation to the appropriate characterisation of the development (and accordingly its overall permissibility). Council has now received that advice and it confirms that the development is appropriately considered as being ancillary to the dwelling on the land and not a depot, truck depot or transport depot. The advice also confirms that Council has the power to override the covenant imposed by the developers of the land.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

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

7 BATHURST REGION HERITAGE REFERENCE GROUP (20.00134)

Recommendation: That Council:

- (a) note the minutes of the Bathurst Region Heritage Reference Group meeting held on 4 June 2018; and
- (b) adopt the amended charter for the Bathurst Region Heritage Reference Group as outlined in attachment 3 to this report.

Report: The Bathurst Region Heritage Reference Group met on 4 June 2018. The minutes of that Group's meeting are provided at **attachment 1**.

The Group noted the summary of actions that Council and the community have undertaken from July 2017 to date to achieve the objectives of the 2017-2020 Bathurst Region Heritage Plan. This represents the first year's annual report under the Plan.

The key achievements for the first year of the plan include:

- 129 site visits and advice on 53 Development Applications by Council's Heritage Advisor (note this is from May 2017 to May 2018 as reported to NSW Office of Environment and Heritage).
- Four Heritage Reference Group Meetings.
- Completed and launched the Surveyors Walk Trail.
- Completed and launched the Kings Parade Interpretation Project.
- Added nine (9) pillars to the Pillars of Bathurst.
- Participated in the Sustainable Living Expo, included promotional footage from Sticks and Wombat on Council's Heritage Services and maintaining older buildings.
- Brochure outlining Council's Heritage Services developed and released.
- Developed Housing Strategy and Open Space Strategy and ensured heritage matters were given a high priority in their preparation.
- Implemented Development Control Plan provisions for archaeology at Hill End.
- Investigated the history of the Milltown Cemetery.
- Attended Heritage Network seminars in Sydney.
- Participated in the State Government review of Aboriginal Cultural Heritage Legislation.
- Negotiated outcomes for the Railway Museum with the NSW Heritage Office.
- Assisted the National Trust with the Local Heritage Awards.
- Undertook Aboriginal Cultural Investigations at Mount Panorama.
- Completed the CBD Main Street Review.

Council's 2017/18 heritage incentive funds supported:

- 49 projects: Local Heritage Fund;
- 10 projects: CBD Main Street Fund;
- 9 projects: Conservation and Interpretative Fund.

Note that more detailed reports are provided separately on the outcomes of the 2017/18 heritage incentive funds.

Council, at its meeting held 18 April 2018, noted a report in relation to the Charter of the Heritage Reference Group and resolved to request the Group to review their Charter at their next meeting and report back to Council. The existing Group Charter is provided at

attachment 2.

In this regard the Heritage Reference Group recommends to Council that the Group Charter be:

1. Updated to include the Wiradyuri Elders Group.
2. Reformatted so that Council staff representatives are not listed as members of the group but rather as attendees on behalf of Council.
3. That the Friends of the Agricultural Research Station be included as a member of the Heritage Reference Group.
4. That memberships be updated to include:
 - The Tourism Reference Group,
 - All rural village and rural settlement area progress associations.

In respect of (1), both the Bathurst Local Aboriginal Lands Council and the Wiradyuri Elders Group have always been members of the Heritage Reference Group. The consent Charter incorrectly does not list the Elders Group. It is noted that neither group has attended meetings to date.

An amended Charter has been prepared in line with this recommendation. The amended Charter has also been updated to reference the new Heritage Plan and the recently adopted Bathurst 2040 Community Strategic Plan. The amended Charter is provided at **attachment 3**. It is recommended that Council adopt the amended Charter.

The Heritage Reference Group will next meet on 6 August 2018.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.3

Community Engagement

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

8 2017/18 BATHURST REGION LOCAL HERITAGE FUND (16.00151)

Recommendation: That the information be noted.

Report: The Bathurst Region Local Heritage Fund program is in its 20th year of operation. The 2017/18 fund saw a total of 49 projects completed with Council offering a total of \$45,800 to property owners and community groups throughout the region. Grants ranged from \$200 to \$2,000. The 2017/18 funding program is associated with \$398,441.59 worth of works being completed in the region. The Bathurst Region Local Heritage Fund is the largest funding project of its type in NSW. The table below shows the funds growth since its inception in 1998/99.

Overview of the Local Heritage Fund to date

Year	Projects Completed	Council funds awarded	Total value of works
1998/99	8	\$9,000	\$38,278
1999/00	11	\$7,900	\$56,203
2000/01	14	\$8,000	\$92,681
2001/02	24	\$14,012	\$122,014
2002/03	24	\$15,521	\$109,599
2003/04	25	\$20,300	\$139,399
2004/05	40	\$67,030	\$389,195
2005/06	33	\$29,510	\$190,930
2006/07	33	\$34,284	\$293,740
2007/08	44	\$30,175	\$376,965
2008/09	44	\$42,377	\$360,849
2009/10	39	\$39,300	\$273,535
2010/11	47	\$42,750	\$812,598
2011/12	39	\$37,800	\$288,786
2012/13	62	\$62,840	\$752,786
2013/14	50	\$52,700	\$630,375
2014/15	47	\$55,016	\$434,526
2015/16	54	\$48,250	\$410,800
2016/17	51	\$40,000	\$355,015
2017/18	49	\$45,800	\$398,441
Total	738	\$702,565	\$6,526,715

There is an extremely positive response from property owners and community groups throughout the region to the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped restore the Anglican Church Fitzgerald Valley, former Peel School Hall, and grave restorations at the Bathurst Cemetery and the village cemeteries including Long Swamp and Rockley. Other projects included reroofing, repainting and timberwork repairs, replacement of gutters and downpipes, repairs to verandahs, repairs to chimneys, underfloor ventilation and window repairs to a wide range of dwellings throughout the region.

A copy of the final report summary for the 2018/17 Local Heritage Fund can be found at **attachment 1**.

Financial Implications: The Bathurst Region Local Heritage Fund is funded by Council

and the NSW Office of Environment and Heritage.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3

Community Engagement

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

9 2017/18 BATHURST MAIN STREET IMPROVEMENT FUND (16.00152)

Recommendation: That the information be noted.

Report: Council launched the Bathurst Region Main Street Improvement Fund in 2016. The Main Street fund aims to assist property owners and tenants to improve, repair and maintain buildings within the Bathurst CBD.

The 2017/18 fund received 17 applications for works. Ten (10) of these applications were completed, with a total value of \$290,077, refer **attachment 1** for summary. In its first year, 2016/17, 11 projects were completed at a total value of \$162,031. Key projects completed this year included:

- Roof replacement with Bristle Curvado Tiles at 46 George Street - Bob Jane T-Marts
- Painting of façade and removal of signage at 75 Keppel Street – Dean Mobbs Gallery

Council has received support and recognition for this Fund within the community. Many applicants have acknowledged the fund motivated the necessary improvements to their building.

It is noted that Council's total allocation of \$50,000 was not expended in this financial year. Council staff will review the distribution of funding in 2018/19 to determine if a higher rate of take up can be achieved. It is always difficult to achieve completion of all projects offered funding as applicant circumstances can change and often it is difficult to coordinate the works with relevant trades within a 12 month period.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3

Community Engagement

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

10 2017/18 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00087)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Conservation and Interpretation Fund is in its 7th year of operation. The fund was established to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

A total of 9 Projects were completed in 2017/18 with Council offering \$16,215 to individuals and community groups from Bathurst and the rural villages. Grants ranged from \$500 - \$3,000, refer **attachment 1** for summary.

Conservation and Interpretation Fund	Overview of the Conservation and Interpretation fund to date:		
	Year	Projects Completed	Funding Offered
	2011/12	7	\$19,505
	2012/13	8	\$11,755
	2013/14	7	\$17,500
	2014/15	11	\$20,475
	2015/16	9	\$14,063
	2016/17	10	\$16,255
	2017/18	9	\$16,215
	Total	61	\$115,768

This year's funding program has provided financial assistance for the completion of the following projects:

- Installation of signage on Heritage Centre and production update of DVD "Enriching Lives" – St Joseph's Convent, Perthville.
- Permanent exhibition at History Hill incorporating the Holtermann Collection photos and reference maps – History Hill.
- Republication of 1000 copies Hill End Hearsay, 3rd Edition – History Hill.
- Republication of 1000 copies of Hill End Gold, 3rd Edition – History Hill.
- Bathurst Artisans Trades Trail video production.
- Building Bathurst book – Graham Lupp - Research assistance.
- Installation of a sign promoting information and history of White Rock – White Rock Progress Association.
- First Ten Settlers publication.
- Using Ground Penetrating Radar to locate remains at Hill End and Tambaroora Cemeteries and record information - Hill End & Tambaroora Gathering Group.

In total, the projects completed in the 2017/18 fund have an estimated total value of \$80,626 for the region. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity

Strategy 1.1, 1.2, 1.3

Community Engagement

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

11 HERITAGE ADVISOR REPORTS (10.00004)

Recommendation: That Council:

- (a) note the information on the role of the Heritage Advisor; and
- (b) require formal pre lodgement discussions for development in the Bathurst Regional Council Heritage Conservation Areas involving demolition, building height more than single storey over any part of the site, modifications to or in the vicinity of a heritage item and development proposals seeking a variation to a development standard.

Report: Background

Council has requested a report on how heritage advice is reported to Council in relation to development matters. The report also discusses some proposed changes to dealing with development applications in the Heritage Conservation Areas.

Current Practice

Council engages the services of an independent heritage advisor to provide advice to Council on a range of heritage matters including but not limited to the heritage impact of development. The heritage advisory service is funded by Council with the assistance of an annual grant from the NSW Office of Environment and Heritage.

Under the OEH grant provisions the advisor is restricted from undertaking private (non-Council) work within the local government area and thus the advisor is sourced from outside of the Bathurst region. Council's current advisor is based in Mudgee. In addition, the advisor appointed by Council must be included on the NSW Heritage Consultants Directory.

Council's annual budget for the heritage advisory service has been \$32,500 in recent years (which includes the grant from OEH). Next year the budget has been increased slightly as Council's current advisor is retiring and it is anticipated that the service costs will increase.

The current budget allows for the advisor to attend Bathurst once a fortnight. During each visit to Bathurst the advisor, in conjunction with Council's Senior Heritage Planner:

1. Meets with members of the public on site to provide heritage advice in relation to maintenance, conservation and pre-DA matters.
2. Reviews development applications identified by Council's Senior Heritage Planner as warranting advice from Council's heritage advisor.
3. Meets with Council's Manager Strategic Planning to discuss heritage strategy and policy direction and other special project work.

In between each fortnightly visit the heritage advisor remains available to provide additional advice as and when required via email and phone conversations. This usually amounts to about 5 to 7 hours per month.

The fortnightly visit and the additional advice in between visits generally sees the annual budget close to full expenditure each year.

In terms of the heritage advice and reporting that is provided during the visits to Bathurst, the following summarises the current practice.

1. Meetings with members of the public on site to provide heritage advice in relation to

maintenance, conservation and pre-DA matters.

Advice is most commonly provided orally to members of the public at the on-site meetings. Council's Senior Heritage Planner records a brief summary of the advice given at each site visit and that is retained as an internal document should it need to be referenced in the future. Where further information is required by the public (e.g. a colour scheme for a building) this is prepared by the advisor in her office, emailed to Council's planner and then sent by the planner to the member of public.

When there is a need to more formally reiterate advice given on site to a member of the public, a follow up letter is written by Council's Senior Heritage Planner to the member of the public. For more complex matters that letter is reviewed by Council's Heritage Advisor before it is finalised.

In most instances the advice from the Heritage Advisor is oral advice directly to the member of the public.

2. Review of development applications identified by Council's Senior Heritage Planner as warranting advice from Council's Heritage Advisor.

Council's Heritage Advisor and Senior Heritage Planner attend the site of the development proposal and review the submitted plans. Advice is provided orally to the Senior Heritage Planner. The Senior Heritage Planner prepares a memo to the Development Assessment Planner outlining that advice. For more complex applications, such as the demolition of a building, the memo is drafted by the Senior Heritage Planner and referred back to the Heritage Advisor for review. The memo is also referred to the Manager Strategic Planning for review and comment. The memo of advice is then finalised and provided to the Development Assessment Planner.

In certain circumstances, e.g. where the advisor suggests major amendments to a development proposal or a development proposal necessitates a review of a major heritage management document (e.g. a Conservation Management Plan), Council's Heritage Advisor will prepare a written report directly to Council staff and if required a meeting will be held between the applicant, Council staff and the Heritage Advisor.

In most instances the advice from the Heritage Advisor comes to Council in the form of a memo of advice from the Senior Heritage Planner to the Development Assessment Planner, prepared in conjunction with the Heritage Advisor.

3. Meetings with Council's Manager Strategic Planning to discuss heritage strategy and policy development and other special project work that is warranted.

Council's Heritage Advisor, Senior Heritage Planner and Manager Strategic Planning meet once a fortnight to discuss a range of heritage issues and to discuss future heritage policy direction. Council's Senior Heritage Planner records a brief summary of those conversations that is retained as an internal document should it need to be referenced in the future.

Council staff prepare all key strategic and policy documentation and refer draft work to the Heritage Advisor for review and comment where required. Council staff also refer heritage management documents to Council's Heritage Advisor for review (e.g. Conservation Management Plans for a Council asset).

In most instances the advice is by way of conversation between Council staff and the Heritage Advisor or by way of written advice for major report review.

In summary, Council staff are the primary point of contact for routine matters, formal submissions from the Heritage Advisor limited to major projects or matters where disputes require negotiation. Ultimately, it is the responsibility of the assessment officer to prepare recommendations for development matters, relying on the advice of many expert parties of which the Heritage Advisor is one.

The above arrangements have worked well for Council in terms of:

- Being able to obtain advice on the range of matters for which it is sought within the annual budget provided by Council.
- Providing timely advice to Council and members of the public. In most cases the advice is provided on-site and at the time of meeting.
- The ability for Council staff to phone or email the Heritage Advisor at any time to clarify matters.

Formal written advice from the Heritage Advisor on all matters dealt with during a fortnightly visit could not be sustained under the current budget. Into the future, the existing budget will be further stretched if travel costs increase should the new advisor not be able to be sourced from the central west area.

The Heritage Advisor/Senior Heritage Planner's memo is generally not attached to the Council report but rather, as with other sources of advice on the development, the salient matters are dealt with in the body of the report. If Councillors wish, that memo and other advisory documents can be attached to Council reports into the future.

Council reports are drafted so as not to directly quote the Heritage Advisor as this has, in the past, been selectively picked up by the media and has appeared in the media as a direct quote of Council's position attributed to the advisor.

It must always be remembered that the advice of Council's Heritage Advisor is as an independent heritage expert and is advice to Council only. The Heritage Advisors role is not to recommend a decision to Council on a development application. Any development proposal must be assessed on the range of planning matters relevant to it, heritage usually being one of many. The planning report and its recommendation to Council are based on an assessment of all of those planning matters not just the heritage issues.

Proposals for consideration

Council will shortly commence recruitment for its Heritage Advisory Service with the pending retirement of the current Heritage Advisor. Given the increasing scrutiny of the Heritage Advisors role, it is proposed that, depending on applications received, a panel of Advisors may be appointed to better manage the diversity of heritage issues and any conflicts of interest that might arise.

It is also recommended that formal pre lodgement meetings be held with the applicant, Council staff and the Heritage Advisor for those types of development in the Bathurst Region Heritage Conservation Areas that are likely to raise concerns in the community - demolition, two storey construction, modifications to or in the vicinity of a heritage item, and development proposals seeking a variation to a development standard - and that these discussions be considered mandatory and implemented following a public notification period. Such changes can be incorporated into an amendment of Council's Development Control Plan.

In this way, the applicant can better prepare appropriate documentation for the application,

of the required standard to undertake a professional assessment of the application in a timely way. It is expected that this will include a Heritage Impact Assessment prepared by a suitably qualified person. The formality of such discussions, including minutes of the meeting, also gives certainty to the applicant as to Council's expectations, and provides a record of the discussions for Council reports and the public.

Financial Implications: The Bathurst Heritage Advisory service is funded from an existing budget and an annual grant received from the NSW Office of Environment and Heritage.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.5
- Objective 4: Enabling sustainable growth Strategy 4.6

Community Engagement

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

12 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – HOUSEKEEPING AMENDMENT (20.00322)

Recommendation: That Council:

- (a) prepare an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (b) place the draft DCP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

Report: The Bathurst Regional Development Control Plan 2014 has been in force since November 2014. The purpose of the proposed amendment is to provide clarification of Council's requirements for street lighting within subdivisions, Council's requirements in relation to all two-storey housing with respect to overshadowing, the requirements of the NSW Fire Brigade and Council's requirements for certain development proposals in Heritage Conservation Areas..

It is proposed to commence an amendment to the *Bathurst Regional Development Control Plan* which seeks to:

- Amend Section 3.3.1 and Section 11.3.1 in relation to subdivisions requiring LED street lighting.
- Amend Section 4.4.2 in relation to overshadowing from two-storey dwelling houses not associated with a dual occupancy or multi unit development.
- Amend Section 4.10.2 in relation to fire hydrants for certain developments.
- Amend Section 10, Urban Design and Heritage Conservation, to address issues associated with the information lodged with certain development types in Heritage Conservation Areas and formalising a pre-lodgement discussion process.

These changes are required as a matter of priority whilst a more wide-ranging review of the DCP commences.

Public exhibition

It is proposed to place the draft Amendment on public exhibition for a period of 28 days. Following the exhibition period the matter will be brought back to the Council for further consideration.

Conclusion

The proposed amendment to the Bathurst Regional Development Control Plan seeks to provide clarification of Council's requirements for street lighting within subdivisions, Council's requirements in relation to all two-storey housing with respect to overshadowing, the requirements of the NSW Fire Brigade and certain types of development in Heritage Conservation Areas. The amendment will be placed on public exhibition for a period of 28 days before being reported back to Council for further consideration. It is the first of a number of amendments proposed to the DCP as part of a wider major review of that DCP (refer to item 13 of the Director, Environmental, Planning & Building Services report).

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.3, 3.5
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.4

Community Engagement

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

13 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – MAJOR REVIEW (20.00296)

Recommendation: That Council note a major review of the Bathurst Regional Development Control Plan 2014 has commenced as outlined in this report.

Report: The Bathurst Regional Development Control Plan (DCP) 2014 came into effect in November 2014 upon gazettal of the Bathurst Regional Local Environmental Plan (LEP) 2014. The 2014 DCP replaced the earlier 2011 Interim DCP and was largely based on the 2011 DCP, which was prepared by Council following adoption of the Urban and Rural Strategies.

The DCP is provided at **attachment 1**.

Since 2014 Council has undertaken 15 amendments to the DCP on largely minor matters such as various alterations to some of the DCP maps, archaeological provisions, notification of DA requirements, crime prevention referrals to the NSW Police and provisions for dual occupancy developments.

Council staff are now of the opinion that a more extensive review of the DCP is warranted to review a variety of development standards in relation to:

- Recent legislative and State Government policy changes (e.g. Vegetation SEPP);
- The recommendations of Council's strategic planning documents (e.g. Housing Strategy); and
- Changing community values and issues that arise through the development process and other feedback to Council.

Further, the NSW Government is moving to require all Council's to prepare a new DCP in a standardised format, and this proposed review will ensure the Bathurst Regional Council DCP will reflect best practice when that time comes.

The current 2014 DCP is made up of a number of chapters dealing with issues relating to:

- Exhibition and notification of development applications
- Subdivision of land
- Residential development
- Business and Industrial Development
- Rural and rural lifestyle Development
- Rural village development
- Mount Panorama and environs
- Environmental considerations
- Urban Design and Heritage
- Outdoor lighting
- Signage and colour schemes
- Landscaping and greening
- Parking
- Crime Prevention
- Earthworks

The review of the DCP will be undertaken progressively. It is proposed that the review generally be undertaken as follows:

- Review of the current format

- Housekeeping amendment to deal with some urgent issues (see item 12 of the DEPBS report)
- Review on a chapter/topic basis with the first priorities being:
 - Signage and colour schemes
 - Landscaping and greening
 - Urban design and heritage

Each chapter/topic , as it is completed, will be:

- Reported to Council seeking a resolution for public exhibition;
- Exhibited for public comment; and
- Referred to Council for consideration of its adoption.

A final overall review will then be completed to reformat and rename the whole development control plan and bring it into line with the State Government's proposed standard format DCP which is expected to be released to councils in mid-2020.

Financial Implications: The DCP review will be completed within existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.4, 1.5
- Objective 3: Environmental stewardship Strategy 3.1, 3.3, 3.4, 3.5
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.2, 4.4, 4.6
- Objective 5: Community health, safety and well being Strategy 5.2, 5.4, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.4

Community Engagement

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

14 BATHURST REGIONAL LEP 2014– 2018 HOUSEKEEPING AMENDMENT (20.00322)

Recommendation: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

Report: The Bathurst Regional Local Environmental Plan 2014 has been in force since November 2014. It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend certain development types within Schedule 2 – Exempt Development provisions relating to:
 - Garages and carports – to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introducing a maximum total floor area of 60sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings – to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered maximum size of building dependant on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandahs – permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback.
 - Rainwater tanks – to remove tanks as exempt development on flood prone land.
 - Filming – removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 – Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 – Heritage to:
 - Include two additional local heritage items (21 Blacks Mill Lane, O’Connell and a survey tree at Boundary Road Reserve), and
 - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the proposed amendments and then placed on public exhibition in accordance with Council's statutory obligations.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 3: Environmental stewardship Strategy 3.4
- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.5

Community Engagement

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

15 2018 BUSINESS LEADERS LUNCH (20.00071)

Recommendation: That the information be noted.

Report: On the 21 June 2018, Council hosted the fifth annual Business Leaders Lunch at the Bathurst Goldfields. Seventy prominent business professionals attended including senior staff from a number of local businesses, Bathurst Business Chamber, Charles Sturt University, TAFE NSW, the finance sector and the NSW Government.

The annual Business Leaders Lunch provides the opportunity for Council to strengthen and maintain relationships with the local business community and to also provide information on key projects that local businesses can become involved in. This year the keynote presentations focussed on Council's vision to develop Bathurst into a Smart City, which relies on the use of people, data and technology to drive economic activity, accelerate innovation and better manage energy, resources and services.

The 2018 Business Leaders Lunch was a great success. Council has received excellent feedback, with a number of local businesses already using the information they have learnt to promote investment in Bathurst.

Conclusion

The 2018 Business Leaders Lunch was highly successful and allowed Council to connect with seventy local business leaders. The Lunch provided the opportunity for Council to provide insight on Smart City developments, and also reinforces Council's commitment to supporting local businesses and the vital role they play in the Bathurst community.

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

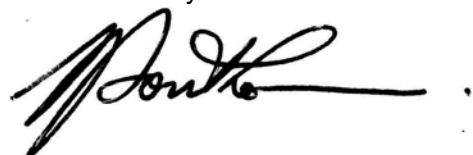
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1, 2.3
- Objective 6: Community leadership and collaboration 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.

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$83,880,000 was invested at 30 June, 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+	\$12,000,000.00	2.56%
Bankwest	A1+	\$7,500,000.00	2.52%
Westpac	A1+	\$3,000,000.00	2.75%
Bank of Queensland Limited	A2	\$10,500,000.00	2.61%
People's Choice Credit Union	A2	\$4,500,000.00	2.64%
IMB	A2	\$1,500,000.00	2.59%
Auswide Bank	A3	\$1,500,000.00	2.70%
Maritime, Mining & Power Credit Union Ltd	ADI	\$4,500,000.00	2.69%
Railways Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.73%</u>
		\$49,500,000.00	2.60%
<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	2.86%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.95%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.04%
WBC Coupon Select	AA-	\$2,000,000.00	2.98%
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	2.79%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.34%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.52%</u>
		\$3,000,000.00	3.46%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.98%
CBA Climate Bond	AA-	\$1,000,000.00	3.03%
Suncorp Metway	A+	\$1,000,000.00	3.31%
Rabobank	A+	\$1,000,000.00	3.50%

AMP	A	\$1,000,000.00	3.16%
AMP	A	\$800,000.00	3.16%
AMP	A	\$1,000,000.00	3.13%
Macquarie Bank	A	\$1,000,000.00	3.10%
Bank of Queensland 1	BBB+	\$2,000,000.00	3.21%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.07%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.99%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.04%
Members Equity 3	BBB	\$750,000.00	3.21%
Police Bank Ltd 2	BBB	\$1,000,000.00	3.02%
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	3.71%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.71%</u>
		\$18,550,000.00	3.24%

Total Investments **\$83,880,000.00** **2.80%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$47,616,372.00
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 **\$83,880,000.00**

Total Interest Revenue to 30 June 2018 **\$2,325,116.62** **2.80%**

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 Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4, 6.6

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 Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4, 6.6

Community Engagement

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

3 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 June 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:	\$4,154.75

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

4 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.

- Greyhound Welfare Integrity Commission - Level 1, 230 Howick Street, Bathurst - Lot 1, DP 774489 - Lease
- WTH Pty Ltd t/as Avis Australia Car Hire - Bathurst Aerodrome, PJ Moodie Drive, Raglan - Part Lot 404, DP1241250 - Licence
- Budget Rent a Car Australia Pty Ltd - Bathurst Aerodrome, PJ Moodie Drive, Raglan - Part Lot 404, DP1241250 - Licence

Linen Plan Release

- AR & DL Cox - Stage 2: 31 Lot Residential & 1 Lot Residual Subdivision - Lot 2, DP795012 & Lot 12, DP1067214 - Duramana Road, Eglinton
- WP & BR Young - Stage 3: 23 Lot Residential Subdivision - Lot 2, DP786472 - Hamilton Street, Eglinton

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

5 REQUESTS FOR FINANCIAL ASSISTANCE (18.00108, 22.01429, 18.00195, 18.00004, 18.00195)

Recommendation: That Council:

- (a) **Royal Bathurst Show- Major Sponsor of Community Stage** - Waive the fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show with the \$1,244 being funded from the Section 356 General Donations allocation; and include consideration of the future years' sponsorship when developing the 2019/2020 budget.
- (b) **Bathurst City Community Club - Discount on General Rates and Water** - Provide 50% of the general rates to an amount of \$3,655 with funding being provided by the Section 356 Donations allocation.
- (c) **Bathurst Arts Council - Annual Youth Arts Awards Concert** - Waive the BMEC venue hire fees for the 2018 Youth Arts Awards Concert up to a cost of \$1,500, with funding being provided by the Section 356 BMEC Community Use allocation.
- (d) **20th Anniversary National Cool Climate Wine Show** - Participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show with the \$1,500 being funded from the Section 356 Donations allocation.
- (e) **Central Tablelands Woodcraft Inc - Street Libraries** - Provide up to \$700 to the Central Tablelands Woodcraft Inc towards the cost of the materials for two street libraries with funding being provided from the Section 356 Donations allocation.

Report: Following the adoption of Council's Delivery Program and Operational Plan, and the donations contained therein, the following balances remain in Council's Section 356 Donations allocations:

BEMC Community Use	\$10,000
Mount Panorama	\$35,000
General Donations	\$8,500

Council has received the following requests for financial assistance which are being presented to Council for consideration.

(a) Royal Bathurst Show- Major Sponsor of Community Stage

A copy of the request from the Bathurst AH & P Association is provided at **Attachment 1**.

The organisers of the Royal Bathurst Show are seeking Council to extend its recently expired sponsorship of the Show for a further four years. The sponsorship package includes:

- (i) Two \$500 cash prizes for the Supreme Exhibit Awards;
- (ii) Naming rights major sponsor of the Community Stage - \$6,000 (previously \$5,000); and
- (iii) Waiving of fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show - \$1,244.

Council's adopted Delivery Program and Operational Plan included a provision of \$7,000 as a donation to the Show for 2018/2019 only. Hence, this request is seeking an additional \$1,244 and a commitment from Council to continue its sponsorship for the following years.

It should be noted that at the time of preparing this report, that the acquittal report on Council's 2017/2018 support for the Show had not been submitted to Council. Accordingly, any support that Council may resolve to provide to the Show will be withheld until the 2017/2018 acquittal information is received.

It is recommended that Council:

- (a) Waive the fees associated with the hanging of the Show banner across William Street for the two weeks leading up to the Show with the \$1,244 being funded from the Section 356 General Donations allocation; and
- (b) Include consideration of the future years' sponsorship when developing the 2019/2020 budget.

(b) Bathurst City Community Club - Discount on General Rates and Water

A copy of the request from the Bathurst City Community Club is provided at **Attachment 2**.

Council has received a request from the Bathurst City Community Club seeking a discount on General Rates and Water for 2018/2019.

In previous years Council has supported the Club by paying their General Rates (\$7,696.73 in 2017/2018).

Council's adopted Revenue Policy already provides a water tariff structure which allows the Club to have reduced water costs, accordingly no further reduction to their water charges is recommended.

It should be noted that the Local Government Act 1993 does not permit Council to provide a "discount" on general rates, under these circumstances. However, Council may elect to pay all, or part, of the general rates as a donation.

The 2018/2019 General Rates for the Club's premises are estimated to be \$7,308.26.

It is recommended that Council:

- (a) Provide 50% of the general rates to an amount of \$3,655 with funding being provided by the Section 356 Donations allocation.

(c) Bathurst Arts Council - Annual Youth Arts Awards Concert

A copy of the request from the Bathurst Arts Council is provided at **Attachment 3**.

The Bathurst Arts Council is again seeking Council to waive the BMEC hire fees associated with their annual Youth Arts Awards Concert, scheduled to be held in November.

The Bathurst Arts Council has submitted an additional request also at **Attachment 3**, seeking Council to provide further funding of \$1,000 "...to cover the \$100 for each of the 10 nominees selected to perform at the Showcase Concert".

Council has previously supported this event providing \$1,200 towards their BMEC hire fees

in 2017. The BMEC hire fees for this year's event are estimated to be \$1,500, excluding bar and refreshment costs. In line with Council's support for this event in previous years, it is the recommendation of this report that only the request for BMEC hire fees be supported, and not the additional request.

It is recommended that Council:

- (a) Waive the BMEC venue hire fees for the 2018 Youth Arts Awards Concert up to a cost of \$1,500, with funding being provided by the Section 356 BMEC Community Use allocation.

(d) 20th Anniversary National Cool Climate Wine Show

A copy of the request from the organisers of the 20th Anniversary National Cool Climate Wine Show is provided at **Attachment 4**.

Council has been requested to participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show, at a cost of \$1,500.

Council has previously supported this event providing a donation of \$1,000 in 2017.

It is recommended that Council:

- (a) Participate as a "silver sponsor" of the 2018 20th Anniversary National Cool Climate Wine Show with the \$1,500 being funded from the Section 356 Donations allocation.

(e) Central Tablelands Woodcraft Inc - Street Libraries

A copy of the request from the Central Tablelands Woodcraft Inc. is provided at **Attachment 5**.

Central Tablelands Woodcraft Inc is seeking Council's assistance in meeting the costs of the materials required to make two street libraries. Central Tablelands Woodcraft Inc is also seeking Council to administer the placement of these street libraries. As previously discussed with Council, these installations are generally better embraced when operated by the community and not the Council. Accordingly, Council will be encouraging Central Tablelands Woodcraft Inc to liaise with the community (and vice versa) concerning the administration of the placement of these installations.

It is recommended that Council:

- (a) Provide up to \$700 to the Central Tablelands Woodcraft Inc towards the cost of the materials for two street libraries with funding being provided from the Section 356 Donations allocation.

Financial Implications: Should Council resolve in accordance with the recommendation of this report, then the following balances will remain in Council's Section 356 Donations allocations:

BMEC Community Use	\$8,500
Mount Panorama	\$35,000
General Donations	\$1,401

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy

Strategy 2.1

Community Engagement

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

6 SISTER CITY DELEGATION TO OHKUMA - 2018 (23.00011)

Recommendation: That Council:

- (a) Send a delegation to Aizuwakamatsu to visit Ohkuma Town during November 2018, subject to further discussion with Ohkuma Town Council;
- (b) Authorise the Mayor and General Manager (or their authorised delegates) to attend as Council's delegates; and
- (c) Authorise the General Manager to appoint a travel agent to commence preparations.

Report: Council is in receipt of an invitation from Toshitsuna Watanabe, the Mayor of Ohkuma Town, seeking a delegation from Bathurst to attend during November 2018, but not between 10 - 18 November.

For many years as part of the ongoing development of the relationship between Ohkuma and Bathurst, it has been customary for a community delegation led by a Council representative to visit Ohkuma every second year. Council last sent a delegation in 2016 which was the second since the earthquake and tsunami, which damaged the nuclear power plant near Ohkuma. The earthquake forced the evacuation of the area within a 20 km radius of the plant. The residents of Ohkuma were relocated to various other townships with the main centre being Aizuwakamatsu (Aizu).

Since the tsunami, Ohkuma has sent a number of delegations with a group of 20 students and two teachers visiting in August 2013. The Mayor Toshitsuna Watanabe led a delegation in May 2015 to help celebrate Bathurst's 200th birthday. There was also a group who visited Bathurst in August 2015 consisting of 8 students and two teachers, and more recently their "Ohkuma Wings of Hope" group last year.

The ongoing visits between Bathurst and Ohkuma reinforce how strong and important the relationship is to both communities.

The financial commitment from Council, should Council agree to a delegation, would be in covering the costs of the "Council delegates". Members of the community who join in the delegation meet all their own travel expenses. The approximate cost to Council for each Council delegate is estimated to be around \$4,500 to \$5,500, and includes:

- Return airfares (Qantas)
- Airport taxes
- Airport transfers between airport and accommodation
- Accommodation in Aizuwakamatsu and Tokyo
- Japan rail pass

Should Council agree to the delegation, media releases will be prepared calling for expressions of interest from people wanting to join the delegation. Further, a travel agent will be appointed to make preparations for the trip and prepare pricing details. Subject to Council's resolution, the exact dates will be discussed and finalised with the Mayor of Ohkuma Town Council.

Financial Implications: Should Council resolve in accordance with the recommendations of this report, the costs of Council's delegates, of \$4,500 to \$5,500 per delegate, is able to

be funded from Council's Sister City allocation.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.2
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3

Community Engagement

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

7 BATHURST BIKE HIRE SCHEME - BOOMERANG BIKES (20.00117)

Recommendation: That Council does not renew the License Agreement with Boomerang Bikes for the Bathurst Bike Hire Scheme.

Report: Council resolved, at its meeting of 20 July 2016 (Director Corporate Services & Finance Report #5):

“That Council enter into a twelve month agreement, including a twelve month option, with Boomerang Bikes for a Bike Hire Service as detailed in the report.”

The Agreement commenced 12 September 2016 with the bike hire stations located at the Bathurst Visitor Information Centre (BVIC) and the Bathurst Aquatic Centre as these locations had neighbouring businesses available to store helmets and locks and access to the bike pathway networks.

A further report was considered by Council at its meeting 16 August 2017 (Director Corporate Services & Finance Report #7) where it was resolved:

“That Council exercise the option and extend the License Agreement with Boomerang Bikes, for the Bathurst Bike Hire Scheme, for a further 12 month period.”

It was noted, in the August 2017 report, that the take-up of this facility had been much lower than anticipated. The table below provides data from the previous and current period.

Summary of Total Hires and Income

	BVIC Sep 16 to Aug 17	BVIC Sep 17 to Apr 18	Aquatic Centre Sep 16 to Aug 17	Aquatic Centre Sep 17 to Apr 18
Total Hires	56	39 (figure to April 2018)	71	75 (figure to April 2018)
Total Income	\$899	\$498 (figure to April 2018)	\$935	\$988 (figure to April 2018)

In exercising the option for extension, direction was given for Council staff to explore further avenues to increase the awareness of the service. The following actions have occurred to date:

- BVIC staff monitor and maintain the area.
- A cash receipt system was introduced in October 2017 improving accessibility of the system for visitors not wishing to use a credit card.
- All BVIC staff actively promote the service to Centre visitors.
- Boomerang Bikes brochure, map and Council Cycling map are prominently displayed.
- Information and promotional brochures were personally delivered to all Bathurst accommodation providers by BVIC staff in October/November 2017.
- Bike Hire and Bathurst cycling were placed as one of the four central calls to action on the VisitBathurst website in October 2017.
- Bike hire has been actively promoted on 2BS/B-Rock to local families as a perfect activity to undertake with visiting friends and relatives in weekly 'What's On' radio segments.
- Bike hire has been regularly promoted on social media (Facebook and Twitter) with a paid campaign in January/February 2018.

Council had resolved to subsidise the cost for this facility at \$1,200 per site per month, with Council retaining 50% of the income generated from each site for the period of the initial 12 month contract and 12 month extension.

Given there has only been minimal increase in the usage and income generated from the facility, following a targeted promotional campaign, it is recommended that Council does not renew the contract with Boomerang Bikes from the end of contract in September 2018.

Financial Implications: Council is currently investing \$28,800 per annum with a projected return of approximately \$2,000 per annum. Should Council resolve in accordance with the recommendation of this report, Council will save approximately \$26,000.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2

Community Engagement

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

8 REQUEST FOR REIMBURSEMENT - SEWER CHOKE COSTS - 18 GLADSTONE STREET, BATHURST (22.01191/004)

Recommendation: That Council reimburse the owners of 18 Gladstone Street, Bathurst an amount of \$1,182.78 in accordance with Council's policy "Sewer Blocks - Review of Payment to Private Person for Sewer Blocks in Council Mains".

Report: Council is in receipt of a request from the owners of 18 Gladstone Street, Bathurst seeking reimbursement of the full costs of their plumbing costs in rectifying a sewer choke which affected their property in February 2018.

Council's policy "Sewer Blocks - Review of Payment to Private Person for Sewer Blocks in Council Mains" provides the ability to reimburse property owners for reasonable costs involved in their engagement of a private plumber to clear a sewerage blockage which is established to be in Council's sewer mains. A copy of the full policy is provided at **Attachment 1.**

In accordance with the Policy, the owners have provided evidence that their plumber's invoice has been paid, which in this instance amounted to \$1,182.78. A copy of the plumber's invoice and email has been provided to Councillors under separate cover.

Council's Engineering staff also responded to the sewer choke incident, and due to the extent of the blockage and work already undertaken by the private plumber, there is some doubt over the exact location of the blockage. Accordingly, for the purposes of assessing this request, it has been assumed that the blockage was in Council's sewer main.

Council's policy provides that, in instances where the blockage is in Council's sewer main then the reimbursement "...will be limited to a payment for up to two man hours work at the current rate listed in Council's Revenue Policy". Council's 2017/2018 Revenue Policy prescribes an hourly rate of \$137, hence a maximum reimbursement of \$274. However, the private plumber has provided Council with a detailed report outlining the blockage and the resultant extensive surcharge that occurred on this parcel, hence explaining the higher than normal invoice for these works. Accordingly, it is recommended that the full plumber's invoice be reimbursed.

Financial Implications: Should Council resolve in accordance with the recommendations of this report, then funding will be provided by Council's Sewer Fund.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.3

Community Engagement

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

**9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.00487, 04.00125, 04.00136, 22.02055)**

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 RURAL LICENCE AGREEMENT AT LOTS 2 & 3 DP1115543, KNOWN AS 57A
CHURCH LANE, KELSO. (22.00487)**

This report relates to the proposed new rural licence agreement for 57A Church Lane, Kelso for a period of 12 months.

2 FINANCIAL STATEMENT - 2018 BATHURST 6 HOUR (04.00125)

This report relates to the financial statements for the 2018 Bathurst 6 Hour event.

3 FINANCIAL STATEMENT - 2017 CHALLENGE BATHURST (04.00136)

This report relates to the financial statements for the 2017 Challenge Bathurst event.

4 PURCHASE OF LOTS 2 AND 3 FREEMANTLE ROAD, EGLINTON (22.02055)

The report relates to the proposed purchase of lots at Freemantle Road, Eglinton.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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

18 JULY 2018

1 PROPOSED CROWN ROAD TRANSFER - BEATH STREET WATTLE FLAT (25.00593)

Recommendation: That Council approve the transfer of the Crown public road identified as Beath Street, Wattle Flat, as detailed in the Director Engineering Services' report.

Report: Council will recall at its ordinary meeting on 9 December 2015 that the ownership of Crown roads within the village of Wattle Flat be considered. Council resolved to: "Approve the transfer of Crown public roads located at the Village of Wattle Flat, as detailed in the Director Engineering Services' report."

Beath Street, shown in the plan at **attachment 1** was among the roads considered for transfer and was rejected on the basis there were less than 3 residences fronting the street.

In April 2018, Council received a letter from the Secretary of the Wattle Flat Progress Association requesting on behalf of local residents that Council reconsider its position in respect to the ownership of Beath Street and that the road surface be maintained to a suitable standard. The letter also indicated the construction of a third residence had taken place since 2015.

An investigation has been undertaken by Council Engineers and it is recommended that Council make application to the Department of Industry - Crown Lands for the transfer of Beath Street to Councils ownership.

Financial Implications: The initial cost to upgrade the road to meet Council's standard is estimated at \$10,000 and will be funded from the Rural Roads Unsealed Maintenance budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3

Community Engagement

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

2 FLYING FOX CAMP MANAGEMENT PLAN FOR MACHATTIE PARK & KINGS PARADE (04.00012)

Recommendation: That Council:

- (a) Place the Flying Fox Camp Management Plan on public exhibition for a period of 28 days;
- (b) Should it be deemed necessary to significantly alter the draft plan, following any comments received during the public submission period, a further report be presented to Council for consideration;
- (c) Subject to any significant amendments deemed necessary from submissions received by the public or the Office of Environment and Heritage, Council adopt the Flying-fox Camp Management Plan;
- (d) That Council allocate funding to develop a flying-fox action plan in preparation of the possible arrival of flying foxes in Machattie Park this coming summer.

Report: A colony of flying-foxes established a camp within the tree canopy of Machattie Park between December 2017 to June 2018. The colony consists of two species of flying-fox, including the Grey-headed flying-fox (*Pteropus poleocephalus*) and Little red flying-fox (*Pteropus scapulatus*). Grey-headed Flying-foxes are listed as a vulnerable species and protected under the NSW *Biodiversity Conservation Act 2016* and the Federal *Environment Protection Biodiversity Conservation Act 1999*.

In early March 2018 Council commissioned Eco Logical Australia, an experienced environmental consultancy company, to prepare a Flying-fox Camp Management Plan for Machattie Park and Kings Parade. The draft Management Plan has been completed and is provided at **attachment 1**.

Field Survey

The Ecologists completed an inspection of the Flying-fox camp within Machattie Park as well as other potential suitable habitat within Bathurst as part of the development of the Camp Management Plan.

Consultation

Community consultation, a regulatory requirement of preparing a Camp Management Plan, was completed to gain an understanding of the history of the camp, flying-fox activity in the region and to understand community values and concerns. Consultation included an online survey on Council's "Your Say" website, a "Drop-in" session within Machattie Park, and letters sent to surrounding neighbours and key stakeholders. A total of 127 survey responses, 17 verbal responses, and 1 written submission was received.

The feedback from the online survey favoured management measures that:

- Do not impact on the trees or appearance of Machattie Park (Very important or important to 78% of respondents)
- Do not move the camp to another unsuitable site (Very important or important to 67% of respondents)
- Do not restrict the use of Machattie Park (Very important or important to 62% of respondents)
- Do not harm the flying foxes (Very important or important to 61% of respondents)

The draft Flying-fox Camp Management Plan was provided to the Office of Environment and

Heritage for comment and feedback. Within their review, OEH acknowledged the difficulties in managing the Machattie Park Flying-fox Camp due to the urban location, small size of Machattie Park, and limited ability to trim or remove trees due to their heritage values. They have advised that if Council chooses to disperse the camp, such actions will be extremely expensive, require repeated actions over an extended period of time, does not guarantee successful outcomes, flying foxes may establish in other or more sensitive locations, and that dispersals are highly contentious and controversial. OEH advised that Council may choose to manage the flying-fox camp in-situ if impacts on the community are acceptable. OEH support the proposed habitat restoration activities in other sites to provide suitable camp habitat in non-contentious areas, particularly along the Macquarie River given that it was used as camps in the past. They advised that the timing of camp establishment in 2010-11 and 2017-18 coincided with the timing of known food shortages.

Proposed Management Actions

The plan includes a number of management measures that were developed for the Machattie Park flying-fox colony. The measures were developed using the NSW Office of the Environment and Heritage template and under guidance of the NSW Flying-Fox Camp Management policy.

Level 1: Community Education (Section 8.1.1 and 9.1 of Management Plan)

Continue and expand the community education program to provide information on why the flying-foxes are in the area, how residents could live with the colony, and their ecological importance.

Level 1: Revegetation to Create Alternative Habitat (Section 8.1.3 and 9.1 of Management Plan)

Revegetate and manage land along the Macquarie River to create alternative flying-fox roosting habitat away from human settlement. Two potential sites along the Macquarie River have been identified as suitable for future camps. One of these is the last location occupied by the flying-fox camp (2011) which is a 500m stretch of willows that have been retained along the Macquarie River. Given that the Macquarie River was used as camps in the past, there is the possibility that habitat restoration activities at these sites would facilitate improving their suitability for future flying-fox camps.

Level 2: Deterrent Actions (Section 8.2.1 and 9.2 of Management Plan)

Install deterrents within the Machattie Park trees to discourage the flying foxes from roosting within the trees when they initially arrive into Bathurst. The aim of the deterrents is to make the trees unattractive as roosting habitat, resulting in them finding more appropriate habitat elsewhere. Deterrents may include visual deterrents (flood lights, plastic hawks, plastic bags), noise emitters on timers to provide loud random and varied noise, smell deterrents, and canopy-mounted water sprinklers within roost trees. Deterrents must be moved frequently to avoid habitation from the flying-foxes. The success of using deterrents is not known and it is possible that the camp may return in subsequent years or relocate to less desirable areas within Bathurst.

Level 3: Dispersal Actions (Section 8.3.2 and 9.3 of Management Plan)

If the deterrents are unsuccessful and flying-foxes begin to establish a camp within Machattie Park then active, early dispersal may be actioned to reduce this possibility or the population increasing to an unsustainable size. Responding earlier to move smaller numbers of flying-foxes will increase the likelihood of successful relocation and reduce the impacts on the individual animals. Measures may include noise, spotlights, smoke and sprinklers used on a randomised schedule. If a camp appears to be establishing in a new undesirable location elsewhere in Bathurst, early active or passive dispersal options are to be carried out in the new location. If the camp has been successfully dispersed to a more appropriate location, maintenance dispersal may be required to prevent the camp

re-establishing within Machattie Park in future years. Active dispersal activities can be extremely costly and are often unsuccessful. There is no guarantee where the Flying-foxes will disperse to or they may relocate to less desirable areas within Bathurst.

The Draft Management Plan states that level 1 works are all but completed with Council already undertaking most of the recommended actions in 2017/18. The next stage of works under the proposed Management Plan would involve the implementation of deterrent actions, and possibly a combination of deterrent and dispersal actions at the same time.

Proposed Action Plan

It is recommended that an Action Plan be developed by ecologists experienced in flying-fox management that details the exact measures, labour requirements and costings to carry out the level 2 and 3 deterrent and dispersal measures for Machattie Park and Kings Parade. The Action Plan may require approval by OEH before these actions are implemented. The action plan will also provide indicative costs that are likely to be incurred by implementing the proposed actions.

Success Rate and Costs of Other Dispersal Attempts

It should be noted that a review of 17 recent camp dispersal attempts throughout Australia has found that dispersal programs are generally **not** successful in reducing the number of flying-foxes and the costs of the dispersal works is excessive. In most instances, dispersed animals did not move far, repeated and ongoing dispersal was generally required and in all cases it was not possible to predict where displacement camps would re-roost. Examples of dispersal attempts of camps of a similar size to Bathurst include:

- An attempt was made to disperse a colony of 500 Grey-headed flying foxes at Singleton, NSW. The dispersal used lights, noise, ultrasonic sound, and water, however was unsuccessful as the flying-foxes returned to their original location. The actions cost \$117,000 with ongoing costs.
- A colony of 3000 Grey-headed flying-foxes were dispersed from the Royal Botanic Gardens, Sydney. The dispersal actions included lights, noise, physical deterrent, odour and water. The dispersal required ongoing daily actions for 12 months, and cost over \$1 million with ongoing costs.

Next steps

In order to proceed with deterrent and dispersal actions in Machattie park, it is considered that the following actions / processes will be required:-

- Place the Flying-fox Camp Management Plan on public exhibition for a period of 28 days,
- Should it be deemed necessary to significantly alter the draft plan following any comments received during the public submission period, a further report will be presented to Council for consideration,
- Council adoption of the Flying-fox Camp Management Plan,
- Endorsement of the Flying Fox Camp Management Plan by OEH,
- Prepare an action plan that will be presented to Council for consideration. The Action Plan will provide a cost estimate for the deterrent and dispersal actions.
- Allocation of appropriate funding to implement the management actions. Council currently has \$50,000 in its 2018/19 Management Plan for flying-fox management actions, however it is anticipated that costs will be significantly higher.
- Seek approval from the Office of Environment and Heritage to implement the management plan, especially actions relating to dispersal. This is a compulsory requirement of the Flying-Fox Camp Management Policy.
- Develop and award a contract to carry out the deterrent and dispersal actions.

Financial Implications: The cost for an ecologist to develop a detailed Action Plan for the flying-fox management actions will be \$9,515. This plan will provide more accurate costings for the proposed management actions contained within the plan.

It is estimated that the cost for the community engagement and revegetation to create alternative habitat (Level 1) would be \$20,000. Council will be seeking grant funding for this work.

The cost for the deterrent and dispersal actions (Level 2 and 3) could be in the vicinity of \$100,000 to \$1,000,000, dependant upon the extent of actions deemed necessary and the duration required of any proposed actions. In addition, there would also be ongoing costs to ensure that the flying-foxes do not return to the Machattie Park trees in future years.

Note that the NSW Government Flying-fox Grants Program is now finalised. Future grant funding will be available for revegetation projects to improve and restore flying-fox habitat. Future grant funding will not be available for deterrent and dispersal actions.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 3: Environmental stewardship Strategy 3.4

Community Engagement

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

3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 36.00631)

Recommendation: That the information be noted.

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

1 TENDER FOR DESIGN & DOCUMENTATION OF SECOND MOTOR RACING CIRCUIT, MOUNT PANORAMA (36.00631)

This report considers the tender for the design and documentation of the second motor racing circuit for Mount Panorama.

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

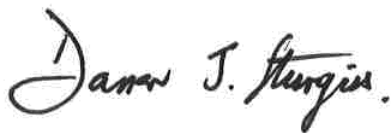
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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

18 JULY 2018

1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 JUNE 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 4 June 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.

The following items were discussed at the Meeting held on Monday 4 June 2018:

- Website Status Update
- Online Booking Engine
- Destination Network Country and Outback new Destination Management Plan
- Artstate 2018 - Bathurst
- Bathurst Visitor Information Centre refurbishment.
- Discussions from Heritage Trades Trail event
- Regional Conferencing

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6
- Objective 5: Community health, safety and well being Strategy 5.2
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

2 BATHURST REGIONAL ART GALLERY - FRENCH ARTIST IN RESIDENCE (FAR) HILL END ARTIST IN RESIDENCE PROGRAM (21.00092)

Recommendation: That the information be noted.

Report: Bathurst Regional Art Gallery and the Embassy of France in Australia have undertaken a highly successful partnership to link the French Artist in Residence (FAR) and the Hill End Artists in Residence programs.

Coordinated by the French Consulate in Sydney and Bathurst Regional Art Gallery staff, the aim of the program is to build longer term relationships between BRAG and French cultural institutions as well as between Australian and French artists.

The inaugural French Artist in Residence – FAR Hill End AIR artist was Fabrice Cazenave who undertook a 6 week residency in Murrays Cottage, Hill End from 9 April – 21 May 2018.

Cazenave creates artworks about landscape in various mediums, from drawing and painting to sculpture, which he develops en plein air. During his time in Hill End, Cazenave produced a series of large-scale drawings and video works which he will exhibit in Paris in 2018. BRAG is working with the artist and French Consulate, Sydney, to realise an exhibition of these works in Bathurst and Sydney in 2019.

It is expected that the FAR Hill End AIR program will continue in 2019. The development of this partnership signals an increased awareness of the Hill End AIR program internationally. In 2018, artists from Germany, the UK and France will participate.

BRAG is committed to fostering and developing cultural development in the region through the Hill End AIR Program, which has hosted over 300 Australian and international artists since its inception 20 years ago. The program is unique in the Australian visual arts landscape, and is one of the oldest and most respected residency programs in the country.

Financial Implications: Funding for this program was shared between Bathurst Regional Art Gallery and the Embassy of France, Australia. A breakdown of costs follows:

French Embassy: One international return airfare to Sydney (economy class)
Stipend of AUD \$1,000

BRAG: Accommodation, six weeks, Murrays Cottage, Hill End (in-kind)
Car rental to the value of AUD \$2,200

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

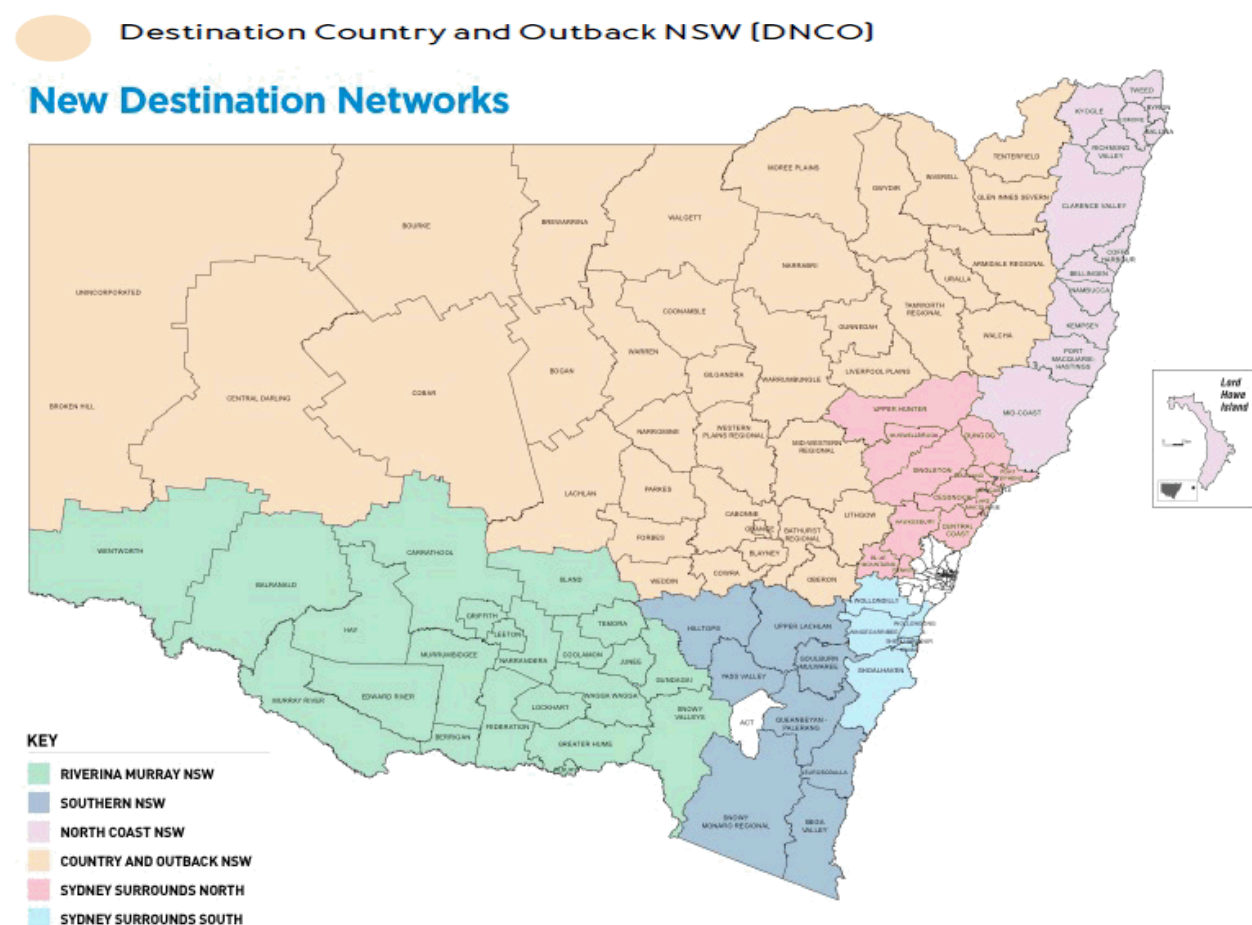
- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

3 DESTINATION COUNTRY AND OUTBACK - 2018 DESTINATION MANAGEMENT PLAN (20.00020)

Recommendation: That the information be noted.

Report: The NSW Government on 6 July 2016 announced that it would invest \$43 million over four years in a major overhaul in the way regional and rural areas attract visitors, including the creation of six new Destination Networks throughout NSW.

Destination Networks (DNs) have replaced the previous Regional Tourism Organisation (RTO) structure. Bathurst was previously a member of Central NSW Tourism RTO. Bathurst is now part of the new Destination Network Country and Outback (DNCO). This network covers 61.2% of the State, includes 38 council areas, and the Unincorporated Far West Region of NSW, as indicated in the image below.



The network’s vision is ‘to provide an inspiring and effective approach to grow the visitor economy of Country and Outback NSW and create meaningful connection between the place, its communities and businesses, with visitors to the region.’

The key roles and responsibilities are:

1. **Building industry capacity and capability** through training, mentoring and supporting centres of excellence as well as through sharing of best practice and providing access to research and industry data;
2. **Engaging and advocating for industry** through effective communication as well as

representing the DNCO region to Government, including on infrastructure and transport;

3. **Facilitating relationships and partnerships** for accessing funding, including the Regional Visitor Economy Fund and other grant programs as well as strengthening connectedness with Destination NSW on industry and marketing activities;
4. **Driving more effective destination management and business planning**, especially to support experience development and marketing.

DNCO Destination Management Plan

Member for Dubbo Troy Grant and Minister for Tourism and Major Events Adam Marshall MP launched Destination Country and Outback's Destination Management Plan on Monday 21 May at the Old Dubbo Gaol. The event was attended by Mayor Hanger OAM and Destination Development Manager.

Minister for Tourism and Major Events Adam Marshall said the Destination Management Plan will act as a blueprint for the region's tourism industry, stating that the tourism industry is huge business for our rural and regional communities, so it's vital that we have a forward thinking plan to ensure continued industry growth.

A copy of the plan can be read by opening the following link on Destination Country and Outback NSW website:

[Destination Networks Country and Outback NSW - Destination Management Plan](#)

Experiences in Development

The DMP recognises that a number of projects that would constitute or contribute to signature experiences have applied for funding through the NSW Government's Regional Growth – Environment and Tourism Fund and notes the following Bathurst based project in this list:

Shortlisted Projects	Applicant	Where	DMP Strategic Themes Link
Zoofari Lodge Redevelopment and Expansion	Taronga WP Zoo / TCSA	Central West NSW	Exploring Our Nature/ Unlimited Horizons
Big River Dreaming – The Water Weaving Way	Gwydir Shire Council	New England North West	Events and Conferences
The Mount Panorama Boardwalk	Bathurst Regional Council	Central West NSW	Events and Conferences
Lighting Ridge Visitor Information Centre, Council Agency, Conference/ Community Centre and Transit Hub	Walgett Shire Council	Outback NSW	Little Places Big Stories
Repurposing of the Saumarez Homestead & Heritage Listed Farm for Enhanced Regional Tourism	Armidale Regional Council/ Nat Trust of Aus	New England North West	Revealing Our Heritage
Central West Equestrian and Blayney Shire		Central West NSW	Little Places Big Stories

Council Livestock Centre			
Infrastructure for Implementing Destination Macquarie Marshes Action Plan	RiverStart Australia Ltd	Central West NSW	Exploring Our Nature
Astronomy/Science Centre, Planetarium and Café	Tamworth Regional Council	New England North West	Unlimited Horizons
Eskbank Wagon Maintenance & Carriage Restoration Facility and Living Museum	COC Limited	Central West NSW	Revealing Our Heritage
Gunnedah Koala Park and Education Centre	Gunnedah Shire Council	New England North West	Exploring Our Nature
Restart Jenolan	Jenolan Caves Reserve Trust	Central West NSW	Exploring Our Nature/ Revealing Our Heritage
Kokoda Trail Walkway	Liverpool Plains Shire Council	New England North West	Exploring Our Nature/ Revealing Our Heritage

Opportunities for Bathurst

The plan has some very clear opportunities for Bathurst to leverage and these include a regional Fossil Trail, and participation in a local data collection project.

The DMP highlights opportunities to enhance the seasonal offer as well as reinforcing the importance of the nature and heritage-based tourism offering and supporting regional conferences and business events. Six potential game-changing initiatives which would strengthen the appeal of Country and Outback NSW have been identified and include:

- Aboriginal cultural tourism experiences;
- Experientially-led touring routes and trails;
- **An Unearth the Fossils initiative;**
- A Night Skies experience development initiative;
- Export-ready wine packages and experiences; and
- A Flying Tours and Private Charters initiative.

Products and experiences with the greatest potential for implementation, collaboration and funding are those with villages and towns showcasing heritage and rural lifestyle, mining history, fossils and geoheritage. This includes opportunities for opal mining and gold fossicking as well as key centres such as the Australian Opal Centre, Age of Fishes Museum and the Australian Fossil and Mineral Museum.

The Australian Museum, through its association and involvement with The Somerville Collection have been identified as partners in a potential fossil trail and meetings with Destination NSW have been held to discuss the project and its potential. A framework for a 12 month implementation of such a trail was presented to the Somerville Board of Directors meeting at the June meeting held in Bathurst.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

- Objective 5: Community health, safety and well being Strategy 5.2
- Objective 6: Community leadership and collaboration 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.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 4 JULY 2018 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 4 July 2018 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 4 July 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 4 JULY 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the late arrival of Cr Christian be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2018 (07.00064)
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 June 2018 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

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

Director Corporate Services & Finance's Report

5 Item 1 POLICY UPDATE - FINANCE - INVESTMENT OF SURPLUS FUNDS
(16.00001, 41.00089)
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That Council

- (i) place the draft Finance - Investment of Surplus Funds Policy on public exhibition for a period of not less than 28 days and invite the public to make submissions; and

- (ii) if no submissions are received, adopt the amendments to the Finance - Investment of Surplus Funds Policy and update the Policy Manual.

6 **Item 2 POLICY - FINANCE - BORROWING (16.00001, 41.00089)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That Council

- (i) place the draft Finance - Borrowing policy on public exhibition for a period of not less than 28 days and invite the public to make submissions; and
- (ii) if no submissions are received, adopt the Finance - Borrowing Policy and update the Policy Manual.

GENERAL BUSINESS

7 **HERITAGE REFERENCE GROUP (20.00123)**

Cr Rudge - the group are looking at issuing awards to businesses who comply with Council signage.

8 **Item 2 HISTORY/HERITAGE GATHERING - SATURDAY 28 JULY 2018 (20.00123)**

Cr Rudge - the group will hold an initial meeting in Council Chambers. This is like minded groups meeting to discuss Heritage and History matters.

9 **Item 3 STREET LIGHTING (28.00014)**

Cr Rudge - spoke to concerns with lighting and noted work occurring with LED lighting.

10 **Item 4 STREET CLEANING, KEPPEL STREET (25.00039)**

Cr Rudge - previously raised this matter and queried whether cleaning has recommenced.

The Director Engineering Services advised the cleaning regime has recommenced and noise problems appear to be resolved.

11 **Item 5 NEW DEVELOPMENTS IN HERITAGE CONSERVATION AREA (20.00143)**

Cr Rudge - noted concerns with development, need to balance preserving heritage and promoting Bathurst. Noted; DCP's, heritage advisor needs, pre-lodgement meetings, etc.

12 **Item 6 CARILLON (04.00021)**

Cr Rudge - congratulated the Carillon Group on the grant received from the State Government of \$300,000.

13 **Item 7 SOLAR ROADWAY (13.00065)**

Cr Jennings - asked Council to check out this technology and keep an eye on it. Perhaps use at Mount Panorama.

14 **Item 8 TOURISM (07.00116)**

Cr Jennings - with the issues between China and USA may open up opportunities for Bathurst, eg Education. The Orange Region Tourism Group are interacting with China, could we contact Orange and see if Bathurst can be involved.

15 **Item 9 HERITAGE LISTED CITY (20.00142)**

Cr Jennings - have previously raised this matter, could advice be provided where this is at?

16 **Item 10 KEY DECISIONS OF COUNCIL (11.00005)**

Cr Jennings - would like to see a summary of key decisions being made on a user friendly platform for the community.

17 **Item 11 BURNT OUT VEHICLES (30.00005)**

Cr Aubin - who is responsible for the removal of burn out vehicles.

The Director Environmental, Planning & Building Services advised that after following due process, then Council would be the removal authority.

This is page 3 of Minutes of the Policy Committee held on 4 July 2018

18 **Item 12 CARILLON (04.00021)**

Cr Morse - State Government has provided \$300,000 to the Carillon project. Acknowledged contribution of Director Corporate Services & Finance into this process, also Planning and Engineering Departments.

19 **Item 13 BRC WEBSITE (08.00008)**

Cr Morse - are there any plans to upgrade the website?

The Director Corporate Services & Finance advised no funding currently available.

20 **Item 14 FOOTPATH - BROWNING STREET - REAL ESTATE SIGNS (23.00045)**

Cr Fry - sent through a picture to Council which showed how the footpath is blocked, includes a toilet and other objects. Can we get the signs removed?

The Director Environmental, Planning & Building Services spoke to powers in place to address these issues, will review this matter.

21 **Item 15 GEORGE PARK - AFL (04.00042)**

Cr Fry - people are driving over the grass and getting close to the ovals, it is degrading the area. Is there a plan to put up barricades?

The Director Engineering Services will review this matter.

22 **Item 16 SOLAR PANELS (13.00065)**

Cr Fry - support proposal to get more solar panels in. Particularly at Mount Panorama. Referred to Photon Energy proposal and possible power purchase arrangement.

The Director Corporate Services & Finance noted bulk energy purchased through CENTROC tender agreements. Photon can engage in this purchasing process.

23 **Item 17 TROLLEY BAYS (28.00006)**

Cr Christian - can Council build these?

The Director Engineering Services advised if funding is available, then yes.

24 **Item 18 CODE OF MEETING PRACTICE (11.00005)**

Cr North - can we hold a Working Party to discuss public access periods on the first and third Wednesdays, to include timing and what can be raised.

25 **Item 19 HILL STREET, ROCKLEY (25.00315)**

Cr North - just past the school can we look at making a turning circle and possibly widen the street.

26 **Item 20 LOW LEVEL BRIDGE (25.00007)**

Cr North - is it possible to look at a barrier on both sides of the walkway?

The Director Engineering Services advised the matter will be reviewed.

MEETING CLOSE

27 **MEETING CLOSE**

The Meeting closed at 6.25 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 JULY 2018 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 3 July 2018 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 3 July 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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 3 JULY 2018

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Ms Jackie Barry (Roads and Maritime Services), Mr David Veness (MP Representative) and Senior Constable Daniel Cooper (Police)

Present: Mr Bernard Drum (Manager Technical Services), Mr Paul Kendrick (Traffic & Design Engineer)

Observer: Mr Sul Ghani (Roads and Maritime Services)

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 JUNE 2018 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 June 2018 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

There was no declaration of interest.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 JUNE 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)

This is page 1 of Minutes of the Traffic Committee held on 3 July 2018

That the information be noted.

7 **Item 3 NO STOPPING SIGN - SKILLSET EXIT ONTO HAVANNAH STREET BATHURST (25.00027-04/068)**

That Council approve installation of “No Stopping” (R5-400) (L) and “No Stopping” (R5-400) (R) signs at the Havannah Street entrance to Skillset Bathurst Campus.

8 **Item 4 INSTALLATION OF DISABLED PARKING - 213 GEORGE STREET BATHURST (25.00039-05/154)**

That Council approve the installation of a disabled parking space outside 213 George Street, subject to the conditions as noted in the Director Engineering Services' report.

9 **Item 5 INSTALLATION OF NO PARKING SIGNS - CENTRELINK OFFICE RUSSELL STREET (28.00007-04)**

That Council approve the installation of “No Parking” signs on Russell Street across both the Centrelink and Country Fruit delivery dock driveways.

10 **Item 6 2018 SPYDERFEST MOTORCYCLE SHOW AND SHINE (23.00015-08/058)**

That the 2018 Spyder Motorcycle “Show and Shine” proposed for Sunday 9 September 2018, be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

11 **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

MEETING CLOSE

12 **MEETING CLOSE**

The Meeting closed at 2.18 pm.

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 JULY 2018

1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 3 JULY 2018 **(11.00020)**

Recommendation: That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council for 2018/2019, including Gabrielle Boshier as Youth Mayor and Lydia Nichols as Youth Deputy Mayor.

Report: The 2018/2019 Youth Council consists of 14 young people aged 15 – 18 years of age. The Youth Council held their Training Day and first Youth Council Meeting on Tuesday 3 July 2018. Election of Youth Mayor and Youth Deputy Mayor was carried out with the following result:

- Gabrielle Boshier (The Scots School) – Youth Mayor
- Lydia Nichols (Denison College - Bathurst High Campus) – Youth Deputy Mayor

The Youth Council also considered a number of items at their meeting, including the following:

- Election of two Secretaries – Jack Lynch (St Stanislaus' College) and Faith Shean (MacKillop College).
- YJAM Winter “Groove & Grill” – to be held Sunday 15 July 2018, as part of the Bathurst Winter Festival.
- Possible projects to be carried out over the next 12 months.
- “How to Adult” workshops – to be held at TAFE on 2 November and 9 November 2018.

The minutes from the meeting are provided at **attachment 1**.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

Community Engagement

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

3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 JUNE 2018 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Bourke (Chair), Christian, Fry, Jennings, North, Rudge, Aubin (6.05 pm)

Apologies: Councillors Hanger, Morse

1. CORRECTIVE SERVICES NSW - BATHURST CORRECTIONAL CENTRE PROPOSED EXPANSION (22.04446)

Representatives from Corrective Services NSW met with Council to present a proposal to expand the Bathurst Correctional Centre.

Mr Greg Lake, Executive Director, Corrective Services NSW Infrastructure gave the presentation.

Discussion included:

- Bathurst Gaol is quite old and presents challenges in meeting service requirements/demands.
- Proposed works designed to meet the demands of future generations.
- Includes additional 220 beds - maximum security. Total will become 880 beds.
- expansion over 'oval' area.
- setting up 'best practice' programs to minimise re-offence occurrences.
- Aiming to commence construction before the end of year, operational by mid 2020,
- Community consultation forum established. Community door knocking will be undertaken.

2. TAFE MOTOR SPORT REPAIR TEAM (18.00093)

Representatives from the TAFE Motor Sport Repair Team met with Council regarding the Tony Warrener Centre (Shed 1) at Mount Panorama.

Mr John Ewing addressed Council.

Discussion included:

- The TAFE Smash Repair team have been operating from the Tony Warrener Centre for over 30 years.
- Currently running short courses with the view to establishing larger team.
- Development of Second Circuit will see growth in student registrations.

- Engagement with race teams with students placed in team crews.
- Provides students from NSW and Interstate with a pathway into the Motor Sport industry.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.5
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration 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.