

10 July 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
17 July 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 17 July 2019 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, 17 JULY 2019**

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

**2. PUBLIC FORUM**

**3. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

4.01 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.

4.02 I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people and recognise the strength, resilience and capacity of Aboriginal people in this land.

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JUNE 2019)

**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 Part 4 and Part 5 of the Council Code of Conduct, in relation to Declaration of Interest at meetings.

**7. MAYORAL MINUTE**

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

\* GENERAL MANAGER'S REPORT

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

\* DIRECTOR ENGINEERING SERVICES' REPORT

\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 3 JULY

\* MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2019

**10. NOTICE OF MOTION - CR BOURKE - POPULARLY ELECTED MAYOR**

\* I hereby submit the following Notice of Motion:

That Council conduct a referendum at the 2020 election asking the community if

they approve of the direct election of the Mayor by the voters of Bathurst Regional Council for a four year term.

**11. RESCISSION MOTIONS**

**12. COUNCILLORS/ DELEGATES REPORTS**

- \* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 MAY 2019
- \* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 11 JUNE 2019
- \* MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 27 JUNE 2019

**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	SALE OF LAND AT PART LOT 2 DP 1238142 KNOWN AS KELSO INDUSTRIAL LAND RESIDUE AT NEWCASTLE PLACE, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would

		prejudice council's position in negotiating commercial and or financial arrangements.
2	PROPOSED NEW 'RIGHT OF CARRIAGEWAY' OVER LOT 15 DP730872 AND LOT 18 DP1011780 TO ACCESS ALBEN'S RESERVE, MOUNT PANORAMA (22.04818, 22.04305)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF RESIDENTIAL LEASE AT LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR MOUNT PANORAMA PRE-EVENT CLEAN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	NETWASTE TENDER FOR COLLECTION AND PROCESSING OF USED MATTRESSES	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 - 19 JUNE 2019) (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 June 2019 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 June 2019, 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 19 JUNE 2019**

**MEETING COMMENCES**

**1        MEETING COMMENCES 6:15 PM**

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

**PUBLIC FORUM**

**2        PUBLIC FORUM**

**P. Barker** – Convenor town Square Group spoke to purpose of the group. The Town Square is gazetted as an historical area. Spoke to the CSU proposal in the budget and also the history of consultation that has occurred. Noted the need for a master plan for the Square and future needs.  
The group conditionally supports CSU proposal subject to a number of issues.

**W. Feebrey** – National Trust Department Chair Spoke to CSU proposal master plan. Need to ensure open/ transparent processes in place. There have been clear principles identified in the 'wish upon a square' process. Need to ensure no inappropriate development. Town Square Group, National Trust and others need to be involved in any heritage activation. The TAFE/ Town Square offer a once in a century opportunity.

**S. Pearson** - Ratepayer/Town Square Group Member Spoke to tourism strategy of Council which has worked well and generated economic benefits. There is now an emerging cultural / heritage tourism market. This provides great opportunities, noted tourism Australia figures, the market growing at over 8%, spend levels and time spent is higher than other forms of tourism.  
Noted the cultural/ heritage items that exist in the area. Need to work on a united/ unifying narrative. Need to rejuvenate town square in favour of joint efforts with CSU.

**EXTENSION OF TIME**

**MOVED** Cr North and **SECONDED** Cr Bourke

**RESOLVED** Than an extension of time be granted for S. Pearson

**J. Page**– War Memorial Carillon Spoke to Kings Parade area, the gardeners are a credit to Council, however funds need to be made available for restoration of the Carillon. There is a CMP for the building, noted recommendations for maintenance of the building. Further work was done by Christo Aitken, which provided details on works needed. The works need to be addressed in the near future. The Carillon has the potential to contribute to cultural/ heritage tourism. Asked Council to prepare a report on funds spent on the Carillon since 2002.

**Napoleon Reef** Thanks Council for the works recently undertaken on the gateway and ecological works.

**S. Bathgate - Bathurst Heritage Action Network** Spoke to the town square, it is an eyesore and a jumble. Needs pedestrian/ people friendly/ social/ cultural hub. Encourages the areas reinvention. Then spoke to the BHAN submission to the budget. Need discussion on funding to commence in August this year. Referred to council's cultural plan and need to utilise the TAFE building. There is interest in the town square, noted a tourism app is about to be released for the area. The town square group needs to be involved in setting the brief.

**S. Bedwell - CSU** the Uni continues to look at opportunities to service the community. The Uni has over \$170 million of economic impact for the region. Spoke to matters confronting the Uni into the future, and the future of the campus. The concept into the future looks at possible presence in the CBD. This will leverage off heritage/cultural/ innovation/economic factors in the area. It will help economic and cultural plans, aware of the importance of the town square and wished to push forward the master plan.

**G. Crisp - Ratepayer and Water Customer** Spoke to request to Council for it to take him to court. Has the ombudsman acting for him, spoke to issuing of final demands for water. Then spoke to strata act legislation, payment of fees and processes to be followed. Stated he is not liable for water charges, referred to various sections of legislation and non-compliance with the law by Council.

**A. Fletcher - Bathurst Remembers WWII Project** Spoke to the proposal in the business paper, the connection Bathurst has with the military and military service. Noted prior projects in recent years where has worked with the RSL and Council. Proposing a 4 day event in August 2020 to acknowledge end of WWII and referred to the displays to be put up. Asks Council to support to a level of \$7,000.

**C. O'Rourke- Duramana Development** Spoke to recent meeting on the proposal and feedback received. Then noted consultation undertaken and processes in place. The people at the meeting don't want small blocks. Council should write to all residents and inform them of all possibilities and impacts on Eglinton Rd, medium density issues, price of land sales, low/medium housing needs. Suggested that Council convene a citizens jury and then spoke to id profile system data and what it provides. Then noted ABS data. Council should consider whether it needs these developments.

**K. McNab - Ratepayer Mitre/Sutor/ Lambert Roundabout** Spoke to need for works and when will tender report be presented to Council. Want to see works started, knows delays etc will occur. Spoke to accident history of intersection and impact on people.

**Director Engineering Services** Evaluation of tenders occurring, hopefully report to July meeting.

**D. McNab - Ratepayer Code of Meeting Practice** Notes not all submissions have been acknowledged in the report, particularly those through Your Say. Commented on process for collating submissions and provisions to Councillors. Notes Council has taken on board the comments submitted concerning public forum operations. Noted Councillors have been provided by DCSF with a list of names of those who put in submissions.



**Maxine Wake - Duramana Development** Residents are opposed to small lots. She is a new resident to the area and wants green space, pathways, better roads. Asks for another meeting with residents to occur.

### **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 - 15 MAY 2019 (11.00005)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 May 2019 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 JUNE 2019 (11.00005)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 June 2019 be adopted.

### **DECLARATION OF INTEREST**

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

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

**Mayor, Cr Hanger** Item # 6 of the Director Engineering Service Confidential Report.

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

**General Manager's Report**

- 7** **Item 1 POPULARLY ELECTED MAYOR (12.00005)**  
**MOVED** Cr B Bourke and **SECONDDED** Cr J Jennings

**RESOLVED:** That the proposition for altering the method of electing the Mayor be further explored, with a report to come back to Council on the proposed wording of the referendum question.

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

- 8** **Item 1.01 POPULARLY ELECTED MAYOR (12.00005)**  
**MOVED** Cr I North and **SECONDDED** Cr J Jennings

**RESOLVED:** That an extension of time be granted to Cr Morse for Minute # 1.

- 9** **Item 1.01 POPULARLY ELECTED MAYOR (12.00005)**  
**MOVED** Cr J Jennings and **SECONDDED** Cr I North

**RESOLVED:** That an extension of time be granted to Cr Bourke for Minute # 1

- 10** **Item 1.02 POPULARLY ELECTED MAYOR (12.00005)**  
**MOVED** Cr W Aubin and **SECONDDED** Cr I North

**RESOLVED:** That an extension of time be granted to Cr Jennings for Minute # 1

**Director Environmental Planning & Building Services' Report**

- 11** **Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr I North and **SECONDDED** Cr A Christian

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

- 12** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr W Aubin and **SECONDDED** Cr I North

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

- 13** **Item 3 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**  
**MOVED** Cr M Morse and **SECONDDED** Cr J Jennings

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

- 14** **Item 4 DURAMANA ROAD MASTER PLAN (20.00327)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** The Council place the Duramana Road Master Plan on public exhibition for 28 days to provide feedback to be considered in the development of a subsequent Planning Proposal.

- 15** **Item 5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT – VEGETATION MANAGEMENT AND BIODIVERSITY (20.00334)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) adopt the DCP amendment - Vegetation Management and Biodiversity;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (c) call a division.

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

- 16** **Item 6 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON PIGEON ACTIVITIES (14.00627)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council note the report.

- 17** **Item 7 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2018 PROGRAM (13.00081)**  
**MOVED** Cr M Morse and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) notes the results of the 2018 Bathurst Backyard Bird Count and supports ongoing participation in the Aussie Backyard Bird count;
- (b) approves making the Backyards for Wildlife booklet available for free for Bathurst Region residents; and
- (c) conduct a review of the suitability of native tree species to be used for future street and suburban park plantings.

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

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

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

- 19** **Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

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

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

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

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

- 22** **Item 5 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council consider the submissions individually.

- 23** **Item 5.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**(a) Raglan Sporting and Social Committee**

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

- 24** **Item 5.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**(b) Mr Peter Innes**

**RESOLVED:** That Council not amend the DP/OP with respect to the submission from Mr Innes.

**25** **Item 5.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**(c) Kelso Community Hub Rental Costs**

**RESOLVED:** That Council not amend the DP/OP or Revenue policy 2019/2020 in respect of this submission.

**26** **Item 5.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Fry

**(d) Centennial Park Upgrade**

**RESOLVED:** That Council note the submission.

**27** **Item 5.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**(e) Charles Sturt University (CSU) Financial Contributions**

**RESOLVED:** That Council not amend the DP/OP in respect of the submission, but provide in principle support, subject to a further report coming back to Council addressing the scope of the project and Council's financial commitment.

**28** **Item 5.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**(f) Bathurst Heritage Network**

**RESOLVED:** That Council not amend the DP/OP with respect to the submission.

**29** **Item 5.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**(g) Revenue Policy Amendments**

**RESOLVED:** That Council amend the Revenue Policy.

**30** **Item 5.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

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

**RESOLVED:** That Council not amend the DP/OP in respect to the two submissions from Mr Carter, received 28 May 2019 and the other received 4 June 2019.

**31** **Item 5.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**(i) Water Fund alleged mis-use of funds**

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

**32** **Item 6 DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2019-2023 and Operational Plan 2019/2020 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 2019/2020 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.
- (d) Proposed borrowing of funds as detailed in the Plan be approved.

**33** **Item 7 2019/2020 REVENUE POLICY (16.00155)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That, following consideration of the submissions received by Council, the Revenue Policy for 2019/2020, as presented to Council, be adopted as the Bathurst Regional Council 2019/2020 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

**Item 8 2019/2020 RATE LEVY - MAKING THE RATES (16.00155)****MOVED** Cr I Northand **SECONDED** Cr W Aubin

**RESOLVED:** (a) ORDINARY RATES FOR 2019/2020 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Program 2019-2023 and Annual Operating Plan 2019/2020 for the twelve months to 30 June 2020 was adopted by the Council on 19 June 2019 it is hereby recommended that:

1. a **Residential Rate** of zero point two nine seven three two nine (0.297329) 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 six seven nine three six (0.967936) 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 six four one seven (0.226417) 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 six seven five zero four (0.467504) 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 nine seven seven six eight (1.897768) 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 six four two eight six two (1.642862) 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 six four two eight six two (1.642862) 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 six four two eight six two (1.642862) 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 six four two eight six two (1.642862) 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 six four two eight six two (1.642862) 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 six four two eight six two (1.642862) 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 six one two seven nine (0.361279) 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 2019/2020 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
1	<b>Residential</b>		\$269.00	32
2	<b>Residential/Town Village</b>	\$383.00		
3	<b>Farmland</b>		\$364.00	24
4	<b>Business</b>	\$267.00		
5	<b>Business Bathurst City</b>	\$410.00		
6	<b>Business Forest Grove</b>	\$410.00		
7	<b>Business Ceramic Avenue</b>	\$410.00		
8	<b>Business Eglinton Non-Urban</b>	\$410.00		
9	<b>Business Orton Park</b>	\$410.00		
10	<b>Business Stewarts Mount</b>	\$410.00		
11	<b>Business Evans Plains</b>	\$410.00		
12	<b>Mining</b>		\$235.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2019/2020 - 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 2019 being four hundred and thirteen dollars and zero cents (\$413.00) 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 2019 being three hundred and six dollars and zero cents (\$306.00), 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 2019 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 thirteen dollars and zero cents (\$213.00) per mobile bin and for each additional food and green waste collection service of one hundred and seven dollars and zero cents (\$107.00) and for each additional fortnightly recycling collection service of ninety three dollars and zero cents (\$93.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2019/2020 (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 thirteen dollars (\$213.00) per mobile bin and the weekly removal of food and green waste being one hundred and seven dollars (\$107.00) and the fortnightly collection of material for recycling being ninety three dollars (\$93.00) per mobile bin for the twelve months commencing 1 July 2019 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2019/2020** 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 2019 being eighty nine dollars (\$89.00) 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 2019/2020** – 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 2019.
  - 1. That the annual charge for single residential (including residential strata) and un-metered properties, be six hundred and fourteen dollars and zero cents (\$614.00).
  - 2. That the annual charge for vacant land be three hundred and ninety dollars and zero cents (\$390.00).
  - 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 2019/2020
20	\$554.00
25	\$860.00

32	\$1410.00
40	\$2205.00
50	\$3444.00
65	\$5539.00
80	\$8809.00
100	\$13764.00
150	\$30963.00
Strata Properties (Each non-residential lot)	\$554.00
Assumption School	\$1726.00

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and eighty-five cents (\$1.85) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2019/2020

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 2019.

- That the Annual Trade Waste Fee for individual businesses be one hundred and twenty-five dollars and zero cents (\$125.00).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be eight hundred and thirty-four dollars and ten cents (\$834.10).
- That the Trade Usage Charge for non-residential properties be three dollars and ten cents (\$3.10) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2019/2020 – 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 2019.

- 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 2019/2020 \$
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

- 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 eighty-three dollars and zero cents (\$783.00).

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 2019/2020
Hillview Estate Water Supply	First 250 kl	\$2.32
	> 250 kl	\$4.58
Residential Filtered	First 250 kl	\$2.22
	> 250 kl	\$3.33
Residential Raw	First 250 kl	\$0.97
	> 250 kl	\$1.46
Other Filtered	First 250 kl	\$2.22
	> 250 kl	\$3.33
Other Raw	First 250 kl	\$0.97
	> 250 kl	\$1.46
Large Industrial Filtered	>0 kl	\$1.76
Large Industrial Raw	>0 kl	\$1.11
Community Clubs:	First 18,000 kl	\$0.85
Golf, Majellan & Bathurst Community Club	>18,000kl to 45,000kl	\$1.12
	Balance	\$1.76
Strata Unit property	First 250 kl (for each unit)	\$2.22
	>250 kl (for each unit)	\$3.33
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$2.22
	>250 kl	\$3.33
Hospital	1 <sup>st</sup> x patient average	Free
	Balance per KL	\$3.33

(i) Included in this year's Bathurst Delivery Program 2019/2023 and Annual Operating Plan 2019/2020 in the Water Fund are amounts for Operational expenditure at the Manning Aquatic Centre Bathurst. 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 2019/2020 – 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 2019 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 2.7%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

**35** **Item 9 CODE OF MEETING PRACTICE (07.00064, 07.00065)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council adopt the Code of Meeting Practice.

**36** **Item 10 EMERGENCY SERVICES LEVY - 2019/2020 (18.00233)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

**RESOLVED:** That Council make representations to the appropriate NSW Government Ministers objecting to the increase proposed for 2019/2020, and seek the annual contributions be aligned to the annual rate peg amount as determined by IPART.

**37** **Item 11 REQUEST FOR FINANCIAL ASSISTANCE - "BATHURST REMEMBERS WORLD WAR 2 EXHIBITION 2020" (18.00004)**  
**MOVED** Cr B Bourke and **SECONDED** Cr A Christian

**RESOLVED:** That Council include the waiver of BMEC hire charges for the "Bathurst Remembers World War 2 Exhibition 2020" up to a maximum of \$7,000 in the Section 356 BMEC Donations in the 2020/2021 budget

**38** **Item 12 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.07024, 22.06279)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

#### **Director Engineering Services' Report**

**39** **Item 1 TRANSFER OF CROWN ROAD - LEENA STREET BETWEEN PANORAMA AVENUE AND HAVANNAH STREET BATHURST (25.00012)**  
**MOVED** Cr M Morse and **SECONDED** Cr I North

**RESOLVED:** That Council approve the transfer of the Crown Road identified as Leena Street, Bathurst, from the Crown to Council, as detailed in the Director Engineering Services' report.

- 40** **Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00709, 36.00712, 36.00708, 36.00707, 36.00711, 36.00706, 36.00699 & 36.00710)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

### **Director Cultural & Community Services' Report**

- 41** **Item 1 ALCOHOL-FREE ZONES IN THE BATHURST CBD 2019 - 2023 (20.00126)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) commence the process, as outlined in the report, for the re-establishment of alcohol-free zones in the Bathurst CBD for a period of four years commencing 1 November 2019 and concluding 31 October 2023.
- (b) notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park.
- (d) Prepare a further report to Council at the conclusion of the notification period, including submissions received or, if no submissions are received, undertake the establishment of Alcohol Free Zones 2019–2023.

- 42** **Item 2 BATHURST COMMUNITY SAFETY PLAN 2019 - 2023 (20.00179)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) Adopt Bathurst Regional Community Safety Plan 2019 - 2023.
- (b) Forward Bathurst Regional Community Safety Plan 2019 - 2023, Safer Community Compact application to the NSW Government Department of Justice, under Part 4 of the Children (Protection and Parental Responsibility) Act 1997.
- (c) Write to the Committee and thank them for their participation and ongoing commitment.

- 43** **Item 3 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2019 BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE & LOCAL (3-5 MAY 2019) (21.00060)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings

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

**44** **Item 4 DEDUCTIBLE GIFT RECIPIENT (DGR) STATUS - CHIFLEY HOME AND EDUCATION CENTRE, BATHURST RAIL MUSEUM (21.00112, 21.00120)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) Note the 'Chifley Home and Education Centre' is endorsed to operate as a public museum and deductible gift recipient (DGR);
- (b) Expands the activities of the 'Chifley Home and Education Centre' to include the operation of the 'Bathurst Rail Museum', and accordingly, to rename the DGR to 'Bathurst Rail Museum and Chifley Home';
- (c) Develop governing rules for the operation of the 'Bathurst Rail Museum and Chifley Home'; and
- (d) Instruct Prolegis Lawyers to notify the Australian Taxation Office of the change of DGR name and adoption of governing rules.

**45** **Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3 JUNE 2019 (07.00116)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Fry

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

**46** **Item 6 DESTINATION BRAND IMPLEMENTATION REPORT (20.00299)**  
**MOVED** Cr A Christian and **SECONDED** Cr J Jennings

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

**47** **Item 7 BATHURST HERITAGE TRADES TRAIL 2019 (23.00060)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

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

## **REPORTS OF OTHER COMMITTEES**

### **Policy Committee Meeting**

**48** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 JUNE 2019 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 5 June 2019 be adopted.

**Traffic Committee Meeting**

**49** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 MAY 2019 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 7 May 2019 be adopted.

**50** **Item 2 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JUNE 2019 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 4 June 2019 be adopted.

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

**51** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**  
**MOVED** Cr W Aubin and **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	INTEREST ON OUTSTANDING RATES – ASSESSMENT 103258	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
2	RENEWAL OF RESIDENTIAL LEASE - LOT 2 DP1179272	10A (2) (d) (i) – contains commercial information of a confidential nature that

	KNOWN AS 447 CONROD STRAIGHT, MT PANORAMA	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	RURAL LICENCE AGREEMENT - LOT 3 AND LOT 10 DP231111 KNOWN AS 68 MOUNTAIN STRAIGHT MT 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.
4	PROPOSED TRANSFER OF COMMERCIAL LEASE OF ISPY COFFEE AT PART LOT 10 DP1157553 KNOWN AS DURHAM STREET CARPARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR SUPPLY AND INSTALLATION OF DESKTOPS/WORKSTATIONS AND LAPTOPS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR INSTALLATION OF FITNESS STATIONS, BERRY & COUSINS PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be



		contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR ROAD STABILISING WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDERS FOR CLEANING OF PUBLIC BUILDINGS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINOR WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	TENDER FOR DESIGN AND DOCUMENTATION OF CARRINGTON PARK GRANDSTAND EXPANSION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR REFURBISHMENT OF MACHATTIE COTTAGE, AT MACHATTIE PARK, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

**a** **Item 1 INTEREST ON OUTSTANDING RATES – ASSESSMENT 103258 (22.07024)**

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

**RESOLVED:** That Council write off the accrued interest on rates and charges for assessment number 103258, amounting to \$2,857.28

**b** **Item 2 RENEWAL OF RESIDENTIAL LEASE - LOT 2 DP1179272 KNOWN AS 447 CONROD STRAIGHT, MT PANORAMA (22.06279)**

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

**RESOLVED:** That Council approve the renewal of the residential lease for Lot 2 DP 1179272 known as 447 Conrod Straight, Mt Panorama for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

**c** **Item 3 RURAL LICENCE AGREEMENT - LOT 3 AND LOT 10 DP231111 KNOWN AS 68 MOUNTAIN STRAIGHT MT PANORAMA. (22.00054)**

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

**RESOLVED:** That Council approves entering into a rural licence agreement for Lot 3 & Lot 10 DP232111, known as 68 Mountain Straight, Mt Panorama for a period of 3 years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

**d** **Item 4 PROPOSED TRANSFER OF COMMERCIAL LEASE OF ISPY COFFEE AT PART LOT 10 DP1157553 KNOWN AS DURHAM STREET CARPARK (22.01046)**

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

**RESOLVED:** That Council:

- (a) conditionally approve the transfer of commercial lease agreement for part Lot 10 DP1157553 known as Durham Street Carpark. As per the report.
- (b) authorises the General Manager to approve final transfer of lease after character and financial references have been supplied.

- e** **Item 5 TENDER FOR SUPPLY AND INSTALLATION OF DESKTOPS/WORKSTATIONS AND LAPTOPS (36.00701)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) Accept the tender from BT Cyber Pty Ltd for the sum of \$449,767.51 (inc GST), subject to variations and provisions as detailed in this report.
- (b) Pay for this purchase by way of a lease sourced through a request for quotation process.

### **Director Engineering Services' Report**

- f** **Item 1 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING (36.00709)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That Council accept the tender from Colas NSW in the amount of \$5,336,380.00 (incl GST) for the provision of Sprayed Bituminous Surfacing, subject to adjustments and provisional sums.

- g** **Item 2 TENDER FOR INSTALLATION OF FITNESS STATIONS, BERRY & COUSINS PARK BATHURST (36.00712)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council accept the tender from Moduplay Group Pty Ltd in the amount of \$159,566.00 (incl GST), subject to adjustments and provisional sums, for the supply and installation of fitness stations at Berry and Cousins Parks, Bathurst.

- h** **Item 3 TENDER FOR ROAD STABILISING WORKS (36.00708)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council accept the tender from Downer EDI Works in the amount of \$488,784.00 (incl GST) for Road Stabilising Work, subject to adjustments and provisional items.

- i** **Item 4 TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES (36.00707)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That Council accept the tender from Work Control in the amount of \$1,106,937.05 (incl GST) for Provision of Traffic Control Services, subject to adjustments and provisional sums.

**j** **Item 5 TENDERS FOR CLEANING OF PUBLIC BUILDINGS (36.00711)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council accept the tendered prices (incl. GST) of:

<b>Separable Portion</b>	<b>Contractor Name</b>	<b>Cost</b>
(i)	Facilities First Australia Pty Ltd	\$84,283.03
(ii)	Facilities First Australia Pty Ltd	\$86,473.29
(iii)	Nimdor Cleaning Services Pty Ltd	\$54,600.00
(iv)	Northern Contract Cleaners Pty Ltd	\$59,528.00
(v)	Northern Contract Cleaners Pty Ltd	\$70,720.00
(vi)	Nimdor Cleaning Services Pty Ltd	\$71,080.00
(vii)	Nimdor Cleaning Services Pty Ltd	\$32,000.00
(viii)	Nimdor Cleaning Services Pty Ltd	\$5,200.00
(ix)	Facilities First Australia Pty Ltd	\$36,173.51
(x)	Nimdor Cleaning Services Pty Ltd	\$38,730.00
	<b>TOTAL</b>	<b>\$538,787.83</b>

**k** **Item 6 TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINOR WORKS (36.00706)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

**Reason: Electrical contractor - Enacon Group Pty Ltd: Son is a Director of this Company**

The Mayor, Cr Hanger vacated the Chair. The Deputy Mayor, Cr Bourke took the Chair.

That Council accepts the Preferred Contractor List for the engagement of contractors for minor works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

**l** **Item 7 TENDER FOR DESIGN AND DOCUMENTATION OF CARRINGTON PARK GRANDSTAND EXPANSION (36.00699)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) rejects all tenders
- (b) invite, in accordance with clause 167, fresh tenders based on different details.

**m** **Item 8 TENDER FOR REFURBISHMENT OF MACHATTIE COTTAGE, AT MACHATTIE PARK, BATHURST (36.00710)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council accept the tender from River Park Constructions Pty Ltd in the amount of \$162,922.50 (inc GST), subject to adjustments and provisional items.

**n** **Item 9 CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL (07.00017)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- Dib Group
- GBS Distributions
- Liberty Oil Australia
- Ocwen Energy
- Oilplus Holdings Australia
- Park Pty Ltd

#### **RESOLVE INTO OPEN COUNCIL**

**52** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

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

#### **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**53** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

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

#### **MEETING CLOSE**

**54** **MEETING CLOSE**

The Meeting closed at 8:44 pm.

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

## **GENERAL MANAGER'S REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2019

## **1 CENTROC BOARD MEETING 29-30 MAY 2019 (PARLIAMENT HOUSE SYDNEY) (07.00017)**

**Recommendation:** That the report on the CENTROC/JO Board Meeting held 29-30 May 2019 at Parliament House, Sydney be noted.

**Report:** The Board meeting of Centroc and Central NSW Joint Organisation was held on Wednesday 29 May 2019 at the LGNSW Boardroom in Margaret Street, Sydney then a round table with Ministers was held on Thursday 30 May at Parliament House.

The Board heard a presentation from Ms Antonia Kendall, Manager Digital Connectivity, Regional NSW Group, Department of Premier and Cabinet providing an update on Digital connectivity. Further meetings will be held in the region to leverage opportunities.

President of LGNSW, Cr Linda Scott and Chief Executive Tara McCarthy addressed the Board and noted that Councils are surprised on average every fortnight with some new unfunded mandate or piece of legislation with resourcing or other unwelcome implications for Councils.

Central NSW Councils staff are meeting regularly including with Forbes Shire Council staff to effect a smooth transition to the Joint Organisation. With the new Regional Strategic Plan having been approved, a majority of the business of Councils working collaboratively, is now occurring through the Joint Organisation. The following advice is from the Joint Organisation meeting.

**Chair's Minute – Emergency Services Levy Increase** - Members of Central NSW JO are reporting up to 25% increases in the levy. This will mean members will need to find additional funds and/or cut planned initiatives or services.

From 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Central NSW JO supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

These substantive increases member Councils are being asked to pay is a large amount and the impact of this unplanned cost will certainly be felt by the community.

**Reports from Committee** - The two committee reports were from the General Managers' Advisory Committee and the Drought Subcommittee. The General Managers provided recommendations regarding a review of the Central West and Orana Regional Plan that were adopted by the Board.

The Drought Sub-committee met on 7 May in Parkes. At the meeting consideration was given to the Western Research Institute report recommendations. This report can be found at [www.centroc.com.au/wp-content/uploads/Centroc-drought-issues-paper-FINAL-1.pdf](http://www.centroc.com.au/wp-content/uploads/Centroc-drought-issues-paper-FINAL-1.pdf). Importantly, a business case will be progressed for better investment in the drought response and preparedness including seeking co-design with relevant State agencies.

**Reports to Joint Organisation** – In the Regional Water report, advice was provided on

what Central NSW has been doing and makes suggestions for individual and collective Joint Organisation activity.

The board also endorsed an updated Communique between Central NSW Councils, Lachlan Valley Water and the Belubula Landholders Group.

The revised Central NSW Charter, Related Parties Disclosure Policy, Code of Meeting Practice for the Central NSW Joint Organisation Report, Code of Conduct and Statement of Revenue and Budget were approved by the Board and placed on the website [www.centroc.com.au/wp-content/uploads/Central-NSW\\_Draft-Statement-of-Revenue-and-Budget\\_Adopted-29-May-2019.pdf](http://www.centroc.com.au/wp-content/uploads/Central-NSW_Draft-Statement-of-Revenue-and-Budget_Adopted-29-May-2019.pdf).

The Board resolved to support the application for the Growing Local Economies program to fully fund a business case to be developed for an Orange Regional Bicycle Tourism project.

**Round Table with Ministers** - The Board met in Parliament House in the Macquarie Room on Thursday 30 May. The Board met with 7 Ministers:

The Hon Stuart Ayres MP, Minister for Jobs, Investment, Tourism and Western Sydney

The Hon Rob Stokes MP, Minister for Planning and Public Spaces

The Hon. Paul Toole MP, Minister for Regional Transport and Roads

The Hon. Brad Hazzard, Minister for Health and Minister for Medical Research

The Hon Shelley Hancock MP, Minister for Local Government

The Hon Melinda Pavey MP, Minister for Water, Property and Housing

The Hon. Adam Marshall, MP, Minister for Agriculture and Western New South Wales

Councils were welcomed by our host Steph Cook Member for Cootamundra, who is keen to work more closely with Joint Organisations and very supportive of the reopening of the Blayney Demondrille line.

Concerns were raised at every step about the Emergency Services Levy and drought management.

The opportunity of Southern Lights - LEDS with Smart Controls in every community was also raised consistently with Ministers.

Follow-up meetings will be held with Minister Ayres about tourism opportunities. The Minister was enthusiastic about leveraging the way we work regionally.

Minister Stokes was positive about funding for Councils developing their LEPs and this will be followed up.

Minister Toole explained how his portfolio covers Regional Transport and Roads outside Sydney, Newcastle and Wollongong. The Minister works closely with Minister Constance on establishing the linkages between the Urban and Regional networks.

Concerns were raised with Minister Hazzard around maternity services and health services more broadly. Follow-up will be undertaken. While it is acknowledged by our region that the new hospitals are very welcome, there are concerns being expressed in communities across the region ranging from maternity through to MRI scanning. The Mayors of the region invited the Minister to come and see the on-ground situation.

The region welcomed the fact that we have a stand-alone Local Government Minister, Shelly Hancock, with Local Government experience who will be acting on behalf of Councils and their communities.



Minister Pavey was strong on water security and more storage at Wyangala. There are opportunities to work with the Joint Organisation on the management of both existing and additional storages in the region and follow-up will be undertaken with the Minister.

Minister Marshall was welcomed with his remit of Western NSW. The focus of conversation was on the drought including a rework of the drought support package. The Minister witnessed the signing of the renewed MOU with RDA Central West.

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

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

- 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 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2019 (WARWICK FARM - SYDNEY (18.00074))**

**Recommendation:** That Council:

1. Nominate its delegates and observers for the Local Government NSW Annual Conference 2019.
2. Delegate the authority to the Mayor and the General Manager to nominate substitute delegates for:
  - (i) Motions
  - (ii) Board Elections

**Report:** The Local Government NSW Annual Conference 2019 will take place from Monday 14 October to Wednesday 16 October 2019 and will be held in Sydney. Registration will open Monday 15 July 2019 and Council will be required to advise the names of the voting delegates.

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

It is recommended that Council nominate its delegates and observers for the Local Government NSW Annual Conference 2019.

Further, it is recommended that the Mayor and General Manager be delegated the authority to appoint a substitute delegate(s) where required for both voting on motions and the voting for Board positions.

**Financial Implications:** Funding is provided in the 2019/20 Delivery Plan for Councillor attendance at the Conference.

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

- Objective 6: Community leadership and collaboration Strategy 6.3

### **Community Engagement**

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

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2019

## **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 2019 (**attachment 1**).
- (b) Applications refused during June 2019 (**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 2019 (**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 PLANNING PROPOSAL – HEALTH SERVICES FACILITIES IN THE RE2 PRIVATE RECREATION ZONE (20.00332)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional LEP amendment to include health services facilities as a permissible use with consent within the RE2 Private Recreation Zone;
- (b) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal; and
- (c) call a division.

**Report:** Under authority delegated to the Director Environmental Planning and Building Services, Council has prepared a planning proposal to amend the Bathurst Regional Local Environmental Plan 2014 to permit, with consent, health services facilities in the RE2 Private Recreation Zone. Health services are currently a prohibited land use within this zone.

The Planning Proposal was prepared following the receipt of a proposal to include a medical centre as an additional permitted use at 45 Mitre Street Bathurst (former Martial Arts Centre). Council also undertook a broader review of the permissibility of health services being able to locate in close proximity to the Bathurst Base Hospital (refer **attachment 1**). The Planning Proposal submitted in respect of 45 Mitre Street and the Health Facilities Review prepared by Council formed the basis of the Planning Proposal submitted to the NSW Department of Planning.

Council's Review of Health Facilities identified that the only planning impediment for future health services to locate close to the existing hospital is the current prohibition of health services in the RE2 Private Recreation Zone.

The RE2 Private Recreation Zone applies to 6 sites within the Bathurst Region:

1. 2 Commonwealth St (PCYC)
2. 184 Morrissett St (Ten Pin Bowling Centre)
3. 45 Mitre St (currently vacant)
4. 234 Gilmour St (St Pats sporting club/hotel).
5. 7 Upfold St (Greyhound racing track)
6. 8 Havannah St (Dwelling)

Sites 1, 2 and 3 are located in close proximity to the Bathurst Base Hospital and the new Ambulance Station. Council has received a Planning Proposal from Anthony Daintith Town Planning to permit medical centres at Site 3, 45 Mitre Street, to enable the establishment of a physiotherapy business in the existing building in conjunction with other associated medical services. Sites 1 and 2 may also offer opportunities for other new health services to locate close to Bathurst Base Hospital into the future if redevelopment of these sites was sought.

The RE2 zone also applies to 234 Gilmour St (St Pats sporting club/hotel), 7 Upfold St (Greyhound racing track) and 8 Havannah St (Dwelling). The inclusion of health services facilities as a permissible use at these sites is not considered to be inappropriate and in the case of the St Pats Sporting Club/Hotel site will complement the approved development application for Seniors Housing.



Council exhibited the Planning Proposal from 13 May to 11 June 2019. All landowners affected by the Planning Proposal were notified of the exhibition. During this time no submissions were received. **Attachment 2** outlines the website consultation results during the exhibition period.

There are no environmental or planning grounds why the proposal should not proceed. The proposal ensures that lands in close proximity to the hospital are able to support new health services facilities, subject to development consent. It is recommended that the proposed amendment to the Bathurst Regional Local Environmental Plan 2014 be adopted and the Planning Proposal be forwarded to the Department for gazettal.

**Financial Implications:** The Planning proposal was prepared within existing budgets.

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

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3

### **Community Engagement**

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

## **4 BATHURST REGIONAL LEP 2014–2018 HOUSEKEEPING AMENDMENT (20.00322)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional LEP amendment as outlined in this report;
- (b) forward the Bathurst Regional LEP – Housekeeping Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.

### **Report: Background:**

Council resolved at its ordinary meeting held 18 July 2018 to commence a Planning Proposal to amend the Bathurst Regional Local Environmental Plan 2014 seeking to:

- Amend certain development types within Schedule 2 – Exempt Development provisions including:
  - 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 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 rely instead 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.
- Amend Clause 7.10 to enable educational establishments to erect directional signage.

Council also resolved by Minute dated 12 September 2018 to support an amendment to the Bathurst Regional Local Environmental Plan 2014 seeking to include *artisan food and drink industry* within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots as a land use permissible with consent.

The Department of Planning and Environment issued a gateway determination dated 12 February 2019. A copy of the gateway determination is provided as **attachment 1**.

### **Amendment to the Bathurst Regional LEP 2014**

There are five key amendments proposed as part of the Planning Proposal. Each of the elements are outlined below:

1. **Inclusion of *artisan food and drink industry* as a permissible land use**

The NSW Government have recently included a new definition for ***artisan food and drink industry*** as a type of light industry. The Bathurst Regional LEP 2014 prohibits light industries in the RU1, RU2 and RU4 zones, and therefore artisan food and drink industries are also prohibited.

***artisan food and drink industry*** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Council officers consider that these types of land uses should be permissible within the identified zones, in similar circumstances to cellar door premises which are permissible with consent. This Planning Proposal seeks to amend the land use tables for the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones, to include ***artisan food and drink industry*** as a land use permissible with consent.

2. **Lot 2 DP 1233088, Edgells Lane, Kelso**

**It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification of the land as operational land, pursuant to the Local Government Act, is not proposed to be altered.**

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat portion of the land E2 Environmental Conservation and the residual rural balance RU4 Primary Production Small Lots. The classification of the land, pursuant to the Local Government Act 1993, is not being altered. It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots. **Attachment 2** illustrates the land affected and the proposed new zoning.

3. **Amendment to Schedule 5: Heritage of the Bathurst Regional Local Environmental Plan 2014**

The ongoing protection of the region's heritage is supported by Council's adopted Heritage Plan. The addition of two heritage items, at the landowners request in each case, demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern relating to a newly constructed dwelling. The relevant draft LEP maps are provided as **attachment 3**.

- a) Addition of two heritage items

*Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell*

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

*Part Lot 284 DP 47960, Boundary Road, Mitchell*

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

- b) Alteration to the curtilage of one local heritage item

*Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst*

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

4. Clause 7.10 of the Bathurst Regional Local Environmental Plan 2014

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land with consent. Education is one of the largest sectors within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

The proposed wording of the clause is provided as **attachment 4**.

5. Amendment to the Exempt and Complying Development Criteria (Schedule 2 & 3) of the Bathurst Regional Local Environmental Plan 2014.

- a) Schedule 2: Exempt Development

Exempt development is development that can be undertaken without the consent of Council, provided the development meets predetermined requirements.

Council has undertaken a review of the Exempt Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements for certain development types. The amendment relates to the following matters:

<b>Division</b>	<b>Intent of Amendment</b>
4 - Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge.
7 - Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)	Removal of 'cabanas' and 'gazebos' from the criteria. Minor rewording of the criteria. Permit structures forward of the building line with a maximum width.
8 - Barbecues and other outdoor cooking structures	Minor rewording to criteria (7) relating to house drainage.

11 - Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
12 - Building alterations (internal and external) to industrial premises and agricultural produce industries, including recladding of roofs and walls	Include requirement for alterations to plumbing works to be inspected by Council. Include criteria relating to the use of non-combustible cladding materials.
13 - Building identification signs and business identification signs	Minor rewording to subclause 4 – Pylon Signs and clearance from house drainage.
17 – Carports, garages and garden sheds	Altered the grouping of the development types. Introduce a maximum gross floor area for all development types (as outlined earlier in this report).
20 - Communication dishes (radio and satellite)	Minor rewording to criteria (6) relating to house drainage.
21 - Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like	Altered the grouping of the development types.
22 – Dams	Introduce criteria relating to the maximum harvestable rights. Introduce boundary setbacks.
24 - Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)	Introduce criteria to maintain minimum coverage of engineering services. Minor rewording to criteria (4) relating to house drainage.
25 – Earthworks and retaining walls	Introduce criteria for boundary setbacks for earthworks. Introduce criteria to maintain minimum coverage of engineering services.
27 – Farm buildings, farm sheds and structures	Remove these development types from zones R5 Large Lot Residential, E4 Environmental Living and IN1 General Industrial. Introduce floor area and height restrictions based on lot area. Amend setback criteria.
28 – Fences	Reword the criteria that applies to the development type to clarify the criteria.
29 – Filming	Repeal the provision and defer to State Environmental Planning Policy (Exempt and Complying Development) Codes.
32 - Greenhouses, cabanas, gazebos, and ferneries	Alter the grouping of the development types. Remove the criteria that relates to garages and garden sheds.
40 – Painting and rendering of buildings	Remove the ability for the clause to apply to Heritage Items or draft Heritage Items.
42 - Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)	Minor rewording to criteria (7) relating to house drainage.
43 - Portable swimming pools and spas and child-resistant barriers	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

45 - Rainwater tanks (above or below ground)	Clarify setback requirements. Restrict development in the Flood Planning Area. Clarify the requirement for stormwater disposal based on the zone of the land. Minor rewording to criteria (15) relating to house drainage.
48 - Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge. Minor rewording of Clause (6) relating to house drainage.
49A - Shipping containers	<b>New Division.</b> Introduce new criteria for shipping containers to be considered as exempt development.
53 - Temporary builders' structures	Minor rewording of the clause relating to connections to the sewer and clearance from sewer manholes and property connection points.
55 - Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
57 - Tents or marquees used solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

Detailed changes to the Exempt Development criteria are provided as **attachment 5**.

b) **Schedule 3: Complying Development**

Complying development provides a fast tracked approval process for development that meets predetermined criteria and development controls.

The amendment relates to Part 2 - Additions to dwelling houses and Part 4 – Dwelling houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

Detailed changes to the Complying Development criteria are provided as **attachment 6**.

**Pre exhibition matters**

The gateway determination required Council to consult with the Department of Planning and Environment – Resources and Energy to address an inconsistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries (Section 9.1 of the Environmental Planning and Assessment Act). The matter concerned the rezoning of part of the land acquired by Council on Edgells Lane Kelso and proposed to be zoned E2 Environmental Conservation. The change of zone changed the permissibility of *Extractive Industries* on that land.

The Department of Planning and Environment – Resources and Energy advised Council that they had no concerns. The NSW Department of Planning and Environment issued a statement to Council allowing Council to proceed to public exhibition.

## **Public Exhibition**

The Planning Proposal was placed on public exhibition from 13 May 2019 to 11 June 2019. A copy of the Exhibition Documentation is provided as **attachment 7**.

Notification was placed in the Western Advocate on 11 & 18 May 2019. Letters were also sent to landowners affected by amendments to Heritage Items, and to local builders in relation to the exempt and complying development amendments.

As the Planning Proposal involved Heritage Items, the Gateway Determination required Council notify the NSW Department of Environment and Heritage. A response from the NSW Department of Environment and Heritage was not received.

As a result of the public exhibition period, Council did not receive any submissions. **Attachment 8** summarises the level of engagement through Council's YourSay website. As no submissions were received, a discussion forum has not been held.

## **Conclusion**

Council resolved to make amendments to the Bathurst Regional Local Environmental Plan in July and September 2018. Council placed the draft Local Environmental Plan amendments on public exhibition for a period of 28 days from 13 May 2019 to 11 June 2019. Council did not receive any submissions in response to the exhibition.

There are no Planning grounds as to why the matter should not proceed. It is therefore recommended that the amendments to the Bathurst Regional Local Environmental Plan 2014 be adopted as outlined in this report.

**Financial Implications:** Nil.

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

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 2: A smart and vibrant economy Strategy 2.1
- 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

## **5 DRAFT COMMUNITY PARTICIPATION PLAN (20.00331)**

**Recommendation:** That Council:

- (a) adopt the Community Participation Plan as detailed in this report;
- (b) commence an amendment to the Bathurst Regional Development Control Plan 2014 to repeal chapter 2 and insert instead an appropriate reference to the Community Participation Plan;
- (c) note that the Community Participation Plan will not commence until the Development Control Plan amendment is adopted;
- (d) notify those who made submissions of Council's decision, and
- (e) call a division.

**Report: Background**

In March 2018, changes to the Environmental Planning and Assessment (EPA) Act 1979 set out new requirements for Councils to prepare a Community Participation Plan (CPP). All Planning Authorities, including the Department of Planning and Councils, will be required to have a Community Participation Plan in place by 1 December 2019.

The CPP must meet the minimum requirements for community participation as set out in the EPA Act. The CPP is distinct from Council's Community Engagement Strategy which remains in place as adopted by Council and applies to Council's functions outside those under the EPA Act.

The CPP sets out when and how Council will engage with its communities across all the planning functions it performs (strategic planning and development assessment) under the EPA Act 1979. The CPP also summarises those circumstances where planning decisions are made outside Council's jurisdiction, and development which is exempt from a development application. Both of those scenarios place limitations on the ability of the community to participate.

**Public Exhibition**

Council placed the draft CPP on public exhibition for a period of 28 days from 11 February 2019 to 11 March 2019. Council staff attended the Eglinton Country Fair on 23 February 2019 to promote the draft CPP and spoke to approximately 20 groups. A public information session was also held on 27 February 2019 which was attended by 2 members of the public.

**Submissions**

As a result of the public exhibition period, a total of four (4) submissions were received by Council. Copies of the submissions are provided as **attachment 1**. A summary of the matters raised in the submissions and how Council has addressed those is provided as **attachment 2**.

Following the public exhibition period, a discussion forum was held on 3 April 2019. A copy of the minutes are provided as **attachment 3**.



## **Notification - general comments**

A common issue raised in submissions relates to who gets notified by Council when a Development Application is received, the submissions arguing that Council should notify more people than it currently does.

In response, Council staff are indeed recommending the CPP expand the number of land owners that are notified, under certain circumstances, noting that any person is able to make a submission on any development application during a defined time period.

There are a number of principles that suggest those circumstances should not be unlimited. Central amongst these is the concept of “material adverse impact”, that is, whether others will suffer an adverse impact of a material nature. Adverse impacts include overshadowing, removal of privacy, noise, traffic, even character of a locality, but should not extend to a personal dislike of a development that does not have a material effect, and certainly not because of some neighbour dispute that interferes with the rightful development and enjoyment of another persons land. If it is considered that it is unlikely that a development will result in a material adverse impact, notification should not be necessary.

The community can also keep itself informed of development activity in their neighbourhood via DA Tracker on Council’s web site and subscribing to development alert platforms and not only rely on correspondence from Council, a proportion of which goes unread.

Applicants also deserve reasonable and timely consideration of their development proposals, and not be burdened by an excessively onerous, time consuming, uncertain or potentially vexatious submission process, matters which can define how well Bathurst attracts investment.

The comments above are relevant to consideration of development the subject of a Development Application. There are many types of development which are exempt from requiring a Development Application if certain criteria are met (Exempt Development), or meet certain prescribed development standards (Complying Development). These types of development are not notified. Council staff assess these types of development against the relevant criteria and standards and approval is granted without notification if they are met. This raises the possibility that members of the public may be dissatisfied with particular criteria or standards. Two points are relevant. The NSW government sets overriding criteria and standards in their State Environmental Planning Policy (Exempt and Complying Development). Local criteria and standards sit in Council’s LEP and there is a separate report to this meeting recommending some fine tuning and therefore minor adjustment as to whether certain development needs a Development Application.

## **Distance-based notification**

A key issue raised in the submissions was a desire for Council to extend the number of properties notified of a Development Application, by adopting a distance-based notification system. Currently, only those properties directly adjoining a development site are notified. Properties across a road or separated by a path or accessway are not notified.

As a result of the public exhibition process, it is proposed the CPP be amended to clarify what constitutes an adjoining property. In response to the submissions received, it is proposed that the notification includes those properties located across a road or those separated by a path or accessway. **Attachment 4** provides the diagram added to the CPP to illustrate how this is proposed to be applied.

Whilst submissions sought a standardised distance-based approach, this would result in unreasonable notification requirements, particularly in rural areas. The proposed changes ensure that all relevant and affected neighbouring properties would be notified of a Development Application, in keeping with the intent of the submissions.

### **Notification matters post-exhibition of the Community Participation Plan**

Since exhibition of the draft Community Participation Plan, concerns have been raised by property owners as to the justification for not notifying a rural shed in proximity to a local heritage item. They maintain that notification should have occurred based on impacts to and from the heritage item. The principle of whether or not to mandate notification of development within proximity to a heritage item is a matter for the CPP to consider.

The CPP divides the exhibition or notification of Development Applications into three categories:

1. *Exhibited Development* (Section 3.14.3) represents the highest level of exhibition and notification within the CPP. Developments within this category represent those which are likely to have the greatest level of community interest and can be construed as being contentious. Exhibited development would be notified to owners of heritage items where they adjoin the development site noting that it is proposed the definition of adjoining land be extended.
2. *Notified development* (Section 3.14.4) represents those developments which are likely to have the greatest interest by neighbouring properties. Notified development is limited to the R1 General Residential, R2 Low-Density Residential and R3 Medium Density Residential zone. Section 3.14.4 also identifies those developments that will not be notified. Where a Heritage Item adjoins development sites outlined in 3.14.4, the owners would be notified, noting that it is proposed the definition of adjoining land be extended.
3. *Other Notified Development* (Section 3.14.4.4) represents those developments which are not captured by either Section 3.14.3 or 3.14.4 but may warrant notification based on an assessment of whether the development may have a material adverse impact upon adjoining land.

This relies on an assessment by Council officers to determine whether or not to notify certain developments.

Section 3.14.4.4 currently reads:

*A decision on whether a Development Application (other than for development of the kind referred to in Section 3.14.3.2 and 3.14.3.3) will be notified will be dependent on a number of factors which will require inspection of the plans relating to the development application.*

*Council will give notice to owners of adjoining land of such a Development Application where it considers that the development may have a material adverse impact upon:*

- a) *the views to and the views from surrounding land,*
- b) *overshadowing of adjoining land, or*
- c) *the privacy of surrounding land, or*
- d) *noise, light, odour, dust (or similar) transmission to the surrounding land, or*
- e) *the visual impact of the proposed development in relation to the streetscape.*

*Adjoining properties unlikely to be materially adversely affected by the proposed development will not be notified.*

The issue that has been raised is: Should developments be specifically notified to an adjoining Heritage Item?

Currently, notified development only applies to the R1 General Residential, R2 Low-Density Residential and R3 Medium Density Residential zone. Notification of a development to an adjoining property, irrespective of being a Heritage Item, would occur if it is listed in section 3.14.4.2. In the case of a rural zone, Council could only rely on Section 3.14.4.4 to determine whether notification is warranted for the development, based on an assessment of the Development Application. If notification is warranted under 3.14.4.4 then the application would be notified to adjoining properties, irrespective of being a Heritage item.

Council officers consider that given the rural landscape and the larger boundary setbacks, mandatory notification for development is generally not warranted. Council officers consider that reliance on Section 3.14.4.4 to determine whether notification of a Development Application is warranted is the appropriate approach, rather than amending either Section 3.14.3 or 3.14.4. It would not be possible to set notification standards applicable for all circumstances, other than to notify every development application, which is considered unnecessarily onerous. Section 3.14.4.4 enables a case-by-case assessment as to whether or not a Development Application should be notified to adjoining property owners.

In response to the concerns raised, it is proposed that the list within section 3.14.4.4, of matters to be considered in determining whether or not to notify a development application, be amended to include the impact on a Heritage Item on adjoining land.

It is recommended that Section 3.14.4.4 be amended to read:

*A decision on whether a Development Application (other than for development of the kind referred to in Section 3.14.3.2 and 3.14.3.3) will be notified will be dependent on a number of factors which will require inspection of the plans relating to the development application.*

*Council will give notice to owners of adjoining land of such a Development Application where it considers that the development may have a material adverse impact upon:*

- a) *the views to and the views from surrounding land,*
- b) *overshadowing of adjoining land, or*
- c) *the privacy of surrounding land, or*
- d) *noise, light, odour, dust (or similar) transmission to the surrounding land, or*
- e) *the visual impact of the proposed development in relation to the streetscape, or*
- f) *the heritage significance of an adjoining heritage item, as listed in Schedule 5 of the Bathurst Regional Local Environmental Plan 2014.*

*Adjoining properties unlikely to be materially adversely affected by the proposed development will not be notified.*

## **Proposed changes to the exhibited Community Participation Plan**

Council staff are proposing the Community Participation Plan be amended from that exhibited, incorporating matters raised in submissions and by the NSW Department of Planning and Environment. A copy of the Community Participation Plan proposed for adoption is provided at **attachment 5**.

The main areas that the draft CPP has been amended post-exhibition include:

1. **Determining which property owners will be notified**

Clarification of which property owners will be notified has been inserted as Figure 2, as outlined earlier in this report and in **attachment 4**.

2. **Deletion of those matters where Council is not the consent authority (e.g. State Significant Development) or strategies not prepared by Council (e.g. Regional Plans)**

Advice from the NSW Department of Planning requested that Council remove those matters which Council is not the consent authority or strategies not prepared by Council from the CPP.

3. **External referrals to Bathurst Local Aboriginal Lands Council and Local Aboriginal Knowledge Holders**

Council has clarified the circumstances where a Development Application or a Strategic Planning Project will be referred to the local Aboriginal community. It is suggested that these will be highlighted in the MOU being developed with local Aboriginal groups.

4. **Summary table**

A summary table has been inserted at the beginning of the document. The table summarises the minimum exhibition periods for the range of matters covered by the CPP.

5. **Inclusion of the R3 Medium Density zone**

Council foreshadows the use of the R3 Medium Density zone as a result of the Laffing Waters Master Plan. Whilst the Bathurst Regional LEP does not reference the R3 zone, Council has taken the opportunity to futureproof the CPP with its inclusion.

6. **Notification to individual strata plan owners**

Notification of matters has previously been only to the Body Corporate. The Community Participation Plan has been amended post exhibition to include notification to both the Body Corporate and individual strata plan owners.

7. **Notification of development in proximity to adjoining Heritage Items**

In response to concerns raised post-exhibition, the heritage significance of an adjoining heritage item, as listed in Schedule 5 of the Bathurst Regional Local Environmental Plan 2014, has been included as a matter for considering whether or not to notify a development application.

8. Notification of garages, sheds and carports forward of the established front or side building line

Notification of garages, sheds and carports forward of the established front or side building lines has previously been limited to those in the Bathurst and West Bathurst Heritage Conservation Areas. A review of this criteria determined that residents outside a Heritage Conservation Area should be afforded the benefit of notification for these types of developments. The criteria listed in Section 3.14.4.2(h) has been reworded to apply to all lands within Zones R1, R2 and R3 land.

**Repeal of Chapter 2 of the Bathurst Regional Development Control Plan**

Chapter 2 of the Bathurst Regional Development Control Plan currently contains the public exhibition and notification requirements for Development Applications. These provisions have been transferred to Section 3 of the Community Participation Plan. The duplication of the provisions within the DCP are no longer required and should be repealed. Chapter 2 of the DCP should now only include a reference to the CPP in relation to exhibition or notification requirements for Development Applications.

A subsequent DCP amendment is required to repeal Chapter 2 of the Bathurst Regional Development Control Plan. The implementation of the CPP would come into effect when the amendment to the DCP is adopted. This protocol is required to eliminate conflicting overlap between the two documents.

Conclusion:

Council is required to implement a Community Participation Plan (CPP) under the Environmental Planning and Assessment Act. Council has drafted a CPP and placed it on public exhibition for a period of 28 days. Council received a total of 4 submissions. Council has made some changes to the CPP as a result of the submissions and comments from the NSW Department of Planning. In addition, various issues have been raised outside the exhibition process relating to notification, and the opportunity has been taken to consider these in the amended CPP.

A subsequent DCP amendment is required to repeal Chapter 2 of the Bathurst Regional Development Control Plan and insert instead a reference to the adopted CPP. The implementation of the CPP will not come into effect until the amendment to the DCP is adopted.

There are no planning grounds which would prevent Council adopting the Community Participation Plan outlined in this report. It should be noted that upon adoption of the Community Participation Plan, Chapter 2 of the Bathurst Regional Development Control Plan will be repealed and a reference to the adopted CPP will be inserted into the DCP.

**Financial Implications:** Nil.

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

- Objective 1: Our sense of place and identity Strategy 1.2, 1.2
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.3, 6.5

**Community Engagement**

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

## **6 2018/19 BATHURST REGION HERITAGE ASSISTANCE FUNDS (13.00090, 16.00157, 16.00156)**

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

**Report:** Council operates three heritage assistance funds to support the conservation and maintenance of the region's heritage and to promote and interpret the region's history.

### **Bathurst Region Heritage Conservation and Interpretation Fund**

The Bathurst Region Heritage Conservation and Interpretation Fund is in its 8<sup>th</sup> 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.

The 2018/19 funding program has seen \$68,140 worth of works and many volunteer hours being spent on projects in the region. All of the projects completed provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

Conservation and Interpretation Fund	Overview of the Conservation and Interpretation fund to date:			
	Year	Projects Completed	Funding Offered	Total value of works
	2011/12	6	\$14,505	\$27,510
	2012/13	4	\$11,755	\$41,533
	2013/14	8	\$16,773	\$61,789
	2014/15	11	\$20,475	\$62,303
	2015/16	10	\$20,063	\$118,583
	2016/17	10	\$16,255	\$36,472
	2017/18	9	\$16,215	\$80,626
	2018/19	10	\$18,000	\$68,140
	<b>Total</b>	<b>68</b>	<b>\$134,041</b>	<b>\$496,956</b>

The 2018/19 fund received 12 applications for works and granted funds to all applications. Ten (10) of these applications were completed, with a total cost for the projects of approximately \$68,140 and \$18,000 of funding offered, refer **attachment 1** for a summary. Key projects completed this year included:

- Digital inventory of moveable heritage items and the training of volunteers - Friends of Bathurst Agricultural Research Station
- Napoleon Reef Interpretive Sign - Napoleon Reef Walang & Glanmire Residents Association

### **Bathurst Region CBD Main Street Improvement Fund**

Council launched the Bathurst Region CBD Main Street Improvement Fund in 2016 and it is in its 3rd year of operation. The Main Street fund aims to assist property owners and tenants to improve, repair and maintain buildings within the Bathurst CBD.

The 2018/19 funding program has seen \$53,610 worth of works being completed in the CBD. 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.

CBD Main Street Improvement Fund	Overview of the CBD Main Street Improvement Fund to date:			
	Year	Projects Completed	Funding Offered	Total value of works
	2016/17	12	\$33,015	\$162,031
	2017/18	10	\$27,000	\$290,077
	2018/19	5	\$15,300	\$53,610
<b>Total</b>	<b>26</b>	<b>\$75,300</b>	<b>\$505,718</b>	

The 2018/19 fund received 18 applications for works, and offered funding to 15. Five (5) of these applications were completed, with a total cost for the projects of approximately \$53,610 and \$15,300 of funding offered, refer **attachment 2** for a summary. Key projects completed this year included:

- External re-painting of NAB Building - Kevin and Clarisse Burgess
- External re-painting of 88 Keppel Street - Patricia Lovecek

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 2019/20 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 application circumstances can change and often it is difficult to coordinate the works with relevant trades within a 12 month period. CBD projects are also often large scale projects and require considerable private finance to reach fruition.

### Bathurst Region Local Heritage Fund

The Bathurst Region Local Heritage Fund program is in its 21<sup>st</sup> year of operation. The 2018/19 funding program has seen \$ 410,935 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.

Local Heritage Fund	Overview of the Local Heritage Fund to date:			
	Year	Projects Completed	Funding Offered	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
2018/19	44	\$ 55,300	\$410,935
<b>Total</b>	<b>782</b>	<b>\$ 757,865</b>	<b>\$6,937,650</b>

The 2018/19 fund received 67 applications for works and offered funding to 59. Forty Four (44) of these applications were completed, with a total cost for the projects of approximately \$ 410,935 and \$ 55,300 of funding offered, refer **attachment 3** for a summary.

There is an extremely positive response from property owners and community groups throughout the region about 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 and grave restorations in the village cemeteries of 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.

**Financial Implications:** The Bathurst Region Heritage Conservation and Interpretation Fund and the Bathurst Region Main Street Improvement Fund is funded under Council's Management Plan.

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 1.1, 1.2, 1.3, 1.5
- Objective 2: A smart and vibrant economy Strategy 2.1, 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.



## **7 2019 BUSINESS LEADERS LUNCH (20.00306)**

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

**Report:** On the 27 June 2019, Council hosted the sixth annual Business Leaders Lunch at Keystone, formerly The Carrington. Eighty business professionals attended the lunch including a delegation of 12 officials from Yangquan City in China. Senior staff from Charles Sturt University, Westpac, Devro, Department of Education, Skillset and Regional Development Australia were also in attendance.

The annual Business Leaders Lunch provides the opportunity for Council to strengthen and maintain relationships with the local business community. The Lunch also promotes collaboration, cross-industry networking and a platform for Council to share information on key future projects. This year the Lunch focussed on how the Bathurst Region can stimulate international relationships and identify opportunities for continued growth. Dr Kim Houghton from the Regional Australia Institute (RAI) provided an overview of Bathurst's economic performance, challenges and how the LGA compares to other regional centres. His conclusion was that Bathurst is doing quite well but needs to recognise and adapt to ever changing circumstances. In particular, Bathurst needs to retain its status as an attractive place for people to relocate and take up the opportunities that are on offer in the Bathurst region.

### **Conclusion**

The 2019 Business Leaders Lunch allowed Council to connect with eighty business leaders, including the Mayor from Yangquan City. The presentation by Dr Kim Houghton from RAI provided insight on opportunities and challenges for regional cities like Bathurst, and the event also opened the door for future business partnerships with Yangquan City.

**Financial Implications:** The Business Leaders Lunch was funded within existing budgets.

### **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.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', followed by a period.

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2019

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

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

**Report:** \$79,180,000 was invested at 30 June 2019 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:  
low:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$18,000,000.00	2.67%
Bankwest	A1+	\$6,000,000.00	2.74%
CBA	A1+	\$1,500,000.00	2.71%
AMP	A2	\$4,500,000.00	2.34%
Bank of Queensland Limited	A2	\$1,500,000.00	2.69%
Bendigo & Adelaide	A2	\$3,000,000.00	2.65%
IMB	A2	\$3,000,000.00	2.63%
Auswide Bank	A2	\$1,500,000.00	2.70%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$6,000,000.00</u>	<u>2.71%</u>
		<b>\$45,000,000.00</b>	<b>2.65%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.17%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.35%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.73%
Westpac Coupon Select	AA-	\$2,000,000.00	2.67%
Westpac Coupon Select 1	AA-	\$3,000,000.00	2.65%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Westpac Green Tailored Deposit	AA-	\$1,500,000.00	2.31%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.70%</u>
		<b>\$14,130,000.00</b>	<b>2.46%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
AMP Fixed Rate	A-	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	2.82%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>2.97%</u>
		<b>\$4,000,000.00</b>	<b>2.94%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.58%
CBA Climate Bond	AA-	\$1,000,000.00	2.12%

Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.56%
National Australia Bank	AA-	\$700,000.00	2.18%
Suncorp Metway	A+	\$1,000,000.00	2.94%
Rabobank	A+	\$1,000,000.00	3.38%
AMP	A-	\$1,000,000.00	2.25%
AMP	A-	\$1,000,000.00	2.79%
AMP	A-	\$1,000,000.00	2.45%
Macquarie Bank	A	\$1,000,000.00	2.98%
Macquarie Bank	A	\$1,000,000.00	1.97%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.62%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.23%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.65%
Members Equity 3	BBB	\$750,000.00	2.90%
Newcastle Permanent	BBB	\$1,000,000.00	3.07%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.33%</u>
		<b>\$16,050,000.00</b>	<b>2.65%</b>
<b>Total Investments</b>		<b><u>\$79,180,000.00</u></b>	<b><u>2.63%</u></b>
<i>These funds were held as follows:</i>			
Reserves Total (includes unexpended loan funds)		\$26,830,157.00	
Grants held for specific purposes		\$11,072,220.00	
Section 7.11 Funds held for specific purposes		\$40,713,723.00	
Unrestricted Investments		\$563,900.00	
<b>Total Investments</b>		<b><u>\$79,180,000.00</u></b>	
<b><u>Total Interest Revenue to 30 June 2019</u></b>		<b><u>\$2,294,447.78</u></b>	<b><u>2.63%</u></b>

**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

### **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 - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**

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

**Report:** Bathurst Regional Council has in place the Bathurst 2040 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 the Community Strategic Plan which was adopted by Council on 16 May 2018. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, [www.bathurst.nsw.gov.au/council/general-information/public-documents](http://www.bathurst.nsw.gov.au/council/general-information/public-documents). A listing of the Objectives and Strategies from the Bathurst 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2018-2022 Delivery Plan and the Annual Operational Plan 2018-2019.

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

### **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 2019, including a report on annual Rental Subsidies granted by Council.

**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:	\$527.82
Mount Panorama:	\$Nil

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

- Objective 5: Community health, safety and well being Strategy 5.3
- Objective 6: Community leadership and collaboration Strategy 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 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.

- Nil.

#### **Linen Plan Release**

- Mr GR & Mrs KL Buttsworth - 3 lot industrial subdivision - Lot 1020, DP 1210981 - 125 Sydney Road, Kelso
- Mr BS & Ms JH Furner - Road widening - (Boundary adjustment) - Lot 84, DP 755805; Lot 2, DP 1202609; Lot 5 & 6, DP 1193081 - 177 Molybdonite Road, Yetholme

**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 REQUEST FOR WRITE-OFF WASTE MANAGEMENT FEES (18.00004)**

**Recommendation:** That Council not write-off the Waste Management Centre fees as requested by Glenray Industries Limited, as Council's donations allocation has been fully committed.

**Report:** Council is in receipt of a request from Glenray Industries Limited seeking Council to write-off \$13,658.70 in Waste Management Centre fees.

Councillors will recall that the Glenray administration building and industrial laundry were destroyed by a fire last financial year. Following the clearing of this site, the insurance claim for this loss was finalised and settled.

During the preparation of the construction of the new facility, additional material was unearthed and was required to be disposed of. However, as the insurance claim had been finalised, the Waste Management Centre fees for this additional material was unable to be claimed. Accordingly, Glenray are seeking Council to waive the additional Waste Management Centre fees.

As Council's Section 356 Donations allocation has been fully committed, it is recommended that Council decline this request.

Should Council wish to approve this request, either in part or in full, funding for this write-off could be provided by offsetting the Waste Management Centre revenue.

**Financial Implications:** There are no financial implications arising from the recommendation of this report.

### **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 CHARLES STURT UNIVERSITY (CSU) FINANCIAL CONTRIBUTIONS (18.00051)**

**Recommendation:** That Council:

- (a) Accept the additional \$165,000 offered by CSU and;
- (b) Make the relevant budget adjustments to provide the matching funding required as detailed within the report.

**Report:** Councillors would recall that Charles Sturt University (CSU) made a submission to Council's Delivery Program and Operational Plan, and that consideration of this submission was deferred to a further report.

A copy of CSU's letter is provided at **Attachment 1**.

In brief, CSU wish to add, and contribute, to a number of Council's proposed studies. In order to accept CSU's contribution for these studies, Council is required to match this funding. Accordingly, the recommendations of this report are seeking Council's approval to adjust the budget to make the required matching funding available.

- **Town Square Master Plan - CSU Contribution \$100,000**

At present there is no funding in Council's budget specifically for this project. To provide the required funding, it is proposed that:

- (a) The Bathurst CBD Integrated Transport Plan be deferred to 2020/2021 thereby making \$50,000 available;
- (b) Re-allocate \$17,000 from the Bathurst CBD Main Street Improvement Fund.
- (c) Re-allocate \$13,000 from the Better Urban Design allocation, and
- (d) Re-allocate the \$20,000 transfer to the Heritage Asset Reserve.

- **Industry Sector Cluster Strategic Plan - CSU Contribution \$40,000**

Council has approved a budget allocation of \$75,124 for this project. Accordingly, further budget adjustments are not required.

- **Next Practice Performing Arts Facilities - CSU Contribution \$25,000**

At present there is no funding in Council's budget specifically for this project. To provide the required funding, it is proposed that \$20,000 be re-allocated from the Bathurst Cultural Fund allocation, and \$5,000 be re-allocated from the BMEC Building Maintenance allocation.

**Financial Implications:** Council will receive an additional \$165,000 as a contribution to further studies should Council resolve in accordance with the recommendations of this report.

## **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 2.1
- Objective 4: Enabling sustainable growth Strategy

## **Community Engagement**

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

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, plus file number for each item)**

**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:

**Item 1 SALE OF LAND AT PART LOT 2 DP 1238142 KNOWN AS KELSO INDUSTRIAL  
LAND RESIDUE AT NEWCASTLE PLACE, KELSO (22.02213)**

This report relates to the proposed sale of Kelso Industrial Land Residue at Newcastle Place, Kelso.

**Item 2 PROPOSED NEW 'RIGHT OF CARRIAGWAY' OVER LOT 15 DP730872 AND  
LOT 18 DP1011780 TO ACCESS ALBEN'S RESERVE, MOUNT PANORAMA (22.04818,  
22.04305)**

This report relates to the proposal to establish a right of carriageway at Alben's reserve, Mountain Straight Mount Panorama.

**Item 3 RENEWAL OF RESIDENTIAL LEASE AT LOT 127 IN DP249576 KNOWN AS 12  
WHITEMAN PLACE, BATHURST (22.00202)**

This report relates to the proposed renewal of a residential lease at 12 Whiteman Place, Bathurst.

**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

17 JULY 2019

## **1 WATER SECURITY AND WATER RESTRICTIONS (32.00017 and 13.00031)**

**Recommendation:** That Council:

- (a) Implement Level 4 – 5 (Extreme) Water Restrictions on Monday, 14 October 2019 as outlined in the report, and
- (b) continue the ongoing community engagement campaign in regard to Water Restrictions, and
- (c) undertake regulatory actions to ensure compliance with Level 4 - 5 (Extreme) Water Restrictions, and
- (d) authorise the Mayor and General Manager (or their delegates) to commence discussions with the relevant Ministers to progress any necessary actions to ensure the existing supply of water in Chifley Dam lasts for as long as possible, and
- (e) note the actions taken and proposed as detailed in the report.

### **Report: Background**

Over the course of 2018 staff prepared and tabled reports to Council covering water availability and water restrictions. The details of the most recent reports are included below by way of background information to this current report.

#### **June 2018 Council Report**

In June 2018, a report was tabled at the Ordinary Council Meeting identifying the level of water in Chifley Dam at that time. In June 2018 Chifley Dam was at 53% of capacity. The report was written in response to the extended dry weather that was being experienced across the Bathurst region at the time and provided information regarding the history of water consumption in Bathurst, the actions that Council had undertaken in the past and continued to undertake to encourage the community to be Water Wise, the history of water restrictions in Bathurst and the triggers for future water restrictions based upon the current Drought Management Plan 2014 (DMP).

Between June and October 2018, a small amount of inflow combined with only environmental water releases meant that the Chifley Dam level increased and was at 59.6% of capacity in early October 2018. From the period of June to September 2018 (4 months) no water from Chifley Dam was used for town water supply, only water from the Fish River was used for this purpose which is typical for this period. However, as consumption in Bathurst historically increases with the approach of Summer, water is required from Chifley Dam in late Spring to meet demand. As a result, a further report was prepared for Council outlining the potential need to implement water restrictions due to the available water, prevailing weather patterns and projected demand for the upcoming Summer period.

#### **October 2018 Report**

In October 2018, a report was tabled at the Ordinary Council Meeting providing details of the water available in Chifley Dam at that time, information relating to the weather conditions experienced throughout the Winter of 2018 as well as projected Spring and Summer rainfall.

The report also contained a proposal to implement Level 3 water restrictions ahead of the trigger point of 30% capacity which had earlier been identified in the DMP and this was resolved to proceed as of 26 November 2018, with Chifley Dam at approximately 58% at this time.

The Council resolved to:

- (a) *unless Chifley Dam reaches or exceeds 75% by Monday, 12 November 2018, implement High Water Restrictions on Monday, 26 November 2018 as outlined in the report,*
- (b) *undertake an ongoing community awareness campaign in regards to Water Restrictions,*
- (c) *continue to implement further restrictions, or lift them, as outlined in the report, and*
- (d) *note that the Director Engineering Services has delegated authority to implement water restrictions in accordance with Council policy.*

The recommendation to implement water restrictions earlier than anticipated in the DMP was based upon consideration of the projected timeframes, taking into consideration inflow, consumption and the seasonal time of the year. Projections indicated that the trigger point for Level 3 restrictions could be reached during the holiday period of 2018/2019 making it difficult to engage residents around permitted water uses at that time. The decision to implement water restrictions earlier than first anticipated later proved to be a significant step which has enabled significant water savings to be made throughout the Summer period of 2018/2019 across residential, business and agricultural sectors.

In addition to recommendations around a proposed starting date for Level 3 restrictions the report also detailed the permitted water uses under Level 3 restrictions, outlined how Council would inform and educate residents around water restrictions, and provided information about exemptions and compliance matters.

Level 3 water restrictions were implemented on 26 November 2018 and continue to remain in place across the Bathurst Region. The early implementation of Level 3 restrictions has also delayed the implementation of Level 4 – 5 (Extreme) restrictions which will have a more significant impact on residents through a reduction in permitted water uses.

### **Water Wise Education and Promotion of Level 3 Water Restrictions**

Since at least 2009 Bathurst Regional Council has actively promoted Water Wise initiatives which can be undertaken by residents in order to conserve water and minimise costs year-round outside of periods of water restrictions.

These initiatives cover indoor and outdoor water use and specifically focus on residential consumption, although this forms only a small portion of total consumption. Periodically, Council has also actively promoted water conservation to businesses, sporting groups and other key stakeholders to ensure that the Water Wise message has been distributed as widely as possible.

Council has installed Smart Water Metering at major sporting facilities to monitor and control via telemetry, irrigation use. This has allowed water usage to be reduced.

Council has also installed a Supernatant Water Recycling System at the Bathurst Water Filtration Plant, allowing the reuse of sand filter backwash water. This water previously was discharged back to the Macquarie River, downstream of the intake point, and now saves approximately 365 ML per year.

Other water saving actions have included the investigation over the water reticulation network of leakages and rectification of these when found, including complete water main replacements where required. Council also uses treated effluent water at the Waste Water Treatment Plant for cleaning and other operational purposes, reducing reliance on the potable water system.

Council's current Water Demand Management Plan (2014) identified important trends regarding water consumption and advocated for the permanent promotion of Water Wise activities in order to manage demand appropriately. The Plan highlighted the need to ensure the community always remains aware of water availability and ways to drive down consumption.

The Water Wise campaign utilised a variety of mechanisms to promote the concept of "Water Wise Bathurst" including print and radio, Council's website and more recently Council's and the Sustainable Bathurst Facebook pages.

In May 2018, Council undertook an 8 week intensive advertising program to heighten the awareness of Water Wise behaviours and this successful program adopted an integrated approach to promoting positive indoor water saving actions (relevant to that period of cooler weather) to residents across the Bathurst region.

Following on from the June 2018 Council report, staff then planned and commenced from August 2018 a comprehensive engagement and promotion campaign to advise residents that water restrictions would be commencing, and this campaign continued throughout the period of September 2018 to March 2019 reminding residents of their obligations under water restrictions. The campaign considered the length of time since restrictions were previously implemented as well as pressing the need to minimise discretionary outdoor water use in order to conserve drinking water.

The campaign was carried across print, radio, television and social media. Cinema advertising, bus advertising, events, information stands at Council facilities, the ratepayer newsletter and letter box drops were also undertaken. All practical avenues were explored to ensure that residents were aware that water restrictions had commenced, remained in place and what water uses were permitted under Level 3. Please refer to **attachment 1** for details of the campaign.

### **Implementation of Level 3 Water Restrictions**

As previously covered Level 3 water restrictions were implemented on 26 November 2018.

The implementation of water restrictions covering residential and non-residential water uses in conjunction with voluntary restrictions undertaken by irrigators would achieve significant savings over the Spring, Summer and Autumn period of 2018/2019 resulting in approximately 13% saving of the total volume of water available in Chifley Dam during this time.

Level 3 water restrictions focussed on outdoor water use and the key restrictions with the most impact on residents have been:

- Watering of lawns for a maximum of 30 minutes, between 6am and 9am or between 6pm and 9pm every second day (odds & evens)
- Watering of gardens for a maximum of 30 minutes, between 6am and 9am or between 6pm and 9pm every second day (odds & evens)



- Car washing at home limited to 6 – 9am or 6 – 9pm with a trigger nozzle or bucket on grass only
- Filling of pools (with permission) and topping up of pools limited to 6 – 9am or 6 – 9pm and only permitted if a pool cover is used
- Washing of hard surfaces only permitted with a high pressure, low volume device in the area immediately affected for health and safety reasons.

Whilst other restrictions are also in place these have had significantly less impact on residential water use.

Council has devised and enforced an exemption process as best as the current resourcing levels would allow. Exemptions have been made available for both residential and non-residential customers depending on the circumstances of the application. Health, safety and economic reasons were the primary reasons for approving exemptions under Level 3 restrictions. Approvals to fill swimming pools have also been granted although Council has received less than 5 requests for this.

Most residential and non-residential exemption requests to date have related to the laying of turf or grass seeding at newly completed dwellings. Other reasons for exemption requests have included; residents with show gardens, residents unable to program automatic watering systems to odds and even dates and for some outdoor cleaning covering health and safety matters.

In addition to making information about permitted water uses available under Level 3 water restrictions Council has commenced a range of activities designed to build the capacity of the community around using less water. A series of water wise gardening workshops were held in April and May 2019 and feedback from the workshops was very positive and further workshops are set to proceed later in 2019.

A series of meetings with local farmers who irrigate using water from the Campbells and Macquarie River were held to determine water needs and opportunities for water savings, this resulted in increased communication between this group and Council as well as the implementation of voluntary water restrictions.

It is evident that the education and promotion campaign over the period August 2018 to March 2019 was effective as the vast majority of residents were aware of and have complied with Level 3 water restrictions. To date only a small number of reminder letters have been issued to residents who have been observed breaching water restrictions and no infringement notices have been issued. Council has taken numerous phone calls, emails and face to face enquiries from residents either enquiring about permitted water uses or notifying Council of a breach and on each occasion, staff have followed up with an appropriate course of action.

Level 3 water restrictions have remained in place over Winter 2019. It is acknowledged that residential outdoor water use is low during this time and flows from the Fish River supplement the water available in the Macquarie River, however it is important to continue to implement water restrictions noting that the impact on residents is currently low but that the re-introduction of water restrictions at a later date would be a much more difficult task resulting in increased impacts on residents and costs to Council as a result of changing permitted water uses.

## **Previous Patterns and New Projections**

The monthly Chifley Dam volume graph is at **attachment 2** and updated to the time of writing this report. As can be seen, the October dam level has been over 70% for 2004 to 2009, and close to 100% for 2010 to 2017. The level in October 2018 was 60%, highlighting a significant change from the previous 16 years. Based on the current level of 44.3% and the Bureau of Meteorology climate outlook information for the next 3 months, where rainfall is expected to be well below average and temperature well above average, the likely October 2019 level will set a record low. This follows from 2 previous winters in 2017 and 2018 where significant inflows to Chifley Dam did not occur. Please refer to **attachment 2**.

If Council presumes a conservative projection whereby there is a repeat of the 2018/2019 Summer rain, low inflow during Winter 2020 and the Bathurst and irrigation usage quantities are similar, then Chifley Dam would be empty before Spring (September) 2020. Please refer to **attachment 3**.

Typically, Bathurst receives higher levels of rainfall during Winter but in 2017 and 2018 that normal Winter rainfall was not received meaning that Chifley Dam is entering the normal wet period from a much lower starting point. In the period April to June 2019 a small inflow was received, however the dam storage overall had a decrease of 2% showing that this inflow was offset against consumption during this time.

Several projections were detailed at the Councillor Working Party which was held on 12 June and the key weather projections are detailed below:

- The chance of Bathurst exceeding the median rainfall in the period from June to August 2019 is approximately 20 – 25% according to the Bureau of Meteorology ([www.bom.gov.au/climate](http://www.bom.gov.au/climate)). Please refer to **attachment 4**.
- The chance of exceeding the median maximum temperature from June to August 2019 is at least 80% according to the Bureau of Meteorology ([www.bom.gov.au/climate](http://www.bom.gov.au/climate)). Please refer to **attachment 5**.

Based upon the assumption that the same level of rainfall as in 2018 is received in the catchment and consumption patterns repeat then:

- As of 14 October 2019, it is estimated that Chifley Dam will be at 38.0% or 11,430ML
- The trigger level for Extreme restrictions would be reached on 20 December 2019, 29% or 9,000ML.
- The Cease to Pump Irrigation trigger level would be reached on 24 February 2020, 22% or 6,600ML
- Critical restrictions level would be reached on 22 April 2020, 15% or 4,500ML and
- Zero Day would be reached on 17 July 2020 with 1,350ML remaining as inaccessible and/or poor-quality water

Refer to **attachment 6** for the graphical representation of this data.

These dates can be extended by reducing demand and/or increasing supply.

There is substantial evidence that low rainfall across the state has put increased pressure on water availability for many regional and remote locations. Many Councils and Local Water Utilities have implemented water restrictions and NSW Water have severely limited access to water licence allocations in most regulated rivers due to water shortages.

In most instances a combination of supply and demand measures have resulted in water savings and extended the timeframe for water availability in multiple communities. In Bathurst that could equate to a higher level of water restrictions for residential and non-residential customers, changes to the amount of water made available for irrigation and investigations into diversified supply options for short term and long-term supply augmentation.

Winburndale Dam is currently just over 90% and receives some inflows over the Winter months. Raw water from Winburndale Dam is utilised in several parks, gardens and sporting fields around Bathurst. Bathurst Regional Council has a licence to utilise Winburndale Dam, however there are other licences in place and Council's allocation of 1000 ML per annum is almost fully subscribed without detailed consideration being given to limiting or ceasing irrigation of parks and sporting facilities.

Given the time and remaining water available, short term options around reducing the demand or use of water from Chifley Dam are needed first, followed by medium term supply options, and if possible longer-term solutions. Examples of these solutions are provided later in this report.

### **Proposed Water Restrictions**

It is proposed that Council implement Level 4 – 5 (Extreme) water restrictions on Monday 14 October 2019, despite the projected trigger point in the DMP being 20 December 2019.

Council's approach to the introduction of Level 4 - 5 (Extreme) water restrictions considers several factors. These include the time of year, (school/university/TAFE holidays, particularly over Christmas, sees many people leave Bathurst), whether or not water is being used from Chifley Dam or the Fish River (usually the Fish River over Winter/Spring), the timing of daylight savings starting on Sunday 6 October 2019, the return of school children for term 4 on Monday 14 October 2019, that warmer spring weather usually starts in late October where the demand for water typically increases, and the fact that Council needs to act early to ensure that customers are not yet in the habit of watering outside (there is almost no outside watering occurring in Winter).

Council finds itself almost in the same position as this time last year where rainfall and inflow are low and in order to undertake the planning for the implementation of water restrictions enough lead time is required to commence the education campaign. The projected date of 20 December is in the middle of the Christmas holiday period when many residents are away, and it is preferable in these circumstances to adopt a precautionary approach and implement water restrictions on a nominated date rather than a set water level in Chifley Dam.

The key differences between Level 3 and Level 4 – 5 (Extreme) water restrictions are detailed below. In addition, refer to **attachment 7**, table highlights at a glance the permitted water uses under all levels of water restrictions. The Extreme Water Restriction Action Level information is contained in **attachment 8**.

- Watering of lawns not permitted under Level 4 - 5 (Extreme)
- Watering of gardens for a maximum of 30 minutes, between 6am – 9am or 6pm – 9pm on Wednesday and Sunday, by hose and trigger nozzle or other water efficient means until Chifley Dam reaches 29% after which by bucket or watering can only
- Car washing at home not permitted

- Complete filling of pools not permitted and topping up of pools not permitted unless independent evidence of potential damage resulting from pool being low/empty is supplied
- Washing of hard surfaces only permitted with a high pressure, low volume device in the area immediately affected for health and safety reasons.

Council has made some initial investigations about the requirements to top up pools to determine whether this may be required to avoid damage to the structure of the inground concrete and fibreglass pools, or to the lining of aboveground pools and/or filtration equipment that may not have enough water to operate. There is no definitive answer to this question and as a result the proposed water restriction measure is not allow the filling or topping up of pools unless the pool owner can provide independent evidence to Council as to why this should occur. Should this evidence be available then Council would provide an exemption as detailed in the exemption process outlined in this report and most likely the conditions would include as a minimum the use of a pool cover. With regard to swimming pool covers, these will need to be endorsed by either the Swimming Pool and Spa Association of Australia (SPASA Australia) or Smart Approved Watermark – whom Council has partnered with to provide water saving information and details on certified water saving products.

As a guide Council had 1411 pools registered on the NSW Swimming Pool Register in May 2019 although this would not cover all pools in the region.

In addition to the anticipated community feedback around the filling of pools it is most likely that the watering of lawns and gardens will represent the most difficult measures for many residential property owners. As a result, Council has proposed a staged approach to watering of gardens and added a new option by using a hose with a trigger nozzle or other water efficient device until 29% at which point the restrictions will move to watering with a bucket or watering can only.

As with the implementation of Level 3 water restrictions, Council staff will continue to monitor the effectiveness of Level 4 – 5 (Extreme) water restrictions to ensure that water savings continue to be made. There is a body of evidence to suggest that when water restriction levels are increased from the first level implemented that the same water savings cannot be achieved with each subsequent increase, that organisations must work harder with each level to ensure water savings are made and that the capacity of the community to make savings decreases with each level. Council is cognitive of this which will be factored into water savings monitoring.

As is currently the case a range of data is collected and stored on a weekly and sometimes daily basis to ensure that Council staff have as much information as possible to determine future projections and undertake any actions as required. Council is now at the point where it also has access to water availability and water restriction information from other Councils to ensure that actions undertaken by Bathurst Regional Council are in line with other community responses.

With respect to the promotion and advertising of permitted water uses under Level 4 – 5 (Extreme) water restrictions, Council staff will build upon the previous campaigns to reinforce the message that water restrictions apply to all residents and businesses across the region. A multi-faceted communication plan has been developed which will ensure that information is made available as widely as possible ensuring that all members of the community are aware of their obligations under Level 4 - 5 (Extreme) water restrictions. Television, radio, print media, bus advertising, cinema advertising, letter box drops, and other mechanisms have been identified as per the draft communications matrix at **attachment 9**.

The Council website has until now been the central hub of water restriction information for the community and staff as well. It is clear that having a central repository for information has worked well and the website [www.bathurst.nsw.gov.au/waterwise](http://www.bathurst.nsw.gov.au/waterwise) will continue to be updated regularly and should be considered the most accurate and up to date point of information.

When Council implemented Level 3 water restrictions a range of figures were provided indicating at what point Council may consider changes to the current level of restrictions, it was clear that was confusing and unnecessary information. As Council considers the implementation of Level 4 – 5 (Extreme) water restrictions instead of attempting to fix a set level of Chifley Dam when restrictions would be lifted or tightened instead restrictions will be monitored by Council staff throughout Winter and Spring 2019 and if circumstances are markedly different to those envisaged at the time of writing this report further information will be provided to Council in order to consider the most appropriate options at that time.

### **Other Demand Measures**

Council staff acknowledge that whilst the most significant way to drive down water consumption is through the implementation of water restrictions, staff have identified that it is also essential to support the community of Bathurst through this difficult and challenging time. The provision of information about permitted water uses along with the opportunity for limited exemptions followed up with compliance actions are the minimum level of action that Council should undertake when implementing Level 4 – 5 (Extreme) water restrictions.

Other capacity building activities are also essential to ensure that the residents of the Bathurst region have access to every opportunity to protect their assets (mainly outdoor gardens and pools) during the period where substantially less water will be available to them. The use of water in gardens was the subject of most water restriction exemption applications under Level 3 water restrictions. It is noted that there will be no water available for lawns under Level 4 – 5 (Extreme) water restrictions and therefore residents will be focussing water use on gardens.

Council is proposing a series of workshops with residents and other key stakeholders such as landscape architects and builders in order to build resilience and ensure that water which is applied to gardens is done so to maximum effect. In addition, thinking about long term garden design and plant selection are other important considerations. The workshops will form the cornerstone of an ongoing engagement program which will cover print and social media, radio and other face to face engagement opportunities.

Council staff are currently investigating the feasibility of a rebate and subsidies program like those which have successfully been run by Council in the past such as shower head rebate and wood fire rebate programs. Rebates may be available for water efficient appliances to drive down indoor water consumption and rainwater tanks to increase water storages for outdoor use in residential areas. Only preliminary investigations have been undertaken at this time and further understanding of budget and other implications will be required before a further report would be prepared for Council.

### **Exemptions to Level 4 – 5 (Extreme) Water Restrictions**

Throughout the implementation of Level 3 water restrictions Council has provided exemptions where appropriate, in all cases the proponent was notified that should the level of water restrictions change then existing exemptions would be void and the applicant would need to reapply depending on the nature of the circumstances.

An exception and exemption process covering residential and non-residential properties and water uses will be required under Level 4 – 5 (Extreme) water restrictions. Exceptions relate to the case where an exemption is not required because the water use is permitted for a range of customers. Whereas an exemption requires extenuating circumstances to enable water use to continue where under normal circumstances it would not be permitted.

Up until now exemptions have been granted where there is evidence of extenuating circumstances and the application has been based around health, safety and economic reasons. Under Level 4 - 5 (Extreme) restrictions it is proposed that economic reasons for residential exemption applications would not be considered, this would include the laying of turf, seeding of grass and other landscaping requests based around the presentation of gardens either for existing homes or new dwellings.

The matter of non-residential exemptions is a more complex issue and the challenges faced by small and medium sized businesses in Bathurst with outdoor water use will be detailed later in this report under implications for business. There have been 37 non-residential exemptions received to date with most approved with conditions, the reasons for these exemption requests have focussed on cleaning for health and safety reasons and where water is required directly for businesses to undertake works e.g. the construction industry.

The continuation of the exemption and exemption process would represent an extension of the current exemption policy, however Council will need to further refine and detail a more robust procedure for exemptions under Level 4 – 5 (Extreme) water restrictions and provide resourcing.

Consideration will need to be given to the following:

1. An overarching policy including the objectives of exemptions
2. Assessment Criteria
3. Timeframe for determination and applicant responsibilities
4. Assessment Process (panel assessment)
5. Prioritisation of assessment/exemption
6. Forms and administration including management and record keeping
7. Advertising of exemption process
8. Reporting on exemptions

In order to achieve water savings and demonstrate an accountable and transparent process a limit to the number of exemptions which will be granted is anticipated.

Further to ensuring the transparency and accountability of process, it is expected that Bathurst Regional Council will need to continue to apply for exemptions to continue to maintain outdoor water use through the same process as external residential and non-residential applicants. It is expected that most exemption applications will be prepared by the Parks and Recreation section of Council covering prioritised outdoor open space.

In addition to Council parks, recreational and vegetated areas which may need to be considered for possible exemptions it is envisaged that some Development Applications may also need to be considered for possible exemptions. Alternatively, Council may need to develop a process to ensure that DA's can be finalised where landscaping may either be delayed or postponed due to the implementation of Level 4 – 5 (Extreme) water restrictions.

The range of Council assets which could be considered for exemptions are detailed later in this report when considering the costs of Level 4 – 5 (Extreme) water restrictions to Council and the community.

The proposed exemption process will also cover water made available through the Hereford Street water filling stations. Currently water is commonly utilised from these points for the purpose of rural domestic and stock water supply, construction and other uses. The exemption process will need to determine a prioritised list of water uses whereby water may be accessed from these points and determine how use will be monitored.

The exemption process will also need to consider how it might inform existing or new grant acquittals. Council has a range of grants already in place many in the Parks and Recreation section where funding agreements have been signed and works commenced. For some of these grants watering of grassed areas, recreational facilities and other landscaped areas are already a requirement of the existing grant agreement. Council may need to appeal to the appropriate grant bodies to vary the existing agreements in place and demonstrate how it may be able to delay portions of works under new grant programs yet still achieve timely outcomes.

In addition, Council has included in its 2019/2020 budget the construction of 2 new sporting fields to the Hereford Street Complex, the reconstruction of the Bathurst Sportsground, and refurbishment of the Proctor Park Football Fields. Council has deferred these projects due to the need to conserve water.

### **Enforcement of Level 4 – 5 (Extreme) Water Restrictions**

Council has undertaken significant promotion and advertising of Level 3 water restrictions and to date has only taken minimal action regarding compliance. It is anticipated that under Level 4 – 5 water restrictions a more comprehensive compliance program will be required in order to ensure that breaches are managed appropriately to conserve water and to reinforce the message that Council is committed to managing breaches and that restrictions apply to all residents and businesses equally.

Prior to the implementation of a water restrictions compliance program, an addendum to the existing Bathurst Regional Council compliance policy would be required and this would be placed on Public Exhibition following consideration by Council. The addendum would cover the detailed actions required of Council staff with respect to compliance and would set out a transparent procedure including warning(s) prior to enforcement actions being undertaken. It should be noted that any compliance measures to be undertaken by Council would only cover residential and non-residential properties and that any breach of licence restrictions from agricultural irrigators would be a matter for Water NSW to manage.

As a first step Council will remind residential and non-residential customers of what actions they should be taking to comply with the current level of water restrictions. It may well be the case that observed or reported breaches on a property could be in error or that tenants or visitors to the property were responsible and, in these instances, Council will constructively work with the property owner to resolve the issue.

Following reminders, Council could issue a warning letter from the General Manager outlining some of the fines and sanctions that Council can impose. A penalty infringement notice (PIN) subsequently can be issued by authorised Council Officers with the fine being \$220.00 for an individual. Should the matter be elected to be heard in Court the maximum fine is up to \$2,200.00.

Sanctions including the installation of a flow restrictor will be used for serial offenders, and the revenue policy fee for the removal of the flow restrictor device is currently \$171.00. A final avenue open to Council is to authorise the disconnection of a property from the Bathurst water supply.

Income generated to Council as a result of compliance measures would be returned to the General Fund and not the Water Fund as staff in the Environmental Planning and Building Department would be responsible for compliance and income from water restrictions would be managed in the same way as other compliance income. It is anticipated that any income would be low and would only offset a small portion of compliance costs, therefore it is expected that the costs of managing compliance for Level 4 - 5 (Extreme) water restrictions would come from the Water Fund.

It is unlikely that the more severe measures available to Council would ever be pursued and it is anticipated that most issues will be resolved with warning letters and further information.

Regarding managing both exemptions and compliance Council's Plumbing Inspectors may also be called upon to provide advice or inspect alternative water supplies including tanks, wells and bores to determine or not whether they are truly independent of the Bathurst water supply.

Staff will provide the updated draft compliance policy to Council over the next few months but prior to the implementation of Level 4 - 5 (Extreme) restrictions for consideration ahead of it being placed on Public Exhibition.

### **Implications to Council and Community of Water Restrictions**

Impacts to Council from the implementation of Level 4 - 5 (Extreme) water restrictions will be wide ranging but largely centre around human resourcing and financial impacts either through increased costs or decreased revenue.

Additional human resource requirements will be required to effectively manage the implementation, promotion and administration of water restrictions. Staff across Council will be required to manage administration, correspondence, communications, stakeholder engagement, compliance and many other tasks associated with Level 4 – 5 (Extreme) water restrictions. As the severity of restrictions increases so too will the resource impacts for Council most likely as a result of increased customer service requirements and additional project work.

Council has already commenced investigations into alternative water supplies, and this will be ongoing task over the next 12 months and beyond, requiring Council staff to manage external contractors as well as undertake internal research and prepare reports and correspondence as required.

At this time water meters are read on a 6 weekly cycle, this enables for quarterly billing for water availability and water usage to occur in line with the mailing of quarterly rates notice. In order to complete a 6 week meter read Council employs one full time water meter reader and several casual staff to assist during peak times and the cost to undertake the meter reads covers full time and casual staff wages plus administrative time and costs. If a one-off meter read is required, the charge is currently \$47.00 as per the 2019/20 Management Plan.

There are a number of options available to Council to increase the frequency of meter reads through either the adoption of a monthly water meter reading cycle which would provide more up to date water consumption information for both Council and customers or by installing electronic smart meters on properties across the reticulated network, smart meters can provide real time data which can be monitored in an ongoing capacity enabling a better understanding of where leaks or excessive use may be occurring.



The estimated cost to Council to move to a monthly meter read would be substantial whilst the cost to roll our smart meters to the more than 15,000 connected properties would be in the order of \$4 million however this investment whilst being significant would provide substantially greater levels of water consumption information over time, allowing Council to work with higher level water users to decrease consumption. The topic of improved metering, especially in a staged approach will be raised as an important part of any future water supply and demand discussions including those where external funding may be made available to enable improved water availability.

In addition to the capital costs of installing smart meters, funding and resourcing for operations, maintenance, repair and management of that system would be essential. These costs would need to be quantified and if such a significant change was to occur, a separate communications strategy would need to be developed and implemented.

There will be inevitable costs to Council around project works relating to drought management, these costs are likely to be ongoing and could relate to asset renewal or the development of alternative supply options which are detailed later in this report. In addition, there is an anticipated decrease in revenue from water usage charges for the coming financial year. The estimated cost to promote Level 3 water restrictions was in the order of \$40,000 and it is anticipated that the costs to advertise and promote Level 4 – 5 (Extreme) restrictions will be even higher.

In addition to increased water treatment costs at the Water Filtration Plant there are other costs to Council sections including the potential cost for infrastructure replacement:

- Water Assets - including water and sewer assets
- Parks Assets – including passive and active recreation areas
- Recreation assets including sports fields and public swimming pools
- Natural areas regeneration (current project sites)
- Bathurst cemetery and lawn garden including crematorium
- Fountains and water features
- Other areas yet to be identified such as buildings and roundabouts

There could be a decrease in tourism and visitation as a result of events not being staged (particularly with respect to sporting events dependant on the quality of recreational facilities). There could also be impacts on major events including events staged at Mt Panorama and Carrington Park (Elton John and NRL) where the visual amenity of the site could be degraded.

Council may need to consider contributions to subsidy programs for various sectors of the community, Council may also need to advocate to State and Federal Government for the same. Any subsidies should focus on indoor water use as outdoor use becomes more restricted with each level of water restrictions.

Many of the costs to Council will be replicated by costs to the community, most concerns from residents to date have revolved around gardens as assets and concern that these assets will be compromised through the implementation of water restrictions. The anticipated costs to the community are not limited to but will include:

- Loss of personal assets and personal amenity for example through the loss of gardens
- Loss of public amenity e.g. access to green spaces and open space for recreation and relaxation

- Loss of sporting facilities and opportunity to participate in sport (physical, emotional and psychological impacts)
- Potential health implications which could include heat impacts, respiratory and manual handling (including potential complaints regarding watering can use from aged residents or those with pre-existing medical conditions)
- Loss of access to businesses which may close for example nurseries and gardening businesses, lawn care business, garden care, turf farms
- Loss of income and impacts on house prices for those residents wishing to buy and sell property in the short to medium term
- Dust and pollution issues leading to health concerns and issues around dust settling on property roofs – affecting water catchments for rainwater tanks
- Potential for increased health care demand especially for the young, aged and those with existing health concerns
- Death of street trees and private trees resulting in loss of shade
- Physical and mental health implications as already documented in the agricultural sector (*The social and economic impacts of drought*, ANU 2018)

### **Impacts on Business of Water Restrictions**

It is anticipated that businesses and private organisations will be impacted by the implementation of Level 4 – 5 water restrictions, there are businesses such as nurseries which would be affected in a direct way and could be affected in a substantial way. For other businesses impacts may be less direct. There may costs to businesses to alter practices or mitigate water loss and for some private organisations such as aged care facilities or schools' practises may need to be altered reducing amenity and having other follow on impacts.

The impacts on the business sector may result in economic losses within the community. All businesses will be required to undertake a Water Efficiency Plan (WEP) or water audit at a minimum before they could be considered for a possible exemption, and as previously identified the exemption process will be complex in determining how and when exemptions will be granted. As a result of the assessment of WEP's businesses may be required to change practises leading to increased costs to business.

The direct impact on businesses and other private organisations requiring water for external use (excluding agriculture) would include the following business which may be affected:

- Nursery and plant retailers
- Garden care businesses
- Handyman businesses
- Cleaning businesses
- Construction including residential, commercial, subdivisions and civil engineering works
- Turf retailers
- The Bathurst Golf Club
- Bowling Clubs
- Schools including ovals and grounds
- Churches
- Wedding reception and function venues
- Aged care facilities – grounds, activities and therapeutic gardens
- Child care facilities – play areas
- Medical facilities – grounds, activities and therapeutic gardens
- Disability services facilities – grounds, activities and therapeutic gardens

As a result of the potential impacts there is a clear need to identify the potential criteria for assessing non-residential exemptions to potentially mitigate the impacts on these businesses. Further communication through the Business Chamber will be required in order to engage businesses ahead of the implementation of Level 4 – 5 water restrictions.

### **Options for Agricultural Irrigation**

The NSW Department of Industry has indicated through the *Summary of Current Water Allocations* made available on 27 June 2018 that most inland regulated rivers across NSW have a 0% General Security (irrigation) allocation for the next water/financial year. High Security licenses including various mining operations and the Western Plains Zoo at Dubbo are likely to only be able to access a portion of their total licence allocation for the coming year also.

Irrigators upstream of the Bathurst WFP have the equivalent of General Security licences to extract water from the Campbells and Macquarie Rivers, noting that there are no actual General Security licences in any unregulated sections of inland rivers across NSW. Whilst irrigation makes an important financial contribution to the local economy of Bathurst it should be noted that water needs for agriculture have been balanced against other needs including town supply in most other river systems across NSW, almost all of which are regulated.

The use of water from the Campbells and Macquarie River above Bathurst is licenced by the State Government, who receive income from their water charges. The State Government owns the water in dams and rivers across NSW. Council's release of water from Chifley Dam is subject to State Government licence conditions, and it should be noted that the sole purpose of Chifley Dam is Town Water Supply acknowledging that environmental releases are also required. There is no requirement as part of Council's licence to release water for irrigation, however due to the location of agricultural land upstream of the Bathurst WFP there has been an informal water sharing process in place for many years to enable water for both irrigation and town supply.

Council staff have attempted to piece together details of existing water licences to enable modelling of future supply options based upon water requirements for irrigation. Some data has been obtained, however further investigations would be required to gain a better understanding of the total amount of water allocated to existing licences and to determine whether new licenses would be approved. Estimates of the annual licenced quantity total are around 4,700ML, though there are provisions where greater use can occur in one year provided the three-year average does not exceed the annual licence amount, and some trade and carry over provisions are available to irrigators. For the October 2018 to March 2019 irrigation season, about 50% on average of the water released from Chifley Dam is lost before it reaches the WFP through irrigation draw off, evaporative losses and in-stream losses.

In 2018 a first series of meetings were held with irrigators to ensure they as a key stakeholder group remained informed regarding Council's move to Level 3 water restrictions. As part of this information exchange an irrigator portal was established via the Council Your Say website and feedback was invited and founded through this mechanism and others. Once the Level 3 water restrictions were implemented irrigators upstream of the Bathurst WFP voluntarily adopted an odds and evens program where one side of the river would only irrigate on odd dates and the other on even dates. This proved to be substantially effective and Council would like to take the opportunity to acknowledge the important role that this reduction in water use for irrigation had on water availability over the Summer of 2018/19. Please refer to **attachment 10**.

The most recent meeting was held with many irrigators on Thursday 6 June 2019, where the current situation including water availability and rainfall projections were clearly outlined, and irrigators were asked to submit their comments in writing. Some of this group have since met and spoken with Council staff. Council has received 2 submissions. One joint submission has been received from 3 irrigators, where they advised that the irrigation sector contributes significantly to the Bathurst economy, employs many people, and supports Bathurst businesses. The second submission outlined the potential impact of the cease to pump on their business and employment.

Their priority is to continue to operate (even at a reduced allocation) for as long as possible, rather than changing the cease to pump level from 22%. This enables the benefits above to continue. (This advice has been verbally supported by other irrigators).

They propose for 2019/2020 to have water meters installed and be read by the State Government, that there is no water trade, they use one-third of the 3 year allocation, and request the cease to pump remain at 22%.

A Council Working Party was held on Wednesday 12 June 2019, where the water situation was extensively outlined and discussed, the agenda for this meeting included issues around water availability for irrigation as well as town supply and the challenges with determining an appropriate alternative supply in the short term.

Council does have the option to appeal to the NSW Water Minister in order to implement changes to access to water for agricultural irrigation. The current 22% cease to pump requirement set in the Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012, could be temporarily changed to a new figure such as 33% or the availability of water could be potentially set at 50% (of available water determination) under potential changes which could be made by the NSW Water Minister under Sections in the Water Management Act 2000.

The challenge for Council will depend upon the State Government's ability to undertake compliance actions in regard to managing any change to water availability for irrigation, as the effect of any change may not become evident for some time, and then not allow enough time to make further changes that reduces water use significantly enough to ensure that the water availability in Chifley Dam does not run out until an alternative supply is made available.

Accordingly, the recommendation is that Council should authorise the Mayor and General Manager (or their delegates) to hold urgent discussions with the NSW Water Minister to discuss the following options which are prioritised below:

1. The State Government confirm the total licences are less than 5,000ML and restrict licence allocation to 50% of available water determination for a single year with no carry over or trade of the current licences, meters to be installed and linked to Water NSW before November 2019 where they are not currently operational, and the strict monitoring of water use to be undertaken by the NSW Government and any breaches to be managed and enforced appropriately.

Should this option not be feasible or agreed to by the Government, then:

2. The State Government temporarily change the cease to pump level of 22% for the 2019/2020 water year to 33% which would severely restrict the level of water available for irrigation.

Further matters will also be included in that discussion, particularly around short to medium term infrastructure supply options (details below) and the need to temporarily vary the dam licence environmental release of 4.35ML/d to zero whilst the dam level remains below 60%. The State Member for Bathurst Paul Toole MP is aware of the situation relating to water availability in Bathurst and is facilitating access to relevant Ministers and State Government agencies to ensure that appropriate measures may proceed.

In addition to water available from Chifley Dam via the Campbells and Macquarie River, another option of increased farm offline storage (farm dams) has been raised. There are substantial challenges with increasing off line storage mainly around the availability of land with catchments to create usable dams, the economic cost and losses associated with dam construction, the licensing and approval conditions as well as potential and unknown environmental impacts. As such supporting an increase in off line water storage is not recommended at this time.

### **Infrastructure Supply Options**

In addition to the implementation of Level 4 – 5 (Extreme) water restrictions and other demand measures such as the restrictions on water available for agricultural irrigation, Council is currently investigating the most feasible options to determine an appropriate alternative supply. There are a range of challenges associated with this not in the least of which is the short time frame available to progress feasibility, concept, design and other studies along with the potential cost of any option.

Council has engaged several external consultants, who are working with Council staff to:

- undertake a rigorous approach to groundwater investigation and exploration
- assist with the assessment of emergency options
- assess the feasibility of augmenting the supply with different sources of water, and the potential for the WFP to manage these sources or to be upgraded with additional treatment processes
- engage with the Government agencies that will be able to facilitate the funding and approvals of emergency water supply options.

Opportunities are being explored to access Government funding and ongoing consulting work to undertake such matters as to review the Drought Management Plan, develop a detailed catchment model, and develop and assess supply anticipation options.

Like many other Councils in NSW, Bathurst Regional Council is discussing the wide range of potential options for continued water security with key stakeholders. Various water source options have been identified including surface water, treated water, groundwater, stormwater, recycled water and mining by-product water it may be the case that a variety of water sources will be required in the future however Council must ensure that any options which are progressed will provide a high degree of water security into the future.

Each option has been subjected to a multi-criteria analysis including ease of source access, potential long-term sustainable yield, treatment requirements, time to approval and construction, indicative capital cost, ease of implementation and whether the option could also supply other communities in the region. Operating costs have not been factored in at this stage, largely as many of these are unknown and inflexible.

Several groups of projects emerged from the ranking process and based on this assessment, the following form the options which should be progressed:

- Surface water from Winburndale Dam (underway)
- Groundwater (under Bathurst WFP) (underway)
- Surface water from Oberon Dam/Fish River (underway)
- Surface water from Chifley Dam pipeline (previously investigated)
- Recycled water (Bathurst WWTW)

The following options should remain in the regional water security mix as potential longer-term water security solutions:

- Mining water (Regis)
- Treated water (Sydney Water)
- Transfer between regional water storages as required
- Surface water from Lake Burragorang (Warragamba Dam), Oberon Dam/Fish River and Coxs River
- Stormwater
- Raising of Chifley Dam
- Pipeline to (raised) Wyangala Dam

Details of the capacity and actual water available in dams surrounding Bathurst are at **attachment 11**.

For all the prioritised options, liaison with, and input from NSW Health (Local Health District) and Department of Industry (Water) up front, is a necessary part of the options' development process to ensure water quality and to maintain the current high standard of drinking water in Bathurst. It should be noted that any changes to the source inputs will amount to a 'system change' and therefore, will need to undergo a public health risk assessment as part of the Drinking Water Management System requirements (NSW Public Health Act 2010). This represents only one of multiple approvals that would be required.

Regarding the use of Winburndale Dam water as added to the WFP, it is noted that historic gold mining in the Winburndale area has led to elevated arsenic levels in the raw water supply. Council is seeking advice surrounding the removal of arsenic including analysis of the risk and treatment recommendations. Additionally, high levels of iron and manganese are present in this water also, Council currently assumes that the filtration plant can manage the levels of these natural occurring compounds due to the recent upgrades in 2015. Council is seeking an analysis to confirm that this assumption is accurate. However, it is noteworthy that arsenic removal is likely to require an oxidation step prior to coagulation, which will also provide another treatment barrier to aid iron and manganese removal.

Work has commenced on identifying the quantity of water available from Winburndale Dam (which has a capacity equal to 5.5% of Chifley Dam or putting it another way Chifley Dam is 18 times the size of Winburndale Dam), noting that Council's licence is for 1,000 ML per year and this amount is already fully utilised. The key raw water users include some of Council's sporting fields such as Learmonth Park, Proctor Park, Alan Morse Park and The Bathurst Showground, passive recreation parks including Machattie Park and the Bathurst Adventure Playground, as well as educational facilities of CSU and St Stanislaus College and MacKillop College campuses. Ongoing use of water at a reduced level at these locations would be subject to an exemption application as detailed above.

Council has engaged specialised consultants to investigate the most appropriate locations for any localised groundwater sources and their advice after the detailed investigation of a 20km radius from the Bathurst WFP was that a transect across the floodplain in that vicinity looked the most promising option refer to **attachment 12**. The onsite testing is planned for later in July. In terms of existing bores, it appears that the most likely existing yield is around 2.5L/s per bore, meaning that a significant number of bores would be required. Work on this project will continue to determine the feasibility of implementing the groundwater extraction.

With any new water source addition to the weir pool or WFP, it may be necessary to provide a new process step, being UV treatment, and work will soon commence on determining the feasibility of adding UV to the existing WFP. If this option is feasible, Council require a concept design for the retrofit of the UV system into the WTP. Timeframes and indicative costs would also be provided for the design, tender, construction and commissioning stages. Work on progressing the investigation of the options and implementing appropriate actions will continue.

### **Summary and Conclusion**

In summary, whilst Council staff are currently investigating supply and demand measures in order to extend the water available in Chifley Dam for as long as possible, it is essential to introduce tighter water restrictions for Bathurst, and to further limit the use of water by irrigators between Chifley Dam and the Bathurst WFP in order to sustain the available water in Chifley Dam. It is noted that if no rainfall is received during Winter 2019 that the next likely period for sustained rainfall in the Bathurst Region based upon historical records indicates Winter 2020.

In addition, Council must prioritise and protect the town water supply for drinking water until an alternative water supply can be implemented given that project development, application for external funding, obtaining complex approvals and commissioning any options will take substantial time and resources. A business as usual approach will not provide the required water savings in the time available, and emergency actions are being pursued.

Council staff are currently investigating short term options but also medium-term options in order to improve the reliability and sustainability of water in the Bathurst Region to ensure that population growth and development can be achieved whilst maintaining a quality of life that is commensurate with the availability of well managed natural resources.

As such the recommendation is to implement Level 4 – 5 (Extreme) water restrictions (Extreme) on Monday 14 October 2019, and in the lead up to this time Council staff would undertake an extensive advertising and promotions campaign to raise awareness of permitted water uses and furthermore would utilise the time remaining prior to the implementation of restrictions to further discussions with the relevant Ministers in order to progress additional supply and demand measures.

Throughout the period July to October 2019, Council staff will continue to monitor the situation and assess projections to determine whether any additional actions are required. Should the situation change significantly a further report will be prepared for Council.

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

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

- Objective 3: Environmental stewardship Strategy 3.2, 3.3, 3.5
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.3

**Community Engagement**

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



**2 PROPOSED ROAD WIDENING - LOT 71 DP615587, LOT 100 DP1225223 AND LOT 1632 DP1218205 - HEN AND CHICKEN LANE, EVANS PLAINS (25.00055)**

**Recommendation:** That Council:

- (a) Approve the proposed road widening affecting Lot 71 in DP615587, Lot 100 in DP1225223 and Lot 1632 in DP1218205 at Hen and Chicken Lane, Evans Plains and dedicate the road to the public;
- (b) Approve the terms proposed as detailed in the Director Engineering Services' report.

**Report:** Council is planning the upgrade of Hen and Chicken Lane at Evans Plains and needs to acquire approximately 819m<sup>2</sup> of land from Lot 71 DP615587, Lot 100 DP1225223 and Lot 1632 DP1218205 for road widening purposes. The area of land to be acquired, as indicated in **attachment 1** is subject to final survey.

The landowners have been approached regarding the proposal and have provided consent to proceed with the acquisition, subject to Council's approval of the following terms.

That Council:

1. Engage a registered surveyor to undertake a formal survey and prepare a suitable plan for registration at NSW Land Registry Services.
2. Negotiate a compensation agreement with the landowner for land lost, pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.
3. Arrange for fencing along the new property boundary similar to existing fencing.
4. Pay the landowner's reasonable legal costs and bank fees.

**Financial Implications:** The cost of acquiring the land including survey, legal and compensation costs is estimated at \$30,000.00 and will be funded from the Unsealed Rural Roads Capital Works budget.

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

- Objective 4: Enabling sustainable growth Strategy 4.2

**Community Engagement**

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

### **3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00705)**

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

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

#### **1 TENDER FOR MOUNT PANORAMA PRE-EVENT CLEAN (36.00705)**

This report considers the tender for event pre-clean services for Mount Panorama for the Supercheap Auto Bathurst 1000 and the Liqui-Moly Bathurst 12 Hour.

#### **2 NETWASTE TENDER FOR COLLECTION AND PROCESSING OF USED MATTRESSES**

This report considers the regional tender coordinated by Netwaste on behalf of participating Netwaste Councils and Northern Inland Regional Waste (NIRW) Councils, for the collection and processing of used mattresses.

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

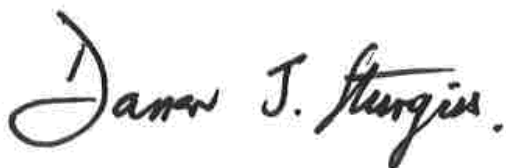
#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- 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

17 JULY 2019

## **1 BATHURST REGION: A CULTURAL VISION 2036 - SECOND ANNUAL PROGRESS REPORT (20.00056)**

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

**Report:** Council, at its meeting held 21 June 2017 adopted the Bathurst Region: A Cultural Vision 2036. The aim of the plan was to provide a 20 Year Cultural Vision for the Bathurst Region which was developed through considerable community consultation and is premised on the notion that:

*The Bathurst Region will be recognised as Australia's premier inland centre of culture and creativity.*

The implementation of the Cultural Vision will be achieved through the delivery of strategies grouped in three Outcome Areas:

1. Creative Places
2. Creative Programs
3. Creative People

These three Outcome Areas are considered the essential ingredients required to generate the conditions that will support and foster the human and physical conditions in which a centre of culture and creativity will thrive.

Each of the goals contained in the Cultural Vision has a number of related and achievable strategies that fall into the 1-4 year, the 5-10 year and the 11-20 year horizon.

In delivering the Cultural Vision, progress reporting is prepared and submitted to Council for endorsement annually. The second annual progress summary report, on the progress of actions, is available at **attachment 1**.

The Cultural Vision is beneficial in giving direction to Council facilities and programs and is utilised as a reference for grant applications and linking of stakeholders in the community.

Some key delivery actions during 2018/2019 include:

- Funding of \$2.3million for Central Tablelands Collections Facility approved in Round 2 of Regional Cultural Fund.
- Library Strategic Plan development commenced with consultation undertaken.
- Public Art Policy adopted by Council, 17 April 2019.
- Bathurst Rail Museum capital works commenced in September 2018.
- Next Practice Performing Arts Facility brief prepared for consultant to be appointed for BMEC.
- Formal partnerships developed with Charles Sturt University to jointly participate and fund relevant consultancies.

**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
- Objective 2: A smart and vibrant economy Strategy 2.2, 2.6
- 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 SUSTAINABLE CONSERVATION PILOT PROGRAM - AICCM, THE UNIVERSITY OF MELBOURNE, NSW GOVERNMENT, HERITAGE COUNCIL OF NSW (20.00004)**

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

**Report:** Bathurst Regional Council partnered with the Australian Institute for the Conservation of Cultural Materials (AICCM) and Melbourne University's Grimwade Centre for *Sustainable Conservation: a pilot program for regional NSW and emerging conservators, AICCM and Bathurst Regional Council*. The aim of the program was to demonstrate a locally-led model of supporting heritage preservation and care of cultural material across rural and regional NSW.

Conservators, recent graduates and students from the Grimwade Centre facilitated the project in conjunction with staff from Bathurst Regional Council and the Bathurst District Historical Society. Activities were conducted across several sites and delivered mentorship and heritage preservation skills to students, emerging conservators, local government staff, community groups, volunteers, businesses and individuals. A copy of the Sustainable Conservation Pilot Program document is provided at **attachment 1**.

Site specific activities included:

1. **Chifley Home**: Preventative Conservation workshop, Collection Management Plan workshop, Textile Conservation workshop, assessment of at-risk objects and treatment options for Chifley Home collection.
2. **Bathurst Regional Art Gallery**: Professional development for emerging conservators via treatment of Gallery collection items in a lab environment, Australia's first ever *RE-ORG* workshop based on the internationally recognised UNESCO model, behind-the-scenes *RE-ORG* public information session.
3. **Bathurst District Historical Society**: Preventative conservation programs, professional development opportunities for emerging conservators, exhibition preparation training, conservation prioritisation and treatment plan decision making.
4. **Bathurst Sustainable Living Festival**: Demonstrations and information provision on the relationship between preservation and sustainability.
5. **Bathurst Heritage Trades Trail**: Demonstrations of ceramic restoration/repair and care of metals, textiles, paintings, photographs and paper records.
6. **Stacey's Paper Studio**: Paper and Photographic Preservation workshops.

Impacts of the program include:

- Improved partnerships and engagement between local heritage organisations.
- Community-based education and training in collection care.
- Increased public awareness of Bathurst's heritage assets.
- Promotion of Bathurst's heritage organisations.
- Improved understanding of collection needs in rural and remote NSW by peak professional body AICCM.

**Financial Implications:** This project was funded by the NSW Government and the Heritage Council of NSW, with support from the Willem Snoek Conservation Award and The University of Melbourne. There were no financial implications for Council.

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

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.3
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.2, 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 BATHURST REGIONAL ART GALLERY - 2019 THE END FESTIVAL EXHIBITION PROGRAM, 12-14 APRIL 2019 (21.00092)**

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

**Report:** Now in its fourth year, The End Festival continues to grow. In 2019, 6,800 – 7,200 people attended the event, representing a 5% increase on 2018 figures. NSW National Parks and Wildlife Service (NPWS) survey results indicate that 75% of these visitors were from Sydney and NSW other, with 23% visiting Hill End for the first time due to the Festival and 81% listing the Festival as the main reason for visiting the Central West.

The event contributed to the economic development and sustainability of the village, contributing an estimated \$1.81 million to the local economy. According to NPWS statistics, 16,030 nights were spent in the region, with 74% of respondents spending 2-3 nights in the area.

Council supported The End Festival in 2019 as a major partner, contributing \$10,000 to the event (a 50% increase on 2018 funding). Council funding for creative programs including a curated program of exhibitions by the Bathurst Regional Art Gallery (BRAG) and the Digging for Gold talent quest variety show coordinated by local performer Sophie Jones.

In 2019 BRAG developed two exhibitions curated from the Hill End Artists in Residence Program (Hill End AIR) and a series of community art-making workshops:

***Wendy Murray: Over the Horizon*** : A major paste-up poster installation by Sydney/LA based graphic artist Wendy Murray.

***Peter Wegner: Portraits from The End***: Portraits celebrating the characters and personalities of Hill End by Melbourne based artist Peter Wegner with workshops by BRAG facilitator Fiona Howle.

BRAG has supported The End Festival program since its inception in 2016, working closely with staff in the Visitor Experience Branch of the NSW NPWS to develop exhibitions which are both relevant and engaging. Previous projects include: *Artists from The End* (2016), *Gold Record: Images from the B.O. Holtermann Collection* (2017), *Sally Kidall: A fortunate life* (2017), *Postcards to The End* (2018), and Peter Solness light projections and workshops (2016, 2017, 2018).

A further report will be provided to Council on future partnership opportunities with The End Festival.

**Financial Implications:** Council was a major project partner for The End Festival in 2019, providing \$10,000 in funding support (DCSF Report #2 to Council, 21 November 2018). Funding for this project is contained within Councils existing operating budgets.



## **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
- 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 ARTS OUTWEST 2018 ANNUAL REPORT (18.00036)**

**Recommendation:** That Council note the Arts OutWest Annual Report for 2018.

**Report:** Council has received a copy of Arts OutWest Annual Report for 2018, copies of the report are available at Council's administration offices or can be viewed on the Arts OutWest website link: <http://artsoutwest.org.au/annualreport2018/>

Council, in its Annual Operating Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilitates and advocates for arts and cultural development for the communities of Central West NSW.

Arts OutWest has provided support to Council during 2018 with a variety of initiatives, the highlights of Bathurst activities are included in **attachment 1**. The Annual Report estimated the value of services provided to the Bathurst Community at \$156,103.

Arts OutWest will continue to provide Council with updates on their program and benefits to the Bathurst community. It is recommended Council continue to be a financial member of Arts OutWest with the other ten Local Government Areas.

**Financial Implications:** Council has provided \$26,087 in the draft 2019/2020 Annual Operating Plan for Community Arts and this contribution is made directly to Arts OutWest as per the 2019/2022 Memorandum of Understanding rate of 65 cents per head of population, which is levied at the same rate for each Council area.

#### **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 2.1, 2.6      |
| ● Objective 5: Community health, safety and well being | Strategy 5.2           |
| ● Objective 6: Community leadership and collaboration  | Strategy 6.1, 6.2, 6.7 |

#### **Community Engagement**

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

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 3 July 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 3 July 2019, 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 3 JULY 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 June 2019 (07.00064)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 June 2019 be adopted.

**DECLARATION OF INTEREST**

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

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

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

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

**5 Item 1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) Adopt the policy as outlined in the report.
- (b) Note that as there is no changes proposed to the policy that Council does not need to place the policy on public display and seek submissions

**GENERAL BUSINESS**

**6**      **BUSINESS OWNER REPRESENTATIONS - PARKING WILLIAM STREET (28.00006)**

**Cr North** - Concerns at parking in area near Council. Could the limit between Russell and Keppel Street be reduced from 2 hours. Tabled a letter of request from business owner.

**7**      **Item 2 WORKING PARTY - CONSTRUCTIVE ENERGY (13.00065)**

**Cr North** - Recently held a meeting with this group, would like to ensure this is followed up.

**General Manager** - Will be organising a working party in near future to discuss energy directions.

**8**      **Item 3 REGIS RESOURCES (20.00333)**

**Cr North** - Where is the project at? Noted proposal to utilise land in Bathurst Regional Council to run a pipeline?

**General Manager** - Noted Regis is currently working on DA approval.

**9**      **Item 4 EGLINTON ROAD (25.00045)**

**Cr North** - The road work recently undertaken is very poor. Need some action taken.

**10**      **Item 5 SECOND CIRCUIT (20.00278)**

**Cr North** - Where is this at? Noted benefits of project and need to keep Federal Member up to date.

**Direction Engineering Services** - Provided update on design, EIS and community consultation process.

**11**      **Item 6 STEWART STREET (ROCKET/LAMBERT) PARKING TIMES (28.00006)**

**Cr Christian** - Businesses would like parking times reduced from 1 hour to 1/2 hour.

**Director Engineering Services** - Requested businesses write to Council.

**12**      **Item 7 TRAFFIC ISLAND HOLY FAMILY SCHOOL- MARSDEN LANE (25.00124)**

**Cr Christian** - could a traffic island be installed?

**Director Engineering Services** - Such a proposal would need to go to Traffic Committee for consideration.

**13**      **Item 8 5G ISSUES / IMPACTS (08.00002)**

**Cr Christian** - Where are we at locating independent studies?

**Director Environmental Planning Building Services** - Noted seeking advice from bodies like CSIRO, when obtained will be reported to Councillors.

**15**      **Item 9 FACEBOOK LIVE COMMUNICATIONS**

**Cr Jennings** - Do we use this type of facility? Perhaps use eg for WMC advice, water advice.

**General Manager** - Will review and get back to Cr Jennings.

**14**      **Item 9 DIGITAL MEDIA ACCESS (11.00008)**

**Cr Fry** - Can Councillors access Sydney Morning Herald (SMH), Australian newspapers etc digitally via a Council licence?

**General Manager** - the matter will be investigated.

**16**      **Item 10 CLIMATE EMERGENCY (07.00047)**

**Cr Fry** - This went to Orange Council and was lost. We need to look at food and water security. Have we voted to join the Murray Darling Association?

**General Manager** - Bathurst Regional Council previously belonged to the Murray Darling Association but withdrew due to limited benefits of membership.

**17**      **Item 11 LEGACY TURNOVER DINNER (09.00011)**

**Cr Fry** - Attended the recent dinner and spoke to members about their role and business. Then referred to CSU spare beds and possible use of their bed capacity for support of veteran families.

**General Manager** - Recommended that Legacy contact the University direct.

**18**      **Item 12 ICE RINK WATER USAGE (23.00152)**

**Cr Morse** - Has received a query about water being used on the ice rink. How do we present a positive story on this?

**Director Engineering Services** - Spoke to water usage and community well-being of the event.

**19**      **Item 13 EMAIL SYSTEM (03.00004)**

**Cr Morse** - With new system in place will people get an automatic response?

**Director Corporate Services Finance** - Programs being put in place to facilitate this.

**20**      **Item 14 PIPER STREET - TRAFFIC ISSUES (28.00007)**

**Cr Morse** - With the volume of traffic, there area concerns with the Bentinck/ Piper street intersection. Could a stop sign be put in place?

**Director Engineering Services** - Would need to be referred to the Traffic Committee.

**21**      **Item 15 AGEING STRATEGY (09.00017)**

**Cr Morse** - Need to consider priorities for an Ageing city, noted recent State Government strategy. Referred to studies completed in the USA.

**22**      **Item 16 WATER SECURITY (32.00006)**

**Cr Aubin** - With our growth and water capacity, we need to consider very hard the raising of the dam wall as well as a pipeline. Noted water security funding actions by the federal government.

**23**      **Item 17 EGLINTON ROAD (25.00045)**

**Cr Aubin** - The works are terrible. Council should not need to comeback and repair the road. Then spoke to cost of hotmix-v-topseal and benefits purported to occur. Bathurst Regional Council should look at hotmix seal for all the road we put down.

**Director Engineering Services** - Spoke to works undertaken and reseal programs implemented.

**24**      **Item 18 BATHURST HEALTH SERVICE ACTION GROUP (18.00035)**



**Cr Aubin** - The local member is meeting with the CEO of Western Health area. The Group has produced a letter of issues/needs for him to present to Western Health. Detailed some of the needs eg cardiology, emergency orthopaedics, anaesthetists, gastric, urology, ears, nose and throat (ENT) and palliative care. Then noted goal extension and the demands it will place on the hospital.

**25**      **Item 20 IPART RECENT STUDIES (16.00004)**

**Cr Jennings** - Spoke to these, are there implications for Council?

**General Manager** - The reviews including rating and red tape are being assessed.

**26**      **Item 21 MARSDEN LANE TRAFFIC ISSUE (25.00124)**

**Cr Jennings** - Spoke of bridges used in Sydney, is a warrant needed for such proposal?

**Director Engineering Services** - Warrant would not be needed, noted cost implications.

**27**      **Item 22 DPI DROUGHT MAP (13.00031)**

**Cr Jennings** - Shows Bathurst is not in drought. Spoke to economic and social impacts being felt. Would like Council to get more insight into drought impacts and asks that Council have meetings with agricultural bodies etc. Eg: Reps from Bathurst Farmers Association, agricultural supply businesses, stock and station agents and Bathurst Business Chamber to discuss the issues.

**28**      **Item 23 KELSO COMMUNITY HUB (09.00026)**

**Cr Rudge** - This was opened today and is an amazing design. Encouraged everyone to have a look.

**29**      **Item 24 SUNRISE VISIT LAST SUNDAY (20.00020)**

**Cr Rudge** - Attended the visit, it was a real coup for Bathurst, visitations were made for a number of facilities. Great publicity for the city. All are to be congratulated.

**30**      **Item 25 MUSEUMS STRATEGY (18.00289, 18.00165)**

**Cr Rudge** - Supports proposed submission to LGNSW in the ordinary meeting tonight.

**31**      **Item 26 HOME OUTREACH EDUCATION PROGRAM (21.00002)**

**Cr Rudge** - Offered by Art Gallery, spoke to this and the participation levels of 220 students. Exciting program which will lead to an exhibition at the end of the year.

**32**      **Item 27 AGEING POPULATION (09.00017, 11.00019)**

**Cr Rudge** - Noted CMWCG session to occur in August on making Bathurst a dementia friendly town.

**33**      **Item 28 ROCKLEY CEMETERY (09.00035)**

**Cr Rudge** - Thanked staff for assistance provided.

**34**      **Item 29 RIVER ROAD CAR PARKING (28.00007)**

**Cr Rudge** - Bridge near Lions Club Drive with cars parking there is causing issues, can this be addressed.

**Director Engineering Services** - Will review this matter, noted prior placement of no parking signs.

**35**      **Item 30 CHURCH LANE / RIVER ROAD POTHOLE (25.00226)**

**Cr Ridge** - Please check this and get repaired.

**36**      **Item 31 GASWORKS SITE (22.00052)**

**Cr Bourke** - Matter is starting to progress. Have spoken to Jemena about actions needed. There will be more patrols, CCTV will be installed, will be covering asbestos. Queried where is Crown Lands on possible funding ?

**Director Environmental Planning Building Services** - Noted interaction in place and there is a working party in July.

**37**      **Item 32 STEWART STREET (25.00036)**

**Cr Bourke** - Raised concerns about parking safely on the road. Need to talk to Roads and Maritime Services (RMS) over these problems.

**38**      **Item 33 GILMOUR / HEREFORD STREET INTERSECTION (25.00031)**

**Cr Bourke** - What is going to happen to this intersection?

**Director Engineering Services** - Noted Roads and Maritime Services (RMS) study being undertaken, previously RMS have favoured traffic lights, any action has been deferred until study has been received.

**39**      **Item 34 ESSENTIAL ENERGY (18.00124)**

**Cr Bourke** - Have advised they are shedding jobs. What is impact to Bathurst of this?

**General Manager** - Council will contact Essential Energy to discuss the implications.

**MEETING CLOSE**

**40**      **MEETING CLOSE**

The Meeting closed at 7.03 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2019 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 2 July 2019 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 2 July 2019, 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 2 JULY 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

**Members:** Councillor Warren Aubin (BRC), Ms Jackie Barry (Roads & Maritime Services), Senior Constable Greg Hopkins (NSW Police) and Mr David Veness (MP Representative).

**Present:** Mr Myles Lawrence (Civil Design & Project Engineer) and Mr Andrew Cutts (Tablelands Area Road Safety Officer).

**APOLOGIES**

**2 APOLOGIES**

Nil.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**4 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETINGS HELD 7 MAY & 4 JUNE 2019 (07.00006)**

That the information be noted and necessary actions be taken.

**5 Item 2 MOUNT PANORAMA PUNISH (23.00026)**

That the Mount Panorama Punish event to be held at the Mount Panorama Motor Racing Circuit on Sunday 27 October 2019 be classified as Class 2 event and the traffic management for this event be endorsed subject to the conditions as detailed in the Director Engineering Services' Report.

**6 Item 3 THE HORSELESS CARRIAGE CLUB OF AMERICA SHOW & SHINE AND PROCESSION 2019 (16.00158)**

That The Horseless Carriage Club of America Show & Shine and Gas Light Procession to be held on Tuesday 3 September 2019 be classified as a Class 2

event subject to conditions as detailed in the Director Engineering Services' Report.

**7**      **Item 4 NO STOPPING ZONE NEAR DENISON COLLEGE OF SECONDARY EDUCATION, KELSO CAMPUS (23.00104)**

That approval be given for the extension of "No Stopping" zone at the intersection of Hughes Street and Limekilns Road/Boyd Street.

**TRAFFIC REGISTER**

**8**      **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

**MEETING CLOSE**

**9**      **MEETING CLOSE**

The Meeting closed at 2.42 pm.

**NOTICES OF MOTION**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL



## **1 NOTICE OF MOTION - CR BOURKE - POPULARLY ELECTED MAYOR (12.00005)**

**Recommendation:** Moved by Councillor Bourke:  
That Council conduct a referendum at the 2020 election asking the community if they approve of the direct election of the Mayor by the voters of Bathurst Regional Council for a four year term.

**Report:** I hereby submit the following Notice of Motion:

That Council conduct a referendum at the 2020 election asking the community if they approve of the direct election of the Mayor by the voters of Bathurst Regional Council for a four year term.

Generals Manager's Note:

By way of background find at **attachment 1** the General Manager's report to Council meeting of 19 June. For attachments within report please refer to Business Papers from 19 June General Managers reports attachments.

**Financial Implications:** Nil

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

- 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.

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

17 JULY 2019

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 MAY 2019 (11.00019)**

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

**Report:** **Present:** Councillors Hanger (Chair), Aubin (5.55 pm), Bourke (6.15), Christian, Fry (5.40 pm), Jennings, Morse, North, Rudge,

**Apologies:** Nil

### **1. UPPER MACQUARIE COUNTY COUNCIL 18.00172**

David Young, General Manager and Ian North, Chairman of Upper Macquarie County Council met with Council.

Discussion included:

- Spoke of future direction of Upper Macquarie County Council
- More weeds need to be controlled sooner
- Need to target high priority weeds and high risk properties

Aim is to

- Apply new and emerging technologies
- Optimise use of Bio-security legislation tools
- Facilitate weed control support services (eg roadside and aerial)
- Work strategically with major land-holders eg forestry and rail

Improved Technology

- Potential for use of satellite imagery to identify high risk properties

### **2. BATHURST HEALTH SERVICE 18.00035**

Cathy Marshall, General Manager and Kate Middleton of Bathurst Health Service met with Council.

Overview of the planning process for Bathurst Community and Region

- Address the health needs for the population of Bathurst and the surrounding region
- New models of care emerging eg. Hospital in the home
- Increasing use of technology for provision of medical services

Aim is to achieve

- Best value for monies provided
- Improved quality of care for customers
- Improved health and equity of services
- Currently seeking public feedback on health issues in the Bathurst area
- Gave an update of developments in health service during last 5 years

**Financial Implications:** Nil.

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

- 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.

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 11 JUNE 2019 (11.00020)**

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

**Report:** The Youth Council considered a number of items at their meeting, including the following:

- Feedback on Youth Council experience
- Future event suggestions
- Recruitment of 2019/2020 Youth Council
- Bowman Dental Groove & Grill

A copy of the minutes from the meeting is 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 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 27 JUNE 2019 (07.00107)**

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

**Report:** The Bathurst Regional Community Safety Committee considered the following item at the June Meeting, including the following:

- Bathurst Community Safety Plan 2019 – 2023, planning actions and strategies from the adopted Plan.

The minutes are provided at **attachment 1**

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

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

- Objective 2: A smart and vibrant economy Strategy 2.3
- Objective 4: Enabling sustainable growth Strategy 4.1
- 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.