



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 September 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
18 September 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 September 2019 commencing at 6.00 pm or immediately following the conclusion of the Public Forum session.

Public Forum will be held from 6.00 pm to 6.15 pm where there will be an opportunity for members of the public to raise matters with Council.

A handwritten signature in black ink, appearing to read 'D J Sherley'.

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 18 SEPTEMBER 2019**

### **1. PUBLIC FORUM**

### **2. 6:00 PM - MEETING COMMENCES**

### **3. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

Could all those who are able please stand for the prayer and the acknowledgement.

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 - 21 AUGUST 2019

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 SEPTEMBER 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 CULTURAL & COMMUNITY SERVICES' REPORT

### **9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 4 SEPTEMBER 2019

\* MINUTES - TRAFFIC COMMITTEE MEETING - 3 SEPTEMBER 2019

**10. NOTICES OF MOTION**

**11. RESCISSION MOTIONS**

**12. COUNCILLORS/ DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 AUGUST 2019

\* CENTROC/JOINT ORGANISATION BOARD MEETING 22 AUGUST 2019 (PARKES)

**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	SELECTIVE TENDER - PROPOSED FIFTH EVENT AT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED TRANSFER OF AIRCRAFT HANGAR LEASE SITE, BATHURST AERODROME TO MCSHEA PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST WATER SECURITY UPDATE	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**14. RESOLVE INTO OPEN COUNCIL**

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 AUGUST 2019 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 August 2019 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 August 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.

## **2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 SEPTEMBER 2019 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 4 September 2019 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 4 September 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 21 AUGUST 2019**

**PUBLIC FORUM**

**1 PUBLIC FORUM**

**M.GRIFFITHS** - 70 Havannah Street DEPBS #3 - Queried why his correspondence has not been addressed? Spoke to recent public access session and statements by GHD that automobile waste has been removed. Requested Council advise details on this matter. Mr Griffith stated DA has already been approved.

**Department Environmental Planning Building Services** Understands letter has been considered as a submission to the DA. Noted EPA requirements have been met by independent auditor. Remediation contained to sites of development activity. Some more remediation will occur.

**General Manager** Advised DA has not already been approved. It is up for consideration tonight.

**B.TRIMING** - BRAC DEPBS # 3 - Disappointed at access proposals or lack there of on Havannah Street. Need footpath on Havannah street, on that side of the block.

**B.TRIMING** - Traffic Committee (Pedestrian Crossing Russell Street) - Queried what this item was about.

**Director Engineering Services** Noted will investigate and get back to Mr Triming.

**S.CODY** - Rebellion on the Turon - Sofala DCCS # 4 Asking for Council assistance for the Event as detailed in the report. Spoke to; construct of Event and what it achieves, community involvement, tourism attendance, Council support needed to ensure event continues to happen.

**K.O'MEARA** - Ratepayer Spoke to issue of water and impacts of climate change that are occurring. Bathurst was recently mentioned on ABC due to lack of water. Why aren't we at level 4/5 water restrictions already? Then spoke of Mount Panorama operations and the costs to the Council.

**General Manager** Provided advice on water restrictions and future actions of Council with respect to this matter. In regards to Mount Panorama, it was noted operational costs are generally covered by revenues from Mount Panorama precinct.

**G.CRISP**- Ratepayer Mayor Confid #1 Spoke to interactions with General Manager over many years. The public are not invited to provide comment. Then proceeded to raise matters such as; water fund transfers, breaches of the local government acts, pursuit of him for money owed to the Council, wants the information he seeks on the money owed by the strata unit.

**General Manager** Responded to the claims made by Mr Crisp on the above matter.



**K.WILLIAMS** - West Bathurst - Eglinton Road Issues Between Simplot and Rankens Bridge there are large areas that are not lit. Needs to be brought up to standard on Vale Road. Could Council review this and take action to upgrade it to major arterial status.

**K.MCNAB** - Mitre/ Suttor/ Lambert Roundabout Noted tender has been accepted. When will discussions with Tallis Constructions be held to start the project? Spoke to accident history at the site. Also referred to Councillor positions on the round-a-bout matter.

**Director Engineering Services** Project inception meeting, due this week.

**P.DOWLING** - Ratepayer Rifle club is there a concern with the 2nd circuit proposal?

Federal Drought relief funds Do they need to be spent by 31 December 2019.

Disability Logo Concern that there are proposals to alter the internationally accepted logo.

"Bathurst" under Mount Panorama sign, continues to raise this matter. There were funds for this and works have not been done. When will a permanent fixture be put in?

Mayor noted review in regard to Rifle Club/ Circuit location is occurring. General Manager noted at this time flood relief monies must be spent by 31.12.19 it is believed this is achievable.

**Director Corporate Services and Finance** advised will get back to Mr Dowling concerning the Mount Panorama Sign.

## **MEETING COMMENCES**

### **2 MEETING COMMENCES 6:00 PM**

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

**Minute Silence** The Mayor requested that a minute silence be held for the former Mayor Mr John Matthews (1965-1976) who passed away this week.

## **APOLOGIES**

### **3 APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

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

**MINUTES****4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 JULY 2019 (11.00005)****MOVED** Cr J Rudgeand **SECONDED** Cr W Aubin**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 3 July 2019 be adopted.**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 JULY 2019 (11.00005)****MOVED** Cr I Northand **SECONDED** Cr J Rudge**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 July 2019 be adopted.**6 Item 3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL FOLLOWING POLICY - 7 AUGUST 2019 (11.00005)****MOVED** Cr B Bourkeand **SECONDED** Cr J Rudge**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council Following Policy held on 7 August 2019 be adopted.**DECLARATION OF INTEREST****7 DECLARATION OF INTEREST 11.00002****MOVED** Cr B Bourkeand **SECONDED** Cr J Rudge**RESOLVED:** That the Declaration of Interest be noted.**General Manager - Mayor confid #1 - Declared pecuniary Interest.****Cr North - DEPBS # 4 - DA George Street- Declared non- pecuniary interest.****Cr Jennings DCCS # 3 - Alcohol Free Zone - Declared non pecuniary interest in this item.**

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS****General Manager's Report**

- 8** **Item 1 LOCAL GOVERNMENT WEEK AWARDS - LEO KELLY OAM ART AND CULTURAL AWARD, R H DOUGHERTY AWARD (23.00036)**  
**MOVED** Cr J Jennings and **SECONDED** Cr B Bourke

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

- 9** **Item 2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN (11.00002)**  
**MOVED** Cr J Rudge and **SECONDED** Cr I North

**RESOLVED:** That the completed Disclosures by Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

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

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

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

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

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

- 12** **Item 3 DEVELOPMENT APPLICATION NO. 2019/133 – DEMOLITION OF 2 EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST. APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS (DA/2019/133)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/133, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) Demolition is not to commence until a Construction Certificate has been issued for the replacement buildings;
- (ii) Demolition is not to commence until a photographic record of the dwelling has been completed and submitted to Council;
- (iii) The design of the proposal is to be amended to address the following:
  - The amended proposed carport associated with Unit Type 7 is not supported. The carport should be redesigned to be a stand alone structure with a pitched roof to match the main dwelling and a decorative gable end.;
  - Front fences are to be constructed along Durham, Havannah and Baillie Streets. Prior to the issue of the Construction Certificate plans for the fences are to be submitted to Council. It is recommended that the bricks from the dwelling removed off the site be re-used and be incorporated into the front fence.
  - Units 1 and 2, (fronting Durham Street) are to be designed to incorporate greater articulation to address the blank brick wall. This may include windows in the front elevation.
  - The roof colour on Unit 31 is to be the same as the adjoining units facing Havannah and Baillie Street.
  - The proposed “Bowral Dry Pressed Red” are to apply to all units facing Havannah, Baillie and Durham Streets.
  - Subject to Traffic Committee concurrence following appropriate engagement with affected property owners, a pedestrian refuge be constructed in Havannah Street in proximity to development, designed and constructed by the developer in accordance with Council's Engineering Guidelines and RMS technical Directions.
- (iv) Demolition is to be undertaken in a manner whereby the brickworks can be salvaged. All salvaged materials are to be stored in a safe and secure location with limited exposure to weather, vandalism and theft.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Absent - Cr C Christian

13

**Item 4 DEVELOPMENT APPLICATION NO. 2019/188 – DEMOLITION OF EXISTING DWELLING HOUSE AND SHEDS AND CONSTRUCTION OF NEW DWELLING HOUSE AT 138 GEORGE STREET, BATHURST APPLICANT: MR B ROUGHLEY. OWNER: MR BS WARFIELD (DA/2019/188)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

**RESOLVED:** That Council:

**Cr I North declared a non pecuniary interest and left the room.**

**Reason - Owner is a supervisor at work.**

- (a) support the variation to the development standards of Clause 4.3 “Minimum Lot Size” of *Bathurst Regional Development Control Plan 2014* .
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2019/188, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended and including conditions to the effect that:
  - (i) The submission of a letter or report, rendered drawings, manufacturers brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction;
  - (ii) Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record, one for Council’s records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the guidelines for the photographic recording of sites for which approval has been granted for the works;
 

This record is to include the dwelling house and ensure that the four-sided chimney is adequately recorded. Measured drawings of the chimney must be undertaken, given its rarity;
  - (iii) The roof cladding of the proposed building is to be of a traditional corrugated profile;
  - (iv) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works;
  - (v) Prior to the issue of any Construction Certificate, amended plans must be submitted to Council which indicate that the dwelling house includes:
    - a. A solid traditional style front entry door on the North-Western façade.
    - b. Only one gable on the North-Western elevation (facing George Street). This is to be achieved by extending the roofline to the proposed porch along the entire front external wall of the “Lounge room” and extending the upper gable to the front.



**17** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**

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

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

**18** **Item 4 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)**

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

**RESOLVED:** That Council provides free water for verified primary producers under the existing conditions until:

- (a) Ben Chifley Dam reaches 40% or lower;
- (b) the drought declaration for the Bathurst Local Government Area has been removed; or
- (c) 22 November 2019.

**19** **Item 5 POWER OF ATTORNEY (11.00007)**

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

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

**20** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALASIAN MINING HISTORY ASSOCIATION (29.00009)**

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

**RESOLVED:** That Council provide financial assistance of up to \$2,000 (cash and/or in kind) to the Australasian Mining History Association Conference being held at BMEC in November 2020.

**21** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ARTS COUNCIL (22.00012)**

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

**RESOLVED:** That Council not provide financial assistance to the Rhapsody in Blue Dinner Concert as Council has already approved financial assistance to the Youth Arts Awards event through the Annual Section 356 Donations program.

**22** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST LIGHT CAR CLUB (04.00009)**

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

**RESOLVED:** That Council provide financial assistance to the 2019 Australian Hill Climb Championships to be held at Mount Panorama up to an amount of \$5,000, and that Council host a Mayoral Welcome reception for this event at Council's cost.

- 23** **Item 9 WAIVING OF HALL HIRE FEES - KELSO COMMUNITY HUB - GALLOPING GUMNUTS PLAYGROUP (21.00102)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**RESOLVED:** That Council not approve the waiving of the hall hire fees for the Galloping Gumnuts Playgroup's use of the Kelso Community Hub.

- 24** **Item 10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, plus file number for each item)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**Director Engineering Services' Report**

- 25** **Item 1 PROPOSED RELEASE AND CREATION OF AN EASEMENT FOR SEWER - LOT 1 IN DP47260 AND LOTS 18 & 19 IN DP1084053 - 34 AND 38 WILLIAM STREET BATHURST (22.06911 & 22.00578)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That:

- (a) Council approve the partial release of an Easement to Drain Sewage 5.5 wide over Lot 1 in DP47260.
- (b) Council approve the creation of an Easement to Drain Sewage variable width over Lot 1 in DP47260 and Lots 18 & 19 in DP1084053.
- (c) Council make application to the Minister and/or Governor for the compulsory acquisition of the interest in Crown land located at Lot 1 DP47260 for the creation of an Easement to Drain Sewage, and
- (d) The application follow the provisions of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights

as detailed in the Director Engineering Services' report.

- 26** **Item 2 PROPOSED TRANSFER OF LAND TO COUNCIL FOR A SEWER PUMPING STATION - LOT 25 DP1248864 OPHIR ROAD, LLANARTH (2010/89)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) approve the transfer of Lot 25 in DP1248864 located at Ophir Road, Llanarth from Landforce Management & Construction Pty Ltd to Bathurst Regional Council.
- (b) classify the land as Operational pursuant to Section 31 of the Local Government Act 1993.



- 27** **Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00716, 36.00715)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

**Director Cultural & Community Services' Report**

- 28** **Item 1 BATHURST REGIONAL YOUTH COUNCIL - BOWMAN DENTAL GROOVE & GRILL AT BATHURST WINTER FESTIVAL, 14 JULY 2019 (11.00020)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- 29** **Item 2 NAIDOC WEEK FLAG RAISING EVENT - MONDAY 8 JULY 2019 (09.00031)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

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

- 30** **Item 3 ALCOHOL-FREE ZONES IN THE BATHURST CBD 2019-2023 (20.00126)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**RESOLVED:**

**Cr Jennings declared non pecuniary interest and left the room.**

**Reason - Connected to a business in the proposed zone (Tremains Mill)**

That Council:

- (a) Re-establish the Alcohol-Free Zones 2019-2023 in the Bathurst CBD, in the following streets, for a period of four years commencing 1 November 2019 and concluding 31 October 2023:

William Street - from Durham to Piper Streets  
 George Street - from Durham to Piper Streets  
 Howick Street - from Rankin to Bentinck Streets  
 Russell Street - from Rankin to Bentinck Streets  
 Keppel Street - from Rankin to Havannah Streets  
 Piper Street - from Rankin to Bentinck Streets  
 Rankin Street - from Durham to Piper Streets  
 Bentinck Street – from Durham to Keppel Streets  
 Court House Lane  
 Church Street

- (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) Advise applicants, who provided submissions, of the outcome of the report.

**31** **Item 4 VILLAGE EVENTS DEVELOPMENT PROGRAM (16.00163)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) Adopt, in principle, the draft Village Event Funding Program guidelines and application form as outlined in the report.
- (b) Agree to financially support those applications received to date through funds already allocated to the program
- (c) Provide advice and assistance to all villages through the tourism staff of the Bathurst Visitor Information Centre regarding the program's objectives and funding opportunities.
- (d) Provide further reports to Council on additional funding opportunities.

**32** **Item 5 CENTRAL TABELANDS COLLECTIONS FACILITY - GIFT OF ART RACKING (20.00004)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) Note the information provided in the report.
- (b) Provide a letter of thanks to White Rabbit Gallery for their generous gift to Council.

**33** **Item 6 BATHURST LIBRARY - DRAFT BATHURST LIBRARY STRATEGIC PLAN 2019-2024 (21.00054)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) Endorse the placement of the draft Bathurst Library Strategic Plan on public exhibition for the statutory 28 day period and receive submissions until Thursday 19 September 2019.
- (b) Adopt the Bathurst Library Strategic Plan if no submission/s are received during the public exhibition period.
- (c) Prepare a further report to Council if submission/s received during the public exhibition period.

**REPORTS OF OTHER COMMITTEES****Policy Committee Meeting**

- 34** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2019 (07.00064)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

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

**Traffic Committee Meeting**

- 35** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 AUGUST 2019 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 6 August 2019 be adopted.

**COUNCILLORS/ DELEGATES REPORTS**

- 36** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 JULY 2019 (11.00019)**  
**MOVED** Cr J Rudge and **SECONDED** Cr I North

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

- 37** **Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 2 JULY 2019 (11.00020)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Youth Council for 2019/2020, including Jack Lynch as Youth Mayor and Natalia Burgess as Youth Deputy Mayor.

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

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

**MOVED** Cr I North

and **SECONDED** Cr J Jennings

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

**Mr Crisp The Mayor #1** - Should be held in open Council as it would be in the public interest to hold in open Council.

**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.

**\* MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GASWORKS SITE	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 &amp; FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT - LOT 60 DP1226661 KNOWN AS COX LANE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RURAL LICENCE AGREEMENT - LOT 121 DP1253971 KNOWN AS GORMANS HILL ROAD, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	COMMUNITY LEASE - PART LOT 2 DP1140980 KNOWN AS WALMER PARK CLUBHOUSE TO THE BATHURST CITY & RSL BAND ASSOCIATION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF SPORTING ORGANISATION LICENCE AGREEMENT - PART LOT 108 DP28260 KNOWN AS MACQUARIE VIEW PARK TO THE MACQUARIE VIEW TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	FINANCIAL STATEMENT - 2018 CHALLENGE BATHURST	10A(2)(c) - 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, would be contrary to the public interest as Council's revenue matters are being discussed.
6	FINANCIAL STATEMENT - 2019 BATHURST 6 HOUR	10A(2)(c) - 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, would be contrary to the public interest as Council's revenue matters are being discussed.
7	FINANCIAL STATEMENT - 2019	10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with

	BATHURST 12 HOUR	whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, would be contrary to the public interest as Council's revenue matters are being discussed.
8	ALL VETERAN AUTO RALLY 2019	10A(2)(c) - 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, would be contrary to the public interest as Council's revenue matters are being discussed.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR EXTENSION TO BATHURST SKATE PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF STAGE 2 OF PERTHVILLE FLOOD MITIGATION	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.

**Mayoral Minute**

- a** **Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:**

**General Manager declared pecuniary interest and left the meeting.**

That:

- (a) Council note the performance review of the General Manager, which was rated as more than satisfactory;
- (b) Council note that the General Manager's employment package has been set at \$376,263.
- (c) Council reappoint, upon the expiration of his current contract of employment, Mr David Sherley to the position of General Manager, Bathurst Regional Council for a period of five (5) years.

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

- b** **Item 1 GASWORKS SITE (22.00052)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**RESOLVED:** That Council act in accordance with the advice contained in the report.

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

- c** **Item 1 RURAL LICENCE AGREEMENT - LOT 60 DP1226661 KNOWN AS COX LANE, EGLINTON (22.01826)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approves entering into a rural licence agreement for Lot 60 in DP1226661, known as Cox Lane, Eglinton for a period of 3 years only, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- d** **Item 2 RURAL LICENCE AGREEMENT - LOT 121 DP1253971 KNOWN AS GORMANS HILL ROAD, BATHURST. (22.16549)**  
**MOVED** Cr J Fry and **SECONDED** Cr M Morse

**RESOLVED:** That Council approves entering into a rural licence agreement for Lot 121 DP1253971 known as Gormans Hill Road, Bathurst for a period of 3 years only, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

- e** **Item 3 COMMUNITY LEASE - PART LOT 2 DP1140980 KNOWN AS WALMER PARK CLUBHOUSE TO THE BATHURST CITY & RSL BAND ASSOCIATION (04.00068)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approves entering into a Community Lease Agreement for part Lot 2 DP1140980 known as Walmer Park Clubhouse, with Bathurst City & RSL Band Association for a period of 5 years as detailed in the report.

- f** **Item 4 RENEWAL OF SPORTING ORGANISATION LICENCE AGREEMENT - PART LOT 108 DP28260 KNOWN AS MACQUARIE VIEW PARK TO THE MACQUARIE VIEW TENNIS CLUB (18.00205)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approves the renewal of the Sporting Organisation Licence Agreement for part Lot 108 in DP28260, known as Macquarie View Park to the Macquarie View Tennis Club for a period of 5 years as detailed in the report.

- g** Item 5 FINANCIAL STATEMENT - 2018 CHALLENGE BATHURST (04.00136)  
MOVED Cr W Aubin and SECONDED Cr I North

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

- h** Item 6 FINANCIAL STATEMENT - 2019 BATHURST 6 HOUR (04.00125)  
MOVED Cr W Aubin and SECONDED Cr M Morse

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

- i** Item 7 FINANCIAL STATEMENT - 2019 BATHURST 12 HOUR (04.00097)  
MOVED Cr J Jennings and SECONDED Cr W Aubin

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

- i** Item 8 ALL VETERAN AUTO RALLY 2019 (16.00158)  
MOVED Cr W Aubin and SECONDED Cr J Rudge

**RESOLVED:** That Council not provide additional financial assistance to the 2019 All Veteran Auto Rally.

#### Director Engineering Services' Report

- k** Item 1 TENDER FOR EXTENSION TO BATHURST SKATE PARK (36.00716)  
MOVED Cr I North and SECONDED Cr J Rudge

**RESOLVED:** That Council accept the tender from VFG Skateparks Pty Ltd in the amount of \$400,079.90 (including GST), subject to provisional items and adjustments, for the construction of an extension to the Bathurst Skate Park, Kelso.

- l** Item 2 TENDER FOR CONSTRUCTION OF STAGE 2 OF PERTHVILLE FLOOD MITIGATION (36.00715)  
MOVED Cr I North and SECONDED Cr J Jennings

**RESOLVED:** That Council accepts the tender from Hynash Constructions Pty Ltd to the amount of \$2,490,314.15 (GST incl.), subject to provisional items and variations.



**RESOLVE INTO OPEN COUNCIL**

- 39**      **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr I North                              and **SECONDED** Cr B Bourke

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

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

- 40**      **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr I North                              and **SECONDED** Cr B Bourke

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

**MEETING CLOSE**

- 41**      **MEETING CLOSE**

The Meeting closed at 7.29 pm.

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

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY  
COMMITTEE  
HELD ON 4 SEPTEMBER 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:15 PM**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

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

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

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

**4 Item 1 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN  
AMENDMENT – COMMUNITY PARTICIPATION (20.00331)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- a) adopt the amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- 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.

**MEETING CLOSE**

**5**      **MEETING CLOSE**

The Meeting closed at 6.46 pm.

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

## GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 SEPTEMBER 2019

## **1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)**

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

**Report:** Section 230(1) of the Local Government Act 1993 provides that: “a Mayor elected by the Councillors holds the office of Mayor for two years, subject to this Act.”

Council at its meeting on 20 September 2017, elected Cr Hanger as Mayor. As two years have passed a Mayoral election is scheduled to occur. With the next Local Government elections scheduled for September 2020, the election for this year will be for a one-year term. Section 290 of the Local Government Act requires that the Mayoral elections occur in the month of September.

There is no prescribed term for the position of Deputy Mayor. The person may be elected for the Mayoral term or a shorter term [S: 231(2)]. It is up to Council to consider whether to set the term of office of the Deputy Mayor. Council at its meeting on 20 September 2017 set a term of one year. With the next Local Government election set for September 2020, the election for this year will be for a one-year term.

Accordingly, Council will need to hold elections for both the Mayor and Deputy Mayor positions this year.

The Local Government (General) Regulation 2005, Schedule 7, prescribes how a Mayor and Deputy Mayor are elected.

Nomination forms are at **attachment 1 and 2** for Councillors and may be returned to the General Manager or handed to the General Manager at the commencement of the Council meeting.

### **Election Procedure**

The procedure for both Elections will be:

1. The General Manager will be the Returning Officer.
2. The General Manager will call for further nominations.
3. Nominations will be closed.
4. The Returning Officer will announce the names of the nominees at the Council meeting of which the election is to be held.
5. If more than one nomination is received, an election will be held.
6. Council will be asked to resolve the form of election, if required, i.e., ordinary ballot, preferential ballot or open voting.
7. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

### **Nominations**

The following process for nomination applies, as per Clause 2 of Schedule 7:

#### *2 Nomination*

- (1) *A Councillor may be nominated without notice for election as mayor or deputy mayor.*

- (2) *The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.*

**Financial Implications:** Nil.

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

- Objective 6: Community leadership and collaboration Strategy 6.1
- 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 CARE AND CONTROL WATTLE FLAT RACECOURSE RESERVE NO 95665 (18.00222 & 20.00177)**

**Recommendation:** For Council determination.

**Report:** Council has been approached by both the:

- Wattle Flat Progress Association (WFPA), and
- Wattle Flat Golf Club (WFGC)

over the future management and control of the Wattle Flat Racecourse Reserve No 95665 located at Wattle Flat, refer map at **Attachment 1**. At this time, there is no Council resolution which appoints a Management Committee for the Reserve.

Evans Shire Council was appointed trustee for the Reserve by way of Government Gazette 26 October 2001 page 8780/8781, refer **Attachment 2**. The trusteeship was transferred to Bathurst Regional Council through the amalgamation process in May 2004.

Both the Wattle Flat Progress Association and the Wattle Flat Golf Club are incorporated bodies, refer NSW Fair Trading – Association summaries at **Attachment 3**.

A number of meetings were held with various interested groups/parties from the community to get feedback to assist in the understanding and resolution of this matter. Correspondence, seeking advice on future operations was also sent to:

- (a) Wattle Flat Progress Association;
- (b) Wattle Flat Golf Club;
- (c) Wattle Flat Volunteer Bush Fire Brigade;
- (d) Wattle Flat Heritage Lands Land Manager;
- (e) Wattle Flat Public School.

Traditionally Council has dealt with the Bronze Thong Committee with respect to the Racecourse Reserve. This is not an incorporated group and is understood to have been a sub-group of the Wattle Flat Progress Association. As noted above, no formal delegation is in place for this group or any other group to manage the Racecourse Reserve.

By way of additional information, the Wattle Flat Recreation Ground – Reserve No 5086 at Brae Lane, Wattle Flat (refer **Attachment 4**), which is a different location, is managed for Bathurst Regional Council by the Wattle Flat Progress Association Inc. This was put in place by way of a Council resolution 19 October 2005, DCCS No 2, **Attachment 5**.

Council's delegate to the:

- Wattle Flat Heritage Lands Trust, and
- Wattle Flat (Bronze Thong) Racecourse Committee

Is Cr Aubin (note there is no BRC delegate to the Wattle Flat Progress Association or the Wattle Flat Golf Club Committee).

As a result of the representations to Council over the care and control of Reserve 95665, each of the two interested parties were invited to talk to Councillors at CMWCG session to provide further information to Councillors before the formal report was to be presented to Council.

Councillors have previously been provided with further background material on this matter.

There would appear to be several options available to Council;

1. Council retain care, control and operations of the Reserve. This is not practicable as Council does not have the resources for this option. Further, given the desire to build healthy sustainable communities in the villages, self-management is the preferred methodology.
2. Appoint the Wattle Flat Progress Association Inc. as the manager for Reserve 95665 on Council's behalf. Requesting that they prepare a management plan for the Reserve by the end of December 2019 addressing issues such as maintenance, usage, environmental factors etc. The period of such management to be set by Council.
3. Appoint the Wattle Flat Golf Club Inc as the manager for Reserve 95665 on Council's behalf. Requesting that they prepare a management plan for the Reserve by the end of December 2019 addressing issues such as maintenance, usage, environmental factors etc. The period of such management to be set by Council.
4. Request the Wattle Flat Progress Association and Wattle Flat Golf Club jointly prepare a Plan of Management for Reserve 95665 by the end of December 2019 for consideration by the Council. For this option, it is likely that the best result would be achieved by Council funding an independent facilitator to work with the community.

Councillors are requested to determine their preferred option.

**Financial Implications:** Currently most operational expenditures for the Recreation Ground are funded through the operations of the community associations. If an independent facilitator is appointed it would be recommended Council bear the associated costs.

### **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**

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



### **3 ABORIGINAL CULTURAL HERITAGE (20.00311, 23.00010, 09.00031)**

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

**Report:** Council, at its meeting held 15 May 2019, considered a report addressing the broad range of issues Council is facing with respect to Aboriginal Cultural Heritage, a copy of that report is provided at **attachment 1** (GM report # 1, 15 May 2019). Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1, is to "respect, protect and promote the region's Aboriginal heritage assets".

This report provides a further update since May 2019 relating to Council's key activities, programs and issues it is facing and addressing with respect to:

1. protection,
2. recognition, and
3. reconciliation.

#### **1. PROTECTION**

##### **Aboriginal Heritage Information Management System (AHIMS) – Site Cards**

As previously advised, given the findings of the Go Kart ACHAR, Council sought advice from OEH as to whether an Aboriginal Heritage Impact Permit (AHIP) was required in relation to the site cards within the Go Kart development area which the ACHAR identified as not being Aboriginal Objects. OEH advised that a AHIP was not required and that the site cards can be updated by submitting a new site card record using the same GPS coordinates as the older record. The new site card must contain information showing why the former record is not an Aboriginal site. Whilst the old site card is not removed the AHIMS record is updated by means of the new site card.

Since May, Council has engaged Extent Heritage to draft and lodge new site cards at the top of Mount Panorama in light of the findings of the Go Kart Aboriginal Cultural Heritage Assessment.

##### **Facebook Post – Bathurst Wiradyuri and Aboriginal Elders**

A facebook post was made on 28 August by the Bathurst Wiradyuri and Aboriginal Elders as follows:

###### *Threatened Species Day*

*National Threatened Species Day is commemorated across the country on 7 September to raise awareness of plants and animals at risk of extinction.*

*Among other species under threat at Wahluu/Mt Panorama due to Bathurst Regional Councils proposed activities and developments is the purple copper butterfly, which lives in a very specific habitat being the NSW central tablelands including the Bathurst area. This butterfly is directly linked to the Womens story and sacred site at Wahluu. This butterfly is endangered, feeding only on a local native shrub, Bursaria spinosa ssp (Native blackthorn) which is also found at Wahluu/Mt Panorama.*

Council's Environmental staff have advised that it is **highly** unlikely there are Bathurst Purple Copper (PCB) Butterfly at Mount Panorama.

The PCB has very specific habitat requirements as defined in the Recovery Plan including:

- All known PCB populations live at altitudes above approximately 900m (the altitude of the Mountain is approximately 870m).
- Its host plant is *Bursaria spinosa* subs. *Lasiophylla* (Native Blackthorn). This subspecies of Blackthorn is also generally found only above 900m. While there may be Blackthorn at the Mount it is unlikely it is the subs. *Lasiophylla*.
- The PCB has a mutualistic relationship with an attendant ant *Anonychomyrma itinerans* which has a wider distribution than the butterfly but is still restricted to regions above 900m elevation.

There are no known records of PCB in the Mount Panorama area. In the Bathurst Local Government Area there are known populations in the Sunny Corner and Yetholme areas. Distribution of PCB is shown in the map from Bionet NSW (refer **attachment 2**).

The SMEC second circuit study did not record PCB and concluded that there is a low likelihood of occurrence of this species. However, given the possibility that this part of the application for development could be challenged, further site surveys will be undertaken.

## 2. RECOGNITION

### **Aboriginal Place Declaration, under the National Parks and Wildlife Act (State)**

As previously advised the NSW Office of Environment and Heritage (OEH), now Department of Premier and Cabinet (Heritage), is dealing with a nomination for the declaration of Mount Panorama (or parts thereof) as an Aboriginal Place under the National Parks and Wildlife Act.

The declaration of an Aboriginal Place is a way of recognising and legally protecting Aboriginal cultural heritage. The Minister for the Environment, under section 84 of the National Parks and Wildlife Act, can declare any publicly or privately owned land in NSW as an Aboriginal Place.

An Aboriginal Place declaration protects non-tangible cultural values (e.g. ceremonial and spiritual values) as well as areas containing tangible cultural material. Its key aim is to recognise and protect a place of special significance to Aboriginal culture.

Since the May Council meeting:

- NSW Heritage have prepared a draft assessment of significance of Mt Panorama – Wahluu and provided that draft assessment (confidentially to Council) for comment.
- Council has provided comments back to NSW Heritage in relation to the draft assessment. Council also obtained and forwarded comments from its consultants, Extent Heritage, to NSW Heritage.
- The matter has been referred by the Department of Premier and Cabinet (Heritage) to the Aboriginal Cultural Heritage Advisory Committee for their consideration. Council is awaiting formal advice in relation to that Committee's position on this matter.

Council's correspondence to the Department of Premier and Cabinet (Heritage) maintains Council's position not to support a specific declaration of the Mountain or a State Heritage Listing under the NSW Heritage Act on the basis of:

1. The importance of Mount Panorama as an international motor racing circuit.
2. The ongoing commitment Council continues to make to investigate and support the recognition and protection of Aboriginal Cultural Heritage values across the whole of the LGA.

Council continues to acknowledge that the Mountain is of local significance as evidenced in Council's role in the dual naming process of Mount Panorama - Wahluu which recognises the historical and continuing relationship between Aboriginal people and the place.

### **Section 136 Application under the NSW Heritage Act 1977 (State)**

Council was advised on 30 July 2019 that the NSW Department of Premier & Cabinet (Heritage) were dealing with an application lodged by the Wiradyuri Elders on 20 December 2018 under Section 136 of the NSW Heritage Act. The application was lodged immediately following Council's approval of the modification to the Go Kart Track Application.

Council had not been previously made aware by NSW Heritage that the application had been lodged. It is understood that this was not intended and that NSW Heritage had inadvertently not notified Council.

The application was lodged by the Wiradjuri Traditional Owners Central West Corporation asking the Minister to restrict harm to the area known as Mt Panorama (Wahluu) for a 40 day period as a direct result of the Go Kart Track Modification Approval.

An application under Section 136 of the NSW Heritage Act is similar to an application under Section 9 of the ATSHIP Act (Federal Government), both seeking to prevent short term harm to an Aboriginal place. Section 136 enables the NSW Minister to issue a 40 day stop work order.

The Section 136 application was considered on 30 July 2019 by way of the Chair of the NSW Heritage Council who determined NOT to make the order.

### **Heritage Protection Application under Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984, Mount Panorama, Bathurst (Federal)**

#### **Section 9 – Emergency Declaration and Section 10 – Other Declarations**

Council received advice from the Federal Department of Environment and Energy on 9 January 2019 that it had received an application to protect the area known as Wahluu (south – west corner) under section 9 (emergency declaration) of the Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984.

Section 9 of the Act (Emergency declarations in relation to areas) allows the Minister to make a declaration if he/she is satisfied that:

- The area is a significant Aboriginal area
- It is under serious and immediate threat of injury or desecration.

Such a declaration has effect for a period as specified in the declaration but not exceeding 30 days. The Minister may extend the declaration for a further period but not beyond the expiration of 60 days in total.

A section 10 application is similar to a section 9 application but the Minister can make the declaration for any time period specified. Before doing so the Minister must consider a report from a person nominated by him/her and any representations attached to that report.

At a meeting between Council staff and the Wiradyuri Elders held on 4 July 2019, the Elders indicated to Council that more than one application had been lodged and so Council sought additional advice from the Department of Environment and Energy.

On 8 August 2019, the Department of Environment and Energy, on behalf of the Minister for the Environment advised that it has received one application under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), and two applications under section 9 of the ATSIHP Act.

The Department also indicated that they had recently received correspondence from the Applicants wanting to submit a third section 9 application for an area within the section 10 application area. The Department had not at that time determined whether the correspondence provided meets the thresholds to be able to accept it as an application.

Further advice received from the Department of Environment and Energy on 29 August provided maps showing the application area for one of the section 9 applications and for the section 10 application. For the 2<sup>nd</sup> section 9 application, Council has been advised that the application area is near the other section 9 and section 10 application areas, however the Applicants have asked the Department not to share the application. The Department is of the view that it is unnecessary to share that information with Council at this time.

**Attachment 3** shows the application areas for one of the section 9 applications and for the section 10 application.

For the section 10 Application, the Department of the Environment and Energy has also advised that it has provided a briefing package to the Minister for the Environment, the Hon Sussan Ley MP to appoint a section 10 reporter.

If appointed, the reporter is responsible for preparing a report on the area of the section 10 application dealing with the following matters:

- (a) the particular significance of the area to Aboriginals;
- (b) the nature and extent of the threat of injury to, or desecration of, the area;
- (c) the extent of the area that should be protected;
- (d) the prohibitions and restrictions to be made with respect to the area;
- (e) the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginal or Aboriginals referred to in paragraph (1)(a);
- (f) the duration of any declaration;
- (g) the extent to which the area is or may be protected by or under a law of a State or Territory, and the effectiveness of any remedies available under any such law;
- (h) such other matters (if any) as are prescribed.

Before the reporter submits a report to the Minister, he or she shall:

- (a) Publish, in the *Gazette*, and in a local newspaper, if any, circulating in any region concerned, a notice:
  - i. Stating the purpose of the application made and the matters required to be dealt with in the report;
  - ii. Inviting interested persons to furnish representations in connection with the report by a specified date, being not less than 14 days after the date of publication of the notice in the *Gazette*; and
  - iii. Specifying an address to which such representations may be furnished; and
- (b) Give due consideration to any representations so furnished and, when submitting the report, attach them to the report.

A copy of the ATSIHP Act, is at: <https://www.legislation.gov.au/Details/C2016C00937>

**As at the date of preparing this report Council has not received advice as to whether or not the Minister has appointed a reporter in relation to the section 10 application.**

### **Aboriginal Cultural Heritage Assessment – 2<sup>nd</sup> Circuit Lands**

The ACHAR for the second circuit lands is well underway and currently comprises:

- desktop assessment,
- archaeological field survey (including participation by the LALC),
- sensitivity mapping and
- test excavation results.

As part of the ongoing heritage assessment relating to the proposed development of the second track circuit, Council has identified a number of additional areas that need to be incorporated into the existing ACHAR to ensure appropriate access and/or ancillary activities associated with the new track.

The proposed methodology to investigate these additional lands was referred to the Registered Aboriginal Parties (RAPs) for comment as required by OEH guidelines, with comments closing on 23 August. Extent Heritage received an objection to that methodology from the Wiradyuri Elders and have subsequently addressed those concerns in correspondence back to the Elders.

The Archaeological Survey for the additional lands is to be undertaken in mid-September. Local RAPs will be employed to assist in the survey process.

It is anticipated that the draft ACHA report will be referred to Council in mid-October for staff review. The draft ACHAR will then be referred to Aboriginal groups for comment (28 day review period). The final ACHAR is expected to be able to be presented to Council in December.

In the objection received from the Wiradyuri Elders to the amended methodology they have indicated that they have made formal complaints to the Minister for Local Government concerning Bathurst Regional Council's activities in the way in which they have conducted these processes (*i.e. preparation of the 2<sup>nd</sup> circuit ACHA*). Council has sought further advice from the Minister in respect of this complaint. Council staff are satisfied that the ACHA process has followed the relevant Code of Practice and will meet the requirements of the Secretary's (Department of Planning Environmental Assessment Requirements (SEARs) for the proposed second circuit development, of which, details can be found here: <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-9681%2120190314T024634.701%20GMT>

The SEARs issued for the project, outlines that the Environmental Impact Statement (EIS) must investigate:

- *"Aboriginal cultural heritage" (page 1);*
- *"The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the project and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice..." (page 3);*
- *The Code of Practice is referenced as "Guidance Material" (page 8)*

The objection also indicates that the Elders have lodged a formal complaint with the Environmental Defenders Office concerning the way in which Extent Heritage is proposing to conduct the additional survey for the additional lands to be included in the ACHAR.

### **3. RECONCILIATION**

Council staff met with the Wiradjuri Elders on 4 July 2019. A number of matters were discussed including opportunities to interpret the Region's Aboriginal Cultural Heritage as outlined in the sections below.

#### **Bathurst Region Aboriginal Heritage Interpretation Strategy**

Following completion of the Bathurst Region Aboriginal Heritage Study in 2015, Council engaged Extent Heritage to prepare an Aboriginal Heritage Interpretation Strategy for the Bathurst Region.

The final strategy report has been received and is reported to Council in a separate report to this meeting (**refer item #8 of DEPBS report**).

Ongoing discussions with the Wiradyuri Elders and the Bathurst Local Aboriginal Lands Council will now be held to progress interpretation opportunities particularly in relation to the Boardwalk project and in relation to the bicentenary of the Bathurst War of 1824.

#### **Wambool Ceremonial Ground**

Council was of the understanding from earlier correspondence received from both the Wiradyuri Elders and the Local Aboriginal Lands Council that both groups were no longer interested in using the ceremonial ground at the Macquarie River created during the City's 2015 bicentenary.

At the meeting held with the Wiradyuri Elders on 4 July it was indicated that this was not the case and they intended to continue to use the site. Council agreed to continue basic maintenance of the site, including weeding and replacing rocks that have been moved away from the ceremonial circle.

It was agreed that it would be appropriate to interpret the ceremonial ground and Council has prepared draft text for an interpretative sign and referred it to the Elders for their consideration. The sign will be funded from within existing budgets.

#### **Involvement and Engagement – Cultural and Community Events**

The table below outlines recent involvement and engagement with local Aboriginal Groups since the report to Council in May.

<b>Section</b>	<b>Date/s</b>	<b>Event</b>	<b>Detail of Involvement / Engagement / Welcome to Country</b>
BMEC	April 2019	My Urwai Performances at BMEC in April by Torres Strait Islander / Mainlander Ghenoa Gela	

	September 2019	Mission Songs Music workshops with the local Aboriginal community for "The Mission Songs Project"	Manager BVIC, Uncle Bill, Uncle Brian, Uncle Jade Flynn, Ian Redpath (Bathurst Tours) met with the group of two journalists (Caroline Gladstone, Fairfax Traveller & Diana Plater, freelance travel writer, regular contributor to Sydney Morning Herald, Canberra Times, Rex, AAP) and one PR agency representative between 9.15-10.45 in lead up to ISOS.
	September 2019	Inland Sea of Sound Pre planning for the 2020 Welcome performance	Aunty Gloria – Welcome to Country
Museums	2019	Rail Museum – oral history  Rail Museum - content	Interview with Bill Allen (senior)  Bill Allen (senior) included as a character in the Rail Museum interpretation  Acknowledgement of Country included in the Rail Museum Interpretation
	July 2019	Central Tablelands Collections Facility Consultation	Consultation took place with the Aboriginal Lands Council and Elders Group regarding the development of the Central Tablelands Collections Facility
Bathurst Regional Art Gallery	6 December 2019	VOID exhibition opening	Welcome to Country and Smoking Ceremony (Bathurst Wiradyuri and Aboriginal Community Elders Group).
	5-7 December 2019	VOID Education Symposium	Elders will participate in the development and delivery of an education symposium for gallery educators and community around the themes in the VOID exhibition.
	To December 2019	VOID touring exhibition development	Development of VOID touring exhibition of contemporary indigenous art with Wiradjuri curated Emily McDaniel in partnership with UTS Gallery and M&G NSW.
	To September 2019	Various grant applications	Elders have provided

	and community consultation	letters of support, eg, VOID Education Symposium and attended meetings with BRAG to discuss ongoing creative programming.
2 August 2019	<i>RocoColonial</i> exhibition	Welcome to Country: Uncle Bill Allen (Bathurst Wiradyuri and Aboriginal Community Elders Group).
July 2019	<i>RocoColonial</i> satellite exhibition at Abercrombie	Consultation with Elders re. display of cultural heritage material from Abercrombie Estate at BRAG.
4 July	Wiradyuri Elders Space Opening (CSU)	Attended by BRAG Director.
24 – 28 June 2019	Primary School Workshops HOME: Gunhigal Ngurambang Wiradyuri Mayiny (Plains Country Wiradyuri People)	220 primary school students participated in Wiradjuri language workshops (with Aunty Jill Bower) and artmaking activities (with Nyree Reynolds).
5 March 2019	Primary Teachers Planning Day HOME: Gunhigal Ngurambang Wiradyuri Mayiny (Plains Country Wiradyuri People)	Mallyan Uncle Brian Grant and Yanhadarrambal Jade Flynn presented to 15 primary school teachers from around the region on how to engage meaningfully with traditional owners and how to ensure delivery of authentic, and respectful content. Artmaking workshop with Wiradjuri artist Aleshia Lonsdale.
Jan-March 2019	HOME: Gunhigal Ngurambang Wiradyuri Mayiny (Plains Country Wiradyuri People)	Development of major education program with DET and AGNSW to deliver Wiradjuri contemporary art and language programs to 12 primary schools in the Central West.
Ongoing in 2019	Aboriginal artists represented in the BRAG creative program and Hill End AIR 2019	Michael Cook, Clinton Nain, Brook Andrew, Danie Mellor, Esme Timbery, Zimmi Forest, Jonathan Jones, Aleshia Lonsdale, Reko Rennie, Nyree Reynolds, Ginger Riley Munduwalawala, James Tylor, Jonathan Jones, Mabel Juli, Thancoupie, Andy



			Snelgar, Hayley Millar-Baker, John Marwundjul, Jennifer Wurrkidj, Josephine Wurrkidj, Daniele Hromek, Kathy Ramsay, Lena Nyadbi, Archie Moore, Pepai Jangala Carroll, Rerrkirrwanggur Mununggurr, Shirley McNamara, Wukun Wanambi
Community Services	8 July 2019	NAIDOC Week Flag raising event 2019	Welcome to Country

Discussions have been held between the Wiradyuri Elders and Supercars Australia representatives. The parties have agreed to a traditional Welcome to Country being performed at the beginning of the Bathurst 1000. As the official commencement of the Bathurst 1000 is the truck parade at Wednesday lunchtime. The Elders have agreed this would be a good opportunity to include a Welcome to Country ceremony. It is proposed the ceremony will be held in Durham street involving some of the drivers prior to the truck parade commencing and will run for about 10 – 15 minutes.

### **Reconciliation Action Plan (RAP)**

Council's second Reconciliation Action Plan (2019-2021) has been finalised, endorsed by Reconciliation Australia and was launched at the NAIDOC Week flag raising and morning tea event held on 8 July. The next step is for Council to reconvene a RAP working group to action the plan.

### **Cultural Awareness Training**

Council recently implemented an updated course for the Cultural Awareness Training. The training seeks to improve knowledge on understanding the local Aboriginal community, Aboriginal Australia – past and present, and the Council's and the Councillors/staff members individual role in working together.

All Councillors have completed this new course. 87% of staff (EFT) have completed the new course.

### **Memorandum of Understanding (MOU) and an Indigenous Land Use Agreement (ILUA)**

Council had prepared a MOU with local Aboriginal Groups to enhance the working relationship between all parties particularly with respect to:

1. Revitalising Aboriginal Culture and Heritage
2. Sharing information
3. Identifying and understanding Aboriginal Sites
4. Supporting employment, training and well-being.

The draft MOU was referred to the Aboriginal groups for their consideration with opposition to a single MOU approach received from:

- Bathurst Wiradyuri and Aboriginal Community Elders
- Wiradyuri Traditional Owners Central West Aboriginal Corporation
- DHUULUU-YALA Enterprises
- Gunhigal Mayiny Wiradyuri-Dyilang Enterprise

Notwithstanding Council decided to proceed with a single MOU as an holistic approach, to reduce fragmentation of understanding, cooperation and other matters between the parties involved.

A final MOU was sent out to all relevant groups in August.

The abovementioned groups have again responded to Council indicating that they will not participate in a combined MOU with other local Aboriginal Groups. These groups continue to seek a separate MOU between Council and the local traditional owners in relation to:

- developing culturally sound and appropriate welcome to country protocols for public events including races at Wahluu.
- developing culturally sound and appropriate cultural heritage survey and reporting protocols with Council to inform the traditional owners in the first instance of any DA's and the traditional owners being engaged in cultural heritage surveys for any DA's in the Bathurst Regional Council LGA at the usual rate (or to be negotiated).
- Council and the traditional owners negotiating the terms, conditions and implementation of an ILUA (Indigenous Land Use Agreement) between the traditional owners and Bathurst Regional Council for the Bathurst Regional Council LGA.

Council has also received advice from the Bathurst Young Mob that they do not believe the MOU is applicable to their group as they do not solely represent Aboriginal people.

### Conclusion

Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1 is to "respect, protect and promote the regions Aboriginal heritage assets". As outlined in this report Council is continuing to invest in activities that seek to recognise and protect the cultural heritage of the Bathurst Region generally and Mount Panorama specifically and to also undertake ongoing reconciliatory actions.

**Financial Implications:** The total cost to date on cultural interpretation studies and the anthropological investigations has been: \$182,138 (excluding RAP fees).

- The total cost spent to date on Aboriginal Cultural Heritage Assessments, including the estimated fees to complete the second circuit ACHA has been \$563,454 (excluding RAP fees).
- The Registered Aboriginal Party fees paid to date for the ACHARs and the Anthropological Investigations has been \$148,400 (including the estimate for the second circuit ACHAR).
- The overall total costs to date has been \$893,992 (including the estimate for completion of the second circuit ACHAR).
- The costs associated with the reconciliatory actions under this report have been met within existing Council budgets.
- The costs associated with providing advice to Department of Premier and Cabinet and submitting new site cards at Mount Panorama are \$3,113.
- The costs to include additional lands within the second circuit ACHAR are \$12,442.

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

- Objective 1: Our sense of place and identity Strategy 1.1, 1.3
- Objective 4: Enabling sustainable growth Strategy 4.6

## **Community Engagement**

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

#### **4 WESTERN SYDNEY UNIVERSITY MEDICAL STUDENT SCHOLARSHIP PROGRAM - REQUEST FOR FUNDING ASSISTANCE (09.00011)**

**Recommendation:** That Council:

- (a) allocate \$2,500 this financial year toward an initial scholarship under the Western Sydney University medical student scholarship program; and
- (b) consider incrementing the allocation by \$2,500 per annum to a maximum of \$10,000 in the budget process for following years.

**Report:** Bathurst Hospital hosts a number of medical students from Western Sydney University School of Medicine. Programs such as these are instrumental in ensuring adequate medical services in the region.

Western Sydney University is commencing a scholarship program to enhance the success of rural doctor training and retention and has requested Bathurst Regional Council provide funding assistance to support their program. Council is aware from multiple sources that student doctors trained in rural areas are more likely to return to rural areas upon graduation. Council is also aware that recruitment of doctors for Bathurst Hospital requires considerable effort so any program that assists the recruitment objective should be supported by Council. Not only is it likely to encourage doctor recruitment and retention in the service of the community of Bathurst, it is a step toward Bathurst Hospital becoming a more significant teaching facility, which in turn will help sustain adequate resources for the Hospital. It provides an important signal to the community and the Local Health District that adequate health services are an essential service to the community and Council is making a positive contribution.

Consequently, it is recommended Council support the request. Given Council's current budget has been adopted, it is further recommended Council make only an initial funding allocation this financial year, rising in annual increments to a maximum of \$10,000 per annum subject to Council's normal budget processes. This level of assistance would provide 50% of the scholarship amount for four students. The University is seeking funds from other sources to complement any contribution from Council.

**Financial Implications:** The funds for 2019 can be sourced from the Section 356 allocation.

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

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.2

**Community Engagement**

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

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 SEPTEMBER 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)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 August 2019 (**attachment 1**).
- (b) Applications refused during August 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 August 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 DEVELOPMENT APPLICATION NO. 2019/198 – DEMOLITION OF EXISTING GARAGE, SINGLE STOREY DUAL OCCUPANCY (SECOND DWELLING) WITH ATTACHED GARAGE, CARPORT & TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET. APPLICANT: BRETT MOULDS DESIGN AND DRAFTING PTY LTD. OWNER: MODERNIZATION PTY LTD (DA/2019/198)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/198, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan prepared by a suitably qualified Arborist to identify appropriate methodologies for pruning and excavation in vicinity of the root system of the neighbouring trees at 251 Stewart Street;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for single storey dual occupancy (second dwelling) with attached garage, carport and two lot residential subdivision at 261 Lambert Street, Bathurst, described as Lot B, DP 161951. A location plan and aerial photo are provided at **attachment 1**.

The site currently contains a single storey semi-detached dwelling with detached garage.

The site has an area of 682.9m<sup>2</sup>.

Adjoining properties contain single storey dwellings and associated outbuildings. The BP service station adjoins part of the eastern boundary of the property.

**History of the Site**

An earlier proposal for a two storey dual occupancy (second dwelling) was considered by Council at its Ordinary Meeting held on 12 December 2018. At this meeting Council resolved to refuse the Development Application for the following reasons:

- (i) No on-site visitor car parking has been provided and insufficient justification has been provided for the variation to this Development Standard;
- (ii) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy.

In response to the initial determination by Council, the applicant prepared amended plans and requested that Council review its decision to refuse the Development Application.

The revised proposal involved:

- Reduction in the overall size of the dwelling with the removal of one first floor bedroom;
- Increasing the ground floor side setback from 0.2 metres to 0.9 metres;
- Increasing the first floor side setback from 1.5 metres to 3.4 metres;
- Introduction of a shared visitor car parking space;
- Replacement of standard first floor windows with highlight first floor windows with privacy screens;
- Removal of an attached garage and replacement with an attached carport.

After undertaking a review of its determination Council, at its Ordinary Meeting held on 17 April 2019, resolved to:

- (a) reaffirm its decision to refuse Development Application 2018/303 for the following reasons:
  - (i) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy.

Whilst Council has previously considered and refused dual occupancy development on the property, that does not in any way impact upon its consideration of this new application. This application is to be considered on its merits.

#### The proposal

The current proposal involves:

- Demolition of an existing garage;
- Construction of a single storey three-bedroom dual occupancy (second dwelling) with attached garage;
- Construction of a separate carport (for the existing dwelling); and
- Two lot residential subdivision.

In terms of its proximity to the properties to the south (i.e. those properties fronting Stewart Street) the garage component of the development is to be set back 0.2m from the common boundary. The remainder of the development is to be 0.9m from the common boundary.

Plans of the proposed development are at **attachment 2**, shadow diagrams at **attachment 3** and the vehicle manoeuvring plan at **attachment 4**.

No works are proposed to the existing dwelling on the site.

#### Planning Context

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

The subject site is zoned R1 - General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A dual occupancy (*detached*) is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

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

The *Minimum Lot Size – Dual Occupancy Map* for this locality indicates a minimum lot size of 600m<sup>2</sup>. The subject site has an area of 682.9m<sup>2</sup> and therefore a dual occupancy is permissible.

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

The *Height of Buildings Map* for this locality indicates a maximum overall building height of 9 metres. The proposed single storey dwelling will have an overall height of 4.5 metres which therefore complies.

#### **Clause 5.10 Heritage conservation**

The subject site is within the Bathurst Heritage Conservation Area. The subject site does not contain an individual Heritage Item.

The siting of the new dwelling at the rear of the site will ensure that there is minimal impact on the streetscape and minimal impact on the existing semi-detached dwellings at the front of the site.

While parts of the proposed new dwelling will be visible from both Lambert Street and Stewart Street, it will be single storey only and set back a minimum of 40 metres from both street frontages. The development will therefore have limited direct impact on the streetscape of the respective streets.

The materials to be used on the property are consistent with those used in the Heritage Conservation Area being face brick and Colorbond roof sheeting.

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

#### ***Chapter 4 Residential Development***

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual occupancies are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dual occupancies as outlined below:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	682.9m <sup>2</sup>	600m <sup>2</sup>	Yes
Site Coverage	42.1%	Max. 50% coverage	Yes
Height	Single storey	Two- storey maximum	Yes
Setback - Front	N/A	Compliment existing	Yes
Setback - Rear	2.3m	In accordance with NCC	Yes
Setback - Side	0.2m	In accordance with NCC	Yes
Carparking - Resident	1 per dwelling	1 per dwelling	Yes
Carparking - Visitor	1 shared	1 per 2 dwellings	Yes
Accessway Width	3.5m	3-6m wide	Yes
Open space area - Existing dwelling (4	50.8m <sup>2</sup>	50m <sup>2</sup>	Yes

bed)			
Open space area - Proposed dwelling (3 bed)	40m <sup>2</sup>	50m <sup>2</sup>	Yes
Open space width - Existing dwelling (4 bed)	Min 6.5m wide	4m wide	Yes
Open space width - Proposed dwelling (3 bed)	Min 4.0m wide	4m wide	Yes

### Public Notification

The Development Application was notified to adjoining property owners from 16 July to 26 July 2019. Following the notification period one submission was received (**attachment 5**).

A Discussion Forum was convened by the Director Environmental Planning and Building Services on 14 August 2019 (see minutes of the Discussion Forum at **attachment 6**). The applicant and property owner elected not to attend the Discussion Forum. Issues raised in the submission and at the discussion forum included:

- Impact of proposed development on established trees and impact of subsequent loss of trees as a result.

**Comment:** Within the rear yard of 251 Stewart Street there are a number of established trees located close to the common boundary. The largest of the trees are an apple and a plum. The trees overhang the common boundary between the two properties. In all likelihood the roots of the trees also cross the common boundary although the extent of any encroachment has not been investigated.

Due to the proximity of the trees to the boundary fence and the wall of the proposed garage, tree roots are likely to be damaged through excavation works during construction. Pruning of overhanging branches will also need to be undertaken prior to excavation works.

It is somewhat difficult for Council to accurately determine what the level of impact will ultimately be. It would not be unreasonable to remove those parts of the tree which overhang and extend beyond the boundary (roots, branches etc.). This may lead to long term impacts on the health of those trees. To achieve no impact on neighbouring trees would mean sterilising the entire site and would be considered unreasonable. It should also be noted that a variety of exempt developments (e.g. garages) could be undertaken in close proximity to the boundary without consent or neighbour consultation and that these would likely have the same impact on the neighbouring trees.

In an attempt to prolong the life of the trees post-development it is recommended that a condition be imposed to require submission of a Construction Management Plan prepared by a suitably qualified Arborist to identify appropriate methodologies for pruning and excavation in vicinity of the root system. The Construction Management Plan should address, but not be limited to, the following:

- Appropriate methodologies for and timing of pruning of overhanging branches;
- Appropriate methodologies for excavation for foundations of the proposed building;
- Recommended measures for preventing future damage to the foundations of the proposed building.

## Conclusion

Council has received a Development Application for a single storey dual occupancy (second dwelling) with attached garage, carport and two lot residential subdivision at 261 Lambert Street, Bathurst. The proposal complies with the objectives of the Residential Precinct and the development standards for dual occupancies. The Development Application was notified to adjoining property owners from 16 July 2019 to 26 July 2019. Following the notification period one submission was received. Issues raised in the submission and at the subsequent Discussion Forum are addressed in this report and in recommended conditions of consent.

**Financial Implications:** Nil.

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

- Objective 4: Enabling sustainable growth Strategy 4.6

## **Community Engagement**

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

**4 DEVELOPMENT APPLICATION NO. 2013/0239 – ADVERTISING SIGNAGE AT 120-122 RUSSELL STREET, BATHURST. APPLICANT & OWNER: WOODBELL PTY LTD (DA/2013/0239)**

**Recommendation:** That Council:

- (a) having undertaken a review of Development Application 2013/0239 under Division 8.2 of the Environmental Planning and Assessment Act 1979 reaffirm its decision to refuse the modification application for the reasons outlined in its Notice of Determination dated 29 May 2019; and
- (b) call a division.

**Report:** Council has received a request to review its decision to refuse a modification of Development Application 2013/0239 pursuant to Section 8.3 of the Environmental Planning and Assessment Act 1979.

The property in question is at 120-122 Russell Street and is currently occupied by Front Runner Finance Solutions. A location plan and aerial image are provided at **attachment 1**.

The original development consent was granted by Council on 3 September 2013. The modification application, lodged on 5 February 2019, relates to a condition imposed on the development consent for advertising signage on the building requiring relocation of a sign attached to the front of the building.

The current condition imposed upon the consent is as follows:

**The sign that is located on the front elevation of the building facing Russell Street is to be relocated to the front lawn of the property.**

The modification lodged by the applicant sought to delete the condition and as a result retain the sign in its current position.

The modification application was refused under delegated authority on 29 May 2019.

Images of the signs attached to the building are provided at **attachment 2**.

A copy of the request for review is at **attachment 3**.

**Background**

As a matter of background the following is provided:

- In May of 2013 Council observed that a number of advertising signs had been erected on the building without consent.
- The advertising signs included:
  1. A “Front Runner Finance Solutions” sign attached to the side of the building fronting the Aldi Carpark.
  2. A “Front Runner Finance Solutions” sign located in the front yard of the property.
  3. A small stylised head attached to the apex of the roof.
  4. A “Front Runner Finance Solutions” sign attached to the front verandah of the building.



- At the request of Council the applicant lodged a Development Application with Council seeking consent for the signs.
- On 3 September 2013 Council granted consent to signs 1, 2 and 3 above but included a condition requiring the relocation of the 4<sup>th</sup> sign to the front lawn of the property.
- The applicant did not relocate the sign as required by the consent conditions.
- In early 2018 Council commenced a follow up program to pursue advertising signage in the CBD that had either been erected without consent or was not in accordance with their respective consents.
- In response to this process, the applicant lodged an application on 5 February 2019 to modify the consent seeking the retention of the signage in its current location.
- The modification application was subsequently refused under delegated authority on 29 May 2019 for the following reasons:
  1. *The size of the sign does not complement the scale of the building to which it relates, and the streetscape as required by Clause 12.2.5(b) and 12.2.6(c) of the Bathurst Regional Development Control Plan 2014.*
  2. *The sign visually dominates the building and accordingly is inconsistent with Clause 12.2.5(c) and 12.2.6(a) of the Bathurst Regional Development Control Plan 2014.*
  3. *The size and shape of the sign is inappropriate and covers important architectural features of the building and accordingly is inconsistent with Clause 12.2.5(d) and 12.2.6(c) of Bathurst Regional Development Control Plan 2014.*
- The applicant has subsequently requested formal review of that decision to refuse the modification application pursuant to the Environmental Planning and Assessment Act.
- Further enforcement action has been held in abeyance pending consideration of the modification application and now the review request.
- Whether further enforcement action is required will be dependent upon the outcome of the review. In the event that the review is successful the sign may remain in its current location and no further action would be required. If the event that the review is unsuccessful the sign would need to be either removed or relocated or enforcement action would be required.

### The sign in question

The modification only relates to the sign attached to the front verandah of the dwelling. The sign is 3.6m by 1.22m.

The other signs on the property do not form part of this review.

### Reasons for Review

The reasons provided to support the request for review are those submitted with the modification request and are provided at **attachment 3**.

The supporting documents cite issues relating to WHS issues associated with the proposed location in the front yard, previous signs on the building, the long standing nature of the signage, lack of heritage significance of the building, non-illumination and other signage in the street including Aldi.

### Development Control Plan 2014 provisions

The salient planning provisions relating to the application are contained in Chapter 12 of the DCP.

No	Provision	Comment
12.2.5(b) &	The size of the sign and its	The size of the signage being 3.6 m wide

12.5.6(e)	contents/design (letters, numbers and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing the sign and its contents/design are in proportion to the building.	by 1.22 m in depth dominates the front elevation of the building and has no regard to the scale of the building to which it is attached nor to its location on the building.  The building is notable for its gabled roof and timber fenestration used on the façade. The sign detracts from these architectural features.
12.2.5(c)	Signs must not visually dominate the area of building walls. No more than 5% of the front and rear elevations of a building, or any other building elevation that is visible to a public place, is to be covered by signage (excluding the fascia signage). The total number of signs must not detract from the overall aesthetic character of the building.	The building has a distinct architectural character as highlighted by the decorative timber fenestration verandah detailing. The sign dominates these areas and unreasonably detracts from the aesthetic character of the building.
12.2.6(c)	If backing boards are used, their shape and size is to be of the right proportions for the allocated space on the building so that signage does not cover the architectural features or obscure windows of a building. In this regard signs painted directly on the building fabric are preferred (except on fabric that has not been previously painted)	In this case the sign is attached to a backing board and is 3.6m wide by 1.22m in depth. The sign is attached to and located above the transom of the verandah entrance to the property. Due to its width it extends beyond the width of the entrance and extends well above the gutter line.  The sign has no regard to the significant architectural features of the building as noted in the Statement of Significance for the building and detracts from the decorative entrance to the property which provides a symmetrical entrance to the original semi detached building.
12.2.6(a)	Signs must not visually dominate the area of building walls. The total number of signs must not detract from the overall aesthetic character of the building.	The sign dominates these areas and unreasonably detracts from the aesthetic character of the building.

Additionally, the sign is inconsistent with Chapter 12 of the DCP objective (f):

*To permit signage that is a type, scale and location that will enhance the heritage elements of an historic setting, without detracting from its significance, particularly with respect to the Bathurst CBD and within the heritage conservation area.*

The sign does not enhance the heritage elements of the building and therefore its setting. It dominates the architectural character of the building and unreasonably detracts from its aesthetic character. Its scale and location is inappropriate in a Heritage Conservation Area.

#### Alternate proposals

During the assessment process a number of alternate design options were considered including a smaller sign in a less obtrusive location and a sign in the front yard generally as proposed in the current condition of consent. Further, the applicant was made aware of funding assistance to change the sign, available through Council's CBD Main Street program. These options were discussed with the applicant but were not adopted. The alternatives are shown at **attachment 4**.

## Other issues raised in the submission

### *Previous signage on the building*

The applicant makes reference to signage on the building displayed by previous tenants.

Historical photos available on google street view circa 2010 indicate a removable banner sign attached to the front elevation only (**attachment 5**). What is contemplated under this application is in no way referable to historic temporary signage. The previous signage creates no claims to any continuing use rights or similar.

### *Lack of heritage significance*

The building is not listed as an individual heritage item but is contributory within the Heritage Conservation Area. The building remains generally intact and retains many of its original decorative features.

Further the property was considered as part of Council's Main Street Study Review conducted in 2016. The Review included preparation of a Statement of Significance for the building as well as conservation recommendations.

The Statement of Significance for the building is as follows:

*A good example of a symmetrical Federation semi-detached with an essentially intact façade and exterior. The building is constructed of face brick walls and features a triple gabled roof with vented apex to each gable, elaborate timber "filigree" arched valances, double hung windows and central access doors. Its style represents the decline in use of cast iron for ornamental components and the growth in the use of timber for these decorations. The timber style is of a more substantial quality than those of metal but the "filigree screen" look could still be achieved – as can be seen in this example. The functionality of this style and design was to provide shade whilst allowing air flow. As this style of building design was not as quickly adopted in regional centres as in urban landscapes, this is a fine and intact example which adds to the heterogenous streetscape of Bathurst.*

The Review also makes the following conservation recommendations:

1. *Retain and maintain as much original fabric as possible.*
2. *Maintain masonry (brickwork).*
3. *Current use of corporate signage is inappropriate and oversized. Remove all above awning level signage and replace with an appropriately sized freestanding sign.*
4. *Retain face brickwork.*
5. *Existing colour scheme is acceptable but could be improved with more shades.*
6. *Instate an appropriate front fence.*

Whilst the recommendations made are not mandatory they do however recognise that the current signage is inappropriate.

### *Other signage in Russell Street*

There are a number of larger signs in this section of Russell Street particularly those located on the opposite side of Russell Street and further to the west. Rather than forming any semblance of precedent for this application, these signs are illustrative of less sensitive treatments. It is also relevant to note that the buildings on which the various signs are erected are varied so direct comparisons are of limited value.

### *Long standing nature of the signage*

The signage as been in place for a number of years but has never had the benefit of consent. The development must ultimately be considered on its merits. The fact that the sign was erected without consent and continued to be displayed contrary to the consent does not create any form of continuing use rights.

### Conclusion

Council has received a request to review its decision to refuse a modification to an application for advertising signage attached to the front of 120-122 Russell Street. The signage was originally erected without consent and when an application was received its location was not supported. Following foreshadowed enforcement action the owner has further sought to retain the signage by seeking modification of the consent and now formal review.

The signage is not sensitive to the building on which it is erected and does not have due regard to the significant heritage and streetscape elements of the building. In its current form the sign detracts from the Bathurst Heritage Conservation Area. A number of more sensitive options have been put forward in discussions with the applicant to no avail.

The development under consideration is inconsistent with the DCP provisions and accordingly it is recommended that the original decision not to modify the consent should remain.

**Financial Implications:** Nil.

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

- Objective 4: Enabling sustainable growth Strategy 4.6

### **Community Engagement**

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

**5 DEVELOPMENT APPLICATION NO. 2019/135 – DEMOLITION OF EXISTING GARAGE AND LATER REAR ADDITIONS TO DWELLING, NEW ADDITIONS AND ALTERATIONS TO DWELLING, NEW GARAGE AND TREE REMOVAL AT 251 PIPER STREET, BATHURST. APPLICANT: MR O BREUST. OWNER: MR O & MRS M BREUST (DA/2019/135)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/135, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Any materials suitable for reuse should be recovered and recycled wherever possible,
  - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Department of Premier & Cabinet (Heritage). Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for demolition of an existing garage and later rear additions to the dwelling, new additions and alterations to the dwelling, new garage and tree removal at 251 Piper Street, Bathurst, described as Lot 4, DP 259909.

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

The subject site currently contains a single storey Late Victorian cottage with later rear additions and a detached single car garage.

**History of the proposal**

The proposal, as originally submitted, comprised the following elements:

- Demolition of the existing garage and later rear additions to dwelling;
- Construction of a new attached mono-pitched roof garage of 6 metres x 17 metres with a front boundary setback of 7.1 metres and a front building line setback of only 1 metre;
- Construction of new rear additions and internal alterations to the existing dwelling;
- A new roof structure over the proposed rear dwelling additions with an overall height of 9.1 metres at the rear; and
- Removal of one large deciduous tree.

In response to concerns raised by neighbours, the local branch of the National Trust and Council's Planning Officers, amended plans were submitted that incorporated the following key changes:

- A detached hipped roofed garage of 5.15 metres x 13 metres with a front boundary setback of 15.12 metres and a setback of 9.5 metres behind the front building line.  
NOTE: The original proposal was for an attached mono-pitched roof garage of 6 metres x 17 metres with a front boundary setback of 7.1 metres and therefore a front building line setback of only 1 metre;
- A new hipped roof structure over the proposed dwelling additions with an overall height of 7.6 metres at the rear.  
NOTE: The original proposal was for a 9.1 metre high gable end roof structure at the rear.

It is the amended plans which are now the subject of determination.

### The proposal

The amended proposal involves:

- Demolition of an existing garage and later rear additions to dwelling;
- New rear additions and internal alterations to dwelling;
- New detached hipped roof garage; and
- Removal of one large deciduous tree.

See plan of proposed development at **attachment 2**.

### Planning Context

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

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

#### Clause 4.3 Height of buildings

The Height of Buildings Map for this locality identifies a maximum overall building height of 9 metres. The amended proposal will have an overall height at the rear of 7.6 metres which complies.

#### Clause 5.10 Heritage conservation

The subject site is within the Bathurst Heritage Conservation Area. The original proposal was considered inappropriate for the following reasons:

- The bulk and scale of the roof structure on the proposed addition.
- The design, scale and siting of the proposed attached garage.

As a result of concerns raised by neighbours, the local branch of the National Trust and Council's Planning Officers, amended plans were submitted that incorporated the changes outlined above.

The amended proposal has decreased the overall height of the roof of the dwelling additions from 9.1 metres to 7.6 metres and separated and set back the garage element of the development. In terms of the impact of the development on the Heritage Conservation Area the amended proposal is considered acceptable.

It is noted that the adjoining property at 255 Piper Street was constructed circa 1870 and takes advantage of the views to the east across the city. Whilst the proposal will have an impact in terms of views from the property it will have limited impact on it in heritage terms; i.e. the amended proposal does not have a significant impact on the streetscape or views to 255 Piper Street.

*Bathurst Regional Development Control Plan 2014*

Chapter 10 Urban Design & Heritage Conservation

10.2.3 Statement of Heritage Impact

A Statement of Heritage Impact has been submitted with the application in accordance with Section 10.2.3 of the DCP. The Statement of Heritage Impact draws the following conclusions:

- *The construction of the proposed alterations and additions to the existing dwelling and the garage will improve the accommodation and facilities of the home.*
- *The proposed alterations and additions will not impact on the property within the context of the surrounding conservation area.*
- *The form and materials to be used on the proposed structure are drawn from and reflect architectural elements that characterise the existing building as well as nearby buildings.*
- *The presentation of the building within the streetscape of Piper Street will remain largely unaltered. Its presentation to neighbouring properties will be similar to and consistent with the neighbouring residential buildings.*
- *Documents, including architectural drawings and photographs will record the proposed changes to the building.*

The Statement of Heritage Impact makes the following recommendations:

- Prior to demolition of the house a minor photographic archival recording of the areas to be demolished would be advisable.
- That materials and elements of the building capable of recovery should be re-cycled and re-used and that this should be considered as part of the process of demolition.
- That any relics or evidence of prior occupation found during excavation be noted and photographed.

It should be noted that a Photographic Record was submitted with the amended plans and therefore it will not be necessary to impose a condition to request it.

See Statement of Heritage Impact at **attachment 3**.

10.5.3 Residential Development – Building Design

<b>Development Standards</b>	<b>Compliance/Comment</b>
Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	The proposed garage will have a roof pitch of 35° to match the existing cottage. The front of the proposed garage will be visible from the street. The rear addition will have a roof pitch of 22.5 degrees and while this does not match the existing cottage it is considered appropriate because it results in a lower profile roof which is subsequently only partially visible from the street

	and creates less obstruction of views from the neighbouring property.
Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street. New or replaced windows visible from the street should generally be timber.	New windows will only be partially visible from the street. Those that will be visible are of traditional proportions.
Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.	The proposed addition respects the form and scale of the existing cottage. The original external fabric of the existing cottage will not be significantly altered as only later rear additions are being demolished.
Where an addition is proposed to the rear of an existing building and will be visible from the street, brick parapet walls for the addition, running parallel to the side wall of the building are encouraged. Hound's tooth brickwork is encouraged within the parapet component of the wall. Skillion roofs are to be hidden behind the parapet wall and are to run across the back of the existing building wall, instead of sloping away from the wall.	The proposed addition will only be partially visible from the street.  The proposed addition will have face brick walls and a pitched roof.
Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.	The original external fabric of the existing cottage will not be significantly altered as only later rear additions are being demolished.
Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.	Roof plumbing will match that of the existing cottage.
Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.	Not relevant to the proposal.
Good quality second hand materials and local and vernacular materials are encouraged.	Reclaimed red bricks will be used for the front wall of the proposed garage.
Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally not acceptable.	Reclaimed red bricks will be used for the front wall of the proposed garage.

### 10.5.3 Residential Development – Garages & Outbuildings

Development Standards	Compliance/Comment
Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.	The proposed garage will have a single panel-lift door and will have a front boundary setback of 15.12 metres and therefore a setback of 9.5 metres behind the front building line.
Garages and outbuildings are to complement the design and character of the main buildings on the site and other garages/outbuildings within the street.	The proposed garage will have a hipped roof and brick front wall to match the existing cottage.
Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.	The proposed garage will have a roof pitch of 35° to match the existing cottage.
Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the area).	A condition will be imposed to ensure that the sheet metal on the roof of the proposed garage is of a traditional corrugated profile to match the existing cottage.



## Tree Preservation and Management Policy

The proposal involves the removal of one tree being a Populus species. Whilst the tree is located within the Heritage Conservation Area it is under 9 metres in height and accordingly is not a protected species under Council's Tree Preservation and Management Policy. A permit for its removal is not required. Further, while the tree possesses good structural form there was a significant amount of dead wood present within the crown of the tree and growing tips which suggests the tree is possibly in a state of decline.

It was also observed that due to the location of the tree, the species involved and the close proximity of the tree to the proposed dwelling extension, it would not be suitable to have the tree remain should the development proceed as proposed.

## Public Notification

As the original proposal included a garage with a floor area in excess of 45m<sup>2</sup> in the Bathurst Heritage Conservation Area the Development Application was notified to adjoining property owners from 13 May 2019 to 23 May 2019. Following the notification period a total of two (2) submissions were received (see submissions at **attachment 4**).

A Discussion Forum was convened by Director Environmental Planning & Building Services on 13 June 2019 (see minutes of discussion forum at **attachment 5**). Issues raised in the submissions and at the discussion forum included:

- Loss of views;
- Overshadowing; and
- Inappropriate design, bulk, scale and siting of proposed garage.

As a result of concerns raised by neighbours, the local branch of the National Trust and Council's Planning Officers, amended plans were submitted. The amended plans and documentation were sent to the two parties who previously lodged submissions and attended the Discussion Forum.

In response to the amended plans a further submission was received from the adjoining owners (**attachment 6**). The adjoining owners remain concerned at the impact of the proposal in terms of heritage impact, loss of views and bulk and scale.

## Views

The Land & Environment Court has well established planning principles in respect of the assessment of impacts of development on views. These principles are established in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 ("*Tenacity* ").

Property owners have no right to a view; the law is clear on this point and has been since 1937. *Tenacity* did not amend this position, although it has provided guidance to consent authorities in respect of the proper assessment of impacts on views.

*Tenacity* established the following assessment principles for consent authorities:

1. The first step is the assessment of views.
2. The second step is to consider from what part of the property the views are obtained.
3. The third step is to assess the extent of the impact.
4. The fourth step is to assess the reasonableness of the proposal that is causing the impact.

### **The first step is the assessment of views**

The views from 255 Piper Street are partial views of the top of the Carillion, the Courthouse dome, rural land and the distant ranges on the eastern side of Bathurst. At night the view is replaced by city lights. The current views are no doubt significant and an important part of the garden setting of 255 Piper Street.

### **The second step is to consider from what part of the property the views are obtained**

It is important to note that the dwelling at 255 Piper Street is orientated towards its side and rear boundaries. The front of the dwelling at 255 Piper Street faces towards the side of 251 Piper Street. Views from 255 Piper are obtained from the front windows, front verandah and front courtyard across the rear garden of 251 Piper.

### **The third step is to assess the extent of the impact**

The proposed addition extends the existing dwelling a further 7 metres beyond the end of the existing later rear additions.

The proposed addition will remove the partial views from 255 Piper Street to the top of the Carillion, the Courthouse dome, rural land and the distant ranges on the eastern side of Bathurst. The view will instead be replaced by a brick wall and roof. However, the removal of one large deciduous tree behind the proposed addition will open up a previously obscured partial view of the rural land and the distant ranges on the eastern side of Bathurst.

It should be noted that the existing dwelling at 251 Piper Street and the proposed addition are set back 3.5 metres from the side boundary with 255 Piper Street.

In terms of the magnitude of the impact, the owners of 255 Piper Street would consider this impact to be significant.

### **The fourth step is to assess the reasonableness of the proposal that is causing the impact**

The proposed addition is to modernise and enlarge what is currently a modest brick cottage. The proposed addition is not inconsistent with any of the development controls established in the Bathurst Regional Local Environmental Plan 2014 and the Bathurst Regional Development Control Plan 2014.

Council actively encourages rear additions in the Heritage Conservation Area to minimise impact on original building fabric and streetscape. It is noted that any extension to the rear of 251 Piper Street would have an impact upon the views from 255 Piper Street. Lowering of floor levels or the roof pitch would maintain a similar overall impact on the views from the adjoining property.

### **Overshadowing**

The proposed addition will have a maximum overall height of 7.6 metres and will be set back 3.5 metres from the side boundary with 255 Piper Street.

Shadows cast by the proposed addition will be predominantly cast within the subject property and not have an unreasonable impact on the front courtyard of 255 Piper Street.

### Design, bulk, scale and siting of proposed garage

As a result of concerns raised by neighbours, the local branch of the National Trust and Council's Planning Officers, amended plans were submitted that incorporated the following changes:

- A detached hipped roofed garage of 5.15 metres x13 metres with a front boundary setback of 15.12 metres and a setback 9.5 metres behind the front building line.  
NOTE: The original proposal was for an attached mono-pitched roof garage of 6 metres x 17 metres with a front boundary setback of 7.1 metres and therefore a setback of only 1 metre behind the front building line.
- A new hipped roof structure over the proposed dwelling additions with an overall height of 7.4 metres at the rear.  
NOTE: The original proposal was for a 9.1 metre high gable end roof structure at the rear.

The applicant has made a genuine and significant attempt to address these particular concerns.

### Conclusion

Council has received a Development Application for demolition of an existing garage and later rear additions to dwelling, new additions and alterations to dwelling, new garage and tree removal at 251 Piper Street, Bathurst. As the original proposal included a garage with a floor area in excess of 45m<sup>2</sup> in the Bathurst Heritage Conservation Area the Development Application was notified to adjoining property owners. As a result of concerns raised by neighbours, the local branch of the National Trust and Council's Planning Officers, amended plans were submitted that incorporated the changes outlined in the report. Of importance is the impact of the amended proposal on the view from the adjoining property and a balance needs to be struck between the opportunity to develop the subject site into a contemporary family home with reasonable retention of the amenity of neighbours. It is recommended, for the reasons outlined in this report, that the Development Application be approved.

**Financial Implications:** Nil.

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

- Objective 4: Enabling sustainable growth Strategy 4.6

### **Community Engagement**

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

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

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

**Report:** The Bathurst Region Heritage Reference Group met on 12 August 2019. The minutes of that groups' meeting are provided at **attachment 1**.

The group will meet next on 11 November 2019.

With respect to the implementation of the 2017-2020 Bathurst Region Heritage Plan, the following highlights of Council's achievements to date for this financial year (2019/20) include:

- 18 site visits undertaken as part of the Heritage Advisory Service and the Heritage Advisor has provided advice on 5 Development Applications. A total of 158 site visits were undertaken as part of last year's Heritage Advisory Service with advice provided on 95 Development Applications.
- Applications for the 2019/20 Council Heritage Assistance Grants have been assessed and allocated:
  - o The Bathurst Region Heritage Fund received 67 applications with 59 applications being successful. The average grant amount is \$1,227.
  - o The CBD Main Street Improvement Fund received 19 applications with 16 applications being successful. The average grant amount is \$2,062.50.
  - o The Conservation and Interpretation Fund received 17 applications with 15 applications being successful. The average grant amount is \$1,663.33.
- The Draft Bathurst Heritage Conservation Area Review was recently on public exhibition. A Discussion Forum was held on 7 August 2019.
- The 2019 Bathurst Heritage Trades Trail achieved attendance of 1785, which is a 26.3% increase over 2018.
- The Theo Barker Memorial Lecture was held in August. The lecture is co-hosted by the Bathurst District Historical Society and Council. This year's lecture was presented by Ms Barbara Hickson and is titled 'Let's Do Heritage Differently.' Barbara was Heritage Adviser to Bathurst Council for almost 22 years.

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

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

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.3, 1.5
- Objective 6: Community leadership and collaboration Strategy 6.1

### **Community Engagement**

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

## **7 DURAMANA ROAD MASTER PLAN (20.00327)**

**Recommendation:** That Council:

- (a) adopt the Duramana Road Master Plan for Strategic Planning purposes;
- (b) prepare a Planning Proposal following the NSW Department of Planning, Industry and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (c) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination;
- (d) accept any delegations from the Department of Planning, Industry and Environment concerning this Planning Proposal;
- (e) place the draft Local Environmental Plan Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act;
- (f) prepare an amendment to the Bathurst Regional Development Control Plan 2014 and relevant developer contributions plans as outlined in this report; and
- (g) call a division.

**Report:** Council commenced master planning for the Duramana Road residential precinct within Eglinton (the vacant residential land on the western side of Eglinton, to the north of Freemantle Road). Council engaged consultants who developed a master plan for the site. The master plan includes residential housing (low and medium density), open space areas and a neighbourhood activity centre (including a supermarket, speciality stores and other community uses) within the subdivision. A locality plan is provided at **attachment 1**.

A copy of the draft Master Plan is provided at **attachment 2**.

### **Community consultation and public exhibition of the Master Plan**

Council undertook a range of public consultation and engagement in the development of the draft Duramana Road Master Plan including:

- (a) *Visioning workshop – 10 & 11 December 2018*

A workshop was held with the consultants, Council staff and other stakeholders at the beginning of the master plan process. The Eglinton School P&C Association President, Council Staff, other land developers, Real Estate Agents and the Captain of the Eglinton RFS attended the session.

- (b) *Community Information Stand at the Eglinton Fair – 23 February 2019*

Council officers and the consultants spoke with approximately 20 groups of residents.

- (c) *Community Information Session – 13 June 2019*

A community information session was held on 13 June 2019 in response to community interest about the master plan at the village meeting in May 2019. Approximately 95 people attended the community information session. A copy of the minutes is provided as **attachment 3**.

(d) *Public Exhibition – 8 July 2019 to 5 August 2019*

Council resolved at its meeting held on 19 June 2019 to place the draft Master Plan on public exhibition. Council received 30 survey responses during the exhibition period. A summary of the responses and findings is provided as **attachment 4**.

Council sent two separate letters, approximately 1900 in total, to all property owners within Eglinton to inform them of both the Community Information Session and the exhibition of the draft Master Plan. The exhibition period offered the local community a number of opportunities to comment on the Master Plan.

Summary of matters raised during Public Exhibition

There were several issues raised during both the community information session and the public exhibition period. The main issues raised include:

- Concern about the proposed increased living densities, particularly for lots with an area of about 250sqm. There was some support for lots with an area of 450sqm, and widespread support for lots with an area of 900sqm.
- Concern that the infrastructure in Eglinton, particularly roads, stormwater, sewer and water can cater for the additional development.
- Concern that the Eglinton Public School will be able to cater for the increased enrolments.
- Concern that Eglinton has lost the intimate village feel particularly as the village experiences new housing growth.
- Broad community support for the proposed open space as part of the draft master plan.
- General community support for the village centre, including a small supermarket.

The feedback that has been received by Council will be used to better inform the preparation of amendments to the planning instruments (LEP and DCP and Developer Contributions Plan), as outlined below. The changes to Council's Planning Instruments, not the master plan, will set the minimum lot sizes for the land. The amendments to the Local Environmental Plan, Development Control Plan and contributions plans will be further exhibited before they are considered for adoption by Council.

Amendments to Council's Planning Instruments

*Bathurst Regional Local Environmental Plan 2014*

To give effect to the Duramana Road Master Plan an amendment to the Bathurst Regional Local Environmental Plan 2014 is required. A map summarising the points below is provided as **attachment 5**. As a result of the public exhibition of the draft Duramana Road Master Plan, it is proposed that the Planning Proposal will seek to achieve the following:

a) Land Zoning Map

Currently, four different land zones apply to the land, RU1 Primary Production, R1 General Residential, RE1 Public Recreation and B1 Neighbourhood Centre. As part of the Planning Proposal, it is intended to alter the Land Zoning Map that applies to the land by:

- Relocating the B1 Neighbourhood Centre zone to better match the location of the Village Centre shown on the Master Plan.

- Alter the RE1 Public Recreation zone to match the open space shown on the Master Plan.
- Rezone the current western portion of the land from RU1 Primary Production to RE1 Public Recreation as illustrated on the Master Plan.
- Retain the remainder of the land as R1 General Residential.

b) Lot Size Map, Minimum Lot Size – Dual Occupancy Map and Minimum Lot Size – Multi-Dwelling Housing Map

The majority of the subject land is currently zoned either R1 General Residential or B1 Neighbourhood Centre. The table below outlines the current lot sizes required to qualify for various development types in the R1 General Residential and B1 Neighbourhood Centre as zoned over the subject land. The table also outlines the typical lot size resulting from the subdivision of the identified development.

Development Type	Land Zone	
	R1 General Residential	B1 Neighbourhood Centre
Dwelling House	900 sqm	No standards. A dwelling could be constructed on a lot of any size.
Dual occupancy* ^	900 sqm	600 sqm
Multi-Dwelling Housing~ ^	2000sqm	900 sqm
Subdivision of a dual occupancy or residential unit development creating a dwelling on a separate lot	450 sqm for dual occupancy 660 for residential units	300 sqm for dual occupancy 300 for residential units

- \* **Dual occupancy** means 2 dwellings (whether attached or detached) on one lot of land, but does not include a secondary dwelling (granny flat).
- ~ **Multi-Dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building (i.e. dwellings located on top of each other).
- ^ The lot size stated is the lot size to *qualify* for the development, not the resulting lot size. Additional location and development standards apply to dual occupancy and residential unit developments as identified in the Bathurst Regional DCP 2014.

1. As part of the Planning Proposal, it is intended to alter the Lot Size Map (in relation to the erection of a dwelling) that applies to the land by:
  - retaining a lot size of 900 sqm for the northern part of the R1 General Residential land, north of Loren Street (see **attachment 5**);
  - applying a lot size of generally 450 sqm to the southern part of the R1 General Residential land, from Freemantle Road to Loren Street (see **attachment 5**);
  - Retaining the existing provisions, by not having a lot size, on the land zoned B1 Neighbourhood Centre. This maintains the status quo and enables a dwelling to be erected on a lot of any size in close proximity to the new village centre.
  - Not applying a Lot Size in the RE1 Public Recreation.  
*Note that dwellings are prohibited in the RE1 Public Recreation zone.*
2. As part of the Planning Proposal, it is intended to maintain the existing provisions under the Minimum Lot Size – Dual Occupancy Map that applies to the land by:
  - retaining the current 600 sqm minimum lot size for Dual Occupancies in the B1 Neighbourhood Centre zone.

- retaining a lot size of 900 sqm for Dual Occupancies in the R1 General Residential zone.

*Note that dual occupancies are prohibited in the RE1 Public Recreation zone.*

3. As part of the Planning Proposal, it is intended to retain and alter the Minimum Lot Size – Multi-Dwelling Housing Map that applies to the land by:

- retaining the current 900 sqm minimum lot size for Multi-Dwelling housing in the B1 Neighbourhood Centre zone.
- retaining a lot size of 2000 sqm minimum lot size for Multi-Dwelling housing for the northern portion of the R1 General Residential land, north of Loren Street;
- applying a lot size of generally 1350 sqm minimum lot size for Multi-Dwelling housing to the southern portion of the R1 General Residential land, from Freemantle Road to Loren Street.

*Note that multi-dwelling housing is prohibited in the RE1 Public Recreation zone.*

c) Height of Buildings Map

As part of the Planning Proposal, it is intended to alter the Height of Buildings Map that applies to the land by:

- Reducing the permissible height of buildings in the B1 Neighbourhood Centre zone from 12 metres (3 storeys) to 9 metres (2 storey), consistent with the character of Eglinton.
- Retain the existing 9 metre (2 storey) permissible height limit over the R1 General Residential zone.

d) Other minor amendments to the LEP Map Series

There may also be other minor amendments required to the LEP maps as a result of the changes mentioned above. If this is the case, these changes will be identified and explained during the public exhibition of the Planning Proposal.

*Bathurst Regional Development Control Plan 2014*

As a result of the amendments to the Bathurst Regional LEP outlined above, an amendment to the Development Control Plan will also be required. The DCP amendment will affect the following parts:

- (a) Map No 3 - Eglinton
- (b) Chapter 4 - Residential Development
- (c) Chapter 5 – Business

The changes to the DCP will occur concurrently with the Planning Proposal.

*Developer Contributions Plans*

An amendment may also be required to Council's developer contributions plans. If this is the case, these changes will be identified and explained during the public exhibition of the Planning Proposal. Any changes to the developer contributions plans will occur concurrently with the Planning Proposal and DCP Amendment.



### Public Exhibition of the Planning Proposal

Council will be required to place the Planning Proposal, Development Control Plan Amendment and any Developer Contributions Plan Amendments on public exhibition for the period set by the Gateway Determination, likely to be 28 days. Council will be guided by its Community Engagement Strategy and Community Participation Plan to determine the appropriate engagement strategy for the Planning Proposal.

### Timeline for the Planning Proposal

The Planning Proposal process is lengthy. Given current staff workloads and other external factors, it is anticipated that the Planning Proposal process will take approximately two years to complete.

### Conclusion

Council has developed a Master Plan for the Duramana Road precinct. It is recommended that the Duramana Road Master Plan be adopted for Strategic Planning purposes. To give effect to the Master Plan, a Planning Proposal to amend the LEP is required. As a result of community feedback, it is proposed that the northern part of the site remain with a lot size of generally 900sqm and the southern portion be altered to a lot size of generally 450sqm. Within the B1 Neighbourhood Centre zone, dwellings would be permissible on land of any lot size, as is the current situation, to support the new village centre. It is considered that these lot sizes will best address the issues raised by the Eglinton community, but still ensure that greater housing choice can be delivered at this location, noting that the delivery of this new housing is still approximately 10 years away.

The community will be given further opportunities to comment on the proposal before the planning rules are finalised.

**Financial Implications:** Nil.

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

- |   |                   |
|---|-------------------|
| ● Objective 1: Our sense of place and identity        | Strategy 1.4, 1.5 |
| ● Objective 3: Environmental stewardship              | Strategy 3.3      |
| ● Objective 4: Enabling sustainable growth            | Strategy 4.2, 4.6 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.1      |

### **Community Engagement**

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

## **8 BATHURST REGION ABORIGINAL HERITAGE INTERPRETATION STRATEGY (20.00288)**

**Recommendation:** That Council acknowledge the recommendations of the Bathurst Region Aboriginal Heritage Interpretation Strategy as summarised in this report noting that ongoing discussions will be held with the local Aboriginal community groups in relation to its implementation.

**Report:** Following completion of the Bathurst Region Aboriginal Heritage Study in 2015, Council engaged Extent Heritage to prepare an Aboriginal Heritage Interpretation Strategy for the Bathurst Region.

The purpose of the interpretation strategy is to identify and elaborate key Aboriginal heritage themes, stories and interpretation opportunities across the Bathurst Regional LGA and, in doing so, seek to achieve a consistent and interconnected narrative of stories and themes across the region.

The stories and themes will provide amenity and enrich and educate visitors to Bathurst, local residents and students. It will assist in restoring the history, stories and individuals of Bathurst's Aboriginal and traditional owner community to a prominent place in the civic spaces of Bathurst and will be an important initiative in the reconciliation process and the bringing together of Indigenous and non-Indigenous communities within the Bathurst region.

The interpretation strategy is informed by information, stories and values articulated by Aboriginal community traditional owners, Elders and knowledge holders during consultation and cultural values engagement work undertaken as part of the Bathurst Region Aboriginal Heritage Study and Aboriginal Cultural Heritage Assessment Reports and associated Anthropological studies undertaken as part of the assessment of the Mt Panorama (Wahluu) precinct.

The strategy includes:

- development of a set of key historic themes which inform the basis for interpretative planning and content;
- elaboration of key stories and interpretive content developed during consultation with traditional owner Elders, knowledge holders and informants;
- a discussion of the interpretive 'vision', which includes key considerations regarding target audiences, site issues, stakeholder consultation and a site-specific SWOT (strength, weakness, opportunities, threats) analysis to inform the potential for interpretation; and
- identification of potential interpretive devices and, where relevant, potential locations on site.

The historic themes have been used as the basis to identify, in consultation with the Aboriginal community and Bathurst Regional Council, a series of recommended stories and interpretive content. Some of the stories are about broad values or broad historical events and could be presented using a number of media and device options, or across a number of suitable physical locations in the region. Other stories are more place-specific and it will make more sense to focus interpretation of those stories in parts of the landscape and particular locations that are directly connected with the story.

The strategy presents the following stories as the best means of presenting and representing the Aboriginal history and cultural values of the Bathurst region.

1. How Wambool and the Plains of Bathurst were created
2. Wahluu and the Creation of Mount Panorama
3. Windradyne
4. The Potato Paddock Massacre
5. The Bathurst War of 1824
6. Wiradjuri – Life on the Bathurst Plains

Important nodes/locations for possible interpretation identified by the Strategy include the following.

1. Mt Panorama (Wahluu) Boardwalk

The boardwalk may be an ideal location to tell the Story of Wahluu and the creation of the mountain. It would also be a good location to provide information more broadly about the key themes associated with Aboriginal cultural values, heritage and history of the region. Stories could include the Bathurst War of 1824, where some of the key sites can be seen from the elevated viewpoints provided by the boardwalk. They could also include the Wambool story—formation of the Bathurst Plains, and the Wiradjuri - Life on the Bathurst Plains.

2. Charles Sturt University

It is understood Charles Sturt University is planning the development of an Aboriginal cultural interpretation trail. The trail is a collaboration between CSU and the Bathurst Wiradjuri Elders. There may be opportunities to incorporate some of the stories and themes presented in the strategy within the trail that CSU are developing.

3. The park at the corner of Rankin and Stanley Streets, overlooking the Macquarie River

The park located at the corner of Rankin and Stanley Streets forms part of a series of interconnected parks and foot/bike paths along the southern bank of the Macquarie River. The park is also the location of the Pillars of Bathurst cultural garden, which remembers and celebrates famous past residents of Bathurst, including Windradyne and Wiradjuri Elder Wirrari John Bugg.

The location of the Potato Paddock Massacre is located diagonally across the Macquarie River and therefore is an ideal location for telling that important story, and the story of the Bathurst War of 1824. It has established facilities and visitation and provides a perfect vista of the site of the notorious massacre.

4. Rankens Bridge Reserve

Rankens Bridge Reserve is located near the setting of the story of the Wambool, an important Bathurst Wiradjuri creation and teaching story. The park is located at an important crossing of the Macquarie River to the north of Bathurst. The reserve is an ideal location to tell the story of the Wambool, and the Creation of Bathurst.

5. Haymarket Reserve

Consultation with the local Aboriginal community during the strategy process identified the Haymarket Reserve as a possible site for a significant commemorative monument to Windradyne. A significant monument to Windradyne at this location would reflect the prominent role the famous Wiradjuri Leader played in the history of Bathurst and his broader significance in Australia's contact history.

Further consultation with the local Aboriginal community would be required to settle on a preferred location and to discuss an appropriate form of memorial, be it a statue or other artistic rendering of the famous leader. The monument could be accompanied by the Windradyne interpretive story included in the interpretation strategy.

6. Flagstaff and Proclamation Cairn

The Flagstaff and Proclamation Cairn, located on the south bank of the Macquarie River on Stanley Street, is an important historical site as the place of first European settlement at Bathurst. It was a focal point of the 2015 Bathurst Bicentenary celebrations. Given the central importance of this site in the history of Bathurst, this would be an ideal location to tell the story of the Wiradjuri, Life on the Bathurst Plains—as an integral part of that history.

7. Sir Josephs Bank Nature Reserve

Sir Josephs Banks Nature Reserve known as Gammarra, is an area cared for by the Bathurst Local Aboriginal Lands Council (BLALC). This site is used by the BLALC for interpretation and sharing of cultural information. This area may be considered suitable for interpretation and would be worth discussing further with the LALC.

The Interpretation Strategy contains sensitive cultural information and stories about Aboriginal culture, traditions and beliefs and is a confidential report provided to guide Council's development of Aboriginal heritage interpretation initiatives in the region. Councillors can obtain a confidential copy of the report from Council's Environmental Planning and Building Services Department.

The Aboriginal cultural stories and historical content (images, web-based links and illustrations) presented in the strategy are subject to various intellectual property, copyright and fair use legal provisions. Prior to use or public release of specific stories or content, Council will need to ensure all necessary approvals and releases have been obtained.

Finalisation of the strategy has taken considerable time, with Council's consultants still not in receipt of final comments from the local Aboriginal community. In order to finalise the strategy process it is recommended that Council adopt the Bathurst Aboriginal Heritage Interpretation Strategy noting that ongoing discussions will be held with the local Aboriginal community groups in relation to its implementation.

**Financial Implications:** The Bathurst Region Aboriginal Interpretation Strategy and the earlier public release version of the Aboriginal Heritage Study cost \$32,340 and was fully funded by Council under budget allocations in previous management plans.

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

- |   |                   |
|---|-------------------|
| ● Objective 1: Our sense of place and identity        | Strategy 1.1, 1.3 |
| ● Objective 2: A smart and vibrant economy            | Strategy 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.

## **9 PLANNING PROPOSAL – HEALTH SERVICES FACILITIES IN THE RE2 PRIVATE RECREATION ZONE (20.00332)**

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

**Report:** Council at its meeting held 17 July 2019, adopted the amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to include health services facilities as a permissible use with consent within the RE2 Private Recreation Zone.

The LEP amendment was gazetted on 16 August 2019.

The amendment seeks to ensure that health services facilities are able to locate in close proximity to the Bathurst Base Hospital.

**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**

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

## **10 HERITAGE CONSERVATION AREA REVIEW 2018 (20.00129)**

**Recommendation:** That Council:

- (a) adopt the Heritage Conservation Area Review 2018 with those amendments as outlined in this report;
- (b) prepare a Planning Proposal in accordance with the NSW Department of Planning, Industry and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 based on the recommendations of the Heritage Conservation Area Review 2018;
- (c) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination;
- (d) accept any delegations from the Department of Planning, Industry and Environment in relation to this Planning Proposal;
- (e) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to introduce appropriate development standards to support the Local Environmental Plan amendment;
- (f) notify those that lodged a submission of Council's decision; and
- (g) call a division.

**Report:** The City of Bathurst incorporates two existing Heritage Conservation Areas: the Bathurst Heritage Conversation Area and West Bathurst Conservation Area.

Council recently adopted the Bathurst 2036 Housing Strategy. The Housing Strategy identified five precincts, the majority outside of the existing Heritage Conservation Areas, as areas where urban renewal might be appropriate to increase the density of housing within proximity to the centre of Bathurst. The Housing Strategy recommended that Council investigate the heritage significance of these areas, amongst a range of issues, to determine their suitability or otherwise for urban renewal.

Council's Strategic Planning Section, in conjunction with the Bathurst Region Heritage Advisor, prepared the Heritage Conservation Area Review, 2018 to:

1. Review the boundaries of the Bathurst and West Bathurst Heritage Conservation Areas.
2. Identify buildings or areas that should be listed as heritage items or included within the existing Heritage Conservation Area boundary or a new Heritage Conservation Area.
3. Prepare a statement of significance for areas and/or sites recommended for listing or inclusion in a heritage conservation area.
4. Review the five precincts identified in the Bathurst 2036 Housing Strategy to determine:
  - a) The significance of the existing building stock;
  - b) Whether all or part of each precinct is suitable for renewal in terms of the significance of that building stock; and
  - c) Prepare desired future character statements for each precinct where urban renewal is supported.

**Attachment 1** provides a series of maps that summarise the recommendations of the Study as exhibited:

- Map 1 - The current boundaries of the existing Bathurst and West Bathurst Heritage Conservation Areas.
- Map 2 - The proposed extensions to the boundaries “over the road” to account for properties on the opposite side of the road where required,
- Map 3 - The recommended areas in West Bathurst to be included within a heritage conservation area.
- Map 4 - The location of the Munitions Cottages recommended to be included within a heritage conservation area.
- The location of each of the proposed new heritage items.

Council, at its meeting held 20 March 2019, resolved to place the Heritage Conservation Area Review on public exhibition for 28 days. The Study was exhibited from 29 April to 7 June 2019. All property owners recommended within the study for future heritage listing or inclusion within a heritage conservation area were notified of the exhibition period.

As a result of the exhibition process, 7 submissions were received (**attachment 2**). The matter proceeded to a Discussion Forum on 7 August 2019. Council also received a late submission from NSW Premier and Cabinet (Heritage) who did not raise any objections to the study (**attachment 3**).

Two of the submissions sought to be excluded from the future boundaries of the Heritage Conservation Areas, 307 Keppel Street and 18 Tremain Avenue.

307 Keppel Street is a modest red brick late 1960s dwelling and sits within the proposed Heritage Conservation Area in upper Keppel Street as shown on **Map 3 of attachment 1**. The property is not considered to be the most significant of those proposed to be included in this area but sits comfortably within its streetscape and this locality. Its inclusion in the heritage conservation area would not preclude alterations to the existing dwelling or redevelopment of the site into the future but it would ensure any proposal for demolition and replacement would be considered in the broader context of the architectural period of this area of Bathurst. The property owner would also be able to access Council’s heritage incentive programs, including free advice from Council’s heritage advisor and possible small grant funding.

18 Tremain Avenue is one of the Munitions Cottages identified in the Study (**map 4 of attachment 1**). The Muniton Cottages were constructed between 1942 and 1943 in support of the war effort. The Munitions Factory was at 369 Stewart Street and was constructed in January 1941, approved by the former Department of the Interior. A site was transferred from the Bathurst City Council to the Commonwealth Government. The land identified for the Muniton Cottages was on Crown Land and under Bathurst City Council control.

The 100 fibro houses were constructed as a result of a general shortage of housing in 1941. The subdivision occurred in two stages, according to the Survey Plan. Stage 1 was the three cul-du-sacs off the Mid-Western Highway and Stage 2 was the area of Tremain Avenue, Veness Street and Kelly Place. The houses were rented to the Muniton Factory workers. There was discussion at the time that the houses would be constructed of brick, but to keep costs and rents low, FC sheeting was used.



Mr JB Chifley (Member of Parliament) was involved in the project and made a particular point of making housing available for single men. The location of the cottages is significant because it was in close proximity to the Munitions Factory.

Whilst 18 Tremain Ave, like the other Munitions Cottages, is very modest, as a group of cottages they are representative of a period of important social housing. Whilst a heritage conservation area would not preclude alterations to dwellings or redevelopment of sites into the future it would ensure any proposals are considered in the broader context of the architectural period and type of housing of this area of Bathurst. The property owners would also be able to access Council's heritage incentive programs, including free advice from Council's heritage advisor and possible small grant funding. It is noted that 18 Tremain Ave may have the potential for a dual occupancy development and a heritage conservation area would not negate that potential.

The submission from the property owner at 16 West Street has identified that her house was the chemist's house of Edgells built in approximately 1927. As such she suggests that her house is significant on an individual level as the Edgells original family home, the factory and the chemist's house continue to be a part of Bathurst's history. Council has sought additional advice from the Historical Society about the history of this area of Bathurst and the relationship of housing in this part of West street to the Edgell's factory. Given the social significance of the dwelling, the Heritage Conservation Area Review report has been amended to include a recommendation that 16 West Street be listed on the Local Environmental Plan as a heritage item.

The submission from Land and Housing Corporation raised some issues as to whether or not the houses at 7 to 17 West Street (**map 3 of attachment 1**) are proposed for heritage listing or to be located within a heritage conservation area. It was intended that they be included within a heritage conservation area and so the Heritage Conservation Area Review report has been amended accordingly.

The other submissions received supported the recommendations of the Study.

Council staff have made other minor amendments to the Study following its exhibition. A copy of the final Study recommended to Council for adoption is provided at **attachment 4**.

**Attachment 5** provides an overall map of the final areas recommended for inclusion within a Heritage Conservation Area.

The final Heritage Conservation Area Review report includes the following recommendations:

1. Expand the Heritage Conservation Area boundary to ensure it accounts for properties on the opposite side of the road to manage non-contributory development. Refer to **map 2 of attachment 1** for the proposed extension.
2. Expand the Heritage Conservation Area boundary or create new Heritage Conservation Areas over:
  - the Munitions Cottages (**map 4 of attachment 1**)
  - West Bathurst - Keppel Street, upper West Street and Edgell Street (**map 3 of attachment 1**); and
  - West Bathurst: 7- 17 West Street (**map 3 of attachment 1**)
3. That Council prepare appropriate development controls for the Munitions Cottages and review its development controls for the Duration Cottages and Chifley Memorial Estate to ensure adequate provisions are in place to manage any future change in these localities.

4. Subject to the review of the Bathurst Floodplain Management Plan, increase the maximum height of buildings permissible to 12m for the Lower Havannah Street precinct. The increased maximum height of buildings would only apply to Howick, Bryant, Durham, and Baillie Streets. The increased height would not be suitable on Havannah Street.
5. Prepare detailed design guidelines to guide the future development of those areas identified as being suitable for future urban renewal.
6. List the following properties as heritage items on the Bathurst Regional Local Environmental Plan 2014 to be of local heritage significance, being
  - 16 West Street, Bathurst
  - 52-60 Havannah Street, Bathurst;
  - 12 Gormans Hill Road, Gormans Hill;
  - 23 and 29 Hope Street, Bathurst;
  - 69 Stanley Street, Bathurst; and
7. List the following property as a heritage item of State Significance on the Bathurst Regional Local Environmental Plan 2014:
  - Former Gasworks site.

It should be noted that adoption of the Study itself does not create a change in the planning controls. It is therefore recommended that Council prepare a planning proposal to amend the Bathurst Regional Local Environmental Plan 2014 to implement the recommendations of the Study. This process is expected to take at least 12 months.

This will also necessitate a review of the Bathurst Regional Development Control Plan 2014 to develop appropriate development standards for the expanded heritage conservation area over the Munitions Cottages and to update the development standards for the existing heritage conservation areas that cover the Duration Cottages and the Chifley Housing Estate. It is also proposed to develop information brochures for the Munitions Cottages, the Duration Cottages and Chifley Memorial Estate to outline their history, the development standards proposed for each of these localities under the development control plan amendment, and to outline Council's heritage services available to these properties.

It should be noted that the planning proposal and development control plan amendment will involve further consultation with all property owners and interest groups. A further report will be presented to Council to consider final adoption of the Planning Proposal and the accompanying development standards.

### Conclusion

Council has reviewed the boundaries of the Bathurst and West Bathurst Heritage Conservation areas. Following public exhibition of the Study it is recommended that Council adopt the Study with some minor amendments as outlined in this report to inform a Planning Proposal to amend the Local Environmental Plan.

**Financial Implications:** The Heritage Conservation Area Review was prepared within existing budgets.

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

- Objective 1: Our sense of place and identity Strategy 1.2, 1.5
- Objective 4: Enabling sustainable growth Strategy 4.1, 4.6
- 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.

## **11 CLIMATE CHANGE RESPONSE (07.00093 & 13.00065)**

**Recommendation:** That Council:

- (a) note the actions and activities undertaken by Council to date;
- (b) review and update the Climate Change Risk and Adaptation Plan;
- (c) support the preparation of a Renewable Energy Action Plan by Council staff; and
- (d) consider project funding for priority actions in the Climate Change Risk and Adaptation Plan in the 2020/21 budget process.

**Report:** A report was requested at Council's Policy meeting of 7 August 2019 in relation to Council's response to climate change. The following report summarises the many actions Council has taken to address its environmental responsibilities in general, of which responding to climate change and uncertainty is one. Council is also adjusting its staff structure in the Environment team to increase the focus on energy management and reducing Council's ongoing energy costs. Whilst some Councils have elected to declare a climate emergency, citing the urgency of the situation and therefore a need to avoid complacency, such a declaration is not necessary for a Council to take appropriate action. The report demonstrates Bathurst Regional Council has undertaken actions consistent with that of many regional Councils in addressing this issue and the challenges of the future.

### **Water security**

Council is well advanced in developing a water security strategy in response to the current and projected water shortage. The strategy incorporates multiple short term and long term actions and is the subject of discussions at other levels of government to implement the strategy. Details have been and will continue to be reported separately.

### **Environmental footprint**

Council produces a State of the Environment and Regional State of the Environment Report each year to measure the trend in Council's environmental footprint and identify where impacts can be mitigated. These can be found at <https://www.bathurst.nsw.gov.au/environment/planning-for-our-environment/state-of-the-environment-report.html>. The key messages from these reports indicate that energy consumption per capita (including street lighting) is 1671MJ/resident, and per capita generation of greenhouse gasses is 1.019 tonnes CO<sub>2</sub>e, which are a generally improving trend.

Conversion of all of Council's street lights to LEDs will commence in October/November 2019. This will create significant energy savings through the lower wattage luminaires which will be installed, with further reductions possible through the use of dimming profiles once smart controls are installed and activated. The initial project will realise approximately 60% saving in energy and greenhouse gas emissions, in addition to the progressive conversion to LED lights in other Council facilities.

### **Renewable energy**

For some time, Council has been monitoring electricity consumption patterns at Council facilities to determine if alternative energy can substitute for network supply.

At sites which have sufficient consumption to meet the criteria (as set by Energy retailers) as “large sites”, Council has arranged installation of smart meters. Additional smaller sites will also have smart meters. Council also established a Revolving Energy Fund in 2010 to enable installation of alternative energy generation at Council facilities. The Revolving Energy Fund has provided capital for a variety of renewable energy and energy efficiency projects at Council facilities.

To 30 June 2019, 438 kW of roof top solar photovoltaics have been installed at Council facilities and, where a positive business case exists, complementary battery storage installed. Additional projects are under investigation.

Council has resolved to participate with CENTROC Councils in a Power Purchase Agreement for procurement of its next electricity supply contract. For Bathurst Regional Council, this will result in between 20% and 35% renewable energy directly purchased. This is in addition to the existing renewable energy supplied by the grid (around 15%). A further report on this aspect of Council’s operations will be provided once the new contract has been entered into. This initiative provides the benefit of purchasing renewable energy at best market price without carrying the risk of being partner with a renewable energy generator.

#### Other Energy infrastructure

Electric vehicle charging stations are now installed at the Visitor Information Centre and Court House Lane, the latter to support the trial being conducted by Council into the use of hybrid electric vehicles for the Council fleet. Advice from Tesla owners is that the charging stations at the VIC are an excellent facility.

Although not a direct contribution to the use of renewable energy, Council has included divestment of fossil fuel investments as a consideration in its investment strategy.

#### Urban design and tree planting

Master planning of the Town Centre and new land release areas provides an opportunity to create urban design guidelines that better respond to climate change, including better use of vegetation for shade and biodiversity outcomes, and better management of storm water.

Council continues to plant trees in the City area through its street tree program. Tree cover is a key element in reducing the urban heat island effect. There are numerous restoration and rehabilitation projects which have been undertaken in urban waterways and public reserves which have made a significant contribution to improving biodiversity outcomes.

#### Risk management

Council’s Vegetation Management Plan has recently been reviewed and updated, in part to address climate change impacts. A new version of NSW Planning for Bushfire Protection guidelines is imminent.

A grant application has been lodged to enable a review of Council’s Flood Risk Study and accompanying Risk Management Study and Plan. Such a review would incorporate latest advice from the Australian Rainfall and Runoff manual.

Council has previously undertaken a risk assessment of its own operations that might be affected by climate change.

## Cities Power Partnership

Council has made five pledges as a part of the Cities Power Partnership. These are:

1. Install renewable energy (solar PV and battery storage) on council buildings, for example childcare facilities, libraries, street lighting, recreation centres, sporting grounds and council offices.
2. Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
3. Roll out energy efficient lighting (particularly street lighting) across the City.
4. Promote local knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.
5. Provide for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end of ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).

## What else can Council do?

There are a number of additional actions Council staff are investigating. Many have budget implications.

A greater roll out of recycling can be expected given government decisions to not allow export of recyclables overseas. This is likely to stimulate development of recycling industries and Council has already taken enquiries from interested parties.

Methane generated by the decomposition of waste at the Council's Waste Management Centre is captured and flared, which in 2018/19 was 16879 tonnes CO<sub>2</sub>e. This is by way of a contract arrangement with Waste Management Pacific. There are a number of options for future use of the methane, including expanding the network to increase the proportion of methane captured, and electricity generation on site. As Council does not "own" the methane flare, and the contract has many years yet to run, this represents a barrier to future opportunities for this infrastructure.

Council should investigate deployment of smart water meters throughout the reticulated supply area in addition to a number of smart meters and associated telemetry already deployed. A decision on the best technology needs to be made and a business case developed.

Council's Engineering Guidelines could be reviewed and updated to reference best practice response to climate change impacts, sustainable transport and water sensitive urban design.

Urban design and building design guidelines responding to climate change can be developed for incorporation into Council's Development Control Plans, noting that a Council cannot require higher standards than those mandated under BASIX.

There are opportunities to engage with the community in adapting to a changing climate through educational activities such as Council's Sustainable Living Expo.

The NSW and Commonwealth Governments have developed a series of targets and associated actions which all contribute to responding to a changing climate. Council has an opportunity to review its existing operations and develop plans and targets which align with national, state and regional goals.

Links to Government reports are provided below.

NSW Premiers priorities

<https://www.nsw.gov.au/improving-nsw/premiers-priorities/>

Future Transport 2056 Strategy

<https://future.transport.nsw.gov.au/designing-future/six-outcomes-for-nsw/sustainable>

NSW Electric and Hybrid Vehicle Plan

<https://future.transport.nsw.gov.au/sites/default/files/media/documents/2019/Future%20Transport%20NSW%20Electric%20%26%20Hybrid%20vehicle%20plan.pdf>

Australian Government Climate Change Plan

<https://www.environment.gov.au/climate-change/government>

**Financial Implications:** Nil.

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

- Objective 3: Environmental stewardship Strategy 3.3
- 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.

## **12 DRAFT SMART COMMUNITY STRATEGY (20.00315)**

**Recommendation:** That Council places the draft Smart Community Strategy for the Bathurst Region on public exhibition for a period of 28 days and invites the public to make submissions.

**Report:** Bathurst Regional Council has embraced the Smart City/Community movement and has been recognised as one of seven innovation centres by the NSW Innovation and Productivity Council, key advisors to the NSW Government.

The Bathurst Smart Community Strategy is a five-year plan that will formalise Council's objective for the LGA to become a Smart Community, one where technology, data and people are used to drive economic activity, improve connectivity, meet the changing needs of the community, accelerate innovation and better manage resources, energy and services.

The Smart Community Strategy will provide a blueprint to encourage business investment and industry incentives to drive the economy. It will also guide how Council will deliver services in the future and ensure all members of the community are able to participate in the digital age.

The following principles will be used to guide Council's decision making and investment in Smart Community initiatives to achieve the Smart Community vision:

**People-centred:** We design and develop smart community plans and related activities with our community, for our community.

**Innovative:** We investigate, encourage and enable innovative technologies for the economic growth and competitive advantage of our community.

**Collaborative:** We work collaboratively with community, industry and government to deliver a smart future for our region.

Extensive community consultation has been undertaken which has allowed individuals, businesses and organisations to contribute their insights into the potential efficiencies and benefits of smart technologies. The results of the consultation are contained in **attachment 1**. From these consultations six core themes have been developed and incorporated into the Bathurst Smart Community Strategy:

1. Our Sense of Place & Identity
2. A Smart & Vibrant Economy
3. Environmental Stewardship
4. Enabling Sustainable Growth
5. Community: Health, Safety & Wellbeing
6. Community Leadership & Collaboration

The Federal Government has invested in Smart Community funding programs aimed at driving growth in innovation, supporting knowledge-based industries and leveraging opportunities presented by technology. The Bathurst Smart Community Strategy will assist Council in obtaining funding for future Smart Community strategies to build on the investment already undertaken. This investment includes free public Wi-Fi, electric vehicle charging stations, smart water meters and investment in mobile blackspot areas to improve connectivity.

The draft Smart Community Strategy is provided at **attachment 2**.



## Conclusion

The draft Bathurst Smart Community Strategy aspires for Bathurst to keep pace with technological advances and to ensure equitable access to smart facilities and services into the future.

It is recommended that Council place the draft Smart Community Strategy on public exhibition for a period of 28 days to enable final community input before Council considers its adoption.

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

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

- Objective 2: A smart and vibrant economy Strategy 2.3

## **Community Engagement**

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

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 SEPTEMBER 2019

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

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

**Report:** \$78,680,000 was invested at 31 August 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> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$19,500,000.00	2.19%
Bankwest	A1+	\$4,500,000.00	2.06%
CBA	A1+	\$1,500,000.00	1.87%
AMP	A2	\$6,000,000.00	2.30%
Bank of Queensland Limited	A2	\$1,500,000.00	2.10%
Bendigo & Adelaide	A2	\$1,500,000.00	2.40%
IMB	A2	\$1,500,000.00	2.23%
Auswide Bank	A2	\$3,000,000.00	2.14%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$7,500,000.00</u>	<u>2.58%</u>
		<b>\$46,500,000.00</b>	<b>2.25%</b>
<b><u>Long Term &gt; 365 Days</u></b> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<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	2.05%
Westpac Coupon Select	AA-	\$2,000,000.00	1.99%
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>1.20%</u>
		<b>\$14,130,000.00</b>	<b>2.24%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
AMP Fixed Rate	BBB+	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	<u>\$1,000,000.00</u>	<u>2.36%</u>
		<b>\$2,000,000.00</b>	<b>2.68%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.02%
CBA Climate Bond	AA-	\$1,000,000.00	2.12%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	1.90%

National Australia Bank	AA-	\$700,000.00	2.18%
Suncorp Metway	A+	\$1,000,000.00	2.36%
Rabobank	A+	\$1,000,000.00	2.89%
Macquarie Bank	A	\$1,000,000.00	2.50%
Macquarie Bank	A	\$1,000,000.00	1.97%
AMP	BBB+	\$1,000,000.00	2.25%
AMP	BBB+	\$1,000,000.00	2.31%
AMP	BBB+	\$1,100,000.00	2.45%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.06%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.23%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.07%
Members Equity 3	BBB	\$750,000.00	2.22%
Newcastle Permanent	BBB	\$1,000,000.00	2.48%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>2.74%</u>
		<b>\$16,050,000.00</b>	<b>2.30%</b>

**Total Investments** **\$78,680,000.00** **2.27%**

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

Reserves Total (includes unexpended loan funds)	\$26,693,500.00
Grants held for specific purposes	\$10,148,172.00
Section 7.11 Funds held for specific purposes	\$41,713,723.00
Unrestricted Investments	\$124,605.00

**Total Investments** **\$78,680,000.00**

**Total Interest Revenue to 31 August 2019** **\$314,440.46** **2.27%**

**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 - 2019/2023 DELIVERY PLAN AND OPERATIONAL PLAN 2019-2020 (16.00167)**

**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 2019-2023 Delivery Plan and the Annual Operational Plan 2019-2020.

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 31 August 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 Sundry	\$20,000.00
BMEC Community use	\$ 8,270.65
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.

##### **General Items**

- Nil

##### **Linen Plan Release**

- Mrs L E Press - Two lot rural subdivision (boundary adjustment) - Lot 195 & Lot 198, DP750414 - 1944 Mitchell Highway, The Rocks
- Mr T B Henry - Subdivision (road widening) - Lot 61, DP753040 - 209 Hobbys Yards Road, Trunkey Creek
- Bathurst Regional Council - 15 lot commercial subdivision plus one residual lot - Lot 806, DP169443 - Corporation Avenue, Robin Hill
- Dr P R Burgess, Mr W J Crowe, Mr L H Durie & Sofala Progress Association Inc - Three lot subdivision (boundary adjustment and consolidation) - Lot 66, 67, 68 and 69, DP 758908 and Lot 701, DP702665 - 19, 27 and 31 Denison Street, Sofala

**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 FRIENDSHIP AGREEMENT WITH CIRENCESTER TOWN CENTRE (23.0010)**

**Recommendation:** That Council note the report on the Friendship Agreement with Cirencester Town Council.

**Report:** Council would recall that a report on the proposed Friendship Agreement with Cirencester Town Council was presented at Council's meeting of 20 March 2019, a copy of this report and minute is provided as **Attachment 1**. Since this meeting Council has been advised that Cirencester Town Council has resolved to enter into this Friendship Agreement.

Planning has commenced for Bathurst to send a delegation to Cirencester during March or April 2020. In accordance with Council's practise and prior approval, the Mayor and General Manager (or their authorised nominees) will attend as Council's delegates with their costs being covered by Council. Additional Councillors and Council staff may wish to join the delegation, with funding options needing to be determined.

It is intended that the signing of the Friendship Agreement will occur during this delegation.

**Financial Implications:** The indicative cost for each delegate is approximately \$4,000 per person and can be funded from Council's Sister City allocation.

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

- Objective 6: Community leadership and collaboration Strategy 6.2

### **Community Engagement**

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



## **6 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00137, 41.00089)**

**Recommendation:** That Council:

- (a) refer the draft Financial Statements to Council's auditors, Audit Office of NSW, for audit;
- (b) sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2019;
- (c) adopt the Accounting Policies shown in the financial reports.

**Report:** Council is required, under section 413 (1) of the Local Government Act 1993, to prepare financial reports for each year, and refer them for audit. For Council's information the draft Financial Reports for the year ended 30 June 2019 are provided as the General Purpose Financial Statements (**attachment 1**) and Special Purpose Financial Statements (**attachment 2**). Note that the draft Financial Reports may be subject to change during the audit process.

Pursuant to Section 413 (2)(c) Council is required to make a statement in the approved form (**attachment 3** and **attachment 4**) in respect of its General Purpose Financial Statements and Special Purpose Financial Statements.

Each year, Council determines its significant Accounting Policies to be incorporated into the Financial Statements. Those policies deal with how the Council implements the International Financial Reporting Standards (IFRS), the Australian Accounting Standards (AAS), the Local Government Code of Accounting Practice (the Code) and the specific principles, bases, conventions, rules and practices that are applied in preparing and presenting the Financial Statements. The accounting policies are included in the Financial Statements for Council's adoption.

Following completion of the audit the Financial Statements will be placed on public exhibition prior to the formal presentation to Council.

**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.

## **7 HOPE CHARITABLE GROUP - DAFFODIL COTTAGE FUNDRAISER (20.00009)**

**Recommendation:** That Council offer lot 23, 38 in Sunnybright Estate Stage 1A at a price of \$210,000 on "builders terms" to the Hope Charitable Group - Daffodil Cottage fundraiser.

**Report:** Council has received a request from Mr Ben Stevens of the Hope Charitable Group seeking Council's contributions towards a proposed fundraiser for Daffodil Cottage.

In brief the Group are seeking to acquire a parcel of land from Council's recent Sunnybright Estate land release area at a "reduced price and under builders terms". The parcel will then have a house constructed, utilising local trades and then sold with all profits being donated to Daffodil Cottage. A copy of the Group's request is provided at **attachment 1**.

Council's "Land Sales" policy provides the following for properties sold under "builders terms":

- A delayed settlement of up to 12 months; and,
- Lodgement of a DA within 3 months of exchange of contract.

A review of the properties in Sunnybright Estate Stage 1A that are still currently available for sale, Lot 23, 38 Sunnybright Road, has been nominated to be made available to the Group. A map of the Stage 1A release area showing this parcel is provided at **attachment 2**.

**Financial Implications:** As Council's annual Section 356 Donations allocation has been fully committed and having regard to the pricing of Lot 23, 38 Sunnybright Road, Council is not able to offer this parcel at a reduced price. Council's land dealings are generally on a commercial basis and accordingly any reduction as requested is not in accordance with normal pricing practice. Notwithstanding this, it is within Council's discretion to consider such a proposal.

Should Council resolve to offer the parcel at a reduced price, then consideration should be given to identifying a funding source for the reduction to maintain Council's balanced budget position.

### **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.

## **8 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN AIR FORCE CADETS 328 (CITY OF BATHURST) SQUADRON (18.00004)**

**Recommendation:** That Council provide \$1,000 financial assistance to the Australian Air Force Cadets 328 (City of Bathurst) Squadron, with funding being provided from Council's Section 356 Donations allocation.

**Report:** Council is in receipt of a request from Warrant Officer, Noel Redden on behalf of the Australian Air Force Cadets 328 (City of Bathurst) Squadron, seeking a donation of \$1,000 from Council to "...cover the cost of a Youth Mental First Air Course for all staff at the Squadron". A copy of this request is provided at **attachment 1**.

Unfortunately, due to the timing of the request being received by Council, the training course occurred before Council was able to consider this request. Consequently, additional information was requested to ascertain whether the training course occurred and, if so, to identify what the Council donation would now be used for if the donation was approved.

Council has received a response from Warrant Officer, Noel Redden, confirming that the training course did proceed, and that funding was taken from their drone-based Science, Technology, Engineering and Mathematics (STEM) training program to pay for this course. Accordingly, should the Squadron be successful in obtaining a donation from Council, the funds will be returned to the STEM training program allocation. A copy of the response from Warrant Officer Noel Redden is provided at **attachment 2**.

**Financial Implications:** Should Council resolve in accordance with the recommendation of this report, there are sufficient funds within Council's Section 356 Donations allocation to fund this request.

### **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.

## **9 REQUEST FOR FINANCIAL ASSISTANCE - HK HT HG HOLDEN NATIONALS EVENT 2020 (18.00004)**

**Recommendation:** That Council provide assistance to the 2020 HK HT HG Holden Nationals event to be held at Mount Panorama up to an amount of \$5,000.

**Report:** Council has received a request from the HK HT HG Holden Club of NSW seeking Council's support for their HK HT HG Holden Nationals event which is to be held at Mount Panorama in 2020. A copy of this request is provided at **attachment 1**.

The 2020 Nationals will be the first time that this event has been held in NSW and it is anticipated to bring over 300 vehicles and 600 people to the Bathurst Region. The proposed dates for this event are 13-15 November 2020, which may be subject to change depending on the timing of the 2020 Challenge Bathurst event.

The organisers of this event are seeking assistance from Council with "reduced complex fees and track closures". It should be noted that the organisers are not seeking a full track closure for this event.

Based on their requirements for this event, it is estimated that the Mount Panorama venue hire fees will be approximately \$6,000 (using 2019/20 adopted fees). Costs associated with cleaning, security and traffic management controls will be the responsibility of the organisers of the event.

**Financial Implications:** Should Council resolve in accordance with the recommendation of this report, funding will be provided by Council's Section 356 - Mount Panorama Venue Hire waiver allocation.

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

- Objective 2: A smart and vibrant economy Strategy 2.5

### **Community Engagement**

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

Yours faithfully



A Jones  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 SEPTEMBER 2019

# 1 DESTINATION BRAND IMPLEMENTATION QUARTERLY REPORT - SEPTEMBER 2019 (20.00299)

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

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

The following information is provided as an update on the implementation of the Bathurst Destination Brand as at September 2019:

Destination Brand Implementation	Action
Destination Website	The new Visit Bathurst destination website is continuing to perform above expectations with a comparison of the first twelve months of the new site against the corresponding period in the previous year being: USERS = 77,097 (+95%) PAGEVIEWS = 239,503 (+117.93%) AVERAGE SESSION DURATION = 1.54 (+19.56%) BOUNCE RATE = 60% (-3.08%) These figures demonstrate that more visitors continue to utilise the site, stay longer and view more pages. June - August 2019 had the highest usage rate ever for the site (8.8% increase on previous period).
Online Booking Platform	The new booking engine continues to deliver sales and has been particularly effective in assisting smaller operators and events increase sales. Gross sales of \$7,026 generated 18/19 YTD with BVIC commission of \$570. Ticket sales for the 2019 Bathurst Spring Spectacular will also utilise this platform.
Curated Online Content	BVIC is responsible for ongoing content creation with an overarching content strategy completed. The tourism image gallery was expanded by over 1200 images in June/July 2019.
Graphic Design of Branded Collateral	All primary elements identified in the Brand style guide have been created by a local graphic designer, with a range of collateral. The latest additions to this collateral were creation of brand pillar pull up banners, with new BVIC window designs in progress.
Development of Marketing Plan	A three-year marketing plan was adopted and implemented as at September 2018 allowing prioritisation and tracking of actions. This plan was reviewed and prioritised as a part of planning for the 2019/20 Operating Plan. Priority Actions 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 3.1, 3.3, 3.4, 3.5, 3.6, 3.7, 4.2, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3 and 5.5 are either <b>completed</b> or <b>implemented and ongoing</b> representing 78% of total identified actions.
Signage	The re-branding of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo) with destination brand and Elton John Concert promotion have been installed.

Touring Trail App	A formal launch will be coordinated jointly between BVIC and specialist PR agency, further details to be provided at a later date.
Brand Awareness Campaign	The campaign added over 3,500 database subscribers and contributed to the strong website performance over June-August.
BVIC	A new flat panel visual display and series of lightboards promoting cultural facilities were installed in July/August. Exterior window displays being designed to promote Bathurst events calendar.
Public Relations	A specialist tourism PR agency was engaged following a competitive selection process in August 2019 to generate media placements, attract visiting media, launch the Bathurst App and coordinate public relations around selected events (Spring Spectacular, Heritage Trades trail and Inland Sea of Sound).
Visitor Guide/Destination Planner	Work is to commence on preparing the 2020 Planner in September 2019.
Destination Management Plan	Work is underway on preparation of a new Bathurst Region Destination Management Plan to guide activity from 2019-2024. The draft DMP is due to be completed and reported on at the October meeting of Council.

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

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

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

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

**Community Engagement**

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

## **2 2019/2020 BATHURST CCTV FUNDING PROGRAM (16.00145)**

**Recommendation:** That Council:

- (a) Provide \$500 to each of the following, being the maximum amount for each organisation approved for funding, under the 2019/2020 Bathurst CCTV Funding Program, totalling \$2,500:

<b>Business</b>	<b>Amount of Funding</b>
Still The Mad Season Café	\$500
Jack Duggans Irish Pub	\$500
Venue Café Bar	\$500
Cobb and Co Cellars	\$500
Blatch Quality Smash Repairs	\$500

- (b) Advise the unsuccessful applicants that they can apply for future rounds of the funding program.
- (c) Reopen the application process to offer the program to further businesses in a second round closing Friday 17 January 2020.

**Report:** Council has allocated \$10,000 in its 2019/2020 Annual Operating Plan up to a maximum amount of \$500 on a dollar for dollar basis for businesses who address the criteria under the 2019/2020 Bathurst CCTV Funding Program.

The applications were required to meet the following criteria:

1. Specifications, quality and source of equipment.
2. Surveillance equipment registered with Bathurst Police.
3. Completion of installation within 90 days of approval.
4. Information supporting and addressing the need for CCTV in the business location.
5. Potential for coverage of the public space adjacent to the premises.

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

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

Seven (7) applications for the program for this financial year, were received up to Friday 23 August 2019. The Assessment Group assessed the applications against the criteria, with the following recommendations:

1. Council provide \$2,500 under the 2019/2020 Bathurst CCTV Funding Program to provide assistance to the following applicants, being the maximum amount of \$500 for each organisation:

<b>No.</b>	<b>Business</b>	<b>Amount of Funding Recommended</b>
1	Still The Mad Season Café	\$500
2	Jack Duggans Irish Pub	\$500



3	Venue Café Bar	\$500
4	Cobb and Co Cellars	\$500
5	Blatch Quality Smash Repairs	\$500
	<b>TOTAL</b>	<b>\$2,500</b>

3. The remaining two organisations below are to be advised that, due to criteria Item 4 (*Information supporting and addressing the need for CCTV in the business location*) and Item 5 (*Potential for coverage of the public space adjacent to the premises*) not being met, their application will not be successful, however, the applicants will be advised that they can apply for future rounds of the funding program:

- \* Domino's West Bathurst
- \* Domino's Bathurst

4. A second round of applications be received by Council with a closing date of Friday 17 January 2020. This will allow completion of the projects within a 90 day timeline prior to the end of the financial year. Further advertising of the program to occur at the appropriate time.

#### CCTV Funding Program Summary to Date

This is the fifth year of the program. To date, 69 businesses have been approved for funding under the program. Thirteen (13) businesses failed to complete and were withdrawn from the program. 56 businesses have completed the process and installed CCTV under the program. If Council adopts the recommendation from the Assessment Group, the accrued total will be 74 businesses have been approved for funding since commencing the program in 2015/2016.

**Financial Implications:** Council has provided \$10,000 in the Annual Operating Plan 2019/2020 for Bathurst CCTV Funding Program. A balance of \$7,500 remains available following this round of applications.

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

- Objective 5: Community health, safety and well being Strategy 5.4

#### **Community Engagement**

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

### **3 BATHURST VISITOR INFORMATION CENTRE - VISIT OF SENSHU UNIVERSITY HIGH SCHOOL - JULY/AUGUST 2019 (21.00041)**

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

**Report:** Students from Senshu University High School in Tokyo, Japan, visited Bathurst from 25 July – 4 August 2019 on a cultural exchange visit.

This was the second year in which a group from Senshu University High School visited Bathurst, with 20 students, 1 guide and 2 teachers visiting and requiring billeting amongst host families in 2019. 10 families took part in home hosting of students for this visit.

Whilst in Bathurst the students participated in organised school activities at Kelso High campus, as well as visits to Yarrabin Ranch and the Bathurst Goldfields and undertaking guided walking tours of the Bathurst town centre and heritage areas.

Activities and home hosting arrangements were coordinated by staff of the Bathurst Visitor Information Centre (BVIC). It is the role of BVIC staff to liaise with the Japanese Tour Agency and to source and confirm all host families, including provision of specialised information relating to each student and arrangement of all payments. BVIC also organises and books all student activities and travel arrangements during their Bathurst stay, and prepares the welcome packs and information for host families as well as for visiting teachers and tour leaders. BVIC staff led the walking tour of the Bathurst CBD and heritage areas.

Feedback from the visiting students and from their host families was extremely positive and again emphasised the importance of this ongoing cultural exchange program. The visit injected over \$32,000 into the local economy, including payments made through the school to participating host families.

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

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

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

#### **4 NATIONAL MOTOR RACING MUSEUM - 2019 FATHERS DAY ACTIVITY REPORT (21.00005)**

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

**Report:** This year the National Motor Racing Museum (NMRM) held its fourth Father's Day event on Sunday 1 September 2019.

The event included free entry for Fathers on the day, the new Immersive Room experience with museum entry and rides around the Mount Panorama circuit in a replica race car from the NMRM Collection. This year, the cars involved were:

- 1968 Holden Monaro
- 1967 Ford XR GT
- 1963 Ford Cortina GT
- 1966 Mini Cooper 'S'

Trike Adventures from Dubbo again provided rides on the day.

An estimated total of 650 people attended the event with 546 entries to the museum. This demonstrated an increase from last year's event with 472 museum entries. The day attracted locals and visitors from further afield including Orange, Lithgow, the Blue Mountains and Sydney, plus a small number of interstate visitors noted.

The event generated \$6,419.75 income on the day, a 10% increase from \$5,824.65 in 2018. The car rides which were largely prepaid generated \$2,560.00.

Information collected on the day indicated that individuals found out about the event through facebook, TV, radio and local newspapers, as well as several return visitors that had attended previous Fathers' Day events at NMRM.

Significant media exposure for the event was gained through the Western Advocate, Bathurst City Life magazine, 2BS and ABC radio, as well as a two minute segment on Prime7 local news in the lead up to the event.

Father's Day at the National Motor Racing Museum is directly linked to Action 7.2 in the 2015 Destination Management Plan (DMP) 'Think like a visitor: Increase the level of development of sustainable product that delivers the Bathurst (Region) destination experience'.

The activity leverages the opportunity to harness the lucrative VFR (Visiting Friends & Relatives) market segment which is identified in the DMP as a primary target market. This segment currently counts for 42% of the total annual visitors to the region.

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

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

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.5, 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.

## **5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 2 SEPTEMBER 2019 (07.00116)**

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

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

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

The Bathurst Region Tourism Reference Group met at Bishop's Court Estate on 2 September 2019. The Minutes of the Group's Meeting are provided at **attachment 1.**

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

The following items were discussed at the Meeting held on Monday 2 September 2019:

- New Bathurst Region Destination Management Plan
- PR Activity and media engagement
- Reports from Tourism Industry sectors
- Cirencester Friendship Agreement and BVIC Involvement
- Heritage Tourism Activation

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

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

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

## **6 BATHURST REGIONAL ART GALLERY - PUBLIC ART SYMPOSIUM, MONASH UNIVERSITY, 30-31 AUGUST 2019 (21.0152)**

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

**Report:** In April 2019, Council endorsed Bathurst's first Public Art Policy. Bathurst Regional Art Gallery will oversee the development and implementation of the policy, including the formation of the Bathurst Public Art Advisory Panel. Cr Jacqui Rudge is the nominated Duty Council representative for this panel.

In this capacity, Cr Jacqui Rudge and BRAG Director attended the Let's Go Outside: Making Art Public symposium held at Monash University, Melbourne, on Friday 30 August 2019 and Saturday 31 August 2019. This symposium reflected on the growing interest in making and presenting public art and explored the opportunities and complexities of realising art in the public realm.

This two-day symposium comprised keynote presentations, panel discussions, case studies and breakaway sessions. Topics covered included:

- models for commissioning public art;
- how public art impacts the physical and social character of a place;
- Indigenous ways of knowing, connection to site and diverse histories;
- Assessing audience responses to public art;
- New models for the development of inclusive commemorative public artworks.

Let's Go Outside: Making Art Public looked at ephemeral, temporal and virtual projects, social and participatory practices, and variously scaled urban and regional projects. The two-day symposium sold out, attracting 160 participants including artists, designers, architects, academics, art consultants, policy makers, public servants, commissioners, and curators.

The Program included over 40 speakers from Australia and internationally, including keynote presentations by Tania Bruguera, Cuban installation and performance artist, and Nicholas Baume, Director and Chief Curator, Public Art Fund, New York

**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 1.3, 1.4, 1.5

## **Community Engagement**

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

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL



## **1 MINUTES - POLICY COMMITTEE MEETING - 4 SEPTEMBER 2019 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 September 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 4 September 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 4 SEPTEMBER 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2019 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 August 2019 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**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 J Rudge

**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.

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

**6** **Item 1 REVIEW OF CHILDREN'S SERVICES POLICY (11.00008, 41.00089)**

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

**RESOLVED:**

That Council adopt the updated Children's Services policy as outlined in the report.

## **GENERAL BUSINESS**

**7** **HIGHWAY GUARDRAIL ON BRIDGE 25.00018**

**Cr Bourke** - Guardrail has been damaged for several months, can we get this repaired?

**Director Engineering Services** - Advised this is RMS responsibility. Awaiting response.

**8** **Item 2 GUARDRAIL HAVANNAH STREET 25.00027**

**Cr Bourke** - Guardrail around corner is damaged, can it be fixed?

**Director Engineering Services** - Council is aware of problem and will program the repairs.

**9** **Item 3 RAILWAY MUSEUM 21.00146**

**Cr Bourke** - Noted Museum works are progressing and carriage is now on site.

**10** **Item 4 INTERPRETATION FUND GRANT GROUND PENETRATING RADAR (GRP) 13.00091**

**Cr Rudge** - Noted consultant engaged to undertake GPR in Charlotte Street/ lower William Street area. Hoping to find remnants of old government buildings and the Bathurst Female Factory. Hope to involve community. Construction of plaque commemorating women in the Female Factory has commenced.

**11** **Item 5 COUNCIL WEBSITE CHIFLEY DAM INFORMATION 32.00005**

**Cr Jennings** - Noted current information format and asked if there were other indicators that could be used to give people a better understanding?

**12** **Item 6 WATER TANKS ON PRIVATE PROPERTY 32.00017**

**Cr Jennings** - Asked if Council has data on the number of tanks in private residences and whether this could be utilised for additional storage?

**Director Engineering Services** - Advised no statistics available and believes this will have limited benefit.

**13** **Item 7 AERIAL WATER SURVEYS 32.00005**

**Cr Jennings** - Noted State Government Department is conducting aerial water surveys. Are we part of it?

**Director Engineering Services** - Aware of program and hope to become involved.

**14** **Item 8 PARKING IN LOWER KEPPEL STREET 28.00006**

**Cr Jennings** - Noted with new Businesses in Tremains Mill street parking is at capacity. Can investigate options?

**Director Engineering Services** - Advised this can be reviewed.

**15      Item 9 PARKING BETWEEN SEYMOUR AND HAVANNAH STREETS 28.00006**

**Cr Jennings** - Believes there is an interest in implementing two hour parking.

**Director Engineering Services** - Advised this could be reviewed if a formal request is received.

**16      Item 10 WINTER FESTIVAL 2020 23.00152**

**Cr Jennings** - Will Keppel Street be included in 2020 plans?

**Director Corporate Services and Finance** - Advised yes, this will be included.

**17      Item 11 PROFESSOR BLAKEY VISIT 23.00005**

**Cr Jennings** - Gained a lot from visit and thanked Director for organising visit.

**18      Item 12 ABANDONED MOTOR VEHICLE STEWART STREET 30.00005**

**Cr Aubin** - Noted vehicle has been removed.

**19      Item 13 KEPPEL STREET PARKING 28.00006**

**Cr Aubin** - Noted additional capacity available in railway carpark.

**20      Item 14 WATER PIPELINE 32.00046**

**Cr Aubin** - Can we look at installation of pipeline in conjunction with Regis water pipeline from Lithgow.

**Director Engineering Services** - Advised listed for review in the long term, currently focusing on shorter term options.

**21      Item 15 HOSPITAL SERVICES ACTION GROUP 18.00035**

**Cr Aubin** - Spoke to recent attendance of health representatives at Council, issues relating to services at Bathurst Hospital, and activities of Action Group.

**22**      **Item 16 WATER CONFERENCE 23.00007**

**Cr Fry** - Attended water conference with other Council representatives. State Government is looking seriously at the water issue and hope Council will benefit from State program.

**23**      **Item 17 IRRIGATORS MEETING 32.00017**

**Cr Fry** - Can we ask them to irrigate at night as this is a more efficient use of water?

**Director Engineering Services** - This is dependent of crops being grown.

**24**      **Item 18 WATER RESTRICTIONS 32.00017**

**Cr Fry** - Suspect people will use grey water from their homes in their gardens when restrictions are introduced. Can Council provide information on dangers associated with this practice?

**Director Engineering Services** - Advised Council is preparing information. Noted Council has grey water policy in place.

**25**      **Item 19 ROUNDABOUT MITRE/ SUTTON/ LAMBERT STREET 36.00713**

**Cr North** - Advised Cr Christian requested information on meeting with tenderer.

**Director Engineering Services** - Advised meeting held, however no formal schedule of works available yet.

**26**      **Item 20 STEWART STREET BUSINESSES 28.00006**

**Cr North** - Spoken to Businesses in Stewart Street, can we look at 30 minute parking?

**Director Engineering Services** - Advised investigation is currently underway.

**27**      **Item 21 WILLIAM STREET PARKING 28.00006**

**Cr North** - Have we investigated parking concerns in William and Russell Street area?

**Director Engineering Services** - Advised hope to have report available for October Traffic Committee.

**28**      **Item 22 MOUNT PANORAMA SIGN 04.00019**

**Cr North** - Believes money in budget has been reallocated.

**Director Engineering Services** - Advised cost exceeded funds allocated. Noted sign will be painted prior to October race meeting.

**Cr North** - Asked if sign could be painted more often?

**29**      **Item 23 ROCKLEY SCHOOL TREES 13.00019**

**Cr North** - Thanked Engineer for prompt response to tree issue at school. Asked if we can do a tree audit more often around schools etc?

**Director Engineering Services** - Spoke to previous tree audit and noted that only relates to trees on Council land.

**30**      **Item 24 GO KART TRACK DESIGN 2015/196**

**Cr North** - Asked where the design is up to?

**Director Engineering Services** - Advised awaiting response on proposed design from Karting bodies.

**31**      **Item 25 UPPER MACQUARIE COUNCIL 18.00172**

**Cr North** - Updated Council on activities on last couple months. Noted infringement notices have been issued. Staff will be meeting with constituent Councils and state and federal members before the end of the year. Raised concerns regarding effect weeds and the current drought will have on farmers.

**MEETING CLOSE**

**32**      **MEETING CLOSE**

The Meeting closed at 6.45 pm.

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

Precis:



**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 SEPTEMBER 2019 (07.00006)**

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

**Report:** The Minutes of the Traffic Committee Meeting held on 3 September 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 3 SEPTEMBER 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

**Members:** Ms Jackie Barry (Roads & Maritime Services) and Acting Sergeant Steven Chaplin (NSW Police).

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

**APOLOGIES**

**2 APOLOGIES**

That the apologies of Councillor Warren Aubin (BRC) and Mr David Veness (MP Representative) be accepted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 AUGUST 2019 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 6 August 2019 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 AUGUST 2019 (07.00006)**

That the information be noted and necessary actions be taken.

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

That the information be noted.

**7 Item 3 BATHURST HISTORIC CAR CLUB 2020 SWAP MEET (22.00053-09)**

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This is page 1 of Minutes of the Traffic Committee held on 3 September 2019

That the Bathurst Historic Car Club 2020 Swap Meet to be held at the Bathurst Showground on Sunday 2 February 2020 be classified as a Class 2 event, and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' Report.

**8**      **Item 4 ZOO 2 ZOO CHARITY BICYCLE RIDE (23.00026-21/125)**

That the Zoo 2 Zoo Charity Bicycle Ride Event passing through the Bathurst region on Saturday 19 November 2019 be classified as a Class 2 event, and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

**9**      **Item 5 WHITE RIBBON DAY COMMUNITY EVENT (23.00026)**

That the 2019 White Ribbon Day event to be held at Mount Panorama on Friday 22 November 2019 be classified as a Class 2 event, and the traffic management endorsed subject to conditions as detailed in the Director Engineering Services' report.

**10**      **Item 6 2020 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (23.00026)**

That the 2020 Bathurst Street and Custom Motorcycle Show to be held in Russell Street opposite the Bathurst Court House on Saturday 8 February 2020, be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

**11**      **Item 7 VETERANS MC AUSTRALIA – BALL BREAKER RUN (MOTORCYCLE RIDE) (23.00026-20/004)**

That the Ball Breaker Run 2019 event to be held between Bathurst and Blayney on Saturday 19 October 2019 be classified as a Class 2 event, and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' Report.

**12**      **Item 8 INSTALLATION OF 1P PARKING - FORMER AMBULANCE STATION SITE WILLIAM STREET BATHURST (25.00002)**

That Council implement 1P restricted parking at the front of the former Ambulance Station at 36 William Street.

**13**      **Item 9 2019 Z CAR CLUB – FESTIVAL OF Z (23.00026)**

That the 2019 Z Car Club - Festival of Z Show n Shine Display to be held in Russell Street opposite the Bathurst Court House on Friday 29 November 2019 be classified as a Class 2 event, and the traffic management endorsed subject to conditions as detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**15**      **MEETING CLOSE**

The Meeting closed at 2.25pm.

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 SEPTEMBER 2019

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 AUGUST 2019 (11.00019)**

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

**Report:** **Present:** Councillors Hanger (Chair), Aubin (5.45 pm), Bourke, Fry, Jennings, Morse, North, Rudge,

**Apologies:** Cr Christian

### **1. Wattle Flat Progress Association 18.00222**

Jergen Lenz, Paul Baldock and Kirsten Brumby.

Discussion included:

- Spoke to history of Racecourse Reserve
- Currently no Trust Manager
- Wattle Flat Progress Association would like to be confirmed as the Reserve Manager, currently Manager for Wattle Flat Recreation Ground
- Golf Club on site and also used for bush walking and fossicking
- Was a sub committee of the (Golf Club Committee) Progress Association
- Now sub committee has gone on its own and formed Wattle Flat Golf Club Inc

Wattle Flat Progress Association:

- Want to ensure the reserve is managed for the whole community
- Has increased the assets on site to 3 sheds, race course railing and toilet block

### **2. Bathurst Hospital and Western Area Health 18.00035**

Cathy Marshall, Scott McLachlan and Mark Spittal met with Council.

Discussion included:

- Want to advise status of planning for health services for the area
- Prioritisation of potential services and enhancements is occurring
- Expecting Bathurst to continue growing and need to be aware of this. 74% of Bathurst residents rated their health as good or excellent
- Provided statistics for Bathurst e.g. obesity, blood pressure
- Bathurst is a leader in Hospital in the Home Services.

### **3. Confused Hospitalised Older Persons (CHOPS) 23.00016**

Bev Cooney, Volunteer Leader of CHOPS Program met with Council.

Discussion included:

- Want Bathurst to be a Dementia Friendly place where people with dementia are supported to live a high quality life
- 1 in 10 over 65 suffer from dementia
- 1 in 3 over 80 suffer from dementia
- Bathurst is growing, people staying alive longer, dementia is growing
- A lot of organisations work in this area
- Dementia is a terminal disease

The topic "What is a Dementia Friendly Community" was outlined further:

- Community has increased awareness
- People with dementia are active participants in their own lives
- Health staff are educated on how to deal with dementia people
- Businesses provide accessible services
- Employer is supportive for people living with dementia to continue employment

What can CHOPS and Council do together:

- Education is the most important thing
- Council's support to say Bathurst is a Dementia Friendly Community
- Provision of a room to conduct education programs

**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 CENTROC/JOINT ORGANISATION BOARD MEETING 22 AUGUST 2019 (PARKES) (07.00017)**

**Recommendation:** That the report on the CENTROC/Joint Organisation (JO) Board Meeting held on 22 August 2019 at Parkes be noted.

**Report:** The Board meeting of CENTROC and Central NSW Joint Organisation (JO) was held on Thursday 22 August 2019 at Parkes Services Club. The Board had a demonstration and presentation on the PHYZ x 2U mobile van by Justin Johnson & Angela Hubbard Co-Founders and a presentation was provided by Bruce King, Chief Executive Officer and Brett Dean, Farm Loans Executive Manager (Credit & Risk) from Regional Investment Corporation.

The Board welcomed Special Guest The Hon Mark Coulton – Minister for Regional Services, Decentralisation and Local Government, Assistant Trade and Investment Minister and Federal Member for Parkes. The region raised a need for increased FAGs grants and opportunities to support decentralisation including fuel excise, zonal taxation and child care. The Minister recommended the region undertake follow-up on the Digital Connectivity Discussion Paper.

### **Reports for Committees**

With the new JO operations two committees had their Terms of Reference adopted, they were for the Regional Prosperity Subcommittee and the Central NSW Regional Water Subcommittee.

### **Reports to Joint Organisation**

**Regional Water -** The Board endorsed the Chairs of the Regional Prosperity and Regional Water portfolios working together to optimise opportunities from the Wyangala Dam wall investigations for economic development and urban water security across the Lachlan catchment and develop further policy in this regard. It also resolved to receive a report on the IPART recommendations in the review of reporting and compliance burdens on Local Government where there has been widespread concern with the State's administration of Integrated Water Cycle Management plans.

Advice from the NSW Government is that they are looking to partner with an appropriate JO to pilot the framing and scoping of the first regional town water strategy. Funding proportions are being determined under the safe and secure water program stage 2, further advice is being sought about this offer.

The region is now reviewing a range of emergency short-term infrastructure and non-infrastructure projects needed to further shore up supplies in the unprecedented conditions. A list has been compiled of emergency action projects for both infrastructure and non-infrastructure, developed in consultation with members to ensure water supply to communities across the Central NSW region. These projects recognise the need for a multiplicity of water sources and seek where possible to take advantage of thinking around the State on the need for better pipe linkages to the State-owned dams.

Preliminary strategic work is underway on a potential longer-term solution that could provide urban water security and support for high value agriculture in the Lachlan Valley through the optimisation of the NSW Government's investigations into the raising of the Wyangala Dam wall.

The key messages regarding the current emergency water infrastructure needs of the region were suggested:

- The region is looking for a 50-year plan that will potentially solve drought emergency urban water needs while also delivering a massive economic driver.
- The region has heard what Mr James McTavish has said re emergency projects and the need to ensure projects meet business as usual requirements.
- The region needs a project delivery vehicle that is action oriented to make things happen quickly.
- Local Government is the operational vehicle of choice to deliver urban water in Central NSW.
- The above will inform a revised Advocacy Plan in development.

Administration of the General Managers Advisory Committee (GMAC) - The draft Terms of Reference for the Administration of GMAC were provided and have been made based on feedback through the JO strategy consultation, discussion with other JOs and feedback from JO staff. This region has worked successfully for decades leveraging sound engagement from General Managers.

### **Working with other organisations**

The Board gave consideration to two proposals. One was for engagement by Councils in the Rural Health Pro, developed by a collaboration led by the Rural Doctors' Network and the other was for sponsorship for the Big Ideas workshop for the Western Research Institute.

Rural Doctors Network is a not-for-profit non-government charitable organisation and is the Australian Government's designated Rural Health Workforce Agency for health in NSW. RDN has built relationships and connected with key partners including corporations, government departments (federal, state and local), medical workforce services, Aboriginal communities, rural associations, media companies and iconic Australian brands to deliver Rural Health Pro, a first of its kind.

**Rural Health Pro:** is a personalised platform which will offer the user the experience to connect to people and communities who share a goal of keeping rural, remote and indigenous communities healthy.

**Participants:** Rural Health Pro will have a database of approximately 2,000 members being made up of health professionals from the disciplines of Medicine, Nursing, Midwifery, Allied Health professionals, students, registrars, administrators, carers and other specialists with rural interests. After a major promotion and launch, it is envisaged that the database will grow significantly. The unique advantage of Rural Health Pro is that an individual will receive their own applicable content which will support their requirements and connect them to relevant information.

Councils are being asked to provide content to support attraction and retention as their commitment to the partnership where the RDN will maintain the site.

Western Research Institute are celebrating their 20th anniversary by holding a Big Ideas for Regional NSW Event on Thursday 26 September at the CSU Engineering Building room 1305 from 1:30-5:30.

## Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2019/2020

The Board endorsed the actions of the JO Chairs with regard to seeking funding and a sustainable framework for Joint Organisations and supported the suggested changes to the Terms of Reference for the JO Chairs Forum seeking to have one Chair elected for up to twelve months.

There was a funding agreement for the \$150K for the Joint Organisation announced by the Minister on 30 July which will be negotiated by the Chair between meetings.

Value for members	#	Activity this Quarter
Submissions	2	170619, IPC –Information Commissioner, Information and Privacy Commission NSW, draft revised Guideline1. For local councils on the disclosure of information contained in returns of interest of councillors and designated persons under the Government Information (Public Access) Act 2009 for consultation. 130819 – Funding submission to OEI for Southern Lights Administration/
Plans, strategies and collateral	5	NAMAF – Drafts prepared for Blayney Cowra and Forbes Bridge Assessments – all councils have now received their reports for Tranche 1a and Tranche 2. A draft regional report is being developed. The Regional Food and Fibre Strategy is near completion and should be with members by the Board meeting. Transport Issues Paper developed with TfNSW and circulated for members feedback. Advic will inform TfNSW Integrated Transport Plan. 4 JOs collaborate on a document outlining the value to the State of JOs including a case study on this region’s Bridge Assessment project.
Grants	\$63,118	\$63,118 for training delivered under funding by TAFE NSW to Cabonne Council & Orange City Council for the April to June 2019 quarter. Application to OEI for funding for the Southern Lights Project.
Compliance	3	Compliance training courses delivered across the region: <ul style="list-style-type: none"> <li>• GIPA (Intro and Advanced) - 37 participants</li> <li>• Playground Inspection (Level 1) - 9 participants</li> <li>• Traffic Control Training (TC, ITCP, PWZTMP) - 24 participants</li> </ul>
Data	2	Tourism data project through WRI Transit data through the Inland Rail project has been negotiated for the whole region so Blayney, Oberon, Bathurst and Weddin are now included.
Media including social media	1 plus please request the Excel Spreadsheet on tourism publications	1. 1/8/19 Media Release NSW Rural Fire Service expansion in the region welcomed  Tourism PR for the 6 months January to June 30 2019 <ul style="list-style-type: none"> <li>• The advertising value for the PR media generated in January-June 2019 is \$449,350. Highlights include a high-value broadcast promotion on Channel 7’s ‘Weekender Sunrise’ for Forbes; features and social media with Not Quite Nigella.com; Wine Selector’s Life, Food, Wine; Fairfax Regional Media; Out and About with Kids; Australian Country Magazine and Broadsheet.com</li> <li>• The equivalent public relations value for the media generated in</li> </ul>

		<p>Jan-June 2019 is \$2.3m.</p> <p><b>Social Media</b></p> <ul style="list-style-type: none"> <li>• Central NSW Joint Organisation Facebook Page – 297 likes 391 Followers</li> <li>• Central NSW Tourism Facebook Page – 12,414 likes 12,799 Followers</li> <li>• Screen Central Facebook Page – 294 likes 336 Followers</li> <li>• Central NSW Connex Facebook Page – 625 likes 645 Followers</li> <li>• Beyond the Range Facebook Page – 1,261 likes 1297 Followers</li> <li>• Central NSW Tourism Instagram Page – 4,399 Followers</li> <li>• Central NSW JO Twitter – 928 Followers</li> </ul>
Cost Savings	\$1.1m	<p>See cost savings table below for details. New contracts for the quarter include:</p> <ol style="list-style-type: none"> <li>1. Dam Surveillance</li> <li>2. Employee Assistance Program</li> <li>3. Restocking of First Aid Kits</li> <li>4. Supply and Delivery of Bulk Fuel</li> </ol> <p>4 JOs collaborate on the procurement of a Best Practice in aggregated procurement project reducing direct costs and adding collaborative value.</p>
Representation	29	<p>240519 - Opportunity for workshop with renowned foreign direct investment specialist DPC</p> <p>290519 - Centroc/JO Board meetings including with LGNSW</p> <p>300519 - Round table discussions with Various Ministers</p> <p>120619 – Critical Water advisory Panel</p> <p>130619 – Economic Development Officers forum RDACW</p> <p>130619 – Central NSW Councils Water Utilities Alliance meeting (CWUA)</p> <p>200619 – CEO of LGNSW and EO CNSWJO</p> <p>250619 – Drought Sub-Committee/Regional Drought Emergency Water Supply Assurance Workshop</p> <p>040719 - Transport for NSW L100 workshop: stakeholder engagement panel 'Working in Partnership'</p> <p>050719 - Southern Lights / Essential Energy</p> <p>120719 - Inland Rail Supply Chain Mapping Project Phase 1 – Workshop</p> <p>170719 - Rural Health Pro Introduction and WNSW 2030 Project update.</p> <p>170719 – Emergency Water Solution meeting</p> <p>190719 - Wyangala and CWUA Business Plan</p> <p>240719 - Regional Integrated Transport Group</p> <p>250719 - GMAC</p> <p>260719 – Destination and Country Outback – Tourism Safari</p> <p>290719 – Regional Water Security Strategy</p> <p>300719 – WHS/Risk Management Group meeting</p> <p>310719 – Planners’ Group Meeting</p> <p>010819 – Chair and EO met with The Hon Minister Marshall</p> <p>010819 – Chair and EO – JO Chairs meeting</p> <p>020819 – Southern Lights / Essential Energy</p> <p>050819 – Inception Meeting Orange 360 Bike Project</p> <p>060819 – Tourism Managers’ Meeting</p> <p>070819 – CWUA Meeting</p> <p>080819 – Australian Water Association NSW Branch Conference</p> <p>120819 - Strategic Transport Group meeting</p> <p>140819 - Workshop Regional transport enabling future economic growth</p>
Opportunities councils have been	9	<ul style="list-style-type: none"> <li>• Black spot funding support through RDA</li> </ul>

afforded

- Emergency water project
- Two regional water memberships and associated value
- OEH funding program support
- Transport for NSW Issues Paper response and associated meetings
- RMS Live Traffic Pilot
- Canberra tourism event through Cowra tourism
- Bridge Assessment workshop and associated next steps
- Advocacy for Funding for Regional Strategic Planning

## Spend

The following table reflects the spend by each member council under the various JO contracts. Where most have been included. The breakdown is provided to give members an indication of what is included in the spend table, however will not be broken down for each report in future unless requested. Please note that electricity has not been included at this time as data is still coming in, however it is likely to be over \$16m.

SPEND	Water Utilities Alliance Contracts	HR Contracts	WHS Contracts	IT Contracts	Supply Contracts	Road/ Transport Contracts	Energy Contracts	RDOCS Contracts	Other Contracts	Training	Total
Bathurst	\$87,123	\$71,190	\$0	\$0	\$1,095,954	\$48,149	\$0	\$22,698	\$10,576	\$10,038	\$1,345,728
Blayney	\$0	\$10,268	\$0	\$0	\$770,497	\$6,748	\$0	\$3,686	\$10,136	\$1,765	\$803,100
Cabonne	\$0	\$25,985	\$0	\$0	\$1,121,761	\$394,206	\$0	\$0	\$10,056	\$16,685	\$1,568,692
Central Tablelands Water	\$6,223	\$825	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,048
Cowra	\$6,223	\$33,535	\$3,000	\$0	\$729,581	\$41,271	\$0	\$0	\$10,576	\$30,110	\$854,285
Forbes	\$750,036	\$31,507	\$600	\$0	\$782,796	\$165,083	\$0	\$5,680	\$10,656	\$15,250	\$1,761,608
Lachlan	\$0	\$21,724	\$0	\$0	\$1,015,562	\$88,740	\$0	\$0	\$10,156	\$15,570	\$1,151,752
Oberon	\$0	\$15,718	\$0	\$0	\$567,927	\$34,392	\$0	\$8,780	\$10,136	\$390	\$637,343
Orange	\$95,040	\$124,948	\$1,780	\$0	\$686,715	\$13,497	\$0	\$16,333	\$10,676	\$29,695	\$978,684
Parkes	\$10,749	\$26,448	\$0	\$0	\$911,412	\$137,569	\$0	\$0	\$10,576	\$11,105	\$1,107,858
Weddin	\$6,223	\$0	\$0	\$0	\$113,581	\$60,996	\$0	\$0	\$0	\$4,270	\$185,070
<b>Total</b>	<b>\$961,617</b>	<b>\$362,137</b>	<b>\$5,380</b>	<b>\$0</b>	<b>\$7,795,786</b>	<b>\$990,651</b>	<b>\$0</b>	<b>\$57,176</b>	<b>\$93,544</b>	<b>\$134,878</b>	<b>\$10,401,168</b>

## Savings

The following table shows the savings achieved by member councils through aggregated procurement and programming. The cost to members is calculated on a percentage of each CNSWJO staff member and their corresponding workload on procurement and contract management.

SAVINGS	Water Utilities Alliance Contracts	HR Contracts	WHS Contracts	IT Contracts	Supply Contracts	Road/ Transport Contracts	Energy Contracts	RDOCS Contracts	Other Contracts	Training	Legal Advice re Procurement	Participation in regional Procurement	Total
Bathurst	\$0	\$35,355	\$0	\$0	\$29,242	\$0	\$0	\$0	\$2,335	\$12,934	\$11,060	\$61,000	\$151,925
Blayney	\$0	\$12,933	\$0	\$0	\$34,929	\$0	\$0	\$0	\$0	\$3,934	\$7,962	\$54,000	\$113,758
Cabonne	\$0	\$14,622	\$0	\$0	\$41,056	\$0	\$0	\$0	\$1,985	\$28,890	\$9,726	\$57,000	\$153,278
Central Tablelands Water	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$9,009	\$24,000	\$33,009
Cowra	\$0	\$14,279	\$0	\$0	\$20,446	\$0	\$0	\$0	\$1,985	\$31,601	\$11,060	\$63,000	\$142,371
Forbes	\$0	\$12,569	\$0	\$0	\$43,598	\$0	\$0	\$0	\$1,985	\$18,164	\$7,962	\$58,000	\$142,279
Lachlan	\$0	\$24,700	\$0	\$0	\$38,665	\$0	\$0	\$0	\$1,985	\$3,353	\$7,962	\$62,000	\$138,664
Oberon	\$0	\$16,606	\$0	\$0	\$15,124	\$0	\$0	\$0	\$1,985	\$3,304	\$7,962	\$47,000	\$91,981
Orange	\$0	\$50,977	\$0	\$0	\$28,859	\$0	\$0	\$0	\$2,335	\$13,832	\$10,277	\$55,000	\$161,281
Parkes	\$0	\$10,900	\$0	\$0	\$39,129	\$0	\$0	\$0	\$1,985	\$12,724	\$10,460	\$50,000	\$125,198
Weddin	\$0	\$0	\$0	\$0	\$19,218	\$0	\$0	\$0	\$0	\$3,759	\$10,277	\$45,000	\$78,254
Sub -Total	\$0	\$192,940	\$0	\$0	\$310,266	\$0	\$0	\$0	\$16,580	\$132,495	\$103,717	\$576,000	\$1,331,998
												Cost to members	\$213,034
												Total	\$1,118,964

**Finance and Compliance** - The Audit of both the Centroc and JO accounts were conducted recently. All compliance reporting to the OLG is on track and up to date.

**The next meeting** of the Central NSW JO Board will be 12.00pm Wednesday 27 November in Canberra at the ACT Legislative Assembly. Members have requested a presentation on the City Power Partnerships and Canberra Airport then roundtable discussions with various Ministers at Parliament House Canberra 28 November.

**Financial Implications:** Council's involvement in CENTROC and Central NSW Joint Organisation is provided for within existing budget allocations.

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

- Objective 4: Enabling sustainable growth Strategy 4.5
- Objective 6: Community leadership and collaboration Strategy 6.1
- Objective 6: Community leadership and collaboration Strategy 6.2
- 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.