



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

13 November 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
20 November 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 20 November 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 where there will be an opportunity for members of the public to raise matters with Council.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 20 NOVEMBER 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 - 16 OCTOBER 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

- * DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
- * DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- * DIRECTOR ENGINEERING SERVICES' REPORT
- * DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

- * MINUTES - POLICY COMMITTEE MEETING - 6 NOVEMBER 2019
- * MINUTES - TRAFFIC COMMITTEE MEETING - 5 NOVEMBER 2019

10. NOTICES OF MOTION

* I hereby submit the following Notice of Motion:

That Council

- (a) resolve to declare the Bathurst LGA to be in a State of Water Emergency for the next 12 months
- (b) continue to prioritise work on water management projects on behalf of all groups including the city and villages residents, irrigators, farmers, manufacturing, sports, environmental, cultural and recreation users.

Additional Note:

Council should continue to work closely with all levels of government, water research and land regeneration community groups to initiate on ground action.

* I hereby submit the following Notice of Motion:

That Bathurst Regional Council acknowledges that there is a Climate Emergency and that Council should continue its focus on improving energy efficiency, reducing costs, implementing behind the meter solar and investigating other renewable energy opportunities.

11. RESCISSION MOTIONS

12. COUNCILLORS/ DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 23 OCTOBER 2019

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 30 OCTOBER 2019

* MINUTES - BATHURST REGIONAL YOUTH COUNCIL 10 SEPTEMBER 2019

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMMERCIAL LICENCE AGREEMENT - ACCESS TO LOT 2 DP1053917 KNOWN AS 81 - 83 GEORGE STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PARTIAL DEMOLITION AND SALE OF RESIDUAL LAND AT LOT 1 DP786946 KNOWN AS 159 EGLINTON ROAD, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
3	IAAF WORLD CROSS-COUNTRY CHAMPIONSHIPS - BATHURST 2021 AGREEMENT	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 RURAL LICENCE AGREEMENT PART LOT 17 IN DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS	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	PROPOSED NEW COMMERCIAL LEASE - PART LOT 2 DP1186691,	10A (2) (d) (i) – contains commercial information of a confidential nature that

	<p>LOT 3 DP1186691, PART LOT 101, 102 AND 103 IN DP1204847 LOCATED AT 13 LEE STREET AND 35 SYDNEY ROAD, KELSO</p>	<p>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.</p>
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	<p>TENDER FOR THE SUPPLY, DELIVERY AND LAYING OF ASPHALTIC CONCRETE SURFACING</p>	<p>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.</p>
2	<p>EXPRESSIONS OF INTEREST FOR DESIGN AND CONSTRUCTION OF THE CENTRAL TABLELANDS COLLECTIONS FACILITY</p>	<p>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.</p>

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 OCTOBER 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 October 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 October 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 16 OCTOBER 2019

PUBLIC FORUM

1 PUBLIC FORUM

Jack Lynch, Grace Lynch, Jennessa Eggins, Zoe Peters, Youth Council - Spoke to role of Youth Council and events that have been conducted, also Father's Day video, interaction with the car races. Noted attendance at NSW Youth Conference in Sydney and the subjects covered at the conference, "*Unleash the Future MMXIX*". Noted Grandparents Celebration Day activities.

John Hollis, Community Member - Spoke to town planning and the session held with Professor Ed Blakely. Noted buses and trains coming into the region. Are there plans to develop a bus interchange area for the City as we are becoming a hub?

Director Environmental Planning & Building Services - Noted Council will soon commence a CBD Master Plan and connectivity issues will be considered. Noted discussions with Professor Blakely.

Vanessa Comiskey, Health and Environmental concerns 5G - Spoke to evidence she has referenced which raises health concerns about 5G, need to halt the roll out. Spoke to expert reports. Asks Council to vote on concerns that exist about the 5G roll out. The network will require 20,000 satellites to be launched. People will be harmed by this roll out, as there will be no way to control radiation exposure. There have been no long term studies. Feels ARPANSA has not done enough and its standards have no support. Asks Councillors to communicate with her.

Ben Fry, DES #1 Treasurer Panorama Football Club - Representing the Football Club and the White Rock Progress Association. Spoke to possible use of the proposed facilities by the soccer club and WRPA. Need space for top tier soccer club. Facilities will also be used by Scots School, community etc. Noted improvement in the entrance to the City. The two groups will continue to provide feedback and noted existing consultation that has occurred.

Brad Green, Mount Panorama - Spoke to use of the facility and representing residents in the area. Concern that one of the entrances to the boardwalk is up a private driveway. Parking facilities are needed and an alternative access point is needed.

Mayor - Noted Director Engineering Services will be liaising with Mr Green.

Stuart Pearson, Trustees War Memorial - Spoke to Director Corporate Services and Finance Confidential #6 and the issues of a lease being considered. The War Memorial Public Fund Trust is the only body responsible for the practice clavier, including placement. The Trust is also working with the Conservatorium for placement of the clavier. The Trust has not agreed to the practice clavier being placed at Raglan.

G Crisp, Ratepayer and Water Supply Customer - Spoke to complaint made against the General Manager forwarded to the Mayor. Alleged Council extorted money from him and spoke to Council ledgers, policy matters etc. Alleged the Mayor is perverting the course of justice.

K McNab, Ratepayer - Congratulated the Mayor on his recent election. Then spoke to Mitre/Suttor/Lambert Street works and asked when will project commence?

Director Engineering Services - Provided an update on the project. Essential Energy currently reviewing electrical plans and then hopefully will start.

Jan Page, Council Activities and Media Reports - Spoke to recent media reports about elected members and how they are interacting. Noted that elected members need to be respectful of each other and serve the community. Some recent actions have been undignified. These interactions are occurring when we are in a health crisis. Noted recent requests to reform the Council Health Committee was not enacted. Feels personal ambitions have stopped the Council committee. Asks that Council please reinstate the committee.

Kevin O'Meara, Disability - Council is now two years into the Disability Action Plan and one of the actions is access to businesses. The current access in many locations is not good enough. Asks that Council allow use of portable ramps for old buildings to improve access. Progressive Councils have access committees which are broad based. Need to look at creating a Council committee. Need to look at doing things differently and don't treat people as second class citizens.

Casey McKenda, Water Emergency - What is Council doing? Will there be compensation for people. Spoke to impacts on various groups.

Director Engineering Services - Noted Bathurst Regional Council now on Level 4 restrictions. Noted impacts that are occurring. A number of actions are in place and Council is working with the State Government.

Kylie Carroll, Water Issues - Has a small horse lot in town. Spoke to concern of needing water to grow crops. There is a ripple effect from water being cut off, spoke to irrigation concerns at being cut off.

Director Engineering Services - Spoke to irrigation licences and water allocations that are made. Council is looking at asking the Government to reduce allocations. Advised Chifley Dam is a town water supply. Referred to economic impacts of the current drought.

D McNab, College Road Park - Thank you to the Engineering Department for the improvements to College Road Park. It is good to see the Council is listening to the residents. Then spoke to Leena Street and steps to acquire the road by Council. Noted usage levels of the sealed section by the school and buses. Can the upgrade at Leena Street be brought forward? Could monies not being used for sporting fields be used for many other small jobs?

Director Engineering Services - Spoke to tender process for collections facility and the need to transfer road to Council. Noted money for sporting fields generally comes from restricted funds.

Barbara Gallop, 5G Issues - need to see irrefutable proof that it is safe. There are concerns with 5G, there have been no long term studies. The system should not be forced onto people. Asks Council to vote to acknowledge community concerns.

MEETING COMMENCES

2 MEETING COMMENCES 6:55 PM

APOLOGIES

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

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

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 SEPTEMBER 2019 (11.00005) **MOVED** Cr J Fry and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 September 2019 be adopted.

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 OCTOBER 2019 (11.00005) **MOVED** Cr W Aubin and **SECONDED** Cr J Fry

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 October 2019 be adopted.

RESOLVED:

(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.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings, Cr J Rudge,

Abstain - Nil

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Item 4 DEVELOPMENT APPLICATION NO. 2019/244 – DEMOLITION OF EXISTING SEMI-DETACHED DWELLINGS AND OUTBUILDINGS, TREE REMOVAL AND CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 51-53 PIPER STREET, BATHURST. APPLICANT: BOOMIE PTY LTD. OWNER: BOOMIE PTY LTD (DA2019/244)

MOVED Cr M Morse

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. 2019/244, 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 infill dwelling;

(ii) The subject site is to be consolidated into one lot prior to the issue of an Occupation Certificate for the infill dwelling; and

(b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr J Jennings, Cr J Rudge,

Abstain - Nil

11 Item 5 SENSOR GATEWAY LEASE AGREEMENT FOR PART LOT 1 DP634401 KNOWN AS MCPHILLAMY PARK, MOUNT PANORAMA WITH DEPARTMENT OF PRIMARY INDUSTRIES 20.00315 (20.00315)

MOVED Cr A Christian

and **SECONDED** Cr I North

RESOLVED: That Council approve the lease application from the NSW Department of Primary Industries for the placement of a Sensor Gateway at Part Lot 1 DP634401 known as McPhillamy Park, Mount Panorama to 2022 with an annual lease fee of \$1.00 (inc GST).

Director Corporate Services & Finance's Report

12 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED Cr G Hanger

and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

13 Item 2 MONTHLY REVIEW - 2019/2023 DELIVERY PLAN AND OPERATIONAL PLAN 2019-2020 (16.00155)

MOVED Cr A Christian

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

14 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.

15 Item 4 POWER OF ATTORNEY (11.00007)

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

RESOLVED: That the information be noted.

16 Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005)

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

RESOLVED: That the information be noted.

Director Engineering Services' Report

17 Item 1 DESIGN FOR ALEC LAMBERTON PARK (37.00681)

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

**Cr J Fry declared a non-pecuniary interest and stayed in the room.
Reason - son is the treasurer of the soccer team who have expressed an interest in the proposed facility.**

**Cr I North - declared a non-pecuniary interest and stayed in the room.
Reason - son plays for another club and wife is a committee member of A.F.C.**

RESOLVED: That:

1. Council endorse the concept design plan prepared by dsb Landscape Architects and place the plan on public exhibition for 28 days

2. Upon closing of submissions, the concept design be referred to a Working Party of Council for further consideration, and

2. A further report then be presented to Council for consideration of the design plan.

18 **Item 2 ROAD SAFETY OFFICER PROGRAM UPDATE (16.00018)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That Council continues its commitment to the Road Safety Officer Program and retains a Road Safety Officer position to 30 June 2021, subject to the ongoing support of the Blayney Shire Council and Roads and Maritime Services.

19 **Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 32.00017, 13.00031, 36.00722)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

20 **Item 4 ENGAGEMENT OF CONSULTANTS FOR WATER SECURITY (32.00017 AND 13.00031)**
MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

21 **Item 1 2019/2020 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council distribute the 2019/2020 Rural Village Improvement Program funding as follows:

Name of Association	Project Requested	Total Requested
Hill End & District Volunteer Bushfire Brigade	Sign for local and visitor directory/information	\$2,850
Rockley & District Community Association	Repair two original double doors at School of Arts Hall	\$2,850
Sofala and District Agricultural & Horticultural Show Society Inc	Storm water drainage concreting to prevent water damage to pavilions	\$1,425
Sofala Progress Association Inc	Extension of 2018/2019 project– install wash hand basin in kitchen and painting of hall following repair of white ant damage in the hall	\$1,425
Sunny Corner & District Progress Association Inc	Concrete pathways around Sunny Corner Hall	\$2,850
Trunkey Creek Progress Association	Drainage works at Trunkey Creek Hall and repair to hall floor	\$2,850
Wattle Flat Heritage Lands Trust	Joint project with Wattle Flat Progress Association – Electric Outdoor BBQ Thompson Street Reserve (11705 part)	\$2,850
Wattle Flat Progress Association	Joint project with Wattle Flat Heritage Lands Trust – Electric Outdoor BBQ Thompson Street Reserve (11705 part)	
Yetholme Progress Association	Extension requested of 2018/2019 project – prepare and install notice and information board with location map as first stage of interpretive signage program for village	\$2,850
TOTAL AMOUNT		\$19,950.00

22 Item 2 BATHURST REGIONAL YOUTH COUNCIL - ATTENDANCE AT YOUTH COUNCIL CONFERENCE, BLACKTOWN CITY COUNCIL, 13 - 15 SEPTEMBER 2019 (11.00020)

MOVED Cr I North

and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

23 Item 3 BATHURST LIBRARY STRATEGIC PLAN 2019-2024 (21.00054)

MOVED Cr M Morse

and **SECONDED** Cr I North

RESOLVED: That Council adopt the Bathurst Library Strategic Plan 2019-2024.

- 24** **Item 4 DRAFT BATHURST REGION DESTINATION MANAGEMENT PLAN 2019-2024 (20.00299)**
MOVED Cr A Christian and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) Endorse the placement of the draft Bathurst Region Destination Management Plan on public exhibition for the statutory 28-day period and receive submissions until Thursday 14 November 2019.
- (b) Adopt the Bathurst Region Destination Management Plan if no submission/s are received during the public exhibition period.
- (c) Prepare a further report to Council if submission/s are received during the public exhibition period.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 25** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 OCTOBER 2019 (07.00064)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 October 2019 be adopted.

Traffic Committee Meeting

- 26** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 OCTOBER 2019 (07.00006)**
MOVED Cr A Christian and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 October 2019 be adopted.

COUNCILLORS/ DELEGATES REPORTS

- 27** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JUNE 2019 (11.00019)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 28** **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 SEPTEMBER 2019 (11.00019)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 29** **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 25 SEPTEMBER 2019 (11.00019)**
MOVED Cr M Morse and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 30** **Item 4 MINUTES – BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE – 26 SEPTEMBER 2019 (07.00107)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

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

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

There were no representations from the public.

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

RESOLVED: That:

(a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

(b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

(c) Correspondence and reports relevant to the subject business be withheld from access.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RURAL LICENCE AGREEMENT - CROPPING ONLY FOR PART LOT 2 DP1233088, KNOWN AS EDGELLS LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF COMMUNITY LICENCE - PART LOT 20 DP1119593 COLLEGE ROAD, BATHURST ALSO KNOWN AS THE JUNKTION	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	SALE OF PROPERTY AT LOT 2 DP242242 KNOWN AS LITTLE SCALLYWAGS AT 288 HAVANNAH STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

5	SALE OF LAND AT LOT 9 AND LOT 11 DP758833 KNOWN AS WELLINGTON STREET, PEEL	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	COMMUNITY LEASE - PART LOT 193 DP821845 KNOWN AS OLD RAGLAN SCHOOL HALL AT 58 CHRISTIE STREET, RAGLAN	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	ENGAGEMENT OF CONSULTANTS FOR WATER SECURITY	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 SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS 2019-2020	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Report

- a** **Item 1 RENEWAL OF COMMUNITY LEASE - PART LOT 101 DP 120487 KNOWN AS 7 LEE STREET, KELSO (22.02268)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council approves the renewal of a Community Lease Agreement for part Lot 101 in DP120487 known as 7 Lee Street, Kelso for a period of 5 years as detailed in the report.

b Item 2 RURAL LICENCE AGREEMENT - CROPPING ONLY FOR PART LOT 2 DP1233088, KNOWN AS EDGELLS LANE, KELSO (04.00149)

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

RESOLVED: That Council approves entering into a rural licence agreement, cropping only, for part Lot 2 DP1233088, known as Edgells Lane, Kelso for a period of 3 years only, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements

c Item 3 RENEWAL OF COMMUNITY LICENCE - PART LOT 20 DP1119593 COLLEGE ROAD, BATHURST ALSO KNOWN AS THE JUNKTION (37.00230)

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

RESOLVED: That Council approves the renewal of a Community Licence Agreement for part Lot 20 in DP1119593, at College Road, Bathurst with HOPE Bathurst for a period of 12 months only as detailed in the report.

d Item 4 SALE OF PROPERTY AT LOT 2 DP242242 KNOWN AS LITTLE SCALLYWAGS AT 288 HAVANNAH STREET, BATHURST (22.00579)

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

RESOLVED: That Council approves the listing for sale of Lot 2 in DP242242, known as Little Scallywags at 288 Havannah Street, Bathurst as detailed in the report.

e Item 5 SALE OF LAND AT LOT 9 AND LOT 11 DP758833 KNOWN AS WELLINGTON STREET, PEEL (22.09231)

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

RESOLVED: That Council approves the listing for sale of Lot 9 and Lot 11 in DP 758833, known as Wellington Street, Peel as detailed in the report.

f Item 6 COMMUNITY LEASE - PART LOT 193 DP821845 KNOWN AS OLD RAGLAN SCHOOL HALL AT 58 CHRISTIE STREET, RAGLAN (22.00876)

MOVED Cr I North and **SECONDED** Cr G Hanger

Cr M Morse declared a non-pecuniary interest and left the chamber and took no part in the discussion or voting.

**Reason - Acting President of Friends
of the Bathurst War Memorial Carillon
Association.**

RESOLVED: That Council approves entering into a Community Lease Agreement for part Lot 193 in DP821845, known as Old Raglan School Hall at 58 Christie Street, Raglan for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

Director Engineering Services' Report

**g Item 1 ENGAGEMENT OF CONSULTANTS FOR WATER SECURITY (32.00017
AND 13.00031)**

MOVED Cr I North

and **SECONDED** Cr G Hanger

RESOLVED: That Council act in accordance with the report.

**h Item 2 TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT
CHEMICALS 2019-2020 (36.00722)**

MOVED Cr I North

and **SECONDED** Cr M Morse

RESOLVED: That Council accept the following tenders for the supply and delivery of Water Treatment Chemicals:

(a) (Part A) Chemprod Nominees Pty Ltd trading as Omega Chemicals for the supply of Liquid Aluminium Sulphate at the rate of \$243.10 per tonne for an estimated quantity of 3,200 tonnes or \$777,920 per annum,

(b) (Part B) Redox Pty Ltd for the supply of Sodium Hypochlorite at the rate of \$468.60 per Kilo Litre for an estimated quantity of 250kL or \$117,150 per annum, and

(c) (Part C) Chemprod Nominees Pty Ltd trading as Omega Chemicals for the supply of Sodium Hydroxide at the rate of \$387.20 per tonne for an estimated quantity of 950 tonnes or \$367,840 per annum.

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 33** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr M Morse and **SECONDED** Cr J Fry

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

MEETING CLOSE

- 34** **MEETING CLOSE**

The Meeting closed at 7.42 pm.

CHAIRMAN: _____

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 NOVEMBER 2019

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

Recommendation: That the information be noted.

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

4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

- (a) the provisions of—
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- (b) that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28(3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions** In this section—

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

Report: The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during October 2019 (**attachment 1**).
- (b) Applications refused during October 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 October 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. DA2019/289 – DUAL OCCUPANCY (SECOND DWELLING), TWO LOT RESIDENTIAL SUBDIVISION AND RETAINING WALLS AT LOT 14 SEC 134 DP 23045, 33 MACQUARIE STREET WEST BATHURST NSW 2795. APPLICANT: LUKE CUTLER HOMES. OWNER: MR JW SIMMONS (2019/289)

Recommendation: That Council:

- (a) support the variation to Clause 4.1B “Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings” of Bathurst Regional Local Environmental Plan 2014 and the variation to Clauses 3.4.4 and 4.3 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. 2019/289, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for a detached dual occupancy (second dwelling) and two lot residential subdivision on land known as Lot 14 Sec 134 DP 23045, 33 Macquarie Street, West Bathurst.

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

Lot 14 Sec 134 DP 23045 (approximately 847.3m²) currently contains an existing dwelling house and detached shed. The land retains a downslope of approximately 8.5% towards the North-East and is clear of any vegetation. The site is located on the corner of Macquarie Street and Golsby Way.

The proposal

The proposal involves the construction of a second dwelling (i.e. a detached dual occupancy) and the subdivision of one lot into two (as described below).

Proposed Lot	Description
Lot 1 (301.7m ²)	To contain the proposed second single-storey dwelling (approximately 184.6m ²) which includes: 3 bedrooms (1 including an en suite and walk-in-wardrobe), kitchen, meals room, family room, bathroom, water closet, laundry, double garage, porch and pergola. Vehicular access proposed over the northern boundary from Golsby Street.
Lot 2 (545.6m ²)	To contain the existing single-storey dwelling house (approximately 142.1m ²). Vehicular access exists over the northern boundary from Golsby Street.

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 *Bathurst Regional Local Environmental Plan 2014* (LEP 2014), in which the development of a dual occupancy (detached) is permissible with consent. The proposal is consistent with the objectives of the zone.

Clause 4.1B “Minimum Lot Sizes of Dual Occupancies” The proposal is subject to Clause 4.1B *Minimum Lot Sizes for Dual Occupancies*.

Clause 4.1B of LEP 2014 states the following in relation to the development and subdivision of a dual occupancy:

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

- (1) *The objectives of this clause are as follows—*
 - (a) *to achieve planned residential density,*
 - (b) *to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,*
 - (c) *to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.*
- (2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size—Dual Occupancy Map for that lot.*
- (4) *Despite any other provision of this Plan, development consent may be granted for the subdivision of a dual occupancy, multi dwelling housing or a residential flat building development into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.*

The Minimum Lot Size (MLS) applicable to the land for a dual occupancy is 850m². The property has an area of approximately 847.3m². The land is less than the MLS for dual occupancy by 2.7 m². Permissibility is therefore contingent upon a variation under Clause 4.6 *Exceptions to Development Standards* considered below.

Clause 4.3 “Height of Buildings”

The maximum building height applicable to the land is 9 metres and the proposed development includes a maximum height of approximately 5.1 metres. Therefore, the development complies with the requirements of Clause 4.3 of LEP 2014.

Clause 4.6 “Exceptions to Development Standards”

The dual occupancy MLS applicable to the land is 850m². The property is 847.3m². Accordingly, the proposed development includes a **0.3% variation** to Clause 4.1B of LEP 2014 and the following matters must be taken into consideration under Clause 4.6 of LEP 2014.

Assessment Table – Clause 4.6 Exceptions to Development Standards

Clause 4.6 Exceptions to development standards	Comment	Complies
<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>The proposed development includes a variation to Clause 4.1B of LEP 2014, which is not expressly excluded from the operation of Clause 4.6</p>	<p>Yes.</p>
<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p>	<p><i>Request to Vary a Development Standard Under Clause 4.6 of the Bathurst Regional Local Environmental Plan 2014</i> Form submitted by applicant.</p>	<p>Yes.</p>
<p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	<p>The applicant has stated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:</p> <ul style="list-style-type: none"> ● <i>“The site is a corner block with irregularly shaped boundaries.”</i> ● <i>“The width of the block (Macquarie Street frontage) has a dimension of only 20.638m whilst the length of the block (Golsby Street frontage) is 41.3m.”</i> ● <i>“The existing residence is setback 4.4m and 3.5m from the corner boundaries, leaving us with a considerable amount of... development land which can be utilised as part of a dual occupancy...”</i> ● <i>There is an area “shortfall of 2.72m².”</i> ● <i>“Given the site is... existing and we cannot change any of the boundaries we are limited to compliance with this clause.”</i> ● <i>“A shortfall of 0.32% (2.72m²) in site area is the equivalent of approximately 130mm in additional length to the site... This additional length would not be necessary for this development to function in its current form.”</i> ● <i>“The variation is less than 0.5% indicating that a variation to the minimum development standard is only minor.”</i> 	<p>Yes.</p>
<p>(b) that there are sufficient environmental planning grounds to</p>	<p>The applicant has stated that the following environmental planning grounds are sufficient to justify contravening the development standard:</p>	<p>Yes.</p>

<p>justify contravening the development standard.</p>	<ul style="list-style-type: none"> ● <i>“Design consideration has been...” given to ensure that the development complies with all the aims of”</i> LEP 2014. ● <i>“The development will deliver growth and development to the city of Bathurst.”</i> ● <i>“The development has been designed to ensure compliance with the aims and objectives of [the] zone by providing for the housing needs of the community [and] giving the community the opportunity for affordable housing”.</i> ● <i>“All other planning outcomes have been considered and met during the design stage of the proposal.”</i> 	
<p>(4) Development consent must not be granted for development that contravenes a development standard unless— (a) the consent authority is satisfied that—</p>	<p>Consideration given below.</p>	<p>Yes.</p>
<p>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The proposed variation of 0.3% is minor and unlikely to be visibly noticeable from Macquarie or Golsby Streets, with the additional area required to ensure compliance with the standard being equivalent to an additional 0.13 metres in street frontage on Golsby Street. Additionally, the existing dwelling house is setback only 3.55 metres and 4.4 metres from the front and secondary boundaries which provides a large area on the western end of the site to permit the development of a second dwelling (dual occupancy), which will comply with all other relevant provisions of LEP 2014 and <i>Bathurst Regional Development Control Plan 2014</i> (DCP 2014). Accordingly, compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</p> <p>The proposed variation will comply with the objectives of the R1 General Residential zone and Clause 4.1B under LEP 2014 (see below). Additionally, the proposed variation is minor in nature and is unlikely to result in any adverse social, economic or environmental impacts. The proposal complies with all remaining requirements of LEP 2014 and DCP 2014 and therefore, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>The applicant’s written request adequately addressed the matters in subclause 3.</p>	<p>Yes.</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for</p>	<p>The objectives of Clause 4.1B relate to</p> <ul style="list-style-type: none"> (a) Achieving planned residential density. (b) Ensuring that the area and dimensions of a lot are able to accommodate development consistent with the objectives and development controls for dual occupancies. (c) Minimising any likely adverse impact of such development on the amenity of adjoining neighbourhoods. 	<p>Yes.</p>

<p>development within the zone in which the development is proposed to be carried out, and</p>	<p>The proposed development will be in the public interest because it is consistent with the objectives of Clause 4.1B and the R1 General Residential zone.</p> <p>The proposal will achieve planned residential density which focusses the provision of dual occupancy developments upon corner allotments and is unlikely to place any adverse impact on the amenity of the adjoining neighbourhoods. Additionally, the area and dimensions of the lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies under LEP 2014 and DCP 2014.</p> <p>It is noted that the property is located on the edge of the R1 General Residential zone. Land further to the north and east (on the opposite side of Golsby and Macquarie Streets) is zoned R2 Low Density Residential. Dual occupancies are prohibited in the R2 Low Density Residential zone.</p> <p>Further, the proposed development will provide for the housing needs of the community, contribute towards the provision of a variety of housing types and densities and provide housing choice and affordability by enabling medium density housing in a location and density that complements the surrounding residential environment. The proposal is not located within a heritage conservation area and will not impact on any heritage listed items.</p>	
<p>(b) the concurrence of the Secretary has been obtained.</p>	<p>In accordance with the NSW Planning Circular No. PS 18-003 (issued by the NSW Department of Planning and Environment on 21 February 2018) concurrence of the secretary may be assumed for the proposed development, as the numerical variation proposed is less than 10%.</p>	<p>Yes.</p>
<p>(5) In deciding whether to grant concurrence, the Secretary must consider—</p>	<p>N/A. Concurrence assumed in accordance with PS 18-003.</p>	<p>N/A.</p>
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—</p>	<p>N/A. Land is zoned R1 General Residential.</p>	<p>N/A.</p>
<p>(7) After determining a development application made pursuant to this clause, the consent</p>	<p>A record of Council's assessment of the factors required to be addressed in the applicant's written request will be kept.</p>	<p>Yes.</p>

<p>authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>		
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4,</p> <p>(ca) clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.</p>	<p>The proposed development includes a variation to Clause 4.1B, which is not expressly excluded from the operation of Clause 4.6.</p>	<p>Yes</p>

Bathurst Regional Development Control Plan 2014

The site is contained within Precinct 2 pursuant to DCP 2014, in which the development of a dual occupancy and subdivision is permissible. The proposed development will generally comply with the relevant provisions of DCP 2014, with the exception of Clauses 3.4.4 and 4.3 which are discussed below.

Clause 3.4.4 “Subdivision of Dual Occupancy” and Clause 4.3 “Minimum Lot Size”

Clause 3.4.4 of DCP 2014 states that pursuant to Clause 4.1B of LEP 2014, a dual occupancy may be subdivided and Clause 4.3.2(b) of DCP 2014 states that Council shall not grant consent to development for the purposes of a dual occupancy, unless the area of the allotment is no less than the MLS specified by Clause 4.1B of LEP 2014.

As discussed above, the property retains an area of 847.3m² and does not comply with the MLS of 850m² prescribed by Clause 4.1B of LEP 2014. However, the 0.3% variation is minor and is considered acceptable in the circumstances of the case, as compliance with the development standard is deemed unreasonable or unnecessary, there are sufficient environmental planning grounds to justify contravening the development standard and the proposed development will be in the public interest in accordance with Clause 4.6 of LEP 2014.

Further, the proposed development will continue to comply with the objectives of Clauses 3.4.4 and 4.3 of DCP 2014, as it will contribute towards the provision of a variety of housing types in the residential area and a sufficient area will be available to provide a reasonable standard of amenity and functionality for the housing development.

Chapter 3 Subdivision of Land

Standard	Proposed	Permissible	Complies?
Minimum Lot size	Current Lot Size 847.3m ²	850m ²	NO. Non-compliant with Clause 3.4.4 of DCP 2014.

Chapter 4 Residential Development

Development Standard	Proposed	Permissible	Compliance
Site Coverage	38%	Maximum coverage 50%	Yes
Minimum lot size	847.3m ²	850m ²	NO. Non-compliant with Clause 4.3.2 of DCP 2014.
Setbacks - front	Lot 1 – N – 3.6m Lot 2 – E – 4.4m Total 8m	Total 8m	Yes
Setbacks - rear	Lot 1 – S – 918mm	In accordance with BCA	Yes
Setbacks - side	Lot 1 – W – 900mm Lot 1 – E – 900mm	In accordance with BCA	Yes
Garage doors	38%	Maximum 50% of facade	Yes
Open space area	Lot 1 (3bdrm) – 40m ² Lot 2 – Approx. 50m ²	Lot 1 – Approx. 40m ² Lot 2 – 50m ²	Yes
Open space width	>4m	4m wide	Yes
Height	Single-storey (5.3m)	Two-storey maximum	Yes
Car parking - Resident	Lot 1 – 2 covered Lot 2 – 1 covered	Lot 1 – 1 covered Lot 2 – 1 covered	Yes
Accessway Width	6.2m	3-6m wide	Yes

Chapter 16 Earthworks

Development Standard	Complies
Extent of cut and fill shown on plans	Yes
Height and location of retaining walls shown on plans	Yes
Cut and fill on boundary 1 meter or less	Yes. Max. height of 900mm.
Retaining walls on boundary of material other than timber	Yes. Subject to conditions.

Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was not required to be advertised or notified to adjoining property owners. No submissions were sought or received.

Conclusion

Council has received a Development Application for the second dwelling of a dual occupancy (detached) and two lot subdivision on land known as Lot 14 Sec 134 DP 23045, 33 Macquarie Street West Bathurst NSW 2795. The MLS for dual occupancy development applicable to the land is 850m² and the property has an area of approximately 847.3m². The application is seeking consent to vary Clause 4.1B of LEP 2014 to permit a dual occupancy on land with an area less than the MLS. Notwithstanding, the non-compliance is considered acceptable in the circumstances of the case under Clause 4.6 of LEP 2014, as compliance with the development standard is deemed unreasonable or unnecessary, there are sufficient environmental planning grounds to justify contravening the development standard and the development is in the public interest. Therefore, it is recommended that Development Application No. 2019/289 be approved.

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.

4 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT – EGLINTON WEST – RESERVATION OF LAND FOR SCHOOL PURPOSES (20.00170)

Recommendation: That Council:

- (a) commence an amendment to Map No. 3 – Eglinton under the Bathurst Regional Development Control Plan 2014 to retain the reservation for school over proposed lot 2201 of a subdivision of Lot 11 DP872964 and remove the reservation for school over proposed lot 2202 to enable the use of lot 2202 of a subdivision of Lot 11 DP 872964 for residential purposes;
- (b) note that the proposed amendment to the Development Control Plan will be placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan; and
- (c) call a division.

Report: This report relates to proposed lots 2201 and 2202 of a subdivision of lot 11 DP872964, Freemantle Road, Eglinton.

Council has received a request from Voerman and Ratsep on behalf of the landowners to alter Map No. 3 – Eglinton of the Bathurst Regional Development Control Plan (DCP) 2014 to remove the Special Uses (School) reservation currently shown on the DCP map (refer **attachment 1**) from part of the land currently reserved for school purposes and return the use of that land to its underlying zone being R1 General Residential.

The landowner has been in ongoing negotiations with the NSW Department of Education who have now provided written advice to them that they will purchase only part of the land reserved for school purposes under the DCP, being proposed lot 2201, and are not interested in purchasing proposed lot 2202 (refer **attachment 2**). **Attachment 3** shows the location of proposed lots 2201 and 2202.

The effect of the request would be to retain the reservation for school over proposed lot 2201, being 5,530 square metres, immediately adjoining the western boundary of Eglinton School being the land that the Department of Education has indicated would be purchased by them. The reservation for school is requested to be removed over proposed lot 2202, being 5,550 square metres, and this land is proposed to be developed for residential purposes.

A detailed history is provided at **attachment 4** being the last report Council considered at its meeting held 16 August 2017 in relation to this matter.

At its meeting held 16 August 2017, Council resolved not to amend DCP Map No. 3 – Eglinton and thus the reservation for school expansion still applies to the subject land.

Council must now consider the current application to amend the DCP and decide if it wishes to commence an amendment as requested by the applicant.

The advice from the NSW Department of Education (refer **attachment 2**) is clear. They intend only to purchase proposed lot 2201. The retention of a reservation for school purposes over proposed lot 2202 into the future will only alienate this land and likely see it left unmaintained.

It would therefore be appropriate for Council to determine an appropriate use for proposed

lot 2202 and amend the DCP map accordingly. The applicant has requested that this use be residential. If retained as residential land it is likely that lot 2202 would be subsequently subdivided to create residential lots (at least 6 lots).

Other than a residential use, the only other suitable land use for proposed lot 2202 would be to retain the lot as open space. This would require Council to purchase the land, improve it for open space purposes and maintain it as open space into the future. The purchase of this land has not been included in the relevant Developer Contribution Plan and has not been otherwise budgeted for. The land size would be similar in size and dimensions (although not as wide as) the Laffing Waters Park off Halfpenny Drive/James Barnett Drive at Kelso (for example) which is 4,245 square metres with dimensions of nearly 90m long and 50 to 60m wide.

Council is planning considerable new open space on the adjacent land (former 2BS site for which Council recently adopted a Master Plan) which is anticipated to serve the wider needs of the Eglinton community. Given these plans and that Council has not planned nor budgeted for the use of proposed lot 2202 as open space, it is recommended that Council proceed to commence a DCP amendment that shows the future use of proposed lot 2202 being residential. The amendment would retain the school reservation over proposed lot 2201.

The DCP amendment will be placed on public exhibition and a report will be submitted back to Council to consider adoption of the amendment. Note that Council has already notified the Eglinton Public School and the Eglinton Public School P&C Committee that it is in receipt of this application. Both organisations will be notified of the public exhibition of a DCP amendment should Council proceed that way.

Financial Implications: The DCP amendment process will be funded from within existing budgets.

Funding has not been provided to purchase proposed lot 2202 should Council wish to consider a future open space use for this lot.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.3, 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 BIZMONTH (20.00071)

Recommendation: That the information be noted.

Report: BizMonth was recently held in September 2019 to celebrate the Bathurst Region's local businesses and to show support for their continued growth. BizMonth includes a number of business workshops, competitions and networking events and follows the highly successful Bathurst Jobs Expo.

BizMonth is a partnership between Bathurst Regional Council, Bathurst Business Chamber, Rotary Club of Bathurst, Western Advocate, Bathurst City Life, CenWest Innovate, 2BS and 99.3 B-Rock FM. Sponsors included the Commonwealth Bank, VERTO and Rydges Mount Panorama.

BizMonth aims to showcase the latest in ideas, technology and best practice to the business community and to reinforce the importance of small businesses in the Bathurst economy.

This was achieved through the following events and competitions undertaken in 2019:

CenWest Innovate: Putting the Customer at the Heart of the Service Experience Tuesday 9 September 2019

Held at CSU Engineering Building and attended by 25 people, Professor Clifford Lewis of CSU spoke about how technological advances have transformed how we do business, as well as the relationship between businesses in the service industry and their customers.

The Rotary Club of Bathurst: Corporate Great Duck Race Sunday 15 September 2019, Bicentennial Park

Held on the Macquarie River, the Corporate Duck Race is a charity event conducted by the Rotary Club of Bathurst. Corporate ducks cost \$300 each and 27 organisations purchased ducks for the event. Bathurst Regional Council was awarded second place. Over \$8,000 was raised for Bathurst Uniting Safe Shelter.

2019 Peak Connect Carillon Business Awards – Finalist Night Tuesday 17 September 2019, Bathurst RSL Club

Held at the Bathurst RSL, the Finalist Night is an event where the Finalists for all categories in the 2019 Peak Connect Business Awards are announced. It is a free event and was attended by over 200 people. Bathurst Regional Council sponsors the Best New Business Award each year.

Bathurst Regional Council: How to Make the Most of Elton John's visit Thursday 19 September 2019

Held at Upstairs, this free event was conducted by Council and focussed on how small businesses can leverage off the visit by Elton John to Bathurst in January 2020. Attended by approx. 25 business owners.

BizMonth Business Lunch with Ita Buttrose Tuesday 24 September 2019, Bathurst Goldfields, Mount Panorama

Council's 2019 BizMonth Business Lunch, sponsored by the Commonwealth Bank, featured Ita Buttrose, ABC Chairwoman and expert media business commentator. There were 237 people who attended the Lunch which is the largest attendance in the five-year history of the event.

Crazy Day and Visa Card Competition

Thursday 26 September 2019

Promoted as a day to celebrate shopping local with businesses invited to slash prices on outdated stock. A Visa card competition was conducted this year with the chance to win 10 x \$1,000 cards for those who shopped at participating stores. The feedback from participating stores was very positive.

Bathurst Business Chamber: BX Talks

Tuesday 30 September 2019, Bathurst Memorial Entertainment Centre

This was the second year of this event conducted by the Chamber. The guest speaker was Michael McQueen, followed by a panel discussion with Melissa May (Bake Table & Tea) and Peter Harrison (Fish River Roasters). The forum discussed customer service, resilience and what businesses can do to adapt to competition. Attended by approximately 100 people.

2BS & B-Rock Unleash Your Inner Radio Star

As part of BizMonth, 2BS and B-Rock invited representatives of local businesses to come into the studio to be a radio star for the morning. More than 30 local businesses were given the opportunity to host a morning segment on 2BS or B-Rock, allowing them to showcase their business to the broader community.

Conclusion

BizMonth 2019 provided the Bathurst community with the opportunity to celebrate and support our local businesses. The campaign has grown significantly, with new event partners and events added in 2019. Council looks forward to working with the Bathurst Business Chamber and the Bathurst community to continue to grow BizMonth in future years.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1

Community Engagement

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

6 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062 and 13.00004)

Recommendation: That Council:

- (a) note that the 2019 Bathurst State of the Environment Report and the 2019 Regional State of the Environment Bathurst Snapshot Report have been prepared;
- (b) make electronic copies of both reports available on Bathurst Regional Council's Website.

Report: The Bathurst State of the Environment Report (SoE) (**attachment 1**) describes how Council and the community are working together to achieve the environmental stewardship objective of the 2040 Community Strategic Plan. The Community Strategic Plan identifies five strategies which will enable it to meet this objective:

- Protect and improve natural areas and ecosystems, including the Macquarie River and other waterways
- Protect the City's water supply
- Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- Protect and improve the region's biodiversity
- Increase resilience to natural hazards and climate change

The report examines trends in key environmental indicators including Council energy use, greenhouse gas emissions, waste to landfill, as well as community water and energy use. The report also highlights several Council led projects in the area of biodiversity conservation and river protection.

Under the Integrated Planning and Reporting Framework Council is only required to produce an SoE once every four years, with the end of term report, however Council staff have chosen to prepare it on an annual basis in order to make information on Council's environmental progress available to the public in a timely and readily accessible format.

Key issues highlighted by the report include:

- Bathurst continues to experience temperatures which are well above average with the average daily maximum temperature in January a record 5.8^oC above average.
- Autumn and winter rainfall were again well below average, leading to declining inflows into Chifley Dam and the decision by Council to introduce Level 3 water restrictions in late November 2018.
- Despite the hot conditions the introduction of water restrictions saw town water use fall to the lowest level in five years.
- Continued community uptake of small scale solar. By the end of June 17.1MW solar had been installed in the Bathurst Region including 444kW on Council facilities.
- Declining levels of waste being disposed at landfill.

In addition to preparing this SoE, Council also participated in the 2019 Greater Central West Regional SoE program, from which a snapshot report has been prepared for each participating Council (**attachment 2**). Participation in the Regional reporting process enables Council to compare its activities on a regional basis with other LGA's and cities of similar size and demographics. It also facilitates better understanding of trends in the condition of environmental assets which cross political boundaries.

Financial Implications: Nil. The preparation of the SOE reports are undertaken using existing allocations.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.1, 3.2, 3.3,
3.4, 3.5

Community Engagement

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

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 NOVEMBER 2019

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$79,180,000 was invested at 31 October 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:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$18,000,000.00	2.08%
Bankwest	A1+	\$4,500,000.00	1.96%
CBA	A1+	\$1,500,000.00	1.87%
AMP	A2	\$6,000,000.00	2.30%
Bank of Queensland Limited	A2	\$3,000,000.00	1.97%
IMB	A2	\$1,500,000.00	2.17%
Auswide Bank	A2	\$3,000,000.00	2.09%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$9,000,000.00</u>	<u>2.29%</u>
		\$46,500,000.00	2.13%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	1.81%
CBA Deposit Plus 1	AA-	\$1,500,000.00	1.91%
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	2.21%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.00%
Westpac Green Tailored Deposit	AA-	\$1,500,000.00	2.06%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.05%</u>
		\$14,130,000.00	1.92%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
AMP Fixed Rate	BBB+	\$1,000,000.00	1.76%
Greater Bank Ltd	BBB	<u>\$1,000,000.00</u>	<u>2.36%</u>
		\$2,000,000.00	2.68%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	1.76%
CBA Climate Bond	AA-	\$1,000,000.00	1.87%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	1.90%
National Australia Bank	AA-	\$700,000.00	1.89%

HSBC Sydney	AA-	\$1,500,000.00	1.78%
Suncorp Metway	A+	\$1,000,000.00	2.15%
Rabobank	A+	\$1,000,000.00	2.46%
Macquarie Bank	A	\$1,000,000.00	2.06%
Macquarie Bank	A	\$1,000,000.00	1.67%
AMP	BBB+	\$1,000,000.00	2.00%
AMP	BBB+	\$1,000,000.00	2.31%
AMP	BBB+	\$1,100,000.00	2.09%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.06%
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	2.19%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>2.53%</u>
		\$16,550,000.00	2.06%

Total Investments **\$79,180,000.00** **2.09%**

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	\$624,605.00

Total Investments **\$79,180,000.00**

Total Interest Revenue to 31 October 2019 **\$599,327.86** **2.09%**

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 QUARTERLY REVIEW - 2018/2022 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. 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 the strategies for the Bathurst 2040 Community Strategic Plan.

Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

The Division of Local Government has set a prescribed format for the Quarterly Budget Review Statement (QBRS). The statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The QBRS Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Office of Local Government Guidelines.

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 October 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:	\$15,177.63
BMEC Community use:	\$Nil
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.

- Bathurst Clay Target Club Inc - Part Lot 40, DP 1056329 - Mt Panorama - Licence
- Vertical Telecoms Pty Ltd - Part Lot 40, DP 1056239 - Mt Panorama - Licence
- Crown Lands - Lot 254, DP 750357 - Suttor Street, Bathurst - 88B Easement
- Kathleen Stapleton - Lot 52/756878 - Crudine Road, Crudine - Deed of Agreement

General Items

- Nil

Linen Plan Release

- Mr C & Mr R Dutton - Three lot rural subdivision - Lot 9, DP 755782 - 1189 Box Ridge Road, Turondale

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 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)

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

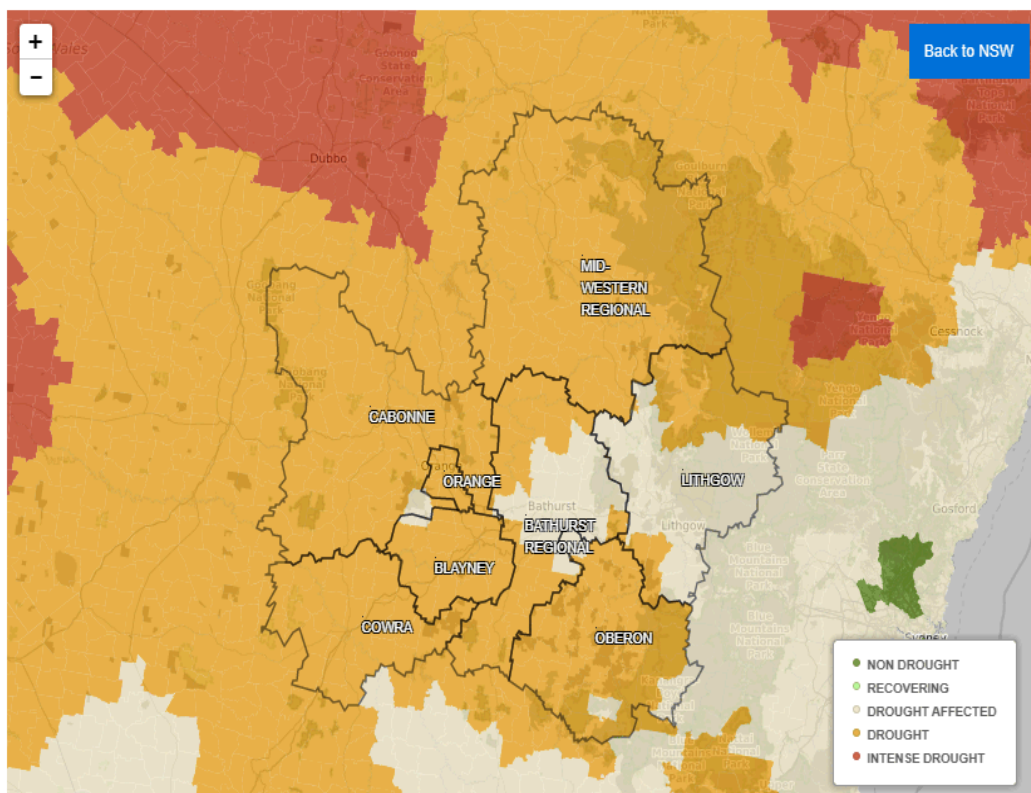
- (a) Ben Chifley Dam reaches a capacity of 22% or lower;
- (b) the drought declaration for the Bathurst Local Government Area has been removed; or
- (c) 21 February 2020.

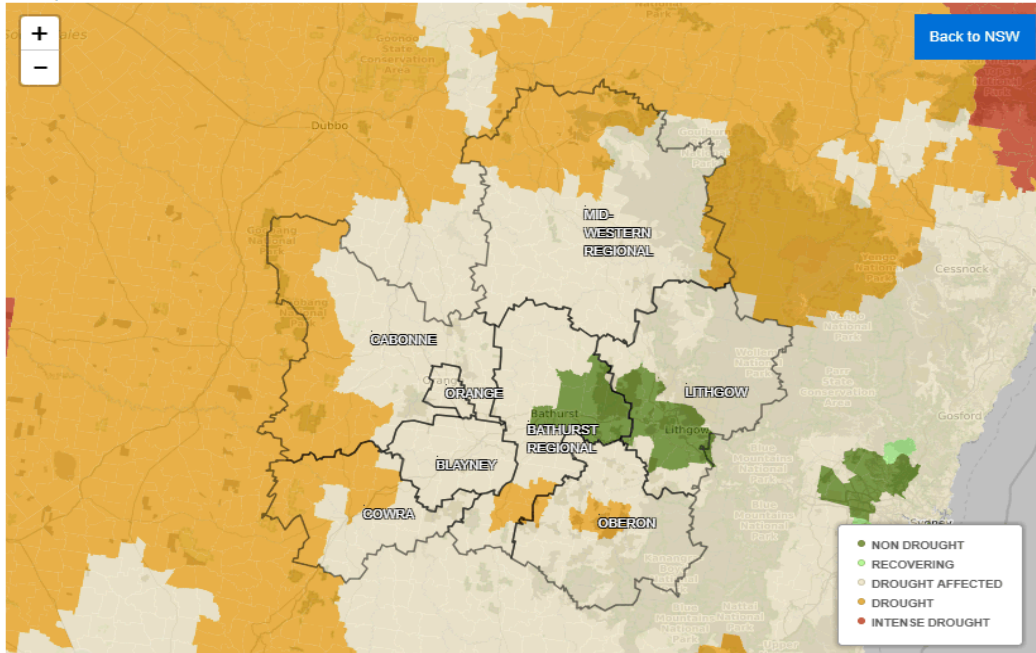
Report: Council previously resolved, on 21 August 2019, to extend the scheme of providing free water for verified primary producers on the following basis:

- " The scheme will cease in the event of any of the following:
- (a) When Ben Chifley Dam reaches a capacity of 40% or lower;
 - (b) Drought declaration is removed for the Bathurst Regional Council area;
or
 - (c) 8 September 2019."

The scheme has been in place since 5 September 2018 and extended at the 12 December 2018, 1 May 2019 and 21 August 2019 meetings, due to the prevailing conditions.

As the area is still drought declared, see the map below as at 3 November 2019, it is recommended that the scheme remain in place past the expiry date and the conditions as per the recommendations be adopted. Note that conditions have worsened from the previous map on 31 July 2019.





Central Tablelands Drought Map 31 July 2019 (Source NSW DPI)

As at the time of writing this report, 1,370 kilolitres(kL) of free water has been accessed under this scheme representing a minimal loss of income of \$3,425. There are currently 32 people who have registered for the scheme, averaging about 43kL / \$107 worth of water each.

The scheme's guidelines are:

- An application form must be submitted (available on the website or at the Civic Centre).
- The applicant must produce proof of Bathurst LGA residency/ownership of a farmland rate parcel of land, eg drivers licence, Council staff can look up the rates record.
- The applicant must provide a Property Identification Code from Local Land Services.
- The free water allocation will be limited to 20 Kilolitres of water per week per rate notice (non-accruing), to be reviewed regularly and adjusted if necessary based on Ben Chifley Dam levels.
- The water must be used for stock and domestic purposes only, and not be on sold to a third party.
- Council is not responsible for cartage nor the quality of the water once it has been dispensed from the standpipe and users of this service are solely responsible for cleanliness of containers/tanks filled from filling stations.
- Council will monitor usage and reserves the right to cancel access to filling stations if conditions of use are not complied with.

It should also be noted that Standpipe Water sales are also still at the reduced rate of \$2.50 per kilolitre as per Council's decision of 6 June 2018, whilst part of the area is drought declared. The consumption differences between years is:

Financial Year	Price per Kilolitre	Kilolitres Sold	Sales \$	Forgone \$
2019/2020	\$2.50	8,085	20,212	20,212
2018 / 2019	\$2.50	15,970	39,925	39,925
2017 / 2018	\$5.00*	14,311	71,557	3,320
2016 / 2017	\$5.00	7,991	39,956	

* Price reduction to \$2.50 on 6 June 2018.

At the time of writing this report, Chifley Dam was at 42% (as at 5 November). Based on the current rate at which Chifley Dam is reducing, it is quite likely that Chifley Dam will already be below 40% by the time Council considers this report. Accordingly, it is appropriate that Council give consideration to resetting the Chifley Dam level of 40% as a cut-off point. Council's adopted Drought Management Plan introduces "cease to pump" access rules when the Chifley Dam capacity is equal to, or less than, 22%. Hence, Council may consider this level a more appropriate cut-off for this scheme.

Financial Implications: The financial implications of the free water scheme are very difficult to estimate. Council has approximately 1,450 properties rated as farmland, however, the take-up rate and length of time until the drought declaration is lifted are completely unknown factors. As noted, the current foregone income is minimal at \$3,425.

The Budget for bulk water sales 2019/2020 is \$33,100 with sales year to date at \$20,212. Bulk water sales were estimated at \$31,500 for the 2018/2019 year and, due to the ongoing conditions, was achieved, noting that the price per kilolitre is still at half-price (\$2.50 per kilolitre) and the cost of processing that water has not reduced. The marginal cost of each kilolitre sold is increasing as the drought continues and more treatment is required.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

6 AUDITED FINANCIAL REPORTS (16.00055)

Recommendation: That the information be noted.

Report: Council's Auditors, the Audit Office of NSW, have completed their audit of Bathurst Regional Council's Financial Statements for the year ended 30 June 2019.

The Audited Financial Statements are shown at **attachment 1**.

The public are invited to make submissions on the Audited Financial Statements until 4 pm on Friday 29 November 2019.

Financial Implications: N/A

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

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

7 CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2018 TO 31 AUGUST 2019 (07.00088)

Recommendation: That the information be noted.

Report: Council is required to prepare an annual report on the number and type of Code of Conduct complaints received for the 12 months to 31 August each year. The report detail is outlined in the Council's Code of Conduct Procedures Manual as follows:-

Council's Code of Conduct - Procedures for the Administration of the Code of Conduct, requires at part 12, Clause 12.1 and 12.2 the following:

"12.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September each year:

- (a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September;*
- (b) the number of Code of Conduct complaints referred to a conduct reviewer;*
- (c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;*
- (d) the number of Code of Conduct complaints investigated by a conduct reviewer;*
- (e) the number of Code of Conduct complaints investigated by a conduct review committee;*
- (f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;*
- (g) the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and,*
- (h) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.*

12.2 The Council is to provide the Division with a report containing the statistics referred to in Clause 12.1 within 3 months of the end of September of each year."

Code of Conduct Complaints - 1 September 2018 to 31 August 2019 present the following profile, as referred to in Clause 12.1 of the Code of Conduct - Procedures for the Administration of the Code of Conduct:

12.1

(a) Number of complaints	1	
(b) Referred to Reviewer	Nil	
(c) Number finalised by Reviewer and nature of those complaints:	Nil	
(d) Number investigated by Reviewer	Nil	

(e) Number investigated by Conduct Review Committee	Nil	
(f) Outcome of reviews under 12.1(d) & (e)	No reviews were required	
(g) Number investigated by OLG & nature of those complaints	Nil	1 complaint was referred to the Office of Local Government. - the Office of Local Government has entered into a special complaints management arrangement with Council for complaints being received from one particular individual.
(h) Cost of dealing with complaints	Conduct Reviewer \$Nil	Negligible staff costs.

Financial Implications: The cost of dealing with the complaints received for the 2018/2019 reporting period involved a negligible cost for Council staff time.

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.

8 REQUEST FOR FINANCIAL ASSISTANCE - 2BS BATHURST LIONS CHRISTMAS MIRACLE APPEAL (04.00041)

Recommendation: That Council waive the Mount Panorama venue hire fees associated with the 2019 Bathurst Lions Christmas Miracle Appeal, up to an amount of \$9,000 (including GST).

Report: Council is in receipt of a request from the Co-ordinator of the 2BS Bathurst Lions Christmas Miracle Appeal, seeking Council to waive the hire fees associated with their use of the Mount Panorama Pit Complex for the packing of Christmas hampers.

The Appeal is in its 60th year and provides over 1200 Christmas hampers to the aged and those less fortunate within the Bathurst local government area.

The Co-ordinator is seeking the use of the pit complex for the period of 10 December to 18 December 2019, inclusive. Based on previous years' use, the hire fee, including cleaning at cost, is estimated to be \$8,923 (including GST).

Should Council resolve to approve this request, Council will be acknowledged as a supporter of this event.

Financial Implications: 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 - BATHURST ROTARY YOUTH DRIVER AWARENESS PROGRAM (28.00002)

Recommendation: That Council not support the request for additional funding for the 2019 Bathurst Rotary Youth Driver Awareness Program

Report: As requested, during their presentation to Councillors at the Councillors Meeting with Community Group held 25 September 2019, representatives from Bathurst East Rotary are seeking Council to waive all hire fees and charges associated with their use of the Mount Panorama facilities for the 2019 Rotary Youth Driver Awareness (RYDA) Program.

Councillors may recall that a similar request was received for the 2018 RYDA Program, which was considered by Council at its meeting of 21 March 2018. At this meeting, Council in part resolved to:

- (a) Support the request for additional financial assistance;
- (b) Note the sponsorship proposed from Skillset; and
- (c) Have a report presented back to Council advising of options for Council's long-term support of the RYDA Program.

Following this Council meeting, in September 2018 Council staff met with representatives of Bathurst East Rotary to discuss the actual hire costs of the 2018 RYDA Program, and to consider opportunities to reduce these costs for future RYDA Programs.

A listing of the actual hire fees for the 2018 RYDA Program is provided in the following table:

- Filling of water filled barriers	\$200
- Room 1 – Media Room – 4 days @ \$396	\$1,584
- Room 2 – Griffin Room (Suites 1-6) – 4 days @ \$552	\$2,208
- Room 3 – Windradyne Room (Suites 7-13) – 4 days @ \$711	\$2,844
- Room 4 – Suites (15-18) – 4 days @ \$474	\$1,896
- Pit Garages 13/14 – 4 days @ \$980	\$3,920
- Pit Lane – 4 days @ \$249	\$996
- Suites 14/14a – 4 days @ \$552	\$2,208
- Post Event Cleaning	<u>\$210</u>
	\$16,066

Note: The 2018 RYDA Program was a 4 day event

Opportunities to reduce the costs of this program included:

- (i) Assessment of the facilities used; and
- (ii) The pursuit of additional sponsorship for the program

In January 2019, Council received advice from Bathurst East Rotary that the RYDA Program was unable to reduce facilities used at Mount Panorama, and that no additional sponsorship had been secured.

In April 2019, Council received the venue hire agreement and booking form for the 2019 RYDA Program. The form confirmed the same use of the Mount Panorama facilities, and noted that this Program was being held over an additional day (ie: now a 5-day program).

In May 2019, correspondence was provided to Bathurst East Rotary advising them of the

hire charges that would apply to the 2019 RYDA Program, as per Council's adopted Revenue Policy. This correspondence acknowledged that the 2019 RYDA Program was now a 5-day program, and advised that Council had already approved a \$4,333 Section 356 Donation for this event. Before Council's donation is applied, the estimated hire charges of the 2019 RYDA Program amounted to \$23,624.

At the Councillors Meeting with Community Groups held 25 September 2019, representatives from Bathurst East Rotary advised that 528 students attended the 2019 RYDA Program, with students attending from Blayney, Lithgow and Bathurst. A copy of the profit and loss statement for the 2019 RYDA Program has been received, and has been provided to Councillors under separate cover.

At Council's ordinary meeting held on 15 June 2016, Council considered an extensive report on the RYDA Program. A copy of this report is provided at **attachment 1**. Contained within this report was an acknowledgement by the then co-ordinator of the RYDA Program for the need for "additional sponsors" and "additional donations" to ensure the future of this program. It would appear that Bathurst East Rotary have not been successful in being able to secure "additional sponsors" or "additional donations" for the RYDA Program, other than a donation from Skillset which was secured through Councillors.

Should Council resolve to waive any part or all of the Mount Panorama hire fees for the 2019 RYDA Program over and above the already approved \$4,333, a further report will need to be presented for Council's consideration to identify a funding source, as Council's Section 356 Mount Panorama Donations allocation has been fully expended.

Financial Implications: There are no financial implications arising from this report, should Council resolve in accordance with the recommendations of this report.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.1, 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.

10 REQUEST FOR FINANCIAL ASSISTANCE - CPSA ACTIVITY FOR SENIORS FESTIVAL 2020 (18.00004)

Recommendation: That Council apply the Community Discount to the BMEC venue hire fees for the CPSA activity to be held in 2020.

Report: Council has received a request from the CPSA Bathurst Branch, at **attachment**, seeking Council's support in the reduction of costs involved in the CPSA's use of BMEC for an Expo to promote "Volunteering" for the seniors within our community. Invitations will be extended to the areas of Orange, Blayney, Lithgow, etc to set up stalls at this Expo.

Total fees for this event have been calculated as follows:

Venue Hire	\$829
Chairs	\$70
Tables x 65	\$195
Tables x 10 donated	Nil
Technical duty staff	\$304
Lectern and mic	<u>\$32</u>
	<u>\$1,430</u>

The group have requested a reduction of fees to \$500.

Expenses not shown in estimate of costs include catering, refreshments, tablecloths, additional table hire.

In accordance with Council's adopted Revenue Policy, CPSA would be eligible to receive the 20% Community Discount on the BMEC Venue Hire fee.

Financial Implications: There are sufficient funds within Council's budget to fund the 20% Community Discount for 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.

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

Recommendation: That the information be noted.

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

**1 COMMERCIAL LICENCE AGREEMENT - LOT 2 DP1053917 KNOWN AS 81 - 83
GEORGE STREET, BATHURST (22.01303)**

This report relates to the proposal to enter into a commercial licence agreement with the owners of 81-83 George Street, Bathurst to provide access to the rear of their property over Council land.

**2 PARTIAL DEMOLITION AND SALE OF RESIDUAL LAND AT LOT 1 DP786946
KNOWN AS 159 EGLINTON ROAD, BATHURST (22.12696)**

This report relates to the proposed partial demolition of buildings and sale of 159 Eglinton Road, Bathurst.

**3 IAAF WORLD CROSS-COUNTRY CHAMPIONSHIPS - BATHURST 2021
AGREEMENT (23.00164)**

This report relates to the proposal that Council delegate authority to the General Manager to execute the IAAF World Cross-Country Championships Bathurst 2021 Host City and Venue Agreement.

**4 RENEWAL OF RURAL LICENCE AGREEMENT PART LOT 17 IN DP1099208 KNOWN
AS 1 ROCKLEY STREET, GEORGES PLAINS (22.10657)**

This report relates to the proposed renewal of the Rural Licence Agreement for 1 Rockley Street, Georges Plains.

**5 PROPOSED NEW COMMERCIAL LEASE - PART LOT 2 DP1186691, LOT 3
DP1186691, PART LOT 101, 102 AND 103 IN DP1204847 LOCATED AT 13 LEE STREET
AND 35 SYDNEY ROAD, KELSO (22.02268)**

This report relates to the proposal to enter into a new commercial lease at 13 Lee Street and 35 Sydney Road, Kelso.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', written over a large, hand-drawn oval shape.

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 NOVEMBER 2019

1 REGULATORY CHANGES TO DAM SAFETY ACT AND REGULATIONS (32.00019)

Recommendation: That the information be noted.

Report: Water Supply Dams for Bathurst

Council owns and operates 2 water supply dams, being Winburndale Dam for raw water supply and Chifley Dam for drinking water supply. In the past all dams in NSW have been reviewed for safety and operational compliance by the NSW Dam Safety Committee (DSC).

Changes to the Act and Regulations

Previously Dams were managed under the NSW Dams Safety Act 1978 and associated Regulations. The Dams Safety Act was revised in 2015. An interim Dams Safety Advisory Committee was formed, which together with government developed the Dam Safety Regulation 2019. The Dam Safety Act 2015, new legislation and regulations have recently been passed and enacted by the NSW Parliament.

The Act, Regulation and standards referenced within it highlight the following significant changes amongst others:

- Establishes a new Regulator, Dams Safety NSW, which comprises independent governing members.
- Provides Dam owners with a clear set of minimum requirements.
- Allows the regulator to audit and enforce the required standards.
- Significantly increases the penalties for non-compliance up to \$1.1M for corporations and \$250K for individuals.

Impacts for Bathurst Regional Council .

Under the previous Act and regulations dam owners carried out surveillance inspections every 5 years and intermediate surveillance inspections in the interim. These inspections were carried out in conjunction with appointed specialist dam safety engineers and the reports sent to the NSW Dam Safety Committee for review, comment and actions.

What follows is a selection of the requirements for declared dam owners under the new legislation.

- Declared dams that do not have operations and maintenance plans, or emergency plans will have six months to establish these plans
- Dam safety will be based on dam owners' implementation of safety management systems in accordance with ISO 55001.
- Declared dam owners must make risk decisions about their dams based on a new approach that requires them to reduce dam safety risks 'so far as is reasonably practicable' (SFAIRP).
- Design Reports, Construction Reports and Surveillance Reports do not need to be submitted to Dams Safety NSW. These reports will be required to be presented to

auditors during audits.

- Declared dam owners must prepare dams safety standards reports (also called annual reports) and provide copies to Dams Safety NSW annually (in accordance with Section 26 of the Dams Safety Regulation 2019 and section 14 of the Dams Safety Act 2015).
- Safety reviews must be done every 15 years or after major changes as defined by clause 20 of the regulation.

The new legislation and regulation require Dam owners to be compliant with an updated series of reports, assessments and a quality standard (ISO 55010). Typically, this will require more resources in order to meet the new standards and gain approval for revised procedures.

Staff will endeavour to quantify the additional workload as further details become available from Dams Safety NSW, and in due course will provide a further report to Council on what resources will be required to address the requirements of the legislation.

Financial Implications: Not known at this stage.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.2, 3.3
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.6

Community Engagement

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

2 WATER SECURITY UPDATE (13.00031)

Recommendation: That the information be noted.

Report: As Council would be aware, water security matters have been considered at length during the last 18 months and have also been the focus of several Council reports and working party briefings.

As at 12 November 2019, Chifley Dam is at 40.9% capacity (please refer **attachment 1** and **attachment 2**) and Winburndale Dam is at 84.1%. Following the completion of the raising of Chifley Dam in 2001, the previous low level was 41%, reached 11 June 2003.

To date, Council has received \$2.225M from the State Government through the Safe and Secure Water program for the strengthening of Winburndale Dam Wall, with work commencing on this project in August 2019. The State Government has also provided \$2M to provide for investigation into water security projects.

Council has also met with the NSW Government's Minister for Water, Property and Housing the Hon Melinda Pavey MP on 6 August 2019 and on 23 October 2019, to discuss the current drought, the Bathurst Town Water supply and opportunities to provide for additional water sources to assist with providing water security for Bathurst, both in the short and the long term.

Short term opportunities discussed included :-

- New pipeline to Winburndale Dam and connection into the Bathurst potable water supply
- Stormwater harvesting scheme to be installed within the Bathurst urban area
- Potential purchase of raw water from the Fish River Water Scheme
- Potential Irrigation restrictions to ensure the Bathurst Water Supply
- Reduction in riparian releases from Chifley Dam
- Ground water investigation

Part of discussions with the Minister of Water included a request for funding for the implementation of the Winburndale pipeline and the stormwater harvesting. In addition, planning for long term water security projects were recommended for consideration by the government for the Central West region.

Since the last report to Council, of 16 October 2019, Council has progressed in the following manner:

Winburndale Dam

Analysis of water characteristics and treatment requirements. Concept development and feasibility analysis of project and progression to commencement of detailed design and approvals stage.

Stormwater harvesting

Concept development and feasibility analysis and shortly to progress to detailed design and approvals stage.

Detailed longer term yield analysis has also commenced for both the above projects.

Ground Water

Seismic testing across the floodplain from the Bathurst Water Filtration Plant across to White Rock has been completed, at approximately 170 individual locations. This has identified preferred options for trial bores which will be drilled shortly.

Council has also carried out water quality testing of a number of private bores, which have indicated that water quality is not suitable without pre-treatment for use to supplement the town water supply. Once the test bores are installed, further water quality testing will be carried out to determine the content of pre-treatment required. Bore yield in terms of the supplied capacity will be analysed to clarify estimated number of bores required to provide for a meaningful supply to augment the town water supply.

Purchase of water from Fish River Water Scheme

In relation to the potential purchase of raw water from the Fish River Water Scheme Council staff met with representatives of Water NSW on 16 September to finalise discussions regarding the potential purchase of raw water, given reductions in demand for high security raw water from an existing industrial user on the scheme. However Water NSW declined Council's request.

Introduction of Level 4/5 Extreme Water Restrictions

Council has developed a water demand, storage and supply prediction model, and has had the model checked by NSW Public Works Advisory to assist with water management and the likely outcome of supply and management options.

This work has indicated that should the current Drought Management Plan be followed with regard to town water restrictions (rather than entering Level 4 restrictions early as Council recently resolved) and should irrigation consumption be equivalent to last year's season, Bathurst would be likely to reach Zero Day by July 2020. Clearly, this is not an acceptable risk for the City of Bathurst.

To extend this date, Council has implemented Level 4/5 restrictions for the Town Water Supply.

The key summary points with this restriction level are as follows:-

- Watering of lawns not permitted
- Car washing not permitted
- Garden features not permitted
- Washing of hard surfaces not permitted (except for health and safety purposes)
- Filling and topping up of pools using Bathurst water supply not permitted
- Gardens permitted to be watered for 30 minutes Wednesday and Sundays between 6pm and 9pm only (should Chifley Dam reach 29%, by watering can or bucket only)

The Bathurst community has responded well to restrictions, with the current estimated consumption by residential customers approximately 150L per person per day. This is in line with recommended water usage for Level 5 restrictions. The Bathurst community are to be congratulated for their assistance with compliance with restrictions. This, along with commercial usage, equates to an approximate usage of 4,800ML per annum under Level 4

restrictions, a saving of the order of 25% on unrestricted supply.

Under typical conditions, water for the Bathurst town water supply is drawn from the Macquarie River at the Water Filtration Plant, by way of a local water utility water access licence granted by the State Government. In the period typically from April – September, water flows in the Fish River are sufficient for Bathurst's needs, without the need for flow release from Chifley Dam other than environmental flows. From October – March, Chifley Dam is utilised for town water supply, via release into the Campbells and subsequently into the Macquarie River.

Irrigation Restrictions

At the commencement of the financial year, Water NSW announced that allocations to the unregulated section of the Macquarie River (i.e. upstream of Burrendong Dam) was to remain at 100%. Given the predicted limited rainfall for the remainder of this year, full use of the general security licences held by irrigators would have had a significant effect to the consumption of remaining water in Chifley Dam, which as at 12 November 2019 is 40.9%.

During the current dry period, Council has had several meetings with the irrigators surrounding the Bathurst locality. It is to be noted that the Council does not have a regulatory role with regard to irrigation water allocations. It is understood that there are approximately 5,000ML of general security allocations for purposes of irrigation granted by the State Government above the Water Filtration Plant on the Macquarie/Campbell's Rivers.

Based on Council's water model and given the inability to access further raw water from Water NSW, a restriction of irrigation use to 20% of full allocation for this water year was identified as necessary to ensure the Bathurst Water Supply through the predicted continuing drought.

Council advised the State Government of the need for the implementation of restrictions upon irrigators.

The NSW State Government gazetted the temporary change, by way of a Section 324 instrument, to irrigation allocations to a 20% allocation on 1 November with the reduction in force on 2 November 2019. This is in force for the Campbells, the Fish and Macquarie River upstream of the Bathurst Water Filtration Plant. Given Irrigator feedback during consultations, Council recommended to the State Government that the restrictions should also apply downstream to the Evans Plains Creek, however this suggestion was not supported for inclusion in the restrictions.

Council will be actively reviewing water consumption and inflows into the Bathurst town water supply and will, where conditions change, seek review of the Section 324 instrument by the State Government on a regular basis.

As identified in earlier reports, Council's range of actions includes seeking a 50% reduction in riparian flow releases from Chifley Dam. This has also been discussed at length with the NSW Government, with an application being prepared for submission to vary the flow for consideration by the Natural Resource Access Regulator. Council's operating licence for the dam requires that environmental flows up to and including 4.35ML/day (approximately 1600ML/year) are released.

The above changes with regard to early implementation of Level 4/5 restrictions, temporary changes to irrigation allocations and reduction of environmental flows extend the Bathurst Water Supply zero day beyond the current July 2020 into 2021. This will enable

construction of the Winburndale Dam connection and the Stormwater Harvesting projects.

Water Restriction Enforcement

During the period that High Level 3 restrictions were in place, between 26 November 2018 and 13 October 2019, Council issued a number of reminder letters to residential property owners regarding potential misuse of water. Secondary letters requiring further action were not required.

Upon the commencement of Extreme water restrictions, Council appointed a water inspector, whose role is to patrol the Bathurst City area, to determine properties that do not appear to be following the water restriction requirements. In addition, the role of the water inspector is to follow up regarding complaints that Council receives. Since implementation of Extreme water restrictions on 14 October, by the time of writing this report, approximately 40 individual potential breaches of water use have been raised directly with property owners.

If it becomes necessary, Council is able to issue fines and undertake a range of further enforcement actions as identified in the updated Bathurst Regional Council Enforcement Policy.

Smart Water Meters

Council has installed approximately 300 smart water meters across the water network, with a majority in rural residential localities. These have been installed as a trial as to their effectiveness and are remotely read on a continuous basis. A further 30 meters of alternate manufacture are in the process of being installed.

One advantage of smart meters is that they provide continuous water consumption data and Council has used this to monitor consumption and potentially identify leaks within the privately owned water lines within the subject property. Where these have been identified, the property owners have been made aware, so to allow the owners to investigate and repair any problems.

It is estimated that the installation of smart water meters across all residential properties within Bathurst would require an investment in excess of \$4M, which is currently not included in Council's Annual Operating Plan.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.6
- Objective 3: Environmental stewardship Strategy 3.2

Community Engagement

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

**3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00725, 36.00714)**

Recommendation: That the information be noted.

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

1 TENDER FOR THE SUPPLY, DELIVERY AND LAYING OF ASPHALTIC CONCRETE SURFACING (36.00725)

This report considers the tender for the supply, delivery and laying of asphaltic concrete surfacing for the region up until 31 December 2021.

2 EXPRESSIONS OF INTEREST FOR DESIGN AND CONSTRUCTION OF THE CENTRAL TABLELANDS COLLECTIONS FACILITY (36.00714)

This report considers the expressions of interest for design and construction of the central tablelands collections facility at 20 Leena Street, Bathurst.

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

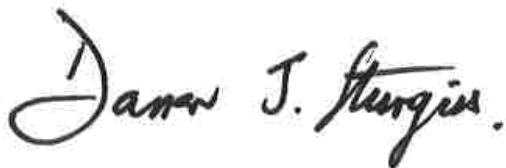
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully



Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 NOVEMBER 2019

1 BATHURST ACCESS IMPROVEMENT FOR SMALL BUSINESS GRANTS 2019/2020 (16.00107)

Recommendation: That Council provide \$15,000 under the 2019/2020 Bathurst Access Improvement for Small Business Grants for the following applicants:

Business/Organisation	Amount of Funding
Neonails (drive through platform lift)	\$3,000
John Fitzpatrick Constructions	\$3,000
Oxford Hotel	\$3,000
Crago Mill	\$3,000
Martha Gelin/Bathurst Real Estate	\$3,000

Report: Six submissions were received for funding under the 2019/2020 Bathurst Access Improvement for Small Business Grants.

Council utilised advertising in the print media and social media, as well as Council's business database to raise awareness in the community of the grant process. Bathurst Regional Access Committee, also circulated flyers to many businesses in the area, to support Council's promotion of the grant program.

The following applications were considered by members of the Bathurst Regional Access Committee (BRAC) and determined that five applications met the criteria for the grant.

Neonails second application, Application Number 2, as listed below, (for the accessible parking ramp handrail) was not considered by Bathurst Regional Access Committee due to the large number of applicants:

1. **Neonails** – seeking funds for a drive-through platform lift to ensure accessibility for all.
2. **Neonails** – seeking funds for accessible parking at rear of building, ramp handrail.
3. **John Fitzpatrick Constructions** – seeking funds for construction of Accessible Parking & associated concrete works in the entry forecourt area.
4. **Oxford Hotel** – seeking funds to replace existing glass door with automatic door.
5. **Crago Mill** – seeking funds for drive through platform lift to ensure accessibility for all.
6. **Martha Gelin/Bathurst Real Estate** – seeking funds for ramp and automatic door to ensure accessibility for all.

Successful recipients will be notified that the receipt of these funds does not exempt their organisation requiring development approval for their proposed works. Recipients will be encouraged to contact Council's Environmental Planning and Building Services Department to confirm their requirements in proceeding with their proposed work.

Recommendations provided by BRAC are provided at **attachment 1.**

Financial Implications: Council has provided \$15,000 in the Annual Operating Plan 2019/2020 for Bathurst Access Improvement for Small Business Grants. If these five applications are approved, \$15,000 will be disbursed.

Bathurst Community Strategic Plan - Objectives and Strategies

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

Community Engagement

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

2 GRANDPARENTS' DAY- 27 OCTOBER 2019 (23.00026)

Recommendation: That the information be noted.

Report: Bathurst Regional Council held an event to celebrate Grandparents Day on Sunday 27 October 2019. The event was held at the Australian Fossil and Mineral Museum.

Grandparents and their grandchildren enjoyed free entry into the Museum. Participants were also offered free morning tea.

Six Youth Councillors assisted throughout the event, including coordinating activities for grandparents and grandchildren to participate in.

Approximately 75 people attended the event.

Financial Implications: The event was funded by a NSW Government Grandparents Day Grant.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.1
- 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.

3 KELSO COMMUNITY HUB - NOVEMBER 2019 UPDATE (09.00026)

Recommendation: That the information be noted.

Report: The Kelso Community Hub was successful in obtaining two NSW Government grants, which supplement Council funds and allowed significant capital works to be undertaken throughout 2019. The following works have now been completed:

- Upgrade of the outdoor recreation space
- Construction of additional storage in the existing hall
- Kitchen refurbishment
- Construction of an additional multipurpose room

The official opening of the refurbished Kelso Community Hub was held on Friday 25 October 2019.

Services and programs operating:

Since the completion of the capital works, usage of the Kelso Community Hub by external services has recommenced and numbers are continuing to increase.

Several external services are now delivering programs at Kelso Community Hub, including Galloping Gumnuts, C3 Church, Young Life, Relationships Australia, NSW Health and Wattle Tree House.

From October 2019, Housing Plus have been operating as a full-time service provider delivering their Opportunity Pathways program. Opportunity Pathways supports social housing clients by assisting with finances, training and work opportunities. The program helps clients to prepare for employment, find a job, work additional hours or improve employment options.

Kelso Community Hub staff facilitate Breakfast Club three mornings per week, as well as Walk-In Wednesday on Wednesday afternoons.

The Kelso Community Hub is currently operating five days per week, with services and programs continuing to have a positive impact on the community

External hirers are currently utilising the Kelso Community Hub for an average of 52 hours per week.

Kelso Community Hub staff will be continuing to attract service providers to operate from the Kelso Community Hub based on identified needs.

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 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.4, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.4, 6.5, 6.7, 6.8

Community Engagement

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

4 NATIONAL MOTOR RACING MUSEUM - BATHURST SUPERCHEAP AUTO 1000 ACTIVITY REPORT (21.00050)

Recommendation: That the information be noted.

Report: The 2019 Supercheap Auto Bathurst 1000 was a very successful event for the National Motor Racing Museum.

In comparison to the 2018 event, the NMRM saw a slight decrease (7%) in museum visitation from 5 to 15 October 2019, with a total of 5,256 visitors. Retail sales during this period were also down a commensurate amount within the same period, with a 6% decrease to \$36,682.87. These figures reflect the attendance figures for the event indicating a slight decrease overall.

For the 2019 event, a special exhibition focusing on the 40th Anniversary of the introduction of Channel 7's Racecam onboard camera was assembled, with a focus on 2019 Legends Lane inductee Peter Williamson, the first driver to carry the camera system in 1979. This exhibition will be ongoing until mid-January 2020, and further direct marketing will aim to continue to grow Museum visitation in response to this content.

The cars in this exhibition are as follows:

- 1977 Toyota Celica - loan
- 1979 Toyota Celica - loan
- 1979 Toyota Celica (replica) – loan
- 1981 Toyota Celica – loan
- 1985 Toyota Supra - loan

Additionally, Council was again able to utilise the event period to further develop relationships with teams, media and other organisations with a view to future collaborations for museum development and exhibition content. Organisations and individuals included Supercars, Erebus Motorsport, Triple Eight Race Engineering, Brad Jones Racing, Chevron Publishing, V8 Sleuth, Authentic Collectables, Biante Model Cars, Tekno Motorsport, Garry Rogers Motorsport and several collectors and vehicle owners.

Social Media engagement:

- The NMRM Facebook page had a reach of approximately 85,000 and 453 new page likes during the 28-day period to 14 October 2019.

Other activities relating to the NMRM during the race period included:

- Two cars on display and NMRM Merchandise sales during the Super Wednesday event in the Bathurst CBD.
- NMRM hosted the second evening with V8 Sleuth – 155 guests for a Q & A format evening with Brad Jones on 10 October 2019.
- NMRM Ford Cortina GT in Bathurst Library during lead up period and race weekend.

Media engagements:

- Excellent coverage of Racecam exhibition content via Event Program, Great Race 2019 Magazine, Supercars media and V8Sleuth.com.au.
- Coverage of NMRM content in Western Advocate 12 October 2019.

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
- 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 REGIONAL ART GALLERY - 2019 BATHURST ART FAIR (21.00002)

Recommendation: That the information be noted.

Report: The Bathurst Art Fair is a biannual selling exhibition organised by the Bathurst Regional Art Gallery Society Inc. (BRAGS). Established in 2007, the Art Fair raises funds for the acquisition of new works for the permanent collection of Bathurst Regional Art Gallery.

The 2019 Bathurst Art Fair attracted 398 entries from 63 artists from across the Central Tablelands. 62 artworks were sold, raising a total of \$18,752. Of this amount, BRAG took a commission of 25%, amounting to \$4,668. The balance of \$14,054 was paid direct to artists. BRAGS raised a further \$4,205 in entry fees, and \$991.75 in raffles sales and donations.

In total, BRAGS raised \$9,864.75 making the 2019 Bathurst Art Fair the most successful to date, and breaking previous records for art sales, artist participation, and audience engagement.

Part of this success is due to an increase in the number of days the Art Fair was open to the public (from 3 days to 16 days). The Art Fair was open from Friday 27 September to Sunday 13 October 2019, and was seen by 2,172 people, with 257 people attending the opening.

2019 BRAGS ART FAIR - FUNDS RAISED		2019 BRAGS ART FAIR - STATISTICS	
Art Fair Sales Total	\$18,752	Number of Participating Artists	163
less Payments to Artists	\$14,064	Number of Artworks Entered	398
BRAGS Commission (25%)	\$4,668	Number of Artworks Sold	62
Art Fair Entry Fees BRAGS	\$4,205	New BRAGS Memberships	39
BRAGS Raffle Opening Night	\$630.35	Number of Attendees at Opening	257
BRAGS Donation Box Takings	\$361.40	Total Days Art Fair Open to Public	16
TOTAL BRAGS TAKINGS	\$9,864.75	Total Visitation BRAGS Art Fair	2,172

Over the seven Bathurst Art Fairs that have been held to date (2007, 2009, 2011, 2013, 2015, 2017, 2019) BRAGS have raised a total of \$62,145 from the events, an impressive result and a great example of BRAGS' commitment to supporting and fostering arts in the region for over 50 years.

Financial Implications: This project was a fundraising event for the Bathurst Regional Art Gallery Society Inc. Costs associated with presenting the Bathurst Art Fair are contained within BRAG's existing operating budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

6 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 15TH LATIN AMERICAN FILM FESTIVAL IN AUSTRALIA (24-28 OCTOBER 2019) (21.00060)

Recommendation: That the information be noted.

Report: The 15th Latin American Film Festival was held at Bathurst Memorial Entertainment Centre (BMEC) from Thursday 24 October to Monday 28 October 2019

The Latin American Embassies in Australia hold this event at various locations each year. Every year the event is hosted by a different Embassy; this year the host Embassy was Brazil.

The opening film, held on Thursday 24 October 2019 at 6pm, was attended by 52 members of the community, including organiser Rielle Moises.

14 films were screened across the five days of the Festival. The movie screenings and opening event were free to attend and invitation to the community was circulated.

Total attendance was 221 (a number of these people attended more than one session). Kelso High School Spanish language students (10 students) attended a session.

The Local Stages program at BMEC supported the event with access to venue and some technical support. Charles Sturt University sponsored the opening event by providing funding for catering.

There is potential to increase audiences for this event over time and opportunities to build upon this important multicultural event.

Financial Implications: Funding for venue and technical staff, for the event, is supported by the Local Stages Program.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 6 NOVEMBER 2019 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 6 November 2019 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 6 November 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.

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

General Manager's Report

5 Item 1 FRIENDSHIP AGREEMENT WITH CIRENCESTER TOWN COUNCIL (23.00150)

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That

(1) The information be noted

(2) The Mayor be authorised to attend Cirencester as a Council delegate, subject to a maximum expenditure of \$1,000.

GENERAL BUSINESS

6 DANGEROUS DRIVING IN CHURCH LANE 25.00226

Cr North - Dangerous driving in Church Lane - can this issue be raised with the Traffic Committee?

Director Engineering Services - Yes

7 Item 2 DOG PARK CONSULTATION 37.00695 & 04.00010-03

Cr North - How much community consultation was undertaken prior to the works being completed?

Director Engineering Services - Not a great deal due to short time frames imposed by the grant conditions.

8 Item 3 GREAT WESTERN HIGHWAY UPGRADES 25.00018-05

Cr North - A resident is concerned that they weren't listened to by the RMS. Is there further community consultation planned?

Director Engineering Services - Not sure, a decision of the RMS.

9 Item 4 BIG IDEAS WRI SEMINAR 18.00093

Cr North - Suggested Council seek a copy of the feedback/ outcomes from the seminar.

10 Item 5 PARKING ISSUES AROUND SCHOOLS 28.00006-14 & 07.00006-24

Cr North - Can Traffic Committee raise the issue of parking on corners?

Director Engineering Services - Yes

**11 Item 6 STATE GOVERNMENT WATER INFRASTRUCTURE FUNDING
16.00119-03**

Cr North - Requested an update on current Council actions.

Director Engineering Services - Mayor, General Manager and Director Engineering Services have met with the Minister . Meeting was positive .

**12 Item 7 MITRE/ SUTTON/ LAMBERT STREETS ROUNDABOUT UPDATE
36.00713 & 25.00095-03**

Cr Christian - Requested an update on the status of this project.

Director Engineering Services - Mail out and consultation process commenced. Works expected to commence in December.

**13 Item 8 WORKING PARTY FOR USE OF FORMER AMBULANCE STATION
22.01504**

Cr Christian - Requested that Council hold a working party to discuss the potential use of the old Ambulance station.

14 Item 9 WEEDS - STEWART STREET & SYDNEY ROAD 13.00022-05

Cr Christian - Asked for an update on the removal of weeds along Stewart Street and Sydney Road.

Director Engineering Services - Advised that these roads are Roads and Maritime Services roads and will contact RMS in relation to commencement of works.

15 **Item 10 STREET SIGNAGE AUDIT 28.00007-06**

Cr Christian - When can this happen?

Director Engineering Services - Advised this has commenced.

16 **Item 11 BRIDLE TRACK WORKS 25.00283-03**

Cr Fry - Congratulations to Engineers. Can works be extended to Root Hogg Road?

Director Engineering Services - Subject to funding, yes?

17 **Item 12 CLIMATE STATE OF EMERGENCY 13.00027-04**

Cr Fry - Noted 11,000 scientists around the world signed a climate state of emergency document.

18 **Item 13 WATER RESTRICTIONS 32.00017-04**

Cr Morse - ABC News - Dubbo 'cut back' on their water restrictions due to recent light rainfall. Will Bathurst Council do the same?

Director Engineering Services - No.

Cr Morse - If we did receive required rainfall, are we looking to long term solutions? 20 years.

Director Engineering Services - Yes, a regional approach is already being undertaken.

Cr Morse - Pipeline in the next 5 years works program?

Director Engineering Services - Subject to future funding and budgets.

Cr Morse - Is the Minister being made aware of our 4 year requests and assistance required?

Director Engineering Services - Yes

Cr Morse - Will these arrangements continue beyond the next local government election?

Director Engineering Services - Yes

19 **Item 14 DEFIBRILLATOR - HEART SMART EVENT AT THE HUB CAFE**
18.00082

Cr Jennings - Optimal target is to provide a Defibrillator within 3 minutes of every person. Does Bathurst Regional Council have the strategy?

General Manager - Program being prompted by State Government. BRC's focus directed to sporting groups.

Cr Jennings - Is the State Government mapping locations?

General Manger - Not a Bathurst Regional Council matter.

20 **Item 15 5G 08.00002-11**

Cr Jennings - Bathurst Regional Council is confident of the information provided by an appropriate expert. If we object to 5G it would impact CCTV.

Director Environmental Planning Building Services - Unlikely, but not known.

Cr Jennings - Suggests Bathurst Regional Council issue a press release based on findings.

21 **Item 16 ABORIGINAL LIAISON OFFICER 07.00055-03**

Cr Jennings - Where is this up to?

General Manager - Referred to 2020/2021 budget.

22 **Item 17 WATER IRRIGATORS PORTAL 32.00046 & 32.00017-04**

Cr Jennings - Is the portal the key method of communications?

Director Engineering Services - Yes, but not for regulatory matters.

Cr Jennings - Some irrigators not well versed in portal use. Can these messages be also emailed?

General Manager - Will look into request.

Cr Jennings - Can alerts be also sent by text message, to direct attention to email or portal?

23 **Item 18 PIPELINE 13.00031-06**

Cr Jennings - Is the pipeline specifically on our agenda? Development of Drought Management Plan, when will it be made available to the public?

General Manager - Yes, pipeline included. Looking at long term project solutions.

Director Engineering Services - Timeline - NSW Public Water Advisory using Bathurst Regional Council as a trial. Process unlikely to commence until June 2020.

SUBMISSION HEARING - DEVELOPMENT APPLICATION SUBMISSIONS

24 **Item 1 DEVELOPMENT APPLICATION NO. 2019/295 – MIXED USE DEVELOPMENT AND 5 LOT SUBDIVISION AT 48 & 50 BENTINCK STREET AND 178 HOWICK STREET BATHURST NSW 2795. APPLICANT: JOSS CONSTRUCTION OWNER: REGIONAL NOMINEES PTY LTD (2019/295)**

B. McLellan From Joss Constructions

- Original purchase for apartments and retail.
- DA for apartments only was not approved.
- Engaged ID Group Architects.
- DA to be constructed in a staged manner.
- Not intention to "Dell" undeveloped land.

I. Pearson

- Howick Street Frontage.
- Is not compatible bulk and scale.
- Over shadowing concerns for neighbouring properties.
- Can set back be revised to include principles of safety by design.
- Encouraged by the accessibility of the development.

S Bathgate - Bathurst Heritage Network (B.H.N) convenor

- On a landmark site.
- Commended the applicant for respecting the concerns raised in the previous DA's
- Addressed the "public good" issue from the previous DA.
- B.H.N has concerns for the site if the whole project is not completed.
- Proposed parking is well short of Bathurst Regional Council's requirements.

M. Child - 172 Howick Street owner

- Overshadowing concern.
- Unable to understand the overshadowing drawings.
- Maine entrance/ exit driveway is on her property boundary (bedroom window).
- Additional noise and vibrations - impact on residence that is almost 100 years old.
- Control of traffic movements.
- Conflicting information is contained in some drawings.
- Fence lines omitted from drawings.
- Backyard privacy concerns.
- Seeking - a pathway along 172 boundary.
 - Frosted windows.
 - no speed humps.
 - relocation of plant room.

T. McBurney Integrated Design Groups (Architects for application)

- Local insight brought into development.
- Intention is for offices on corner Howick/ Bentick Street.
- Bulk and scale in relative to the opportunities available on the site.
- Creation of permeability of the site.
- Piazza overshadowing not an issue.
- Topography of site makes access difficult.
- Thanked consultation stakeholders.
- There isn't a parking shortfall across the site.
- 172 Howick Street will be the building most affected by the development.
- Happy to share the overshadowing drawings with 172 Howick's owner.
- Will address privacy screening concerns.

MEETING CLOSE

25 **MEETING CLOSED**

The Meeting closed at 7.15 pm.

CHAIRMAN: _____

Precis:

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 NOVEMBER 2019 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 5 November 2019 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 5 November 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 5 NOVEMBER 2019

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cllr Warren Aubin (BRC), Ms Jackie Barry (Roads & Maritime Services), Mr David Veness (MP Representative) and Acting Sergeant Steven Chaplin (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).

Observers: Ms Angie Drooger (Roads & Maritime Services) and Sergeant Ryan Baird (Police).

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 OCTOBER 2019 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 1 October 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 1 OCTOBER 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 UPGRADE OF DISABLED PARKING DENISON COLLEGE - BATHURST HIGH CAMPUS – HOPE STREET, BATHURST (25.00088)

That Council approve the installation of 2 disabled parking spaces outside Denison College - Bathurst High Campus, on Hope Street, subject to conditions as detailed in the Director Engineering Services' report.

8 Item 4 TRUCK PARKING SIGNS - HILL STREET, ROCKLEY (28.00007-06/112)

That Council refer the matter of the relocation of the truck parking zone on Hill Street, Rockley to the Roads and Maritime Services for consideration and approval.

9 Item 5 THE BATHURST 12 HOUR & TOWN TO TRACK TRAFFIC MANAGEMENT PLAN (04.00097)

That the 2020 Bathurst 12 Hour to be held between Thursday 30 January and Sunday 2 February 2020 including

(i) the Town to Track on Thursday 30 January 2020 to static display in Russell Street and parade along William Street and Panorama Avenue.

(ii) proposed temporary bus zones and extension of existing bus zone times

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.

10 Item 6 REBELLION ON THE TURON – DENISON STREET, SOFALA (25.00280)

That the Rebellion on the Turon event to be held on Sunday 15 March 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 P2 MINUTE "PUBLIC BUSES ONLY" SIGNS – KEPPEL STREET LIBRARY BUS STOP (07.00031-13/150)

That Council approve the 3 month trial placement of a split zone "P2 Minute Public Buses Only Mon - Sat 6am-8pm" "Taxi Zone 8pm-6am" across the existing Bus Stop area outside the Bathurst Library at the existing bus stop location.

12 Item 8 NO PARKING SIGNS - RIVER ROAD, KELSO (25.00125)

That Council approve changes to parking restrictions on Lions Club Drive/River Road as detailed in the Director Engineering Services' report.

13 Item 9 MANILLA LANE, BATHURST – "NO PARKING" SIGNS (28.00012-07)

That Council approve the trial installation of "No Parking" signs along Manilla Lane for a 3-month period.

14 **Item 10 BATHURST RSL CLUB HALF MARATHON EVENT 2020 (23.00110)**

That Council classify the Bathurst RSL Club Half Marathon and 10 km Run to be staged on Sunday 3 May 2020 as a Class 2 event, and approve the traffic management for the event subject to conditions detailed in the Director Engineering Services' report.

15 **Item 11 BATHURST CYCLING CLASSIC (23.00128)**

That the 2020 Bathurst Cycling Classic to be held in Bathurst from Saturday 14-Sunday 15 March 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.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

17 **MEETING CLOSE**

The Meeting closed at 3.32pm.

NOTICES OF MOTION

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 NOTICE OF MOTION - CR FRY - STATE OF WATER EMERGENCY (13.00031)

Recommendation: Moved by Councillor Fry:
That Council

- (a) resolve to declare the Bathurst LGA to be in a State of Water Emergency for the next 12 months
- (b) continue to prioritise work on water management projects on behalf of all groups including the city and villages residents, irrigators, farmers, manufacturing, sports, environmental, cultural and recreation users.

Report: I hereby submit the following Notice of Motion:

That Council

- (a) resolve to declare the Bathurst LGA to be in a State of Water Emergency for the next 12 months
- (b) continue to prioritise work on water management projects on behalf of all groups including the city and villages residents, irrigators, farmers, manufacturing, sports, environmental, cultural and recreation users.

Additional Note:

Council should continue to work closely with all levels of government, water research and land regeneration community groups to initiate on ground action.

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.

2 NOTICE OF MOTION - CR MORSE - REQUEST TO ACKNOWLEDGE CLIMATE EMERGENCY (13.00031)

Recommendation: Moved by Councillor Morse:

That Bathurst Regional Council acknowledges that there is a climate emergency and that Council should continue its focus on improving energy efficiency, reducing costs, implementing behind the meter solar and investigating other renewable energy opportunities.

Report: I hereby submit the following Notice of Motion:

That Bathurst Regional Council acknowledges that there is a climate emergency and that Council should continue its focus on improving energy efficiency, reducing costs, implementing behind the meter solar and investigating other renewable energy opportunities.

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 NOVEMBER 2019

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 23 OCTOBER 2019 (11.00019)

Recommendation: That the information be noted.

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

1. Bathurst Correctional Centre 22.04446

Mark Kennedy and Stefan Palot.

Discussions included:

- Overview of the gaol extension and construction methods.
- Additional 220 beds.
- Total capacity approximately 900 people.

2. Bathurst Community Climate Action Network 18.00251

Jim Blackwood, Keegan Altman, Jack Fry, Sally Nieves

Discussions included:

- Proposal of Climate Emergency Declaration and Action Plan
- Gave update on Bathurst Community Climate Action Network and their activities.
- Asking Council to declare a Climate Emergency and develop an action plan

Asked three questions:

Must we change?

Can we change?

Will we change?

- Provided statistics on climate change and the effect on the environment, industry, agriculture and health.

Spoke to how climate change emergency will impact Bathurst:

- Mental health issues e.g. from drought.
- Changing rain patterns.
- Increase in bush fire activity.
- Financial loss.

Spoke of a petition containing over 500 signatures.

Will send clear signal to community that Bathurst Regional Council accepts the science of respected bodies in relation to climate change.

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 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 30 OCTOBER 2019 (11.00019)

Recommendation: That the information be noted.

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

1. Bathurst Golf Club (22.00126)

Brad Constable, Steve Darlington, Ray Stapley, Tony Pearce

Water

- Installation of bores have reduced water consumption from Bathurst Regional Council's supply by 40%
- Sunk 5 bores, equipped 3, 1 is solar powered
- Planted water efficient grasses
- Sustainability of the course is the main focus
- NSW Country Championships being hosted this coming weekend - 3 year agreement
- Have agreement applied under Stronger Counties Community Fund round 3 for a limited mobility lift

Signage

- Have had discussions with DEPBS
- Spoke of correspondence over the past 6 months
- Signage moved off fence to inside fence line
- Understand the LEP requirements
- Hoping to achieve a happy medium
- Signage should associate with the use of the land (principal purpose)
- Bathurst Regional Council responding to complaints received

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.

3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 10 SEPTEMBER 2019 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council considered a number of items at their meeting held on 10 September 2019, including the following:

- Feedback on the Bowman Dental Groove & Grill
- Youth Council Conference - Blacktown City Council (Rooty Hill) - 13 - 15 September 2019
- Bathurst 1000 Window Judging Competition - Youth Councillors to judge
- Food & Flix Outdoor movie event.

The minutes from the meeting are provided at **attachment 1**.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1
- 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.