



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

8 February 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
15 February 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 February 2017 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 15 FEBRUARY 2017**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 FEBRUARY 2017

**6. DECLARATION OF INTEREST**

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

**7. MAYORAL MINUTE - Nil**

**8. RECEIVE AND DEAL WITH 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 - TRAFFIC COMMITTEE MEETING - 7 FEBRUARY 2017

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. DELEGATES REPORTS**

\* MINUTES - AUSTRALIA DAY WORKING PARTY - 17 JANUARY 2017

### 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 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	EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP1223252 LOCATED ON HEREFORD STREET KELSO FOR LUCERNE HAY PRODUCTION	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	EXPRESSION OF INTEREST - RURAL LEASE - PART LOT 2 IN DP749758 LOCATED AT 200 COLLEGE ROAD, BATHURST - AGISTMENT ONLY	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	EXPRESSION OF INTEREST - VACANT LAND LEASE - LOT 1 IN DP1076086 LOCATED AT 112 BENTINCK STREET BATHURST - SECURE PARKING	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	NEW COMMUNITY LEASE	10A (2) (d) (i) – contains commercial information of a

	- PART LOT 180 IN DP862410 LOCATED AT UNIT 1/55 SEYMOUR STREET, BATHURST - AUSTRALIAN UNITY HOME CARE SERVICE PTY LTD	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	NEW TELECOMMUNICATION LEASE - PART LOT 41 IN DP755772 LOCATED AT WINBURNDALE DAM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP995205 AND LOT 1 IN DP1007962 LOCATED AT COMMONWEALTH, PATNA AND MORRISSET STREETS 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.
7	PROPOSED PURCHASE OF PROPERTY AT MOUNT PANORAMA	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
8	SALE OF LAND KELSO INDUSTRIAL ESTATE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN WEST EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN EAST EGLINTON STAGE 3	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

3	PROPOSED ACQUISITION AND TRANSFER OF LAND - MOUNTAIN STRAIGHT, MOUNT PANORAMA FOR BOUNDARY ADJUSTMENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**14. RESOLVE INTO OPEN COUNCIL**

**15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

**Present:** Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North, Westman.

## MINUTE

### 2 PUBLIC QUESTION TIME

#### G Crisp – resident

##### Minutes - 1 February 2017

Referred to prior minutes and Council letter of 24 January 2017 to him and an Office of Local Government letter. Feels there is a conflict between the letters and there is a difference of opinion.

##### Claim against Council

Noted has gone to make a claim against Council and now has found out the Council is insolvent and will not get his money back. A Senior Officer at Council has known for 12 years that there has been an overcharge. Asserts his case will possibly cost Council \$112 million.

#### K McNab – Mitre/Lambert/Suttor Streets intersection

Spoke to his concerns with this intersection. Referred to Director Engineering Services report to Council in December 2012, which gave a history of this intersection and possible works that could be done. The intersection is unsafe. Noted recent developments that have occurred in the area e.g. fire station. Spoke to accident history of the intersection, funding availability and options such as traffic signals, round-a-bout, amongst others. Noted the intersection will meet the requirements of black spot funding. Requests funds be provided in the 2017/2018 budget to make a much safer intersection.

#### J Hodges – Mitre/Lambert/Suttor Streets intersection

Had lived in the area for many years and spoke to history of intersection. Noted she has had many close calls. The intersection needs to be fixed, noted proximity of school to the intersection.

#### V Miller – West Bathurst Pre-School - DEBPS Item #5 - DA 2016/434

Spoke to proposed development of West Bathurst shopping centre. Referred to consultation process undertaken and that the letter to the school arrived while on holidays. Requests that Council defer the matter so they can talk to the developer. Issues such as visual impact, design of the building, impact on views on the pre-school, the rural-suburban nature of the area, access issues, road changes proposed, additional traffic flows and safety matters. Noted the number of heavy vehicles coming to the site and utilising Wark Parade will greatly increase congestion and create safety issues. The development will effect residential amenity such as increased noise. The development is out of scale for the area. Referred to commercial viability of the pre-school and that this matter should be considered as a planning matter.

#### A McLeish – Mitre/Lambert/Suttor Streets intersection

Has been involved in an accident outside of Assumption School and went to hospital. There was no reason the car just came at her. If the timing of the accident had been when school children were around, there could have been a death. Noted the impact to herself from the accident, the site is a black spot and money needs to be spent.

**D Stapleton – Mitre/Lambert/Suttor Streets intersection**

Resident of Suttor Street, has seen many problems. The intersection is an absolute nightmare. Raised concerns about children in the area. Needs the intersection to be upgraded.

**K Hamer – Perthville resident - Perthville Levee**

It would be a big mistake to go ahead with the levee. Spoke to flood mitigation plan and issues/stages such as clearance of creek - debris and silt. Need for two box culverts that were proposed prior to the levee being built, these have not been constructed. Do not build the levee before stages I and II are completed. The levee is not fair to the people on the western side and the levee will restrict water flow. Thanked Councillors and staff for their help in this matter.

**P Dowling – ratepayer**

**George & Howick and Russell & George Streets intersections**

The shrubbery needs to be cut back, as there is a lack of vision causing a danger to small children. Please cut back.

**Mount Panorama - Bathurst sign**

Has been pushing for "Bathurst" to be put under the Mount Panorama sign. Will Council be putting this in place?

**The Mayor** spoke to temporary installation of the sign, consideration will be given to a permanent sign in this years budget.

**Mitre/Lambert/Suttor Streets intersection**

Requests that works be undertaken to this intersection.

**D McNab – Mitre/Lambert/Suttor Streets intersection**

Spoke to 1997 traffic study and prior Council reports and resolutions on this matter and accident history. Noted, Mayor Rush, raised this in 2012 with Council and said he would do something about this intersection. Are staff, Councillors convinced of necessity for improvements to the intersection? If not, will they accompany Mrs McNab to observe the intersection? Will ratepayers and school children have to await a fatality before something is done?

**The Mayor** spoke to history of funding requirements including the black spot program and hope of Council to be successful this time around. Council is concerned about safety of the community.

**I MacPherson – National Trust - DEPBS Item #6 - DA 2016/418**

This is a significant site and proposal. The DA is for 49 village units, do we really need this? It is an under development of the site, do not want more of the same. Noted some issues raised by the National Trust have been addressed satisfactorily. Whilst the proposal complies with planning controls, can we do something better on this site, perhaps could be staged. For example, two storey developments on site may give more green space. If DA deferred would give more time to explore options in achieving greater densities without damaging heritage or the environment. Give the city more time on this to assess options.



## MINUTE

### 3 APOLOGIES

Nil.

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 FEBRUARY 2017 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 February 2017 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 February 2017, are attached.

**Financial Implications:** N/A

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 1 FEBRUARY 2017 (11.00005)**  
**MOVED: Cr B Bourke SECONDED: Cr M Coote**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 February 2017 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 1 FEBRUARY 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, North.

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**T Sorrenson – Bathurst Community Climate Action Network (BCCAN)**

- Elm Leaf Beetle are ravaging the cities Elms. Also noted the problem at Perthville, they have made the Uniting Church uninhabitable. The Elm trees are on the road across from the Church and a large number of the beetles are attacking the Church. Could this be investigated.
- Kangaroos, Mount Panorama - requests Council support the temporary fencing that is in place. BCCAN is supporting the relocation project. This is important in positioning Council/community about the local environment. New times call for new things.

**E Geraghty – Rahamin - Kangaroos, Mount Panorama**

Supportive of the project, has reduced risk such as car accidents. The project is of international significance. This project fits within Council's role of managing land use conflicts and directions in the Community Strategic Plan. Referred to the costs incurred by all the parties involved in the project. The time has been delayed due to National Parks & Wildlife Service processes and approvals. The fences are up and return on investment will be realised when kangaroos are relocated.

**K McNab – Mitre/Lambert/Suttor Streets intersection**

Has been a resident of Bathurst for a long time. This intersection is the most dangerous in Bathurst. Traffic numbers are increasing. The intersection must be redesigned. There is a duty of care owed by Council. The land is level and there is sufficient space to upgrade the intersection. Understands the intersection is eligible for black spot funding. The residents in the area want Council to take action and request funds be provided in the 2017/2018 budget.

**D McNab – Mitre/Lambert/Suttor Streets intersection**

Need a safer intersection. Referred to school students in the area, safety issues and the increased levels of traffic. A recent accident showed the risks for children in the area. The intersection is confusing to drivers, pedestrians, etc. Believes the crash data would support black spot funding. Requests Council to include funds in the 2017/2018 budget and construct a roundabout as soon as possible.

**J Barry – Kangaroo Project**

Noted Council and community support that has occurred. The level that has occurred has been very good. It is a very humane project. There is a high level of expertise behind the project. Ray and Helen have done an excellent job. The community is very aware of the project which has improved safety of all and is a pioneering endeavour. Asked Council to continue to support the project.

**R Mjadswech - Kangaroo Project**

Spoke to the project, much has been achieved to date. If Councillors wish to ask questions, he would be happy to make a presentation.

**P Simmons – Kangaroo Project**

Spoke to community effort and encourages Council and community to keep going with the project. Noted role of Ray Mjadswech and Helen Bergen. Many people are involved in the project, with working bees being held and noted works undertaken. It is a unique project.

**H Bergen – Kangaroo Project**

Thanked Council for considering this matter. Was asked to look at this matter in April 2016. A proposal was put together and, Council and the National Parks & Wildlife Service said OK. Some 250-350- kangaroos have been compounded. Much of the area has been cleared and risk has been reduced. The community effort has been great, it has been a hard slog. Thanks to everyone.

**G Crisp – resident**

- Minutes, December meeting Question time - spoke to items included in business paper and that Public Question time notes should be included in the Business Paper.

**The Mayor** spoke to requirements of the legislation around what is recorded in the minutes.

- Letter dated 24 January 2017 from General Manager - stated that this was in conflict with a letter from the Office of Local Government concerning Code of Conduct complaints. Feels the Office of Local Government is a Conduct Reviewer and so is a council official.

**The Mayor** noted this is a matter for Mr Crisp to pursue. Further, Mr Crisp was asked to provide details as to the Office of Local Government's determination on his complaints.

Mr Crisp asked can the General Manager point to the clause which allowed Mr Sherley to deal with the complaints as a group rather than individually.

**The General Manager** spoke to procedures in place, resources available and role of general Manager in dealing with the Code.

Mr Crisp spoke further to his complaints. Made comments about the Chief Executive of the Office of Local Government and the former Minister for Local Government.

The Mayor again asked Mr Crisp to provide details as to the Office of Local Government's determination on his complaints. It was also noted many of Mr Crisp's issues have previously been dealt with.

### **B Trimming – resident**

- Mitre/Lambert/Suttor Streets intersection - spoke to issues with the intersection, supports work be undertaken. Spoke to the need for a footpath leading to the Pedestrian Crossing near the shops.

**Residents** in the Chamber advised this work has been completed.

- ANZ Bank Parking - Requests a response on his request from last year be provided.
- Australia Day - The Special Olympics group were great and it was excellent the way the Council looked after them. Spoke to the "Don't DIS my ABILITY" program, this is excellent.

Also need an additional accessible shade area to be set up for this Event.

### **APOLOGIES**

**3**

#### **APOLOGIES**

**MOVED** Cr I North

and **SECONDED** Cr B Bourke

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

### **MINUTES**

**4**

#### **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 DECEMBER 2016 (11.00005)**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 December 2016 be adopted.

**5**

#### **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 14 DECEMBER 2016 (11.00005)**

**MOVED** Cr M Morse

and **SECONDED** Cr M Coote

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2016 be adopted.

### **DECLARATION OF INTEREST**

**6**

#### **DECLARATION OF INTEREST 11.00002**

**MOVED** Cr I North

and **SECONDED** Cr G Hanger

**RESOLVED:** That the following Declarations of Interest be noted.

Cr Coote

Item #4 of the Director Environmental, Planning & Building Services report

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

- 7** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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

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

**RESOLVED:** That the information be noted

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2016/411 – DEMOLITION OF EXISTING BUILDINGS AND SITE REMEDIATION AT 2 PRINCES STREET, BATHURST. APPLICANT: NICOLL PROPERTY PTY LTD. OWNER: COASTLIFE MARINE PTY LTD (DA/2016/411)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/411, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The applicant is to arrange an inspection of the development with Council's Heritage Advisor through the Environmental, Planning & Building Services Department at the following times:
    - a. At the lodgement of a schedule of materials to be reused.
    - b. Prior to, during and after the stabilisation of the Bathurst Baths brick wall facing Princes Street.
  - (ii) The existing building and the site's former history is to be recorded and interpreted on site. The content of the interpretation sign is to be approved by Council prior to manufacture.
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

**10 Item 4 BATHURST REGIONAL DCP 2014 AMENDMENT – EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

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

**Reason: Sister owns adjoining property.**

**RESOLVED:** That Council:

- (a) commence an amendment to the Bathurst Regional DCP to alter the 'School' special use restriction to open space on the land as outlined in this report;
- (b) commence an amendment to the Eglinton Open Space and Drainage Section 94 Plan to include the land identified in this report;
- (c) place the draft DCP and Section 94 Plan Amendments on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

Against the motion - Nil

Absent - Cr M Coote, Cr G Westman,

Abstain - Nil

**11 Item 5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00287)**

**MOVED** Cr M Coote

and **SECONDED** Cr I North

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

**12 Item 6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**

**MOVED** Cr M Morse

and **SECONDED** Cr W Aubin

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

**13 Item 7 OFFICE OF ENVIRONMENT AND HERITAGE – HERITAGE NEAR ME PROGRAM (18.00210)**

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

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

**14 Item 8 2016/17 BATHURST MAIN STREET IMPROVEMENT FUND (16.00149)**

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

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

**15 Item 9 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)**

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

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (d) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (e) advise all property owners of Council's decision; and
- (f) 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

**Against the motion** - Nil

**Absent** - Cr G Westman,

**Abstain** - Nil

**16 Item 10 BATHURST REGIONAL LEP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL OPEN SPACE SECTION 94 PLAN AMENDMENT (20.00307 & 20.00036)**

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

**RESOLVED:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP

2014 as outlined in this report;

- (b) commence an amendment to the Bathurst Regional DCP as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Open Space Section 94 Plan as outlined in this report;
- (d) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (e) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (f) place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (g) 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

**17** **Item 11 CAR PARKING LICENCE AGREEMENT WITH HUNGRY JACK'S PTY LIMITED (22.00719)**

**MOVED** Cr M Coote

and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) agree to enter into a Car Parking License Agreement with Hungry Jack's Pty Limited for a period of three (3) years with an option for a further two (2) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

**18** **Item 12 DECEMBER 2016 BUY LOCAL GIFT CARD RESULTS (20.00071)**

**MOVED** Cr M Coote

and **SECONDED** Cr I North

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

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

**19** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**

**MOVED** Cr I North

and **SECONDED** Cr M Coote

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

**20 Item 2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)**

**MOVED** Cr W Aubin and **SECONDED** Cr G Hanger

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

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

**MOVED** Cr M Coote and **SECONDED** Cr M Morse

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

**22 Item 4 POWER OF ATTORNEY (11.00007)**

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

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

**23 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BEYOND THE ORPHANAGE (23.00026)**

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

**RESOLVED:** That Council provide the BMEC Wattle Foyer to Matt Boylan-Smith for his fundraising event at a cost of approximately \$1,000 to be funded from Section 356 BMEC Funds.

**24 Item 6 SUBMISSIONS - FINANCIAL STATEMENTS 2015/2016 (16.00055, 16.00140)**

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

**RESOLVED:** That

(a) no action be taken in relation to the submissions on Council's Financial Statements received from Mr G A Crisp.

(b) Council note that the submissions received from Mr Crisp have been referred to Council's Auditor in accordance with Section 420(3) of the Local Government Act 1993.

**25 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - WOMEN OF AVIATION WORLDWIDE WEEK (18.00004)**

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

**RESOLVED:** That Council donate from Section 356 Donations the cost of

supporting the Women of Aviation Worldwide Week 'Women With Wings' Bathurst event to be held at Bathurst Aerodrome on 11 March 2017 as follows:

- (a) Provision of groundsman for security (estimated cost \$400).
- (b) Provision of landing charges for participating aircraft, up to a total of \$850.

**26 Item 8 SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2017 (18.00279)**

**MOVED** Cr M Coote and **SECONDED** Cr G Hanger

**RESOLVED:** That Council approve the following sporting grants totalling \$7,248 for the 2016/2017 financial year as follows;

- |  |         |
|--|---------|
| (a) Panorama Motor Cycle Club Inc.     | \$3,600 |
| (b) Bathurst Carillon City Tennis Club | \$2,899 |
| (c) Bathurst City Croquet Club         | \$749   |

**27 Item 9 THE KANGAROO PROJECT - "APPLETON" ORCHARD, COLLEGE ROAD (14.00665)**

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

**RESOLVED:** That Council

- (a) Maintain the fencing, at this time, for kangaroos at "Appleton" Orchard
- (b) Refer the matter to a Working Party to determine Council's future directions in this matter
- (c) Delegate to the General Manager the authority to maintain fencing until the end of May 2017, if required.
- (d) Note the information.

**28 Item 10 CLASSIFICATION OF LAND, EDGELLS LANE, KELSO (22.01560)**

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

**RESOLVED:** That Council

- (a) Classify Lot A in DP 408013 and Part Lot 2 in DP 1125206, being 16.65 hectares, as Operational Land, under Section 31(2) of the Local Government Act 1993.
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush,

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

**29 Item 11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.00185, 22.00041)**

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

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

**Director Engineering Services' Report**

**30 Item 1 DEDICATION OF UNFORMED ROAD AS PUBLIC ROAD - VICTORIA STREET EGLINTON (25.00050)**

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

**RESOLVED:** That Council approve the dedication of the unformed road known as "Victoria Street" off Hamilton Street Eglinton. The land is to be dedicated as public road subject to the information contained in the Director Engineering Services' report.

**31 Item 2 REMEDIATION OF 27 RIVER ROAD, BATHURST (22.05825)**

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

**RESOLVED:** That Council commence remedial clean up works and a revegetation treatment at 27 River Road Bathurst, in accordance with the Director Engineering Services' Report, with funding to be provided from the Waste Fund.

**32 Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00620)**

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

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

**Director Cultural & Community Services' Report**

**33 Item 1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL 2016 - SATURDAY 26 NOVEMBER 2016 (21.00054)**

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

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

**34 Item 2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 7 NOVEMBER 2016 (07.00016)**

**MOVED** Cr M Coote and **SECONDED** Cr G Hanger

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

**35 Item 3 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - 2017 SEASON LAUNCH (20.00060)**

MOVED Cr I North and SECONDED Cr W Aubin

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

## REPORTS OF OTHER COMMITTEES

### Policy Committee Meeting

**36 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 DECEMBER 2016 (07.00064)**

MOVED Cr B Bourke and SECONDED Cr W Aubin

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 7 December 2016 be adopted.

## DELEGATES REPORTS

**37 Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY (23.00033)**

MOVED Cr I North and SECONDED Cr M Coote

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

**38 Item 2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 7 DECEMBER 2016 (07.00096)**

MOVED Cr I North and SECONDED Cr B Bourke

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 7 December 2016 be adopted.

**39 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 NOVEMBER 2016 (11.00020)**

MOVED Cr M Coote and SECONDED Cr W Aubin

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

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

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

MOVED Cr W Aubin and SECONDED Cr M Coote

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

**There were no representations from the public.**

**RESOLVED:** That:

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410 LOCATED AT 2/55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD CENTRE	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	NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN THE BASEMENT AREA OF 230 HOWICK STREET, BATHURST - OPTUS FIXED INFRASTRUCTURE PTY LTD.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

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

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

- a** **Item 1 NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410 LOCATED AT 2/55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD CENTRE (22.00185)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves entering into a new Community Licence agreement with the Neighbourhood Centre for part Lot 180 in DP862310 located at 2/55 Seymour Street, Bathurst, and known as the HACC Meeting Room for a period of one (1)



year with an option period of one (1) year as detailed in the report.

- b** **Item 2 NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN THE BASEMENT AREA OF 230 HOWICK STREET, BATHURST - OPTUS FIXED INFRASTRUCTURE PTY LTD. (22.00041)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

That Council approve entering into a new Telecommunication Lease agreement for part Lot 1 in DP774489 located in the basement area of 230 Howick Street, Bathurst with Optus Fixed Infrastructure Pty Ltd for a period of five (5) years with an option period of five (5) years, as detailed in the report.

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

- c** **Item 1 TENDER FOR DESIGN AND CONSTRUCTION OF SERVICE ELEVATOR AT PIT COMPLEX, MOUNT PANORAMA (36.00620)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

That Council accept the tender from Hines Constructions Pty Ltd in the amount of \$526,130.00 (Incl. GST) subject to provisional items and variations.

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

- 41** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

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

- 42** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

#### **MEETING CLOSE**

- 43** **MEETING CLOSE**

The Meeting closed at 7.10 pm.

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

## MINUTE

### 5 DECLARATION OF INTEREST 11.00002 MOVED: Cr B Bourke SECONDED: Cr I North

**RESOLVED:** That the following Declarations of Interest be noted.

Cr Coote

Item #8 of the Director Corporate Services & Finance's confidential report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

## **1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

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

**Report:** A copy of Section 79C of the Environmental Planning and Assessment Act 1979 is provided at **attachment 1** to assist Council in the assessment of Development Applications.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**MINUTE**

**6 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

**MOVED: Cr I North SECONDED: Cr G Westman**

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

## **2 GENERAL REPORT (03.00053)**

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during January 2017 (**attachment 1**).
- (b) Applications refused during January 2017 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval 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 January 2017 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

## MINUTE

- 7 Item 2 GENERAL REPORT (03.00053)  
MOVED: Cr G Westman SECONDED: Cr M Coote

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

**3 DEVELOPMENT APPLICATION NO. 2016/0015 – LIMESTONE MINE AT 942 CURRAGH ROAD, COPPERHANNIA AND UPGRADING OF THE INTERSECTION OF CURRAGH ROAD AND GOULBURN ROAD. APPLICANT: RANGOTT MINERAL EXPLORATION PTY LTD. OWNER: ALBARK PTY LTD (DA/2016/0015)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0015, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to any work on site the applicant is to submit to Council for approval an Operational Management Plan that includes the following components:
    - i. A detailed rehabilitation plan;
    - ii. A detailed erosion and sediment control plan;
    - iii. A complaints management procedure;
    - iv. A road transport code of conduct;
    - v. Protocols for dealing with any fuel spills or leaks; and
    - vi. A traffic management plan to deal with temporary road closures during blasting and/or loading (at the northern pit) including procedures for notifying affected landowners.
  - (ii) All works associated with the upgrade of the intersection of Curragh Road and Goulburn Road, including the removal of vegetation are to be undertaken prior to any works occurring at the extraction site.
  - (iii) The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council's Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development"; and
- (b) call a division.

**Report:** Executive Summary

Council has received a Development Application to establish a limestone mine on land to the south of the village of Trunkey Creek. The development also involves the upgrading of the intersection of Curragh Road and Goulburn Road.

The subject site is Lot 1, DP 744191, 942 Curragh Road, Copperhannia. Curragh Road itself bisects the subject site in a generally north-east to south-west direction. The subject site is 356.12 hectares. The subject site currently contains a dwelling and numerous rural outbuildings located on the northern side of Curragh Road.

There are two existing pits on the subject site where limestone extraction has occurred in the past. The current application proposes the extension of these existing pits. One pit is located on the northern side of Curragh Road and is directly adjacent to the road. The other pit is located on the southern side of the road and is approximately 210 metres south of the road. Access to the southern pit involves a crossing over Pot O' Tea Creek.

The nearest non-associated residence is located on the subject property approximately 175 metres north-west of the extraction area. Another residence is located on the neighbouring property to the north and is approximately 840 metres north-west of the extraction area.



There are no other residences in the immediate vicinity of the subject site.

The applicant is Rangott Mineral Exploration Pty Ltd. The application has been lodged on behalf of the future operator – Australian Dolomite Company Pty Ltd. The property owner is Allbark Pty Ltd (Mr C & Mrs P Duren).

The expected lifespan of the proposed mine is twenty-one (21) years.

The total excavation area will be a maximum of 6,584m<sup>2</sup>. The northern pit will have a maximum surface disturbance area of 2,108m<sup>2</sup> and the southern pit 4,476m<sup>2</sup>. Total disturbance area including extraction areas, working and loading areas will be a maximum of 7,631m<sup>2</sup>.

Over the 21 year life span of the mine an estimated 69,000 tonnes of material will be extracted. Maximum annual extraction will be 3,000 tonnes however the anticipated average will be in the vicinity of 1,200 tonnes.

The proposed development is Designated Development pursuant to Clause 20 *Limestone Mines and works* in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 because extraction will occur within 40 metres of a natural waterbody and because it involves blasting within 500 metres of a non-associated dwelling.

The proposed development is also Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 because a Controlled Activity Approval is required from NSW Department of Primary Industries – Water under the Water Management Act 2000 and a Mining Licence is required from NSW Department of Industry, Division of Resources & Energy under the Mining Act 1992.

The Development Application was initially publicly exhibited in accordance with the requirements for Designated Development between 6 June 2016 and 6 July 2016. The proposal was notified to all property owners along the full length of Curragh Road. During the public exhibition period no submissions were received.

The Development Application has also been referred to a number of Government Authorities including the Roads and Maritime Services and Environment Protection Authority. These agencies did not raise any significant issues that would prevent approval. It is however noted that the RMS raised concerns regarding the intersection of Curragh Road and Goulburn Road. The net result of these concerns was a proposal by the applicant to upgrade this intersection with the removal of vegetation.

Following receipt of the additional information regarding the intersection upgrade and vegetation removal, the Development Application was again publicly exhibited between 4 October 2016 and 2 November 2016. The proposal was again notified to all property owners along the full length of Curragh Road. During the second public exhibition period no submissions were received.

### Proposed Development

The proposal is for the extraction of limestone. The subject area is currently covered by a Mining Lease Application (MLA No. 391). The anticipated lifespan of the mine is twenty-one (21) years.

Previous exploratory drilling has indicated that the entire Mining Lease Area is underlain with high quality limestone to a depth exceeding 40 metres. Limestone in this locality is partly marbled and is a cream-gold colour. The limestone will be used as architectural

aggregate in products such as terrazzo tiles and pavers.

Material will be extracted from two separate and distinct areas where extraction has occurred in the past. One pit is located on the northern side of Curragh Road and is directly adjacent to the road. The other pit is located on the southern side of the road and is approximately 210 metres south of the road. Access to the southern pit is via an existing farm track with a bed-level stone-pitched causeway over an intermittent watercourse (Pot O'Tea Creek).

The northern pit will be a maximum of 55 metres wide and 80 metres long with a maximum face of 10 metres.

The southern pit will be a maximum of 67 metres wide and 67 metres long with a maximum face of 10 metres.

The total excavation area will be a maximum of 6,584m<sup>2</sup>. The northern pit will have a maximum surface disturbance area of 2,108m<sup>2</sup> and the southern pit 4,476m<sup>2</sup>. Total disturbance area including the extraction areas, working and loading areas will be a maximum of 7,631m<sup>2</sup>.

Over the 21 year life span of the mine a maximum of 69,000 tonnes of material will be extracted. Maximum annual extraction will be 3,000 tonnes however the anticipated average will be in the vicinity of 1,200 tonnes.

The following table summarises total extraction over the lifespan of the mine.

<b>Pit</b>	<b>Maximum proposed tonnage extracted over 21 years</b>	<b>Average density of limestone (Source - AusIMM Field Geologists' Manual 2001)</b>	<b>Maximum volume extracted over 21 years</b>	<b>Maximum volume of limestone transported off site over 21 years (density of stockpiled material - 1.54 t/cm<sup>3</sup>)</b>
Northern pit	22,000 tonnes (includes a dilution factor of 10%)	2.6 t/m <sup>3</sup>	8,460m <sup>3</sup>	12,990m <sup>3</sup> (excludes 10% dilution factor)
Southern pit	47,000 tonnes (includes a dilution factor of 10%)	2.6 t/m <sup>3</sup>	18,190m <sup>3</sup>	27,920m <sup>3</sup> (excludes 10% dilution factor)
<b>Total</b>	<b>69,000 tonnes</b>		<b>26,650m<sup>3</sup></b>	<b>40,910m<sup>3</sup></b>

It is anticipated that extraction campaigns will occur 5-6 times a year for 2-8 days each campaign. An average campaign would be four days. It is likely that there will be years where no extraction occurs at all. Blasting will only need to occur every 2-5 years.

With the exception of breaking large boulders for transport, no processing will occur on site. All processing will occur at Australian Dolomite's crushing plant at Wallerawang.

During an extraction campaign a truck carrying up to 30 tonnes of material would make a maximum of 22 trips from the site to the processing plant at Wallerawang. A maximum of three such trips would occur on any given day during a campaign.

No fixed plant/equipment will be left on the site. The following plant/equipment will however be brought to the site during an extraction campaign:

- Two light vehicles
- Loader
- Excavator
- Low loader (for transporting the heavy machinery)
- Blasthole rig
- Rock breaker
- Transport truck and dog

Prior to the commencement of the operation water management measures will be put in place and these will include a shallow sediment dam and water diversion channels.

If blasting needs to occur it will be necessary to temporarily close Curragh Road. It may also be necessary to temporarily close Curragh Road when material is being loaded at the northern pit.

The following hours of operation are proposed:

- Monday to Friday 7.00am to 6.00pm;
- Saturday 8.00am to 2.00pm; and
- No activity on Sundays and Public Holidays.

Rehabilitation will occur upon overall completion of extraction. Progressive rehabilitation would not be possible given the small size of the pits and their configuration. Rehabilitation will involve stabilisation of the excavated faces in each pit and the partial filling and battering of the southern pit.

See copy of Executive Summary from the Environmental Impact Statement (EIS) at **attachment 1**.

**Hard and disc copies of the full EIS (Volumes 1 & 2) can be obtained from Council's Environmental Planning and Building Services Department.**

#### The subject land

The subject land comprises one parcel known as Lot 1, DP 744191. The official address of the property is 942 Curragh Road, Copperhannia. Curragh Road itself bisects the subject site in a generally north-east to south-west direction. The subject site is 356.12 hectares.

See location plan at **attachment 2**.

The site currently contains a dwelling and numerous rural outbuildings located on the northern side of Curragh Road. The site is currently used for both grazing and cultivation.

There are two existing pits on the site where limestone extraction has occurred in the past. The current proposal relates to these existing pits.

The nearest non-associated residence is located on the same lot as the proposed mine approximately 175 metres north-west of the extraction area (Copperhannia Homestead – 942 Curragh Road). Another residence is located on the neighbouring property to the north and is approximately 840 metres north-west of the extraction area (940 Curragh Road). There are no other residences in the immediate vicinity of the subject site.

#### Legislative Requirements

##### (i) **Designated Development**

## Environmental Planning and Assessment Regulation 2000

### “4 What is Designated Development?”

- (1) *Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be Designated development by provision of Part 2 or 3 of that Schedule.”*

### “Schedule 3 Designated Development

#### **Part 1 What is Designated Development?**

##### **20 Limestone mines and works**

- (1) *Limestone mines or works that disturb a total surface area of more than 2 hectares of land (being land associated with a mining lease or mineral claim under the Mining Act 1992) by:*
- (a) *clearing or excavating, or*
  - (b) *constructing dams, ponds, drains, roads, railways or conveyors, or*
  - (c) *storing or depositing overburden, limestone or its products or tailings.*
- (2) *Mines that mine or process limestone and are located:*
- (a) *in or within 40 metres of a natural waterbody, wetland, a drinking water catchment or an environmentally sensitive area, or*
  - (b) *if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the mine, or*
  - (c) *within 500 metres of another mining site that has operated within the past 5 years.*
- (3) *Limestone works (not associated with a mine):*
- (a) *that crush, screen, burn or hydrate more than 150 tonnes per day, or 30,000 tonnes per year, of material, or*
  - (b) *that are located:*
    - (i) *within 100 metres of a natural waterbody or wetland, or*
    - (ii) *within 250 metres of a residential zone or a dwelling not associated with the development.*

The proposed development is Designated Development because the mine is located within 40 metres of a natural waterbody (Pot O' Tea Creek) and because it involves blasting within 500 metres of a non-associated dwelling (Copperhannia Homestead – 942 Curragh Road).

#### (ii) **Integrated Development**

The proposed development is Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as approval is also required from the NSW Department of Primary Industries – Water under the Water Management Act 2000 and from the NSW Department of Industry – Resources & Energy under the Mining Act 1992.

General Terms of Approval (GTA) have been issued by both agencies. The GTAs will be included in the conditions of consent. See GTAs at **attachment 3**.

#### (iii) **S79C Assessment**

##### **79C(1)(a)(i) Environmental planning instruments (State Environmental Planning**

## **Policies and Local Environmental Planning Policies)**

### **SEPP (State and Regional Development) 2011**

The proposed development, being a limestone mine, is not listed under schedule 4A of the Environmental Planning and Assessment Act 1979 and accordingly Council is the consent authority rather than the Joint Regional Planning Panel (JRPP).

### **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 applies to the whole state of NSW.

SEPP (MPPEI) prevails over any inconsistencies with any other environmental planning instruments including Bathurst Regional Local Environmental Plan (BRLEP 2014).

The proposal involves the extraction of limestone. Limestone is listed as a “mineral” under Schedule 1 of the Mining Regulation 2016.

Under the SEPP (MPPEI) the proposed development is defined as a *mine*. The Standard Instrument definition of a mine is:

*“... any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry”.*

It is noted that pursuant to Clause 7(1) of the SEPP, a mine may be carried out with development consent on any land on which agriculture or industry may be carried out. Under Bathurst Regional Local Environmental Plan 2014 agriculture may be carried in the RU1 Primary Production zone. Accordingly the SEPP enables consent to be granted to the development subject to consideration of the matters contained in the SEPP.

### **Part 3 – Development Applications – matters for consideration**

#### **12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses**

(a) consider:

- (i) *the existing uses and approved uses of land in the vicinity of the development, and*

***The adjoining and surrounding land use is agriculture (both grazing and cropping). Copperhannia Nature Reserve is located approximately 2.8km to the north-west. Abercrombie Caves is located approximately 7km to the south-east.***

- (ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*

***The subject lot and all adjoining and adjacent lots are currently used***

*for agriculture (both grazing and cropping).*

***Occasional blasting (every 2-5 years) will necessitate the relocation of stock from within the vicinity of the pits. Advanced notice will be given to the property owner and property manager so that the imposition can be managed. Curragh Road will be closed temporarily (up to approximately 15 minutes) during blasting and potentially during the loading of material from the northern pit. Notification procedures for road closures are addressed later in the report.***

***Given the small scale of the operation and the infrequent nature of the extraction campaigns, the impact on the preferred uses of the land will be minimal.***

- (iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*

***Subject to the inclusion of appropriate management controls the development is not considered to be incompatible with the existing, approved or likely preferred uses in the area.***

- (b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*

***Material extracted from the subject site will be transported to Wallerawang for crushing and then used in a range of Australian-made architectural products therefore enhancing local and wider economies. While agricultural output accounts for a significant part of the local economy, the agricultural output of the subject site and surrounding land will not be compromised by the proposed development. It is considered that the proposed development and the surrounding rural land uses, while dissimilar, are compatible and capable of being carried out alongside each other.***

- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

***Occasional blasting (every 2-5 years) will necessitate the relocation of stock from within the vicinity of the pits. Advanced notice will be given to the property owner and property manager so that the imposition can be managed. Curragh Road will be temporarily closed during blasting.***

### **13 Compatibility of proposed development with mining, petroleum production or extractive industry**

- (1) *This clause applies to an application for consent for development on land that is, immediately before the application is determined:*
- (a) *in the vicinity of an existing mine, petroleum production facility or extractive industry, or*
  - (b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

Note: At the commencement of this Policy, no land was identified as referred to in paragraph (b).

- (c) *identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.*  
Note: Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

***With the exception of the previous exploration works undertaken on the land there are no existing mines, petroleum production facilities or extractive industries in the immediate vicinity of the subject land.***

***The subject land is not identified on a map as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.***

***The subject land is not identified by an environmental planning instrument as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.***

***The provisions of Clause 13 are therefore not applicable.***

#### ***14 Natural resource management and environmental management***

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*
- (a) *that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*

***The proposed extraction is a dry process that will not add water to, or remove water from, the adjacent Pot O'Tea Creek.***

***Access to the southern pit is via an existing internal farm access road that crosses Pot O'Tea Creek at an existing stone pitched causeway. It will not be necessary to upgrade or replace this crossing given the small volume of traffic likely to be generated and the infrequent nature of the extraction campaigns. NSW Department of Primary Industries – Water has provided its General Terms of Approval to the proposal.***

***As the site is within a sensitive Karst area, the NSW Department of Primary Industries – Water has recommended that a piezometer be installed before any work commences on site to determine the depth of the standing groundwater and establish baseline data. DPI – Water has advised that no further investigation will be required if the groundwater is greater than 11 metres below ground surface. Extraction will occur to a maximum depth of 10 metres below ground surface.***

- (b) *that impacts on threatened species and biodiversity, are avoided, or are*

*minimised to the greatest extent practicable,*

***The applicant has prepared an Ecological Assessment as part of the application.***

***The Ecological Assessment considers both aquatic ecology and land-based ecology.***

***In relation to aquatic ecology, the Ecological Assessment has determined that due to the ephemeral nature of Pot O'Tea Creek, it is unlikely that there is any habitat for day-to-day migration of the three listed threatened fish species with the potential to occur in the area (these being Murray Cod, Macquarie Perch and Silver Perch).***

***In relation to land-based ecology, the Ecological Assessment has determined that due to the highly disturbed nature of the ground surface, the complete removal of all standing and fallen trees, and the infrequent nature of the extraction campaigns, it is unlikely that there will be any significant impacts on threatened species.***

***The locality has the potential to contain caves which provide a potential habitat for bats. Exploratory drilling undertaken has not identified any caves or groundwater in the area of the proposal.***

***In order to undertake upgrading of the intersection of Curragh and Goulburn Road it will be necessary to remove 153 trees and saplings over an area of 0.234ha. The area to be cleared is generally to the south of the intersection on Goulburn Road and includes works adjoining Mulgunnia Creek. The vegetation is classified as being Box Gum Woodland which is identified as an Endangered Ecological Community. The vegetation is largely regrowth (10-21 years old). The vegetation is however not considered to be significant as it is largely regrowth. More significant and established vegetation exists in the adjoining lands. Given the removal is needed to achieve safe intersection sight distances removal is justified.***

- (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*

***It is anticipated that emissions from plant and equipment will result in the emission of some greenhouse gas however it is not considered necessary to impose specific conditions in relation to greenhouse gas emissions.***

- (2) *Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

***Emissions will be limited to machinery associated with extraction and transportation activities.***



- (3) *Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.*

***The proposal was referred to the NSW Office of Environment and Heritage and to the NSW Department of Primary Industries.***

***Neither agency raised objections to the proposal.***

## **15 Resource recovery**

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*

***The development will result in limited amounts of waste being generated. The majority of material will be either processed and transported or stockpiled and then used for rehabilitation purposes. The small amount of waste rock generated will be repurposed on site for water management features or final rehabilitation works.***

- (2) *Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*

***Given the limited amount of waste generated no specific conditions are considered warranted.***

- (3) *The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

***The volume of waste/spoil will be minimal and refusal on this basis is not considered warranted.***

## **16 Transport**

- (1) *Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:*
- (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
  - (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
  - (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

***It is anticipated that extraction campaigns will occur 5-6 times a year for 2-8 days each campaign. An average campaign would be four days.***

***During an extraction campaign a truck carrying up to 30 tonnes of material would make a maximum of 22 trips from the site to the processing plant at Wallerawang. A maximum 3 such trips would occur on any given day.***

***Given the relatively low number of heavy vehicle movements proposed it is not considered necessary to impose any other specific conditions (with the exception of those recommended by RMS) in relation to the transport of materials as outlined in Clause 16.***

- (2) *If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:*
- (a) *each roads authority for the road, and*
  - (b) *the Roads and Traffic Authority (if it is not a roads authority for the road).  
Note: Section 7 of the Roads Act 1993 specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.*

***Material from the proposed extractive industry will be transported on public roads. The following list identifies the public roads on which material will be transported within the Bathurst Local Government Area and their respective roads authorities:***

- ***Curragh Road – BRC***
- ***Goulburn Road – RMS***
- ***Trunkey Road – RMS***
- ***Vale Road – RMS***
- ***Rocket Street – RMS***
- ***Havannah Street – BRC***
- ***Great Western Highway – RMS***

***The Development Application was referred to the RMS for its consideration and comment.***

- (3) *The consent authority:*
- a) *must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
  - (b) *must provide them with a copy of the determination.*

***The application as originally lodged did not propose any significant works to the intersection of Curragh and Goulburn Road. The RMS however identified the need to improve Safe Intersection Sight Distances (SISD) to the south of the intersection. This resulted in the applicant needing to undertake works to the intersection to improve the SISD. This is to be achieved by clearing of vegetation to the south of the intersection in the Goulburn Road Reserve adjacent to the Belmore Bridge.***

**RMS did not object to the proposed development but did make the following recommendations:**

- **Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime supplements is to be provided and maintained in both directions at the intersection of Curragh and Goulburn (MR54) Roads. For a 100 km/h speed zone the minimum SISD is 262 metres.**
  - **All activities including loading and unloading of goods associated with the development are to be carried out onsite and all loads are to be adequately covered before vehicles exit the extractive industry site.**
  - **Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.**
  - **In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.**
  - **Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Traffic Operations Coordinator on 02 6861 1461 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent must obtain the ROL prior to works commencing within three (3) metres of the travel lanes in Goulburn Road.**
- (4) *In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.*

## **17 Rehabilitation**

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should:*

- (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*

***The NSW Department of Industry – Resources & Energy require the preparation, submission and approval of a Mining Operations Plan (MOP) which must address all aspects of rehabilitation including post mining land use assessment and final landform design. A condition will be imposed to this effect.***

- (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*

***The development will result in limited amounts of waste being generated. The majority of material will be either processed and***

***transported or used for rehabilitation purposes. The small amount of waste rock generated will be repurposed on site for water management features or final rehabilitation works.***

- (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997 ), or*

***The principal potential source of contamination from the proposed development will be from fuel or oil spill from plant or equipment. The plant operator's standard procedures in relation to hazardous materials will apply in the event of a fuel or oil spill.***

- (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

***The NSW Department of Industry – Resources & Energy require the preparation, submission and approval of a Mining Operations Plan (MOP). This document will address matters of public safety during and upon completion of rehabilitation.***

### **SEPP 33 - Hazardous and Offensive Developments**

The development would not be classified as being a hazardous or offensive industry or a potential hazardous or offensive industry.

### **SEPP 44 – Koala Habitat Protection**

The vegetation in the vicinity of the intersection of Curragh and Goulburn Road contains tree species which are listed as key feed trees under SEPP 44 – Koala Habitat Protection. Koalas have also been recorded within the vicinity of the site.

Whilst the site is potential koala habitat there is no evidence to suggest that the land to be cleared constitutes “core koala habitat” as defined under the SEPP being:

***core koala habitat*** means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

Accordingly a specific koala plan of management is not required for the development.

### **SEPP 55 - Remediation of Land**

There are no known significant contaminating activities on or in the vicinity of the extraction site that would warrant further investigation and/or remediation.

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

#### ***Land Use Table***

The subject site is zoned RU1 Primary Production. The objectives of the zone are as follows:

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

The proposal is not inconsistent with the objectives of the zone.

The proposal is defined as *open cut mining*, the definition of which is:

*“... mining carried out on, and by excavating, the earth’s surface, but does not include underground mining.”*

The definition of a mine is:

*“...any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry .”*

Open cut mining is permissible with consent in the RU1 Primary Production zone.

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

### **Chapter 9 Environmental Considerations**

#### **9.2 Land resources**

The extraction area is identified as being Karst Extent under the Bathurst Regional Development Control Plan 2014 (DCP Map No 29 – Land Resources).

Section 9.2.3 of the DCP provides that:

*Consent should generally not be granted to development on land identified as Karst Extent on DCP Map No. **29** – Land Resources.*

Whilst the land has the potential to contain karsts their existence on the site have been investigated as discussed below. It is considered appropriate to grant consent to this development provided that the appropriate controls are in place to protect the surrounding Karst environment.

Section 9.2.3 of the DCP also provides that:

*Consent must not be granted to any development including any building, subdivision or work on land identified as **Sensitive Land Areas** on DCP Map No. **29** – Land Resources unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcome:*

- To improve and maintain the diversity and stability of the landscape*

The Environmental Impact Statement includes a Karst Impact Study. The Karst Impact Study demonstrates that the proposed development will not have a significant adverse impact on the diversity or stability of the landscape. The following is a summary of the findings and conclusions of the Karst Impact Study:

*A site survey by an experienced geologist did not reveal the presence of caves at the quarries or surrounding areas, although some well- developed karren (dissolution features at surface such as flutes and rills) were observed in outcrop.*

*Shallow drilling by Omya to an average depth of 27.5m did not intersect caves or groundwater, but intersected clay-filled weathering cavities. The finding of the Karst Impact study is that groundwater dependant ecosystems are unlikely to be present in the project area. The groundwater will not be significantly impacted by the proposed activity due to the planned depth of extraction being well above any water table that exists at the site.*

*Also, the small size of the planned extraction areas prevents significant impact to the karst ecosystem, limited though it appears to be. No cave-dwelling fauna such as bats have been observed in the area by local inhabitants (personally communicated during landholder consultation), and according to a search of the NSW Bionet Atlas. The absence of caves and groundwater in or around the quarry sites, at least to a depth of 27m from surface, means that any cave-dwelling fauna will not be impacted by the proposed activity.*

*The occasional nature of the planned extraction activities together with the small size of the extraction area means that the impact on surface and rock crevice-dwelling fauna such as arachnids will be minimal.*

*The largest impact will be the removal of karren (decoratively dissolved rocks at surface), which have dissolved into interesting shapes over thousands of years. The small area of karren removed from the pits, and the abundance of these in the surrounding area, means that the impact will be low.*

As the subject site is within a sensitive Karst area NSW Department of Primary Industries – Water has recommended that a piezometer be installed before any work commences on site to determine the depth of the standing groundwater and establish baseline data. DPI – Water has advised that no further investigation will be required if the groundwater is greater than 11 metres below ground surface. Extraction will occur to a maximum depth of 10 metres below ground surface.

### **9.3 Riparian land and waterways**

Pot O'Tea Creek is identified as a Sensitive Waterway under the Bathurst Regional Development Control Plan 2014 (DCP Map No 30 – Riparian and Waterways).

The proposed extraction is a dry process that will not add water to or remove water from the adjacent Pot O'Tea Creek. There is the potential for runoff from the development to impact upon water quality although it is proposed that this be managed by way of erosion and sedimentation controls (sediment pond and surface water diversion channels).

Access to the southern pit is via an existing internal farm access road that crosses Pot O'Tea Creek at an existing stone pitched causeway. It will not be necessary to upgrade or replace this crossing given the small volume of traffic likely to be generated and the infrequent nature of the extraction campaigns.

#### **9.4 Biodiversity**

The extraction area is not identified as being of Moderate or High Biodiversity Sensitivity. The extraction area and its immediate surrounds are highly disturbed and are devoid of all native significant vegetation.

In order to achieve appropriate site distances on the southern approach to the intersection of Curragh Road and Goulburn Road it will be necessary to remove the following trees and saplings from the roadside:

- 73 Silver Wattle (*Acacia dealbata* );
- 16 White Box (*Eucalyptus albens* );
- 62 Blakely's Red Gum (*Eucalyptus blakelyi* ) or Dwyer's Red Gum (*Eucalyptus dwyeri* ) or a hybrid of the two species; and
- 2 Yellow Box (*Eucalyptus melliodora* ).

The vegetation proposed to be removed is approximately 20 years old. The vegetation is on a disused road reserve that became redundant with the construction of the new Belmore Bridge and the associated road realignment in 1994/1995. The vegetation is largely regrowth and is not considered significant.

#### **9.5 Groundwater**

The extraction area is identified as being a Moderately High Groundwater Vulnerability area under the Bathurst Regional Development Control Plan 2014. Mines are listed in the types of development that require specific consideration under Chapter 9.5 of the DCP.

As the subject site is within a sensitive Karst area the DPI – Water has recommended that a piezometer be installed before any work commences on site to determine the depth of the standing groundwater and establish baseline data. DPI – Water has advised that no further investigation will be required if the groundwater is greater than 11 metres below ground surface. Extraction will occur to a maximum depth of 10 metres below ground surface.

#### **9.8 Flora and Fauna Surveys**

The applicant has prepared an Ecological Assessment as part of the application.

The Ecological Assessment considers both aquatic ecology and land-based ecology.

In relation to aquatic ecology, the Ecological Assessment has determined that due to the ephemeral nature of Pot O'Tea Creek, it is unlikely that there is any habitat for day-to-day migration of the three listed threatened fish species with the potential to occur in the area (these being Murray Cod, Macquarie Perch and Silver Perch).

In relation to land-based ecology, the Ecological Assessment has determined that due to the highly disturbed nature of the ground surface, the complete removal of all standing and fallen trees, and the infrequent nature of the extraction campaigns, it is unlikely that there will be any significant impacts on threatened species.

#### **S79(c)(1)(b) Environmental (natural and built), social and economic impacts**

##### **Scenic quality**

Both the northern and southern pits will be visible from Curragh Road. The southern pit will

be visible from the existing dwelling on the subject site. It is noted that minor extraction has previously occurred at both pits. Both pits are sufficiently distant from non-associated dwellings to mean that any visual impact is minor.

### **Traffic Generation**

Access to the subject site is via Curragh Road. Curragh Road is an unsealed rural road accessed from Goulburn Road approximately 1 kilometre south of the village of Trunkey Creek.

Curragh Road provides access to approximately 15 properties and is a no through road. Existing traffic volumes on Curragh Road are low. A traffic count undertaken in the preparation of the Traffic Study suggests that vehicle movements along Curragh Road are in the vicinity of 9 per day.

One pit is located on the northern side of Curragh Road and is directly adjacent to the road. The other pit is located on the southern side of the road and is approximately 210 metres south of the road. Access to the southern pit is via an existing farm track with a bed-level crossing over an intermittent watercourse (Pot O'Tea Creek).

During an extraction campaign a truck carrying up to 30 tonnes of material would make a maximum of 22 trips from the site to the processing plant 125 kilometres away at Wallerawang. An average campaign would result in an average of 8 trips from the site to a processing plant at Wallerawang. A maximum of three such trips would occur on any given day during a campaign.

Haulage trucks used in the extraction campaigns will be less than 19 metres in length and will weigh less than 50 tonnes and are therefore permitted to use all roads.

A school bus service operates on part of the haulage route, however not on Curragh Road itself. In the morning the school bus will have started its trip before the haulage trucks reach the area and in the afternoon the bus and haulage trucks may be on the road at the same time but will be travelling in opposite directions. It is considered that the impact of the proposal on school bus travel will be minimal. It is however recommended that temporary signage be erected at key locations to notify all road users that an extraction campaign is occurring.

In order to achieve minimum sight distances at the intersection of Goulburn Road and Curragh Road it will be necessary to remove some existing roadside vegetation on the eastern side of Goulburn Road to the south-east of the intersection itself. The vegetation proposed to be removed is approximately 20 years old. The vegetation is on a disused road reserve that became redundant with the construction of the new Belmore Bridge and the associated road realignment in 1994/1995.

No other works are necessary at the intersection, on Goulburn Road or on Curragh Road.

The Development Application was referred to Roads and Maritime Services under Clause 16 of the State Environmental Planning Policy (Mining, Petroleum Products and Extractive Industries) 2007 as the proposal is for a mine that involves the transport of material on a public road.

The Development Application was referred to Roads and Maritime Services on 31 May 2016 and a final response was received on 28 October 2016.

RMS did not object to the proposed development but did make the following



recommendations:

- Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime supplements is to be provided and maintained in both directions at the intersection of Curragh and Goulburn (MR54) Roads. For a 100 km/h speed zone the minimum SISD is 262 metres.
- All activities including loading and unloading of goods associated with the development are to be carried out onsite and all loads are to be adequately covered before vehicles exit the extractive industry site.
- Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.
- In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.
- Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Traffic Operations Coordinator on 02 6861 1461 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent must obtain the ROL prior to works commencing within three (3) metres of the travel lanes in Goulburn Road.

***Whilst Curragh Road is gravel for its entire length it is considered adequate to accommodate the level of traffic to be generated in terms of volume and size. All landowners along Curragh Road were notified of the development and no issues were raised.***

***It is noted that during blasting and some loading operations Curragh Road will need to be temporarily closed. This has the potential to inconvenience users of the road particularly those properties to the south of the mine. It is however anticipated that this will be infrequent and affect a small number of properties. Appropriate mechanisms can be put in place to provide advanced notice to road users.***

***It is noted that the development will be subject to contributions under Council's adopted Section 94 Plan – Traffic Generating Development based upon the volumes of material extracted.***

## **Pollution**

### Odour

The proposed development is not anticipated to generate any offensive odours.

### Noise

The proposal involves blasting, rock breaking and haulage, each of which will generate noise.

The nearest non-associated residence is located on the same lot as the proposed mine approximately 175 metres north-west of the extraction area (Copperhannia Homestead – 942 Curragh Road).

Another residence is located on the neighbouring property to the north and is approximately 840 metres north-west of the extraction area (940 Curragh Road). There are no other residences in the immediate vicinity of the subject site.

Blasting will only occur every 2-5 years. A Blast Management Plan has been prepared for

the proposed operation and it identifies a minimum blast exclusion zone of 600 metres. As the Copperhannia Homestead is only 175 metres away from the northern pit it will need to be evacuated during blast events.

Noise generated by blasting is known as "airblast overpressure". Airblast overpressure is a measurement of the pressure levels above normal atmospheric pressure radiating outwards from the source. Blasts generate pressure waves at frequencies predominantly below 20Hz, with relatively small amounts of energy contained in frequencies greater than this level. The human ear does not respond to noise with frequencies below the 20Hz level. However, buildings tend to respond to frequencies in the range of 2 to 20Hz. As blasting generally produces frequencies predominantly below 20Hz, atmospheric overpressure levels are recorded using the decibel (Linear) scale - or dB(L).

The Australian and New Zealand Environment Council's "*Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration Guidelines*" provides that:

*The recommended maximum level for airblast overpressure is 115 dB (Lin Peak). The level of 115 dB (Lin Peak) may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level should not exceed 120dB (Lin Peak) at any time.*

For all northern pit blasts, maximum blast overpressure levels at the closest identified residential structure is estimated to be 124.1dB(L). In order to achieve compliance with the above requirement, Australian Dolomite proposes the following when blasting within the section of the Extraction Area closest to Copperhannia homestead:

- Maximum instantaneous charges will be adjusted to ensure compliance with the 115 dB Linear criteria
- Blasts will not be initiated, where practicable, during temperature inversion, when low cloud is present or when the wind is blowing from the southeast.

For all southern pit blasts where evacuation of personnel from residential structures is not required for blasting activities, maximum blast overpressure levels are likely to be below 114dB(L) which is below the abovementioned requirement.

Research has found that sound pressure levels of below 133dB(L) have not caused damage, even of a cosmetic nature, to buildings. Further, windows are regarded as the most sensitive component of a building and AS2187.2-2006 states "damage to windows is considered as improbable below 140dB(L)". On this basis, blasting overpressure is unlikely to cause even cosmetic damage to the Copperhannia Homestead.

There are a number of dwellings on Curragh Road between the extraction area and the intersection of Curragh and Goulburn Roads. It is anticipated that extraction campaigns will occur 5-6 times a year for 2-8 days each campaign. An average campaign would be four days. During an extraction campaign a truck carrying up to 30 tonnes of material would make a maximum of 22 trips from the site to the processing plant at Wallerawang. An average campaign would result in an average of 8 trips from the site to a processing plant at Wallerawang. Three to four such trips would occur on any given day. Given the intermittent nature of the extraction campaigns and the low number of heavy vehicle movements generated, the impact of traffic noise on those dwellings adjacent to Curragh Road will be minimal.

### Vibration

The nearest non-associated residence is located on the same lot as the proposed extractive

industry approximately 175 metres north-west of the extraction area (Copperhanna Homestead – 942 Curragh Road). Estimated vibration levels at the dwelling are in the order 3.61mm/s which is lower than the public amenity level of 5.0mm/s recommended in AS2187.2-2006 *Explosives – Storage, Transport and Use* . No damage is likely to occur to the dwelling at this vibration level and the impact is likely to be barely perceptible .

### Air Quality (Dust)

The proposal involves blasting, excavation and haulage, each of which have the potential to raise dust.

Blasting in the northern and southern pits has the potential to generate limestone dust.

A Blast Management Plan has been prepared for the proposed operation and it identifies a minimum blast exclusion zone of 600 metres. The minimum exclusion zone has been determined using methodology that considers the likely projection of dust and flyrock. Blasting mats, made from recycled rubber, will be used to ensure that flyrock does not affect the adjacent dwelling.

Curragh Road will be closed during blasting so the resulting dust will not impact on the movement of vehicles on the road.

Excavation in the northern and southern pits has the potential to generate limestone dust. Dust emanating from the northern pit has the potential to impact on visibility for vehicles travelling along Curragh Road. Dust emanating from the southern pit will most likely dissipate before reaching Curragh Road.

Given the infrequent nature of the extraction campaigns and that there is only one dwelling in the vicinity of the extraction pits on the same parcel of land, dust generated by excavation is not considered to be a significant issue.

Curragh Road is a gravel road as is the internal access road to the southern pit. During dry periods haulage vehicles are likely to generate road dust. Given the infrequent nature of the extraction campaigns and that there are no dwellings directly adjacent to Curragh Road or the internal access road, dust generated by vehicle movements is not considered to be a significant issue.

### **Water Management**

The proposed extraction is a dry process that will not add water to or remove water from the adjacent Pot O'Tea Creek. There is the potential for runoff from the development to impact upon water quality although it is proposed that this be managed by way of erosion and sedimentation controls.

Access to the Southern pit is via an existing internal farm access road that crosses Pot O'Tea Creek at an existing bed-level stone-pitched causeway. It will not be necessary to upgrade or replace this crossing given the small volume of traffic likely to be generated and the infrequent nature of the extraction campaigns. Extraction will not occur when the water level in Pot O'Tea Creek is raised.

Prior to the commencement of operation, water management measures will be put in place and these will include a shallow sediment dam and water diversion channels.

### **Heritage**

### Aboriginal Heritage

A search of the NSW Office of Environment and Heritage's AHIMS database did not reveal any objects or places within a 10km radius of the extraction area. The proposal is therefore unlikely to have a significant impact on Aboriginal heritage items.

### European Heritage

There are no Local, State or National heritage items within the vicinity of the subject site.

The proposal is therefore unlikely to have a significant impact on European heritage items.

### **Economic Impacts**

The proposed development is unlikely to have any significant adverse economic impacts.

### **Threatened Species**

#### Onsite Impacts

The applicant has prepared an Ecological Assessment as part of the application.

The Ecological Assessment considers both aquatic ecology and land-based ecology.

In relation to aquatic ecology, the Ecological Assessment has determined that due to the ephemeral nature of Pot O'Tea Creek, it is unlikely that there is any habitat for day-to-day migration of the three listed threatened fish species with the potential to occur in the area (these being Murray Cod, Macquarie Perch and Silver Perch).

In relation to land-based ecology, the Ecological Assessment has determined that due to the highly disturbed nature of the ground surface, the complete removal of all standing and fallen trees, and the infrequent nature of the extraction campaigns, it is unlikely that there will be any significant impacts on threatened species.

#### Offsite Impacts

In order to achieve appropriate site distances on the southern approach to the intersection of Curragh Road and Goulburn Road it will be necessary to remove the following trees and saplings from the roadside:

- 73 Silver Wattle (*Acacia dealbata*);
- 16 White Box (*Eucalyptus albens*);
- 62 Blakely's Red Gum (*Eucalyptus blakelyi*) or Dwyer's Red Gum (*Eucalyptus dwyeri*) or a hybrid of the two species; and
- 2 Yellow Box (*Eucalyptus melliodora*).

The vegetation proposed to be removed is approximately 20 years old. The vegetation is on a disused road reserve that became redundant with the construction of the new Belmore Bridge and the associated road realignment in 1994/1995. Justification for removal is provided elsewhere.

### **S79C(1)(c) Suitability of the site**

Given that the subject site is already highly disturbed, having been used for the extraction of limestone in the past and that it will not be necessary to remove significant vegetation it is

considered suitable for the proposed development. Further, the significant separation between the extraction pits and the nearest non-associated neighbouring dwellings makes the location suitable for the activities proposed.

### **S79C(1)(d) Submissions**

The Development Application was initially publicly exhibited in accordance with the requirements for Designated Development between 6 June 2016 and 6 July 2016. The proposal was notified to all property owners along the full length of Curragh Road. During the public exhibition period no submissions were received.

The Development Application was again publicly exhibited between 4 October 2016 and 2 November 2016. The proposal was again notified to all property owners along the full length of Curragh Road. During the second public exhibition period no submissions were received.

### **Referrals**

The Development Application was referred to a number of Government Authorities including:

- Roads & Maritime Services
- NSW Department of Industry (Division of Resources & Energy)
- NSW Department of Primary Industries – Water
- NSW Department of Primary Industries – Lands
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries – Fisheries
- NSW Environment Protection Authority
- NSW Office of Environment & Heritage
- NSW Forestry Corporation
- Water Administration Ministerial Corporation
- Central Tablelands Local Land Services

### **Roads & Maritime Services**

The Development Application was referred to Roads and Maritime Services (RMS) under Clause 16 of the State Environmental Planning Policy (Mining, Petroleum Products and Extractive Industries) 2007 as the proposal is for a mine that involves the transport of material on a public road. A final response was received on 28 October 2016.

RMS did not object to the proposed development but did make the recommendations as noted earlier in this report.

### **NSW Department of Industry (Division of Resources & Energy)**

The Development Application is Integrated Development in that approval is required from the NSW Department of Industry (Division of Resources & Energy) under the Mining Act 1992.

The Development Application was referred to NSW Department of Industry (Division of Resources & Energy) on 31 May 2016 and General Terms of Approval were received on 20 July 2016.

The following comments are noted:

*The Division does not object to the approval of the Project provided the recommendations are taken into account and implemented.*

*The Division supports the Project as a responsible utilisation of the State's mineral resources that will, if approved, bring economic benefits to the local region and the State as a whole.*

The Division of Resources and Energy requested that the following conditions of consent be imposed:

*Mining Operations Plan*

1. *The Proponent must prepare and implement a MOP to the satisfaction of the Department of Industry, Skills and Regional Development. The MOP must:*
  - a. *be prepared in accordance with Division's guidelines*
  - b. *be submitted and approved by the Department of Industry, Skills and Regional Development prior to the commencement of activities*
  - c. *address all aspects of rehabilitation and mine closure, including post mining land use assessment, rehabilitation objectives, completion criteria and rehabilitation monitoring*
  - d. *include a final landform design that is consistent with the surrounding topography of the area and considers natural drainage design and relief patterns and principles.*

**NSW Department of Primary Industries – Water**

The Development Application is Integrated Development in that approval is required from the NSW Department of Primary Industries – Water under the Water Management Act 2000.

The Development Application was referred to NSW Department of Primary Industries – Water on 31 May 2016 and General Terms of Approval were received on 7 July 2016.

The Department of Primary Industries – Water requested that the following conditions of consent be imposed:

1. *Prior to commencement of activities the proponent must construct a piezometer to a depth of 11m. This is to be located in consultation with DPI Water and is to be upgradient and immediately outside the northern margin of the northern quarry pit excavation and adjacent to the deepest portion of the excavation.*
2. *If groundwater is intercepted the proponent is required to notify DPI Water immediately to determine licensing requirements under the Water Management Act 2000.*

**NSW Department of Primary Industries – Lands**

The Development Application was referred to NSW Department of Primary Industries – Lands on 31 May 2016 and a response was received on 6 July 2016.

NSW Department of Primary Industries – Lands did not raise any objections to the proposed development.

**NSW Department of Primary Industries – Agriculture**

The Development Application was referred to NSW Department of Primary Industries – Agriculture on 31 May 2016 and a response was received on 30 June 2016.

NSW Department of Primary Industries – Agriculture did not raise any objections to the proposed development.

### **NSW Department of Primary Industries – Fisheries**

The Development Application was referred to NSW Department of Primary Industries – Fisheries on 31 May 2016 and a response was received on 7 June 2016.

NSW Department of Primary Industries – Fisheries did not raise any objections to the proposed development.

### **NSW Environment Protection Authority**

The Development Application was referred to NSW Environment Protection Authority on 31 May 2016 and a response was received on 10 June 2016.

NSW Environment Protection Authority did not raise any objections to the proposed development.

### **NSW Office of Environment & Heritage**

The Development Application was referred to NSW Office of Environment & Heritage on 31 May 2016 and a response was received on 30 June 2016.

NSW Office of Environment & Heritage did not raise any objections to the proposed development.

### **Central Tablelands Local Land Services**

The Development Application was referred to Central Tablelands Local Land Services on 31 May 2016. No response was received.

### **NSW Forestry Corporation**

The Development Application was referred to NSW Forestry Corporation as it owns or is responsible for land accessed via Curragh Road.

The Development Application was referred to NSW Forestry Corporation on 31 May 2016. No response was received.

### **Water Administration Ministerial Corporation**

The Development Application was referred to Water Administration Ministerial Corporation as it owns or is responsible for land accessed via Curragh Road.

The Development Application was referred to Water Administration Ministerial Corporation on 31 May 2016. No response was received.

### **Conclusion**

Council has received a Development Application to establish a limestone mine on land to the south of the Village of Trunkey Creek. The development also involves the upgrading of the intersection of Curragh Road and Goulburn Road. The subject site is Lot 1, DP 744191, 942 Curragh Road, Copperhanna. It is considered that the development warrants conditional development consent as outlined in this report. Approval is recommended.

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8



## MINUTE

**8 Item 3 DEVELOPMENT APPLICATION NO. 2016/0015 – LIMESTONE MINE AT 942 CURRAGH ROAD, COPPERHANNIA AND UPGRADING OF THE INTERSECTION OF CURRAGH ROAD AND GOULBURN ROAD. APPLICANT: RANGOTT MINERAL EXPLORATION PTY LTD. OWNER: ALBARK PTY LTD (DA/2016/0015)**  
**MOVED: Cr G Westman SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0015, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to any work on site the applicant is to submit to Council for approval an Operational Management Plan that includes the following components:
    - i. A detailed rehabilitation plan;
    - ii. A detailed erosion and sediment control plan;
    - iii. A complaints management procedure;
    - iv. A road transport code of conduct;
    - v. Protocols for dealing with any fuel spills or leaks; and
    - vi. A traffic management plan to deal with temporary road closures during blasting and/or loading (at the northern pit) including procedures for notifying affected landowners.
  - (ii) All works associated with the upgrade of the intersection of Curragh Road and Goulburn Road, including the removal of vegetation are to be undertaken prior to any works occurring at the extraction site.
  - (iii) The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council's Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development"; 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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Nil

Abstain - Nil

**4 DEVELOPMENT APPLICATION NO. 2016/334 – SECONDARY DWELLING (GRANNY FLAT) AT 438 MID WESTERN HIGHWAY, ROBIN HILL. APPLICANT: MR M GRAF. OWNER: MR M GRAF (DA/2016/334)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/334, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a secondary dwelling (granny flat) at 438 Mid Western Highway, Robin Hill, described as Lot 84, DP 1026448. A location plan is provided at **attachment 1**.

The site currently contains a two storey dwelling, large gazebo and separate storage shed.

Access to the site is currently from the Mid Western Highway.

The upper reaches of Jordan Creek runs through the site.

**The proposal**

The proposal involves the construction of a single storey two-bedroom secondary dwelling (granny flat). A plan of the proposed development is at **attachment 2**.

The current access arrangements will not alter.

**Planning Context**

*Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned R5 Large Lot Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A *secondary dwelling* is permissible with consent in the R5 Large Lot Residential zone. The proposal is consistent with the objectives of the zone.

**Clause 4.3 Height of buildings**

The *Height of Buildings Map* indicates a maximum building height of 9 metres. The proposed building will have a maximum overall height of 5 metres.

**Clause 5.4 Controls relating to miscellaneous permissible uses**

**Secondary dwellings**

The total floor area of a secondary dwelling (excluding any area used for parking) must not

exceed whichever of the following is the greater:

- (a) 60 square metres, or
- (b) 20% of the total floor area of the principal dwelling.

The existing dwelling on the subject site has a total floor area of 530m<sup>2</sup> and therefore a secondary dwelling of up to 106m<sup>2</sup> could be constructed on the site. The proposed secondary dwelling has a total floor area of 104m<sup>2</sup> and is therefore permissible.

*Development Control Plan*

**Chapter 6 Rural and Rural Lifestyle Development**

Standard	Permissible	Proposed	Compliance
Boundary Setback – Front, Side & Rear	8.0 metres	8.0 metres to nearest boundary	<b>Yes</b>
Housing (Single only or Double Storey)	Single or double storey	Single storey	<b>Yes</b>
Environmental Protection Area	Sited wholly outside	Sited wholly outside	<b>Yes</b>

Submissions

In accordance with Chapter 2 - *Exhibition & Notification of Development Applications* of Bathurst Regional Development Control Plan 2014 the application was notified to all adjoining property owners.

One submission was received from an adjoining neighbour during the notification period (see submission at **attachment 3**).

A Discussion Forum was convened by the Acting Director Environmental Planning and Building Services on 4 November 2017 (see minutes of Discussion Forum at **attachment 4**). Issues raised in the submission and at the discussion forum included:

- Proximity to Jordan Creek
- Adequacy of current access
- Stormwater runoff
- Adequacy of current creek crossing
- Potential for further subdivision

The following table outlines the issues raised in the objector's submission and at the Discussion Forum.

Issue Summary	Comment
The suitability of the site for an additional effluent disposal system given the proximity to Jordan Creek.	A geotechnical report has been submitted with the Development Application. The report demonstrates that effluent can be disposed of on site without impacting on Jordan Creek. The identified disposal area will be upslope from the proposed dwelling and outside the buffer areas adopted under the Australian Standard. It will be necessary to pump the effluent up to the disposal area in order to achieve these buffers.
The adequacy of the existing access from the Mid Western Highway given the additional traffic likely to be generated by the development.	The current access arrangements are not in accordance with Council's current standards and accordingly will require an upgrade to a typical

	rural property access standard. In light of this, the Development Application was referred to RMS for concurrence. RMS subsequently granted concurrence for the upgrade to a typical rural property access. RMS did not impose any additional access requirements on the developer.
The potential for stormwater from the development to further erode the banks of Jordan Creek.	It will be necessary for the developer to install an appropriate discharge structure at the point where stormwater from the development will enter Jordan Creek.
The adequacy of the current crossing over Jordan Creek.	Council's records indicate that the crossing and associated filling were approved by Bathurst City Council in December 1988 under DA 1988/239. The works approved under the DA were endorsed by NSW Soil Conservation Service in April 1989. The works have been progressively undertaken since 1989. The existing crossing generally reflects the approved plan.
The potential for further subdivision of the site after construction of the secondary dwelling.	Further subdivision of the site is not permissible with or without the secondary dwelling, given the density restrictions and minimum lot size that apply to the Robin Hill area.

### Conclusion

Council has received a Development Application (DA) for a secondary dwelling (granny flat). The site currently contains a two storey dwelling, large gazebo and separate storage shed. A determination was made to notify the proposal to all adjoining property owners in accordance with Chapter 2 in the Bathurst Regional Development Control Plan 2014. One submission was received from an adjoining neighbour during the notification period. Issues raised in the submission and at the Discussion Forum have been addressed in this report and it is considered that the proposal warrants approval.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

## MINUTE

**9 Item 4 DEVELOPMENT APPLICATION NO. 2016/334 – SECONDARY DWELLING (GRANNY FLAT) AT 438 MID WESTERN HIGHWAY, ROBIN HILL. APPLICANT: MR M GRAF. OWNER: MR M GRAF (DA/2016/334)**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/334, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Nil

Abstain - Nil

**5 DEVELOPMENT APPLICATION NO. 2016/434 – ADDITIONS AND ALTERATIONS TO SHOPPING CENTRE INCLUDING EXTENSION TO SUPERMARKET, CHILDCARE CENTRE, SIGNAGE AND CAR PARK AT 1 WARK PARADE, 105 SUTTOR STREET AND 107 SUTTOR STREET, WINDRADYNE. APPLICANT: INLAND DEVELOPMENTS PTY LTD. OWNER: INLAND DEVELOPMENTS PTY LTD (DA/2016/434)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/434, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The existing service road access to the subject land from Suttor Street is to be closed and access to the property is only to occur via Wark Parade.
  - (ii) Upon closure of Wark Parade, the construction of a 1.2 metre wide, 100 mm thick concrete footpath within the footway on Suttor Street to restore the pedestrian access for the full frontage of the site, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
  - (iii) The pylon sign is to be reduced to a maximum height of 6m;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for additions and alterations to the Westpoint Shopping Centre including extension to supermarket, additional shops and commercial spaces, childcare centre, signage and car park at 1 Wark Parade, Windradyne, described as Lot 519 DP1014018. 105 Suttor Street, described as Lot 8 DP1165068 and 107 Suttor Street, described as Lot 9 DP1165068. A location plan is provided at **attachment 1**.

The site contains an existing shopping centre containing neighbourhood shops, medical centre and car parking.

The site currently has access to Suttor Street and Wark Parade. The former Wark Parade running through the centre of the site is not a public road.

Landscaping is provided throughout the car park and as a buffer between carpark and shop entrances.

The site is surrounded by residential land to the south, east and west. Bathurst Gardens residential aged care facility, Bathurst Church of Christ, West Bathurst Pre-School and West Bathurst Community House are located north of the site.

**History of the Site**

The existing neighbourhood shopping centre was approved in 1994 (DA/94/019) and has had several fitouts and upgrades since.

At the time of its initial development the potential of the land was limited to the land generally to the south and west of the former Wark Parade. The old section of Wark Parade was historically the subject of concerns from the Inland Development, shopkeepers, other land owners in Wark Parade and residents.

Following the original consent Inland Developments approached Council with a view of purchasing land to the north and west of the centre to allow for future expansion of the site. The expansion of the site enabled the provision of the additional land for development but also allowed for the re - construction of Wark Parade further towards the north west and the closure of the older section of Wark Parade. This approach was seen as one remedy to the ongoing concerns regarding the old section of Wark Parade.

As a result of negotiations between Council and Inland Developments agreement was reached for the construction of the current Wark Parade further to the north west and the closure of the old section of Wark Parade. The old section of Wark Parade provides access to the site with the only limitation being to right turn into the site from Suttor Street by way of sign posting.

In order to give effect to this arrangement Council Development Consent was granted for a two lot commercial subdivision and a new road, approved in 2009 (DA 2009/0328). The new road is known as Wark Parade. Condition 12 of that consent requires that *“the existing Suttor/Wark Parade intersection is to be permanently closed to all traffic as part of the development”*.

Currently the old section of Wark Parade is privately owned land having been legally closed and transferred to the shopping centre owners. Physical closure has not yet occurred.

### The proposal

The proposal involves additions and alterations to commercial premises including:

- Extension to the existing supermarket to achieve a floor area in the order of 1200 sqm;
- Childcare centre to cater for 105 children;
- Two takeaway food and drink premises (one drive-thru);
- Additional commercial/retail premises;
- Signage (including pylon sign, flush wall sign, awning signs and above awning sign);
- Extension to the car park to create a total of 162 spaces.

The development proposes a new entry/exit to Wark Parade which will service the main ground level carpark. The application also proposes the retention of the access onto Suttor Street (the old Wark Parade). The existing upper level access (servicing the medical centre and loading areas) will remain albeit with alterations to the driveway arrangement.

A plan of the proposed development is at **attachment 2**.

### Planning Context

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

The subject site is zoned B1 Neighbourhood Centre under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Additions and alterations to an existing shopping centre are permissible with consent in the B1 Neighbourhood Centre zone. The proposal is

consistent with the objectives of the zone.

### *State Environmental Planning Policy 64 (Advertising and Signage)*

#### Assessment Criteria

The application proposes a number of advertising signs on the building and in the form of a freestanding pylon sign near the old Wark Parade entrance. The pylon sign is to be 8 metres high and internally illuminated.

In accordance with SEPP 64 Council is required to undertake an assessment against prescribed criteria.

#### Character of the area

*Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The proposed signage is considered generally compatible with the existing and desired future character of the area being a commercial/retail precinct.

*Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There is no particular theme for advertising in the area.

#### Special areas

*Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The majority of signage is located internally on the site with limited impact off site. There is however some concerns regarding the proposed illuminated pylon sign to be located near the old Wark Parade entrance. The pylon sign will be located directly opposite the residential development along Suttor Street. The buildings in this section of the shopping centre (existing and proposed) are generally single storey and substantially lower than 8 metres in height.

#### Views and vistas

*Does the proposal obscure or compromise important views?*

The proposal, for the most part, will not compromise important views although the views from the residential properties along Suttor Street will be impacted by the proposed pylon signage.

*Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposal, for the most part, will not compromise important views although the views from the residential properties along Suttor Street will be impacted by the proposed pylon signage.

*Does the proposal respect the viewing rights of other advertisers?*



There are no other advertisers in the vicinity.

#### Streetscape, setting or landscape

*Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

The proposed pylon signage scheme is considered to be disproportionate to the streetscape and local context. A smaller signage more in context with the size of the adjoining building would be more consistent than the current proposal.

*Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

The sign does not create any visual interest in the streetscape or locality generally.

*Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The pylon sign is considered directory in that it outlines the neighbourhood shops. All other signs are internal and should not negatively impact on the streetscape.

*Does the proposal screen unsightliness?*

The proposal is not considered to screen unsightliness.

*Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage protrudes above buildings, inclusive of the pylon sign and the IGA Supermarket sign. The proposed IGA Supermarket sign is considered acceptable considering it is still under the maximum height of buildings shown on the Height of Buildings Map and is internal to the Centre so should not have a significant adverse impact on the amenity of the local area. The proposed pylon sign is within the site boundary and will be conditioned to be reduced to limit impact on the locality.

*Does the proposal require ongoing vegetation management?*

The signage proposal does not require ongoing vegetation management.

#### Site and building

*Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed signage is considered generally compatible with the scale and characteristics of the site and building with the exception of the pylon sign. The signage has strategically been located to inform locals and visitors to the area of the shops and other facilities within the context of the shopping centre.

*Does the proposal respect important features of the site or building, or both?*

The proposed signage attached to the building is considered to be compatible with the existing neighbourhood shopping centre and is consistent with the existing signage scheme.

*Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposal shows no particular innovation or imagination. Predominately the signage is attached to the building and faces toward the carpark as to limit impact on the amenity, the pylon sign is for wayfinding to inform locals and visitors of the neighbourhood shopping centre and other facilities.

#### Associated devices and logos with advertisements and advertising structures

*Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The signage does not include any safety devices, logos or lighting devices.

#### Illumination

*Would illumination result in unacceptable glare?*

The illumination will be required to comply with Australian Standards. It is not considered the signage will result in unacceptable glare.

*Would illumination affect safety for pedestrians, vehicles or aircraft?*

The subject site is within the approach surface of Obstacle Limitation Surface but is not considered to affect aircraft safety given the illumination will be subject to Australian Standards. The proposed signage is not considered to affect the safety of pedestrians or vehicles as a result of the illumination.

*Would illumination detract from the amenity of any residence or other form of accommodation?*

The illumination of the signage has the potential to impact on the amenity of the nearby residences. Conditions will be imposed so that the illumination will be subject to a curfew, consistent with the opening hours of the Westpoint Shopping Centre. The alternative is that the signs be non-illuminated.

*Can the intensity of the illumination be adjusted, if necessary?*

The illumination will be required to comply with Australian Standards.

*Is the illumination subject to a curfew?*

Conditions will be imposed so that the illumination will be subject to a curfew, consistent with the opening hours of the Westpoint Shopping Centre.

#### Safety

*Would the proposal reduce the safety for any public road?*

The proposed signage is not considered to reduce the safety for any public road. The pylon sign is within the site boundary and should not have an adverse impact on the public road.

*Would the proposal reduce the safety for pedestrians or bicyclists?*

The proposed signage is not considered to reduce safety for pedestrians and bicyclists. The proposed signage is within the property boundary, off the footpath and away from roads.

*Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposal is not considered to reduce the safety for pedestrians, particularly children, because it is attached to the building and should not obscure sightlines. The proposed pylon sign is setback from the footpath and should not result in an unacceptable level of safety.

*Bathurst Regional Development Control Plan 2014*

### **Chapter 5 Business and Industrial Development**

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Floor area	>4000m <sup>2</sup>	N/A	N/A
Setbacks Front Rear Side	Compatible >2m 3m	Compatible with building line As per BCA As Per BCA	Yes Yes Yes
Floor space ratio	1:1	1:1	Yes
Height	10.5m	12m	Yes
Car parking	162 spaces	152.8 spaces	Yes
Bicycle parking	Yes	Yes	Yes
Accessway Width	6m	6m	Yes
12.5m vehicle manoeuvring	Yes	Yes	Yes
Landscaping	Yes	Yes	Yes
Appropriate signage	Yes*	Yes	Yes

\* The proposed pylon sign is 8m which is considered to be visually dominant in the streetscape and could potentially have an adverse impact on local residents. The pylon sign will be illuminated. It is recommended the sign be reduced to 6m to limit the dominance it has on the streetscape.

### **Neighbourhood Shopping Centres**

The proposed development is subject to DCP Map No. 6 and Section 5.9 of the Bathurst Regional DCP 2014.

In accordance with Part 5.9.3 Council may consent to a supermarket within the Westpoint Shopping Centre with a floor area of up to 2500m<sup>2</sup>. The proposed supermarket will be 1202.4m<sup>2</sup> and complies with this planning control.

The 2500 sqm gross floor area for supermarkets in the suburban shopping centres has its foundations in Council's adopted Bathurst CBD & Bulky Goods Business Development Strategy prepared in 2011. It is considered that the proposed development will not detract from the status and commercial viability of the Bathurst CBD. The proposed design of the building is considered quite bulky and has a dominant street presence but is compatible with the existing shopping centre design. The design of the carpark, being predominately internal, is considered to have a positive impact on the amenity as it should avoid a poor view for the surrounding residences. Conditions of consent will be imposed to ensure more landscaping is planted throughout the carpark.

### **Parking**

The development proposes 162 spaces, which is more than the required amount of 152.8 spaces as per the DCP requirements.

### **Traffic**

A detailed traffic report was submitted with the DA documents. The traffic report indicates additional traffic generation as a result of the proposal will be 153 morning trips and 217 evening peak hour trips. The proposed carpark should cater for the increased traffic and the generation should not result in unacceptable traffic impacts.

The application proposes to construct a new carpark entry/exit on Wark Parade which will serve as the primary entrance to the lower level carpark. Traffic beyond this entry point will be limited to patrons wishing to access the upper levels of the shopping centre. In this context it is anticipated that there will be no significant increase in traffic in the upper parts of Wark Parade.

The issue of the retention of the old Wark Parade access onto Suttor remains live in that the application proposes the retention of this access. As noted previously the old section of Wark Parade has been repeatedly raised by Inland, residents and shopkeepers as an issue of concern due to its volume of traffic and width (or lack thereof).

Council's options in this respect are to:

1. Impose a condition requiring removal of the access onto Suttor Street.
2. Limit the access to left out access by modifying the driveway arrangements.
3. Limit the access to left in/left out by modifying the driveway arrangements. Note that a central median would not be an option as it would restrict access into and out of the residential properties in Suttor Street.
4. Retain the current arrangements.

Retention of this access is contrary to the original agreement between the owners and Council that the access be closed and is contrary to the conditions of consent imposed on the subdivision of the land. It is therefore proposed that a condition be imposed that the access to Suttor Street (former Wark Parade) be deleted from the plans.

### **Submissions**

The development application was advertised and notified to adjoining property owners from 13 December 2016 to 22 December 2016. Following the advertising and notification period a total of one (1) submission was received from the West Bathurst Preschool (**attachment 3**).

A discussion forum was arranged but the persons who lodged the submission could not attend.

Issues raised in the submission include:

- Possible impacts on the financial viability of the Preschool
- Impact on views of surrounding rural land
- Impacts on outdoor learning areas
- Additional traffic impacts.

These issues are addressed as follows:

- Possible impacts on financial viability and competition between similar uses are not

- planning matters capable of being considered by Council.
- The proposed shopping centre will be located generally to the west and at a lower level than the Preschool. Whilst there will be some impact on the current views from the front of the Preschool it is not considered extreme and it will retain part of its view to the west.
  - The principal outdoor learning areas for the Preschool are on its northern side i.e. on the opposite side to the proposed development.
  - Additional traffic impacts are addressed elsewhere in the report.

### Conclusion

The proposed development seeks consent for additions and alterations to the Westpoint shopping centre including extension to the supermarket, childcare centre, signage and car park. The proposed development is an expansion to the Westpoint Shopping Centre which is permissible with consent in the B1 Neighbourhood Shopping Centre zone.

The proposed development is not considered to have adverse social or economic impacts and is supported by Council's CBD & Bulky Goods Business Development Strategy 2011.

The proposed development has been analysed against Section 5.9 of the Bathurst Regional DCP 2014 to ensure it does not detract from the status or commercial viability of the Bathurst CBD.

As part of the approval, Council will add conditions to the effect that:

- reduce the height of the pylon sign from 8m to 6m; and
- remove the access and service road off Suttor Street and reinstate the footpath, kerb and guttering.

Approval of the application is recommended.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

## MINUTE

**10 Item 5 DEVELOPMENT APPLICATION NO. 2016/434 – ADDITIONS AND ALTERATIONS TO SHOPPING CENTRE INCLUDING EXTENSION TO SUPERMARKET, CHILDCARE CENTRE, SIGNAGE AND CAR PARK AT 1 WARK PARADE, 105 SUTTOR STREET AND 107 SUTTOR STREET, WINDRADYNE. APPLICANT: INLAND DEVELOPMENTS PTY LTD. OWNER: INLAND DEVELOPMENTS PTY LTD (DA/2016/434)**

**MOVED: Cr B Bourke SECONDED: Cr G Hanger**

That Council:

- (a) defer consideration of Development Application No. 2016/434; and
- (b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr B Bourke, Cr G Hanger, Cr I North,

Against the motion - Cr W Aubin, Cr M Coote, Cr M Morse, Cr G Rush, Cr G Westman.

Absent - Nil

Abstain - Nil

## **MINUTE**

**11 Item 5.01 DEVELOPMENT APPLICATION NO. 2016/434 – ADDITIONS AND ALTERATIONS TO SHOPPING CENTRE INCLUDING EXTENSION TO SUPERMARKET, CHILDCARE CENTRE, SIGNAGE AND CAR PARK AT 1 WARK PARADE, 105 SUTTOR STREET AND 107 SUTTOR STREET, WINDRADYNE. APPLICANT: INLAND DEVELOPMENTS PTY LTD. OWNER: INLAND DEVELOPMENTS PTY LTD (DA/2016/434)**

**MOVED: Cr M Coote SECONDED: Cr M Morse**

That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/434, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The existing service road access to the subject land from Suttor Street is to be closed and access to the property is only to occur via Wark Parade.
  - (ii) Upon closure of Wark Parade, the construction of a 1.2 metre wide, 100 mm thick concrete footpath within the footway on Suttor Street to restore the pedestrian access for the full frontage of the site, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
  - (iii) The pylon sign is to be reduced to a maximum height of 6m;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**The following AMENDMENT was MOVED.**

## **MINUTE**

### **12 Item 5.02 DEVELOPMENT APPLICATION NO. 2016/434 – ADDITIONS AND ALTERATIONS TO SHOPPING CENTRE INCLUDING EXTENSION TO SUPERMARKET, CHILDCARE CENTRE, SIGNAGE AND CAR PARK AT 1 WARK PARADE, 105 SUTTOR STREET AND 107 SUTTOR STREET, WINDRADYNE. APPLICANT: INLAND DEVELOPMENTS PTY LTD. OWNER: INLAND DEVELOPMENTS PTY LTD (DA/2016/434)**

**MOVED: Cr I North SECONDED: Cr M Coote**

That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/434, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The existing service road access (former Wark Parade) be modified to allow left out movements only;
  - (ii) The pylon sign is to be reduced to a maximum height of 6m;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**The AMENDMENT was PUT and CARRIED.**

**The AMENDMENT then became the MOTION.**

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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Nil

Abstain - Nil



**6 DEVELOPMENT APPLICATION NO. 2016/418 – DEMOLITION OF THREE DWELLINGS & OUTBUILDINGS (21 DURHAM STREET, 23 DURHAM STREET & 48 HAVANNAH STREET), CONSTRUCTION OF 49 RESIDENTIAL UNITS (8X2 BEDROOM & 41X3 BEDROOM) AND COMMUNITY BUILDING AND 49 LOT STRATA SUBDIVISION AT 48 HAVANNAH STREET, 21 DURHAM STREET AND 19 DURHAM STREET . APPLICANT: HILLSIDE PROPERTIES AUSTRALIA PTY LTD. OWNER:MORGAN BANKS DEVELOPMENTS, P L WEIR, JS & RJ MCKAY (DA/2016/418)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016.418, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Demolition is not to commence until a Construction Certificate has been issued for the replacement buildings.
  - (ii) Demolition is not to commence until a photographic record of the dwelling at 48 Havannah Street has been completed and submitted to Council.
  - (iii) Development Application 2004/955 is to be complied with completely which includes a site audit statement prior to the issuing of a Construction Certificate for any building within the area subject to this Development Application;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for:

- Demolition of dwelling & outbuildings at 21 Durham Street;
- Demolition of dwelling & outbuildings at 23 Durham Street;
- Demolition of dwelling & outbuildings at 48 Havannah Street;
- Construction of 49 residential units (8 x 2 bedroom units & 41 x 3 bedroom units);
- Construction of a community building; and
- 49 lot strata subdivision.

Council should note that the dwelling known as 23 Durham Street is located on the same allotment of land as 48 Havannah Street.

The site includes 48 Havannah Street (Lot 100 DP 1082124), 21 Durham Street (Lot 1 DP 1109362 & Part Lot A DP 197500) and 19 Durham Street (Lot 5 DP 595438). A location plan is provided at **attachment 1**. The land is surrounded by Havannah Street, Durham Street, Baillie Street and the Havannah Street flood levee (Macquarie River).

The site has a combined area of 17,211.55m<sup>2</sup> (1.721Ha).

The site currently contains three dwellings and associated outbuildings.

Surrounding landuses are residential and open space.

### History of the Site/Proposal

The dwelling known as 48 Havannah Street was built circa 1883. The holding at the time was approx. 6 acres which included 6 cottages. Income from the site was drawn from the rental of the cottages and from a small farm. The cottages were sold in 1918. The house was owned by two prominent families of Bathurst. John Wordsworth Ashworth was a local businessman (a saddler), who was a founding member of Bathurst Council (1862). The Snudden family purchased the house in 1920. The elder Mr Snudden worked as a Station Master at the Kelso Railway Station. According to the Heritage Impact Statement (HIS), none of these prominent families actually lived in 48 Havannah Street.

In later years the property was used as a wrecking yard.

48 Havannah Street is not habitable in its present state. Significant alterations have occurred on the building to facilitate its use as offices.

The dwellings at 23 Durham Street (circa 1960s) and 21 Durham Street (circa 1950s/60s) are currently used as dwellings.

### The proposal

The proposal involves:

- Demolition of dwelling & outbuildings at 21 Durham Street;
- Demolition of dwelling & outbuildings at 23 Durham Street;
- Demolition of dwelling & outbuildings at 48 Havannah Street;
- Construction of 49 residential units (8 x 2 bedroom units & 41 x 3 bedroom units);
- Construction of a community building; and
- 49 lot strata subdivision.

A plan of the proposed development is located at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

### Planning Context

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

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

#### *Clause 4.1B Minimum lot sizes for dual occupancy, 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—Multi Dwelling Housing and Residential Flats Building Map for that lot.*

The Minimum Lot Size— Multi Dwelling Housing and Residential Flats Building Map indicates a minimum lot size for residential units is 900m<sup>2</sup> in this locality. The site has a total area of 17,211.55m<sup>2</sup> and complies with this standard.

#### Clause 4.3 Height of Buildings

The Height of Buildings map shows the maximum height of buildings on the subject site is 9 metres. The maximum height of the buildings to be constructed is 6 metres from natural ground level (dwelling types one and two).

The existing buildings on site are single storey. All the proposed units are single storey.

The development complies with this standard.

#### Clause 5.9 Preservation of trees or vegetation

The site is subject to this clause as it is located within the Heritage Conservation Area.

There are no trees which require consent prescribed by this clause.

#### Clause 10 Heritage Conservation

The objective of this clause is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The site is located within the Heritage Conservation Area but is not listed as an individual heritage item.

Clause 5.10(4) of Bathurst Regional Local Environmental Plan 2014 requires Council to consider the effect of the proposed development on the heritage significance of the heritage conservation area.

The development involves the demolition of the following dwellings:

#### 48 Havannah Street

The dwelling at 48 Havannah Street is a Late Victorian cottage circa 1883. This residential building is generally typical of the mid Victorian era. However its high pitched roof and large sized rooms indicate it was the home of someone of note, who was John Wordsworth Ashworth, a saddler. The house was set on 6 acres and was a small farm on the edge of town. Because of its high pitched roof and building volume, the house contributes well to the streetscape in what is generally a mid-Victorian landscape.

The house is set close to the lot boundaries. The house is typical of a mid Victorian residence constructed in full brick, using English bond and Flemish bond brickwork. The first 4 rooms and central hall have a high pitched hipped roof clad in corrugated iron. The house has a symmetrical façade behind a 1930s brick pillared verandah which has a straight iron, hipped roof.

The building has been subject to considerable change. Windows have been changed from timber to an aluminium frame, with sills and original header courses removed. Internal doors have been blocked up. The front verandah supports have been changed to brick pillars (which would have been timber posts originally) and most of the left hand side outer wall has been removed and large windows installed. The total lack of maintenance has led to considerable damage to floors and internal walls. There were once other outbuildings on the site and a kitchen at the rear of the house which have been earlier removed.

The dwelling has extensive structural damage and has been irreversibly altered. The engineering report submitted (see **attachment 4**) with the application has deemed the dwelling structurally unsafe due to poor building methods, materials and lack of maintenance. One of the front two rooms has been altered considerably, including the removal of walls, new concrete slab floor and sealing of doorways to the rest of the house.

The infill building has been designed as a standalone dwelling with a high roof pitch to represent the important architectural features of the existing building.

The issue of demolition of this building is addressed in more detail later in this report.

#### 21 Durham Street

The HIS indicates that the existing dwelling was constructed during the 1950's -60's.

The building is not considered to be architecturally significant.

There are no known significant cultural links to the property or the dwelling.

The proposed infill building will make a positive impact upon the streetscape.

On the whole it is considered that the demolition of 21 Durham Street and infill will not have a significant deleterious impact on the heritage conservation area and is supportable.

#### 48 Havannah Street (fronting Durham Street), known as 23 Durham Street

The HIS indicates that the existing dwelling was constructed during the 1960's. Council believes the building was more likely constructed in the 1970's.

The building is not considered to be architecturally significant.

There are no known significant cultural links to the property or the dwelling.

The proposed infill building will make a positive impact upon the streetscape.

On the whole it is considered that the demolition of this dwelling and infill will not have a significant deleterious impact on the heritage conservation area and is supportable.

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

#### Chapter 2 – Exhibition and Notification

The development application was advertised and notified to adjoining property owners from 5 December 2016 to the 19 December 2016 in accordance with Chapter 2.

Following the advertising and notification period 5 submissions were received.

The issues raised in the submissions are addressed in the submissions section later in the report.

#### Chapter 4 – Residential Development

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

#### Density

Council's DCP prescribes a density for residential units in Precinct 1 of 93.50 persons per site hectare for lots with an area greater than 4000m<sup>2</sup>.

The proposed development will involve the following:

- 41 x three bedroom dwellings
- 8 x two bedroom dwellings

The proposed density is 88.84 persons. The proposal complies with the requirement of Council's density provisions of 93.5 persons per site hectare.

#### Height

All the proposed units are single storey. Council's height restriction is two-storey. The development complies with Council's provisions in relation to maximum height.

#### Setbacks

All dwellings which have frontage to Havannah Street, Baillie Street and Durham Street have a front setback consistent with the existing streetscape.

All other setbacks comply with the Building Code of Australia.

#### Car Parking

Car parking requirements for medium density housing (residential units) in Precinct 1 are:

- For two bedroom dwellings: one space per dwelling and visitor parking is 1 space per 4 dwellings (and part thereof); and
- For three bedroom dwellings: one space per dwelling and visitor parking is 1 space per 2 dwellings (and part thereof).

Each individual unit has a private garage which provides a covered space for each dwelling.

There are 41 x three bedroom dwellings and 8 x two bedroom dwellings, therefore 22.5 visitor spaces are required for the development. The development provides 23 visitor parking spaces.

#### Private Open Space

Each dwelling has private open space which is private and exclusive to the dwelling. The remainder of the open space is communal open space which is provided for all the dwellings

within the complex to use. Within this communal open space area there is a community building which has a swimming pool.

The development provides adequate open space for all the dwellings.

### Access

Dwellings 39, 5 and 9 have direct street access to Havannah Street and Baillie Street.

The development involves two accesses, one off Baillie Street and another off Durham Street. These accesses will be linked by internal driveway which will service the remaining 46 dwellings.

## Chapter 10 Urban Design & Heritage Conservation

### 10.3.3 Statement of Heritage Impact

A detailed Heritage Impact Statement has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014.

The document identifies the following Statement of Significance for the existing dwelling known as 48 Havannah Street (see copy of Heritage Impact Statement at **attachment 5**):

*It appears that the house was constructed in 1884 or thereabouts. The holding at this time was approximately 6 acres and also included six cottages. Income from the site was drawn from rental of the cottages and from a small farm. The cottages were sold in 1918. The house was owned by two prominent families in the neighbourhood. These were the Ashworths and the Snudden's. John Ashworth was a local businessman (a saddler), who was also a member of the local council and a founder of a local newspaper. The house was owned by the Snudden family from 1920. The elder Mr Snudden before operating as a mechanic and car yard worked as a Station Master at the Kelso Railway Station. His son continued the automotive business. However prominent in their time no famous person has lived on the site and no historically significant events have been recorded as happening on the site. The architecture of the house is not remarkable, no architect has been uncovered by the research. The original owners of the house were small farm owners. The building is not historically significant. The existing fabric does not aid in the telling of a specific history as it is in such a poor condition and as both internal and external fabric has been irrevocably damaged, by demolition and neglect.*

### Structural Assessment

A Structural Assessment has been prepared by Barnson (dated June 2016). This report states that the footings that the building is founded on are inadequate to cater for the highly reactive sub soil most likely occurring at the site. This in combination with weak masonry mortar and inadequate maintenance over many years has added to the degradation of the building. The following methods of rectification have been recommended as part of this report:


- Footing Stiffening
- Underpinning
- Wall repair/re-build
- Re-instate floors, windows, roof structure

The cost of the above Works for the rectification of the building is estimated at \$159,560 (see Structural Assessment at **attachment 4**).

### 10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling at 48 Havannah Street proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken.

The following table provides a summary of the assessment.

Address of Building: 48 Havannah Street Bathurst	<b>BCAMS Rating: 7</b>
Type of Building/Current Use: The dwelling has previously been used for residential purposes and more recently as a car sales yard office but is not currently occupied.	Zoning: R1 General Residential
	Period of Construction: Heritage Impact Statement suggests: <b>Late Victorian 1880-1900</b> <b>Representative</b>
<b>Heritage Listings:</b> None. Located within the Bathurst Heritage Conservation Area.	
<b>Streetscape:</b> The dwelling sits within a residential streetscape with rows of mid Victorian terraces located to the immediate west of the dwelling.	
<b>Brief History:</b> The Heritage Impact Statement (HIS) provided with the application states the house was built circa 1883. The holding at the time was approx. 6 acres which included 6 cottages. Income from the site was drawn from the rental of the cottages and from a small farm. The cottages were sold in 1918. The house was owned by two prominent families of Bathurst. John Wordsworth Ashworth was a local businessman (a saddler), who was a founding member of Bathurst Council (1862). The Snudden family purchased the house in 1920. The elder Mr Snudden worked as a Station Master at the Kelso Railway Station. According the HIS, none of these prominent families actually lived in 48 Havannah Street.	
<b>Physical Description:</b> The house is set close to the lot boundaries. The house is typical of a mid Victorian residence constructed in full brick, using English bond and Flemish bond brickwork. The first 4 rooms and central hall have a high pitched hipped roof clad in corrugated iron. The house has a symmetrical façade behind a 1930s brick pillared verandah which has a straight iron, hipped roof.  The building has been subject to considerable change including windows changed from timber to Aluminium framed, with sills and original header courses removed, internal doors blocked up. The front verandah supports have been changed to brick pillars (would have been timber posts originally) and most of the left hand side outer wall has been removed and large windows installed. The total lack of maintenance has led to considerable damage to floors and internal walls. There was once other outbuildings on the site and a kitchen at the rear of the house which have been earlier removed.	
<b>Condition Description:</b> The dwelling has extensive structural damage and has been irreversibly altered. The engineering	

report submitted with the application has deemed the dwelling structurally unsafe due to poor building methods, materials and lack of maintenance. One of the front two rooms has been altered considerably, including the removal of walls, new concrete slab floor and sealing of doorways to the rest of the house.

<b>Statement of Significance:</b> Constructed in c. 1883, this residential building is generally typical of the mid Victorian era. However its high pitched roof and large sized rooms indicate it was the home of someone of note, who was John Wordsworth Ashworth, a saddler. The house was set on 6 acres and was a small farm on the edge of town. Because of its high pitched roof and building volume, the house contributes well to the streetscape in what is generally a mid-Victorian landscape.	
<u>Heritage Significance</u> <b>Historically significant in a regional context (pre 1900/state significant)</b>	<u>Streetscape Rating</u> <b>Contributory</b>
Special Vegetation: None.	
<b>Comments:</b> This house has been severely deteriorated by neglect (weeds, rodents, water penetration) and by unsuitable changes to the fabric of the building. There is not a great deal of the building left unchanged. However its form and bulk did contribute to the streetscape and is a reminder of the past rural nature of the outskirts of the city.	Integrity <b>Altered unsympathetically – Non-reversible</b>

Whilst the dwelling has a high BCAMS rating, the building in its current state will require significant reconstruction work which will ultimately alter the original fabric. The proposed development is a positive outcome with respect to the Havannah Street streetscape and will ensure the character and streetscape is maintained and enhanced.

The plans submitted demonstrate the existing elements and fabric of the building will be incorporated into the proposal – eg re-use of the brick into the front fence. The plans propose a design that reflects the current features of the dwelling and its neighbours.

On this basis, demolition is supported in this instance.

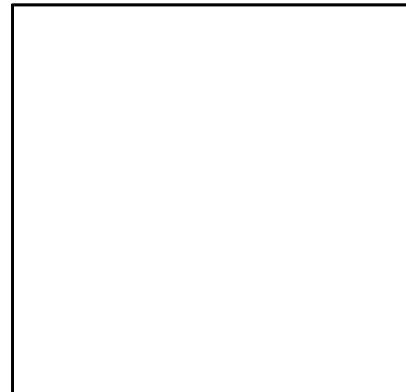
48 Havannah Street (dwelling fronting Durham Street) known as 23 Durham Street

A structure report has been submitted for the demolition of this dwelling (see **attachment 6**). This building is in a structurally adequate condition from that observed from an external inspection however significant aesthetic repairs are required to make the building habitable.

The following table provides a summary of the BCAMS assessment.

Address of Building: 48 Havannah Street Bathurst (Fronts Durham Street)	<b>BCAMS Rating: 4</b>
Type of Building/Current Use: Residential	Zoning: R1 General Residential
	Period of Construction: Heritage Impact Statement suggests: <b>1970/80s/90s</b>
	<b>Representative</b>





<b>Heritage Listings:</b> None. Located within the Bathurst Heritage Conservation Area.	
<b>Streetscape:</b> The dwelling sits within a residential streetscape of a mix of post war and modern buildings.	
<b>Physical Description:</b> A double fronted single storied brick veneer dwelling with hipped roof and aluminium windows.	
<b>Condition Description:</b> The dwelling is in fair condition.	
<b>Statement of Significance:</b> The dwelling is not of a significant construction period.	
<u>Heritage Significance</u> <b>Not significant</b>	<u>Streetscape Rating</u> <b>Neutral</b>
Special Vegetation: None.	
<b>Comments:</b> The house itself is not historically significant and no objection raised to its removal. The median BCAMS rating is attributed to the integrity of the building and not its contribution to the streetscape or heritage conservation	<u>Integrity</u> <b>Substantially intact</b>

The building is relatively modern which is represented in the low BCAMS rating. The building does not contribute significantly to the streetscape and the heritage conservation area. The demolition of this building is supported.

### 21 Durham Street

Address of Building: 21 Durham Street	<b>BCAMS Rating: 4</b>
Type of Building/Current Use: Residential	Zoning: R1 General Residential
	Period of Construction: Heritage Impact Statement suggests: <b>1950/60s</b>
	<b>Representative</b>

<b>Heritage Listings:</b> None. Located within the Bathurst Heritage Conservation Area.	
<b>Streetscape:</b> The dwelling sits within a residential streetscape of a mix of post war and modern buildings.	
<b>Physical Description:</b> A simple clad cottage with brick chimney and original fence.	
<b>Condition Description:</b> The dwelling is in fair condition.	
<b>Statement of Significance:</b> The dwelling is not of a significant construction period.	
Heritage Significance	Streetscape Rating
<b>Not significant</b>	<b>Neutral</b>
Special Vegetation: None.	
<b>Comments:</b> The house itself is not historically significant and no objection raised to its removal. The median BCAMS rating is attributed to the integrity of the building and not its contribution to the streetscape or heritage conservation	Integrity <b>Substantially intact</b>

The building is relatively modern which is represented in the low BCAMS rating. The building does not contribute significantly to the streetscape and the heritage conservation area. The demolition of this building is supported.

### Chapter 15 Crime Prevention

The Development was referred to the Chifley Local Area Command under Councils Crime Prevention Through Environmental Design (CEPTED).

This referral has resulted in the rating for the development as a low crime risk (see CEPTED assessment at **attachment 7**).

### Submissions

The development application was advertised and notified to adjoining property owners. Following the advertising and notification period a total of 5 submissions were received (see submissions at **attachment 8**).

A discussion forum was convened by the Acting Director on 19 January 2017(see minutes of discussion forum at **attachment 9**). Issues raised in the submissions and at the discussion forum included:

- *Minimum Lot Size*

See assessment for LEP – minimum lot size section of the report. The development complies with Council's requirements for minimum lot size.

- *Contamination on site*

Council has previously granted consent to the remediation of the site in 2004. The remediation works have been commenced with part of the works (relating to capping) yet to be completed. Upon completion of the remediation works the developers will be required to obtain a site audit certificate certifying the site is suitable for the residential use. This approach is consistent with the previous proposal for residential development on the land. No construction certificate for dwellings will be issued for this site until the remediation is completed and a site audit has been completed and submitted to Council for assessment.

- *Internal Streetscapes of the development*

Since the discussion forum the internal streetscapes of the development have been altered to reduce some of the 1.8 metre high fences to 1 metre high fences.

- *The infill development visible to the street is not sympathetic to existing streetscape.*

The design for dwellings 39, 43, 1, 5 and 9 (detached dwellings visible to the street) have been redesigned, the changes are:

- Increasing the roof pitch to 30 degrees;
- Increasing the floor to ceiling height; and
- The window proportions have changed.

Other changes to the streetscape are:

- The individual gables on the triplex have been removed.
- The fence on the Havannah Street and Durham Streetscape includes row of bricks (plinth).
- The 1.8metre height fence of the Durham Street façade has been moved from the front property boundary and setback to the building line.

The bulk and scale of the dwelling which are visible from the street have been altered. The amended design compliments the adjoining terrace houses in Havannah Street.

The finishing touches to the fencing has improved the infill development to blend in with the existing design elements of the surrounding buildings.

- *Demolition of 48 Havannah Street*

This dwelling has been significantly altered over time. A full assessment of the demolition of this building was provided earlier in this report.

- *Traffic*

A Traffic and Parking assessment has been submitted (see **attachment 10**). The traffic study estimates that the development will generate 25-31 vehicle trips per weekday AM and PM peak hours. The existing road network has adequate capacity to handle this scale of development.

- *Upgrading of Baillie Street*

Conditions will be imposed on this DA that require the developer to upgrade Baillie Street to Council's minimum standard which will include kerb and guttering.

- *Flooding*

The development is protected by the Havannah Street Levee. The Havannah Street levee has been constructed to protect the land from a flood event which is 1%AEP plus 1 metre. No particular conditions are required in relation to flooding.

- *Landscaping*

The landscape plan has been amended to including additional trees and this has improved the visual amenity of the development.

- *Development is too large and too dense*

The development complies with Council's planning controls in relation to the density and minimum lot size (as assessed in the LEP and DCP section of the report).

- *A higher density development, through multistorey housing, will have less impact on heritage significance of the area*

This development complies with Council's planning controls in relation to density etc. The applicant has not sought to go beyond Council's existing planning standards. Any future proposal to increase the permissible living density on this site would require further investigation by the applicant and Council. If this increased density was to be supported it would involve an amendment to Council's planning controls (LEP and DCP) which would require further consultation with adjoining properties.

- *Site coverage*

Council has no planning controls in relation to maximum site coverage for this site.

- *Colorbond fencing*

The plans have been amended to remove the colorbond fencing and replacing it with a 1.8 metre high acoustic fence. An acoustic fence was requested by the neighbours at the discussion forum.

- *The internal micro-climates*

The design of the internal driveways has been altered from the original plans submitted to reduce the pavement area. Also the fence heights have been reduced to provide greater benefit to the micro-climate of the site.

### Conclusion

This Development Application involves the demolition of three dwellings which included a late Victorian Cottage. The infill development for the site is 49 dwellings and a community building. This development also includes a 49 lot strata subdivision. The proposed development complies with Council's current planning standards. Approval is therefore recommended.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

**MINUTE**

**13 Item 6 DEVELOPMENT APPLICATION NO. 2016/418 – DEMOLITION OF THREE DWELLINGS & OUTBUILDINGS (21 DURHAM STREET, 23 DURHAM STREET & 48 HAVANNAH STREET), CONSTRUCTION OF 49 RESIDENTIAL UNITS (8X2 BEDROOM & 41X3 BEDROOM) AND COMMUNITY BUILDING AND 49 LOT STRATA SUBDIVISION AT 48 HAVANNAH STREET, 21 DURHAM STREET AND 19 DURHAM STREET . APPLICANT: HILLSIDE PROPERTIES AUSTRALIA PTY LTD. OWNER:MORGAN BANKS DEVELOPMENTS, P L WEIR, JS & RJ MCKAY (DA/2016/418)**

**MOVED: Cr G Hanger SECONDED: Nil**

That Council defer consideration of Development Application No. 2016.418.

**The MOTION LAPSED for want of a SECONDER.**

## MINUTE

**14 Item 6.01 DEVELOPMENT APPLICATION NO. 2016/418 – DEMOLITION OF THREE DWELLINGS & OUTBUILDINGS (21 DURHAM STREET, 23 DURHAM STREET & 48 HAVANNAH STREET), CONSTRUCTION OF 49 RESIDENTIAL UNITS (8X2 BEDROOM & 41X3 BEDROOM) AND COMMUNITY BUILDING AND 49 LOT STRATA SUBDIVISION AT 48 HAVANNAH STREET, 21 DURHAM STREET AND 19 DURHAM STREET . APPLICANT: HILLSIDE PROPERTIES AUSTRALIA PTY LTD. OWNER:MORGAN BANKS DEVELOPMENTS, P L WEIR, JS & RJ MCKAY (DA/2016/418)**

**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016.418, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Demolition is not to commence until a Construction Certificate has been issued for the replacement buildings.
  - (ii) Demolition is not to commence until a photographic record of the dwelling at 48 Havannah Street has been completed and submitted to Council.
  - (iii) Development Application 2004/955 is to be complied with completely which includes a site audit statement prior to the issuing of a Construction Certificate for any building within the area subject to this Development Application;
- (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 M Coote, Cr M Morse, Cr I North, Cr G Westman.

Against the motion - Cr G Hanger, Cr G Rush,

Absent - Nil

Abstain - Nil

## **7 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2016 (20.00071)**

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

**Report:** In 2016 Council introduced a range of new programs that have now finalised the 2011 – 2016 Economic Development Strategy. The Economic Development section have completed the 2016 End-of-Year Report detailing these projects (**attachment 1**).

Approximately 600 businesses have directly participated in Council's Economic Development initiatives in 2016. When Council's Business eNewsletter, social media campaigns and front counter enquiries are incorporated, Council has connected with approximately 1,650 local businesses in 2016, equating to 51% of businesses within the LGA.

Activities include:

- The development of Council's reputation as a strong supporter of local business growth, business start-ups and business relocation.
- Promotion of Bathurst as a great place to live, work and invest.
- Growth of local employment and job generation through:
  - The attraction of 6 new businesses resulting in the creation of approximately 40 new jobs
  - Third Bathurst Jobs Expo held with 2,148 attendees, an attendance increase of 53% compared to 2015
  - Growth of the Evojobs platform for jobseekers.
- 38 household relocations to Bathurst through Evocities in 2016, resulting in a total contribution of approximately \$3.6M to the local economy.
- Improved business practices, innovation and entrepreneurial activities including the growth of community business groups (Business Chamber, Persuaders).
- Fostering of economic prosperity and local sales through such initiatives as the Bathurst Buy Local Campaign, Gift Card and BizWeek.
- Continued engagement and communication with local business through the growth of the Business Database and Business eNewsletters.
- Organisation of 2 Mayoral Welcome Wagon Receptions to officially welcome 70 new residents to Bathurst.
- Launch of the new Bathurst Business Hub website, a central online portal where businesses can access information on business events, grants and resources.
- Facilitation of essential infrastructure to foster continued business growth and attraction, such as the NBN and an additional Optus mobile tower at Napoleon Reef through the Governments Mobile Black Spot Program.
- Stronger relationships with the Bathurst Business Chamber, Regional Development Australia (RDA), Screen Central, NSW Department of Industry, Charles Sturt University, AusIndustry, Business Enterprise Centre (BEC) and the 5 other Evocities.
- Assistance and facilitation of 11 filming projects across the Bathurst LGA, assisting in raising the Bathurst regions profile and promotion.
- Contribution to the development of an inclusive and collaborative business community through such initiatives as the Mayoral Business Leaders Lunch, attracting 65 senior business professionals.
- Commenced the development of the new Economic Development Strategy 2017-2021.

Council acts as an advocate, facilitator, coordinator and service provider to lead and enable continued economic prosperity, infrastructure, innovation, investment, job generation, residential/business relocation and new enterprise development.

With the finalisation of the 2011 – 2016 Economic Development Strategy, Council is now in the process of developing the new 2017-2021 Strategy in consultation with the community and key stakeholders.

### Conclusion

The number of activities completed in 2016 demonstrates the extensive range of Economic Development initiatives that Council leads to encourage and support economic prosperity in the Bathurst Region.

The End-of-Year 2016 report details the above projects, their linkages to the Economic Development Strategy 2011 - 2016 and their contribution to the continued economic prosperity of the Bathurst Region.

With the finalisation of the 2011 – 2016 Economic Development Strategy, Council is now in the process of developing the new 2017-2021 Strategy.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1
- Objective 33: To be and develop good leaders. Strategy 33.6



**MINUTE**

- 15 **Item 7 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2016 (20.00071)**  
**MOVED: Cr I North SECONDED: Cr G Westman**

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Denyer', with a long, sweeping flourish extending upwards and to the right.

R Denyer  
**ACTING DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

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

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

**Report:** \$72,100,000 was invested at 31 January 2017 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:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$11,000,000.00	2.87%
St George	A1+	\$3,000,000.00	2.83%
Bank of Queensland Limited	A2	\$13,500,000.00	2.77%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.74%
Newcastle Permanent	A2	2,500,000.00	2.80%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.83%
People's Choice Credit Union	ADI	\$1,500,000.00	2.69%
Railways Credit Union Limited	ADI	\$2,000,000.00	2.91%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.77%</u>
		<b>\$36,000,000.00</b>	<b>2.81%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Committed Rolling Investments</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.57%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.72%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	2.78%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.10%</u>
		<b>\$9,300,000.00</b>	<b>2.73%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB+	<u>\$2,000,000.00</u>	<u>3.28%</u>
		<b>\$2,000,000.00</b>	<b>3.28%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.68%
AMP	AA-	\$800,000.00	2.87%
AMP	AA-	\$1,000,000.00	3.11%
Suncorp Metway	A+	\$1,000,000.00	3.03%
Rabobank	A+	\$1,000,000.00	3.27%
Macquarie Bank	A	\$1,000,000.00	2.87%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	2.96%
Bank of Queensland	A-	\$1,000,000.00	2.77%

Bank of Queensland 1	A-	\$2,000,000.00	2.91%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	2.72%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	2.86%
Bank of Queensland 2	A-	\$1,000,000.00	2.83%
Credit Union Australia	BBB+	\$3,000,000.00	3.09%
Police Bank Ltd	BBB+	\$1,000,000.00	2.86%
Police Bank Ltd 2	BBB+	\$1,000,000.00	2.86%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.00%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.40%
Newcastle Permanent	BBB+	\$1,000,000.00	3.13%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB+	\$1,000,000.00	3.43%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.76%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.06%</u>
		<b>\$24,800,000.00</b>	<b>3.00%</b>

**Total Investments** **\$72,100,000.00** **2.88 %**

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

Reserves Total (includes unexpended loan funds)	\$35,816,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$579,269.00

**Total Investments** **\$72,100,000.00**

**Total Interest Revenue to 31 December 2016** **\$1,233,818.55** **2.88%**

**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.

**R Roach**  
**Responsible Accounting Officer**

**Financial Implications:** Interest received on investments has been included in the current budget.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

## MINUTE

- 16 Item 1 STATEMENT OF INVESTMENTS (16.00001)  
MOVED: Cr B Bourke SECONDED: Cr G Westman

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

## **2 MONTHLY 2016-2020 DELIVERY PLAN REVIEW AND QUARTERLY BUDGET REVIEW STATEMENT 2016-2017 (16.00144)**

**Recommendation:** That the information be noted and any variations to income and expenditure be voted.

**Report:** Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, [www.bathurst.nsw.gov.au/council/general-information/public-documents](http://www.bathurst.nsw.gov.au/council/general-information/public-documents). A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At **attachment 1** is an update of the strategies for the 2036 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 management plan or 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 now set a prescribed format for the Quarterly Budget Review Statement (QBRs). The new 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 Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division 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 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

## MINUTE

**17 Item 2 MONTHLY 2016-2020 DELIVERY PLAN REVIEW AND QUARTERLY BUDGET REVIEW STATEMENT 2016-2017 (16.00144)**  
**MOVED: Cr M Coote SECONDED: Cr I North**

**RESOLVED:** That the information be noted and any variations to income and expenditure be voted.

### **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 January 2017.

**Financial Implications:** Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$8,463

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5



**MINUTE**

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

**MOVED: Cr B Bourke SECONDED: Cr M Coote**

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

#### **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.

- AD Brown - 24 Cox Lane - Lot 29, DP 1226661 - Transfer
- AM Parker - 10 Fraser Drive - Lot 34, DP 1226661 - Transfer
- AJ Davey - 23 Lew Avenue - Lot 18, DP 1226661 - Transfer
- Warren Harvey Homes Pty Ltd - 3 Twynam Avenue - Lot 1068, DP 1215618 - Transfer
- Change of Owners Name - 67 Woodside Drive - Lot 7, DP 263393 - Change of Name
- J Johnson-Banister - 200 College Road - Lot 2, DP 749758 - Licence Agreement
- SL & DM Scott - 5 Lew Avenue - Lot 27, DP 1226661 - Transfer
- TN & RG Collett - 27 Fraser Drive - Lot 46, DP 1226661 - Transfer
- CA & NJ Conn - 30 Fraser Drive - Lot 44, DP 1226661 - Transfer
- WJ Harvey - 1 Lew Avenue - Lot 28, DP 1226661 - Transfer
- BLP Png - 7 Twynam Avenue - Lot 1066, DP 1215618 - Transfer
- AM Whittaker - 8 Fraser Drive - Lot 33, DP 1226661 - Transfer
- TD Pugh - 27 Lew Avenue - Lot 16, DP 1226661 - Transfer
- P & C Weir - Freemantle Road, Freemantle - Lots 3, 5, 8 & 27, DP 1218703 - Transfer

#### **Linen Plan Release**

- Nil

**Financial Implications:** Nil.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

## MINUTE

- 19 Item 4 POWER OF ATTORNEY (11.00007)  
MOVED: Cr I North SECONDED: Cr M Morse

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

**5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 22.16095, 22.05258, 22.00830, 22.00185, 22.11776, 22.00654,  
22.01415)**

**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 EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP1223252 LOCATED ON  
HEREFORD STREET KELSO FOR LUCERNE HAY PRODUCTION (22.16095)**

The report concerns a proposal to enter into a new Rural Licence Agreement with Mr Barry Morris for Lot 1 DP1223252 Hereford Street, Kelso to use for lucerne hay production.

**2 EXPRESSION OF INTEREST - RURAL LEASE - PART LOT 2 IN DP749758  
LOCATED AT 200 COLLEGE ROAD, BATHURST - AGISTMENT ONLY (22.05258)**

The report concerns a proposal to enter into a new Rural Licence Agreement with Mr Paul Melham for part Lot 2 DP749758, 200 College Road, Bathurst to use for agistment only.

**3 EXPRESSION OF INTEREST - VACANT LAND LEASE - LOT 1 IN DP1076086  
LOCATED AT 112 BENTINCK STREET BATHURST - SECURE PARKING (22.00830)**

The report concerns a proposal to enter into a new Commercial Lease Agreement with Secure Parking Pty Ltd for Lot 1 DP1076086 at 112 Bentinck Street Bathurst.

**4 NEW COMMUNITY LEASE - PART LOT 180 IN DP862410 LOCATED AT UNIT 1/55  
SEYMOUR STREET, BATHURST - AUSTRALIAN UNITY HOME CARE SERVICE PTY  
LTD (22.00185)**

The report concerns a proposal to enter into a Community lease at Unit 1/55 Seymour Street with Australian Unity Home Care Service Pty Ltd (previously known as Home Care Service of NSW).

**5 NEW TELECOMMUNICATION LEASE - PART LOT 41 IN DP755772 LOCATED AT  
WINBURNDALE DAM (22.11776)**

The report concerns a proposal to discuss a potential lease arrangement with a property owner to install telemetry equipment to assist Council in monitoring the Winburndale Dam.

**6 EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP995205 AND LOT 1 IN  
DP1007962 LOCATED AT COMMONWEALTH, PATNA AND MORRISSET STREETS  
BATHURST (22.00654)**

The report concerns a proposal to enter into a new Rural Licence Agreement with Mr Paul Melham for Lot 1 DP995205 and Lot 1 DP1007962 at Commonwealth, Patna and Morrisset Streets.

## **7 PROPOSED PURCHASE OF PROPERTY AT MOUNT PANORAMA (22.01415)**

The report concerns the proposed purchase of a property at Mount Panorama.

## **8 LAND SALE KELSO INDUSTRIAL ESTATE (20.00010)**

The report concerns a proposal from a business to purchase three lots of industrial land at the Kelso Industrial Estate.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTE**

**20 Item 5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 22.16095, 22.05258, 22.00830, 22.00185, 22.11776, 22.00654, 22.01415)**  
**MOVED: Cr I North SECONDED: Cr G Westman**

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

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

## **DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

## **1 DEREGULATION OF LICENCED AERODROME ROUTE (21.00008)**

**Recommendation:** That Council support the continued licencing of the Bathurst – Sydney Regular Passenger Transport route.

**Report:** Council has been advised by the Minister for Transport and Infrastructure, the Hon Andrew Constance MP, that the NSW Government is considering deregulating the currently licenced air transport route between Bathurst and Sydney.

At present, Bathurst Aerodrome's Regular Passenger Transport provider is Regional Express, who provided 19 return flights per week on the Sydney – Bathurst route. Regional Express was reappointed by the NSW Government Department of Transport on 30 March 2013, for a period of 5 years, following an expression of interest process that was managed by the NSW Government. The new licence period, should the NSW Government decide to continue with the licencing arrangement, will commence 30 March 2018.

The number of licences available for each licenced route is dependent on the number of passengers that utilise the service, which has been in place to assist with the commercial viability of the route. Typically, routes with up to 50,000 passengers per year have only one licenced operator, with passenger numbers on the Bathurst – Sydney route last year totalling 19,981 in the 2015-16 financial year, up from 17,422 in the 2014-15 financial year. (Note that the main runway was reconstructed in the 2014-15 year, with Regional Express not able to operate out of Bathurst in this period).

By way of comparison, Orange Aerodrome catered for 49,471 passengers in the 2015-16 financial year and has not been a regulated route for approximately 8 years. Orange is serviced solely by Regional Express, however previously had a second airline, Brindabella Airlines, operating for approximately one year, prior to going into receivership in late 2013.

The Bathurst – Sydney route would at best be marginal for an airline operator based on present passenger numbers, however there are operational advantages for Regional Express operating out of both Orange and Bathurst due to inclement weather impacts.

It is important to note that the deregulation of the Bathurst – Sydney route has no impact upon any airline approaching Bathurst Regional Council to fly to any other regional or metropolitan destination. This would be done on the basis of the airline determining a demand for this service with an appropriate economic return.

Council has requested comment on its yoursay online community engagement website and have received a number of submissions. In addition, Council directly sought comments from Regional Express, Bathurst Business Chamber and user representatives of the Bathurst Aerodrome. Refer **attachment 1** for submissions.

A number of the yoursay submissions indicated a desire for competition and thus lower airline ticket prices. However, it is highly unlikely that a second airline operation for Bathurst would be economically viable, so is unlikely to eventuate.

Regional Express has indicated in their response that whilst they believe that it is more desirable to have a strong monopoly provider for marginal routes, that it is their desire to have all licencing requirements from all intrastate routes removed, so that the market can determine providers. Refer **attachment 2**.

As Councillors would be aware, Regional Express and Council has previously directly negotiated passenger head tax arrangements, outside of the licensing conditions, with an



agreement to provide a 50% reduction in the passenger head tax for the Rex Net tickets for up to 30% of overall ticket sales. This agreement has been made to assist in the development of passenger number growth on the Bathurst Sydney Route. It is believed that Regional Express and Council will continue to work in partnership into the future to ensure that the route continues to operate.

Whilst it is unlikely that a second airline is likely to operate on the Bathurst – Sydney route, it is recommended that Council request that the licencing of the route be continued, to remove any likelihood of this occurring. This will ensure that the incumbent airline operator in future licence periods will have the ability to best operate in a marginal route.

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.9
  
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.6

## MINUTE

- 21 Item 1 DEREGULATION OF LICENCED AERODROME ROUTE (21.00008)  
MOVED: Cr W Aubin SECONDED: Cr G Westman

**RESOLVED:** That Council support the continued licencing of the Bathurst – Sydney Regular Passenger Transport route.

**2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 36.00619, 36.00618, 22.04305 )**

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

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

**1 TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN WEST EGLINTON  
(36.00619)**

The report considers the tender for the construction of a sewer carrier main for West Eglinton.

**2 TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN EAST EGLINTON  
STAGE 3 (36.00618)**

The report considers the tender for the construction of a sewer carrier main for East Eglinton.

**3 PROPOSED ACQUISITION AND TRANSFER OF LAND - MOUNTAIN STRAIGHT,  
MOUNT PANORAMA FOR BOUNDARY ADJUSTMENT (22.04305)**

The report considers the acquisition and transfer of land on Mountain Straight, Mount Panorama, for boundary adjustment.

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

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

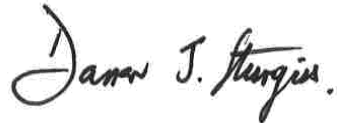
**MINUTE**

**22 Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 36.00619, 36.00618, 22.04305 )**

**MOVED: Cr I North SECONDED: Cr G Westman**

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

Yours faithfully



Darren J Sturgiss  
**ACTING DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

# **1 RECONCILIATION ACTION PLAN (RAP) - PROGRESS AND ACHIEVEMENT REPORT (09.00031)**

**Recommendation:** That Council:

- (a) note the summary of achievements for 2015-2017.
- (b) endorse the development of a further Innovate Reconciliation Action Plan (RAP) for 2017-2019, and
- (c) note the timeline for the delivery of Council's Innovate Reconciliation Action Plan 2017-2019.

**Report:** Council's first Reconciliation Action Plan (RAP) was launched on 6 July 2015 during NAIDOC week celebrations. The document was developed in partnership with Bathurst Regional Council, members of the local Aboriginal community and Reconciliation Australia with the aim to provide an opportunity to build relationships, understanding and respect between local Aboriginal and Torres Strait islander peoples and the broader community.

The Innovate RAP has a two-year duration, which commences when the RAP is formally endorsed by Reconciliation Australia. Bathurst Regional Council was one of the first Regional Councils to have a RAP endorsed by Reconciliation Australia.

This report details Council's RAP progress during 2015-2017 and outlines a timeline to complete the next Innovate RAP.

## **Summary of 2015-2017**

The focus of the RAP for 2015-2017 was to allow the organisation to identify areas where we could focus our attention and commitment to create a more inclusive culture.

Key actions pertaining to RAP have been as follows:

1. **Relationships:** Council seeks to develop and strengthen its relationship with Aboriginal and Torres Strait Islander people to create a shared understanding of the oldest surviving culture in the world. This can be achieved by Council fostering and building relationships in a supportive and informative environment.

<b>Action</b>	<b>Progress</b>
<b>RAP Working Group (RAPWG)</b>	<u>Completed:</u> RAPWG met quarterly through 2015/16 to monitor reporting requirements.
<b>Participation, Access &amp; Understanding- Promote to staff and wider community National Reconciliation Week (NRW)</b>	<u>Completed:</u> Council programmed an event for National Reconciliation Week (NRW) 2016 during Council's Staff Afternoon tea. Information about NRW was circulated to promote the significance of this event. This will be become an annual event. <u>In progress:</u> Purchase a NRW banner for the main street of Bathurst to promote NRW each year.
<b>Community Programs and Services- work towards creating inclusive</b>	<u>Completed:</u> Successful inclusive programs and events have been showcased by

<p><b>programs and services</b></p>	<p>Bathurst Regional Council including <b>BMEC</b> Inland Sea of Sound – Smoking ceremony and Welcome to Country by Wiradyuri Elder. Archie Roach performance at Inland Sea of Sound – local Aboriginal community attendance at the event, Sugarland performance and workshop of Australian Theatre. Support provided for Aboriginal Education Consultancy Group (AECG) for NAIDOC 2016 celebrations. Support for CSU Activity: Launch of ASTI "The Front Line" film screening. Two ATSI artists took part in Critical Path BMEC Residency (April-November 2016). Continued attendance to Wiradyuri Elders meetings. <b>BRAG:</b> Possum Skin Cloak Workshops (October-November 2015), the BRAG Bicentennial Exhibiton by Jonathon Jones, a Wiradyuri/Kamilaroi artist entitled gunwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi (they made a solitude and called it peace) was undertaken in collaboration with the Bathurst Wiradyuri and Aboriginal Community Elders. <b>Community Services:</b> Wiradyuri Elders providing Welcome/Warming to Country at significant events. Liaising with Bathurst Police Community Liaison Officer. <b>Kelso Community Hub:</b> School Holiday Activities, sporting events, Aboriginal Art Workshops, in partnership with Bathurst Young Mob, involvement with Sugarland performance with RAP.</p>
<p><b>Maintain relationships and Communication-engage with Aboriginal and Torres Strait Islander communities, key stakeholders</b></p>	<p><u>Completed:</u> Relationships have been built and maintained with following key stakeholders; Bathurst Wiradyuri and Community Elders, Local Aboriginal Lands Council and Bathurst Young Mob, Aboriginal Education Consultancy Group (AECG).</p>

2. **Respect:** Council recognises the importance of respect for Aboriginal and Torres Strait Islander peoples in moving towards reconciliation. By increasing our capacity to be aware and have an appreciation for Australia's First Peoples' cultures and histories it will help the City to lead, welcome and celebrate differences and diversity.

Action	Progress
<p><b>Aboriginal and Torres Strait Islander cultural protocols and ceremonies</b></p>	<p><u>Completed:</u> Wiradyuri Elders providing Welcome/Warming to Country at significant events. <u>In progress:</u> Draft Aboriginal and Torres Strait Islander Recognition Policy complete. Review and consultation process to take</p>

	place. Protocol for the inclusion of Welcome to Country and Acknowledgment of Traditional owners at appropriate events to be outlined in policy.
<b>Cultural Awareness training</b>	<u>In progress:</u> To date 70% full time equivalent staff members have completed Cultural Awareness training module, which was launched in December 2015.
<b>Display the Aboriginal and Torres Strait Islander flags</b>	<u>Completed:</u> Aboriginal flag is raised and lowered daily. Lions Club have a policy to display both Aboriginal and Torres Strait Islander flags every day.
<b>Include an Acknowledgement to Country and Traditional Owners to Council website and Entrance to the Bathurst City Region</b>	<u>Completed:</u> Welcome to Wiradyuri Country is displayed on Town entrance as part of signage strategy. <u>In progress:</u> Inclusion of Acknowledgement to Country on Council home pages and employee signature blocks will be finalised with endorsement of Protocol policy.
<b>Celebrating NAIDOC Week</b>	<u>Completed:</u> 2015 and 2016 NAIDOC Week Flag Raising Ceremony successfully delivered. Support to Aboriginal Education Consultancy Group (AECG) for performance at BMEC for NAIDOC celebrations.
<b>Display Local Aboriginal Art- showcase local Aboriginal and Torres Strait Islander artwork</b>	<u>In progress:</u> Allocations made in 2016/2017 Management Plan, to purchase artwork. Further discussion to be held with Art Gallery Director regarding commissioning of and correct acknowledgement and display of artwork from local Aboriginal Torres Strait Islander artists in Council Buildings.

3. **Opportunities:** The continued commitment by Council to work with Aboriginal and Torres Strait Islander peoples of our Region to close the gap on employment, health, social and economic issues will strengthen the opportunities for a more caring and inclusive community into the future.

<b>Action</b>	<b>Progress</b>
<b>Indigenous Employment Strategy</b>	<u>In progress:</u> Review of Indigenous Employment Strategy with draft strategy to be developed Feb 2017.
<b>Diversifying Councils Supply Chain- increase supplier diversity</b>	<u>In progress:</u> Initial investigation not viable at this stage, further consultation with Aboriginal Elders.
<b>Youth Initiatives – increase representation at youth activities</b>	<u>Completed:</u> Consultation occurs with local schools and tertiary institutions for greater Aboriginal and Torres Strait Islander representation at youth activities and programs. The 2017 recruitment process aim for Bathurst Regional Youth Council is to



represent a diverse range of individuals in the local community, inclusive of Indigenous young people.

#### 4. Reporting:

Action	Progress
<b>Report RAP achievements, challenges and learnings to Reconciliation Australia</b>	<u>Completed:</u> Report on RAP progress in the RAP Impact Measurement Questionnaire was completed September 2016 and submitted to Reconciliation Australia
<b>Develop a new RAP for Council based on learnings and achievements from previous RAP</b>	Submit report to Council Meeting February 2017 to endorse the development of second Innovate RAP 2017-2019. Send draft to Reconciliation Australia July-August 2017 for formal review and endorsement.

Council has worked consistently to achieve a significant cultural shift and immense capacity has been built throughout the organisation. To achieve further understanding and to consolidate the achievements across the organisation, it is recommended to complete a second Innovate RAP for 2017-2019 with an extension to the endorsement date. The extension is deemed necessary to ensure the document is a clear extension from Councils first RAP and provides opportunity for community and staff input.

In 2017 Council will commence the process of developing a second Innovate RAP:

1. Develop draft Bathurst Regional Council RAP 2017-2019 by June 2017.
2. Consultation with Indigenous and wider community.
3. Draft RAP for endorsement to Council meeting July 2017.
4. Draft RAP to submit to Reconciliation Australia July-August 2017 for review, commence endorsement process.
5. Launch Bathurst Regional Council RAP 2017-2019 September 2017 during Bathurst's local NAIDOC celebrations.

**Financial Implications:** The implementation of the Reconciliation Action Plan is contained within the existing operating budget.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5

## MINUTE

### **23 Item 1 RECONCILIATION ACTION PLAN (RAP) - PROGRESS AND ACHIEVEMENT REPORT (09.00031)**

**MOVED: Cr G Westman SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) note the summary of achievements for 2015-2017.
- (b) endorse the development of a further Innovate Reconciliation Action Plan (RAP) for 2017-2019, and
- (c) note the timeline for the delivery of Council's Innovate Reconciliation Action Plan 2017-2019.

## **2 BATHURST REGIONAL ART GALLERY - BRETT WHITELEY AND LEGO MOUNT PANORAMA-WAHLUU EXHIBITION, ATTENDANCE (21.00002)**

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

**Report:** Bathurst Regional Art Gallery (BRAG) has attracted an impressive 8,293 visitors over 67 days for its summer blockbuster exhibitions: *Brett Whiteley: West of the Divide* and *LEGO Mount Panorama Wahluu Model*.

This is the highest attended exhibition at BRAG over the last five years.

Both exhibitions were strategically programmed over the summer break to entice and delight a range of audiences, including families.

A total of 6,338 adults and 1,955 children visited the exhibitions during the exhibition run.

### ***Brett Whiteley: West of the Divide***

*Brett Whiteley: West of the Divide* was a highly anticipated touring exhibition sourced from the Art Gallery of NSW, celebrating one of Australia's most famous painters, Brett Whiteley.

Whiteley drew inspiration from the landscape of NSW's Central Tablelands over his lifetime, from his formative years as a student at Scots College, Bathurst, to time spent in Sofala, Hill End, Oberon and Carcoar. With paintings, sculpture and drawings spanning three decades, this exhibition focuses on the enduring connection Whiteley had with the region west of the Great Dividing Range.

As predicted *West of the Divide* drew significant crowds locally, regionally and also from Sydney.

Over the opening week of the exhibition BRAG drew on the presence and reputation of Wendy Whiteley OAM to create five specialist public events. These included two book launches (80 people), a teachers preview of the exhibition (18 people), an in conversation between Wendy Whiteley and Wayne Tunnicliffe (Head Curator of Australian Art, Art Gallery of NSW) and the official exhibition opening event (170 people). Total attendance at these five special events was 268 people.

BRAG also had a special education week which included ten local schools with 187 students visiting BRAG and the exhibition.

### ***LEGO Mount Panorama-Wahluu Model***

In mid-2016 BRAG commissioned Ryan 'the Brickman' McNaught, one of only 14 LEGO certified professionals in the world, and the only one in the Southern Hemisphere, to build two LEGO models, one of Mount Panorama – Wahluu and the other of the Mount Panorama - Wahluu pit straight.

The models tell the stories of the history of Mount Panorama – Wahluu and its evolution into one of the best known racing facilities in Australia. BRAG also worked with the Indigenous Elders Group to include reference to the mount's Indigenous history as a ceremonial site. A custom built table featuring a display platform for the models and a lower 'play' table with a 'mote' for thousands of LEGO pieces was also commissioned.

The responses to the exhibition were very favourable and included:

- *Fantastic – loved the LEGO! Also the opportunity to see Brett Whiteley –*

*Fabulous*

- *Enjoyable exhibition. Worth the visit to lovely Bathurst*
- *The kids loved the LEGO exhibit*
- *Fantastic to have 2 worlds joined together – brought the boys to LEGO*
- *Worth a trip from Sydney*

BRAG also had favourable comments on its Facebook page including:

- *We had soooo much fun at this exhibition. AND its lovely and cool in there - a great way to escape the heat. went for an hour, stayed about 4 lol*
- *Describe in one word: AWESOME*

The LEGO Mount Panorama - Wahluu exhibition space was ticketed. Each child or adult was charged \$5 with participants encouraged to build their own LEGO creations. 586 tickets to LEGO were sold with a return of \$2,930.

**Financial Implications:** The LEGO Mount Panorama - Wahluu exhibition space was ticketed. Each child or adult was charged \$5 with participants encouraged to build their own LEGO creations. 586 tickets to LEGO were sold with a return of \$2,930.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2, 20.5, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5

**MINUTE**

**24 Item 2 BATHURST REGIONAL ART GALLERY - BRETT WHITELEY AND  
LEGO MOUNT PANORAMA-WAHLUU EXHIBITION, ATTENDANCE (21.00002)  
MOVED: Cr M Coote SECONDED: Cr B Bourke**

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

### **3 BATHURST REGIONAL ART GALLERY - 2017 HILL END ARTIST IN RESIDENCE PROGRAM (21.00092)**

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

**Report:** The call out for the 2017 season of the Hill End Artists in Residence Program has had an unprecedented response with 105 submissions received from around Australia and the world. Of the 105 submissions received, 12 came from international artists from as far afield as the Netherlands, the UK, USA, Germany, Egypt, Latvia, and Taiwan. This is the largest number of applications received in any one year for the Hill End Artists in Residency Program.

A total of 19 residencies have been awarded to 21 artists. Of these, four artists are from overseas including installation artist Lizzie Hughes (UK), photographer Dr Douglas Holleley (USA), and sound artists Jens-Uwe Dyffort and Roswitha von den Driesch (Germany).

This year sees a number of joint residencies, with artist couples Mark Dober and Elizabeth Nelson taking up residency in Haefligers Cottage in July to work on their large scale collaborative works on paper, and Jens-Uwe Dyffort & Roswitha von den Driesch (Dyffort & Driesch) travelling to Hill End from Berlin to create a site-specific sound installation.

Other participating artists include: painters Lisa Woolf, John Bartley, Julie Bradley, Tania Mason, Syed Ali, Adrienne Richards, Sandra Winkworth, and Amy Dynan; photographers Leisl Pfeffer and Aletheia Casey; installation artists Todd Fuller, Kris Deray and Dr Noelene Lucas; and local artists Heather Dunn and Harrie Fasher.

BRAG is committed to fostering and developing cultural development in the region through the Hill End Artists in Residence Program, which has hosted over 300 Australian and international artists since its inception 20 years ago. Artists spend four weeks living and working in one of two historic studio cottages (Haefligers Cottage and Murrays Cottage) located in the village, and are encouraged to produce work that responds to the historically charged landscape and vernacular architecture of the site. The Hill End Artists in Residence Program provides artists with the time and space to research, create and develop ideas and artwork in a new environment that nurtures experimentation.

The Program is unique in the Australian visual arts landscape, and is one of the oldest and most respected residency programs in the country.

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

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.6

**MINUTE**

**25 Item 3 BATHURST REGIONAL ART GALLERY - 2017 HILL END ARTIST IN RESIDENCE PROGRAM (21.00092)**

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

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

#### **4 INTERNATIONAL MUSEUM SELFIE DAY, WEDNESDAY 18 JANUARY 2017 (21.00107, 21.00050, 21.00112)**

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

**Report:** Bathurst Regional Council museums took part for the first time this year in International Museum Selfie Day held on Wednesday 18 January with around 1,000 individual museum visits occurring on the day.

International Selfie Day was first held in 2014 created by London museum blogger Mar Dixon who wanted to inspire her young daughter to actively engage with her local museums. The idea has grown since then and has been embraced by museums all over the world. Participants are encouraged to visit their local museums and take creative selfies then post them on various social media platforms including Facebook, Instagram and snapchat.

Free entry was provided to the Australian Fossil and Mineral Museum, National Motor Racing Museum and Chifley Home and Education Centre for those participating in International Museum Selfie Day. A social media campaign was developed that included a short film and static ads to promote the event. The total reach of this campaign was 24,379 individuals.

The Bathurst community embraced the event with 60% of those surveyed stating that they visited more than one museum on the day.

#### **Attendance at the museums**

Venue	Museum Selfie Day 2017	18 <sup>th</sup> January 2016
Australian Fossil and Mineral Museum	500	88
National Motor Racing Museum	319	67
Chifley Home	150	Chifley Home was not opened on this date in 2016

The event was held to encourage local residents to engage with Bathurst Regional Council's museums. It was also seen as a way to connect with the teenage and younger adult demographic in the community. A survey of 234 individual was conducted at each of the venues to evaluate the success of the day based on these goals.

Findings included;

- A marked increase was noted in the number of individuals attending from the 13 to 18 demographic at 11% and the 19 to 30 demographic at 25%. Average visitor age range from previous survey reflected 4% and 13% respectively.
- 75% of individuals that attended on the day were locals compared to 3% - 15% local average attendance across the museums
- 61% of individuals that attended had never been to the museums before
- 88% were there for Museum Selfie Day
- Individuals found out about the day through social media (28%), radio (19%), word of mouth (15%), from other museums and BVIC (16%), television (11%) and other (11%)

Conclusions drawn from the survey and comments on the day demonstrated the success in



engaging the local community with the museums.

The event is proposed to be held again in 2018.

Generally 50% of visitation to Bathurst is from the "Visiting Friends and Relatives" (VFR) market. It is hoped that through increased local awareness of the Bathurst attractions the Visiting Friends and Relatives will be accompanied to these facilities and will potentially stay longer in Bathurst

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

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
  
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.2

**MINUTE**

**26 Item 4 INTERNATIONAL MUSEUM SELFIE DAY, WEDNESDAY 18 JANUARY 2017 (21.00107, 21.00050, 21.00112)**

**MOVED: Cr G Hanger SECONDED: Cr W Aubin**

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

## **5 SUMMER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)**

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

**Report:** The Bathurst Library, Australian Fossil and Mineral Museum, Bathurst Memorial Entertainment Centre, Vacation Care, Kelso Community Hub and Bathurst Regional Art Gallery are recognised as consistently offering high quality programs during school holidays.

There are a range of community and commercial providers, which also advertised programs this year; PCYC and the Super Summer Slam (free Christian based programs at the Showgrounds) have consistently programmed over the last few years, while a pop up Water Park and Science Sessions run by the RSL also featured this year, which adds to the diversity of school holiday activity offerings for families in Bathurst.

The Council Summer School Holiday activities for 2016/2017 were well attended with over 2,500 children attending a wide variety of activities as follows:

### **Australian Fossil & Mineral Museum**

A variety of activities were undertaken including Zombie Makeup Workshops, simple science experiments and Bug Day:

<b>Date</b>	<b>Activity</b>	<b>Attendance</b>
12, 13 Jan 17	Zombie Makeup Workshops	34
18 Jan 17	Get Slimed	11
20 Jan 17	It's a Bugs Life - workshop	12
15 Jan 17	Bug Day (numbers include all attendees)	700
18 Jan 17	Museum Selfie Day (numbers include all attendees)	500
		1,257

### **Bathurst Memorial Entertainment Centre**

BMEC January school holiday activity consisted of 17 young people aged 13-16 years involved in the development of a Regional Theatre Project Production "17 Things the Government Doesn't Want You To Know About the Internet (Project InveSS)" from 16-20 January. Young people are writing the script, composing and performing music, designing the show, with mentorship from local, established artists Nel Kentish, Maryanne Jaques and Karl Shead. The end production will be performed at BMEC on 13 April. This program forms part of the funded BMEC / Australian Theatre for Young People Partnership, called the Regional Theatre Project.

### **Kelso Community Hub**

Activities were held from Monday 16 January 2017 to Wednesday 25 January 2017 as follows:

<b>Date</b>	<b>Activity</b>	<b>Attendance</b>
Mon 16 Jan 17 and Tue 24 Jan 17	DIY Workshop at Bunnings	7 11
Wed 18 Jan 17 and Wed 25 Jan 17	Walk in Wednesday	8 22

Fri 20 Jan 17	Under 13's Disco	10
		58

## Bathurst Library

Activities were held from 16 January 2017 to 25 January 2017 as follows:

Date	Activity	Attendance
Mon 16 Jan 17	Sunshine & Lollypops Paper Mandalas	8
Tue 17 Jan 17	Cardboard Crowns & Castles	21
Wed 18 Jan 17	Mini Trees	8
Thu 19 Jan 17	Chinese Dragon Lanterns	14
Fri 20 Jan 17	Fabric Flowers	17
Mon 23 Jan 17	Ghost Jam! Was a live performance & workshop run by Sean Murphy Comedy	40
Wed 25 Jan 17	Lego Robotics	30
Wed 25 Jan 17	Gross Science	30

Local Media, The Western Advocate and The Western Times newspapers, and 2BS Gold Radio followed the library holiday activities and ran stories throughout the program period. All activities were advertised on the library and Council websites and social media pages

## Bathurst Regional Art Gallery

BRAG programmed four workshops over four days (17 – 20 January) which coincided with the Library program. These workshops carried a Brett Whiteley theme and were designed and delivered by Joyette Swane and Fiona Howle, BRAG's long standing presenters. Fiona presented *Totem Sculptures* on Tuesday 17 January for 12 children and *Paper Rolling* on Wednesday 18 January for 15 children. And Joyette presented *Birds in the Landscape* on Thursday 19 January for 11 children and *Ink Blowing* on Friday 20 January for 9 children.

In addition to the standard school holiday program BRAG also had the LEGO Mount Panorama - Wahluu exhibition space open to families over the whole school holiday period. This exhibition space featured two LEGO models of Mount Panorama – Wahluu and a custom built 'play' table with a 'moat' for thousands of LEGO pieces. Each child or adult was charged \$5 with participants encouraged to build their own LEGO creations. A total of 586 tickets to LEGO were sold over the course of the exhibition (67 days).

## Vacation Care

The December/January Vacation Care program operated from Monday 19 December 2016 to 27 January 2017.

The service provided care over 5 weeks with an average of 104 children per week.

Week 1	19/12/16	115 children across 4 days
Week 2	2/1/17	68 children across 4 days
Week 3	9/1/17	101 children across 5 days
Week 4	16/1/17	132 children across 5 days
Week 5	23/1/17	107 children across 4 days.

These figures reflect the popularity of the program within the Bathurst community.

The service continues to support children with additional needs. The Service receives government Inclusion Support Funding to assist in the employment of an additional staff member to meet the requirements of 5 additional needs children and their families.

Vacation Care continued to form strong connections and actively support local businesses and facilities within our community. The children participated in excursions to the Australian Fossil and Mineral Museum, Bathurst Community Club for barefoot bowls and a local Chinese Restaurant for lunch.

The children celebrated two cultural events during the program – Australia Day and Chinese New Year with creative activities and cooking experiences reflecting the traditions of both.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6

**MINUTE**

**27 Item 5 SUMMER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)**

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alan Cattermole', with a stylized flourish at the end.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 FEBRUARY 2017 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 7 February 2017 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 7 February 2017, are attached.

**Financial Implications:** N/A

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5



**MINUTE**

**28** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 FEBRUARY 2017  
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr M Coote

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 7 February 2017 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 7 FEBRUARY 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES - 2.04pm**

**Members:** Mr David Vant (Roads and Maritime Services Representative), Ms Deanne Freeman (Roads and Maritime Services Representative), Mr David Veness (Local Member Office Representative) and Cr Warren Aubin (Bathurst Regional Council)

**Present:** Ms Iris Dorsett (Tablelands Area Road Safety Officer), Mr Bernard Drum (Acting Manager Technical Services) and Mr Paul Kendrick (Traffic and Design Engineer)

**APOLOGIES**

**2 APOLOGIES**

That the apology of Ms Jackie Barry (Roads and Maritime Services Representative) and Sergeant Peter Foran (NSW Bathurst Police Representative) be accepted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2016 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 6 December 2016 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 DECEMBER 2016 (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 TEMPORARY BUS ZONES FOR 2017 LIQUI-MOLY BATHURST 12 HOUR (04.00097-16)**

That:

- (a) Council approve the proposed temporary bus zones on Friday 3, Saturday 4 and Sunday 5 February 2017, subject to conditions as detailed in the Director Engineering Services' Report,
- (b) The Committee confirm the decision of the Traffic Committee Members, as per the early report, in relation to this event

**8      Item 4 2017 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (23.00026-18)**

That:

- (a) Council approve the 2017 Bathurst Street and Custom Motorcycle Show to be held Saturday 4 February 2017. The event is to be classified as a Class 2 event and approved subject to the conditions as detailed in the Director Engineering Services' report
- (b) the committee confirm the decision of the Traffic Committee Members, as per the early report, in relation to this event.

**9      Item 5 ROCKLEY ANZAC DAY SERVICE AND MARCH 2017 - TEMPORARY ROAD CLOSURES (23.00076)**

That Council endorse the traffic management for the Anzac Day Service and March within Rockley on Tuesday, 25 April 2017. The Commemorative Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**10     Item 6 CAIRN ANZAC DAY SERVICE 2017 - TEMPORARY SPEED RESTRICTION ON LIMEKILNS ROAD (23.00076)**

That Council endorse the traffic management for the Anzac Day Service at the Memorial Cairn with a temporary speed restriction of 40km/hr on Limekilns Road on Tuesday 25 April 2017. The Commemorative Service and temporary speed restriction of 40km/hr are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**11     Item 7 BATHURST ANZAC DAY SERVICE AND MARCH 2017 - TEMPORARY ROAD CLOSURES WITHIN CBD (23.00076)**

That Council endorse the traffic management for the 2017 Anzac Day Service and March within the Bathurst central business district on Tuesday 25 April 2017. The Dawn Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**12      Item 8 INSTALLATION OF CAR PARK CONDITIONS SIGNS IN COUNCIL'S CAR PARKS (28.00006)**

This item was **WITHDRAWN**

**13      Item 9 CORRECTIVE SERVICES RELAY FOR LIFE WALK 2017 (23.00026-19/260)**

That Council endorse the traffic management for the Corrective Services Relay for Life Walk to be held 11 March 2017. The event is to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**14      Item 10 BATHURST HALF MARATHON EVENT 2017 (23.00110/023)**

That Council classify the Bathurst Half Marathon and 10 km Run to be staged on Sunday 7 May 2017 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 'OLD 4 NEW' MOBILE LIFE JACKET PROMOTIONAL CAMPAIGN - VISIT TO BATHURST APRIL 2017 (23.00006-13)**

That Council endorse the traffic management for the 'Old 4 New' Mobile Life Jacket promotional visit to Bathurst proposed for Sunday 16 April 2017 as an unclassified event, and that the event be subject to conditions as detailed in the Director Engineering Services' report.

**16      Item 12 LATE REPORT (23.00128)**

**MOTION** was **MOVED** by Ms Deanne Freeman and **SECONDED** by Mr David Veness

That the Committee accept and deal with the Late Report on the B2B Cycling Festival - Criterium Event at the Traffic Committee Meeting on Tuesday 7 February 2017

**17      Item 12.01 B2B CYCLING FESTIVAL - CRITERIUM EVENT (23.00128)**

That Council endorse the Traffic Management for Council's NAB B2B Cycling Festival Criterium Event to be held on Saturday 1 April 2017. The event is to be classified as a Class 2 event and approved subject to the conditions as detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**19**      **MEETING CLOSE**

The Meeting closed at 2.57pm

## DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

**1 MINUTES - AUSTRALIA DAY WORKING PARTY - 17 JANUARY 2017  
(23.00033)**

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

**Report:** The minutes of the Australia Day Working Party held on 17 January 2017 are shown at **attachment 1**.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**MINUTE**

**29 Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY - 17 JANUARY 2017**  
**(23.00033)**

**MOVED: Cr I North SECONDED: Cr G Westman**

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



## MINUTE

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

**MOVED: Cr I North SECONDED: Cr M Coote**

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

**There were no representations from the public.**

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP1223252 LOCATED ON HEREFORD STREET KELSO FOR LUCERNE HAY PRODUCTION	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	EXPRESSION OF INTEREST - RURAL LEASE - PART LOT 2 IN DP749758 LOCATED AT 200 COLLEGE ROAD, BATHURST - AGISTMENT ONLY	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	EXPRESSION OF INTEREST - VACANT LAND LEASE - LOT 1 IN DP1076086 LOCATED AT 112 BENTINCK STREET BATHURST - SECURE PARKING	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	NEW COMMUNITY LEASE - PART LOT 180 IN DP862410 LOCATED AT UNIT 1/55 SEYMOUR STREET, BATHURST - AUSTRALIAN UNITY HOME CARE SERVICE PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	NEW	10A (2) (d) (i) – contains commercial information of a

	TELECOMMUNICATION LEASE - PART LOT 41 IN DP755772 LOCATED AT WINBURNDALE DAM	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP995205 AND LOT 1 IN DP1007962 LOCATED AT COMMONWEALTH, PATNA AND MORRISSET STREETS 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.
7	PROPOSED PURCHASE OF PROPERTY AT MOUNT PANORAMA	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
8	SALE OF LAND KELSO INDUSTRIAL ESTATE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN WEST EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR THE CONSTRUCTION OF SEWER CARRIER MAIN EAST EGLINTON STAGE 3	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED ACQUISITION AND TRANSFER OF LAND - MOUNTAIN STRAIGHT, MOUNT PANORAMA FOR BOUNDARY ADJUSTMENT	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 CONFIDENTIAL  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

## MINUTE

**(a) Item 1 EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP1223252 LOCATED ON HEREFORD STREET KELSO FOR LUCERNE HAY PRODUCTION (22.16095)**

**MOVED: Cr G Westman SECONDED: Cr M Coote**

**That** Council approves entering into a new Rural Licence Agreement with Mr Barry Morris for part Lot 1 in DP1223252 located on Hereford Street, Kelso for a period of one (1) year with a one (1) year option period, at Council's discretion as detailed in the report.

**MINUTE**

**(b) Item 2 EXPRESSION OF INTEREST - RURAL LEASE - PART LOT 2 IN DP749758 LOCATED AT 200 COLLEGE ROAD, BATHURST - AGISTMENT ONLY (22.05258)**

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

**That** Council approves entering into a new Rural Licence agreement with Mr Paul Melham for part Lot 2 in DP749758 located at 200 College Road, Bathurst for a period of one (1) year at a yearly licence fee of \$1,300 per annum (GST inclusive) as detailed in the report.

## **MINUTE**

### **(c) Item 3 EXPRESSION OF INTEREST - VACANT LAND LEASE - LOT 1 IN DP1076086 LOCATED AT 112 BENTINCK STREET BATHURST - SECURE PARKING (22.00830)**

**MOVED: Cr M Coote SECONDED: Cr B Bourke**

**That** Council approves entering into a new Commercial lease agreement with Secure Parking Pty Ltd for Lot 1 in DP1076086 located at 112 Bentinck Street, Bathurst for a period of one (1) year with a one (1) year option period, at Council's discretion, as detailed in the report.

**MINUTE**

**(d) Item 4 NEW COMMUNITY LEASE - PART LOT 180 IN DP862410  
LOCATED AT UNIT 1/55 SEYMOUR STREET, BATHURST - AUSTRALIAN UNITY  
HOME CARE SERVICE PTY LTD (22.00185)  
MOVED: Cr I North SECONDED: Cr G Westman**

**That** Council approves entering into a new Community lease for part Lot 180 in DP862410 located at Unit 1/55 Seymour Street, Bathurst with Australian Unity Home Care Service Pty Ltd for a period of two (2) years with an option period of two (2) years as detailed in the report.

## **MINUTE**

### **(e) Item 5 NEW TELECOMMUNICATION LEASE - PART LOT 41 IN DP755772 LOCATED AT WINBURNDALE DAM (22.11776)**

**MOVED: Cr W Aubin SECONDED: Cr M Coote**

**That**

- (a) Council authorises the General Manger to enter into negotiations with the owner of Lot 41 in DP755772 to lease a section of land for the purpose of erecting a microwave relay tower
- (b) a further report be provided in relation to costing and design of the communication site

as detailed in the report.



## **MINUTE**

**(f) Item 6 EXPRESSION OF INTEREST - RURAL LEASE - LOT 1 IN DP995205 AND LOT 1 IN DP1007962 LOCATED AT COMMONWEALTH, PATNA AND MORRISSET STREETS BATHURST (22.00654)**  
**MOVED: Cr G Westman SECONDED: Cr M Coote**

**That** Council approves entering into a new Rural Licence agreement with Mr Paul Melham for Lot 1 in DP995205 and Lot 1 in DP1007962 located at Commonwealth, Patna and Morrisset Streets, Bathurst for a period of one (1) year with a one (1) year option period, at Council's discretion, as detailed in the report.

**MINUTE**

**(g) Item 7 PROPOSED PURCHASE OF PROPERTY AT MOUNT PANORAMA (22.01415)**

**MOVED: Cr W Aubin SECONDED: Cr M Coote**

**That Council act in accordance with the recommendations of the report.**

**MINUTE**

**(h) Item 8 SALE OF LAND KELSO INDUSTRIAL ESTATE (20.00010)**  
**MOVED: Cr M Morse SECONDED: Cr W Aubin**

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

**Reason: Recruits for Cranstons Transport, Bathurst**

**That** Council act in accordance with the recommendations of the report.

**DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 FEBRUARY 2017

## MINUTE

(i) **Item 1 TENDER FOR THE CONSTRUCTION OF SEWER CARRIER  
MAIN WEST EGLINTON (36.00619)**

**MOVED: Cr W Aubin SECONDED: Cr M Coote**

**That** Council accepts the tender of Hynash Pty Ltd, for the construction of the Sewer Carrier Main for West Eglinton in the amount of \$317,476.00 inclusive GST, subject to adjustments and provisional items.

**MINUTE**

**(i) Item 2 TENDER FOR THE CONSTRUCTION OF SEWER CARRIER  
MAIN EAST EGLINTON STAGE 3 (36.00618)**

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

**That** Council accepts the tender of Hynash Pty Ltd, for the construction of the Sewer Carrier Main for East Eglinton in the amount of \$86,100.00 inclusive GST, subject to adjustments and provisional items.

**MINUTE**

**(k) Item 3 PROPOSED ACQUISITION AND TRANSFER OF LAND -  
MOUNTAIN STRAIGHT, MOUNT PANORAMA FOR BOUNDARY ADJUSTMENT  
(22.04305)**

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

**That Council:**

- (a) Approve the preparation of a Plan of Subdivision for the:
    - (i) acquisition of part of Lot 18 DP1011780 situated at 162 Mountain Straight, Mount Panorama,
    - (ii) transfer of part of Lot 11 DP1215971 situated at 110 Mountain Straight, Mount Panorama;
  - (b) Approve the acquisition of land, and classify the acquired land as Operational Land under the provisions of section 31(2) of the Local Government Act 1993; and
  - (c) Approve the transfer of land to the adjoining landowner,
- subject to the information contained in the Acting Director Engineering Services' report.

## MINUTE

- 31 **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr M Coote SECONDED: Cr W Aubin**

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



## MINUTE

### 32 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE MOVED: Cr W Aubin SECONDED: Cr M Coote

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

**Cr Bourke asked that his negative vote be recorded against Item #5 of the Director Corporate Services & Finance.**

## MINUTE

### 33 MEETING CLOSE

The Meeting closed at 7.26 pm.

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