

8 June 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
15 June 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 June 2016 commencing at 6.00 pm.

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



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 15 JUNE 2016

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 - 18 MAY 2016

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 JUNE 2016

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

* GENERAL MANAGER'S REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016

* MINUTES - TRAFFIC COMMITTEE MEETING - 7 JUNE 2016

10. NOTICES OF MOTION

Moved by Cr Morse:

That the Council celebrations for Bathurst's Proclamation Day be held on the First Sunday in May every year.

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 MAY 2016

* CENTROC BOARD MEETING 12 MAY 2016 (PARLIAMENT HOUSE, SYDNEY)

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	NAB B2B CYCLING FESTIVAL	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	RENEWAL OF RURAL LICENCE AGREEMENT - LOTS 2 AND 3 IN DP1115543 LOCATED ON CHURCH LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	EXPRESSION OF INTEREST - LOT 3 IN DP1127323, PART LOT 1007 IN DP 1168702 AND PART LOT 1 IN DP624336 LOCATED AT 4040 O'CONNELL ROAD BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF RURAL LICENCE AGREEMENT - LOT 3 IN DP 232111 LOCATED AT 68 MOUNTAIN STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET, KELSO - DOWNER EDI WORKS 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.
6	NAMING OF COUNCIL'S ASSETS	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	INTERNATIONAL ALL VETERAN AUTO RALLY 2019	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 SEWER PUMP STATION NO 2 REMEDIAL WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

B Woods – 67 Lambert Street - Friends of Centennial Park - DCSF Item # 11 - Centennial Park

Speaking in favour of the submission made for Centennial Park. Requests plan for park includes dedication as a green space in perpetuity and capital improvements, amongst other suggestions. Need to enhance natural botanical environment. Seeking minimal impact, important water is provided. Concern that budget for maintenance has been decreased, seeks additional funds. Spoke to role of Friends of Centennial Park over recent years. The Friends of Centennial Park do not want all options to be considered for the Park, want it kept as a green space.

B Manning – ratepayer - DA Issues & Confidential items of Council

Spoke to issue of development at her place. Raised concerns about drainage issues at her property. Referred to letter she has received from Council concerning drainage issues and comments therein. Expressed concern at comments from Calare Civil that have been provided to her. Raised issue of pool fence.

Spoke further to items that Council is including in confidential session. Feels there is no transparency in the process, too much is included in confidential session.

L Smiles – Bentinck Street resident - DCSF Item # 11 - Centennial Park

Spoke to growth of Bathurst population densities, particularly in Heritage Conservation Area. Asks Council not to develop the area for the sake of development. Need to maintain greenspace in the centre of the city. The area is zoned as recreation.

P Simmons – Lambert Street resident - DCSF Item # 11 - Centennial Park

Very important facility. Spoke to CSU research on parks and gardens, and open space that is being undertaken. Open space is very important for people's health. There are many units and medium density residences in this area. The park allows people to let off steam. Will Council keep as an open green space?

S Birrell – DEPBS Item # 3 - Former Dairy Farmers Site - DA 2016/0116

Referred to Bathurst LEP, it is the blue print and should be respected. It has problems, but it is a living document. Councillors should enforce it. The DA is not worthy of consideration at this stage. The community deserves to have a clarity of what is required. Requests Council reject the proposal and only consider applications that conform with the LEP. Spoke to brewery history of the site and opportunities.

V Tourle – Lambert Street resident - DCSF Item # 11 - Centennial Park

Spoke to Council's managing commons, parks and gardens. The Friends of Centennial Park will be becoming an incorporated body. Spoke to history of use of the site, from the 19th century. More and more people are using the site, the trees are important and resilient. Spoke to maintenance funds provided in the budget, why has this gone down?

The Director Engineering Services noted this is a Category I park and spoke to maintenance levels adopted.

V Tourle asked why decrease not shown in the budget? Requested budget be increased.

The Director Corporate Services & Finance spoke to level of funds spent.

S Bathgate – Bathurst 2016 Heritage Action Network

- Council Investments - Council appears to have \$71 million in cash reserves and noted restrictions are in place. How much is unallocated?

The Director Corporate Services & Finance advised currently \$1.566 million is unallocated.

- Budget Signage Program - Requests funding proposal be reconsidered by Council. The project is shovel ready, considers Main Street Review is almost finished. Requests Council approve \$50,000.

The Mayor spoke to determination of Council made at the last meeting of Council.

- Community Arts Centre - Noted there does not seem to be the policy work done for the \$5 million allocation.
- Refurbishment of Historical Interpretative Signs - congratulated staff on work done to these signs.
- DEPBS Item # 3 - Former Dairy Farmers Site - DA 2016/0116 - Spoke to DA. The staff report shows Council really does care. The report is well researched and shows a respectful approach, it is professional. Asks Council to vote in favour of the staff report.

F White – National Trust - Cox's Road Brochure

Expressed appreciation for Council's support for the brochure. Commends the brochure to Council. The brochure assists in interpretation.

G Crisp – ratepayer - DCSF Item # 11 - Budget Submissions

Spoke to concerns about S:260 of the Local Government Act. Has made 979 complaints and these are supposed to be dealt with in accordance with the Local Government Act. Spoke to other sections of the Local Government Act he has concerns with. Asks if there are any specific exemptions contained within the Local Government Act. Offered to pay \$10,000 to any person who can find any exemptions.

Asked does the Mayor deny that the Council has not considered his submission in accordance with the manner required?

The Mayor stated submission will be treated as required.

G Crisp made various allegations against the Director Corporate Services & Finance and General Manager over a number of matters.

I McPherson – National Trust - DEPBS Item # 3 & 4 - Former Dairy Farmers Site

Thanked Council for facilitating a Discussion Forum on the Dairy Farmers site. The report is

very detailed and the staff's document is exemplary. Supports staff recommendation. Also with respect to the subdivision the Trust welcomes the staff's recommendations. The issues raised by the community have been addressed by the staff. Would like to identify landmark sites and have discussions prior to DA's being submitted so parameters and policy issues are set in advance. This may stop these drawn out problems.

B Trimming

- Proclamation Day - Congratulated events staff on Proclamation Day
- Councillors Microphones - Requests these be connected to the extension speaker system.
- Illumination Bathurst - Skating Rink - Noted last year Council had a viewing platform. Would like to see that people in wheelchairs can access the rink and this be publicised. Further, could temporary laybacks be put into Church Lane from Kings Parade to facilitate movement.

J Swayne – Friends of Centennial Park - DCSF Item #11 - Centennial Park

There are many people who support keeping this area as a green space. Will send in a summary of an interview recently held on green space, with a representative from New York. Requests Council not consider Centennial Park as a space you can build on.

MINUTE

3 APOLOGIES

Nil.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 MAY 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 May 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 May 2016, 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
- 18 MAY 2016 (11.00005)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 May 2016 be adopted.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 JUNE 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 1 June 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 1 June 2016, 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

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 1 JUNE 2016 (11.00005)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 1 June 2016 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 18 MAY 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

B Constable – General Manager, Bathurst Golf Club - Water Charge Variation - Golf Club - Item #7 DCSF - spoke to operations of the Golf Club and current usage levels, tournaments being attracted to the course, the benefits to Bathurst and also charity events held. The Club is an integral part of the Bathurst experience. The Club at a later date will be requesting a fixed annual price for water. Spoke to current water usage levels and costs involved and the tiered system in place is causing cost problems. The water comes from Winburndale and it is considered costs charged for the second tier are not realistic. The Club feels assistance levels need to look at individual circumstances. Asking Council to review March water bill and charge at \$0.71/KL. The Club is looking at other options concerning water usage. The Club is not seeking a handout just a fair charge. Seeks Council review future charges as part of the 2016/2017 Operating Plan.

V Tourle - Centennial Park, Friends - spoke to preserving and enhancing the Park and noted the history of the Park. Referred to the linkage to Council's Community Strategic Plan 2036 objectives. Noted prior letters to Council seeking; signage, funding and other issues. In 2015 resubmitted the content of the 2014 letter and now have signage and interpretive plaque. Still seeking \$50,000 for a feasibility study. This figure has not been included in the 2016/2017 Operating Plan for Councillor consideration. Raised a number of further matters.

The Mayor spoke to processes in place, the \$50,000 is included in the 2016/2017 Operating Plan for Councillor consideration.

P Simmons - Lambert Street resident - Centennial Park - seeks Council to preserve Centennial Park as a greenspace. Spoke to residential density in the area and that Centennial Park provides important greenspace. This is a matter of liveability. There has been concern about possible development on the site and in 2014 the community undertook a survey, over 80% wanted the park kept as a park. People do not want the site built on, want it retained and improved. Will Council reserve the Park?

The Mayor advised Council is set to discuss the future study proposal for the site.

B Wood - Centennial Park - spoke to benefits to peoples lives by having parks, they are valuable places for the community. The study is needed to stop an 'ad hoc'

approach to the park. Noted prior history of structures in the park and tree plantings. People just want access to some greenspace.

R Kendall - resident, 25 Marriott Ave - DA2016/0104 - 27 Marriott Ave - Item#5 ADEPBS - raised concerns at proposed development. Noted issues such as, overshadowing, loss of outlook, streetscape issues, open space considerations. Requests Council to refuse the development.

J Kendall - resident, 25 Marriott Ave - DA2016/0104 - 27 Marriott Ave - Item#5 ADEPBS - read email from neighbour, S McCourt, which objected to the DA. Ms McCourt feels the development does not comply with council standards; subdivision size, subdivision frontage, front setback, no front door or window or habitable room facing the street, the development does not enhance or conform with streetscape, or other matters.

Mrs Kendall then raised her concerns by presenting a letter to Council.

B Clayton - Youth Mayor and **L Smith** - Deputy Youth Mayor - National Youth Week - Item#1 DCCS - spoke to Youth Week and events held.

M Graff - Robin Hill Estate - spoke to problems in the area and inquired whether the sewer will come to the area. As the area is developed, further problems will occur, such as septic tanks overflowing. Could Council review sewer for the area and do a study as the problem is serious.

The Acting Director Environmental, Planning & Building Services advised this is not currently allowed for in Council budgets.

J Page - resident, Napoleon Reef - War Memorial Carillon - spoke to facility which is still incomplete. Detailed the history of the tower, funding issues and attempts to complete the facility. Donations were sought around 2004, the matter has not progressed further. When will Council commit to finalising the development. Need a plan to move forward.

The Mayor spoke to funds raised, discussions with RSL, planning that has occurred and noted there is a funding shortfall of around \$1 million. Council has not adopted a position on this matter.

G Crisp - ratepayer - referred to section 560 of the Local Government Act and obligation to pay rates. Also spoke to rates and recovery policies of Bathurst Regional Council. Non-payment of rates creates an obligation to Council. Spoke to meeting between Mayor and others held earlier this year and contraventions of the Local Government Act claimed by Mr Crisp and issues with actions of the Office of Local Government and Ms Brooks. Referred to letter from General Manager to Mr Crisp about referring matters to the Office of Local Government. Spoke to policies of Council and objects to Council referring his complaints to the Office of Local Government.

M Wales - LEP amendment Sydney Rd, Kelso - Item #6 ADEPBS - prepared planning report on behalf of owners. Disagrees with staff recommendation to refuse the proposal. Seeks Council support of the application to allow the matter to progress to the Gateway process. A Local Environmental Study (LES) would be prepared as part of the process going forward. Key impediments were demand in the market place and servicing of the site. Detail on these matters was presented for Council consideration. Planning procedural issues can be addressed through

the LES process. The land can be protected as an entryway, traffic management can be addressed as part of Gateway determination. Requests Council support.

S Pennells - owner - DA2016/0053 - 6A Delaware Cres, Robin Hill - Item#3
ADEPBS - has submitted the DA and seeks Council approval. Spoke to issues of concern that were raised and were addressed in the report. The proposal is fully compliant, spoke to delay in the DA process and the forum meeting which was held.

I MacPherson - National Trust - Main St improvements and signage compliance - Item #10 **ADEPBS** - appreciates the positive recommendations of staff concerning Main Street improvements and signage compliance. Spoke to how the proposals were developed and role of the Heritage Reference Group. This has been a positive process.

W Boserio - Trunkey Creek Hotel - Toilets - Item #2 **DES** -spoke to concerns about use of the toilets and the funding thereof. Has received no compensation from Council. Needs \$23,000 to \$27,000 to assist with improvement works.

B Trimming - Access Committee Chair - various matters

- In regards to Carillon, could Council look at doing some contrasting on the steps to assist in access; does not have to be yellow strips.
- spoke to dollars spent on disability tourism and would like to talk to Tourism Reference Group.
- noted Council small business access grants, unaware of any other councils that do this. Congratulated Council on including these again in the 2016/2017 Operating Plan. Need to get more small businesses to apply.
- recommends Bathurst Regional Council congratulate Bathurst Bus Lines on having over 80% of buses being accessible, with the recent purchase made to its fleet.
- if amalgamation occurs, are members of the public still able to address the Council and the Administrator? What developments can occur, can cash grants still occur?

The Mayor spoke to advice from government about the merger process and awaiting results of court case. Noted role of the Administrator and how Council meetings will be conducted. Spoke to Local Representation Committee proposals and possible constitution of these and their role.

APOLOGIES

3

APOLOGIES

MOVED Cr M Coote

and **SECONDED** Cr I North

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

MINUTES

4

Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 APRIL 2016 (11.00005)

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 April 2016 be adopted.

5 **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 MAY 2016 (11.00005)**

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 May 2016 be adopted.

DECLARATION OF INTEREST

6 **DECLARATION OF INTEREST 11.00002**

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Morse

Item #9 of the Acting Director Environmental, Planning & Building Services' report.

Cr Westman

Item #5 of the Acting Director Environmental, Planning & Building Services' report.

Cr Coote

Item #3 of the Acting Director Environmental, Planning & Building Services' report.
Item #6 of the Acting Director Environmental, Planning & Building Services' report.

Cr Hanger

Item #9 of the Director Corporate Services & Finance's 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 I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

8 **Item 2 GENERAL REPORT (03.00053)**

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

RESOLVED: That the information be noted.

9

Item 3 DEVELOPMENT APPLICATION NO. 2016/0053 – TWO STOREY DWELLING WITH ATTACHED GARAGES AND INDOOR SWIMMING POOL AND EARTHWORKS/SITE FILLING AT 6A DELAWARE CRESCENT, ROBIN HILL. APPLICANT: INLAND BUILDING & CONSTRUCTION. OWNER: MR S PENNELLS & MS T JONES (DA/2016/0053)

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

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

Reason: works with Inland Building & Construction

RESOLVED: That Council:

- (a) support the variation to the 8 metre boundary setback development standard for buildings prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0053, 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 the issue of a construction certificate the developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Works. No further building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as Council has approved the soil and water management plan.
 - (ii) All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke, Cr M Coote,

Abstain - Nil

10

Item 4 DEVELOPMENT APPLICATION NO. 2016/0074 – GARAGE AT 16

**HALFPENNY DRIVE, KELSO. APPLICANT: MR G SEAMAN & MRS G SEAMAN.
OWNER: MR G SEAMAN & MRS G SEAMAN (DA/2016/0074)**

MOVED Cr I North and **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. 2016/0074, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

11

**Item 5 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY
AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO.
APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT
(DA/2016/0104)**

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

Cr Westman declared a non-pecuniary interest in this item and remained in the Chamber.

Reason: owner of property adjacent to an adjoining property.

That Council

- (a) defer consideration of Development Application 2016/0104 due to:
 - (i) Inappropriate design of the dwellings due to the dominance of the garages.
 - (ii) the dwelling will have an adverse impact on privacy of adjoining properties.
- (b) refer the matter to a Working Party of the Council for discussion.
- (c) call a division.

The following AMENDMENT was MOVED

- 12** **Item 5.01 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)**
MOVED Cr M Morse

That Council

(a) as the consent authority refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application 2016/0104, due to:

- (i) Inappropriate design of the dwellings due to the dominance of the garages
- (ii) The dwelling will have an adverse impact on privacy of adjoining properties.

(b) call a division.

The MOTION LAPSED for want of a SECONDER.

The original MOTION was then PUT and CARRIED.

- 13** **Item 5.02 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council

(a) defer consideration of Development Application 2016/0104 due to:

- (i) Inappropriate design of the dwellings due to the dominance of the garages.
- (ii) the dwelling will have an adverse impact on privacy of adjoining properties.

(b) refer the matter to a Working Party of the Council for discussion.

(c) call a division.

The result of the division was:

In favour of the motion - Cr W Aubin, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

- 14** **Item 6 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)**
MOVED Cr I North and **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: Father in law is one of the owners.

That Council:

- (a) support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant of its decision; and
- (c) call a division.

- 15** **Item 6.01 EXTENSION OF TIME (11.00005)**
MOVED Cr J Jennings and **SECONDED** Cr G Hanger

RESOLVED: That an extension of time be granted to Cr North for Item #6 of the Acting Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

- 16** **Item 6.02 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant 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 J Jennings, Cr I North, Cr G Rush,
Against the motion - Cr G Hanger, Cr M Morse, Cr G Westman,
Absent - Cr B Bourke, Cr M Coote,
Abstain - Nil

- 17** **Item 7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENTS (20.00280 & 20.00290)**

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

RESOLVED: That the information be noted.

18 **Item 8 BATHURST REGIONAL LEP AMENDMENT (20.00143)**

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

RESOLVED: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to remove the Kelso Urban Release Area from the Urban Release Area Map of the Bathurst Regional Local Environmental Plan 2014, as amended;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal; 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

19 **Item 9 BATHURST REGIONAL LEP 2014 AMENDMENT NO 6 – WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)**

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

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

Reason: personal friend of applicant.

RESOLVED: That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential and RE1 Local Recreation boundary as outlined in this report;
- (b) forward the Bathurst Regional LEP – Windradyne and Llanarth zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) notify those that made submissions or attended the discussion forum of its decision; and

(d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke, Cr M Morse,

Abstain - Nil

20 **Item 10 MAIN STREET IMPROVEMENTS AND SIGNAGE COMPLIANCE IMPLEMENTATION PLAN (20.00123 & 41.00089)**

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

RESOLVED: That Council:

- (a) adopt the implementation plan to seek Main Street improvement and signage compliance within the Bathurst CBD as outlined in this report; and
- (b) adopt as policy that the Development Application fee be waived for development applications lodged for signage within the B3 Commercial Core Zone under Bathurst Regional LEP 2014.

21 **Item 11 FIRE AND RESCUE NEW SOUTH WALES INSPECTION OF KELSO HIGH CAMPUS, DENISON COLLEGE (22.02067)**

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

RESOLVED: That Council continue to liaise with The Principal, Kelso High Campus and the facility manager to address the matters raised by Fire and Rescue New South Wales.

22 **Item 12 2016 MAYORAL BUSINESS LEADERS LUNCH (20.00071)**

MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

23 **Item 13 NEW BATHURST BUSINESS HUB WEBSITE (20.00071)**

MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

24 **Item 14 EVOCITIES MTB (MOUNTAIN BIKE) SERIES (20.00071)**

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

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

25 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

26 Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2015-2016 (16.00140)
MOVED Cr M Coote and **SECONDED** Cr M Morse

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

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

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

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

RESOLVED: That the information be noted.

29 Item 5 POLICY UPDATE - LAND SALES (20.00009)
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council adopts the amended Land Sales Policy incorporating the change to Clause 6 "Special Conditions" as detailed in the report.

30 Item 6 REQUEST FOR REBATE WASTE MANAGEMENT FEES - BATHURST RUGBY CLUB (14.00007, 04.00112)
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That Council waive the fees of \$810 incurred by the Bathurst Rugby Club for the disposal of waste concrete at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

(b) investigate improvement works to the existing public toilet facilities.

The following AMENDMENT was MOVED.

36 Item 2.01 TRUNKEY CREEK HOTEL TOILETS (22.12659)

MOVED Cr J Jennings

That

(a) further consideration of this matter be undertaken with the applicant.

(b) investigate improvement works to the existing public toilet facilities.

The MOTION LAPSED for want of a SECONDER.

The following AMENDMENT was then MOVED

37 Item 2.02 TRUNKEY CREEK HOTEL TOILETS (22.12659)

MOVED Cr G Hanger and **SECONDED** Cr J Jennings

That Council defer the matter for discussions to be held with the applicant.

The AMENDMENT was PUT and CARRIED

The AMENDMENT then became the MOTION

The MOTION was then PUT and CARRIED

Director Cultural & Community Services' Report

38 Item 1 NATIONAL YOUTH WEEK 8-17 APRIL 2016 "IT STARTS WITH US" (23.00047)

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

RESOLVED: That the information be noted.

39 Item 2 NSW SENIORS FESTIVAL 1-10 APRIL 2016 (07.00016)

MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

40 Item 3 VACATION CARE PROGRAM - APRIL 2016 (09.00005)

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

RESOLVED: That the information be noted.

41 Item 4 BATHURST LIBRARY SCHOOL HOLIDAY ACTIVITIES - APRIL 2016 (21.00029)

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

RESOLVED: That the information be noted.

42 Item 5 BATHURST REGIONAL ART GALLERY - SUMMARY OF UPGRADE (21.00039)

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

RESOLVED: That the information be noted.

43 Item 6 CROCODILE DAY AT THE AUSTRALIAN FOSSIL AND MINERAL MUSEUM - SATURDAY 16 APRIL 2016 (21.00107)

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

RESOLVED: That the information be noted.

44 Item 7 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 APRIL 2016 (07.00016)

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

RESOLVED: That Council:

- (a) Note the information provided in the report.
- (b) Endorse the replacement of Mr Andrew McKenna with Mr Shawn Pyne, General Manager of Rydges, on the Bathurst Region Tourism Reference Group.

General Manager's Report

45 Item 1 LOCAL GOVERNMENT NSW – ELECTION FOR BOARD OF DIRECTORS OF THE ASSOCIATION (18.00074-08)

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

RESOLVED: That Council nominate Crs Rush, Bourke and North as its voting delegates for the election of the Board of Directors of Local Government NSW.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 46** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 4 May 2016 be adopted.

Traffic Committee Meeting

- 47** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 MAY 2016 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 May 2016 be adopted.

DELEGATES REPORTS

- 48** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 APRIL 2016 (11.00019)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

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

- 49** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr G Westman 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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	MENACING DOG ORDER	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CLAIM FOR DAMAGES - JOUBERT DRIVE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	LAND RELEASE - EGLINTON 100 RESIDENTIAL SUBDIVISION - COX LANE, LEW AVENUE, FRASER DRIVE AND TEMPLER WAY	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 Council.
3	PURCHASE OF LAND, WEST 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.
4	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 37 IN DP1159302 - AERODROME COTTAGE BATHURST AERODROME - NSW AIRTC ASSOCIATION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS	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 REFURBISHMENT OF MCPHILLAMY PARK, SULMAN PARK & REID PARK TOILET & SHOWER BLOCKS, 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 Environmental Planning & Building Services' Report

- a** **Item 1 MENACING DOG ORDER (22.05133)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council adopt Option 2 as contained in the report.

Director Corporate Services & Finance's Report

- b** **Item 1 CLAIM FOR DAMAGES - JOUBERT DRIVE (34.00076)**
MOVED Cr I North and **SECONDED** Cr M Coote

That Council adopt the recommendations contained in the report.

- c** **Item 2 LAND RELEASE - EGLINTON 100 RESIDENTIAL SUBDIVISION - COX LANE, LEW AVENUE, FRASER DRIVE AND TEMPLER WAY (20.00119)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council:

- (a) approves the release for sale of fifty-nine (59) lots, namely Lot 1 to 59 in current Lot 10 and Lot 11 in DP1141570 in the new residential subdivision located on Cox Lane, Lew Avenue, Fraser Drive and Templer Way, Eglinton to be known as Eglinton 100, under the ballot system.
- (b) approves the sale prices as detailed in the report.

- d** **Item 3 PURCHASE OF LAND, WEST BATHURST (22.07480)**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

That Council act in accordance with the recommendations of the report.

- e** **Item 4 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 37 IN DP1159302 - AERODROME COTTAGE BATHURST AERODROME - NSW AIRTC ASSOCIATION (21.00087)**
MOVED Cr G Westman and **SECONDED** Cr G Hanger

That Council approves entering into a new Residential Tenancy Agreement for the Aerodrome cottage located on Lot 37 in DP1159302 at the Bathurst Aerodrome for a period of two (2) years with an option period of three (3) years with the NSW AIRTC Association, as detailed in the report.

Director Engineering Services' Report

f Item 1 TENDER FOR THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS (36.00564)

MOVED Cr M Coote

and SECONDED Cr G Westman

That Council, in accordance with the Local Government (General) Regulation 2005 Clause 178, 1b:

- (a) decline to accept any of the submitted tenders,
- (b) invite fresh tenders in accordance with clause 167 of the Local Government (General) Regulation 2005 based on modified specification details, and
- (c) authorise the General Manager to negotiate a temporary agreement for acceptance and reprocessing of biosolids until a new contractor can be appointed.

g Item 2 TENDER FOR THE REFURBISHMENT OF MCPHILLAMY PARK, SULMAN PARK & REID PARK TOILET & SHOWER BLOCKS, MOUNT PANORAMA (36.00589)

MOVED Cr W Aubin

and SECONDED Cr I North

That Council:

- (a) accept Tablelands Builders' tendered project price of \$416,639.00 (GST incl.), and
- (b) accept the provisional amount of \$59,532.00 (GST incl.) for the upgrade of basins.

This will result in a total contract value of \$476,171.00 (GST incl.), subject to provisional items and variations.

RESOLVE INTO OPEN COUNCIL

50 RESOLVE INTO OPEN COUNCIL

MOVED Cr M Coote

and SECONDED Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

51 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED Cr M Coote

and SECONDED Cr W Aubin

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

MEETING CLOSE

52 **MEETING CLOSE**

The Meeting closed at 8.39 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 1 JUNE 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:10 PM

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

APOLOGIES

- 2 APOLOGIES**
MOVED Cr I North and **SECONDED** Cr B Bourke
Nil.

DECLARATION OF INTEREST

- 3 DECLARATION OF INTEREST 11.00002**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

- 4 Item 1 BINC (KEPPEL STREET) CAR PARK (22.00010)**
MOVED Cr M Morse and **SECONDED** Cr G Westman

RESOLVED: That Council approve the additional expenditure in relation to the BINC Car Park as outlined in the report.

MEETING CLOSE

5 MEETING CLOSE

The Meeting closed at 6.12 pm.

CHAIRMAN: _____

MINUTE

6 **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the following Declarations of Interest be noted.

Cr North

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

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

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

MOVED: Cr B Bourke SECONDED: Cr W Aubin

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 May 2016 (**attachment 1**).
- (b) Applications refused during May 2016 (**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 May 2016 (**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

- 8 Item 2 GENERAL REPORT (03.00053)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2016/0116 –SERVICED APARTMENTS AND RETAINING WALLS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD DA/2016/0116

Recommendation: That Council:

- (a) not support the Clause 4.6 variation to the height of buildings and floor space ratio development standards prescribed in Bathurst Regional Local Environmental Plan 2014, as amended;
- (b) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0116, for the following reasons:
 - 1. **The height of the proposed building exceeds the maximum height shown for the land on the Height of Buildings Map, contrary to Clause 4.3 of Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 2. **The floor space ratio of the proposed building exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, contrary to Clause 4.4 of Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 3. **Council does not consider that the Clause 4.6 variation provides sufficient justification to vary the adopted standards in relation to Height of Buildings and Floor Space Ratio under Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 4. **The proposed height, bulk and scale of the proposed building will have a negative impact on the built environment of the locality,**
 - 5. **The proposed development is considered to be contrary to the public interest in terms of environmental impacts associated with noise and overshadowing,**
 - 6. **Insufficient parking has been provided for the development in accordance with Chapter 14 of Bathurst Regional Development Control Plan 2014, as amended;**
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of serviced apartments and retaining walls at 50 Bentinck Street, described as Lot 2, DP 184456, Lot 28, 27, 26, 25, 24, 23, 22, 19, 20, 21, and 30 DP 2067. A location plan is provided at **attachment 1**.

Independent to this application Council is currently considering a Development Application (2015/0310) for a re-subdivision of the whole site into 6 lots (see **attachment 2** for the subdivision development application plans). The proposed development is to be located on

proposed lot 1 of that subdivision. The development lot is proposed to be 2210.7m² and is vacant.

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014.

The site is located on the edge of the zone boundary between the B3 Commercial Core and R1 General Residential zones (see **attachment 3** for zoning map). Therefore the development adjoining the site is a mixture of residential dwellings and commercial development.

The development will be accessed off a proposed entrance and exit to Howick Street.

Description of the proposed development

The application seeks development consent for the erection of a new five (5) level serviced apartment development comprising one (1) level of basement parking and four storeys of serviced apartments above.

The proposed development is described as being 42 serviced apartments with many of the units being capable of being converted into 2 separate units. The total capacity is seventy four (74) serviced apartments.

The development involves:

- Studio apartments - Thirty two (32) one bedroom studio units which have a bed, private bathroom and kitchen facilities.
- One bedroom apartment - Twenty eight (28) one bedroom apartments which have a bed, private bathroom, kitchen facilities and living/dining area.
- Two bedroom apartment - Fourteen (14) two bedroom units which have two bedrooms, two private bathrooms, kitchen facilities and living/dining area.

It should be noted the applicant describes the development, and bases many of their assumptions on, there being only 42 serviced apartments. It is noted that the internal configuration of many of the units are such that they are capable of operating as 2 individual units by closing the dividing door. Each unit would have its own access to the common hallway and its own kitchen, bathroom and bedroom(s). On this basis the maximum number of lettable rooms is more accurately defined as 74.

An elevator and stair access is proposed between each of the proposed levels. A lift and stairs are proposed to provide street level access. Listed below in the table is a summary of what is proposed on each level.

Level	Details
Basement Level (Ground Floor)	Forty five (45) car parking spaces (including four accessible parking spaces), bicycle parking area, garbage bin storage room, four store/service rooms, one way entrance and exit for motor vehicles.
Level 1 (First Floor)	Reception, offices, gym, lobby, linen, bathroom, 7 studio apartments, 7 one bedroom apartments and 3 two bedroom apartments (17 total).
Level 2 (Second Floor)	9 studio apartments, 8 one bedroom apartments and 4 two bedroom apartments (21 total).
Level 3 (Third Floor)	9 studio apartments, 8 one bedroom apartments and 4 two bedroom apartments (21 total).

Level 4 (Fourth Floor)	7 studio apartments, 5 one bedroom apartments and 3 two bedroom apartments, a conference/lounge, kitchen and outdoor BBQ terrace (15 total).
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Vehicular access to the proposed parking is proposed from Howick Street. Basement parking is proposed to contain a total of forty five (45) parking spaces including four (4) accessible parking spaces and a separate bicycle parking area.

The site slopes generally to the east from Bentinck Street. It is proposed that the site will be cut on the western and southern boundaries by up to 4.5m with a retaining wall to be built on these boundaries.

The development has been supported by a number of plans and specialist reports as noted below:

- Development Application plans (**attachment 4**).
- Statement of Environmental Effects (**attachment 5**).
- Statement of Heritage Impact (**attachment 6**).
- Plan of Management (**attachment 7**).
- Landscape Plan (**attachment 8**).
- Commercial Infill form (**attachment 9**).

Previous Development Applications

It is noted that Council has previously dealt with a number of applications in the past the most recent being Development Application 2012/0518 approved by Council on the 21 August 2013. This development application contemplated the development of the whole of the former Dairy Farmers site and included the following:

- 40 serviced apartments in a 4-5 storey building along Howick Street;
- A retail premises located on the lower ground floor;
- Retail premises at street level;
- Adaptive re-use of the former office building as a café on the ground floor and a commercial premises on the first and second floors;
- External works to the Dairy Farmers tower to make it structurally safe;
- The roof truss from the former building will be retained as an archway at the site entrance off Bentinck Street;
- Car park which included 38 spaces at ground level and 85 spaces below ground level; and
- Unloading facilities for the retail premise off Princes Street.

See **attachment 10** for a copy of the approved plans.

This previous application contemplated development of the whole of the site which included buildings fronting Bentinck Street and Howick Street.

The total site area for this development was 5461m².

There are a number of notable conditions imposed on the consent as follows:

Condition 5 – Prior to the issue of a construction certificate in relation to the serviced apartment building the developer is to submit plans showing a redesign of the Howick Street front façade and the Bentinck Street side façade to include the greater use of smooth faced unpainted or unrendered brick work. . These facades are to include significant red face brick work and

decorative detail to ensure the new apartment building complements the remaining historic buildings on the site in terms of colour and materials used .

Condition 8 – The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted. In accordance with the Conservation Management Plan submitted for the site in 2007. This is to include at a minimum the installation of interpretive signage panels within the site. The interpretation strategy is to be implemented prior to issue of the occupation certificate.

Condition 10 – The developer is to lodge a detailed schedule of works on the historic tower building that is to include at a minimum:

- a) make the tower building weatherproof and vermin proof;
- b) reinstatement of the windows in the tower;
- c) retention of the archways that are located at the base of the building along the Howick Street side of the tower, with arches and rendered keystones visible;
- d) repointing brickwork using traditional methods; and
- e) retention of the mechanical equipment that is currently located in the tower until such time as development application is approved for the adaptive re-use of the building.

The Schedule of works on the historic tower is to be completed prior to the issue of an occupation certificate relating to any of the new buildings.

The development application has been physically commenced in that elements of the development involving demolition have been undertaken. The consent itself remains current.

Explaining the difference between the proposals

There are many differences between the Development Application 2012/0518 and Development Application 2016/0116. Some of the major differences of these applications are stated in the table below:

Development Application:	2012/0518	2016/0116
Environmental Planning Instruments applicable	Bathurst Regional (Interim) Local Environmental Plan 2005	Bathurst Regional Local Environmental Plan 2014, as amended.
Development Control Plan applicable	Bathurst Regional (Interim) Development Control Plan 2011	Bathurst Regional Development Control Plan 2014, as amended.
Side setback (from 172 Howick Street)	3.6m	6m
Height in relation to 172 Howick Street	- 15m at the closest point to the adjoining property - 18m at 12m from the adjoining property	17.14m at the adjoining property boundary
Howick Street front setback	The building was divided into 5 segments with a setback varying from 3.6m to 5.6m to 7.6m.	The building generally has a standard setback of 4.2m from Howick Street.
Bentinck Street façade	The building was integrated into	The building is 15.48m above

	a much larger development which extended through to Bentinck Street. The upper most 2 levels were over the top of a retail complex and approximately 39m from Bentinck Street.	natural ground level on the Bentinck Street façade of the building.
Princess Street façade	The building was up to 3 storeys above natural ground level.	The building is approximately 12.4 metres above the natural ground level. (The total height of the building is 16 metres). Due to the retaining walls the lower proportion of the building will not generally be visible.
Site area	The development involved the whole of the site which has an area of 5461m ² . This development also included many other facilities such as cafes, retail shops and offices.	This development only includes part of the site. The area proposed by the subdivision in Development Application 2015/0310 is 2210.7m ² .
Master Plan	This application provided a master plan for the whole site which had buildings addressing the Bentinck Street and Howick Street streetscapes.	This application is only for a part of the site addressing Howick Street.
Total number of units	This application has a different configuration of apartments and how they had the potential to be utilised. This application calculated car parking requirements on 40 units.	This application has a different configuration of units which enables some of the apartments to be used independently of each other. Therefore the total number of apartments that could be used independent of each other for the site is 74.

Significance of the site

The site is a landmark site in relation to the history of Bathurst. The uses of the site are as follows:

Convict hospital 1823-1842
 Bathurst Hospital 1842-1878
 Walkers Brewery (178 Howick Street) 1908-1930s
 Macquarie Soap Factory (178 Howick Street) 1934-1950
 Bathurst Dairy Cooperative 1901-1949

The State Heritage Inventory database provides a detailed history of the site and is at **attachment 11**.

State Environmental Planning Policy No 55 – Remediation of Land

The historical industrial land uses which have occurred on site have the potential to result in soil contamination occurring on site.

Development Application 2012/0518 required the site to be remediated to a standard for commercial and industrial use. The applicant has provided evidence that the remediation has occurred to a commercial and industrial standard as previously required.

The current development application for serviced apartments includes a manager who will reside on the site. The appropriateness of this standard of remediation will need to be reviewed in light of the longer term occupation of the site.

Bathurst Regional Local Environmental Plan 2014, as amended

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014, as amended.

The objectives for the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.*
- *To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.*

As noted elsewhere in this report the proposed development is inconsistent with the objective *to protect and conserve the historic and scenic quality of the Bathurst CBD as a key economic and social asset*. The development is considered to be inconsistent with the prevailing scale and character of the Bathurst Heritage Conservation Area. It has not been designed to be a social asset which will promote a sense of pride within the community.

The proposed development is defined as a 'Serviced Apartment' and is defined as follows;

"Means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owners or manager's agents."

The proposed development is permissible with consent in the B3 Commercial Core Zone.

Clause 4.3 Height of Building

One of the features of Bathurst Regional Local Environmental Plan 2014, as amended is the introduction of a formal "height of buildings" standard across the commercial and residential zones. Former planning instruments such as Bathurst Regional (Interim) Local Environmental Plan 2005 did not contain this type of provision.

The objective of Clause 4.3 is *to establish a maximum height to which buildings may be erected in certain locations.*

The height of a building on any land is not to exceed the maximum height shown for the land on the height of buildings map.

The height of building maps for the subject land shows a maximum height of 12 metres.

Building height (or height of buildings) is defined by the Bathurst Regional Local Environmental Plan 2014, as amended, as:

"the vertical distance between ground level (existing) and the highest point of the

building, including plant and lift overruns, but excludes communication devices, antennae, satellite dishes, masts, flat poles, chimneys, flues, and the like.”

The height is therefore measured off the existing ground level to the highest point of the building. In that respect it does vary across the site and does not take into account modifications to the ground level (ie cut and fill).

The proposed development has a maximum height of 17.14 metres. This being the height measured at the eastern end of the site and represents the level between the footpath on Howick Street and the top of the building. The development does not comply with the 12 metre maximum height of buildings planning standard. The exceedance is 42.8% at its greatest and the whole of the building is higher than 12 m.

It is noted that the Statement of Environmental Effects refers to the maximum height as 16.4 metres with a variation to Council's standard of 36.6%.

The inconsistency in maximum heights is due to differences in the ground levels taken for the purposes of calculating building height. The applicant has based its building height as being from the basement level to the maximum height of the building. The basement is approximately 0.5 metre above the natural ground level as measured from the Howick Street footpath.

It is noted that the application does not provide a detailed survey plan to determine on the actual height of the existing natural ground. Therefore final heights may vary from the proposed heights.

The applicant has submitted a Clause 4.6 variation to the development standard imposed under Clause 4.3 which is considered in detail below.

Clause 4.4 Floor space ratio

The requirement for development to achieve a maximum floor space ratio was introduced into the Bathurst Regional Local Environmental Plan 2014, as amended.

The objectives of the clause are:

- (a) *To ensure that the density, bulk and scale of development is appropriate for business and industrial land; and*
- (b) *To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.*

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the floor space ratio map.

The floor space ratio for the site is 2:1.

The site/lot created as part of the subdivision will have a final area of 2,210.7m².

The proposed development has a gross floor area of 4,777m² as calculated by the applicant. The proposal has a floor space ratio of 2.16:1. This is 8% exceedance or non-compliance to the standard.

Floor space ratios (FSR) are used as a planning tool to ensure that issues of bulk and scale are taken into account as part of the planning process. The practice of maximising development potential by building to the outer limits of building envelopes can often result in

excessive bulk, continuous walls and poor design outcomes. The FSR ensures that developments do not necessarily build up to the maximum height and to the property boundaries by limiting the gross floor area. In this way excessive bulk and scale are avoided.

The applicant has submitted a Clause 4.6 variation to the development standard imposed under Clause 4.4 which is considered in detail below.

Request for Variation under Clause 4.6

The applicant has submitted a Clause 4.6 variation to the adopted planning standards in relation to the Height of Buildings and the Floor Space Ratio. Clause 4.6 allows for variations to development standards under certain circumstances.

The Clause is repeated below:

Clause 4.6 Exceptions to development standards

- 1) *The objectives of this clause are as follows:*
 - (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
 - (b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *The consent authority is satisfied that:*
 - i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) *The proposed development will be in the public interest because it is consistent with the objectives for the development within the zone in which the development is proposed to be carried out, and*
 - (b) *The concurrence of the Secretary has been obtained.*

The applicant's written Clause 4.6 variation is included within the Statement of Environmental Effects (see **attachment 5**).

The approach to considering variations pursuant to Clause 4.6 has been considered by the

Land and Environment Court on a number of occasions. The generally accepted approach as outlined in *Bates Smart Pty Ltd v Council of the City of Sydney* [2014] NSWLEC 1001 for a variation under cl 4.6 is as follows:

Clause 4.6 imposes four preconditions on the Court in exercising the power to grant consent to the proposed development.

- *The first precondition (and not necessarily in the order in cl 4.6) requires the Court to be satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)),*
- *the second precondition requires the Court to be satisfied that the proposed development will be consistent with the objectives of the standard (cl 4.6(4)(a)(ii)),*
- *the third precondition requires the Court to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)), and*
- *the fourth precondition requires the Court to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).*

The guiding principle is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.

A negative finding for any precondition must see the appeal dismissed and a positive finding would enliven the power to grant development consent subject to a merit assessment.

The Land and Environment Court have also established a “five part test” to assist consent authorities to determine whether the objection to a development standard is well founded. These are:

- 1) The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- 2) The underlying objective or purpose of the standard is not relevant to the development and therefore non-compliance is unnecessary;
- 3) The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- 4) The development standard has been virtually abandoned or destroyed by Council’s own actions to grant consent departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- 5) The compliance with the development standard is unreasonable or inappropriate due to the existing use of the land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Step 1 - Is the development consistent with zone objectives ?

As noted above the objectives of the B3 Commercial Core zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other*

- *suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.*
- *To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.*

It is the latter objective which is most relevant to the development and in particular to the height of buildings and floor space ratios being considered.

As acknowledged in the report the site is historically significant being the site of the former Convict Hospital and has a long history of industrial and commercial uses. While the uses have ceased, the site remains of significance within the heritage conservation area. This is reflective in the sites status as heritage item.

It is of paramount importance that any resultant development protects and conserves the historic qualities of the area and, in particular the central business district. The development does not respect the broad parameters for development in relation to height and floor space ratio as noted below. The overall design of the building is not consistent with much of the character of the locality.

In this respect the development is said to be antipathetic to the objectives of the zone.

Step 2 – Is the development consistent with the objectives of the development standard

Clause 4.3 Height of Buildings

The objective of Clause 4.3 is to establish a maximum height to which buildings may be erected in certain locations.

The 12 metre building height standard applies to all land zoned B3 Commercial Core.

The land immediately to the east is zoned R1 General Residential. The height of buildings in the residential zone is 9 metres.

The underlying objective of this clause is to restrict the height of buildings which impacts on the bulk, scale and dominance of the building. The clause also ensures the proposed building is in keeping with the existing buildings heights which are established, or might reasonably be expected to be established, in the commercial area.

The site proposed for development is currently vacant and there are no underlying impediments to achieving compliance. There are no limiting factors as to why the development cannot be designed to comply with the 12 metre height restriction.

For comparative purposes it is worth noting the heights of some of the surrounding developments as follows:

- Stocklands Shopping Centre is approximately 12m on the Bentinck Street façade
- Bathurst City Centre is approximately 12.8m on the Bentinck Street façade
- Existing Dairy Farmers tower is approximately 21m
- Former Dairy Farmers building is 15.1m

The proposed building has a maximum height of 17.14 metres and is 5 storeys high. The

building exceeds the adopted height standard over its entirety.

It is also relevant to the proposal to note that the site is a landmark site within the Bathurst CBD, is listed as a heritage item and is located on the zone interface of the B3 Commercial Core zone and the R1 General Residential Zone.

The exceedances are not only numerically significant but result in a building which is out of character with the streetscape in terms of its bulk and scale. Its design brings no special considerations being generally unresponsive to its context.

Step 3 - Whether the standard is unreasonable and unnecessary in the circumstances of the case

The applicant's reasons for supporting the request to vary Clause 4.3 Height of Buildings are provided below along with an appropriate response.

Applicants Contentions	Response
The development is consistent with the objectives of the B3 Commercial Core zone.	The development is inconsistent with the zone objectives as noted above. In particular the development does not protect and conserve the historic and scenic quality of the Bathurst Central Business District as a key economic and social asset.
The development is generally consistent with the provisions of the DCP.	The development application is not consistent with all provisions of the DCP (see the DCP assessment section of the report).
The standard unreasonably restricts effective utilisation of the land to achieve the zone objectives.	The proposed development can be designed to more effectively meet the objectives of the zone and comply with the height restrictions. There are no limiting factors restricting the design to not meet these objectives and standards. The development can be modified to achieve compliance in a number of ways including reducing the number of units or by adding additional land to the development lot and spreading the development over a larger area.
The standard unreasonably restricts the maximisation of infill development and utilisation of existing infrastructure resources.	The area of the site where the development is occurring is vacant. There is no "existing infrastructure resources" to utilise. The current standard is generally consistent with the height of buildings within the Bathurst CBD. The objective of the clause is to restrict heights of infill development to reduce impact on the character of the area. Therefore the development is not consistent with the built form and existing character and height of buildings in the CBD.
The standard unreasonably restricts the achievement of highest and best yield of the land resource.	The yield of the land is an economic factor and is not a planning concern. Therefore the financial viability of the project is not a planning consideration.
The standard unnecessarily restricts the transition of the land to a regionally significant landmark.	The development exceeds the adopted development standard by a significant amount. It is difficult to fathom how the standard in any way restricts the transition to the landmark heritage buildings on the site. The height restriction of 12 metres would protect the views of and to the existing tower on site. The proposed transitioning of a 17.14 metre building in front of the tower

	<p>structure provides no positive impact on the streetscape. The building will reduce the visibility of the significant landmark building from the Howick Streetscape resulting in a negative impact.</p> <p>The site is adjoining single storey dwellings on Howick Street. The development has not taken into consideration the transition between the adjoining residential land uses in relation to height of surrounding buildings.</p>
<p>The land that fronts Bentinck Street will eventually be development (potentially multiple storey) which will reduce the impact of any issues of bulk and scale caused by the development.</p>	<p>Council is required to consider the current Development Application only and cannot take into account any future development of the site that may have the effect of masking the proposal.</p>
<p>The non-compliant portion is sufficiently setback from the street, side and rear property boundaries.</p>	<p>At no point on the Howick Street façade, the Bentinck Street façade, the rear façade or the side elevation adjoining 172 Howick Street does the building comply with the 12 metre height restriction.</p>
<p>The front elevation demonstrates that the development sits comfortably within the existing streetscape and surrounding area. It is considered that the breach (especially relative to the topography of the site) is not incompatible with any existing and future development.</p>	<p>The applicant has submitted a commercial infill form which assesses the bulk, scale and height of the building in relation to its surrounding buildings. The 5 storey development does not transition comfortably to the adjoining single storey dwellings located in Howick Street. The highest part of the building being 17.14 metres is located approximately 9 metres from the single storey dwelling 172 Howick Street which has a height of 4 metres.</p> <p>It would not be unreasonable to assume that any future development would be less than the adopted 12 metre development standard.</p>
<p>The SOEE has demonstrated that there is no disruption to existing views, loss of privacy, over shadowing or visual intrusion despite numerical excess in height.</p>	<ul style="list-style-type: none"> ● The development will have a negative impact of views to and from the site. ● The development is not in keeping with the site with the bulk, scale and proportion of surrounding development. ● The development will result in a loss of privacy to the existing dwellings situated along Howick Street within close proximity to the development. The building has balconies and an unroofed BBQ terrace located on the upper level which is orientated towards these dwellings. ● Shadow diagrams have been provided for the development. These show that the development will have a significant impact on the adjoining sites and on the existing Dairy Farmers Tower on the site. ● The building will be a visual intrusion on the Bentinck and Howick Street streetscapes because the buildings bulk and scale is not consistent with the surrounding development. ● The exceedances therefore exacerbate the impacts associated with the loss of privacy, overshadowing and visual intrusion and

It is noted that the previous Development Application 2012/0518 was considered under the Bathurst Regional (Interim) Local Environmental Plan 2005. The former LEP did not contain any development standards in relation to heights of building or floor space ratio. The prior approval does not act as any significant precedence to this development.

The applicant's reasons for supporting the request to vary Clause 4.4 floor space ratio are provided below along with an appropriate response.

Applicants Contentions	Response
The development is consistent with the objectives of the B3 Commercial Core zone.	The development is inconsistent with the zone objectives as noted above
The development is generally consistent with the provisions of the DCP.	The development application is not consistent with all provisions of the DCP (see the DCP assessment section of the report).
The variation sort is relatively minor (8%)	The extent of variation is reflective of the overall issues associated with the design of the building in its context. Whilst the variation is numerically minor it is nonetheless significant.
The standard will unreasonably prevent accommodation supply to be provided into the local market close to the CBD.	The financial viability of the project is not a planning consideration. The development could be modified to achieve compliance by either reducing the gross floor area by 355.6m ² or by increasing the lot size by 177.8m ² .
The standard unreasonably restricts effective utilisation of the land to achieve the zone objectives.	The proposed development can be designed to reduce the floor area or increase the size of the lot to comply with this planning standard. The site is a vacant site and there are no limiting factors restricting the design to not meet these objectives and standards. The development does not satisfy the objective of the zone.
The standard unreasonably restricts the maximisation of infill development and utilisation of existing infrastructure and resources.	The area of the site where the development is occurring is vacant and there is no "existing infrastructure resources" to utilise. In relation to the maximisation of infill development, the floor space ratio aims to ensure the site is not over developed above the desired ratio.
The standard will unnecessarily restrict the achievement of highest and best yield of the land resource.	The financial viability of the project is not a planning consideration.

The exceedance of the floor space ratio is reflective of the overall desire to maximise the development yield with little regard to the context of the development. The issues associated with the bulk and scale of the development have been well documented. A reduction in the overall size of the development or by development over a larger area would have the effect of reducing these issues and correspondingly produce a compliant development.

Step 4 - Whether there are sufficient environmental planning grounds to justify variation

The development is proposed on part of the site which is currently vacant.

The natural topography of the site has an approximate 5 metre variation in natural ground level. The current environmental character of the site is restricted by the topography. The site is proposed to be substantially cut and retained by a retaining wall which at its maximum height is 4.5 metres. The development has not been effectively designed to utilise the natural topography of the site.

There are not sufficient environmental planning grounds to justify the variation. In fact the development pays little regard to the topography of the site, its context in the streetscape and its significance as a heritage item in the Bathurst Heritage Conservation Area.

Clause 5.10 Heritage Conservation

The site is a listed heritage item (i11) of local significance under Bathurst Regional Local Environmental Plan 2014 and is located within the Bathurst Heritage Conservation Area.

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Bathurst Regional local government area,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The development is considered to be inconsistent with objectives (a), (b) and (c) of this clause.

Objectives (a) Conserve the environmental heritage of Bathurst Regional local government area; and (b) Conserve the heritage significance of the heritage item and heritage conservation areas

The development has not been designed to conserve the heritage significance of the heritage item on site and the Heritage Conservation Area in general. It is not in keeping with the bulk and scale of the existing streetscape or the heritage buildings on site.

The views to the Dairy Farmers Tower from Howick Street will be significantly disrupted as the proposal is to have a 17.14 metre building erected which will dominate the views to the site from the north and east. The previous buildings which were on site were low rise development which maintained the views of and to the tower from the north and east.

The building's facade does not incorporate or reflect any of the significant design features of the existing buildings on site. The utilisation of red face brick should be key elements in the façade to complement the existing structures and represent design elements of the previous buildings on site (demolished in Development Application 2012/0518). The building façade proposed is painted concrete walls.

The proposed development will have a negative impact on the heritage significance of the heritage item and Conservation Area.

The proposed infill development is out of scale and character with the Bathurst Heritage Conservation Area. The overall bulk of the proposed building dwarfs the streetscape. It would be possible to redesign the development so as to be more compatible with the scale of Howick and Bentinck Street frontages. The east and west elevations could have been stepped down to reduce overall bulk and respect the existing streetscapes and residential dwellings immediately adjacent to the site. The submitted infill application form does not justify the scale and character of the proposed new building.

The lack of articulation on the east and west elevations is not supported. These aspects should implement design elements such as balconies, verandah and vertical building materials to break up the blank walls. This is particularly important given these elevations will be seen from the Howick and Bentinck street frontages. Greater use of articulation would strengthen the streetscape and relate more to the heritage item.

The use of metallic surfaces and pre cast concrete with painted redbrick is not supported. The site represents a significant land mark site within the Bathurst CBD and the building should incorporate a more significant amount of face brickwork in strong autumn tones. This would reflect and complement the remaining heritage buildings on the site. It is noted that the only portion of facebrick work included in the 4/5 stories is at basement level only.

Objective (c) Conserve Archaeological Sites

The development is described in the Statement of Heritage Impact as having high archaeological potential. The development is cutting into the site by approximately 4 metres and in conjunction with the footings for the building will require major excavation of the site which will disturb the archaeological significance of the site.

The site is located within the Early Government Settlement (1815 – 1840) sensitive lands area, and is considered to be of high archaeological potential.

The Statement of Heritage Impact prepared by GBS Heritage volume March 2016 references the Archaeological and Heritage Management Solutions Pty Ltd (AHMS) report prepared in 2007. The AHMS report noted that there is potential for archaeological relics.

The development cuts into the site approximately 4.5 metres and also the footing for the building would require major excavation works.

If the development was to proceed it would be required to sufficiently address the Archaeological Assessment prepared by AHMS (2007) and meet any requirements of the NSW Office of Environment and Heritage.

It should also be noted that there is a well located on the site within close proximity to the north west section of the site which is being cut for the development. The potential impact on the historical significance of the well and the archaeological remains are not consistent with objective (c) to conserve archeological sites.

Clause 7.10 Flood Planning

The site is identified on the Flood Planning Map. The site is protected by the Havannah Street Levee. No further action is required in this regard.

Bathurst Regional Development Control Plan 2014

The Development Control Plan applicable to the site is the Bathurst Regional Development Control Plan 2014.

Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was notified to adjoining property owners and the National Trust in accordance with Chapter 2 of Council's DCP between 29 April 2016 and 10 May 2016. Eleven (11) submissions were received (see [attachment 12](#)).

A public discussion forum was convened on 1 June 2016, (see minutes at [attachment 13](#)). Issues raised in the submissions and at the discussion forum included:

- The height of the building does not comply with the 12 metre building height restriction under the Bathurst Regional LEP 2014 - Height of Buildings Map and the three storey provisions in the Bathurst Regional DCP.
- Non-compliance with Council's Bathurst Regional LEP 2014 and DCP 2014.
- The building should be designed to be stepped down to match the natural slope of the land.
- The design of the building is oversized and unimaginative.
- Looks like a box maybe suitable in some Sydney suburbs but not in an historic town like Bathurst.
- Council should insist that the outside of the building have historic features.
- The design of the building does not blend with the existing streetscape of single storey dwellings.
- The proportion of the building is not consistent with the existing streetscape.
- The proposed building does not compliment the two heritage buildings on the site.
- The site is a landmark site within the Bathurst CBD. There is a lack of consideration of the heritage significance of the site in the design of the building.
- The development should be designed to address Bentinck Street.
- The limited visibility of the Dairy Farmers tower from Howick Street.
- This development will overshadow the tower after 1pm, this will limit the reuse ability of the tower.
- The development will overshadow the adjoining dwellings in Howick Street.
- The invasion of privacy to the adjoining dwellings in Howick Street. The development includes windows and a balcony on the 1, 2 and 3 levels and a BBQ terrace on level 4.
- The whole of the site should have a master plan.
- The development fails to provide any green space or public space within this heritage area.
- The design should include a 30 degree roof pitch which is consistent with the Heritage Conservation Area.

The issues raised in the submissions and at the Discussion Forum have been addressed throughout this report.

Chapter 5 – Business and Industrial Development

The site is zoned B3 Commercial Core. Chapter 5 of the DCP 2014 is applicable.

5.2 Siting considerations

The front setbacks must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape.

The proposed development is setback 4.2m from Howick Street. 172 and 168 Howick Street are setback approximately 3 metres from Howick Street.

The side and rear building line setbacks are to comply with the specified standard by the

National Construction Code (NCC). The proposed setbacks comply with the NCC.

5.5 Height of Buildings – Bathurst Conservation Area – Zone B3 – Commercial Core

Objectives: To maintain the streetscape qualities of the CBD within the Bathurst Heritage Conservation Area.

Development Standard:

- a) *A building containing more than 3 floors shall not be erected on land within the zone B3 – Commercial Core and located within the Bathurst Heritage Conservation Area unless, in the opinion of Council, the building:*
 - i. *Does not detract from the existing streetscape and landscape, or*
 - ii. *Is located behind the existing buildings within the streetscape such that its height does not detract from the streetscape or landscape, or*
 - iii. *Is an extension of or constitutes the rebuilding of a building to a height not exceeding the height of the building at 27 March 1987.*

The proposed building is 5 storeys with a maximum height of 17.14 metres from the existing ground level.

The development does not comply with the objectives of the clause in that the building dominates the Howick Street streetscape. The site adjoins single storey dwellings.

The variation beyond three storeys is not supported as:

- The existing streetscape is single storey dwellings directly adjoining the site on Howick Street. The buildings on the Bentinck/ Howick Street corner are generally 12 metres high which is generally equivalent to 3 storeys. Therefore the proposed 5 storey building with a maximum height of 17.14 metres detracts from the existing streetscape and landscape within close proximity to the site.
- The proposed building is setback 4.2 metres from Howick Street. The building has direct access to Howick Street and is not sited behind buildings or landscaping. The building is located in front of the existing “Dairy Farmers Tower” on the site. The development obstructs views to the Heritage Item on the site from Howick Street. Therefore the 5 storey structure will detract from the Howick Street streetscape.
- The development does not involve a rebuilding or extension of a building on the site.

5.6 Parking, Access and Manoeuvring Areas

The site has been designed so that all vehicles enter and leave the site in a forward direction.

It is, however, noted that several of the car parking spaces do not have or have limited areas to manoeuvre a vehicle into and out of the space. Therefore the basement level of the development may need to be redesigned to ensure all parking spaces have adequate turning circles.

The site does not identify any area for unloading and loading of delivery vehicles. As the development will accept deliveries it is required that a designated loading/unloading area is provided and it is acceptable for a 12.5 metre long vehicle.

5.7 Clean Business and Industry

The development has an unroofed BBQ terrace on the fifth storey of the building which is located closest to the boundary of 172 Howick Street.

The development has the potential to increase the noise level within the locality in the event that it is used as an outdoor recreation area in conjunction with the adjoining conference facilities.

It would be prudent to require a noise impact assessment be prepared for the development to consider the impact of the development were the area to be used during the evening periods.

Chapter 10 – Urban Design and Heritage Conservation

This chapter applies to the site as it is a Heritage Item and is located within the Heritage Conservation Area.

10.2 Heritage Impact

A Statement of Heritage Impact has been prepared by GBA Heritage for the development (see **attachment 6**).

The Statement of Heritage Impact and the form are required to address the following matters set out in Clause 10.4.4 of the DCP:

Standards under Clause 10.4.4	Response
Character- To ensure that the harmony and unity of the area is maintained	The proposal is located in a streetscape dominated by single storey dwellings to the east. The development is 5 storeys high and does not represent any unity or harmony with the existing streetscape pattern.
Scale - The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.	<p>The Howick Street streetscape is single storey dwellings. These buildings have an approximate height of 4 metres. The proposed development has a height of 17.14 metres and is 9 metres from the boundary of the closest single storey dwelling. The development has not taken into consideration the scale of the building in comparison to the adjoining development.</p> <p>The width of the dwelling at 172 Howick Street is approximately 8 metres. The proposal has a width of 58.1 metres. The development has no significant variation and articulation in the Howick Street elevation. The building will present as a very high (17.14 metres) and very long (58.1 metres) box. There are limited features on the Howick Street façade other than balconies. The use of the balconies has little impact on reducing the scale of the building.</p> <p>The overall bulk of the development dwarfs the existing streetscapes.</p>
Form – The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.	The proposal has not taken into consideration the form of the building in relation to the existing streetscape. The development is not sympathetic to the single storey dwelling because of the shape of the building with limited articulation

	<p>breaking the Howick Street façade being balconies which are glass balustrade. This does not provide any differentiation in form of the building/ façade.</p> <p>The building has a consistent roof line and is not stepped down to reduce the form and bulkiness of the building. If the building height was reduced where it is adjoins 172 Howick Street the development would be more sympathetic to the streetscape. The chosen design does not incorporate these design elements.</p>
<p>Siting – New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.</p>	<p>The building is sited 4.2 metres from the Howick Street. The proposed front setback is considered appropriate as it complements the existing pattern.</p>
<p>Material and Colours – Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.</p>	<p>The proposed building for the upper four floors is precast concrete. This is proposed to be painted Dulux ‘Fair Bianca’. This is a shade of cream.</p> <p>The existing heritage buildings on the site and the buildings which were demolished were all red face brick. Therefore it is considered appropriate that red brick dominate new development on this site.</p> <p>Precast concrete is not acceptable as the dominant material for the construction of the building on a landmark site within the CBD of Bathurst.</p> <p>The applicant proposes to use red face brick work for the basement under the north porticos, basement west end, east end and entry stairs and lift area. This use of brick work is insufficient considering the size of the project and the limited visibility of this brickwork.</p>
<p>Detailing – Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place.</p>	<p>The proposed building has not provided any detailing features other than patterned concrete to integrate detail to the building. Precast concrete is not considered an acceptable method of contributing to the design and adding character and creating visual interest for the building.</p> <p>There are no special features on the building which interpret any of the elements of the surrounding buildings which tie the building to the streetscape or the Heritage Conservation area.</p>

10.5.4 Commercial/Industrial Development

Building design

	Standards under Clause 10.5.4	Response
A	<p>New infill buildings must meet the requirements of section 10.4 – Infill Development of this Plan. Buildings should</p>	<p>See the above assessment of the compliance with the infill development standard. The proposal has not been designed as an infill</p>

	make their own contemporary architectural statement rather than mimic buildings around it.	development which will complement the site as a listed Heritage Item or that will complement the remaining Heritage buildings on site, the adjoining streetscape or the Heritage Conservation Area in general. This building has been designed as a modern contemporary building which has not taken into consideration any existing architectural landscape of the site or its locality.
B	a) New or upgraded shop fronts should be based on the characteristic elements of traditional shop fronts located within the vicinity including: <ul style="list-style-type: none"> - awning or verandah height, - fascia lines, - window proportions, - common horizontal lines (eg, ridges, gutters, window heads), and - architectural features/decorations (eg, mouldings, parapets). 	Not applicable.
C	Part of the front façade of new buildings, including the visible return facades to at least 6 metres along the visible side walls, are to include smooth faced unpainted and unrendered brickwork. Concrete can be used on other areas of the building façade (including the visible returns) where it is appropriately painted or rendered and includes decorative detail and elements.	The façade of the building is all precast concrete other than a small proportion of the basement of the building which is red face brick. Therefore the proportions of red face brick work used in the development is insufficient due to the size of the building and its limited visibility. The building returns will be visible to Bentinck Street.
D	Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.	Not applicable.
E	Alterations are to have minimal disturbance to original wall materials, windows, doors and verandahs.	Not applicable
F	Monotonous facades with little relief or detail must be avoided.	The Howick Street façade of the building is 58.1 metres. This is a building that has a large frontage to a landmark site within the Bathurst CBD. The façade is broken up by the use of patterned concrete and balconies which have a glass balustrade. The pattern concrete is <u>not</u> considered an acceptable solution for breaking up of a façade. The Howick Street and Bentinck Street façade have a straight line setback. There is no staggering of the setbacks to provide relief. All the facades of the building are monotonous

	due to the lack of effective design and lack of detail features.
Weather protection of the footpath is to be provided. Verandahs and balconies are encouraged.	The building is setback 4.2 metres from Howick Street. Due to the current setback there is no infrastructure proposed over the footpath. Balconies are proposed on some of the rooms. These balconies are a modern design with glass balustrade which is not in keeping with the balconies within the CBD.
Under awning lighting (whiteway lighting) is to be provided.	Not applicable.
Buildings should be designed to provide passive surveillance to streets or public spaces. Any steel sheeting is to be of a traditional corrugated profile and is to be used generally only behind the front building façade or for outbuildings.	The building is orientated towards Howick Street and towards the existing tower (Princes Street). These facades have balconies which are facing these streets and will provide passive surveillance of the streets. The only proposed steel sheeting is on the roof. The roof is not visible from any façade as it's screened by a parapet.
Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.	The design of the roof is a 3 degree pitch. The roof is not visible. The plans do not indicate any services being located on the roof.
Development Application plans submitted to Council are to include accurately detailed and appropriate coloured impressions or images of all building facades of the proposed development with particular regard to the building features, detailing, colouring and materials used.	The applicant has submitted detailed plans which include the finishing and colour and material to be used. The applicant has provided an artist impression of the completed development which is sufficient.

Landmark Sites within the CBD

The site is identified as being a landmark site within the CBD as it is listed as a Heritage Item in the Bathurst Regional Local Environmental Plan 2014, as amended.

The provisions for a landmark site must also meet the following standards in addition to the above standards:

	Standard	Response
a)	Provide a positive contribution to the City's architectural landscape.	The various public submissions make note that the development does not make a positive contribution to the City's architectural landscape. The matters raised throughout this report support the community view.
b)	Preserve identified significant heritage features.	The proposed building does not preserve any of the significant features of the heritage buildings both on the site and also within close proximity to the site.
c)	Provide reference points for users of the CBD.	The site is currently a reference point for users within the CBD with the high visibility of the Dairy Farmers Tower. This structure provides a reference point due to its height and unique architectural features. The proposed

		<p>development will limit the visibility of the tower from the Howick Street façade and dominate the Bentinck Street presence of the Tower.</p> <p>The height and scale of the building will remove the reference points from a significant historic building to a modern building which is seen to dwarf the streetscape.</p> <p>This development will not provide a positive reference point to users within the CBD.</p>
d)	Incorporate a landmark “feature(s)” that is appropriate to create interest and provide the building with a recognizable identity.	The development does not create interest for the site and complement the existing heritage buildings on the site.

Chapter 12 – Signage and Colour Schemes

The development does not include any signage.

If any signage is proposed for the site it would require an additional Development Application if the signage is not considered exempt.

Colour Schemes for Buildings

The colour scheme is discussed above in relation to Chapter 10 as the building is being constructed it is not altering an existing building.

Chapter 14 – Parking

Council’s adopted standard for serviced apartments is 1 parking space per unit plus 1 space per 2 employees.

The application proposes 45 spaces in the basement level.

This level of provision is based on the applicant’s conclusion that the development comprises 42 serviced apartments.

As noted earlier in the report the development allows for 74 individual units by allowing many of the units to be separately occupied.

A more accurate approach to the minimum number of spaces would be to require 74 car parking spaces and 2 spaces for employee based on the average of 4 full time equivalent staff.

Therefore the total required car parking space is 76 spaces. The development proposes 45 car parking spaces. The development is 31 spaces short of the required car parking spaces based on full capacity.

Therefore the proposed development does not comply with the Development Control Plan in relation to car parking provisions.

The Section 94 Central Car Parking Plan applies to the site. The alternate may be for the applicant to pay for all the parking spaces which they cannot provide on site. The current contribution is \$16,775.20 per space.

It is also worth noting that this section of Howick Street is highly utilised as all day parking

due to its proximity to the CBD. Any loss of parking or increased usage by patrons of the building would place pressure on this parking. It is also worth noting that the previous development application (DA 2012/0518) had access to a large central carpark to accommodate overflow parking.

Chapter 15 – Crime Prevention

Serviced apartments are identified as a development type to be referred to the NSW Police under Council's Crime Prevention Through Environmental Design (CPTED) protocol.

The development was referred to the NSW Police on the 17 May 2016. No comments have been received.

Chapter 16 – Earthworks

16.3.2 – development standards

- a) *The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by cutting or filling).*
- b) *Where cut and/or fill in excess of 1 metre is proposed a change in level (in excess of 1 metre) is to be stepped away from the boundary at a minimum of 45 degrees.*

The proposed development has a significant slope in the order of 5 metres on the site from Bentinck Street.

The development proposes cutting 4.5 metres into the site on the Bentinck Street rear proportion of the building. The site will be contained by one retaining wall for the total height of the cut. This retaining wall is a significant retaining wall.

The retaining wall will have limited visibility from the streetscape of Bentinck Street or Howick Street.

The cutting into the site enables the development to have a basement level below the existing ground level.

The proposed development does not comply with the requirements of a 1 metre cut and/or fill for the site.

Other issues

Noise

The development has an unroofed BBQ terrace on the fourth floor on top of the development. The BBQ terrace adjoins the conference/lounge facility but is also available for use by all occupants.

The plan of management does not reference the type of events which may occur in this area or how this area would be utilised. The potential impact of the noise from this open air area which is elevated considerably above the adjoining residential properties has not been assessed.

The Statement of Environmental Effects notes that air conditioning will be timed to work when corporate guests are in their rooms namely from 4pm to 9am. This means the air conditioning units will be operating at their maximum capacity when surrounding noise levels

are lowered at night and impact of noise on adjoining neighbours is higher. The Statement of Environmental Effects states the air conditioning system will have plant deck on the roof. The plans show no plant deck on the roof but do show air conditioning units on balconies of the individual rooms. With the inconsistency with the documents an assessment of the potential noise from the air conditioning could not be assessed.

Over shadowing (access to sunlight)

The dwellings located on Howick Street adjoining the development site are low density residential development with single storey dwellings on each lot.

The Land and Environment *Court (The Benevolent Society v Waverley Council NSWLEC 1082)* planning principle for access to sunlight states that:

- The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.
- The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
- Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
- For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.
- For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.
- Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.
- In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

The applicant has provided shadow diagrams for each hour from the 9am to 3pm of the 21 June in the submitted plans (see **attachment 4**).

Council's Development Control Plan does not have any adopted standards for overshadowing in commercial areas however it has adopted a numerical value for the sunlight to existing dwellings or likely future development in the residential zone. This planning standard requires at least two hours of sunlight to indoor and outdoor living areas of adjoining properties between 9am and 3pm on the 21 June.

The issue of overshadowing of the tower was raised in the public submissions. Overshadowing has the potential to impact on future development options for this site. Shadow diagrams submitted illustrate that the building will be overshadowed to various degrees up until 1pm. It is however somewhat difficult to quantify this in terms of the severity of its impact when there is no clear future use for the Tower.

The shadow diagrams indicate that the building will commence shadowing of the private open space of 170 and 172 Howick Street from 10am onwards.

The shadowing effect on 172 Howick Street continues throughout the day such that from 11am onwards generally greater than 50% of the property is affected at all times.

The development will have a significant impact on the access to sunlight for 172 Howick Street. The dwelling is affected by the development by 10am. By 12pm onwards the majority of the dwelling and open space is over shadowed.

Factors relating to the height of the building increase the level of this impact.

Conclusion

The site is a landmark site in terms of its historical significance and prominence in the CBD. Achieving an appropriate development consistent with Council's adopted planning standards is therefore paramount as evidenced by the high level of community concerns.

It is therefore essential that the development respects these planning standards and is sensitive to the site and locality. The design response proposed does not have ultimate regard to these sensitivities with the end result being a high level impact on the streetscape and surrounding land and a building which does not acknowledge the heritage significance of the site.

A case to vary Council's building height and floor space ratio standards has not been made. It is recommended that the application be refused.

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 3 DEVELOPMENT APPLICATION NO. 2016/0116 –SERVICED APARTMENTS AND RETAINING WALLS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD DA/2016/0116

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) not support the Clause 4.6 variation to the height of buildings and floor space ratio development standards prescribed in Bathurst Regional Local Environmental Plan 2014, as amended;
- (b) as the consent authority, refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0116, for the following reasons:
 - 1. **The height of the proposed building exceeds the maximum height shown for the land on the Height of Buildings Map, contrary to Clause 4.3 of Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 2. **The floor space ratio of the proposed building exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, contrary to Clause 4.4 of Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 3. **Council does not consider that the Clause 4.6 variation provides sufficient justification to vary the adopted standards in relation to Height of Buildings and Floor Space Ratio under Bathurst Regional Local Environmental Plan 2014, as amended,**
 - 4. **The proposed height, bulk and scale of the proposed building will have a negative impact on the built environment of the locality,**
 - 5. **The proposed development is considered to be contrary to the public interest in terms of environmental impacts associated with noise and overshadowing,**
 - 6. **Insufficient parking has been provided for the development in accordance with Chapter 14 of Bathurst Regional Development Control Plan 2014, as amended;**
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr 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. 2015/0310 – SIX LOT SUBDIVISION AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2015/0310)

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. 2015/0310, 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:
- (1) The applicant is to create the following Restriction as to User/Covenant:
- a) On proposed Lots 2, 3 and 4 to restrict the height of any building to 300mm below the gutter line of the Dairy Farmers Building in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - b) On proposed Lots 4 and 6 to restrict the height of building to single storey in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - c) On proposed Lot 1 indicating no structures within the curtilage identified in the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - d) On proposed Lots 2, 3 and 4 indicating a building envelope that is setback a minimum 3m from the Bentinck Street frontage.
 - e) On proposed Lots 2, 3, 4 and 5 restricting vehicular access onto Bentinck Street.
 - f) On the proposed Lot on which the well is located restricting its demolition and identifying its location on the survey plan.
 - g) On proposed lots 2, 3 and 4 that requires the future buildings on these lots to achieve the following built form:
 - a. Be constructed of full face brickwork of strong autumn colours (blended bricks are not to be used);
 - b. Include a single/double storey verandah;
 - c. Building facades are to address the street with fenestrations to be divided into traditional golden proportions;
 - d. The building facades on proposed lot 2 are to address both Howick and Bentinck Streets; and
 - e. Façade detailing is to be sympathetic to and complement the features of the remaining historic buildings on lots 5 and 6.
 - h) On all proposed lots that requires any side and rear boundary fencing to be timber paling or brick to a maximum height of 1.8m.
- (2) Prior to the Issue of Subdivision Certificate, a Survey Plan is to be submitted indicating the exact location of the well.
- (3) An excavation permit under Section 139 and Section 140 of the Heritage Act 1977 must be obtained before any excavation work commences on site. The excavation permit is to be supported by a site specific Archaeological Assessment Report prepared by a specialist heritage archaeologist. A copy of the Archaeological Assessment Report and the excavation permit are to be provided to Council prior to the issue of a Construction Certificate or prior to the commencement of any works on the site.

- (4) Prior to the issue of a Construction Certificate or prior to the commencement of any works on the site, the applicant is to lodge a Construction Heritage Management Plan which addresses the following:
 1. The recommendations of the Archaeological Assessment Report and any requirements of the excavation permit;
 2. Mitigation measures in relation to the likely archaeology onsite;
 3. The proposed monitoring in place for any archaeological relics uncovered;
 4. Training, resources and consultation for staff on the site during excavation;
 5. Incident management protocol; and
 6. Methods dealing with unexpected finds during works.

- (5) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

- (6) The developer is to lodge a detailed schedule of works on the historic tower building that is to include at a minimum:
 - a) to make the tower building weatherproof and vermin proof;
 - b) reinstatement of the windows in the tower;
 - c) retention of the archways that are located, at the base of the building along the Howick Street side of the tower, with arches and rendered keystones visible;
 - d) repointing brickwork using traditional methods; and
 - e) retention of the mechanical equipment that is currently located in the tower until such a time as a development application is approved for the adaptive re-use of the building.

The Schedule of works on the historic tower is to be completed prior to the issue of a subdivision certificate.

- (7) The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted in accordance with the Conservation Management Plan submitted for the site in 2007. This is to include at a minimum the installation of interpretative signage panels within the site. The interpretation strategy is to be implemented prior to issue of the subdivision certificate.

- (8) Prior to the issue of a subdivision certificate the applicant is to provide Council with appropriate information as to how the roof trusses (from building B2 reference 2007 CMP), as approved under DA 2012/0518, are to be reused on site, on one or more of the approved lots. A restriction as to user is to be included over that lot/s to require reuse of the roof trusses as proposed.

- (9) The consent given by Council's Notice of Determination of Development Application No. 2012/0518 is to be surrendered.

- (10) The developer is to prepare an archaeological assessment by a specialist heritage archaeologist for the well. The assessment is to include a schedule of urgent/immediate works needed to conserve the well and protect it from any development on the site. The schedule of urgent/immediate works are to be

completed and certified by a specialist heritage archaeologist and in accordance with any requirements of the NSW Office of Environment and Heritage prior to the release of the subdivision certificate.

(b) notify those that made submissions of its decision.

(c) call a division.

Report: The Site

Council has received a Development Application (DA) for a six lot subdivision at 50 Bentinck Street, described as Lot 2, DP 184456, Lot 28, 27, 26, 25, 24, 23, 22, 19, 20, 21 and 30 DP 2067. A location plan is provided at **attachment 1**.

The site is listed as a heritage item under the Bathurst Regional Local Environmental Plan 2014, as amended, as locally significant and currently contains two heritage buildings.

The site has an area of 5,460.7m².

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014, as amended.

History of the Site/Proposal (if applicable)

The site is a landmark site in relation to the history of Bathurst. The uses of the site are as follows:

Convict hospital 1823-1842
Bathurst Hospital 1842-1878
Walkers Brewery (178 Howick Street) 1908-1930s
Macquarie Soap Factory (178 Howick Street) 1934-1950
Bathurst Dairy Cooperative 1901-1949

The State Heritage Inventory database provides a detailed history of the site and is at **attachment 2**.

Previous Development Application

It is noted that Council has previously dealt with a number of applications in the past the most recent being Development Application 2012/0518 approved by Council on the 21 August 2013. This development application contemplated the development of the whole of the site and included the following:

- 40 serviced apartments in a 4-5 storey building along Howick Street;
- A retail premises located on the lower ground floor;
- Retail premises at street level;
- Adaptive re-use of the former office building as a café on the ground floor and a commercial premises on the first and second floors;
- External works to the Dairy Farmers tower to make it structurally safe;
- The roof truss from the former building will be retained as an archway at the site entrance off Bentinck Street;
- Car park which included 38 spaces at ground level and 85 spaces below ground level; and
- Unloading facilities for the retail premise off Princes Street.

There are a number of notable conditions imposed on the consent as follows:

- Condition 5 – Prior to the issue of a construction certificate in relation to the serviced apartment building the developer is to submit plans showing a redesign of the Howick Street front façade and the Bentinck Street side façade to include the greater use of smooth faced unpainted or unrendered brick work. These facades are to include significant red face brick work and decorative detail to ensure the new apartment building complements the remaining historic buildings on the site in terms of colour and materials used .*
- Condition 8 – The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted. In accordance with the Conservation Management Plan submitted for the site in 2007. This is to include at a minimum the installation of interpretive signage panels within the site. The interpretation strategy is to be implemented prior to issue of the occupation certificate.*
- Condition 10– The developer is to lodge a detailed schedule of works on the historic tower building that is to include at a minimum:*
- a) make the tower building weatherproof and vermin proof;*
 - b) reinstatement of the windows in the tower;*
 - c) retention of the archways that are located at the base of the building along the Howick Street side of the tower, with arches and rendered keystones visible;*
 - d) repointing brickwork using traditional methods; and*
 - e) retention of the mechanical equipment that is currently located in the tower until such time as development application is approved for the adaptive re-use of the building.*

The Schedule of works on the historic tower is to be completed prior to the issue of an occupation certificate relating to any of the new buildings.

The development application has been physically commenced in that elements of the development involving demolition have been undertaken. The consent itself remains current.

The resubdivision of the land as proposed under this Development Application will effectively lead to the abandonment of the application previously approved by Council. There is, however, elements of that approval which should be carried forward to this consent to enable the history and significance of the site to be retained and protected. It is therefore proposed that conditions requiring the following be imposed:

- Prior to the issue of a Construction Certificate or prior to the commencement of any works on the site, the applicant is to lodge a Construction Heritage Management Plan which addresses the following:
 1. The recommendations of the Archaeological Assessment Report and any requirements of the excavation permit;
 2. Mitigation measures in relation to the likely archaeology onsite;
 3. The proposed monitoring in place for any archaeological relics uncovered;
 4. Training, resources and consultation for staff on the site during excavation;
 5. Incident management protocol; and

6. Methods dealing with unexpected finds during works.

- During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.
- The developer is to lodge a detailed schedule of works on the historic tower building that is to include at a minimum:
 - a) to make the tower building weatherproof and vermin proof;
 - b) reinstatement of the windows in the tower;
 - c) retention of the archways that are located, at the base of the building along the Howick Street side of the tower, with arches and rendered keystones visible;
 - d) repointing brickwork using traditional methods
 - e) retention of the mechanical equipment that is currently located in the tower until such a time as a development application is approved for the adaptive re-use of the building.

The Schedule of works on the historic tower is to be completed prior to the issue of a subdivision certificate.

- The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted in accordance with the Conservation Management Plan submitted for the site in 2007. This is to include at a minimum the installation of interpretative signage panels within the site. The interpretation strategy is to be implemented prior to issue of the subdivision certificate.
- Prior to the issue of a subdivision certificate the applicant is to provide Council with appropriate information as to how the roof trusses (from building B2 reference 2007 CMP), as approved under DA 2012/0518, are to be reused on site on one or more of the approved lots. A restriction as to user is to be included over that lot/s to require reuse of the roof trusses as proposed.
- The consent given by Council's Notice of Determination of Development Application No.2012/0518 is to be surrendered.

Council currently has under assessment a Development Application 2016/0116 for serviced apartments which is to be located on lot 1 of this subdivision.

Development Application 2016/0116 is independent of this subject application. The decision in relation to DA 2016/0116 does not materially impact upon consideration of this Development Application.

The proposal

The proposal is for a re-subdivision of the site known as the "dairy farmers" site the creation of six lots.

- Lot 1 – will have an area of 2210.7m² and is vacant. This lot will have direct street access off Howick Street.
- Lot 2 – will have an area of 516.7m² and is vacant. This lot will have access off Howick Street and Princes Street from the proposed 6 metre Right of Carriage Way at the rear of the lots.

- Lot 3 – will have an area of 516.7m² and is vacant. This lot will have access off Howick Street and Princes Street from the proposed 6 metre Right of Carriage Way at the rear of the lots.
- Lot 4 – will have an area of 585.1m² and is vacant. This lot will have access off Howick Street and Princes Street from the proposed 6 metre Right of Carriage Way at the rear of the lots.
- Lot 5 – will have an area of 344.9m² and contains the building known as the former Dairy Farmers Building. This lot will have access off Howick Street and Princes Street from the proposed 6 metre Right of Carriage Way at the rear of the lots.
- Lot 6 – will have an area of 1286.6m² and contains the building known as the Dairy Farmers Tower. This lot will have direct street access off Princes Street.

The development has been supported by a number of plans and specialist reports as noted below:

- Development Application plans (**attachment 3**).
- Statement of Heritage Impact (**attachment 4**).
- Statement of Environmental Effects (**attachment 5**).

What is the impact of subdivision on future uses?

From a planning perspective the Development Application itself is for the subdivision of land only. It does not involve the erection of any buildings and or any future use.

The accepted planning position is that consent for subdivision of land is consent for *“subdivision simpliciter and does not import any approval for subsequent use for any purpose, or with a view to the erection of some particular sort of building, either in the sense that it alone restricts the owners or in the sense that, by approving the particular subdivision, the Council must be taken to have approved of some particular sort of building being erected upon or some particular use being made of, the land”* (see *Wehbe v Pittwater 2007 – NSWLEC 827*).

The net effect of this position is that notwithstanding the applicants future plans the subdivision of the land itself does not restrict the development to any particular purpose.

Any Development Application for buildings would need to be considered under the planning provisions as they stand at the time as opposed to the planning standards at the time of the subdivision.

How can environmental/heritage issues be managed?

It is acknowledged that the site is significant particularly in relation to heritage related issues and there are underlying concerns regarding how any future developments may relate to the streetscape and heritage features of the site.

As noted above the subdivision of the site does not by itself involve any future use however it does mean that the capacity to derive a coordinated solution for the whole of the site is limited.

The Land and Environment Court has however adopted the following planning principle acknowledging that it is desirable where allotments are smaller than usual or environmentally sensitive to identify parameters for future buildings **(Parrott v Kiama [2004] NSWLEC 77)**

17 *When should a subdivision application include information on the buildings to be*

built on the resulting allotment(s)? It is normal practice in Australia to subdivide land without constraints on the buildings that can later be built. While this practice is appropriate in most cases, it is not always so. I have adopted the planning principle that a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned B3 Commercial Core under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The development is for a subdivision only and does not create or imply any use of the land.

The objectives of the B3 Zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.*
- *To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.*

The proposal is generally consistent with the objectives of the zone as the development is a subdivision only.

The LEP does not stipulate any minimum lot size. Existing lots on the property vary between 240m² and 1214m².

Clause 5.10 Heritage Conservation

The objectives of this clause are:

- (a) *to conserve the environmental heritage of Bathurst Regional local government area,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

A Statement of Heritage Impact (HIS) has been provided by the applicant for this development (refer **attachment 4**).

The Heritage Impact Statement (HIS) prepared for the site has identified heritage curtilages for the existing heritage listed buildings on site.

The HIS identifies a curtilage around the Dairy Farmers building (lot 5) that extends onto the proposed Lot 4.

The HIS identifies a curtilage around the former tower (lot 6) that extends onto proposed Lot 1. No buildings should be erected within the curtilage identified on Lot 1. Within Lot 6 a small, low single storey structure could be built to part of the north west façade.

The HIS recommends that buildings on Lots 2,3 and 4 should be restricted in height to 300mm below the gutter line of the former dairy building.

Whilst these recommendations go part way to addressing the heights and building envelopes for development it is considered that additional measures need to be taken to ensure that any future buildings will respect the heritage features of the site. In this regard it is proposed that the applicant be required to create Restrictions as to User outlining design parameters for future buildings. These design parameters are as follows:

- a) On proposed Lots 2, 3 and 4 to restrict the height of any building to 300mm below the gutter line of the Dairy Farmers Building in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
- b) On proposed Lots 4 and 6 to restrict the height of building to single storey in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
- c) On proposed Lot 1 indicating no structures within the curtilage identified in the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
- d) On proposed Lots 2, 3 and 4 indicating a building envelope that is setback a minimum 3m from Bentinck Street frontage.
- e) On proposed Lots 2, 3, 4 and 5 restricting vehicular access onto Bentinck Street.
- f) On the proposed Lot over which the well is located indicated on the survey plan to restrict its demolition.
- g) On proposed lots 2, 3 and 4 that requires the future buildings on these lots to achieve the following built form:
 - a. Be constructed of full face brickwork of strong autumn colours (blended bricks are not to be used);
 - b. Include a single/double storey verandah;
 - c. Building facades are to address the street with fenestrations to be divided into traditional golden proportions;
 - d. The building facades on proposed lot 2 are to address both Howick and Bentinck Streets; and
 - e. Façade detailing is to be sympathetic to and complement the features of the remaining historic buildings on lots 5 and 6.
- h) On all proposed lots that requires any side and rear boundary fencing to be timber paling or brick to a maximum height of 1.8m.

These restrictions as to user will govern how the future development of buildings on the proposed lots 1, 2, 3, 4 and 6 will be constructed. These curtilages and building restrictions will mitigate the impact of the subdivision on the existing heritage buildings on site.

Archaeological sites

The subject site is within the Bathurst Early Government Settlement (1815-1840) Sensitive Lands as described in Section 10.9.2 of the *Bathurst Regional DCP 2014*, and is categorised therein as an area of high archaeological potential.

The site also contains a well which has been approximately located on a survey plan of the

site. This well could be related to the use of the land as a convict hospital.

The previous uses of the site have been identified in the State Heritage Inventory report for the site. This is a sensitive site with high archaeological potential for the site.

This development will require the excavation for services/infrastructure for each proposed lot. If consent is granted a condition of consent should be imposed on the development to require the applicant to obtain an Excavation Permit under Section 139 and 140 of the Heritage Act 1977 prior to any excavation works commencing on the site.

In addition it is recommended that an archaeological assessment of the well be completed and any conservation/protection works to the well be completed prior to the release of the subdivision certificate.

Bathurst Regional Development Control Plan 2014

Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was not notified to adjoining property owners in accordance with Chapter 2 of Council's DCP as the development is for a subdivision only.

Notwithstanding the absence of notification Council has received two submissions in relation to the application (see **attachment 6**).

The submission was forwarded to Council prior to the public discussion forum convened on 1 June 2016 in relation to Development Application 2016/0116, the minutes are at **attachment 7**. Issues raised in the submissions and at the discussion forum included:

- The subdivision will create a series of lots each of them likely to be subject to separate Development Applications. The result is likely to be a series of buildings which will not relate easily to each other or the importance of this site, in particular the three lots fronting Bentinck Street.
- The subdivision will create remnant heritage structures on lots as isolated obscured parts of the site with greatly lessened opportunity for adaptive reuse.
- The site needs an integrated development proposal which incorporates the whole site.
- The subdivision fails to provide for any green space or public amenity within this heritage area.

Whilst there is an underlying assumption that the development of the whole of the site or preparation of a masterplan would potentially allow for a superior result there is limited opportunities to force the development down that path. The approach taken to this development is to establish the broad parameters under which future developments are to occur.

Chapter 3 – Subdivision of Land

3.3.9 Land Contamination

Development Application 2012/0518 requires the site to be remediated and the underground storage tank to be removed. These works have occurred. The site has been remediated to a commercial/industrial standard consistent with its zoning.

Additional remediation may be required depending on the future use of the land. This will be assessed in future development applications for the site.

3.7 Subdivision Requirements – Heritage Conservation Areas and Heritage Item

The site is a listed Heritage Item in the Bathurst Regional Local Environmental Plan 2014 and is located within the Heritage Conservation Area.

A statement of Heritage Impact (see **attachment 4**) has been submitted which has identified curtilages for the two heritage buildings on site. The proposed curtilages are considered appropriate and a restriction as to user will be imposed on the proposed lots to be created.

There is no existing landscaping on site.

Each proposed lot has been created and will have a restriction as to user which will limit the future development of these sites. The restrictions are shown in the conditions to be imposed on the development in the recommendations of the report.

Specifically Clause 3.7 of the DCP requires that Council should not grant consent to the subdivision of land unless it has determined that each lot created is of sufficient size to ensure the following:

	DCP Standard	Response
i)	a new building on that lot can achieve an appropriate bulk, scale and massing in relation to existing neighbouring buildings	<p>Lots 2, 3, and 4 have an approximate frontage of 14 metres to Bentinck Street. This will enable future buildings to be designed to achieve an active street frontage which can achieve a bulk, scale and massing in relation to the existing neighbouring buildings.</p> <p>The existing building known as the Dairy Farmers building has a frontage of 11 metres which is less than lots 2, 3 and 4. This shows that future buildings can be designed to complement the bulk and scale of the existing building on site.</p> <p>Lots 2, 3, 4 and 5 have access to Howick Street and Princes Street via a 6 metre right of carriage way. Therefore this will provide rear access to all lots and maintain an active street frontage to Bentinck Street.</p>
ii)	an appropriate curtilage around a new building is available to provide opportunities for new landscaping consistent with that of the locality.	The Statement of Heritage Impact provided identifies curtilages for the existing buildings on site which have been considered appropriate to provide opportunity for new landscaping consistent with that of the locality.

Conclusion

The proposed development is for a six lot subdivision. The site is currently comprised of 16 lots. The site is a local heritage item which contains two existing heritage buildings. A curtilage has been identified for these buildings on site to protect them from future development.

As the development is for the subdivision only no future buildings can be considered as part of this application. Nonetheless given the historic significance of the site it is proposed to

impose a range of restrictions as to user to ensure the best possible outcomes for future buildings. Note that all new building proposals will be assessed when applications are lodged in terms of Council's infill and heritage development standards.

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 4 DEVELOPMENT APPLICATION NO. 2015/0310 – SIX LOT SUBDIVISION AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2015/0310)

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. 2015/0310, 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:
- (1) The applicant is to create the following Restriction as to User/Covenant:
- a) On proposed Lots 2, 3 and 4 to restrict the height of any building to 300mm below the gutter line of the Dairy Farmers Building in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - b) On proposed Lots 4 and 6 to restrict the height of building to single storey in accordance with the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - c) On proposed Lot 1 indicating no structures within the curtilage identified in the recommendations of the Statement of Heritage Impact (prepared by GBA Heritage, dated 15/6/2016).
 - d) On proposed Lots 2, 3 and 4 indicating a building envelope that is setback a minimum 3m from the Bentinck Street frontage.
 - e) On proposed Lots 2, 3, 4 and 5 restricting vehicular access onto Bentinck Street.
 - f) On the proposed Lot on which the well is located restricting its demolition and identifying its location on the survey plan.
 - g) On proposed lots 2, 3 and 4 that requires the future buildings on these lots to achieve the following built form:
 - a. Be constructed of full face brickwork of strong autumn colours (blended bricks are not to be used);
 - b. Include a single/double storey verandah;
 - c. Building facades are to address the street with fenestrations to be divided into traditional golden proportions;
 - d. The building facades on proposed lot 2 are to address both Howick and Bentinck Streets; and
 - e. Façade detailing is to be sympathetic to and complement the features of the remaining historic buildings on lots 5 and 6.
 - h) On all proposed lots that requires any side and rear boundary fencing to be timber paling or brick to a maximum height of 1.8m.
- (2) Prior to the Issue of Subdivision Certificate, a Survey Plan is to be submitted indicating the exact location of the well.
- (3) An excavation permit under Section 139 and Section 140 of the Heritage Act 1977 must be obtained before any excavation work commences on site. The excavation permit is to be supported by a site specific Archaeological Assessment Report prepared by a specialist heritage archaeologist. A copy of

the Archaeological Assessment Report and the excavation permit are to be provided to Council prior to the issue of a Construction Certificate or prior to the commencement of any works on the site.

- (4) Prior to the issue of a Construction Certificate or prior to the commencement of any works on the site, the applicant is to lodge a Construction Heritage Management Plan which addresses the following:
 1. The recommendations of the Archaeological Assessment Report and any requirements of the excavation permit;
 2. Mitigation measures in relation to the likely archaeology onsite;
 3. The proposed monitoring in place for any archaeological relics uncovered;
 4. Training, resources and consultation for staff on the site during excavation;
 5. Incident management protocol; and
 6. Methods dealing with unexpected finds during works.
- (5) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.
- (6) The developer is to lodge a detailed schedule of works on the historic tower building that is to include at a minimum:
 - a) to make the tower building weatherproof and vermin proof;
 - b) reinstatement of the windows in the tower;
 - c) retention of the archways that are located, at the base of the building along the Howick Street side of the tower, with arches and rendered keystones visible;
 - d) repointing brickwork using traditional methods; and
 - e) retention of the mechanical equipment that is currently located in the tower until such a time as a development application is approved for the adaptive re-use of the building.

The Schedule of works on the historic tower is to be completed prior to the issue of a subdivision certificate.
- (7) The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted in accordance with the Conservation Management Plan submitted for the site in 2007. This is to include at a minimum the installation of interpretative signage panels within the site. The interpretation strategy is to be implemented prior to issue of the subdivision certificate.
- (8) Prior to the issue of a subdivision certificate the applicant is to provide Council with appropriate information as to how the roof trusses (from building B2 reference 2007 CMP), as approved under DA 2012/0518, are to be reused on site, on one or more of the approved lots. A restriction as to user is to be included over that lot/s to require reuse of the roof trusses as proposed.
- (9) The consent given by Council's Notice of Determination of Development Application No. 2012/0518 is to be surrendered.
- (10) The developer is to prepare an archaeological assessment by a specialist

heritage archaeologist for the well. The assessment is to include a schedule of urgent/immediate works needed to conserve the well and protect it from any development on the site. The schedule of urgent/immediate works are to be completed and certified by a specialist heritage archaeologist and in accordance with any requirements of the NSW Office of Environment and Heritage prior to the release of the subdivision certificate.

(b) notify those that made submissions of its decision.

(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 2016 SUSTAINABLE LIVING EXPO (23.00124)

Recommendation: That the information be noted.

Report: The 2016 Sustainable Living Expo (SLE) was held on 23 April 2016 in conjunction with the Bathurst Farmers Markets. This is the sixth year that Council has worked with the Lions Club to host the event. This year the Expo was run a month later due to the March Farmers Markets falling on Easter Saturday.

Over the past three years Council has adjusted the structure of the event to make it more interactive and interesting to a broader range of audiences. These changes have included bringing high profile speakers and the Shoalhaven 'Zoo to You' Animal show. The event has included workshops and an increased diversity of stallholders.

This year the event was extended further with the opportunities presented by having Jason Hodges from Better Homes and Gardens attend and present at the Expo. Council designed supporting events to ensure that the maximum value was gained from his presence.

On Friday 22 April, Council partnered with Australian Native Landscapes (ANL) and Rahamim Ecology Centre to host an event titled Landscaping your Sustainable Backyard where Jason Hodges delivered a presentation and demonstration around landscaping to over 70 attendees. There was also a strong focus on recycling and reusing materials in the garden. The event was held at Rahamim and Council undertook extensive advertising to encourage people to attend one of the three events over the weekend featuring Jason Hodges. Attendees made a gold coin donation upon entry which was donated to the Carenne School. Catering was supplied using local produce and Council staff were on hand to discuss waste related issues with people attending the event in a more informal setting.

Saturday 23 April was the Sustainable Living Expo and it was estimated that approximately 4,500 people attended the event between 8am and midday. Farmers Markets organisers estimate that 1,500 - 2,000 extra people attended the farmers markets as a result of the SLE. The SLE included two presentations from Jason Hodges, two presentations of the Zoo to You program, and 2 short skits from the King and Queen of Green (a street theatre group who specialise in waste education for children). These performances were supported by a Council stall where children could colour in and make environmentally friendly bird feeders. The Council stall also focused on giving people advice, information and specifically designed brochures about the newly introduced food and garden waste collection service, community tree planting days and creating wildlife friendly backyards.

The rest of the Expo consisted of stallholders promoting environmentally friendly products and services such as solar panels and home battery storage, health and fair trade food, bicycles, community action and advocacy groups, upcycled furniture, sustainable building products and homes. In total there were 21 exhibitors.

The SLE was followed by an event with Jason Hodges at the Bathurst Community Garden where Jason Hodges along with volunteers from Council and ANL completed a range of projects in the garden including planting garden beds, making a compost pile, revamping a sandpit and building a mud kitchen. The Bathurst Community Garden Playgroup assisted Council with running a BBQ and with the event generally. Over 130 people attended the two hour event. Attendees were able to take home a vegetable seedling and encouraged to consider growing it at home. Waste related information was also available. The event had a strong sustainable focus and also sought to raise awareness of the new food and garden waste collection service along with the importance of compost.

All three of the events held over the period of 22 and 23 April were considered successful due to the large number of people attending the events and the positive feedback which has subsequently been received.

The Sustainable Living Expo is funded through existing allocations in both the Environmental Planning and Building Services and Engineering Department budgets. Council received part sponsorship for Jason Hodges from Australian Native Landscapes (ANL) who are receiving the organic content from the Council food and garden waste kerbside collection. ANL and Council intend to partner on more community education initiatives in the future.

Financial Implications: The events were funded from existing allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.1, 8.2, 8.9
- Objective 13: To minimise the City's environmental footprint. Strategy 13.3, 13.5
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

MINUTE

- 11 Item 5 2016 SUSTAINABLE LIVING EXPO (23.00124)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

6 OLD GOVERNMENT COTTAGE CONSERVATION MANAGEMENT PLAN (22.00862)

Recommendation: That Council:

- (a) endorse the updated Conservation Management Plan for Old Government Cottage;
- (b) distribute copies of the Conservation Management Plan to:
 - i. Bathurst Regional Council Library;
 - ii. Bathurst & District Historical Society;
 - iii. National Trust (Bathurst Branch); and
 - iv. NSW Heritage Branch of the Office of Environment & Heritage.

Report: A Conservation Management Plan (CMP) for Old Government Cottage located at 16 Stanley Street, Bathurst had previously been commissioned by Bathurst Regional Council. That CMP was prepared by Barbara Hickson in 2002. Following considerable research on the history of the site, Council requested an updated CMP be prepared.

In 2002 it was believed that the construction of Old Government Cottage was ordered by Governor Macquarie during his visit of 1815, and that the building dated from 1817. However the 2002 CMP and subsequent research has not revealed any evidence to support the Governor Macquarie involvement, and the date of construction is suggested as being between 1846 and 1850 after this parcel of Government land was sold into private ownership.

Further to this, considerable improvements were made in the garden setting of the cottage for the Bathurst Bi-centenary by the Bathurst Gardeners Inc. group. The improvements fulfilled the recommendations and policies of the 2002 CMP (p61,62) with regards to ‘*Improving the setting of the building by improvements to the landscaping and historical collection components.*’

An updated CMP has been prepared by Barbara Hickson for Old Government Cottage because of its heritage significance and to inform its future management. The CMP is provided at **attachment 1**.

Statement of Significance

The following is the Statement of Significance defined in the CMP:

The cottage at 16 Stanley Street Bathurst is of considerable local significance, and of State Significance when viewed as a group item with 1 George Street because:

- *The ‘Old Government Cottage’ is historically significant as a Georgian cottage, which are comparatively rare in Bathurst city. It is presumed to have been built circa 1846-51, and is constructed on what was originally Government grounds.*
- *It has strong association with early town developer JW Bligh.*
- *The cottage is significant as an early Bathurst private residence owned by an independent single lady, and is illustrative of the style of life in that period.*
- *The cottage together with 1 George Street, form a more imposing house, typical of the mid Victorian Period, which has been owned by a number of important public men of Bathurst.*
- *A strong social attachment to the house has developed since the ownership of the BDHS with much volunteer work over the past 46 years.*

- *A strong social attachment to 1 George street resulted in it being owned by subsequent members of the same families repurchasing the property:*
 - *James William Bligh (1847-1851) - James Bligh Hastings(1943- 1965).*
 - *John Ford (1851/59 - 1875) - John Henry Ratcliffe Ford (1883-1890). Mary Ann Ford and Samuel Percy Ford. (1908-1923).*
- *The house as a whole is also significant in its role as an early site of female education and the cottage owner, Miss Falloon, formerly ran a home based ladies school in the actual Government House.*

Conclusion

The updated CMP for Old Government Cottage sets out defined criteria for its ongoing use, management and maintenance. If endorsed, this plan will set out a clearer management plan for the ongoing use of the building to ensure that its heritage significance is recognised and maintained, while allowing for continued use.

Financial Implications: This plan was prepared within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region’s unique heritage and history. To protect a unique identity. Strategy 11.7
- 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 29.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

12 Item 6 OLD GOVERNMENT COTTAGE CONSERVATION MANAGEMENT PLAN (22.00862)

MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED: That Council:

- (a) endorse the updated Conservation Management Plan for Old Government Cottage;
- (b) distribute copies of the Conservation Management Plan to:
 - i. Bathurst Regional Council Library;
 - ii. Bathurst & District Historical Society;
 - iii. National Trust (Bathurst Branch); and
 - iv. NSW Heritage Branch of the Office of Environment & Heritage.

7 BATHURST REGION HERITAGE ADVISORY SERVICE 2015-16 (10.00004)

Recommendation: That Council:

- (a) note the information; and
- (b) refer the report for Bathurst Region Heritage Advisory Service to the Bathurst Region Heritage Reference Group for information.

Report: Bathurst Regional Council recently finalised its annual reporting to the Office of Environment and Heritage (OEH) regarding Council's Heritage Advisory Service. This reporting is required by the OEH as part of their annual Heritage Advisor Grant Program in which Council received a grant of \$8,000.00 in the 2015/16 funding round. Reporting is required to be submitted from May to May each year.

The Bathurst Region Heritage Advisory Service continues to grow in popularity, with 128 site visits undertaken in the period May 2015 to May 2016. This is consistent with the number of site visits for last year. However, advice has substantially increased on last year in relation to:

- 71 Heritage/Urban Design advice;
- 35 Pre DA advice; and
- 61 DA assessment advice.

The Heritage Advisory Service has also provided Council with the opportunity to undertake and complete (amongst a range of matters) the following projects:

- Age and significance mapping of buildings in the Bathurst Heritage Conservation Area.
- Review and update of the Conservation Management Plan for Old Government Cottage.
- Preparation of a Statement of Heritage Impact for minor works to Chifley Cottage, which enabled a smooth process through the Office of Environment and Heritage approvals process.
- Provision of a Scope of Works for maintenance to Machattie Park Cottage.
- Commencement of a review of the Bathurst Town Square and CBD Main Street Studies, providing updated recommendations and information including statements of significance.
- Preparation of a Heritage Impact Statement for the Bathurst Railway Institute Building.
- Currently undertaking an update of Council's Heritage Manual and website information.
- Provided assistance to the Bathurst Branch National Trust for Local Heritage Awards and was also a Judge at the awards.
- Provided input to and presented at a local Heritage Seminar hosted by Bathurst Regional Council on adaptive reuse.

Council continues to receive an excellent service in terms of both expertise and value for money from its heritage advisor and the program remains a key element of Council's Heritage Management Strategy. Council staff continuously receive positive comments from owners of older buildings in relation to the service. The continuation of the service by Council is strongly recommended.

Council's budget for the Heritage Advisory Service has been fully expended with total expenditure for the service for the period being \$20,095.00. Consideration in the 2017/18 management plan for a review of the budget allocation for this service will be required to ensure this service can be maintained at its current level.

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 7 BATHURST REGION HERITAGE ADVISORY SERVICE 2015-16 **(10.00004)**

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) note the information; and
- (b) refer the report for Bathurst Region Heritage Advisory Service to the Bathurst Region Heritage Reference Group for information.

**8 PLANNING PROPOSAL – GATEWAY ENTERPRISE – SHOPPING CENTRE,
PART 213 SYDNEY ROAD KELSO, APPLICANT GSA PLANNING ON BEHALF
OF GATEWAY LAND CORPORATION PTY LTD (20.00300)**

Recommendation: That Council:

- (a) not support the application to rezone part 213 Sydney Road, Kelso from B5 Business Development to B1 Neighbourhood Business;
- (b) advise the applicant of its decision; and
- (c) call a division.

Report: Council has received a Planning Proposal prepared by GSA Planning on behalf of Gateway Land Corporation Pty Ltd to rezone a portion of the Gateway Enterprise Park, 213 Sydney Road Kelso, from B5 Business Development to B1 Neighbourhood Business.

The subject site proposed to be rezoned B1 Neighbourhood Business is 26,800m². The remainder of the land will remain zoned B5 Business Development and be used for bulky goods and intermodal transport purposes.

The proposal for the B1 Neighbourhood Business Zone is to provide for:

- A full size (regional level) supermarket with floor area of 3,800m² (Coles or Woolworths);
- Mini Major with floor area of 500m²; and
- Specialty stores with floor are of 1,350m².

Supermarkets and shops, as proposed, are currently prohibited land uses in the B5 Business Development zone.

A copy of the Planning Proposal provided by GSA Planning and the supporting Economic Impact Assessment (EIA) prepared by Leyshon Consulting Pty Ltd is at **attachment 1**.

The Planning Proposal as submitted is inconsistent with the Bathurst Region Urban Strategy 2007 and, more importantly, with the adopted Bathurst CBD and Bulky Goods Business Development Strategy 2011 (to be referred to below as the 2011 Retail Strategy).

Both the 1999 Retail Strategy and the later 2011 Retail Strategy recommended a retail hierarchy framework for Bathurst as follows:

- The centrally located Bathurst CBD as the only designated regional level activity centre (for core retail goods and services) in the Bathurst Regional LGA.
- A network of neighbourhood activity centres (NAC) at the existing sites of Westpoint and Trinity Heights, with new NACs to be planned at Laffing Waters/North Kelso, Eglinton and Stewart Street.
- A supporting network of convenience centres and stores, including the existing convenience centres/stores, for example, Kelso Centrepoint, Mitre St, Eglinton and Perthville, with new convenience centres/stores planned for the Gateway Enterprise Park, Sydney Road and the Bathurst Trade Centre, Mitchell Highway.
- A regional level bulky goods precinct at Sydney Road (south) now known as the Gateway Enterprise Park supported by the existing bulky goods precincts at Bunnings, Pat O'Leary Drive and Harvey Norman/Ashworth Drive.

Council has consistently applied this strategic framework to all its planning decisions in relation to retail development in Bathurst.

Key findings of the 2011 Retail Strategy relevant to this Planning Proposal include:

- Section 7.5.2 (page 237) – “It is recommended that regional level core retail (that is, non bulky goods) development only be permitted in the Bathurst CBD as defined in section 7.3.3. For the purposes of the Strategy a regional level core retail development is defined as a regional level store (that is, a department store, a discount department store, or a large supermarket in excess of 2,500m² GLA), or a shopping centre anchored by one or more regional level stores. It is recommended that Council only give effect to varying this policy subject to an informed comprehensive policy review of the Strategy.”

Comment: *The Planning Proposal includes a regional level supermarket to a size of 3,800m² to be located outside of the CBD. A comprehensive policy review of the Strategy should be undertaken if the Planning Proposal is progressed.*

- Section 7.4.1 (page 234) – Indicative floorspace requirements for the convenience centre/store at the Gateway Enterprise Park was recommended to be 1,100m² (consisting of convenience store/newsagency – 300m², café/takeaway – 400m², pharmacy – 250m², and health food/deli – 150m²).

Comment: *The Retail Strategy recommends convenience level shopping only be provided at the Gateway Enterprise Park. The Planning Proposal goes well beyond convenience shopping as defined by the 2011 Retail Strategy.*

- Section 7.2.8 (page 228) – Recommended a new large neighbourhood activity centre (NAC) at Kelso and generally supported Council’s proposed location at Laffing Waters. Recommended a medium sized supermarket of up to 2,500m².

Comment: *When Council prepared the Bathurst Regional Local Environmental Plan 2014 it included the recommended site for a future neighbourhood activity centre at Laffing Waters and this site has been zoned B1 Neighbourhood Centre. As recommended by the Retail Strategy it will provide the neighbourhood activity centre functions for the expanded Kelso residential area as zoned in 2014.*

- Section 7.5.8 (pages 243-244) – Sets out the planning and design principles to guide the site selection and physical planning of new local centres. These principles included:
 - Place setting and urban design
 - Defined retail core
 - Diversity of supporting services
 - Social role of the Neighbourhood Centre
 - Neighbourhood access

Comment: *When Council prepared the Bathurst Regional Local Environmental Plan 2014 it included the recommended site for a future neighbourhood activity centre at Laffing Waters that would enable these principles to be met. The Planning Proposal documentation does not indicate and show how these principles can be met at a Gateway Enterprise Park site, particularly with respect to the provision of a diversity of supporting services, the social role of the centre and neighbourhood accessibility.*

As a consequence of the above matters, Council staff engaged the services of Dr Jeff

Wolinski, Renaissance Planning Pty Ltd, to review the Planning Proposal and accompanying economic impact assessment. Dr Wolinski was the author of both the 1999 and 2011 Retail Strategies for Bathurst.

Dr Wolinski was specifically asked to investigate the following.

1. Review the Economic Impact Assessment for the proposed retail centre at Kelso and advise as to the suitability of the methodology/modelling used, issues with the report as prepared, provide an opinion as to whether you concur with its recommendations and outline any information that the report lacks.
2. Review the appropriateness of the proposal in relation to the Bathurst CBD and Bulky Goods Business Development Strategy 2011, in particular:
 - a. Can Bathurst support a full line supermarket (3800m²) outside of the CBD in light of the Strategy's broader recommendations and (b) and (c) below?
 - b. Is the impact of the proposal on Trinity Heights shopping centre (and any other local neighbourhood centre) appropriate?
 - c. Is the impact on the CBD appropriate not just in terms of loss of \$ spent in CBD supermarkets but the possible flow on effects to other CBD businesses through loss of visitation to the CBD?
3. Can Kelso support both a large neighbourhood centre at Laffing Waters as planned and at the Gateway Enterprise Park or is only one of these centres required? Where does Trinity Heights shopping centre fit in?
4. If Kelso can only support one additional large neighbourhood centre, which is the better site: Laffing Waters or the Gateway Enterprise Park site, noting that linkages between the Enterprise Park site and north Kelso are many years away. Or is some other site a better location?
5. More generally, are the broad claims in the Economic Impact Assessment that the planning proposal is comparable to the North Orange development considered reasonable?

Dr Wolinski's review is provided at **attachment 2**. Dr Wolinski presented his findings to Councillors at the Councillor working party held 8 June 2016.

The key findings from Dr Wolinski's review are generally as follows.

Land use planning and development in Bathurst has an **established comprehensive framework** to guide the future development of neighbourhood (and other) activity centres and precincts. This framework is part of **adopted strategic plans and policies** for Bathurst Regional Council (the Bathurst Region Urban Strategy and the Bathurst CBD and Bulky Goods Business Development Strategy 2011).

In relation to a new neighbourhood centre for the Kelso/Laffing Waters area, the most significant aspects of the policy framework encompass the following considerations:

- placement of the future activity centre to **maximise access to developing areas and to future growth areas**.
- ensure the future centre is planned and developed as a **central social place** for the developing community;
- ensure that the future centre is **well connected** to the **developing residential area**;

- ensure that the centre is planned with a **sufficient site size** (recommended minimum of five hectares); and
- provide opportunities for **shared education-community facilities** at/adjacent to the centre, and **diverse residential development needs**.

The Review has found that the Planning Proposal and the EIA is not supported by any informed or meaningful discussion of the strategic case that would support a new NAC at the subject site. Consideration of strategic policy and issues is simply absent from either the GSA Planning Report or the Leyshon Report.

Development and implementation planning for the Kelso/Laffing Waters growth corridor has been significantly progressed by Council in the period 2011-2014. In particular, the Bathurst Regional DCP 2014 has further detailed and refined key elements of planning for the growth area, including detailing of the collector road network, resolution of the location of the Laffing Waters NAC site and provision for a future school site together with further resolution of the planned regional open space system for the growth area.

Key land use elements including the NAC site and the regional open space system have been incorporated in the Bathurst Regional LEP 2014. Implementation of the Plan for the growth area has been significantly advanced through completion and adoption of Section 94 Plans to ensure contributions to infrastructure funding.

The findings of differential population growth across the Kelso residential area and the high concentration of growth in the Kelso North/Laffing Waters locality are highly significant, particularly when patterns of access are also taken into account. The subject site of the Planning Proposal is highly inaccessible to the growth areas of Kelso North/Laffing Waters and compares poorly with the already planned Laffing Waters NAC site. Even in relation to established areas of Kelso North, access to the subject site is relatively poor. Both the Council planned Laffing Waters NAC site and the CBD are significantly closer than the subject site.

The Review concludes that the subject site is poorly positioned to serve the Kelso residential area, particularly taking account of the structure of planned development and future access and the relative proximity of the designated NAC site at Laffing Waters to most of Kelso's growth areas.

The Review has found that an appropriate case for the subject site proposed by the Planning Proposal has not been made:

- The EIA is unsupported by a meaningful strategic case as required by the document, "*A Guide for Preparing Planning Proposals*" (NSW Department of Planning and Infrastructure, October 2012).
- In particular, the Guide required the planning proposal to directly address the established regional or sub-regional strategy relevant to the Kelso residential area and to demonstrate how the proposal is consistent with the strategy, its principles and objectives and how it would improve the effectiveness of the outcomes of the strategy. No such case has been made or attempted.
- The EIA has failed to assess the potential net community benefit of the proposed development in the terms required by Council as set out in the Impact Assessment Framework.
- The EIA has failed to provide any consideration of the potential social role and significance of an NAC to serve the Kelso North/Laffing Waters area.
- The EIA draws sweeping conclusions as to the appropriateness of a large supermarket based retail development at the subject site to serve the Kelso residential area and ignores highly significant structural issues within the residential area, that would impact

- on the effectiveness of the development to serve the area as its NAC.
- The proposed development would be relatively inaccessible to growth areas in the Kelso North/Laffing Waters area and residents would be at a significant disadvantage in comparison to a future NAC at the designated Laffing Waters site.
- The proposed supermarket is at a scale that is not warranted and cannot be supported having regard to the optimal trade requirements of existing and approved supermarkets in the Bathurst urban area.

The Review confirms that Kelso can only support one additional large neighbourhood centre for the foreseeable future (in the period through to 2036).

The designated site at Laffing Waters (as zoned under the Bathurst Regional LEP 2014) is the better site for a future NAC from a number of standpoints:

- Road network accessibility
- Pedestrian Access and Open Space Linkages
- Opportunities to establish a village precinct with the NAC

In summary, the NAC site at Laffing Waters (as already zoned) is well located and planned to provide a high level of access for emerging and future communities of Kelso North/Laffing Waters and the wider district (including future residential growth on the northern side of Eleven Mile Drive). It has the potential to provide high quality pedestrian and cycle access and to be developed as the central place for the district community. By contrast, the subject site proposed by this Planning Proposal is poorly suited to serve as the NAC for Kelso/Laffing Waters in several respects. It has poor levels of access to the growth areas; it lacks the strategic connections and opportunities for effective pedestrian, cycle and public transport access that are present at Laffing Waters; and it does not have the strategic opportunity to establish a broadly based village precinct that is offered by the Laffing Waters NAC location.

Draft Central West and Orana Regional Plan

The NSW Government has released the Draft Central West and Orana Regional Plan. The draft Plan is currently on public exhibition. All local environmental plans will be required to be consistent with the Regional Plan.

Goal 1 of the draft Plan is to support “a Growing and Diverse Regional Economy”. Action 1.5.2 of the draft Plan is to develop and deliver strategies that strengthen the commercial function of the CBDs of regional cities and regional centres and local town centres. The Plan states the NSW Government’s preference to place retail activity into existing centres to capitalise on existing infrastructure and strengthen the role and function of these areas. Proposals for new centres should demonstrate, amongst a range of matters, how they will “enhance the value of the public realm and consider net community benefit”.

The Wolinski Review concludes that the Planning Proposal has failed to assess the potential net community benefit of the proposed development in the terms required by Council as set out in the framework established by the adopted Bathurst CBD and Bulky Goods Business Development Strategy 2011.

Conclusion

Council has received a Planning Proposal prepared by GSA Planning on behalf of Gateway Land Corporation Pty Ltd to rezone a portion of the Gateway Enterprise Park, 213 Sydney Road Kelso, from B5 Business Development to B1 Neighbourhood Business.

The proposal for the B1 Neighbourhood Business Zone is to provide for:

- A full size (regional level) supermarket with floor area of 3,800m² (Coles or Woolworths);
- Mini Major with floor area of 500m²; and
- Specialty stores with floor area of 1,350m².

The Planning Proposal as submitted is inconsistent with the Bathurst Region Urban Strategy 2007 and, more importantly, with the adopted Bathurst CBD and Bulky Goods Business Development Strategy 2011. Council has consistently applied this strategic framework to all its planning decisions in relation to retail development in Bathurst.

Council engaged the services of Dr Jeff Wolinski, Renaissance Planning Pty Ltd, to review the Planning Proposal and accompanying economic impact assessment. Dr Wolinski was the author of both the 1999 and 2011 Retail Strategies for Bathurst.

The Review has found that an appropriate case for the subject site proposed by the Planning Proposal has **not** been made. The Review concludes that the proposed subject site is poorly positioned to serve the Kelso residential area, particularly taking account of the structure of planned development and future access and the relative proximity of the designated (and already zoned) neighbourhood activity centre site at Laffing Waters to most of Kelso's growth areas.

The ramifications of this planning proposal on the Bathurst retail system are extremely significant. It would irreversibly compromise the strategic framework that Council has adopted and consistently implemented to protect the CBD as the designated regional level activity centre (for core retail goods and services) in the Bathurst Regional LGA.

It is strongly recommended that Council not proceed with the Planning Proposal without a comprehensive review of the Bathurst CBD and Bulky Goods Business Development Strategy 2011.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.2, 3.3
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1, 28.5

MINUTE

14 Item 8 PLANNING PROPOSAL – GATEWAY ENTERPRISE – SHOPPING CENTRE, PART 213 SYDNEY ROAD KELSO, APPLICANT GSA PLANNING ON BEHALF OF GATEWAY LAND CORPORATION PTY LTD (20.00300)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) not support the application to rezone part 213 Sydney Road, Kelso from B5 Business Development to B1 Neighbourhood Business;
- (b) advise the applicant 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

9 BATHURST 2036 HOUSING STRATEGY – SUMMARY OF PUBLIC CONSULTATION (20.00089)

Recommendation: That the information be noted.

Report: Council has commenced the development of the Bathurst 2036 Housing Strategy. The Bathurst 2036 Housing Strategy aims to guide how residential development in Bathurst will be planned and managed. In particular, it aims to identify the existing and future housing needs of the City of Bathurst and how a range of housing types can be encouraged.

A three stage consultation process is planned to assist in the development of the strategy.

Stage 1 Community’s vision for housing – What are the opportunities that Council should consider for the future?

Stage 2 Development of the Strategy – Feedback on draft actions for the future.

Stage 3 Public exhibition of a draft Strategy – Feedback on the draft Strategy.

Council undertook a community visioning process as the Stage 1 consultation for the development of the Bathurst 2036 Housing Strategy during March 2016. Council visioned the community through:

- A series of 4 workshops;
- 254 surveys completed
- 268 quick poll results and
- Six written submissions.

Council staff have summarised the results of the consultation and have identified several common themes. The report at **attachment 1** summarises the Stage 1 consultation process to identify the Community’s vision for housing which included:

- Preparation and distribution of a discussion paper;
- Community and developer workshops;
- Engagement with school children;
- Online survey; and
- Facebook quick polls.

Key messages from the consultation

Council has identified the following key messages from the Stage 1 consultation process. The messages include (but are not limited to) the following:

1. **Amenity and liveability**
 - a. Maintain Bathurst’s rural feel (do not want the urban living feel of Sydney);
 - b. Engender a sense of community;
 - c. Protect the existing neighbourhood character;
 - d. Protect Bathurst’s heritage;
 - e. Provide quality public and private open space areas;
 - f. Provide new developments which are well connected;
 - g. Ensure developments are serviced with appropriate infrastructure.
2. **Housing choice**
 - a. Improve housing choice;

- b. Encourage higher quality housing design;
 - c. Ensure housing remains affordable into the future.
3. **Housing density**
- a. Plan for density increases, particularly close to shops and services;
 - b. Provide greater certainty of living densities at the zoning stage.
4. **Sustainability**
- a. Reduce urban sprawl;
 - b. Consider improved connectivity of housing to shops and services to public transport and pedestrian access;
 - c. Encourage more sustainable housing.

Council staff are currently developing draft strategies and actions in response to the visioning consultation. Council will hold a further series of workshops to ensure that the draft Strategies reflect the community's vision of growth.

Conclusion

Council commenced the preparation of the Bathurst 2036 Housing Strategy including the visioning consultation for the project. **Attachment 1** summarises the consultation results and identifies the key messages from the stage 1 consultation. Council staff have progressed to developing draft strategies to address the key messages of the visioning consultation. Further consultation will be undertaken during the Housing Strategy's development.

Financial Implications: The Housing Strategy is being prepared in-house within existing budgets.

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 28.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

15 Item 9 BATHURST 2036 HOUSING STRATEGY – SUMMARY OF PUBLIC CONSULTATION (20.00089)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

10 EVOCITIES DEVELOPMENTS (18.00208)

Recommendation: That the information be noted.

Report: Following the withdrawal of Orange City Council from the Evocities program and the amalgamation of Dubbo City Council with Wellington Council, the following changes have occurred:

- Due to amalgamations the former Mayor of Dubbo, Cr Matthew Dickerson, is no longer the Evocities Chair. Cr Rod Kendall, Mayor of Wagga Wagga has been appointed as the interim Chair until a formal appointment is made.
- A report from the Steering Committee has been supplied to the Inland Forum listing a recommended course of action following the withdrawal of Orange from the campaign.

Steven Bowman, Manager Economic Development, remains as Council's representative on the Steering Committee, with Tracey Gale, Council's Business Development Officer, remaining a member of the Operations Group.

Conclusion:

Cr Rod Kendall has been appointed as the interim Chair of Evocities until a formal appointment is made. A report outlining the Steering Committee's recommendations following the withdrawal of Orange has been provided to the Inland Forum for consideration.

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 1.2, 1.3, 1.4 |
| • Objective 4: To market Bathurst as a great place to live, work, study, invest and play. | Strategy 4.1, 4.2, 4.4, 4.7 |
| • Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. | Strategy 5.1 |

MINUTE

- 16 Item 10 EVOCITIES DEVELOPMENTS (18.00208)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

11 BUSINESS MANAGEMENT WORKSHOPS JUNE 2016 (20.00071)

Recommendation: That the information be noted.

Report: Council has scheduled a new series of Business Management Workshops to assist local businesses to become more profitable and to attract new customers. The flyer is provided at **attachment 1**.

The 2016 Workshops have been sponsored by VERTO, who have also been invited to present the second Workshop. These events have become a fundamental activity for Council's Economic Development section, clearly demonstrating Council's commitment to fostering continued business development and innovation across local industry. Council has successfully run 12 workshops across 2013-15. Collectively, more than 600 businesses have attended Council's Workshops since their inception in 2013. On average, each workshop attracts 80 attendees.

Please note the following schedule for the June 2016 Workshops:

**Workshop one: Doing business in Bathurst – understanding your local market
Wednesday 8 June 2016, BMEC. 10am – 12pm.**

Presented by Lindsay Gale, Business Enterprise Centre (BEC)

This Workshop will assist businesses in understanding the local Bathurst consumer, economic/industry trends and how their business is positioned in the marketplace.

Workshop two: Building your business advantage – simple practices to boost your business

Thursday 16 June 2016 BMEC. 10am – 12pm.

Presented by VERTO

This Workshop will provide the skills required for local business owners to streamline their business processes and get the most out of their time, money and people. They will learn to identify their core business capabilities and build on them to remain competitive.

Workshop three: Operating your own website and the latest social media developments

Thursday 23 June 2016, BMEC. 10am – 12pm.

Presented by Peter Sutton, Kai Ming Consulting

This practical workshop explores the main concepts required to design and manage a website. It will also focus on the latest developments in social media in an effort to stay up-to-date and effectively engage with existing and potential customers.

The selection of workshop topics for this series has been based on comprehensive consultation with local businesses including face-to-face interviews and surveys.

Conclusion:

Council's next series of Business Management Workshops will be held in June 2016 at the Bathurst Memorial Entertainment Centre. The workshops reinforce Council's status as a leader in the provision of programs to assist local business growth and as a strong supporter of the Bathurst business community.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.4, 5.6
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

- 17 **Item 11 BUSINESS MANAGEMENT WORKSHOPS JUNE 2016 (20.00071)**
MOVED: Cr M Morse SECONDED: Cr G Westman

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. Bingham', with a long horizontal flourish extending to the right.

J Bingham
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$71,100,000 was invested at 31 May 2016 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
Bank of Queensland	A2	\$3,000,000.00	3.00%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.86%
Commonwealth Bank	A1+	0.00	2.96%
Bankwest	A1+	\$1,500,000.00	2.97%
National Australia Bank Limited	A1+	\$21,500,000.00	3.02%
St George	A1+	\$3,000,000.00	2.98%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.89%
People's Choice Credit Union	ADI	\$1,500,000.00	2.96%
Railways Credit Union Limited	ADI	\$1,000,000.00	3.06%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.91%</u>
		\$34,000,000.00	3.00%

Long Term > 365 Days
(comprising Commercial Bills, Term Deposits, Debentures and Bonds):

Committed Rolling Investments

Westpac	AA-	\$2,000,000.00	3.47%
CBA Deposit Plus	AA-	\$1,500,000.00	3.13%
CBA Deposit Plus 1	AA-	\$1,500,000.00	3.32%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		\$11,300,000.00	3.08%

Fixed, Negotiable & Tradeable Certificates of Deposits

Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.32%</u>
		\$2,000,000.00	3.32%

Floating Rate Notes

Commonwealth Bank of Aust.	AA-	\$1,000,000.00	3.19%
AMP	AA-	\$800,000.00	3.43%
AMP	AA-	\$1,000,000.00	3.35%
Suncorp Metway	A+	\$1,000,000.00	3.53%
Rabobank	A+	\$1,000,000.00	3.82%
Macquarie Bank	A	\$1,000,000.00	3.41%

Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.18%
Bank of Queensland	A-	\$1,000,000.00	3.34%
Bank of Queensland 1	A-	\$2,000,000.00	3.40%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	3.25%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	3.09%
Bank of Queensland 2	A-	\$1,000,000.00	3.11%
Credit Union Australia	BBB+	\$3,000,000.00	3.62%
Police Bank Ltd	BBB+	\$1,000,000.00	3.10%
Police Bank Ltd 2	BBB+	\$1,000,000.00	3.09%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.51%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.90%
Newcastle Permanent	BBB+	\$1,000,000.00	3.62%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.91%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.98%
Greater Building Society	BBB	\$1,000,000.00	3.30%
		\$23,800,000.00	3.40%

Total Investments **\$71,100,000.00** **3.16%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$34,157,425.00
Grants held for specific purposes	\$2,494,303.00
Section 94 Funds held for specific purposes	\$32,881,696.00
Unrestricted Investments – All Funds	\$1,566,576.00

Total Investments **\$71,100,000.00**

Total Interest Revenue to 31 May 2016 **\$2,049,954.34** **3.16%**

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

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

RESOLVED: That the information be noted.

2 YEAR TO DATE MONTHLY REVIEW - 2015-2019 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2015-2016 (16.00140)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au. Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2015-2019 Delivery Plan and the Annual Operating Plan 2015-2016.

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 2.

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

19 Item 2 YEAR TO DATE MONTHLY REVIEW - 2015-2019 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2015-2016 (16.00140)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

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 May 2016 .

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:	-\$1,933.78

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

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

MOVED: Cr G Westman SECONDED: Cr B Bourke

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.

- C Maloney - Land off Hobson Close - Part Lot 7004, DP 1002346 - Rural Licence
- T Renshaw - 2 North Street, Perthville - Lot 6, DP 1184118 - Rural Licence
- C & TS Idiaghe - Part Eglinton Road - Lot 2, DP 1219073 - Boundary Adjustment
- C Guntley - 200 College Road (Rural) - Part Lot 2, DP 749758 - In-house Rural Licence
- Bathurst Stamp Coin Collectables and Lapidary Club Inc - Old Bush Fire Shed, Park Street, Eglinton - Part Lot 72, DP 1136842 - In-house Licence
- Adam Hart Constructions Pty Ltd - 4 Barr Street - Lot 1001, DP 1212670 - Transfer
- Geolyse - Joubert Drive - Claim for damages
- M P Downie - Beresford Street, Bathurst - Lot 33, DP 1163423 - Transfer
- McIntosh, McPhillamy & Co - Agreement Conveyancing Services
- Kenny Spring Solicitors Pty Ltd - Agreement Conveyancing Services
- Cunninghams - The Law Practice - Agreement Conveyancing Services

Linen Plan Release

- CR & CW Holding - Two lot residential subdivision - Lot 19, DP 758864 - 16 Frome Street, Raglan
- Ruce Pty Ltd - Stage 5, 56 lot subdivision - Release of Lot 215 in Lot 208, DP 1217777 - Cusick Street, Eglinton

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

- 21 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

5 PROPOSAL FOR A BIKE HIRE SCHEME IN BATHURST (20.00117)

Recommendation: For Council's consideration.

Report: Council staff have recently been investigating the potential of establishing a bike hire scheme in Bathurst and this report now provides information on those investigations. To capitalise on the success of the newly completed Velodrome complex and BMX track and to gain more cycling exposure throughout Bathurst, investigations have been carried out on the feasibility of implementing a bike hire scheme in Bathurst.

A number of firms were contacted across Australia however only one, Boomerang Bikes, offered a product that was suitable for Bathurst. Rod Lennon, the owner of Boomerang Bikes, met with the Mayor and Directors in May to discuss the requirements of a bike hire scheme in Bathurst.

Ultimately, the marketing of a bike hire in Bathurst was suggested to be directed to visitors rather than local residents. With this in mind bike hire stations located at the Bathurst Visitor Information Centre (BVIC) and the Bathurst Aquatic Centre was deemed the most suitable. A determining factor in choosing these locations was the fact that the bike hire scheme relies on having a neighbouring business available to store helmets and locks. BVIC and the Aquatic Centre, both Council facilities, are ideal for this. These sites also provide easy access to the bike pathway networks. The bike hire stations, developed by Spinway, are an automated 'vending machine' style unit which provided bike hire through credit card transactions. The stations can be either hard wired, if facilities allow, or fitted with a solar panel for operations. The bikes have been developed to be hassle free and user friendly and include:

- Puncture proof tyres
- Chain protector
- Enclosed internal gearing
- Adjustable seat
- Adult and children's sizes
- Low step frames for a wide range of riders (unisex)
- Custom carry baskets
- Small child booster seats available
- Light weight and easy to ride.
- Weather resistant
- Vandal proof

The bikes are fitted with RFID (radio-frequency identification), and are easily tracked. The credit card facility aids in preventing theft, that is, if a bike is not returned, the credit card is charged. The bikes are stored at the stations and once a credit card payment has been

approved, a bike is unlocked for hire.

Once a payment is approved and a bike selected, hirers simply leave a photocopy of a licence at the adjoining facility and are supplied with a helmet and bike lock.

Partnership

Rather than Council purchasing bikes and stations outright and being completely liable for all aspects of its operations, Boomerang Bikes, which owns and operates stations in The Entrance, Lake Macquarie, Newcastle and Port Stephens, would consider a partnership to ensure the initial viability of the scheme.

Boomerang Bikes would coordinate the installation of the stations to a 'hire ready' status. Once operational, the stations are practically maintenance free and Boomerang Bikes would employ a local contractor to coordinate any bike repairs.

For the scheme to be viable for Boomerang Bikes a minimum monthly income from bike hire is required. Council would subsidise this income which would cover periods of low hire rates. Council and Boomerang Bikes would also share any hire income on a 50/50 basis. An initial agreement of 12 months with a 12 month option is suggested at the end of which time Boomerang Bikes is solely liable for the hire operations, should they see fit to continue with the hire operation.

Boomerang Bikes has provided an estimate of the cost of setting up 2 x stations at the above mentioned locations as shown at **attachment 1**. The contributions required from Council would be:

- Set up costs: \$4,000
- Partnership liabilities: \$ 2,400 per month
- Timeframe: Estimated installation date – 1 September 2016

Tourism

As part of Boomerang Bikes commitments to the Bathurst Bike Hire scheme, they would assist Council with developing marketing material to promote the bike hire. An example of this type of marketing is shown at **attachment 2** for your reference. This flyer details the Boomerang Bikes hire stations at The Entrance on the NSW Central Coast. The flyer was developed to provide hirers a route showing attractions, rather than simply riding for the sake of riding. This type of product will encourage visitors to hire a bike and explore some of what Bathurst has to offer.

Reference

In researching the viability of a bike hire for Bathurst, contact was made with the Novatel Wollongong seeking feedback on their hire station.

Novatel staff were very accommodating providing nothing but positive feedback for the hire station. The bike hire station is located directly outside the Novotel entrance and helmets and locks are available from reception. The Novotel staff advised that the bikes were very popular and well utilised. There was no negative feedback on the bike hire.

General

Spinway themselves have typically been partnering with hotels where stations are installed. Ibis Adelaide, Novotel Wollongong and Crown Plaza Newcastle are examples of hotel chains that are partnering with Spinway. These locations are chosen as they are major cities and tourist destinations.

In the case of Bathurst, Boomerang Bikes would partner with Bathurst Regional Council as Spinway are seeking more populated locations and 'chains', that is Novatel, Ibis etc. to partner with.

The only bike hire facility in Bathurst is owned and operated by Belly's Bikes in Russell St. Belly's Bikes is closed on Saturday afternoon or Sunday's whereas the Boomerang Bike Hire stations are available 7 days.

Financial Implications: Scheme can be funded from Community Program and Events.

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

MINUTE

22 Item 5 PROPOSAL FOR A BIKE HIRE SCHEME IN BATHURST (20.00117)
MOVED: Cr M Morse SECONDED: Cr B Bourke

Cr North declared a non-pecuniary interest in this item and remained in the Chamber.

Reason: Nephew works at Belly's Bikes.

RESOLVED: That Council further investigate the proposal for a Bike Hire Scheme in Bathurst.

6 ECONOMIC IMPACT ASSESSMENT BATHURST MOTOR FESTIVAL (04.00125)

Recommendation: That the information be noted.

Report: Council commissioned an Economic Impact assessment of the impact of the Bathurst Motor Festival held at Easter 2016.

The event was established in 2011 and has now progressed where, in 2016, the inaugural six hour race was held.

The event is held over three days, with a six hour race held on Easter Sunday. More than 300 cars competed in six different events over the weekend.

A full summary of the assessment of the event is at **attachment 1**. Of particular significance is the economic benefit that this event generates for the Bathurst economy. Councillors should note that it is estimated the event will contribute approximately \$850,000 in household income and \$1.65 million in gross regional product to the Bathurst economy. It also has the added effect that it will create 14 full-time equivalent jobs for the region.

The event makes a significant economic contribution to the local economy and also serves to enhance the city's reputation both domestically and overseas and signifies Bathurst as a hub for sporting activities.

Financial Implications: The financial implications of the event are detailed in the summary attached to the report.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.6

MINUTE

23 Item 6 ECONOMIC IMPACT ASSESSMENT BATHURST MOTOR FESTIVAL
(04.00125)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

7 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (25.00280)

Recommendation: That Council:

- (a) support the closure of Denison Street (between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection), Sofala during the celebration of the Rebellion on the Turon in Sofala on Saturday, 25 and Sunday, 26 March 2017 subject to the necessary approvals being obtained.
- (b) provide \$400 for advertising and the supply of traffic barriers, to be funded from the 2016/2017 Section 356 donations.

Report: Council has received advice that the Rebellion on the Turon Festival will be held on 25 and 26 March 2017 at **attachment 1**.

The Committee has asked for the closure of Denison Street (between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection) which will allow them to conduct their event within the Village. There will be a minor cost involved for these street closures, including advertising costs and the supply of traffic barriers, estimated to be \$400.

Councillors have been provided, under separate cover, a copy of the group's financial statements.

Financial Implications: This request can be funded from the 2016/2017 Section 356 donations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

24 Item 7 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (25.00280)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) support the closure of Denison Street (between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection), Sofala during the celebration of the Rebellion on the Turon in Sofala on Saturday, 25 and Sunday, 26 March 2017 subject to the necessary approvals being obtained.
- (b) provide \$400 for advertising and the supply of traffic barriers, to be funded from the 2016/2017 Section 356 donations.

8 REQUEST FOR FINANCIAL ASSISTANCE - NATIONAL COOL CLIMATE WINE SHOW (18.00004)

Recommendation: That Council support the National Cool Climate Wine Show to be held from 25-29 October 2016 by donating an amount of \$1,000 towards the cost of the Show.

Report: Council has received a request from the National Cool Climate Wine Show for sponsorship of the 2016 event to be held from 25-29 October 2016 see **attachment 1**.

Council has been advised that this event won the Event of the Year in 2014 and is currently in its 18th year of operation. This event attracts many people to the City as wine has now become a large part of the tourism market within the Bathurst region.

It is recommended that Council support this event through advertising within the event program.

Financial Implications: Should Council fund this event, the support can be funded through Council's General Advertising Fund.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

MINUTE

25 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - NATIONAL COOL CLIMATE WINE SHOW (18.00004)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council support the National Cool Climate Wine Show to be held from 25-29 October 2016 by donating an amount of \$1,000 towards the cost of the Show.

9 REQUEST FOR REBATE WASTE MANAGEMENT FEES - BATHURST CITY COMMUNITY CLUB (18.00303)

Recommendation: That Council waive the fees of 750 incurred by the Bathurst City Community Club for the disposal of concrete footpath at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

Report: Council has received a request from the Bathurst City Community Club (refer **attachment 1**) for the waiving of the waste management fees associated with the removal of approximately 50 surface metres of concrete footpath which is being removed to allow the construction of a new slab for the Club's outdoor beer garden.

The group is a not-for-profit community organisation and the budget for the outdoor beer garden project is extremely tight.

It is recommended that Council agree to waive the fees of \$750 incurred by the Bathurst City Community Club for the disposal of waste concrete at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

Financial Implications: This could be funded from Council's Waste Management Centre Operations.

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 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1

MINUTE

26 Item 9 REQUEST FOR REBATE WASTE MANAGEMENT FEES - BATHURST CITY COMMUNITY CLUB (18.00303)

MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council waive the fees of \$750 incurred by the Bathurst City Community Club for the disposal of concrete footpath at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER ROAD SAFETY EDUCATION PROGRAM (23.00012)

Recommendation: That Council support the 2017-2019 Bathurst Rotary Youth Driver Awareness, Road Safety Education Program (RYDA) at an estimated cost of \$6,500 per annum by waiving relevant fees, the waived fees to be funded from - Mount Panorama Fee Subsidy: Section 356.

Report: Council at its Meeting held on 16 March 2016, considered a report concerning support for the Rotary Club of Bathurst East Inc Road Safety Education Program for the period 2017-2019, refer **attachment 1**. At the time, Council made no determination in the matter and this report provides further details to assist Council deliberations.

Council has had a history of support for this program, some of the relevant reports include:

- DCSF #9 - 16 March 2016 - **attachment 1**
- DCSF #6 - 5 February 2014 - **attachment 2**
- DCSF #13 - 2 February 2011 - **attachment 3**
- DES #3 - 19 August 2009 - **attachment 4**
- DCSF #5 - 16 July 2008 - **attachment 5**

To further assist in Council deliberations on this matter, Bathurst East Rotary Club (RYDA & RSE) have provided a report on this years program, refer to **attachment 6**.

Rotary East advise:

"To date the Bathurst and District Rotary Clubs have only made a token donation to the RYDA program. This is because RSE have been holding surplus funds in their Bathurst RYDA account.

However, these funds have now been used up and Rotary will need to find additional sponsors and also ask the Rotary Clubs involved to make a donation to RYDA through their Service Accounts. The feeling in Rotary and RSE is that we should make every endeavour to keep the students fees at \$10 . Past experience has shown that if we try to charge more the student numbers drop of dramatically.

Of the \$10 fee, \$4.50 goes to RSE to provide booklets, wrist bands and facilitate the program, this leaves \$3.50 to run the rest of the program.

Additional donations will need to be sourced to cover the Lithgow Schools bus fee and help support the facilitators expenses, along with providing morning tea and lunch for the volunteers, facilitators and teachers.

It is for that reason we ask Council to consider waving the cost of hiring Mt Panorama. We are not asking for a grant or donation, just to allow RYDA to use the Mount Panorama facilities, the additional cost would almost mean RYDA and RSE could not afford to continue the program in Bathurst. This would be a terrible shame as the program offers so much for the students."

Bathurst East Rotary Club are the coordinators of the program which is conducted at Mount Panorama for year 11 students. This year 555 year 11 students from 11 district high schools attended the 5 day course. Course facilitators conducted 180 x 30 minute sessions. Facilitator courses were:

1. Hazards and Distractions
2. Speed and Stopping
3. Genevieve's Story : A power point presentation
4. Personality Test
5. Rights and Responsibilities
6. After the Crash

Rotarians from 5 Rotary Clubs in Bathurst, Oberon and Blayney volunteered 220 hours of service, coordinating the program and acting as guides.

Council is advised that the Rotary Club of Bathurst East Inc is a not-for-profit organisation and can only survive with the help of the Bathurst community. Councillors are requested to consider the request from the Rotary Club of Bathurst East Inc for a further extension of three years to conduct the Bathurst Rotary Youth Driver Awareness - Road Safety Education Program. To assist in this consideration, Rotary Club has provided additional information including an assessment of this years program including finances, refer **attachment 6.**

Financial Implications: Estimated Hiring Fees for the program are \$6,500. It is proposed the subsidy would be funded through the Mount Panorama Fee subsidy - Section 356 Vote in the 2016/2017, 2017/2018 and 2018/2019 Budgets, if Council should agree to the request.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2, 23.7
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

MINUTE

27 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ROTARY YOUTH DRIVER ROAD SAFETY EDUCATION PROGRAM (23.00012)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council:

1. Support the 2017 Bathurst Rotary Youth Driver Awareness, Road Safety Education Program (RYDA) at an estimated cost of \$6,500 by waiving relevant fees, the waived fees to be funded from - Mount Panorama Fee Subsidy: Section 356, and
2. Invite RYDA representatives to meet with Council at a Councillors Meeting with Community Groups session.

11 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

Recommendation: That Council consider the submissions individually.

Report: Council has had the Draft Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 (DP/AOP) on exhibition for the required period of 28 days.

Council has received a number of submissions in relation to the DP/AOP. Submissions were made on various matters and are detailed below for Councillors information:

(a) Centennial Park

Recommendation: That Council note the two submissions from community members and not amend the DP/AOP in respect of the third and fourth submissions.

Report: Contained within Council's draft budget is an amount of \$50,000 for a Feasibility Study for Centennial Park. Letters of support have been received from two community members, shown at **attachment 1** and **attachment 2**.

Councillor Morse has also made a submission in relation to this item, **attachment 3**, wishing to clarify the purpose of the budget item by changing the description of the item to "Feasibility Study and action plan for maintenance and improvement of Centennial Park". The purpose of a feasibility study is to explore all options available to Council and to specify the description may unnecessarily exclude some options from being considered. It is therefore recommended that the DP/AOP not be amended in relation to this submission.

The Friends of Centennial Park have also made a submission, **attachment 4**, in relation to this item with suggestions as to how the money on the feasibility study will be spent. These suggestions will be considered during the preparation of the feasibility study. The second item in their submission is an objection to a reduction in the expenditure on Centennial Park from \$6,400 in 2015/2016 to \$5,200 in 2016/2017 and a request to substantially increase this allocation. The budget amount for 2016/2017 has been based on actual expenditure occurring in the 2015/2016 year and has been reduced due to the fact that actual expenditure required has been less than that budgeted for in this year. It is recommended not to increase the maintenance budget until the results of the feasibility study are known.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(b) Community Arts Centre

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: Contained within Council's budget is an amount of \$5,000,000 allocated to the future development of a Community Arts Centre. Councillor Morse has requested (shown at **attachment 3**) that the funds be allocated for "Cultural facilities in line with the priorities of the upcoming Cultural Plan". The Community Arts Centre was identified several years ago as one of the strategic priorities of the Council. Following the adoption of the Cultural Plan, Council may reconsider the funding priorities included as part of the budget and the Cultural Plan.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(c) **Water Feature at the Entrance to Bathurst**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: Councillor Morse has requested (shown at **attachment 3**) that the funds allocated for "Parks Special Item Water Feature - Sydney Road/Evans Bridge" be reallocated to Council to assume responsibility for the maintenance of the flagpoles and flags at Berry Park flagpoles and for the changing of the flags. The installation and upkeep of the flagpoles and flags was not an initiative of Council and Council has not been approached by the responsible body for assistance in this regard.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(d) **Keppel Street Underground Mapping**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Warwick Artis (shown at **attachment 5**) to include an amount of \$3,000 to cover the cost of an external contractor to map underground services through the two blocks of Keppel Street between William and Seymour Streets. The purpose of this mapping is to determine suitable locations for street trees to be planted through the section.

Council is already in the process of researching options in regards to street trees in this area and is also already aware of the location of underground services. The current work being performed on this project is to determine how existing drainage can be connected to new drainage that will be required when street trees are planted. The use of ground penetrating radar is not warranted in this case as the mapping has already occurred and therefore it is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(e) **Keppel Street Roundabout Planting**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Warwick Artis (shown at **attachment 6**) to include an amount of \$8,000 to cover the cost of irrigation, drainage and planting out the roundabout at the intersection of Keppel Street and Bentinck Street.

The roundabout at Keppel and Bentinck Streets does not currently have a water main running close to it. The parks department has looked into this project and the works involved are quite substantial and would require a much larger funding allocation than the \$8,000 proposed. It is therefore recommended not to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(f) Bathurst 2036 Heritage Action Network

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Bathurst 2036 Heritage Action Network (shown at **attachment 7**) to include an amount of \$50,000 to fund the Main Street & Signage Programme.

Through Council's heritage advisory program, the Main Street review is well underway with the Town Square block nearing completion.

It would be more appropriate to consider a \$50,000 allocation in the 2017/2018 Annual Operating Plan with respect to establishing a new improvement fund once the review has been completed.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(g) Bonner Street Footpath

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from David Harvey (shown at **attachment 8**) to include an extension of the footpath in Bonner Street past Bannerman Crescent to Ashworth Drive and onto the Highway.

Council has its footpath strategy in place and this footpath is not included in the forthcoming year's plan and therefore it is not recommended to incorporate this request into the DP/AOP. Should additional RMS grant funding become available, these plans will be revisited and a report prepared for Council.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(h) Tri-Skate Competition

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) to initiate with Local Government NSW, a state-wide scooter and skating competition in conjunction with the existing scooter and skate associations that is centred on school holiday competitions over the year that are held at Council skate parks across NSW culminating in a state and potentially national scoot/skating competition that covers all ages and abilities.

Such an event would require a lot of planning and costing for Council to develop a proposal. Given the timeframe involved, it would be more appropriate to defer discussion on this item for a later date when all facets of the project could be considered. It is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(i) **Evans Monument Interpretive Signage**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) to include an amount of \$8,000 to deliver well-researched and attractive explanatory signage of the entire Evans monument, including all figures presented in the statue, with particular focus on the aboriginal figure.

Council's planning department is currently applying for funding under the NSW Office of Environment and Heritage Program "Heritage Near Me" for funding to interpret the whole of Kings Parade which would include the Evans Monument. It is not recommended to incorporate this request into the DP/AOP .

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(j) **Keppel Street Tree Planting**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) to include Keppel Street tree planting from the Railway Station to William Street, especially within the boundary of Bentinck Street to William Street.

As previously noted, Council is developing plans to this end, with a view to street tree planting in Keppel Street and it is not recommended to incorporate this request into the DP/AOP .

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(k) **CCTV in the CBD**

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) for Council to adopt a CCTV system where key CBD hotspots are monitored at Bathurst Police Station assisting police to reduce, identify and solve crimes in and around the Bathurst CBD.

Policing is a State Government issue and this type of project should be the responsibility of the NSW Government. It is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(l) Street Art and Laneways Revival Pilot Project

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) for Council to collaborate with the Bathurst community, businesses and Arts Out West to identify two (2) sites for high quality street art and laneway Artscape. Street art was recently mentioned as a positive in the recent briefing on the Bathurst Cultural Plan

As previously noted the Bathurst Cultural Plan is currently under development and a report will be prepared for Council on projects and strategies involved. It is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(m) Renewable Energy and Battery Technology

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) for Council to investigate what savings are achievable with battery technology. Council continuously researches its options in regard to renewable energy and has installed solar power in various Council buildings. This is an ongoing project which does not require funding for the research to occur and therefore it is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(n) Central NSW Renewable Energy Co-operative Support

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) for Council to consider supporting Central NSW Renewable Energy Co-operative (CENREC), an organisation of which Mr Jennings is a shareholder. The submission proposes supporting CENREC to enhance community commitment to renewable energy. Council is a leader in the Bathurst region in its support and use of renewable energy technologies, with many projects showing that commitment. Support of this organisation could be requested in the annual Section 356 donations program and therefore it is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(o) Monument to Australian Agriculture

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) to

commission a monument to Australian Agriculture. This item has been considered by Council in working parties during the development of the budget and was put below the line as suitable sources of funding could not be found. It is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(p) Bathurst 12 Hour Race Victors' Walk

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Jess Jennings (shown at **attachment 9**) for Council to consider a new "Victors' Walk" for the 12 hour race separate to the existing "Victors' Walk located on the footpath outside the Civic Centre. Significant planning and consultation will be required for this to occur and should be the subject of a future separate Council Report and therefore it is not recommended to incorporate this request into the DP/AOP.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(q) Bathurst Golf Club Water Charges

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: A submission has been received from Bathurst Golf Club (shown at **attachment 10**) for Council to consider amending the Revenue Policy in respect of raw water pricing. Council previously considered a request from the Club at its previous (18 May 2016) meeting.

The history of water pricing for the Golf Club is as follows (note that the prices were held for two years):

Community Clubs: Golf, Majellan & Bathurst Community Club	2014/2015 Actual	2015/2016 Actual	2016/2017 Proposed
First 18,000 kilolitres	\$0.71	\$0.71	\$0.75
18,000 kilolitres to 32,000 kilolitres	\$0.94	\$0.94	\$0.99
Balance	\$1.40	\$1.40	\$1.47

For Councillors information, the Golf Club's consumption history:

	Total Kilolitres Used KI	Total Water Charges \$
2007/2008	14,669	9,535
2008/2009	13,840	11,072
2009/2010	39,015	31,212
2010/2011	8,003	4,802
2011/2012	9,581	5,749

2012/2013	9,984	6,290
2013/2014	10,442	6,983
2014/2015	0	0
2015/2016 year to date	66,328	73,999

The Club is requesting that the first tier pricing be extended to the first 45,000 kilolitres and holding the second tier price for all other consumption, making the charges:

First 45,000 kilolitre	\$0.75
Balance	\$0.99

At Council's meeting held on 24 April 2010, an item on water charges for the Bathurst Golf Club was considered. At that time Council agreed to introduce a special water rate for raw water purchased by the Bathurst Golf Club for use on the fairways. Councillors will note that this report also indicates that Council provided a grant of \$10,000 in 2007 to assist with the sinking of a bore for water to be used for maintaining the golf course in good condition. This project failed due to the bore not striking water.

Councillors would be aware the Bathurst Golf Club is an important facility in the region. To secure key events for the city, it is important that the fairways and greens are kept to a certain standard. In order to maintain this standard, a sufficient amount of water is required. However, due to the significant amount of assistance already provided by Council it is recommended that Council not provide any further discounts on raw water charges at the Bathurst Golf Club.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(r) Sewerage Access Charge

Recommendation: That Council not amend the DP/AOP in respect of the submission.

Report: Council has received submissions by Ray Carter (see **attachment 11**) and Heath Consulting Engineers (see **attachment 12**) in relation to sewerage service access charges. The submissions request Council to review the method of sewer fund non-residential access charges. Council has reviewed these access charges and has found that they reflect a cost recovery on each of the services. Council's Sewer Fund is based on Council recovering its operation costs by way of income received from sewerage access charges together with income from usage charges.

Council uses the sewerage access pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines at *Section 4.2.2 Non-Residential* and *Section 4.4.1 Sewerage Pricing Structure*.

Council's calculation of the sewerage access charge has been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(s) Submission from Mr G A Crisp

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

Report: Council has received a submission from Mr G A Crisp which is **not** shown because council believes it is a purported submission which is more correctly characterised as a series of complaints and allegations. Much of the material been raised before. Allegations are made against a range of persons not necessarily with any direct involvement in the management plan process. Much of the material is defamatory and will not be re-published by Council.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(t) Robin Hill Sewerage Service

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Mr & Mrs Graf.

Report: Council has received a submission from Mr & Mrs Graf, see **attachment 13**, requesting the extension of sewerage services to the Robin Hill area. Council's Engineering Department has commenced investigations into this matter and has scheduled these works at a future date.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(u) Bridle Track

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Four Wheel Drive NSW & ACT Inc.

Report: Council has received a submission from Four Wheel Drive NSW & ACT Inc which is shown at **attachment 14**. The Association requests that adequate provision be made for both maintenance of the existing Bridle Track and for the track around Monaghan's Bluff after reinstatement. Included in the DP/AOP are plans to spend \$150,000 on the north end of the Bridle Track for widening sections of the road. No provision for reinstatement of the Bridle Track where it is currently closed has been included. Normal maintenance has been included in the DP/AOP and therefore it is not recommended to amend the DP/AOP for this request.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(v) Adventure Playground

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

Report: Council has received a submission from Tony Thorpe, shown at **attachment 15** suggesting that Council incorporate a glass partial fenced area with a water feature with

coin-operated radio controlled boats. This suggestion does not change the actual budget but only the items envisaged within the Adventure Playground development. The suggestion will be referred to planning discussions for the Adventure Playground project.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(w) Hereford Street Rugby League Complex

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

Report: Council has received a submission from Tony Thorpe, shown at **attachment 15** suggesting that Council incorporate a digital data projector in the Hereford Street Rugby League Complex. The Building design is currently underway and the suggestion will be referred to the designers.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(x) Mobile Coin-Operated Go-Kart Track

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

Report: Council has received a submission from Tony Thorpe, shown at **attachment 15** suggesting that Council incorporate a mobile coin-operated go-kart track to be established at the proposed Havannah Street car park adjacent to the proposed Railway Museum. This project is still in the planning stages and subject to a separate report that will come back to Council with a holistic plan for the site. The suggestion will be referred to the planning committee for discussion.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(y) Bathurst Seymour Centre Retaining Wall

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Bathurst Seymour Centre.

Report: Council has received a submission from Bathurst Seymour Centre, see **attachment 16**, requesting the re-construction of a retaining wall at the rear of the property. Council has scheduled carpark works for the Centre and it has been requested to add these works into the project. The site is to be inspected by Council's engineers with a view to determining what works are required and the urgency of the problem. Until this preliminary work has been completed, Council is not in a position to allocate funding to the project. A separate report, if required, will come back to Council for consideration.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

(z) Waste Management Charges

Recommendation: That the Revenue Policy item Waste Management Centre Charges for Truck Tyre Disposal change to \$34 per tyre.

Report: The Revenue Policy Item for Waste Management Centre Charges for Truck Tyre Disposal charges was advertised at the incorrect rate of \$24 per tyre due to a typographical error. The correct rate should have been \$34 per tyre.

Financial implications: The Budget has been calculated using the correct rate and if the incorrect rate remains, budget income will not be attained.

Financial Implications: If the recommendations are adopted, there will be no change to the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

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

28 Item 11 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That Council consider the submissions individually.

MINUTE

29 Item 11.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Morse SECONDED: Cr B Bourke

(a) Centennial Park

RESOLVED: That a Plan for the improvement of Centennial Park be prepared.

MINUTE

30 Item 11.021 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)
MOVED: Cr M Morse SECONDED: Cr G Hanger

(b) Community Arts Centre

That Council amend the DP/AOP to amend the allocation of \$5 million to a community arts centre to community cultural facilities as determined through the cultural plan development process.

The MOTION was PUT and LOST

MINUTE

31 Item 11.022 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)
MOVED: Cr I North SECONDED: Cr M Coote

(b) **Community Arts Centre**

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

MINUTE

32 Item 11.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr G Westman

(c) Water Feature at the Entrance to Bathurst

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

MINUTE

33 Item 11.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr I North

(d) Keppel Street Underground Mapping

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

MINUTE

34 Item 11.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(e) Keppel Street Roundabout Planting

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

MINUTE

35 Item 11.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr I North SECONDED: Cr M Coote

(f) Bathurst 2036 Heritage Action Network

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

MINUTE

36 Item 11.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr W Aubin

(g) Bonner Street Footpath

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

MINUTE

37 Item 11.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr B Bourke SECONDED: Cr M Coote

(h) Tri-Skate Competition

RESOLVED: That Council:

1. Not amend the DP/AOP in respect of the submission.
2. Support the Youth Council undertaking an Event at the Skate Park.

MINUTE

38 Item 11.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr G Westman

(i) Evans Monument Interpretive Signage

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

MINUTE

39 Item 11.10 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr B Bourke

(j) Keppel Street Tree Planting

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

MINUTE

40 Item 11.11 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(k) CCTV in the CBD

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

MINUTE

41 Item 11.12 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr B Bourke

(I) Street Art and Laneways Revival Pilot Project

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

MINUTE

42 Item 11.13 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr W Aubin

(m) **Renewable Energy and Battery Technology**

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

MINUTE

43 Item 11.14 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(n) **Central NSW Renewable Energy Co-operative Support**

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

MINUTE

44 Item 11.15 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(o) Monument to Australian Agriculture

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

MINUTE

45 Item 11.16 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

(p) **Bathurst 12 Hour Race Victors' Walk**

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

MINUTE

46 Item 11.17 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

(q) Bathurst Golf Club Water Charges

RESOLVED: That the matter be deferred for further consideration.

MINUTE

47 Item 11.18 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr I North SECONDED: Cr B Bourke

(r) **Sewerage Access Charge**

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

MINUTE

48 Item 11.19 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr B Bourke SECONDED: Cr M Morse

(s) Submission from Mr G A Crisp

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

MINUTE

49 Item 11.20 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr M Coote

(t) Robin Hill Sewerage Service

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr & Mrs Graf.

MINUTE

50 Item 11.21 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr M Coote

(u) Bridle Track

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Four Wheel Drive NSW & ACT Inc.

MINUTE

51 Item 11.22 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr B Bourke SECONDED: Cr I North

(v) Adventure Playground

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

MINUTE

52 Item 11.23 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(w) Hereford Street Rugby League Complex

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

MINUTE

53 Item 11.24 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr W Aubin

(x) Mobile Coin-Operated Go-Kart Track

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

MINUTE

54 Item 11.25 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Morse SECONDED: Cr I North

(y) Bathurst Seymour Centre Retaining Wall

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Bathurst Seymour Centre.

MINUTE

55 Item 11.26 SUBMISSIONS - DRAFT DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr M Coote SECONDED: Cr G Westman

(z) Waste Management Charges

RESOLVED: That the Revenue Policy item Waste Management Centre Charges for Truck Tyre Disposal change to \$34 per tyre.

12 DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

Recommendation: That, following consideration of the submissions received by Council, the Draft Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operating Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Annual Operating Plan 2016/2017 be voted.

Further, that Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

Report: The Draft Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 has been advertised for the statutory 28 days and submissions were received during the exhibition period.

Council considered these submissions in the previous report (DCSF #11 of 15 June 2016) and any adjustment to the Draft Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 adopted at that item will now have to be included in the formal adoption of the Plan.

The adopted budget contains an allowance for Councillors to be paid in accordance with the maximum level allowed by the Local Government Remuneration Tribunal under the category, Regional Rural, as shown at **attachment 1**.

Financial Implications: The Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 is the budget of the Bathurst Regional Council for the 2016/2017 financial year.

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

56 Item 12 DELIVERY PLAN 2016-2020 AND ANNUAL OPERATING PLAN 2016/2017 (16.00144)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That, following consideration of the submissions received by Council, the Draft Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 be adopted as the Bathurst Regional Council Delivery Plan and Annual Operating Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Annual Operating Plan 2016/2017 be voted.

Further, that Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

13 2016/2017 REVENUE POLICY (16.00144)

Recommendation: That, following consideration of the submissions received by Council, the Revenue Policy for 2016/2017, as presented to Council, be adopted as the Bathurst Regional Council 2016/2017 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

Report: Council's Revenue Policy for 2016/2017 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Plan is the provision of eight waste management vouchers consisting of:

- two (2) x Mixed Refuse Vouchers of 200kg each
- two (2) x Mixed Refuse Vouchers of 100kg each
- two (2) x Green Waste Vouchers of 200kg each, and
- two (2) x Green Waste Vouchers of 100kg each.

Vouchers have been issued to ratepayers for a number of years. The number of vouchers was amended last year to assist ratepayers in getting better value from the issued vouchers. The usage will be monitored during 2016/2017 for review and modification, if required, during next year's budget process.

Financial Implications: The 2016/2017 Revenue Policy sets out the fees and charges for Council services for the 2016/2017 financial year. These fees and charges assist Council to achieve its budgeted income for the year.

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

57 Item 13 2016/2017 REVENUE POLICY (16.00144)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2016/2017, as presented to Council, be adopted as the Bathurst Regional Council 2016/2017 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

14 PENSIONER REBATE POLICY UPDATE - WASTE MANAGEMENT (41.00089, 16.00037)

Recommendation: That the amended policy "Rates - Accumulation of Rates by Aged Pensioners & Rebates" be adopted.

Report: With the introduction of the new Food and Garden Waste Service, Councillors requested that a pension rebate be allowed for pensioners whose properties have been issued with the new service.

In line with the other additional rebates that Council allows, the rebate has been set at 50% of the charges for the new service, being \$49.00.

The new policy, shown at **attachment 1**, has been amended by the insertion of:

"(d) Domestic Waste with a Food and Garden Waste Service provided \$49.00" .

Financial Implications: The financial impact of this policy change has been incorporated into the Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

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

MINUTE

58 Item 14 PENSIONER REBATE POLICY UPDATE - WASTE MANAGEMENT
(41.00089, 16.00037)

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That the amended policy "Rates - Accumulation of Rates by Aged Pensioners & Rebates" be adopted.

15 2016/2017 RATE LEVY (16.00144)

Recommendation: That Council formally resolve to make the following rates and charges in relation to the 2016/2017 Rating Year.

- (a) ORDINARY RATES FOR 2016/2017 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 for the twelve months to 30 June 2016 was adopted by the Council on 15 June 2016 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight eight two one three (0.288213) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of zero point nine three eight five two three (0.938523) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two one nine four seven five (0.219475) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four five six six zero two (0.456602) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
 5. a **Business Bathurst City Rate** of one point eight three nine eight one one (1.839811) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 6. a **Business Forest Grove Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 7. a **Business Ceramic Avenue Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 8. a **Business Eglinton Non-Urban Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 9. a **Business Orton Park Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land

sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three five zero one nine nine (0.350199) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2016/2017 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$253.00	33
2	Residential/Town Village	\$360.00		
3	Farmland		\$342.00	25
4	Business	\$250.00		
5	Business Bathurst City	\$385.00		
6	Business Forest Grove	\$385.00		
7	Business Ceramic Avenue	\$385.00		
8	Business Eglinton Non-Urban	\$385.00		
9	Business Orton Park	\$385.00		
10	Business Stewarts Mount	\$385.00		
11	Business Evans Plains	\$385.00		
12	Mining		\$224.00	47

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2016/2017 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2016 being three hundred and sixty eight dollars and zero cents (\$368.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and eight five dollars and zero cents (\$185.00) per mobile bin and for each additional food and green waste collection service of ninety eight dollars and zero

cents (\$98.00) and for each additional fortnightly recycling collection service of eighty five dollars and zero cents (\$85.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2016/2017 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and eighty five dollars (\$185.00) per mobile bin and the weekly removal of food and green waste being ninety eight dollars (\$98.00) and the fortnightly collection of material for recycling being eighty five dollars (\$85.00) per mobile bin for the twelve months commencing 1 July 2016 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2016/2017** That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being seventy eight dollars (\$78.00) be made by the Council.
- (e) **WASTE MANAGEMENT VOUCHERS** – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) **SEWERAGE CHARGES FOR 2016/2017** – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and twenty nine dollars and zero cents (\$529.00).
 2. That the annual charge for vacant land be three hundred and thirty six dollars and zero cents (\$336.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2016/2017
20	\$477.00
25	\$742.00
32	\$1217.00
40	\$1904.00
50	\$2974.00
65	\$4783.00
80	\$7608.00

100	\$11888.00
150	\$26745.00
Strata Properties (Each non-residential lot)	\$477.00
Assumption School	\$1489.00

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and fifty five cents (\$1.55) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2016/2017

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

- That the Annual Trade Waste Fee for individual businesses be one hundred and seven dollars and ninety cents (\$107.90).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and twenty dollars and thirty cents (\$720.30).
- That the Trade Usage Charge for non-residential properties be two dollars and fifty cents (\$2.50) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2016/2017 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

- That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2016/2017 \$
20	\$164.00
25	\$256.00
32	\$419.00
40	\$655.00
50	\$1022.00
65	\$1727.00
80	\$2614.00
100	\$4083.00
150	\$9188.00
Hillview Water Supply	\$149.00

- That the minimum annual water availability charge for each unit within a Strata development be one hundred and sixty four dollars and zero cents (\$164.00).
- That the annual water availability charge for vacant unconnected land be one hundred and sixty four dollars and zero cents (\$164.00).

4. That the annual water availability charge for unmetered or unconnected properties be six hundred and ninety nine dollars and zero cents (\$699.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and sixty four dollars and zero cents (\$164.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2016/2017
Hillview Estate Water Supply	First 250 kl	\$1.98
	> 250 kl	\$3.97
Residential Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Residential Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Other Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Other Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Large Industrial Filtered	>0 kl	\$1.62
Large Industrial Raw	>0 kl	\$1.04
Community Clubs:	First 18,000 kl	\$0.75
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$0.99
	Balance	\$1.47
Strata Unit property	First 250 kl (for each unit)	\$1.89
	>250 kl (for each unit)	\$2.84
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.89
	>250 kl	\$2.84
Hospital	1 st x patient average	Free
	Balance per KL	\$2.84

- (i) Included in this year's Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2016/2017 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 8 % per annum for the 12 month period commencing 1 July 2016 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.8%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the

Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Report: As per the recommendation.

Financial Implications: The Rates and charges for the year are included in the adopted Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017.

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

59 Item 15 2016/2017 RATE LEVY (16.00144)
 MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council formally resolve to make the following rates and charges in relation to the 2016/2017 Rating Year.

- (a) ORDINARY RATES FOR 2016/2017 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 for the twelve months to 30 June 2016 was adopted by the Council on 15 June 2016 it is hereby recommended that:
1. a **Residential Rate** of zero point two eight eight two one three (0.288213) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
 2. a **Residential Town/Villages Rate** of zero point nine three eight five two three (0.938523) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
 3. a **Farmland Rate** of zero point two one nine four seven five (0.219475) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
 4. a **Business Rate** of zero point four five six six zero two (0.456602) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
 5. a **Business Bathurst City Rate** of one point eight three nine eight one one (1.839811) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 6. a **Business Forest Grove Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 7. a **Business Ceramic Avenue Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
 8. a **Business Eglinton Non-Urban Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section

529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point five nine two four nine zero (1.592490) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three five zero one nine nine (0.350199) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2016/2017 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$253.00	33
2	Residential/Town Village	\$360.00		
3	Farmland		\$342.00	25
4	Business	\$250.00		
5	Business Bathurst City	\$385.00		
6	Business Forest Grove	\$385.00		
7	Business Ceramic Avenue	\$385.00		
8	Business Eglinton Non-Urban	\$385.00		
9	Business Orton Park	\$385.00		
10	Business Stewarts Mount	\$385.00		
11	Business Evans Plains	\$385.00		
12	Mining		\$224.00	47

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2016/2017 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2016 being three hundred and sixty eight dollars and zero cents (\$368.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being six dollars and zero cents (\$6.00) be made by the

Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and eight five dollars and zero cents (\$185.00) per mobile bin and for each additional food and green waste collection service of ninety eight dollars and zero cents (\$98.00) and for each additional fortnightly recycling collection service of eighty five dollars and zero cents (\$85.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2016/2017 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and eighty five dollars (\$185.00) per mobile bin and the weekly removal of food and green waste being ninety eight dollars (\$98.00) and the fortnightly collection of material for recycling being eighty five dollars (\$85.00) per mobile bin for the twelve months commencing 1 July 2016 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2016/2017** That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2016 being seventy eight dollars (\$78.00) be made by the Council.
- (e) **WASTE MANAGEMENT VOUCHERS** – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) **SEWERAGE CHARGES FOR 2016/2017** – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and twenty nine dollars and zero cents (\$529.00).
 2. That the annual charge for vacant land be three hundred and thirty six dollars and zero cents (\$336.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2016/2017
20	\$477.00
25	\$742.00
32	\$1217.00
40	\$1904.00
50	\$2974.00

65	\$4783.00
80	\$7608.00
100	\$11888.00
150	\$26745.00
Strata Properties (Each non-residential lot)	\$477.00
Assumption School	\$1489.00

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and fifty five cents (\$1.55) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2016/2017

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

- That the Annual Trade Waste Fee for individual businesses be one hundred and seven dollars and ninety cents (\$107.90).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and twenty dollars and thirty cents (\$720.30).
- That the Trade Usage Charge for non-residential properties be two dollars and fifty cents (\$2.50) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2016/2017 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2016.

- That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2016/2017 \$
20	\$164.00
25	\$256.00
32	\$419.00
40	\$655.00
50	\$1022.00
65	\$1727.00
80	\$2614.00
100	\$4083.00
150	\$9188.00
Hillview Water Supply	\$149.00

- That the minimum annual water availability charge for each unit within a Strata

development be one hundred and sixty four dollars and zero cents (\$164.00).

3. That the annual water availability charge for vacant unconnected land be one hundred and sixty four dollars and zero cents (\$164.00).
4. That the annual water availability charge for unmetered or unconnected properties be six hundred and ninety nine dollars and zero cents (\$699.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and sixty four dollars and zero cents (\$164.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2016/2017
Hillview Estate Water Supply	First 250 kl	\$1.98
	> 250 kl	\$3.97
Residential Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Residential Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Other Filtered	First 250 kl	\$1.89
	> 250 kl	\$2.84
Other Raw	First 250 kl	\$0.83
	> 250 kl	\$1.25
Large Industrial Filtered	>0 kl	\$1.62
Large Industrial Raw	>0 kl	\$1.04
Community Clubs:	First 18,000 kl	\$0.75
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$0.99
	Balance	\$1.47
Strata Unit property	First 250 kl (for each unit)	\$1.89
	>250 kl (for each unit)	\$2.84
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.89
	>250 kl	\$2.84
Hospital	1 st x patient average	Free
	Balance per KL	\$2.84

- (i) Included in this year's Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2016/2017 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 8 % per annum for the 12 month period commencing 1 July 2016 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and

expenditure, which provided for increases in Ordinary Rates of 1.8%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

1 BATHURST RSL PROJECT TO ADD ADDITIONAL LETTERING TO BATHURST CARILLON (04.00021)

Recommendation: That Council support the Returned and Services League of Australia Bathurst Sub-Branch's proposal to acknowledge post Vietnam conflicts by permitting the fixing of additional lettering to the Bathurst War Memorial Carillon.

Report: On 17 May 2016, a letter was received from the RSL Bathurst Sub-Branch, seeking Council's support of their proposal to add to the Bathurst War Memorial Carillon the wording of additional conflicts that have occurred since the Vietnam War. A copy of the RSL's letter is shown at **attachment 1**.

The proposal to add additional conflicts to the external walls of the Bathurst Carillon has been on the agenda of the RSL for some time. They have now decided to formally seek Council's approval as a funding opportunity has recently become available via a War Memorial Grant from the NSW Government that they intend to apply for.

Following various discussions with Council Staff in recent years concerning how best to add the additional conflicts at the Carillon, the following proposal has been developed for Council's consideration:-

- 1) The placement of the Words "LEST WE FORGET" on each of the remaining three faces of the Carillon (George Street, William Street and Church Lane sides).
- 2) The installation of the words "Gulf War; East Timor; Iraq; Afghanistan & Peacekeeping Operations" to be fixed to the George Street side wall of the Carillon.
- 3) The lettering for both the "LEST WE FORGET" and the additional conflict names will be of the same material, size and installation style as the existing lettering that is already installed on the Russell Street side wall of the Carillon.

It is believed that the LEST WE FORGET wording proposed for the remaining 3 faces of the Bathurst Carillon would enable each of these Carillon faces to tie into the Russell Street face which is currently at full capacity and would not be able to support additional conflict wording. With the "LEST WE FORGET" wording added to each wall face, it is believed that the addition of further conflict wordings could be installed on any of the wall faces without their placement looking like an afterthought. For the information of Council, a photo of the existing lettering on the Russell Street face wall of the Carillon is provided at **attachment 2**, showing the style of lettering proposed.

It is therefore recommended that Council approve the Bathurst RSL Sub-Branch proposal to install additional lettering to the Bathurst Carillon. If approval is granted, a letter of support will be sent to the RSL to assist them in their grant application.

Financial Implications: It is believed that the RSL will be applying for grants to fund this project.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.5

MINUTE

60 Item 1 BATHURST RSL PROJECT TO ADD ADDITIONAL LETTERING TO BATHURST CARILLON (04.00021)

MOVED: Cr W Aubin SECONDED: Cr G Hanger

RESOLVED: That Council support the Returned and Services League of Australia Bathurst Sub-Branch's proposal to acknowledge post Vietnam conflicts by permitting the fixing of additional lettering to the Bathurst War Memorial Carillon.

2 BATHURST REGION NATURAL RESOURCE ADVISORY GROUP (13.00001)

Recommendation: That the information be noted.

Report: The first meeting of the Bathurst Region Natural Resource Advisory Group (formally the Bathurst Vegetation Management Plan Reference Group) was held on the 28 April 2016. The minutes of that group's meeting are provided at **attachment 1**.

The next meeting of the group will be upon completion of a report on the natural resources management plans and policies of Council.

Attachment 2 provides an update of Council's achievements since the last meeting in December 2015 in respect to the implementation of the Bathurst Vegetation Management Plan, Bathurst Urban Waterways Management Plan and the Bathurst Biodiversity Management Plan documents. Key outcomes contained within the report include:

- The revegetation component of the "Restoring Regent Honey Eater Habitat in the Bathurst Region" has been completed, which includes riparian plantings and seed production areas.
- The on-ground works for the "Racing to Save the Mount Panorama Woodlands" have now been completed. The Local Land Services are extending upon the rabbit control component of the project.
- The instream works component of the Rehabilitation of Sawpit Creek project has been awarded and a Plan of Management for Jubilee Park and Ophir Road Reserve is currently in preparation. Willow removal commenced in April 2016.
- The Green Army Project – Protecting, Restoring and Connecting Bathurst Woodlands commenced in February 2016.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|-----------------------------|
| • Objective 12: To protect and enhance water quality and riparian ecology. | Strategy 12.4, 12.6, 12.7 |
| • Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. | Strategy 9.2, 9.4, 9.5, 9.7 |
| • Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.3, 30.5, 30.6 |

MINUTE

61 Item 2 BATHURST REGION NATURAL RESOURCE ADVISORY GROUP
(13.00001)

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

3 26M 68 TONNE HIGHER MASS LIMIT B-DOUBLE ROUTE BETWEEN LEE STREET AND 19 WHITE ROCK ROAD WHITE ROCK (28.00012-09/002)

Recommendation: That Council approve the application for a 25/26m 68 Tonne Higher Mass Limit B-Double route between Lee Street, Kelso and 19 White Rock Road, White Rock with the restriction that B-Double vehicles greater than 19m long entering or leaving White Rock Road do so via the northern or Hampden Park Road end of Lee Street.

Report: A Trucking company, McCulloch Bulk Haulage Pty Ltd, is seeking approval for a 25/26m 68 Tonne Higher Mass Limit B-Double route between Lee Street and 19 White Rock Road to transport general freight to and from this address.

McCulloch Bulk Haulage Pty Ltd has requested the use of White Rock Road from Lee Street Kelso to 19 White Rock Road. Lee Street is an existing 26m B-Double Route.

Council's Traffic & Design Engineer has investigated the swept path of a 26m B-Double, which shows that 26m B-Doubles entering and exiting White Rock Road via the section of Lee Street near Hampden Park Road meet the swept path criteria. However, B-Double vehicles greater than 19m long entering and exiting White Rock Road from the south eastern end of Lee street do not meet the swept path criterial. Please refer to swept path at **attachment 1**.

The Higher Mass Limit should be suitable to this section of road as no infrastructure has been identified in this location which would cause concern for the vehicle mass limit requested.

To ensure that safety is maintained for all vehicles using the intersection of White Rock Road and Lee Street it is recommended that Council approve a 25/26m 68 Tonne Higher Mass Limit B-Double route between Lee Street, Kelso and 19 White Rock Road, White Rock; with the restriction that B-Doubles greater than 19m long entering or leaving White Rock Road do so via the northern or Hampden Park Road end of Lee Street.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

MINUTE

62 Item 3 26M 68 TONNE HIGHER MASS LIMIT B-DOUBLE ROUTE BETWEEN LEE STREET AND 19 WHITE ROCK ROAD WHITE ROCK (28.00012-09/002)
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council approve the application for a 25/26m 68 Tonne Higher Mass Limit B-Double route between Lee Street, Kelso and 19 White Rock Road, White Rock with the restriction that B-Double vehicles greater than 19m long entering or leaving White Rock Road do so via the northern or Hampden Park Road end of Lee Street.

4 PROPOSED ROAD TRANSFER, UNFORMED UNNAMED CROWN ROAD OFF HOUSES LANE AT THE ROCKS (25.00531 & 2016/0118)

Recommendation: That Council approve the transfer of the unformed unnamed Crown Road adjoining Lot 51 DP750394 off Houses Lane at The Rocks, from the Crown to Council subject to the information contained in the Director Engineering Services' report.

Report: An unformed unnamed Crown Road adjoining Lot 51 DP750394 off Houses Lane at The Rocks is required to secure Council road infrastructure for future purposes.

The dedication is proposed to be done by the Department of Primary Industries – Crown Lands by way of publication in the Government Gazette.

Purpose

This request has been initiated by receipt of a Development Application (2016/0118) for a 7 Lot Rural Subdivision. To ensure the development has full access to a Public Road (being Houses Lane) the applicant has requested Council to apply to have the unformed Crown Road transferred to it.

To complete this access the developer has reached agreement with the owner of the triangular section of land (below the unformed Crown Road) for a section of that land to be dedicated as road widening. This aspect is entirely between the land owners, and Council will not be involved.

An aerial photograph and location sketch at **attachment 1** reflects:-

- (a) The unformed Crown Road adjoining Lot 51 DP750394 off Houses Lane, and
- (b) The triangular section referred to above.

Determination of Development Application Conditions (DA2016/0118)

A condition of any Development Approval will be that the unformed access must be constructed to Council's Engineering Guidelines for Rural Roads.

It is recommended that Council approve the transfer of unformed Crown Road adjoining Lot 51 DP750394 off Houses Lane at The Rocks from the Crown to Council.

Financial Implications: The Crown Lands application fee is \$200.00. Ongoing road maintenance costs to be funded from road maintenance budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1, 6.6
- 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 29.1

MINUTE

63 Item 4 PROPOSED ROAD TRANSFER, UNFORMED UNNAMED CROWN ROAD OFF HOUSES LANE AT THE ROCKS (25.00531 & 2016/0118)
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council approve the transfer of the unformed unnamed Crown Road adjoining Lot 51 DP750394 off Houses Lane at The Rocks, from the Crown to Council subject to the information contained in the Director Engineering Services' report.

5 NBN ROLLOUT IN BATHURST (08.00005)

Recommendation: That Council provide approval to NBN Co Limited for Land Access and Activity Notice for installation of NBN Network within Bathurst, as per the conditions listed within the Director Engineering Services' Report.

Report: Council has received a request from NBN Co Limited to waive Council rights to receive Land Access and Activity Notices as required by the Telecommunications Act 1997, for survey, investigation and maintenance activities to the NBN network within the Bathurst Regional Council area. Refer **attachment 1** for details. The request from NBN includes waiving rights for notification involving pruning or lopping of street trees or other vegetation.

It should be noted that the Telecommunications Act 1997 (the Act) provides the authority for access by telecommunications authorities to land for the purposes of installing low impact facilities, without the landowner's approval.

The Act requires that notice is provided to the landowner by the telecommunication authority prior to commencing any work, which is known as a Land Access and Activity Notice. The Act also allows for a landowner to waive its right to receive such notification

Council currently processes Land Access and Activity Notices from a number of telecommunication authorities and in each occasion issues a Land Access and Activity Approval. Typically, between 50 – 100 approvals are issued annually.

In addition, Council has received further correspondence from NBN Co Limited regarding the installation of Fibre to the Node (FTTN) Cabinets within Council footpaths in the West Bathurst Area. Refer **attachment 2** regarding details of the FTTN cabinets. Council staff will meet with representatives of the NBN Co Limited to provide input into the location of the FTTN cabinets, with respect to ensuring footpaths are not adversely impacted for pedestrian usage, long term maintenance, aesthetic and heritage considerations. Again, Council should note that it has no authority to direct the NBN Co Limited regarding the placement of the FTTN cabinets, or any other telecommunications infrastructure.

It is considered rather than signing the NBN Co Limited request for Council to waiver its rights to receive Land Access and Activity Notice, that Council provide approval, with the following conditions as considered appropriate:-

In reference to NBN Co Limited network installation within Bathurst Regional Council Local Government Area, please be advised that Council has no objections, provided the following criteria is adhered to:-

- (a) *All public service utilities are located and any necessary adjustments to the proposal are made, to ensure the existing services remain operational.*
- (b) *That NBN Co Limited consults with Council regarding the placement of above ground infrastructure, including but not limited to FTTN Cabinets within Council's Heritage Zone*
- (c) *That NBN Co Limited consults with adjoining land owners regarding the placement of above ground infrastructure, including but not limited to FTTN Cabinets,*
- (d) *All restoration works are to be carried out in accordance with Bathurst Regional Council's Guidelines for Engineering Works, and to the Director Engineering Services satisfaction.*
- (e) *All works are to be carried out in accordance with the Work, Health and Safety Act and associated Regulations 2011. A Site Safety Plan shall be prepared for the whole of the site and for all activities related to the execution of the work. The plan*

- shall include a statement of key personnel and responsibilities, site safety rules, a safe work method statement and a traffic control plan.*
- (f) If works involve a full road closure, notice is to be published in the Western Advocate, and local emergency services and Bathurst Base Hospital are to be notified directly.*
 - (g) Approval is obtained from relevant State Government Authorities as required.*
 - (h) Council's standard practice for the restoration of road and pavement surfaces, the restoration of infrastructure, including such owned by Council, other service authorities or adjoining residents.*
 - (i) Abiding by Council's Tree Preservation Policy. In addition, the cutting or excavating of tree/shrub roots is prohibited, unless Council has issued specific approval. Where installation of conduits is required within the drip zone of trees, this shall be carried out by directional boring rather than open trench excavation.*
 - (j) If any survey marks are to be destroyed, they should be replaced in accordance with the requirements of the Surveyor General's Direction No. 11, Preservation of Survey Infrastructure (clause 24 of the Surveying Act 2002).*

At this stage, no details have been provided to Council regarding the timing of the NBN network within the Bathurst Region.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.5
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.5

MINUTE

64 **Item 5 NBN ROLLOUT IN BATHURST (08.00005)**
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council provide approval to NBN Co Limited for Land Access and Activity Notice for installation of NBN Network within Bathurst, as per the conditions listed within the Director Engineering Services' Report.

6 TRUNKEY CREEK HOTEL TOILETS (22.12659)

Recommendation: For Council's consideration.

Report: At the May meeting of Council a report on the Trunkey Creek Hotel toilets was submitted to Council (refer **attachment 1**). Please also find at **attachment 2** email correspondence from the Hotel owner, Mr Boserio, along with the photos referred to in his correspondence at **attachment 3**.

The resolution of the meeting was that Council defer the matter for discussions to be held with the applicant.

Mr John and Wayne Boserio met with the Director Engineering Services and Manager Corporate Governance to further outline their concerns.

It was indicated by Mr John Boserio that they were advised by the former Deputy Mayor of Evans Shire Council, Mr Bill McKenzie, that the toilet facilities constructed adjacent to the Hotel on land owned by the Hotel were constructed by Evans Shire Council and that the operational costs were to be shared.

As indicated in the previous report the toilets are adjacent to the existing Trunkey Creek Hotel and fronting the main road. They have the appearance of a publicly accessible facility and are used by the travelling public.

Trunkey Creek is the first village on the southern entrance to the Bathurst Region and it was highlighted that it is important to provide a good impression and presentation at this location with the current facilities very poor in this regard.

The owners of the Hotel are requesting provision of funding for improvement works to the toilets of between \$23,000 and \$27,000 for building materials, toilets, basins, bore pump, plumbing, paint, tiles and floor sealer with labour costs undertaken by the owners.

There was concern expressed at the viability of the continuation of the Hotel business if funding is not provided for facilities which are substantially used by the travelling public as opposed to the Hotel patrons.

Council records from the former Evans Shire Council show the construction of the toilet block during 1983 with the development application submitted by a Mr Aitchison and Mr Wood-Davies. A letter submitted by Mr Aitchison at the time requested a reduction in the required setback of the building line from 30m to approximately 15m from the road centreline. There are no records that the former Evans Shire built or agreed to cost sharing of the maintenance of the facilities.

As requested and indicated to Mr Boserio the matter is referred to Council for consideration.

Financial Implications: There is no specific funding for contribution or improvement works but could be sourced from rural maintenance and improvement funding

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 19.2
- Objective 21: To support the provision of community Strategy 21.4

services and facilities to meet the needs of specific community sectors and the community as a whole.

- 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 29.1

MINUTE

65 Item 6 TRUNKEY CREEK HOTEL TOILETS (22.12659)
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

1. Take no further action on this matter;
2. Request the owners to provide any documentation they have with respect to any purported arrangement concerning the toilets, and if this is provided, Council reconsider the issue; and
3. Investigate the provision of public toilets at Trunkey Creek.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

1 BATHURST REGIONAL ART GALLERY - GENERATION ART PROGRAM (21.00002)

Recommendation: That the information be noted.

Report: *Generation Art* is a pilot program developed by Bathurst Regional Art Gallery (BRAG) and Australian Catholic University (ACU), especially for youth audiences.

Generation Art pilot program has three primary outcomes:

The first is to deliver and assess the success of an alternate model for youth based engagement for art galleries/museums. These findings will inform future programming for youth at BRAG and possibly other art galleries/museums.

The second outcome is to build stronger relationships with Bathurst secondary schools, more specifically, their visual arts students and teaching staff.

The third outcome is to facilitate the development of lifelong cultural learners; it is hoped that the students participating in this program will develop a deeper connection to art and galleries which will enrich them throughout their lives.

The program has been designed by the research team, Dr Donna Mathewson Mitchell (lead researcher) of the Australian Catholic University (ACU) Sydney (formerly Charles Sturt University, Bathurst) and the BRAG Education and Public Programs Officer.

BRAG has offered two Year 10 students from each secondary school in Bathurst (12 in total), the opportunity to be part of this cutting-edge program. At the program's outset 11 students from five secondary schools have been registered for the program.

The program will include activities such as:

- the study of works of art in the BRAG collection and on exhibition
- behind-the-scenes talks and activities with gallery staff
- visits to the studios of local artists
- workshops with local practicing artists
- mentoring by local artists and arts practitioners
- development of video projects related to the gallery collection

The program will culminate in the development of video works aimed at youth audiences, created by the student participants. These projects will be publicly launched at the gallery and will be featured on the BRAG website.

Generation Art sessions will run on Wednesdays from 4pm-6pm at BRAG starting Wednesday 27 April (Week 1, Term 2) for 13 weeks (excluding school holidays.) The public launch of the projects will occur in late August.

This program will be extensively documented by a local film maker resulting in the creation of a 30 second overview video and a two minute short film.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks Strategy 5.1

and infrastructure to support and attract knowledge, innovation and research.

- 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
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.4

MINUTE

66 Item 1 BATHURST REGIONAL ART GALLERY - GENERATION ART PROGRAM (21.00002)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

2 A NEW BATHURST LIBRARY SERVICE - BOOKS ON PRESCRIPTION (18.00115)

Recommendation: That the information be noted.

Report: A new service has been introduced to the Bathurst Library, called "Books on Prescription"

A collection of books provided by the NSW State Library has been launched through the Central West Zone Libraries' project. The "Books on Prescription" was developed following government recommendations with the aim of cutting waiting lists and offering an appropriate level of treatment for the majority of people who visit their doctor with common mental health problems. The program is the first Bibliotherapy Program to be offered in Australia and is supported by the Library Council of NSW with funding and a linked website.

The aim of this service is to enable community members to understand and manage their health and wellbeing through a doctor's referral to a specific title.

Bathurst Library's "Books on Prescription" Coordinator recently travelled to Orange for a Training/Information session.

Similar to the Find Legal Answers collection, Books on Prescription is a collection of mental health books that General Practitioner's can prescribe to clients.

The books of this collection are all based on different mental health issues, and local General Practitioner's may prescribe a book in the collection to any client they feel would benefit, at which point the client is able to come to the library and borrow the book.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7

MINUTE

67 Item 2 A NEW BATHURST LIBRARY SERVICE - BOOKS ON PRESCRIPTION
(18.00115)

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That the information be noted.

3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 9 MAY 2016 (07.00016)

Recommendation: That the information be noted.

Report: As part of the Destination Management Plan, which was adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

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

The third meeting of the Bathurst Region Tourism Reference Group was held on 9 May 2016. The minutes of the Group's Meeting are provided at **attachment 1**.

At the meeting held on 9 May 2016, the Group established the following actions, linked to the Destination Management Plan:

- Tourism Reference Group launch and run 3 Industry Development Workshops to build industry capacity and improve skills in access, dispersal and participation in the Bathurst Region destination experience. Workshop topics include: Social Media 30 May; Public Relations 27 June, Packaging Tourism Product 12 July.
- Attend a customised research & data workshop to inform group and key staff on the importance of relevant information and industry trends to inform marketing plans and maintain a customer focus on 2 July.
- Prepare a brief to conduct data collection in collaboration with BRC staff (Finance, Economic Development, Events, BVIC) and local business chamber to collect demographic and expenditure data in the Bathurst Region visitor economy.
- Commission dedicated research about visitors' perception of the region and their intention/motivation to choose Bathurst as a destination: use of facts and tangible evidence to determine competitive marketing edge.

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, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

MINUTE

**68 Item 3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
9 MAY 2016 (07.00016)**

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

4 WORKING TO BUILD A CHILD-SAFE, CHILD-FRIENDLY BATHURST **(18.00309)**

Recommendation: That:

- (a) Council support the initiative of the Bathurst Child and Family Network to build an awareness of child-safe child-friendly Bathurst within the local business sector and Bathurst community.
- (b) Council takes leadership to promote the principles of UNICEF's Convention on the Rights of a Child, leading towards Bathurst being recognised as a Child Friendly City.
- (c) The initiative is incorporated into the upcoming revised Bathurst 2036 Community Strategic Plan.

Report: Children of Bathurst accounted for 25% of the population in 2011. In total, there are approximately 9,630 children and adolescents aged 0-17 years. Based on the 25% figure and projections of population growth to 42,351, the number of children will rise to 10,588, highlighting the ongoing commitment the community has to the children and young people of Bathurst and the high quality education establishments in Bathurst.

A Child Friendly City initiative was established in 1996 in response to the United Nations resolution to make cities a liveable place for all. The concept of Child Friendly Cities is based on the premise that all children have the right to access basic services and enjoy opportunities for development. There is respect and dignity for children to express their individual options, participate in and contribute to decisions about their community and wellbeing.

The Bathurst Child and Family Network (BCFN) is a proactive cross sector network of agencies working to promote rights and values of children, young people and families in the Bathurst community.

The BCFN aim to build community awareness and encourage organisations to consider changes to their practices or business environments that is guided by the National Framework for Protecting Australia's Children, Child Aware Strategies and the UNICEF Child-Friendly Cities initiative.

The BCFN seeks Council's support to promote the initiative and for Bathurst to be recognised as a Child-Safe, Child-Friendly community.

The Network is showcasing a series of events aimed at building local knowledge and expertise of local organisations regarding a child-safe and child-friendly initiative. A Conference has been convened with a target audience of Senior Managers, Principals, Directors and Board Members from child focused organisations.

"BCFN Conference: Working to build child-safe, child-friendly communities" will be presented on 28 June 2016, funded by a Network Development Grant from the Department of Family and Community Services.

Three key focus messages include:

1. Child safe – physical environments are designed where children's needs are catered for;
2. Child friendly – children are acknowledged and welcomed in organisations;

3. Child awareness. – Children are recognised as valuable members of the community. Organisations are family sensitive, culturally aware and responsive to the needs of children.

Building community awareness through the key focus messages presented by the BCFN will establish a foundation for further development and future direction for Bathurst being recognised as a child-friendly city.

BCFN has successfully received a research grant from Charles Sturt University to evaluate the strategies of the Child-Safe, Child-Friendly initiative. Research data will be provided to Council in support of the recommendation that Bathurst be recognised as a UNICEF Child Friendly City.

Bathurst is a vibrant regional city that provides a broad range of services, facilities and community spaces that already contribute positively the development of a child's happiness and wellbeing. Council's engagement and commitment to join the growing number of local Councils in championing for children and working to develop a child-friendly city will serve as a long term investment in the community, creating broad economic social and cultural benefits and enhance the existing resources that exist.

The initiative will provide opportunity to:

1. Keep children and young people at the centre of Council's vision for development
2. Recognise the importance of children's participation in decision-making processes, in areas that impact their lives
3. Brand Bathurst as a welcoming destination for children and their families to live, work and visit.

Council will participate in the upcoming events organised by the Bathurst Child and Family Network to determine future direction of the project and to ascertain Council's role in the first stage of developing a child-safe and child-friendly Bathurst.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

MINUTE

69 Item 4 WORKING TO BUILD A CHILD-SAFE, CHILD-FRIENDLY BATHURST **(18.00309)**

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That:

- (a) Council support the initiative of the Bathurst Child and Family Network to build an awareness of child-safe child-friendly Bathurst within the local business sector and Bathurst community.
- (b) Council takes leadership to promote the principles of UNICEF's Convention on the Rights of a Child, leading towards Bathurst being recognised as a Child Friendly City.
- (c) The initiative is incorporated into the upcoming revised Bathurst 2036 Community Strategic Plan.

5 CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA (CMCA) 30TH ANNIVERSARY RALLY (21.00041)

Recommendation: That the information be noted.

Report: Bathurst hosted the Campervan and Motorhome Club of Australia's (CMCA) 30th Anniversary Rally in the Pit Complex at Mount Panorama from 25 April to 1 May 2016. CMCA is the largest RV Club in the southern hemisphere and it holds two rallies each year in various locations throughout Australia.

The rally was attended by approximately 1,700 club members in 960 vehicles as well as 70 traders. Participants travelled from all over Australia with many arriving in advance and staying at various locations throughout the region.

Wherever possible the rally organisers used local suppliers for goods and services. Figures are not available for all expenditure but from what has been collated the estimated economic benefit to Bathurst was at least \$500,000 of which \$150,000 was spent by participants. Attendees at the Rally were encouraged to surrender Tax Invoices for purchases made at local businesses during their stay in Bathurst.

Bathurst Visitor Information Centre (BVIC) promoted visitation to the region by managing a stand at the Trade Fair for tour bookings and information distribution and also supplied promotional items for rally bags for all participants. The tables below outline the centre's involvement:

Approximately 7,000 Bathurst-themed promotional items were circulated to attendees at the Rally, by BVIC staff.

Almost 500 local tours were booked through BVIC staff at the Trade Fair.

In addition, donations were made to the following charities and services:

Daffodil Cottage:	\$2,500 – building fund
	\$700 – wig library
Riding for the Disabled:	\$1,700
Community Transport:	\$1,108
RFS:	\$3,000

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, 4.6, 4.7
- 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

MINUTE

70 Item 5 CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA (CMCA) 30TH ANNIVERSARY RALLY (21.00041)

MOVED: Cr B Bourke SECONDED: Cr G Westman

RESOLVED: That the information be noted.

6 RECONCILIATION ACTION PLAN (RAP) - UPDATE REPORT (09.00031)

Recommendation: That the information be noted.

Report: Council's Reconciliation Action Plan (Tier 2) was officially 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.

A copy of Council's Reconciliation Action Plan is available on Council's website: www.bathurst.nsw.gov.au

The Reconciliation Action Plan Working Group (RAPWG) made up of representatives of Councils four directorates has continued to monitor the implementation and undertake reporting requirements of the RAP.

The RAP identifies actions relating to three key focus areas. These include; **relationships, respect and opportunities**. Actions achieved to date or ongoing actions are as follows:

1. **Relationships:** Council seeks to develop and strengthen its relationships with Aboriginal and Torres Strait Islander peoples to create a shared understanding of the oldest surviving culture in the world. This can be achieved by Council fostering and building respectful relationships in a supportive and informed environment.

Action	Action year to date:
RAP Working Group	RAPWG met quarterly through 2015/16 to monitor reporting requirements.
Participation, Access & Understanding- Promote to staff and wider community National Reconciliation Week (NRW)	National Reconciliation Week (NRW) 2016 registered event held Friday 27 May 2016 during Council afternoon tea. To become an annual event. Budget allocations have been made in 2016/17 Management Plan to purchase NRW banner to display annually.
Community Programs and Services- work towards creating inclusive programs and services	Successful inclusive programs and events have been showcased by Bathurst Regional Council including: BMEC: 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 by Australian Theatre BRAG: Possum Skin Cloak Workshop in 2015, Jonathan Jones (Wiradyuri artist) Exhibition - October - November 2015. Community Services: Wiradyuri Elders providing Welcome/Warming to Country at significant events. Liaising with Bathurst Police Community Liaison Officer. Kelso Community Centre: School Holiday

	Activities, Christmas Party, Disco, Sporting Events, in partnership with Bathurst Young Mob, involvement with Sugarland performance at BMEC.
Maintain relationships and Communication-engage with Aboriginal and Torres Strait Islander communities, key stakeholders	Relationships have been built and maintained with following key stakeholders; Bathurst Wiradyuri and Community Elders - Welcome/Warming to Country, young Aboriginal Dancers attending events, Bathurst Local Aboriginal Lands Council, supporting NAIDOC celebrations at Bicentennial Park Council has leased the Old Raglan School Hall, part of 52 Christie Street, Raglan, for peppercorn rent to Bathurst Wiradyuri and Aboriginal Elders for their use for cultural purposes. Bathurst Young Mob - many collaborations at Kelso Community Centre.

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	Action year to date:
Aboriginal and Torres Strait Islander cultural protocols and ceremonies	Draft Aboriginal and Torres Strait Islander Recognition Policy under review by RAPWG. An Acknowledgement of Country occurs during formal proceedings, meetings and Council events.
Cultural Awareness training	To date 60% permanent staff have completed Council's Cultural Awareness training, which was launched in December 2015.
Display the Aboriginal and Torres Strait Islander flags	Recreation staff raise and lower Aboriginal Flag daily at Council Chamber. Lions Club have a policy to display both flags daily.
Include an Acknowledgement to Country and Traditional Owners to Council website and Entrance to the Bathurst City Region	Welcome to Wiradyuri Country is displayed on Town entrance as part of signage strategy. Target under review pending Council Amalgamations.
Celebrating NAIDOC Week	NAIDOC celebrations occur annually. Action ongoing.
Display Local Aboriginal Art- showcase local Aboriginal and Torres Strait Islander artwork	Allocations to be made in 2016/17 Management Plan, to purchase artwork. BRAG held a temporary exhibition of Jonathan Jones' (Wiradyuri artist) art October to November 2015 and display of the Possum skin cloaks following the project.

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.

Action	Action year to date:
Indigenous Employment Strategy	Ongoing
Diversifying Councils Supply Chain- increase supplier diversity	Initial investigation not viable at this stage, further consultation in 2016/17 with Aboriginal Elders.
Youth Initiatives – increase representation at youth activities	Consultation currently occurs with local schools and tertiary institutions. Action currently ongoing.

Annual reporting on the organisation's RAP is an important part of the RAP program. Council will be required to complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia by 31 September 2016. The questionnaire is used to help measure the collective impact of the RAP program, which is released in the RAP Impact Measurement Report each year.

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

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

- 71 Item 6 RECONCILIATION ACTION PLAN (RAP) - UPDATE REPORT (09.00031)
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the information be noted.

7 BATHURST MEMORIAL ENTERTAINMENT CENTRE - BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE AND LOCAL (21.00060)

Recommendation: That the information be noted.

Report: For the second year the Sydney Writers' Festival offered free live streaming to regional areas around Australia of numerous writers' talks from the Sydney Writers' Festival. This solid core of sessions with noted national and international writers has provided a base for BMEC, in association with local partner Books Plus, to build a local Writers' and Readers' Festival.

The joint event was held over three days from Friday 20 to Sunday 22 May and included sixteen streamed sessions and twelve live local sessions including practical writing workshops for young people and the general community.

General interest in the festival showed a marked increase since the inaugural festival in 2015. This was reflected in a 32% increase in attendance from 1095 to 1440 people attending. The increase in general interest translated to a significant increase in cash sponsorship which totalled approximately \$4,000 in 2016. This income will easily cover costs and will provide a basis for the local festival to expand in coming years. Sponsors included: Charles Sturt University, McDonalds Bathurst, Dean Mobbs Gallery, Porters Café, Startleart Graphic Design & Jane Dempster Photographer, Allen & Unwin Publishers and Bathurst City Life plus numerous individual donors.

A number of patrons of the festival alerted us to the fact that they had travelled from outside the region and had made overnight or two night stays and it is believed there is potential for growth in this destination market. Visitors identified that they had travelled from Parkes, Mudgee, Sydney (to escape the crowds), Blue Mountains and Orange.

An audience feedback survey was completed, which showed that attendees found it "very interesting, educational, enjoyable", "BMEC is an excellent facility" and that Sunday was the highest attended day.

Financial Implications: There are no adverse financial implications and thanks to an increase in cash sponsorship the 2016 festival will make a small profit.

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 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

72 Item 7 BATHURST MEMORIAL ENTERTAINMENT CENTRE - BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE AND LOCAL (21.00060)

MOVED: Cr I North SECONDED: Cr W Aubin

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

GENERAL MANAGER'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

1 VACANCY IN CIVIC OFFICE - COUNCILLOR JESS JENNINGS (12.00010-08)

Recommendation: That Council

- (a) note that the Civic Office held by Councillor Jess Jennings is vacant.
- (b) apply to the Minister to make an Order under Section 294 of the *Local Government Act* that the vacancy not be filled.

Report: Councillors will be aware that Councillor Jennings has resigned from Civic Office effective 5pm, Friday 27 May 2016.

With respect to a by-election, Section 294 of the *Local Government Act* allows Council to make an application to the Minister that a vacancy not be filled in certain circumstances.

294 Dispensing with by-elections

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:
 - a) order that the vacancy not be filled, or
 - b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).
- (3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.
- (4) If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.

Given the current state of the 'Fit for the Future' process and that Council elections are scheduled for September 2017, at this time it is recommended that Council make application to the Minister for an Order that the vacancy not be filled [S:294].

Financial Implications: If no by-election is held there are no financial implications.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.4
- Objective 33: To be and develop good leaders. Strategy 33.7

MINUTE

73 Item 1 VACANCY IN CIVIC OFFICE - COUNCILLOR JESS JENNINGS **(12.00010-08)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council

- (a) note that the Civic Office held by Councillor Jess Jennings is vacant.
- (b) apply to the Minister to make an Order under Section 294 of the *Local Government Act* that the vacancy not be filled.

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 1 June 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 1 June 2016, 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

74 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016 (07.00064)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 1 June 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 1 JUNE 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

- 2 APOLOGIES**
MOVED Cr B Bourke and **SECONDED** Cr I North
- Nil.

REPORT OF PREVIOUS MEETING

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 May 2016 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Cultural & Community Services' Report

- 5 Item 1 FOSSICKING DISTRICT (20.00020)**
MOVED Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That Council consents to the Bathurst Regional Council Local Government Area being declared a fossicking district.

GENERAL BUSINESS

6 Item 1 AMALGAMATIONS (18.00300)

Cr Morse - requested an update on this matter.

The Mayor advised Oberon case is currently being heard and will continue tomorrow. Results are unknown at this time.

7 Item 2 AH&P ASSOCIATION (18.00108)

Cr Coote - met with the group after this years show. The AH&PA are happy with the results for this year. They would also like to continue their great working relationship with Council.

8 Item 3 HOWICK - GEORGE STREET INTERSECTION (25.00007)

Cr Aubin - asked what is the time frame for clearing/trimming hedges at the Howick & George Street intersection.

The Director Engineering Services advised timing is a matter for Council. There have been some works already undertaken.

9 Item 4 WINTER FESTIVAL (23.00152)

Cr North - queried about access for trucks in the Russell Street area and heavy vehicle access issues during the festival.

The Director Engineering Services noted advance warning signs are normally put in place. Other signs may be considered as required.

10 Item 5 GREAT WESTERN HIGHWAY WORKS (25.00018)

Cr North - noted it is good to see works occurring. Is there any chance of works then being scheduled out to aerodrome?

The General Manager advised current status of Highway discussion. No advice has been received about additional funding to extend the dual carriageway out to the aerodrome.

11 Item 6 PARKING FINES (20.00090)

Cr North - has had approaches from people about parking fines. Have we approached anyone about putting in place a multi-storey carpark for the city?

The General Manager noted the proposal for a multi-storey carpark had not progressed, the focus in recent times has been on additional parking at BINC site, Domain carpark and Art Gallery carpark.

12 **Item 7 FORMER TAFE BUILDING - WILLIAM STREET (22.01387)**

Cr Bourke - asked where is the acquisition process at?

The General Manager advised that the relevant Government Department has indicated that the transfer is expected to occur in 2-3 months.

13 **Item 8 RIVER ROAD & LIONS PARK DRIVE (04.00065)**

Cr Bourke - advised there is more traffic coming down this road. Could we look at safety issues near Berry Park. There is potential for car and pedestrian conflict in this location.

14 **Item 8.01 SUSPENSION OF STANDING ORDERS (11.00005)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Ordinary Meeting of Council, scheduled for 6.15 pm.

15 **Item 8.02 RESUMPTION OF STANDING ORDERS (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council resume Standing Orders.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

16 **Item 1 DEVELOPMENT APPLICATION 2016/0116 – 42 SERVICED APARTMENTS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2016/0116)**

The Mayor noted discussion to cover 42 lots and proposed 6 lot subdivision.

W Feebrey – National Trust, Bathurst Heritage Action Network & Greening Bathurst

Spoke to concerns about the proposal. Issues raised by people include;

- Development is ugly, bulky, uninspiring and issues of 5 storeys
- Does nothing for heritage, disregards aesthetics
- Concern the historic character is being changed
- Is not heritage minded and not sympathetic to Bathurst's history
- "Shoddy" building design, no consideration for site and heritage
- Not in keeping with architectural heritage
- An eyesore
- Not consistent with heritage streetscape

Council does not have to rubber stamp poor design. Listen to the public and demand quality outcomes.

P Wren – 170 Howick Street

The house they live in is circa. 1860/1870. Happy to have a development but the proposal obstructs views, impacts privacy due to balconies, and there are overshadowing concerns. Visually the building does not fit in. Look seriously hard at the development.

Noted Council is diligent and progressive and thanks Council for its efforts.

S Birrell – Tremain Mill owner

Came to Bathurst for its heritage and themes. When purchased Tremains, consulted with Council and the community and this was not painful. Asked developer to work with Council and the community to get something more sympathetic. The proposal is outside Council guidelines. Asks Council to draw a line in the sand.

T Robertson – Budden's Rockley

Expressed concern at the heights of the proposed building, how did it get this far? The heights are well outside Council regulations, so why not refuse?

The building will ruin the parkland area. Requests Council follow its own regulations.

L Sullivan – ratepayer

Spoke to various plans of Council e.g. Heritage Strategies, LEP and DCP. Why does Council have such strategies, when such a development can be proposed. Referred to concern at the proposed 6 lot subdivision. If the development goes ahead, it would show Council has not learnt. This is today's version of yesterday's mistakes. Noted Council direction on heritage for the city has been enunciated in various statement and policies. We plan for the future of the city and the region, do not lose the plot.

S Bathagte – Bathurst Heritage Action Network

Congratulated Council and RMS on the works on the entry to the city, spoke highly of the brickwork being done in conjunction with these works.

Spoke to concerns with the development. This is a cheap build. The key issues are; the building does not comply; it is more than 5 storeys high.

Are the LEP and DCP important? These were developed over many years and represent the community agreement for the city. They are the public wish for planning and they also have legal force, particularly the LEP, through the State Government. Developer has said height limits are unreasonable, yet the LEP took 9 years to develop through great consultation.

If approved, developer gets 20 apartments more than than is allowed. Council does not have to agree. The proposal is an eyesore. Referred to proposed economic benefits, what are these? Noted extra units will create traffic problems. The development does not indicate heritage benefits.

In regards to height, this is a matter of development profit and this is an ambit claim. Where are the details of efficient utilisation. The developer says height breach is not inconsistent with future development, how can developer know?

The developer says LEP unnecessarily restricts transitioning of land to a regionally significant landmark. Queried how does the proposal fit with this claim?

This is a cheap box of a building.

Noted public interest considerations the developer appears to be seeking. The extra 20 apartments will mean around \$5 million is being given up as the public interest, as there is nothing to say what the community gets for the extra apartments. There are no extra benefits e.g. parkland, access to site etc. All profits leave Bathurst. Do not let the developer trash the LEP. The developers arguments are vacuous. Requests Councillors say no to the proposal. Get the developer to come back with revised proposals.

F White – National Trust

We have a responsibility as custodians of our heritage. The community values its heritage. Once something is gone, it can never be retrieved. New buildings should enhance our streets and settings. Our heritage is who and what we are. It is also our economic future in heritage tourism. The site needs to enhance the Councils heritage and be pedestrian friendly. It needs a master-plan for the whole site. The city needs more accommodation, the site development needs to be right.

I MacPherson – National Trust - Chair Bathurst & District Branch

Thanked Council for the opportunity to engage on this matter. Spoke to progress of Council in working with the community on heritage, this has been productive. Spoke to National Trust submission. Noted prior DA was not proceeded with, this was under a former LEP. There was community consultation which looked at an integrated vision for this site. Noted how buildings are demolished without a proposal in place. This gives developer extra value to detriment of the community.

Concerns at subdivision proposal, need to look at site as an integrated development. Site is very significant and has great aspects and it is a landmark site on the edge of the CBD. This is not a positive development. Understands Council has not agreed to the proposal. We are likely to end up with a "hodge podge" development. Noted 12 metre planning issues that could lead to problems. The proposal will lead to isolating of heritage items. There will be no public access to the area. Concerned at the 5 storey proposal, this will seriously diminish the adaptive reuse of the site. Support excising lot 5, to allow for adaptive reuse of the

building. But must have access to all areas and the site needs to be looked at in an holistic manner. We need to get a better outcome for the site. Requests Council refuse or defer DA for submission and the building. Not against development but it must enhance the site. Some Quest Buildings are fabulous e.g. Phillip Island. This building does not address the site. It is an unimaginative response. Would like to meet with the developer to come up with a more creative solution. Factors of concern are; bulk, height, problems with basement, Lot 1 should extend to Bentinck Street which would allow height to drop, with better presentation and this could improve community access.

M Buttsworth – Surveyor - Bentinck Street

The proposal is a "monstrosity". The Council needs to be aware of what people expect of the heritage area. The facade leaves a lot to be desired, it should be compassionate to Bathurst architecture. We do not need this building in Bathurst. No tourist will come to Bathurst to look at this building.

MEETING CLOSE

17 MEETING CLOSE

The Meeting closed at 7.08 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 JUNE 2016 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 7 June 2016 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 7 June 2016, 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

75 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 JUNE 2016 (07.00006)
MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 7 June 2016 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 7 JUNE 2016

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Senior Constable Jason Marks and Acting Sergeant Michael Golding (Police), David Veness (MP Representative), Jackie Barry (Roads & Maritime Services).

Present: Darren Sturgiss (Chair and Manager Technical Services), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer).

Observer: Gina Spratt (Roads & Maritime Services).

APOLOGIES

2 APOLOGIES

That the apology of Cr Warren Aubin be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 MAY 2016 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 3 May 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 3 MAY 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 SYDNEY 'ZOO 2 ZOO' BICYCLE RIDE (23.00026-19)

That Council endorse the traffic control for the section of The Sydney 'Zoo 2 Zoo' Bicycle Ride event to be held on Saturday 15 October 2016 which passes through its area. The event is to be classified as Class 1 and approved subject to conditions as detailed in the Director Engineering Services' Report.

8 Item 4 SMALL BIZ BUS - VISIT TO BATHURST JUNE 2016 (20.00071-03)

That Council classify the Small Biz Bus visit to Bathurst proposed for 16 June 2016 as an unclassified event, and endorse the traffic management subject to conditions as detailed in the Director Engineering Services' report.

9 Item 5 NO STOPPING SIGNS – 181A GEORGE STREET ACCESS ONTO GEORGE STREET (28.00007-05)

That Council approve the placement of a “No Stopping” zone across the driveway onto George Street for 181A George Street.

10 **Item 6 CLASSIC RALLY CLUB INC – 2016 ALPINE CLASSIC EVENT (23.00015-08/030)**

That Council endorse the Classic Rally Club Inc. 2016 Alpine Classic to be held on Saturday 22 October and Sunday 23 October 2016. The event is to be classified as a Class 2 event subject to conditions as detailed in the Director Engineering Services' report.

11 **Item 7 NEW SOUTH WALES GRAIN HARVEST MANAGEMENT SCHEME (18.00121-06)**

That Council continue to support the NSW Grain Harvest Management Scheme for the extended period of 2016 to 2021.

12 **Item 8 REBELLION ON THE TURON – DENISON STREET SOFALA (25.00280)**

That Council endorse the traffic management for the Rebellion on the Turon event to be held on Saturday 25 and Sunday 26 March 2017 as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

13 **Item 9 LATE REPORT (23.00152)**
MOVED David Veness and **SECONDED** Jackie Barry

That the Committee accept and deal with the Late Report on the Bathurst Winter Festival Event change of date for street closure, at the Traffic Committee Meeting 7 June 2016.

14 **Item 10 BATHURST WINTER FESTIVAL EVENT - ADDITIONAL DATE FOR CLOSURE OF CHURCH STREET (23.00152)**

That Council approve an additional date for closure of Church Street in the Bathurst Winter Festival Program to include Saturday 2 July 2016.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

16 **MEETING CLOSE**

The Meeting closed at 2:24pm.

NOTICES OF MOTION AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 NOTICE OF MOTION - CR MORSE (11.00004)

Recommendation: Moved by Cr Morse:

That the Council celebrations for Bathurst's Proclamation Day be held on the First Sunday in May every year.

Report: Notice is hereby given:

That the Council celebrations for Bathurst's Proclamation Day be held on the First Sunday in May every year.

BACKGROUND

According to Governor Macquarie's journal of Sunday 7 May 1815:

'All the gentlemen and other people assembled for prayers and divine service... They were all mustered for the purpose of witnessing my christening of the new intended town on this beautiful spot which I accordingly named Bathurst, in honour of the noble Earl of that name, now His Majesty's Principal Secretary of state for the colonies. They were all mustered for the purpose of witnessing my christening of the new intended town on this beautiful spot which I accordingly named Bathurst, in honour of the noble Earl of that name, now His Majesty's Principal Secretary of state for the colonies.'

Even though Macquarie referred to it as a 'christening' it has become customary to call the event 'The Proclamation'. The day on which Bathurst has celebrated the occasion has varied over the years.

For some time celebrations were held on the Sunday nearest to the seventh of May which led to considerable confusion. From the mid-1990s, activities were held on the first Sunday in May, particularly in order not to clash with Mother's Day which is traditionally celebrated on the second Sunday in May. However, this date was never confirmed as Council protocol.

Coincidentally, in 2017 the 7th May is the first Sunday in May. It is proposed that, in following years, Proclamation Day be continued to be marked on the first Sunday in May, which will give certainty to events in the calendars of Council, the Historical Society and other organisations in Bathurst which prepare annual schedules of events.

Financial Implications: Nil.

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
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

76 Item 1 NOTICE OF MOTION - CR MORSE (11.00004)
MOVED: Cr M Morse SECONDED: Cr G Hanger

Moved by Cr Morse:

That the Council celebrations for Bathurst's Proclamation Day be held on the First Sunday in May every year.

The MOTION was PUT and LOST

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 MAY 2016 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Ian North (Chair), Aubin, Coote, Hanger, Morse, Westman

Apologies: Councillors Rush, Bourke and Jennings

1. WHITE ROCK PROGRESS ASSOCIATION (18.00108)

Members of the White Rock Progress Association, Peter Montgomery, Evol Learner, Elizabeth & Paul Forbes, Max Wilson, Judy Newton and Ashley Bland (Greening Bathurst) met with Council to discuss the rezoning of Alec Lamberton Field.

Discussion included:

- Urged Council to retain Alec Lamberton Field (ALF) as Recreational zone and community use land.
- White Rock and Blue Ridge communities collected 300 signatures of support.
- There are many industrial sites nearby that are under utilised.
- Since 1910 White Rock residents have been asking for a site like this.
- Scots School would not like industry so close.
- Industrial use would not present a nice entry to the City.
- Gave a power point presentation on what they feel the view would be like if industrial area on site.

- Future Ideas:
 - walking track, dog walking area, picnic tables, footpaths, etc.
 - park space with trees and shrubs
 - green space/environmental and wildlife corridor would be considered with Vegetation Management Plan and Biodiversity Plan.

- White Rock Road very narrow, no footpath, people walk prams along road.
- Showed types of plants that are suitable for this area.
- Alec Lamberton Field could be used to showcase these plants which have links with Wiradyuri people.

Spoke to current Council proposal to rezone:

- Doubt any availability of suitable recreational land nearby if ALF sold.
- ALF is unsuitable for industrial development.
- Spoke to distance to closest recreational areas.

Brick Building on ALF:

- Potential users for building.
- Cheaper to repair building than demolish.
- If current zone is retained then Council should work with community to develop area.

2. SALVATION ARMY (11.00019)

Lt Penny Williams and representatives of the Salvation Army met with Council to update Councillors on the current and future directions of the Salvation Army.

Discussion included:

- Salvation Army have outlived the 3 buildings they currently own.
- dream for two currently unused buildings.
 - home for prisoners leaving prison - short term
 - cottage with programs geared to teach them skills.
 - cottage with facilities for homeless.
- want to build relationships with Homelink Plus, Wattle Tree House and Hope Church.

Skills development Program:

- people on disability support has risen markedly from 2015 to 2016.
- 5 acres next to Hope Church which could be developed as a garden to teach skills in Cert II Agriculture, Cert II Food Safety and Cert II Hospitality for disenfranchised people.

Benefits:

- short term employment
- provide access to work force and work experience
- improve nutrition and health through education
- builds community connections
- Hope Church would support their endeavours.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|--|---------------|
| ● Objective 23: To encourage a supportive and inclusive community. | Strategy 23.3 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.5 |
| ● 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 |

MINUTE

**77 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 11 MAY 2016 (11.00019)
MOVED: Cr I North SECONDED: Cr M Coote**

RESOLVED: That the information be noted.

2 CENTROC BOARD MEETING 12 MAY 2016 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

Recommendation: That the report on the CENTROC Board meeting held 12 May 2016 at Parliament House, Sydney be noted.

Report: The Centroc Board meeting was recently held at Parliament House, Sydney, on 12 May 2016.

Member for Bathurst and Minister for Local Government The Hon Paul Toole, assisted with organising the Parliament visit. The Board thanked him for his support.

With the Cabinet meeting on the Local Government amalgamations in the morning and the official announcement by the Premier at 12.30pm, some Ministers were unable to address the Board. Apologies were received from The Hon Paul Toole, Minister for Local Government, The Hon Robert Stokes, Minister for Planning, and The Hon Mr John Barilaro, Minister for Regional Development.

The following Ministers addressed the Board;

- The Hon Jillian Skinner, Minister for Health;
- Senior Advisors to The Hon Duncan Gay, Minister for Roads, Maritime and Freight, Mr Andrew Huckel and Ms Emma Higginson;
- The Hon Andrew Constance, Minister for Transport and Infrastructure;
- The Hon Niall Blair, Minister for Lands and Water and Primary Industries; and
- Executive Director of Planning and Design, to The Hon Robert Stokes, Minister for Planning, Mr Halvard Dalheim.

Prior and post Board Meetings, the Chair, Cr Bill West, met with;

- The Hon Paul Green - Christian Democratic Party;
- The Hon Robert Brown MLC, & The Hon Robert Borsak, MLC- Shooters and Fishers Party;
- The Hon Niall Blair MLC, Minister for Primary Industries, Minister for Land and Water;
- The Hon Mick Veitch, MLC, Shadow Minister for Primary Industries, Shadow Minister for Lands and Water, and Shadow Minister for Western NSW;
- The Hon Duncan-Gay - Minister for Roads, Maritime and Freight;
- The Hon Sarah Mitchell - Parliamentary Secretary for Rural and Regional Health and Western NSW; and
- Mr Chris Hall, Chief of Staff, Ms Anna Reed, Policy Adviser, to The Hon Stuart Ayers, MP Minister for Trade, Tourism and Major Events and Sport.

CENTROC Board Meeting – Key Decisions and Reports

Transport Infrastructure - CENTROC Members resolved to provide \$50,000 to kick start the implementation of the CENTROC Road Transport Technical Committee Business Plan.

The Board received a report on the potential for funding to assist in having fibre to airports in the region.

The Chair met with The Hon Duncan Gay, Minister for Roads, Maritime and Freight on the Wednesday. He confirmed the Bells Line Corridor should be secured by the end of the year. The region thanked the Minister for his ongoing support for the region through the Fixing Country Rail and Fixing Country Roads Programs.

Water Security – CENTROC will lodge a submission to the Legislative Council inquiry into augmentation of water supply for rural and regional NSW. In preparation to the submission, an invitation will be sent to the Chair of the Legislative Committee no 5 to visit the region to hear about the work the region is doing in strategic regional water planning.

A meeting with Mr Frank Garofalow, Director Water Regulation, and Ms Alison Kirk, Director Water Planning and Policy, was held whilst representatives were in Sydney, the main topics covered were, Water Regulation and Inter-governmental collaboration and alignment and Strategic Regional Water Planning Framework.

A follow-up with the Minister regarding an update on the CENTROC Water Security Study, is currently being organised.

Health – The Board have asked Department of Premier and Cabinet to coordinate a meeting with key stakeholders including Primary Health Network, and Western NSW Local Health District with a view of scoping the collaborative opportunity of alignment between health precincts and integrated care.

- Minister Jillian Skinner addressed the CENTROC Board on the main topics raised;
- Regional Health Workforce
- Regional Health Infrastructure, particularly issues around car parking at a number of hospitals in the region; and
- Growing our own health workforce.

Regional Development – The Central NSW Tourism, Chair and Executive Officer addressed the CENTROC Board on the success of the current model and approach. It was noted that this is under review by the State with advice to be provided in the second half of this year. Attendees were keen to see the current successes of this region included in any new regional tourism organisation structures.

A MOU between Council and TAFE was adopted.

Ms Alison Morgan from the Department of Premier & Cabinet gave a presentation on the Making it Happen in the Regions initiative. Advice was provided on a workshop attendees were invited to Dubbo on 24 May. This workshop was attended by the Bathurst Mayor and General Manager.

Advice was received from the Chair of Regional Development Australia Central West (RDACW), Mr Alan McCormack on concerns particularly for Education in the region. The Board resolved to receive a report on options from working with RDACW on supporting education in the region.

A Mining Affectedness in Central NSW report was endorsed and the position paper will be revised annually based on feedback from Members.

A report will be developed for the Board on 'The Right to Farm'.

Parliamentary Secretary for Western NSW, Sarah Mitchell and Parliamentary Secretary for Southern NSW, Katrina Hodgkinson addressed the Board.

Planning - Noted a response to the proposed Regional Plan is due Mid June. As this is such a short turn around, CENTROC will be seeking an extension to allow a better response.

A submission will be lodged by CENTROC to IPART on the review of the Local Government rating system.

Mr Halvard Dalheim, Executive Director of Planning and Design, provided advice on the Regional Plan, as the Minister for Planning, The Hon Robert Stokes was unable to attend.

Operational – The new members for the CENTROC endorsed Code of Conduct panel were approved by the Board.

CENTROC staff continue to maintain savings for the Region. Over 5,000 courses have been completed since the online training system began in 2012, and over 1,000 employees have been trained in 2015/2016 for various courses, with over \$150,000 in savings achieved for this financial year.

Financial - The Treasurer arrived during the Premier's amalgamations announcement and expressed her interest in visiting the region. Further follow up with her office will be undertaken with CENTROC staff.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

MINUTE

78 Item 2 CENTROC BOARD MEETING 12 MAY 2016 (PARLIAMENT HOUSE, SYDNEY) (07.00017)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the report on the CENTROC Board meeting held 12 May 2016 at Parliament House, Sydney be noted.

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr W Aubin

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	NAB B2B CYCLING FESTIVAL	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	RENEWAL OF RURAL LICENCE AGREEMENT - LOTS 2 AND 3 IN DP1115543 LOCATED ON CHURCH LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
3	EXPRESSION OF INTEREST - LOT 3 IN DP1127323, PART LOT 1007 IN DP 1168702 AND PART LOT 1 IN DP624336 LOCATED AT 4040 O'CONNELL ROAD BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF RURAL LICENCE AGREEMENT - LOT 3 IN DP 232111 LOCATED AT 68 MOUNTAIN STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537 LOCATED AT 23 ZAGREB STREET, KELSO - DOWNER EDI WORKS 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.
6	NAMING OF COUNCIL'S ASSETS	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	INTERNATIONAL ALL VETERAN AUTO RALLY 2019	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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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SEWER PUMP STATION NO 2 REMEDIAL WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

MINUTE

- (a) **Item 1 NAB B2B CYCLING FESTIVAL (23.00128)**
MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council act in accordance with the recommendations contained within the report.

MINUTE

**(b) Item 2 RENEWAL OF RURAL LICENCE AGREEMENT - LOTS 2 AND 3
IN DP1115543 LOCATED ON CHURCH LANE KELSO (22.00487)**

MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council approves entering into a new Rural Licence agreement with Mrs Jennifer Orzlowski for Lot 2 and Lot 3 in DP1115543 known as 57A Church Lane Kelso for a period of two (2) years as detailed in the report.

MINUTE

(c) Item 3 EXPRESSION OF INTEREST - LOT 3 IN DP1127323, PART LOT 1007 IN DP 1168702 AND PART LOT 1 IN DP624336 LOCATED AT 4040 O'CONNELL ROAD BATHURST (22.05149)
MOVED: Cr G Westman SECONDED: Cr I North

That Council approves entering into a new Rural Licence agreement with Mr Stuart and Mrs Leanne Ferguson for Lot 3 in DP1127323, part Lot 1006 in DP1129907 and Lot 1 in DP624336 located at 4040 O'Connell Road Bathurst for a period of three (3) years as detailed in the report.

MINUTE

(d) Item 4 RENEWAL OF RURAL LICENCE AGREEMENT - LOT 3 IN DP 232111 LOCATED AT 68 MOUNTAIN STRAIGHT MT PANORAMA (22.00054)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

That Council approves entering into a new Rural Licence agreement with Mr Neil and Mrs Patricia Colley for Lot 3 in DP232111 located at 68 Mountain Straight, Mt Panorama for a period of three (3) years, as detailed in the report.

MINUTE

**(e) Item 5 RENEWAL OF LEASE AGREEMENT - LOT 300 IN DP1099537
LOCATED AT 23 ZAGREB STREET, KELSO - DOWNER EDI WORKS PTY LTD
(22.01342)**

MOVED: Cr B Bourke SECONDED: Cr M Coote

That Council approves entering into a new Lease agreement for Lot 300 in DP1099537 located at 23 Zagreb Street, Kelso with Downer EDI Works Pty Ltd for a period of five (5) years with a five (5) year option period as detailed in the report.

MINUTE

(f) Item 6 NAMING OF COUNCIL'S ASSETS (04.00041)
MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council support the naming of the Media Centre at Mount Panorama Pit Complex as the "Bill Tuckey Media Centre".

MINUTE

(g) Item 7 INTERNATIONAL ALL VETERAN AUTO RALLY 2019 (23.00015)
MOVED: Cr I North SECONDED: Cr W Aubin

That Council act in accordance with the recommendations of this report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 JUNE 2016

MINUTE

(h) Item 1 TENDER FOR SEWER PUMP STATION NO 2 REMEDIAL WORKS (36.00590)

MOVED: Cr W Aubin SECONDED: Cr M Coote

That Council accept the tender from Fitt Resources Pty Ltd in the amount of \$175,642.50 (inclusive GST) for the Remedial Works to Sewer Pump Station (SPS) No 2 subject to variations and provisional amounts.

MINUTE

80 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council resume Open Council.

MINUTE

81 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr W Aubin SECONDED: Cr I North

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

MINUTE

82 MEETING CLOSE

The Meeting closed at 8.09 pm.

CHAIRMAN: _____