

9 August 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
16 August 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 16 August 2017 commencing at 6.00 pm.

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



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 16 AUGUST 2017**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JULY 2017  
\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 AUGUST 2017

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE - Nil**

**8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 2 AUGUST 2017  
\* MINUTES - TRAFFIC COMMITTEE MEETING - 1 AUGUST 2017

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. DELEGATES REPORTS**

- \* MINUTES - BATHURST REGIONAL YOUTH COUNCIL 9 MAY 2017
- \* MINUTES - BATHURST REGIONAL YOUTH COUNCIL 25 JULY 2017
- \* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JULY 2017

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928. LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH ASSOCIATION INC.	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 SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK STREET, EGLINTON -	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	EGLINTON DISTRICT TENNIS CLUB	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	RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE 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.
5	SALE OF RESIDUE LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, 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.
6	PANORAMA MOTEL WATER USAGE CHARGES	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.
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**\* DIRECTOR ENGINEERING SERVICES' REPORT**

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

**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 PUBLIC QUESTION TIME

#### I McPherson – Chair, National Trust, Bathurst Branch

Spoke to work of Council over the term in heritage matters. There have been some great results and the last five years have seen progress. Noted the role of the Heritage Reference Group and this shows the collaboration between Council, community groups and staff. The Heritage Plan is an outstanding document. The Macquarie Heritage Medal is also a landmark concept. The Council and region values heritage. The Trust wishes to continue working with the new Council.

#### D McNab – Ratepayer

Congratulated Darren Sturgiss on being named as Director Engineering Services of Bathurst Regional Council. Thanked Council for repainting crossing at Suttor Street and spoke to importance of the crossing. Thanked retiring Councillors for their efforts.

#### K McNab – Ratepayer - Lambert/Mitre/Suttor Street intersection

Spoke to the history of the intersection. Concerned that intersection may not receive Black Spot funding, referred to resolutions of Council from the budgets. Queried when will the plans be finalised for the roundabout. Best time to build is December.

**The General Manager** noted no advice has been received as to the success of the Black Spot funding application from the Federal Government.

**The Director Engineering Services** noted design not finalised, works subject to funding.

#### A Taylor – Eglinton Public School - ADEPBS #12 - reservation of land for Open Space and Amendment to Eglinton Open Space and Drainage Section 94 Plan

Spoke to Eglinton School expansion. Noted options proposed in the report to Council and asked Council to agree to Option 1. Referred to future growth of Eglinton and need for available land.

#### S Bathgate – Bathurst Heritage Network - ADEPBS #5 - 142 Howick Street

Supports comments by Chair of National Trust. However, spoke to concerns with the proposed demolition in Howick Street. It is demolishing real heritage and replacing with fake heritage. This is the same issue as has occurred in recent meetings. We need a better way and new ideas, eg. potentially demolish unsympathetic additions and maintain the core. Suggests giving the Heritage Reference Group the challenge to come up with new ideas to resolve this dilemma. The issues are solvable.

#### B Manning – Ratepayer

Spoke to Councillors role and accountability on matters; how are pricings determined? Spoke to matter of property in Mitre Street and noise measurements, engineering issues and council process of purchasing. Made various allegations against council and expressed concerns about council writing letters.

**The General Manager** provided comments with respect to noise allegations, wall structure problems and requirement by Mrs Manning for Council to deal with her lawyers.

D Evans – Ratepayer

Congratulated the Council on the Winter Festival, it was fantastic. Then spoke to Keppel Street development, is against the proposal. Concern with traffic in narrow section of Keppel Street; privacy issues, water run-off and compliance with Council rules.

S Boshier – Bathurst Regional Youth Council

A report will be tabled concerning Y-Jam events. Spoke to success of the event and future projects to be undertaken.

J Hollis – Rail Action Bathurst

Spoke to importance of infrastructure growth. This week the Transport Minister has announced a new train will be purchased for the Bullet service, thanks to Council.



## MINUTE

### 3 APOLOGIES

Nil

## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JULY 2017 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 July 2017 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 July 2017, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 19 JULY 2017 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 July 2017 be adopted.

**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 AUGUST 2017 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 August 2017 be adopted.

**Report:** The Minutes of the Ordinary Meeting held on 2 August 2017, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 2 AUGUST 2017 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 August 2017 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 19 JULY 2017**

**MEETING COMMENCES**

**1      MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2      PUBLIC QUESTION TIME**

**K McNab – resident - Mitre/Suttor/Lambert Streets Intersection**

Tabled Part 4 of their submission to Council. There have been 4,444 signatures to date. Thanked Council for taking on board the matter and providing funding. Requested copy of design proposal when completed.

**P Cole – Railway**

Spoke concerning old sandstone block at John Holland railway yards. Has spoken to John Holland about; the block and its heritage, Chifley rail issues, storage of other sandstone blocks, Kurrajong trees in the precinct. Need to keep track of heritage and history of the area.

**S Semmens – Rotary Club Bathurst**

Congratulated Council on the success of the Winter Festival. Recently elected as the 85th President of Bathurst Rotary. Spoke to awareness program being implemented. In 2017/2018 will assist in programs such as: the B2B, Duck race, Peru and Solomons project and water line program.

Queried if Council has any contingency plans if the NBN fails when the existing system is switched off. Perhaps can work with Bathurst Business Chamber on developing a plan.

**J Hollis – Combined Pensioners and Superannuants Association**

Congratulated Council on putting yellow lines where there are tripping points on CBD pathways. What strategy is in place to deal with these?

**The Acting Director Engineering Services** advised funds are provided in 2017/2018 budget to undertake footpath repairs.

**B Manning – ratepayer**

Spoke to change in business agenda going out, why alternative format? Then spoke to accountability of Council in the decision making process and referred to her matter.

**The General Manager** attempted to respond to the matter having regard to communication guidelines to Council from Mrs Manning and her lawyers.

**S-J Hanley** – Bathurst Youth Council member

Congratulates Council on Community Safety Plan strategy. Spoke to lighting audit undertaken and implementation thereof. Could Council look at lighting in William Street up from Lambert Street, also sensors near Peace Garden are not working. What is Council's street light maintenance program?

**The Acting Director Engineering Services** advised street lights are controlled by Essential Energy. Council undertakes tree trimming on an as needed basis.

**S-J Hanley**

Centennial Park - why can't something like the Adventure Playground be put into this location. Spoke of possibility for art work. The State Government's Stronger Community funding could be used for this. When will scoping document come back to Council?

**The General Manager** noted Council awaiting consultants report, this will be considered in future budget deliberations.

**J Jennings** – ratepayer

Lighting Touch Football Fields, Keppel Street Improvement and energy issues such as battery storage and membership of the Cities Power Partnership (CPP).

**The General Manager** noted:

1. No funds in budget for Keppel Street walkway
2. BINC carpark final seal due November 2017 when weather warms up, will create 42 extra car spaces
3. Lighting of touch footy fields not on Council's forward capital works. Funding might be available under some State Government funding programs
4. Council is looking at battery storage issues through CENTROC, current focus of Council is power factors, air conditioning upgrades (Art Gallery and Post Office), solar panels, eg, sewer and water facilities and street lighting
5. In regards to CPP only announced 19 July 2017, CENTROC reviewing, four Councils will trial - Bathurst Regional Council will monitor to assess implications.

**B Amery** – ratepayer - DA2015/281 -357 Rankin St (DEPBS#4)

Thanked Councillors for attending the recent property inspection. Spoke to building and that it is not sympathetic to streetscape. Requested Council agree to staff recommendation.

**M Williams** – CSU - BRC Scholarship winner

Thanked Council for the scholarship. This is a great help in financing University costs so that she can meet her personal aspirations.

**J-A Mobbs** – CSU - Gordon Bullock Scholarship



Thanked Council for the scholarship. Helps achieve goals she has set herself in life.

**S Bathgate – Bathurst Heritage Action Network**

**Demolition Heritage Buildings DA 2015/281**

Spoke to concern at the number of demolitions being requested. Need to find a better way to deal with this. Owners need help and we need to challenge ourselves in this space. Noted recent responses on Western Advocate Facebook page about demolition.

**Bathurst Heritage Plan (DEPBS#6)**

Due to be adopted tonight. This is exciting and everyone is to be congratulated on the document. Many groups and the Council have contributed.

**G Crisp – resident**

Raised matters at last meeting and spoke to response he received from the General Manager. Referred to re-election of Councillors. Who controls the General Manager? Mr Crisp's submission to the budget was unlawfully dealt with and was defamatory to Mr Crisp. Made allegations of abuse of public office.

**The General Manager** replied to allegations made by Mr Crisp.

**B Trimming - Bathurst Regional Access Committee**

Thanked Cr North for raising issue of accessible toilets. Noted meetings held with staff to resolve the issues raised. Asks Council to adopt proposals when designed.

Winter Festival was well done. Thanked Council for sessions where people in wheelchairs could participate with reduced numbers. There was a great deal of effort to put in extra ramps and problems were dealt with quickly, thanks to everyone. Many businesses made money from the festival and would have made more if they were all accessible - these groups should utilise Council's small business access grants. Thanked Council for raising the grant to \$15,000,

**APOLOGIES**

**3**

**APOLOGIES**

**MOVED** Cr I North

and **SECONDED** Cr M Coote

**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 - 21 JUNE 2017 (11.00005)**

**MOVED** Cr G Westman

and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 June 2017 be adopted.

**DECLARATION OF INTEREST**

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

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

Cr Westman

Item #7 of the Director Environmental, Planning & Building Services' report.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report**

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

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

- 7** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

- 8** **Item 3 DEVELOPMENT APPLICATION NO. 2017/204 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT LOT 191, DP 1221914, LOT 1, DP 938499 AND LOT 1, DP 536205 THE BRIDLE TRACK, DURAMANA. APPLICANT: BELL RIVER HOMES PTY LTD. OWNER: MR D & MRS H PETERS (DA/2017/204)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) support the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (b) refer the Development Application to NSW Department of Planning and Environment and seek the concurrence of the Secretary to vary the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (c) should the Secretary of the NSW Department of Planning and Environment grant concurrence, as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/204, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979;

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 M Morse, Cr I North, Cr G Westman.

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

- 9** **Item 4 DEVELOPMENT APPLICATION NO. 2015/281 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 357 RANKIN STREET, BATHURST. APPLICANT: MRS MARCIA AMERY. OWNER BR & MD AMERY (DA/2015/281)**  
**MOVED** Cr M Coote and **SECONDED** Cr M Morse

**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 2015/281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill dwelling.
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

- 10** **Item 5 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 – MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER: EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY LTD (DA/2002/0736)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) as the consent authority, refuse consent pursuant to the Environmental Planning and Assessment Act 1979 to the Modification of Development Application No. 2002/0736;

(b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

**11** **Item 6 BATHURST REGION HERITAGE PLAN 2017 – 2020 (20.00123)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

**RESOLVED:** That Council

(a) adopt the Bathurst Region Heritage Plan 2017-2020; and

(b) forward a copy of the Plan to the NSW Office of Environment and Heritage.

**12** **Item 7 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – WESTBOURNE SPECIAL USE – SCHOOL AMENDMENT (20.00314)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

**Reason: Applicant is a customer of employer.**

**RESOLVED:** That Council:

(a) adopt the amendment to the Bathurst Regional Development Control Plan 2014, to remove the 'School' Special Use restriction off Westbourne Drive as identified on Map No. 5 Windrayne, Llanarth and Abercrombie,

(b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and

(c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North.

Against the motion - Nil

Absent - Cr B Bourke, Cr G Westman,

Abstain - Nil

**13** **Item 8 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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

- 14** **Item 9 2016/17 BATHURST REGION LOCAL HERITAGE FUND (16.00147)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

- 15** **Item 10 2016/17 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00083)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

- 16** **Item 11 2016/17 BATHURST CBD MAIN STREET IMPROVEMENT FUND (16.00149)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

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

- 17** **Item 12 CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

- 18** **Item 13 2017 BUSINESS LEADERS LUNCH (20.00071)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

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

- 19** **Item 14 DECLARATION OF NEW OFF LEASH AREA AT KEFFORD STREET, BATHURST (22.01232)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:** That Council declare the fenced area of Lot 1 Section 21A DP 758065 as a designated off-leash area.

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

- 20** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

**21 Item 2 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2016-2017 (16.00144)**

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

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

**22 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 I North

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

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

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

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

**24 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT (23.00007-17/093)**

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

**RESOLVED:** That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their "Craft & Art on Show" to be held on 18 and 19 November 2017, to be funded from 2017/2018 Section 356 Donations.

**25 Item 6 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (18.00004-33/017, 25.00280)**

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

**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, 17 and Sunday, 18 March 2018 subject to the necessary approvals being obtained.
- (b) provide \$500 for advertising and the supply of traffic barriers, to be funded from the 2017/2018 Section 356 donations.

**26 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ABORIGINAL EDUCATION CONSULTATIVE GROUP (21.00012-08/025)**

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



- 31** **Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00621, 22.00053, 36.00622)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

**Director Cultural & Community Services' Report**

- 32** **Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 1 MAY 2017 (07.00116)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

- 33** **Item 2 2017 NATIONAL RECONCILIATION WEEK (27 MAY 2017-3 JUNE 2017) - ZACH'S CEREMONY (09.00031)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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

- 34** **Item 3 BATHURST WRITERS' & READERS' FESTIVAL - FRIDAY 26 MAY 2017 TO SUNDAY 28 MAY 2017 (21.00060)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

- 35** **Item 4 2017 THE END FESTIVAL, HILL END (22-23 APRIL 2017) (23.00026)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

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

**REPORTS OF OTHER COMMITTEES**

**Policy Committee Meeting**

- 36** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 JULY 2017 (07.00064)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 5 July 2017 be adopted.

**Traffic Committee Meeting**



- 37** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JULY 2017 (07.00006)  
MOVED Cr W Aubin and SECONDED Cr M Coote

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 July 2017 be adopted.

### DELEGATES REPORTS

- 38** Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 JUNE 2017 (11.00019)  
MOVED Cr M Coote and SECONDED Cr I North

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

- 39** Item 2 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)  
MOVED Cr G Westman and SECONDED Cr M Coote

**RESOLVED:** That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 21 June 2017.

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

- 40** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS  
MOVED Cr W Aubin and SECONDED Cr M Coote

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

M Nicholls, Western Advocate - made representations concerning DCSF #4 - Mount Panorama land purchase, considers part of discussion should be in Open Council.

**The General Manager** explained that the report was considering commercial information of a confidential nature at this time.

**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 &amp; FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, 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.
3	PURCHASE OF PROPERTY, PART LOT 12 DP 825612 KNOWN AS 92 FREEMANTLE ROAD, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT	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 CONSTRUCTION OF WATER DELIVERY MAIN – WEST EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS,	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

	SEWER PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE, BATHURST	prejudice the commercial position of the person who supplied it.
3	TENDER FOR DESIGN AND INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR BATHURST POST OFFICE BUILDING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

- a** **Item 1 COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO. (22.02268)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**That** Council approves entering into a Community Lease Agreement for part Lot 101 in DP120487 known as 7 Lee Street, Kelso with the Evans Arts Council Inc for a period of 1 year with a 1 year option (at Council's discretion) as detailed in the report.

- b** **Item 2 COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, MOUNT PANORAMA (22.13734)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**That:**

- (a) Council place the proposal to lease a portion of unused road adjacent to area known as Sir Joseph Banks Nature Reserve on Public Exhibition for a period of 28 days.
- (b) Invite submissions from members of the public.
- (c) Prepare a further report for Council consideration if any submissions are received from the public.

- c** **Item 3 PURCHASE OF PROPERTY, PART LOT 12 DP 825612 KNOWN AS 92 FREEMANTLE ROAD, EGLINTON (22.15233)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**That Council:**

- (a) subdivide and purchase part of the property at 92 Freemantle Road, Eglinton.

- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report
- (c) if successful, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

**d** **Item 4 PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT (22.03298)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

**That** the General Manager be delegated the authority to act in accordance with the report.

**Director Engineering Services' Report**

**e** **Item 1 TENDER FOR CONSTRUCTION OF WATER DELIVERY MAIN – WEST EGLINTON (36.00621)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**That** Council accepts the tender of Hynash Pty Ltd, for the construction of the Water Delivery Main for West Eglinton in the amount of \$275,740.00 inclusive GST, subject to adjustments and provisional items.

**f** **Item 2 COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS, SEWER PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE, BATHURST (22.00053)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That** Council approve the payment for the acquisition of land and easements in accordance with the Valuer General's Determination of Compensation, as detailed in the Director Engineering Services' report.

**g** **Item 3 TENDER FOR DESIGN AND INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR BATHURST POST OFFICE BUILDING (36.00622)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That** Council accept the tender from PR Davis Refrigeration for \$1,232,000 (GST incl.), subject to provisional items and variations.

**RESOLVE INTO OPEN COUNCIL**

**41** **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**

**42**        **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin                                and **SECONDED** Cr M Coote

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

**MEETING CLOSE**

**43**        **MEETING CLOSE**

The Meeting closed at 7.47 pm.

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

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY  
COMMITTEE  
HELD ON 2 AUGUST 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:21 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**4 Item 1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 36.00644)**

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

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

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

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

The Mayor advised that the following additional item is to be considered in Confidential Committee:

**Mayoral Minute - Electricity Procurement - Large Sites and Street Lighting (Energy Component).**

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.

**\* MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ELECTRICITY PROCUREMENT - LARGE SITES AND STREET LIGHTING (ENERGY COMPONENT)	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 ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR RELINING OF WALLS AT THE BATHURST REGIONAL ART GALLERY	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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**Mayoral Minute****a** **Item 1 ELECTRICITY PROCUREMENT - LARGE SITES AND STREET LIGHTING (ENERGY COMPONENT) (16.00007)****MOVED** Cr G Hanger

That Council

- (a) Acknowledge that there are extenuating circumstances surrounding the procurement of electricity and as such Council should be excused from the tendering requirements under S55 of the Local Government Act,
- (b) Engage Energy and Management Services to conduct the procurement process for electricity for the next rounds of large sites and street lighting contracts,
- (c) delegate the authority to execute the contracts for the supply of electricity to the Mayor and General Manager.

**Director Engineering Services' Report****b** **Item 1 TENDER FOR RELINING OF WALLS AT THE BATHURST REGIONAL ART GALLERY (36.00644)****MOVED** Cr M Morseand **SECONDED** Cr M Coote

That Council accepts the tender of Inscope Projects Group, for the relining of walls at the Bathurst Regional Art Gallery, including provisional items, to the amount of \$146,985.30 (Inc. GST) subject to adjustments and variations.

**RESOLVE INTO OPEN COUNCIL****6** **RESOLVE INTO OPEN COUNCIL****MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin**RESOLVED:** That Council resume Open Council.**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****7** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****MOVED** Cr M Cooteand **SECONDED** Cr I North



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

**MEETING CLOSE**

**8 MEETING CLOSE**

The Meeting closed at 6.26 pm.

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

## MINUTE

### **6      DECLARATION OF INTEREST 11.00002** **MOVED: Cr I North SECONDED: Cr W Aubin**

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

Cr G Westman

Item #3 of the Acting Director Environmental, Planning & Building Services' report  
Item #4 of the Acting Director Environmental, Planning & Building Services' report  
Item #5 of the Acting Director Environmental, Planning & Building Services' report  
Item #12 of the Acting Director Environmental, Planning & Building Services' report

Cr M Morse

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

Cr M Coote

Item #12 of the Acting Director Environmental, Planning & Building Services' report

Cr I North

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

Cr G Hanger

Item #12 of the Acting Director Environmental, Planning & Building Services' report

J Bingham (Acting Director Environmental, Planning & Building Services)

Item #12 of the Acting Director Environmental, Planning & Building Services' report  
Item #2 of the Acting Director Corporate Services & Finance's Confidential report

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017

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

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

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

**Financial Implications:** Nil.

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

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

**MINUTE**

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

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

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

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

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during July 2017 (**attachment 1**).
- (b) Applications refused during July 2017 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in July 2017 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

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

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

## MINUTE

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

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

**3 DEVELOPMENT APPLICATION NO. 2017/211 – DUAL OCCUPANCY, RETAINING WALL AND DEMOLITION OF OUTBUILDING AT 10 DALY STREET, WEST BATHURST. APPLICANT:MR GREG BURKE C/- ANTHONY DAINTITH TOWN PLANNING. OWNER: MR GJ & MRS A BURKE (DA/2017/211)**

**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. 2017/211, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a dual occupancy, retaining wall and demolition of an outbuilding at 10 Daly Street, West Bathurst, described as Lot 1, DP 510158. A location plan is provided at **attachment 1**.

The site is currently 2883m<sup>2</sup>.

Located on the site is a large 2 storey residential building which was built in 1874. The building is currently divided into 12 one bedroom units. The building is used as a boarding house.

The boarding house has operated on the site since 1951 when it received Council approval to operate as a guest house.

**History of the site**

Council previously refused a Development Application (2014/0429) for four x two bedroom residential units on this site.

The proposed dual occupancy is in a similar location within the site as the previous Development Application, however comprises only two new dwellings not four.

The notable difference between the Development Applications is the previous application involved transportable buildings. It was refused by Council at its meeting held 15 April 2015 on the grounds that the transportable buildings were not consistent with the Heritage Conservation Area.

The applicant later commenced Class 1 proceedings in the Land and Environment Court against that refusal however the matter was later discontinued.

**The proposal**

The proposal involves:

- The construction of two single storey dwellings with attached garages
- Retaining wall; and



- Demolition of a brick outbuilding.

Plans of the proposed development are at **attachment 2**.

### Planning Context

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

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

It is noted there is an existing boarding house located on the site. This does not affect the permissibility of the Dual Occupancy.

#### *Clause 4.1B Minimum Lot Sizes for Dual Occupancy*

The minimum lot size to erect a dual occupancy on the subject site is 850 m<sup>2</sup>. The site has an area of 2883m<sup>2</sup> and therefore complies with this standard.

#### *Clause 4.3 Height of buildings*

The height of buildings map shows the maximum height for a building on the subject land is 9 metres. The height of the new dwelling is approximately 4.8 metres (measured from the existing ground level to the highest part of the dwelling). The proposed development complies with the standard.

#### *Clause 5.9 Preservation of trees or vegetation*

Council's Tree Preservation and Management Policy applies to the site.

The development involves the removal of several trees however no trees identified for removal are subject to the Tree Preservation Policy (ie higher than 9 metres).

#### *Clause 5.10 Heritage Conservation*

The site is located within the Bathurst Heritage Conservation area.

Council is required to consider the effect of the proposed development on the heritage significance of the Heritage Conservation Area.

The existing building on site is described as a late Victorian Mansion circa 1875-1901. The site is listed on the Heritage Inventory data base (see **attachment 3**).

The outbuilding which is used as a laundry was built circa 1960's. The demolition of this outbuilding is supported as it is a detached addition to the Historic Building and is not visible from the street.

The proposed dwellings are sited outside of the heritage curtilage of the main building on site.

As noted above the current proposal differs from the former proposal refused by Council on heritage grounds. The former proposal involved "transportable dwellings" whereas the current proposal involves conventional dwellings constructed on site. The dwellings will be located behind the main dwelling and will not impact on the presentation to Daly Street.

## **Chapter 2 – Exhibition and Notification of Development Applications**

The Development Application was notified to adjoining property owners in accordance with Chapter 2 of Council's DCP between 7 July 2017 and 17 July 2017. One submission was received (see **attachment 4**).

The submission states they have no objection to this proposal provided there is no increase to the height of the roof ridge line as proposed.

The roof line has not been amended since the notification of the Development Application.

## **Chapter 4 - Residential Development**

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dual Occupancies are permissible with consent in Precinct 2. The proposal complies with the objectives of the Precinct and the development standards for Dual Occupancies:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	2883m <sup>2</sup>	850m <sup>2</sup>	<b>YES</b>
Height	Single- Storey	Two Storey	<b>YES</b>
Setbacks - Side	BCA	In accordance with BCA	<b>YES</b>
Setbacks- -Rear	BCA	In accordance with BCA	<b>YES</b>
Car Parking - Resident	1	1 per dwelling	<b>YES</b>
Car Parking - Visitor	1	1 total	<b>YES</b>
Accessway Width	6m	3-6m	<b>YES</b>
Open Space - Dwelling 1	>60m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open Space - Dwelling 2	>60m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open Space Width	>4m	4m wide	<b>YES</b>
Battle-axe Allotment	Regular	Regular allotments only	<b>YES</b>
Frontage Width	30 metres	Minimum 20m	<b>YES</b>
Frequency	Complies	Minimum 20m separation	<b>YES</b>

## **Chapter 10 - Urban Design & Heritage Conservation**

The proposed dwellings are located behind the existing building (boarding house) on site. The buildings will not be visible from any street.

The dwellings will have red face brick which compliments the existing building on site. The roof pitch is 25 degrees which is consistent with the requirements for dwellings in the Heritage Conservation Area.

### Conclusion

Council has received a Development Application (DA) for a dual occupancy, retaining wall and demolition of a 1960's outbuilding at 10 Daly Street, West Bathurst.

Council has previously refused a Development Application for this site for residential units. This proposed development is considerably different to the previous development. The Development Application complies with all of Council's planning controls. Approval is recommended.

**Financial Implications:** Nil.

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

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

## MINUTE

**9 Item 3 DEVELOPMENT APPLICATION NO. 2017/211 – DUAL OCCUPANCY, RETAINING WALL AND DEMOLITION OF OUTBUILDING AT 10 DALY STREET, WEST BATHURST. APPLICANT:MR GREG BURKE C/- ANTHONY DAINITH TOWN PLANNING. OWNER: MR GJ & MRS A BURKE (DA/2017/211)**  
**MOVED: Cr M Coote SECONDED: Cr M Morse**

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

**Reason: Vendor with employer.**

**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. 2017/211, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

**4 DEVELOPMENT APPLICATION NO. 2017/158- TWO STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 131 MITRE STREET, SINGLE STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 276 KEPPEL STREET, THREE NEW TWO STOREY RESIDENTIAL UNITS, RETAINING WALLS, FIVE LOT SUBDIVISION, REMOVAL OF TREES, CARPORT AND DEMOLITION OF OUTBUILDINGS AT 131 MITRE STREET AND 276 KEPPEL STREET. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: ADAM HART CONSTRUCTIONS PTY LTD (DA/2017/158)**

**Recommendation:** That Council:

- (a) support the variation to Clause 4.4.2 Side and Rear Building Line Setbacks development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (b) support the variation to Clause 4.5.2(d) siting considerations development standard prescribed in Bathurst Regional Development Control Plan 2014;
- (c) support the variation to Clause 4.9 Parking, Access and Manoeuvring Areas and Clause 14.3 Car Parking development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (d) support the variation to Clause 16.3 Changing of level of land (preparation to building, during or post construction) development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (e) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2017/158 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended, and including:
  - (i) Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
  - (ii) Prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
    - a) Traffic management, including:
      - i) Loading, unloading area and material storage areas;
      - ii) Access to adjoining properties; and
      - iii) Parking areas (for construction workers and surrounding properties).
    - b) Noise.
    - c) Dust.
    - d) Stabilisation and monitoring of adjoining buildings.
    - e) Vibration.
    - f) Proposed methods of communication, including:
      - i) Communication with adjoining property owners;
      - ii) Communication with the general public; and
      - iii) Complaints management.
  - (iii) The privacy screens shown on the plans are to be installed prior to the

issuing of an Occupation Certificate for the relative dwelling.

- (f) notify those that made submissions of its decision; and
- (g) call a division.

**Report:** The Site

The development site is 131 Mitre Street (described as Lot 1 DP 610271) and 276 Keppel Street (described as Lot 2 DP 610271 and Lot B DP 385175). A location plan is provided at **attachment 1**.

The site forms a large “L shape” with frontage to Mitre and Keppel Street. The site comprises three allotments which have a combined area of 2388m<sup>2</sup>.

The site contains two existing dwellings which are being retained.

The site falls approximately 8.6 metres from Mitre Street towards the dwellings at the rear of Mooney Valley Place.

The proposal

The proposal involves:

- Residential units – two x three bedroom two storey units and one x two bedroom two storey unit;
- Two storey additions and alterations to the dwelling at 131 Mitre Street;
- Single storey additions and alterations to the dwelling at 276 Keppel Street;
- Five lot subdivision;
- Retaining walls;
- Demolition of outbuildings; and
- Removal of trees.

Plans of the proposed development are provided at **attachment 2** and the Statement of Environment Effects at **attachment 3**.

It is noted that following the Council Discussion Forum the applicant provided amended plans. These amended plans have been used as the basis for this assessment. Note that the amended plans were not renotified to those who lodged a submission with respect to the original DA.

The amended plans include:

- External stairs for dwellings 1, 2 and 3 to enable direct access from the upper level living areas to the private open space.
- Minor additions and alterations to 276 Keppel Street.
- Changes to the proposed landscaping.
- Inclusion of privacy screens to the upper level verandah of dwellings 1, 2 and 3 and the verandah of dwelling 4.
- Alterations to dwelling 2 to remove the lower level bathroom and change the configuration of the rumpus room to an open area.
- Alterations to the bedroom and living windows of dwelling 2 facing south west (133 Mitre) to high level windows.
- Alterations to the bedroom windows of dwelling 3 facing south west (133 Mitre) to high level windows.

- Alterations to the internal configuration of dwelling 3 to open the rumpus area.

### Planning Context

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

The proposed development is defined by the Bathurst Regional Local Environmental Plan 2014 as Multi-dwelling Housing.

“Multi-dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building”

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Multi-dwelling housing is permissible with consent in the R1 General Residential zone.

The objectives of the R1 General Residential Zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.*
- *To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.*
- *To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.*

The proposed development is consistent with the objectives of the R1 General Residential Zone.

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

(1) *The objectives of this clause are as follows:*

- to achieve planned residential density,*
- to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,*
- to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.*

(2) *Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the Minimum Lot Size—Multi Dwelling Housing and Residential Flats Building Map for that lot.*

The Minimum Lot Size (MLS) — Multi Dwelling Housing and Residential Flats Building Map indicates the minimum lot size for multi dwelling housing is 1300m<sup>2</sup> in this locality. The site has a total area of 2388m<sup>2</sup> and the development complies with the required standard. It is

noted that the MLS applies to the area of land prior to its subsequent subdivision into 5 lots.

#### Clause 4.3 Height of Buildings

The Height of Buildings map shows the maximum permissible height of buildings on the subject site is 9 metres. Whilst the buildings themselves are up to a maximum height of 8.1 metres high (dwelling 2) the maximum height of the buildings is 7.2 metres from natural ground level (dwelling 2). It is noted that there will be a degree of cut into the majority of the site which lowers their height relative to the existing natural ground level.

The development complies with the Height of Building clause.

#### Clause 5.9 Preservation of trees or vegetation

The majority of the site is subject to this Clause as it is located within the Bathurst Heritage Conservation Area.

There are three trees which are proposed to be removed which require consent by this Clause (ie height >9m).

The trees are Eucalyptus sp, an Elm Tree and a Cupressus species shown on the site plan to be removed (see **attachment 2**).

These trees were identified as being in a healthy condition however they are of a poor form. The trees generally provide a positive impact on the amenity of the locality. The trees are not, however, considered significant because of their poor form.

The trees are located within the area currently identified for the residential units. Given their location retention is not considered an option without significantly altering the development as proposed. The overall objective of the tree preservation policy is to preserve amenity and biodiversity values. In this respect there will be a minor loss of amenity and biodiversity as a result of the tree removal.

The submitted plans include a landscape plan. Further details will need to be provided in order to ensure that Council's standard of 1 medium tree (to 8 metres), 2 small trees (to 4 metres) and 6 shrubs per dwelling are provided. These can be accommodated within the conditions of consent.

#### Clause 10 Heritage Conservation

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

The majority of the site is located within the Bathurst Heritage Conservation Area but is not listed as an individual heritage item. The rear section of 276 Keppel Street is not located within the Heritage Conservation Area.

The original fabric of both dwellings is maintained as part of the development.

The proposed additions and alterations to 131 Mitre Street and 276 Keppel Street will have limited visibility to the street.

The impact of the three new dwellings on both streetscapes is limited due to their location at the rear of the site and the natural topography of the site, falling from the street.



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

### Chapter 2 - Exhibition and Notification of Development Applications

The development application was advertised and notified to adjoining property owners from 15 May 2017 to 29 May 2017 in accordance with Chapter 2. The matter was referred to the Council Discussion Forum held 5 July 2017 (refer to Minutes at **attachment 4**).

Following the advertising and notification period 6 submissions were received (see **attachment 5**). One submission had an enclosed petition with 8 signatures against the development.

Issues raised in the submissions and at the discussion forum are addressed as follows:

- Population densities

**Comment:** Refer to the assessment at Chapter 4 of the DCP below.

- Setbacks

**Comment:** Refer to the assessment at Chapter 4 of the DCP below.

- Privacy - The windows and balconies facing adjoining principle private open space

**Comment:** Refer to the assessment at Chapter 4 of the DCP below.

- Compliance with the Development Control Plan 2014

**Comment:** The development includes some variations to the development standards in Council's DCP. The applicant has provided justification for these variations within the Statement of Environmental Effects (see **attachment 3**). Refer also to the discussion under Chapter 4 below.

- Stormwater disposal

**Comment:** Council has received a Civil Works plan which shows the proposed drainage infrastructure will adequately dispose of storm water (see **attachment 6**).

- Development over Council's sewer main

**Comment:** Section 5.3.8.5 of Council's Engineering Guidelines permits buildings being sited over Council's sewer main. Conditions will be imposed on the development to ensure the development will not impact on the sewer infrastructure consistent with the Engineering Guidelines.

- Location requirements for Residential units with residential precinct 2

**Comment:** Refer assessment in Chapter 4 of the DCP below.

- Residential units and two storey development is not consistent with the character of the area

**Comment:** The natural topography of the site with its steep slope has resulted in many two storey dwellings and split level dwellings within the locality. These include the

adjoining dwelling at 133 Mitre Street and the majority of houses in Mooney Valley Place.

There are other examples of medium density housing within close proximity to the site, for example 126 Mitre Street and 143 Mitre Street. The units will be sited behind the existing dwellings and will not be visible from the street other than a wider driveway and mail box.

- Errors in the Statement of Environmental Effects for the Development

**Comment:** The Statement of Environmental Effects provides the applicants assessment of the planning standards applicable to the development. It is a matter for the Council to make an assessment of the application and the associated Statement of Environmental Effects and determine it.

- Development is not consistent with the zone objectives

**Comment:** Refer to the earlier discussion in the LEP section of this report.

- Cut and fill on the site

**Comment:** Refer to assessment in Chapter 16 of the DCP below.

- Lack of car parking on site

**Comment:** Refer to assessment in Chapter 4 of the DCP below.

- Provide a designated car parking space in front of 129 Mitre Street

**Comment:** Council cannot provide designated on street car parking for individual residences. During the early construction phase of the development the applicant has proposed that there will be 8 designated car parking spaces for construction vehicles on site. All deliveries to the site where possible will occur within the site.

- Boundary fence

**Comment:** The Dividing Fences Act 1991 governs the responsibilities of all parties in relation to boundary fences.

- Impact on views

**Comment:** Refer to the assessment in Chapter 4 of the DCP below.

- Two storey element of the development

**Comment:** Refer to assessment in Chapter 4 of the DCP below.

- Noise

**Comment:** During the construction of these dwellings there will be noise generated from the site. Council will impose a condition which limits the hours of operation to 7am and 8pm on weekdays and 8am to 8pm on weekends and public holidays. After the construction the noise generated is from residential sources which will be consistent with the existing residential back ground noise.

- Environmental impacts such as air flow and heat transition

**Comment:** The development involves residential development within an area specifically zoned for such uses. The development is consistent with the development intent established within Council's planning standards.

- Removal of the trees and animals from the site

**Comment:** Refer to the Tree Preservation section in the LEP section above.

- Change to the streetscape from the removal of vegetation

**Comment:** Refer to Tree Preservation in the LEP section above.

- Overshadowing

**Comment:** Refer to assessment in Chapter 4 of the DCP below.

- Private open space for the proposed dwelling

**Comment:** Refer to assessment in Chapter 4 of the DCP below.

- Traffic

**Comment:** The development will generate an increase of traffic within the vicinity of the site. Given the typical traffic generation figures of 9 vehicle movements per day the additional traffic is in the order of 27 vehicles per day. There is adequate capacity in Mitre Street to cater for the increase of vehicle movements.

#### Chapter 4 - Residential Development

The site is located within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Residential units are permissible with consent in the Precinct.

The objectives of Precinct 2 – Low to medium density are:

- *To provide appropriate forms of low and medium density housing that encourages housing choice and caters for an aging population.*
- *To permit forms of medium density housing which are compatible with the single dwelling character of the suburbs and whose impact on the existing amenity of neighbourhoods is minimised.*

The proposed development provides an alternative form of medium density housing within the fringe of the Bathurst CBD.

The development retains the single storey character of the Mitre Street and Keppel Street streetscape by maintaining the existing dwellings at the streetscape. The development will alter the amenity of the immediate neighbourhood however this change has been minimised by the use of alternative window treatments, privacy screens and landscaping and is consistent with Council's adopted planning standards.

The proposal therefore complies with the objectives of the Precinct.

#### Density

The density for Residential Units in Residential Precinct 2 is 60 persons per site hectare. The proposed development will involve the following:

- modifications to 276 Keppel such that it is a 3 bedroom dwelling
- modifications to 131 Mitre such that it is a 2 bedroom dwelling
- two x three bedroom dwellings (new)
- one x two bedroom dwelling (new)

The proposed density is 59.88 persons per site hectare. The proposal complies with the requirement of 60 persons per site hectare.

It is noted that the dwellings do include some form of media and rumpus rooms. The plans have been amended from the original plans submitted with the Application to alter the doorways to these rooms to ensure they cannot be used as individual bedrooms. Accordingly they are not considered bedrooms for the purpose of calculating density.

### Minimum Lot size

The minimum lot size for Multi Dwelling Housing for the subject site is 1300m<sup>2</sup>. The site has a total area of 2388m<sup>2</sup>. Therefore the development complies with the minimum lot size provisions.

There is no minimum lot size for the lots after the development/subdivision.

### Dwelling 1

Dwelling 1 is known as 131 Mitre Street. The dwelling is currently single storey with the floor level at the rear of the dwelling being elevated approximately 1.6 metres from natural ground level.

The development involves two storey additions and alterations to this building. This will be a two bedroom dwelling with attached double garage which will be accessed from the internal driveway.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Complies</b>
Height	Two -storey	Two- storey maximum	<b>YES</b>
Setback - Front	No alteration from the existing	Complement existing	<b>YES</b>
Setback - Rear	4.626m	In accordance with BCA	<b>YES</b>
Setback - Side	1.1m	1.5m	<b>NO*</b>
Car parking	2	1	<b>YES</b>
Open space area	36m <sup>2</sup>	30m <sup>2</sup>	<b>YES</b>
Open space width	4.626m	4m wide	<b>YES</b>

- \* The existing dwelling has a 1.1 metre setback for both ground and first floor level from the side property boundary adjoining 133 Mitre Street. The proposed addition follows the current alignment of this side wall and accordingly is closer than the development standard of 1.5 metres. This variation is considered appropriate as it is a continuation of the setback of the existing dwelling.

The extension to the dwelling will be adjacent to the existing dwelling at 133 Mitre. 133 Mitre itself is a split level dwelling with the rear section comprising 2 storeys.

The impact on 133 Mitre Street in terms of privacy is limited due to there being only one high level window on the south west elevation (located in the kitchen).

The shadow diagrams demonstrate that the minimum standard of 2 hours sunlight to outdoor living areas and dwellings is maintained .

### Dwelling 2

Dwelling 2 is a new two storey three bedroom dwelling. Access to this dwelling is off the proposed internal driveway from Mitre Street.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Complies</b>
Height	Two -storey	Two- storey maximum	<b>YES</b>
Setback - Rear	1m	In accordance with BCA	<b>YES</b>
Setback - Side	1.5m	1.5m	<b>YES</b>
Car parking	2	1	<b>YES</b>
Open space area	41.4m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open space width	4.5m	4m wide	<b>YES</b>

It is noted that the windows for dwelling 2 adjacent to 133 Mitre Street will be high level windows only. A 1.5 m high privacy screen to the north eastern elevation of the upper level alfresco/verandah area has been included to limit potential privacy impacts on those properties to the north east (notably 272 and 274 Keppel).

### Dwelling 3

Dwelling 3 is a new two storey two bedroom dwelling. This dwelling is accessed via the internal driveway off Mitre Street.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Complies</b>
Height	Two -storey	Two- storey maximum	<b>YES</b>
Setback - Rear	10.335	In accordance with BCA	<b>YES</b>
Setback - Side	1.6	1.5m	<b>YES</b>
Car parking	2	1	<b>YES</b>
Open space area	113.3m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open space width	10.3m	4m wide	<b>YES</b>

It is noted that the windows for dwelling 3 adjacent to 133 Mitre and 24 Mooney Valley Place will be for bedrooms and bathrooms and will be high level windows. The upper level alfresco/verandah is setback approximately 4 metres from the boundary and will include 1.5m high privacy screens to the south west elevation.

### Dwelling 4

Dwelling 4 is a new two storey three bedroom dwelling. This dwelling is accessed via the internal driveway off Mitre Street.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Complies</b>
Height	Two -storey	Two- storey maximum	<b>YES</b>
Setback - Side	1.2m	1.5	<b>YES</b>

Car parking	2	1	<b>YES</b>
Open space area	50m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open space width	4m	4m wide	<b>YES</b>

Windows in the north west elevation (adjacent to 22 Mooney Valley Place) are limited to high level windows in the media and bedrooms. The outdoor alfresco area is located on the single storey component of the dwelling and includes 1.5 m high privacy screens on the north west elevation.

### Dwelling 5

Dwelling 5 is known as 276 Keppel Street. The dwelling is currently single storey.

The development involves single storey additions and alterations to this building. This will result in a three bedroom dwelling with proposed carport which will be accessed from the existing Keppel Street driveway.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Complies</b>
Height	Single -storey	Two- storey maximum	<b>YES</b>
Setback - Front	No change from existing	complement existing	<b>YES</b>
Setback - Side	No change from existing	In accordance with BCA	<b>YES</b>
Car parking	1	1	<b>YES</b>
Open space area	68.6m <sup>2</sup>	40m <sup>2</sup>	<b>YES</b>
Open space width	7.8m	4m wide	<b>YES</b>

### Over shadowing

The applicant has provided shadow diagrams for the proposed development provided at **attachment 7**.

The proposed development will have impacts on 133 Mitre Street, 24 Mooney Valley Place and 274 Keppel Street.

Council's DCP 2014 requires that a minimum of two hours of sunlight be maintained to indoor and useable open space of adjoining properties on 21 June.

The development will cast shadows over the dwelling at 133 Mitre primarily from the extension to dwelling 1. Dwelling 2 will also overshadow the garage and parts of the outdoor living areas at 133 Mitre. In terms of the impact upon the dwelling at 133 Mitre the majority of the overshadowing will be to the outdoor areas and deck/living areas before 12 noon. Beyond that the majority of the impact will be on the side passage way and ground level of the dwelling (which consists of storage rooms and bedrooms without windows). In this regard the development complies with Council's standard.

In terms of the impact on 24 Mooney Valley Place, dwelling 3 will cast a shadow over the rear section of the dwelling up until 12 noon. A portion of the rear yard will also be impacted, however, this area would already be subject to overshadowing as a result of existing vegetation in the vicinity.

Dwelling 4 will begin to overshadow the rear yard of 274 Keppel Street from 11 am onwards. However, 2 hours of sunlight is maintained to the private open space between 9am and 11am. The open space is only partially affected between 11am and 2pm. By 3pm

approximately half the yard will be in shade. Compliance with the development standard is therefore achieved.

### Privacy

As noted above the amended plans include alterations to windows adjacent to the properties to the south west and the inclusion of privacy screens on the outdoor living areas. A condition will be imposed on the DA to ensure all of the privacy screens are installed prior to the issuing of relevant Occupation Certificates.

### Construction of footpaths

There is an existing footpath along Mitre Street. This footpath will be required to be repaired if any damage occurs to the footpath for the full frontage of the lot. This will be at the applicants full cost.

It is not considered necessary to provide a footpath to the Keppel Street frontage as this vehicle access/ frontage will only benefit one dwelling. Effectively there is no change to the existing Keppel Street arrangements.

### Siting Considerations for Residential Units in Precinct 2

Part 4.5.2 of the DCP provides siting considerations for residential units in Precinct 2. The development complies with these standards as follows:

- The subject allotments are not a battle axe.
- The site is located within 220 metres straight line distance from Macquarie View Park.
- The site is not located in a cul de sac.
- The DCP requires a 20m lot frontage at the 6m building line.
- The frontage to Mitre Street is 17.08 metres and Keppel Street is 16.46 metres. These are existing allotments with existing dwellings. In combination the frontage exceeds the minimum 20m standard and the status quo remains unchanged. Therefore the variation is considered acceptable.

### Parking, Access and Manoeuvring Areas

Medium density housing in residential Precinct 2 requires the following car parking provisions:

- For 1 and 2 bedroom dwellings – 1 covered car space per dwelling and 1 visitor space per 4 dwellings (or part thereof).
- For 3 or more bedroom dwellings - 1 covered car space per dwelling and 1 visitor space per 2 dwellings (or part thereof).

The development therefore requires 9 car parking spaces (4 of which are to be visitor parking).

Dwelling 1, 2, 3 and 4 have private double garages and dwelling 5 has a carport. The development here therefore provided 9 spaces in total.

The applicant has not proposed any separate designated visitor car parking spaces on site.

As per Council's DCP requirements 4 designated visitor spaces would typically be required. There is a deficit of 4 separate visitor spaces. The applicant has lodged a DCP variation within the SEE (see **attachment 3**) to the visitor car parking which is considered acceptable

for the following reasons;

- Dwellings 1, 2, 3 and 4 have a double garage which provides 4 additional car parking spaces above the DCP standard (ie equivalent to the 4 visitors spaces required). The total number of car parking spaces on site is 9 spaces.
- The visitor spaces are designated within the garage of the relevant dwelling.
- It is considered medium to long term visitors to the site can park within the dwellings garage.
- Dwelling 5 has direct access to Keppel Street and can stack cars in the driveway.
- There are parking spaces available on the street directly in front of the existing dwelling at 131 Mitre Street.

The applicant has provided turning circles for vehicle manoeuvring areas as shown at **attachment 2**. All vehicles will enter and leave the site in a forward direction.

The access for dwellings 1, 2, 3 and 4 is a separate access off Mitre Street. The applicant has proposed the entrance to be 4.5 metres wide at the property boundary. A condition will be imposed on the DA to ensure the driveway has a minimum width of 5.5 metres for the first 6 metres. This will provide a passing bay for the vehicles. This will alter the width of the front fence for dwelling 1.

The access off Keppel Street is an existing access and will service dwelling 5 only.

#### Fire Hydrants

A plan showing compliance with the NSW Fire Brigades Policy on Dual Occupancy/Battle-axe/private residential estates guidelines has been submitted (see **attachment 8**). No additional infrastructure is required.

#### Roof and Surface Water Disposal

As more of the site will be impervious a Civil Works plan for the storm water discharge has been prepared by a suitably qualified engineer which complies with Council's Engineering Guidelines (see **attachment 6**).

#### Chapter 10 – Urban Design and Heritage Conservation

The site is not a listed Heritage Item under the Bathurst Regional Local Environmental Plan 2014 but part of the site is located within the Bathurst Heritage Conservation Area.

The two dwellings facing Keppel Street and Mitre Street are being retained. The front facade of these dwellings is not being altered. The additions to dwellings and the new dwellings are located behind the building line and will not be visible from the street.

The proposed development will have a minimal impact on the existing Mitre Street and Keppel Street streetscapes.

#### Chapter 16 – Earthworks

The objectives of the clause for the changing of levels during or post construction are:

- *To ensure adequate information is submitted with a Development Application to determine the impact of future development by means of changes in levels of land; and*
- *To reduce streetscapes dominated by retaining walls and fences.*



The site has a significant fall away from Mitre Street. The existing change in levels on the site is approximately 8.6 metres.

The proposed cut and fill levels with retaining walls is shown on the site plan located at **attachment 2**.

The natural ground level of the site has been considerably altered prior to the current owner and this development. The current ground level could be described as having three terrace pads. The proposed development will be primarily using the natural shape of the land.

The proposed retaining wall is stepped down the site with maximum cut of 1.175 metres along the 129 Mitre Street Boundary for the driveway.

Council's DCP requirements for change of levels are that there is no more than 1 metre change in level at the boundary (either by cutting or filling). The proposed development does not comply with these requirements by 0.175m. The reasons for the non-compliance are as follows:

- The variation is only considered minor with 175mm exceedance;
- The retaining wall will be below the height of the existing fence;
- The internal driveway is to comply with the Australian Standards for gradient. The required cut provides a compliant driveway.

On this basis the variation can be supported.

#### Conclusion

The Development Application is for multi dwelling housing. The development is primarily using the natural topography of the site. The existing dwellings on site are being retained. The proposed new dwellings are two storey. The development will have an impact on the adjoining properties however it has been designed to mitigate and minimise any potential conflicts.

The development proposes variations to planning standards primarily as a result of the constraints of the site. These variations will have minimal external impact on adjoining properties as discussed in the report and are therefore supported in this instance.

Approval of the application is therefore recommended.

**Financial Implications:** Nil.

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

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

## MINUTE

**10 Item 4 DEVELOPMENT APPLICATION NO. 2017/158- TWO STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 131 MITRE STREET, SINGLE STOREY ADDITIONS AND ALTERATIONS TO THE DWELLING AT 276 KEPPEL STREET, THREE NEW TWO STOREY RESIDENTIAL UNITS, RETAINING WALLS, FIVE LOT SUBDIVISION, REMOVAL OF TREES, CARPORT AND DEMOLITION OF OUTBUILDINGS AT 131 MITRE STREET AND 276 KEPPEL STREET. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: ADAM HART CONSTRUCTIONS PTY LTD (DA/2017/158)**

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

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

**Reason: Applicant is a customer of employer.**

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

**Reason: Concerned about perceived conflict of interest given he lives near the proposed development.**

**RESOLVED:** That Council:

- (a) support the variation to Clause 4.4.2 Side and Rear Building Line Setbacks development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (b) support the variation to Clause 4.5.2(d) siting considerations development standard prescribed in Bathurst Regional Development Control Plan 2014;
- (c) support the variation to Clause 4.9 Parking, Access and Manoeuvring Areas and Clause 14.3 Car Parking development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (d) support the variation to Clause 16.3 Changing of level of land (preparation to building, during or post construction) development standards prescribed in Bathurst Regional Development Control Plan 2014;
- (e) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No 2017/158 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended, and including:
  - (i) Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
  - (ii) Prior to the issue of the Construction Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:

- a) Traffic management, including:
    - i) Loading, unloading area and material storage areas;
    - ii) Access to adjoining properties; and
    - iii) Parking areas (for construction workers and surrounding properties).
  - b) Noise.
  - c) Dust.
  - d) Stabilisation and monitoring of adjoining buildings.
  - e) Vibration.
  - f) Proposed methods of communication, including:
    - i) Communication with adjoining property owners;
    - ii) Communication with the general public; and
    - iii) Complaints management.
- (iii) The privacy screens shown on the plans are to be installed prior to the issuing of an Occupation Certificate for the relative dwelling.
- (f) notify those that made submissions of its decision; and
- (g) call a division.

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

**The result of the division was:**

In favour of the motion - Cr M Coote, Cr G Hanger, Cr M Morse,

Against the motion - Cr W Aubin, Cr B Bourke,

Absent - Cr I North, Cr G Westman,

Abstain - Nil

**5 DEVELOPMENT APPLICATION NO. 2017/228 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF 2 X TWO BEDROOM UNITS, 4 X THREE BEDROOM UNITS AND SIX LOT RESIDENTIAL SUBDIVISION AT 142 HOWICK STREET, BATHURST. APPLICANT: CHRISTOPHER MARPLE. OWNER: A & W NOMINEES PTY LTD (DA/2017/228)**

**Recommendation:** That Council:

- (a) support the variation to Clause 4.2.2 Development Standards *Population Density in Precinct 1* prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) resolve to support Development Application 2017/228 subject to satisfactory investigations relating to the historical uses on the site and the potential for contamination to have occurred;
- (c) note that subject to (b) the Development Application will be determined under delegated authority;
- (d) notify those that made submissions of its decision; and
- (e) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the demolition of the existing dwelling, construction of 2 x two bedroom units, 4 x three bedroom units and a six lot residential subdivision at 142 Howick Street, Bathurst, described as Lot 20 DP 758065. A location plan is provided at **attachment 1**.

The subject site contains one single storey dwelling and carport at the front of the site.

The site is 1,998m<sup>2</sup> according to Council data and historical parish maps. The applicant's DA documentation indicates a site area of 2,029m<sup>2</sup>. A condition will be imposed for a survey to be undertaken to confirm the accurate site area, prior to the issue of a construction certificate.

**History of the Site**

The site has been used for residential purposes. The dwelling house was likely constructed late 1880's. The original house, however, has been substantially altered such that it's exterior is now reflective of 1950-1960's architecture. The site was known to contain sheds for electro-plating and horse agistment.

**The proposal**

The proposal involves:

- Demolition of the existing dwelling and carport;
- Construction of 2 x two bedroom dwellings with attached garages;
- Construction of 4 x three bedroom dwellings with attached garages;
- Landscaping; and
- Six lot residential subdivision.

Plans of the proposed development are at **attachment 2**.

## Planning Context

### *Bathurst Regional Local Environmental Plan 2014*

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

### **4.3 Height of Buildings**

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed buildings will have an overall height of approximately 5.4 metres at the greatest extent.

### **5.10 Heritage Conservation**

The site is located within the Bathurst Heritage Conservation Area. The existing dwelling is not individually listed as a Heritage Item.

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

The building presents itself as a 1950/60's cottage. The original 1880/1900s elements of the cottage are internal only, and have been altered unsympathetically. Whilst the dwelling is in fair condition with the exception of termites, it has a BCAMS rating of 0, noted as not significant and intrusive in the streetscape. It is on these grounds complete demolition is supported.

The proposed replacement dwelling contributes well to the streetscape and reflects the scale and character of dwellings immediately adjacent. The proposed garage has been setback behind the dwelling limiting impact on the streetscape. The proposed use of face brick is supported. The proposal incorporates golden window proportions fronting Howick Street and the hipped 25 degree pitch is suitable in the streetscape.

### *Bathurst Regional Development Control Plan 2014*

### **Chapter 4 Residential Development**

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

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	1,998m <sup>2</sup>	900m <sup>2</sup>	YES
Density	88.09 - 86.87	88 persons per ha	NO
Height	5.4m	Two- storey maximum	YES
Setbacks - Front	1.3m	complement existing	YES
Setbacks - Rear	900mm	In accordance with BCA	YES

Setbacks - Side	900mm	In accordance with BCA	YES
Car parking - Resident	1 per unit	1 per unit	YES
Car parking - Visitor	1 stacked/unit	1 stacked per unit	YES
Accessway Width	5.38m	3-6m wide	YES
Open space area - 2 bed units	30m <sup>2</sup> each	30m <sup>2</sup>	YES
Open space area - 3 bed units	40m <sup>2</sup> each	40m <sup>2</sup>	YES
Open space width	>4m for all units	4m wide	YES
Garage doors	17%	70% of façade	YES

The proposed development does not comply with the DCP density standard of 88 persons per site hectare when determined using the lot size of 1998m<sup>2</sup> as calculated by Council. The density at this lot size is 88.09m<sup>2</sup> (a variation of 0.09m<sup>2</sup>). If calculated at the lot size of 2026m<sup>2</sup> (as calculated by the developer), the density does comply at 86.87 persons per site hectare. Given the uncertainty in determining actual lot size at this time and the only minor variation if the smaller of the two is used, the variation is supported.

## Chapter 10 Urban Design and Heritage Conservation

A detailed Heritage Impact Statement (HIS) has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014 (see copy of Heritage Impact Statement at **attachment 3**). The HIS makes the following observations regard the existing dwelling:

*Although the original two room building at No. 142 Howick Street forms one of the oldest parts of a building in this area it is completely obscured and very little of the original fabric or form remain. The historical report shows that a house was first listed on the land in 1890 so it remained vacant for the early part of Bathurst's establishment era. It has had multiple owners and tenants and is symptomatic of wealthier businessman, farmers and landholders buying and purchasing investment properties which provided modest workers accommodation at affordable rents. No features typical of the late Victorian era are visible with nearly every part of the building having been subjected to renovations. There is no indication of a symmetrical façade and the small gabled roof is the only other hint that the buildings origins have been completely obscured. The windows are aluminium in odd sizes and the front verandah is not original. Windows, walls and roofing have all been altered.*

*The lack of original physical fabric of the building, non-contributory nature of the existing building and its poor quality additions and renovations mean that any heritage significance has been severely compromised. The substantial original fabric loss means that there is no heritage based requirement to retain the majority of the built elements on the subject site, given the lack of integrity and significance. Proposed strategies for the site are to re-use any element that can be retrieved during demolition and requirements are therefore satisfied.*

### Historical Assessment

The Heritage Impact Statement contains a detailed historical summary, refer **attachment 3**. The HIS makes the following observations regard the dwelling.

*The land lies within the historically significant residential building sector of central Bathurst. It is an important part of the central town area and it forms part of the conservation area of Bathurst. Land set aside for development as part of the town plan for Bathurst was sold by auction circa 1888 in this block and residences have infilled and dominated the*

streetscape. Mr James Taylor is recorded as the first owner of the vacant land in the first European occupation phase.

The late 1800's until 1948

The second owner, Francis "Frank" Halliday, bought the land in 1890 and a two room house is recorded as built at that time. Mr Halliday owned the adjoining lots of land, purchased in 1854 as well as other investment houses at 133-135 Russell Street, 129 Russell Street, other vacant land and his own residence at 110 Russell Street. He was a young Irish immigrant schoolteacher in 1842 who had tried his luck on the goldfields north of Bathurst. Frank Halliday established a dray, cart, carriage and gig building and repair business in 1852 on land adjoining the Bathurst Post office in Howick Street.

Francis Halliday went on to establish F. Halliday and Co., and was the proprietor of the Bathurst Tannery in lower Russell Street near the railway. He took an active part in public affairs, was an alderman, was voted in as mayor in 1878 and held that office again 1882-1884. He played a prominent part in founding Bathurst's National Advocate newspaper and became chairman of the board. He was a prominent lay person in the Methodist Church and was the Sunday school superintendent for about 30 years.

Structural Assessment

A Building Condition Survey prepared by Calare Civil (dated 11 April 2017) is provided at **attachment 4**. The Report submitted outlines the evidence of termite damage, presence of asbestos and water damage. In this instance complete demolition is supported given the loss of original early fabric.

The Building Condition Survey provided a list of essential work and desirable works, to make the structure more habitable and comfortable.

The essential work and quoted cost involves:

Remove all asbestos from site	\$70,000
Remove and replace timber wall frames and external lining	\$80,000
Replace all gutters and downpipes and ensure connection to in ground system	\$5,000
Repair sub floor bearers and joists and replace floor throughout	\$40,000
Repair internal cracked and damaged masonry	\$2,000
Repair all stormwater drainage	\$4,000
<b>TOTAL</b>	<b>\$201,000 (excluding GST)</b>


A list of desirable works involves:

Repair or replace damaged fencing	\$7,000
Replace kitchen	\$15,000
Replace bathroom	\$15,000
<b>TOTAL</b>	<b>\$37,000 (excluding GST)</b>

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Address of Building:	142 Howick Street
BCAMS Rating:	0
Current Use:	Residential
Zoning:	R1 Residential
Period of Construction:	Late Victorian 1880-1900 (Remnants Internally) 1950/60s (Current Materials and Appearance)
	Representative
	
Heritage Listings:	Bathurst Heritage Conservation Area
Streetscape:	The primary street frontage of the dwelling has an intrusive streetscape rating. The current building on the site has been significantly altered from the original and is not representative of its original construction period.
Physical Description:	Council's Heritage Advisor inspected the site on 29 October 2015 and 16 February 2017. Parts of a Victorian period original building are present within the building (some internal walls and northern external wall). However, these elements are not visible from the streetscape and have been substantially altered. The building currently on the site is a clad dwelling with gable ended roof and verandah and suspended timber floor. Additions at the rear are on concrete slab.
Condition Description:	The dwelling is in fair condition. However the Structural Report (prepared by Calare Civil dated 11/4/2017) indicates the building is affected by termites.
Statement of Significance:	The dwelling is not contributory to the streetscape and has been significantly altered from representative of its original construction period.
Heritage Significance	(0) Not significant
Streetscape Rating	(0) Intrusive
Special Vegetation:	Nil
Integrity	(0) Altered unsympathetically – Non-reversible

The existing dwelling has a BCAMS rating of 0 and is identified as intrusive in the streetscape. The proposed infill development is considered to suit the scale and design of adjoining Mid-Victorian workers terraces. The design of Unit 1 fronting Howick Street is supported for its hipped roof (25 degrees), golden window proportions, facebrick work, provision of verandah and garages at the rear. The additional units will have minimal impact on the streetscape. Conditions will be imposed in relation to materials and elements of the existing building capable of recovery are to be recycled and reused where possible.

### Submissions

The development application was advertised and notified to adjoining property owners from 10 July 2017 to 24 July 2017. Following the advertising and notification period a total of two (2) submissions were received (see submissions at [attachment 5](#)).

A discussion forum was convened on 3 August 2017 (see minutes of discussion forum at



**attachment 6**). Issues raised in the submissions and at the discussion forum included:

- Impact on views to Vale Creek

The proposed units are single storey and have been sited so as to meet the required setback from all boundaries. The proposal will impact on the views of Vale Creek to some extent. Whilst not adverse, impacts on views are unlikely to be mitigated from any re-design or configuration. The two-storey component of 130 Howick Street will continue to have views to Vale Creek.

- Overshadowing

The proposed development is single storey and setback 3.32m from the boundary of 130 Howick Street. Given the location of the driveway between the new units and the existing units at 130 Howick Street, and the single storey design of the new units, overshadowing will not be an issue. Council's standard of a minimum of 2 hours sunlight to 130 Howick Street will be more than achieved.

- Noise impacts

The predominate land use is residential and the proposed development is consistent with this land use. It is unlikely to generate excessive noise transmission beyond that expected in a residential setting.

- Privacy

The proposed development is unlikely to have an adverse impact on privacy for surrounding residences. The proposed development complies with the required side and rear setbacks and is single storey only. The living areas of the two-storey buildings at 130 Howick Street face the opposite direction and this should not be impacted.

- Improved appearance of residential unit facing streetscape with enhancing Victorian features.

Finer elements of the design and appearance of the dwelling fronting Howick Street were discussed during the Discussion Forum. The provision of a garage located behind the dwelling was supported. There was discussion surrounding the separation of two of the windows for a symmetrical appearance and ensuring wider window frames. The developer indicated that these changes should be achievable.

There was further discussion about the roof line. The developer was going to investigate roof line options. Nevertheless the appearance of the building to the streetscape is supported.

It should be noted the submissions, including that of the National Trust, did not raise concern for the demolition but instead for the design of the proposed infill development.

### Other issues

#### *Potential contamination*

The Heritage Impact Statement noted the historic use of the site involved electro-plating. The land use is considered a potentially contaminating use which triggers the requirement for a Preliminary Site Investigation. The Preliminary Site Investigation is to be submitted prior to the Development Application being formally determined. The recommendation is

that Council support the Development Application pending further investigations relating to historical uses on the site and the potential for contamination to occur. The Development Application will then be determined under delegation pending the findings of the Preliminary Site Investigation.

#### *Demolition waste*

The demolition of the dwelling will generate waste that will require appropriate disposal. A condition will be imposed requiring the provision of evidence that the material has been appropriately disposed of at a licensed waste facility or otherwise disposed of lawfully .

#### Conclusion

The proposed development seeks consent for demolition of the existing dwelling and construction of six residential units and six lot residential subdivision. The existing dwelling has been unsympathetically altered and considered intrusive in the streetscape. Proposed Unit 1 facing Howick Street has been strategically designed to incorporate red face brick work, a 25 degree roof pitch, verandah and other components consistent with the adjacent Mid-Victorian cottages and surrounding character of the street.

The proposed development is not considered to have an adverse impact on the surrounding residential dwellings. Overshadowing and privacy are considered to be mitigated as much as possible through the design and single storey nature of the development. Each dwelling contains off street car parking limiting impact on the street.

The proposed development will facilitate additional dwellings within close proximity to the CBD and adjacent to public open space. The proposed development integrates well into the streetscape, and is reflective of the surrounding area and heritage streetscape.

Approval is therefore recommended.

**Financial Implications:** Nil.

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

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

## MINUTE

**11 Item 5 DEVELOPMENT APPLICATION NO. 2017/228 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF 2 X TWO BEDROOM UNITS, 4 X THREE BEDROOM UNITS AND SIX LOT RESIDENTIAL SUBDIVISION AT 142 HOWICK STREET, BATHURST. APPLICANT: CHRISTOPHER MARPLE. OWNER: A & W NOMINEES PTY LTD (DA/2017/228)**

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

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

**Reason: Vendor with Employer.**

**RESOLVED:** That Council:

- (a) support the variation to Clause 4.2.2 Development Standards *Population Density in Precinct 1* prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) resolve to support Development Application 2017/228 subject to satisfactory investigations relating to the historical uses on the site and the potential for contamination to have occurred;
- (c) note that subject to (b) the Development Application will be determined under delegated authority;
- (d) notify those that made submissions of its decision; and
- (e) 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,

Against the motion - Cr G Westman,

Absent - Nil

Abstain - Nil

## **MINUTE**

### **12** **Item 5.01 SUSPENSION OF STANDING ORDERS 20.00170, 20.00036** **MOVED: Cr I North SECONDED: Cr W Aubin**

That Standing Orders be suspended to allow Council to deal with Item 12 of the Acting Director Environmental Planning & Building Services report - Draft Bathurst Regional DCP 2014 Amendment - Eglinton (West) Reservation of land for Open Space and Amendment to Eglinton Open Space and Drainage Section 94 Plan.

## **MINUTE**

**13 Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN 20.00170, 20.00036**  
**MOVED: Cr B Bourke SECONDED: Cr I North**

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

Reason: Daughter is a teacher at Eglinton Public School and the School has lodged a submission.

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

Reason: Sister owns adjoining property.

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

Reason: Vendor with Agency/employer.

J Bingham, Acting Director Environmental Planning & Building Services declared a non-pecuniary interest in this item and left the Chamber.

Reason: Son attends Eglinton School and the School P&C have lodged submissions.

The Mayor, Cr Hanger, vacated the Chair.

**RESOLVED: That Cr Morse be elected to take the Chair for this item** in accordance with S:369 (2) of the Local Government Act.

## **MINUTE**

### **14 Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN 20.00170, 20.00036**

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

**RESOLVED:** That Council:

- a) not amend the Bathurst Regional DCP 2014 and Eglinton Open Space and Drainage Section 94 Plan,
- b) notify those who made submissions of its decision, and
- c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr M Coote, Cr G Hanger, Cr G Westman,

Abstain - Nil

**The Mayor, Cr Hanger, resumed the Chair.**

## **MINUTE**

**15** **Item 5.04 RESUMPTION OF STANDING ORDERS 20.00170, 20.00036**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

That Council resume Standing Orders.

## **6 CRUDINE RIDGE WINDFARM VOLUNTARY PLANNING AGREEMENT (20.00248)**

**Recommendation:** That Council endorse the Voluntary Planning Agreement for the Crudine Ridge Wind Farm and authorise the General Manager to take the necessary steps to execute the Agreement.

**Report:** The Crudine Ridge Wind Farm is located partly within the Bathurst Regional Local Government Area and partly within the Mid Western Regional Local Government Area. The approval issued by the NSW Department of Planning and Environment (DPE) allows for the construction of up to 77 turbines capable of generating up to 135MW of electricity.

It is a condition of the approval issued by the DPE that the proponents (Crudine Ridge Wind Farm Pty Ltd) enter into a Voluntary Planning Agreement (VPA) with the respective councils.

Council, at its meeting held 16 September 2015, resolved to agree in principle to enter into a Voluntary Planning agreement. The terms of the VPA provide broadly for the following:

- The VPA will extend for the life of the project.
- Council will receive \$1250 per megawatt per annum (based on the capacity of the wind turbines in it's LGA). The contribution is to be indexed annually.
- The funds will be used by Council to fund projects for public purposes that provide a material public benefit.
- Council will consult with Crudine Ridge Wind Farm in relation to the projects funded under the VPA.
- Crudine Ridge Wind Farm's contribution will be acknowledged on Council's website.

The final configuration of the turbines within each of the local government areas and their capacity has not yet been finalised. Accordingly the anticipated fund available to Council under the Agreement is not yet known.

The draft VPA has now been drafted to give effect to the terms of the development consent and the VPA initially considered by Council (see **attachment 1**). The VPA has been reviewed by Council's legal advisers.

In accordance with Section 93F of the Environmental Planning and Assessment Act the VPA and Explanatory Note has been placed on public exhibition for a period of 28 days from 10 July until 7 August 2017. Landowners directly impacted by the agreement were notified. At the time of preparation of this report no submissions have been received. Any submissions received will be provided to Council under separate cover. It is therefore recommended that the Voluntary Planning Agreement be endorsed by Council.

**Financial Implications:** Nil.

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

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.4
- 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

### **16 Item 6 CRUDINE RIDGE WINDFARM VOLUNTARY PLANNING AGREEMENT** **(20.00248)**

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

**RESOLVED:** That Council endorse the Voluntary Planning Agreement for the Crudine Ridge Wind Farm and authorise the General Manager to take the necessary steps to execute the Agreement.

## **7 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY – PUBLIC VERSION (20.00288)**

**Recommendation:** That Council note that the Bathurst Regional Aboriginal Heritage Study – Public Version has been received.

**Report:** Council, at its meeting held 20 July 2016, adopted the Bathurst Regional Aboriginal Heritage Study as a strategic document. One of the aims of the study was to identify places of significance, record those places and develop recommendations for their management and conservation. The Aboriginal Heritage Study now forms part of the suite of local planning studies informing the development of Council's LEP and future urban release areas for housing. As part of the project, Council undertook a detailed foot survey of the Kelso expansion area to determine whether the future residential area contained any significant Aboriginal relics.

The protection and management of European heritage is well understood within Local Government. The protection of Aboriginal heritage has lacked an effective and consistent approach. In part this is due to the complexity of Aboriginal heritage, which consists of tangible and intangible elements spanning the pre- and post-contact periods.

Council, as part of the Bathurst Regional Aboriginal Heritage Study, consulted with the local Aboriginal community in relation to the content of the draft report. The Aboriginal community identified a number of sites as having high cultural significance and requested that Council not disclose those sites publicly. As a result, the adopted Aboriginal Heritage Study in its current final form cannot be released publicly, and is held confidentially as part of Council's strategic documents.

Council commissioned the consultants to develop a separate publically available version of the study that excluded information that the Aboriginal community wished to remain as confidential. This required further consultation with the Aboriginal community about the content contained within the public version of the report. Council considers the Aboriginal Heritage of the Bathurst Region as important information that should be shared with the community as well as respecting the wishes of the Aboriginal Community.

The public version of the Aboriginal Heritage Study will be placed on Council's website and located at the Bathurst Library and Bathurst and District Historical Society.

The executive summary is included at **attachment 1**.

**Financial Implications:** Nil.

### **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, 11.10
- 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
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

**MINUTE**

**17 Item 7 BATHURST REGIONAL ABORIGINAL HERITAGE STUDY – PUBLIC  
VERSION (20.00288)**

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

**RESOLVED:** That Council note that the Bathurst Regional Aboriginal Heritage Study – Public Version has been received.

## **8 KING'S PARADE INTERPRETATION SIGNAGE (18.00210)**

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

**Report:** A report to Council on 1 February 2017 advised that on the 9 December 2016, the Heritage Division of the Office of Environment and Heritage (OEH) announced that Council was successful in securing a \$20,000 grant under the 'Heritage Near Me' program to develop a full interpretation strategy for Kings Parade.

As an update for the project, content for the signage has been drafted and will focus on engaging community members and explaining the importance and design of each memorial, encompassing both European and Aboriginal histories and the history of the Parade itself.

Council staff are currently exploring several options in the Parade for the location of the signage including:

- Adjacent to existing seating at the northern end (Evans Memorial end);
- Replicating the stone bubbler structure near the Carillon but on the northern side of the Carillon; and
- Replacing the panels of the existing bus shelter along Russell Street.

Utilisation of the existing bus shelter is preferred at this stage as this would allow a substantial space for signage and images without the need to install new structures within the Parade. It is appreciated that there is the potential for the loss of visibility through the shelter, however, this option would allow for the existing perspex panels to be renewed and improve the amenity of the shelter as it relates to the Parade.

Tenders for the signage design and manufacture will be called shortly once a determination on the best form of sign is made.

It should also be noted that a new suite of brochures will be produced to accompany the interpretive signage.

**Financial Implications:** The grant funded from OEH will be expended on collating the signage information, history and the signage manufacture. Project management and signage installation will be funded from Council's existing budget.

### **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 11.1

## MINUTE

- 18 Item 8 KING'S PARADE INTERPRETATION SIGNAGE (18.00210)  
MOVED: Cr I North SECONDED: Cr G Westman

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

## **9 ABORIGINAL CULTURAL ASSESSMENTS – MOUNT PANORAMA WAHLUU (20.00311)**

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

**Report:** As Council is aware it has engaged Extent Heritage to undertake the following investigations at Mount Panorama:

1. Aboriginal Cultural Heritage Assessment (ACHA) of the land the subject of the development application for the Go Kart Track at the top of Mount Panorama.
2. Aboriginal Cultural Heritage Assessment (ACHA) of the land the subject of the upgrade of the Chase Camp Grounds at the base of Mount Panorama.
3. An anthropological assessment and ethnographic survey of the Mount Panorama precinct.
4. Cultural Heritage Mapping of the Mount Panorama precinct.

This report provides an update on progress with the investigations.

### **Campgrounds**

Test excavation work at the proposed campground area was undertaken between the 12-19 July. A total of 28m<sup>2</sup> was excavated recovering no Aboriginal objects. The testing confirmed the area has been heavily disturbed by previous works associated with farming and land clearance. As a result, the Aboriginal Cultural Heritage Assessment report will indicate that an Aboriginal Heritage Impact Permit (AHIP) is not required and it is considered that the area has very low potential to contain Aboriginal objects.

Accordingly from the perspective of the need for the Aboriginal Cultural Heritage Assessment this development can proceed. Upon receipt of the final report the DA will be lodged by Council's Engineering Department.

### **Go Kart Track**

In developing the methodology for the assessment of the top of the Mount for the Go Kart Track, the Wiradyuri Elders Group were opposed to the inclusion of test excavation work. The NSW Office of Environment and Heritage (OEH) have confirmed verbally that test excavation at the top of the Mountain for the Go Kart development area is not required. Council has requested written confirmation from OEH of this advice through its consultants.

The detailed archaeological surface survey for the proposed Go Kart development site will occur in late August. The consultant team will include a stone artefact specialist to examine any stones claimed by the Bathurst Wiradyuri Elders group to be Aboriginal artefacts. The team will also examine any other physical features such as modified and marked trees identified in recently lodged AHIMS site cards. An arborist may need to be engaged to examine particular trees to provide an age determination.

Depending upon the outcomes of the survey it is anticipated that the Aboriginal Cultural Heritage Assessment would be finalised by the end of September enabling Council to make a decision on the application to modify the development consent in relation to the proposed Go Kart Track.

### **Anthropological Investigations**

The second phase of the anthropological assessment will be carried out in mid to late

August. This phase of work will also involve Dr Gaynor McDonald, who will be undertaking an anthropological survey with the Bathurst Wiradyuri Elders Aunties to identify the potential for any women's values on the mountain (note that the Elders insisted on a female anthropologist to do this work with them). There will be no additional charge to Council as the consultants have been able to reallocate some of Prof Triggers (anthropologist) allowance to cover Dr Gaynor's time.

The first phase of the assessment proved problematic with the Elders Group providing very limited information on their lineage and the origins of stories.

The consultant team will meet with Council staff at the beginning of September to provide an update on the outcomes of the work that is being completed in August.

### **Registered Aboriginal Parties**

As reported to Council at its meeting held 19 April 2017, the cost of the total study is \$239,730 with the phase one investigations being in the order of \$185,230. As also reported to Council it was estimated that an additional \$20,000 in contingencies would be required to cover such costs as fees to Registered Aboriginal Parties (RAPs) to participate in the study process, artefact analysis, storage and reburial if artefacts are located, and site sheds and other administrative matters.

Seven RAPs (four locally based) are involved in the project:

- Bathurst Local Aboriginal Land Council
- DHUULUU-YALA enterprises
- Wiradjuri Traditional Owners Central West Aboriginal Corporation
- Bathurst Wiradyuri and Aboriginal Community Elders
- Warrabinga Native Title Claimants Aboriginal Corporation (based in Mudgee)
- Murra Bidgee Aboriginal Corp, Cultural Heritage (based in Sydney)
- Mooka (based in Cowra)

All seven groups were targeted in relation to the anthropological investigations for the study. Only the four local groups have been involved in the field survey work for the campground and go-kart track sites.

The costs (or estimated costs) to date for the Registered Aboriginal Parties are as follows:

- Campground excavation survey - \$17,600
- First round of Anthropological interviews – Estimate: \$6,160
- Go Kart Survey – Estimate: \$3,520
- Second round of Anthropological interviews – Estimate \$10,560

The Campground excavation survey was more expensive than the estimate for the Go Kart Survey as the Go Kart Survey no longer includes excavation works as outlined above.

The total cost for the RAPs for the study process is therefore likely to be in the order of approximately \$38,000.

This is higher than anticipated at the beginning of the study process given the number of Registered Aboriginal Parties involved in the study process.

### **Aboriginal Place Registration**

During the undertaking of works to date, Council's consultants have identified that the OEH

is currently considering a request from the Bathurst Wiradyuri Elders to the Minister to register the Mountain or parts of it as an Aboriginal Place.

Draft OEH guidelines suggest that the Minister would typically only agree to an Aboriginal Place registration if the landowner is in agreement. Council's consultants have requested that the OEH team who are working on the request liaise with them so that they and Council can be informed of the request and the process of dealing with that request. So far there has been no contact from OEH to Council's consultants or to Council itself.

It is very frustrating that Council has not otherwise been notified about the request submitted to the NSW Office of Environment and Heritage and would have remained unaware of such request had its consultants not been liaising with the Office as part of these current investigations.

This matter is being followed up by Council staff with the Local Member and more information will be provided when it becomes available.

**Financial Implications:** The Phase 1 component of the study is \$185,230 (excl GST and additional contingencies). \$150,000 is provided for in the Engineering Department budget for 2017/18. The balance for phase 1 will be funded from the 2016/17 budget for the Chase campground upgrade. Fees for RAPs on the study process is estimated to be in the order of \$38,000.

### **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 11.2
- 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, 28.8



**MINUTE**

**19 Item 9 ABORIGINAL CULTURAL ASSESSMENTS – MOUNT PANORAMA WAHLUU (20.00311)**

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

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

## **10 EVOCITIES UPDATE (18.00208)**

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

**Report:** Evocities is a major campaign encouraging metropolitan residents to make a City change to one of seven major regional cities; Bathurst, Orange, Tamworth, Armidale, Dubbo, Wagga and Albury.

Since the campaign's launch in 2010, Evocities has been responsible for the relocation of 3,100 households to the Evocities and more than 2 million visits to the Evojobs website. To date there have been 351 household relocations to Bathurst as a result of the Evocities campaign.

Evocities recently received a grant of \$300,000 from the NSW Government's Regional Growth – Marketing & Promotion Fund. These funds will allow Evocities to expand the current marketing effort across new promotional channels, inclusive of billboard marketing on major Sydney highways and ad campaigns on popular Sydney radio stations. These funds will significantly improve the reach of the 'regional living' message.

**Financial Implications:** Council's participation in the Evocities program is funded from 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 1.2, 1.3
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.7

## MINUTE

- 20 Item 10 EVOCITIES UPDATE (18.00208)  
MOVED: Cr B Bourke SECONDED: Cr M Coote

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

## **11 ADVERTISING SIGNS IN PUBLIC AREAS (41.00089 & 23.00045)**

**Recommendation:** That Council:

- (a) adopt the Advertising Signs in Public Areas policy; and
- (b) notify those persons who lodged a submission.

**Report:** Council's existing Advertising Signs in Public Places Policy was initially adopted at the Ordinary Council Meeting held 31 January 2007.

The current Policy focusses on the regulatory regime behind "A frame" signs.

The Policy aims at reducing clutter of advertising by encouraging concise messages and ensuring signs are located in safe areas for pedestrians, cyclists and motor vehicles. The Policy provides Council with the ability to remove any signage which contravenes the Policy.

Under the Policy, Public Indemnity Insurance is to be obtained and an annual Approval fee is to be paid to Council.

In more recent times more businesses are using teardrop banner signs to advertise from the footpath which are currently not covered by the Policy. Given teardrop banner signs use a stand on the ground and can potentially obstruct views, it is considered necessary to assess teardrop banner signs like all other advertising signs in public areas.

An amended Advertising Signs in Public Areas Policy is at **attachment 1**. The amended policy includes specific criteria for teardrop banner signs inclusive of restrictions on signs per street frontage, clearance for pedestrian movement and roadways and a requirement for securely fixing to the ground.

The amendment continues to aim for safety of signage in public areas and the reduction of clutter from advertising signage.

Further, the public indemnity has increased to \$20 million in accordance with current industry practice.

### **Public Exhibition**

The Policy was put on public exhibition from 26 June 2017 to 24 July 2017. During that time, Council received one (1) submission. The submission raised issues for maintaining adequate distances from footpaths, consistency with local traffic directional signage and display of relevant Council approval, refer **attachment 2**.

A summary of the issue and appropriate response is provided below.

<b>ISSUE</b>	<b>RESPONSE</b>
Display of annual approval sticker	No change to the current Policy is proposed. Individual enforcement action can be undertaken as warranted.
Minimum footpath clearance	The current Policy provides for minimum footpath clearances of 2.0 metres in low pedestrian areas and 3.0 metres in high pedestrian areas. In a practical sense these widths apply where there is

	a full width concrete footpath. In other areas say where there is no footpath or a narrower 1.2 metre wide footpath these standards become less relevant. In the circumstance where a narrower footpath is provided it is considered appropriate to reduce these widths and ensure that the sign does not obstruct the actual constructed footpath. Objectives 1.16 and 1.17 have been added to the draft policy.
Conflict with directional signage	Objective 1.11 has been amended to ensure there is no conflict.

The issues raised have been incorporated into the amended policy as noted above, refer **attachment 1**.

Conclusion

Having considered the matters raised in the submission received as a result of the exhibition of the draft amended Policy, it is recommended that Council adopt the Policy as provided in **attachment 1**.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region’s environmental, economic, social and cultural assets. Strategy 28.1, 28.8

## MINUTE

- 21 **Item 11 ADVERTISING SIGNS IN PUBLIC AREAS (41.00089 & 23.00045)**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council:

- (a) adopt the Advertising Signs in Public Areas policy; and
- (b) notify those persons who lodged a submission.
- (c) Policy be reviewed to ensure authorisation labels are clearly visible on signs

**12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)**

**Recommendation:** That Council:

- a) not amend the Bathurst Regional DCP 2014 and Eglinton Open Space and Drainage Section 94 Plan,
- b) notify those who made submissions of its decision, and
- c) call a division.

**Report:** This report relates to Lot 11 DP872964, Freemantle Road, Eglinton. A site plan is provided at **attachment 1**.

**Background**

As part of the Eglinton Expansion LEP Amendment in 2010, Council sought advice from the Department of Education in relation to the likely future land requirements of the Eglinton School. In 2011 the Department of Education advised Council that it supported the identification of 0.91 ha of land to the west and south of the school for possible future expansion of the school site. This land is identified on the current Eglinton DCP map for school expansion located at **attachment 2**. Advice from the Department of Education at that time indicated that the Department would continue to monitor the situation and advise Council if such land would not be required into the future.

Based on this advice the Council adopted a DCP map for Eglinton that included;

- 0.91 ha of land to the west and south of the school allocated for future school purposes.
- new collector road that would provide road frontage for the full width of the expanded school site (western boundary).

Following discussions between the owner/developer of the land and the Department of Education in late 2016, Council has now received advice from the Department that it does not wish to purchase additional land at Eglinton to allow for future school expansion. The Department has indicated, however, that it requests that the DCP include:

- provision for pedestrian access to the western boundary of the school.
- access be achieved by way of future open space dedication/reserve.
- access be a minimum 30 metres wide to allow emergency vehicle access to the school and to avoid creation of narrow, unsafe strips of land between future residential allotments.

**Proposed amendment to the Bathurst Regional DCP 2014 and Eglinton Open Space and Drainage Section 94 Plan**

In response to the Department of Education's position, Council resolved on 1 February 2017 to commence an amendment to the Development Control Plan which sought to amend Map No. 3 - Eglinton to:

- delete the restriction on land to the west and south of the school for future school

- purposes;
- reallocate the land to the south of the school from future school purposes to residential (4000m<sup>2</sup>) and to the west of the school to public open space (0.517ha); and
- amend the relevant section 94 plan to include the proposed open space land so that its future purchase can be funded under the section 94 contributions plan (ie, the open space will be funded from developer contributions).

### Public Exhibition - Round 1

Council exhibited the draft Development Control Plan and Section 94 Plan Amendments from 13 February 2017 to 27 March 2017. It should be noted that there was an error in the submitted valuation report which extended the initial exhibition period from 13 March 2017 to 27 March 2017. Those who were notified as part of the original notification were re-notified and advised of the amended dates.

A copy of the draft DCP map (referred to as "option A") is provided at **attachment 3**.

Council received a total of seven (7) submissions and one (1) petition containing 80 signatures.

Copies of the submissions and the petition (in favour of the Open Space provision) are provided at **attachment 4**.

The table below summarises the submissions received and the key issues raised in those submissions.

<b>Name</b>	<b>Comments or issues raised</b>
Mrs R Smith	Supports the location of Open Space behind Eglinton Public School.
Ms S Williams	Supports the location of Open Space behind Eglinton Public School.
Ms M Smith Relieving Principal, Eglinton Public School	Supports the draft plan as exhibited. The open space will; <ul style="list-style-type: none"> <li>- Provide an open and visible community meeting area on the western side of the school;</li> <li>- Enable easier access to the school from the western area of Eglinton;</li> <li>- Maintain open views that the school currently has;</li> <li>- Enable the Department of Education to purchase the land off Council at a later date if it is required.</li> </ul>
Mrs D Chapman Chair, Eglinton War Memorial Hall & Park Committee	- Supports the location of Open Space behind Eglinton Public School. - Enable the Department of Education to purchase the land off Council at a later date if it is required.
Ms A Taylor President, Eglinton Public School P&C	Supports the draft plan as exhibited. The open space will; <ul style="list-style-type: none"> <li>- Provide an open and visible community meeting area on the western side of the school;</li> <li>- Enable easier access to the school from the western area of Eglinton;</li> <li>- Maintain open views that the school currently has;</li> <li>- Enable the Department of Education to purchase the land off Council at a later date if it is required.</li> </ul>
McPhee Kelshaw On behalf of Hynash Pty Ltd	- Considers that the proposed open space (identified on draft 1 - DCP Map No 3) far exceeds the reasonable future requirements of the School. - Considers that Council has not provided sufficient justification to widen the access from 30m (as identified by the NSW Department of Education) to 140m (as identified on the Draft DCP Map).



	<ul style="list-style-type: none"> <li>- Identifies that the Council documents do not address the long term traffic, noise and privacy impacts on the proposed residential lots.</li> <li>- Considers that the amendment to the Section 94 Plan (which funds the acquisition of the land from future subdivisions) unfairly burdens the property and future development of the property. States that there is no obvious nexus to the purchase of the land and the increase in the demand for open space.</li> <li>- States that no explanation has been given that the Eglinton community should fund the purchase of the open space for the sole use by NSW Department of Education.</li> <li>- States that the requirement of the developer to pay approximately \$28,000 towards the acquisition of its own land is unfair.</li> </ul>
Hynash Pty Ltd Landowner	Proposed redesigned subdivision layout which included the road directly adjoining the western boundary of Eglinton Public School.

### Public Exhibition – Round 2

As noted in the table above the landowner proposed an alternate arrangement whereby direct road frontage to the west of the school was provided in lieu of the open space option. Council officers were of the opinion that the proposal warranted re-exhibition. Council re-exhibited the revised draft Development Control Plan Amendment from 15 May 2017 to 13 June 2017.

A copy of the draft DCP map (referred to as option B) is provided at **attachment 5**.

As a result of the second round of public exhibition, Council received a total of seven (7) submissions and thirty three (33) pro-forma submissions.

Copies of the submissions received as part of Round 2 Public Exhibition are provided at **attachment 6**.

The table below summarises the submissions received as part of Round 2 Public Exhibition and the key issues raised in those submissions.

<b>Name</b>	<b>Comments or issues raised</b>
Ms Y Bremner	Proforma submission – Supports Option A – Green Space
Mr R Bremner	Proforma submission – Supports Option A – Green Space
Ms N Turner	Proforma submission – Supports Option A – Green Space
L Clemens	Proforma submission – Supports Option A – Green Space
K Longman	Proforma submission – Supports Option A – Green Space
A Szumowski	Proforma submission – Supports Option A – Green Space
Ms J Renshaw	Proforma submission – Supports Option A – Green Space
Ms E Grabham, President Eglinton Public School P & C	<ul style="list-style-type: none"> <li>- Suggests that the Draft DCP Map with open space be the preferred option.</li> <li>- Considers that the road frontage would reduce the safety and security of students.</li> <li>- The proposed open space provides a buffer between the school and its neighbours.</li> <li>- Cites that the school has 480 students now with a capacity of 550 students, with the extra houses being built all around Eglinton the school will out grow itself within a year or two.</li> </ul>
Mr M Begg	Trees should be planted as a priority in open space.
Alexandra	Supports the location of open space behind Eglinton Public School.
Ms J Clews	Supports the location of open space behind Eglinton Public School.
J & K Palmer	Proforma submission – Supports Option A – Green Space
Ms R Meadhurst	Proforma submission – Supports Option A – Green Space
Ms J Baggins-Clark	Proforma submission – Supports Option A – Green Space

Mr D Culpitt	Proforma submission – Supports Option A – Green Space
Mr S Medhurst	Proforma submission – Supports Option A – Green Space
Mr C Marple	Proforma submission – Supports Option A – Green Space
Mr P Martin	Proforma submission – Supports Option A – Green Space
Ms M Halin	Proforma submission – Supports Option A – Green Space
Mr W Halin	Proforma submission – Supports Option A – Green Space
K Whalan	Proforma submission – Supports Option A – Green Space
Ms J White	Proforma submission – Supports Option A – Green Space
E Clarke	Proforma submission – Supports Option A – Green Space
C Whiteman	Proforma submission – Supports Option A – Green Space
Ms E Killick	Proforma submission – Supports Option A – Green Space
Mr A Kilick	Proforma submission – Supports Option A – Green Space
Mr P Toole MP Member for Bathurst	Advises of communication received from members of the Eglinton community regarding the proposal.
Ms A Bennett	<ul style="list-style-type: none"> <li>- Supports the location of open space behind Eglinton Public School.</li> <li>- Cites traffic in Alexander Street would significantly increase with increased population.</li> <li>- Cites the open space will allow future expansion of the School if warranted in the future.</li> <li>- Cites the location of the road lacks foresight or care for the Eglinton residents.</li> </ul>
Ms A Taylor	<ul style="list-style-type: none"> <li>- Supports the location of open space behind Eglinton Public School of at least 30 metres wide.</li> <li>- Cites that the school needs this room for many reasons, including future expansion, safety for the children during drop off and pick up, keeping the rural feel of the school.</li> <li>- Cites that the school is currently reaching capacity and has problems with children fitting in the school hall.</li> </ul>
Mr D Chircop	Proforma submission – Option A – Green Space
Ms J Chircop	Proforma submission – Option A – Green Space
Mr G Farrell	Proforma submission – Option A – Green Space
M Rapburn	Proforma submission – Option A – Green Space
Mr S Carroll	Proforma submission – Option A – Green Space
Ms R Robinson-Carroll	Proforma submission – Option A – Green Space
Unknown	Proforma submission – Option A – Green Space
Ms T Larnach	Proforma submission – Option A – Green Space
Ms P Winfield	Proforma submission – Option A – Green Space
Ms R Smith	Proforma submission – Option A – Green Space
Hynash Pty Ltd Landowner	<p>The landowner objects to the following;</p> <ul style="list-style-type: none"> <li>- The value of the land identified for open space;</li> <li>- The timing of the acquisition;</li> <li>- The changing of the classification of the land from special uses residential to ‘open space’ and the significant decrease in value.</li> <li>- That the funding of the purchase (via Section 94 contributions) will be significantly funded by the landowner;</li> <li>- Supports draft 2 (the option with the road frontage at the rear of Eglinton Public School) of the DCP map.</li> <li>- Cites that if the Department of Education had purchased the land it would have done so at market rates with no additional Section 94 charges.</li> <li>- Believes that the road frontage option at the rear of the School would enhance the School site and give the school access to stormwater.</li> <li>- Believes that if option 1 is adopted by Council that: <ul style="list-style-type: none"> <li>● The purchase or acquisition of the land should occur initially;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• The purchase or acquisition of the land should <u>not</u> be funded from Section 94 contributions;</li> <li>- Council is changing the ground rules to suit themselves. Attached a valuation report from Ralph Toyer &amp; Associates which values the land at \$180,000.</li> </ul>
B Anderson	Proforma submission – Option A – Green Space

**Attachment 7** is a report from Council's Your Say website that summarises the level of engagement with respect to this Draft DCP during the exhibition periods.

#### Discussion Forum – 5 July 2017

A discussion forum was held on 5 July 2017. Those who made submissions to either of the public exhibition periods were invited to attend. The discussion forum report and minutes are at **attachment 8**. A summary of the matters raised at the discussion forum are outlined below.

<b>R Smith</b> <u>Parent of child at Eglinton School</u>	<ul style="list-style-type: none"> <li>- Pleased Council is putting forward a proposal to maintain green space.</li> <li>- Queried whether people who put in submissions in the first round were recontacted.</li> <li>- Spoke to need for school to expand into the future. Asks that land be maintained by Council to allow this growth.</li> <li>- The school is getting cramped. If it gets hemmed in this will push people out and reduce school drawing boundaries.</li> <li>- Referred to Council purchasing open space and encouraged this.</li> </ul>
<b>L Hewitt (Hynash Pty Ltd)</b> <u>Developer</u>	<ul style="list-style-type: none"> <li>- The DA has been withdrawn due to issues that have been raised by Council.</li> <li>- Was happy for the Department of Education to purchase land. But is against Bathurst Regional Council's proposal to change the zoning, so can purchase at a cheaper price and is against having to pay S:94 funds.</li> <li>- Seeks Option B be adopted as his preference. Will fight any reclassification of land and will go to court if necessary.</li> <li>- Would like land to be available to the school but wants reasonable compensation. Council's method of acquiring the land, whilst not illegal, is immoral.</li> </ul>

#### Additional submission

Following the discussion forum, the landowner (Hynash Pty Ltd) has made a further submission to Council stating that as the developer they would accept the status quo (ie not to proceed to amend the DCP to remove the "School" special use restriction). If either of the two draft alternatives were to be considered, the landowner still prefers Option B of the draft DCP map (ie road frontage to the rear of the school and no open space). A copy of the submission is provided at **attachment 9**.

#### Preferred Option

Council therefore has 3 options available to it being:

1. maintain the status quo ie resolve not to proceed to amend the DCP map.
2. adopt option A as the DCP amendment (ie open space at the rear of the school).
3. adopt option B as the DCP amendment (ie public road at the rear of the school and no open space or school expansion).

The respective advantages and disadvantages of each approach area as follows:

### Status Quo

A copy of the current DCP Map No. 3 Eglinton is provided at **attachment 2**.

<b>Amendment to Development Control Plan</b>	<b>Amendment to Eglinton Open Space and Drainage Section 94 Plan</b>	<b>Advantages</b>	<b>Disadvantages</b>
<p>No amendment required.</p> <p><u>Note:</u> This option retains the existing DCP Map No. 3 with the "School" special use restriction on the Western and Southern boundary of Eglinton Public School.</p>	<p>No amendment required.</p>	<ul style="list-style-type: none"> <li>- Will still allow negotiations to continue between the landowner and the NSW Department of Education to secure the identified land for future School expansion if warranted.</li> <li>- Provides maximum land for future expansion (0.91ha).</li> <li>- High level of school community support.</li> <li>- Enables school community the opportunity to further lobby the Government to purchase land.</li> </ul>	<p>If the surrounding land is subdivided, the School will not have rear access until the sale of the land is resolved between the landowner and NSW Department of Education.</p>

### Alternative Option A – Open space adjoining the school

A copy of Option A of DCP Map No. 3 Eglinton is provided at **attachment 3**.

<b>Amendment to Development Control Plan</b>	<b>Amendment to Eglinton Open Space and Drainage Section 94 Plan</b>	<b>Advantages</b>	<b>Disadvantages</b>
<p>Adoption of option A of Bathurst Regional Development Control Plan 2014 Map No. 3 is required.</p> <p><u>Note:</u> This option amends the DCP Map No. 3 to:</p> <p>a) Remove the "School" special use restriction from the Western and Southern boundary of Eglinton Public School.</p> <p>b) Locate 0.52ha of open space on the western boundary of the School.</p>	<p>Amendment to the Eglinton Open Space and Drainage Section 94 Developer Contributions Plan is required. The amendment will increase the contribution required to \$3,477.70 per lot (an increase of \$78.00 per lot).</p>	<ul style="list-style-type: none"> <li>- Will allow access to the rear of Eglinton Public School.</li> <li>- High level of community support.</li> <li>- Retains possibility for school to expand into the future although at a limited amount as compared to the status quo option.</li> </ul>	<ul style="list-style-type: none"> <li>- Additional contribution on the remaining landowners towards the purchase of the Open Space.</li> <li>- Not supported by landowner.</li> <li>- Will increase the cost of S94 contributions on other land developers.</li> </ul>

c) Allow residential uses on the land to the south of the School.			
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Council commissioned a valuation of the land to enable a purchase price to be established for the open space adjoining the school, which formed the basis of the proposed amendment to the Section 94 Plan. The valuation report recommended a purchase price of \$78,000. The landowner has provided a second valuation report recommending a different purchase price of \$180,000. Both of the reports applied different methodologies to arrive at their respective valuations. Council sought an independent peer review of the two differing valuations. The peer review indicated that the correct valuation should be \$78,000. Using both the valuation report and the peer review, should option A be chosen, it will be necessary to amend the Eglinton Open Space and Drainage Section 94 Plan to increase the contribution rate to \$3,477.70 per lot, equating to an increase of \$78.00 per lot. If adopted, this will apply to any future applications for subdivision within the catchment area.

Alternative Option B – Road adjoining school

A copy of option B of DCP Map No. 3 Eglinton is provided at **attachment 5**.

<b>Amendment to Development Control Plan</b>	<b>Amendment to Eglinton Open Space and Drainage Section 94 Plan</b>	<b>Advantages</b>	<b>Disadvantages</b>
Adoption of option B of Bathurst Regional Development Control Plan 2014 Map No. 3 is required. <u>Note:</u> This option amends the DCP Map No. 3 to: a) Remove the "School" special use restriction from the Western and Southern boundary of Eglinton Public School. b) Locate a collector road on the current western boundary of the School. c) Allow residential uses on the land to the south and west of the School.	No amendment required.	<ul style="list-style-type: none"> <li>- Will allow access to the rear of Eglinton Public School.</li> <li>- Does not increase the S94 contribution.</li> </ul>	<ul style="list-style-type: none"> <li>- No opportunity for the Eglinton Public School to increase capacity.</li> <li>- Not supported by the community.</li> </ul>

Conclusion

Council commenced an amendment to the Bathurst Regional DCP 2014 and the Eglinton Open Space and Drainage Section 94 Plan as a result of correspondence from the NSW Department of Education that they no longer sought to purchase the land set aside on the DCP map for School Expansion.

Council undertook a series of two public consultation periods with a total of 47 submissions

being received and one petition with 80 signatures. A discussion forum was also held and heard from two additional people, including the landowner. A further submission was received from the landowner following the discussion forum which stated that they would accept the status quo in that there not be any amendment to the DCP Map No. 3 (Eglinton) and retain the "School" special use on part of the land.

It is considered that maintaining the status quo provides the greatest opportunity to allow for future expansion of the school and ensures long term rear access. Accordingly it is recommended that Council not proceed to amend the DCP map to remove the "School" special use restriction. This will still allow negotiations to continue between the landowner and the NSW Department of Education to secure the identified land for future school expansion. It will also provide the school community the opportunity to lobby the Government for the additional land.

It is recommended that Council not proceed to amend the DCP Map No. 3 - Eglinton at this time.

**Financial Implications:** Nil.

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

- Objective 13: To minimise the City's environmental footprint. Strategy 13.8
- Objective 14: To encourage less car dependency. Strategy 14.3, 14.4
- 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, 28.9
- 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 29.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3

**MINUTE**

**22 Item 12 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)**

This item was dealt with at Minute #14.

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

16 AUGUST 2017



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

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

**Report:** \$85,000,000 was invested at 31 July 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$4,000,000.00	2.55%
Bankwest	A1+	\$4,500,000.00	2.59%
Bank of Queensland Limited	A2	\$16,500,000.00	2.64%
Bendigo and Adelaide Bank Limited	A2	\$3,000,000.00	2.63%
Newcastle Permanent	A2	\$2,500,000.00	2.54%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.70%
People's Choice Credit Union	A2	\$6,000,000.00	2.70%
IMB	A2	\$3,000,000.00	2.65%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.70%</u>
		<b>\$47,500,000.00</b>	<b>2.64%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.52%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.68%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.82%
WBC Coupon Select	AA-	\$2,000,000.00	2.76%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		<b>\$11,700,000.00</b>	<b>2.59%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		<b>\$3,000,000.00</b>	<b>3.24%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.60%
CBA Climate Bond	AA-	\$1,000,000.00	2.63%
Suncorp Metway	A+	\$1,000,000.00	2.95%
Rabobank	A+	\$1,000,000.00	3.23%
AMP	A	\$1,000,000.00	2.76%

AMP	A	\$800,000.00	2.82%
AMP	A	\$1,000,000.00	3.09%
Macquarie Bank	A	\$1,000,000.00	2.83%
Bank of Queensland	BBB+	\$1,000,000.00	2.72%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.82%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.81%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.65%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.84%
Police Bank Ltd	BBB	\$1,000,000.00	2.84%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.76%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.84%
Credit Union Australia 2	BBB	\$1,000,000.00	2.92%
Credit Union Australia 3	BBB	\$1,000,000.00	3.40%
Newcastle Permanent	BBB	\$1,000,000.00	3.06%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.32%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.34%
Members Equity Bank 2	BBB	<u>\$1,000,000.00</u>	<u>2.74%</u>
		<b>\$22,800,000.00</b>	<b>2.90%</b>

**Total Investments** **\$85,000,000.00** **2.72%**

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

Reserves Total (includes unexpended loan funds)	\$48,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$379,269.00

**Total Investments** **\$85,000,000.00**

**Total Interest Revenue to 31 July 2017** **\$198,802.47** **2.72%**

**A Jones**  
**Acting Responsible Accounting Officer**

**Financial Implications:** **Attachment 1** shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

**Bathurst 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

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

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

## **2 MONTHLY REVIEW - 2017-2021 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2017-2018 (16.00148)**

**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/council/general-information/public-documents](http://www.bathurst.nsw.gov.au/council/general-information/public-documents). A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2017-2021 Delivery Plan and the Annual Operational Plan 2017-2018.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 1.

**Financial Implications:** Nil.

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

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

**MINUTE**

**24 Item 2 MONTHLY REVIEW - 2017-2021 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2017-2018 (16.00148)**

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

**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 July 2017.

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

Section 356:	\$19,412
BMEC Community use:	\$ 9,171
Mount Panorama:	\$34,017

#### **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

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

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

**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.

- Building Solutions Pty Ltd - 9 Poate Street - Lot 1099, DP 1215618 - Transfer
- Master Com Pty Ltd - Mt Panorama - Lot 1, DP634401 - Lease

#### **Linen Plan Release**

- Nil

**Financial Implications:** Nil.

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

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



## MINUTE

- 26 Item 4 POWER OF ATTORNEY (11.00007)  
MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

## **5 INTEGRATED PLANNING AND REPORTING - END OF TERM REPORT (11.00008)**

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

**Report:** In 2009 the NSW State Government introduced Integrated Planning and Reporting (IP&R) reforms for Local Government. Included in these changes was the need for Council to adopt long term Community Strategic Plans.

The Community Strategic Plan (CSP) is the highest level plan a Council must prepare. The CSP identifies the community's main priorities and aspirations for the future and includes strategies to achieve these goals. Council must at the end of the Council Term prepare a report on the achievements of the current Council in relation to its obligations contained within the CSP. Normally a term of Council would be four years, however, this End of Term report covers the period since the last election held in September 2012. A copy of the report is shown at **attachment 1**.

**Financial Implications:** Nil

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.6

**MINUTE**

**27 Item 5 INTEGRATED PLANNING AND REPORTING - END OF TERM REPORT**  
**(11.00008)**

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

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

## **6 REQUEST FOR SPONSORSHIP - 2018 MID-AMATEUR CHAMPIONSHIPS AND 2019-2021 NSW COUNTRY CHAMPIONSHIPS (22.00126)**

**Recommendation:** That Council sponsor the 2018 Mid-Amateur Championships and 2019-2021 NSW Country Championships, to be held in Bathurst during May each year, at a cost of \$10,000 per year.

**Report:** Council has received a request from Golf NSW and the Bathurst Golf Club for Council to become involved in the sponsorship of the 2018 Mid-Amateur Championships and 2019-2021 NSW Country Championships to be held in May each year. Council has been advised that, for a fee of \$10,000 (plus GST) per year, it will become the principal sponsor of these events, see **attachment 1** for further details.

Council previously sponsored the 2017 NSW Men's Senior Golf Championship. This event attracted 145 entrants, of which only 15 were from Bathurst, returning an estimated \$257,000 to the Bathurst Region's economy. It is anticipated that equivalent numbers of participants, and returns to the Bathurst economy, will be obtained as a result of these events.

The partnership between Bathurst Regional Council and the Bathurst Golf Club in sponsoring these events will include:

- (a) Naming and logo associated with event titles;
- (b) Mayoral Welcome at the players dinner;
- (c) Presentation of winner's trophy;
- (d) Brand recognition on all event advertising; and
- (e) 10 guest passes to the official dinner.

It is recommended that Council sponsor the 2018 Mid-Amateur Championships and 2019-2021 NSW Country Championships with funds to be provided from the Water Fund promoting the message of water wise usage on golf courses.

**Financial Implications:** To be provided from the Water Fund promoting the message of water wise usage on golf courses.

### **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 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

## MINUTE

**28 Item 6 REQUEST FOR SPONSORSHIP - 2018 MID-AMATEUR CHAMPIONSHIPS AND 2019-2021 NSW COUNTRY CHAMPIONSHIPS (22.00126)**  
**MOVED: Cr W Aubin SECONDED: Cr I North**

**RESOLVED:** That Council sponsor the 2018 Mid-Amateur Championships and 2019-2021 NSW Country Championships, to be held in Bathurst during May each year, at a cost of \$10,000 per year.

## **7 BATHURST BIKE HIRE SCHEME - BOOMERANG BIKES (20.00117)**

**Recommendation:** That Council exercise the option and extend the License Agreement with Boomerang Bikes, for the Bathurst Bike Hire Scheme, for a further 12 month period.

**Report:** Councillors would recall from its meeting of 20 July 2016 where it was resolved:

*"That Council enter into a twelve month agreement, including a twelve month option, with Boomerang Bikes for a Bike Hire Service as detailed in the report". (Cr Westman/Cr Coote).*

This Agreement commenced 12 September 2016, and under the terms of the Agreement, Council is now required to advise Boomerang Bikes of its intentions concerning the twelve month option.

The tables at **attachment 1** provide the usage statistics for the two existing Bike Hire sites, being the Bathurst Aquatic Centre and the Bathurst Visitor Information Centre, for the period September 2016 to June 2017.

It is quite apparent from this data that the take-up of this facility has been much lower than anticipated.

Council staff have been in consultation with the General Manager of Boomerang Bikes to identify opportunities to increase the patronage of this facility. Through these discussions it has been established that the main cause for the low usage is due to the general absence of community and visitor awareness of this facility.

Accordingly, should Council resolve to support the recommendation of this report, then Council staff will explore further avenues to increase the awareness of this service. Such avenues would include, and not necessarily limited to: a review of marketing strategies; the circulation of promotional material, and the broadcasting through social media.

A further consideration could be the provision of additional hire stations and/or installation of secured bike parking facilities at other prominent locations, however, it would be prudent to defer the consideration of these options until such time that the usage of this service creates the demand for additional sites.

The Bike Hire Scheme aligns with the strategic direction (Priority 3) contained in the 2015 Destination Management Plan. Cycling is a growing niche in the tourism market, with cyclists on average staying 5.1 nights and engaging in more activities during their stay.

In entering into the initial agreement, Council acknowledged that the intent was not for this service to be a profit making venture, but rather, was an investment to enhance the visitor experience whilst in Bathurst.

**Financial Implications:** The cost to Council for this facility is \$1,200 per site per month, with Council retaining 50% of the income generated from each hire. Council's 2017/2018 Budget includes sufficient funds to cover the cost of the two sites for the financial year, and provides for an anticipated hire revenue of \$5,300.

### **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

- 29 Item 7 BATHURST BIKE HIRE SCHEME - BOOMERANG BIKES (20.00117)  
MOVED: Cr M Coote SECONDED: Cr I North

**RESOLVED:** That Council exercise the option and extend the License Agreement with Boomerang Bikes, for the Bathurst Bike Hire Scheme, for a further 12 month period.

## **8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (18.00303)**

**Recommendation:** That Council continue to provide the General Rates for the Bathurst City Community Club amount to \$7,696.73 per annum.

**Report:** Council has received a request from the Bathurst City Community Club (Inc) for financial assistance seeking a discount on General Rates and Water for 2017/2018 at **attachment 1.**

Council has received a copy of the financial statements for the Club to 30 June 2016. These have been forwarded to Councillors under separate cover.

Council has, in the past, supported the Bathurst City Community Club financially by:

- (a) Making payment of the General Rates; and
- (b) Providing a water cost structure that allows the Community Club to have reduced water costs for the operation of the facility (currently this subsidy is around \$7,000 per annum).

As Council has previously supported the Bathurst City Community Club with the General Rates, it is recommended that no additional financial support be given.

Councillors will need to read the Independent Auditor's report, on page 14 of the financial statements, to understand the financial situation of the organisation.

**Financial Implications:** There are no increased financial contributions as Council already provides for the payment of General Rates and other subsidies outlined in the 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 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1



## MINUTE

### **30 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (18.00303)**

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

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

**Reason: has close relationship with applicant.**

**RESOLVED:** That Council continue to provide the General Rates for the Bathurst City Community Club amount to \$7,696.73 per annum.

## **9 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)**

**Recommendation:** That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

**Report:** In accordance with the provisions of Section 450(A) of the Local Government Act, the Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff will be tabled at the 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 28.1
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.1

**MINUTE**

**31 Item 9 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)**

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

**RESOLVED:** That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

**10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 04.00033, 22.00350, 22.00202, 22.04305, 22.15200,22.00697)**

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

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

**1 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928  
LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH  
ASSOCIATION INC. (04.00033)**

This report relates to a proposal to renew a Sporting Licence Agreement for Part Lot 5 DP776928, Learmonth Park (Dorman Place, Kelso) to the Bathurst Touch Association Inc.

**2 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK  
STREET, EGLINTON - EGLINTON DISTRICT TENNIS CLUB (22.00350)**

This report relates to a proposal to renew a Sporting Licence Agreement at Part Lot 72 DP755779 Park Street, Eglinton to the Eglinton District Tennis Club.

**3 RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12  
WHITEMAN PLACE, BATHURST (22.00202)**

This report relates to a proposal to enter into a Residential Lease Agreement for Lot 127 in DP249576 known as 12 Whiteman Place, Bathurst.

**4 PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE MOUNT  
PANORAMA (22.04305)**

This report relates to the proposal to purchase property adjacent to Albens Reserve Mount Panorama.

**5 SALE OF RESIDUE LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN  
PARK ROAD, KELSO (22.15200)**

This report relates to the sale of land at Part Lot 202 DP1074567, known as 31 Hampden Park Road, Kelso.

**6 PANORAMA MOTEL WATER USAGE CHARGES (22.00697)**

This report relates to water usage charges incurred.

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

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

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

**MINUTE**

**32 Item 10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 04.00033, 22.00350, 22.00202, 22.04305, 22.15200,22.00697)**  
**MOVED: Cr I North SECONDED: Cr G Westman**

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

Yours faithfully

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

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

## **DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017

## **1 CONSENT TO CLOSURE OF UNFORMED COUNCIL ROAD - LOCATED AT GLANMIRE (25.00115)**

**Recommendation:** That Council consent to the closure of the unformed Council road off Brewongle Lane at Glanmire as proposed by NSW Department of Industry Lands, subject to the information contained in the Director Engineering Services' report.

**Report:** Council has been notified by NSW Department of Industry Lands of an application received for closure of the unformed Council road (the road) situated off Brewongle Lane at Glanmire.

The applicant is the owner of the land adjoining the road at Lot 151 DP626703 and Lot 2 DP792926 known as 457 Brewongle Lane Glanmire.

For the location of the road and surrounding lands, please see **attachment 1**.

It is considered that Council does not have any interests which may be affected by the closing of the road identified.

It is recommended that Council consent to the proposed closure of the unformed Council road as depicted in the attachment.

**Financial Implications:** Nil, as NSW Department of Industry Lands will undertake the procedure, upon receiving Council's consent.

### **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

## MINUTE

### **33 Item 1 CONSENT TO CLOSURE OF UNFORMED COUNCIL ROAD - LOCATED AT GLANMIRE (25.00115)**

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

**RESOLVED:** That Council consent to the closure of the unformed Council road off Brewongle Lane at Glanmire as proposed by NSW Department of Industry Lands, subject to the information contained in the Director Engineering Services' report.



## **2 STREET TREES ADJACENT TO MACKILLOP COLLEGE (13.00019)**

**Recommendation:** That Council:

- (a) undertake the removal of nineteen (19) Poplar street trees adjacent to the property of MacKillop College
- (b) replant the area with appropriate replacement tree species suitable for the narrow verge and adjacent building infrastructure, and
- (c) give consideration to allocate sufficient funding and resources within the 2018/19 Management Plan for works to proceed.

**Report:** Council has received a number of complaints over recent years from MacKillop College in relation to the street trees located adjacent to the school. Specifically the concerns raised relate to the safety of the trees, their general health and the damage that the root systems are causing to the kerb and guttering, drainage, road surface, sewer systems and general building cracking.

The existing 19 poplar trees are believed to be an old variety of *Populus nigra* which are currently in a poor condition. It is uncertain as to who may have originally planted these street trees, which are in the vicinity of 50 years old. It is possible that they could have been planted by the school as part of a beautification program.

As a result of a recent request from MacKillop College, an on-site inspection was conducted with their Officials and Council's Officers to view the damage that they believe to be caused by the roots of these trees. The areas that were inspected included both Council infrastructure and school property. The inspection identified that the following damage is being caused either as a direct or indirect result of the trees:-

- Council kerb and gutters system uplifted and broken, resulting in rainwater unable to flow into drainage systems, causing localised road flooding
- Lifting and cracking of concrete footpaths
- Damage to the Gormans Hill Road Pavement
- Damage to the MacKillop College's car park and internal road network, causing trip hazards and the beginning of road pavement failure
- Damage to MacKillop College internal stormwater drainage infrastructure, creating minor flooding in rain periods
- Roots of trees have entered sewer pipes causing constant blocking of toilets within the school building.
- Many of the trees are in poor condition and significant sized limbs have failed in the past.

Upon inspection by Council's horticultural staff, it was assessed that these trees are in poor condition and their surface root systems have created significant damage to the surrounding street and adjacent school property, which will continue to progress and worsen into the future. Images of the damage that is being caused by these trees is shown at **attachment 1** for Council's information.

Due to their poor health, the concerns for the safety of pedestrians and general road users, and the visible and extensive damage that is being caused to surrounding infrastructure, it is believed necessary that the poplar trees be removed within the near future, as soon as resources permit.

The assessment of the trees identified them to be in declining health and vigour, exhibiting poor extension growth and showing evidence of decline and sparse foliage cover. These trees are also considered to be of very low retention value determined on the basis of their estimated longevity, amenity value and the trees negative contribution to the visual character of the area.

It was also observed that it would be impractical or impossible to control the root system of these trees, due to the restricted space available within the verge. Trying to remove roots and place a root barrier between the kerb and property boundary would cause the death of the trees as well as create significant tree failure risk, due to the removal of main anchor roots. It is another classic example of the wrong tree for the particular location, given the current surrounding environment.

It is therefore recommended that funding be made in the 2018/19 financial year to enable the removal of these trees and to restore the kerb and gutter along this section of Gormans Hill Road. The road pavement and bitumen seal will also require work to be undertaken to remove the damage that is being caused by the poplar roots. The works will also require the replanting of replacement trees to be planted back along the verge, utilising appropriate tree species suitable for the existing site conditions of the area. It is envisaged that the tree removal activities would be undertaken during one of the school holiday periods to ensure the least amount of disruption to the surrounding area as possible.

**Financial Implications:** The cost of the removal and replanting works is estimated at \$30,000 not including traffic control requirements. Further investigation will need to be undertaken to determine the cost for kerb and gutter and road repairs that will be required. The costs for the removal and replanting of the trees and the works required to repair the road will be developed and submitted to the 2018/19 Management Plan deliberations for Council's consideration.

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

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.9
- 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

**34 Item 2 STREET TREES ADJACENT TO MACKILLOP COLLEGE (13.00019)**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council:

- (a) undertake the removal of nineteen (19) Poplar street trees adjacent to the property of MacKillop College
- (b) replant the area with appropriate replacement tree species suitable for the narrow verge and adjacent building infrastructure, and
- (c) give consideration to allocate sufficient funding and resources within the 2018/19 Management Plan for works to proceed.

### **3 POTHOLE PATCHING MACHINE - PROPOSED PURCHASE (15.00002)**

**Recommendation:** That the item be referred for Council's consideration to the budgetary process for the 2018/2019 financial year.

**Report:** At the Policy Committee Meeting held 5 July 2017, Council enquired as to whether Council needs to look at purchasing a pothole patching machine.

Council currently has three machines used for pothole repairs, and repair of minor road pavement defects.

Fleet 2612 purchased in 2008 for \$249,034.00

Fleet 2803 purchased in 2011 for \$277,615.00

Fleet 3159 purchased in 2016 for \$389,020.00

The method of pothole repair employed by Council with the current fleet of machines is detailed below.

1. Each machine requires three BRC staff members in order to undertake simple pothole repairs, as well as a minimum of two traffic controllers at all times whilst in operation.
2. Can carry either cold mix or hot mix (asphaltic concrete commonly known as AC). This material is then shovelled off the truck, via a tray at the rear of the truck, into the offending pothole, compacted and left neat and tidy for traffic.
3. Process leaves minimal mess and excess stone about the hole and is considered a short term fix.
4. The current fleet of machines can also carry stone and emulsion for use as an alternative method of pothole repair via hand wand for spraying emulsion and shovelling stone into the hole.
5. Machines are also set up for minor spray sealing works via an emulsion spray bar and auger fed stone feeder at the rear of the machine.
6. Very versatile due to wide range of available repair methods incorporated into machine design.

In addition to this, as was the case after last winter, Council uses a product known as "cold mix" to repair potholes that can be loaded onto utes and easily transported and shovelled off to undertake repairs. The ability to use cold mix in this way makes it an incredibly convenient and versatile product.

There are numerous alternative "pothole repair" type machines on the market with most sharing the same or similar concept as detailed below.

- The machine has a robotic arm/boom that extends from either under or above the cab, over the pothole and fills it with material (a bitumen emulsion and 5-7mm stone mix),
- It blows away the loose material and debris and sprays the material into the

hole,

- The driver can control the process from inside the vehicle's cab using a computer-styled joystick.

Machines of this nature have been popular in the past, for reasons detailed below.

1. Promoted as a one-man operation.
2. Quick and expedient method of patching potholes.
3. Stone and emulsion mixed together prior to entering hole to achieve maximum binding capability (the stone and emulsion is sprayed together so that the stone is coated with emulsion).
4. Improved safety as operator is situated in the vehicle at all times.

However in recent times Council has found that, due to safety requirements and RMS specifications that machines of this nature have become less suited to Council's needs and not necessarily more efficient than Council's current method of pothole repair.

Some reasons for this are detailed below.

1. Requires at least a two man operation in the case of working alone and in remote rural areas plus a minimum of two traffic controllers at all times.
2. Involves minimal preparation prior to patching and cannot account for the shape, depth, surface texture and rough edges of the hole.
3. Can leave excess stone and emulsion from scattering effect of spray application and cannot really achieve any form of compaction of the material, often resulting in increased exposure to claims from motorists due to loose stones damaging vehicles.
4. Machines can be high maintenance due to number of "working parts" (automation).

The price of this type of machine would be similar to that of our own machines likely in the vicinity of \$270,000.

Council has owned a machine of this nature in the past however replaced it due to the reasons outlined above for the current style of machine.

It should also be noted that repair of potholes by simply filling with whatever appropriate material is generally a short term fix regardless of the process. Ideally potholes are repaired as a temporary measure until a more permanent repair can be undertaken, such as rehabilitation or reconstruction works. That being said it is appropriate that pothole repair is done as cheap and efficiently as possible. Over the course of time staff have found that generally cold mix and hot mix repairs have proved superior to emulsion and stone repairs.

At the time of Council's enquiry the Bathurst region had experienced an exceptionally wet winter, resulting in severe potholing of roads within the region. This phenomenon is not unusual in that pothole rates generally increase after any substantial rainfall is experienced. At the time Council had every available resource at its disposal attending to the increased number of potholes and road failures.

Since that time Staff have caught up with the potholes and road patching and are currently

experiencing relatively normal conditions as far as the number of potholes and road failures is concerned. In fact to the point where we are currently underway with planned maintenance works due to the current low number of defects and associated complaints.

If Council were to purchase another machine for the purpose of patching potholes and the like, and taking into consideration the cost of the new machine, staff and materials required to operate, the cost to Council would be in the vicinity of -

Plant/equipment	\$ 30,000/year (based on a 10yr plant life)
Labour x 4	\$250,000/year (including traffic control)
Materials	\$195,000/year
<b>Total</b>	<b>\$475,000/year</b>

At present Council has no funds allocated for this expenditure and it is recommended that this item be considered in the preparation of Council's Delivery Plan and Annual Operational Plan for 2018/2019.

**Financial Implications:** Nil.

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

- 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

- 35 Item 3 POTHOLE PATCHING MACHINE - PROPOSED PURCHASE (15.00002)  
MOVED: Cr W Aubin SECONDED: Cr M Coote

**RESOLVED:** That the item be referred for Council's consideration to the budgetary process for the 2018/2019 financial year.

**4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 36.00643)**

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

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

**1 TENDER FOR CONSTRUCTION OF 3 SOCCER FIELDS, PROCTOR PARK  
(36.00643)**

This report considers the tender for the construction of three soccer fields at Proctor Park.

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

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

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



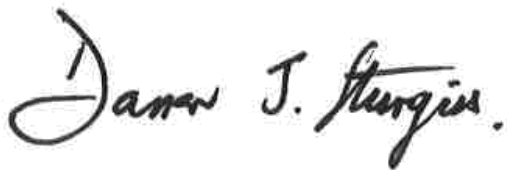
**MINUTE**

**36 Item 4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 36.00643)**

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

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

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a large initial 'D'.

Darren Sturgiss  
**DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017

## **1 ARTS OUTWEST 2016 ANNUAL REPORT (18.00036)**

**Recommendation:** That Council note the Arts OutWest Annual Report for 2016.

**Report:** Council has received a copy of Arts OutWest Annual Report for 2016, copies of the report are available at Council's administration offices or can be viewed on the Arts OutWest website link ([2016 Arts OutWest Annual Report](#)).

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

Arts OutWest has provided support to Council during 2016 with a variety of initiatives, the highlight of Bathurst Regional Council activities is included in **attachment 1**.

Over 3,311 people from Bathurst were directly involved in an Arts OutWest event.

Arts OutWest will continue to provide Council with updates on their program and benefits to the Bathurst Community.

**Financial Implications:** Council has provided \$24,900 in the 2017/2018 Annual Operating Plan for Community Arts and this contribution is made directly to Arts OutWest as per the 2015/2018 Memorandum of Understanding rate of 60 cents per head of population.

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

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2, 20.6
- 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 26.2

**MINUTE**

- 37**    **Item 1    ARTS OUTWEST 2016 ANNUAL REPORT (18.00036)**  
**MOVED: Cr M Morse SECONDED: Cr B Bourke**

**RESOLVED:** That Council note the Arts OutWest Annual Report for 2016.

## **2 ARTSTATE (29.00009)**

**Recommendation:** That Council:

- (a) Partner with Regional Arts NSW to present Artstate Bathurst, 31 October 2018 to 3 November 2018.
- (b) Allocate \$35,000 in the 2018/2019 budget for Council's contribution to the Artstate Bathurst event in 2018.

**Report:** Artstate is a celebration and showcase of regional arts practice in NSW.

Artstate has financial support from the State government via Create NSW of \$200,000 per year for the next four years. Considerable additional financial support comes from Regional Arts NSW and applications are made each year to various funding bodies including the Australia Council for the Arts and the Building Better Regions Fund.

Artstate covers all artforms and brings together hundreds of artists, producers and key people in arts support, development and thinking for three days where the spotlight is put on a selected region of NSW. Artstate is also accessible with numerous events for the general community. It is expected that the event will attract up to 400 core delegates.

Artstate will only occur once a year over the coming four years:

- 2017 The Northern Rivers based in Lismore
- 2018 The Central West
- 2019 The Riverina
- 2020 Murray Darling region

Artstate is produced by Regional Arts NSW who successfully produced Artlands, the national regional arts showcase in Dubbo last October. This event attracted significant media attention for Dubbo including national and regional TV, broadcast and print media.

The 2018 event has the capacity to leverage this profile and showcase Bathurst as a centre of cultural excellence. The NSW Minister for the Arts will attend the entire Artstate event in 2017 and the presence of the Minister and other State politicians is very likely for 2018. Other local partners would be Arts OutWest and Charles Sturt University.

Artstate provides a key opportunity for Bathurst to promote existing cultural infrastructure and arts practice and to share the newly adopted, twenty-five year Cultural Vision. It presents an opportunity to engage State and Federal government in support of these initiatives.

In 2018 it is proposed that Artstate will be timed to lead into the Inland Sea of Sound festival providing a significant patron boost and State wide media coverage for that event. In many ways holding Artstate in Bathurst should be seen as a marketing initiative for the region and provide the platform for additional sales as the 400 expected delegates will be offered event tickets as part of their accommodation packages.

One performance project proposed for Artstate 2018 is an event called Singstate, a new initiative which involves all of the regional youth choirs in NSW. It is proposed to bring up to 800 young people together for outdoor performances, perhaps at the Inland Sea of Sound. This could mean overnight visitation of over 1,000 additional people for this event alone.

Artstate will provide considerable investment into the local economy. Recent research from

Tourism Research Australia confirms that cultural and heritage visitors stay longer and spend more than other visitors.

In the year ending December 2016, NSW received 12.3 million cultural and heritage visitors who stayed 78.6 million nights and spent \$12.0 billion in the State (TRA NVS 2016) They spend 51% more and stay 35% longer than other visitors:

- Expenditure = \$1027 vs 679
- Length of stay – 5 nights vs 3.7 nights

The Artstate event provides an opportunity for Bathurst to leverage this high yield market.

The Bathurst Region Destination Management Plan (DMP) identifies the following market as a Primary target market and Artstate delivers on this objective (Item 5.8 in the DMP):

*Cultural visitors who are travelling for short breaks, specifically from the markets of:*

- *Sydney short breaks*
- *Regional NSW short breaks.*

**Financial Implications:** To bring Artstate to Bathurst requires a contribution from Council of \$35,000 cash and various in kind support from Council in the 2018/2019 financial year. The financial return on this investment is expected to be in the region of \$410,000 in direct expenditure from the 400 delegates. This represents a sound investment with an expected ROI of \$1 : \$11.70 (For every \$1 invested there is a \$11.70 return).

This opportunity will be offered to another Central West community should Bathurst decline the partnership offer.

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.6

## MINUTE

**38**    **Item 2    ARTSTATE (29.00009)**  
**MOVED: Cr M Morse SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) Partner with Regional Arts NSW to present Artstate Bathurst, 31 October 2018 to 3 November 2018.
- (b) Allocate \$35,000 in the 2018/2019 budget for Council's contribution to the Artstate Bathurst event in 2018.

### **3 2017 WINTER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)**

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

**Report:** The Bathurst Library, Australian Fossil and Mineral Museum, Bathurst Memorial Entertainment Centre, Vacation Care, Kelso Community Hub and Bathurst Regional Art Gallery are recognised as consistently offering high quality programs during school holidays. Activities at all Council facilities were actively promoted by the Bathurst Visitor Information Centre for the July school holidays. A new integrated 'What's On' flyer was created and distributed online, facility activities were promoted via social media channels (Facebook and Instagram) and a new 'holiday at home' radio campaign launched.

The Council Winter School Holiday activities for 2017 were well attended with over 2,500 children attending a wide variety of activities as follows:

#### **Australian Fossil & Mineral Museum**

The Bathurst Regional Art Gallery LEGO - Mount Panorama - Wahluu exhibition continued through the Winter School Holiday period in the Temporary Exhibition gallery. 2,112 visitors viewed the exhibition during the period Saturday 1 July 2017 to Sunday 16 July 2017.

Torchlight Tours – Dinosaurs in the Dark Torchlight Tours were held on Thursday 6 and 13 July, with a total attendance of 100 visitors. These tours were extremely popular and booked out quickly. The torchlight tours are designed for family audiences and delivered with a balance of scientific interest, hands on demonstrations and humour. The guides adapt the content to suit the audience for each tour.

<b>Date</b>	<b>Activity</b>	<b>Attendance</b>
Thu 6 July	Torchlight Tour	52
Thu 13 July	Torchlight Tour	48
Sat 1 July – Sun 16 July	LEGO Mount Panorama – Wahluu exhibition	2,112

#### **Kelso Community Hub**

Activities were held from Monday 3 July 2017 to Friday 17 July 2017 as follows:

<b>Date</b>	<b>Activity</b>	<b>Attendance</b>
Tue 4 July	DIY Workshop Bunnings, Rural Fire Service and Sausage sizzle	27
Wed 5 July	Walk in Wednesday sports activities afternoon and Snacks	24
Fri 7 July	Movie afternoon and popcorn at the Hub	22
Mon 10 July	Indoor sports at the basketball stadium including bus transport and lunch upon returning to the Hub	12
Tue 11 July	DIY Workshop Bunnings and Sausage sizzle	19
Wed 19 April	DIY Workshop Bunnings, Rural Fire Service and Sausage sizzle	29
Fri 14 July	Ice skating at the winter festival with bus transport provided. Snacks provided upon returning to Hub.	37



## Bathurst Library

The Library July 2017 School Holiday activities were held Tuesday 4 July to Thursday 13 July and focused on a Winter Theme. Some activities were run by library staff while others were run by an outside facilitator. All activities were well received.

The table below shows statistics for each individual activity:

Date	Activity	Attendance
Tue 4 July	Borax Crystals Snowflakes	15
Wed 5 July	Ice Castles	15
Thu 6 July to Fri 7 July	Teddy bear Sleepover and Storytime	18
Tue 11 July	Jigsaw Jewellery	7
Wed 12 July	Pirates, Mermaids and Playdough Treasure	6
Thu 13 July	Snow Domes	15

## Bathurst Regional Art Gallery

BRAG programmed five workshops over five days (4 –13 July) to coincide with the 2017 winter school holidays. These workshops were themed to coincide with the 'Soft Core' touring exhibition of soft sculpture. The five workshops presented sold out. Presenters included: Fiona Howle, Isabel Fox and Joyette Swayne. Attendance for the program was as follows:

Date	Activity	Attendance	Total places available
Tue 4 July	Fibre Sculpture	20	20
Thurs 6 July	Fantastical Drawing	18	18
Tues 11 July	Weird and Wonderful Landscapes	18	18
Wed 12 July	Pop Up Art	18	18
Thu 13 July	Material Matters	20	20
	<b>Total Attendance</b>	<b>94</b>	<b>94</b>

BRAG conducted a Bathurst Regional Council Holiday Activity Survey, part of a wider survey conducted by Cultural and Community Services facilities running school holiday programs. Although a small sample size (34 surveys completed), the survey indicated that:

- Advertising was most successful through word of mouth, flyers and school newsletters.
- The average person is willing to pay \$10 for a two hour workshop, although many would consider \$15 or \$20.
- The average age of children attending the workshops were between 8 and 12 years old.
- All of the children had attended workshops at other Council Cultural & Community Services facilities.
- The most common interest for workshops was Visual Arts and Craft followed by Theatre and Performing Arts.

## Vacation Care

The July Vacation Care program operated from Monday 3 July to Friday 14 July 2017.

During this holiday period, a large range of holiday activities for children were available to

families, including the Winter Festival. The program averaged 20 children per day for the two week period.

The program had a focus on the Winter Festival theme with the children having opportunity to attend an ice-skating session. A structured workshop focussing on the illumination idea was provided. Lanterns made from recycled materials were then displayed in the window nightly, for 'Vivid at Vacation Care'.

Further activities included celebrating NAIDOC week by making damper and boomerangs, excursion to the Metro Cinemas and a range of in-house activities such as box projects, a gaming day and numerous sporting activities.

Vacation Care is scheduled to again be operational in the October 2017 school holiday period and will build on the race week theme.

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

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3
  
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6

**MINUTE**

**39** Item 3 2017 WINTER SCHOOL HOLIDAY ACTIVITIES (21.00039, 21.00054, 21.00060, 21.00106)

MOVED: Cr B Bourke SECONDED: Cr M Coote

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

#### **4 BATHURST REGIONAL YOUTH COUNCIL - YJAM STAGE AT BATHURST WINTER FESTIVAL, 1 JULY 2017 (11.00020)**

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

**Report:** The Bathurst Regional Youth Council held YJAM Winter, as part of Ignite the Night, the opening night of the Bathurst Winter Festival on Saturday 1 July. The Youth Council were involved in sourcing performers, designing the YJAM stage area, and promoting the event within schools and local community organisations. The Youth Council were also involved in setting up the stage area, assisting performers, and acting as MC's on the night of the event.

The event attracted a large audience including a significant number of young people and families. The event featured six performances by young local performers over the four hour duration of the event.

The area surrounding the YJAM stage served to create a relaxed and inviting atmosphere, featuring barrel tables, heaters, bean bags and picnic rugs. This environment allowed spectators to comfortably enjoy the performances throughout the night.

The Youth Council were pleased to provide the opportunity for young people to socialise in a safe, relaxed and drug and alcohol free environment.

**Financial Implications:** The event was supported by the Indent Event Development Grant secured by Bathurst Regional Youth Council.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6, 23.7
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3, 33.6

**MINUTE**

**40 Item 4 BATHURST REGIONAL YOUTH COUNCIL - YJAM STAGE AT BATHURST WINTER FESTIVAL, 1 JULY 2017 (11.00020)**  
**MOVED: Cr M Coote SECONDED: Cr W Aubin**

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

## **5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 5 JUNE 2017 (07.00116)**

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

**Report:** Included in the Destination Management Plan, adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group 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 fourteenth meeting of the Bathurst Region Tourism Reference Group was held on 5 June 2017. The Minutes of the Group's meeting are provided at **attachment 1.**

At the meeting held on 5 June 2017, the group noted the following salient points:

- (a) Terms of Reference and Destination Management Plan - Review – review to be undertaken at the next meeting.
- (b) Bathurst Artisan Trades Trail – success of the event was noted by the group.
- (c) CSU Placement - Third Year Marketing and Advertising student completed 70 hours placement with the Destination Development Manager.
- (d) Presentation on tourism and the value of the visitor economy in the region was made to the visiting delegation from Yuanguan in Central China.
- (e) Presentation on tourism and the value of the visitor economy in the region was made to the Hon Paul Green MP.

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

**MINUTE**

**41 Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD**  
**5 JUNE 2017 (07.00116)**

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

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

## **6 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - FOSSIL FLICKS, SILENT FILM FESTIVAL, FRIDAY 30 JUNE, 7 JULY AND 14 JULY 2017 (21.00107)**

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

**Report:** As part of the Bathurst Winter Festival, the Australian Fossil and Mineral Museum ran a silent film festival on three consecutive Friday nights, 30 June, 7 and 14 July 2017.

The aim of the program was to explore different ways to use the museum space by engaging new audiences and encourage repeat visitation. The movies were carefully selected to specifically relate to the Somerville Collection, providing a historical view of the cultural understanding of science in an entertaining and enjoyable way.

The Museum's Mineral Gallery was transformed into a 1920s style venue with mood lighting, a pop-up bar and live piano music performed by local musician Michelle Griffin who arranged musical scores to complement the preview films included in the program.

The first screening was dinosaur-themed and featured some of the earliest examples of stop motion animation. The preview short films included "Fantasmagori" from 1908 followed by "Gertie The Dinosaur" from 1914. The Main Feature "The Lost World" was an adaptation from Arthur Conan Doyle's 1912 novel which inspired the Jurassic Park series.

The second screening celebrated science fiction/horror genre, with Dr Jeckyll and Mr Hyde, starring John Barrymore based on Robert Louis Stevenson's novella and was followed by a short comedy spoof by Stan Laurel "Dr Pyckle and Mr Pryde". The preview showed a 1920s look at the solar system titled "A trip to the Planets".

The third screening was a comedy night. The preview "A trip to the Moon" from 1902 was followed by a 1920s glimpse into life in the Stone Age with Felix the Cat cartoons and the main feature, a comedy starring Buster Keaton, "The Three Ages" which was set in the stone age, the Roman era and "modern times" of the 1920s.

The event was promoted through radio, print media, posters, the Winter Festival and other webpages and boosted social media advertisements. Response from the community was overwhelmingly positive. Through a process of informal evaluation, comments were recorded which included "*What a great idea. There is nothing else like this in Bathurst*", "*It is such an interesting way to look at history*", "*What a great night. Thank you*".

Admission for the program was \$20 adult and \$15 concession with 120 people attended the events in total. The final two sessions were booked out.

The success of the event and the positive response of the general public will result in other similar events to be organised in the future in partnership with local musicians and performers.

**Financial Implications:** This inaugural program tested the market for this type of initiative. The Fossil Flicks returned a small profit back to the Museum. The program will be reviewed to improve financial returns for the Museum.

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

- Objective 20: To provide a range of cultural facilities, Strategy 20.1, 20.3



programs, activities and events and to support and enhance cultural and social activities across the community.

- Objective 23: To encourage a supportive and inclusive community.

Strategy 23.3, 23.6

**MINUTE**

**42 Item 6 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - FOSSIL FLICKS,  
SILENT FILM FESTIVAL, FRIDAY 30 JUNE, 7 JULY AND 14 JULY 2017 (21.00107)  
MOVED: Cr G Westman SECONDED: Cr M Morse**

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

Yours faithfully



Alan Cattermole  
**DIRECTOR  
CULTURAL & COMMUNITY SERVICES**

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 2 AUGUST 2017 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 2 August 2017 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 2 August 2017, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

**MINUTE**

**43 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 AUGUST 2017**  
**(07.00064)**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 2 August 2017 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 2 AUGUST 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 JULY 2017 (07.00064)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 July 2017 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 JUNE 2017 (07.00096)**

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

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 28 June 2017 be adopted.

**GENERAL BUSINESS**

**6** **Item 1 PEDESTRIAN CROSSING - KEPPEL STREET (25.00039)**

**Cr Morse** - requested whether Council would consider moving the pedestrian crossing that is currently in front of Al Dente to the opposite side of Bentinck Street, near the offices of Andrew Gee.

**7** **Item 2 ELECTRICITY PROVIDER (16.00007)**

**Cr Westman** - asked Council to investigate the option of being its own provider of electricity.

**8** **Item 3 ENCOURAGEMENT TO NEW AND RETURNING COUNCILLORS (12.00010-08)**

**Cr Coote** - thanked the community, Councillors and Council staff for their support and encouragement during his term on Council. Cr Coote then encouraged the new Council to "build on" the achievements of Council to date, and to continue to focus on the future.

**9** **Item 4 NORWOOD PARK CEMETERY DAM (09.00009)**

**Cr Aubin** - requested that Council follow up the landscaping of the 'dirt mounds' around the dam.

**The Director Engineering Services** advised that the matter will be followed up.

**10** **Item 5 DURHAM/RANKIN STREET INTERSECTION (25.00089 05)**

**Cr North** - asked for an update on the installation of traffic lights at this intersection.

**The Director Engineering Services** advised that is a Roads and Maritime Services road, and that previous discussions indicated that this installation was at least three to four years away.

**11** **Item 6 ADVERTISING A-FRAMES ON FOOTPATHS (28.00016)**

**Cr North** - asked whether there was an authorisation process for the placement of A-Frames on footpaths. If so, is there a process of having these signs checked.

**The Acting Director Environmental, Planning & Building Services** responded that there is an authorisation process, and that these are checked annually.

**12** **Item 7 VALE ROAD SURFACE (25.00033)**

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**This is page 2 of Minutes of the Policy Committee held on 2 August 2017**

**Cr North** - asked whether the current resurfacing works on the Vale road were complete.

**The Director Engineering Services** advised that only the prime seal had been laid, with the final seal programmed to be laid next week.

**13**      **Item 8 KANGAROO ENCLOSURE (14.00665)**

**Cr North** - asked when the fences are scheduled to come down.

**The Acting General Manager** advised that works on the removal of the orchard had commenced and is scheduled to be completed by the end of next week. Once completed, the fences will be removed.

**14**      **Item 9 MACQUARIE RIVER (BERRY PARK) WALKWAY (04.00017)**

**Cr Bourke** - asked for an update on the contract to restore this walkway.

**The Director Engineering Services** responded that Council is currently finalising the contract variations with the contractor.

**15**      **Item 10 RUGBY UNION AND LEAGUE FIELDS CAR PARK - HEREFORD STREET (04.00146)**

**Cr Bourke** - asked when this work was likely to be completed.

**The Director Engineering Services** advised that the carpark had been designed, however no funds to construct the carpark were included in Council's adopted budget.

**16**      **Item 11 HAMPDEN PARK ROAD/LITTLEBOURNE STREET INTERSECTION (25.00444)**

**Cr Bourke** - asked if there were any plans for the installation of a roundabout at this intersection.

**The Director Engineering Services** advised that it was a Road & Maritime Services road and that Council was not aware of any such plans.

**MEETING CLOSE**



**17**      **MEETING CLOSE**

The Meeting closed at 6.21 pm.

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 AUGUST 2017 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 1 August 2017 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 1 August 2017, are attached.

**Financial Implications:** N/A

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

**MINUTE**

**44 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 AUGUST 2017**  
**(07.00006)**

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

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 1 August 2017 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 1 AUGUST 2017**

**MEETING COMMENCED**

**1 ELECTRONIC MEETING - emails were sent at this time**

**Members:** Mr David Veness (Local Members Office Representative), Acting Sergeant Jason Marks (Bathurst Police), Ms Jackie Barry (Roads and Maritime Services Representative), Cr Warren Aubin (Bathurst Regional Council)

**Non-Members notified:** Mr Paul Kendrick (Traffic and Design Engineer), Mr Bernard Drum (Acting Manager Technical Services)

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JULY 2017 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 4 July 2017 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

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 4 JULY 2017 (07.00006)**

That the information be noted and necessary actions be taken.

**6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**7 Item 3 BATHURST'S BIGGEST EXPO AND CHRISTMAS MARKETS (23.00026-20/042)**

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This is page 1 of Minutes of the Traffic Committee held on 1 August 2017

That Council endorse the Traffic Management Plan for Bathurst's Biggest Expo and Christmas Markets to be staged on Saturday 18 November and Sunday 19 November 2017 at the Bathurst Showground as a Class 2 event, subject to conditions detailed in the Director Engineering Services' Report.

**8**      **Item 4 LATE REPORT (07.00006 & 23.00015-08/078)**

**MOTION** was **MOVED** by Mr Jason Marks and **SECONDED** by Ms Jackie Barry

That the Committee accept and deal with the Late Report on the '2017 Brock Commodore Owners Association National Event' at the Traffic Committee Meeting on Tuesday 1 August 2017.

**9**      **Item 4 2017 BROCK COMMODORE OWNERS ASSOCIATION NATIONAL EVENT (23.00015-08/078)**

That Council endorse the 2017 Brock Commodore Owners Association National Event to be held Saturday 14 October 2017 as a Class 2 event, subject to conditions as detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSED**

## DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017

## **1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 9 MAY 2017 (11.00020)**

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

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

- A debrief of the six events hosted by the Youth Council as part of National Youth Week
- Planning for the YJAM Winter music event
- Initial discussions surrounding future projects, including the proposal to host a series of “life skills” workshops

The Youth Council was also involved in consultation with the Integrated Design Group, who were conducting a scoping study regarding Centennial Park in Bathurst.

A copy of the minutes from the meeting are provided at **attachment 1**.

**Financial Implications:** Youth Week events were funded through National Youth Week, and funds allocated in Council’s budget to support the project. YJAM Winter is funded through Indent Event Development Grants.

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

- |   |   |
|---|---|
| ● Objective 23: To encourage a supportive and inclusive community.  | Strategy 23.3, 23.6                         |
| ● Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.                      | Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.2, 30.5                         |
| ● Objective 33: To be and develop good leaders.   | Strategy 33.2, 33.3                         |



**MINUTE**

**45 Item 1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 9 MAY 2017**  
**(11.00020)**

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

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

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 25 JULY 2017 (11.00020)**

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

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

- A debrief of the YJAM Winter event
- A discussion around the next Youth Council event, which involves hosting a series of “life skills” workshops in conjunction with TAFE
- Initial discussions around hosting a short film competition for young people

The Youth Council were also involved in a consultation with Mojo Events, who were seeking young people’s ideas and opinions regarding the Inland Sea of Sound Festival.

A copy of the minutes from the meeting are provided at **attachment 1**.

**Financial Implications:** YJAM Winter was funded through Indent Event Development Grants.

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

- |   |   |
|---|---|
| ● Objective 23: To encourage a supportive and inclusive community.  | Strategy 23.3, 23.6                         |
| ● Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.                      | Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.2, 30.5                         |
| ● Objective 33: To be and develop good leaders.   | Strategy 33.2, 33.3                         |

**MINUTE**

**46 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 25 JULY 2017**  
**(11.00020)**

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

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

### **3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JULY 2017 (11.00019)**

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

**Report:** **Present:** Councillors Hanger (Chair), Aubin (5.50 pm), Bourke, Morse, North, Westman.

**Apology:** Cr M Coote

#### **1. DA2002/0736 - ROSSMORE PARK - MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624 LIMEKILNS ROAD, FOREST GROVE (2002/0736)**

Bruce Goldsmith, Bruce Hodson and Barbara Hill met with Council to discuss the proposed modification to the Development Application for Rossmore Park.

Discussion included:

- trying to make development feasible
- change wording to non-permanent transportable homes
- not applying for permanent occupancy
- aim to create a Wiradjuri precinct within the development which will become a very powerful education tool
- school curriculum has changed to more indigenous content
- have difficulty with Council's legal advice
- spoke to issue of permanent occupancy of site
- not changing lot boundaries
- just changing wording to transportable dwellings

#### **2. JOHN MATTHEWS TENNIS CENTRE (04.00013)**

Mr & Mrs Mitton met with Council to discuss a number of matters in relation to the future development of the John Matthews Tennis Centre.

Discussion included:

- Lighting, court upgrades, relationship with the Committee and the lease
- Lights on 2 courts to be upgraded
- two court surfaces per year to be upgraded
- Met with representatives from Tennis Australia and Tennis NSW
- Centre is in top five of all regional facilities in State
- fourth most national tournaments held in Bathurst
- four State events
- Bathurst is great venue
- members increased from 70 to 450
- provided a copy of a five stage development proposal

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the Strategy 28.5

protection of the region's environmental, economic, social and cultural assets.

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- 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**

**47 Item 3 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 12 JULY 2017 (11.00019)**  
**MOVED: Cr B Bourke SECONDED: Cr W Aubin**

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

## MINUTE

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

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

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	RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928. LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH ASSOCIATION INC.	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 SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK STREET, EGLINTON - EGLINTON DISTRICT TENNIS CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576 KNOWN AS 12 WHITEMAN PLACE, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE	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.

	MOUNT PANORAMA	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	SALE OF RESIDUE LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, 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.
6	PANORAMA MOTEL WATER USAGE CHARGES	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 ENGINEERING SERVICES' REPORT**

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



**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017

## MINUTE

**(a) Item 1 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 5 DP776928. LEARMONTH PARK (DORMAN PLACE, KELSO) TO THE BATHURST TOUCH ASSOCIATION INC. (04.00033)**

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

**That** Council approves the renewal of the sporting licence agreement for part Lot 5 in DP776928, Learmonth Park (Dorman Place, Kelso) with the Bathurst Touch Association Inc for a period of 5 years as detailed in the report.

**MINUTE**

**(b) Item 2 RENEWAL OF SPORTING LICENCE AGREEMENT - PART LOT 72 DP755779 PARK STREET, EGLINTON - EGLINTON DISTRICT TENNIS CLUB (22.00350)**

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

**J Bingham, Acting Director Environmental, Planning & Building Services declared a non-pecuniary interest in this item and remained in the Chamber.**

**Reason: Son is a member of the Club.**

**That Council approves the renewal of the Sporting Licence Agreement for part Lot 72 in DP755779, Park Street, Eglinton with the Eglinton District Tennis Club for a period of 5 years as detailed in the report.**

**MINUTE**

**(c) Item 3 RESIDENTIAL LEASE AGREEMENT - LOT 127 IN DP249576  
KNOWN AS 12 WHITEMAN PLACE, BATHURST. (22.00202)**

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

**That** Council approves entering into a residential lease agreement for Lot 127 in DP249576, at 12 Whiteman Place, Bathurst with Ms Doreen Morgan for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

## **MINUTE**

### **(d) Item 4 PURCHASE OF PROPERTY, ADJACENT TO ALBENS RESERVE MOUNT PANORAMA (22.04305)**

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

**That Council:**

- (a) purchase the property at lot 18 DP1011780 being adjacent to Albens Reserve, Mount Panorama
- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report
- (c) if successful, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

**MINUTE**

**(e) Item 5 SALE OF RESIDUE LAND AT PART LOT 202 DP1074567,  
KNOWN AS 31 HAMPDEN PARK ROAD, KELSO (22.15200)**

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

**That** Council approves the sale of residue land at part lot 202 DP1074567 known as 31 Hampden Park Road, Kelso as detailed in the report.

**MINUTE**

- (f) Item 6 PANORAMA MOTEL WATER USAGE CHARGES (22.00697)**  
**MOVED: Cr M Coote SECONDED: Cr I North**

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

**DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

16 AUGUST 2017



**MINUTE**

**(g) Item 1 TENDER FOR CONSTRUCTION OF 3 SOCCER FIELDS, PROCTOR PARK (36.00643)**

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

**That** Council accept the tender from Renworx Pty Ltd for the project price of \$2,267,308.13 (incl. GST) subject to provisional items and variations.

## MINUTE

- 49 **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr G Westman SECONDED: Cr M Coote**

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

## MINUTE

**50    ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: Cr M Coote SECONDED: Cr G Westman**

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

## MINUTE

### 51 MEETING CLOSE

The Meeting closed at 8.11 pm.

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